

Southeast Asia: Under-Protected Abroad, Domestic Workers Find Ways to Resist

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Southeast Asian domestic labourers often migrate to wealthier countries where they are excluded from labour protections and left vulnerable to abuse. While COVID-19 has made labour conditions worse, some migrant workers have found their own ways to resist.

In April, nine Vietnamese women huddled into the frame of a smartphone camera to broadcast a plea for help to their government and potential supporters back home. One of the women wore an eye patch to cover an injury, which she alleged was caused by her former employer.

In the video they recorded, the women explained that they were domestic workers stuck at a deportation centre in Riyadh, Saudi Arabia's capital. They needed help getting back to Vietnam.

"The employers brought us here without returning our belongings, passports or salary," one of the women, H'Thai Ayun, reads from a letter in the video.

Amid pandemic-related border closures, some of the women had been stuck in the deportation facility for several months, others for over a year, having escaped employers who, they say, physically and mentally abused them, denied them healthcare and made them work more than 12 hours a day, seven days a week.

"If you don't let me go home, I'll die here."

H'Thai Ayun was desperate to get back home. She pleaded with her employer for permission to leave, and when that failed, she refused to speak for seven days straight. After the employer released her to the Saudi Arabian agency that had placed her in that job, she went on hunger strike and demanded to be sent to a deportation facility where she would be able to meet other Vietnamese women. She eventually told the agency: "If you don't let me go home, I'll die here."

Other women in the video had also tried calling their recruitment agents and the Vietnamese embassy seeking help getting home, H'Thai Ayun tells New Naratif. But when those efforts failed, they decided to post their video on Facebook, where it has since been shared more than 100,000 times.

As of November, most of the women are back in Vietnam, after activists from the US-based NGO Boat People SOS saw the video and helped them get on a flight that carried Vietnam's national football team home following a match against Saudi Arabia.

Lan*, another Vietnamese domestic worker in Saudi Arabia, was also hoping to get home on that flight, but she couldn't secure a seat.

"I'm so sad. Every time there is a flight, they say it's my time to go home. But in the end, it's not," she says. Her two-year employment contract expired in October 2020.

Even before the COVID-19 pandemic, domestic workers from Southeast Asia who work in wealthier countries in East Asia and the Middle East were already one of the most under-protected classes of workers. Often excluded from their host countries' labour laws and lacking legal recourse, they are particularly vulnerable to exploitation and abuse. Movement restrictions in place since 2020 to curb the spread of COVID-19 and the resulting economic fallout have heightened these vulnerabilities.

"Due to this pandemic, live-in migrant domestic workers worked longer hours with increased workloads, had no day off and limited access to [personal protective equipment], and faced some problems such as unpaid salary and physical as well as mental health issues," says Bariyah, a field organiser for the International Domestic Workers Federation.

Still, some migrant workers from Southeast Asia have found their own ways to resist.

Resisting Discrimination

The Asia-Pacific region is home to more than 38 million domestic workers—more than any other region, even without counting China's 22 million domestic workers. Some 4.2 million domestic workers are originally from Southeast Asia, where industrialisation and environmental destruction have driven farmers off their land and into low-paying informal work in urban areas that can hardly sustain a family. Most of these domestic workers are women from the Philippines, Indonesia and increasingly Vietnam, who migrate to places like Malaysia, Singapore, Hong Kong, Taiwan, and even as far as Saudi Arabia and the United Arab Emirates.

In Hong Kong, the government has enacted pandemic-related policies that specifically target domestic workers. In late April, the government singled out around 370,000 migrant domestic workers for mass testing and vaccination after only two had tested positive for COVID-19. Other occupations, as well as the domestic workers' employers, whom they live with, were not included in the plan.

"This is an act of discrimination carried out by the [Hong Kong] government against migrant workers," says Aluh Ibrahim, a 37-year old Indonesian domestic worker in Hong Kong who serves as secretary of the Indonesian Migrant Workers' Union.

Since June, whenever she goes grocery shopping, Ibrahim has been sporting a white T-shirt emblazoned with a red ribbon, the logo of a local campaign known as iRED, which stands for "I resist exclusion and discrimination".

Co-organised by Indonesian and Filipino migrant workers' unions in Hong Kong, iRED opposes discriminatory COVID-19 policies that exclusively target domestic workers.

In addition to donning her iRed shirt, Ibrahim has participated in online dialogues with Indonesian consulate officials to request support for migrant workers in navigating Hong Kong's mandatory testing and vaccination plan. She has also participated in an online advocacy campaign calling out discrimination against migrant workers in Hong Kong's COVID-19 response.

"Everyone has the potential to catch the virus, but why are only migrant workers required to be tested and forced to be vaccinated? Migrant workers are accused of spreading the virus, even though the number of migrant workers infected with the virus is very small compared to local residents who have contracted the virus," Ibrahim says.

“We do not refuse to be tested or vaccinated as long as our bodies are healthy, and this should apply to everyone in Hong Kong,” she adds.

Discrimination against domestic workers in Hong Kong did not start with the pandemic. They were already guaranteed a lower minimum wage than other labourers. Often working more than 12 hours a day, domestic workers earn a monthly minimum wage of HK\$4,630, plus meals provided by employers or a food allowance of HK\$1,173, for a total of about \$5,800 per month. For other workers, the statutory minimum wage is set at HK\$37.50 per hour, equivalent to HK\$6,000 per month for a 40-hour work week.

Eventually, following protests outside Hong Kong’s Central Government Complex and additional pressure from the Philippine and Indonesian governments, the Hong Kong government scrapped the mandatory vaccination plan on 4 May. The mandatory testing requirements, however, remained in place for a second round after just three domestic workers tested positive out of the more than 340,000 who gave samples in the first round.

Trafficked to Morocco

Despite the discriminatory policies she faces in Hong Kong, Ibrahim enjoys freedoms that migrant domestic workers in other parts of the world do not. For instance, laws in Hong Kong and Taiwan allow domestic workers to form unions, whereas Singapore and Saudi Arabia forbid it. She can speak Cantonese and English, so she understands her employment contract and local laws. If she were to experience abuse, she could call her union with her own phone and seek assistance.

Setia*, a 45-year-old domestic worker from Indonesia, had no contract and no phone when she set out from her village for work in Morocco in June 2020. There were signs early on that her recruiter was a trafficker. She gave Setia a fake ID and told her to pack light, bring no phone and only a small amount of money.

Her sister had warned her about these red flags, but Setia was confident. She spoke some Arabic and had previously worked as a domestic worker in Brunei for six years, which had allowed her to put her daughter through school. Now, she needed the work to pay for her daughter to enroll in university. Plus, she told her sister, she trusted the recruiter.

“I told [my sister] she didn’t have to worry because everything is being taken care of,” Setia says. She referred to the recruiter as “Hajjah”, a title reserved for Muslims who have completed a pilgrimage to Mecca.

Reality started dawning on Setia once she landed in Singapore for a layover. She was alone, and she grew uneasy. She would have flown back to Jakarta, but she only had IDR 30,000 (US\$2) in her pocket. She realised the recruiter’s instruction not to bring a lot of cash was meant to prevent her from getting back home on her own.

“I felt so stupid being tricked like that. That’s why I don’t want my daughter to be uneducated like me. She has to be a smart woman,” Setia says.

Once she arrived in Morocco on a tourist visa, she immediately complained to her employers about the apparent illegality of her work arrangement. The employers showed her a contract they had signed. She also saw a signature that was supposed to be her own, which someone else had falsified. The employers, she says, paid US\$3,000 to bring her from Indonesia. Instead of being paid US\$350 per month as her recruiter had promised, her employers paid her US\$230.

“It’s a good thing I was brave enough to confront [my employers]. ...But what about those who are inexperienced and intimidated by [their employers]? Where would they end up?”

Setia’s case is not an isolated incident, according to Marni Sulastrri, a project coordinator at Kabar Bumi, an association of Indonesian migrant workers and their families. During the pandemic, Sulastrri has worked on four trafficking cases to countries in the Middle East and North Africa, including Setia’s. Before the pandemic, the number of cases averaged about a dozen each year.

To help repatriate trafficked domestic labourers, Kabar Bumi interviews their family, contacts the survivor to establish the timeline of events and then reports the case to the Indonesian government to seek assistance with repatriation.

“It’s a good thing I was brave enough to confront [my employers],” Setia says. She eventually managed to borrow a phone from her employer and contact her daughter, who then contacted Kabar Bumi for help. In November 2020, she finally returned home, after the Indonesian embassy in Morocco intervened in her case.

“But what about those who are inexperienced and intimidated by [their employers]? Where would they end up?” she says.

In December, Sulastrri was assisting an Indonesian woman trafficked to Syria to work in her employer’s home. Before Kabar Bumi managed to get her out, they lost contact. In January, the Washington Post reported that dozens of Filipina women were stuck in Syria after being trafficked there.

In a move aimed to protect migrant domestic workers, Indonesia has banned them from working in 19 countries in the Middle East and North Africa, including Morocco, since 2015. As Setia’s case illustrates, the ban has failed to stop traffickers, and prompted them to circumvent restrictions. In October, Indonesia’s National Commission on Human Rights said the 2015 ban should be lifted, citing a number of cases of domestic workers being trafficked to the Middle East and North Africa through illegal agencies, with some facing violence from brokers when they tried to return home. The commission and advocacy groups like the International Domestic Workers Federation have also said the ban impedes domestic workers’ right to migrate and work. Advocates have called on the Indonesian government to ratify and apply relevant International Labour Organization conventions on domestic workers and labour migration.

The Philippines is the only country in Southeast Asia to have ratified the ILO’s 2011 Domestic Workers Convention, which sets minimum labour standards on working hours, wages, working conditions and social security, and offers workers protection from abuse by employers and recruitment agents. It affirms domestic workers’ rights to freedom of association and collective bargaining.

Which Governments Have the Least Legal Protections for Domestic Workers?

Domestic workers, including some 4.2 million who are originally from Southeast Asia, are often excluded from labour protections in their host countries, including laws on weekly work hour limits, guaranteed rest, paid annual leave, minimum wages and maternity leave.

Hong Kong

- No limit on normal weekly work hours

- No minimum wage for live-in workers

Morocco

- Limit on normal weekly work hours is higher than for other workers
- Minimum wage is lower than for other workers

Saudi Arabia

- No limit on normal weekly work hours
- Paid annual leave is shorter than for other workers
- No national minimum wage
- No entitlement to maternity leave

United Arab Emirates

- No national minimum wage
- No entitlement to maternity leave

“It’s a Business”

Without prior experience and support from NGOs like Setia received, and without the strong voices of trade unions like those in Hong Kong, many Vietnamese domestic workers in Saudi Arabia have been subjected to slave-like conditions for years. The lack of available repatriation flights during the pandemic has made the already distant chance of escaping even more remote.

Guest workers in the Middle East are largely governed by the kafala system, which requires employers to act as migrant workers’ sponsors. Saudi Arabia has some of the most restrictive kafala rules for domestic workers, which prevent them from leaving the country or changing jobs without their sponsor’s permission.

These rules make it especially difficult for domestic workers suffering from abuse to escape from their employers. Employers commonly keep their employees’ passports, and some workers are even denied access to a phone. For abuse cases among the approximately 1 million Filipino migrant workers in Saudi Arabia, Migrante International, a global alliance of overseas Filipino workers, takes matters up with their government by calling for repatriation assistance.

“Most of the campaigns and demands are directed at the Philippine government because they have diplomatic agreements with the host government,” chairperson Joanna Concepcion says.

“It’s a business. ...[Agencies’] priority will always be the profit they make from recruiting migrant workers.”

But in Vietnam, where civil society activism is tightly restricted, far fewer resources are available. On paper, recruitment agencies are supposed to protect the workers they send overseas. However, evidence from Vietnam and other countries that send many migrant workers abroad consistently shows that recruitment agents tend to support employers and exploit workers.

“It’s a business,” Concepcion says of recruitment agencies. “Their priority will always be the profit they make from recruiting migrant workers, and that’s been proven through their actions.”

In Saudi Arabia, stuck with an employer who would not let her leave and unable to secure a flight

back home to Vietnam, conditions grew worse for Lan. In February, her employer locked her out of the house for four days without food after she had asked for a day off because she wasn't feeling well, she tells New Naratif.

With the ostensible aim of monitoring unscrupulous recruitment agencies, Vietnam has implemented a system of fines. Between 2007 and 2015, the Ministry of Labour revoked the licences of 46 companies and levied administrative fines on 76 agents, totalling just over 300 million dong (US\$13,000)—an average of less than US\$175 per agent, according to a government report from last year.

These measures do little to deter agents from perpetuating a cycle of abuse, according to human rights lawyer Tran Thu Nam, who in 2017 helped repatriate a domestic worker from Saudi Arabia who had suffered long working hours and physical and mental abuse by her employer.

"The Department of Overseas Labour only cares about levying fines without offering any remedial measures," he says, noting that Vietnamese workers overseas are not part of Vietnam's General Confederation of Labour, a national trade union.

Nam no longer does the pro bono work for migrant domestic workers. After that first successful case, he was overwhelmed with requests from workers, who bombarded him with images of their injuries.

"It was too traumatic. I don't have the strength to support them all," he says.

The Department of Overseas Labour does oversee a fund whose contributors include both workers and recruitment agencies. One of the fund's purposes is to cover repatriation costs for workers suffering from abuse. However, a 2020 report by the Ministry of Labour revealed that the fund does not cover many risks workers face, including those relating to epidemics, wars and recessions. The fund only pays out up to 5 million dong (US\$220) to repatriate a worker suffering from occupational injuries—an amount deemed by the ministry as "too low".

Given the lack of government protections, many desperate Vietnamese domestic workers turn to Facebook for help getting home. New posts appear in groups for Vietnamese workers living in Saudi Arabia almost every week. This is where H'Thai Ayun and the other eight women stuck at the Riyadh deportation centre posted their viral video.

Lan took to Facebook on several occasions to feel less alone. In June, she logged on with an anonymous account and posted: "Hi everyone! Has anyone here ever had to drink water from the bathroom? For me, this is the fifth time already. Wondering when [we] will get a flight back home."

Eventually, she decided she'd had enough from that employer, and she refused to work. Only after the employer found a replacement worker in July was Lan allowed to officially quit the job. Her agent promised she'd travel home on a repatriation flight in early September and convinced her to work for another family until then.

"They sold me again," she tells New Naratif.

"[This employer] is better, but I get little sleep," she says, adding that she works from 6 a.m. to midnight every day.

Unlike the women stuck at the deportation centre, Lan still has the strength to work long hours, which at least earns her money that she can send home. But she regrets coming to Saudi Arabia and yearns to return home to see her family and rest.

She repeatedly insists that neither her real name nor her agent's can be revealed in the media.

"Otherwise, the agent will never let me go home."

**A pseudonym has been used due to the person's fear of reprisals.*

Lam Le

Additional reporting by Eka Nickmatulhuda

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P.S.

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