



From Aspiration to Realization ILO Convention 189 Decent Work for Domestic Worker

Prepared by:
Migrant Forum in Asia



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Migrant Forum in Asia wishes to thank all the people who walked with us and to those who continue to journey with us as we strive to bring meaningful improvements in the lives of domestic workers.

To all domestic workers, we dedicate this report to you.

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INTRODUCTION

On 16 June 2011, the International Labour Conference (ILC) again made history with its adoption of International Labour Organization (ILO) Convention 189 (C189) known as the Domestic Workers Convention and Recommendation 201 recognizes domestic workers as workers with the same rights as workers generally, a turning point in the history of the world of work, and will change the lives of at least 100 million workers globally.

Domestic work is an issue that is of significant importance for Migrant Forum in Asia (MFA), a regional migrants' advocacy group based in the Philippines whose humble beginnings "started" by organizing Filipino domestic workers in Hongkong. Over the course of organizing migrant domestic workers, MFA witnessed some of the sad realities of domestic workers- they have undefined working hours, open-ended work week, no rest day, no right to form trade unions, no social protection and abused not only by employers but also by private recruitment agencies. Migrant domestic workers most often do not reap the benefits of migration, and in some cases pay the price with their lives.

While MFA continues to develop a strategy in the Asian region, balancing our long-term strides with the need to make immediate, tangible gains against the abuse and shocking conditions that migrant workers need to cope with both in their workplaces, MFA saw the need to engage in policy advocacy so that discriminatory laws against migrant domestic workers could be addressed. One of the issues confronting domestic workers is their invisibility in national legislations and inadequate attention on key aspect of their situation in international law make them vulnerable to abuse and exploitation. Reports by several human rights bodies have concluded that a significant number of domestic workers in Asia are in situations of forced labour or contemporary forms of slavery.

According to ILO Law and Practice Report on Decent Work for Domestic Workers Report IV (1),¹ domestic work is said to be the oldest and most important occupations for millions of women around the world. Women's active participation in the labour force and lack of policy measures to facilitate the reconciliation of family life and work support this increasing trend especially in developing countries where families have to resort to private solutions for care in order to

perform their productive task outside their homes. Domestic workers make up a large portion of the workforce, especially in developing countries, and their number has been increasing – even in the industrialized world. While it is a challenge to collect accurate data on the prevalence of domestic workers, ILO's recent estimates based from the surveys of 117 countries, the number place at a minimum of 53 million but experts say the number could be close to 100 million in the world. Around 83% of them are women and girls and many of them are migrant workers. Asia is one the regions which has the largest number of domestic workers which account for 40.8% (21. 5 million) of all domestic workers worldwide.

The domestic workers are driven to engage in domestic work for various reasons – most common of which is the endemic poverty in their homes that makes it impossible for them to have job opportunities in other industries or fields of work. For the past 30 years, one of the major changes in domestic work is the growing prevalence of migrant work which is overwhelmingly performed by women. The existence of this phenomenon is heavily felt in Europe, the Gulf countries and the Middle East. For most of these women, they are also driven out of their own countries in the hopes of earning better incomes abroad while they provide domestic services to foreign employers. This puts domestic workers in one of the most insecure of environments where work is often casual, temporary, sub-contracted or informal, where benefits and conditions are not standardized – no minimum wage, no set working hours, no social security, and no provisions for occupational safety – and where there is little, if any, labour and human rights protection.

Domestic work is stereotyped as women's work and an extension of women's unpaid labour in the household; in line with this, domestic work has grown into a massive local and global industry engaging mostly women, and also children. Consistent with the gender stereotype and oppression, domestic work is classified as 'unskilled work' and therefore undervalued and among the lowest paid.

While there are existing core United Nations instruments and fundamental ILO labour standards that include domestic workers, they provide only partial coverage of domestic workers' rights. Hence,

¹ *ILO's Decent Work on Domestic Work Report IV (1)*, p.1

the adoption of C189 provides a historic opportunity to formally recognize domestic workers as workers, affirm their basic rights and equality of status with all other workers in society, and establish minimum standards of treatment and protection for domestic workers.

For Migrant Forum in Asia, this marked a significant milestone in MFA's unwavering campaign for the recognition of domestic work as work.

MFA is a regional network of non-governmental organizations (NGOs), associations and trade unions of migrant workers and advocates committed to promoting and protecting the rights and well-being of migrant workers and their families in Asia. Guided by its vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, particularly for migrant workers, MFA facilitates and coordinates communication among its members, and collaborates with partners in forging concerted action to address discriminatory laws and policies, physical and other forms of violence, unjust living conditions, unemployment in the homeland and other issues affecting migrant workers.

This publication reports on MFA's engagement at the 100th Session of the International Labour Conference held in Geneva, Switzerland, 1-17 June 2011.

Section 1 commemorates the historic adoption of an ILO Convention on Domestic Work and what it means to the network

Section 2 provides a brief introduction about ILO and the ILC

Section 3 documents the significant years in the history of the ILO leading up to the Convention

Section 4 presents the highlights of ILO's preparations for the 2010-2011 ILCs

Section 5 discusses MFA's role in the process and how the network prepared for the ILC discussions in 2010 and 2011.

Section 6 presents MFA's engagement at the 2011 ILC, its activities, strategies and challenges. This section also discusses the highlights of the 2011 ILC.

Section 7 shares MFA's achievements at the 2011 ILC

Section 8 presents the way forward, drawing on the preceding sections and recommendations for next steps.



DOMESTIC WORKERS HAVE A CONVENTION!

On June 16th at 11:43am Geneva time, history was made at the 100th International Labour Conference, as the International Labour Organization adopted Convention 189: Decent Work for Domestic Workers, with 396 voting in favour, 16 against, and 63 abstentions. This is a turning point in the history of the world of work, and will change the lives of at least 100 million workers globally.

An historic moment for domestic workers — This long overdue recognition of domestic work as work legitimizes the claims of domestic workers to dignity in the workplace, respects their labour rights, and renders them visible to authorities tasked with ensuring that labour standards are enforced. This Convention recognizes the need for a reinvention of the way our societies view domestic work. Employers have a range of ideas about who domestic workers are — they are variously seen as

their rights to decent work will someday also be realized.

An historic moment for women — The establishment of this Convention is a milestone in the long struggle for women's rights. It challenges the notion that women domestic workers simply carry out the caring functions for which they are naturally suited, and for which the normal rules governing work should not apply. It is a step towards remedying long-standing stereotypes and inequalities by setting minimum standards of employment and affording due consideration of the feminization of this workforce.

An historic moment for civil society — Labour unions, workers' groups, women's groups, social movements, and other civil society actors must understand this as an opportunity to reinvent themselves. The Convention opens the door for these groups to come together to develop new strategies for

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'servants,' 'helpers,' 'caregivers,' 'maids,' and even 'members of the family.' Few recognize the inherent problems with these labels. Casting domestic workers as anything other than workers invites employers and states to justify all manner of unjust, disrespectful, undignified, inhuman, violent, and now illegal treatment to which workers in other sectors are not subjected.

An historic moment for workers in the informal sector — The emergence of the modern informal sector is a response to the rise of the neoliberal economic system, which relies on the exploitation of low-skilled and marginalized workers for its survival. Workers have long struggled to realize their rights under this system with the consistent support of the ILO. The recent economic crisis has thrown world economies into chaos, adversely affecting the lives of millions of workers. This Convention represents the hope of those workers who continue to struggle that

organizing, freedom of association, collective bargaining, and advocacy for rights at work.

While we celebrate this historic moment, we also know that there are many challenges to face in our struggle to ensure that these rights, now enshrined in Convention form, are upheld, protected, and defended. To seize this opportunity, we call on all advocates to use the Convention as a tool to advocate for the long overdue rights of domestic workers, to raise consciousness of the need for social change, and to make meaningful improvements to the lives of domestic workers, reaffirming that **Domestic Work is Work, Domestic Workers are Workers**, and **Domestic Work is not Slavery!**



THE INTERNATIONAL LABOUR ORGANIZATION AND INTERNATIONAL LABOUR CONFERENCE

The ILO was established in 1919, a time of extreme exploitation of workers in many parts of the world. Its mandate was adopted to address the grave social justice concerns of the time and to promote international peace, security, and human rights. Since then, the ILO has played an important role in the protection of workers, changing the way the world views that which is considered fair and just in the world of work.

The International Labour Organization (ILO) is the only tripartite UN agency with government, employer, and worker representatives making it unique among the UN agencies. This tripartite structure enables the ILO's social partners to engage in a social dialogue to elaborate labour standards and policies.

The ILO Office (the Office is the secretariat of the Organization) is governed by a Governing Body (GB) which is the executive Body of the International Labour Office. The GB meets three times a year, in March, June and November. It takes decisions on ILO policy, decides the agenda of the ILC, adopts the draft Program and Budget of the Organization for submission to the Conference, and elects the Director-General.

It was in March 2008 during the 301st Session of the GB that the decision to include domestic work as an agenda setting item at the 99th Session of the ILC was tabled in the Conference. The proposal was formulated in the light of the comments made by members of the GB.

The ILC, which meets once a year in June in Geneva, Switzerland, sets the broad policies of ILO. This annual Conference is the time where governments',

workers' and employer's delegates of the ILO member States meet together to discuss and adopts international labor standards. It is a forum for discussion of key social and labor questions.

Countries who are members of ILO are called Member States. Each Member State is represented by a delegation consisting of two government delegates, an employer delegate, a worker delegate, and their respective advisers. Many of the government representatives are cabinet ministers responsible for labor affairs in their own countries. Employer and Worker delegates are nominated in agreement with the most representative national organizations of employers and workers.

Every delegate has the same rights, and all can express themselves freely and vote as they wish. Worker and employer delegates may sometimes vote against their government's representatives or against each other. This diversity of viewpoints, however, does not prevent decisions being adopted by very large majorities or in some cases even unanimously.

Given the tripartite structure of ILO, international organizations, both governmental and non-government organizations can attend as observers. MFA who has been engaging the ILO since 2003 and has maximized this space which the succeeding sections will focus on.



THE ILO AND DOMESTIC WORK

The issue of domestic work has long been a concern of ILO. While it is only now that a specific Convention for domestic workers has been adopted, domestic work was not totally excluded in ILO instruments. There are also ILO Conventions and Recommendations that include domestic workers. To name a few, they are the following:

- Sickness Insurance Convention, 1927 (No.24) – it provides the compulsory sickness insurance system applicable to manual and non-manual workers, including domestic workers
- Medical Examination of Young Persons Recommendation, 1946 (No.79) – stipulates that it should apply to domestic service wages in private households
- Employment Services Recommendations, 1948 (No. 83)- proposes that within the general framework of free public employment services that should be established by Member States, measures should be taken where appropriate to develop separate employment offices that specialize in meeting the needs of employers and workers belonging to certain categories of work, including domestic service ‘ wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such separate offices.
- Maternity Protection Convention (Revised), 1952 (No. 103) - extra care taken in article 1 (3) (h) to ensure that domestic work for wages in private households is clearly understood to be included within the meaning of “non-industrial occupations’
- Minimum Wage Fixing Convention, 1970 (No. 131)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Fundamental Principles and Rights at Work Convention, 1991

Efforts have also been exerted by the ILO to ensure that domestic workers are also protected. The ILO, through its Committee of Experts for the Application of Conventions and Recommendations turned its attention to the coverage given to domestic workers

under national legislation. A number of governments have been questioned for excluding domestic workers from the scope of freedom of association, minimum wage, maternity leave benefits, minimum wage, equal opportunity and treatment for migrant workers.

“The need for normative action on domestic work has long been asserted. “The discussion started back in 1936 when the ILC considering that the International Draft Convention on annual holidays with pay (later Convention No. 52) did not apply to domestic workers, requested the Governing Body to inscribe the question on the agenda of one of its future sessions. It was also decided that the Conference would consider at the same time whether other conditions of employment of domestic workers could form the subject of international regulation”.²

“In 1945, the Conference adopted a resolution concerning the protection of children and young workers, considering that “attention should be given to regulating the admission of a child to domestic service outside his family in the same way as to other non-industrial occupations”. It also called for “special efforts ... to eliminate forms of employment involving the placing of children in, or their transfer on a basis of quasi-adoption, to the family of an employer where they work for maintenance”.³

“In 1948, the Conference adopted a resolution concerning the conditions of employment of domestic workers. The Conference expressed the view that “the time has now arrived for a full discussion on this important subject”. Consequently, it requested “the Governing Body to consider the advisability of placing on the agenda of an early session of the Conference ... the whole question of the status and employment of domestic workers”.⁴

“In 1965, the Conference adopted a new resolution concerning the conditions of employment of domestic workers. This resolution drew attention to the urgent need to provide domestic workers with the basic elements of protection which would assure them a minimum standard of living, compatible with

² G.B 301/2 Date, place and agenda of the 99th Session (2010) of the International Labour Conference, para 53

³ GB. 301/2 Date, place and agenda of the 99th Session (2010) of the International Labour Conference, para 54

⁴ GB. 301/2 Date, place and agenda of the 99th Session (2010) of the International Labour Conference, para 55

the self-respect and dignity essential to social justice. Among other things, the Conference invited the Governing Body to consider placing on the agenda of an early session of the Conference, the question of conditions of employment of domestic workers with a view to the adoption of an international instrument".⁵

In 2003, ILO came up with a research which confirmed the following:

- domestic work is mainly performed by women
- use of child labor is widespread\
- migrant workers made up a large portion of the domestic work

Some of the main issues the ILO has identified are: hours of work; wages; workload and rest periods; social security coverage; physical and sexual abuse; abuses by recruitment agencies and contractual conditions. In addition to poor and exploitative working conditions, domestic workers are often denied the right to organize in trade unions.⁶

In a spotlight interview of ITUC to Luc Demaret of ILO ACTRAV, Demaret said that the long-overdue protection for domestic workers took a number of decades because of the lack of outside pressure that the issue was taken aback and for the ILO not to take any significant steps. The global clamor for protection for domestic workers began in 2005 when women began to realize the need to organize and see the limitations in forming associations.

The discussions in 2004 on migrant labour and the discussions on the elimination of child labour also triggered debates around the issue and created greater awareness. The 2004 ILC has again endorsed the need for protection of migrant domestic worker by adopting the conclusions of the general discussion on migrant workers. Two of the principles enumerated in the non-binding Multilateral Framework on Migration adopted by the Governing Body at its March 2006 session (as a follow-up to the Conference 2004) make specific reference to domestic workers which also generated attention within the international community.

The strong link among trade unions, domestic workers associations and advocates in demanding for the rights of domestic workers also led the issue to be heard at the ILO. The International Trade Union Confederation and non-government organizations have long been voicing out the need for special international instrument for domestic workers. The call had been reiterated in 2008.

Finally, in March 2008, the ILO GB decided to include domestic work as an agenda setting item at the 99th Session of the ILC. The proposal was formulated in the light of the comments made by members of the Governing Body. Prior to the March 2008 GB Session, the GB had a discussion in November 2007 on domestic work where a considerable support has been expressed for a standard setting item on domestic work.

Following this decision, the ILO Office came up with a timetable reflecting the important dates and reports to prepare for the discussions in 2010 and 2011. See *Box 1 for ILO's timetable*.



⁵ GB 301/2 Date, place and agenda of the 99th Session (2010) of the International Labour Conference, para 56

⁶ GB. 301/2 Date, place and agenda of the 99th Session (2010) of the International Labour Conference, para 57

Box 1. ILO'S TIMETABLE

March 2009	The Office sends a law and practice report along with a questionnaire to ILO Member States. Governments are requested to consult with the most representative workers' organizations and employers' associations.
August 2009	Deadline for submission of replies to the Office
January 2010	The Office sends to ILO Member States a second report examining the replies received to the questionnaire in 2009
June 2010	First discussion at the International Labour Conference of the ILO. A decision is taken on the form of the draft ILO instrument (s)- whether a Convention or a Recommendation or both or a Convention with binding and non-binding parts
August 2010	The Office sends a third report containing (a) draft instrument(s) to Member States
End November 2010	Deadline for submission to the Office of comments on the third report by Member States
March 2011	The Office sends two reports to Member States: one examining the replies received on the third report, and the other containing the text of the draft instrument(s) revised in the light of comments received
June 2011	Second discussion at the International Labour Conference of the ILO. A Convention or any other agreed instrument will be discussed and adopted or rejected by the ILC

THE ROAD LEADING UP TO THE CONVENTION

The decision of the Governing Body in March 2008 to include domestic work as a standard setting item generated enthusiasm and inspired trade unions, domestic work groups, migrants' organizations and civil society organizations to continue the advocacy and lobby governments to support the adoption of a strong Convention in 2011 where the final decision will take place.

Consultations among its ranks and public actions were organized to create public awareness on the issue and generate support for the campaign at the national, regional and international levels. Domestic workers groups across the globe joined together and coordinated its activities and strategies through face-to-face and virtual consultations. The news spread in all continents and generated an international momentum. Since then domestic work has been a constant topic in international forums. The international bodies also came in and organized a number of consultations and discussions on domestic work. To name a few they are the following:

- Committee on Migrant Workers where it organized a Day of General Discussion (DGD) on Domestic Work in 2009 and adopted a General Comment on Migrant Domestic Workers in the light of the recommendations from the DGD
- Special Rapporteur on Contemporary Forms of Slavery where the SR Gulnara Shahinian on her report to the UN HRC in June 2010 considered domestic work as a form of slavery which warrant a legally-binding international instrument
UN Women

The ILO published the following reports prior to the 2010 ILC:

First Report ⁷ (Law and Practice Report) provides information on the situation of domestic workers and analysis of existing national legislations and regulations aimed at improving the conditions

of domestic workers. The report also contains a questionnaire requesting the views of the Member States on the scope and contents of the instruments. Second Report ⁸ (Yellow Report) contains the replies of the ILO constituents on the questionnaire and the draft text of the instrument (Convention), which was used for deliberation at the 99th Session of the ILC in June 2010.

The first discussion was held on 2-28 June 2010. Domestic workers' first victory took place on 04 June when a record vote was recorded against government of India's proposed amendment to replace the form of the instrument from a 'Convention supplemented by a Recommendation' to 'Recommendation' alone. Aside from the form of the instrument, other critical issues that were taken up in heated debates were the scope, definitions of domestic work and domestic worker and freedom of association of employers. The deliberations at the ILC witnessed very dynamic and volatile positions of the ILO-constituent-governments. Some came with a firm decision while some went by majority vote.

Following the 2010 ILC, the ILO published a Third Report (Brown Report) ⁹ which is based on the result and report of the Committee on Domestic Work. The Brown Report contains the text of the Proposed Convention and Recommendation based on the first discussion and the Office Commentary that explains the drafting changes, seeks comments in connection with certain provisions and makes suggestions for alternative text. The purpose of the Report is to submit the proposed instruments to ILO constituents and seek their comments and suggestions.

In March 2011, a Fourth Report (Blue Report) ¹⁰ was published in two volumes. The Report contains the feedback of Member States as well as employers and trade unions on the Brown Report and a proposed text for the Convention and Recommendation. This Report was used as a basis for discussion at the 100th Session of the ILC under the item entitled "Decent Work for Domestic Workers".

⁷ http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf

⁸ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143337.pdf

⁹ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_151864.pdf

¹⁰ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_152576.pdf

The second discussion which was held during the 100th Session of the ILC on 1-17 June presented another historical juncture in the world of work today with the adoption of an ILO Convention on Domestic Work with a record vote of 396 against 16 and 63 abstentions and its accompanying Recommendation 201 by a vote of 434 to 8, with 42 abstentions on 16 June 2011.



LOCATING MFA'S ROLE IN THE CAMPAIGN

MFA's involvement on the campaign for an ILO Convention on Domestic Work is built on its long-running advocacy for the '*Rights and Recognition of Domestic Work as Work*'. Advocating for the rights of migrant domestic workers has been central to the campaigns of MFA members even before its establishment as a network in 1994. MFA members responded using a four-pronged approach - organizing, training and capacity building, networking and partnership building, and advocacy.

Aware of the lack of legal frameworks to protect domestic workers, policy advocacy became an integral part of MFA's work. While some countries have introduced policy reforms affecting migrant domestic workers yet these changes fall far short of the reforms needed to combat widespread abuse, much less remove the systematic vulnerabilities and discrimination of migrant domestic workers. It is in this backdrop that MFA continues to strive to bring visibility to this group through campaigns for policy reforms and better legal protection.

A specific MFA taskforce on domestic work was also set up to give life and direction to this crucial campaign. MFA's engagement with the ILO through the ILC is an extension of these efforts.

MFA's work on the issue of domestic work started in Hong Kong, which hosts a many Filipino domestic workers. MFA's member, the Asian Migrant Centre (AMC), introduced Migrant Savings for Alternative Investment (MSAI), a reintegration program, which they used as an entry point to organize these workers. MSAI's aim is to empower migrant workers in host countries to save, organize saving groups, advocate for their rights and security and invest in their countries either while working or upon their return. Part of the empowerment component of the MSAI, organized migrant domestic workers are provided with training and capacity building programs to be able to respond to the issues that confront them and engage in lobbying for policy reforms.

Taking off from the MSAI project, AMC organized migrant domestic workers into unions. In 1989, the first trade union of MDWs, the Asian Domestic Workers Union (ADWU), was formed in Hong Kong. Since then, AMC, MFA and migrant trade unions pioneered the campaign for the unionization,

organizing, recognition and promotion of the rights and welfare of Asian domestic workers as workers.

Arts and theater were also utilized as a strategy to advocate for policy reforms. AMC created a theater group and organized a number of street theaters to call on the Hongkong government to scrap policies that discriminate migrant workers. In 2003, the Coalition for Migrants Rights (CMR) launched the campaign in HK for the protection of migrant domestic workers against forced labour. CMR co-hosted with the ILO and international conference on this campaign in Hong Kong.

Following CMR's campaign, a number of campaigns have since been launched by the network and its members, including Equal Pay for Equal Work Campaign (2005); the Regional Campaign on the Recognition of Domestic Work as Work (2008); and the 8-HR Campaign also known as the International Campaign for the Rights and Recognition of Domestic Workers (2009).





These campaigns were launched in response to the abuses and exploitation experienced by migrant domestic workers: wage discrimination between local and migrant domestic workers (and even among migrant domestic workers of different nationalities), non-payment of wages, exceedingly long working hours for low pay and without overtime pay, working without contracts, gender-based violence (often physical and sexual abuse), confiscation of travel documents, among many other forms of degrading and inhuman treatment. These campaigns were also geared towards providing better legal protection for domestic workers through reforms and/or introduction of legislations that would give domestic workers equal rights as workers in general.

The above campaigns were done with the support of MFA's trade unions allies who have taken on the issue of migrant labour as a new area of concern in the labour discourse. In Hongkong where the first organizing and unionization work the network started, AMC worked collaboratively with the Hongkong Confederation of Trade Unions (HKCTU). MFA is also in close collaboration with the International Trade Union Confederation (ITUC) and their national affiliates in India, Indonesia, Nepal, Philippines, Malaysia and Singapore.

MFA identifies trade unions as important allies in ensuring that labour policies in countries of



destination provide for the protection of the rights and well being of migrant workers, uphold the principles of equal opportunity and treat them with full dignity. MFA members collaborate with trade unions at different levels in addressing the issues faced by migrant workers. Cooperation can be seen in varied forms like working together on cases of violations and abuse on migrant workers, lobbying and mainstreaming migrant workers' issues, engaging in dialogues, trainings and campaigns, unionization of migrant domestic workers and formation of support groups.

MFA's first tripartite engagement with the ILO started in 2003 when MFA was invited as observer to the ILO Regional Tripartite Meeting on Challenges to Labour Migration Policy and Management in Asia in Bangkok, Thailand. Since then, TU-NGO Collaboration has been an important part of our strategy.

MFA's collaboration with trade unions was further solidified in 2004 when MFA sent a delegation to the ILC where the ILO had a General Discussion on Migrant Workers. MFA's engagement was to ensure that human and labour rights standards were not compromised in the ILC discussions. MFA served as the NGO liaison in a General Discussion, where the need for the protection of migrant domestic workers was endorsed by the ILC. Engagement in this forum enabled the network to build alliances with workers'

groups and trade unions, to develop a critique on labour migration and the ILO, and to continue advocacy on migrant workers' issues at the national, regional, and international levels. This also built the capacity of network members and partners with respect to international lobbying. The 2004 ILC was also significant because it gave rise to the adoption of an ILO Multilateral Framework on Labour Migration in 2006.

To further raise the issue with the international community, in 2006, MFA along with Migrants Rights International (MRI), Human Rights Watch (HRW), and CMR, organized the 1st International Workshop on Domestic Work in New York as one of the civil society events around the High Level Dialogue on Migration and Development where the Global Forum on Migration and Development emerged (GFMD). A key workshop recommendation was the building of the international campaign on the 'recognition of domestic work as work'.

Another key recommendation was the establishment of an international network and alliance of DW groups in order to spearhead this campaign. CMR, AMC and MFA committed to facilitate the formation of the Asian regional alliance of MDWs. This initial workshop was followed through in Brussels (2007), Manila (2008), Greece (2009) and Mexico (2010) parallel to the GFMD where a civil-society initiated event the 'People's Global Action (PGA) on Migration, Development and Human Rights is being held back-to-back with the GFMD.

In June 2007, the 1st Asian MDW Assembly held in Manila resolved to form the Asian Migrant Domestic Workers Alliance (ADWA). The formal organization of ADWA happened in May 2008 during a regional conference of domestic workers, migrants' advocates and TUs and the launching of the Regional Campaign for the Recognition of Domestic Work as Work. ADWA is a regional alliance of and for migrant domestic workers (MDWs). It is a self-representative alliance that promotes, protects, and advocates for



the rights, interests, welfare, dignity, and status of domestic workers, specifically migrant domestic workers. Representation of ADWA in all related programs of the network has been an integral part of MFA's advocacy for migrant domestic workers particularly on the campaign to support the adoption on an ILO Convention on Domestic Work.

The decision of the ILO Governing Body at its 301st Session to include domestic work as a standard setting item at its 99th Session of the ILC, was a huge milestone in our advocacy because finally the international community responded to the outcry of domestic workers across the globe. This significant development around the campaign has further inspired the network to continue the struggle and believe that we can bring improvements to the lives of domestic workers.



MFA'S ADVOCACY ACTIONS IN PREPARATION FOR C189 ILC DEBATES

When the discussions for C189 were set in motion, MFA members actively engaged in the process and explored all avenues to raise public awareness and lobby governments to support the adoption of the Convention in 2011. Advocacy actions were targeted at national, regional and international levels. Integral to these processes has been the involvement of migrant domestic workers who, despite the difficulties they faced in taking time off from their work, were able to participate in the preparatory consultations and even the Conferences in 2010 and 2011 in Geneva, Switzerland.

The focus of the actions in 2009 were geared towards establishing a consolidated Asian position on the Convention, creating momentum on the campaign and influencing governments that the instrument should take the form of a Convention and a Recommendation which is the subject of the 2010 ILC. In line with this, MFA together with ADWA launched the 8-HR campaign which carries MFA's policy position on what should be the contents of the Convention from a migrants' perspective.

The 8-HR refers to the defining elements that must be guaranteed so that we can say that domestic workers are properly recognised as workers. Although widely accepted as principles for workers in general, these are the same leading elements where domestic workers, especially migrant domestic workers, are excluded from, denied or given only in restricted/degraded terms.

In calling for "8-HR", we demand that these key elements are guaranteed for domestic workers, in equal terms, treatment and status as all other workers. Recognition of domestic work as work means that the following 3 fundamental aspects of domestic work have to be recognised and guaranteed for domestic workers (local and migrants), at par with all other workers:

- 8-hour principle
- HR which refers to domestic workers human rights and labour rights equal with other workers
- "8Rs", these are 8 aspects of work which workers in the world generally enjoy; however, due to gender-bias against domestic workers as unpaid/unskilled women's work, discrimination and non-recognition of domestic work as work, there are 8 areas which domestic workers are denied, excluded or

discriminated against. Therefore these '8Rs' are determinants of the non-recognition or second-class treatment of domestic workers: 1) *Rights & redress* 2) *Retirement and insurance protection*, 3) *Regulate recruitment*, 4) *Rest and recreation*, 5) *Reproductive and family rights*, 6) *Remuneration*, 7) *Residency and mobility rights* and 8) *Return and reintegration*

See this link to view the 8-HR campaign: <http://www.mfasia.org/resources/information-a-educational-materials/261-paper-4-ilo-report>

Meanwhile, actions post 2010 ILC were directed towards sustaining the momentum built from the 2010 deliberations and ensure that the important provisions that were adopted by the 2010 ILC will not be watered down. Specific for migrant domestic workers, the network lobbied that the following provisions will be maintained:

- Freedom of Association and Collective Bargaining
- Employment Contract
- Rest Day
- Decent living conditions
- Access to communication facilities and right to keep travel documents
- Social Security
- Monitoring and regulation of private recruitment agencies
- Labour inspection

The following discussions present MFA's parallel advocacy action and strategies at the national, regional and international levels.

Capacity Building

- ***Building the Core capacity of MFA members and partners to engage in national and international advocacy***

Upon the release of the ILO Law and Practice Report and its accompanying questionnaire, MFA engaged its members (advocates and migrant domestic workers) and partners in building the core-capacity of the members in understanding the context of the discussions on C189, the politics behind them and the needed work to sustain the campaign. MFA organized online and face-to-face consultations and strategy



Philippine Consultation, May 2009

meetings in order to come up with a comprehensive analysis of the issue and to ensure that provisions for migrant domestic workers would not be sidelined in the debate.

The following consultations were organized:

- National level consultations in Cambodia, Indonesia, the Philippines and Singapore in 2009
- Regional consultation in Mumbai, India in September 2009 to consolidate the results of the national processes and other initiatives in the region and to collectively strategize on the direction of the campaign. It was during this consultation when the following slogans were adopted:

Domestic Work is Work!
Domestic Workers are Workers!
Domestic Work is Not Slavery!

The above slogans generated positive impact and have been adopted by other groups campaigning for the Convention.

While most of the participants in the consultation were migrants' organizations, participants noted the danger of putting a dichotomy between local and migrant domestic workers and therefore emphasized that the campaign should focus both for local and migrant domestic workers. It was also emphasized the importance of challenging the politics of dominance imposed by governments and the society on the meanings and labels attached to domestic workers. The conscious use of domestic workers instead of maids, servants or helpers was stressed.

- Sub-regional consultation for South Asian



Regional Consultation, Mumbai, India
 September 2009

members in December 2009. The consultation was called for to see the progress made and ensure that plans from the Mumbai consultation are followed through.

- South Asia Pre-ILC Consultation in Nepal. Seeing the need to collaborate with South Asian trade unions, MFA in coordination with the General Federation of Nepali Trade Unions (GEFONT) organized a South Asia Pre-ILC Consultation in April 2009 to explore ways of possible collaboration. The consultation in Nepal opened a new door for cooperation with South Asian trade unions.

These consultations affirmed ILO's Law and Practice Report and the network's stance that while there are existing mechanisms that protect domestic workers, they are not enough to address the specific circumstances of domestic workers. It was also found out that there was lack of political will among governments and even trade unions to push the agenda. The problem of level of awareness of domestic workers on the campaign was also seen as a challenge considering that majority of them is not organized. These realities enabled the network to frame its strategy and address these concerns.

As a result of these consultations the following advocacy documents and were used to mobilize support from all relevant actors.

Paper Series 1- documents MFA's submission to the ILO in response to the questionnaire

Paper 2- discusses ILO's standards process and C189 timeline. This series was produced to guide MFA's members of the process

Paper 3- presents MFA's submission to the UN

Committee on Migrant Workers when the Committee called for a Day of General Discussion (DGD)

Paper 4- presents MFA's and ADWA's 8-HR campaign which highlights the network's demands on what the Convention should guarantee

Paper 5—presents the highlights of the 2010 ILC and the ILO Brown Report

To view Paper Series, please click this link: <http://www.mfasia.org/campaigns/domestic-workers>

• **Capacitating Domestic Workers**

The involvement of domestic workers' groups in all related activities and programs was/is a priority. Domestic workers representation is central to MFA's advocacy. Members on the ground empower domestic workers and leaders by continuously organizing them and involving them in different activities in line with the campaign, and providing them with media training. They are being trained to become spokespersons and leaders for their community, and to have the capacity to influence their constituents. This creates a multiplier effect benefiting other migrant domestic workers through constant meetings and consultations to build awareness of the negotiations around the Convention and to involve them. They are actively involved in lobbying with their respective embassies to be more proactive in addressing the concerns of their fellow domestic workers.

The National Domestic Workers Movement (NDWM), a partner in India, continues to create spaces to organize and empower domestic workers and

educate them about their rights.

In Hong Kong, the Coalition for Migrants Rights, a network of grassroots migrant domestic workers organizations, conducts weekly interaction meeting where migrant domestic workers gather together in public parks where they can discuss their issues.

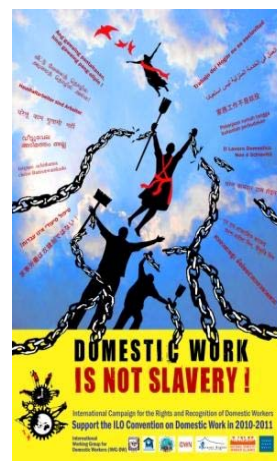
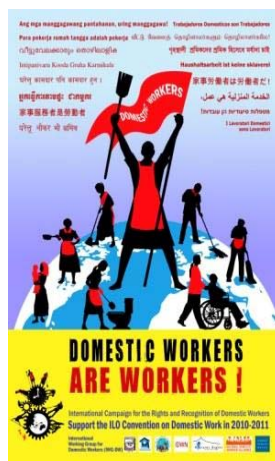
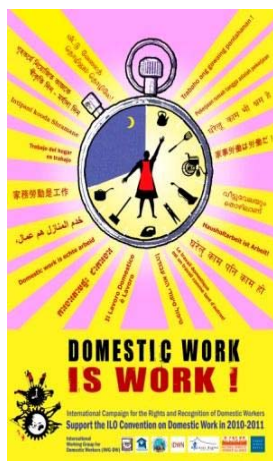
In the Philippines, SUMAPI, the association of domestic workers in the Philippines, regularly consults and educates members on the Convention and the Magna Carta. SUMAPI is actively engaged in lobbying efforts – they meet with legislators and legislative staff on a regular basis, they are called upon as resource persons during congressional hearings, and are active participants in the crafting of the Labor and Employment Agenda.

In Singapore, Transient Workers Count Too (TWC2) and the Humanitarian Organization for Migration and Economics (HOME) organized activities/spaces where migrant domestic workers will have a better grasp of the campaign and raise awareness.

Use of Research and Information -Sharing

• **Collection of data on domestic work**

To aid the network on its lobbying work, MFA invested in collection of data on domestic work such as statistics, current initiatives and programs and policies on domestic work, domestic work bills,



existing practices that contribute to the marginalization of domestic workers and other relevant data.

A compilation of existing bills on domestic work across the globe was also produced which was meant for its members and partners to use it as a reference in drafting and lobbying for national legislations on domestic work.

The network also produced common campaign materials to inform the public about the Convention and why it is important to have a definitive international Convention for domestic workers. Campaign materials such as posters, stickers, caps and t-shirts and campaign booklets were produced among others. To date, the network produced 7 booklets.

- ***Production of advocacy materials***

At the national level, MFA members produced their respective advocacy materials written in their own languages for them to be understood by common people. As a collective effort, MFA produced seven paper series (see above discussion on capacity-building), posters, stickers, caps, t-shirts and pins.

Networking and alliance building

To have a strong campaign and to create a message that the issue of protection for domestic workers is urgent and needs immediate actions, MFA builds and reinforces networking among domestic workers groups and other key actors in the campaign and facilitates the creation of alliances. The network believes that connecting our struggles with others will enable us to build a stronger movement that seeks to bring improvements in the lives of domestic workers.

- ***Alliance-building with domestic workers groups across the globe***

Recognizing the central role of domestic workers associations and groups in the campaign, the network collaborated with local domestic workers groups and its umbrella organization, the International Domestic Workers Network (IDWN).

Collaboration was done through cooperation in various regional and international programs in relation to domestic work.

In December 2009, MFA participated in the East Asia Conference organized by HKCTU and IDWN in Hongkong. This initial meeting was followed by series of joint initiatives and programs with IDWN, ADWA, Global Network and ITUC-AP and other groups in





2010 Pre-ILC Regional Training and Strategy Meeting



2010 Post-ILC Regional Conference

Asia. These activities included the following:

- 2010 Pre-ILC Training and Strategy Meeting in Manila, May 2010
- 2010 Post-ILC Regional Conference in Jakarta, October 2010
- 2011 Pre-ILC Regional Conference in Singapore, April 2011
- 2011 Post-ILC Regional Conference in Manila, October 2011

These consultations were opportunities for Asian groups to collectively strategize how to engage in the ILC. Actions were also drawn up to intensify pressure on the ground and to encourage favourable public opinion. Lobby documents and consensus points were drafted which the groups carried with them in Geneva.

Following the 2010 ILC, a Steering Committee (SC) for the Global Campaign on Decent Work and Rights for Domestic Workers, a global alliance of domestic workers' organizations, unions, and advocates was formed in September. The SC was established as a result of discussions in Geneva among domestic workers, domestic workers' advocates and trade unions to continue the communications in regular intervals through conference calls and email exchanges and to coordinate actions to keep each region abreast of the developments leading up to the 2011 ILC and to put pressure to governments to adopt the Convention.

The SC launched a Global Call to Action, calling on supporters to implement organized actions to pressure governments to vote for a meaningful and substantive Convention in June 2011. The SC identified International Human Rights Day,

International Migrants' Day, International Women's Day, and International Labour Day as key dates for coordinated action. A website was launched to publicize campaign activities: <http://dwglobalcampaign.mfasia.org>.

Conference calls were done to keep the coordination going however it was not sustained as members were preoccupied with the work on the ground. In order to mount an international campaign, communication should be maintained. While the SC itself will not continue to have its regular conference calls, the SC members committed to keep each other abreast of the developments happening in their respective regions/constituents.

The SC also released statements which other groups could adopt to be able to create an international bandwagon.

The SC is composed of the International Domestic Workers Network (IDWN), Asian Migrant Domestic Workers Alliance (ADWA), RESPECT-Europe Network, National Domestic Workers Alliance (NDWA) and Migrant Forum in Asia.

• **Joint initiatives with trade unions**

Aware of the tripartite structure of ILC, MFA made strategic alliances with regional and international trade union confederations and their local affiliates. The Secretariat works in close collaboration with the International Trade Unions Confederation (ITUC) and its regional office in Asia as well as the Global Network.

Existing partnerships were further strengthened



DECENT WORK AND RIGHTS FOR DOMESTIC WORKERS Demanding an ILO Convention in 2011

Campaign Logo of the Steering Committee

through collaboration in consultations and strategy meetings. MFA members were encouraged to reach out to trade unions in order to broaden the network. Members invited trade unions to participate in their activities, and collectively released statements and petitions to their governments.

MFA members in the Philippines, Cambodia, Hongkong, India, Indonesia, Nepal, Malaysia and Sri Lanka organized activities jointly with trade unions affiliates of ITUC and other local unions working on the issue of domestic work. As a result of these collaborations, a number of MFA members were invited to be part of the Workers delegation from Hongkong and Malaysia.

• ***Building cross-constituency alliances***

Apart from networking with trade unions and domestic workers groups, the network also reached out to other sectors that have the potential of influencing the public, policy makers, employers and other stakeholders that play significant roles in the protection of the rights of domestic workers. This was necessary in order to create greater socio-political impact. Members created linkages with women's groups, anti-trafficking organizations, youth groups and faith-based organizations.

In the Philippines the following groups came on board and helped the TWG in disseminating the information about the campaign:

- Women's groups such as the Network Opposed to Violence (NOVA) and the Coalition Against Trafficking of Women in Asia and the Pacific
- Association of Major Religious Superiors in the Philippines (AMRSP)- AMRSP is a conglomeration of two distinct religious associations in the Philippines
- Philippine Commission on Human Rights which included the Magna Carta and the Convention in their priority agenda
- Bishop-Businessmen's Conference on Human Development who helped exert pressure on the Chairperson of the House Committee on Labor and Employment to fast-track discussions on the Magna Carta.
- Members of the academe such as the Ateneo Human Rights Center who initially helped in developing the Bill way back in 1998 and who are still providing legal support
- Members of the Kasambahay Convergence Networks, a multi-sectoral network composed of local government units, faith-based organizations, and other NGOs; these networks also include local chapters of the Technical Working Group. They are in the forefront of campaigns at the local/regional/provincial/city level

In the case of Singapore, the Humanitarian Organization for Migration and Economics (HOME) identified the youth as an important sector to engage with considering that they will be the future leaders of the country. HOME believes that we need to reach out to the youth because they would be instrumental in creating positive changes in the community. HOME focuses its efforts on educating the youth on the invaluable contributions of domestic workers in their society which make them indispensable in the modern world that they live in.

In Nepal, MFA members collaborated with women's groups and media to generate strong impact on the ground and to pressure the government to be more proactive on the issue and support the Convention. POURAKHI and WOREC who have more access to women's groups did the reach out to this sector while YOAC and PNCC who are more into media, maximized

their media relations program to raise the awareness of the public on the issue.

In India, the NDWM and CIMS collaborated with the local partners of World Solidarity Movement who are also actively working on the campaign. NDWM focused on mobilizing local domestic workers while CIMS continue to publicise the issue through media.

At the global level, alliances with faith-based organizations (German Commission for Justice and Peace, International Catholic Center of Geneva (CCIG) and the International Catholic Migration Commission), human rights groups (Human Rights Watch and Anti-Slavery International) and labour movements such as World Solidarity Movement (WSM), Global Network and the International Trade Union Confederations (ITUC) as well as the Philippine Technical Working Group on Decent Work for Domestic Workers were also created for a stronger campaign.

Improving public opinion and generating public support

- ***Awareness-raising***

An important element of enhancing respect for the rights of domestic workers is achieving a change of the mindsets of those who view domestic work as servitude. This is also a way of preparing the public for the possible reforms in policies and other changes that may take place once the Convention is implemented. In order to mainstream the issue, public actions were intensified throughout the year.

Members who work directly on the campaign organized public forums, seminars and demonstrations to enhance visibility and dispel the notion that domestic work is servitude. Members also maximized the use of visual materials in the form of posters, stickers, pamphlets and booklets.

Statements were also released on key international dates like Human Rights Day, International Migrants' Day and International Women's Day.

Alongside these activities, members in Bangladesh, Cambodia, Hongkong, India, Indonesia, Nepal, Philippines, Singapore, Sri Lanka and Taiwan continued to educate domestic workers about the Convention and organized them for them to take ownership of the issue and speak for themselves. Members also lobbied their respective governments to support the Convention and share the network's perspective on why there is a need for a Convention for domestic workers.

Members organized public events to create public awareness and generate support for the campaign at the national level. The network also observed the month long Migrants Campaign Month by highlighting the campaign for the adoption of the Convention in all its activities. Members conducted meetings, public rallies, public foras, dialogues with their governments and other forms of pressure tactics.

Partners from Bahrain, Israel, Jordan, Lebanon, Oman and the UAE actively participated in the network's activities and mobilized their respective constituents to highlight the issue of domestic workers and lobbied governments to support the Convention.



Public rally in Taiwan



Public rally in Hongkong during the 2010 International Migrants' Day



- ***Sensitizing the Media***

Recognizing the big role of media in shaping public opinion, the network pays a particular focus to this group not only to gain media mileage but also to sensitize them with the issue. Member and partners utilize print media to expose cases of abuse against migrant domestic workers and link it on the need to have a definitive international standard that would provide minimum protection for domestic workers.

MFA members in India and Nepal maximized the use of media to inform the public and policy makers of the need to provide protection to both local and migrant domestic workers. They also used it to expose the vulnerable condition of domestic workers in and from their countries.

In Nepal, PNCC and YOAC provided regular newsfeeds to their contacts. Press releases and press conferences were also held. Some members were approached for trimedia interviews. On 8 March 2011, an interaction program was held to sensitize government representatives about the ILO process.

In India, the Center for Indian Migrant Studies (CIMS) highlighted cases of Indian migrant domestic workers through its TV program and made the necessary linkages on the significance of the Convention to uplift the conditions of migrant domestic workers.

Partners in Bahrain, Oman and the UAE made use of the media highlight the conditions of migrant domestic workers and pressure their governments to take effective action.

Educating and influencing policy makers

Once the Convention is ratified, States Parties must incorporate the provisions into their national legislation. Having this in mind, efforts were (and continue to be) aimed at raising awareness of the issue among policy-makers, prompting them to consider the merits of any pending bills on domestic work.

In the Philippines, the Center for Migrant Advocacy (CMA) closely worked with Committee on Overseas



Asian Parliamentarians' Forum on Migrant Domestic Workers, 24-27 May 2011
Manila, Philippines

Workers Affairs (COWA-House of Representatives) to push for better legal protection for migrant domestic workers. As a result, CMA's Ellene Sana was invited as a consultant to the delegation of the Philippine House Committee on Overseas Workers' Affairs (COWA) for a fact-finding mission to Saudi Arabia in January 2011. The aim of the visit was to learn about the situation of Overseas Filipino Workers (OFWs) and to meet with Philippine government officials based in the country. The said engagement strengthened the CMA's interest in advocating for policies and programs in Saudi Arabia that would protect the rights of OFWs, including the development of a bilateral labor agreement which supports the network legislative advocacy. While the negotiation is still underway, this approach is one step forward to demand for greater protection for domestic workers.

In May 2011, MFA, CMA and COWA with the support of Friedrich-Ebert-Stiftung (FES) organized an Asian Parliamentarians' Forum on Migrant Domestic Workers which was attended by parliamentarians representing key States of origin in Asia – Bangladesh, Cambodia, Indonesia, and Sri Lanka. They were brought together to engage with each other, with members of the House of Representatives of the Philippine Congress, and with CSO representatives on the issue of migrant domestic workers as part of the lead-up to deliberations at the 100th Session of the ILC. The guest parliamentarians were also invited to Congress by the Committee on Overseas Workers' Affairs (COWA) to observe the workings of the committee's weekly meeting, and to meet and engage with their Filipino counterparts who are concerned about protection of migrant domestic workers. These discussions provided insights into the process that the Philippine Congress has adopted in its attempt to ensure safe migration for its labour migrants. Informal comments from the MPs revealed that similar committees are not in place within their

parliamentary structures, and that this is something that should potentially be explored.

This forum was the fifth in a series of informal dialogues that began in 2007, when engagement between parliamentarians and various migration stakeholders began. Past programs have taken place in Manila (2007), Singapore (2008), Thailand (2009), and Vietnam (2010). These workshops coalesced around the meeting of the annual ASEAN Inter-Parliamentary Assembly, and were designed as non-partisan, informal activities to encourage learning and reflection on the role of ASEAN parliamentarians in the protection and promotion of the rights of migrant workers in ASEAN.

This program also provided a space for parliamentarians to exchange ideas on their countries' support for the ILO Convention on Decent Work for Domestic Workers.

Advocacy work with governments

Advocacy with governments took in different forms – visit with select country missions in the Philippines, country level lobbying, organizing dialogues/ Roundtable Discussions and participation in regional consultative processes and international platforms.

• Country Missions Visits

In 2009, aside from the individual lobbying work done by MFA members, the MFA Secretariat in the Philippines organized visits with select missions in the Philippines such as the Norwegian embassy and the Netherlands, to inform them about the upcoming discussions in 2010-2011 about the Convention. MFA

shared its position paper with the hope that they will feedback the same to their respective countries and to the delegation that will participate in the ILC.

- ***Dialogues and consultations at the country level***

MFA members engaged their governments by inviting them in various MFA programs such as public forums, consultations, and workshops to deliver the message that NGOs are open to constructive engagement.

In Hongkong, while the HK SAR is not a Member State of ILO, local and migrant domestic workers worked together for the former to be able to influence China's position and ensure that it will vote again for a Convention in the 2011 ILC. Migrant domestic workers also lobbied with their respective missions and sent petition letters.

In Indonesia, Migrant Care, SBMI and Solidaritas Perempuan actively worked with local domestic workers groups and trade unions to pressure the government to pass a national domestic work law. They are also part of the Domestic Workers Action Committee that was formed in relation to the Convention. Members also exposed the conditions of Indonesian migrant domestic workers in the Middle East and other receiving countries to make their government to be more proactive in responding to the issues of abused Indonesian MDWs and to support the Convention in 2011.

In Nepal, MFA members, particularly YOAC and PNCC, organized dialogues with select government representatives. The government called for its own consultation in October 2010 to discuss how the government could further protect the rights of Nepali migrant domestic workers. As a result of this meeting, the government came up with a directive for MDWs which was transmitted to the different embassies. A committee was also formed to look into the implementation of said directive.

In India, the prime mover of the campaign among MFA's members was the National Domestic Workers Movement (NDWM), and CIMS acted as a support. NDWM made substantial contributions to a draft national policy for domestic workers which the National Council for Women (NCW) submitted to the Ministry of Labour. State level consultations in Kerala led to new health and welfare benefits and minimum



PNCC's Director, Mahendra Pandey, handing over to Labor Minister Mohamat Istihak Rai their position/lobby paper about the Convention and other migrants issues

wage for local domestic workers. Kerala Labour Commission also drafted a state level domestic work policy.

In Singapore, lobbying with government was more difficult. The government did not invite CSOs to any of their consultations. Public events such as the one in December in celebration of the 2010 International Migrants' Day (IMD) were also prohibited. However, despite these challenges, our members continued to disseminate the information through social events.

In Taiwan, the Hope Workers Center (HWC) and HMISC took the lead on the campaign. While Taiwan is not a Member State of the ILO, MFA members took part in the process to ensure that the voice of domestic workers in Taiwan both local and migrants will also be heard in the negotiations. For several years, MFA members have been lobbying for a national legislation on domestic work. Finally in 2010, the government of Taiwan, introduced a draft legislation for domestic workers. While the draft still falls short of minimum protections to tackle the abuses against migrant domestic workers HMISC and HWC welcome this as a positive opportunity to engage their government. The government also

introduced a law which allows unionization of migrant workers.

In the Philippines, MFA members focused on legislative actions like supporting the passage of the Kasambahay Bill (Domestic Workers Bill). Efforts have been spearheaded by the Technical Working Group (TWG) for the Philippine Campaign for Decent Work for Domestic Workers. The TWG established structures to facilitate the process of lobbying for the passage of the bill by generating a broad-based support from both private and public offices like the Philippine Commission on Women (formerly called National Council on the Role of Women), National Anti-Poverty Commission (NAPC) and Informal Sector of the Philippines (ISP). The labour groups also included the passage of the Kasambahay Bill as one of their priority agenda.

As a result of this, the Philippine Senate approved the bill in November 2010. To date, the Congress version (lower house) is now at the sub-committee level of the Committee on Labour.

The Labor and Employment Agenda of the Philippine government include very specific provisions on enacting the Magna Carta for Domestic Workers. The TWG considers this as another political milestone as the Labor and Employment Agenda will be the basis for policies and programs of the Aquino administration.

MFA partners in Bahrain, Lebanon, Oman and the UAE continue to engage their governments by lobbying to include migrant workers under the national labour law. The Migrant Workers Protection Society (MWPS) was one of the organizations which was consulted by the Ministry of Foreign Affairs to comment on the proposed draft on Foreign Workers Conditions in the Kingdom of Bahrain. The proposed draft has specific provisions for domestic workers. In Lebanon, Caritas Lebanon Migrant Centre (CLMC) has been engaging in sustained dialogue with the Lebanese government on this issue.

Specific to the ILO Blue Report, MFA Philippines took part in two consultations hosted by the Department of Labor and Employment (DOLE). These consultations generated positive responses, with the Philippines carrying the agenda of workers and CSOs that are actively engaged in the campaign.

• ***Advocacy within Regional Consultative Processes***

At the regional and international levels, MFA took every opportunity to talk to governments and influence their positions to support the adoption of a strong and ratifiable Convention. This was done through its engagement in civil-society led parallel activities coinciding the following intergovernmental processes – ASEAN Summit and SAARC. The approach was not only to have bring the issue to the governments attending these meetings but also to get support from other CSOs and social movements participating in the parallel events and to create regional visibility of the campaign.

At the regional level, MFA targeted the ASEAN Summit and the Colombo Process. The ASEAN Summit is an annual meeting held by the member of the Association of Southeast Asian Nations in relation to economic and cultural development of Southeast Asian countries. MFA engages the ASEAN Summit to ensure that issues of protection of migrants' rights are tabled in the discussion of the Head of States. MFA participates through the civil society led process called the ASEAN Civil Society Conference (ACSC) where civil society organizations across the SEA region come together to put forward a civil society agenda for governments to consider in their discussion.

At the 17th and 18th ASEAN Summits (Vietnam and Indonesia respectively), MFA's call was for ASEAN countries to vote for the adoption of C189 in 2011. At the 17 Summit, MFA reminded the ASEAN countries that while the rest of the world agrees to recognize the right of domestic workers, only two member-countries of ASEAN voted for the proposal to have a Convention in 2011 during the June 2010 ILC. Prior to the Summit, MFA co-organized a workshop on domestic work to present the situation of domestic workers inside and outside of the region, and strategized on how ASEAN countries could work towards ratifying the ILO Convention on Domestic Work. Workshop participants collectively compiled an ASEAN strategy to drive the campaign forward, with a view to ratification.

At the 18th Summit in May 2011, MFA joined our Indonesian groups for calling on the Indonesian government, host to the 18th Summit to support the adoption of C189. Aside from C189, MFA also called

on the ASEAN countries to fast track the completion of the ASEAN Instrument for the Protection of Migrant Workers.

Aside from the ASEAN Summit, MFA also took the opportunity to organize back-to-back activities - a Civil Society Consultation on the Colombo Process on 17-18 April and a South Asia/West Asia pre-ILC consultation on 19-20 April.

The Colombo Process is a regional consultative process that began in 2003 to provide a venue for Asian labour sending countries to [1] share experiences, lessons learned and best practices on overseas employment, [2] consult on issues faced by overseas workers as well as the labour sending and receiving states, and [3] propose practical solutions for the well being of vulnerable overseas workers. The CP has evolved from a second countries' forum to a dialogue platform with receiving countries as representatives from countries of destination joined in. The 4th CP was held in Dhaka after a 5-year hiatus. MFA deemed it necessary to engage in the process considering that regional cooperation is a significant development that can address issues related to migration policies and practices of neighbouring states.

Through the consultation, participants were able to proactively share, coordinate the recommendations from the consultation and lobby these to the governments and entities organizing the CP.

Specific to migrant domestic workers, governments were called on to pledge their support for the adoption of an ILO Convention on Domestic Work. Governments were also called on to sign and ratify the Convention and take the necessary steps to bring their national laws and policies into compliance with it.

- ***Advocacy in international convenings/ platforms***

At the international level, MFA sent a delegation to Mexico in November 2010 to participate both in the Civil Society Day (CSD) of the 4th Global Forum on Migration & Development (GFMD) and the 5th People's Global Action on Migration, Development, & Human Rights (PGA).

The GFMD is the only international platform where governments discuss migration and development. MFA deemed this an important event to engage in to monitor emerging policies and programs on development, and to forge new partnerships. Back-to-back with the GFMD, a civil society led process called the PGA was also organized to provide more space for CSOs to discuss other issues not tabled in the GFMD and CSD.



Global Campaign participants during the People's Global Action (PGA) on Migration, Development and Human Rights

A workshop focusing on the Global Campaign for Decent Work and Rights for Domestic Workers was held at the PGA. It sought to strengthen the global campaign and the regional and international networks of domestic workers and advocates. Discussions centred on ways to strengthen the campaign through the inclusion of undocumented workers, and the protection of domestic workers working for diplomats/UN employers, and au pairs. The need to make the campaign more visible as a single campaign with trade unions was also emphasized.

That year saw the inclusion of the rights of migrant domestic workers as well as the call for governments to support the adoption of a C189 in 2011 in the final statement of the CSD which was submitted to the governments attending the GFMD.

UN Advocacy

MFA's UN Advocacy work builds on MFA's present and continuing with various advocacy platforms such as the UN treaty bodies and related mechanisms. In order to contribute to the efforts of other groups in influencing the international community, MFA engages in the work of the Human Rights Council (HRC), the Committee on Migrant Workers, UN Commission on the Status of Women and the Special Mandates.

• Human Rights Council

The advocacy at the HRC was done through organization of side events at its 11th, 12th and 14th Sessions in 2009 and 2010. These side events were organized to generate awareness and gain support from the international community especially from the UN community.

- Migrant Domestic Workers Forging Ahead Towards an ILO Convention: Challenges and Opportunities, June 2009
- Migrant Domestic Workers and Contemporary Forms of Slavery, September 2009
- The rights of Domestic Workers: Chances and Challenges for International and National Advocacy Work and Networking, June 2010

"Migrant Domestic Workers Forging Ahead Towards an ILO Convention: Challenges and Opportunities, June 2009" unmasked the situation of domestic workers in the West Asian region, Africa, the US, Asia and Europe. The side event was also participated by representatives from the Committee on Migrant Workers and the International Labour Organization. The side event made it clear that the Convention both applies for local as well as migrant domestic workers. Participants also recognized the need to reach out to trade unions and make sure that domestic workers play a big role in the campaign and ensure that they are able to speak for themselves.

In the side event *'Migrant Domestic Workers and Contemporary Forms of Slavery'*, the SR on Contemporary Forms of Slavery, Shaninian Gulhanara who was then working on a report on domestic work, also took part as one of the panelists. The SR committed to work with the civil society disseminating the information about the Convention and by the violation of rights committed against the domestic workers known to the public and to the international community. With regard to her report, specific protection for migrant domestic workers will be discussed.

The side event took note that the vibrancy that is needed for a Convention on domestic work is not yet there even in the HRC itself. There is no sense that domestic work is a human rights issue. Second, a lot needs to be done on the ground, especially for advocates who are not recognized as ILO's social partners; we have to be creative in order to engage the process. There is a need to lobby the two houses of the UN- the HRC and the ILO.

The side event on *'The rights of Domestic Workers: Chances and Challenges for International and National Advocacy Work and Networking'* which was MFA's first partnership with the German Commission for Justice and Peace/Kolping International and the International Catholic Center of Geneva (CCIG) talked about strategies beyond the 2010 ILC. It sought to critically examine the on-going deliberations at the ILC and explore possibilities of Church collaboration. The event was very helpful in creating awareness and building alliances between and among CSOs and the Church. It also provided practical suggestions on how to advance the campaign. Sharing their experiences and perspectives on the issue were domestic workers



Side Event at the 11th and 12th Sessions of the Human Rights Council Session

from Asia and Africa, migrants' advocates and the Holy See for the UN.

- ***UN Committee on Migrant Workers***

The UN Committee on Migrant Workers is a body of independent experts that monitors the implementation of the UN Migrant Workers Convention by its state members. In 2010, the Committee worked on releasing its first General Comment (GC) focusing on Migrant Domestic Workers in relation to ILO's standard setting on domestic work.

MFA had submitted inputs for this GC when the Committee organized a Day of General Discussion (DGD) in October 2009 during its 10th Session. The General Comment was adopted in December 2010 setting detailed standards and recommendations on the rights of migrant domestic workers as well as members of their families. The General Comment has 3 principal sections:

- The realities of migrant domestic workers (from pre-departure to return)
- Gaps in protection (legal and practical)
- Recommendations

The General Comment is available at the OHCHR website at http://www2.ohchr.org/english/bodies/cmw/cmw_migrant_domestic_workers.htm

- ***UN Commission on the Status of Women***

On 24 February 2011, MFA along with Migrants Rights International (MRI), NGO Committee on Migration, National Network of Immigrant and Refugees (NNIRR), UN Women, United Methodist Church, People's Global Action on Migration, Development and Human Rights (PGA), ITUC and the National Domestic Workers Alliance (NDWA) organized a workshop during the UN Commission on the Status of Women (CSW) entitled 'Dignity for Domestic Workers- the ILO Convention and Beyond'. The workshop highlighted the many campaigns that are part of this international campaign to bring respect and recognition to the domestic workforce with the ILO Convention as a point of convergence.

With the sustained interventions of MFA members and partners in influencing governments and other key players, great strides have been made throughout the region and internationally. A sizeable number of Asian governments that did not support the Convention during the 2010 ILC shifted their positions and voted in favour of the Convention during the 2011 ILC. More on this will be discussed in the next section.

The succeeding sections present MFA's engagement at the 2011 ILC and how it was able to leverage its campaign for the rights and recognition of domestic workers.



MFA AT THE 100TH SESSION OF THE ILC

The MFA Delegation and its Objectives

MFA participated at the 100th Session of the ILC as an observer. An observer status is obtained by submitting an application for ILC accreditation one month before the opening of the session of the Governing Body preceding the session of the Conference. The MFA Secretariat applied for accreditation in September 2010 and was informed in April 2011 that the application was accepted.

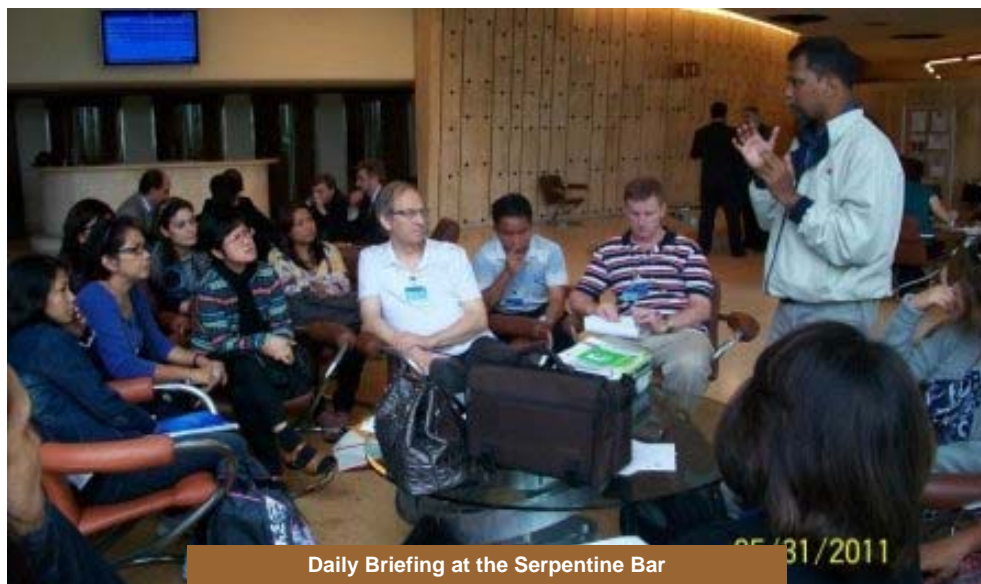
As an observer, the MFA delegation was able to participate in the following:

- Opening Sitting of the Conference
- Sessions of the Committee on Domestic Work Meetings of the workers groups

The delegation was composed of 26 members from Bahrain, Cambodia, Hong Kong, India, Indonesia, Israel, Jordan, Lebanon, Nepal, Oman, Philippines, Singapore, Taiwan and UAE who have varied experience in lobbying, advocacy, networking, negotiating and policy formulation. Majority of the delegation members were also part of the 2010 ILC.

These organizations included the following: Al Amana Centre (Oman), Caritas Lebanon Migrant Center (Lebanon), Center for Migrant Advocacy (Philippines) Charity-Wing Indian Social Club (Oman), Coalition for Migrants Right/Thai Women Association (Hongkong), Hope Workers Center (Taiwan), Hsinchu Catholic Diocese Migrants and Immigrants Service Center (Taiwan), Humanitarian Organization for Migration and Economics (Singapore), Kav LaOved (Israel), Legal Support for Children and Women (Cambodia), Migrant Care (Indonesia), Migrant Forum India (India), Migrant Forum in Asia Secretariat (Philippines), Migrant Workers Protection Society (Bahrain), POURAKHI (Nepal), Pravasi Nepali Coordination Committee (Nepal), Serikat Buruh Migran Indonesia (Indonesia), Ta'amneh Law Firm (Jordan), Transient Workers Count Too (Singapore), The Mission to Seafarers DMCCO (UAE), Women's Rehabilitation Center (Nepal), and Youth Action Nepal (Nepal)

Daily briefings were held to ensure that each member of the delegation is aware of the schedules and



Daily Briefing at the Serpentine Bar

developments on the negotiations. Meeting places were designated for the delegation to check into at regular intervals for debriefing.

A typical day starts at getting up early in the morning to catch up the daily 7 A.M. announcements and briefing meeting over breakfast. By 8 A.M, the group leaves the hotel and proceeded to Palais des Nations where the Committee sessions and workers meetings are being held. The first stop is at the ILO records section to get copies of the Order of the Day and relevant ILO documents like proceedings of the previous days' discussions, final list of the ILC delegates, directory of ILO offices etc. The next stop is the UN Human Rights Council (HRC) records section to get the Bulletin of the Day and Informal Meetings schedules where the HRC activities are listed including the side events organized by CSOs.

After securing these documents, the delegation meets at the Serpentine Bar to discuss the schedule for the day and the relevant HRC events that the delegation should attend. The meeting was also used as an opportunity to share reflections on the deliberations at the Committee sessions and workers meeting and other activities that the delegation participated in like the side events. At the end of the day's activities, the delegation re-convened at the Serpentine Bar for further instructions.

Guided by the network's position and lobbying points adopted during the Pre-ILC Conference in Singapore, the delegation took all possible avenues to lobby with

governments and workers group.

The objectives of the delegation were the following:

1. Monitor the debates at the ILC and ensure that important provisions for migrant domestic workers are not compromised during the debate.
2. Gain better understanding of the issue based from the perspective of ILO's social partners
3. Influence governments' positions to support a comprehensive and ratifiable Convention
4. Strengthen existing partnerships/alliances with domestic workers groups across the globe including collaborating with unions in developing a common lobby strategy and key language formulations to identify and highlight implications of the general discussion trend.
5. Scale up the network's international advocacy

The delegation stayed in Geneva from 30 May-11 June. MFA's 2-week in Geneva was characterized by intensive yet meaningful engagement. For 8 days, the delegation had to stay until 10.30 P.M. for the Committee Sessions. The succeeding discussions on the Conference were monitored through live podcast from the ILO website.



The ILC Sessions

This section which is divided into two subheadings—Opening Sitting of the Conference and General Discussion of the Committee on Domestic Work presents the highlights of the deliberations at the ILC.

To capture how the discussion of the Committee went, the Section on the '*General Discussion of the Committee on Domestic Work*' is further divided into two subheadings - First and Second Sitzings of the Committee and Highlights of the deliberations on the Proposed Convention contained in Report IV (2B)

A. Opening Sitting of the Conference

The 100th Session of the ILC was held from 1-17 June. The Conference had 7-point agenda divided into 2 main categories:

A. Standing Items

- I. Reports of the Chairperson of the Governing Body and of the Director-General
- II. Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work
- III. Programme and Budget Proposals for 2012-13 and other questions
- IV. Information and reports on the application of Conventions and Recommendations

B. Items placed on the agenda by the Conference of the Governing Body

- V. Decent Work for domestic workers- Standard setting, second discussion, with a view to the adoption of a Convention supplemented by a Recommendation
- VI. Labour administration and labour inspection- General Discussion
- VII. A recurrent discussion on the strategic objective of social protection (social security) under the follow-up to the 2008 ILO Declaration on Social Justice for a Fair Globalization

The Session was formally opened on 1 June with a keynote address delivered by the elected President of

the Conference, Minister Robert Nkili of Cameroon. With the theme '*Building a Future with Decent Work*', Mr. Nkili emphasized the need to provide social protection to all workers, as it acts as an economic stabilizer and helps to promote peace and preserve dignity. He challenged the social partners to make important progress in this area, alongside the other priorities of the Conference—decent work for domestic workers and labour administration and labour inspection.

Following Mr. Nkili's speech, decisions were made on a series of other technical matters: the Composition of the Credentials Committee, the Election of the Vice-President of the Conference, the Nomination of the Officers of the Groups, and the Constitution and Composition of the Conference Committees.

Following, the Opening Sitting, delegates proceeded to their respective Committee Sessions. The following were the Committees that held a General Discussion on their respective agendas:

- Committee on Domestic Work
- Committee on Labour Administration
- Committee on Social Protection
- Committee on the Application of Conventions

Out of these four Committees, MFA participated in the meeting of the Committee on Domestic Work.



B. General Discussion of the Committee on Domestic Work

The General Discussion of the Committee on Domestic Work is the process by which the Committee composed of its tripartite partners – governments, employers groups and workers groups deliberate on the agenda item on decent work for domestic workers particularly on the proposed Convention contained on Report IV (2B) . The Committee engages itself in examining each provision of the Convention. Decisions are made by consensus.

The Committee held two sessions every day from 11:00-01:00 P.M .and 03:30-06:30 P.M. To avoid delays and to ensure to finish the general discussion before the Conference meets in plenary on 15 June, starting 2 June evening sessions were also held as late as 10:30 P.M.

The Committee held 18 sittings beginning June 1 where the Committee elected its Officers as follows:

Chairperson: Mr. H.L Cacdac (Government member, Philippines) at its first sitting

Vice-Chairperson: Mr. P. Mackay (Employer member, New Zealand) at its first sitting

Ms. H. Yacob (Worker member, Singapore) at its first sitting

This year's general discussion was characterized by intense debate and lively exchanges. Instrumental to this atmosphere were Hans Cacdac from the Philippines who chaired the Committee and the two equally excellent Vice-Chairpersons, Mr. Paul Mackay representing the Employers Group and Ms. Halimah Jacob representing the Workers Group, who both exuded confidence and wit. Topping the list as well were interventions made by the representatives of the governments of Australia, Brazil, South Africa, US, UK and other EU members states.

The deliberations on the Convention took 6 days while the Recommendation took 3 days. The draft text of the Convention was adopted by the Committee on 7 June and the Recommendation was adopted on 10 June. On 16 June the Conference formally adopted the Convention with its accompanying Recommendation. The text of the

Convention was stronger than the draft which was deliberated on by the Committee.

Far from expected, the intensity of the discussion was not only prominent during the discussion on the Convention but also on the Recommendation. The Recommendation was dissected clause by clause, with the same careful consideration that was accorded the Convention, demonstrating that while the Recommendation is not binding, it is still a significant document that carries weight internationally. It remains a reference point that provides necessary guidance on the interpretation of the Convention, and is fundamental to the eradication of the bad practices the Convention aims to change.

In terms of positions on the Convention, the shared a common aim was to develop a principle based Convention that allows enough flexibility to ensure that governments ratify it.

With regard to the employers, at first their stance was only to aim for a Recommendation, because this allows flexibility for governments to implement mechanisms that are suitable to their context. Eventually, the employers shifted their strategy and accommodated the workers' position.

With regard to the governments, Brazil, South Africa, US and Australia remained active supporters of the Convention and made lengthy interventions when the employers' group and some of the EU states attempted to dilute key articles in the Convention and Recommendation. Worth noting as well was the support of the GCC countries for the Convention, beginning from the general statements through to its adoption.

Speaking of Asia, the response was more positive compared from last year's discussion and also with their response on the Brown Report where it was noted a decline on the number of Asian governments who sent their replies on the Brown Report.

In terms of participation by the Asian governments, Bangladesh, Indonesia, and the UAE actively



Committee Session

participated in the debate. The government representative of Bangladesh, while in support of adopting a Convention, emphasized the need to focus on principles in the Convention and relegate steps for implementation to the Recommendation to ensure that the Convention will be flexible and easy to ratify.

Further on this, he did not support the issue pertaining to diplomatic immunity, which was addressed in the Recommendation. The EU proposed an amendment, supported by the US through another sub-amendment to ensure that states parties take measures to address the issues of domestic workers working in the homes of diplomats, and that such issues be dealt with while the diplomat is still occupying his/her diplomatic post. The government of Bangladesh asserted that these matters should be addressed by the UN and other existing procedures in relevant international instruments.

The Indonesian government, on the other hand, was very active in terms of proposing amendments to the text and in supporting the Workers' position.

In terms of unsupportive governments, it was the EU member states, particularly the UK Government, which attempted to derail the process and water down the articles. These states argued that their countries have already established higher standards and therefore approving a text that is too detailed would not work in their national contexts. The issues that they focused on include mode of payment, terms of employment terms and conditions of termination,

24-hour consecutive rest, and labour inspection. Hence, during the voting on 16 June, the UK government abstained.

At the end of the general discussion, the following were the notable triumphs:

- Article 3 on domestic workers' right to collective bargaining and freedom of association
- Article 6 on decent living conditions and right to privacy
- Article 7 on the right to be informed of their terms of employment
- Article 9 on the right to decide where to reside and keep in their possession their travel documents
- Article 10 particularly on 24 consecutive rest-hour
- Article 11 on minimum wage
- Article 15 on regulation and punishment of recruitment agencies.
- Article 16 on labour inspection

Aside from that, the workers group also succeeded in rejecting the employers' proposal to increase the number of ratifications before the Convention comes into force and to lessen the number of years of denunciation.

Issues discussed at length

Employers' right to privacy

Employers insisted that the right of employers to privacy should also be recognized especially when it comes to labour inspection.

Terms of Employment

Debate between principles and prescription. Employers and some government particularly the EU member states, argued that Article 6 on terms of employment is too prescriptive and may hinder ratification and therefore should be placed in the Recommendation

Hours of work and daily rest

Employers and some governments argued that it is difficult to calculate the working of domestic workers. It is also difficult to delineate the working time and non-working time of domestic workers.

Rest day

Debate between 24-hour consecutive rest versus accumulation of rest day per each week.

Mode of Payment

Bank transfer as the commonly used practice by the developed countries vis-à-vis direct payment of cash to the workers which is still being practiced in developing countries

Labour inspection

EU states argued that standards of labour inspection is so high hence it is difficult to apply it in a household.

Payment-in-kind

Disagreements between prohibition of payment in kind versus existing norm where payment-in-kind is allowed as in the case of Portugal, New Zealand, Portugal, Spain and UAE to name a few.

At the end of the general discussion, the EU member states invited the Committee to consider a draft resolution with the intent of maximizing the effective provisions of the proposed Convention and Recommendation by calling the ILO Member States to mobilize resources accordingly.

Participation in the Committee sessions provided the delegation with first hand-experience in monitoring the debate and analyzing the merits of arguments on each side of important issues. Listening to the interventions of each government provided the delegation with the opportunity to reflect on the lobbying strategies that are most appropriate for their national contexts, and to identify governments who could be allies in the ratification campaign, as well as those who will pose a challenge to ratification. The deliberations also revealed those countries that are likely to introduce measures that would translate the Convention into reality.

For the network, the deliberations also triggered personal reflections on how domestic workers are treated.



First and Second Sitzings of the Committee

The **first and second sittings** of the Committee were allotted for general statements where governments shared their stand on the issue. As a standard procedure, the floor was given first to the Vice-Chairpersons followed by governments who have expressed to make their statements.

Ms. Halimah Yacob, representing the workers group, remarked that the 100th Session of the ILC will be meaningless if it did nothing to improve peoples' lives. She also appealed that since the 2010 ILC has already adopted by consensus a draft text calling for a Convention supplemented by a Recommendation and that a Recommendation alone is not sufficient to protect domestic workers, she hoped that the core issues that have already been debated in the previous year should not be re-opened for further debate. She concluded her statement by outlining key areas which the Committee should further look into – scope of application, OSH and social security.

Mr. Paul Mackay, representing the employers group, emphasized that the position of his group remained the same as with last year which is to only support a Recommendation. His group is concerned that an overly prescriptive Convention would hinder ratification. He emphasized that the approach of the Employers' group would be based on two core themes: pragmatism and realism. He, however, emphasized that this group would acknowledge and respect whatever would be the decision of the Committee's majority as to the form of the instrument. Whatever would be decided by the Committee, he reminded the Committee that using the Recommendation as a "dumping ground" for difficult issues that the Committee would not have time to discuss properly would not serve the the interests of domestic workers. Further, he also emphasized the unique nature of the employers who are also householders and families which also need to protect their rights.

Following the statements of the two vice-chairpersons, governments who expressed to make their statements were called. A total number of 32 governments spoke. Presented below are statements of all Asian governments

who delivered their general statements.

Other governments outside Asia were also noted as they played/contributed significantly in the debate. Statements of non-government organizations are likewise included.

The Philippines representative reiterated that the government supports the adoption of a Convention supplemented by a Recommendation. The Philippine government has introduced policies to uphold the rights of domestic workers. The passage of the domestic work is included in the 5-year development plan of the current administration. As a sending country, it has amended RA8042 which provides stringent rules for employment agencies and receiving countries. A certification process for countries with legal frameworks of protection is being done to ensure the Filipino domestic workers are protected from abuse. He concluded his statement by calling on to the Committee that it is the time to move from aspiration to reality.

The government representative from China recognized the contributions made by domestic workers to families and their country. He also shared about the measures introduced by his government to protect domestic workers. He stressed that the instruments should take into account the economic differences of each country; should not set standards which are too high that could not be implemented.

The government representative from Indonesia acknowledged that domestic workers remained to be



Ms. Ellene Sana with the Philippine government representatives

marginalized, discriminated and subjected to grave abuses. He stressed the need to protect domestic workers' rights and promote employment relationship. He also shared the government's efforts in expediting the ratification of the UN MWC. He concluded his statement stating that his government supports a Convention supplemented by a Recommendation.

The government representative from Nepal shared that domestic work is of great concern in Nepal and constitutes a significant workforce in the country. His government supports standards that protect domestic workers keeping in mind the balance between legality and applicability, flexibility, global and local context. While agreeing to the principles of the Convention, he emphasized that it is important to come up with instruments that are ratifiable and implementable.

The government representative from Japan supported ASPAG's and IMEC's statements. While not directly saying that his government supports the Convention, he emphasized that the Convention and Recommendation should be able to be implemented by many countries based to their circumstances. Japan had already taken measures to protect domestic workers in national legislation and would continue this effort.

The government representative of Lebanon recognized the huge number of domestic workers especially migrant domestic workers in his country. He shared that his government have introduced measures to improve the situation of domestic workers in collaboration with ILO. His government is in favour of an instrument that

would apply to domestic workers taking into account the prevailing conditions in each country.

The government representative from Iraq noted that majority of domestic workers lack social and labour protection. He highlighted the importance of having an international instrument for domestic workers that would address their specific conditions while taking into account the cultural context of the receiving countries. Issues that need merit for discussion are: weekly rest, annual leave, written contracts, basic rights at work, and minimum age. He also underscored the importance of providing social security and OSH to domestic workers

The government representative from Sri Lanka recognized that policies and measures have not sufficiently covered workers in the informal sector. He commended the ILO for taking the decision to include domestic work in the standard setting process as it will provide an opportunity to deliver decent work to domestic workers.

The government representative from the Islamic Republic of Iran pointed out that 'intense' international collaboration is needed to protect MDWs effectively. He outlined some of the ways to achieve international collaboration. He stressed the need to collect more statistics/data about domestic workers to design practical measures to monitor them. He reminded the Committee that his government will support any instruments that takes into account the reality that there are domestic workers that work with multiple employers whose rights are violated.



The government representative from the United Arab Emirates speaking on behalf of the Gulf Cooperation Council (GCC) stressed the need for a convention recognizes flexibility for ratification and implementation. He shared about some developments in the Gulf e.g. unified labour contract in Kuwait and UAE, new labour legislation that would allow for labour inspection in private households. He also stressed the need for greater cooperation between sending and receiving countries especially in terms of regulating employment agencies.

The following statements were made by other countries who played an active role during the deliberations.

The government representative from Hungary spoke on behalf of EU. She said that adequate protection and focus on fundamental rights and principles at work while remaining flexible enough to ensure ratification. Articles 1-2 should be discussed together. The committee should focus on the following issues: working time arrangements, right to be informed of their rights, safe and healthy environment with emphasis on DWs specific situation and the role of the employment agencies

The government representative from France speaking on behalf of the IMEC Group stressed the need to come up with a text that is widely accepted and lay-out principles and objectives and not too prescriptive. His group supports the aims of the Convention and Recommendation to supplement existing Conventions and ensure that domestic workers enjoy the benefits of this Convention. He reminded the Committee to use the time to discuss key outstanding issues in the Convention; the issue can be resolved if we stick to the principles and need to consider the flexibility and applicability of the Convention. These issues include: health and safety, working time, employment agencies, and the terms and conditions of employment

The government representative from Argentina speaking on behalf of GRULAC reiterated the group's position in support of the Convention supplemented by a Recommendation. He stressed the need for a normative action to protect the rights of domestic workers who are often removed from public view and without protection. He concluded his statement by asserting that whatever decision will be made by the Committee on the term of "domestic worker", each member should be able to use the most term in line

with their national legislation.

The government representative from South Africa speaking on behalf of the African group, reiterated the strong support of the African group for a Convention supplemented by a Recommendation. He also stressed that the issue on the form of the instrument should not be re-opened as it has been adopted by consensus in the 2010 ILC. Mindful of the need for broad ratification, the African group suggested the following areas for discussion: ensure that domestic workers should be considered as an integral part of the labor force, greater clarity on the issue of social security and OSH and the active role of employment agencies played as employers.



The MFA delegation with the government representative of South Africa

The government representative from Australia speaking on behalf of ASPAG welcomed the second discussion emphasizing that the issue was highly relevant to her region, which included both source and destination countries of migrant domestic workers who contribute a lot to their home countries' economic performance by sending remittances. She also reminded that the Committee should come up with an instrument that could be implemented in their national contexts.

The government representative from Brazil spoke about the urgency to protect domestic workers; it is urgent because it is serious. She reiterated Brazil's support for a Convention supplemented by a Recommendation as this has been the country's struggle since 1930s.

The government representative from the United States of America supported IMEC's statement and said that domestic workers are the pillars of the modern society. He supported IMEC's statement. Migrant domestic workers and children are vulnerable to abuse. His government supports a



Convention and Recommendation that is ratifiable and implementable. While agreements have been reached on equal treatment of domestic workers, he reminded the Committee the need to discuss how to achieve this objective. He also emphasized the role of the employment agencies in facilitating placement; agreements should be aligned with C181 establishing guidelines in favour of domestic workers and to combat exploitative recruitment practices.

The government representative from Australia supported ASPAG's and IMEC's statements. She reminded the Committee to focus on issues in the Recommendation that were not substantially discussed in 2010. Her government favours a Convention that would provide sufficient flexibility to ensure wide ratification and serve as a mechanism to lift domestic workers into the formal economy. When a country ratifies the Convention, it means that they must amend existing laws that disproportionately discriminate against domestic workers. She expressed her hope that the Committee would mark the 100th Session of the ILC with a Convention for domestic workers. She recounted the statement made by the VP of the European Commission at the 94th Maritime Session of the ILC, '...that this Maritime Labour Convention deals with the human element, the importance of which can never be underestimated'. She hoped that the statement would clearly resonate with the Committee.

Non-governmental organizations were also given the opportunity to address the tripartite committee. Their interventions are as follows:

The representative of the International Domestic Workers Network and of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association (IUF) recognized the need for a flexible instrument that would ensure equal treatment of domestic workers; a weak convention would only reinforce differential treatment. She asserted that it is possible to protect the safety and health of domestic workers; labour inspections to private households are also possible. She concluded her statement by outlining the benefits of a Convention for Domestic Workers.

The representative from Human Rights Watch acknowledged that the current text of the Convention provides strong provisions that would protect domestic workers. She emphasized that domestic workers should be treated not less favourably than other workers. She also outlined issues that the Convention consider: minimum wage, work that does not interfere the education of child domestic workers, regulating working hours, regulating employment agencies, agreements should be consistent with C181; prohibitions on agency fees for recruitment, as this leads to slavery-like conditions. She cautioned the Committee that overly flexible standards would only reinforce discrimination

and unequal treatment of domestic workers.

The representative from International Young Christian Workers (IYCW), speaking on behalf of IYCW, World Solidarity and the World Movement of Christian Workers, supported the Convention supplemented by a Recommendation. The Convention should have the capacity to be translated into national legislation that would give dignity and respect to domestic workers. It should provide decent wages, decent working hours, a safe and healthy work environment, and social protection including maternity protection.

Defense for Children International and Anti-Slavery International noted that domestic work is the only

way for many children to feed themselves and support their families. She expressed support for Article 4, Para 4 of the draft Convention that provides protection for the right to education, which other international standards fail to address. She emphasized that the Committee should pay special attention to child domestic workers who cannot be expected to perform the same tasks as adults. She also stressed the need to closely monitor their working and living conditions.

MFA representative, Ristanti Ningrum, an Indonesian migrant domestic worker in Singapore delivered MFA's statement. Below is MFA's statement:

Thank you, Chair, for this opportunity to address the committee.

My name is Ristanti. I have been a migrant domestic worker for 9 years, and I am here today as a member of the delegation of Migrant Forum in Asia, a regional network of NGOs, associations and trade unions of migrant workers, and individual advocates in Asia that are committed to the protection and promotion of the rights and welfare of migrant workers.

I thank my employer for giving me permission for a two-week leave so that I could be here to address you today. It is an honour to be a part of this historic moment. But as I stand here, I know that there are millions of other domestic workers who do not share that privilege.

It is fitting that the milestone 100th Session of the ILC be marked with a return to its social justice roots – a landmark Convention supplemented by a Recommendation setting international standards to protect the rights and welfare of one of the most vulnerable groups of workers. This 100th Session will be remembered for remedying one of the most pressing injustices in the modern world of work.

We echo the words of the Director General in his address to us only last evening, when he invited us all to realize the significance of this moment. This Convention marks the movement of the ILO system into the realm of protections for workers of the informal economy. With this Convention and Recommendation, domestic workers will become part of the ILO's history; the lives and working conditions of millions of domestic workers will be greatly improv

As Migrant Forum in Asia, we bring forward concerns that we strongly hold should be addressed in the text of this Convention, and reflected in the Recommendation.

First, there is a clear need for the regulation of a recruitment system that charges exorbitant fees, puts migrant domestic workers in situations of debt bondage, and deploys workers abroad without providing them with adequate information.

Second, as migrant domestic workers it is imperative that there be an ILO Convention that recognizes our need for freedom of association and the right to form trade unions.

Third, even as I have been granted the time off to be here, one of the constant struggles of domestic workers is the basic need for rest and the right to a day off.

“... even as I have been granted the time off to be here, one of the constant struggles of domestic workers is the basic need for rest and the right to a day off”- Ristanti Ningrum

MFA reiterates the call of different members of this committee for a flexible yet robust Convention, at the heart of which is the key binding recognition that domestic work is work, like every other work.

We also acknowledge the need for an instrument that will be universally ratifiable, but that is the commitment that we members, participants and observers of this historic Committee will bring back to the constituents we represent. It took us 56 years to get here. Let us hope universal ratification will come about in a fraction of that time.

Chair, members of the Committee: As the Director General reminded us yesterday, it is not often that we have the feeling that history is being made. I am proud to be a part of that history, for domestic work is not slavery; domestic work is work; domestic workers are workers.

Thank you.



Highlights of the deliberations on the Proposed Convention contained in Report IV (2B)

After the general statements of governments and the employers' and workers representatives, the Committee deliberated on each article in the Convention. Below were the highlights of the general discussion.

On 3 June consensus was achieved on Preambular Paragraphs and Articles 1-5 of the Convention text.

Major achievement of the workers' group is the addition of a Paragraph to Article 3 of the Convention, strengthening the rights of domestic workers to collective bargaining and freedom of association.

Article 3 on the final text of the Convention has now 3 sub-paragraphs.

Article 5 of the proposed text is now read as Article 6 on the final text of the Convention.

On 4 June a consensus was achieved on Articles 6-8 of the Convention text. The workers' group was able to counter attempts by the EU group to make Article 6 to be general as possible without going into very specific details which the current text reflect. Article 6 refers to the provision with respect to the right of the worker to be informed of the terms and conditions of his/her employment. The EU group introduced an amendment to replace the Article 6 arguing that the subparagraphs list was too detailed and therefore proposed to move it to the Recommendation. The argument was to state the principle that domestic workers have a right to be informed of their terms of employment relationship, to clarify the obligations of the Member States and to maintain a degree of flexibility. The intent was not to lower the level of protection to domestic workers. The EU representative further explained that the EU already obliged employers to inform domestic workers of their terms and conditions of employment. The current text of Article 6 is stricter than the regulations to workers generally in Europe.

The workers' group strongly opposed the EU amendment and was supported by a number of governments such as Bangladesh, Uruguay, Australia,

Brazil, Indonesia and the United States. The government member of India, however, supported EU's amendment explaining that the proposed new text would make the Convention more practical and easier to ratify.

The EU withdrew the amendment.

Article 6 is now read as Article 7 on the final text of the Convention.

The workers group was also triumphant in securing Article 7 (now Article 8 of the Convention) with regard to an enforceable contract in the country of employment for migrant domestic workers.

On June 6, a consensus achieved on Articles 9-11 of the Convention text in a session extended to 9:30 pm. Article 10 was debated at length specifically on the following provisions:

- hours of work
- daily rest
- weekly rest periods

The EU Member States introduced an amendment to replace the paragraph with the following text:

"Each member shall promote, as far as possible, equal treatment between domestic workers and workers generally in relation to the normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations and/or collective agreements, taking into account the special characteristics of domestic work.

The proposed amendment sought to introduce some limited flexibility. The EU group argued that the special characteristics of domestic workers would be difficult to ensure that domestic workers will be treated no less favourable as in the case of working time. It is difficult to set the delineation of working time and non-working time. The EU group, however, argued that the amendment still promotes equal treatment.

The above amendment was supported by the Employers' group emphasizing that equal treatment on with respect to working time would create enormous challenges for governments.

In response, the Workers' group opposed the amendment as it is and to delete' as far as possible' and the words "taking into account the specific characteristics of domestic work'.

The governments of Australia, Brazil, Bangladesh, Bolivia, Canada and South Africa preferred the original text.

The government member of France considering the views expressed, introduced a subamendment which was supported both by the Employers' and Workers' groups and the governments of Canada, South Africa and the United Arab Emirates.

In terms of the daily rest (Paragraph 2 of Article 10), the workers were pleased to see consensus on the text providing for a minimum of 24 consecutive hours of rest per week.

Prior to achieving a consensus, the government member of India introduced an amendment which was seconded by the government member of Bangladesh, to delete Paragraph 2 which read as 'Weekly rest shall be at least 24 consecutive hours in every seven-day period'. The argument was that Paragraph 2 was redundant as the Article already ensured that domestic workers received the same treatment as other workers.

The above amendment was rejected by the workers' and employers' groups, and the government members of Ecuador, and the United Arab Emirates on behalf of the GCC countries.

The government member of the Netherlands introduced an amendment to replace ' weekly rest shall be at least 24 consecutive hours in every seven-day period' by " weekly rest shall be at least 24 hours consecutive hours per each seven-day period' and add a new sentence as follows: " Weekly rest may be accumulated in a period not exceeding 14 days.

The above amendment was supported by the employers' group and proposed a sub amendment to delete "each" he deemed redundant.

The workers' group vice-chairperson proposed a

further sub amendment to delete "in every seven-day period" to allow flexibility taking into account the national laws or regulations and collective agreements allowed for accumulation of weekly rest.

The EU group again found the proposed amendment problematic and the concern raised by the employer vice-chairperson with regard to the possibility of accumulating weekly rest could be dealt with in the Recommendation.

On 7 June two major milestones were achieved. First, the Committee adopted Articles 1-19 of the Convention text at 9:15pm, in an extended session. Second, the employers group's motion to change the parameters on the entry to force and denunciation was rejected by the Committee.

Below were the highlights of June 7 where the Committee deliberated on Articles 12-19.

The argument on Article 12 revolved around Paragraph 1 where the EU group introduced an amendment to replace "and" with "or" in the second line to address the concerns of developed countries where mode of payment is done through bank transfer. The said proposition was strongly opposed by the worker vice-chairperson arguing that it would defeat the purpose of having a Convention if the decision on the mode of payment will be left to domestic workers and their employers. She further argued that in most developing countries, many domestic workers do not have bank accounts or access to automated teller machines.

Supporting the EU amendment and position were government members from United Arab Emirates, UK, Norway, and Switzerland. On the other hand, the government members of Bangladesh, South Africa, Ecuador, Indonesia and Brazil, Argentina, Trinidad and Tobago, supported the worker vice-chairperson and proposed to revert to the original text.

The issue was resolved following a tripartite consultation (the Chair of the Committee approached the two vice-chairpersons to reach on a consensus). Subamendments were proposed by EU and the employer vice-chairperson which was supported by the worker vice-chairperson while asserting that domestic workers should be paid in cash.

Paragraph 2 on payment-in-kind, the discussion was focused on the issue whether payment-in-kind should

be allowed or not. The worker vice-chairperson original position was that payment-in-kind should not be allowed by introducing an amendment to include “exceptionally” after “awards may” to clarify that payment should be made in cash while payment-in-kind should only be allowed as an exception to the rule.

Opposition was raised by government member states where payment-in-kind is a norm and where the monetary value of payment-in-kind is higher than the prescribed minimum wage.

The discussion ended with a consensus on some drafting changes on the original text while not lowering its substance or level of protection. Payment-in-kind maybe allowed as long as it agreed to by the worker, for its personal use and would benefit the worker and the monetary value attributed to them is fair and reasonable.

After the adoption of the draft text of the Convention, the Chairperson addressed the matter on the final provisions on the Convention in reference to the opening statement of the Employers Vice-Chairperson on 1 June that his group wished to discuss what is the established practice on that regard. The Chairperson explained that the standard final provisions on its current form dated back to the 11th Session of the ILC. However, two sets of parameters were left open. These are the following:

- Entry into force which addresses the number of ratifications necessary and the period of time after which a Convention would enter into force
- Denunciation of a Convention, the default value is every ten years after a Convention first came into force, with the denunciation coming into effect for each State concerned 12 months later.

He also added that a motion to change these parameters was submitted by the employers group. The motion is as follows:

- ‘ Denunciation - To allow Member States to denounce the Convention after an initial two-year period following its coming into force’
- Entry into Force- Increase the threshold value for entry into force for 18 Members’

The reason for the two-year denunciation period is that if a Member State missed the 10-year, they have to wait for another ten years before it could denounce the Convention and adopt a different standard.

With regard to the proposal on the entry into force, the employers group argued that the number of ratifications required for a Convention does not represent a critical mass and that the Convention needs a greater number of ratifications. The current standard that is being used is the 1928 ILC where the ILO had few Member States.

By rules of procedures, the matter was supposed to be discussed after all the amendments on the articles have been discussed, however, through the intervention of the Workers Vice-Chairperson who pointed out that the matter is of great importance, a consensus was achieved to proceed with the discussion.

The Workers Vice-Chairperson opposed the above motion which was supported by the government members of United States, Australia, Bangladesh, Norway, and Japan. Noting the consensus of the group, the employers’ vice-chairperson withdrew the motion. He, however, mentioned that the employers group would prepare a policy position including all the points discussed in the Committee for submission to the attention of the Governing Body.

On 8 June, deliberations began on the 100+ amendments to the draft recommendation text. A consensus was achieved on Paragraphs 1-6.

On 7 June two major milestones were achieved. First, the Committee adopted Articles 1-19 of the Convention text at 9:15pm, in an extended session. Second, the employers group’s motion to change the parameters on the entry to force and denunciation was rejected by the Committee.

Guidance to states is provided on the following: freedom of movement and association and the right to collective bargaining; elimination of discrimination with respect to medical testing; protections for domestic workers under the age of 18; and comprehension on the part of domestic workers of the terms and conditions of contracts and provisions that are to be included in such contracts

The discussion on the recommendations was still as interesting as with the Convention. Clause by clause they were still contested which proved that while they are not binding, they still do count or they would not be argued over so much. They remain a reference point, and squeeze and pinch at the bad practices they aim to change.

On June 9, a consensus achieved on paragraphs 7-20 of the Recommendation text in an extended session ending at 9:30pm

On 10 June, deliberations continued on paragraphs 21-23 of the Recommendation text until consensus was achieved. The Committee on Domestic Work adopted the Recommendation text at 12:15pm. Following the adoption of the text of the Recommendation, the government representative of France speaking on behalf of EU, put forward their proposed Resolution which was opened for discussion and amendments.

Following the conclusion of the Committee Session, the Chairman of the workers group addressed the group and shared the challenges that had been faced and how Ms. Jacob had been chosen to lead the team and galvanize support for the cause. He urged the group to work towards obtaining ratification by the governments and where possible getting the articles of the Convention translated into national legislations.

In response, Ms. Jacob highlighted the tremendous challenges ahead, and stated that labour movements were indeed the movements of the people and that power rested in the power of the people. However, along with power, there is responsibility. She also briefly identified the various steps:

- Secure the Convention and its accompanying Recommendation
- Work ahead to lobby governments to vote in favour of the Convention on 16 June

While the general impression given by the government seems to be supportive, she stressed the importance of engagement. As she needs to leave Geneva before the voting on 16 June because of family matters and that she will take up her new assignment with the Singapore government, she reminded everybody that we still need a strong voting group. She thanked everybody for feeding her with important information and tremendous support saying that her greatest satisfaction was that she could do her last piece of work. She concluded by saying that all of us have to be proud of our work and continue our work for domestic workers.

Following her speech, a number of her colleagues and domestic workers gave their farewell messages to Ms. Jacob.

On 15 June, the Executive body of the International Labour Conference formally accepted the report of the Domestic Workers Committee, sending it to a vote on 16 June.

On 16 June, the historic adoption of C189 happened with 396 against 16 and 63 abstentions. The Asian votes represent 24% of the total votes in favour of the Convention, and 5% total abstentions. Countries who abstained are Malaysia, Singapore and Thailand. Meanwhile, 32 countries in Asia voted in favour of the Convention. *See Box 2 for the list of Asian countries that voted for the Convention.*

Meanwhile its accompanying recommendation (Recommendation 201) got 434 against 8 and 42 abstentions.

See Annex 1 for the final record vote.

The Convention first and foremost address the concern that domestic workers are neither servants or family members but real workers who have the same basic labour rights just like workers generally. Through the Convention, domestic workers will now be able to enjoy the following rights :

- Right to collective bargaining and freedom of association (Art 3)
- Right to decent living conditions and right to privacy (Art 6)
- Right to be informed of their terms of employment (Art 7)

- Right to decide where to reside and keep in their possession their travel documents (Art 9)
- Right to 24 consecutive rest- hour (Art 10)
- Right to minimum wage (Art 11)
- Right to be protected against abusive recruitment agencies (Art 15)
- Article 16 on labour inspection
- Elimination of discrimination with respect to medical testing

For the full text of the Convention 189 and its Recommendation 201. See Annex 2.

On 17 June, the Conference concluded with a move toward a ‘new era for social justice’ as put forward by ILO Director-General Juan Somavia when he addressed the Closing Session of the Conference.

"I believe that future delegates will proudly look back and say: it was at the 100th ILC where the roots of a new era of social justice started to emerge," Mr. Somavia said. Where the dignity of domestic workers was upheld, when the new notion of a social protection floor took hold, when we were told once again by important world leaders that our voice, values and actions were needed for a more stable world."



Box 2. Asian countries that voted for a Convention

Asia and the Pacific

1. Australia
2. Bangladesh
3. Brunei
4. China
5. Republic of Korea
6. Fiji
7. Indonesia
8. India
9. Islamic Republic of Iran
10. Democratic People's of Lao
11. Maldives
12. Mongolia
13. Nepal
14. New Zealand
15. Pakistan
16. Papua New Guinea
17. Philippines
18. Sri Lanka
19. Vietnam

Arab States

20. Bahrain
21. United Arab Emirates
22. Jordan
23. Kuwait
24. Lebanon
25. Oman
26. Qatar
27. Saudi Arabia
28. Syrian Arab Republic
29. Yemen

Central Asia

30. Kazakhstan
31. Israel

MFA Advocacy Process at the ILC

Advocacy Strategy with governments

After each Committee Session, the delegation went on to do lobbying with their respective governments not only to support the Convention but also to explore possible ways of cooperation. The approach was one of engagement. MFA delegates approached their respective governments to talk about what transpired during the discussion, a process which provided a space for exchanges of perspectives and understanding each context. The delegates found creative ways of sending their message to their government and encourage them to speak.

The Philippine delegates provided the government representatives notes of the workers meetings and the points that they need to support or raise during the Committee session. SMS messages were also sent to them to the delegates to lobby for intervention.

The Indonesian representatives aside from the usual break out sessions, were also invited by the Indonesian government representatives for a dinner.

Delegates from Oman and Bahrain who are also expatriates in the said destination countries also had



William Gois and Ellene Sana talking with the Committee Chair, Hans Cacadac, during a Committee break

conversations with the Indian government representatives (including trade unions) to explore ways of possible collaboration in promoting the rights of Indian workers in Oman and Bahrain.

The other delegates had country caucuses together with other NGOs and domestic workers.

The dialogue with governments enabled the delegates to better understand the position of their governments especially when it comes to ratification. The network recognizes that there is still a long road ahead to ensure that the rights of domestic workers, now enshrined in the Convention must be protected and strengthened.

Most of the governments which the delegation lobbied on have expressed reservations regarding ratification due to lack of resources/mechanisms available in their countries, individual context and accountability for any violations. These conversations opened opportunities for follow-up work at the national level and frame its strategy accordingly.

The network recognizes that there is still a long road ahead to ensure that the rights of domestic workers, now enshrined in the Convention must be protected and strengthened.



Advocacy Strategy with the Workers Group

Prior to the Committee sessions, the workers also met twice from 9:00-10:30 and 02:30-03:30 P.M. to prepare its arguments on each article. After each meeting, a consensus was made which the workers spokesperson will present during the Committee sessions.

It was on these occasions that MFA delegates were given the opportunity to participate in the discussion and share its position on key issues that the text of the Convention should address. What was critical here was to make sure that provisions specific for migrant domestic workers are not sidelined in the discussion.

As with last year, MFA also submitted its proposals for amendments on the proposed text of the Convention particularly on the following issues: regulation of recruitment agencies, freedom of association and right to form unions, weekly rest day, portability of social security and the right to be informed of their terms of employment.

MFA's intervention emphasised the need for a strong rights-based Convention that would affirm the rights of both documented and undocumented domestic workers and recognise them as indispensable workers entitled to fair work, fair wages, and fair-treatment in accordance with the ILO Decent Work agenda. The intervention also stressed the need to recognise the specific nature of migrant domestic workers who face distinct obstacles from job discrimination in national laws to racial, social discrimination and the lack of diplomatic support from their states of origin in the midst of horrible

cases of abuse.

During the deliberations, the workers generally agree with the position taken by domestic workers' advocates, and where there are disagreements, they are secondary and tend to reflect quite particular situations. Ms. Jacob's leadership and adeptness on the issue contributed so much in arriving at a consensus within the group.

While the workers are generally supportive of the NGOs' position, aside from participating in the workers meetings, the delegation made it a point to talk to them during break sessions of the Committee. This is a way of maintaining the rapport and explores ways of working together on the ground. As Ms. Jacob said on her message, our work is not over yet it just started. We need to think about ratification and ensures enforcement.

The exercise was a learning experience for the delegation it gave them the opportunity to monitor and see the arguments made by the workers and better understands the varying stance of the workers. It also enabled them to have a better grasp of the nuances of perspectives of trade unions and NGOs on certain issues. It also gave them a better appreciation of looking at existing ILO standards that directly or indirectly address a certain issue on the Convention.

It also provided opportunity for the delegation especially those from the destination countries to establish partnership with trade unions from the origin countries to connect abused domestic workers in the country with sources of help back home.



Fr. Peter, Mehru, Padmini, Ellene and Sisi at the workers meeting



The MFA delegation with Ms. Halimah Jacob

Advocacy Strategy with domestic work groups and other social movements

To maintain the synergies developed with domestic workers groups and other social movements, the delegation constantly interacted with these groups. On 6 June, the delegation participated in a coordination meeting organized by the Global Network to share each other's feedback about the on-going deliberations, share strategies and how the groups can work together post ILC. One urgent task that the group agreed to work on was to lobby the governments not to support the Employers proposal to extend the number of ratifications and shorten the years of denunciation.

This strategy worked well and MFA was able to leverage its advocacy points for migrant domestic workers.



Media Work

In order to update its members and partners who were not there for the Conference, MFA provided regular updates and released statements highlighting important milestones that happened at the Conference. These included the opening sitting of the Committee, the adoption of the Committee on the proposed articles of the Convention, the adoption of the proposed provisions of the Recommendations and the adoption of the Convention by the Conference.

A press conference was also held on 9 June at the UN Press Room to spread the good news about the Convention and the next steps which the network need to work on to ensure that this Convention will have a life itself.



Maximizing Space at the 17th Human Rights Council (HRC) Sessions

Coinciding the 100th Session of the ILC was the 17th Human Rights Council Session, which started on 30 May-17 June. In order to maximize the opportunities available at the HRC, MFA alongside with other NGOs organised a number of side events in relation to domestic work.

The side events are effective forms of information sharing and discussion on issues that need deeper examination and in building solidarity with other human rights advocates in the world who are present in Geneva. The side events enabled the network to identify who are the other actors in the campaign who could drive the campaign forward.

The experience also provided opportunities for capacity building of members and partners on the ground; MFA tries to ensure their participation in the side events.

Through the side events, MFA was able to bring up issues, which will remain to be a challenge once the Convention is adopted which requires more collective thinking. Social security and organizing of domestic workers have been the recurring themes in all discussions.

The following were the side events which MFA co-organized.

Strengthening the Capacity of and Social Protection for Domestic Workers

Strengthening the Capacity of and Social Protection for Domestic Workers addressed complexities of organizing domestic workers to empower them and build their capacity for action. The discussion also focused on developing strategies to encourage ratification of the ILO Convention on Domestic Work. This side event was jointly organized by Catholic-inspired NGOs such as the International Catholic Center of Geneva (CCIG) and the German-Commission for Justice and Peace (GCJP) . This side event is the 3rd time where MFA cooperated with GCJP.

The side event provided opportunity for Catholic-inspired NGOs and domestic workers groups and networks to share its experiences on the IL Convention campaign, consolidate efforts and identify common strategies post ILC and towards ratification. A panel discussion on the challenges in the implementation and ratification of the Convention was also provided to enable the participants have a holistic and comprehensive strategy in approaching the campaign.

In terms of organizing work, two speakers who have rich experience working with local and migrant domestic workers shared how they organize domestic workers and the challenges they face. It was noted that while there are similarities in the organizing process, the approach largely depends on the context of the domestic workers and the country itself. There is no single strategy that fits all. The political and institutional infrastructures need to be considered.

With respect to migrant domestic workers, it looked at the distinct challenges facing migrant domestic workers. Several recurring themes arose:

- Institutional and cultural discrimination against migrant domestic workers is prevalent
- There are many lessons to take note of when organizing migrant domestic workers

- There must be local organizing and education about international legal frameworks.

The complementary debate in the plenary confirmed the position that domestic workers need to speak for themselves and the right to organize is the base to do so. Any support groups should not dominate the positioning of domestic workers.

With regard to the panel discussion on the challenges, all three speakers agreed that the road ahead is long and arduous. The battle does not just end after adoption. The next critical phase of the campaign is ratification and that we need to maintain the international momentum of the campaign, sustain the pressure to ratify the Convention and ensure that the Convention is converted in national legislation. We need to strengthen domestic workers organizations. With regard to migrant domestic workers, do we need to lobby for the ratification of the UN Migrant Workers Convention while simultaneously lobbying for the new ILO Convention?

Migrant Forum in Asia's William Gois on his talk about the global campaign for decent work and rights for domestic workers, he posed four challenging questions which need some pondering as we continue on with the campaign:

- What does it mean for those who are engaged?
- What does this mean in terms of struggle?
- What does this mean for women's struggle?
- What is the role of faith-based institutions?

The second day of the programme focused on drawing up a common strategy towards dissemination, ratification and implementation of the ILO Convention and the General Comment of CMW. The panellists shared their respective experiences on the campaign, its challenges and lessons learnt. Following the panel presentation, the group broke into two workshop groups to draw up national level plans as well as identify strategies to maintain the momentum at the international level.

Decent Work for Domestic Workers

Decent work for domestic workers centered around the discussion on social security for domestic



workers. It also highlighted the importance of using tools developed by both the HRC and the ILC and examining the potential impact of international agreements for the situation on the ground.

Speaking before the panel were representatives from NGOs, domestic workers groups, trade unions and the United Nations.

Fr. Peter O'Neill of the Hsinchu Catholic Diocese Migrants and Immigrants Service Center presented the situation of migrant domestic workers in Taiwan who are mostly women and are employed in the informal sector and remain to be outside of state social security arrangements. They have no healthcare, maternity benefits, sick leave provisions, unemployment insurance, occupational health and safety protections, disability insurance, old age benefits, minimum wage, etc. They are also disproportionately discriminated and repatriated when diagnosed with some ailments like Tuberculosis.

He pointed out the social security is a human right which is enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICESCR). As a human right, everyone should have access, including migrant domestic workers. They work hard, they contribute much, and they should be able to take advantage of these programs.

Fr. Peter called on governments to ensure that all migrant workers have unemployment protection where such benefits exist for local workers. He pointed out that if a national retirement scheme exists in the country where a migrant worker is employed, the employer should pay into the scheme and the fund should be portable. Upon completion of the contract the worker should be able to take the

money home with them, otherwise the money should be transferred into a retirement scheme in the worker's home country as in the case of EU where portability of social security is practiced. With the eventual adoption of the Convention, Fr. Peter hopes that countries will be able to implement and include domestic workers in the social protection that exist in their countries.

Marcelina Bautista from the Confederación de Latinoamérica y el Caribe de las Trabajadoras del Hogar (CONLACTRAHO) discussed about the situation of local domestic workers vis-a-vis- the role of the international instruments to strengthen domestic workers' rights and contribute to decent work.

Marcelina emphasized that domestic work goes largely unrecognized. She highlighted that in some contexts there are good laws that go unenforced. For domestic workers, time off is a problem, as is the fact that employers do not treat domestic workers with respect. Her organization is working towards finding ways to establish real work contracts, spelling out the rights and obligations of people employing domestic workers. They are also trying to ensure that the UDHR is applied. Domestic workers should not be excluded from the protection of laws that protect other workers. She is thankful that the international community has finally taken notice of the plight of domestic workers. She is hopefully that the Convention will free domestic workers from bad working conditions their and reclaim their dignity.

To strike a balance on the discourse, Elizabeth McGee from 'Hand-in-Hand', an American Employers Organization, also joined the panel.

Elizabeth is an employer who is working to sensitize those who employ domestic workers to the issues



they face, and to help them to see the advantages of a Convention on Domestic Work for employers.

Elizabeth talked about how employers benefit from international standards and why they should support the Convention. Employers benefit from an ethical approach because care needs will be better met when there is an ethical/fair relationship; they will be able to see higher standards of care and workers will be able to charge affordable rates for their services. This kind of relationship allows employers to keep a clear conscience by providing good jobs, honouring caregiving as an important occupation in a sector that has been traditionally undervalued because it is 'women's work'. Many American employers value those ideas, but there is no standard or transparency.

According to Elizabeth, a sound ILO Convention will serve as a basis for productive, efficient, and ethical working relations. The ILO Convention will create international standards and provide incentives to structure employment relationships that are appropriate for home-based workplaces, thereby contributing to the creation of more equitable societies.

Abdelhamid El Jamri, Special Rapporteur on the Migrant Workers Convention, spoke about the implications of the General Comment on Migrant Domestic Workers, which the Committee on Migrant Workers adopted at its 13th Session in December 2010.

The GC came out as a result of the discussion around the ILO Convention. The GC is a result of a series of consultations including a Day of General Discussion in October 2009.

Speaking broadly, Mr. El Jamri commented on the problem of recruitment practices and how workers are forced to accept conditions that go against what they had initially agreed to. In terms of social security, there are significant challenges for migrant workers to face upon return/reintegration when it comes to the transferability of social security provisions across borders – i.e. if the worker has contributed to a benefits system in their host country, there is no guarantee that they will be able to take advantage of those benefits once they are in their home country.

The GC addresses the above issues/concerns faced by migrant domestic workers prior to departure until they return to their respective countries. It also identifies the gaps both in terms of legal and practical in protecting migrant domestic workers. The last section of the GC presents the recommendations with an emphasis on strengthening the cooperation of sending, transit, and destination countries.

With respect to the potential impact of the Domestic Workers' Convention, this has been assessed with CSOs, UN, ILO, IOM, etc., all of which made significant contributions to the draft text and/or the debates. Mr. El Jamri reiterated that calling for the rights of migrant domestic workers is a win-win situation – it's good for employers and employees alike, and for countries of origin and of destination.

Barbro Budin from IUF talked about the key issues in the Convention related to social security and why we need to push for them. She also pointed out that social security and labour inspections are possible to be implemented. She supported her statement by sharing some of the good practices of Australia, Brazil, South African and Sweden where domestic

workers are included in the social security provisions in their labour legislation. In terms of labour inspections, she stressed the need to come up with creative and innovative ways of inspections.

During the open forum, the following issues surfaced which need further thinking and action.

- There do exist good practices in other countries that could be replicated; the Convention is therefore not impossible to implement
- Relegation of public duty to private sectors as the trend in providing social protection; we need to challenge this and demand for state protection
- Enhancing the visibility of domestic work is fundamental; assert an employee-employer relationship
- How do we enforce migrants' rights where the locals have no rights? There are countries in the world where there is no social protection for anyone.
- Ratification and Implementation of the Convention; the real battle starts in lobbying for ratification and ensure that the Convention is translated into national legislation.

SIT Side Event

SIT (Syndicat Interprofessionnel de travailleuses et travailleursside) event also addressed the issue on organizing domestic workers as one of the recurring issues in any debates on domestic work particularly on the matter of the Convention. The side event highlighted regional perspectives on organizing domestic workers both local and migrants'. Joining the panel were domestic workers from Central America and Europe and one NGO representative from Asia.

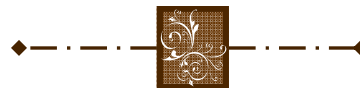
The discussions in this side event confirmed the realities and perspectives that were discussed in other side events. The workshop also highlighted some of the gains of domestic workers groups after years of unwavering campaign as in the case of New York where the state government passed domestic workers bill of rights last year and most recently the state of California. In India, domestic workers are

now included in some benefits schemes. In UK, after 20 years of struggle, migrant domestic workers are now freed from bonded labour and they were able to secure their rightful place in the society.

Organizing is one way to emancipate domestic workers from their invisibility and poor conditions. Domestic workers groups are capable of creating change if they are given the opportunity. Mutual support is a key factor that strengthens group cohesion.

Speakers also highlighted the need to work with trade unions as they represent the workers sector in the ILC debates. Existing partnerships should be further strengthened and efforts should be geared towards forming new ones.

Aside from the domestic work side events, MFA also participated in other forums organized by other organizations and the HRC which are linked to the issue and brought out the cross-sectionality of the advocacy and to collaborate with those engaged on the issues of trafficking, health, women and children and migration and development. *See Annex 3 for the reports of these side events.*



MFA ACHIEVEMENTS AT ILC AND BEYOND

The outcome of the ILC is indeed a significant milestone in the history of world of work today. For the network, we do not only celebrate the adoption of the Convention but the process itself is something worth commemorating. Aside from the Convention, the process resulted in two major achievements - ***empowerment of migrant domestic workers*** and ***the forging of an alliance with trade unions and domestic workers movement across the globe***.

As mentioned in the previous section of this report, the active participation of migrant domestic workers in the process has been an integral part of MFA's advocacy action. During the two-year intensive consultations, they have been centrally involved in the process and had to sacrifice their time in order to attend the preparatory meetings and conferences. Despite their limited mobility (because of legal restrictions) and administrative obstacles in securing their visas, they were able to surpass all these obstacles and meaningfully contributed to the success of the campaign. They have substantially contributed inputs on the discussion.

Migrant domestic workers are able to make the world recognize that domestic workers do not simply carry out the caring functions for which they are naturally and traditionally situated in and has finally come to refute all these stereotypes and announce to the world the significant contributions of women in the modern world of work today.

Migrant domestic workers who were part of the delegation were motivated to have a full grasp of the issue. The experience provided them the opportunity to make themselves visible and voice out their concerns.

Migrant domestic workers are able to appreciate the process and gained better understanding on how international standards could be used to protect their rights. There was also recognition that while domestic workers would like to assert their place in the debate, support from civil society is also necessary.

To this end, the empowerment and advocacy work done in this process will be intensified to ensure that migrant domestic workers are able to participate on matters that concerned them.

Another major milestone in this process which is very

important as we move towards the campaign for ratification and implementation of C189, is the alliance that was built with trade unions and domestic workers movement across the globe.

Despite of its observer status at the Conference, trade union partners and other allies were able to recognize the role of the MFA in the campaign. MFA hopes to build on its experiences and alliances with these sectors as it moves towards the next stage of the campaign which is the ratification process. This will be done through continued dialogues, information exchange and partnerships in the ratification campaign.

The experience also paved the way for a stronger network of contacts that each could establish links.

As the network moves towards ratification and implementation of C189, it will strive to make the international alliance that was built with ITUC, IDWN, Global Network and other groups that support the campaign work and ensure orchestrated efforts towards the achievement of its goals.

Some other gains include the following:

Growing recognition on the issue of the informal sector and decent work

The Conference generated huge awareness not only on the issue of domestic work but also on the plight of the modern informal sector which is a response to the rise of the neoliberal economic system which relies on the exploitation of low-skilled and marginalized workers for its survival. The experience has motivated the network to pay particular interest on the issue of migrant workers in the informal sector and to continue to bring visibility to this sector. It has taught us that legally empowering the informal sector is an important step in the journey towards asserting and affirming the rights of this sector.

Further, it has also helped us better understand what decent work is. It helped us reflect how far behind the principles of decent work as expressed in ILO standards are operationalised on the ground and therefore move towards structuring its programs and advocacies that demonstrate such principles.

Better understanding about the ILC process

At the end of the Conference, each member delegation had a clear understanding of what the Convention is for – that is equal treatment for domestic workers. Everybody recognized that the ILC is part of a process and not an end in itself. The technical process of the discussions enabled the delegation to understand ILO's dynamics and limitations for CSO participation and engagement. Despite these limitations, however, MFA found that the ILO's tripartite structure gives the institution a definite advantage over other UN and international agencies in that there is more space for participation not only at the international level but also at the national level. If CSOs, domestic workers and trade unions work together on the ground, there is a potential for greater involvement and participation in ILO debates concerning migrant domestic workers. In this respect, MFA feels that ILO can have a potentially larger impact on international labour migration policy than other UN bodies.

Effective exchanges and direct lobbying with governments

A number of the delegation especially those organizations from the destination countries that assist distressed migrant domestic workers were able to connect with their governments back home.

Said linkages will help the network especially its partners in dealing with the cases of migrant domestic workers which require immediate intervention from the state of origin.

Engagement with the GCC countries

The GCC region is one of the regions that employs migrant domestic workers. As such, the need to establish contacts is an imperative for an effective advocacy. MFA's ILC experience provided an opportunity for the network to meet and establish contacts with government officials from this region. The network's constant lobby work has contributed to the positive disposition of the GCC countries for supporting the Convention. It should be recalled that in the 2010 ILC, the GCC's position was only to support a Recommendation and therefore voted against the adoption of a Convention. The network has engaged the GCC countries in several occasions

prior to the ILC to explore the possibility of supporting the Convention. These engagements were done in the form of dialogues and maximizing opportunities during Regional Consultative Processes.

It also provided the needed new knowledge on the reforms that are currently in place in the region that seek to protect migrant domestic workers.

Effective Reflection of MFA's Four-Level Strategy

MFA's participation in the ILO Convention process has enabled the network to reflect on its four-level strategy which seeks to address not only individual concerns but also to build the collective capacity and actions of its member organizations and partners for them to effectively advocate for just policies for migrant workers and address the root causes of the problem and build alternatives that serve the best interest of migrant workers and their families.

MFA's participation in the ILC enabled the network to identify possible areas for advocacy at the national, regional and international levels. Hearing the deliberations and positions of the governments provided the delegation the opportunity to frame its advocacy points post ILC. The network recognised the need to consider the context of the country in lobbying for the ratification and implementation of the C189. Different tactics and strategies should be employed.

Post ILC, the network will follow-up on the commitments made by governments who have supported the adoption of the Convention. Advocates can also take off from the initial discussions they had with their respective governments on how to move forward with the ratification.

Capacity-building on International Lobbying

The experience also served as an exercise for the members and partners to enhance its advocacy at the international level. It also aided them in understanding how their work on the ground is linked with the international process. Competences in data gathering, documentation, analysis and reporting mechanisms can be built through the experience.

As such, members' representation in international programs such those under the UN and ILO processes will serve as an important area of work of the network. MFA Regional Secretariat and key network members will further improve its capacity-building programme on issues concerning the Convention and how to make ILO accessible to migrant domestic workers and other grassroots movements.



THE WAF FORWARD

The 2011 ILC is indeed a historic moment for all of us who have relentlessly campaigned for the rights and recognition of domestic workers as workers. The adoption of the Convention came as a result of intensive efforts and the collective voice of the trade unions, domestic workers and organizations, civil society organizations and other social movements.

After the adoption of C189, the next battle is to promote wide ratification and implementation of the Convention to ensure that domestic workers' rights, now enshrined in the Convention, are promoted, protected and upheld. Advocates need to look at the different dimensions of the campaign: political, technical and social. The task ahead is enormous. The struggle continues. Much work remains to be done to ensure that the Convention is translated into reality.

Ratification is a formal procedure whereby a state accepts the Convention as a legally binding instrument and affirms the standards set forth in the Convention. It is a process that begins with a decision to consider ratifying the Convention. According to the ILO's procedures, the Convention will enter into force after two countries have ratified it. Once a country ratifies the Convention, it agrees to implement the Convention and report to the ILO at regular intervals on the status of their implementation. Given that ratifying a Convention subjects a State to international scrutiny, States may decide not to ratify or to delay ratification. In Asia,

only the Philippines has committed to take steps to ratify the Convention. Destination countries such as those of the GCC, Japan, Korea, China and Israel, while having voted for the adoption of the Convention, have not expressed interest in ratifying the Convention.

Cognizant of the enormous challenges of promoting ratification of C189, trade unions, civil society organizations, domestic workers and social movements, came together in Manila on 24-26 October to collectively discuss how to drive the ratification campaign in the region. The Conference was the first regional convening activity that was organized following the June ILC. The Conference was made possible through the orchestrated efforts of Global Network, the International Domestic Workers Network, International Trade Unions Confederation (ITUC), International Trade Unions Confederation-Asia Pacific (ITUC-AP), International Labour Organization, and Migrant Forum in Asia.

More than 140 participants from over 20 countries across Asia and the Pacific, the Arab States and Europe participated in the Conference. Also in attendance were representatives from the Philippine government who came to express their solidarity and to share the government's initiatives to ratify C189. The Philippines has already certified the ratification of C189 as an urgent legislative action for the Senate, the main legislative body that is in charge of the





ratification.

In the course of the 2 ½ day-convening, participants reflected on what happened at the June ILC, familiarized themselves with both the ILO's and country-level technical ratification processes, examined existing legislations and good practices of some countries that have initiated policy reforms to protect domestic workers, shared international experiences on ratification, and developed and adopted a common action plan laying the foundation for joint advocacy at the national and regional levels. *See Annex 4 for the Common Action Plan.*

Understanding of the technical and political dimensions of the ratification process was emphasized during the discussion. As an immediate task, participants were reminded to submit proposals to their governments. For those members that ratified C144 (tripartite consultation), it is the obligation of governments to engage in tripartite consultation on the proposals they will make for submission to the Governing Board of the ILO. Government and trade unions are in the position to influence the type of submissions. Governments need to make a submission within one year after the closing of the ILC session. It was emphasized that early ratification is necessary so that the convention will come into force after the ratification of two states within the next two years. Governments with existing legal protection for domestic workers should still be encouraged to ratify. Ratifying a Convention is tantamount to affirming international standards on matters pertaining to global conditions.

In terms of tools and strategies, networking, leveraging and advocacy were emphasized. Specific areas of focus were identified:

Building the core capacity advocates and domestic workers in understanding C189.

There is a need to build the core capacity of the domestic workers and advocates in order to sustain the process. Advocates should have a common understanding of the legal interpretation of the elements provided in the Convention. Running a ratification campaign requires understanding of the breadth and depth of the issue, as governments need to be convinced that they should commit their countries to become State Parties to the Convention. Advocates need to help governments understand why it is in their best interests to ratify the new Convention. The advocates have constantly been involved in the campaign, we need to reinvent ourselves and develop new strategies for lobbying. It is important that advocates and domestic workers continually engage in various activities to hone their skills in doing lobby work with all target sectors.

Use of research and promotion of knowledge-sharing.

Advocates must be conscious of using evidence-based data on their advocacy. It is important that advocates are aware of the situation of the country, and aware of the facts concerning domestic workers. Advocates should keep a domestic workers' database. Best practices among countries that have legislations for domestic workers and difficulties of countries to address issues of domestic workers should be shared.

Awareness of the legal and policy environment to guide advocates for advocating policy reforms and to send a message that ratification is possible. Even before the talks on C189 took place, a number of destination countries have already introduced policy reforms to protect domestic workers. Advocates should be aware of these countries, as they could be used as entry points for lobbying. The existence of these legislations signals the political will to affirm and implement the standards stipulated in the Convention.

It also opens an opportunity for advocates to continue to lobby for effective enforcement of existing national laws that have provisions for domestic workers. This also means awareness of if there are contradicting laws that governments need to align with the provisions of C189.



Building and strengthening cross-constituency alliances. Participants recognized that the landmark adoption of C189 was a result of cooperation of various sectors advocating for the rights of domestic workers. It is therefore imperative to continue the synergies that have been developed in the campaign in order to sustain the international momentum that was achieved leading up to the Convention. Alliances among trade unions, domestic workers, and civil society organizations were emphasized.

Promote international cooperation to maximize lobbying efforts and to create an international bandwagon. While intensive work needs to be done at the national level,

participants recognized the need to do parallel advocacy at the international level and that the best way to do this is to promote international cooperation among groups across the globe.

Awareness of the technical as well as the political processes involved in the ratification. This includes identifying the political actors and the key decision-makers. These key actors include: domestic workers and organizations, trade unions, civil society organizations, employers organizations, employers of domestic workers, and government legislators.

Dissemination of C189 and raising people's consciousness about the issue. In order to amass support, the need to popularize C189 was emphasized. This could be done through production of advocacy materials and organizing



public actions. Advocacy materials provide the necessary visibility for the campaign. These materials may include production and dissemination of solidarity statements. Advocates were encouraged to come up with advocacy materials such as logo, flyers, posters, and use of social networking sites. Public actions could be in the form of press conferences, rallies, forums and signature campaign.

Monitor and assess results of the campaign necessary to make improvements of the plan. Monitoring and assessing the results of the campaign would enable advocates to identify what worked and what did not, identify gaps and how these will be addressed in order to improve campaign.

At the end of the Conference, participants adopted ITUC's '12 in 12' campaign, targeting 12 ratifications in 2012 and the organization of 12,000 domestic workers and strengthening 12 trade unions of domestic workers. An alliance was forged between MFA and the rest of the lead networks such as the IDWN, Global Network and ITUC to continue the coordination and to complement each other's activities.

A statement was also drawn up calling on Asian governments to ratify the Convention and implement its standards, in particular to the Philippine government to uphold its commitment to be the first country to ratify the Convention and set in motion the passage of the 'Kasambahay' Bill (domestic workers bill). The Statement also calls for reform and alignment of existing legislation to confirm with C189, using Recommendation 201 as its guide.

See Annex 5 for the Statement.

The Conference affirmed that domestic workers should be placed at the heart of the campaign. We must work to support and strengthen their organizations, organize them, and provide them space to represent themselves.

Freedom of association and collective bargaining should be an integral part of the campaign. One of the rights guaranteed in the Convention is the right of domestic workers to form associations. It is through forming associations and unions that domestic workers will be able to exercise their right to social dialogue, which is one way to empower domestic workers.

Organizing requires concrete technical cooperation assistance to develop meaningful strategies to ensure that domestic workers' rights to freedom of association and collective bargaining are effectively exercised. We need to create formal avenues by which domestic workers can to participate in the decision-making processes at various levels. Given a chance, domestic workers can take control of their lives.

Trade unions are to extend membership to domestic workers. Resources should be put into grassroots domestic workers organizations that have direct contact in the field. The campaign should go beyond ratification; efforts should be directed towards recognition of domestic workers as workers. It was

emphasized that even prior to the talks of C189, across Asia, there were already existing campaigns spearheaded by domestic workers social movements that need to be continued and strengthened.

MFA and the task ahead

Building on MFA's broader campaign for the recognition of domestic work as work, MFA's task will not only focus on the ratification of C189 but on raising the consciousness of the need for social change that will make meaningful improvements in the lives of domestic workers. Our ultimate goal is to ensure that the valuable contributions of domestic workers to society are recognized and that they benefit from the Convention and enjoy equal treatment and rights at work, just like all other workers. To do this, efforts will also be directed to looking at the social dimension of the issue with gender-equality as a cross-cutting objective.

MFA understands that achieving these goals will not be an easy task, because we need to challenge a society that refuses to acknowledge and value domestic work as decent work. This also means challenging people's mindsets that domestic work is tantamount to slavery. Further emphasis should be placed on the fact that domestic workers are predominantly women, and this also means challenging the long-standing stereotypes and inequalities that work against women in this workforce. The network recognizes that having a legal framework alone will not change the conditions of domestic workers; it should be accompanied by efforts to sensitize people to the fact that domestic work is decent work, that domestic workers have the same human and labour rights that are accorded to formal workers, and that providing protection for domestic workers is possible.

For the MFA network, the work continues at the national, regional and international levels. We recognize that many challenges lie ahead to ensure that these rights are upheld, protected, and defended. We will utilize our strengths and collective thinking to be able to create a groundswell movement, which will be instrumental in creating social change and the recognition of domestic work as decent work.

Specific to the ratification and implementation of C189, the network adopts the action plan set forth in the Manila Post-ILC Regional Conference, working collaboratively with the alliance that was formed in Manila and other social movements and human rights advocates that the network has been closely working with (e.g. Human Rights Watch, World Solidarity Movement, Asian Migrant Domestic Workers Alliance (ADWA), Justice and Peace Commission, CCIIG, ICMC and RESPECT Europe Network). MFA will strengthen and build the capacities of its members, continue to build bridges connecting local and national organizations to international advocacies, and create spaces for cooperation at different levels of advocacy.

At the regional level, the following spaces could be utilized: ASEAN, ASEAN Forum on Labour Migration, SAARC, Inter-Ministerial Meeting (Colombo Process) and the ASEAN Inter-Parliamentarian Assembly (AIPA).

At the international level, the GFMD would be one of these spaces. At the 2010 GFMD, the governments specifically requested active follow-up on this issue. To continue the discussion on domestic work, the Swiss Government, Chair of the 2011 GFMD, has included the global care economy as one of the sub-themes. In order to maximize the presence of domestic workers movements, trade unions and CSOs attending the GFMD as the parallel CSO-led People's Global Action on Migration, Development and Human Rights (PGA), a workshop on C189 will be organized by MFA in collaboration with Justice and Peace Commission, IDWN, Global Network, ITUC, ADWA and RESPECT Europe Network on 2 December at Maisons des Associations. The workshop aims to provide a space to present the Manila Conference to an international audience and to share regional updates and discuss what could be done collectively at the global level, building from results of regional initiatives following the June 2011 ILC.

In the first quarter of 2012, a follow-up regional conference will be held in Manila to keep up the pressure for the ratification of C189 and to continually reflect on our strategies, especially on achieving change in people's mindsets to recognize domestic work as decent work. Target participants will be from those countries with active church-related organizations.

Thematic trainings and workshops on the different elements of C189, such as collective bargaining, organizing migrant domestic workers, social security and labour inspection are also being planned as part of building the core capacity of its members and partners.

In addition to the above, CSO-TU collaboration at the national, regional and international levels will be further strengthened to advance domestic workers' labour rights.

The road ahead of us is still long and requires the same level of energy and commitment that we put into getting an ILO Convention. Our work has just started. We need to continue to make a critical assessment of what we do and, most importantly, of what we are not doing to enable us to respond effectively to the challenges and create transformative effects on the ground.

Domestic Work is Work! Domestic Workers are Workers! Domestic Work is Not Slavery!



ANNEXES

Annex 1



Conférence internationale du Travail - 100e session, Genève, 2011
International Labour Conference - 100th Session, Geneva 2011
Conferencia Internacional del Trabajo - 100a reunión, Ginebra, 2011

Vote final par appel nominal sur l'adoption de la convention concernant le travail décent pour les travailleuses et travailleurs domestiques, 2011

Final record vote on the adoption of the Convention concerning decent work for domestic workers, 2011

Votación nominal final sobre la adopción del convenio sobre el trabajo decente para las trabajadoras y los trabajadores domésticos, 2011

Pour/For/En Pro: 396

Contre/Against/En contra: 16

Abstentions/Abstentions/Abstenciones: 63

Quorum: 297

Maj./May.: 275

Pour/For/En Pro: 396

Afrique du Sud/South Africa/Sudáfrica

NDEBELE, Mr (G)
KETTLEDAS, Mr (G)
MDWABA, Mr (E)
NTSHALINTSHALI, Mr(T/W)

Algérie/Algeria/Argelia

ZAIDI, M. (G)
SIDI SAID, M.(T/W)

Allemagne/Germany/Alemania

GUENTHER, Mr (G)
BUIAC, Ms (G)
KÜHL, Ms(T/W)

Angola

LUSSOKE, M. (G)
DOS SANTOS, Mme (G)
ROSA NZAU, M. (E)
CARVALHO FRANCISCO, Mme(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita

AL HOQUBANI, Mr (G)
ALYAHYA, Mr (G)
RADHWAN, Mr(T/W)

Argentine/Argentina

RIAL, Sra. (G)
DUMONT, Sr. (G)
MARTÍNEZ, Sr.(T/W)

Australie/Australia

VINES, Mr (G)
MDCONOUGH, Ms (G)
KEARNEY, Ms(T/W)

Autriche/Austria

BUCZOLICH, Mr (G)
DEMBSHER, Ms (G)
BÖGNER, Ms(T/W)

Bahamas

BUTLER-TURNER, Ms (G)
BROWN, Mr (G)
GODET, Ms (E)
SWAN, Mr(T/W)

Bahreïn/Bahrain/Bahrein

AL DOSERI, Mr (G)
SHEHAB, Ms (G)
SAYED SALMAN, Mr(T/W)

Bangladesh

ALAM, Mr (G)
NORE-ALAM, Mr (G)
UDDIN, Mr(T/W)

Barbade/Barbados

COX, Mr (G)
BURNETT, Mr (G)
WALCOTT, Mr (E)
TROTMAN, Mr(T/W)

Bélarus/Belarus/Belarus

KHVOSTOV, Mr (G)
POPOV, Mr (G)
GALYNIA, Mr(T/W)

Belgique/Belgium/Bélgica

PIETTE, M. (G)
VANDAMME, M. (G)
DA COSTA, M. (E)
CORTEBEECK, M.(T/W)

Bénin/Benin

AHISSOU, M. (G)
TOSSAVI, M. (G)
LOKOSSOU, M.(T/W)

Bolivie, Etat plurinational/Bolivia, Plurinational State/Bolivia, Estado Plurinacional

NAVARRO LIANOS, Sra. (G)
LOPEZ GARCIA, Sr. (G)
CARRASCO QUINTANA, Sr. (E)
MONTES GONZÁLEZ, Sr.(T/W)

Botswana

SEEMULE, Ms (G)
SENNANYANA, Ms (G)
MACHAILO-ELLIS, Ms (E)
KETITSENG, Mr(T/W)

Brésil/Brazil/Brasil

LUPI, Sr. (G)
FARANI AZEVÉDO, Sra. (G)
LISBOA, Sr.(T/W)

Brunei Darussalam/Brunei Darussalam

NORAMALI, Ms (G)

Bulgarie/Bulgaria

GANEV, Mr (G)
TCHOLASHKA, Ms (G)
TODOROVA, Ms (E)
DIMITROV, Mr(T/W)

Burkina Faso

KYENDREBEOGO-NAMA, Mme (G)
SAWADOGO, M. (G)
KABORE, M.(T/W)

Cameroun/Cameroon/Camerún

NGANTCHA, M. (G)
AKOLLA EKAH, M. (G)
ABEGA, M. (E)
ZAMBO AMOUGOU, M.(T/W)

Canada/Canadá

YOUNG, Ms (G)
ROBINSON, Ms (G)
ROY-CHOUDHURY, Ms (E)
GINGRAS, Ms(T/W)

Chili/Chile

OYARCE, Sr. (G)
SILVA, Sr. (G)
SAN MARTÍN, Sra.(T/W)

Chine/China

GAO, Mr (G)
WANG, Mr (G)
LIU, Ms (E)
JIANG, Mr(T/W)

Chypre/Cyprus/Chipre

ANDREOU PANAYIOTOU, Ms (G)
SPATHI, Ms (G)

Colombie/Colombia

MENDOZA, Sra. (G)
SANTA MARÍA, Sr. (G)
GÓMEZ, Sr.(T/W)

Congo

ITÓUA YOCKA, M. (G)
MOKOUABEKA, M. (G)
ITSOUA, M.(T/W)

République de Corée/Republic of Korea/República de Corea

KIM, Mr (G)
PARK, Mr (G)
LEE, Mr(T/W)

Costa Rica

GAMBOA, Sra. (G)
DENGGO, Sr. (G)
AGUILAR, Sr.(T/W)

Croatie/Croatia/Croacia

PENIĆ-IVANKO, Ms (G)
ŠOBOTA, Ms(T/W)

Cuba

MARTIN, Sr. (G)
ROMÁN, Sra. (G)
MESA, Sr. (E)
NAVARRO, Sr.(T/W)

Danemark/Denmark/Dinamarca

RASMUSSEN, Mr (G)
LORENTZEN, Mr (G)
OHRT, Mr(T/W)

République dominicaine/Dominican Republic/República Dominicana

DE LA CRUZ, Sra. (G)
HERNÁNDEZ, Sr. (G)

Egypte/Egypt/Egipto

EL MÉSILAWY, Mr (G)

El Salvador

ZALDAÑA HERNANDEZ, Sra.(T/W)

Emirats arabes unis/United Arab Emirates/Emiratos Árabes Unidos

FAKHFAKH, Mr (G)
BIN DEEMAS, Mr (G)
AL MARZOOQI, Mr(T/W)

Equateur/Ecuador

MONTALVO, Sr. (G)
MORALES, Sr. (G)
SERRANO, Sr.(T/W)

Erythrée/Eritrea

WOLDEYOHANNES, Mr (G)
WOLDEYESUS, Ms (G)
BAIRE, Mr(T/W)

Espagne/Spain/España

MONTESINO, Sr. (G)
RODRÍGUEZ-TARDUCHY DÍEZ, Sra. (G)
FERRER DUFOL, Sr. (E)
BONMATI PORTILLO, Sr.(T/W)

Estonie/Estonia

PROOS, Ms (G)
KAADU, Mr (G)
TAMMELEHT, Ms(T/W)

Etats-Unis/United States/Estados Unidos

SHEPARD, Mr (G)
SHAILOR, Ms (G)
FOX, Ms(T/W)

Ethiopie/Ethiopia/Etiopía

FOLLO, Mr(T/W)

Fidji/Fiji

PRYDE, Mr (G)
SERULAGILAGI, Ms (G)

Finlande/Finland/Finlandia

LAHELMA, Mr (G)
KANGASPERKO, Ms (G)
LEHTO-KOMULAINEN, Ms(T/W)

France/Francia

DE ROBIEN, M. (G)
BOISNEL, M. (G)
JULIEN, M. (E)
SCHLACTER, Mme(T/W)

Gabon/Gabón

MILINGUI KASSA, Mme (G)
AWASSI ATSIMADJA, Mme (E)
ALLINI, M.(T/W)

Ghana

DZAH, Ms (G)
HAGAN, Ms (G)
FRIMPONG, Mr (E)
ASAMOA, Mr(T/W)

Grèce/Greece/Grecia

CHRYSANTHOU, Mme (G)
PAPADATOS, M. (G)
VAYAS, M. (E)
PSAROGIANNI, Mme(T/W)

Guatemala

CHÁVEZ BIETTI, Sra. (G)
MARTÍNEZ, Sr. (G)

Guinée/Guinea

DOUMBOUYA, M. (G)
BARRY, Mme (G)
SAVANE, M. (E)
DIALLO, Mme(T/W)

Honduras

BENNATON REGALADO, Sra. (G)
FLORES BERMUDEZ, Sr. (G)
LARA, Sr.(T/W)

Hongrie/Hungary/Hungria

GÁTOS, Ms (G)
PELEI, Ms (G)
GASKÓ, Mr(T/W)

Inde/India

CHATURVEDI, Mr (G)
RAI, Mr(T/W)

Indonésie/Indonesia

WITJAKSONO, Mr (G)
RUMONDANG, Ms (G)
SULISTRI, Ms(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán

CIGARCHI, Mr (G)
SHAHMIR, Mr (G)
OTAREDIAN, Mr (E)
YARAHMADIAN, Mr(T/W)

Irlande/Ireland/Irlanda

MC MAHON, Ms (G)
CURRAN, Mr (G)
DUNNE, Mr (E)
LYNCH, Ms(T/W)

Islande/Iceland/Islandia

STEFANSSON, Mr (G)
NORDDAHL, Mr(T/W)

Israël/Israel

AMRANI, Mr (G)
LANGER, Ms (G)

Annex 2

TEXT OF THE CONVENTION CONCERNING DECENT WORK FOR DOMESTIC WORKERS

Taken from International Labour Organization's Provisional Record 15A

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination

against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

Adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Article 1

For the purpose of this Convention:

- (a) the term "domestic work" means work performed in or for a household or households;
- (b) the term "domestic worker" means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

The Convention applies to all domestic workers.

A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.

Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

Article 4

Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;

- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Article 8

National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.

The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.

Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

Article 9

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;
- (b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

Article 10

Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual

leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

Weekly rest shall be at least 24 consecutive hours.

Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

Article 13

Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 14

Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 15

To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

- (a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
- (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
- (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
- (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
- (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 16

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

Article 17

Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.

Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.

In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

Article 18

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers' and workers' organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 19

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 22

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 23

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.

When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

Article 25

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.

TEXT OF THE RECOMMENDATION CONCERNING DECENT WORK FOR DOMESTIC WORKERS

Taken from International Labour Organization's Provisional Record 15B

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Domestic Workers Convention, 2011;

adopts this day of June of the year two thousand and eleven the following Recommendation, which may be cited as the Domestic Workers Recommendation, 2011.

The provisions of this Recommendation supplement those of the Domestic Workers Convention, 2011 ("the Convention"), and should be considered in conjunction with them.

2. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their own choosing and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;
- b) give consideration to taking or supporting measures to strengthen the capacity of workers' and employers' organizations, organizations representing domestic workers and those of employers of domestic workers, to promote effectively the interests of their members, provided that at all times the independence and autonomy, within the law, of such organizations are protected.

3. In taking measures for the elimination of discrimination in respect of employment and occupation, Members should, consistent with international labour standards, among other things

- (a) make sure that arrangements for work-related medical testing respect the principle of the confidentiality of personal data and the privacy of domestic workers, and are consistent with the ILO code of practice " Protection of workers' personal data" (1997), and other relevant international data protection standards;
- (b) prevent any discrimination related to such testing; and
- (c) ensure that no domestic worker is required to undertake HIV or pregnancy testing, or to disclose HIV or pregnancy status.

4. Members giving consideration to medical testing for domestic workers should consider:

- (a) making public health information available to members of the households and domestic workers on the primary health and disease concerns that give rise to any needs for medical testing in each national context;
- (b) making information available to members of the households and domestic workers on voluntary medical testing, medical treatment, and good health and hygiene practices, consistent with public health initiatives for the community generally; and
- (c) distributing information on best practices for work-related medical testing, appropriately adapted to reflect the special nature of domestic work.

5. (1) Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

(2) When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- (b) prohibiting night)
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and

6. (1) Members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment.

(2) Further to the particulars listed in Article 7 of the Convention,

the terms and conditions of employment should also include:

- (a) a job description;
- (b) sick leave and, if applicable, any other personal leave;
- (c) the rate of pay or compensation for overtime and standby consistent with Article 10(3) of the Convention;
- (d) any other payments to which the domestic worker is entitled;
- (e) any payments in kind and their monetary value;
- (f) details of any accommodation provided; and
- (g) any authorized deductions from the worker's remuneration.

(3) Members should consider establishing a model contract of employment for domestic work, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

(4) The model contract should at all times be made available free of charge to domestic workers, employers, representative organizations and the general public

7. Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

- a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;
- (b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate; and
- c) establishing programmes for the relocation from the household and rehabilitation of domestic workers subjected to abuse, harassment and violence, including the provision of temporary accommodation and health care.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

8. (1) Hours of work, including overtime and periods of standby consistent with Article 10(3) of the Convention, should be accurately recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

9. (1) With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the

disposal of the household in order to respond to possible calls (standby or on-call periods), Members, to the extent determined by national laws, regulations or collective agreements, should regulate:

- (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;
- (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by standby; and
- (c) the rate at which standby hours should be remunerated.

(2) With regard to domestic workers whose normal duties are performed at night, and taking into account the constraints of night work, Members should consider measures comparable to those specified in subparagraph 9(1).

10. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

11. (1) Weekly rest should be at least 24 consecutive hours.

2) The fixed day of weekly rest should be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

(3) Where national laws, regulations or collective agreements provide for weekly rest to be accumulated over a period longer than seven days for workers generally, such a period should not exceed 14 days for domestic workers.

12. National laws, regulations or collective agreements should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

13. Time spent by domestic workers accompanying the household members on holiday should not be counted as part of their paid annual leave.

14. When provision is made for the payment in kind of a limited proportion of remuneration, Members should consider:

- (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the remuneration necessary for the maintenance of domestic workers and their families;
- (b) calculating the monetary value of payments in kind by reference to objective criteria such as market value, cost price or prices fixed by public authorities, as appropriate;

- (c) limiting payments in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation;
- (d) ensuring that, when a domestic worker is required to live in accommodation provided by the household, no deduction may be made from the remuneration with respect to that accommodation, unless otherwise agreed to by the worker; and
- (e) ensuring that items directly related to the performance of domestic work, such as uniforms, tools or protective equipment, and their cleaning and maintenance, are not considered as payment in kind and their cost is not deducted from the remuneration of the domestic worker.

15. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

16. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.

17. When provided, accommodation and food should include, taking into account national conditions, the following:

- (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
- (b) access to suitable sanitary facilities, shared or private;
- (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
- (d) meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

18. In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

19. Members, in consultation with the most representative

organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, should take measures, such as to:

- (a) protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace;
- (b) provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of occupational safety and health laws and regulations;
- (c) establish procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries;
- (d) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
- (e) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

20. (1) Members should consider, in accordance with national laws and regulations, means to facilitate the payment of social security contributions, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

(2) Members should consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements.

(3) The monetary value of payments in kind should be duly considered for social security purposes, including in respect of the contribution by the employers and the entitlements of the domestic workers.

21. (1) Members should consider additional measures to ensure the effective protection of domestic workers and, in particular, migrant domestic workers, such as:

- a) establishing a national hotline with interpretation services for domestic workers who need assistance;
- (b) consistent with Article 17 of the Convention, providing for a system of pre-placement visits to households in which migrant

- domestic workers are to be employed;
- (c) developing a network of emergency housing;
 - (d) raising employers' awareness of their obligations by providing information on good practices in the employment of domestic workers, employment and immigration law obligations regarding migrant domestic workers, enforcement arrangements and sanctions in cases of violation, and assistance services available to domestic workers and their employers;
 - (e) securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and
 - (f) providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.

22. Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.

23. Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188).

24. In so far as compatible with national law and practice concerning respect for privacy, Members may consider conditions under which labour inspectors or other officials entrusted with enforcing provisions applicable to domestic work should be allowed to enter the premises in which the work is carried out.

25. (1) Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities;
- (b) address the work-life balance needs of domestic workers; and
- (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

(2) Members should, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices to effectively collect data necessary to support effective policy-making regarding domestic work.

26. (1) Members should consider cooperating with each other to ensure the effective application of the Domestic Workers Convention, 2011, and this Recommendation, to migrant domestic workers.

(2) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, the dissemination of good practices and the collection of statistics on domestic work.

(3) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

(4) In the context of diplomatic immunity, Members should consider:

- (a) adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights; and
- b) cooperating with each other at bilateral, regional and multilateral levels to address and prevent abusive practices towards domestic workers

Annex 3

Meeting with the Office of the High Commissioner on Human Rights (OHCHR)

The delegation had a meeting with the OHCHR with a view towards co-operation on a training module being developed by the OHCHR for migrant workers. This meeting was very relevant in MFA's work around advocacy and capacity building program where one of its core activities is to organize human rights trainings for migrants advocates and other actors that are involved on the issue of migrant worker. Annually, MFA works with the Diplomacy Training program in organizing migrants' rights training program. MFA hopes to pilot test the module in this year's DTP, which will be held sometime this year.

The training modules are targeted at OHCHR staff, other UN personnel, persons working in governments, and staff of national human rights institutions, NGOs and of course migrant workers. The primary aim of these modules is to enable the organization to construct a (practical) plan of action.

The interaction with the Office provided an opportunity for the network to give critic the modules and provide some suggestions on how to improve it. Some of the suggestions were the following: highlight gender dimension, victim-focused justice system (view migrants as victims not criminals), safemigration and human trafficking within borders, reintegration and mixed migration.

The module will be made available hopefully by the end of the year.

Affirming Women's Sexual and Reproductive Rights

Affirming Women's Sexual and Reproductive Rights was organized by the Asia Pacific Forum on Women, Law and Development (APWLD) in partnership with International Women's Rights Action Watch (IWRAP) Asia Pacific to discuss Women's Sexual and Reproductive Rights. Specifically, it sought to draw the attention of the participants on the multiple forms of violence, discrimination, inequalities and injustices faced by women and their root causes in relation to their sexual and reproductive rights and to inform participants of the fundamental human rights framework in understanding intersecting nature of the right to sexual and reproductive health and sexual and reproductive rights and to develop contextualized language and elements of state obligation to be considered by the Human Rights Council and Treaty Bodies in their standard setting function as well as by other relevant bodies in their interpretation of international standards.

To address the objectives above, the panellists highlighted the issues affecting the ability of marginalized groups to fully realize their sexual and reproductive health rights. No major/new points emerged from the discussion, the same issues surfaced which are as follows:

- Lack of information available to women when it comes to their reproductive and sexual health (lack of sex education in schools, unwillingness of parents and teachers to talk about sex)
- Lack of access to health care systems
- Stigma associated with raising these issues; cultural barriers
- Inequality at the family level; gender inequality and culturalization of inequality between women and men
- Criminalization of 'unnatural sex' e.g. sex work

While these issues linger for sometime already, the speaker from Bangladesh would like to draw attention on the cultural barriers which become entrenched and naturalized in our society. While empowerment is the key to improving this situation, it was noted that it is very difficult for NGOs to empower without imposing a degree of

cultural imperialism – it must come from within these communities if it is to be a lasting change, and it seems that the best NGOs can do to be effective is to support grassroots empowerment.

Advocates should exercise greater appreciation of the international instruments. Conventions are necessary, as they oblige states to take proactive steps to change this situation, and not just through legislation. The knowledge that there is such a codified right is very important for community empowerment; it gives these individuals a right to claim. A human rights approach is helpful because such an approach sets out minimum obligations for states, namely to ensure nondiscrimination, and to ensure the progressive realization of provisions.

This side event was particularly helpful in familiarizing international instruments related to women which could also be used in advancing the rights of women migrants like migrant domestic workers.

Deported without justice: Barriers to trafficked persons accessing remedies

Deported without Justice highlighted the situation of trafficked persons in accessing remedies and explore measures that should be taken at the national and international level. Three experts from UN bodies and two from the NGOs addressed the side event.

Ms. Youla Haddadin from the OHCHR shared about the rights-based approach to realizing the right to remedy. She pointed out that the right to remedy is a fundamental human right and violation of that right is tantamount to the violation of a basic human right. The right to remedy should not be limited to compensation alone. It should be aimed at empowering the victim in order to provide the guarantees for non repetition. The international framework should be imbibed at a national level. Further it is not enough to have good legislation without good procedures for implementation. She emphasized that this right should be available to non-citizens as well.

John Gee from Transient Workers Count Too spoke about Singapore's view on trafficked persons as an obstacle to trafficked persons accessing remedies. The Singapore government has not ratified Palermo Protocol or does its definition of trafficked persons as defined in the Palermo Protocol or the Anti-Trafficking Protocol which contains a comprehensive definition of trafficking that acknowledges the role of non-physical coercion and also of deception in many which is certainly the vast majority of people trafficked (according to the Palermo Protocol's terms) to Singapore.

John gave some examples of trafficked persons whom the Singapore government do not recognize as 'victims' therefore denying them of their right to seek remedy. Without this change of understanding/definition of trafficked persons, it is not possible to overcome the hurdles of trafficking.

Sr. Gitanjali Senapati of the Franciscans International, India talked about the situation of trafficked girls in Khandamal, Orissa and how weak the judicial system in Orissa is and the lack of action on the part of the government. Communal violence is widespread and due to the lack of retribution trafficking prospers and minors and adolescent girls are the most affected. She appealed to the international community for support.

Maria Bances Del Rey of the UNCHR talked about the work of the UNCHR and the challenges they face in protecting trafficked persons. These challenges include: (1) Identification of victims, (2) Presently there is no correlation between asylum seekers and victims of trafficking and (3) Lack of access to asylum procedures.

Joy Ezeilo, SR on Trafficking spoke about the Right to Effective Remedy for Trafficked Persons and shared about her recent report on Human Rights had received a lot of support and acceptability from the Governments. She felt that the urgent need for UNHCR was in the area of capacity building, and reiterated the right to effective remedy based on the 5 P's, 3 R's and 3 C's.

The challenges, however, remain in the areas of legal reforms at the national level, and measures for implementation within the official framework. While governments are aware of fundamental human rights there is a need to find remedies for injustices and an obligation to investigate. Joy gave some points for consideration, which the participants should be looking at. She concluded her presentation with the statement, "Where there is a wrong, there must be a remedy."

Participating in the side event provided the MFA delegation especially those directly involved on trafficking some new insights about the issue. Participants learned that the Right to Remedy is a basic human right and violation of this right is the violation of a basic human right. The right to remedy should not be limited to compensation. It is aimed at empowering the victim in order to provide the guarantees for non-repetition.

Migrants Hurt in Transit: Confronting Kidnapping & Sexual Assault

Migrants Hurt in Transit: Confronting Kidnapping and Sexual Assault was a side event organized by the International Catholic Migration Commission in an attempt to highlight the issue of kidnapping and sexual assault of migrants heading north to the U.S. of which numbers of cases are skyrocketing. Speakers from Ethiopia and the US were invited to share their experience on the issue. Recommendations on how to combat the problem were also drawn up.

In Ethiopia, African migrants trapped in the Sinai desert of Egypt encountered. They face brutality from border security forces, detention as well as tremendous exploitation from smuggler networks and traffickers groups. The recent revolution in Egypt has led to a skyrocketing of smuggling and organ trafficking. A well-organized network is operational, and migrants pay huge amounts to agents. Some were arrested by Egyptian authorities and detained in prisons in Egypt, and many die due to hunger. Those whose families cannot pay the ransom, offer their organs in exchange, or are killed. Migrant captives are held in metal containers or underground bunkers and face torture and abuse. Women take contraceptive injections since they are continually raped while being held hostage, and forced into hard labour.

Peter Splinter on the other hand showed the realities of migrant workers through a video documentary entitled "The Invisibles", which depicted Mexican migrant worker centers, and through real life interviews, highlighted the trials faced by migrants, including the new element of kidnapping for ransom. He opened his address with a statement that migration as an activity involved more than one country in dealing with the abuses encountered by migrants. It was therefore important that there is cooperation between countries of origin (risks, networks), transit (kidnapping, exploiters, and access to justice) and destination.

At the end of the side event, the following points of convergence surfaced:

- There is a need to recognize and examine the new dimension of kidnapping and sexual assault as an added dimension of migration.
- Transnational crime needs a transnational response. There is really a need for national and transnational responses to combat this issue, especially cooperation among the countries of origin, transit and destination.
- Need for greater focus for protection of victims and not just enforcement of punishment and incarceration. Protection, not just enforcement of law (arrest and deportation) for victims and especially identification of the victim.
- Need to investigate the root causes of migration, proper investigation at the community level should be done.
- Work on root causes of problems one by one, rather than merely addressing the issue.
- Better global governance of migration, through an honest and humane approach, bearing in mind the ethics of shared responsibility.

The situation of children rights and their future in Cambodia

The side event was organized by the NGO Convention on the Rights of the Child (NGO CRC) parallel to the report of the Cambodian government to the Committee on the Rights of the Children on its compliance to the UN Convention on the Rights of the Children.

The event started with a video presentation capturing the situation of the Cambodian children in Cambodia who are street children, garbage collectors, brick workers and child prostitutes. Invited panelists spoke on the following areas:

- International instruments that protect children, which the government of Cambodia must adhere to
- Problems faced by Cambodian children in the Cambodia-Thai border.
- Relevance of preparing a Shadow/Alternative Report
- UN CRC reporting mechanism and opportunities for NGO participation
- Poor law enforcement was the common issue raised during the discussion.

Clustered Interactive Dialogue on the SR Health and SR on Trafficking

Two special procedure mandate holders, Mr. Anand Grover the SR on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Dr. Joy Ngozi Ezeilo the SR on trafficking in person especially women and children presented their reports in a clustered Interactive Dialogue (ID) which was chaired by Human Rights Council President, Mr. Sihasak Phuangketkeow. The following modalities were observed:

- Introductory presentation by each mandate holder
- States members of the council, observer states and other observers were to raise their nameplates to be listed by the podium
- Speaking time for state members of the council was 5 minutes, 3 minutes for observer states and the observers including National Human Rights Institutions (NHRIs) and NGOs with 20 minutes.

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental Health

Two special procedure mandate holders, Mr. Anand Grover the SR on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Dr. Joy Ngozi Ezeilo the SR on trafficking in person especially women and children presented their reports in a clustered Interactive Dialogue (ID) which was chaired by Human Rights Council President, Mr. Sihasak Phuangketkeow.

The SR on Health presented his activities to the council, which included site visits to Guatemala, Syrian Arab Republic, and Ghana. The general thrust of his presentation was to highlight the relationship between the framework of the right to health and development.

For a proper Right to Health Framework, he indicated that human rights must be situated at the center of program strategies; inclusion of a right to health approach must be implemented methodically.

His thematic report to the HRC was a convergence between development and right to health approach in which the right to health framework can add value to development of policies and programs. He also said that the human rights-based approach requires that each stage of development programming the goals, processes and outcomes of development be informed by human rights.

He concluded his thematic report saying it is important that states take steps to ensure that the right to health framework is integrated into health related programming and to ensure that the information to right to health framework. Including the right to transparency, accountability and the participation of the individuals and communities in decision-making that has the bearing of their health is disseminated and its use promoted in development related areas.

Special Rapporteur, on trafficking in person especially women and children.

Dr.Joy Ngozi Ezeilo thematic report to the HRC was based on the communication sent to member states and three reports on her country visit to Argentina, Egypt and Uruguay and two previous consultations in 2010. She has been advocating for the importance of the 5ps (protection, prosecution, prevention, punishment, promotion of international cooperation and partnership), 3Rs (Redress, recovery and reintegration) and 3Cs (Capacity, cooperation and coordination) as fundamental guiding principles in developing and implementing measures aimed at combating trafficking in persons and protecting and promoting the human rights of trafficked persons.

Her annual thematic report focuses on the right to an effective remedy for trafficked persons which entails the 3Rs.She said that in the exercise of her mandate that adequate remedies are often out of reach for trafficked persons, despite the human rights violations they suffered. She said that while the right to an effective remedy is a well-established norm under international law, there remains a wide gap in practice between the law and its implementation in trafficked persons. Trafficked persons are rarely known to have received compensation, as they do not have access to information, legal assistance or any other assistance necessary to seek compensation. Worst, trafficked persons are wrongly identified as irregular migrants, detained and deported before they have an opportunity to even consider seeking remedies.

Her report also highlighted some forms of remedies, which are currently being adopted such as restitution and compensation. She also highlighted obstacles in accessing remedies.

She especially highlighted the need for special consideration of children in seeking remedies and should be guided by the principles of the UN CRC.

Her report also provided some recommendations to states in guaranteeing the enjoyment of the right to an effective remedy by trafficked persons. Furthermore as a strategy to enhance access to compensation, states should provide on an unconditional basis, trafficked persons with access to information, free legal assistance, and regular residence status for the duration of proceedings of any legal proceedings and other assistance they may require.

Her conclusions & Recommendations were to draft basic principles of rights to effective remedy for trafficked persons. The basic principles do not contain new norms of human rights, but highlight the existing HR norms to be taken into consideration for trafficked persons and looked forward to feedback and comments.

***The Arab Protest Movements –
Bahrain and Yemen in Focus***

The recent events in the Arab world have presented an unprecedented challenge to migrant sending states, and have demonstrated that much needs to be done with respect to the protection and promotion of migrant rights in the region. Given its implication on our advocacy work, MFA sent a delegation to the side event organized by CIVICUS: World Alliance for Citizen Participation, the Cairo Institute for Human Rights Studies, Human Rights Watch and FIDH entitled ‘The Arab Protest Movements—Bahrain and Yemen in Focus.

‘The Arab Protest Movements—Bahrain and Yemen in Focus provided a focused discussion civil society and

protest movements in Yemen and Bahrain within the context of a global clampdown on civil society and what needs to be done by the international community to address this issue.

The side event emphasized the silence of the international community particularly the Human Rights Council on the on-going violence in Yemen and Bahrain. Civil society organizations attending the side event condemned the passive treatment of the international community and expressed dismay with the UN HRC policy on certain threshold needs before the Council should act on the situation.

Peaceful demonstrations are met with repression. Hundreds have been killed and there is a widespread crackdown on civil society, human rights defenders and the media in the country. Human rights activists have been targeted by death threats and their reputations sullied in the international media to reduce their credibility.

Migrant workers are also significantly affected. Violence on expatriates is also rising.

The prospect for resolution in Yemen is a remote possibility considering that President Saleh refused to leave in power. Peaceful means have been ignored completely and now it has becoming an armed- conflict. The conflict will not stop until Saleh step down. Rapid response and action by the international community is required.

Bahraini people, on the other hand, appeal to the international community to at least make a statement and put economic pressure on the government. Unfortunately the opposite is happening.

CSOs stressed that what is happening in Yemen and Bahrain is already extreme and therefore warrants the attention of the UN body. CSOs demand that the Council to exert political pressure to reverse the repression and end the violence in these two countries.

Global Forum on Migration and Development (GFMD)

On 8 June, the International Catholic Migration Commission (ICMC) organized a side event on the Global Forum on Migration and Development (GFMD) to provide updates on the status of the preparations for the Civil Society Days (CSD) which ICMC is tasked to organize the event. Providing the updates were Shabari Nair (ICMC), John Bingham (ICMC) and Colin Rajah (NNIRR).

The GFMD is a permanent intergovernmental forum where international discourse on migration policy, its relationship to development and the position of migrants' rights are crafted. It brings together senior policymakers from around the world to exchange experiences, identify best practices, and foster interstate cooperation in leveraging migration for the benefit of development. This year's GFMD will be hosted by Switzerland with a theme "Taking action on migration and development – coherence, capacity, and cooperation". The focus will build on the contents and key outcomes of previous GFMD meetings.

The purpose of the side event is to share the status of the preparations for the CSD and GFMD. In terms of the number of delegates, the number will be a bit smaller compared to the previous. The number had to be cut to have a more focused discussion. In the 2010 CSD, there were endless plenaries resulting to surfing on issues. While the number of CSO delegates will be cut, CSOs will also have a space for inter-regional processes that will be related to the event by the end of the year. These inter-regional processes will have series of smaller, focused thematic meetings and action oriented meetings around the world.

The three main thematic clusters are: 1) labour mobility and development. 2) irregular migration; and 3) tools .

The organization of the CSD this year will take into account its link on the People's Global Action (PGA) on Migration, Development and Human Rights and how to maximize these two processes and unify them.

The PGA is an independent civil society event and process organized in conjunction with the GFMD. It presents an alternative model to dialogue and tackle issues on migration and development often not highlighted in the official GFMD process, bringing together key sectors of civil society from around the world in an inclusive, transparent and autonomous form of participation and specially aiming to enhance the participation of migrants, migrant-support organizations, unions, academics, development NGOs and networks.

When the UN High Level Dialogue on Migration (HLD) and Development was convened in 2006 in New York, civil society participation was restricted. The UN HLD led to the creation of a Global Forum to continue the dialogue on migration and development which is now called GFMD. It was on the second meeting of the GFMD in Manila that the civil society parallel event, yet again organized by MRI and MFA, took on the name Peoples' Global Action for Migration, Development and Human Rights, or simply PGA. The PGA is an alternative model for dialogue, a space for advocacy and capacity-building and a symbol of solidarity and collaboration. The event is more public; it is a process reflected in its structure. Participating organizations takes on self-organized events and processes. Human rights

An International Working Group (IWG) was established to work in terms of conceiving overall format of the PGA, fundraise for the event and works closely with the local organizing committee. This year the IWG will now be formalized into Global Civil Society Coalition on Migration.

This year's PGA will coincide with the CSD and GFMD which will be held on 29 November-2 December. The theme will be undocumented and irregularization.

The PGA complements what the CSD does. The CSD on one hand affirms the recognition accorded to the PGA and the engagement needed.

Annex 4

COUNTRY-LEVEL RATIFICATION PLAN Post-ILC Regional Conference, 24-26 October 2011 Manila, Philippines

Region/Country	Action Plan
East Asia	
Hongkong	<ol style="list-style-type: none"> 1. Build Core Capacity of leaders: CMR will organize a leaders' training on C189; FADWU will organize another round of training for its leaders. The first training was done in July. 2. Produce flyers and posters on C189 ASAP in different languages to be distributed to members and to the public. These material s will be jointly published by FADWU, APL, CMR 3. Monitor HK government's position on C189. 4. Review and assess C189 vis-à-vis HK Labour Law. Identify the gaps, now in the process. 5. Strengthen DW unions and expand membership. 6. Build alliances with other networks, such as religious groups and women groups 7. Prepare a joint petition (between CMR, APL, FADWU) for China and HK during the May Day 8. Collect statistic of DWs in HK 9. Organize a Public Forum in March 2012 10. Enlist Political Advocates 11. Consulate/Embassy hopping
China	<ol style="list-style-type: none"> 1. Build core capacity of domestic workers and advocates 2. Continuous education for domestic workers 3. Flyer for employers and domestic workers – comic format, 4. Collect statistics of domestic workers 5. Conduct a survey to understand more the situation of local domestic in the cities of Shanghai and Guangzhou Organize DW union before Jan 2012. 6. Assess the best employer and best DW in order to promote the status of DW in China, so as to request the protection of DW. <p>Organize seminar on domestic workers' rights</p>
Taiwan	<ol style="list-style-type: none"> 1. Taiwan is not a member of ILO. However, civil society will continue to campaign to amend the contents of the domestic work bill/act – e.g. ensure day off per week, overtime pay, working/rest hours, etc. 2. Organize a public rally on Dec 11 in celebration of the International Migrants Day. The call is to demand for the inclusion of domestic workers under the protection of the national law. Domestic workers are currently excluded from the national labour law. 3. Conduct nation-wide signature campaign for the workers to sign and give to sending governments. As Church-based NGO- educate fellows on DW rights 4. Media work to publicize issues faced by migrant DWs
Mongolia	<ol style="list-style-type: none"> 1. Domestic work is a new issue in Mongolia. Government does not seem to know or care about the issue. 2. CHRD will coordinate with trade unions and explore possibility of organizing a meeting with ILO Mongolia 3. CHRD will also gather info about the issue; will start almost from scratch;

Region/Country	Action Plan
East Asia	
South Korea	<ol style="list-style-type: none"> 1. Civil society petitioned government to take action on ratification; but government said it needs more time, and so far has not done much – actions included press conference, support letters, etc. 2. Trade unions and civil society will continue to lobby politicians to revise law on social security protection; conducting research/survey; we will continue action until the government listen to us 3. Keep training for members to understand C189 4. Organize big rally and signature campaign in 2012 to sustain pressure to Korean Government 5. Continue lobbying for the amendments of the labour to cover domestic workers 6. Will meet up with politicians to lobby in November 7. Conduct a survey on DWs' problems and then release in a Forum in November. 8. Organize a general meeting with all DW unions leaders in January 2012 to discuss the plan forward.
Southeast Asia	
Cambodia	<p>Goal 1: Increase public awareness on C 189 and recommendation 201. Build the capacity of key stakeholders on C:189—How to organize a domestic workers union, current situation of relevant laws and policies and situation of domestic workers</p> <ul style="list-style-type: none"> • Translate C:189 and Re 201 into Khmer language and distribute to trade unions, CSOs, government offices, domestic workers and UN and donor agencies and recruitment agencies. • Organize radio shows and TV talk shows talk, press conference on 18 December 2011 • Online campaign (face book) <p>Develop IEC material</p> <p>Goal 2: Mobilize Trade Unions, CSOs and Domestic Workers</p> <ul style="list-style-type: none"> • Establish domestic workers working group in Cambodia by engaging trade unions, domestic workers and CSOs to advocate for the ratification of C189 • Identify key stakeholders (trade unions, CSOs, domestic workers and others) • Approach the key stakeholders (lobby them to be in the working group) • Organize a consultative meeting (develop strategic plan for campaigning) <p>Goal 3: Promote a political agenda for the ratification C:189</p> <ul style="list-style-type: none"> • Build the capacity of key stakeholders on C:189- How to organize a domestic workers union, current situation of relevant laws and policies and situation of domestic workers • More actions • Issue statements/petition letters to the government and parliament to push for the ratification of C:189 (Human Rights Day, Migration Day, Women's Rights Day and May Day)

Region/Country	Action Plan
Southeast Asia	
Cambodia	<ul style="list-style-type: none"> • Meet with the government (MOLVT), parliamentarians, CAMFEBA and ACCRA • Advocacy through the media <p>Goal 4: Advocacy through data</p> <ul style="list-style-type: none"> • Conduct research on the situation of domestic workers in Cambodia, and on law and policy reform • Consultative meeting with key stakeholders • Launch of the publication <p>Submit the report to key stakeholders and development partners</p>
Indonesia	<ol style="list-style-type: none"> 1. Consultation meetings to advocate for C189 2. Solidarity statements, petitions, press conferences on IWD, Migrants Day, etc. 3. Produce advocacy materials 4. Capacity building for DW groups 5. Conduct research on situation of DW 6. Networking - Lobby to intervene & involve: 7. Informal Meeting 8. Consultation on standard setting & mechanism of decent work – ILO Convention 189 9. Integrate C189 into DW National Law and Migrant Workers National Law and MOU between origin country and destination country 10. Series of Roundtable Discussions with members of parliament especially the key policy maker 11. Advocacy for Budgeting for Capacity building 12. Calling solidarity statement, petition signatures, supporting action 13. Citizen Law Suit for Ratification and National Law 14. National Conference and Local Seminar at 5 districts 15. Mobilize alliance 16. Mass Media Campaign Sending: Press Release: News Activities, Statement, News of Cases: Dead penalty in Arab Saudi , Malaysia 17. Sending videos pictures About Activities, Case, Message, Advocacy. 18. Public mobilizations such as rallies, press conferences and send petitions for the following international dates: International DW Day – 16 June, Human Right Day – 10 December, Womens Day – 8 March, May Day – 1 May, Migrants Day – 18 December, National Domestic Workers Day 19. Periodic Consultation Meeting: meeting 20. Calling - Mobilize supporting for advocacy – supporting, pressure 21. Capacity Building for DW organizations: Training on DW organizations/unions: organizing DW, unionize DW, leadership, advocacy for decent work on DW, Workshop DW organizing 22. Capacity Building for G Officers Labor attaché
Malaysia	<ol style="list-style-type: none"> 1. Nov and Dec 2011 – Distribute flyers – create mass public awareness on C189. 2. Dec 2011 – Advocacy and lobby Minister of Human resources via a strong letter – demand that domestic workers be given protection as per C189. 3. Jan 2012 – Submit a memorandum to Prime Minister to amend legislation to include dws into the Employment Act. 4. Feb 2012 – Public Campaign - Combine effort by NGOs , Bar Council – Amend contents of the Employment Act for domestic workers protection.

Region/Country	Action Plan
Southeast Asia	
Philippines	<ol style="list-style-type: none"> 1. Building core capacity <ul style="list-style-type: none"> • Trainers' Training on C189 (in depth analysis of C189) - (participants of this conference and those giving PDOS/PEOS) • 12 training sessions/ 12 core trainers/ 12 speakers • Target to be conducted 12 days from now • Know the country situation • Tripartite Consultation to be initiated by the DOLE (November 3, 2011) • DOMWORK research by DOLE • Continuing Gap analysis (laws and implementation) and consultations • Mobilize Trade Unions and Workers Organizations 2. National Launch, coinciding with International Launch of the 12-12 campaign in 12-18 3. Support/Strengthen Domestic Workers Organizations 4. 3rd Domestic Workers Summit (November 9 to 11) 5. Training on International Labor Standards/Negotiations for Domestic Workers 6. Build Alliances 7. Sustain TWG activities 8. Tap regional conference participants (at least 12 organizations) 9. Orientation with barangay officials on C189 (at least 12 LGUs) 10. Enlist Political Advocates 11. Reproduction of IEC materials (existing materials) – ILO primer to be translated in major languages (12 languages at most) 12. 12 posters and other IEC materials 13. Putting up of IEC materials (posters, flyers, etc.) to bus terminals and other strategic places in local dialect (in at least 12 urban centers) 14. Signature Campaign addressed to the Senators and the President (with at least 12,000 signatures) 15. Media exposure for public awareness (target 12 radio stations/ 12 TV programs/ 12 news websites) 16. Organize 12 days of Christmas for Domestic Workers (mobile Christmas caroling) 17. Promote a political agenda/Processes Towards Immediate Ratification (target: JUNE) 18. Technical Executive committee (TEC) to convene for the Philippine 19. Delegation to the ILC to feedback 20. Before December/early November for the TIPC to schedule a meeting in preparation for a meeting with the President by January
Singapore	<ol style="list-style-type: none"> 1. On Dec 18, HOME will make Press release related to C189. It will stay on HOME website (IFN will spread its through facebook) 2. 4 Dec 2011, HOME is invited by Ministry of Manpower to contribute in Foreign Domestic Workers day, and HOME will perform a drama with theme C189 to send the message to DW that now we have convention for DW, distribute flier and poster (which we collected from MFA)in the booth that MOM provide for us. 3. 11 Dec, TWC2 held International Migrant Day celebration and will insert about C189 and the ILC in 1 of its program. 4. 18 DEC (IMD), HOME will organize a feast for migrant workers. Representatives from relevant government offices such as the Ministry of Manpower and Halimah Jacob will be invited.

Region/Country	Action Plan
Southeast Asia	
Singapore	<p>5. 18 Dec (IMD), Migrant Voices Singapore plan to have a program to raise public awareness about C189 on its IMD celebration.</p> <p>6. IFN will support the campaign by HOME, TWC2 and migrant Voices through Facebook page.</p> <p>7. Shadow reports to UN on CEDAW to exert more pressure to the Singaporean government to ratify C189. This is part of the HOME strategies on lobbying the government.</p>
Thailand	<p>Internal</p> <ol style="list-style-type: none"> 1. Monthly meeting of core activists – on short term plan, migrant issues, update information and legislations, group savings, increasing members 2. Training of trainers 1 time and these trainers will have to provide trainings to other domestic workers 3. Core activists (including migrant workers activist) special meeting on drafting organisation's regulations or constitution, structure, member dues and prepare to elect formal committee 4. National meeting 1 time to adopt drafted regulations or constitution and election <p>External</p> <ol style="list-style-type: none"> 1. Building Alliances with informal workers in other sectors, Thai trade unions including Thai Labour Solidarity Committee, migrant workers organizations and NGOs, women NGOs (Meetings, actions on IWD and May Day, Migrant Day, Decent Work) 2. Meeting with labour officials and related government officials and discuss about legislation (Prior the adoption of C189 in June, there is a drafted regulation on rest day, minimum wage, public holidays for domestic workers in Thailand. The public hearing was held and agree with the draft. Now it is still pending for enactment. So we will have to continue follow up about the progress and keep pushing.) 3. Meeting with the senate members on labour. 4. Public awareness on the May Day celebration and International Women's Day. 5. Strengthen network of domestic workers through meetings and capacity building 6. Submit letters to the government 7. Organize national conference for domestic workers
India	<ol style="list-style-type: none"> 1. A delegation will meet with the Central Labour Minister to submit a joint memorandum 2. Organize public sensitivity, CSO, media, legislators and parliamentarians 3. Capacity building training for the trade union leaders, CSOs, CBOs, domestic workers and media personnel 4. Include the demand for the ratification of the convention in the demands day observed on 8th November 5. Frame a joint appeal to the ministry of labour from this assembly 6. Individual appeals to ministry of Labour from different organization 7. Translate the Convention in all local languages: NDWM 8. Capacity building of the domestic worker leaders: INTUC in Karnataka, HMS in UP, Maharashtra, Kerala and others Tamil Nadu, SEWA in Delhi, MP and Kerala and NDWM in several states 9. Sensitization of Media: CIMS will be the responsible organization

Region/Country	Action Plan
South Asia	
India	<p>9. Appeal to political parties to support the ratification- from our organisational headquarter by Dec. first week</p> <p>10. Appeal to the NAC – from our Organisational headquarters by Dec. First week</p> <p>11. Sensitization of the MPs – signature</p> <p>12. Campaign, postcard campaign,</p> <p>13. National level Convention of the ITUC and other partners to raise the issue of data, legislation and ratification: Thamban Thomas by December</p> <p>14. Regional Office of ILO in India to develop a training and capacity building</p> <p>15. National programme for social partners and domestic workers</p> <p>** From this conference, the participants have sent a letter to the Indian Labour Minister to speed up ratification</p>
Nepal	<p>1. Strengthen and Capacity Building</p> <ul style="list-style-type: none"> Organize domestic worker (National domestic workers will organize and strengthen by TUs and migrant domestic worker will organize by civil society organizations in partnership with TUs) Mass awareness raising on C 189 at local and national level Mass rallies, signature campaign, street plays during different national and international days (16 days of activism, migrant campaign months and others) Strengthen capacity (training) of domestic workers and domestic worker's organizations Team building and leadership development training Conceptual clarity training on DW and C189 Lobby and advocacy skill development training Conceptual clarity workshop/training for advocates from TUs, lawyer and civil societies representatives Workshop on C189 for media persons Workshop for government officials including Ministry of Labour and Transportation representative Interactive discussion with parliamentarian <p>2. Country situation</p> <ul style="list-style-type: none"> Review existing data in collaboration with MoLT, TUs, Census office, Department of Labour and civil societies Prepared national DW factsheet, print and disseminate Analyze existing laws, policies and practices in national level related to DW <p>3. Mobilize TUs and Worker organization for ratification campaign</p> <ul style="list-style-type: none"> Build a campaign network among DW organizations, TUs, MFA members and other likeminded organizations in the lead of TUs <p>4. Support DW organizations</p> <ul style="list-style-type: none"> Support to build linkage, network and partnership with national and international level Campaign to include DW information in pre departure orientation

Region/Country	Action Plan
South Asia	
Nepal	<p>5. Building alliance</p> <ul style="list-style-type: none"> • Build alliance among TUs, MFA members, Media, ILO, other likeminded organizations, workers organizations, lawyers, academicians, women rights organizations, National Human Rights Commission, National Women Commission, regional and international networks, • Organize national consultation for alliance building process • Develop joint plan of action for ratification of DW 189 <p>6. Enlist political advocates</p> <ul style="list-style-type: none"> • Parliamentary committee on labour and finance, Parliamentary committee on women, Parliamentary committee on fundamental committee, Parliamentary committee on human rights and foreign affairs, • Women caucus in parliament • Members of parliament • Political leaders, leader of sister organization of political parties <p>7. Political agenda for ratification process</p> <ul style="list-style-type: none"> • Meeting and plan sharing with ILO • Regular meeting and follow up dialogues with Ministry of Labour, Ministry of Law, Ministry of women, Office of Prime Minister, parliamentarians <p>8. Broaden dialogue</p> <ul style="list-style-type: none"> • Dialogue with Employer group, line Ministry, private sector, political leaders, • Raise issue in national and international forum
Pakistan	<p>1. Campaign for ratification is part of broader labour rights movement; specific and comprehensive advocacy plan in terms of collaboration among organisations and in persuading government is still being awaited</p> <p>2. Press conferences and consultations.</p> <p>3. Towards Introduction, Ratification and implementation of C189- November 2011-October 2012</p> <ul style="list-style-type: none"> • Sharing November -December 2011 • 2 articles in Labour "Education Newsletter" • Sharing of Salient features of C189 with affiliated trade unions • Discussion about the idea of forming a trade unions committee/ alliance to promote C 189 <p>4. Organization of DW November 2011 –June 2012</p> <p>5. Linkages will be developed in 3 provinces: 3 groups of DW will be formed in Karachi, Lahore and Mardan. These linkages will be developed with ongoing workers rights movement</p> <p>6. Training of DW groups- July 2012-October 2012</p> <ul style="list-style-type: none"> • Three trainings for three groups on the subjects of ILO standards especially C 189, Importance, Trade unionism, ways to create demand for ratification through advocacy including mobilization <p>Note: Staff and selected trade union members will also need a training regarding technical aspects of the convention e.g. reporting and implementation mechanism of ILO</p>

Region/Country	Action Plan
South Asia	
Sri Lanka	<ol style="list-style-type: none"> 1. Share the action plan with the resident representatives of ILO & INGOs 2. Create mass awareness on C189 3. Lobby parliamentarians, the Ministry of Labour, local government members, trade unions, civil society, media and other stakeholders 4. Lobby members of national labor advisory councils 5. Strengthen trade unions, civil society to raise their collective voice 6. Dialogue among SAARC trade unions to influence their government to adopt common terms and conditions on decent for DWs working in other countries (e.g. Middle East); build strong relations and cooperation between labour-origin and destination country trade unions 7. Influence government of SAARC countries (as labor origin countries) to have common policies on DW. 8. Formations of coordination body with the participation of ITUC, Global Network, MSC, Affiliates in SL- Mid of Nov.2011 9. Organizing advocacy meeting with the TUs, CSOs, migrant workers associations, and local domestic workers associations (3rd week of November 11) 10. Propagate and distribute C189 during the Violence Against Women Day (November 25, 2011) 11. Meeting with Ministers of Labour and foreign employment, promotion and welfare and authority. (1st week of December 2011) 12. Collect data on domestic work 13. Organize and promot poster campaign. 14. Joint Demonstration regarding '12 by 12' campaign, December 18, 2011 15. Press conference during the 1st week of January 2012 16. Awareness campaign on C189, plight of DW (November –December 2012) 17. Meeting with National Labour Advisory Council. 18. Organise dialogue with cabinet ministers parliamentarians, members of provincial Councils and Local Governments (2nd week of February 2012.)
West Asia	
Bahrain	<ol style="list-style-type: none"> 1. Media awareness for general public regarding C 189 2. Reporting violations against domestic workers to different Government authorities & using C189 to ask for protection 3. Building core capacities within the organization to educate members on protection mechanisms available in C189 4. Partnering with the local trade unions for support and awareness raising. 5. Networking with NGOs and INGOs. <p>Propagating C189 at Workshops and conferences</p>

Region/Country	Action Plan
West Asia	
Israel	<ol style="list-style-type: none"> 1. Media coverage 2. Raise awareness in public, parliament 3. Collaborate with Human Rights organizations and Trade Unions in Israel and outside 4. Awareness among migrant domestic workers. 5. Publish in journals of migrant groups. <p>Meeting employer organizations for support for C 189</p>
Jordan	<ol style="list-style-type: none"> 1. Media campaigns 2. Meetings and negotiating with the tripartite committee 3. Meetings with the trade unions + NGOs to work more towards C 189 ratification
Kuwait	<ol style="list-style-type: none"> 1. Workshops for government, workers, employers, NGOs 2. meetings between Kuwait trade union federation and the government <p>Media campaigns</p>
Lebanon	<ol style="list-style-type: none"> 1. Caritas Lebanon Migrant Center Advocacy plan: 2. Training for employers, recruitment agencies and migrant workers. 3. Awareness raising programmes for Lebanese public (schools, parishes, mosque...), and domestic workers 4. Media campaigns 5. Produce and distribute of flyers; place posters in public places 6. Include C 189 in Pre-departure training 7. Organize public events: Dec 4, with African community, Dec 18 with all migrant communities in Lebanon 8. Meetings and negotiations with Lebanese government, Ministry of labour/interior/GS/MOSA, judges, MOJ, General prosecutors, Parliament Chief, PM, ISF and NGOs and INGOs and Recruitment agencies and workers community leaders. 9. Establish platform to negotiate for Migrant worker rights 10. Workshops for judges and General prosecutors 11. Participation in parliamentary Rights Commission. 12. Training for general security and ISF officers. <p>***In September 2011 CLMC launched 'Post arrival' project at the airport with MOI, Directorate of General Security including trainings for general security officers working at the airport on all conventions esp C 189. Inclusion of C 189 in linguistics guide and booklets of rights and responsibilities and leaflets to be distributed at airport.</p>
Oman	<ol style="list-style-type: none"> 1. Building awareness of C189 among the Linguistic Wings of the ISC 2. Enhancing core capacities through in house training 3. Media support. 4. Co-ordination with Omani Govt representative who attended Geneva Convention 5. Partnership with NGOs and INGOs

Annex 5

**2011 Asia Regional Conference: “Advocacy towards the Ratification and Implementation of ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers”
October 26, 2011, Manila, Philippines**

CONFERENCE STATEMENT

We are more than 140 participants representing organizations from more than 20 countries and territories, including 35 national trade unions, 5 domestic workers’ organizations and 20 civil society organizations from the International Trade Union Confederation-Asia Pacific (ITUC-A/P), International Domestic Workers Network (IDWN), Global Network-Asia, and Migrant Forum in Asia (MFA). We convened the ***Asian Regional Conference on “Advocacy towards the Ratification and Implementation of ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers”*** on October 24-26, 2011 in Manila, Philippines—the first ever such regional gathering since the historic 100th session of the International Labour Conference in June 2011 in Geneva. We express our appreciation for the support of the International Labour Organization (ILO) in making this conference possible. We are here to continue our joint efforts in ensuring decent work for domestic workers, which began in Hong Kong in 2008 and 2009, in Jakarta in 2010, in Manila after the 2010 ILC, and in Singapore before the 2011 ILC.

We came together to celebrate our victory as an alliance of trade unions, domestic workers’ organizations, migrant organizations, and civil society groups in working collaboratively and pushing for the adoption of ILO Convention 189 on Decent Work for Domestic Workers (C189) at the 100th session of the ILC. The historic adoption of this new Convention and its supplementary Recommendation 201 (R201) culminated the long struggle and sacrifice of various domestic workers’ groups, trade unions, and civil society advocates. C189 is the first international treaty that recognizes the need to protect the human and labor rights of ALL domestic workers.

However, for the Convention to come into force, it must be ratified by at least two countries as soon as possible. Despite the massive support from many countries in the world, there are countries in the Asian region that are still ambivalent and have abstained from voting in favor of the Convention. For domestic workers to reap the benefits of C189 and R201, there is an urgent imperative to convince all countries in Asia to translate their support into actual ratification and implementation of C189 and R201.

We chose to hold this conference in the Philippines because of the key role that the Philippine government, trade unions, domestic workers’ organizations and civil society groups played in pushing for the adoption of C189 and R201 at the ILC in June 2011. We hold on to the promise of the Philippine government to be one of the first countries to ratify the Convention. This will set a strong message to the other member-states of the ILO to do the same.

Now that domestic workers have a Convention, the challenge is to translate its contents into the real conditions of domestic workers. In Asia, the challenge is enormous. There are at least 23 million local and migrant domestic workers in Asia alone. In the ratification and implementation process one of the primary challenges is how to ensure that domestic workers and trade unions, not only the government, play a central role.

Thereafter, the ratification of C189 among the ILO member-countries will require the adoption or reform of national legislations to conform with C189, using R201 as guide, to ensure decent work for domestic workers across the world.

Towards these ends, and as members of this alliance, we fully support the ITUC “12 in 12” Plan of Action. We will continue to strengthen and sustain the alliance of trade unions, domestic workers, civil society and social movements. We jointly commit to support domestic workers in forming, joining and sustaining their own trade unions, organizations and networks.

We have discussed the attached plans and activities, which serve as the basis for our joint strategies and common plan of action in ensuring the immediate ratification of C189 in Asia, and its effective implementation and monitoring afterwards.

Domestic work is work!
Decent work for all workers!
Ratify and implement C189!

Signed by:

1. Action Network for Migrants (ACT-FORM), Sri Lanka
2. Akbayan, Philippines
3. Alliance of Coca-Cola Unions in the Philippines (ACCUP), Philippines
4. Alliance of Progressive Labor (APL), Philippines
5. Asian Migrant Centre, Hongkong
6. Asia Monitor Resource Center (AMRC), China- Hongkong
7. Atikha Inc., Philippines
8. Bangladesh Institute of Labour Studies (BILS), Bangladesh
9. Batis Center for Women, Philippines
10. Cambodia Women Movement Organization (CWMO), Cambodia
11. Caram-Cambodia, Cambodia
12. Caritas Lebanon Migrant Center (CLMC), Lebanon
13. Center for Indian Migrant Studies(CIMS)-Kerala, India
14. Center for Indonesian Migrant Workers, Indonesia
15. Center for Migrant Advocacy (CMA)
16. Mongolia Center for Human Rights and Development (CHRD)
17. Coalition Against Trafficking in Women -Asia Pacific (CATW-AP), Philippines
18. Community Legal Education Center (CLEC), Cambodia
19. Coalition for Migrant Rights (CMR), Hongkong
20. Confederation of Independent Unions in the Public Sector (CIU), Philippines
21. Department of Labor and Employment- BWSC, Philippines
22. Department of Labor and Employment-LCO, Philippines
23. Domestic Workers Network in Thailand, Thailand
24. Federasi Serikat Pekerja Metal Indonesia (FSPMI), Indonesia
25. Federation of Asian Domestic Workers Union (APL – FADWU), China-Hongkong
26. Federation of Free Workers (FFW), Philippines
27. General Federation of Bahrain Trade Unions (GFBTU), Bahrain
28. General Federation of Nepalese Trade Unions (GEFONT), Nepal
29. Global Network-Asia, Philippines
30. Hind Mazdoor Sabha (HMS), India
31. Homenet Thailand , Thailand

32. Hong Kong Confederation of Trade Unions (HKCTU), Hongkong
33. Hongkong Federation of Asian Domestic Workers Union, Hongkong
34. Hope Workers Center, Taiwan
35. Humanitarian Organization for Migration Economics (HOME)
36. HOME Alumni, Philippines
37. ILO - Jakarta Office, Indonesia
38. ILO - Manila Office, Philippines
39. ILO Bureau for Workers' Activities, Italy
40. ILO International Training Center in Turin, Italy
41. ILO Regional Office for Asia and Pacific, Thailand
42. Indian National Trade Union Congress (INTUC), India
43. Indonesian Migrant Workers Union (MWU), Hongkong
44. Institute of Labor Studies – Department of Labor and Employment (DOLE)
45. Institute of Social development (ISD), Sri Lanka
46. International Domestic Workers' Network (IDWN), China-Hongkong
47. International Labour Office Conditions of Work and Employment Programme (TRAVAIL), Switzerland
48. International Trade Union Confederation – Asia and the Pacific (ITUC-A/P)
49. International Trade Union Confederation (ITUC), Switzerland
50. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations – Asia-Pacific (IUF – AP), Australia
51. Indian Social Club-Charity Wing, Oman
52. Jaringan Nasional Advokasi Pekerja Rumah Tangga (JALA-PRT), Indonesia
53. Jarnas Pekabumi, Indonesia
54. Jordanian Commission on Women (JCW), Jordan
55. Kanlungan Center Foundation, Philippines
56. Kapisanan ng Maralitang Obrero (KAMAO), Philippines
57. KavLaOved, Israel
58. Kongres Serikat Pekerja Indonesia (KSPI) or Indonesian Trade Union Confederation (CITU), Indonesia
59. Korean Women Workers Association (KWWA), South Korea
60. K-SBSI (ITUC), Indonesia
61. Kuwait Trade Union Federation (KTUF), Kuwait
62. Labor Education and Research Network (LEARN), Philippines
63. Labor Education Foundation (LEF), Pakistan
64. League of Independent Bank Organizations (LIBO), Philippines
65. Legal Support for Children and Women (LSCW), Cambodia
66. Malaysian Trades Union Congress (MTUC), Malaysia
67. Manggagawa para sa Kalayaan ng Bayan (MAKABAYAN), Philippines
68. Mariners Association for Regional and international Networking Organization (MARINO), Philippines
69. Migrant Care, Indonesia
70. Migrant Forum in Asia, Philippines
71. Migrants Rights Council, India
72. Migrant Women's Club, China
73. Migrant Workers Protection Society (MWPS), Bahrain
74. Migrant Service Center/National Workers Congress, Sri Lanka
75. National Alliance of Broadcast Unions (NABU), Philippines

76. National Domestic Workers Movement, India
77. National Trade Union Federation (NTUF), Sri Lanka
78. National Union of Workers in Hotel, Restaurants and Allied Industry (NUWHRAIN), Philippines
79. Nepal Trade Union Congress Independent (NTUC-I), Nepal
80. Nepal Independent Domestic Workers Union (NIDWU), Nepal
81. Pagkakaisa ng Kababaihan Para sa Kalayaan (KAISA KA), Philippines
82. Partido ng Manggagawa / UCWA, Philippines
83. Philippine Commission on Women (PCW), Philippines
84. Philippine Independent Public Sector Employees Association (PIPSEA), Philippines
85. Postal Employees Union of the Philippines (PEUP), Philippines
86. POURAKHI-Nepal, Nepal
87. Pravasi Nepal Coordination Committee (PNCC), Nepal
88. Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas Inc. (SUMAPI), Philippines
89. Samahan ng Migrante at Pamilya, Inc. - Tarlac City (SAMAPI), Philippines
90. Self Employed Women's Association (SEWA) – Kerala, India
91. Serikat Buruh Migran Indonesia (SBMI), Indonesia
92. Thai Women Association (TWA), Hongkong
93. Trade Union Congress of the Philippines (TUCP), Philippines
94. Transient Workers Count Too (TWC2), Singapore
95. UN Women, Philippines
96. Visayan Forum, Philippines
97. Women's Rehabilitation Center (WOREC), Nepal
98. Workers Solidarity network (WSN), Philippines
99. World Solidarity Movement, Indonesia
100. Youth Action Nepal (YOAC), Nepal