

Migrant domestic workers –

General considerations and examples from selected countries

Excellencies,

Distinguished members of the Migrant Workers Committee,

Ladies and Gentlemen,

1. Thank you very much for giving me the opportunity to intervene on behalf of Caritas Internationalis, a network of 164 catholic organisations worldwide and its partners.

Underpinned with examples coming from our member organisations and partners from different parts of the world I would like to highlight some of our concerns and recommendations with regard to migrant domestic workers.

2. We know them all! Maria washes our clothing. Aneesa cooks for the family. Olha takes care of our parents. Maria works 7 days a week, Aneesa is punished with a burning iron if the food is not good and Olha has to be at service 24 h a day. They work hard and manage to support their family in their country of origin. However, they are exploited, their rights not protected in spite of existing human rights instruments and their children back home are often without proper care. They are discriminated against, as migrants, as women and as workers.

3. A migrant domestic worker can be either a foreigner or a national coming from a different area within the country.

Caritas Internationalis has so far used an ILO definition for the description of domestic work taken from the international standard classification of occupations.

4. Domestic workers fill a gap, a demand in societies, which has not yet been filled by the so called "work-life-balance" approach.

But it is a long way to go until we have systems in place to be able to work and at the same time have enough space to educate and enjoy children or care for the elderly. Nowadays it might be easier to "hire" a foreign domestic worker, who often has no choice but to work at almost any condition.

It is my personal opinion that it is unacceptable that the freedom of women and men in some countries is based on the exploitation of other human beings.

5. Many countries do not have legal channels for unskilled or semiskilled labour force – in spite of the apparent demand for it.

The recent development in Italy is a good example for this. After passing a so called "security package" with laws that stipulate that irregular entry into the country is a crime, very rapidly specific regularisation measures were allowed for foreign domestic workers, to avoid that suddenly some hundreds of thousands of families are deprived of their assistance¹.

6. While acknowledging that the phenomenon of domestic work is not new we see a new quality. There is a demand for domestic services on one hand and at the same time there is a trend that migrant women qualified or not, see domestic work/care work as an opportunity to maintain the family and improve their own opportunities. Domestic workers have a big share in what nowadays is called "Feminisation of migration".

¹ According to recent figures 294.000 applications for regularization of third country undocumented care workers and domestic have been lodged.

7. Often the transnational migration of female domestic workers is preceded by a migration from rural to urban areas, some of them induced by poverty due to climate change, as my colleagues in Senegal and India point out.
8. In many countries of the world, they are mainly irregular migrants, some of them are trafficked. According to the experiences of my colleagues in Lebanon and Sri Lanka domestic work and trafficking are often connected. Women migrate for a work and better opportunities, but end up without freedom and exploited. Caritas Lebanon and Sri Lanka are working in close cooperation to fight for an improvement at both ends of the migration journey.
9. Migrants, and among them domestic workers, have been hit hard by the crisis. Soon the 3rd Global Forum on Migration and Development will take place in Athens. The issue of migrant domestic workers is also connected to this topic. Migrant domestic workers send remittances home. Researchers have already pointed out, that with the current crisis, remittances are likely to diminish, which will put at risk the families in the countries of origin and often the education of children. If we don't regulate the sector of migrant domestic workers and leave them without a safety net, the burden on this group of people will double: Having no work to maintain the family from abroad and possibly returning with empty hands, putting the survival of the family at risk.
Is this development?
10. As can be drawn from the examples Caritas Internationalis described in a study called "Needed and exploited – The invisible suffering of migrant domestic workers"² the situation is very similar across the continents if it comes to exploitation, discrimination and lack of rights. Even in countries where laws are regulating domestic work, these are often discriminative to domestic workers, such as in Spain and India. Although basic regulations for domestic workers in India exist they are not entitled to a minimum wage that allows for a decent living.

11. Caritas Internationalis believes that there should be a common framework which outlines the basic elements for the improvement of the protection of migrant domestic workers. Other relevant international instruments, such as the "Convention on the rights of migrant workers and their families" are a further reference point for the implementation of rights of domestic workers. First and foremost we need a mentality shift, which recognises domestic work as work and respects those who do it as human beings with fundamental Human Rights.

Key elements which should be reflected in this framework are:

1) Safe and affordable recruitment

The recruitment channels for foreign domestic workers should be legal, safe and affordable. Too often dubious agencies recruit domestic workers for a work abroad under conditions which make them vulnerable and exploitable.

2) Channels for legal migration of domestic workers

Existing policies towards domestic work – as voucher systems – apply only to workers legally residing. There should be legal migration channels for domestic workers. Admission to these channels should not put an inadequate financial and bureaucratic burden on families. Temporary employment-based visas for migrant domestic workers non specific to employers and administered through labour authorities could be an option. Pre-departure information and counselling should be part of preparation for migration.

3) Decent working conditions for migrant domestic workers are a sign of development and contribute to integral human development.

The work should be regulated by a legal contract which determines duties and rights of the employees and the employers.

The employer/service receiver should get a well-informed and well trained employee. The employee in exchange should have a reliable working

agreement, which respects the law and its rights. Both should be assisted, by public or private agencies, duly controlled, to ensure the quality of the working agreement.

As an example both Caritas Austria and Caritas Spain act as mediators between the domestic worker and the employer. They train domestic workers/care workers, act as brokers for a work place and ask the employer for a contract which respects rights!

4) Domestic work - a dead end for professional development.

Considering the fact that there are domestic workers who have a qualification - but this not being the only reason - professional development should be made accessible to domestic workers, if they so wish. Working hours should allow for attending courses or a certain number of days should be granted for training.

5) Responsible states

The state has the responsibility to care for persons on his territory and the country of origin should provide support for his citizens. Recruitment, mediating and au-pair agencies should be effectively controlled and licensed. Receiving states should draft legislation and or implement it to protect the rights of domestic workers, with a clear definition of domestic workers' duties, the indication of the maximum number of working hours per day and hours of rest, days off and holidays, minimum wage and social security entitlements. Such legislation should include provisions for the prosecution of employers and agencies that violate domestic workers rights and foster abusive working conditions.

6) Domestic workers Ombudsman

There should be an independent function in each country where domestic workers can file complaints independently of their legal status. This Ombudsman should have the mandate - in close consultation with the domestic worker - to investigate cases and find means to solve them via mediation or

bringing them to court. According to the evidence collected necessary changes in legislation could be made or new legislation put in place.

7) Domestic work is for children, but not to be performed by children!

In spite of having international instrument protecting the rights of children, unfortunately experiences from the Middle East, India and Paraguay show that children are to be found among domestic workers.

The experience collected so far and our commitment for migrant women encouraged us to engage in this issue and we will continue to do so!

The initiative of a Day of General Discussion in the framework of the Migrant Workers Committee, the work initiated by the ILO and the growing number of organisations who are concerned with the situation of domestic workers are hopeful and valuable steps to achieve recognition, respect and protection of the rights of migrant domestic workers. I hope that at the end of the day we have enough material for a substantial statement of this committee!

Thank you

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Martina Liebsch