



## **ENHANCING VISIBILITY OF AND STRENGTHENING GLOBAL CONSENSUS ON PROTECTING AND EMPOWERING DOMESTIC WORKERS**

5TH World Social Forum on Migrations (WSFM)  
26-30 November 2012, Manila, Philippines

Organized by:

Association of Major Religious Superior of the Philippines-Center for Migrants Concerns (AMRSP-CMC) \* Bread for the World \* German Commission for Justice and Peace (GCJP)\* Global Network (GN)\* International Domestic Workers Network (IDWN)\* International Trade Union Confederation (ITUC)\* International Trade Union Confederation- Asia Pacific (ITUC-AP)\* Migrant Forum in Asia (MFA)\* National Domestic Workers Movement (NDWN)\* Women & Global Migration Working Group (WGMWG)\* Philippine Technical Working Group (DomWork) –Alliance of Progressive Labor (APL), Federation of Free Workers (FFW), SUMAPI, Trade Union Congress of the Philippines (TUCP) & Visayan Forum

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## Executive Summary

The adoption of ILO Convention 189 (C189) on Decent Work for Domestic Workers on June 2011 brought significant optimism and strength for the worldwide movement for domestic workers' rights. One year after the adoption of the Convention, decent work for domestic workers remains to be an aspiration..

On 26-30 November 2012, social movements from 54 countries gathered together in Manila for the 5<sup>th</sup> World Social Forum on Migrations (WSFM). Civil society organizations, domestic workers groups, trade unions, faith-based organizations and other social movements in the defense of domestic workers' rights took the opportunity to network and build alliances by facilitating three workshops focusing on issues around domestic workers. The series of workshops were meant to:

1. Bring in the issue of domestic work in the largest global convening of various stakeholders working directly in the field of migration
2. Build and strengthen global consensus on the issue of protection and empowerment of domestic workers
3. Secure global support for the ratification of ILO Convention 189

Internally among the domestic workers groups and their advocates, participation in the WSFM workshops provided them space to learn from each others' experiences in advancing the advocacy around domestic workers rights and the ratification of C189. Likewise, it enabled them to link up with other sectors or groups that could advance the campaign on the ground. Grassroots campaigning is as equally as important as regional and international organizing to create public support

The workshop organizers included: Association of Major Religious Superior of the Philippines-Center for Migrants Concerns (AMRSP-CMC); Alliance of Progressive Labor (APL); Bread for the World; Federation of Free Workers (FFW); German Commission for Justice and Peace (GCJP); Global Network (GN); International Domestic Workers Network (IDWN); International Trade Union Confederation (ITUC); International Trade Union Confederation- Asia Pacific (ITUC-AP); Migrant Forum in Asia (MFA); National Domestic Workers Movement (NDWN); Women & Global Migration Working Group (WGMWG); Philippine Technical Working Group (DomWork) ; SUMAPI, Trade Union Congress of the Philippines (TUCP) & Visayan Forum

Participating in the workshops were representatives from the following groups/sectors: domestic workers, domestic workers unions, trade unions, migrants organisations, peasant groups, academe, faith-based groups and development groups.

### **Workshop 1 entitled “Domestic Work and Migration: Realities, Challenges and Responses”**

was meant to provide domestic workers and their advocates to surface the realities surrounding domestic work in different regions across the globe and how these issues could be addressed.

Three intersecting issues were presented to the participants to kick off the discussion: domestic work and the feminization of migration, the global care chains and the au pairs system.

While the situation of domestic workers varies from country to country, participants confirmed that migrant domestic workers are trapped in the systemic cycle of exploitative situations prior to leaving their home countries and upon their return. Deficiencies in the enforcement of existing laws/policies and lack of mobility and right to form and organize into unions both in sending and receiving countries were seen as major problems that contribute to the situations of domestic workers.

These issues should be seriously addressed by governments through proper pre-departure training, effective enforcement of laws and legislations and creation of sustainable jobs at home to mitigate migration.

Advocacy on au pairs' rights is still slowly gaining support. Participants recognised that au pair system is a challenge to decent work agenda. While the issue did not receive heightened response from the participants, they did agree that au pairs just like domestic workers need to be protected. The system should be strongly regulated.

**Workshop 2 entitled “Building Collective Actions in Protecting the Human Rights and the Labour Rights of Domestic Workers”** exemplified the collaborative efforts of domestic workers groups in its efforts to protect the rights of domestic workers both local and migrants. The sharing from the speakers and participants confirmed that protecting and empowering domestic workers require actions at all level and should be in different forms. It requires active involvement of key stakeholders and use of different approaches. Mechanisms at the national level should be in place for sending countries to set a high moral ground to demand for protection for their workers abroad.

Cooperation and sustained advocacy both at national and global scale are necessary to build a stronger campaign. Trust building, patience and stamina are needed to build up fruitful cooperation. Negotiations with different groups require different approaches.

Three major fields which domestic workers and advocates need to look at are: national laws, awareness raising and reaching out and strengthening the role of social partners in the campaign.

**Workshop 3 entitled “Organizing Migrant Domestic Workers: Assessing Existing Models and Imagining Future Models”** provided space for domestic workers, trade unions, migrant organisations and other social movements to examine existing models on organizing domestic workers and to look at emerging/future movements where “Another World is Possible” not only for domestic workers but for other marginalized groups in our society.

While each group has a different experience in organising, some similarities were seen:

- Trust is needed among migrant and local groups and trade unions
- Building and strengthening local support are important to improve the situation of disadvantaged groups.
- Organizing is a long-term activity which needs creativity and perseverance
- Using international instruments/standards to support claims and establish credibility.

The lessons learnt and the experiences shared led to a reflection on what has been achieved and how these actions can be basis for new approaches.

The second part of the workshop confirmed that the domestic worker issue is an example on how the migration problem is linked to national and local concerns. The way how workers are treated in their origin countries could affect the service systems they receive in the destination countries.

Major concerns were identified which should be addressed in depth in the future:

- a) Since there are common concerns of migrant groups and local movements it is necessary to identify those and define a common strategy to address them.
- b) It is time to reach out and interconnect more systematically the human rights, environment, migration, the food security and decent work agenda to come up with an sustainable economic model
- c) The educational programs promoted by each social movement e.g. peasant, farmers' movements, environmentalists, consumer protection, human rights should be able to integrate and link up the discourse to other issues if we are to build and support each other's struggles and build "Another World" that reflects the aspirations of all people. This also means revisiting and critiquing existing educational systems as much as looking at them in a holistic way.

While these workshops did not result into concrete action plans, the following were identified as opportunities for collaboration and networking:

Campaign for ratification of C189 and the UN Migrant Workers Convention

1. Organising activities around the following dates: December 18 International Migrants Day, May 1 Labor Day and June 16 Domestic Workers Day in 2013;
2. Lobbying governments to enact laws for domestic workers, effectively implement existing ones and reform laws and policies that discriminate domestic workers.
3. Information exchange on good practices on domestic workers where groups can share and learn on the experiences of others.
4. Support the organizing of domestic workers both at sending and receiving countries. Encourage membership, participation and leadership of domestic workers in trade unions. Organising domestic workers, majority of whom are women, should be supported.
5. Coming together in relevant international spaces/platforms to collectively discuss issues of common interest.
6. Supporting and strengthening advocacies of other sectors/groups that directly link up with the issue of migration and domestic work. An example of this would be the peasant movement.

Recommendations addressed to the governments were also identified:

- Proper orientation and trainings for migrant domestic workers and sustainable reintegration programs
- Ratification of C189 as well as the UN Migrant Workers Convention.
- Forging a multi-lateral approach in negotiating for protection of migrant domestic workers.
- Domestic workers right to organise
- Local job creation which is sustainable and building incentives in the rural areas to mitigate migration.
- Revisiting and critiquing educational programs that promote migration as well as its economic policy model that tends to favour capitalism and promote disempowerment of its people.

## Workshop 1: Domestic Work and Migration: Realities, Challenges and Responses, 26 November 2012

Moderator	: Sr. Lissy Joseph (NDWM-AP, MFA and WGMWG)
Welcome Remarks	: Bro. Noriyuki Suzuki (ITUC-AP)
Speakers	: Barbara Caracciolo (SOLIDAR) Fe Jusay (RESPECT Network) Julius Cainglet (Federation of Free Workers)
Synthesis	: Dr. Hildegard Hagemann (German Commission for Justice and Peace)

### Proceedings

The adoption of ILO Convention 189 (C189) on Decent Work for Domestic Workers on 16 June 2011 brought significant optimism and strength for the worldwide movement for domestic workers' rights. One year after the adoption of the Convention, decent work for domestic workers remains to be an aspiration..

**Workshop 1** was meant to unmask some existing systems/realities surrounding domestic work and its nexus to migration and how these issues could be addressed.

Three intersecting issues were presented to the participants to kick off the discussion: domestic work and the feminization of migration, the global care chains and the au pairs system.

Feminization of migration and the global care chains were tackled through an interactive session where participants were requested to give inputs to problematise these issues. A study about men left behind in the Philippines was shared by Julius Cainglet (FFW) to situate this phenomenon.

Domestic work and the au pair system were jointly presented by Barbara Carraciollo (SOLIDAR) and Fe Jusay (RESPECT Europe).

#### Feminization of Migration and the global care chains

Today's labour migration is highly feminized with the growing demand for migrant women. Majority of these women are found in domestic work. Domestic work drew not only women from poor socio-economic classes but also women of relatively high status. These women leave their children and households to the care of other women (and men in the case of men left behind) and work abroad to take on the tasks of women from the developed countries. Women's increased participation in the workforce and failure to develop family-friendly labour policies and child care options in developed countries have led to the strong demand for migrant women.

The intersection sites of class, gender, and racial discrimination that underpin much of their work and their daily lives speak to the gap between the rights to which they are entitled, and their ability to claim those rights in reality. Migration of women is driven by poverty, lack of employment opportunities and the strong demand for migrant women mainly for care services.

Migrant domestic workers are subject to precarious conditions in the workplace and in terms of their migration status.

Three issues surfaced as part of the social cost of women migration. These included the following: 1) promotion of commercialization; 2) multiple families as a result of migration and; 3) men left behind

Promotion of commercialization is an observed phenomenon among Filipino families. For Filipinos overseas, providing material things to their children to compensate for their absence has been an on-going practice. Parents “buy” their attachments to their children by giving them luxurious materials e.g. gadgets. Shopping malls in the Philippines have been constructed precisely because of this culture.

Migration also leads to the creation of multiple families with either the partner left behind or the one working abroad having new partners or families.

Men left behind as an emerging concept in feminised migration is also another reality that was shared at the workshop. As most women left to work abroad, fathers/husbands are left at home to take care of the families. Slowly, men/husbands are losing their traditional roles. In looking at the issue of domestic work and the global care chains, it is important to also look at this as a new area of concern. Organizations providing support for migrant families especially women left behind should also respond to the needs of men left behind who are embracing a role which was not traditionally designated to them by the society.

### **Domestic work and the au pair system**

Barbara Caracciolo (SOLIDAR) and Fe Jusay (RESPECT Network)

Au pair is French for “on a par” or “equal to”, indicating that the relationship is intended to be one of equals: the au pair is intended to become a member of the family, even for a temporary one, rather than a traditional domestic worker.

According to the International Au Pair Association (IAPA), more than 10 million people avail of an au pair program every year. IAPA was established in 1994 to self-regulate the ever growing industry, chiefly operates with au pair agencies in Europe, the United States and a few countries in Latin America, although qualified au pair agencies are also found in China, Ghana and New Zealand, among other countries.

As the definition implies, au pair should be a cultural exchange but in reality this au pairs work like domestic workers. Au pairs are only supposed to work part-time, and they also study part-time, generally focusing on the language of the host country.



*Barbara Caracciolo from SOLIDAR speaks about the au pairs scheme*

Under the au pair system, young people (usually aged 18-30 years old) are allowed to travel abroad and live with a host family for a year or two which is called a cross-cultural exchange.. The system offers them an opportunity to learn the language and culture of their host country. As au pairs, they are expected to share in the house hold chores and other tasks

expected to a family member such as child care or care giving. As part of the scheme, the host family is expected to expose the au pair to the culture of the country by bringing her/him to the public places such as theater, museums and others. With their status, au pairs do not get paid for the services they do for the host family. They are only given a certain allowance for their personal expenses.

While au pairs are not considered as domestic workers, advocates argue that their work is tantamount to the work of domestic workers, and should be warranted the same protection. According to RESPECT Europe au pair schemes are also increasingly being used in more developed countries such as in Europe as a way of ensuring that access to low cost domestic labour is available. Constructed as “cultural exchange” and as family, rather than contractual labour, this frequently places young women in situations that are extremely abusive.

Ideally, au pairs have freedom of mobility and can do work outside their host family; in reality this is not almost impossible because of the amount of work they have to do for their host families. They do not receive the language and cultural experiences they are promised to take part of.

In Europe, au pairs are subjected to immigration rules that imply that:

- Their residence permit is tied to a specific host family or agency;
- They must stay as live-ins in a private home;
- The residence permit is not a work permit.

These three conditions of residence for young third country nationals in the EU lead to the risk of abuse of non-EU au pairs. Coming from outside the EU, the au pair is excluded from protection as an employee, dependant on her residence solely on the host family or an agency, and through the live-in obligation staying in an in-between of a work place and (someone else's) private home. In cases of abuse and exploitation, experience shows that it is difficult for the au pair to change and improve her situation because her residence permit is closely tied to the employer and not tied to her as an independent individual.

The Council of Europe, in the 2004 report of the Committee on Equal Opportunities for Women and Men, has reported instances of abuse, noting that “au pairs are not meant to work as replacement housekeepers or nannies, but some of them end up being exploited in this way or, even worse, violently treated or sexually abused”.

There are serious gaps with regard to implementation of policies and monitoring of the system. Sending countries have failed to explain to au pairs about the reality of being au pairs. On the other hand, the au pair system has become an additional legal channel of entry for migrants often used as a way to recruit domestic workers. When an au pair decided to stay in the country after the au pair arrangement and continue to work as a domestic worker (without a work visa) they become undocumented which puts them vulnerable to exploitation.

Cases of unfair compensation, excessive working hours, discrimination, sexual assault and other forms of maltreatment have been reported. In reaction to these reports, in 1997 the Philippine government banned young people from moving to Europe under this scheme. In October 2010, the deployment ban for *au pairs* moving to Switzerland, Norway and Denmark was lifted after 13 years, and those countries guaranteed to protect *au pairs*.

### *Au Pairs and C189*

While au pairs are not included in the definition of domestic workers under C189, the ILO Report of Domestic Work presented to constituency at the 99<sup>th</sup> Session of the ILC in 2010 suggested that:

- despite the distinct formal objectives of an au pair programme associated with providing a cultural exchange experience to young people, it is maybe not appropriate to treat the au pair relationship as an exception to the definition of domestic worker in a new international standard.
- It might well be fully compatible to consider au pairs as both workers and youth on a cultural exchange, and to regulate their working conditions appropriately. This might help to prevent the kind of exploitation of au pairs that is comparable to that of other categories of domestic workers.

Some European States opposed the inclusion of au pairs more particularly the Netherlands, Italy and Portugal. Governments are also silent about the issue and only talked about marginally and only discussed in Europe.

### *Civil Society's Response to the au pair issue*

Barbara Caracciolo (SOLIDAR) said that civil society groups, on the other hand, are divided on this issue. From IDWN's side, they see the issue as marginal and a very European one. On the other hand, RESPECT and other groups in Europe assert that au pairs who perform domestic work are workers and should be recognized in labour laws and in immigration laws.

### *Recommendations from the speakers*

Given that the current au pair schemes are most often both an employment and a cultural exchange arrangement, the conditions of residence should also reflect this. This could be done by granting au pairs a combined residence/work permit that specifies the working hours, the contract etc. This would acknowledge, on the one hand, the employer-employee relation and, on the other hand, acknowledge the cultural exchange with possibility to specify requirements of language courses.

This would give the au pair the opportunity to find a new host family should problems arise without risking to lose her residence permit. Furthermore it would increase the protection of the au pair if she, in a period of transition from one family to another, could stay in a place of her own choice.

Another possibility would be to grant residence permits to third country au pairs who stay solely because of cultural exchange, not working more than the EU limit of eight hours per working week.

The perception, the practice of placement, the legal position and the social construction of the au pair imply the possibility of using au pair as a domestic workers arrangement that is excluded from labour protection and immigration regulations. Separate au pair schemes and domestic workers programs should be put in place: One of cultural exchange with less than eight hours of domestic work per week in exchange for food and lodging and one of domestic and care work on conditions meeting decent working conditions.

The permit should be a work permit if more than eight hours work weekly is expected. Living-in should be made voluntary for the au pair.

Regulation of the au pair placement industry should be put in place through the creation of a system of accreditation, by virtue of which agencies that commit themselves to certain minimum standards

## Highlights of the Interactive Session

Participants confirmed that migrant domestic workers are trapped in the systemic cycle of exploitations prior to leaving their countries and upon their return. Deficiencies in the enforcement of existing laws/policies and lack of mobility and right to form and organise into unions both in sending and receiving countries were seen as major problems that contribute to the situations of domestic workers. The situation varies naturally from country to country. With C189, a common agenda was formulated.

These issues should be seriously addressed by governments through effective enforcement of laws and legislations, creation of sustainable jobs and family re-unification.

In terms of au pairs, this issue was not strongly picked up by the participants. Certain factors could be attributed to this kind of response. Majority of the participants are from Asia and this issue is not heavily discussed in the region. Another factor could be because of its concept of cultural exchange and this is not a concern commonly shared by the participants. Conceptual clarity and its link to migration and domestic work require further thinking.

However, while the issue did not receive heightened response from the participants, they did agree that au pairs just like domestic workers need to be protected. The system should be strongly regulated. **Mechanisms to monitor the conditions of au pairs should be put in place.**

While there may be differing views about the scheme, participants affirmed that au pairs system is a challenge to the decent work agenda. Domestic workers rights advocates asserted that au pairs who perform domestic work are workers and therefore need to be recognized as such in labour laws and in immigration laws. Au pairs, nannies, care-givers –, they deserve to be treated at par with other workers. Anyone who performs domestic work deserves just and equal treatment. They should be regarded as employees and should be subject to labour protection.

The following were the issues commonly shared by the participants:

*Issue 1: Conceptual clarity of the au pairs system*

There is a need to establish a common understanding on the concept of au pair. It should be clearly defined whether it is a form of apprentice or cultural exchange. Program should be defined so that the concept is not abused. The European situation is problematic, because workers are hired on the pretense of following an au-pair scheme.

There should also be a system of monitoring and assessment. If the idea is a cultural exchange, there should be defined activities where both countries can assess the learning process.

*Issue 2: Lack of information*

Participants affirmed that the lack of appropriate information is a major concern that should be addressed by governments, civil society organizations and other parties concerned. Intensive information drive is needed as one way to educate domestic workers and au pairs of their rights. In the case of au pairs, they should be informed of the recourse available for them if they are not considered as domestic workers.

*Issue 3: How to alleviate the conditions of domestic workers given the legal limitations and failure of governments to recognise domestic work as work.*

This question was raised by a former care giver but performed the work of a domestic worker. She challenged the group how we should address the systemic violations committed against domestic workers given the limitations that set before us. What would be the effective advocacy strategy?



*Sringatin from IMWU/FADWU talks about the issues of migrant domestic workers in Hong Kong*

*Issue 4: Exorbitant fees*

While many intersecting factors contribute to the problems faced by migrant domestic workers, participants emphasized the need to seriously think about the problems associated in the recruitment process particularly on the issue of exorbitant fees collected from domestic workers.

Participants recognized that while there have been efforts undertaken to mitigate “bad recruitment practices” such as the issue of exorbitant fees, migrant domestic workers are still trapped in this system. The point of collusion between recruitment agencies in the sending and receiving countries has been identified as one of the reasons why this system exists. Numerous gaps between policy and practice have been identified across a variety of national contexts. Government-imposed mechanisms to oversee recruiters have long been insufficient, and as a result, corrupt and abusive practices have been allowed to persist, arguably becoming entrenched in the recruitment process.

Regulatory frameworks and oversight mechanisms should be further strengthened. In order to achieve the aim of attaining higher standards for the rights and welfare of migrant workers, this point of collusion must be understood and properly addressed.

#### *Issue 5: Organizing domestic workers to protect their rights and improve their conditions*

Participants affirmed that one way to protect the rights of domestic workers and alleviate their conditions is to continue organizing them as part of the labor union movement. .

Trade unions representatives asserted the need to formally organize them into unions. When domestic workers are organized into unions they would be able to exercise their rights embodied in the Convention. In California for example, domestic workers would be able to sue their employers if their rights are violated. In order to do this, trade unions should work in solidarity with domestic workers including migrant domestic workers. Advocates could use C189 to assert domestic workers’ right to form and join unions as well as demand for the promotion and protection of their rights.



*Brother Shakil Akhter Chowdhury from BILS emphasises the need to formally organise domestic workers into unions*

On the other hand, when unionisation is not possible such as in countries where public mobilisation or assembly is not allowed as in the case of Singapore, one way to organize domestic workers is to use the social media such as Facebook. The Humanitarian Organization for Migration Economics for instance was able to organize 10,000 migrant domestic workers through Facebook. They use

Facebook to discuss their concerns and expose some violations against migrant domestic workers in Singapore.

#### *Issue 6: Provision of appropriate trainings and skills enhancement*

One of the issues commonly shared by the participants is about the lack of appropriate training and skills enhancement for domestic workers. Participants affirmed that one way to protect domestic workers from abuse is to armor them with skills necessary for the effective performance of their tasks. Abuse is a common response by employers frustrated with the migrant worker's quality of work. Skills upgrade is an opportunity for advancement and promotion with an associated increase in salary.

Trainings should not only include about the technical knowhow on doing and using equipments but also information about their rights (both in sending and receiving countries), the culture of the country where they will work and information about their embassies and NGOs or other support groups in the receiving countries.

#### *Issue 7: Problem on enforcement of laws/policies*

Participants affirmed that one perennial problem that needs to be addressed is the effective implementation of existing laws and policies governing domestic workers. In the case of Italy, there is a collective bargaining agreement that recognizes the rights of domestic workers; however, enforcement is a problem. Domestic workers do not enjoy provisions guaranteed in that agreement.



*Edda Pando talks about the issue of domestic work in Italy and the problem on the CBA for domestic workers in Italy*

*Issue 7: Mental health of domestic workers an urgent concern*

Another issue that was brought forward during the discussion is the mental health of domestic workers. Bridget Tan (HOME) stressed the need to seriously look into this issue as this is something that receives less attention. In the case of Singapore, a number of domestic workers were reported to have committed suicide which could have been caused by their depressive situations.

*Issue 8: Engaging men in the advocacy.*

Hildegard Hagemann (GCJP) affirmed the studies shared by Bridget and Julius regarding social implications of transnational domestic work: focusing on gender issue and involving fathers in the advocacy.

*Issue 9: Migration as a challenge to family/children's values*

One participant from the Philippines argued that migration poses a big challenge to family and children's values. The physical absence of family members especially the parents contributes to children's negative attitudes towards money and emotional attachment to their parents. As observed, migration in the Philippines promotes commercialization. Malls in the Philippines continue to sprout to service the needs of Overseas Filipino Workers (OFWs) and their families. OFWs "buy" their attachment to their children through material possession. As a result, some children neglect their studies because they receive financial support way beyond their needs.

Values formation and reintegration programs should be seriously considered to address this social cost. Such programs will not only strengthen family ties but will also teach how families can be more resilient.

*Issue 10: Changing public mindsets*

There is a need to strategise how we should pressure receiving countries to understand the contribution of domestic workers in the development of their economies and remove stigma against domestic workers. Participants stressed that while we look at the legal and political side of the campaign, we also take cognizance of the social aspect of the issue; not unless our societies accept and recognize that domestic workers are workers who deserve to be treated at par with other workers, legislations and policies will make no difference if our respective societies refuse to recognize this fact.

*Issue 11: The role of the feminist movement in the campaign*

Participants noted the apparent "absence" of the feminist movement in the issue. In some countries like Italy, domestic workers are not part of the movement. Linkages between these groups are not yet well established. There is a need to look at this area.

### *Issue 12: The need for collective action*

Participants affirmed that the issue of domestic work requires collective action. Social networks play a key role in removing the barrier of invisibility of domestic workers and the stigma attached to them.

Social partners also play an important role in highlighting the issue and lobby political stakeholders.

Trade unions should include domestic workers in their organizing efforts.

Most importantly, domestic workers and migrants communities should learn to support each other. Organised groups of domestic workers should learn to reach out to other domestic workers.

C189 could be a common base. Use this as a tool to strengthen the advocacy at the national, regional and international levels.

## Workshop 2: Building Collective Actions in Protecting the Human Rights and the Labour Rights of Domestic Workers, 27 November 2012

Moderator : Jerome Alcantara (Visayan Forum)  
Speakers : Julius Cainglet (Federation of Free Workers)  
Ellene Sana (Center for Migrant Advocacy)  
Synthesis : Dr. Hildegard Hageman (German Commission on Justice and Peace)

### Proceedings

Workshop 2 exemplified the collaborative efforts of domestic workers groups in its efforts to protect the rights of domestic workers, both local and migrants.

#### **12 by 12 Campaign in the Philippines** *Julius Cainglet (Federation of Free Workers)*

As adoption alone does not bind ILO Member States to implement the Convention and ensure that domestic workers enjoy their rights as stipulated in the Convention, ILO Member States need to formally express their commitment to implement the Convention through the process of ratification.

In order to ensure universal ratification of the Convention, the International Trade Union Confederation (ITUC) took the lead in launching a campaign called “12 by 12” which was globally endorsed and supported by the domestic workers movement, migrants organizations, trade unions, human rights advocates and other social movements. The campaign was formally launched on 18 December 2011.

To date, the campaign is being supported by partners in 84 countries. The campaign aims to:

- get 12 ratifications in 12 countries by 2012
- witness labour law reforms that organise domestic workers/ build strong unions of domestic workers

As of this writing, 4 countries have ratified the Convention: Uruguay, Philippines, Mauritius and Italy. (Source: [http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS\\_202859/lang--en/index.htm](http://www.ilo.org/global/standards/information-resources-and-publications/news/WCMS_202859/lang--en/index.htm))



*Julius Cainglet from FFW shares the 12 by 12 campaign and the experience of the DomWork TWG on the campaign*

Target countries for 2013 to ratify are the following: Australia, New Zealand, South Africa, Senegal, Namibia, Tanzania, Norway, Denmark, Sweden, Finland, Austria, Germany, France, Chile. Fifty two countries are expected to ratify in 2015

Labour reforms in the following countries were noted: India, Chile, Spain, Philippines, Singapore, and Thailand<sup>1</sup>. The campaign also targets that in 2013 more labour reforms will take place particularly in these countries- India, Indonesia, SouthKorea, Malaysia, Nepal, Kenya, Angola, Zimbabwe, and Romania.

New national centers and/or unions were also established such as those in Paraguay, Dominican Republic and Egypt.

To keep up the pressure, the following Action Days were identified for 2013: 1) 8 March during the International Women's Day and; 2) 16 June International Domestic Workers Day.

Before 2012 wrapped up, on 12 December, 12-by-12 partners mobilized national actions calling governments to ratify the Convention.

### **The 12-by-12 campaign in the Philippines**

The 12-by-12 campaign in the Philippines was led by the Technical Working Group on Decent Work for Domestic Workers (DomWork TWG). The DomWork TWG was created in 2009 to facilitate a unified Philippine position on the issue of domestic work at the International Labour Conference (ILC), push for a law to protect domestic workers and coordinate advocacy and lobby efforts among the TWG members and other stakeholders outside the TWG. The TWG was composed of tripartite partners

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<sup>1</sup> India (Sexual Harassment Bill has been extended to domestic workers); Chile (Law on working time); Spain (New law to better protect domestic workers); Philippines (Domestic Workers Bill); Singapore (1 day off from 2013 onwards and Thailand (Better laws for domestic workers)

(government, workers groups and employers) and civil society organizations that are actively involved on the campaign.

The road leading up to the adoption of C189 and R201 was a challenge for the TWG. Coming up with a unified position on C189 entailed a lot of negotiations. Tripartite partners had differing opinions with regard to the Convention. At first the government was reluctant due to constraints on resources. The employers group on the other hand, argued that providing maximum protection for domestic workers will significantly affect the middle class families which employ a large number of domestic workers. The employers group argued that unemployment of domestic workers can be the result of such measure.

Understanding the differences in perspectives and existing dynamics among key actors, the TWG used several approaches to get a consensus and maintain the pressure on the ground. Activities were designed to ensure the involvement of broader constituency not only the tripartite partners. The group also maximized public events and celebrations to have more impact on the ground. Champions were also recruited and mobilized.

The group also capitalized the competencies of each member organization and sustains international support to keep up the pressure on creating just policies for domestic workers..

Domestic workers were mobilized so they can be actively involved in the campaign. Capacity building activities were also organized.

With respect to the Kasambahay Bill (Domestic Workers' Bill), interest among policy makers was very minimal. While the bill was one of the priority bills of the current Administration, the bill had to compete with controversial bills such as the SIN Tax and the Reproductive Rights Bill.

During the deliberations on the bill, the TWG had to struggle to get the following issues approved: issue of wages, freedom of association and implementing rules. In order for the bill to be passed, the TWG had to make difficult decisions on important provisions, particularly taking out the freedom of association from the bill.

In the end, domestic workers and their advocates rose victorious for achieving two major milestones in 2012- the Philippine ratification of C189 and the approval of the of the Kasambahay Law (Domestic Workers Act) by both Houses. The victories were a result of sustained pressure by the Technical Working Group on Decent Work for Domestic Workers (DomWork TWG).

### **The Philippine experience in negotiating protective agreements for Overseas Filipino domestic workers**

*Ellene Sana (Center for Migrant Advocacy)*

The Philippines introduced in 2006 the Household Service Workers Reform Package which aims to improve the conditions of migrant domestic workers.

In 2011, Philippine Congress amended the Magna Carta for Overseas Filipino Workers which provides stringent rules for recruitment agencies and receiving countries. The amended law prohibits sending of OFWs to countries where the Philippines has no bilateral relations. Only those countries who are

parties to relevant international conventions/multilateral agreements and have existing national policies to protect migrant workers can employ OFWs.

The year 2012 was declared as the year of bilateralism. The Philippine government through the Philippine Overseas Employment Administration (POEA) has intensified the need to forge bilateral agreements with receiving countries.

As examples of bilateralism, the Philippines has continued the negotiation with Lebanon for a binding agreement. The government was successful in negotiating for a standard employment contract for OFWs with the Saudi government. While nothing has been finalized yet with Lebanon, Lebanon is currently in the process of adopting a national legislation for domestic workers. Negotiations with Jordan are also underway. Jordan is also reforming its laws to include protection of domestic workers.

On the question of going multilateral, the Philippines should take the initiative to forge multilateral agreements as they send more domestic workers to other countries. In 2011 alone, 142,000 Filipinos were deployed to the GCC countries, Hong Kong, Italy, Singapore and Malaysia to work as domestic workers.

While campaigning for ratification of C189, CSOs should also lobby their governments to ratify the 1990 UN Migrant Workers Convention as this Convention applies to all migrant workers including migrant domestic workers. Advocates should also use other relevant international standards and instruments in lobbying for protection of domestic workers rights such as UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and the ILO Migrant Workers Conventions 97 and 143. The need to have a stronger legislation back home is equally important to assert for greater protection of migrant workers in the receiving countries.

## **Highlights of the Interactive Discussion**

### *Issue 1: Flaws and inconsistencies in existing laws*

Participants noted that most of the migration policies require recruitment agencies to process the papers of migrant workers which usually ask for exorbitant fees. As such, governments should devise ways on how to effectively regulate and monitor these recruitment agencies to ensure that the best interest of migrant workers is looked after.

### *Issue 2: Contract substitution*

Contract substitution is one of the most common problems encountered by migrant domestic workers which leaves them getting underpaid and experience all other forms of exploitation. The altered contract indicates a much lower salary compared to what is indicated in the original contract. This usually happens when migrant domestic workers reach the destination country and their employers/placement agency asks them to sign a new contract lest they are threatened to be deported.



*Myrtle Witbooi (SADSAWU/IDWN) and a fellow migrant domestic worker during the open forum*

When this happens, the original contract that they signed prior to leaving their countries, is considered null and void.

How to effectively combat this problem was the center of the debate. Participants emphasized the need for an effective regulatory mechanism to ensure that original contracts are recognised and respected.

### *Issue 3: Engaging parliaments*

Engaging with parliaments require proper analysis and data collection. Occasionally one has to use unusual access as well as creative means. It is also about identifying parliamentarians who advocate for just policies for domestic workers and working consistently with them to push for these policies.

### *Issue 4: Absence of women's groups*

More outreach to women's groups should be done to include them in the advocacy for domestic workers' rights. It has been observed that women's groups are not particularly engaged in the issues of domestic workers.

### *Issue 5: The role of the media*

Media is crucial for information, awareness-raising and in shaping public mindset about domestic work. There is a need to further sensitize the media to influence them on how they project this issue.

### *Issue 6: Awareness-raising is a long-term process*

Intensify awareness about the C189 and R201 among domestic workers. Participants underscore the need for continuing education among domestic workers with regard to these instruments and how they could use these to assert their rights

*Issue 7: Continue to organize domestic workers*

Organising domestic workers will facilitate their active involvement in the campaign and help them mobilize support for the ratification and implementation of C189. More importantly, it will enable them to have a better understanding of their rights and how to articulate these rights during discussion and direct lobbying.

*Issue 8: Using a rights-based framework in advocating rights of domestic workers*

Strong national legislations are favorable for bilateral agreements between sending and receiving countries of migrant domestic workers. While bilateral agreements proved to be effective in some ways, it is debatable whether in the long run bilateral agreements should be opted for. Whether one uses unilateral, bilateral or multilateral approach, a rights-based framework should be used as a guiding principle.

## Workshop 3: Organizing Migrant Domestic Workers: Assessing Existing Models and Imagining Future Models 29 November 2012

Moderator	: Elizabeth Tang (International Domestic Workers Network)
Speakers	: Lilibeth Masamloc (SUMAPI-Philippines) Sringatin (Federation of Asian Women Domestic Workers Union-Hong Kong) Nalini Nayak (Self-Employed Women's Association- India) Henry Saragih (General Coordinator, La Via Campesina)
Synthesis	: Dr. Hildegard Hageman (German Commission on Justice and Peace)

### Proceedings

This workshop was meant for domestic workers, trade unions and advocates to examine existing models on organizing and to look at emerging/future movements.

#### Organizing Domestic Workers

##### Lilibeth Masamloc, SUMAPI -Philippines

SUMAPI is an association of local domestic workers in the Philippines. Its goal is to lead the movement for the protection of the rights towards the improvement in the condition of work and life of domestic workers, especially child domestic workers through various organizing, capacity building, advocacy, resource mobilization activities and the provision of services to domestic workers. The organization also seeks the involvement of domestic workers in all its activities, as well as to nurture the relationship the workers and their employers. They also collaborate with other actors to capacitate and educate domestic workers, especially about existing instruments that seek to promote and protect their rights.



Lilibeth Masamloc shares SUMAPI's organizing experience. (Photo courtesy of IDWN)

In terms of strategies, SUMAPI members ensure that they speak the same language/dialect of the domestic workers they work with; create a safe-space where they can gather and talk about their concerns and issues; dialogue with authorities to gain their trust and support; strengthen existing partnerships with other actors and stakeholders; maintain regular communication and follow-up with domestic workers through mobile phone; and to build partnerships with different sectors such as faith-based organizations, trade unions, etc.

SUMAPI also conducts regular consultation with domestic workers on C189, as well as work with key individuals towards its adoption/implementation. They also serve as a center that facilitates access to social protection. SUMAPI also makes it a point to engage children and to maximise technology and social media.

The passing of the Domestic Workers' Act is one of the organisation's major accomplishments.

#### Sringatin, Federation of Asian Women Domestic Workers Union-Hong Kong

The Indonesian Migrant Workers' Union in Hong Kong was first organised in parks, an example they learned from the Filipino domestic workers in Hong Kong. They were registered as a trade union in 1999 and to date has 4300 members. They promote understanding and appreciation of trade unions by providing information about what they do, educating their members about the situation of migrants and their rights, as well as explaining to them the benefits of being a member of a trade union.

The group engages in several activities such as campaign and advocacy aimed to make others understand their issues and problems; as well as encourage them to mobilize to make their messages heard. They also do research and work with other NGOs in this endeavor, looking at various issues in relation to the situation of domestic workers (currently working on issue of trafficking).

Part of their effort is also building solidarity among local and migrant domestic workers in order to increase awareness about their issues, and provide and obtain support from other sectors and workers.

While recruitment is a task of every member of the union, the challenge is to win trust and confidence of new members as well as the limited amount of time that they have as they work long hours and rarely have days off. There is a need to be creative and to make activities more fun.

To maintain memberships they conduct two types of training—for leaders and for members. There are also different committees working together (training, organizing, membership, cultural, etc) and they use media, taking advantage of technology, especially the internet. Social media plays a critical role in mobilizing and organizing domestic workers as they hold meetings and communicate through Facebook, and other mobile platforms.

FADWU became a federation in 2 years. Members come from different countries and speak different languages. They are oriented about the federation, what it is for and what it can do for them and why it is important to organize.

One of the major challenges encountered by the federation is language. Most often they use Cantonese and some English.

Despite its challenges, FADWU is strengthened by promoting it in Hong Kong as a domestic worker union.

### Building social movements with domestic workers and other sectors

Nalini Nayak, Self-Employed Women's Association- India

Workers, when they return home, never talk about how difficult their lives have been outside of the country because there is so many stigmas against domestic workers. When they come back, the expectation is that they will have a better job, more money. But their families expect so many gifts from them (consumer items not available in the villages), and they would not have been able to pay back debt they incurred to be able to leave.

As social movements that aspire for “Another World is Possible”, there is a need for us to reflect about how we can build solidarity between workers (local and migrants) and also how migrant workers abroad help their families at home, how do we make these families work with us, to join a movement to save their homes, farms, etc.

Henry Saragih, La Via Campesina (LVC)

Food security and migration are at the heart of La Via Campesina’s work. At the practical level, they provide training, education and advocacy to farmers because many of them are married to migrant women domestic workers.

It is necessary to consider domestic workers as regular workers and as such, domestic workers must join and work with trade unions. For LVC, there is a need to increase awareness about this issue and include it in their campaigns because many migrant workers who come back to the villages do not have new opportunities.

It is necessary that people in the villages must be educated about life outside of the country. Many of them assume that life is always better when they leave.

At the international level, it is easy to mobilise because there is a specific space/venue and a definite body to address. However, before we can mobilise internationally, national efforts must be strengthened. If we can pressure our government, then it will be easy for us to be successful at the international level.



*Henry Saragih discusses LVC’s work on migration on how it is link to the issue of the peasant movement. (Photo courtesy of IDWN)*

## Highlights of the Interactive Discussion

### *Issue 1: Alliance building*

There is a need to create space for social dialogues especially with employers and look into ways on how they can be allies

In terms of local and migrant domestic workers, there is a need to strengthen links and solidarity between local and migrant domestic workers. One way to do this is to work on the framework of C 189 and emphasise that the goal is to protect all domestic workers; regardless of their status and that the main goal is to achieve equality between domestic workers and other workers.

There is also a need to building local support from other trade unions. There is a debate about the differences in interests between domestic workers and ordinary workers as domestic work is not yet recognised by the public as work.

### *Issue 2: Awareness-raising and advocacy*

Participants agreed that there is a need to increase awareness of rights and intensify advocacy/campaigns towards policy reforms, etc. Awareness raising about safe migration has to start in the villages.

Participants also recognized the need to focus attention on educating the youth or the younger generation on how they should treat domestic workers.

### *Issue 3: Inter-movement/social movement building*

How to involve families left behind– especially in fighting for access and protection of resources at home. How to link migration issues with local, community issues, and also communicating the situation at home to migrant workers' employees abroad. There is a need to link situation abroad to the situation at home.

Participants also affirmed the need to link domestic work discourses to other movements and issues of migration as well as the need to strengthen and synergise inter-movement initiatives and efforts.

While recognising the importance of creating linkages and networking, participants also take cognizance of the fact that working with social movements and various NGOs become difficult especially when our programs and work need to fit in a “log frame” that does not necessarily traverse boundaries.

### *Issue 4: Engaging migrant domestic workers in transnational advocacy*



*Dr. Hildegard Hagemann from the German Commission on Justice and Peace and Bismo Sanyoto from the World Solidarity during the open forum (Photos courtesy of IDWN)*

Participants recognised that engaging migrant domestic workers in social transformation is also particularly challenging. They are not attractive to policy makers because they are not considered citizens and therefore not listened to.

#### *Issue 5: Future of domestic workers organizations*

Participants deliberated on whether domestic workers remain to be associations or be independent domestic workers' unions or should they affiliate themselves to existing trade unions. If the aim is to have a global domestic workers movement, national support is needed.

#### *Issue 6: Issue of rural development*

People get displaced from their lands and are deprived of livelihood and so they have to migrate into the city or to go abroad. We should build and give incentives (land reform, education, technology) in the rural areas so that they do not have to go to the city or work abroad. With regard to the youth, they have to be provided with proper education to develop their skills and capacities. Working with organizations in rural communities might also be a good strategy.

#### *Issue 7: Investment programs for domestic workers*

Participants underscored the need to provide investment programs so domestic workers can utilise and invest their remittances towards a sustainable project in their communities/villages. The problem is that in many cases, migrant returnees invest their money but incur more debt, forcing them to leave again.

## Overall Synthesis

The 3 workshops affirmed that the issue of domestic work is everybody's concern and therefore requires global attention. Participants agreed that key stakeholders could not act in silos if we want to improve the conditions of domestic workers.

Defending the rights of domestic workers does not only mean protecting their rights but also empowering them to exercise these rights. This means providing them opportunities or resources to do so. One way to do this is to organise them for collective action.

Protecting and empowering domestic workers require actions at all level and should be in different forms. It requires active involvement of key stakeholders and use of different approaches. Mechanisms at the national level should be in place for sending countries to set a high moral ground to demand for protection for their workers abroad.

Cooperation and sustained advocacy both at national and global scale are necessary to build a stronger campaign. Trust building, patience and stamina are needed to build up fruitful cooperation. Negotiations with different groups require different approaches.

Four major recurring themes surfaced in the 3 workshops:

Achieving decent work and guaranteeing protection of the rights of all domestic workers will remain to be a distant aspiration if domestic workers are not legally recognised as workers in national labour laws. If they are, these laws are flawed and inconsistent and not properly enforced and adequately monitored. How can we be effective in our advocacies given these limitations?

Specific to migrant domestic workers, one major concern that should be seriously addressed is the need to ensure that they are protected in all stages of the migration cycle from pre-employment to reintegration. Accurate information and proper training should be given to them for them make an informed decision.

Organising as an important component to winning the rights of domestic workers: A strong organisation of domestic workers with broad membership is crucial to ensure success. A campaign where the ultimate "beneficiaries" can speak about their issues provides credibility and enable duty bearers to listen to their voice. Organising may take in any forms and they vary from country to country. Whatever form it may be, participants affirmed that organising is a long-term process and requires creativity.

Strengthening the role of the social partners involved in the campaign: For a successful campaign, it is important to recognise the specific role of the social partners to ensure that the competencies of each partner are maximised.

Creation of local job and developing alternatives to mitigate migration: Alongside with our respective advocacies, the call for local job creation that is sustainable and support for local initiatives that create local employment should be promoted.

Building linkages with other social movements: Participants affirmed that there is a need to link up and connect more systematically with other groups or sectors in developing common concerns and identify ways to address them that would challenge the existing dominant system. Notably, there is a need to link up with grassroots organisations to be able to communicate effectively these global issues (e.g. migration) to the communities and how they are connected to the situation on the ground.

## **Opportunities for Collaboration**

1. Campaign for ratification of C189 and the UN Migrant Workers Convention.
2. Join the existing 12 by 12 campaign and organise activities around the following dates: December 18 International Migrants Day, May 1 Labor Day and June 16 Domestic Workers Day in 2013
3. Lobbying governments to enact laws for domestic workers, effectively implement existing ones and reform laws and policies that discriminate domestic workers.
4. Information exchange on good practices on domestic workers where groups can share and learn on the experiences of others.
5. Support the organizing of domestic workers both at sending and receiving countries. Encourage membership, participation and leadership of domestic workers in trade unions. Organising domestic workers, majority of whom are women, should be supported.
6. Coming together in relevant international spaces/platforms to collectively discuss issues of common interest.
7. Supporting and strengthening advocacies of other sectors/groups that directly link up with the issue of migration and domestic work. An example of this would be the peasant movement.

## **Recommendations**

### **A. On Key Issues**

- *On au pairs: There is a need to establish a conceptual clarity on the issue of au pairs system especially on the responsibilities/tasks expected from the au pair.* There should also be a system of monitoring and assessment. If the idea is a cultural exchange, there should be defined activities where both countries can assess the learning process.
- *Addressing recruitment malpractices:* Regulatory frameworks and oversight mechanisms should be further strengthened. In order to achieve the aim of attaining higher standards for the rights and welfare of migrant workers, the point of collusion between recruitment agencies in the sending and receiving countries must be understood and

properly addressed. Governments should devise ways on how to effectively regulate and monitor these recruitment agencies to ensure that the best interest of migrant workers is looked after.

- *Trainings and skills enhancement:* Trainings should not only include about the technical knowhow on doing and using equipments but also information about their rights (both in sending and receiving countries), the culture of the country where they will work and information about their embassies and NGOs or other support groups in the receiving countries.
- *Flaws and non-enforcement of laws/policies:* Use the Convention as a tool to remedy flawed laws and enforce existing ones. It is necessary to identify the gaps vis-à-vis the Convention to have a clearer policy direction.
- *Addressing the issue of contract substitution:* Contract substitution is one of the most common problems encountered by migrant domestic workers which leaves them getting underpaid and experience all other forms of exploitation. Documentation of cases is necessary for evidence-based advocacy. Advocates should be more aggressive in lobbying with governments to ensure that effective regulatory mechanisms are not only in place but also enforced.
- *Awareness-raising:* Building about awareness about the issue of domestic work entails targetting different actors. Messages should be tailored according to the target sector.

When targetting the public, we should also examine our attitudes towards domestic workers. How we view domestic work affect the value placed on domestic work in the society. There is a need to heighten the information drive on the immense contributions of domestic workers to our society; most importantly in enabling women/mothers to join the formal labour market.

One important sector to target is the youth or the younger generation. This is important because youth will be the next generation to lead our society; hence, it is important to sensitise them on the issue.

The media also plays an important in shaping public mindset about domestic workers. There is a need to further sensitize the media to influence them on how they project this issue.

When talking about protection of domestic workers, building awareness should not only focus on the Convention but also orienting them about the realities of migration. On the Convention, they should be taught on how to use the Convention to assert their rights as well as in mobilizing support particularly in advocating for policy reforms and enforcement of their rights.

With respect to au pairs, they should be informed of the recourse available for them if they are not considered domestic workers. This is necessary to protect them from further abuse.

To realise global consciousness on the issue, awareness should also start in the community or the villages.

- *Addressing the social dimension of the issue:* There is a need to strategise how we should pressure receiving countries to understand the contribution of domestic workers in the development of their economies and remove stigma against domestic workers. Participants stressed that while we look at the legal and political side of the campaign, we also take cognizance of the social aspect of the issue; not unless our societies accept and recognise that domestic workers are workers who deserve to be treated at par with other workers, legislations and policies will make no difference if our respective societies refuse to recognize this fact.

Values formation and reintegration programs should be seriously considered to address the social cost of migration. Such programs will not only strengthen family ties but will also teach how families can be more resilient.

## **B. Organising Domestic Workers**

- Organising should be an integral part of the campaign. Where unionisation is allowed, domestic workers should be encouraged to join or form their own unions. Local trade unions should actively reach out to domestic workers and allow them to be part of the union.

On the other hand, when unionisation is not possible, advocates could use social media to organise and mobilise domestic workers for collective action.

- If we want to build a global movement of domestic workers; we need to make domestic workers visible by taking up their issues at all levels –local, national, regional and international. We also need to provide and/or support them in their capacity building activities necessary to build their organisations, strategise and participate on any discussions that concern them.
- Above all, we need to involve them in all aspects of the campaign. We need to give them space and allow them to speak for themselves.

## **C. Successful Campaign**

- *Getting the support of key political actors at the national and local levels:* Winning legislative reforms entails enlisting support of key political actors not only at the national level but also at the local level. Advocates should understand that leaders at the community level have more influence over the people. If we aim to amass public support, it is support to ally with local leaders as well.

National level leaders are important in terms of advancing our advocacy on policy reforms and other legislative actions.

- *Alliance Building and strengthening solidarity:* There is a need to create space for social dialogues with relevant stakeholders– workers, government, employers, civil society organisations and others who seek to improve the lives of domestic workers.

There is also a need to strengthen links and solidarity between local and migrant domestic workers. One way to do this is to work on the framework of C 189 and emphasise that the goal is to protect all domestic workers; regardless of their status and that the main goal is to achieve equality between domestic workers and other workers. Organised groups of domestic workers should learn to reach out to other domestic workers.

- *Inter-movement/social movement building:* Domestic workers groups should link up with other social movements that seek for social justice for all. There is a need to strengthen our solidarity and define our common struggles for the betterment of the lives of the disadvantaged and marginalised sectors of our society such as the peasant movement.

Outreach to women's groups was also suggested. It has been observed that women's groups are not particularly engaged in the issues of domestic workers.

#### **D. Recommendations to governments**

- Ratification and implementation of UN Migrant Workers Convention, ILO Convention on Decent Work for Domestic Workers and the ILO Conventions on Migrant Workers (C97 and C143)
- Provide proper orientation and trainings for migrant domestic workers. In most cases, domestic workers both women and men who work overseas leave their countries without proper training and skills and are unaware of their rights. They also lack information about the laws, language, culture, society of receiving countries and they do not know where to turn to in case of emergency. Trainings and proper orientation should be given to domestic workers so they will be fully aware and conscious of their rights. This way, domestic workers will be pro-active in asserting rights in cases of abuses both physical and mental.

Governments have the obligation to take care that preparation, training, and reintegration programs are well designed, monitored and updated regularly. Private recruitment agencies have to be accountable to government and domestic workers for the quality of their programs. Governments have to enforce existing laws and ensure adequate monitoring systems.

- Governments to adhere to the decent work agenda. In many cases the legal framework to protect domestic workers is deficient. Governments are obliged to adhere to the core labour standards of the ILO especially the right to organise. Recognizing domestic

workers as workers would also suggest proper registration under labour departments and other regulation which confirms the equality of domestic workers and other sector workers. Harmonising contract schemes between sending and receiving countries and controlling the quality of recruitment agencies is part of this obligation.

- Origin countries to forge a multi-lateral approach in negotiating for protection of migrant domestic workers. The Philippine government to take this direction and champion the approach when lobbying with receiving countries.
- Governments should recognize and provide opportunities where domestic workers will be able to exercise not only their labour rights but also their social rights. This will enable them to become agents of change. More importantly, governments should recognise their rights to form associations or join unions of their choice.
- Governments should revisit, critique and reform educational programs that promote migration as well as its economic policy model that tend to favour capitalism and promote disempowerment of its people.
- Create local jobs and provide incentives to mitigate migration. In the context of the decent work agenda, job creation is one important pillar which is simultaneously likely to decrease the push factors of migration. Governments also need to look at providing incentives (land reform, education, technology) in the rural areas to help people develop their communities and consequently create more jobs and mitigate “forced” migration- both international and transnational labour migration.

Governments, as ILO Members, are bound to oblige to the decent work agenda. They are also party to the Millenium Development Goals which take them to task in encouraging development by improving social and economic conditions in the world's poorest countries. Local job creation is part and parcel of these goals.

## Annexes

**Workshop 1**  
**Domestic Work and Migration: Realities, Challenges and Responses**  
**26 November 2012**

COUNTRY	S.N.	NAME
<b>EAST ASIA</b>		
Hong Kong	1	Elizabeth Tang International Domestic Workers Network (IDWN) Email: <a href="mailto:Elizabeth.tang@idwn.info">Elizabeth.tang@idwn.info</a>
	2	Sheila Estrada IDWN/FADWU Email: sheilag60@yahoo.com
	3	Sringatin IDWN/FADWU/IMWU Hongkong Email: imwu.hk@gmail.com
	4	Michelle Weng Siu Woon HKCTU Email: <a href="mailto:michelle.wong@hkctu.org.hk">michelle.wong@hkctu.org.hk</a>
	5	Fish Ip IDWN Email: <a href="mailto:fish.ip@idwn.info">fish.ip@idwn.info</a>
	6	Tse Yin Faz FADWU/HKDWGU Email: fadwu.hk@gmail.com
		Maya Devi Rai Coalition on Migrants Rights-Hong Kong Email:
		Ganika ATKI-Hong Kong /APMM Email: atkihk_2000@yahoo.com
Japan	7	Kenji Kimura ISS Email: kimura@iss.nl
Taiwan	8	Allison Lee New Immigrants Labor Rights Association Email: <a href="mailto:edesonlee@gmail.com">edesonlee@gmail.com</a>
	9	Diomedes Del Rosario New Immigrants Labor Rights Association Email: <a href="mailto:jaomidi816@gmail.com">jaomidi816@gmail.com</a>
	10	Leoni Ngo Hope Workers Center leoningo@yahoo.com
	11	Yibee Huang TIMA Email: <a href="mailto:yibee.huang@gmail.com">yibee.huang@gmail.com</a>
<b>ASIA-PACIFIC</b>		
Australia	13	Capella Henderson RMIT University

		Email: <a href="mailto:capella81@hotmail.com">capella81@hotmail.com</a>
<b>SOUTH ASIA</b>		
Bangladesh	14	Shakil Akhter Chowdhury BILS Email: shakilbils@yahoo.com
India	15	Dr. Lissy Joseph National Domestic Workers Network- Andra Pradesh Email: srlissyj@yahoo.com
	16	Sr. P. Clara National Domestic Workers Movement Email: <a href="mailto:clarapitchai@yahoo.co.in">clarapitchai@yahoo.co.in</a>
	17	Kavitha S. SEWA/IDWN Email: <a href="mailto:kavithasewa@gmail.com">kavithasewa@gmail.com</a>
	18	Nalini Nayak SEWA/IDWN Email: nalini.nayak@gmail.com
	19	Bajra Kumar Rai GEFONT Email: <a href="mailto:migrant@gefont.org">migrant@gefont.org</a>
	20	Ganesh Danuwar GEFONT Email: nidwu@gefont.org
	21	M. Bhuttarim GEFONT Email:
Sri Lanka	22	Sujeewa Lal Center for Human Rights and Development Email: <a href="mailto:sujeewalal@gmail.com">sujeewalal@gmail.com</a>
	23	K. Shantini Red Flag Women's Movement Email: rfvmov@gmail.com
	24	S. Parvathi Domestic Workers Union Email: rfvmov@gmail.com
	25	Ranjan Helvetas Swiss Intercooperation Email: ranjan.ruriah@hotmail.com
<b>SOUTH EAST ASIA</b>		
Cambodia	26	Sary Both chakrya Community Legal Education Center (CLEC) Email: <a href="mailto:bothchakrya@clec.org.kh">bothchakrya@clec.org.kh</a>
	27	Tola Moeun Community Legal Education Center (CLEC)
		Sokcha Mom Legal Support for Children and Women Email: sokchar_mom@lscw.org
Indonesia	28	M. Firman KSBSI

		Email: <a href="mailto:eyank_123@yahoo.com">eyank_123@yahoo.com</a>
	29	Reni Aryanti FSPMI Email: <a href="mailto:renire_29@yahoo.com.id">renire_29@yahoo.com.id</a>
	30	Prihanani FSPMI Email: <a href="mailto:vreehanani@yahoo.com">vreehanani@yahoo.com</a>
	31	Abdullah Sani KsBSI Email: <a href="mailto:sani.abdullah@hotmail.com.id">sani.abdullah@hotmail.com.id</a> Bismo Sanyoto World Solidarity Email: <a href="mailto:bismo.asprodev@gmail.com">bismo.asprodev@gmail.com</a>
	32	Iweng ATKI Email: <a href="mailto:atki.indonesia@gmail.com">atki.indonesia@gmail.com</a>
	33	Nur Khasanah IDWN-Jala PRT Email: <a href="mailto:opsemarang@yahoo.com">opsemarang@yahoo.com</a>
	34	Cham Perez Center for Women's Resources Email: <a href="mailto:champerez@gmail.com">champerez@gmail.com</a>
	35	G. Punongbayan Migrante- Europe Email: <a href="mailto:office@migrante-europe.net">office@migrante-europe.net</a>
	36	Meryl Asa May Day Philippines Email: <a href="mailto:mayday-production@yahoo.com">mayday-production@yahoo.com</a>
	37	Hazel M. Seneres OFW Family Association-TUCP
	38	Nadia De Leon IOHSAD Email: <a href="mailto:jaydeleon2012@yahoo.com">jaydeleon2012@yahoo.com</a>
	39	Himaya Montenegro Global Network Email: <a href="mailto:maiamontenegro19@gmail.com">maiamontenegro19@gmail.com</a>
	40	Simon Galileo Garcia Global Network Email: <a href="mailto:simongalileogarcia@gmail.com">simongalileogarcia@gmail.com</a>
	41	Julius Cainglet Federation of Free Workers Email: <a href="mailto:dabigdyul@gmail.com">dabigdyul@gmail.com</a>
	42	Rhoda Mercado Associated Labor Unions –TUCP <a href="mailto:rcmercado77@yahoo.com">rcmercado77@yahoo.com</a>
	43	Jerome Alcantara Visayan Forum Email: <a href="mailto:jalcantara82@gmail.com">jalcantara82@gmail.com</a>
	44	Walter Robles

		Monash University Email: walter.robles@monash.edu
	45	Sita Abdullah OFW KAGKALIMA
	46	Rahima Aliman OFW KAGKALIMA
	47	Antonio Simaida OFW KAGKALIMAWA
	48	Susana Santos Concerned Mothers League
	49	J.M.N Portus National Union of Bank Employees Email: <a href="mailto:jimportua@gmail.com">jimportua@gmail.com</a>
	50	CJ Castillo LEARN/Global Network Email: <a href="mailto:cjcastillo@gmail.com">cjcastillo@gmail.com</a>
	51	Rhisan Morales Miriam College Email: rhisan.morales@yahoo.com
	55	Yolanda Pinzon Global Network email: dhangpinzon@yahoo.com
	56	Agnes Matienzo Migrant Forum in Asia Email: <a href="mailto:mfa@mfasia.org">mfa@mfasia.org</a>
Singapore	57	Kayoko Ueno Humanitarian Organization for Migration Economics Email: ueno@ias.tokushima-u.ac.jp
	58	Myrna Buti HOME Email: batch-myrna45@yahoo.com.sg
	59	Nancy HOME Email: <a href="mailto:shine.nancy16@gmail.com">shine.nancy16@gmail.com</a>
	60	Kamaria HOME <a href="mailto:rahayuayu612@gmail.com">rahayuayu612@gmail.com</a>
	61	Anicia Pascua HOME <a href="mailto:annie_pascua@ymail.com">annie_pascua@ymail.com</a>
	62	Nur Fadilah HOME Email: <a href="mailto:dilah23@yahoo.com">dilah23@yahoo.com</a>
	63	Bridget Tan HOME Bridgett.home@gmail.com
Thailand	64	Wantha Wilailak IDWN

	65	Parichat Jaroennon IDWN Email: <a href="mailto:jaroennon63@hotmail.com">jaroennon63@hotmail.com</a>
	66	Rungarun Kaosi IDWN
<b>WEST ASIA</b>		
Dubai	67	Sr. Agnese Elli Combini Sisters, St. Mary's Church Email: <a href="mailto:agnese.elli@gmail.com">agnese.elli@gmail.com</a>
Israel	68	Shai Slomka KavLaoved Email: <a href="mailto:shasda@gmail.com">shasda@gmail.com</a>
<b>AFRICA</b>		
South Africa		Myrtle Witboi SADSAWU/IDWN Email: <a href="mailto:myrtle@gmail.com">myrtle@gmail.com</a>
<b>EUROPE</b>		
Belgium	69	Barbara Carrociolo Solidar email: <a href="mailto:Barbara@solidar.org">Barbara@solidar.org</a>
Czech Republic	70	Paula Redlova Charles University, People in Need of NGO Email: <a href="mailto:paula.redlova@peopleinneed.cz">paula.redlova@peopleinneed.cz</a>
Germany	71	Hildegard Hagemann German Commission on Justice and Peace Email: <a href="mailto:h.hagemann@dbk.de">h.hagemann@dbk.de</a>
Sweden	72	Annika Gustatsson Email: <a href="mailto:annika.gustatsson23@gmail.com">annika.gustatsson23@gmail.com</a>
Switzerland	73	Debonneville Julien University of Geneva Email: <a href="mailto:julien.debonneville@unique.ch">julien.debonneville@unique.ch</a>
Italy	74	Edda Pando ARCI Email: <a href="mailto:eddapando@gmail.com">eddapando@gmail.com</a>
United Kingdom	75	Maeve Bateman Christian Aid Email: <a href="mailto:mbateman@christian.aid.org">mbateman@christian.aid.org</a>
	76	Mackenzie Paige Belt University of Bristol <a href="mailto:mp.belt@hotmail.com">mp.belt@hotmail.com</a>
U.S.A	77	Daz Lamparas Apala Email: <a href="mailto:union.kalayaan@gmail.com">union.kalayaan@gmail.com</a>

	78	Norm Ten SEIU/APALA Email: <a href="mailto:norman.ten@seiu1021.org">norman.ten@seiu1021.org</a>
<b>SOUTH/LATIN AMERICA</b>		
Colombia	79	Adriana Mendieta RMIT Student <a href="mailto:adrmendieta@gmail.com">adrmendieta@gmail.com</a>
Peru	80	Giann Velasquez M. FSP <a href="mailto:g.velasquezm@hotmail.com">g.velasquezm@hotmail.com</a>

**Workshop 2**  
**Building Collective Actions in Protecting the Human Rights and**  
**the Labour Rights of Domestic Workers**  
**27 November 2012**

COUNTRY	S.N.	NAME
<b>EAST ASIA</b>		
Hong Kong	1	Elizabeth Tang International Domestic Workers Network (IDWN) Email: <a href="mailto:Elizabeth.tang@idwn.info">Elizabeth.tang@idwn.info</a>
	2	Sringatin IDWN/FADWU/IMWU Hongkong Email: imwu.hk@gmail.com
	3	Michelle Weng Siu Woon HKCTU Email: <a href="mailto:michelle.wong@hkctu.org.hk">michelle.wong@hkctu.org.hk</a>
	4	Fish Ip IDWN Email: <a href="mailto:fish.ip@idwn.info">fish.ip@idwn.info</a>
	5	Tse Yin Faz FADWU/HKDWGU Email: fadwu.hk@gmail.com
	6	Helen Domaldo PLUDW-Hong Kong Email: leni_do@yahoo.com
Japan	7	Kenji Kimura ISS Email: kimura@iss.nl
Taiwan	8	Heng ATKI-Taiwan Email: wazi03yi@gmail.com
	9	Regina Fuchs Hope Workers Center Email: hwc.hope@gmail.com
	10	Peter On'Neill Hsinchu Catholic Diocese Migrants & Immigrants Service Center Email: hmisc_tw@yahoo.com
<b>ASIA-PACIFIC</b>		
Australia	11	Laura O'Neill DASSAN Australia Email: laurajeanoneill@gmail.com
	12	Angie Triantos RMIT, Melbourne Email: angietriantos@live.com.au
	13	Emily Briggs RMIT, Melbourne Student.rmit@edu.au

<b>SOUTH ASIA1</b>		
Bangladesh	14	Shakil Akhter Chowdhury BILS Email: shakilbils@yahoo.com
India	15	Dr. Lissy Joseph National Domestic Workers Network- Andra Pradesh Email: srlissyj@yahoo.com
<b>Nepal</b>	16	Satra Kumari Gurung POURAKHI - Nepal Email: pourakhi@gmail.com.np
	17	Bijaya Rai Shrestha POURAKHI- Nepal Email: bijayaraistha@hotmail.com
	18	Chelana Shrgng POURAKHI-Nepal
	19	Bishal Bharadwaj CLASS-Nepal Email: bhardwaj_bishal@gmail.com
	20	Ganesh Danuwar GEFONT Email: nidwu@gefont.org
<b>SOUTH EAST ASIA</b>		
Cambodia	21	Sary Both chakrya Community Legal Education Center (CLEC) Email: <a href="mailto:bothchakrya@clec.org.kh">bothchakrya@clec.org.kh</a>
	22	Tola Moeun Community Legal Education Center (CLEC)
	23	Khleang Sovanna Legal Support for Children and Women Email: savanna_khleang@lscw.org
	24	Chea Kimching Legal Support for Children and Women Tel: 855 12 225749
Indonesia	25	Reni Aryanti FSPMI Email: <a href="mailto:renire_29@yahoo.com.id">renire_29@yahoo.com.id</a>
	26	Prihanani FSPMI Email: <a href="mailto:vreehanani@yahoo.com">vreehanani@yahoo.com</a>
	27	Willy Balawala Solidarity Center- Indonesia Email: wbalawala@acils.or.id
<b>Philippines</b>	28	Himaya Montenegro Global Network Email: maiamontenegro19@gmail.com
	29	Simon Galileo Garcia Global Network Email: <a href="mailto:simongalileogarcia@gmail.com">simongalileogarcia@gmail.com</a>
	30	Julius Cainglet

		Federation of Free Workers Email: <a href="mailto:dabigdyul@gmail.com">dabigdyul@gmail.com</a>
	31	Jerome Alcantara Visayan Forum Email: <a href="mailto:jalcantara82@gmail.com">jalcantara82@gmail.com</a>
	32	Walter Robles Monash University Email: <a href="mailto:walter.robles@monash.edu">walter.robles@monash.edu</a>
	33	CJ Castillo LEARN/Global Network Email: <a href="mailto:cjcastillo@gmail.com">cjcastillo@gmail.com</a>
	34	Ana Valecia International Labour Organization (ILO) Email: <a href="mailto:Valencia@ilo.org">Valencia@ilo.org</a>
	35	Charelle Passion Spirit of HOME Scalabrini Email: <a href="mailto:charelle.soho@gmail.com">charelle.soho@gmail.com</a>
	36	Lilibeth Masamloc SUMAPI Email: <a href="mailto:bmamamloc@gmail.com">bmamamloc@gmail.com</a>
	37	Joseph Francia Union Network International- Philippine Liaison Council (UNI-PLC) Email: <a href="mailto:josephfrancia@gmail.com">josephfrancia@gmail.com</a>
	38	Rhodora Abano Center for Migrant Advocacy Email: <a href="mailto:cmaphils@pldtDSL.net/rhodora.abano@gmail.com">cmaphils@pldtDSL.net/rhodora.abano@gmail.com</a>
	39	Jeanette V. Loanzon Miriam College- CIHDS Email: <a href="mailto:jloanzon2000@yahoo.com">jloanzon2000@yahoo.com</a>
	40	Rou Villegas CBBRC Email: <a href="mailto:cbbrc@yahoo.com">cbbrc@yahoo.com</a>
	41	Ellene Sana Center for Migrant Advocacy
Singapore	42	Sarah Trask HOME Email: <a href="mailto:sktrask@gmail.com">sktrask@gmail.com</a>
	43	Nur Fadilah HOME Email: <a href="mailto:dilah23@yahoo.com">dilah23@yahoo.com</a>
	44	Bridget Tan HOME Email: <a href="mailto:Bridgett.home@gmail.com">Bridgett.home@gmail.com</a>
	45	Libby Clarke HOME Email: <a href="mailto:lilysong@gmail.com">lilysong@gmail.com</a>
	46	Maritess Tiu HOME Email: <a href="mailto:maritesstiu@ymail.com">maritesstiu@ymail.com</a>

	47	Cristina Bunao HOME Email: cristinabunao@gmail.com
<b>WEST ASIA</b>		
Bahrain	48	Mehru Vesuvala Migrant Workers Protection Society (MWPS) Email: vesuvala@gmail.com
Israel	49	Shai Slomka KavLaoved Email: shasda@gmail.com
Lebanon	50	Hessen El Sayah Caritas Lebanon Migrant Center Email: <a href="mailto:hsayah@clmc.org/">hsayah@clmc.org/</a> carimigr@inco.com.lb
	51	Rana Boukarim Anti-Racism Movement Email: ranaboukarim@gmail.com
	52	Samantha Hunt INSAN Association Email: shut@insanlb.org
<b>AFRICA</b>		
South Africa	53	Myrtle Witboi SADSAWU/IDWN Email: <a href="mailto:myrtle@gmail.com">myrtle@gmail.com</a>
<b>EUROPE</b>		
Czech Republic	54	Paula Redlova Charles University, People in Need of NGO Email: <a href="mailto:paula.redlova@peopleinneed.cz">paula.redlova@peopleinneed.cz</a>
Denmark	55	Agnete Aslang Kzaer Global Alliance Against Traffic in Women (GAATW) Email: research@gaatw.org
Germany	56	Hildegard Hagemann German Commission on Justice and Peace Email: h.hagemann@dbk.de
	57	Stefan Rother ABI Freirung Email: mail@stefanrother.de
Switzerland	58	Debonneville Julien University of Geneva Email: <a href="mailto:julien.debonneville@unique.ch">julien.debonneville@unique.ch</a>
Italy	59	Marcella Segre Babels International Email: marge.and.ca@gmail.com
United Kingdom	60	Maeve Bateman Christian Aid Email: <a href="mailto:mbateman@christian.aid.org">mbateman@christian.aid.org</a>
	61	Mackenzie Paige Belt University of Bristol

		<a href="mailto:mp.belt@hotmail.com">mp.belt@hotmail.com</a>
<b>SOUTH/LATIN AMERICA</b>		
Peru	62	Giann Velasquez M. FSP <a href="mailto:g.velasquezm@hotmail.com">g.velasquezm@hotmail.com</a>

**Workshop 3**  
**Organising Migrant Domestic Workers: Imagining existing models and**  
**imagining future models**  
**29 November 2012**

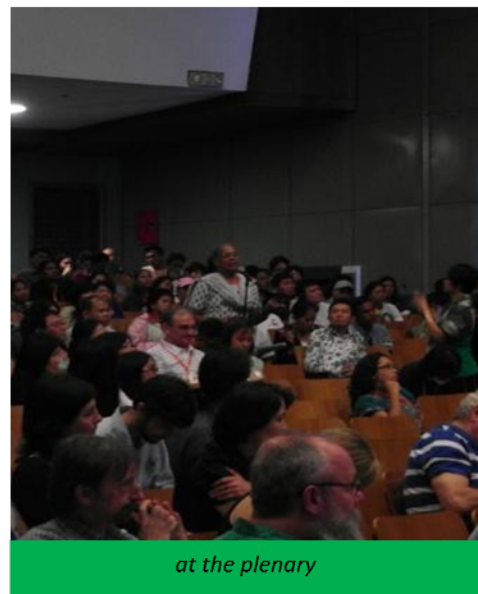
COUNTRY	S.N.	NAME
<b>EAST ASIA</b>		
Hong Kong	1	Elizabeth Tang International Domestic Workers Network (IDWN) Email: <a href="mailto:Elizabeth.tang@idwn.info">Elizabeth.tang@idwn.info</a>
	2	Sheila Estrada IDWN/FADWU Email: sheilag60@yahoo.com
	3	Sringatin IDWN/FADWU/IMWU Hongkong Email: imwu.hk@gmail.com
	4	Michelle Weng Siu Woon HKCTU Email: <a href="mailto:michelle.wong@hkctu.org.hk">michelle.wong@hkctu.org.hk</a>
	5	Fish Ip IDWN Email: <a href="mailto:fish.ip@idwn.info">fish.ip@idwn.info</a>
	6	Maya Devi Rai Coalition for Migrants Rights Email: thulirat@gmail.com
	7	Parichat Jaroennon FADWU Email: jaroennon63@hotmail.com
Japan	8	Kenji Kimura ISS Email: kimura@iss.nl
Taiwan	9	Peter On'Neill Hsinchu Catholic Diocese Migrants & Immigrants Service Center Email: hmisc_tw@yahoo.com
<b>ASIA-PACIFIC</b>		
Australia	10	Capella Henderson RMIT University Email: <a href="mailto:capella81@hotmail.com">capella81@hotmail.com</a>
<b>SOUTH ASIA1</b>		
Bangladesh	11	Shakil Akhter Chowdhury BILS Email: shakilbils@yahoo.com
	12	Monowara Sultana Dan Church Aid Email: msu.india@dca.dk
India	13	Dr. Lissy Joseph National Domestic Workers Network- Andra Pradesh

		Email: <a href="mailto:srlissyj@yahoo.com">srlissyj@yahoo.com</a>
	14	Sr. P. Clara National Domestic Workers Movement Email: <a href="mailto:clarapitchai@yahoo.co.in">clarapitchai@yahoo.co.in</a>
	15	Kavitha S. SEWA/IDWN Email: <a href="mailto:kavithasewa@gmail.com">kavithasewa@gmail.com</a>
	16	Nalini Nayak SEWA/IDWN Email: <a href="mailto:nalini.nayak@gmail.com">nalini.nayak@gmail.com</a>
<b>Nepal</b>	17	Bajra Kumar Rai GEFONT Email: <a href="mailto:migrant@gefont.org">migrant@gefont.org</a>
	18	Ganesh Danuwar GEFONT Email: <a href="mailto:nidwu@gefont.org">nidwu@gefont.org</a>
	19	Bishal Bharadwaj CLASS-Nepal Email: <a href="mailto:bhardwaj_bishal@gmail.com">bhardwaj_bishal@gmail.com</a>
	20	Murai Prasad Bhattarai GEFONT
<b>Pakistan</b>	21	Khalid Mahmood Labour Education Foundation Email: <a href="mailto:Khalid@lef.org.pk">Khalid@lef.org.pk</a>
<b>Sri Lanka</b>		
	22	K. Shantini Red Flag Women's Movement Email: <a href="mailto:rvmov@gmail.com">rvmov@gmail.com</a>
	23	S. Parvathi Domestic Workers Union Email: <a href="mailto:rvmov@gmail.com">rvmov@gmail.com</a>
<b>SOUTH EAST ASIA</b>		
<b>Cambodia</b>	24	Sary Both chakrya Community Legal Education Center (CLEC) Email: <a href="mailto:bothchakrya@clec.org.kh">bothchakrya@clec.org.kh</a>
	25	Tola Moeun Community Legal Education Center (CLEC)
<b>Indonesia</b>	26	Nur Khasanah IDWN-Jala PRT Email: <a href="mailto:opsemarang@yahoo.com">opsemarang@yahoo.com</a>
	27	Mohammed Ikhwan SPI/La Via Campesina Email: <a href="mailto:m.ikhwan@gmail.com">m.ikhwan@gmail.com</a>
	28	Willy Balawala Solidarity Center- Indonesia Email: <a href="mailto:wbalawala@acils.or.id">wbalawala@acils.or.id</a>
	29	Henry Saragih SPI/La Via Campesina Email: <a href="mailto:hsaragih@viacampesina.org">hsaragih@viacampesina.org</a>

Malaysia	30	Walter Robles Monash University Email: walter.robles@monash.edu
Philippines	31	Alma Nemis SJN/Kanlungan Email: nmscafe@yahoo.com
	32	Nida Villarande SJN/Kanlungan Email: nmscafe@yahoo.com
	33	Hasmine Bayao KAAGAPAY OFW Resources Email: hainah_bc@yahoo.com
	34	Fatima Lintang-Ali KAAGAPAY OFWRSC Inc. Email: yan_012700@yahoo.com
	35	Anna Dinglasan Miriam College Email: akdinglasan@mc.edu.ph
	36	Lilibeth Masamloc SUMAPI Email: bmasamloc@gmail.com
	37	Nikki Jurisprudencia WAGI/Miriam College Email: nikki.rj@gmail.com
Malaysia	38	Reagan Maiquez Monash University Email: Reagan.maiquez@monash.edu
Thailand	39	Wantha Wilailak IDWN
	40	Parichat Jaroennon IDWN Email: <a href="mailto:jaroennon63@hotmail.com">jaroennon63@hotmail.com</a>
	41	Rungarun Kaosi HomeNet Thailand/IDWN
<b>WEST ASIA</b>		
Lebanon	42	Sarah Chreif KAFA Email: sarah.chreif@kafa.org.lb
	43	Samantha Hunt INSAN Email: shut@insanlb.org
<b>AFRICA</b>		
South Africa	44	Myrtle Witboi SADSAWU/IDWN Email: <a href="mailto:myrtle@gmail.com">myrtle@gmail.com</a>
<b>EUROPE</b>		
Belgium	45	Barbara Carrociolo Solidar email: <a href="mailto:Barbara@solidar.org">Barbara@solidar.org</a>

Czech Republic	46	Paula Redlova Charles University, People in Need of NGO Email: <a href="mailto:paula.redlova@peopleinneed.cz">paula.redlova@peopleinneed.cz</a>
Germany	47	Hildegard Hagemann German Commission on Justice and Peace Email: <a href="mailto:h.hagemann@dbk.de">h.hagemann@dbk.de</a>
Netherlands	48	Petra Snelders RESPECT Europe Email: <a href="mailto:respectnl@gmail.com">respectnl@gmail.com</a>
	49	Anny Hefti-Misa Samahang Pilipina Switzerland Email: <a href="mailto:annyhefti@yahoo.com">annyhefti@yahoo.com</a>
United Kingdom	50	Maeve Bateman Christian Aid Email: <a href="mailto:mbateman@christian.aid.org">mbateman@christian.aid.org</a>
	51	Mackenzie Paige Belt University of Bristol <a href="mailto:mp.belt@hotmail.com">mp.belt@hotmail.com</a>
<b>SOUTH/LATIN AMERICA</b>		
Peru	52	Giann Velasquez M. FSP Email: <a href="mailto:g.velasquezm@hotmail.com">g.velasquezm@hotmail.com</a>
	53	Rocio Campana PLADES/Global Network –Latin America Email: <a href="mailto:chiscampana@plades.org.pa">chiscampana@plades.org.pa</a>

## Domestic workers and advocates in action...



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