



FDW Trafficking Research Report

December 2012

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Acknowledgements

Libby Clarke, Senior Consultant to the HOME Anti-Trafficking Programme, was the lead researcher and author of the report. Research assistance was provided by Marijke Bohm, Lydia Bowden, Marissa de Guzman, Vermili Saucelo and Judy Sotelo, all of whom contributed to the interviewing and the desk research process. Oversight of the research process was provided by Bridget Tan (Chief Executive Officer, HOME) and guidance was also offered by Jolovan Wham (Regional Director, Global Partnerships and Philanthropy, HOME) and Valli Pillai (Casework Manager, HOME).

Our warm thanks is extended to all 151 women who agreed to participate in the study as interviewees and to contribute to HOME's mission to improve the protection of the rights of foreign domestic workers in Singapore. This report is dedicated to you all!

Executive Summary

Following the establishment by the Humanitarian Organization of Migration Economics (HOME) of its Human Trafficking Resource Centre in 2011 and the launch of the National Plan of Action Against Trafficking in Persons 2012-2015 (the NPA) by the Inter-Agency Taskforce on Trafficking in Persons (the Taskforce), this study was commissioned in order to (i) analyse the link between human trafficking and migrant domestic labour in Singapore, (ii) identify relevant patterns of trafficking indicators, (iii) identify the strengths and weaknesses of Singapore's law and policy in addressing such indicators, and (iv) make recommendations as to steps which can be taken by the Singapore government and other stakeholders to improve the response to trafficking within this sector.

The most commonly and internationally used definition of human trafficking is that found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the UN Trafficking Protocol) which states that:

“‘Trafficking in Persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power of or a position of vulnerability of or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹

The three elements of human trafficking, therefore, are:

1. Action (recruitment, transportation, transfer, harbouring or receipt of persons);
2. Means (force, coercion, deception, fraud, abuse of power, abuse of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person); and
3. Purpose of exploitation (including, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

Whilst governments and civil society across the globe have tended to focus their legislative and policy efforts on combating sex trafficking, labour trafficking – and particularly trafficking of foreign domestic workers (FDW) into forced labour or services, slavery or practices similar to slavery and/or servitude (referred to collectively in this report as domestic servitude) – has received far less attention. Indeed, the issue of trafficking into domestic servitude has become somewhat controversial, with political will often pitched against the eradication of such violations of the rights of FDWs due to the implications for voting employers. International authorities – including the UN Special Rapporteurs on Contemporary Slavery and on Trafficking – have acknowledged the existence of this

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the UN Trafficking Protocol), Article 3, available at:
http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.

form of trafficking, whilst also recognising its unique characteristics. Such characteristics include the fact that it does not tend to involve transnational organised crime syndicates, but rather takes place within legal migration processes and the ordinary interaction between employment agents and employers. Further, the perpetrators of this form of trafficking often do not realise they have become traffickers, and the “victims” frequently enter willingly into exploitative arrangements, despite being subjected to deceptive, abusive and coercive practices, out of a desperate need to earn money.

Between March and July 2012, 151 FDW residents of the HOME shelter were interviewed in order to determine the extent to which the ILO Operational Indicators of Trafficking in Human Beings (the ILO Indicators)² were present in each case. A thorough analysis of the interview reports was conducted and a summary of the findings, as set out in Appendix 3, was produced. Whilst the more specific detail of the findings is described in Section 3 of the report, an overview demonstrates that for 149 of the women interviewed, all three elements of the definition of human trafficking – action, means and purpose - were present. 149 of the 151 women were held in situations of exploitation, with 150 women subjected to coercive practices to keep them in such situations. 54 women were deceived during the recruitment process and the vulnerability of 54 women was abused by their recruiters in order to lure them into situations of exploitation. The most prevalent indicators were those relating to:

- (i) deception relating to key terms of the employment arrangement, including wages and earnings (40.4%);
- (ii) Abuse of vulnerability caused by financial difficulty (66.2%) or a lack of information provided during recruitment (88.7%);
- (iii) Excessive working hours (96%) and inadequate rest days (96.7%) during employment;
- (iv) Low or no salary (100%); and
- (v) The use of coercive practices, such as salary deductions to repay recruitment debt (96.7%), confiscation of documents (96%) and isolation, confinement and surveillance (62.3%) in order to keep FDWs in a condition of exploitation.

Despite the recent commitments made by the Taskforce in the NPA, this report identifies a number of gaps and inadequacies in the current Singapore legislative and policy regime relating to FDWs and trafficking. Firstly, it highlights the notable absence of a specific and comprehensive anti-trafficking legislation and a corresponding lack of identification of many trafficked and potentially trafficked persons, such as those interviewed in the course of this study. Secondly, it highlights the inadequate prevention of deceptive, coercive and exploitative practices under the legislation governing the operation of employment agencies and agents (the Employment Agencies Act) and the regulations governing the behaviour of employers (the Employment of Foreign Manpower Act and the Employment of Foreign Manpower (Work Passes) Regulations). The exclusion of FDWs from the Employment Act places them at a further disadvantage in this regard. In addition, policies which impose financial burdens upon employers – such as the security bond requirement and the imposition of a monthly levy – impact on their behaviour in terms of determining the salary they pay to their FDWs and the control they exercise over them through restrictions on their movement, lack of rest days and confiscation of passport and Work Permits. Further, the immigration system which ties the status of each FDW to the relationship with her employer increases her vulnerability to coercion and exploitation.

² International Labour Organisation, *ILO Operational Indicators of Trafficking in Human Beings*, 2009, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf.

Thirdly, the report points to the lack of any effective means of prosecuting labour trafficking, not least because nowhere is it legislated as a criminal offence (unlike sex trafficking) and there is currently no comprehensive anti-trafficking legislation in Singapore. Fourthly, there is no comprehensive system of protection for trafficked and potentially trafficked women, and the needs of FDWs whom fall into this category are currently being neglected by the government and are met only by charitable organisations such as HOME. Finally, there is a distinct lack of cross-border partnership between the government of Singapore and the governments of major source countries of FDWs, such as the Philippines and Indonesia.

The flaws in the Singapore system are perhaps most clearly evidenced by the fact that of the 77 of the 151 women who were referred to either MOM or the police or both, none of them were flagged as trafficked or potentially trafficked women.

The report concludes with the following list of recommendations:

HOME recommends that the Singapore government should:

- i) Demonstrate its commitment to eradicating trafficking into domestic servitude (alongside all other forms of trafficking in persons) and to protecting the rights of all workers and all women by ratifying all relevant international instruments, including the UN Trafficking Protocol, the UN Convention on the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the ILO Domestic Workers Convention;
- ii) Enact comprehensive anti-trafficking legislation which criminalises all forms of human trafficking in Singapore and includes measures concerning the prevention, protection and provision of financial and employment assistance to all trafficked and potentially trafficked persons, including FDWs.
- iii) Review the adequacy of the legal protections for FDWs embodied within the Employment of Foreign Manpower Act and the Employment of Foreign Manpower (Work Passes) Regulations, and take all necessary steps to improve protection, including, but not limited to:
 - a. extending the coverage of the Employment act to cover FDWs, introducing working hour limits, medical leave, annual leave and maternity leave entitlements, a more effective mandatory rest-day policy and minimum wage guarantees;
 - b. prohibiting particularly problematic behaviours of employers and employment agents, including salary deductions, isolation and confinement, termination without notice and with no just cause, and confiscation of documents;
 - c. establishing statutorily-imposed standard form employment contracts which entrench broad labour rights and can be enforced through accessible and free legal mechanisms;
 - d. ensuring the availability of free legal services and advice to FDWs through both the Ministry of Manpower and the police;
 - e. ensuring transparency in relation to the operation and outcomes of protection mechanisms, including the resolution of disputes by the Ministry of Manpower, the monitoring of employment agencies and the investigation of abuse cases by the police; and

f. providing training to all relevant officials so as to increase the enforcement of existing legal protections for FDWs from labour exploitation.

- iv) Review the imposition of excessive financial burdens – through the security bond and levy policies - upon employers of FDWs and provide full disclosure as to the use of funds collected through the levy and the extent to which security bonds are called upon in order to fulfil the obligations of errant employers;
- v) Review those elements of the Work Permit system which allow the immigration status of the FDW to be inextricably linked to her relationship with her employer, and consider allowing FDWs to work in Singapore without being tied to one employer and with the ability to change employers without the threat of repatriation;
- vi) Review the Employment Agencies Act to (a) prohibit agencies from charging FDWs for any recruitment fees and/or other deployment-related costs (whether incurred in Singapore or the country of origin), and (b) review the system for monitoring employment agencies so as to better address the problems arising from salary deductions, contract substitution, continual redeployment of FDWs who wish to be repatriated, and continual provision of FDWs to abusive and exploitative employers;
- vii) Engage in increased bilateral and multilateral cooperation with source countries, such as Philippines and Indonesia, to ensure more effective protection of FDWs from the deceptive, coercive and abusive behaviours of employment agents and employers and consider entry into bilateral agreements which formalise such efforts;
- viii) Collaborate fully with civil society organisations, especially those who have the “grassroots” experience of the challenges, motivations and needs of FDWs, and provide financial support for their work, particularly those offering shelter services and other forms of victim protection and rehabilitation; and
- ix) Engage in awareness-raising amongst employment agents, employers and public in general about trafficking indicators, the relevant legislation and policy and the possibility of engaging in such behaviours associated with human trafficking unintentionally.

HOME recommends that the governments of source countries, such as the Philippines and Indonesia should:

- i) Harmonise existing domestic legislation with the relevant obligations recently assumed under international instruments including the ILO Domestic Workers Convention and the UN Convention on the Rights of All Migrant Workers and Members of Their Families;
- ii) Engage with the government of Singapore to seek better cross-border enforcement of the protections granted to FDWs under domestic legislation and the improvement of the protections offered by Singapore legislation;
- iii) Implement awareness-raising programmes, in partnership with civil society organisations both in the home and receiving countries, through which (a) future FDWs can learn about their rights

under domestic legislation prior to departure and (b) employment agents are made fully aware of their obligations and responsibilities;

- iv) Ensure the adequacy and availability of diplomatic and consular protection provided by the relevant embassy in Singapore to FDWs, including provision of interpreters, medical care, counselling, legal aid and shelter where necessary;
- v) Where relevant, extend the scope of domestic anti-trafficking legislation to enable the extra-territorial application of its provisions so as to better protect nationals from trafficking into countries such as Singapore; and
- vi) Resist any approaches by Singapore employment agents calling for domestic protection of the rights of FDWs when working in receiving countries to be relaxed.

1. Introduction

1.1 Introduction to HOME

The Humanitarian Organization for Migration Economics (HOME) is a non-governmental organization and registered charity which is dedicated to serving the needs of the migrant worker community in Singapore. HOME was established in 2004 and has since provided services to thousands of migrant workers in need through its provision of shelters, legal assistance, training and rehabilitative services. Roughly 60% of those assisted by HOME are foreign domestic workers (FDWs). The majority are from Philippines and Indonesia, but increasing numbers of women from Myanmar and India have also been seeking HOME's assistance. The latest statistics published by the Ministry of Manpower (MOM) from June 2012 state that there are currently 208,400 FDWs in Singapore.³ Through its day-to-day interaction with the FDW community, HOME has a clear insight into the challenges facing these women and the support and services which they require as a result.

In June 2011, HOME's then Founder-President and current Chief Executive Officer, Bridget Tan, was recognised by the US State Department as a "Hero Acting to End Modern-Day Slavery". In the same year, HOME established its Human Trafficking Resource Centre. Through its Resource Centre, HOME aims to use its extensive experience of working to support the migrant worker community of Singapore to improve and ensure the **prevention** of human trafficking, the **prosecution** of those responsible for human trafficking and the **protection** of trafficked and potentially trafficked persons. It seeks to do so in **partnership** with other key stakeholders, including the government, its civil society colleagues, academics and the corporate sector.

In addition to providing a range of direct services to trafficked and potentially trafficked persons (including a 24-hour toll-free helpline, a helpdesk service which provides case support, shelter services for both women and men, a victim assistance programme to provide financial support to those with no income and various rehabilitative and empowerment programmes centred around the HOME Academy), HOME is committed to using the information collated through its casework and the contact it has with thousands of migrant workers, employers and agents each year, as a basis for various research projects. As recognised by the Singapore Inter-Agency Taskforce on Trafficking in Persons (the Taskforce), such research is necessary order to enable all stakeholders to develop an informed understanding of the nature and scale of human trafficking in Singapore and to devise appropriate legislative and policy responses. This report is the first research output of HOME's Human Trafficking Resource Centre.

1.2 Context and Purpose of Report

In recent years, there has been increased recognition of the presence of human trafficking in Singapore. In its Concluding Observations on Singapore issued in August 2011, the Committee on the Elimination of All Forms of Discrimination Against Women expressed concern "about the continuing prevalence of trafficking in women and girls" in Singapore.⁴ Further, in both 2011 and 2012, the US

³ Ministry of Manpower, "Foreign Workforce Numbers", June 2012, available at: <http://www.mom.gov.sg/statistics-publications/others/statistics/Pages/ForeignWorkforceNumbers.aspx>.

⁴ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women - Singapore*, 10 August 2011, CEDAW/C/SGP/CO/4, available at: <http://www.unhcr.org/refworld/docid/4eeb47b2.html> [accessed 18 September 2012], Para 25.

Department of State Trafficking in Persons Report ranked Singapore as Tier 2, and referred to it as a destination country for men, women and girls subjected to sex trafficking and forced labour.⁵

In 2010, in recognition of the extent of the human trafficking problem in Singapore, the government established the Taskforce, with the aim of combating trafficking “more effectively by implementing holistic, co-ordinated strategies”.⁶ In March 2012, the Taskforce launched its National Plan of Action against Trafficking in Persons 2012-2015 (the NPA) in which it set out its plans for countering both sex and labour trafficking in Singapore.⁷ This plan confirmed that the Taskforce is using the definition of “trafficking in persons” found in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the UN Trafficking Protocol), and is structured around the “3Ps” set out in the UN Trafficking Protocol – ie. prevention, prosecution and protection – adding the 4th “P” of Partnership.

The NPA recognises both the importance of “research studies” which develop a better understanding of the “TIP situation”⁸ and partnership with domestic NGOs in the research process.⁹ Whilst previous research has been carried out in relation to sex trafficking in Singapore,¹⁰ there has so far been an absence of research addressing the issue of labour trafficking and no study has been carried out on the presence of trafficking indicators amongst FDWs in Singapore.

It is in response to the NPA initiatives that HOME embarked upon this piece of research, the purpose of which is to:

- (1) analyse the link between human trafficking and migrant domestic labour in Singapore and identify any relevant patterns of trafficking indicators;
- (2) identify the strengths and weaknesses of Singapore’s law and policy in addressing such patterns; and

⁵ US Department of State, *Trafficking in Persons Report 2011*, June 2011, p.319, available at: <http://www.state.gov/documents/organization/164457.pdf>; US Department of State, *Trafficking in Persons Report 2012*, June 2012, p.308, available at: <http://www.state.gov/documents/organization/192597.pdf>.

⁶ For further information about the composition of the Singapore Inter-Agency Taskforce on Trafficking in Persons, see <http://app1.mcys.gov.sg/Policies/HelpingtheNeedy/SingaporeInterAgencyTaskforceonTrafficking.aspx>.

⁷ Singapore Inter-Agency Taskforce on Trafficking in Persons, *National Plan of Action Against Trafficking in Persons, 2012-2015*, March 2012, available at: http://app1.mcys.gov.sg/Portals/0/Topic/Issues/RPD/tipbooklet_080812.pdf.

⁸ Singapore Inter-Agency Taskforce on Trafficking in Persons, *National Plan of Action Against Trafficking in Persons, 2012-2015*, March 2012, Initiative No. 8, available at: http://app1.mcys.gov.sg/Portals/0/Topic/Issues/RPD/tipbooklet_080812.pdf.

⁹ Singapore Inter-Agency Taskforce on Trafficking in Persons, *National Plan of Action Against Trafficking in Persons, 2012-2015*, March 2012, Initiative No. 28, available at: http://app1.mcys.gov.sg/Portals/0/Topic/Issues/RPD/tipbooklet_080812.pdf.

¹⁰ ECPAT International and Sallie Yea, *Commercial Sexual Exploitation and Trafficking of Children and Young People in Singapore*, 2010, available at: <http://unwomen-nc.org.sg/uploads/FINAL%20Singapore%20Research%20Report%2021%20June%202011.pdf>.

- (3) make recommendations as to action which can be taken by the government of Singapore, the governments of key source countries and other stakeholders in order to prevent, protect and prosecute in accordance with the UN Trafficking Protocol and the NPA.

1.3 Methodology

This study involved the collection of data through a series of semi-structured interviews and a review of relevant laws, contracts, international instruments, indicators, reports, academic articles and newspaper articles. The desktop research covered both national and international sources.

151 FDWs were interviewed between March and July 2012 by a team of researchers made up of both HOME staff and volunteers. The use of interviews was deemed to be the preferable research method based upon the outcomes of two previous phases to the research carried out during 2011. The initial phase involved reviewing historic case files of HOME's service users to ascertain whether trafficking indicators were present in their cases. Due to the fact that information regarding the recruitment and transportation phase was not previously collected from service-users, insufficient information could be gathered in order to make determinations regarding the presence of trafficking indicators. A second phase involved the use of questionnaires which were given to every new service-user upon arrival at the HOME office. Given the complexity of concepts such as deception and coercion and concerns over the ability of the questionnaire respondents to give a sufficiently objective assessment of their experiences without further explanation of the questions, it was determined that such data would be insufficient to meet the aims of this research study. It was decided that interviews conducted by trained researchers in a relaxed setting would allow for the collection of the most accurate information from fully informed participants.

All interviews took place in either the HOME office or the HOME shelter. The Interview Guide is found at Appendix 1. During these semi-structured interviews, open-ended questions were asked, allowing the interviewees to describe their experiences both in their country of origin and in Singapore. All of the interviewees were women who had sought HOME's assistance in relation to their employment as FDWs in Singapore and were resident in the HOME Shelter for a period of time. Following the interviews, the interview reports were analysed in order to assess the extent to which each individual's case included the ILO Operational Indicators of Trafficking in Persons (the ILO Indicators), and more specifically, those relating to labour trafficking (see Appendix 2).

Prior to commencing the interview, the purpose of the study was explained to all interviewees, who subsequently gave their consent to be interviewed and for the information to be used for this report. All participants were made aware of their ability to terminate the interview at any point, as 7 women chose to do and have subsequently not been included in the study. Interpreters were used where necessary. Interviews were conducted by HOME staff members and volunteers who had received training on how to carry out the interviews and the ethical considerations to take account of when carrying out interviews.¹¹

The methodology adopted did have certain limitations. Firstly, the interviews were not conducted with a random sample of FDWs in Singapore. All of the interviewees were staying in HOME's shelter for FDWs who had left their employers following a "crisis situation". For this reason, this study therefore

¹¹ World Health Organisation, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, 2003, available at: <http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>.

makes no statement as to how representative this data pool is of FDWs throughout Singapore for this reason. Rather, it demonstrates the patterns of trafficking indicators arising in these particular cases. Secondly, the data set is incomplete in places due to the fact that the interviews were conducted in a respondent-driven manner in which interviewees were not pushed to give answers to questions to which they did not feel comfortable responding leading to some gaps in the data. In addition, the interview process developed over time as information regarding the patterns of indicators became more clear. Initial interviews did not therefore raise all of the questions which were asked towards the end of the study. Finally, some interviewees did not answer certain questions which they (rightly or wrongly) did not consider relevant to their own situation.

2. Trafficking into Domestic Servitude: A Global Issue

This section provides an overview of the international legal framework relating to trafficking in persons and identifies the specific features of trafficking into domestic servitude, as established by international experts and organisations working on this issue, against which the patterns identified through this study in Singapore can be analysed.

2.1 International law

International law provides guidance as to both the definition of human trafficking and the steps which must be taken to effectively combat all of its manifestations. Both UN human rights treaties to which Singapore is a party – the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child – impose obligations regarding the enactment of legislation and other measures to suppress and prevent trafficking.¹² It is, however, the UN Trafficking Protocol – to which Singapore is not yet a party – which provides the most comprehensive guidance as to the prevention and prosecution of trafficking in persons and the protection of those who have been trafficked.

The UN Trafficking Protocol sets out a framework for States Parties to follow in order to address comprehensively the issue of trafficking within their national borders. It requires states to prohibit and prosecute trafficking through the enactment of a criminal offence of trafficking, in all its forms, based upon the following definition set out in Article 3:

“‘Trafficking in Persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power of or a position of vulnerability of or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹³

In addition to the prosecution of the crime of human trafficking, the UN Trafficking Protocol requires States Parties to take action to protect trafficked persons, through various forms of victim assistance,¹⁴ and to prevent trafficking through various policy actions.¹⁵ To date, 152 countries have ratified the UN

¹² See Article 6 of Convention on the Elimination of All Forms of Discrimination Against Women and Article 35 of Convention on the Rights of the Child.

¹³ UN Trafficking Protocol, Article 3.

¹⁴ See UN Trafficking Protocol, Articles 6-8, which set out obligations relating to maintaining confidentiality, providing legal assistance, providing support necessary for physical, psychological and social recovery, compensation, the right to remain legally and repatriation to the country of origin.

¹⁵ See UN Trafficking Protocol, Articles 9-13, which set out obligations relating to the prevention mechanisms, including research, mass media campaigns, social and economic initiatives, poverty alleviation, cross-border information exchange, training for law enforcement and immigration officials and strengthened border controls.

Trafficking Protocol, including seven of the ten ASEAN countries.¹⁶ Singapore is therefore one of only three ASEAN countries which have yet to ratify the UN Trafficking Protocol.

Whilst the definition set out in Article 3 of the UN Trafficking Protocol is used as the international “standard”, it is notable that there is no explanation within the UN Trafficking Protocol itself of the different concepts upon which the definition is built. A helpful starting point is to identify the three different elements within the definition, all of which must be present for a case to be one of trafficking. These elements are as follows:

- a) Action (recruitment, transportation, transfer, harbouring or receipt of persons);
- b) Means (force, coercion, deception, fraud, abuse of power, abuse of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person); and
- c) Purpose of exploitation (including, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

The terminology used to describe the “action” element is self-explanatory, whilst that used to describe the “means” and “purpose” is somewhat opaque. Assistance can be found in the definitions provided in the UNODC Model Law Against Trafficking in Persons,¹⁷ the ILO Convention concerning Forced or Compulsory Labour,¹⁸ the Slavery Convention 1926¹⁹ and the Supplementary Convention on the Abolition of Slavery 1952.²⁰ In addition, organisations such as the UNODC²¹ have provided lists of indicators which can be used to assist law enforcement officers, immigration officials, legal practitioners and civil society organisations in identifying trafficked and potentially trafficked persons. As stated above, it is the ILO Indicators which have been used as the basis of this study (see Appendix 2).

2.2 Trafficking and the Domestic Work Sector

The issue of trafficking into domestic servitude, and particularly where the line should be drawn between (i) cases of labour trafficking, and (ii) cases which involve serious violations of labour rights

¹⁶ Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines and Vietnam have all ratified the UN Trafficking Protocol. Only Brunei, Singapore and Thailand have yet to do the same.

¹⁷ United Nations Office on Drugs and Crime, *Model Law against Trafficking in Persons*, Article 5, available at: http://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf.

¹⁸ ILO Convention No. 29 on Forced or Compulsory Labour, available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO.

¹⁹ UN Slavery Convention, available at: <http://www2.ohchr.org/english/law/pdf/slavery.pdf>.

²⁰ UN Supplementary Convention on the Abolition of Slavery, available at: <http://www2.ohchr.org/english/law/pdf/slaverytrade.pdf>.

²¹ United Nations Office on Drugs and Crime, *Human Trafficking Indicators*, available at: http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf.

but do not reach the threshold set by the definition of trafficking in persons established by the UN Trafficking Protocol, has been the subject of longstanding debate. In countries such as Singapore, there is a lack of political will to identify FDWs as a sector of the migrant workforce which is particularly vulnerable to labour trafficking, resulting from the dependence of many voting citizens on the existence of affordable domestic service and the discomfort with the idea of ordinary members of society – such as employment agents and employers – being characterised as perpetrators of human trafficking. This section endeavours to demonstrate that there is widespread international acknowledgement of the existence of trafficking into domestic servitude and the urgent need for a focussed response.

Does trafficking into domestic servitude exist?

In ILO Convention No. 189 concerning Decent Work for Domestic Workers (ILO Domestic Workers Convention), “domestic work” is defined as “work performed in or for a household or households” and “domestic worker” is defined as “any person engaged in domestic work within an employment relationship”.²² It has been widely acknowledged that FDWs are vulnerable to trafficking into forced labour and domestic servitude.

In her 2010 report, the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences - Gulnara Shahinian - addressed “the manifestations and causes of domestic servitude”.²³ She noted that “the specificities of the sector make domestic workers particularly vulnerable to economic exploitation, abuse and, in extreme cases, subjugation to domestic servitude and domestic slavery”. She proceeded to highlight the specific nature of trafficking into domestic servitude which “usually takes place under the cover of activities that seem legal or enjoy widespread social acceptance”.²⁴ Unlike other manifestations of human trafficking which are commonly perpetrated by organised transnational crime syndicates, trafficking into domestic servitude is (as is confirmed by the results of this study) carried out by seemingly innocent members of society carrying out their day-to-day activities as an employment agent, or exercising their right to employ somebody to assist with household tasks as an employer. Such “perpetrators” of trafficking will often not realise that they are complicit in the trafficking process. Gulnara Shahinian helpfully explained that “[a]gents recruiting domestic workers become perpetrators of trafficking if they deliberately deceive their clients about the conditions of work or engage in illegal practices of control (such as the withholding of passports), while knowing that such practices will result in the exploitation of their recruits”.²⁵ Similarly, FDWs themselves will willingly engage in the process, despite potentially deceptive and

²² ILO Convention No. 189 concerning Decent Work for Domestic Workers, available at: <http://www.ilo.org/ilolex/english/convdisp1.htm>.

²³ UN Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, p. 1. available at: http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20_en.pdf.

²⁴ UN Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Para 60, available at: http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20_en.pdf.

²⁵ UN Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Para 60, available at: http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20_en.pdf.

coercive behaviours on the part of their agents and employers, given their goal of earning money to remit to their families back home.

The Polaris Project, the home of the National Human Trafficking Resource Centre in the United States, has emphasised the role of employers stating that “[a] situation becomes trafficking when the employer uses force, fraud and/or coercion to maintain control over the worker and to cause the worker to believe that he or she has no other choice but to continue with the work.”²⁶ Anti-Slavery International has similarly emphasised that “many women migrating for employment as domestic workers ended up being trafficked into forced labour and trapped in a complex net of exploitation facing legal, social, financial and cultural obstacles”.²⁷

One of the main obstacles to the development of effective law and policy to prevent and protect victims of trafficking into domestic servitude is the on-going problem of identification. In a report on the United Arab Emirates, the UN Special Rapporteur on Trafficking in Persons, especially Women and Children, commented on the prevalence of trafficking of women into domestic servitude, noting that “the identification of victims, especially domestic workers trafficked for labour exploitation still remains non-existent and problematic” and urging the UAE government “to expand the definition of trafficking, to explicitly include labour exploitation, domestic servitude as well as other forms of trafficking”.²⁸ Similarly, in recognition that there have been “very few prosecutions and convictions for trafficking in human beings for labour exploitation in most OSCE participating States”, the Organization for Security and Co-operation in Europe identifies a number of reasons for this, including: (i) “challenges in the criminalization of all forms of trafficking, in the implementation of appropriate legislation and in the detection and investigation of the crime”; and (ii) the fact that “domestic servitude cases are rarely qualified as trafficking in human beings, as courts tend to apply related offences (including harbouring of an alien, abuse of vulnerability, lack of remuneration, withholding of documents) rather than trafficking in human beings itself; the challenge being “if trafficking for domestic servitude is not identified as such, prosecutions will take place on another legal basis, and it will never be filed as a trafficking case.”²⁹ It goes on to explain that “the main legal challenge is rooted in the difficulty for law enforcement and the judiciary to differentiate between situations where there is exploitation in violation of the labour law, (...) and situations where a person has been trafficked for the purpose of labour exploitation.”³⁰ There have, however, been some recently

²⁶ Polaris Project, “Domestic Work”, available at: <http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us/domestic-work>.

²⁷ Anti-Slavery International, *Trafficking in Women, Forced labour and Domestic Work in the Context of the Middle East and Gulf Region*, p. 4, available at: http://www.antislavery.org/includes/documents/cm_docs/2009/t/traffic_women_forced_labour_domestic_2006.pdf.

²⁸ Office of the High Commissioner of Human Rights, “United Arab Emirates: UN Expert urges further action to protect victims of trafficking”, 17 April 2012, available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12068&LangID=E>.

²⁹ Organization for Security and Co-operation in Europe, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, 2010, p.35, available at: <http://www.osce.org/cthb/75804>.

³⁰ Organization for Security and Co-operation in Europe, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, 2010, p.37, available at: <http://www.osce.org/cthb/75804>.

reported cases in which cases of trafficking for domestic servitude have been prosecuted under anti-trafficking legislation, including in Israel,³¹ United States³² and Malaysia.³³

What does trafficking into domestic servitude look like?

Various reports have sought to describe trafficking into domestic servitude. They generally focus on deception and coercion as the means used to carry out the trafficking “action”. When looking at the use of deception, the role of recruitment agents in deceiving migrants in relation to key aspects of their contract and the use of contract substitution as a means of formalising such deception have been emphasised.³⁴ In describing the manifestation of trafficking into domestic servitude in Lebanon, the UN Special Rapporteur on Trafficking described deception regarding employment conditions at the time of recruitment and contract substitution, often “concluded in a situation characterized by deception and duress”.³⁵

The role of different forms of coercion has also received significant coverage. Debt bondage arising from the waiving of an upfront fee by the recruitment agency who then collects repayment through salary deductions is a key element of coercion. The UN Special Rapporteur on Contemporary Forms of Slavery describes this as follows:

“‘Neo-bondage’ may also emerge in the context of migration for domestic work. Migrant domestic workers will often assume a considerable debt towards the employer or the agency organizing her recruitment and transport to cover the cost of the air ticket and recruitment fees. The

³¹ US Department of State, Trafficking in Persons Report 2012, June 2012, p. 194, available at: <http://www.state.gov/documents/organization/192595.pdf>, in which a recent case from Israel is described as follows: “In a precedential case in February 2012, the government convicted two individuals for forced labor of a Filipina domestic worker under the trafficking statute. While there was no evidence of physical violence inflicted upon the victim, the court recognized this case as an offense of ‘holding a person under conditions of slavery’ and withholding of a passport; the sentence was pending at the end of the reporting period and the victim had been referred to a trafficking shelter”.

³² US Department of State, “California Woman Sentenced to Five Years Imprisonment For Forced Labor of Domestic Servant”, 15 April 2010, available at: <http://www.state.gov/m/ds/rls/140326.htm>; and Metropolitan News Enterprise, “Court Upholds \$760,000 Damage Award in Human Trafficking Case”, October 2010, available at: <http://www.metnews.com/articles/2010/yusu101810.htm>.

³³ The Star Online, “Mother and two daughters charged with trafficking maid”, 23 March 2012, available at: <http://thestar.com.my/news/story.asp?file=/2012/3/23/nation/20120323145235&sec=nation>; Borneo Post, “10 years’ jail for couple in maid exploitation appeal case”, 7 July 2012, available at: <http://www.theborneopost.com/2012/07/07/10-years-jail-for-couple-in-maid-exploitation-appeal-case/#ixzz27SwoGEHb>; and Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants, “Maid Agency Owner Gets Six Years For Trafficking Two Filipino Women”, 30 March 2012, available at: <http://mapo.bernama.com/news.php?id=655927>.

³⁴ Amnesty International, *False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers*, December 2011, available at: <http://www.amnesty.org/en/library/asset/ASA31/007/2011/en/b58f0185-455d-425c-bc4f-d6b7fe309524/asa310072011en.pdf>.

³⁵ UN Economic and Social Council, *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda*, 20 February 2006, Para 30, available at: <http://www.arabhumanrights.org/publications/countries/lebanon/rapporteurs/e-cn4-2006-add3-06e.pdf>.

domestic worker is then expected to work off this debt (...) They cannot leave their position before they have worked off their recruitment debt. With salaries being often as low as US\$100-300 per month, this means that migrant domestic workers become bonded for long periods to a single employer, making them easily exploitable.”³⁶

The UN Special Rapporteur on Trafficking refers to other coercive practices which keep FDWs in a situation of exploitation, including confiscation of passport, withholding of salary, isolation and restriction of freedom of movement, lack of access to means of communication and physical and psychological violence.³⁷ The six elements of “forced labour” identified by the ILO are often reflected in the coercive practices endured by FDWs:

- (i) Physical or sexual violence;
- (ii) Restriction of movement of the worker;
- (iii) Debt bondage/bonded labour;
- (iv) Withholding of wages or refusing to pay the worker at all;
- (v) Retention of passports and identity documents; and
- (vi) Threat of denunciation to the authorities.³⁸

The exploitation faced by FDWs who have been trafficked results from a combination of unacceptable working and living conditions. Anti-Slavery International has described the relevant working conditions as follows:

- (i) Wide-ranging yet non-defined duties, resulting in the worker essentially being at the employer’s disposal;
- (ii) Long working hours, with some women being on duty 24 hours each day;
- (iii) Inappropriate work management techniques, including the use of verbal violence and restriction on freedom of movement;
- (iv) Non-payment, low payment or withholding of wages.

It has described the relevant living conditions as follows:

- (i) Accommodation which lacks both comfort and privacy;
- (ii) Inadequate food;
- (iii) Limited or no access to health care; and
- (iv) Restrictions on social life and cultural habits, often resulting from restrictions on movement which are intended, inter alia, to prevent the domestic worker from building relationships which may cause problems (eg. pregnancy) for the employer to resolve.³⁹

³⁶ UN Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Para 33, available at: http://www.ohchr.org/Documents/Issues/Slavery/SR/A.HRC.15.20_en.pdf.

³⁷ UN Economic and Social Council, *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children*, Sigma Huda, 20 February 2006, Paras 28-36, available at: <http://www.arabhumanrights.org/publications/countries/lebanon/rapporteurs/e-cn4-2006-add3-06e.pdf>.

³⁸ International Labour Organisation, *Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement*, 2005, pp.20-21, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081999.pdf.

³⁹ Anti-Slavery International, *Trafficking in Women, Forced labour and Domestic Work in the Context of the Middle East and Gulf Region*, pp. 28-32, available at:

This Section 2 has provided a brief analysis of some of the approaches adopted by international experts and organisations working on human trafficking to the specific issue of trafficking into domestic servitude. This offers a helpful starting point from which to explore the situation facing FDWs in Singapore.

3. Patterns of Trafficking into Domestic Servitude in Singapore

As stated above, between March and July 2012, 151 women were interviewed about their experiences of recruitment for deployment as an FDW in Singapore and their subsequent employment. These interviews were carried out in order to assess the extent to which trafficking indicators, and more specifically, the ILO Indicators relating to labour trafficking, were present in each of their cases. The case reports produced following the interviews were analysed in accordance with the most relevant indicators and the complete set of results is set out in Appendix 3. This Section 3 describes the patterns of trafficking indicators identified.

3.1 Background

The most recent statistics published by MOM in June 2012 state that of a total population of 1.23 million foreign workers in Singapore, 208,400 of these are FDWs.⁴⁰ Whilst MOM does not provide a breakdown according to nationality, it is known that the majority of these workers are from Philippines and Indonesia, with smaller numbers from India, Myanmar, Nepal, Sri Lanka and Thailand.⁴¹ It is similarly difficult to find accurate statistics recorded in source countries regarding the numbers of FDWs of particular nationalities in Singapore. However, the following relating to Philippines and Indonesia is a good starting point.

The Commission on Filipinos Overseas published statistics in December 2009 which estimated that there are a total number of 163,090 Filipinos in Singapore, including permanent, temporary and irregular migrants.⁴² A report published in 2010 confirmed that the number of new FDWs deployed to Singapore has risen from 1,308 in 2004 to 2,848 in 2010. A high was reached in 2006 with a total of 3,162 newly deployed FDWs.⁴³ A recent report suggested that the 11 million Filipinos working overseas send home remittances which are said to amount to 30% of the country's Gross National Product (GNP).⁴⁴ In the OFW Compendium 2010, Singapore was recorded as the 7th highest remittances-sender, with an increase from US\$240m in 2005 to US\$734m in 2010.⁴⁵ It is difficult to

⁴⁰ Ministry of Manpower, "Foreign Workforce Numbers", June 2012, available at:

<http://www.mom.gov.sg/statistics-publications/others/statistics/Pages/ForeignWorkforceNumbers.aspx>.

⁴¹ Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People, "The Care of Migrants in Singapore", available at:

<http://acmi.sg/Files/Documents/The%20Care%20of%20Migrants%20in%20Singapore%20paper.pdf>.

⁴² Commission on Filipinos Overseas, "Stock Estimate of Overseas Filipinos", December 2009, available at:

<http://www.poea.gov.ph/stats/Stock%20Estimate%202009.pdf>.

⁴³ Philippines Overseas Employment Administration, *Overseas Employment Statistics 2010*, p. 21, available at:

<http://www.poea.gov.ph/stats/statistics.html>.

⁴⁴ The Star Online, "A rising tide of Filipinos", 19 May 2012, available at:

<http://thestar.com.my/columnists/story.asp?file=/2012/5/19/columnists/insightdownsouth/11315232&sec=insightdownsouth>.

⁴⁵ Philippines Overseas Employment Administration, *Overseas Employment Statistics 2010*, p. 32, available at:

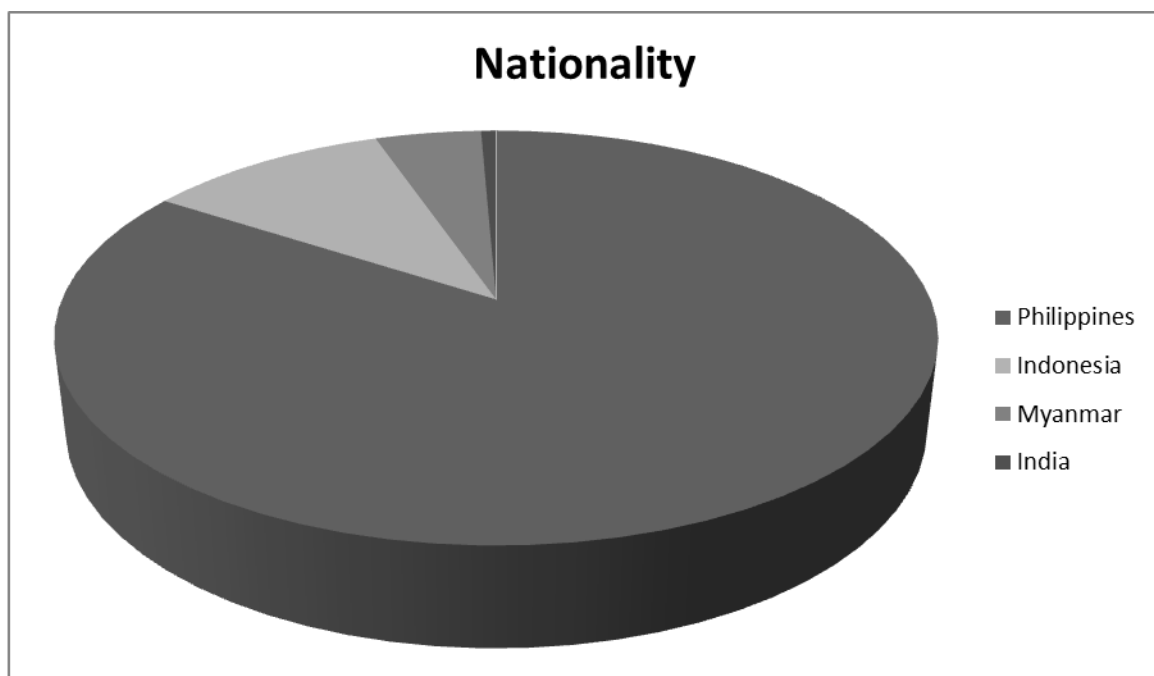
<http://www.poea.gov.ph/stats/statistics.html>.

establish how many FDWs from the Philippines are currently in Singapore, although a recent report suggested that the total number of Filipinos, of which 44% are FDWs, is 180,000.⁴⁶

The Government of Indonesia estimates that there are about 4.3 million Indonesian migrant workers (TKIs) legally working overseas, and remitting annually more than USD 6 billion to Indonesia. Women account for nearly 80 per cent of Indonesia's total migration outflow – the highest in Southeast Asia – with most Indonesian female migrants being recruited in the informal sector as live-in domestic workers.⁴⁷

The backgrounds of the 151 women interviewed in this study are summarised as follows:

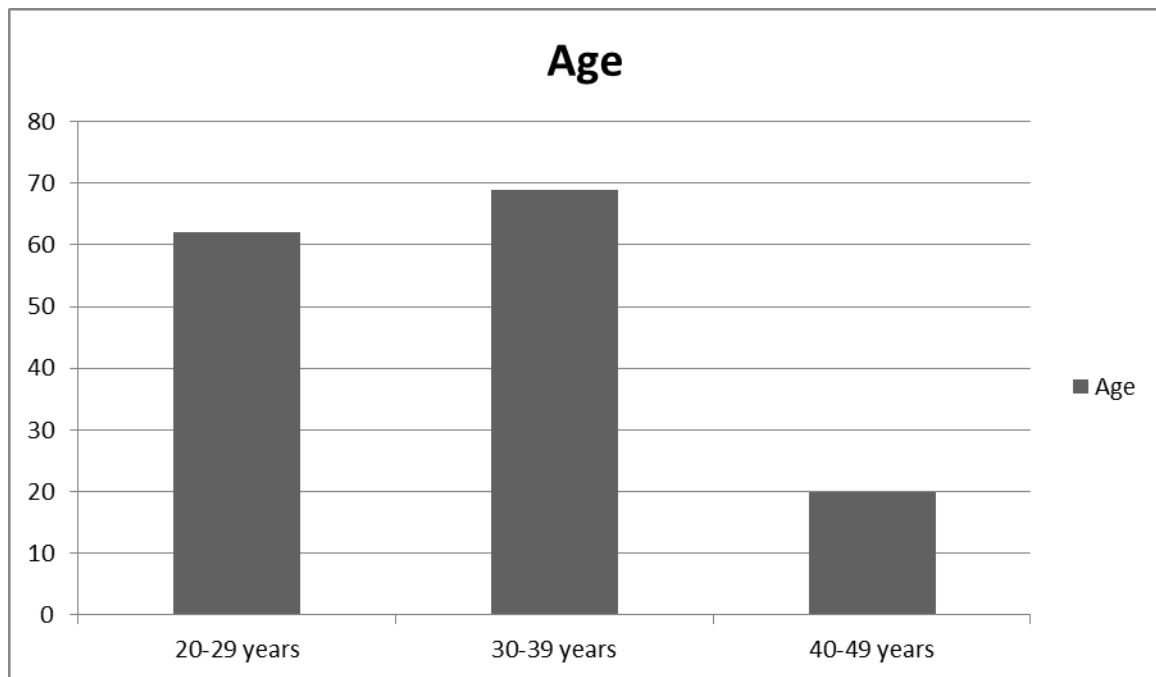
Nationality: Of the 151 FDWs interviewed, 127 (84.1%) were from the Philippines, 16 (10.6%) were from Indonesia, seven were from Myanmar (4.6%) and one (0.7%) was from India. It is not suggested that this is an accurate reflection of the percentages of each nationality working as FDWs in Singapore. This is simply a reflection of the women staying in the HOME Shelter over the course of the research period, and the availability and/or willingness of such women to participate in the interview process.



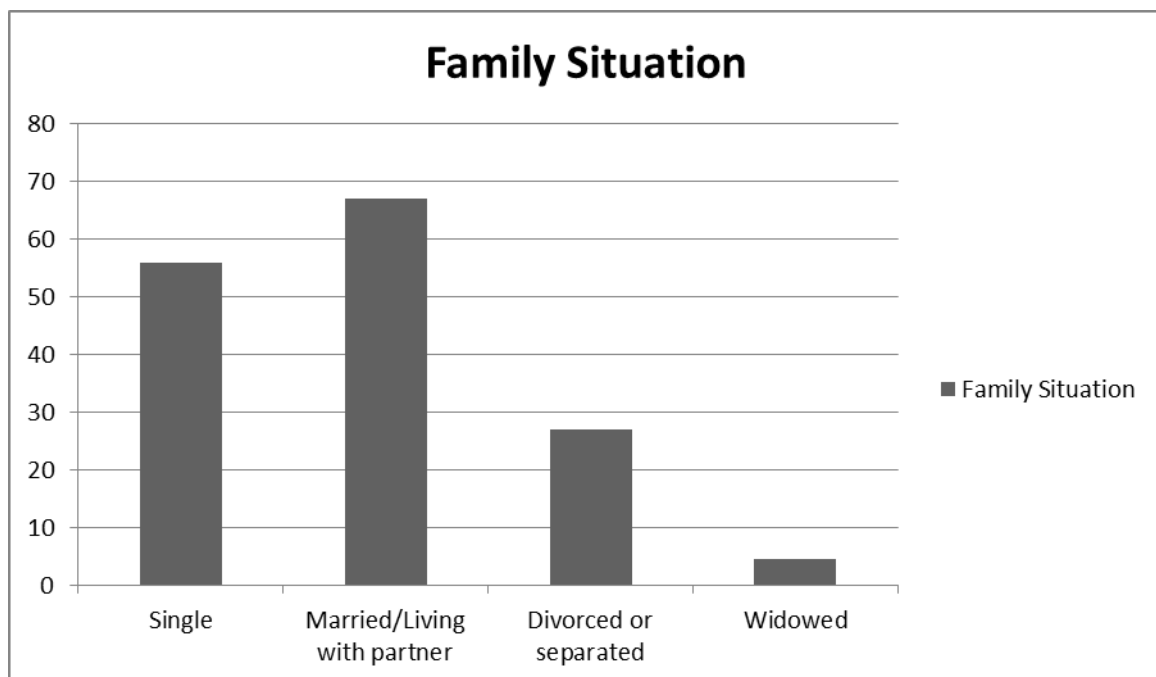
Age: The majority of the women interviewed were under 40, with 62 (41.1%) being between 20 and 29, and 69 (45.7%) being between 30 and 39. Only 20 (13.2%) of the women were between 40 and 47. The average age was 31.8 years. Three of the women interviewed were under the age of 23 and therefore working illegally due to the minimum age requirements of the Singapore law. None of the women were younger than 20.

⁴⁶ The Star Online, "A rising tide of Filipinos", 19 May 2012, available at: <http://thestar.com.my/columnists/story.asp?file=/2012/5/19/columnists/insightdownsouth/11315232&sec=insightdownsouth>.

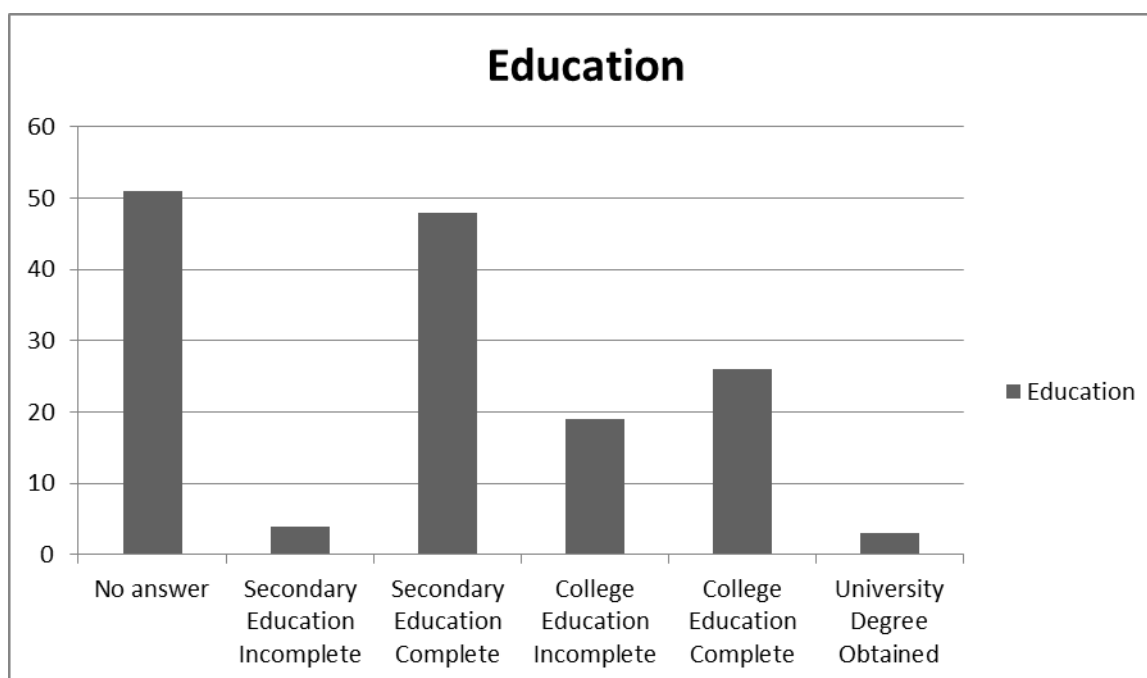
⁴⁷ International Organization for Migration, "Indonesia", available at: <http://www.iom.int/jahia/Jahia/indonesia>.



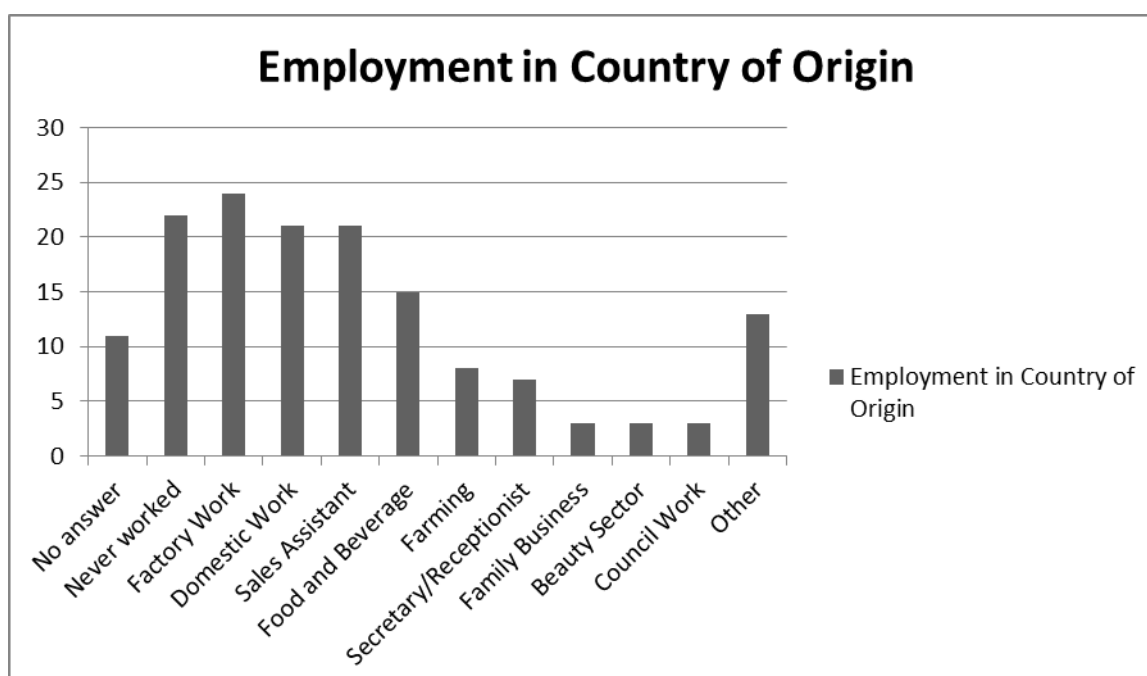
Family situation: The marital status of the interviewees was varied. 56 (37.1%) of the women were single, 68 (45%) were married or living with a partner, 22 (14.6%) were divorced or separated and five women (3.3%) were widowed. 111 (73.5%) of the 151 women had children whom they had left behind in their country of origin.



Educational background: Of the 100 interviewees (66.2%) who provided information regarding their educational background, 3 (3%) women had completed university degrees, 26 (26%) women completed their college education and 48 (48%) completed their secondary education but were unable to pursue their studies any further. 19 (19%) women reported starting college education but being unable to finish it due to financial or family difficulties, and four women did not complete their secondary education for similar reasons.



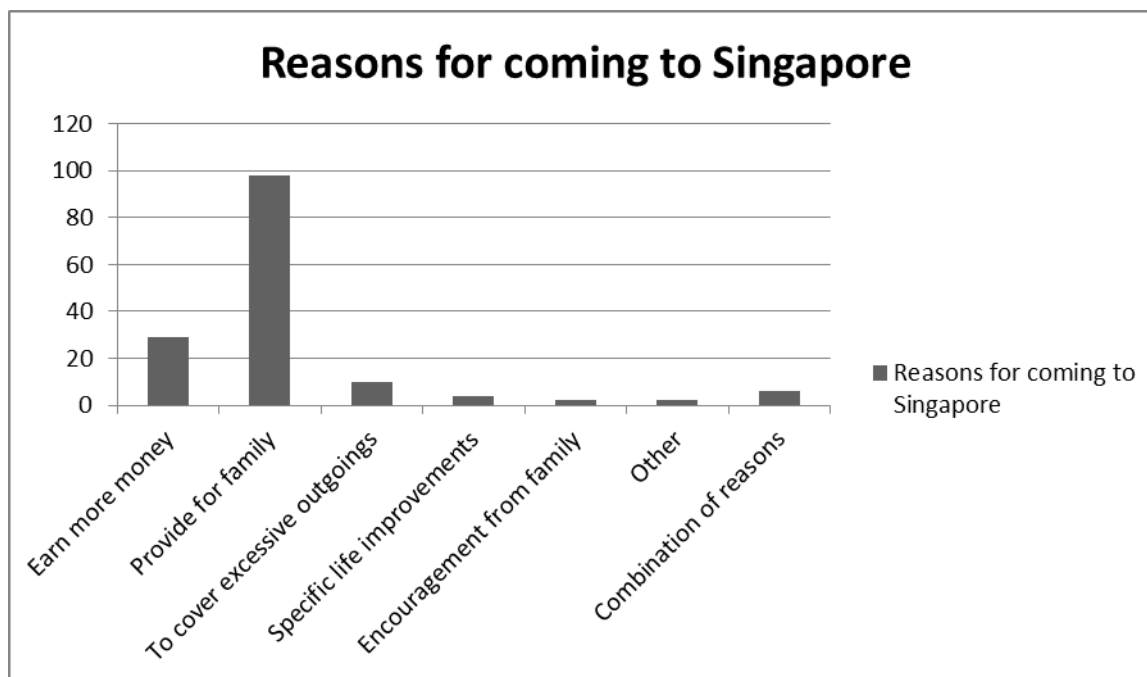
Employment background: Of the 140 women (92.7%) who provided information about their previous employment in their country of origin, 22 (15.8%) had never worked due to family commitments or inability to find employment. 24 (17.1%) women had previously been employed in factory work, 21 (15%) in domestic work, 21 (15%) as sales assistants in the retail sector, 15 (10.8%) in the food and beverage sector, eight (5.7%) in farm work, seven (5%) as a secretary or receptionist, three (2.1%) in family businesses, three (2.1%) in the beauty sector, three (2.1%) in council work and 13 (9.3%) in other forms of employment.



Previous deployments: 106 (70.2%) of the interviewees had never worked abroad as an FDW before. 18 (11.9%) had previously worked only in Singapore, 17 (11.3%) had previously worked in a country or countries other than Singapore and ten (6.6%) had previously been deployed in both Singapore and

another country or countries. Therefore, for the majority of the interviewees, they are in their first deployment overseas.

Reasons for coming to Singapore: A range of reasons were provided by the interviewees for choosing to come to Singapore, but the most common were to earn more money (19.3%) and to provide for the family (64.9%). Ten interviewees (6.6%) referred to excessive outgoings (including medical fees and school fees) as the driving force behind the decision to move to Singapore and four interviewees (2.6%) spoke of wanting to make money to provide for specific life improvements such as building a new home or starting a new business. Two interviewees (1.3%) stated that it was encouragement from their family that led them to find employment in Singapore. Two respondents (1.3%) spoke of other reasons for coming to Singapore, and six (4%) spoke of combinations of all other reasons.



Length of time in Singapore: The majority of the interviewees have been in Singapore for less than two years, with 52 (34.4%) having arrived in 2012 and 61 (40.4%) having arrived in 2011. 19 (12.6%) confirmed that they arrived in 2010 and the remaining 17 (11.3%) arrived between 2000 and 2009. Two interviewees (1.3%) were unable to confirm the date of their arrival. This demonstrates the relative inexperience of those workers who were interviewed, and who had also come to HOME to seek assistance in a “crisis” situation.

Number of employers: The majority of women interviewed (54.3%) had only had one employer, with 28.5% having worked for two. 14 women (9.3%) had worked for three employers, ten (6.6%) for four, and two (1.3%) for five and more. Of the 69 women who had worked for more than one employer, 64 (93%) had used the same agent throughout all of their employments.

3.2 Recruitment

The recruitment of FDWs to travel for employment in Singapore is the key “action” which took place in relation to all of the women interviewed. For the majority, the recruitment was accompanied by transportation from their country of origin to Singapore. All of the women apart from four (97.4%) engaged the services of employment agents during the recruitment process. The four who did not (2.6%) were “direct hires” who made contact with their prospective employer whilst still in their

country of origin and arranged transportation through them. Of the 147 women who did engage agencies, 113 women (76.9%) were involved with agencies both in their country of origin and in Singapore. This was the case for all of the women from Indonesia, Myanmar and India as well as many from the Philippines. 34 women (23.1%) all recruited from Philippines, used an employment agent in Singapore but not in Philippines, and 16 of them were put in contact with a travel agent in the Philippines, by the Singapore agent, who would assist them with flights to Singapore. Despite the high percentage of women who all used employment agencies during the recruitment process, they referred to different initial sources of recruitment who led them to the agency or agencies in question. For 43 women (28.5%) , it was family members who introduced them to the agency, and for 72 (47.7%) it was friends or neighbours. 24 women (15.9%) had seen advertisements for the agency in question, and 12 (7.9%) were led to the agency by a local recruiter. For 73 (48.3%) of the women interviewed were recruited by friends or family who were domestic workers in Singapore either at the time of recruitment or previous to that time and were serving as “recruiters” on behalf of the agents.

3.2.1 Deception

According to the ILO Indicators calculation, 54 (35.8%) of the women interviewed demonstrated sufficient indicators to test positively for deception during the recruitment process. These women were deceived regarding key aspects of their prospective employment and thereby tricked into entering into an arrangement which would ultimately result in their exploitation.

93 (61.6%) of the women interviewed signed a contract in their country of origin which was subsequently substituted with a replacement contract upon arrival in Singapore. Of those 93 substituted contracts, eight (8.6%) were understood by the woman to be on the same terms and therefore only a matter of formality, but for 85 of those women (91.4%), the substituted contract was on less favourable terms.

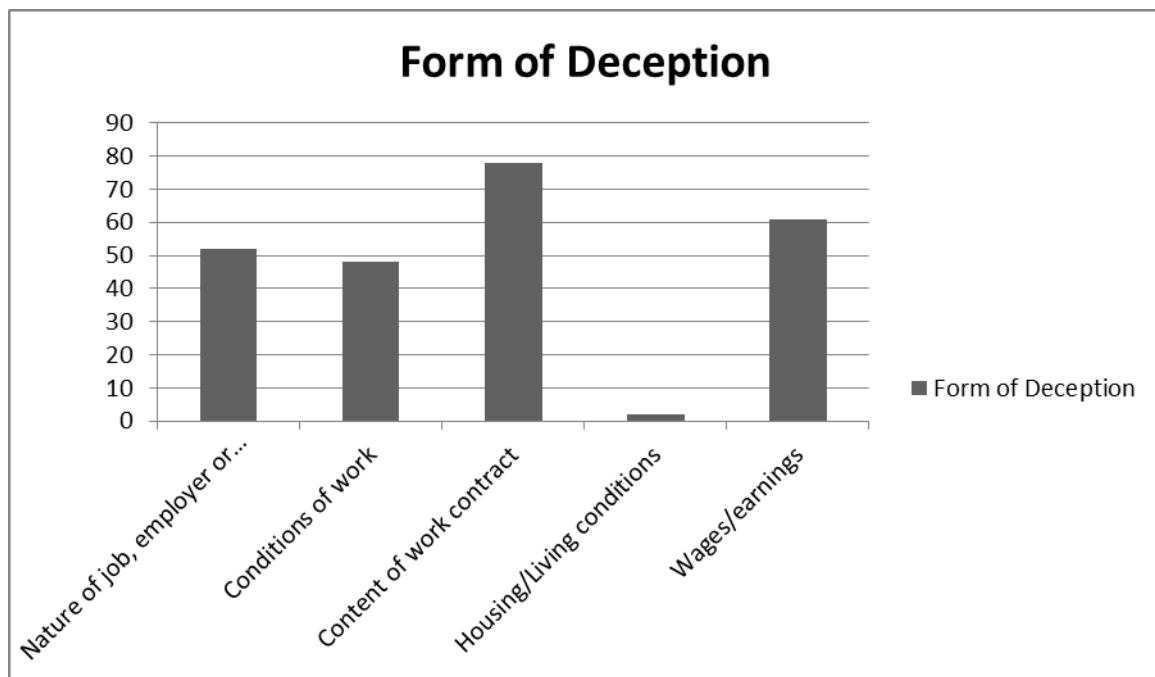
86% of these 93 women were Filipinas who signed a standard form contract in the Philippines which was subsequently substituted with a less favourable contract in Singapore. The Philippines Overseas Employment Administration (POEA) oversees the recruitment and placement of Filipino FDWs (as well as other categories of migrant workers). It regulates the activity of recruitment agents and seeks to ensure the protection of the human rights of all Filipino migrant workers. One of the key developments under the POEA is the establishment of standard form employment contracts for different sectors of employment, which must be signed by the employee, the Philippines employment agency, the Singapore employment agency and the employer and then verified by the POEA prior to the employee’s departure from the Philippines. Without this contract (and other relevant paperwork), an FDW cannot leave the Philippines legally as a migrant worker. The provisions of the POEA Standard Form Contract (the POEA contract) offer greater protections to the FDW than the Singapore legislation. The protections include:

- a) Minimum wage of US\$400 per month;
- b) Weekly off day;
- c) Minimum of eight hours rest per day;
- d) No fees/salary deductions by employee;
- e) Separate, suitable and sanitary living quarters; and
- f) Termination of the contract by the employer only with cause, but termination of the contract by the employee permitted without just cause with one month’s notice.

Perhaps most significant is the provision in the POEA contract which states that “[n]o provisions of this contract shall be altered, amended or substituted without the written approval of the Philippines Embassy of the POEA.” This provision seeks to prohibit contract substitution without the permission of the Philippines Embassy, yet none of the substituted contracts which the interviewed women signed had received such verification. The POEA system is also circumvented by employment agencies which avoid entering into the POEA contract and instead ask the women to leave the Philippines claiming to be tourists (often directed to a particular immigration officer, or using “fake” return flight tickets as evidence of their imminent return).

F sought employment through a licensed recruitment agency in her home city of Manila. The contract she signed, in line with the Philippine Government’s employment laws, stated a monthly salary of SGD\$600 and one weekly day off. At no point did F’s agent mention salary deductions. When F arrived in Singapore, she was presented with a different contract. Her salary was reduced to a monthly payment of SGD\$420 with a six-month salary deduction and no day off during the two-year employment period. F was also banned from using her mobile phone. Although F was upset, she felt helpless to seek assistance.

Another pattern of deception identified involved only verbal assurances of certain terms and conditions being made in the country of origin, and then followed up with a contract in Singapore which may or may not have accurately reflect the initial understanding. This was the case for 45 of the women (29.8%) interviewed, including the 40 Filipino women who did not sign POEA contracts and left Philippines as tourists with no employment contract. Three women (2%) signed a contract in their country of origin and had no replacement contract in Singapore, and three women (2%) signed no contract at all and were employed purely on verbal agreements. Seven women (4.6%) were unsure of whether they had ever signed a contract.



The forms of deception that they experienced were as follows:

Deception about nature of the job, location or employer: 52 women (34.4%) claimed that they had been deceived about one or more of the nature of the job, the location of their place of employment

and/or their employer. Of these 52 women, 41 (78.8%) referred to being illegally deployed in places other than the address stated in their Work Permit. Ten (19.2%) women referred to having to work for a different number of people to that which had been agreed – for example, taking care of children in addition to adults, or taking care of an elderly man in addition to young children. Six women (11.5%) explained how they were deceived as to the location of their employment, including one woman who was actually deployed in Malaysia rather than in Singapore. Five women (9.6%) ended up working for different employers to those who had interviewed them prior to their departure from their country of origin or to those stated in the In-Principle Approval letter, and five women (9.6%) were asked to do tasks not included in the ordinary course of domestic work, such as house decorating and cooking food for people attending gatherings at a local mosque.

While in Indonesia, P had a telephone interview with her prospective employer and agreed to the job description of looking after three children while also helping with cooking and cleaning. Once in Singapore, P discovered that on top of childcare and household tasks, she was also responsible for cleaning the employer's office. This meant that in order to complete all of the tasks expected of her, P's workday began at 5:20am and finished at 12:30am.

Deception about conditions of work: 48 women (31.8%) reported having been deceived about the conditions under which they would be working upon deployment in Singapore. Of these, 43 (89.6%) were deceived regarding the number of rest days they would be given during their contract and two (4.1%) were deceived about their working hours. Three (6.3%) women were deceived about both the number of rest days and their daily working hours.

When recruited in the Philippines, the terms upon which T agreed to work included one rest day every week. However the contract in Singapore omitted a weekly day off and she despondently agreed to two years without rest.

Deception about content of work contract: 78 (51.7%) of the interviewed women had been deceived about the content of their work contract. This applied to women who had signed a POEA contract in the Philippines but had been informed that the provisions were different to what they actually were, having not been able to read/understand the terms themselves. The prime example of this is where agents inform them that salary deductions are set out in the POEA contract, which cannot be the case.

Deception about housing and living conditions: Only two women (1.3%) described deception about the housing and living conditions which they would expect. One of these women, MO, was forced by her employer to live out in a boarding house (contrary to the Work Passes Regulations⁴⁸) and she was given no money with which to pay for her transportation to and from her accommodation and she often travelled the 20 minute distance by bus after midnight. The other woman, LD, was promised by her agent in Indonesia that she would have her own bedroom with a bed, but upon arrival at the home of her employer, discovered that she was expected to sleep on the floor in the small store room where all the food was kept and she was frequently disturbed.

Deception about wages and earnings: 61 women (40.4%) reported being deceived about the wages and earnings which they could expect during their employment as an FDW. Of those 61 women, 28 (45.9%) women were deceived about the monthly salary they would earn, 17 (27.9%) were deceived

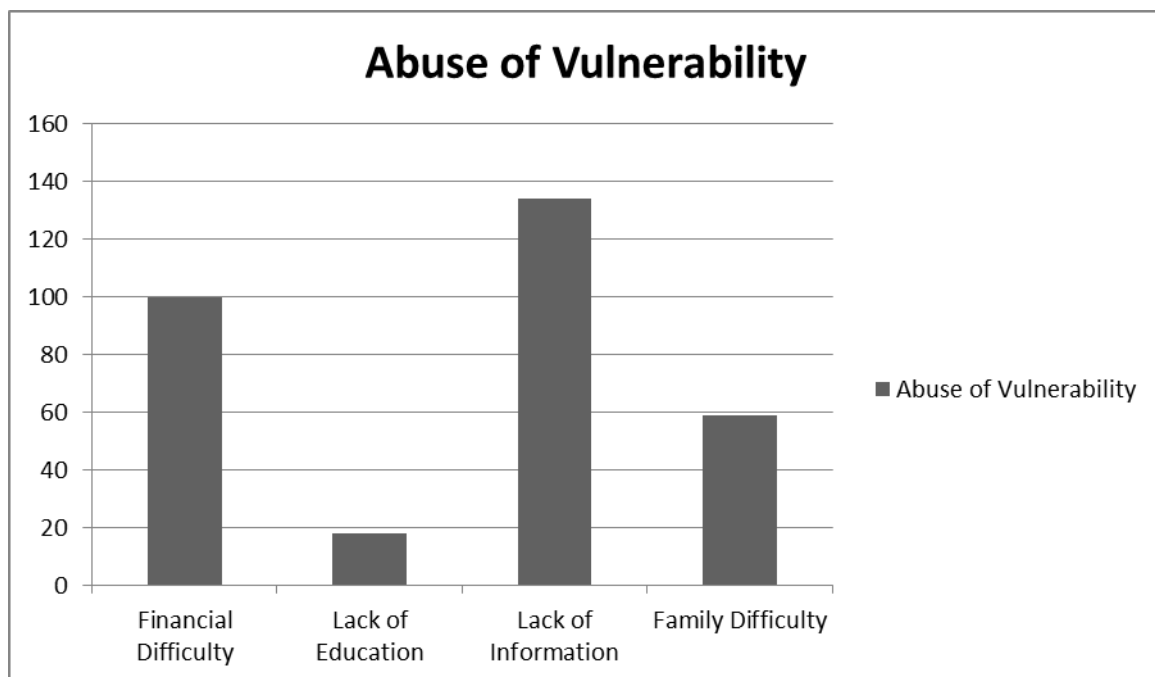
⁴⁸ Employment of Foreign Manpower (Work Passes) Regulations 2012, Paragraph 5 of Part I of Fourth Schedule, available at: <http://www.mom.gov.sg/Documents/services-forms/passses/WPSPassConditions.pdf>.

about the salary deductions they would incur and 16 women (26.2%) were deceived both about the amount of salary and the salary deductions.

During her recruitment process, G was promised that up-front payment of recruitment fees in the Philippines would result in less salary deduction in Singapore. G secured the money and paid a fee of nearly SGD\$300 in cash but never received proof of payment. Once in Singapore, G was presented with a new contract that did not recognise the \$300 credit and she still incurred a six-month salary deduction period.

3.2.2 Abuse of Vulnerability

According to the ILO Indicators calculation, 54 (35.8%) of the women interviewed were subject to abuse of vulnerability during the recruitment process. In several cases, such abuse played a role in allowing the deception described above to take place. This is particularly the case where the lack of education of the women, and particularly the lack of understanding of the contracts which they read due to language and/or the complexity of the terms, prevented them from understanding what they were signing up to, or where a lack of information provided by the agent or recruiter prevented them from realising that they were being deceived. The vulnerability of recruits arising from financial difficulty and family problems also impacted on the recruitment process, and their willingness to accept terms and conditions – including high levels of debt (which are explained further below) – or in some cases, accept employment with limited understanding of the terms and conditions.



Lack of Education: Whilst the information provided in the overview above sets out the educational background of the interviewees, this indicator addresses the ways that lack of education, and particularly the lack of understanding of the English language, impacted on the woman's understanding of the recruitment process and the arrangement into which she was entering. This was the case for 18 (11.9%) of the women interviewed. For all of these 18 women, their lack of education prevented them from understanding the contract which they signed in relation to their employment either because it was in a language they did not understand (as was the case for eight (44.4%) of

them) or because the contract was complex and it was not explained to them by their agent (as was the case for ten (55.6%) of them).

In Myanmar, S was asked to sign a contract in her own language. She was given time to read the document but she doesn't remember the details. Someone was explaining the details to her while she was signing, but she has no recollection of what they said. Upon arrival in Singapore, S was asked to sign another contract written in English. As she does not speak English, she did not understand its terms. No one explained the details to her; she was simply hurried into signing the document. She does not have copies of either of the two contracts which she signed.

Lack of Information: The ILO explains that recruitment by lack of information “refers to instances where the individual is not fully aware of the situation due to a lack of information”. 134 women (88.7%) gave accounts which suggested that their vulnerability had been abused in this respect. 96 women gave one reason which proved the presence of this indicator, whilst 38 provided a combination of reasons. In total, 26 women (19.4%) described not being permitted to read the contract prior to signing it in their source country or in the host country. 26 women (19.4%) claimed that the content of the contract was not explained to them clearly, whilst 14 women (10.4%) said that they were not provided with any terms of employment prior to departing from their country of origin. 78 women (58.2%) signed POEA contracts with an incorrect understanding of the contractual terms. 41 women (30.6%) did not sign a POEA contract in the Philippines, demonstrating a lack of awareness of the importance of this contract and the protection it could give them. One woman described a lack of training prior to her deployment in Singapore as putting her in a situation where she had insufficient information about the job which she would be carrying out.

Before T came to Singapore, she was presented with a POEA contract but the document was folded, preventing T from reading it in detail.

Financial Vulnerability: 100 of the 151 women (66.2%) interviewed described financial difficulties in their country of origin which rendered them vulnerable to abuse on recruitment. 38 (38%) of these women described being the sole breadwinner for their immediate, and in some cases, extended family which placed significant pressure on them to find well-paid work overseas. Eight women (8%) described family debts, whilst another eight (8%) referred to the burden of high medical fees required for treatment of the illness of a family member. 21 (21%) explained that the man of their household – be it their father or husband – was either unemployed or earning a low wage, resulting in the onus being on the woman herself to earn a decent wage to support the family. Four women (4%) simply referred to a general situation of poverty. 21 women (21%) described a combination of the above-listed circumstances.

In Indonesia, R used to work on a farm but she did not earn enough to support her family. This prompted her to find a job overseas which would pay her more money. She is particularly concerned about her son's polio and the continuous medical assistance he requires. She is determined to earn enough in Singapore to make sure he has access to whatever treatment his doctors prescribe, without having to worry about the cost.

Family Situation: The ILO explains that abuse of a difficult family situation includes situations in which the family is or would be fully dependent on the earnings of the individual, thus rendering the individual vulnerable. It also refers to situations in which individuals live in physically, emotionally or

psychologically abusive family set-ups which make the woman vulnerable. 59 women (39%) described family situations which placed them in a particular position of vulnerability which was potentially abused during the recruitment process. 39 of those women (66.1%) were either single or widowed mothers upon whose shoulders responsibility for financing the family lay. 21 of those women (35.6%) described cases of serious ill-health affecting members of their family, and in some cases their children. Six of the women (10.2%) described abusive and problematic marriages or relationships which placed additional burdens upon them.

Since 2009, S has been the sole breadwinner for her family, with full financial responsibility for her children and her parents. She left her husband because he was always cheating on her, and proceeded to rent a room in which she lived with her parents and children. In January 2012, her father suffered a stroke which has left him paralyzed, and her mother's diabetes is getting progressively worse. S sought employment as an FDW in Singapore as she could no longer earn enough in the Philippines to meet the increasing costs of her family.

3.2.3 Coercion

In a total of 62 cases (41.1%), coercion was present in one or more ways during the recruitment phase. These 62 women were (i) placed in agency accommodation, in which control over their lives was essentially surrendered to the agents responsible for their recruitment (14 women, 22.6%); (ii) subjected to undue pressure at the time of entering into the contractual arrangements which would govern their employment in Singapore (35 women, 56.5%); or (iii) forced to relinquish possession of their identity documents to their employment agent prior to deployment (33 women, 53.2%). Each of these actions lead to the diminution of the control which the FDW has over her situation and the ability to make free choices at each stage of the process.

Coercion whilst staying in Agency Accommodation: 80 of the women interviewed stayed in agency accommodation prior to departure from their country of origin, 31 of whom remained in this accommodation for over one month. Whilst housing women in such accommodation for long periods of time is in itself a method of control, coercion was particularly notable in the two cases where the women reported having their freedom of movement restricted whilst boarding at the agency house. One woman confirmed that in order to leave the training centre in Indonesia, where she stayed for one month, she was forced to provide a financial guarantee in return for her freedom to visit her family prior to leaving for Singapore. Other negative reports regarding the nature of agency accommodation referred to crowding, lack of cleanliness and being charged to stay.

Upon arrival in Singapore, 109 of the women interviewed stayed in agency accommodation prior to deployment to their employers. 57 women stayed in agency accommodation in between deployments. Seven women reported having their freedom of movement restricted, including one woman who was forced to stay in the agency for over one year after being returned by her employer. Four women reported having their mobile phones confiscated whilst staying in the agency. Other complaints about agency accommodation in Singapore included crowding, inadequate food and being charged to stay. 32 women reported being subjected to verbal abuse in the agency accommodation whilst four experienced physical abuse and one endured sexual abuse. 12 women reported being forced to work in return for no salary whilst staying in agency accommodation. For the purpose of this report, those women who were subjected to restrictions on their movement (nine women) and sexual and physical violence (five women) were deemed to have been subjected to coercion upon recruitment whilst staying in agency accommodation.

After A was recruited in Indonesia to work in Singapore, her agent took her to a training centre. During her four months in the centre, A was not permitted to leave and her only contact with family came through Sunday visits within the training centre compound.

Prior to M's deployment, she spent six days in her agency's boarding house in Singapore. During that time, she was forced to work in spite of complaining of a high fever and pain in her shoulder. Still too sick to work after commencing her employment contract, she was returned to the agency, locked inside the boarding house and held at ransom. M's agent made threatening phone calls to her family and demanded a sum of money be transferred to him in exchange for M's repatriation.

While L was in the training centre in Jakarta, she was not allowed to leave the compound unless she requested a day off to see her family. L was asked to sign a 'guarantee' of 3 million rupiah to ensure her return that evening.

Entering Contractual Arrangements under Duress: 30 women referred to being coerced into signing their employment contracts. For seven women, such duress was imposed whilst signing the contract in the country of origin, whereas for 21 women this pressure was put on them whilst signing the substitute contract upon arrival in Singapore. Two women encountered duress when signing contracts in both their country of origin and in Singapore. One woman also reported being prohibited from backing out of the arrangement with the employment agent in her country of origin – the Philippines – before she had even signed a contract when she was diagnosed with a serious medical condition which required surgery. She was still forced to travel to Singapore and suffered continual termination and redeployment as a result of employers being dissatisfied with her lack of good health.

While G was still in the Philippines awaiting an employment contract for Singapore, she underwent emergency surgery to remove a small cyst. Weakened by the sudden medical crisis, G tried to back out of the arrangement. Her agent, however, maintained she had to continue with the contract and G was deployed to Singapore. Upon arrival, G's condition deteriorated and she simply could not continue working. All three of her employers returned her to her agency as a result of bad health, forcing G deeper into debt.

In addition, four women reported being forced into redeployment by their agents despite their strong wish to return home. Along with the 30 women coerced into signing their employment contract and the one woman who was prevented from backing out of the contractual arrangement due to her ill-health, the total of women coerced into entering contractual arrangements is 35.

F was employed by three families during a space of four months. Each time she was returned to her agency she acquired additional salary deductions and found herself even more financially indebted to her agent. Although F's desire is to return home, her agency insists she continue working until the outstanding months of salary deduction have been settled. F has been in contact with her family in the Philippines in hopes they might contribute to the remaining balance.

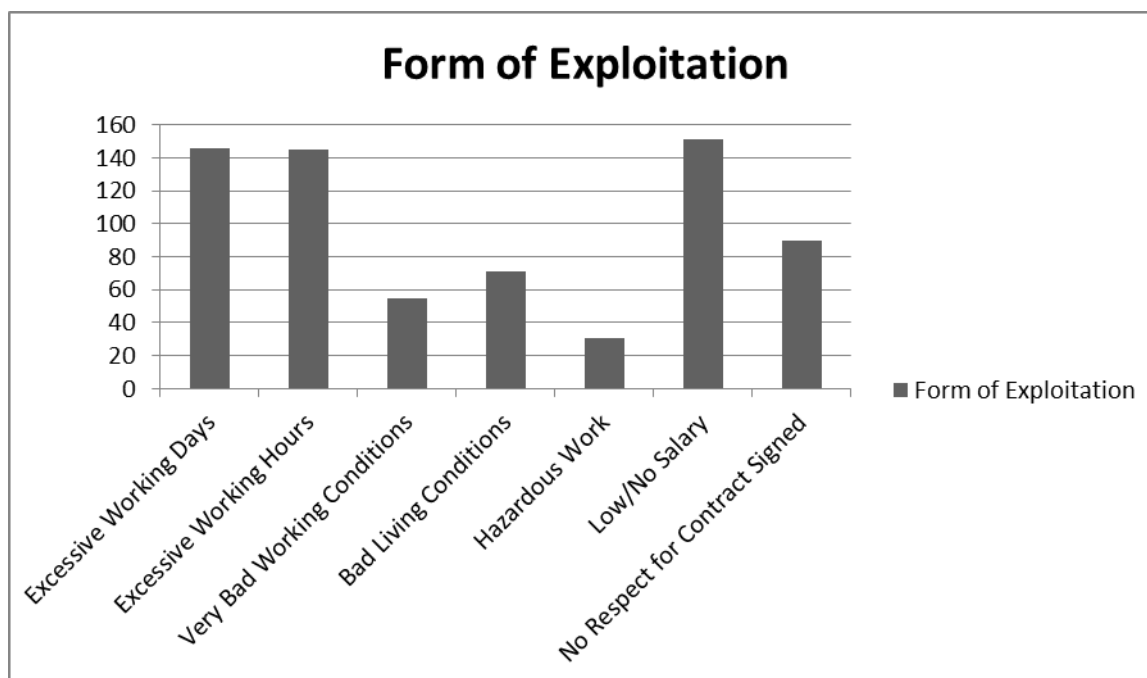
Confiscation of documents: 33 women reported having their passports and other personal documents, including in some cases their signed employment contracts, confiscated from them when collected by the agency from the airport. This was experienced by many as a coercive behaviour which contributed to the feeling that they could not turn back on the arrangement when presented with a further contract with which they were not comfortable.

3.3 Employment

It is upon arrival into Singapore and commencement of employment at the homes of their employers that coercive practices are commonly used in order to keep FDWs in an exploitative situation of forced labour or servitude. The nature of the exploitation which 149 (98.7%) of the women interviewed experienced was varied, yet for many, touched upon all aspects of their lives including both their working and living conditions. The ILO Convention on Forced or Compulsory Labour defines “forced labour” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. The UNODC Model Law against Trafficking in Persons defines “servitude” as follows: “*Servitude’ shall mean the labour conditions or the obligations to work or to render services from which the person in question cannot escape and which he or she cannot change*”. It is the element of coercion and the resulting lack of choice which turns a situation in which an individual is exploited through violation of their labour rights into one of forced labour or domestic servitude, and therefore these sets of indicators are here examined alongside each other.

3.3.1 Exploitation

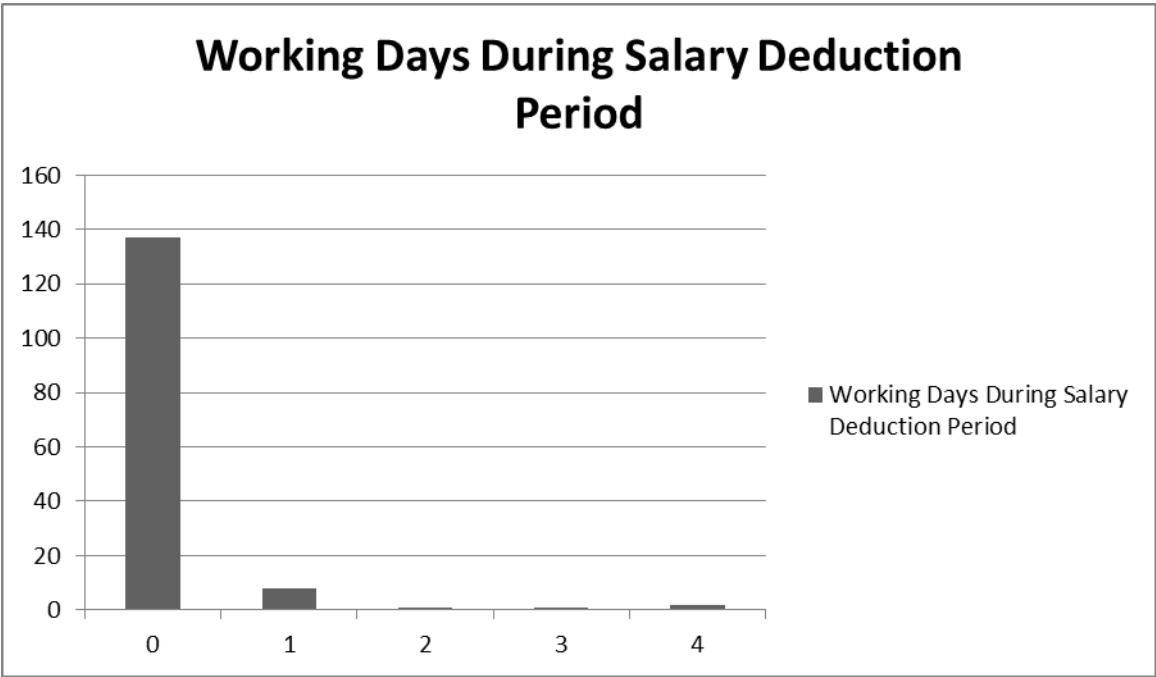
According to the ILO Indicators calculation, 149 women (98.7%) had been subjected to exploitation during their deployment in Singapore.

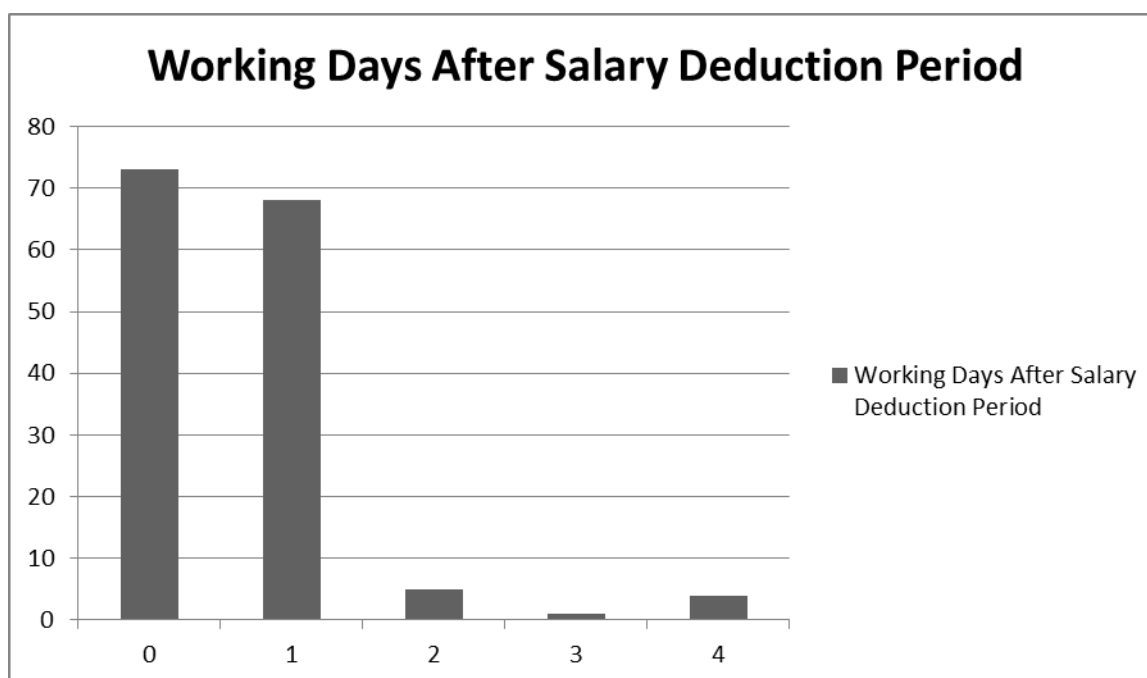


Excessive Working Days: Whilst there is no current provision for mandatory rest days for FDWs in Singapore, from 1 January 2013, a mandatory rest day policy will come into force for all new contracts. Whilst an adequate amount of rest, and sufficient full rest-days, is a basic labour right for all, the absence of the right to a weekly rest day restricts the ability of FDWs to seek assistance when faced

with exploitative employment practices. Based on the requirement of a weekly rest day under this new policy, and the ILO Domestic Worker Convention requirement for weekly rest of at least 24 consecutive hours, an assessment was made of whether the number of days worked by the interviewed women each week was excessive. 146 of the 151 women (96.7%) interviewed worked excessive days. 137 women (90.7%) were granted no rest days during their salary deduction period, whilst eight (5.3%) were granted a monthly rest day, one (0.7%) was granted two off days per month, one (0.7%) was granted three rest days per month and two (1.3%) were granted four rest days per month during that period. Two women (1.3%) did not confirm how many off days there were given during their salary deduction period. After the completion of the salary deduction period, only 73 women (48.3%) had no rest day – demonstrating the impact of the salary deductions on the working conditions. 68 women (45%) were granted a monthly rest day after the loan had been paid off, five women (3.3%) had two days off, one woman (0.7%) had three days off and four women (2.7%) had four days off.

L has not been granted a single rest day since February 2011, even after she completed eight months of salary deduction. She felt exhausted and desperate but did not know what to do.



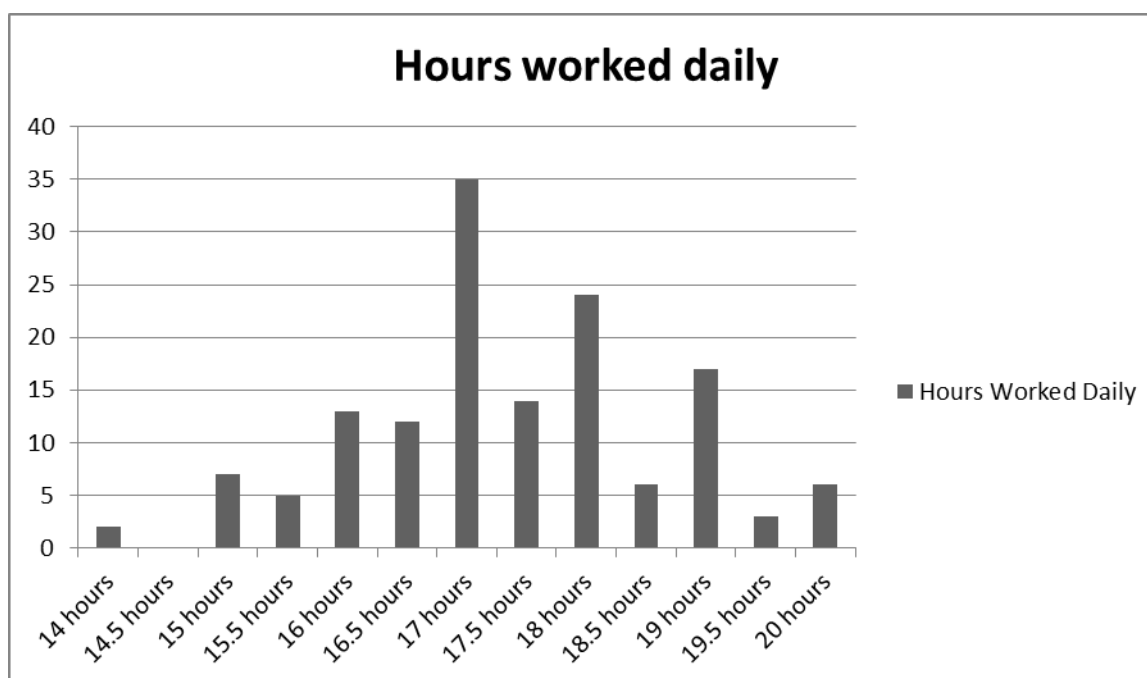


Excessive Working Hours: Section 38 of the Employment Act provides that no employee should work for more than:

- (i) Six hours without a period of leisure,
- (ii) Eight hours in a day; and
- (iii) 44 hours in a week.

Any employees who do work more than eight hours in a day should be paid an overtime rate of no less than 1.5 times their hourly rate of pay, and no employee should work more than 72 hours of overtime in any one month. Even though they do not currently apply to FDWs, using the provisions of the Employment Act as a guideline, 145 women (96%) described working excessive hours each day, with the minimum hours worked was 14 hours per day, and the maximum reported was 20 hours per day (worked by six women). The average hours worked was 17.33 per day.

CG claims that she started working at 6am and would complete her daily chores at around 11:45pm. She was not able to go to sleep straight away, as just after midnight, her employer would ask her to look after the two and a half year old baby. She and the baby would stay in the living room – the baby on a bed and CG on the floor with only a blanket for cover. The baby had to be fed milk by a syringe at regular intervals throughout the night. This was CG's daily routine; she seriously lacked sleep and rest.



Very Bad Working Conditions: The ILO states as follows: “An indicator of very bad working conditions conveys the nature of the exploitation in being forced to accept unacceptable working conditions, or being forced to work in permanently changing locations”. 55 women (36.4%) described being subjected to very bad working conditions. Of these 55 women, seven (12.7%) were forced to give massages to their employer, or members of their employer’s family. 39 women (70.9%) were forced to work in houses or locations other than the home of their employer. 14 women (25.5%) were forced to hand-wash all clothes, even when there was a washing machine in the home.

PC ran away from her employer’s house because she found it so difficult having to wash all the clothes by hand. She had asked the employer whether she could use the washing machine, but this was forbidden; her employer said that she didn’t buy a washing machine for her maid to use! PC’s hands became very damaged and sore from the daily washing and she could not bear it no longer.

L was forced to work in her employer’s coffee shop during the school holidays and every Saturday. She would work there from 5:00am until 5:30pm, washing the glasses and cups, clearing the tables and cleaning the store cupboard. She did not receive any additional payment for this work, but she had no choice but to comply with her employer’s orders, even though she knew this work to be illegal.

Bad living conditions: 71 women (47%) complained of bad living conditions. 60 women (39.7%) did not provide information on this, so it could be that more were subjected to bad living conditions or even did not realise that the living conditions they endured were not acceptable. Of the 71 women referred to above, 19 women (26.8%) claimed to have received insufficient or inadequate food.⁴⁹ 29

⁴⁹ It is notable that only 9 women (6%) claimed that the food provided was sufficient, whilst 123 women (81.5%) did not mention their food entitlement.

women (40.8%) were forced to sleep in a non-private space, such as a store cupboard, the living room, the balcony or the kitchen, and one of these women was forced to sleep in the living room with a baby. Nine women (12.7%) were forced to share a room with another adult, whilst 20 (28.2%) were forced to share a room with a child. Five women (7%) shared a room with both an adult and a child and one woman was forced to “live-out” illegally (1.4%). Sharing a room with a child or with an adult for whom one is caring is tantamount to being on call 24 hours a day.⁵⁰

ML was not provided with her own bedroom nor even a private area in which to sleep. She was told to sleep in the living room and her belongings were kept in a cabinet between the kitchen and the toilet. She was prevented from sleeping properly because the employers would often stay up late watching TV in the living room and the noise and light reflections would keep her awake.

A was forced to sleep in a bedroom which she shared with her employer, his wife and their two young children. She did have her own bed, but she had difficulty getting to sleep as it was very uncomfortable.

CG was given only rice to eat - nothing else. At first, she made do with rice, oil, and salt. However, she soon complained when she realized that this was not sufficient as her daily diet. She told her employer that it was difficult for to keep working excessively long hours when she wasn't fed properly. Her employer told her that it wasn't her problem if she was hungry.

Hazardous work: 31 of the women (20.5%) interviewed described being forced to do hazardous tasks by their employers. Of these women, 25 (80.6%) of them reported being asked to clean the outside of windows on high storeys without any safety precautions being taken. This is known to be a particularly hazardous activity, especially given the number of deaths of FDWs resulting from falls from high-storey apartment windows in 2012 alone and MOM's decision to place restrictions on this practice following pressure from the Indonesia government.⁵¹ Six of the 31 women (19.4%) described other forms of hazardous tasks which primarily involved using tall and unsteady ladders to complete tasks such as house-painting and cleaning ceiling fans. One woman described being asked by her employer to pick up what she suspected of being illegal drugs from the employer's acquaintance.

JC was asked to clean the outside of the windows of her employer's 28th floor unit and she initially refused to do the task. She told her employer that she was scared to do this dangerous task, especially as some FDWs have already fallen to their deaths cleaning windows. The employer ignored her pleas and forced her to do the task.

⁵⁰ It is notable that only 24 women (15.9%) reported having adequate living space.

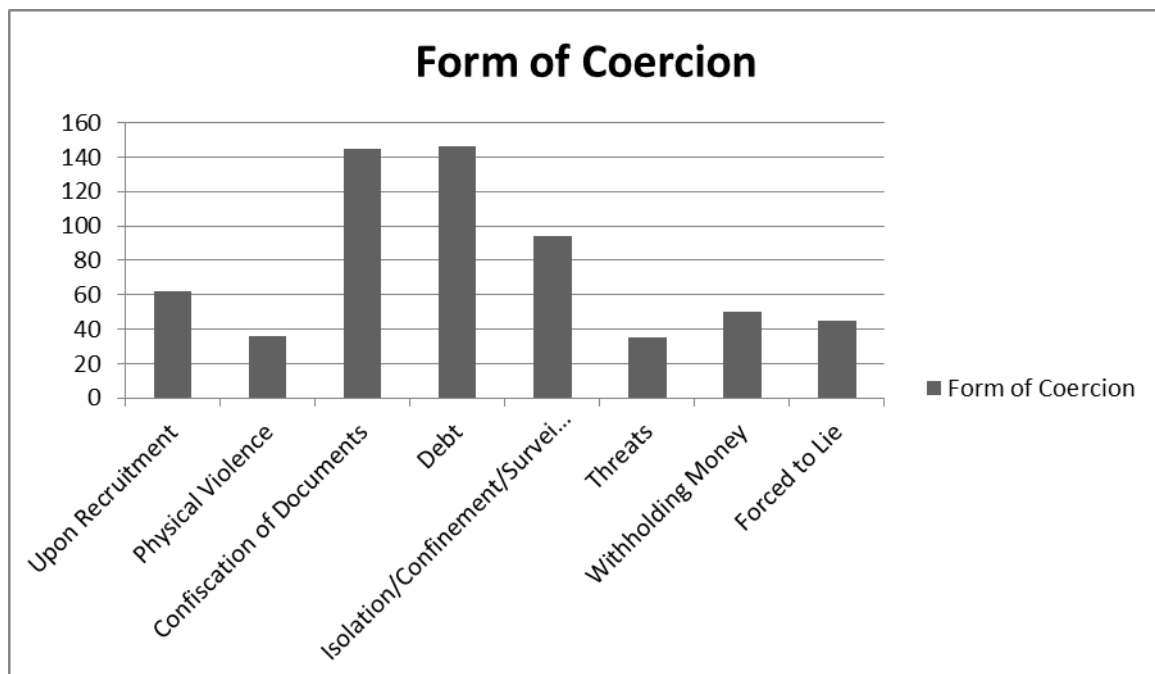
⁵¹ The Jakarta Globe, “Spate of Maid Deaths in Singapore Prompts Indonesia to Call for Ban on Window Cleaning”, 8 May 2012, available at: <http://www.thejakartaglobe.com/home/spate-of-maid-deaths-in-singapore-prompts-indonesia-to-call-for-ban-on-window-cleaning/516645>; The Jakarta Globe, “Singapore Curbs Window Cleaning Amid Maid Deaths”, 5 June 2012, available at: <http://www.thejakartaglobe.com/news/singapore-curbs-window-cleaning-amid-maid-deaths/52237>.

Low/No Salary: There is no minimum wage in Singapore for any category of workers, with FDWs being no exception. The POEA standard of US\$400 is taken as the standard of an acceptable monthly salary. Two women provided no confirmation of the amount they earned whilst deployed in Singapore, but of the remaining 149 interviewees, 147 (98.7%) were earning under the current SGD equivalent of US\$400 which is SGD486. The average amount was SGD\$409.73. Those earning over SGD486 both earned SGD500 per month.

No respect of contract signed: For 90 (59.6%) of the women interviewed, it was evident that the employment contract which governed their employment (whether that signed in the home country, such as in the case of POEA contracts, or that signed in Singapore) was not respected during the course of such employment. This included 80 women who had entered into POEA contracts which were then substituted upon arrival in Singapore. The contracts of the remaining ten women were not respected by virtue of the fact that their salary and/or allowance was not paid in accordance with the contractual terms.

3.3.2 Coercion

According to the ILO Indicators calculation, 150 women were subjected to coercion as a means of keeping them in the situation of exploitation they found themselves in upon deployment in Singapore. Such coercive practices are implemented by employment agents and/or employers, primarily to ensure in the first instances that the repayment of the recruitment debt, through salary deductions, is made in full. The patterns of coercive behaviour identified through the interviews did not all involve the use of physical force in order to “force” women to work, but rather the use of more subtle means of influence in order to create in her the belief that she has no choice but to continue to work despite the exploitative conditions, if only to ensure that she earns money at some point in the future and avoids any negative repercussions for her and her family.



Physical violence: 36 women (23.8%) reported being subjected to physical violence. Of those, 33 (91.7%) were subjected to physical violence, two (5.6%) were subjected to sexual violence and one

(2.7%) was subjected to both physical and sexual abuse. 33 (91.7%) of those women suffered violence at the hands of their employer, and three (8.3%) were abused by their employment agent.

Every day, S was asked to massage her male employer for one hour. After one year of daily massages, S's employer began molesting her. He started by touching her legs during the massages and the abuse escalated to him grabbing her breasts and buttocks while she completed domestic work. When S called her agent to ask for help, she was scolded and her complaints fell on deaf ears. It was not until S ran away that she was able to escape her abusive situation.

Verbal abuse: 114 women (75.5%) reported being subjected to verbal abuse by their employer and/or agent. 14 women (9.3%) said they did not experience such abuse and 23 women (15.2%) did not comment on this.

JD was subjected to constant verbal abuse. Her employer scolded and shouted at her all the time. She was repeatedly told she was lazy and her household chores are always found unsatisfactory. Her employer's partner also used to hit her on her arms and her back.

Confiscation of documents: 145 (96%) of the women interviewed reported having either their passport or their Work Permit or both confiscated from them upon arrival in Singapore or upon deployment to their employer. This is despite the confiscation of an employee's Work Permit being prohibited under the Employment of Foreign Manpower (Work Passes) Regulations (the Work Passes Regulations).⁵² Confiscation of key identity documents severely restricts the ability of FDWs to move freely and, if necessarily, leave the home of their employer. This is especially the case given the requirements (and associated penalties for non-compliance) under the Employment of Foreign Manpower Act for the Work Permit to be in the possession of the employee at all times.

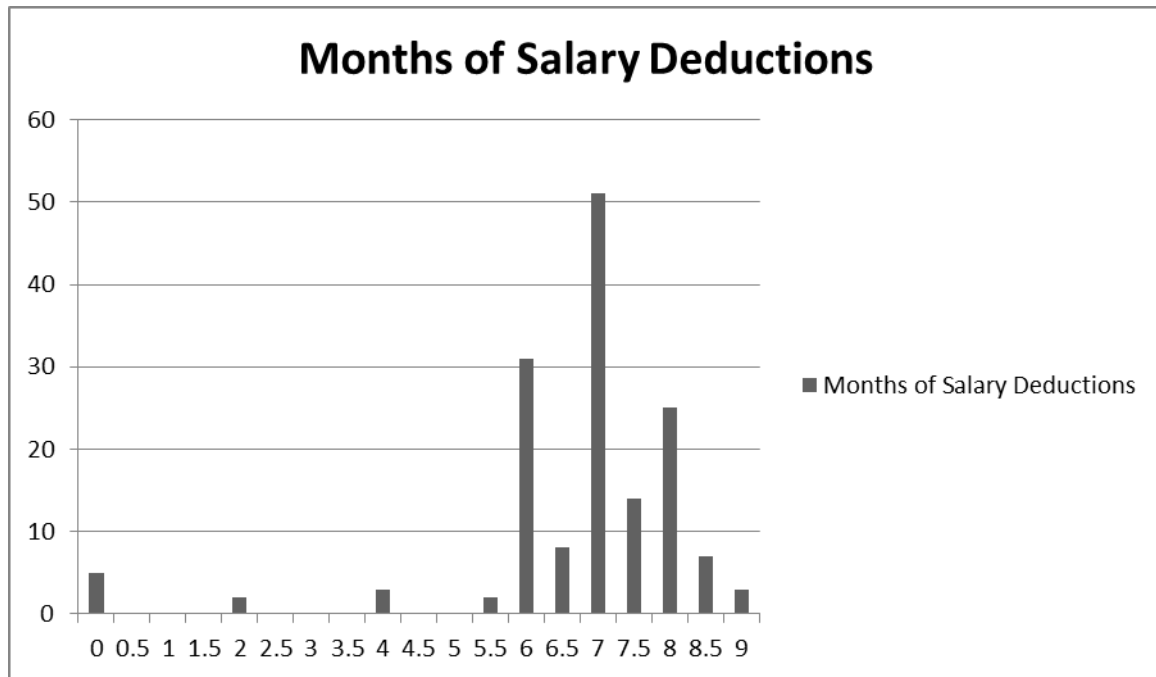
V's employer confiscated her Work Permit and passport. V was anxious to have them in her own possession, so she told her employer about the POEA contract provision that all personal documents must be in the possession of the FDW. The employer refused to return her Work Permit and passport, stating her concern that V may run away if she held her own documents.

Debt bondage: The imposition of salary deductions as a means of repaying the often excessive recruitment fee incurred by FDWs seeking employment in Singapore can result in the creation of debt bondage scenarios whereby the FDW is coerced into remaining in an exploitative employment situation. This is particularly the case where, as for the women included in this study, the main motivation of the employee in question is the ability to earn money to send home to her family who depends on her for financial survival. 146 (96.7%) of the women interviewed reported incurring debt through the recruitment process which resulted in them being placed in a situation of debt bondage during their deployment in Singapore. The average number of months of debt incurred by these women was 6.9 months, with the largest number (51 women, 33.8%) incurring seven months of debt.

The salary provisions in D's original contract were not respected once she arrived in Singapore and she was distressed to learn she would be only be receiving about half of her

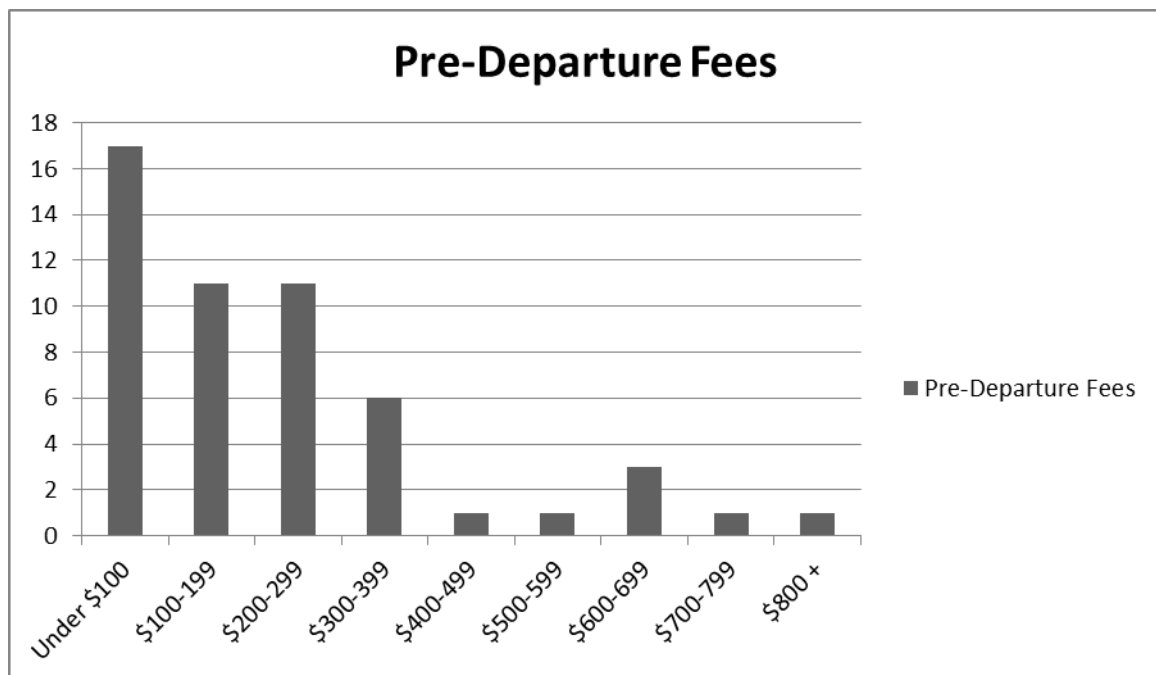
⁵² Employment of Foreign Manpower (Work Passes) Regulations 2012, Paragraph 16 of Part I of Fourth Schedule, available at: <http://www.mom.gov.sg/Documents/services-forms/passses/WPSPassConditions.pdf>.

expected salary under the new terms. D wished to return home immediately but was trapped by her debt, which could only be erased through six months of work.



In addition, 54 women (35.8%) paid upfront fees, ranging from the equivalent of S\$10 to S\$1185 in their country of origin. 59 women did not provide information on pre-departure fees, so it may be that more should be included in that figure.

N's recruiters in Myanmar charged her an agency fee of nearly SGD\$60, which N's father was only able to secure by borrowing money and working off the debt through manual labour. Even after paying the agency fee, N incurred seven months of salary deduction in Singapore.



68 women (45%) also reported incurring “top-up” salary deductions, whereby their agents added one or two months of salary deductions to their total debt upon transfer to a new employer. Such top-ups occurred even in cases where the first employer terminated the contract for no reason or where the first employer had violated the Work Passes Regulations or the contractual terms. This practice places individuals under greater pressure to keep working, because otherwise their loan will continue to grow with every redeployment.

W's employers made her redundant following the news of their relocation from Singapore. W incurred two additional months of salary deduction upon returning to her agency.

R's first employer in Singapore was physically abusive and violated the employment contract by forcing her to clean other apartments. After R requested to be returned to her agency, she was re-deployed to a second employer and incurred one extra month of salary deduction.

Isolation, confinement and surveillance: 94 women (62.3%) reported being isolated, confined or subjected to surveillance during the course of their employment in Singapore. These behaviours prevent women from seeking assistance, but they also break their resolve and strength. A further 44 women (29.1%) did not provide a response on this, so it is possible that the percentage is actually larger. 69 women (45.7%) reported having restrictions placed on their phone usage during their employment. The phones of 29 (42%) of those women were confiscated by their employers. 15 (21.7%) of those women were never permitted to make phone calls, and 25 (36.2%) were only permitted to make phone calls at limited times. This presents particular challenges, particularly for those women who have left children behind at home.

31 women (20.5%) reported having restrictions placed on their ability to communicate with neighbours and friends during their deployment. 79 women (52.3%) described having restrictions placed on their movement. 45 women (57%) claimed that they were never permitted to leave the house of their employer, whilst 26 (32.9%) were only permitted to leave subject to restrictions based on timing or being accompanied by the employer or a member of their family. A further 14 women (17.7%) described being locked in the house on occasion.

During one of S's four deployments in Singapore, she was tasked with caring for a mentally unstable child in addition to completing the usual household chores. On several occasions, S's employers locked S in the home while caring for their daughter. Despite numerous appeals to her agent for a change in employer, S was told there was nothing they could do to help.

S was confined to her employer's home for eight straight months, with no freedom to leave. Her hand phone was confiscated by the employer and S's only contact with her family were sporadic phone calls as and when the employer purchased phone cards.

After F asked her employer for a transfer, she was locked in the house when left alone and confined to the kitchen area during the night to stop her from running away. F's employers

had previously confiscated her mobile phone, which meant she could not contact her agent or the authorities to request help.

Ten women (96.6%) reported being subjected to surveillance by their employers. Five women (50%) stated that there was CCTV in the employer's house in order to enable monitoring at all times, whilst four (40%) said that the employer constantly watched them whilst they were working, which made them feel uncomfortable. One woman (10%) explained how her employer would read her correspondence and text messages. The remaining 141 women did not comment on whether there was surveillance by the employer; given the very nature of effective surveillance strategies, the women themselves may not even have realised if they were under surveillance.

N's employer had camera installed in the kitchen and the front of the house to make sure N did not speak to anyone or leave the home.

Threats: 35 women (23.1%) described being subjected to threats at the hands of their employer or agent. Of those women, nine (25.7%) were threatened with repatriation to their country of origin which, prior to completion of debt repayments is an unbearable prospect for many FDWs. A further nine (25.7%) were threatened with reminders of the debt repayment which they must make. Six women (17.1%) were threatened with blacklisting which would essentially render them unable to work again as an FDW in Singapore. Whilst employers have the right to submit negative feedback on their FDW to MOM,⁵³ only MOM has the authority to "blacklist" a particular migrant worker and this is not the prerogative of individual employers. Employers are able, however, to submit negative feedback regarding their FDW to MOM for consideration prior to potential blacklisting. Six women (17.1%) were threatened with being reported to the police and sent to jail, and four women (11.4%) were threatened with violence, including one woman who was threatened with death. One woman (2.9%) was threatened with food deprivation and another one (2.9%) with being returned to the agency, where she would either be sent home or redeployed with an increased debt to repay.

E's employer threatened her with phone calls to the police if she did not complete all of her tasks perfectly. The employer further intimidated E with threats to call E's family in the Philippines and say there was a police case against E.

Withholding money: 50 women (33.1%) described having had money owed to them by their employer withheld. For 23 (46%) of these women, it was their salary which was withheld (either in full or in part) whereas for 22 women (44%), it was the monthly allowance owed to them during the salary deduction period which was not paid. Five women (10%) had both their salary and allowance withheld during the course of their employment. In most cases, the employer provided no reason for withholding money from the FDW, but the examples of the reasons reported are "safekeeping", payment for the FDW's return home and not enough money to make the payment. Irrespective of how reasonable the explanations may appear, there is no justification for failure to make payment to an employee. Whatever the employer's motivation for withholding money, the impact of this action is to create a stronger reason for the FDW to continue working in the hope of one day receiving what is rightfully hers.

⁵³ Ministry of Manpower, "If your maid misbehaves...", 27 November 2010, available at: <http://www.mom.gov.sg/newsroom/Pages/PressRepliesDetail.aspx?listid=146>.

R was only given a portion of her monthly salary as her employers reserved some money for a plane ticket in case R terminated her contract before the two-year mark and required a flight home.

Forced to lie: 45 women (29.8%) described how they were forced to lie about certain factors during their recruitment, transportation or deployment. Of these 45 women, 39 (86.7%) were women who left the Philippines without a POEA contract and the other necessary documentation from the POEA, and therefore were told to lie to the immigration officers and state that they were leaving the country as tourists.

I's agency in the Philippines instructed her to leave as a tourist even though she was seeking employment in Singapore. The bribe paid to an Immigration Officer in the Philippine's airport was subsequently added to I's salary deduction.

Five of these women (11.1%) were forced to lie about their age. Two were from Myanmar and were both under 23 when recruited so had to lie to confirm the false age stated in their passports. The other three women were from Indonesia, and two were underage and the third was 44 and advised to lie about her age to comply with the age of 35 which was stated in her passport. One woman (2.2%) was instructed by her agent in Singapore that she must not tell MOM the truth about the number of months' salary deduction she had incurred, which was seven, and instead to state that she was only liable to two months of deduction.

When L initially made the decision to work abroad, she applied for a position in Hong Kong as she fit the minimum age requirement of 21. Soon after, however, L's agent informed her that Hong Kong had a long waiting list and he would simply make her a new passport with a forged date of birth that would allow her to work in Singapore. L's agent ordered her to lie whenever questions arose about her real age.

3.4 Seeking Assistance

The interviews included questions relating to the avenues of assistance which the FDW considered to be available to her and to the nature of her experiences in pursuing such avenues. For the majority of the women interviewed (95 or 62.9%), HOME was their first port of call. They sought assistance either via the 24-hour hotline or the helpdesk at Luck Plaza after leaving the home of their employer or the agency accommodation. Most of these women did not give a reason for their decision to come first to HOME, but those that did referred to being afraid of approaching the authorities, not having access to emergency numbers due to the confiscation of their MOM papers by their agency or employer, an inability to make calls to emergency numbers due to the confiscation of their handphones and, in one case, an instruction from their employment agent that they were forbidden to call the agency office if they encountered any problems.

39 (25.8%) of the women interviewed sought assistance in the first instance from their employment agent. Given the high amount of fees which the majority had paid, or were still paying, through salary deductions (and, in some cases, upfront fees), it was a reasonable assumption for them that their agent may provide help. The majority of these women (22, 56.4%) were given no such help, and received a scolding or threats in response. 12 women (30.8%) reported being redeployed by their agent immediately, rather than having their complaints addressed, and three (7.7%) stated that they were

redployed despite specifically requesting to be repatriated. Two women (5.1%) were returned to their employer against their will.

Seven women (4.6%) approached MOM for assistance, either via the helpline or in person. Three of these women (42.3%) reported being unable to speak to anyone via the helpline as there was no answer. Three women (42.3%) were advised by the MOM officer they spoke to on the phone to discuss their “problem” with their employer. The “problems” in question included illegal deployment, passport confiscation and being locked in the house.

Eight women (5.3%) sought the assistance of the police, and four (50%) of these had positive experiences in which their complaints were taken seriously and they were referred to the HOME shelter for accommodation. Three women (37.5%) were, however, returned to their agency and one (12.5%) to their employer against their wishes.

Two women (1.3%) sought assistance from their embassies. The woman who tried to call the helpline of the Philippines Embassy received no response. The woman who went to the Myanmar Embassy had a positive experience and was referred to the HOME shelter for accommodation.

Analysis was also conducted of the role played by the authorities in assisting with case resolution and whether any action was taken based on the presence of trafficking indicators in the cases of the individuals in question. In the introduction to its own list of human trafficking indicators, the UN Office on Drugs and Crime states that whilst the presence or absence of any of its indicators will not prove or disprove that trafficking has taken place, their presence will indicate the need for further investigations to be carried out.⁵⁴ Of the 151 women interviewed, 77 (51%) had their cases referred to the authorities. 59 of them (76.6%) were referred to MOM, 11 (14.3%) were referred to the police and seven were referred to both MOM and the police. **None of these women were flagged by the government officials who reviewed their cases as potential trafficked persons.** It is notable, however, that the experience of HOME caseworkers demonstrates that the outcome of MOM and police investigations are, in many cases, not reported to the FDW herself, other than if the outcome affects her directly such as the payment of salary which is owed to her. This lack of transparency prevents the FDW from knowing whether any punishment has been meted out to the employer and prevents civil society organisations like HOME from monitoring the response of the authorities to the cases of trafficked and potentially trafficked persons.

A further issue noted by HOME’s caseworkers is that it is frequently the case that MOM officers and police assume that FDWs are lying about their experiences in the absence of strong evidence to the contrary. Concerns about credibility lead to the frequent disregard of abuse claims which are not accompanied by visible wounds and the use of lie-detector tests in the majority of the abuse cases investigated by the police. The lack of an appropriate system through which the credibility of often traumatised and potentially trafficked individuals can be meaningfully assessed by MOM and the police raises the question of whether cases of trafficking are being dismissed for lack of credibility.

3.5 Next Steps

Each of the women interviewed were asked about their priorities regarding their “next steps”. The responses were varied. The majority of the women interviewed – 92 or 60.9% - wanted to go home to

⁵⁴ United Nations Office on Drugs and Crime, *Human Trafficking Indicators*, available at: http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf.

their country of origin as swiftly as possible in order to reunite with their family and take some rest. Of these, 18 (19.7%) were keen to attempt working abroad as an FDW again in the future. 53 women (35.1%) did not wish to go home and wanted to remain in Singapore, transfer to a new employer and have the opportunity to earn money and, in many cases, pay-off the remaining debt owed to their employment agents. Of these women who wished to be transferred, only twenty (37.7%) have so far been able to continue with employment in Singapore. Six (11.3%) still have ongoing cases, and 27 (50.9%) were repatriated against their will. Six women (4%) had yet to decide what they wanted to do next at the time they were interviewed.

4. The Role of the Singapore Government

As stated above, under the UN treaties to which it is a State Party – Convention on the Elimination of All Forms of Discrimination Against Women and Convention on the Rights of the Child - the government of Singapore has obligations to take all necessary measures to suppress and prevent trafficking in persons. Using the “Four P’s” model adopted by the Taskforce in the NPA, this section assesses the efforts which the government has made in this regard and seeks to identify the ways in which such efforts are either inadequate or are serving to exacerbate the problem. In addition to recognising the absence of comprehensive anti-trafficking legislation in the first instance, existing legislation and policy is also reviewed and recognised as a potential contributing factor to the prevalence of potential labour trafficking cases in the Singapore domestic work sector.

4.1 Inadequate Prevention

As demonstrated by the results of the study set out in Section 3, indicators of trafficking are occurring frequently in the cases of FDWs and therefore any trafficking prevention measures being enacted by the government are proving inadequate. The absence of any anti-trafficking legislation, setting out a range of prevention measures akin to those stated in the UN Trafficking Protocol, is notable and the commitment made by the Taskforce to “[s]tudy the feasibility of accession to UN Palermo Protocol on TIP” as Initiative 5 of the NPA is welcomed. However, it is the inadequacy of existing legislation which could and should be providing protection in relation to certain indicators which is arguably of more pressing concern.

4.1.1 Employment Agencies Act

Taking the steps of the process described in Section 4 in turn, the recruitment of FDWs by recruitment agents in both the source country and in Singapore is inadequately monitored by Singapore’s existing legislation – the Employment Agencies Act (the EAA). Given that Singapore’s agencies work in partnership with agencies in source countries, it is not sufficient for the EAA only to govern the actions of agencies based in Singapore. The governments of source countries – such as the Philippines – monitor the actions of Singapore-based agencies as part of their prevention mechanisms and Singapore should therefore do the same. Further, the terms of the EAA are inadequate to prevent the errant behaviours of Singapore-based agents – including deception, coercion, abuse of vulnerability – which lead (and arguably traffic) individuals into labour exploitation.

Whilst all Singapore-based employment agencies and their key personnel must be licensed under the provisions of the EAA, such licences are usually granted for three-year periods⁵⁵ and there is no system for interim monitoring. Whilst employment agency inspectors do have the authority to carry out inspections pursuant to Section 18 of the EAA, there is no system for proactive and regular monitoring of agencies and therefore no real deterrent during the period of the licence for agencies to avoid suspect behaviour.

⁵⁵ Ministry of Manpower, *Changes to the Employment Agency Regulatory Framework*, February 2011, p. 4, available at: <http://www.mom.gov.sg/Documents/foreign-manpower/Employment%20Agencies/Guide%20for%20employment%20agencies%20on%20new%20regulatory%20framework.pdf>.

Following a seemingly positive set of amendments passed in early 2011, the EAA now imposes a limit for the fees which employment agents may charge to applicants,⁵⁶ which was further prescribed in the Employment Agencies Rules 2011 as one month salary per year of the contract,⁵⁷ such limit is subject to notable exclusions including “any fee charged or received by a licensee in respect of costs incurred by or on behalf of an applicant for employment outside Singapore”.⁵⁸ This therefore allows employment agents to add on top of the two-month permitted fee any pre-deployment costs, such as transportation, training, medicals etc. with the result that the “cost” incurred by FDWs becoming far higher than the limits imposed by the EAA.

The EAA is silent on the issue of employment contracts and the administration of such contracts – including the issue of contract substitution. The deployment process does require the issue of an In-Principle Approval letter to the employee prior to departure from the country of origin which sets out the key terms of the contract, but this may not be understood by the employee and also does not refer to all relevant terms – particularly salary deductions.

Finally, the EAA provides no “code of conduct” which governs the standard of service which agents must provide to the FDWs who are as much their clients as the employers to whom they are deployed. In fact, one might argue that given that it is the FDW who pays the agent’s fee, they should expect a better service than the employer! There is therefore nothing which governs the timing or nature of responses of agents to problems encountered by employees during deployment, nor the requirements of responding promptly to the wishes of the employee e.g. when she wishes to terminate her employment and return home. Likewise, there is no responsibility imposed on licensed employment agents to investigate and/or report to the authorities behaviours by employers which are contrary to the Work Passes Regulations.

The inadequate regulation by the Singapore government of private employment agencies in Singapore, and indeed their counterparts in source countries, renders FDWs vulnerable to deception, coercion and exploitation from the moment they are recruited at the very outset of their migration experience.

4.1.2 Employment Law

Singapore labour laws do not adequately protect the rights of FDWs. There are significant gaps in the labour laws affecting all workers in Singapore which impact on the lives of FDWs, such as the absence of a minimum wage in all categories of employment. That said, there are protections which are guaranteed to other workers which are denied to FDWs. All domestic workers, whether migrants or otherwise, are excluded from the Employment Act (Cap 91), along with seamen and certain persons in managerial and executive positions.⁵⁹ As a result, FDWs are not able to benefit from a range of protections including those relating to contract termination, salary payment (including overtime), rest days, working hours, annual leave, sick leave and maternity cover.

⁵⁶ Employment Agencies Act, Section 14.

⁵⁷ Employment Agencies Rules 2011, Rule 12.

⁵⁸ Employment Agencies Rules 2011, Rule 12(2).

⁵⁹ Employment Act, Section 2, available at:

<http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=CompId:a30e0caa-8d13-4695-9cbf-aa0bc7a4934f;rec=0;resUrl=http://statutes.agc.gov.sg/aol/browse/titleResults.w3p;letter=E;type=actsAll>.

The employment rights of FDWs in Singapore are governed by the Employment of Foreign Manpower Act (EFMA)⁶⁰ and, more specifically, the Work Passes Regulations.⁶¹ EFMA establishes the Work Pass regime according to which the employment of foreign employees is governed. Far from being legislation which grants protection of the labour rights of foreign employees, EFMA sets out the rules according to which employment is permitted, the offences associated with breach of such rules and the powers of arrest and enforcement held by the authorities. The Work Passes Regulations – enforced by MOM – provide more concrete protections to FDWs as follows:

- i) prohibition of illegal deployment;
- ii) no retention of Work Permit and visit pass by employer;
- iii) living conditions, including adequate food, medical treatment and acceptable accommodation;
- iv) salary payments;
- v) prohibition of ill-treatment;
- vi) working conditions, including safe working environment, “adequate” daily rest, rest days in accordance with contract;
- vii) repatriation to international port of entry affording reasonable access to the employee’s hometown, and reasonable notice of such repatriation; and
- viii) prohibition of causing employee to be engaged in illegal, immoral or undesirable conduct or activity.

There are a number of notable exclusions from the list of protections, including a minimum wage and a maximum number of daily working hours. Further, there are no guarantees of freedom of association and collective bargaining for FDWs – in fact such freedom is specifically denied – and there are no protections of the right of workers to live in accommodation of their choosing and to have freedom of movement. There are no social security protections for FDWs who become pregnant; instead they are repatriated given they are not entitled to be Work Permit holders whilst pregnant.⁶² Similarly, FDWs who are “certified medically unfit” will have their Work Permit revoked.⁶³ The ILO Domestic Workers Convention sets out the blueprint for protections which all FDWs should enjoy, and it is when compared against this blueprint that the inadequacies of the current Work Passes Regulations become apparent.

Vague language throughout the Work Passes Regulations serves to reduce the impact of the protections, such as the use of “adequate” in relation to food and daily rest, “acceptable” in relation to accommodation, and “reasonable” in relation to access to the employee’s hometown and the notice of repatriation. Whilst the MOM website provides additional guidelines for employers which do expand on these to a certain extent⁶⁴ - such as suggesting that “where possible”, FDWs should be given a

⁶⁰ Employment of Foreign Manpower Act [30/2007], available at: <http://statutes.agc.gov.sg/aol/search/display/view.w3p?page=0;query=DocId%3Ad07a73ca-043a-4531-8132-357598e0a9ab%20%20Status%3Ainforce%20Depth%3A0;rec=0>.

⁶¹ Employment of Foreign Manpower (Work Passes) Regulations, available at: <http://www.mom.gov.sg/Documents/services-forms/passes/WPSPassConditions.pdf>.

⁶² Employment of Foreign Manpower Act, First Schedule, Part IV, Article 9.

⁶³ Employment of Foreign Manpower Act, First Schedule, Part IV, Article 5.

⁶⁴ Ministry of Manpower, “Work Permit (Foreign Domestic Worker) - Before you apply”, available at: <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/before-you-apply/Pages/default.aspx>.

separate room of their own - they remain very “soft” provisions, and when it comes to enforcement of such protections, the impact of these vague terms is notable.

The experience of HOME’s caseworkers is that certain provisions of the Work Passes Regulations are not well-enforced. For example, the provisions preventing illegal deployment are essentially waived where such deployment is to the homes of family members, such as the employer’s parents or siblings. The fact of such illegal deployment will have equal impact on the experience of the FDW, irrespective of the relationship between the employer and the person to whom the FDW is illegally deployed and therefore such “bending of the rules” is problematic. A similar lack of enforcement is seen in relation to the confiscation of passports and Work Permits which is the “norm”, but for which punishment is not often imposed.

From 1 January 2013, all new employment contracts for FDWs must include a weekly day off.⁶⁵ Whilst the announcement of this forthcoming policy was met with celebrations by migrant rights campaigners, including HOME, the true impact of the policy is diluted by the caveat that employers may compensate their FDW in lieu of granting her the weekly day-off, provided she is agreeable, and there is no confirmation of what a “weekly day-off” means in terms of numbers of hours. The ILO Domestic Workers Convention requires that a weekly day-off is 24 consecutive hours in length. It is common in Singapore, however, for employers to require their FDWs to work prior to departure from the home in the morning and to return by a specified time in the early evening. HOME is also concerned by the fact that the policy will only apply to “new” contracts, and therefore any FDW who enters a contract prior to 1 January 2013 will not be entitled to benefit from this policy for a further two years. There has been a sufficiently long “lead” time between the announcement of the policy in March 2011 and the enactment of the policy on 1 January 2013 during which all employers can make the necessary arrangements in order to accommodate the new rules. Such staggered timing should not, therefore, be necessary and the policy should apply to all FDWs from 1 January 2013. Whilst ambiguities and potential for abuse by employers remain, this new policy is unlikely to make any meaningful difference to the prevention of labour exploitation of FDWs in Singapore.⁶⁶

4.1.3 Costs of Employment

In addition to the provisions of the EAA, EFMA and the Work Passes Regulations which, whether implemented effectively or not, represent an attempt to protect the labour rights of migrant workers, there are a number of legislative and policy provisions which create a fertile ground in which trafficking indicators flourish. These relate to (i) the financial burdens imposed upon employers of FDWs and (ii) the dependence of the legal immigration status of the FDW upon their employer.

In addition to the salary which employers pay to their FDWs, they are also saddled with two further financial burdens in relation to the employer of said FDW. Firstly, employers are required to post a security bond of \$5000 with the government which guarantees the upkeep and maintenance, provision of acceptable accommodation and the repatriation of the FDW upon termination of

⁶⁵ Employment of Foreign Manpower (Work Passes) Regulations, Paragraphs 11 to 14 of Part I of Fourth Schedule, available at: <http://www.mom.gov.sg/Documents/services-forms/passses/WPSPassConditions.pdf>.

⁶⁶ Humanitarian Organization for Migration Economics, “Statement in Response to MOM’s Press Release ‘Weekly Rest Days for Foreign Domestic Workers’”, 6 March 2012, available at: <http://home.org.sg/downloads/PR-2012-Response-FDW-Rest-Day.pdf>.

employment and cancellation of the Work Permit.⁶⁷ The potential cost of violating the terms of the security bond is used by employers as justification for refusal to grant rest days to their FDW, for imposing restrictions on their movement and for confiscating documents. The lack of rest days and confinement to the home are both indicators of trafficking and therefore it could be argued that there is a direct link between the requirement of the security bond and such coercive behaviours.

In addition to posting a security bond, employers must pay a monthly levy of up to S\$265 to the government throughout the period of employment of a FDW.⁶⁸ As a percentage of the average monthly salary paid to the FDWs interviewed as part of this study - \$409.73 – this levy is a significant additional cost for the employer. It is likely that the imposition of this levy requirement serves to suppress the salary levels of FDWs, especially for employers who are not themselves high-earners.

4.1.4 Immigration Status

The final way in which Singapore's policies relating to FDWs serves to encourage, albeit unintentionally, patterns which violate the rights of such workers and promote indicators of trafficking is through the tying of the immigration status of the FDW to their the will of the employer. The immigration status of each foreign migrant worker in Singapore is wholly tied to the employment relationship with the employer. In all cases other than where an FDW is transferring from one employer to another within Singapore, the FDW will enter Singapore on an entry visa contained within an In-Principle Approval letter which sets out the name and address of their employer. This letter will then be replaced with the Work Permit which also specifies the same details. It is the Work Permit which grants the employee the right to stay in Singapore. When an employer terminates the employment contract of the FDW, they must cancel the Work Permit and visit pass within seven days. The FDW must then be repatriated within a further seven days unless she enters an employment contract with a new employer within that period.⁶⁹ In situations where the provisions of the Work Passes Regulations and/or the Penal Code have been violated and are under investigation by either MOM or the police, the FDW will be granted a Special Pass to enable her to remain in Singapore whilst the issue is resolved.

Neither the knowledge nor consent of the FDW is required in order for the Work Permit to be cancelled, which means that she may become an unlawful over-stayer without realising, the penalty for which is imprisonment and deportation. Further, it is solely the prerogative of the employer as to whether he/she will permit the employee to transfer to another employer at the end of the contract or whether to comply with the obligation to repatriate under the Work Passes Regulations. The impact of this is to add weight to the coercive threats of employers regarding repatriation prior to completion of loan repayment and the fear of FDWs of reporting cases of exploitation. Further, the requirement of

⁶⁷ Ministry of Manpower, "Work Permit – Before you apply: Security Bond", available at: <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fw/before-you-apply/Pages/security-bond.aspx>.

⁶⁸ Ministry of Manpower, "Work Permit (Foreign Domestic Worker) - Before you apply", available at: <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/before-you-apply/Pages/default.aspx#levy>.

⁶⁹ Employment of Foreign Manpower (Work Passes) Regulations, Paragraphs 20 and 21 of Part I of Fourth Schedule, available at: <http://www.mom.gov.sg/Documents/services-forms/passes/WPSPassConditions.pdf>.

prompt repatriation upon cancellation of Work Permit negatively impacts on the ability of the potentially trafficked FDW to seek legal assistance and obtain redress.

4.2 Lack of Prosecution and Protection

As stated previously, there is at present no specific anti-trafficking legislation in Singapore which creates a comprehensive offence of trafficking which mirrors the definition of “trafficking in persons” set out in Article 3 of the UN Trafficking Protocol. Whilst there are provisions in existing legislation which make elements of trafficking for sexual exploitation an offence,⁷⁰ there are, however, no provisions in the Penal Code or any other legislation which prohibit labour trafficking. It is, therefore, not surprising that none of the 77 interviewees who had been referred to MOM and/or the police were (as far as HOME was made aware) noted as being trafficked or potentially trafficked women. The absence of specific anti-trafficking legislation will almost certainly contribute to the continuing problems with identification of victims and potential victims of trafficking.

Those responsible for the actions resulting in the occurrence of trafficking indicators are only punishable under the relevant provisions of the EAA (for employment agents), and EFMA and the Work Passes Regulations (for agents and employers) and provisions of the Penal Code where other crimes – such as offences against the person – have been committed. It is noted that the penalties for both employers and employees who violate the provisions of EFMA are currently being revised in order to deter parties from engaging in illegal practices.⁷¹ There is concern, however, that such penalties will be inadequate to curb the presence of trafficking indicators whilst the effectiveness of enforcement by the MOM remains questionable and whilst the employees themselves may be penalised for engaging in behaviours despite being coerced into doing so by their employers and/or employment agents.

It is noted, however, that MOM has a “Blacklisting Framework” which serves to prevent employers who are “deemed unsuitable” from employing FDWs or from renewing the Work Permits of their current FDWs. Offences which will cause them to be “deemed unsuitable” include (i) physical and/or psychological abuse; (ii) exploitation and/or ill-treatment, including failure to pay salary and failure to provide for the FDW’s upkeep and rest; (iii) requiring FDW to perform dangerous tasks such as cleaning windows of high-rise buildings, and (iv) illegal deployment.⁷² Unfortunately, HOME is unable to monitor the impact of this framework given that it does not receive information regarding whether employers against whom complaints have been made by HOME shelter residents have been “blacklisted” as a result. Similarly, MOM operates a “demerit system” for employment agencies which are licensed under the EAA, whereby they may be put under surveillance or may have their licence

⁷⁰ See, for example, Section 373A of the Penal Code and Section 141 of the Women’s Charter.

⁷¹ For further information about revisions to Employment of Foreign Manpower Act, see Ministry of Manpower, “Executive Summary of the Revisions to the Employment of Foreign Manpower Act”, available at: <http://www.mom.gov.sg/Documents/foreign-manpower/EFMA/EFMA-Executive-summary.pdf>.

⁷² Ministry of Manpower, “Work Permit (Foreign Domestic Worker) - Before you apply: Blacklist Framework for Employers”, available at: <http://www.mom.gov.sg/foreign-manpower/passses-visas/work-permit-fdw/before-you-apply/Pages/employer-requirements.aspx>.

suspended or revoked where infringements of the licensing regime have taken place.⁷³ MOM publishes lists of agencies against whom such action has been taken, but it is notable that at present, there are only six agencies under surveillance,⁷⁴ and in 2012, only eight licences have been suspended⁷⁵ and only five licences have been revoked.⁷⁶

Given the opaque nature of the operation of both MOM and the police in cases involving employers of FDWs, it is often impossible to assess the effectiveness of such prosecution mechanisms. In addition, many cases, particularly those involving the police, can take months to be resolved. At present, there is a HOME shelter resident whose case, after almost one year, has yet to be resolved. It is however possible to make general findings about the inadequacies of the system through which potential perpetrators of trafficking and/or exploiters of FDWs are not brought to justice and through which the exploited FDWs are often unable to seek redress.

Similarly, there is no adequate system of protection in place for trafficked and potentially trafficked FDWs in Singapore, even in those seemingly rare cases in which they are identified as such. As stated previously, Articles 6 to 8 of the UN Trafficking Protocol set out a range of protective measures that should be enacted in order to assist trafficked and potentially trafficked person – including protection of the right to confidentiality, provision of legal assistance, provision of support necessary for physical, psychological and social recovery (including accommodation, medical assistance and educational opportunities), grant of compensation and the legalisation of immigration status. Whilst there is piecemeal provision in place for FDWs – such as a small number of shelter spaces, the grant of special passes whilst cases are being resolved and the Temporary Job Scheme which enables FDWs to be re-deployed as FDWs during the progress of their case – such provision is far from adequate or comprehensive.

There is no provision of free legal assistance to FDWs, nor a system through which they are granted the opportunity to raise complaints against their employers. The evidence collected from the interviewees demonstrates that the avenues of assistance are limited and often ineffective. MOM carries out “spot-checks” by inviting employers and their FDWs at random to attend interviews. This system is easily open to abuse, especially where the employer exercises control over their FDW, and the one interviewee who attended such an interview was returned to her employer afterwards despite

⁷³ Ministry of Manpower, “Demerit Points System for Employment Agencies”, available at: <http://www.mom.gov.sg/foreign-manpower/employment-agencies/legislation-licensing-criteria/Pages/demerit-points-system.aspx>.

⁷⁴ Ministry of Manpower, “List of Employment Agencies under MOM Surveillance (Updated as at 15 September 2012)”, available at: <http://www.mom.gov.sg/Documents/services-forms/Employment%20Agencies/List%20of%20Employment%20Agencies%20under%20Surveillance.pdf>.

⁷⁵ Ministry of Manpower, “List of Employment Agencies whose licence had been suspended by MOM”, 15 August 2012, available at: <http://www.mom.gov.sg/Documents/services-forms/Employment%20Agencies/List%20of%20Suspended%20and%20Revoked%20Employment%20Agencies.pdf>.

⁷⁶ Ministry of Manpower, “List of Employment Agencies whose licence had been revoked by MOM”, 15 August 2012, available at: <http://www.mom.gov.sg/Documents/services-forms/Employment%20Agencies/List%20of%20Suspended%20and%20Revoked%20Employment%20Agencies.pdf>.

evidence of trafficking indicators being present. Of the 77 women whose cases were referred to MOM and/or the police, none of them were identified as potential trafficked persons, highlighting a lack of experience amongst the relevant officials in identifying trafficking indicators. Finally, there is no system in place for compensation to be granted to women who have suffered at the hands of exploitative agents and/or employers.

Lastly, there is no scheme for providing financial assistance to those who are unable to work whilst remaining in Singapore, either due to their age or to the trauma they have suffered whilst previously deployed preventing them from working as an FDW again. Irrespective of the events which have occurred during the recruitment and employment of such women, their families are often still dependent on them for economic survival and the cessation of remittances can have a serious impact on their lives and on the mental health of the FDW who remains in Singapore. Further, such women do have daily needs whilst they remain – such as transport, food, personal necessities – which cannot be met without such financial support. At present, it is civil society organisations such as HOME which cover such costs but this is an unsustainable and inappropriate model.

To a large extent, prosecution and protection mechanisms must work hand-in-hand in order to bring an end to human trafficking. Whilst perpetrators continue to operate without redress, the patterns of labour trafficking will be replicated time and again. However, without trafficked persons willing to cooperate with the Singapore authorities responsible for managing the prosecution process, such process will unlikely be successful.

4.3 Lack of Cross-Border Partnership

Despite the expressed commitment of the Taskforce in the NPA to developing “stronger collaboration with foreign governments including their embassies in Singapore”, the results of this study demonstrate a notable lack of collaboration, particularly in relation to monitoring the recruitment process of FDWs during which many indicators of trafficking have been identified. The two main source countries for FDWs in Singapore – Philippines and Indonesia – have systems in place for monitoring the recruitment and deployment of migrant workers, including FDWs, overseas.⁷⁷ The Philippines Overseas Employment Administration operates a sophisticated system, as described in Section 3 above, whereby a standard form contract setting out a range of protections for FDWs, including the requirement of weekly rest days, a minimum monthly salary of US\$400 and no payment of deployment costs and/or fees by the FDW. Similarly, on 1 May 2012, the Indonesian government announced stricter enforcement of a standard form contract which must govern the employment of all Indonesian FDWs in Singapore. This contract guarantees a minimum monthly salary of S\$450, no commission payable by the FDW to the employment agency and payment in lieu where weekly rest days are not provided.⁷⁸

⁷⁷ For further details on the legislative regime in the Philippines, see Migrant Workers and Overseas Filipinos Act 1995 (Republic Act No. 8042), available at: <http://www.poea.gov.ph/rules/ra8042.html>; and the Governing Board Resolutions and Memorandum Circulars of the Philippines Overseas Employment Administration, available at: <http://www.poea.gov.ph/>. For further details on the legislative regime in Indonesia, see the National Law on the Placement and Protection of Indonesian Overseas Workers (Law No.39/2004).

⁷⁸ Straits Times, “Singapore to Increase Indonesian Maid Salaries After November”, 13 August 2012, available at: <http://www.thejakartaglobe.com/international/singapore-to-increase-indonesian-maid-salaries-after-november/537983>.

The efforts of these countries are, however, undermined by a lack of commitment from the Singapore government to assisting in the enforcement of such protections. For example, the Singapore government, and more specifically MOM, takes no responsibility for enforcing the provisions of the POEA contract, nor does it make any effort to investigate whether contract substitution – a fundamentally deceptive process often carried out under duress – has taken place. As such, the efforts made by the Philippines government to eradicate indicators of trafficking from the recruitment and deployment process are undermined, and is the Singapore government which is left to address the resulting problems when they emerge as complaints to MOM and criminal cases.

In addition to legislative and policy enactments, such as those operationalised by the POEA, Philippines and Indonesia have both recently ratified international instruments which should result in improved protections for FDWs. In April 2012, Indonesia ratified the UN Convention on the Rights of All Migrant Workers and Members of Their Families, and in September 2012, Philippines became the second country to ratify the ILO Domestic Workers Convention. Whilst the impact of these ratifications will hopefully be notable within the source countries, the approach adopted by the Singapore government to any such developments will ultimately determine the true effect on the lives of FDWs working in Singapore.

The UN Trafficking Protocol refers to the importance of “bilateral and multilateral cooperation” (Article 9(4)). Further, Article 15(1)(d) of the ILO Domestic Workers Convention suggests that countries should “consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment”. No such agreements have been entered into by Singapore with any source countries of FDWs and this remains a fundamental gap in the government’s efforts to combat labour trafficking in this sector. Both Philippines and Indonesia have, in the past, placed embargoes on the sending of FDWs to significant receiving countries such as Lebanon and Jordan (banned by the Philippines) and Malaysia (banned by Indonesia). It is likely that voting Singaporean employers would become swiftly dissatisfied should the Philippines and/or Indonesia stop the supply of FDWs to Singapore.

The lack of an effective partnership between the government of Singapore and the governments of key source countries – such as the Philippines and Indonesia – prevents FDWs from enjoying comprehensive protection from the different elements of trafficking which occur throughout the migration process, on both sides of the Singapore border. Active engagement and partnership between the relevant authorities is essential for the effective monitoring of the different actors involved in recruiting, transporting and employing FDWs in Singapore.

5. Conclusions and Recommendations

As demonstrated by the recent Trafficking in Persons Report published by the US Department of State,⁷⁹ trafficking into domestic servitude takes place across the globe. This study has demonstrated that there is a notable presence of trafficking indicators in the cases of 151 FDWs in Singapore and the issue, therefore, can no longer be ignored. Further, it has shown that this form of trafficking is carried out less by transnational trafficking syndicates, but rather by recruiters, employment agents and employers who are able to take advantage of gaps and weaknesses in Singapore's legal framework to exploit FDWs. Key patterns identified in this study are:

- (i) deception, operationalised primarily through contract substitution, relating to key terms of the employment arrangement, including wages and earnings (40.4%);
- (ii) abuse of vulnerability caused by financial difficulty (66.2%) or a lack of information provided during recruitment (88.7%);
- (iii) excessive working hours (96%) and days (96.7%) during employment;
- (iv) low or no salary (100%); and
- (v) the use of coercive practices, such as salary deductions to repay recruitment debt (96.7%), confiscation of documents (96%) and isolation, confinement and surveillance (62.3%) in order to keep FDWs in a condition of exploitation.

There are currently significant gaps in the legislation relating to the prosecution of perpetrators of trafficking and the protection of victims of trafficking which must be addressed as identified by the Taskforce in the NPA. Perhaps more effective, however, would be an improvement in prevention mechanisms which are currently undermined by flaws and gaps in the content and enforcement of the EAA, EFMA, the Work Passes Regulations and the immigration policies relating to FDWs.

This Section sets out a list of recommendations for the Singapore government and its neighbours in how to address the issue of trafficking into domestic servitude.

HOME recommends that the Singapore government should:

- i) Demonstrate its commitment to eradicating trafficking into domestic servitude (alongside all other forms of trafficking in persons) and to protecting the rights of all workers and all women by ratifying all relevant international instruments, including the UN Trafficking Protocol, the UN Convention on the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the ILO Domestic Workers Convention;
- ii) Enact comprehensive anti-trafficking legislation which criminalises all forms of human trafficking in Singapore and includes measures concerning the prevention, protection and provision of financial and employment assistance to all trafficked and potentially trafficked persons, including FDWs.
- iii) Review the adequacy of the legal protections for FDWs embodied within the Employment of Foreign Manpower Act and the Employment of Foreign Manpower (Work Passes) Regulations, and take all necessary steps to improve protection, including, but not limited to:

⁷⁹ US Department of State, Trafficking in Persons Report 2012, June 2012, available at: <http://www.state.gov/j/tip/rls/tiprpt/2012/>.

- a. extending the coverage of the Employment act to cover FDWs, introducing working hour limits, medical leave, annual leave and maternity leave entitlements, a more effective mandatory rest-day policy and minimum wage guarantees;;
 - b. prohibiting particularly problematic behaviours of employers and employment agents, including salary deductions, isolation and confinement, termination without notice and with no just cause, and confiscation of documents;
 - c. establishing statutorily-imposed standard form employment contracts which entrench broad labour rights and can be enforced through accessible and free legal mechanisms;
 - d. ensuring the availability of free legal services and advice to FDWs through both the Ministry of Manpower and the police;
 - e. ensuring transparency in relation to the operation and outcomes of protection mechanisms, including the resolution of disputes by the Ministry of Manpower, the monitoring of employment agencies and the investigation of abuse cases by the police; and
 - f. providing training to all relevant officials so as to increase the enforcement of existing legal protections for FDWs from labour exploitation.
- iv) Review the imposition of excessive financial burdens – through the security bond and levy policies - upon employers of FDWs and provide full disclosure as to the use of funds collected through the levy and the extent to which security bonds are called upon in order to fulfil the obligations of errant employers;
 - v) Review those elements of the Work Permit system which allow the immigration status of the FDW to be inextricably linked to her relationship with her employer, and consider allowing FDWs to work in Singapore without being tied to one employer and with the ability to change employers without the threat of repatriation;
 - vi) Review the Employment Agencies Act to (a) prohibit agencies from charging FDWs for any recruitment fees and/or other deployment-related costs (whether incurred in Singapore or the country of origin), and (b) review the system for monitoring employment agencies so as to better address the problems arising from salary deductions, contract substitution, continual redeployment of FDWs who wish to be repatriated, and continual provision of FDWs to abusive and exploitative employers;
 - vii) Engage in increased bilateral and multilateral cooperation with source countries, such as Philippines and Indonesia, to ensure more effective protection of FDWs from the deceptive, coercive and abusive behaviours of employment agents and employers and consider entry into bilateral agreements which formalise such efforts;
 - x) Collaborate fully with civil society organisations, especially those who have the “grassroots” experience of the challenges, motivations and needs of FDWs, and provide financial support for their work, particularly those offering shelter services and other forms of victim protection and rehabilitation; and

- viii) Engage in awareness-raising amongst employment agents, employers and public in general about trafficking indicators, the relevant legislation and policy and the possibility of engaging in such behaviours associated with human trafficking unintentionally.

HOME recommends that the governments of source countries, such as the Philippines and Indonesia should:

- i) Harmonise existing domestic legislation with the relevant obligations recently assumed under international instruments including the ILO Domestic Workers Convention and the UN Convention on the Rights of All Migrant Workers and Members of Their Families;
- ii) Engage with the government of Singapore to seek better cross-border enforcement of the protections granted to FDWs under domestic legislation and the improvement of the protections offered by Singapore legislation;
- iii) Implement awareness-raising programmes, in partnership with civil society organisations both in the home and receiving countries, through which (a) future FDWs can learn about their rights under domestic legislation prior to departure, and (b) employment agents are made fully aware of their obligations and responsibilities;
- iv) Ensure the adequacy and availability of diplomatic and consular protection provided by the relevant embassy in Singapore to FDWs, including provision of interpreters, medical care, counselling, legal aid and shelter where necessary;
- v) Where relevant, extend the scope of domestic anti-trafficking legislation to enable the extra-territorial application of its provisions so as to better protect nationals from trafficking into countries such as Singapore; and
- vi) Resist any approaches by Singapore employment agents calling for domestic protection of the rights of FDWs when working in receiving countries to be relaxed.

Appendix 1: Interview Guide

EXPLANATION OF PURPOSE OF INTERVIEW

The purpose of the interview should be explained to all interviewees. It should be explained that HOME is looking at the issue of trafficking in persons in Singapore. The purpose of the interview is to collect information about each case in order to establish whether it involves trafficking. This information will be used for a research project to support our discussions with the government about improving the protection of migrant domestic workers from trafficking in persons. In order to do this, we need lots of information about the nature of trafficking in Singapore, so that we can explain the nature of the problem to the government and encourage them to take action.

The interviewee should be informed that unless she decides to take action against people involved in her own situation, the details will be kept confidential and to the extent we use the information, we will make sure it is anonymous.

A. BACKGROUND: FAMILY AND PERSONAL SITUATION

Opening question: Could you tell me about your home and family situation in your country of origin?

Follow up questions to assess:

- (i) Details of family structure
- (ii) Financial situation – including income, debt, outgoings etc.
- (iii) Educational background
- (iv) Employment opportunities in home country
- (v) Ill-health amongst family members

B. RECRUITMENT

Opening question: Could you tell me how and why you came to work in Singapore?

Follow up questions to assess:

- (i) Complete process of recruitment, including assessment of all parties involved and individual's willingness to be involved in process.
- (ii) Payments made – fees, accommodation during in-country training, transport, collateral etc. and how money was raised.
- (iii) Information provided about employment/salary/working conditions/housing and living conditions/ legality of work.
- (iv) Training provided in advance of travel, including freedom of movement and living conditions during training process.
- (v) Documentation process – including visas, certifications (where relevant), employment contract, Work Permits etc.

(vi) Any threats/violence/coercion against individual and/or family.

(vii) Extent of dependence on recruiter/agent.

C. WORKING CONDITIONS

Opening question: Please could you tell me about the conditions which you live and work in here in Singapore?

Follow up questions to assess:

(i) Whether information provided at recruitment stage was correct.

(ii) Type of work – including whether any duties which were unexpected/hazardous/illegal

(iii) Working hours/ Process for recording hours/ Workload expectations

(iv) Breaks and Restdays

(v) Freedom of movement

(vi) Payment of wages/Salary deductions/Overtime/Payment for sick leave

(vii) Any punishment for mistakes etc – financial or otherwise.

(viii) Nature of accommodation, living conditions and provision of food etc. and whether payment required?

(ix) Reaction of employer to work injuries/illness etc including provision of medical expenses, medical leave etc.

D. VIOLENCE

Opening question: Can you tell us about any ways in which your employer/agent is violent – physically or verbally - towards you?

Follow up questions to assess:

(i) Use of force to ensure compliance with employer's/agent's expectations.

(ii) Use of threats to ensure compliance with employer's/agent's expectations.

E. RESTRICTIONS ON MOVEMENT AND CHOICES

Opening question: Can you tell us about any ways in which your employer restricts your movements and choices?

Follow up questions to assess:

(i) Whether key documentation (eg. passport, Work Permit, employment contract) is withheld.

(ii) Whether freedom of movement is granted and if not, what restrictions are in place.

(iii) Any penalties relating to termination of employment.

- (iv) Difficulties regarding complaining about situation to MOM, other authorities etc. – eg. use of threats, lack of knowledge, inability to communicate etc.
- (v) Impact of recruitment fees/debt on individual's choices etc.

Appendix 2: ILO Operational Indicators for Labour Exploitation

The full set of ILO Operational Indicators for Human Trafficking is available at:

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf

Explanations of each of the indicators are available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105035.pdf

The ILO provides the following guidance for how to use the Operational Indicators. For each potential victim, each of the dimensions of the trafficking definition is assessed independently from the others. The result of the assessment is positive if the dimension is present for the potential victim, negative if not. In order to be assessed as positive, a dimension must include:

- Two strong indicators; or
- One strong indicator and one medium or weak indicator, or
- Three medium indicators, or
- Two medium indicators and one weak indicator.

After an assessment is done for each dimension, the final analysis involves combining the different elements to identify the victims of trafficking.

INDICATORS OF DECEPTIVE RECRUITMENT
<p>Strong Indicator:</p> <ul style="list-style-type: none">- Deceived about the nature of the job, location or employer
<p>Medium Indicators:</p> <ul style="list-style-type: none">- Deceived about conditions of work- Deceived about content or legality of work contract- Deceived about family reunification- Deceived about housing and living conditions- Deceived about legal documentation or obtaining legal migration status- Deceived about travel and recruitment conditions- Deceived about wages/earnings- Deceived through promises or marriage or adoption
<p>Weak Indicator:</p> <ul style="list-style-type: none">- Deceived about access to education opportunities.

INDICATORS OF COERCION	
Indicators of coercive recruitment	Indicators of coercion at destination
<p>Strong indicator:</p> <ul style="list-style-type: none"> - Violence on victims 	<p>Strong Indicators:</p> <ul style="list-style-type: none"> - Confiscation of documents - Debt bondage - Isolation, confinement or surveillance - Violence on victims
<p>Medium Indicators:</p> <ul style="list-style-type: none"> - Abduction, forced marriage, forced adoption or selling of victim - Confiscation of documents - Debt bondage - Isolation, confinement or surveillance - Threat of denunciation to authorities - Threats of violence against victim - Threats to inform family, community or public - Violence on family (threats or effective) - Withholding of money. 	<p>Medium Indicators:</p> <ul style="list-style-type: none"> - Forced into illicit criminal activities - Forced tasks or clients - Forced to act against peers - Forced to lie to authorities, family etc. - Threat of denunciation to authorities - Threat to impose even worse working conditions - Threats of violence against victim - Under strong influence - Violence on family (threats or effective) - Withholding of wages
	<p>Weak Indicator:</p> <ul style="list-style-type: none"> - Threats to inform family, community or public
INDICATORS OF ABUSE OF VULNERABILITY	
Indicators of Recruitment by abuse of vulnerability	Indicators of abuse of vulnerability at destination
<p>Medium Indicators:</p> <ul style="list-style-type: none"> - Abuse of difficult family situation - Abuse of illegal status 	<p>Medium Indicators:</p> <ul style="list-style-type: none"> - Dependency on exploiters - Difficulty to live in an unknown area

<ul style="list-style-type: none"> - Abuse of lack of education (language) - Abuse of lack of information - Control of exploiters - Economic reasons - False information about law, attitude of authorities - False information about successful migration - Family situation - Personal situation - Psychological and emotional dependency - Relationship with authorities/legal status 	<ul style="list-style-type: none"> - Economic reasons - Family situation - Relationship with authorities/legal status
<p>Weak Indicators:</p> <ul style="list-style-type: none"> - Abuse of cultural/religious beliefs - General context 	<p>Weak Indicators:</p> <ul style="list-style-type: none"> - Difficulties in the past - Personal characteristics
INDICATORS OF EXPLOITATION	
<p>Strong Indicator:</p> <ul style="list-style-type: none"> - Excessive working days or hours 	
<p>Medium Indicators:</p> <ul style="list-style-type: none"> - Bad living conditions - Hazardous work - Low or no salary - No respect of labour laws or contract signed - No social protection (contract, social insurance, etc) - Very bad working conditions - Wage manipulation 	
<p>Weak Indicator:</p>	

- No access to education

Appendix 3: Summary of Results

The table below sets out the results collated through interviews with 151 women between March and July 2012. The “total” attributed to each element was calculated using the method set out in the ILO Operational Indicators (see Appendix 2).

BACKGROUND	
Nationality	Philippines: 127 (84.1%) Indonesia: 16 (10.6%) Myanmar: 7 (4.6%) India: 1 (0.7%)
Age	20-29: 62 (41.1%) (<23: 3) 30-39: 69 (45.7%) 40-47: 20 (13.2%) Average age: 31.8 years
Family Situation	Single: 56 (37.1%) Married/Living with partner: 68 (45%) Divorced/separated: 22 (14.6%) Widowed: 5 (3.3%) Child/Children in country of origin: 111 (73.5%)
Educational background	No answer: 51 (33.8%) Secondary education incomplete: 4 (2.6%) Secondary education completed: 48 (31.8%) College education incomplete: 19 (12.6%) College education complete: 26 (17.2%) University degree: 3 (2%)
Employment background in Country of Origin	No answer: 11 (7.3%) Never worked: 22 (14.6%) Factory work: 24 (15.9%) Domestic work: 21 (13.9%) Sales Assistant: 21 (13.9%) F&B Sector: 15 (9.9%) Farming: 8 (5.3%) Secretary/Receptionist: 7 (4.6%) Family business: 3 (2%) Beauty sector: 3 (2%) Council work: 3 (2%) Other: 13 (8.6%)

Previous deployment as migrant domestic worker	Never: 106 (70.2%) In Singapore: 18 (11.9%) Countries other than Singapore: 17 (11.3%) Singapore and elsewhere: 10 (6.6%)
Reasons for coming to Singapore	Provide for family: 98 (64.9%) Earn more money: 29 (19.3%) Excessive outgoings: 10 (6.6%) Life improvements: 4 (2.6%) Family encouragement: 2 (1.3%) Other: 2 (1.3%) Combination of above: 6 (4%)
Length of time in Singapore	2012: 52 (34.4%) 2011: 61 (40.4%) 2010: 19 (12.6%) 2000-2009: 17 (11.3%) Unknown arrival date: 2 (1.3%)
Number of employees since most recent arrival in Singapore	1: 82 (54.3%) 2: 43 (28.5%) 3: 14 (9.3%) 4: 10 (6.6%) 5+: 2 (1.3%)
ACTION	
Recruitment	151 (100%)
- Initial Recruiter	Family: 43 (28.5%) Friends/neighbours: 72 (47.7%) Advertisements: 24 (15.9%) Unknown recruiter: 12 (7.9%)
- Agency involvement	Direct hires: 4 (2.6%) Country of origin & Singapore: 113 (76.9%) Only in Singapore: 34 (23.1%)
- Contractual arrangements	Two contracts with contract substitution: 93 (61.6%) Contract in Singapore only: 45 (29.8%) Contract in country of origin only: 3 (2%) No contract; Verbal assurances only: 3 (2%) Unsure about contractual arrangements: 7 (4.6%)

Transportation		145 (96%)
TOTAL		151 (100%)
MEANS		
Deception	Nature of job, employer, location	52 (34.4%), of which: <ul style="list-style-type: none"> - Illegal deployment: 41 (78.8%) - Working for different number/type of people: 10 (19.2%) - Different location: 6 (11.5%) - Different employer: 5 (9.6%) - Non-domestic tasks: 5 (9.6%)
	Conditions of work	48 (31.8%), of which: <ul style="list-style-type: none"> - Rest days: 43 (89.6%) - Working hours: 2 (4.1%) - Both: 3 (6.3%)
	Content of Work Contract	78 (51.7%)
	Housing/Living Conditions	2 (1.3%)
	Wages/Earnings	61 (40.4%), of which: <ul style="list-style-type: none"> - Monthly salary: 28 (45.9%) - Salary deductions: 17 (27.9%) - Both: 16 (26.2%)
	TOTAL	54 (35.8%)
Abuse of Vulnerability	Financial Difficulty	100 (66.2%), of which: <ul style="list-style-type: none"> - Sole breadwinner: 38 (38%) - Family debts: 8 (8%) - Medical fees: 8 (8%) - Unemployed/low-earning husband: 21 (21%) - General poverty : 4 (4%) - Combination of above: 21 (21%)
	Lack of Education	18 (11.9%), of which: <ul style="list-style-type: none"> - Lack of English: 8 (44.4%) - Complex contract not understood: 10 (55.6%)

	Lack of Information	134 (88.7%), of which: <ul style="list-style-type: none"> - Not permitted to read contract: 26 (19.4%) - Content not explained: 26 (19.4%) - No terms provided: 14 (10.4%) - Misunderstanding of POEA contract: 78 (58.2%) - NO POEA contract therefore lack of knowledge of regime: 41 (30.6%) - Lack of training: 1 (0.7%)
	Family Difficulty	59 (39%), of which: <ul style="list-style-type: none"> - Single mothers: 39 (66.1%) - Serious ill-health in family: 21 (35.6%) - Abusive/problematic marriages: 6 (10.2%)
	TOTAL	54 (35.8%)
Coercion	Upon recruitment	62 (41.1%), of which: <ul style="list-style-type: none"> - Coercion whilst in agency accommodation: 14 (22.6%) (<i>of which restriction of movement – 9, sexual abuse – 1, physical abuse – 4</i>) - Entering contractual arrangements under duress: 35 (56.5%) (<i>of which signing contract under duress – 30, prevented from backing out due to ill-health – 1, forced redeployment – 4</i>) - Confiscation of documents prior to deployment: 33 (53.2%)
	Physical Violence	36 (23.8%), of which: <ul style="list-style-type: none"> - Physical violence: 33 (91.7%) - Sexual violence: 2 (5.6%) - Both: 1 (2.7%)
	Confiscation of Documents	145 (96%)

	Debt	146 (96.7%) Average debt: 6.9 months Top-up deductions incurred: 68 women (45%) Upfront fees as well as salary deductions: 54 (35.8%)
	Isolation/Confinement/Surveillance	94 (62.3%) Restrictions on phone usage: 69 (45.7%), of which: <ul style="list-style-type: none"> - Phone confiscation: 29 (42%) - Never permitted to make calls: 15 (21.7%) - Calls at limited times: 25 (36.2%) Restrictions on communication with other people: 31 (20.5%) Restrictions on movement: 79 (52.3%), of which: <ul style="list-style-type: none"> - Never permitted to leave house: 45 (57%) - Ability to leave subject to restrictions: 26 (32.9%) - Locked in house: 14 (17.7%) Surveillance: 10 (6.6%), of which: <ul style="list-style-type: none"> - CCTV: 5 (50%) - Constantly observed by employer: 4 (40%) - Employer reads correspondence: 1 (10%)
	Threats	35 (23.1%), of which: <ul style="list-style-type: none"> - Repatriation: 9 (25.7%) - Repayment of debt: 9 (25.7%) - Blacklisting: 6 (17.1%) - Report to police: 6 (17.1%) - Violence: 4 (11.4%) - Food deprivation: 1 (2.9%) - Return to agency: 1 (2.9%)
	Withholding money	50 (33.1%), of which: <ul style="list-style-type: none"> - Salary: 23 (46%)

		<ul style="list-style-type: none"> - Monthly allowance: 22 (44%) - Both: 5 (10%)
	Forced to lie	45 (29.8%), of which: <ul style="list-style-type: none"> - Leaving Philippines as tourist: 39 (86.7%) - Underage: 4 (8.9%) - Overage: 1 (2.2%) - Salary deductions: 1 (2.2%)
	TOTAL	150 (99.3%)
PURPOSE OF EXPLOITATION		
Excessive Working Days		146 (96.7%) During salary deduction: <ul style="list-style-type: none"> - 0: 137 (90.7%) - 1: 8 (5.3%) - 2: 1 (0.7%) - 3: 1 (0.7%) - 4: 2 (1.3%) - Not answered: 2 (1.3%) After salary deduction: <ul style="list-style-type: none"> - 0: 73 (48.3%) - 1: 68 (45%) - 2: 5 (3.3%) - 3: 1 (0.7%) - 4: 4 (2.7%)
Excessive Working Hours		145 (96%) <ul style="list-style-type: none"> - Minimum: 14 hours - Maximum: 20 hours - Average: 17.33 hours
Very Bad Working Conditions		55 (36.4%), of which: <ul style="list-style-type: none"> - Massages: 7 (12.7%) - Illegal deployment: 39 (70.9%) - Handwashing all clothes: 14 (25.5%)
Bad Living Conditions		71 (47%), of which: <ul style="list-style-type: none"> - Insufficient/inadequate food: 19 (26.8%) - Non-private sleeping: 29 (40.8%) - Share room with adult: 9 (12.7%)

	<ul style="list-style-type: none"> - Share room with child: 20 (28.2%) - Share room with adult and child: 5 (7%) - Live-out: 1 (1.4%)
Hazardous Work	31 (20.5%), of which: <ul style="list-style-type: none"> - Cleaning outside of high-rise windows: 25 (80.6%) - Use of unsteady ladders: 6 (19.4%) - Picking up illegal substances on employer's behalf: 1 (3.3%)
Low/No Salary	147 (98.7%) <ul style="list-style-type: none"> - Average: \$409.73
No respect of Contract Signed	90 (59.6%), of which: <ul style="list-style-type: none"> - POEA substituted: 80 (88.9%) - Salary payments: 10 (11.1%)
TOTAL	149 (98.7%)
TRAFFICKING	
All Elements of Trafficking Definition Present	149 (98.8%)

Appendix 4: Case Studies

1. G

G is a single woman from the Philippines and the sole breadwinner of her family, which includes her aging parents, two brothers, a sister and her sister's children. G began working as a domestic worker in the Philippines when she was just 9 years old. She was employed by seven employers by the time she turned nineteen.

G's decision to migrate to Singapore was spurred by her desire to earn money for her family. In the process of seeking employment abroad, G's family was forced to pawn their farm in order to pay the employment agency's recruitment fees. G's employment hopes were twofold: firstly that working in Singapore would generate enough income to buy back the farm and secondly to support her family's daily needs.

Before leaving the Philippines, G signed a contract with her agency that stated a monthly salary of USD\$400 with a 7-month salary deduction. G understood that her future employers had two children and that she would be responsible for their care while also completing domestic work.

When G arrived in Singapore, she discovered that her first employer in fact had 3 children and rented out their spare bedrooms, which G was responsible for cleaning. G shared a bedroom with the employer's eldest child and the Ama, deprived of any personal space. During the day, G was illegally deployed to work in her employer's shop from 9am-10pm and was then forced to clean her employer's house until she completed all the chores, usually between 1-2am.

After requesting a transfer to a new employer, G was returned to the agency where her agent subjected her to cruel and unusual punishment. Part of the retribution was forcing G to stand still until nighttime. G also did not receive adequate food while living with her agent.

Her second employer forced G to work from 5am-9pm, look after 8 people and clean a 3-storey house. Among the daily chores were washing the car and hand washing all of the clothes. Although G complained to her agent about the hefty workload, she was told she would be sent home if she ran away.

After 3 months G did run away but sought refuge with her sister, also a domestic worker in Singapore. G received assistance from her sister's employer and secured a third job placement where she worked alongside another domestic worker in caring for an elderly man and two young children. However that employer accused her of stealing money and G was returned to her agency, strip-searched and blamed for the missing funds.

G's fourth employer proved to be no better than the previous three; after one month, the employer's mother moved in and G was made to sleep on the balcony. G continued to work for that employer until she could no longer handle the stress and eventually sought help from HOME.

None of G's four employers allowed her to leave the house, other than the fourth employer who allowed her to eat in a café within the condominium block. During the entire duration of G's employment, she was unaware of how to contact authorities and seek help.

Despite having worked for nearly one year, at the time of her interview with HOME, G still owed three months of salary deduction to her agent as her initial 7 months of debt was topped up with each

change in employer. The stress of her outstanding balance combined with her family's obligation to pay off the debt to the pawn shop in order to recover their farm weighed heavily on G's shoulders.

2. M

M is a married mother of two from the Philippines whose children are six and two years old. Although M's husband is employed as a tricycle driver, he earns only enough money to feed their children. M held various factory jobs in the Philippines but eventually returned home to care for her ailing father and be reunited with her family.

During that time, a television advert alerted M to an opportunity to work abroad as a domestic worker. The commercial spurred M to visit the employment agency's office and begin the process to work in Singapore. Although the agent informed M that securing her a job would incur an 8-months salary deduction, M pursued the lead in order to earn money for her family.

During the recruitment process, M was sporadically informed about extra pre-departure costs leading up to her employment abroad. This included training fees, certification and travel. The extra expenses drained M's personal finances and forced her further in debt to her agency.

Prior to M's departure, she received a phone call from a prospective employer in Singapore. They discussed the employer's expectations of M but salary and a weekly day off were not mentioned. M was then told to report to a different office (under the same employment agency), to sign her contract and finalise pre-departure documentation. In the new office, M signed her first employment contract, which listed a monthly salary of SGD\$600 and one weekly rest day. M was not given a copy of her contract even though she requested a photocopy.

Just before her departure to Singapore, M was surprised to be given a 'job order'; much like a contract but with different expectations than the original document she agreed to. This job order stated a different employer and a lower salary. The new information worried M, but already indebted to her agency, she felt helpless but to proceed on new terms. Once in Singapore, M was presented yet another contract with an even lower salary and a ban on mobile phone use.

M's first employer returned M to the agency after just one month. This employer complained that M was unable to complete household tasks or cook well. The second employer, where M spent nearly five months, never paid the promised \$10/month salary allowance, this in spite of M being forced to sign a record of payment. Although M requested to her second employer and agency that she be repatriated, both parties denied her appeal. M soon realised the only way to get home was to pay a large sum of money to her agent, which of course she did not have.

Eventually M was sent to a third employer but incurred additional salary deduction, amounting to three months in total. The third employer forced M to work from 6:30am-10pm. Although this employer was not unkind, M struggled to meet their demands and deeply wished to go home.

M was admonished by her agent when she returned to ask for repatriation. The agency demanded M repay the remainder of her loan, for which she sought the help of her husband in the Philippines. M's husband promised to try and borrow the money, though M knew that doing so would only force them further into financial difficulties.

Frustrated and discouraged, M sought help from HOME.

3. J

J, from the Philippines, is married with two young sons, nine and three years old. Although J finished high school and completed a one-year higher education course, she struggled to find work in the Philippines and spent three years as a domestic worker in Lebanon from 2003-2006. The idea of working abroad for a second time always appealed to J, as the potential to financially support her children is greater outside of the Philippines.

J was inspired to seek work in Singapore at the same time as her niece, who informed J that salaries were higher for women with previous experience as domestic workers. J decided to pursue the opportunity and within months found herself in the employment agency's boarding house in Manila. After a few days there, J received a phone call from her prospective employer, who offered her a monthly salary of SGD\$500 with one day off per month.

Although J does not remember signing a contract in Manila, she distinctly remembers holding a document on the flight to Singapore, which stipulated the salary and rest day originally agreed upon. In Singapore, however, J was made to sign a brand new contract, which she was not allowed to read. It was then explained to J that she would incur a 5.5-month salary deduction and only receive a monthly salary of SGD\$450.

A few days later, J started working for an employer who was different from the person she originally spoke to from Manila. Despite being promised an eight hour break in her work day, J was made to work from 6:30am-midnight every day. J was not given her own living space and instead shared a room with the employer's baby. The monthly salary allowance of SGD\$10 was only paid to J after two months of employment; her employer claimed she was unaware of her contractual obligation to pay a monthly stipend.

One morning, three months into her contract, J's employer refused to feed her breakfast until the stock room was cleaned to the employer's satisfaction. The same day, the employer instructed J to clean the outside of the windows –without grills and on the sixth floor – a task J was too scared to undertake. J's refusal to complete the job led to an argument and J ran away.

J sought the assistance of HOME and requested a transfer to a new employer. Shortly after, however, J received word that her employer would be cancelling her Work Permit and sending her back to the Philippines, forfeiting J's chances of another job in Singapore.

4. R

R, from the Philippines, is married with four children. Her husband is a rice farmer and also does carpentry on the side, though both of his jobs combined are not sufficient to provide for their children. Due to their financial difficulties, R decided to look for work in Singapore. She gathered the necessary documents and brought them to Manila, where R stayed in the agency boarding house.

In Manila, R paid a daily rate to the boarding house of SGD\$5. Upon completion of her training, R signed a contract stating a monthly salary of SGD\$600. R was surprised to then learn from the agent that the contract did not state her real salary; she would instead receive a monthly wage of SGD\$400, with no day off and six months salary deduction. Discouraged, R felt she had no choice but to proceed on this new contract.

In Singapore, R was not immediately matched with an employer and was forced to work in her agent's home until she was matched. One week later, R was driven to meet her new employer and was handed yet another contract. The document was in line with the unwritten amount earlier guaranteed by her agent in Manila: a monthly salary of SGD\$400 plus SGD\$500 of her salary kept by her employer should R terminate the contract before completion.

R stayed with her first employer for two and a half months. In the morning, R was woken by her employer with a kick to the head and was frequently called bad names. R also never received her promised salary allowance.

The second employer forced R to work from 6am-2am without a rest. She slept in the living room and was asked to massage the Ama for two hours every day. In addition, R was hit by the Ama and threatened with deportation and a ban on re-entry to Singapore if she reported the abuse. R was only allowed to leave the home when taking out the garbage, and even then her employer monitored how long she was gone. Furthermore, she was banned from using her mobile phone until nighttime.

R eventually ran away and found HOME, wishing only to be repatriated and live with her family.

5. G

G is a married woman with two children from the Philippines. Her husband is a maintenance man but earns very little, making G the primary breadwinner. Both of G's daughters attend fee-paying school and she feels obliged as a mother to provide the necessary funds for their education.

G decided to contact her sister-in-law, a domestic worker in Singapore, to enquire about potential work. Within one week, she was contacted by her agent in Singapore who instructed her to report to Manila to collect her plane ticket and Work Permit. This meant that G entered Singapore as a tourist and not on a government-sponsored employment contract.

Three days after arriving in Singapore, G's employer picked her up at the agency. G signed the contract but did not read it as her agent had promised one monthly day off, no salary deduction and a monthly salary of SGD\$350.

G worked for her first employer for over four years. She had no complaints but heard about higher salaries being made by other domestic workers in Singapore.

G worked for her second employer for eight months. Her daily routine started at 6am and did not finished until 10pm, without any breaks. A few months into her employment, her employer kicked G to the floor after not properly completing a household task.

A few weeks later, G was taken to Malaysia to clean her employer's second house. Over the one-week deployment, her employer threw cold water on G's head every time she made a mistake. On one occasion, G was thrown down the steps and threatened with further abuse if the chores were not completed to the employer's liking. When G requested to be sent home, her employer intimidated her with threats of jail.

G was desperate to escape but was locked in the home on a daily basis. Thankfully, a neighbour suspected that G was being abused and phoned the police to make a report. The police interviewed G and eventually removed her from the employer's home after discovering evidence of physical abuse.

Despite the abusive situation G endured, she hopes to remain in Singapore and continue supporting her family.