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RESEARCH PAPER: **VIETNAMESE MIGRANT DOMESTIC WORKERS**

With special focus on Taiwan and Saudi Arabia markets



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The Government of Vietnam considers sending their nationals working overseas a socio-economic strategy to develop human resources, solving unemployment, generating income, increasing foreign exchange reserves, and strengthening cooperative relations with other countries. It is estimated that by 2016, there were approximately 37% of the Vietnamese migrant workers who were women working overseas and domestic work was their most common occupation. Domestic workers, especially those abroad, are regularly excluded from workplace laws or afforded less protection than other workers, including in Taiwan and Saudi Arabia markets.

This study focused on the inter-governmental policies in Vietnam as sending country and other Asian receiving countries while taking the gender dimension, self-organisation perspective as cross-cutting topics and especially consider the issue of racism and prejudice over Vietnamese domestic workers overseas as an added value of our approach. In the end, the study will hopefully allow to provide overview on the inter-national division with political strategic knowledge that allows us to understand dynamics and forces operating similarly in favour or on the contrary against provisioning of the well-being for Vietnamese domestic migrant in Taiwan and Saudi Arabia.

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INTRODUCTION

I.1. RESEARCH RATIONALE AND OBJECTIVES

Sending Vietnamese people to work abroad under defined-term contract is a development strategy of the Vietnamese Government to reduce poverty, addressing the issue of unemployment, improving the quality of human resources, and increasing foreign-exchange reserves for accelerating the national goal of industrialization, modernization and global integration (Politburo-of-Vietnam, 1998). Over the past years, number of Vietnamese people working abroad has been increasing steadily. According to the Department of Overseas Labour Management (DoLAB), Ministry of Labour, Invalids and Social Affairs (MoLISA), there are now more than 520,000 Vietnamese labourers working in more than 40 countries and territories in the world. From 2006 to 2016, about 80,000 - 100,000 Vietnamese people went abroad to work every year (H. A. T Nguyen, 2017). Only in 2016, there were 126,296 Vietnamese migrant workers working abroad and by October 2017, this number was estimated at 106,127 people, about 37% of whom are female workers (H. A. T Nguyen, 2017).

Vietnamese female workers working in foreign labour markets often have lower levels of education and professional qualifications in comparison to men and workers from other countries. They often do the jobs such as domestic workers, factory workers and medical caregivers that are familiar with their traditional gender roles and require cleverness, industriousness and patience (DoLAB, 2012). Main countries of destination for Vietnamese female workers were South Korea, Japan, Taiwan, Cyprus Republic, Macau, Malaysia, Thailand and Saudi Arabia.

Domestic worker considered a familiar and easy occupation to Vietnamese women; hence, it has been most selected among poor, unqualified and untrained female workers who want to seek a chance to work overseas to earn higher income. Though Viet Nam has not, so far, been able to estimate the exact number of domestic workers working overseas; however, according to a report by (Bowen & Duong, 2012), there were 6,000 Vietnamese migrant domestic workers working mainly in Taiwan, Cyprus Republic, Macau, Malaysia in 2011.

That number is believed to increase sharply in recent years when Taiwan has reopened its labour market to Vietnamese female workers to work as family caregivers since July 2015. Moreover, Saudi Arabia and Viet Nam have started to promote their cooperation in sending and receiving Vietnamese domestic workers to work in Saudi Arabia since 2014 (Le, 2017; H. A. T Nguyen, 2017).

Though domestic worker has been seen as an occupational opportunity for Vietnamese rural and ethnic minority women, it is also the most unprotected job, as it has not been taken into serious account in national legislations of both sending and receiving countries. Even though there are some national regulations for domestic workers (for instance, Viet Nam), they are normally not taken effect well as workplaces (within houses) and long working time of this labour group are not easily to monitor, evaluate and inspect. As a result, a number of issues related to Vietnamese migrant domestic workers have been arisen, especially in the labour markets such as Taiwan and Saudi Arabia. Recently, Vietnam's mass media and several studies have reported many cases of Vietnamese female domestic workers being maltreated and socially discriminated in Saudi Arabia and social stigma against Vietnamese female migrant workers in Taiwan (Bao-Moi, 2016; Hoang & Yeoh, 2015; Lan, 2006; T. D. Tran, 2017); however, there are under-researched aspects related to the situation of Vietnamese migrant domestic workers (living and working conditions, forms of discrimination based on gender, job, class, religion, culture, language barriers networking and union, etc.) and an analysis on how the lack of international and national laws and policies has contributed to more serious vulnerabilities and disadvantages of this labour group in the international labour market.

To fill in the gap, this research was undertaken to provide empirical evidence on existing policy gaps, challenges and barriers in both legislations and practices faced by Vietnamese migrant domestic workers prior, during and after their migration through a brief analysis of international legal instruments and national legislations of both sending country (Viet Nam) and receiving countries (Taiwan and Saudi Arabia). In addition, the research examines the situation of Viet

Nam's migrant domestic workers with a focus on difficulties and constraints caused by racism, social prejudices against Vietnamese domestic workers because of their job, culture, gender and language proficiency. The research finally puts an emphasis on making recommendations for amendment and enforcement of national legislations of sending and receiving countries as well as call for international and national efforts in protecting this worker group.

I.2. RESEARCH METHODOLOGY AND SCOPE

In order to collect both secondary and primary data and information, the consultant team have applied three main research methods including: (i) literature review; (ii) statistical analysis method; and (iii) key informant interviews (KIIs). The statistical analysis method used to collect available statistics on Vietnamese migrant domestic workers in both sending (Vietnam) and receiving countries (Taiwan and Saudi Arabia). The consultant team worked with DoLAB (MoLISA) to collect and tabulate necessary data related to the migrant domestic workers. In order to have more evidence for the situation of Vietnamese migrant domestic workers as well as current status of Vietnamese legislations on this labour group, the consultant team conducted two KIIs with (i) 2 DoLAB's representatives in charge of managing migrant domestic workers in Taiwan and Saudi Arabia; and (ii) 10 returning migrant domestic workers from Taiwan (5 workers) and Saudi Arabia (5 workers). A brief profile of 10 returning migrant domestic workers is described in the Annex 1. In analyzing of research findings, right-based approach and compare-contrast method have been used to indicate policy gaps and highlighted differences and similarities between Vietnamese migrant domestic workers in Taiwan and Saudi Arabia as well as their different or similar difficulties, constraints, social prejudices, discrimination, etc during their overseas working term.

1.3. RELEVANT DEFINITIONS AND CONCEPTS

Person working abroad under contract: In this research, a migrant worker working overseas under contract is understood as those regulated in the Article 3 of the Law No.72/2006/QH11 on Vietnamese Overseas Migrant Workers (NA, 2006). Accordingly, a migrant worker shall be “Vietnamese citizen residing in Viet Nam who meets all the conditions prescribed by laws of Vietnam and the host country, and work abroad in accordance with the Law on Vietnamese Overseas Migrant Workers”.

Domestic worker: According to ILO Convention No. 189 on Domestic workers, domestic worker is defined as “any person engaged in domestic work within an employment relationship”; and domestic work “means work performed in or for a household or households” (ILO, 2011a, Article 1). Those who perform “domestic work only occasionally or sporadically and not on an occupational basis” are not domestic workers (ILO, 2011a, Article 1).

In 2015, Taiwan made a clear distinction between a house worker and a domestic caregiver. Accordingly, a house worker is to take care of young children while caregiver is responsible for caring the elderly or mentally or physically challenged children, youth, young or elderly adults (TWC2, 2015). A house worker requires no certificate but a caregiver needs a medical certificate. As reported by DoLAB (Viet Nam), since July 2015, Taiwan has reopened its labour market to Vietnamese female workers working as domestic caregivers, not house workers. However, as Vietnamese caregivers are employed to work within household(s) and under employment relationships (according to the Article 1 of ILO Convention No. 189), in this research, domestic caregiver is still considered a type of domestic worker.

In Saudi Arabia, according to the Memorandum of Understandings signed between MoLISA (Viet Nam) and Ministry of Labour (Kingdom of Saudi Arabia), domestic workers are “those who do domestic chores, childcare, family chauffeurs, and gardeners...” (Government-of-Vietnam & Kingdom-of-Saudi-Arabia, 2014, Article 1).

1.4. LIMITATION OF THE RESEARCH

This research only focuses on Vietnamese regular migrant domestic workers who work overseas under defined-term contracts. The research excludes the irregular migrant groups that migrate overseas by themselves to work. Because of limited time and financial resources, the research emphasizes its review and analysis on two labour markets, namely Taiwan and Saudi Arabia - two countries of destination which have been reported with more arising issues in mass media and to DoLAB (MoLISA, Viet Nam). In addition, the main method of this research is desk review in combination with few KIIs (12 in total), findings of the research are very preliminary and may not reflect the whole picture of Vietnamese migrant domestic workers in Taiwan, Saudi Arabia and other labour markets. Hence, it is recommended that further empirical studies need carrying out to have a better reflection of the situation of Vietnamese migrant domestic workers in receiving countries.



**RESEARCH
FINDINGS AND
DISCUSSIONS**

II.1. POLICY REVIEW ON VIETNAMESE MIGRANT DOMESTIC WORKERS

Sending Vietnamese labourers to work abroad under defined-term contract is a policy of the Vietnamese Government to address the issue of unemployment, improving the quality of human resources, increasing foreign-exchange reserves for the country's national economic-society development, industrialization, modernization and global integration (Politburo-of-Vietnam, 1998). In recent years, this policy has been strengthened by the Government as it becomes a national sustainable poverty reduction goal for the people living in rural, remote, isolated areas and ethnic minorities who are unemployed or underemployed, poor, technically untrained, and low-educated. Decision No. 71/2009/QĐ-TT of the Prime Minister approving the Master Plan on Supporting Poor districts in Boosting Labour Dispatch to Foreign Countries for Sustainable Poverty Reduction 2009-2020 sets out the overall objective of "Improving the quality and quantity of labourers in poor districts to send them overseas to work, contributing to job creation, income generation and sustainable poverty reduction" (Prime-Minister-of-Vietnam, 2009).

In addition, in the Decision approving the "National Target Program for Sustainable Poverty Reduction 2016-2020", the Prime Minister considers labour dispatch to foreign countries as a solution to reduce poverty in Vietnam. Under this program, the Prime Minister has approved the sub-project No. 4 on support for members of poor, near-poor and ethnic minority households to work abroad. The objective of this project is to "increase the quantity and quality of labourers working abroad under definite terms in the poor districts, communes with disadvantaged economic backgrounds in coastal and island areas, contributing to job creation, income generation and sustainable poverty reduction" (Prime-Minister-of-Viet Nam, 2016).

In order to support and better manage Vietnamese migrant domestic workers, including domestic ones, over the past years, the Government of Viet Nam has continually improved its national legal system, participated in a number of international conventions, and signed bilateral and multilateral agreements with receiving countries and territories. Nonetheless, a number of objective and subjective factors (legislations with less or no gender responsiveness, no specific supporting

categories or projects/programs for migrant domestic workers, ineffective management and supervision of labour sending enterprises, etc.) have caused policy gaps, inadequacies, disadvantages and vulnerabilities for Vietnamese migrant domestic workers prior, during and after their migration.

To understand why the policy gaps and inadequacies have caused disadvantages and vulnerabilities to Vietnamese migrant domestic workers, the first part of this paper undertakes a policy review on: (i) international human rights and labour instruments for migrant domestic workers; (ii) Vietnam's labour and migration legislations related to migrant domestic workers; (iii) bilateral developments between Viet Nam and Taiwan, Viet Nam and Saudi Arabia on sending and receiving Vietnamese migrant domestic workers; (iv) and labour and employment legislations of Taiwan and Saudi Arabia related to this labour group.

II.1.1. International human right and labour instruments for migrant domestic workers

Migrants and domestic workers are covered by UN's human right conventions and ILO's international labour standards unless otherwise specified. The most important ILO Convention with respect to domestic workers is ILO Convention No. 189 on Domestic

Workers Convention (ILO, 2011a) and its accompanying Recommendation (R201) (ILO, 2011b). Convention No. 189 promotes decent hiring, working, and living conditions for all domestic workers, including migrants. Taking into account the specific challenges that migrant domestic workers face, the Convention advocates the use of written contracts that are enforceable in the host country, the establishment by Members of clear conditions under which migrant domestic workers are entitled to repatriation, and the institution of safeguards against the abusive practices of labour sending agencies operating across borders. Moreover, Convention No. 189 urges sending and receiving countries to cooperate with a view to ensure the effective implementation of the Convention's provisions. In addition to the Convention No. 189, the Recommendation No. 201, and other fundamental right conventions, the widely ratified ILO conventions of general application such as those dealing with labour inspection, protection of wages, social security, and safety and health at work are particularly relevant to domestic workers.

In order to ensure the rights of migrant workers in general and the rights of migrant domestic workers in particular, the Vietnamese Government has ratified a number of international human right and labour legal instruments (Table 1 below).

Table 1. Vietnam's ratification status of international instruments relevant to domestic workers

Name of international treaties and conventions	Status of ratification	Year of ratification
International Covenant on Civil and Political Rights	Yes	1982
International Covenant on Economic, Social and Cultural Rights	Yes	1982
International Convention on the Elimination of All Forms of Racial Discrimination	Yes	1982
Convention on the Elimination of All Forms of Discrimination against Women	Yes	1982
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No	
ILO Convention No. 29 on Forced Labour	Yes	2007
ILO Convention No. 105 on Abolition of Forced Labour	No	
ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize	No	

ILO Convention No. 98 on Right to Organize and Collective Bargaining	No	
ILO Convention No. 100 on Equal Remuneration	Yes	1997
ILO Convention No. 111 on Discrimination in Employment and Occupation	Yes	1997
ILO Convention No. 97 on Migration for Employment	No	
ILO Convention No. 143 on Migrant Workers	No	
ILO Convention No. 189 on Domestic Workers	No	

Source: A self-documentation by the authors from different sources, Hanoi, 2017

The Table 1 above indicates that Viet Nam has ratified most of United Nations fundamental international human right conventions and several ILO labour conventions. However, Vietnam has not ratified important conventions relating to the rights and protection of overseas migrant workers and domestic workers such as Convention No. 29 on Forced Labour, Convention No. 105 on Forced Labor Abolition, Convention No. 87 on Freedom of Association and Protection of the Right to Organize, Convention No. 98 on Right to Organize and Collective Bargaining, Convention No. 97 on Migration for Employment, Convention No. 143 on Migrant Workers, and particularly Convention No. 189 on Domestic Workers. Non-ratification of international human right, labour and migration instruments is one of the policy gaps in exercising the rights of Vietnamese migrant domestic workers. Acting as a non-member of those conventions and treaties, Vietnam is under no obligation to implement, monitor, report and evaluate the implementation of international commitments related to this labour group. Meanwhile, domestic workers, over 90% of whom are women, lack knowledge and skills to protect themselves. They also have low educational level and work within households, which is under no supervision of labour management agencies, and is placed in hard situation to detect labour or human right violations by employers to their employees. Although the Government of Vietnam has drafted a plan to ratify ILO Convention No.189 in 2020 (P.T, 2017), a strong commitment to ratify the Convention from their side is needed. Moreover, Vietnam also needs a roadmap with specific measure and plans to implement the Convention effectively after ratification.

II.1.2. National legislations relevant to migrant domestic workers in Viet Nam

Despite Vietnam's weak commitments to international conventions related to domestic workers, Vietnam is now in the process of facilitating and developing a sound legal framework to protect this labour group. In particular, following the Directive No. 41-CT/TW on Dispatch of Experts and Labourers of the Politburo, in 1999, the Prime Minister passed the Decree No.152/1999/ND-CP to regulate sending Vietnamese workers abroad for fixed-term employment (Government-of-Vietnam, 1999). Then in 2003, the Government of Viet Nam ratified the Decree No. 81/2003/ND-CP in replacement for the Decree No. 152/1999/ND-CP to regulate Vietnamese workers abroad through the Labour Code (Government-of-Vietnam, 2003). Noticeably, Vietnam's legal framework for migrant workers was marked with a milestone in 2006 when a Law on Vietnamese Migrant Workers Working Abroad under Definite Contract was passed and took effect in 2007. The law has served as a foundation for the labour and migration legal system. In order to implement the Law, since 2007, Viet Nam has issued a number of by-law documents (see Annex 2) to guide state management agencies (DoLAB – MoLISA) and labour sending enterprises to manage and protect Vietnam's overseas migrant workers (including migrant domestic workers). Those details consist of (i) a standardized form of labor supply contract and a standardized form of contract for sending Vietnamese labourers to work abroad (Circular No.22/2013/TT-LDTBXH); number of training sessions (74 sessions including foreign language, essential knowledge, technical skills) crucial to overseas migrant workers (Decision No.18/2007/QD-LDTBXH) and compulsory

certificate for necessary knowledge awarded to migrant workers prior to their departure to overseas (Decision No. 20/2007/ QD-LDTBXH). The above-mentioned provisions, from a legal perspective, are fundamental in order to support the management and protection of Vietnamese migrant workers working abroad.

On the other hand, in the amended Labour Code (2012), the Government of Viet Nam has made stronger commitments to protect the rights and benefits of domestic workers when incorporating 5 Articles (179 to 183) on domestic workers. Then, the Government has issued the Decree No. 27/2014/ND-CP detailing the implementation of the 5 Articles on Domestic Workers. Besides, MoLISA also issued the Circular No.19/2014/TT-BLDTBXH guiding the implementation of the Circular No.27/2017/ND-CP. This is considered one of Vietnam's significant legal advancement in protecting domestic workers – often recognized as “informal” and “floating labour group” in the domestic labour market. Viet Nam's initial regulations on domestic workers have served as a legal base for bilateral developments between Viet Nam and receiving countries to protect and support migrant domestic workers working abroad under contracts, which has been evidenced in the MOU on Recruiting Domestic Workers to Saudi Arabia between MoLISA (Viet Nam) and MoL (Saudi Arabia) in 2014 and the Official Document No.4644/LDTBXH-QLLDNN on Guiding Labour Sending Enterprises in dispatching Migrant Domestic Workers Abroad.

Another noteworthy improvement in Vietnam's legal system for its migrant domestic workers is that MoLISA has detailed the provisions in the labour contract form between employers (of receiving countries) and migrant domestic workers. The details include working hours, rest time, wage, overtime payment, bonuses and deductions (if any), accommodation, insurance, labor protection equipment, illness, injury and death regimes.

However, in order to fully protect migrant domestic workers, the Government of Vietnam still has much work to do. From our desk reviews as well as KIs with DoLAB representatives and returning migrant workers from Taiwan and Saudi Arabia, we have found out a number of shortcomings and policy gaps in both legal documents and practices which need improving and amending.

Shortcomings and policy gaps in Vietnam's legal system for migrant domestic workers

- (i) At present, there is no specific regulation or policy for migrant domestic workers in Vietnam. This worker group is under the adjustments of common regulations with other migrant worker groups. This is one of the policy gaps and shortcomings because migrant domestic workers are mainly women who are, in fact, exposed to more vulnerabilities and disadvantages caused by gender stereotypes, cultural differences, customs, religious, and social prejudices, etc. than male and other migrant groups (Hoang, 2011; Pan & Yang, 2012; Peng, 2016). Hence, this worker group needs regulating with specific regulations, supported with more policies as well as services from both sending and receiving countries.
- (ii) Since most of Vietnam's legislations related to migrant workers working abroad were issued before or at the same time as the Law on Gender Equality (2006), they are not “gender-responsive”, i.e., their regulations have not been paid with much attention to female migrant workers, especially when the group of domestic workers who are mainly women. A policy review on migrant workers under contract by DoLAB (MOLISA) indicates that in the legal documents for migrant workers, there is no considered difference between male and female labourers, which have led to weak protection for migrant women in general and female migrants as domestic workers in particular (DoLAB, 2012); meanwhile, Vietnamese female migrant workers account for a significant number (one-third) of Vietnamese migrant labourers working abroad under contracts (ILO, 2015) and a large number of them are working as domestic workers, family caregivers or nurses.
- (iii) Although there are some specific regulations relating to signing labour contract as well as compulsory participation in essential knowledge training prior migration (as mentioned above); there is a lack of detailed regulations on living conditions, medical examination and treatment, overseas support in response to practical needs of domestic workers in particular and other migrant workers in general (DoLAB, 2012).

(iv) MoLISA's Decision No. 18/2007/QĐ-LĐTBXH details the essential knowledge to be learned by migrant workers prior migration including relevant legislations of Viet Nam, customs, lifestyles and culture of receiving countries, legislations of receiving countries, working manner and behaviours, attentive points needed when living and working abroad, discipline, safety, contract contents, how to use transportation means, shopping, how to use tools and equipment for daily life, there is still a lack of training contents about educating and counselling migrant workers on how to manage their income. This is a very crucial skill because many female workers (especially migrant domestic workers) went abroad to work and sent all their money to their husbands and families; however, after 2 years of working, their husband or family spent all that money, which made their migration become meaningless (L. T. Nguyen, 2017; M. T. Nguyen, 2017). As a result, their goal of changing life after migration was not achieved while their economic empowerment has almost unimproved. In addition, current required knowledge content for training remains very general and ignores different needs between women and men workers as well as different needs of different migrant groups. In fact, domestic workers need more specialized skills such as housekeeping, childcare, communication skills, soft skills, deep knowledge on culture, customs, lifestyles of receiving countries than other groups of workers; how to protect themselves from sexual abuses and labour exploitation, etc. (Chu, 2017).

(v) Although the Circular No. 21/2007/TT-LĐTBXH regulates the provision of sex-disaggregated data on migrant domestic workers from labour sending enterprises, those data entails quantity but no details on sector, wage, and market of migrant workers, which has caused difficulties to management, reporting, monitoring and supervision of different migrant workers, including migrant domestic workers. As a result, DoLAB (MoLISA) have been unable to estimate the exact number of migrant female workers as well as domestic workers working overseas in total and by receiving countries.

(vi) Although in the Law on Vietnamese migrant workers working abroad under contract, the Section 4 (Chapter III) stipulates the policy

for returning migrant workers including (i) employment support (Article 59) and "encouraging" job creation (Article 60), financial assistance for workers who are disadvantaged at overseas work such as labour accident, illness or diseases (5 million VND or about US\$220 per case) (Item 3, Article 3 of the Decision No. 144/2007/QĐ-TTg), etc, those regulations remains too general with weak enforcement when the State only "encourages" relevant stakeholders to support and create jobs for returning migrant workers. Besides, there is no regulation on supporting returning migrant workers to reintegrate into their communities after returning home from abroad. In fact, our KII participants revealed that they found it difficult in finding a job and reintegration (DoLAB, 2012):

... I've returned for over 1 month, but I could not find any job, I continue cultivating my own 3-4 rice fields. Now I do not have any saving because all my earnings from Saudi Arabia have been used to pay off my son's debts incurred from his migration costs to Japan two years ago. Now I still have 80 million VND of debt left... I want to work but do not know where to find a job" (Chu, 2017).

The above-mentioned policy gaps and inadequacies in Vietnam's legislations related to migrant domestic workers have been critical reasons attributive to disadvantages and vulnerabilities of Vietnamese migrant domestic workers in foreign countries. For a more in-depth analysis of policy gaps and the enforcement of international and bilateral developments, and Vietnam's relevant legislations, please continue to refer to the Section 2.2.2 of this paper on the situation and experiences of Vietnamese migrant domestic workers in their migration process.

II.1.3. Bilateral developments between Viet Nam and Taiwan, Viet Nam and Saudi Arabia

For promoting cooperation in labour dispatch to foreign countries as well as to facilitate the management and development of that activity, the Government of Viet Nam has signed a number of international labour cooperation agreements and Memorandum of Understandings (MOU) with different receiving countries (for instance, South Korea, Malaysia, Republic of Laos, Russia, UAE, Qatar, Oman,

Canada, etc.) to legally protect Vietnamese migrant workers, including migrant domestic workers. The value of such agreements in response to the need to better protect migrant domestic workers should be welcomed as a positive step of both Viet Nam and receiving countries in case that the legal documents of those countries (of destination) do not cover that worker category.

II.1.3.1. Bilateral developments between Viet Nam and Taiwan

In 1999, Hanoi and Taipei Economic and Culture Offices signed a Bilateral Agreement on Sending and Receiving Vietnamese Laborers to Taiwan. That is an important legal document to regulate fundamental regulations related to Vietnamese migrant workers working in Taiwan (T. D. Tran, 2017). Nonetheless, in December 2005 Taiwan stopped to receive Vietnamese migrant workers in the field of fishery, care for elderly and house work because too many of them (especially domestic workers) violated the regulations in the signed labour contracts (fleeing from signed-labour contract workplaces and becoming illegal labourers in Taiwan or overstaying their visas). Since July 2015, Taiwan has lifted the ban on Vietnamese migrant workers working in Taiwan because they are facing a shortage of unskilled labourers. Taiwan, then, continues receiving Vietnamese migrant workers to work in the fields of fishery and domestic care. The Decision on lifting the ban on Vietnamese migrant workers does not include the jobs related to housework, i.e., Taiwan continues the ban on Vietnamese migrant workers working as house workers. Currently, the group of Vietnamese migrant workers that are allowed to migrate to work in Taiwan are the domestic caregivers who have a nursing certificate (a kind of medical workers) (TWC2, 2015).



Figure 1: Taiwan-Vietnam bilateral agreement,

source: crossed-flag-pins.com



Figure 2: Where is Taiwan?,

source: thecomestictourist.com

The continuous ban on Vietnamese house workers working in Taiwan have significantly affected job opportunities of Vietnamese female workers because most of them are women and a large number of them are poor people from rural, mountainous and remote areas. House work in Taiwan is still considered a very good employment opportunity for Vietnamese female workers because they do not require technical skills while domestic caregivers are required. In addition, salary paid for house workers is still higher than the payment for similar job in Viet Nam or Saudi Arabia (around NT\$17,000 or around US\$534) (T. D. Tran, 2017).

Besides, according to Belanger and Giang (2013), that Taiwan's shift in its migration policy towards Viet Nam is "likely to have fueled fake contracts for jobs other than domestic workers (to cover up the hiring of Vietnamese domestic workers) and to have increased human trafficking". Hence, in social affect, the ban on Vietnamese migrant domestic workers has increased their vulnerability and led to more illegal migrant domestic workers from Vietnam to Taiwan.

Another policy gap in the signed Bilateral Agreement on Sending and Receiving Vietnamese Laborers to Taiwan in 1999 between Viet Nam and Taiwan is that there is no regulation on female migrant workers as well as rights, responsibilities and working conditions of Vietnamese female migrant workers. As a result, this has significantly affected the rights and benefits of Vietnamese migrant domestic workers in particular and other Vietnamese female migrants working in Taiwan in general (DoLAB, 2012).

II.1.3.2. Bilateral developments between Viet Nam and Saudi Arabia



Figure 3: Vietnam-Saudi Arabia

source: crossed-flag-pins.com

Saudi Arabia is a newly emerging foreign market for Vietnamese migrant domestic workers since 2014 although Vietnam started to send workers to that country since 2004 (Le, 2017). Saudi Arabia becomes a destination of Vietnamese domestic workers because of many reasons but the key ones related to (i) a sharp increase in demand of domestic workers in recent years in Saudi Arabia (Le, 2017); and (ii) Vietnamese migrant workers do not have to pay any pre-departure costs (Chu, 2017; Do, 2017; M. T. Nguyen, 2017; T Thi Nguyen, 2017). Meanwhile a number of poor women from rural, mountainous and remote areas Viet Nam are still looking for opportunities to work overseas in a hope of improving income and living standards for their families and themselves. Hence, the Government of Viet Nam has promoted human resource cooperation with Saudi Arabia, particularly in sending domestic workers to that country. However, because of differences in culture, customs, living styles, religions, etc. as well as rampant abuses against foreign domestic workers working in Saudi Arabia in recent years, the Government of Viet Nam has worked in details with the Kingdom of Saudi Arabia for specific joint regulations to protect Vietnamese migrant domestic workers once they are set to work there. MoLISA of Viet Nam and MoL of the Kingdom of Saudi Arabia signed an MOU on recruitment of Vietnamese domestic workers to work in Saudi Arabia in 2014; however the MOU has been ratified only by King of Saudi Arabia in mid-2017 (Le, 2017). There are minimal legal protections for migrant domestic workers in place in Saudi Arabia because they are excluded from the application of general labour laws (HRW, 2015). Hence,

that Memorandum serves as an important legal framework to protect Vietnamese migrant domestic workers as they work in Saudi Arabia.

The Memorandum emphasizes on the joint efforts of the two Governments in (i) controlling recruitment (brokerage fees) in two countries; (ii) ensuring that recruitment of domestic workers are only performed through licensed labour sending enterprises located in two countries; (iii) ensuring that signed contracts by Vietnamese domestic workers with labour sending enterprises and Saudi Arabian employers are not contradictory to the current legal documents and regulations of Viet Nam and Saudi Arabia; (iv) securing the rights of parties of contracts to make complaints to competent agencies when conflicts occur; (v) available measures to address the cases of labour sending enterprises which violate legal regulations of two countries; (vi) cooperation in addressing arising issues from the MOU; (vii) taking measures to ensure that Vietnamese domestic workers are respected and free from any form of abuses (Government-of-Vietnam & Kingdom-of-Saudi-Arabia, 2014).

Accordingly, the MOU regulates the development of a model contract to detail fundamental rights, benefits and responsibilities applying to domestic workers, for instance, providing workers with hygienic, adequate and comfortable shelter, food and water, workers' right to contact with their families and labour sending agencies in Saudi Arabia, full payment and other bonuses (if any) as well as assist the workers to remit their payment and personal belongings to Viet Nam, right to rest every day and week; right to medical care insurance; right to terminate the labour contracts and be assisted to return to Viet Nam in majeure situations (war, conflicts, natural disaster, sickness, conflicts with employers,



Figure 4: Route from Vietnam to Saudi Arabia,

source: Google map

etc.). In order to better implement the MOU, on 18 June 2014, DOLAB issued the Official Guidance No.2082/LDTBXH-QLLDNN detailing the sending of Vietnamese migrant domestic workers to Saudi Arabia. Notwithstanding, labour sending enterprises do not fully comply with regulations which led to a number of arising issues among domestic workers (DOLAB, 2015). Then, on 12 November 2015, DOLAB issued the second Official Guidance No.4644/LDTBXH-QLLDNN to strictly require labour sending enterprises to execute state regulations in protecting Vietnamese migrant domestic workers. Applauded points of that Guidance are clear regulations on the enterprises that are entitled to sending domestic workers to Saudi Arabia and specific provisions in domestic worker supply contracts which ensure the age of migrant workers from 21 to under 47 years old; duration of contract (2 years with possibility of extension); minimum wage of 1,300 SR/month; working time and rest time (rest time must be at least 9 consecutive hours/day and one day off/week). If the workers agree to work on weekends, they must be paid with an extra amount of 50 SR/day; working location (only within the households of the employers who employ the workers through the labour sending enterprises and have registration of address with competent agencies). In addition, the migrant domestic workers are free of any fees related to training, visa, return air-ticket, brokerage fee that must be covered by employers. Moreover, employers have to provide sanitary, private shelter, three quality meals per day, medical care insurance and medical treatment (if any) for domestic workers during their working time in Saudi Arabia. Moreover, the Official Guidance also reserves the rights of domestic workers to terminate their labour contract if they no longer want to work in Saudi Arabia. However, Document No. 4644 is only a guideline for Vietnam's labour sending enterprises to comply with labour sending regulations of the Government of Viet Nam. The enforcement of the Document is not strong enough to require the enterprises to implement it seriously.

Despite those above progress regulations, there are still more regulations which should be included in the MOU to fully protect the basic rights and interests of domestic workers, especially when they are women with low education, limited social knowledge and poor foreign languages.

Currently, the MOU lacks a regulation on ensuring the principle of "non-discrimination" based on sex, race, religion, culture, politics, social classes, etc. That legal instrument is very important to Vietnamese migrant domestic workers because of the big difference between Vietnamese and Arabian cultures, lifestyles, religion and way of treatment. Findings from KIIs with returning migrant domestic workers in Vietnam revealed that Arabian employers have maltreated and expressed a number of forms of discrimination against Vietnamese workers. Vietnamese migrant domestic workers believed that in their Arabian employers' mind, domestic workers are their "belongings" or "domestic slaves":

"when they got angry with me because I did not obey them, they often spoke to me in Arabian that "I bought you with the price of 180 million VND, so you had to obey me"" (Chu, 2017; T Thi Nguyen, 2017)

Hence, it is recommended that the specific details of the Official Guidance No.4644 should be incorporated in the MOU between Viet Nam and Saudi Arabia to make the regulations enforceable.

Moreover, in principle, if labour sending enterprises, Arabian employers and the Government of Saudi Arabia well comply with and manage Vietnamese domestic workers as regulations of the MOU and Vietnam's regulations, the fundamental labour rights regulations of Vietnamese migrant workers can be mainly executed. However, the persistent concerned issue here is still the weak enforcement of the MOU as both labour sending enterprises and Arabian employers do not totally comply with the regulations, especially the stipulated terms in the labour contracts that they sign with domestic workers. From our KIIs with recent Vietnamese returning migrant domestic workers from Saudi Arabia, we explore that a number of provisions of MOU as well as the guidelines of Official Guidance No. 4644/LDTBXH-QLLDNN of MoLISA (as mentioned above) have not executed by labour sending enterprises and Arabian employers (see Table 2 below).

Table 2. Types of regulations and guidance for protecting Vietnamese migrant domestic workers that are not complied by labour sending enterprises and Saudi Arabian employers

Regulations in MOU and Official Guidance #4644	Types of regulations and guidance that are not complied ¹
<p>Working time and rest time (at least 9 consecutive hours per day)</p> <p>01 day off/week</p>	<ul style="list-style-type: none"> - Of five interviewed returning migrant workers from Saudi Arabia, up to 3 people stated that they did not have enough time to rest and they only had from 4 – 6 hours to rest per day. The rest time was regulated in the labour contract (9 hours/day) but the employers did not comply with it and the labour sending enterprises did not take strong measures to require employers to implement that regulation. Only two workers said that they were allowed to rest from 8-10 hours per day, the remain time was for working. All workers said that for some primary months, they did not get used to staying late (up to 1-2 pm on the next day) and they were really tired. - All five workers reported that they did not have any day off/week during their two years working in Saudi Arabia.
<p>Extra payment for extra work</p>	<ul style="list-style-type: none"> - All five returning migrant domestic workers revealed that their employers did not pay them any extra salary for their work during weekends or when they did extra cleaning and caring for siblings (cousins, brothers, sisters, parents) of employers. Two workers said that their employers or siblings of employers asked them to wash clothes and cleaning for them and promised to pay them 100SR/ time; however, they did not pay them any.
<p>Food and medical care (3 meals/ day with enough nutrition) and free Medicare card (free treatment)</p>	<ul style="list-style-type: none"> - Some returning migrant workers said that they only had 2 meals per day (because their employers also had 2 meals per day). The time for meals (lunch and dinner) is very late (1.00 – 2.00 pm without breakfast); time for dinner is from 9.00 – 10.00 pm. - All returning migrant workers said that their employers bought them free medical cards; however, they (employers) kept those cards. When they were sick, seldom did them take them to medical centre for medical examination and treatment.
<p>Contact with friends and families in Viet Nam and in Saudi Arabia</p>	<ul style="list-style-type: none"> - Almost all workers exposed that their employers discouraged them from contacting friends or families in Viet Nam so they tried to call their friends and families through IMO or facebook or mobile phones “out of the eyes of employers” (T Thi Nguyen, 2017).
<p>Right to termination of contract (2 month of wages paid to employers if migrant workers want to terminate the contract and return home prior the date and the reason for termination is from workers, not fault of employers)</p>	<ul style="list-style-type: none"> - All six interviewees said that they did not “dare” to terminate the contract even they no longer wanted to work. The reason for their “undareness” is that they did not have money to pay for a fine of 60 million VND that the labour sending enterprises ask them to pay. They tried to “suffer” to work until the end of the contract to go back to Viet Nam.

1 - Stated by Vietnamese returning migrant domestic workers

Labour sending enterprises must carry out training for at least 1.5 months prior their departure, in which, 75 hours of training for essential knowledge, 100 hours for domestic work skills and 100 hours for learning Arabian. After training, they must be awarded with certificate

- All six interviewees said that they only attended the training from 3 – 30 days or 20 to 180 hours in total prior to their departure time. For essential knowledge, enterprises only provided them very limited information about culture, living styles and customs of Arabian, no information about legal framework on labour, employment and domestic workers of Viet Nam or Saudi Arabia. Domestic workers said that they did not understand much about that information because they could not image how it was. For domestic work skills, only some were taught with some skills about cleaning but most of others were not. Many domestic workers did not know how to use washing machines, microwaves, etc. when they arrived in Saudi Arabia. For Arabian language, they were only taught with very simple expressions such as greeting, thanking, etc. however, most of them said that those languages were not “alike” to the languages in Saudi Arabia because they could hardly use any sentence or word they learned from Viet Nam in Saudi Arabia. Hence, most of domestic workers stated that they learned Arabian by doing and body language from their employers.

Labour sending enterprises and MoLISA must strictly monitor, detect and timely address issues and challenges faced by migrant domestic workers

- This work is currently not performed well as most of the domestic workers said that the labour sending enterprises did not well support them when they were in needs. They called the provided phone number but no one responded them. They also revealed prior to their departure, they were not provided with contact(s) of Vietnamese Embassy in Saudi Arabia.

Source: Author's self-documentation from results of KIIs with Vietnamese returning migrant workers from Saudi Arabia, 2017

II.1.4. Policy review of migrant domestic workers in Taiwan and Saudi Arabia

II.1.4.1. Taiwan's national legal framework for migrant domestic workers

From the policy review, it reveals that Taiwan has also not signed many international human rights and labour instruments related to migrant domestic workers. Particularly, either Taiwan or People's Republic of China have not participated in any international conventions related domestic workers (for instance, ILO Convention No. 97, No. 143, No. 189) (see Table 3 below).

Table 3. Taiwan's accession and ratification to international human rights and labour instruments

Name of International Treaties and Conventions	Status of Accession and Ratification
International Covenant on Civil and Political Rights	Neither signed nor ratified
International Covenant on Economic, Social and Cultural Rights	Signed in 1967 Ratified in 2009
International Convention on the Elimination of All Forms of Racial Discrimination	Signed in 1966 and ratified in 1970
Convention on the Elimination of All Forms of Discrimination against Women	Signed and ratified in 1980
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Neither signed nor ratified
ILO Convention No. 29 on Forced Labour	Neither signed nor ratified
ILO Convention No. 105 on Abolition of Forced Labour	In Force

ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize	Neither signed nor ratified
ILO Convention No. 98 on Right to Organize and Collective Bargaining	Neither signed nor ratified
ILO Convention No. 100 on Equal Remuneration	In Force (signed by China in 1990)
ILO Convention No. 111 on Discrimination in Employment and Occupation	In Force (signed by China in 2006)
ILO Convention No. 97 on Migration for Employment	Neither signed nor ratified
ILO Convention No. 143 on Migrant Workers	Neither signed nor ratified
ILO Convention No. 189 on Domestic Workers	Neither signed nor ratified

Source: A self-documentation by the author from different sources, Hanoi, 2017

Non-accession and non-ratification of the above-mentioned international conventions have made international observers (such as UN's human rights Committees and ILO) unable to observe the implementation of Taiwan's commitments to protecting the rights of migrant domestic workers in Taiwan. Moreover, a disagreement between Taiwan and the People's Republic of China on the independence of Taiwan from China resulted in Taiwan's loss of their seats in the United Nations in 1971, i.e., Taiwan's accession to and ratification of some international instruments such as CEDAW, CCPR, CESC were not recognized by United Nations Human Rights Committees since 1971.

At the national level, the main agency accountable for foreign workers (including migrant domestic workers) is the Ministry of Labour (previously the Council of Labour Affairs-CLA). Currently, Taiwan's labour laws related to migrant domestic workers include the Employment Service Act and the Labour Standard Act. The Labour Standard Act is applied for both Taiwan's employees and foreign workers in Taiwan (MOL:Taiwan, 2014). However, it is noted that Taiwan's labour laws have regulated all types of foreign workers and domestic ones, in which, migrant domestic workers' rights and interests are entitled to the protection of foreign workers (with no special consideration).

Article 57 of the Employment Services Act regulates the prohibition of employers in forcing both male and female foreign workers to engage in work contrary to his/her free will (Item 7) and in illegally withholding the

passport(s)/residence certificate(s) of foreign workers or embezzling belongings of foreign workers (Item 8) (MOL, 2016a). This is a very good regulation, especially for foreign domestic workers because this labour category is easily demanded and forced by employers to work against their (workers') free will or confiscated visa and passports.

Another progressive point of Taiwan's national legal framework related to migrant domestic workers is that the Taiwanese authorities have started drafting the Domestic Worker Protection Act for several years but the adoption of the Act is unclear. Nonetheless, the effort taken in drafting the Domestic Worker Protection Act is a very positive effort of Taiwanese authorities after rampant complaints about abuses and exploitation of foreign migrant workers in Taiwan over the past years (Belanger & Giang, 2013; Hong, Yang, Chen, & Yang, 2005; Pan & Yang, 2012). In the draft Domestic Protection Act, it is regulated that wages of domestic workers "may not be lower than the minimum monthly wage announced by the Central competent authorities. The Act also regulates termination of labour contract, working hours, rest time, payment of wages, special leave, request for leave, insurance and filing of complaint (MOL(Taiwan), 2014).

Besides, Taiwan also has a formal documents system named "Foreign Workers' Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment"², which makes wages and all fees explicit, including services fees that labour brokers are allowed to collect every month from migrant workers. The document must be

signed by employer, migrant domestic workers and all workers (from country of origin and Taiwan) and provided to the Embassy when processing entry visa for migrant workers to Taiwan. This is considered a procedure to ensure transparency and help to protect migrant workers from cheating of brokers and employers (Dickinson, 2016).

Last but not least, to ensure the right to organize and to increase the willingness of labour and management to negotiate and establish a diversified labour-management dispute settlement mechanism, the Ministry of labour have removed restrictions placed on the nationality of union members, which allow foreign workers to organize, join and engage in union activities (MOL(Taiwan), 2014). That action of Taiwanese authorities have significantly contributed to improving the networking status and freedom to organize among migrant workers, including Vietnamese migrant domestic workers.

Despite above progresses, there are still a number of concerns about the policy gaps existing in Taiwan's labour laws related to foreign migrant domestic workers which need to be addressed

Domestic workers are not covered under the Labour Standards Act of Taiwan

The first issue is that domestic workers are not covered under the Labour Standards Act of Taiwan, which has resulted in a fact that this worker group is not entitled to regularly amended minimum wages applicable to foreign workers from different industries, days off and other protective provisions (maximum hours of work) (Dickinson, 2016). As a result, for 18 years (from 1997 – 2015), the wage of foreign workers in Taiwan stayed at NT\$15,840 (Taipei-Times, 2015). Only since 1 September

2015, after the Philippines, Indonesia, Vietnam and Thailand jointly asked Taiwan to raise the minimum monthly pay of their domestic helpers to NT\$17,500, the current monthly salary of domestic workers stands at NT\$17,000 (Taipei-Times, 2015).

The second one is that the Domestic Worker Protection Act has been drafted and submitted by a network of NGOs advocating and lobbying for migrant workers' rights to Ministry of Labour for nearly 8 years; however, so far, the proposals are still in the review of the Legislative Yuan for debate (Dickinson, 2016). Hence, rights of domestic workers in Taiwan are still excluded from the Labour Standard Law.

The third issue, according to Dickinson (2016), is related to the weak enforcement of Taiwan's national legal framework applied for foreign workers in general and domestic workers in particular. Specifically, the regulation on limited recruitment and brokerage fees paid by workers to brokers and recruitment agencies are still much higher than the regulated amount. Dickinson (2016) also comments that the Taiwan's Foreign Workers' Affidavit seems not work effectively as migrant workers (including domestic ones) still have to pay for excessive fees. This situation is also observed in Vietnam when we conducted KIIs with returning migrant domestic workers from Taiwan. In addition, the shortage of labour inspectors has resulted in ineffective investigation and detection of violations of labour laws and rights of foreign migration workers (Lee, 2015).

II.1.4.2. Saudi Arabia's national legal framework for migrant domestic workers

At the international level, the country has accessed several international human rights and labour instruments as prescribed below.

Table 4. Saudi Arabia's accession & ratification to international human right and labour instruments

Name of International Treaties and Conventions	Status of Accession and Ratification
International Covenant on Civil and Political Rights	Neither signed nor ratified
International Covenant on Economic, Social and Cultural Rights	Neither signed nor ratified
International Convention on the Elimination of All Forms of Racial Discrimination	Accessed in 1997

Convention on the Elimination of All Forms of Discrimination against Women	Signed and ratified in 2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Neither signed nor ratified
ILO Convention No. 29 on Forced Labour	In Force (1978)
ILO Convention No. 105 on Abolition of Forced Labour	In Force (1978)
ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize	Neither signed nor ratified
ILO Convention No. 98 on Right to Organize and Collective Bargaining	Neither signed nor ratified
ILO Convention No. 100 on Equal Remuneration	In Force (1978)
ILO Convention No. 111 on Discrimination in Employment and Occupation	In Force (1978)
ILO Convention No. 97 on Migration for Employment	Neither signed nor ratified
ILO Convention No. 143 on Migrant Workers	Neither signed nor ratified
ILO Convention No. 189 on Domestic Workers	Neither signed nor ratified

Source: A self-documentation by the author from different sources, Hanoi, 2017

Though the country have signed some other international conventions; however, it has tended to enter broad reservations upon accession

From the Table above, Saudi Arabia has not signed almost all important international instruments related to the rights of domestic workers (including the three important ones – ILO Convention No. 97 on Migration for Employment, No.143 on Migrant Workers and No. 189 on Domestic Workers). It is noted that though the country has signed some other international conventions, it has tended to enter broad reservations upon accession. For instance, Saudi Arabia reserves its rights to under no obligation to observe the contradictory terms of the Convention in the case that CEDAW is contradictory to any forms of Islamic Law (ITUC, 2014). That Saudi Arabia has not signed and be obligated to enforce international labour, migration, human right and women’s human rights conventions is one of the attributions to rampant violations of migrant domestic workers’ rights (including Vietnamese) in the country.

In recent years, Human Right Watch (HRW) has reported and alarmed serious human rights abuses that in some cases amount to “slavery” in Saudi Arabia (HRW, 2008a, 2015). Forms of abuses include unpaid wages, forced confinement, physical and sexual violence, employers’ appeal to domestic workers for

risks of imprisonment or lashings for spurious charges of theft, adultery, or “witchcraft” (HRW, 2008b). HRW observed and concluded that Saudi Arabia’ justice system as a whole “fall well short of international standards (HRW, 2008a) and “the law with respect to migrant domestic workers is no exception” (ITUC, 2014). In interviewing with Vietnamese returning migrant domestic workers from Saudi Arabia, the consultant team has also observed similar abuses such as forced confinement, unpaid wages, physical and emotional violence, restriction of movement (for more forms of violations, please see the Table above).

Regarding the national legal framework for domestic workers, Saudi Arabia has not had a sound national legal framework to protect the rights of domestic workers except for the Article No. 7(2) in the Labour Law (SALL) 2006 (Royal Decree No.M/51) (ITUC, 2014), which regulate:

“Helpers and the like” are excluded from the provisions of the Law (wages, working time, occupational health and safety, social security, special considerations for women in the workforce and dispute resolution mechanisms through labour courts for resolving disagreements between employers and workers).

Hence, it is obvious that migrant domestic workers' rights to all forms of protection have been denied under the SALL. However, the Article 7 of SALL regulates that the Ministry of Labour "shall draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party".

As a result, in 2013, Saudi Arabia's Ministry of Labour adopted a regulation pursuant to the Article 7 which guarantees migrant domestic workers with: 9 hours of daily rest; 1 day off per week; provision of appropriate accommodation; paid sick leave; one month of paid annual leave after two years of work; and service compensation equal to one month's salary after four years of work; monthly payment (MOL, 2013).

However, the Regulation still restricts fundamental rights of migrant domestic workers to "reject work or level a job, without a valid reason" and the Regulation implies that employers have the right to ask migrant domestic workers to work up to 15 hours per day while other forms of workers in the country only have 8 hours worked per day (ITUC, 2014).

Kalafa

Another serious legal gap in the Saudi Arabia's national legal framework to foreign migrant workers is the application of Kalafa or visa sponsorship system, which ties each migrant worker to a particular employer who exercises complete control over the domestic worker's movement and legal status (ITUC, 2014).

In the word of Saudi Arabian authorities, the system enables the Saudi Arabian authorities and employers to manage migrant domestic workers better; however, it is a kind of violation of human right to freedom of movement as migrant domestic workers are unable to change jobs and return to their home country



when conflicts happen. The system creates "a profound power imbalance" and gives the employers power to control over migrant domestic workers' (HRW, 2008a), fueling exploitation and abuses of migrant domestic workers among Saudi Arabian employers.

Though in late 2015, the Ministry of Labour issued directives to introduce fines to employers who violates the regulations related to migrant domestic workers, which include prohibitions on confiscating migrant workers' passports, failing to pay salaries on time, and failing to provide copies of contracts to employees, according to HRW (2015), migrant domestic workers are still excluded from the Labor Law and its enforcement mechanism while some of the new regulations continue to institutionalize discrimination against women.

Combination of loose compliance with international legal instruments and poor regulations on protection of migrant domestic workers in Saudi Arabia have rewarded employers the power to violate right of Vietnamese migrant domestic workers. In 2014, Vietnamese workers in Saudi Arabia made 60 complaints about employers' abuses and exploitation against them. That number has risen sharply with 50 complaints made in the first four months of 2015, 80% of cases related to domestic workers (DoLAB, 2015).

In addition, cooperation between the competent authorities of Vietnam and Saudi Arabia to protect the Vietnamese domestic workers remains weak and vague, especially in sanctioning the employers who committed the illegal acts on Vietnamese domestic workers (Trinh, 2016).

II.2. AN OVERVIEW OF VIETNAMESE MIGRANT DOMESTIC WORKERS

II.2.1. Profile of Vietnamese migrant domestic workers

According to the Department of Overseas Labour (DOLAB), by the end of 2016, over 520,000 Vietnamese migrant workers have been working overseas in about 40 countries/territories worldwide, of which women made up around 37% and most of them engaged in domestic work. Although the rate of domestic workers working overseas is not high compared to other types of work (for instance workers working in companies, factories and construction sites and in electronics assembling lines, etc.), according to ILO, the trend of migrants working as domestic workers is increasing (ILO, 2013). At present, Vietnamese domestic workers are migrating mainly to Taiwan (China), Cyprus Republic, Macao (China), Malaysia, Saudi Arabia, Thailand and China (ILO, 2015).

On recruitment markets:

Among the labour markets of Vietnamese domestic workers, DOLAB considers Taiwan one of the best markets thanks to its similarities in culture and fewer work risks.

What is more important is that the worker's income is rather high (US\$520-US\$792/month on average). For this reason, there is a rather large number of Vietnamese migrant domestic workers in Taiwan. The country started opening to foreign migrant workers in 1989. Since 1992, foreign women have been accepted to work in Taiwan as domestic helpers and caregivers (Pan & Yang, 2012). The Ministry of Labour of Taiwan recorded 224,000 foreign caregivers taking care of older people in their home in 2015 (MOL, 2016b). By the end of 2016, the figure increased by 13,000, reaching the number of 237,29 (MOL, 2016b).

According to Tran Thi Duyen (2017), in the first half of 2010, Vietnam always ranked second (after Indonesia) among Southeast Asian countries for sending workers to Taiwan.

After manufacturing sector, the number of workers working in healthcare and domestic work ranked second and accounted for 11% of the total number of Vietnamese migrant workers

in this country, while only 2% of Vietnamese migrant workers working in the construction and fishery sectors (T. D. Tran, 2017). Since January 2005, Taiwan stopped receiving Vietnamese domestic workers due to a high rate of workers who overstayed and fled from signed-contract workplaces to work for others; however, in 2015 this market reopened to migrant Vietnamese working as domestic caregivers. By August 2017, there were about 20,000 Vietnamese workers working as domestic caregivers in Taiwan and 113 enterprises sending Vietnamese labourers to Taiwan to work under contract (H. A. T. Nguyen, 2017).

Saudi Arabia is also a market with high demand of domestic workers. Foreign migrant workers to this country come mostly from Asia and Africa (the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, Ethiopia, Uganda, and Vietnam) (HRW, 2014). As estimated by ILO, at least 146,100 migrant female domestic workers were working in Saudi Arabia (though the actual number might be higher) out of the total number of 236,500 domestic workers in Saudi Arabia (accounting for over 50%) (ILO, 2013). Within 3 recent years, the number of Vietnamese migrant domestic workers working in Saudi Arabia are around 3,000 people on average (in 2015, the number was 3,151 people; in 2016, 3,278 people, and in the first 8 months of 2017, the number is 2,288 people). Currently, there are 26 Vietnamese enterprises who send domestic workers to Saudi Arabia to work under contract (H. A. T. Nguyen, 2017).

Compared to Taiwan, the Saudi Arabian market is considered to have more occupational risks due to distinct differences in cultural and religious practices from Vietnam.

Compared to domestic workers from other countries (the Philippines, Bangladesh, Uganda, India, etc.), though Vietnamese domestic workers are paid higher in Saudi Arabia, the payment remains lower than the huge volume of domestic work and care that Vietnamese domestic workers perform every day and month (Chu, 2017; T Thi Nguyen, 2017), (average wage in this market is US\$300 - US\$400 per month).

As reported by DoLAB, many problems have arisen to domestic workers in Saudi Arabia, including long working hours, labour exploitation, physical abuses and strict restriction of employers over Vietnamese domestic workers' movement and freedom (not allowing them go out alone or even returning to Viet Nam after the labour contracts end). Besides, many labour brokers and enterprises that have no function or license of sending domestic workers to Saudi Arabia have cheated a number of Vietnamese women from poor and remote areas (mainly in the South of Viet Nam) and sent them to Saudi Arabia to work. Those workers are not fully informed or aware of the working conditions as well as far differences in culture and religion between Viet Nam and Saudi Arabia. As a result, conflicts between employers and those domestic workers happen. They have been reported widely across social networking sites (Facebook, Zalo or IMO) and Vietnam's mass media (newspapers, TV channels).

On the side of the labour sending enterprises:

Saudi Arabia market is of high demand and profitability (high recruitment fee paid by employers) while procedures are simple and requiring low qualifications from workers (different to the Taiwanese market which recruits workers from lower secondary level upward, the Saudi Arabian market required lower qualifications, only from primary level upward).

Many enterprises are impatient and ignorant of the requirements for recruitment and training of essential knowledge and skills for domestic workers. Though by regulation, it is required of labour sending enterprises to provide domestic workers with at least 100 training sessions for domestic work skills and 100 training sessions for Saudi Arabian language within 1.5 months prior to the workers' departure (the training sessions are based on the standard training manual promulgated by MoLISA) in addition to inclusion of necessary information and knowledge during the training depending on actual conditions of receiving countries, many workers and companies agreed with each other to shorten the training duration to only 3 - 30 days. In addition, many workers who have inadequate health conditions and do not know anything about domestic work have also been sent to work overseas.

From the side of domestic workers,

Domestic workers themselves want to leave for foreign countries to work as soon as possible and do not want to attend any pre-departure training. They think that domestic work requires simple skills that they do every day at home, so it is unnecessary to learn those things.

For a lack of understanding and learning about working conditions, climate, culture, customs, and religion in the market of their destination, Vietnamese domestic workers have been put in more vulnerable and disadvantaged circumstance during their working term in Saudi Arabia.

In fact, domestic work is a rather complicated work, particularly in Saudi Arabia - a Muslim country, which is very different from the Vietnamese culture. As domestic workers are not taught much with local language and informed in details about Saudi Arabians' customs and traditions, even climate conditions, many of them got shocked in the initial stage upon their arrival and in some cases, they wanted to return home after a short period of working time. In face of such arising problems, to reorganize activities of labour dispatch to Saudi Arabia, in late 2015, DoLAB issued an Official Document No. 4644/LDTBXH-QLLDNN requiring labour sending enterprises to strictly abide by the regulations signed in the MOU between MoLISA (Viet Nam) and MOL (Saudi Arabia) (as mentioned above). In detecting violations of the regulations of sending migrant domestic workers to Saudi Arabia, DoLAB also issued a legal document to suspend 3 enterprises from sending domestic workers to Saudi Arabia for three months (since 16 November 2015) because of their shortcomings and delay in settling arising problems, which affected the legitimate rights and benefits of Vietnamese migrant domestic workers. At the same time, DoLAB recommended Vietnamese workers who want to work as domestic workers in Saudi Arabia to thoroughly learn about working, living and climate conditions, customs and culture of the Muslims as well as to ensure that they are healthy enough before making decision on working in Saudi Arabia. DoLAB has also communicated with domestic workers that they should only go to

work in Saudi Arabia via the enterprises that are licensed by DoLAB to provide workers to that country.

Regarding the sex of migrant workers,

The recruitment of migrant workers to work abroad is mostly fixed in terms of sex for different jobs and groups of jobs.

Therefore, for domestic work, enterprises only selected women for their recruitment.

Regarding age,

The Vietnamese working as domestic workers abroad are in the age group between 20 and under 50.

According to DoLAB website, while the domestic workers recruited to the Saudi Arabian market are between 21 and 47, then under the Guideline No. 1538/LDTBXH-QLLDNN dated 9 May 2016 guiding the sending of workers to Taiwan, ages of the workers recruited for domestic care-taking are between 23 and under 50. Those who already worked as domestic caregivers in Taiwan and employed again by their former employers can be over 50 years of age and enterprises are not allowed to charge them any fee.

Regarding the place of origin,

Most of Vietnamese domestic workers working abroad come from rural, remote and ethnic minority areas where they tend to face economic disadvantage, lack of jobs or work unstable jobs with low income.

The group of domestic workers in Saudi Arabia comes mainly from rural, mountainous, and poor areas in the provinces such as Bac Kan, Thanh Hoa, Dak Lak, Gia Lai and Tay Ninh; meanwhile the group of domestic workers in Taiwan is more diverse and their economic conditions may be better.

II.2.2. Situation of Vietnamese migrant domestic workers

Push and pull factors for migration.

It can be said that among the political, economic and social factors, economic factors such as low income, poverty, underemployment and livelihoods are the main driving forces leading

to domestic workers' migration decision. Disparities in living standards, job opportunities and higher income between sending (Viet Nam) and receiving countries (Saudi Arabia, Taiwan) have pushed Vietnamese women to migrate for new employment opportunities overseas even if they are temporary (MoFA, 2012).

The Institute for Labour Sciences and Social Affairs (ILSSA) in 2010-2011 conducted a survey with 1,450 returning migrant workers which indicated that improvement of economic situation, increased income and poverty reduction are the main reasons for migrant workers working overseas (ILSSA, 2012). In addition, a section of workers said that the reason for their migration was to discover and find opportunities to improve their skills and experiences in the overseas working environments. Data and information collected from KILs with migrant domestic workers also reveal that high income, improved economic conditions and opportunities to experience life overseas are the main pull factors for Vietnamese migrant domestic workers to work overseas. Migration decision is often made on the basis of the "gain-loss" considerations. A worker has to stay 2-3 years overseas and to make up for this. Every year, she/he can earn between US\$3,522 to US\$8,806 (depending on the destination market). For Vietnamese workers from rural areas, that amount of money cannot easily be earned. A worker who used to work as a domestic worker in Saudi Arabia with a monthly salary of around US\$270 said:

"In Vietnam, if I work for a company, I can only earn 4-5 million VND (US\$176 to US\$220) per month. That sum of money sometimes cannot cover all our living expenses because in addition to the cost of living of the family, there are many other things that need spending such as funerals and weddings etc; meanwhile what I earn overseas, I can keep and save it " (L. T. Nguyen, 2017).

The economic factor also influences the selection of markets for migration by the workers. Within the two labour markets under this research, Saudi Arabia has a greater demand for domestic workers, and thanks to this, Vietnamese workers do not have to pay any migration cost (travel, food, accommodation, deposit and other related administrative procedures, etc.). Meanwhile,

for the Taiwanese market, a domestic worker must pay 2,812 USD to be sent to Taiwan (US\$400 for brokerage fee, US\$1,000 for labour sending service fee, a deposit of US\$800 for binding the labour contract; and US\$612 for other related costs (training courses, air-ticket, etc...); however, that domestic workers' migrant cost is only half that charge compared to the costs paid by migrant workers in other sectors such as construction and engineering which is US\$4,000/person. Despite lower wage, free-of-charge migration cost is the main reason for many Vietnamese poor women to select Saudi Arabia as the country of destination.

In addition to the pull factors including economic and experiencing overseas life, the migration decision is also based on the push factors - discord, mishaps and difficulties in the family life including divorce/separation and bank debt, etc. faced by the migrant domestic workers. Following accounts shared by our KII participants are examples:

"I decided to work as a domestic worker in Saudi Arabia because I needed money to repay the debt. My son did some business at My Dinh Bus Station and was deceived; thus, lost 200 million VND (or US\$8,806). My grandson was hospitalized at the Children Hospital for two consecutive years (he passed away), we had to borrow 100 million VND to cover his hospital fees. Our total debt was 300 million VND (or US\$13,209). I had borrowed money from my relatives. Then I had to use our family red book (residential land use certificate) as collateral for bank loans to repay them. Then my younger brother-in-law who was a guest worker in Arabia told me that going to Saudi Arabia to work was free of charge, the worker only had to spend 1 million VND for health check up. My younger sister gave me that one million VND. Then I decided to leave home in the situation of my family facing great trouble and was in a mess. I was forced to go to earn money because I cannot count on anyone else" (Do, 2017).

"I have three children (2 boys and a girl). I got divorced in 2000. I was in charge of bringing up the eldest son and the youngest daughter while the second son was cared for by his father. But the second son often comes my home to stay with his brother and sister, thus I have to bring up all three of them. With young children and unstable job, while my parents and sisters were also facing difficulty (four of the five sisters in our family got divorced and had to bring up their children alone), to have money to buy a piece of land to build a shop in the market to do business, in 2003 I fled to Hong Kong, but was caught and had to return home. Hearing that a company was recruiting workers to Taiwan, I looked for it and registered to go" (H. T. Tran, 2017).

Individual pre-departure experiences of Vietnamese migrant domestic workers:

Under Vietnamese laws, labour sending enterprises and organizations are responsible for providing training of necessary knowledge for workers and cooperate with job training institutions to provide training on skills and languages for workers before sending them overseas. According to Guideline No.1538/LDTBXH-QLLDNN dated 9 May 2016 on labour dispatch to Taiwan, enterprises must provide training in full for new domestic caregivers as a requirement from the Taiwanese side with training duration of 390 hours, including 90 hours for skill training, 100 hours for legal knowledge training, and 200 hours for language training. The training cost must not exceed US\$200/course. For Saudi Arabia, DOLAB's website reports that workers going to Saudi Arabia to work as domestic workers have to take part in and complete the training program for at least 1.5 months at the enterprises' training institutions monitored and accepted by DoLAB. The training program includes necessary knowledge, basic Arabian language, and domestic work skills.

However, in fact, pre-departure training for workers is rather rhetoric and ineffective. A research study conducted by ILSSA in 2010-2011 shows that the percentage of migrant workers said they had received pre-departure training is rather high, accounting for 96.4% of the total number of surveyed workers, in which, 95.1% received language training and 33% received skills training. However, the training hours were often shortened (in both language

and skills training). Results from our KII participants indicated that the duration of their training was between 3 and 30 days (the least training was 3 days and the maximum training was 30 days). Shortened training duration leads to mainly theoretical training without practices, irrelevant to most of the workers with low educational level.

Our KII participants also shared that the pre-departure training for domestic workers in both Taiwanese and Saudi Arabian markets were ineffective to them. Some domestic workers sent to Saudi Arabia said before their departure, they only attended a 3-day training (learning some greetings and self-introduction words). They were only taught how to speak and they could not remember them.

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"...just learning for the sake of learning, learning by rote, learning some words here but upon arrival, local people talked differently" (Chu, 2017; Do, 2017)

Returning migrant domestic workers also stated that they were not provided with the telephone number of the Vietnamese embassy, did not know how to use kitchen equipment or make cakes when asked by the employers. A woman who returned from her work in Taiwan reported that:

"The labour sending enterprise asked us to learn Taiwanese language and many other things but as I am old I was unable to learn! Upon my arrival, I could only speak some words such as asking names and address etc.) (H. T. Tran, 2017).

Inadequate preparations for workers before their departure negatively affect their employment and life. In many cases, workers had to return home ahead of schedule for failing to communicate with the employers and did not know to whom they turned to for help.

DoLAB's officials said that a 2-month training for workers was not enough, particularly for the Saudi Arabian market where culture, religion, customs and climate are distinctly different from Vietnam (most Saudi Arabian people are Muslims whose culture and lifestyle are totally distinctive). Saudi Arabia is located in the Middle East with harsh weather conditions; sometimes, the temperature reaches 50-60 degree Celsius in summer or under 0 degree Celsius in winter). Moreover, most Vietnamese workers have low levels of education and are at older ages, therefore they have limited learning capacity. Inadequate preparations in terms of psychology, knowledge and skills are basic reasons leading to many pressing problems faced by the workers in the Arabian market (Le, 2017). A Vietnamese domestic worker returning from Saudi Arabia said:

"The diet and living there are very different from Vietnam. They only have one meal a day and nosh all the time. The main courses are lamb and industrially-raised chicken so it is very hard for us, Vietnamese, to eat. My meal often included a dish of plain rice (mixed with turmeric powder, spicy powder and cooking oil) and a piece of lamb or chicken. They do not eat vegetables. If I wanted to have vegetables, I could ask the employer to buy for me or I bought it for myself. Their eating time was also very late, lunch at 1-2.00 pm and dinner at 9-10.00 pm. Some Vietnamese workers could not eat local foods, that lead to bad health (including blood pressure problems, stomach-ache or vestibule etc.) and were unable to manage the work" (L. T. Nguyen, 2017).

While the workers themselves are not well prepared or provided with necessary knowledge before departure, the brokers (who seek workers to supply to labour sending enterprises) often provide domestic workers with inaccurate information, they cheat them by providing them good information on the destination, making the workers fail to prepare psychologically and thus often feel disappointed with the living and working conditions upon arrival at the destination place.

Living and working conditions, wages, resting time, compliance with labour contract

Labour contract,

According to regulations, before departure, workers are entitled to know the contract contents and sign two types of contracts: (i) service contract with a labour sending enterprise, and (ii) labour contract with the employer overseas. For domestic workers, the signing of contracts, particularly the contract with the employer is very important and crucial because domestic work is a specific type of work and as analyzed in the section on policy review, there remain gaps in the regulations on working conditions, working time and wages for this group of workers. Hence, the terms and conditions in the labour contract are bases for both parties to the contract to implement as agreed upon.

However, it is regrettable that migrant workers in general and migrant domestic workers in particular do not care about the labour contract and its terms and conditions.

A survey conducted by ILSSA in 2010-2011 shows that most of the interviewed workers said they did not understand and know well the contract in details such as working conditions and wages (ILSSA, 2012). The workers from both markets we have interviewed often did not remember the contents of the labour contract they had signed. Only 1-2 of them read the contract terms and conditions thoroughly and said that in reality its implementation was different from the contract. The differences between terms and conditions written in the contract and reality will be discussed in more details in the following section.

Living and working conditions.

Domestic workers do housework and work within the home of the employers; therefore, each of them experiences differently in terms of living and working conditions. Through the literature review and information collected from KIIs, we find out that some similar and main problems often faced by the workers include long working hours, heavy workload, little rest time, lower wages compared to other types of work and being strictly controlled or despised, etc.

Regarding working time,

Long and non-stop working hours are one of the problems being faced by most workers in both Taiwan and Saudi Arabia.

Of migrant workers overseas, the working time of the group of domestic workers is the second longest (after the group of sailors) with 13.6 hours a day and 29 days a month on an average (ILSSA, 2012).

According to Taiwan's Labour Standards Act, workers working at government agencies, construction sites, enterprises and factories work for 8 hours a day and enjoy benefits as stipulated. Nonetheless, for domestic workers and caregivers working at hospitals and nursing homes, due to specific characteristics of the work of services, the stipulation of 8 hours per day is not applied. The working hours, resting time and over time (Sundays) are based on the labour contract signed between the workers and their employers. In fact, for the work characteristics of live-in domestic workers, it is hard to apply stipulations on working hours and resting time. Domestic workers are employed to do housework, sometimes the work is regular and can be calculated based on the exact time needed, but sometimes there is irregular and unexpected work such as caring for family's sick members, or cooking for the employers' guests or relatives (which is not a routine). In addition, the working place and residence cannot be separated, making the working time mixed with the resting time and can be prolonged (ILO 2010). For this reason, the existing regulations on the working time for domestic workers do not often specify working hours; instead they stipulate minimum non-stop rest hours. In the sample labour contract prepared by DoLAB for Vietnamese workers doing domestic work for Taiwanese families, Article 3 stipulates the working time and the resting time of the workers. Nonetheless, it does not specify the exact working hours, rather it regulates "enough time to complete the workload assigned by the employer at a reasonable level". However, it clearly stipulates the resting time of at least 8 hours, including 4 non-stop rest hours. In the Taiwanese market, caring for the sick requires continuous time in a day.

"I cared for an 88 year-old man. In the first year, he only lied in his bed but later on he was paralyzed. I had to do everything for him, from feeding him food and drinks to bathing and giving him medicine. When he was unable to eat, I had to feed him through a feeding tube. I have to attend to him day and night, and was ready for work all the time" (H. T. Tran, 2017).

For those who look after children, the working time is somehow lesser, however it can be fluctuating around 12 hours a day. The following timetable of working day of a domestic worker looking after children is evidence.

Table 5. Working time per day of a Vietnamese migrant house workers in Taiwan

Time	Work
5h	Cleaning Washing and hanging out clothes
7h	Caring the child (bathing and feeding children, babysitting...)
11h	Putting the child on bed
14h	Babysitting Doing domestic chores (preparing foods for dinner, cleaning)
20h	The child goes to bed with his other
20h-5h am on the next day	Going to bed (waking up twice during night to mix milk power for the child.

Source: T. T. Nguyen (2017)

Findings from a research by Pan and Yang (2012) indicate that most of foreign migrant domestic workers in Taiwan have to work for long hours (14-18 hours/day). They do not often have any day off during a week and the average wage is about NT\$18,780/month (or 600USD/month).

In Saudi Arabia, most of the foreign migrant domestic workers also have to work for long consecutive hours, which is against the working time stipulation in the labour contract. Results from our KIIs with Vietnamese returning migrant domestic workers from Saudi Arabia revealed that though in the signed labour contract, they are entitled to work for 12 hours per day; however, in fact their working hours range from 15-16 hours on average per day. That finding is similar to the finding by Vlieger (2012) as the academic commentator exposes that a foreign domestic worker in Saudi Arabia has to work 17 hours on average per day with no time off, even when they are in sickness.

One domestic worker from our KIIs also informed that during two years, she had to work 19-20 hours per day (T Thi Nguyen, 2017). She also shared that there is a popular saying in social networking sites (Facebook, IMO) of domestic workers in Saudi Arabia that **"domestic workers**

in Saudi Arabia have meals like thieves and work as robbers" to show how hard their work and how short their rest time is. It is also noticed that all the five domestic workers from our KIIs shared that they were not allowed to have any day off during two years of working.

Moreover, types of work and working time much depend on the daily routines of employers as well as their requests. Vietnamese migrant workers returning from Saudi Arabia said that if their employers have more rest time for playing and parties, their working time is longer because they have to serve for parties and welcoming guests of employers. They also stated that they were most tired during Arabians' traditional festivals and New Year as they often have to stay overnight to work and serve their employers:

"During a week of the New Year, I had to serve at least 20 guests who visit our employer's houses and had parties every day. They often had parties until mid-night. Depending on types of parties and emotions of the guests and my employer, the duration could be very long and I did not know when they would end" (L. T. Nguyen, 2017).

Even the domestic workers can get up late on the next day (sleeping from 5:00 to 12:00 am), they still feel very tired. On June 2014, Saudi Arabia's labour authority amended the standard contract template, which regulates that foreign migrant workers have the right to rest for 9 hours/day and have one day off per week (HRW, 2014; ITUC, 2014). However, not many Saudi Arabian employers have complied with that regulation. For a deeper analysis of violations of the signed labour contracts among Saudi Arabian employers, we tried to recall our KII participants to share with us their signed contracts. Nonetheless, we could not obtain any because either they did not remember where they kept it or their employers confiscated them when they arrived in Saudi Arabia. We tried to obtain a labour contract template from DoLAB's website, also without any success. However, according to DoLAB's Official Document No. 4644/LDTBXH-QLLDNN

detailing the recruitment of Vietnamese workers to Saudi Arabia as domestic workers, Vietnamese migrant workers are entitled to 9 consecutive rest hours per day and one day off per week. Nonetheless, this regulation was not detailed in the Provision No. 6 of Vietnam – Saudi Arabia MOU on Recruiting Vietnamese migrant domestic workers to Saudi Arabia (Ensuring Vietnamese migrant domestic workers' rest time during the day and day off during the week in accordance with Saudi Arabia's labour legislation" (Government-of-Vietnam & Kingdom-of-Saudi-Arabia, 2014). As a result, Vietnamese migrant domestic workers in Saudi Arabia constantly work far exceeding the number of working hours regulated in the labour contract and regulations of the two nations. It is also noted that there is a slight difference in the regulations of the rest time between Vietnam and Saudi Arabia (Viet Nam: **9 consecutive hours per day** vs. Saudi Arabia: **9 hours per day**).

Table 6. Working time per day of a Vietnamese migrant domestic workers in Saudi Arabia

Time	Work
5h	Preparing food for schooling children, mixing milk powder and feeding the small child staying at home
7h	Employers go to work or school while the domestic worker takes care of the 2-year-old baby.
13h	Female employer takes care of the baby; the domestic worker clean the toilet, washing clothes, and vacuuming
15h	Preparing food for dinner and babysitting
16h	Having dinner and cleaning
19h	Folding and ironing clothes
21h	Preparing foods for snack time, cleaning
22h	Going to bed

Source: L. T. Nguyen (2017)

Overtime pay

According to Taiwan's Labour Standard Act (LSA), employees are entitled to 2 days off per week and 8 working hours per day. The number of overtime working hours must not exceed 46 hours per month. Employers have to pay 1.33 times of base wage for the first 2 working hours and 1.66 times of base wage for the following hours (MOL, 2016c). However, most of the foreign domestic caregivers and house workers have not been paid for their overtime work because there is no system that keeps track of their overtime hours worked every day. Taiwan has only a regulation that if foreign domestic workers work on weekends or holidays, employers have to pay them the

overtime payment of NT\$667 (US\$21) per day (T. D. Tran, 2017).

Unpaid overtime work is also taking place among Vietnamese migrant domestic workers working in Saudi Arabia. Even the Official Document No. 4664/LDTBXH-QLLDNN (Viet Nam) guides that for each extra working day during weekends, Saudi Arabian employers have to pay the Vietnamese migrant domestic worker 50SR/day. However, results from our KIIs indicate that Saudi Arabia employers did not pay them any extra wage for their work during weekends or when they did extra cleaning and caring for siblings (cousins, brothers, sisters, parents) of employers. Unpaid overtime work is caused by a lack of regulation on days off in the

signed labour contract; thus, there is no legal base to ask Saudi Arabian employers to pay overtime compensation to domestic workers. One our KII participant even revealed a serious labour exploitation from her employer and her sibling (sister) when:

“she asked me to wash, iron and fold her family’s clothes for two periods, each period last 20 days and promised to pay me 100SR/period. However, she did not pay me anything at the end. Though I knew she exploited me but I did not dare to talk back her (sister) because I am a domestic worker, I have to obey my employer. Even when I go out with my female employer and her sister, I have to take care of both my employer’s children and her sister’s baby...” (Chu, 2017).

Wage/salary

At present, even though the types of tasks of domestic work are quite similar across countries, there is a variation in the levels of wage among Vietnamese migrant domestic workers in receiving countries. It is noted that though Vietnamese migrant domestic workers are likely to work harder with longer working hours in Saudi Arabia without days off; their levels of wage/salary are lower than the domestic workers working in Taiwan. According to the regulation of Viet Nam (Guidance No.1538/LDTBXH-QLLDNN dated 9 May 2016), the wage level for Vietnamese migrant domestic caregivers in Taiwan is not lower than NT\$17,000/month or US\$530/month. Meanwhile, the minimum wage of Vietnamese migrant domestic workers in Saudi Arabia is 1,300SR/month (or US\$335/month).

My wage in the signed contract is 1,300SR (7.6 million dongs/month). Then I extended my labour contract for 5 more months and they paid me 1,700SR (10 million dongs/month) because the employer wanted me to stay with them longer (Thi Nguyen, 2017)

However, the concern related to the wage and salary of Vietnamese migrant domestic workers lies in the fact that it is lower than the regulated minimum wage of the receiving countries, including in both Taiwan and Saudi Arabia. In Taiwan, the Committee for Labour Affairs (CLA), in 1 April 2013 regulated the minimum wage for all types of workers in Taiwan to be applied at NT\$19,047 (or US\$631). Since 1 July 2014, the minimum wage would be NT\$20,088 (US\$665)

and since January 2017, the minimum wage was up to NT\$21,009 (US\$696). Hence, since 2013, Taiwan’s minimum wage increased three times; however, the minimum wage for Vietnamese migrant domestic workers still stands at NT\$17,000/month (or US\$563) (T. D. Tran, 2017). Reason for the lower wage level for Vietnamese migrant domestic workers in Taiwan because this worker category is not subject to adjustments in Taiwan’s Labour Standard Act; hence, employers are not compulsory to pay them the national minimum wage level. Though Taiwan is drafting the Domestic Workers Protection Act, which regulates that the wage of foreign domestic workers is equal to Taiwan’s minimum wage level; the Act is still undergoing review and has not been passed. Vietnamese migrant workers are still entitled to the wage of NT\$17,000/month (DoLAB, 2012).

In Saudi Arabia, the latest national minimum wage was published in 2 February 2013 with the amount of 3,000SR/month. However, the applicable wage level signed in the labour contract and in the Official Document No.4644/LDTBXH-QLLDNN is only 1,300SR/month. Lower level of wage for Vietnamese migrant domestic workers than the national minimum wage level of receiving countries reveals a form of discrimination based on their work; non-protection of migrant domestic workers in the labour market of receiving countries; as well as unequal power between sending and receiving countries in the negotiation of wage level for this group of labourers. Besides, the low wage level indicates that the value of domestic work has been widely unrecognized in many nations.

Individual experiences in gender-based violence, racism and class clashes, culture and religion among Vietnamese migrant domestic workers:

Working abroad is a rather complicated process; hence, migrant workers in general and female migrant workers in particular easily fall into vulnerable and disadvantaged circumstance because of weak legal regulations and their enforcement in both receiving and sending countries, or differences in culture, lifestyle, religions and customs. From the desk review as well as results of the KIIs, we have observed the following bad experiences among returning migrant domestic workers during their working in Taiwan and Saudi Arabia:

Confiscated identity and travel documents and kept salaries/wages.

Though both international instruments (ILO Convention No. 189 on Domestic Workers) and national regulations of Viet Nam, Taiwan and Saudi Arabia prohibit employers or labour sending enterprises to control the freedom of migrant domestic workers by holding their identity and travel documents such as visa, passport or labour contract, there remains the situation that representatives of labour sending agencies and employers keep or confiscate migrant domestic workers' documents in order to "manage" and "supervise" them easily. Keeping workers' personal documents are not illegal if migrant domestic workers ask them to do that (preventing lost documents); however, it is a serious violation of human rights (to freedom and movement) if labour sending agencies and employers keep migrant domestic workers' documents on purpose, and in order to control over their freedom and movement, or to force workers to work for employers under no condition or against their will. As a result, a number of migrant domestic workers have become "forced labourers" (HRW, 2014).

From our KIIs with 5 Vietnamese returning migrant domestic workers, we found out that their passport, visa, medical care card and labour contracts were confiscated by their employers right after they landed in the airport of Saudi Arabia or on the day of their arrival.

Any time when conflicts between employers and domestic workers happens, employers often refuse to return the confiscated documents to Vietnamese workers to prevent them from fleeing from their houses or seeking helps from the police or labour sending agencies.

Besides, most interviewed Vietnamese returning migrant domestic workers revealed that their employers used to or often kept a part of their salaries (from 1-6 months) to force domestic workers to work for them. Even several workers, after returning to Viet Nam, still got one or two months of salaries left with their employers because they (employers) told them that they only paid them if the domestic workers came back and continued to work for them.

"My employer wanted to keep my 6 months of salaries and promised to send to me when I arrived in Viet Nam. However, I did not agree because in the labour contract, it was stated that the employer had to pay me monthly. I contacted with the labour sending agency to ask for their help. Finally, the employer paid me 5 months and held back one month salary for the reason that if I would return to work for them, they would pay me. I do not like that kind of treatment. He always wanted to keep my salary and never paid me on date..." (T Thi Nguyen, 2017).

Controlled over freedom and restricted to movement and social networking:

In Saudi Arabia, as informed by our KII participants, there were really restrictions to movement and individual freedom because their social networking scope happened only between them and their female employers, small children or girls. They were also restrained to meet and talk to male employers and male adults because Saudi Arabian culture prohibits such interaction. A returning domestic worker even revealed that during their two years term, she had no chance to meet and talk to her male employer and his sons. She even did not know what his work was (M. T. Nguyen, 2017). Domestic workers in Saudi Arabia (especially women) are not allowed to go out alone or they will be caught by the local police. Even if they want to buy something for themselves, they have to ask the employers to buy or hold it until their employers go shopping. The only chance to meet some other Vietnamese migrant domestic workers (from siblings of employers) is when the employers take the whole family (including domestic workers) to parks or parties of their siblings.

The only way to contact to the outside world is through smart phones, social networking sites (IMO, Facebook, Zalo), which are mainly used by young migrant workers.

Older migrant workers (40 years old and over) are not proficient with mobile phones and internet skills, so they are very restricted to contact with their families and other migrant domestic workers because calling outside by phone is very expensive and migrant domestic workers have to buy Sim cards and pay for the calls by themselves.

Restriction to movement and social networking among foreign migrant domestic workers in Saudi Arabia is a prevalent phenomenon which was indicated in a number of studies and reports by (HRW, 2015),(HRW, 2014), Vlieger (2012), (HRW, 2008a), etc. Employers' right to control over migrant domestic workers' movement and freedom is supported by the Kalafa system and their culture, which restrict not only migrant domestic workers (who are women) but also Saudi Arabian women themselves. In reference to international human rights and labour instrument, for instance, CEDAW, ICCPR, ICESCR, ILO Convention No. 189, No. 29, No. 105, or No. 87 and 98, etc., restriction to movement and freedom of migrant domestic worker is a violation of fundamental rights of human beings and it is a form of "forced labour" though Saudi Arabian government do not recognize that it is a violation based on their cultural justification (Vlieger, 2012). The restriction of movement and freedom has left Vietnamese migrant domestic workers only two options: (i) continue their work and suffering from abuses and labour exploitation; or (ii) being deported back to Viet Nam.

Maltreated and discriminated from employers and society

In Taiwan, Vietnamese migrant domestic workers are discriminated as "poor and desperate women, who would do anything for money", including prostitution (Lan, 2006)

According to Hoang and Yeoh (2015), a large number of Vietnamese female migrant workers come to Taiwan to seek a chance to change their life; however, they have to pay a quite high amount of fee (around US\$3,000) to go to work in Taiwan. Hence, when arriving to Taiwan, they have to work hard and seek any chance to earn money to pay for debts and savings. Beside working, they can engage in "commercialized dating"; "farming" or "house cleaning" at weekends. One commercialized dating or "casual sex" bring them about NT\$1,000 or NT\$10,000/month (Hoang & Yeoh, 2015). Hence, Hoang and Yeoh (2015) expose that Vietnamese female migrant workers have become a social stigma in Taiwan. Results from our KIIs with returning migrant workers from Taiwan indicate the same situation. They shared that they witnessed a number of Vietnamese female domestic workers engage in "commercial dating" and "casual sex" with

Taiwanese men who also migrated from other areas of Taiwan to work in their (domestic workers') places. However, not all female migrant workers, including domestic ones engage in sexual activities because of money. They also want to look for sympathy, love and a sense of safety and protection from their countrymen or Taiwanese men to ease their lonely feeling overseas. Sometimes, they want to seek a kind of freedom that they cannot get in Viet Nam through sexuality (Hoang & Yeoh, 2015). In Saudi Arabia, maltreatment and discrimination are reflected in another size of the triangle. That Saudi Arabian employers pay brokerage fee to labour sending enterprises is one of the reasons causing more serious discrimination and labour exploitation compared to other countries (HRW, 2014).

Results from our KIIs with returning migrant workers indicate that when conflicts happen, Saudi Arabians often use their employers' power to show their "ownership" toward Vietnamese migrant domestic workers. They often tell the workers that "I bought you with the price of 25,000 – 30,000SR" and ask them to obey them.

In the mind of Saudi Arabian employers, when they pay the brokerage fees to the labour sending enterprises, they have bought that person and they have all the power over him/her.

In the words of two academic commentators, Mantouvalou (2006) and Pyle (2006), migrant domestic workers in Saudi Arabia is a type of "modern or domestic slavery". Moreover, Vietnamese returning migrant domestic workers shared that before they returned to Viet Nam, their employers investigate their suitcases, even all their pockets to check if they (workers) took or stole any things from them.

"I was checked if I stole anything from my employer's home or not. They even checked my pockets, wallet, any my clothes, etc. I stayed with them for two years, but they still did not trust me, they still considered me the outsider and I felt that was a kind of dignity offense" (T Thi Nguyen, 2017).

The above-mentioned action of the employer has revealed both visible and invisible discrimination forms against Vietnamese migrant domestic workers. Investigation of domestic workers' belongings against their will is a violation of their privacy because there is no signal that they have taken or stolen anything from employers. If employers suspect that the domestic workers take something from them, they can report to the police and only the police has the right to check the belongings of the domestic workers. Moreover, investigation of domestic workers' belongings have shown Saudi Arabian employers' discrimination based on class and culture and the assumption that Vietnamese migrant domestic workers are poor; and they may steal something from them.

Being abused and maltreated

Of 10 interviewed Vietnamese returning domestic workers, we did not find any seriously abused cases in terms of sexuality and physical violence. However, domestic workers from Saudi Arabia stated that sometimes their employers used physical, verbal and emotional violence toward them. When conflicts happen, Saudi Arabian employers can use anything next to them (for instance, clothes, bowls) to hit the domestic workers. Though the physical abuses are not deemed as too serious, domestic workers still feel unhappy and unsatisfied with those actions. My KII participant also revealed that they felt "vulnerable" when their employers sometimes use 'bad words' to insult them.

"When I was so sick, I called my female employer to take me to hospital, she got agree with me and said to me that "always sick, always sick" (Chu, 2017).

Although in this research, we observe no "sexual abuse" among Vietnamese migrant domestic workers from Taiwan and Saudi Arabia, our KII participants stated that because they did not have the chance to contact or meet our Vietnamese domestic workers in Saudi Arabia, so they did not know if their peers were sexually abused or not. However, when we asked if they had ever witnessed or heard about sexual abuses and other kinds of abuses against their peers, all KII participants affirmed that they had "heard" or even "witnessed" several cases that were shared by other domestic workers through social

networking sites (IMO or Facebook). But those cases happened to the domestic workers from the Philippines, not to the Vietnamese.

"I knew a case of Filipino domestic workers sexually abused by the son of my employers' brother. She just came and worked for some weeks and then she was raped by that son. When the brother of my employer knew that, he deported that domestic worker back to the Philippines" (M. T. Nguyen, 2017).

KII participants said that Muslims' culture restricts men from contacting with domestic workers; thus, sexual abuses compared to other countries of destinations are fewer and they felt safer when working in this labour market. Sexual abuse is a "fear" that victims want to hide it from outsiders. Even though our KII participants said that they did not experience any form of sexual abuses when working overseas, it does not mean that sexual abuse does not exist. Besides, according to HRW (2005), sexual abuses are seldom reported because domestic workers live in employers' houses and it is embarrassed to share with outsiders that "bad experiences". Anderson also believed that racial discrimination and sexual abuses are the two most popular forms against migrant domestic workers who live in their employers' houses. Hence, for the limited scope of this research (KII with only 5 returning migrant workers from Saudi Arabia), we are unable to conclude that there is no "sexual abuse" happening to Vietnamese migrant domestic workers in Saudi Arabia. We recommend that further studies on this matter need to be undertaken to truly reflect the situation.

For Taiwanese market, though our KII participants did reveal that they had ever sexually abused; however, several studies such as (Pan & Yang, 2012) indicate that foreign migrant domestic workers have been sexually and physically abused by their Taiwanese employers but they rarely seek helps because of language barriers, limited information about local assistance system and their isolated working conditions (within houses of employers) as well as they do not have evidence or do not know how to collect evidence for that kind of violations. Even when they report their cases to the police, they might not get effective support because Taiwanese employers may appeal against them and domestic workers might be put at a high risk of being deported back to Viet Nam or end

up pay compensations to their employers. (Pan & Yang, 2012) also reveal that most of foreign migrant workers under abuses and exploitation are not supported by the local social service system in Taiwan. Only some of them can seek helps from social workers or NGOs supported by Churches in Taiwan. To Vietnamese migrant domestic workers, they are the most scared when employers threaten them to deport them back to Viet Nam. According to our KII

participants, that threat presents a form of emotional violence because most of Vietnamese migrant workers need to earn enough money to pay for debts incurred from the migration costs. If they are deported, they will not have chance to get earnings to pay for those debts.

To sum up, we find out that there are five factors, which have led to “vulnerabilities” among Vietnamese migrant domestic workers in Taiwan and Saudi Arabia:

1. The first reason is the workers’ high economic dependency on the earnings from overseas domestic work; hence, they have to “suffer” from discrimination, difficulties and constraints to earn the expected payment amount. That reason is mostly stated by our KIIs participants returning from Saudi Arabia and Taiwan.
2. The second reason is related to the widely unrecognized value of domestic work among both sending and receiving countries. Normally, domestic work, if performed at home, are unpaid work and normally not accounted into the national GDP. Hence, traditionally, domestic work has been devalued for its contributions to family and national socio-economic development. As a result, this labour category has not been covered by national labour, employment and social policies.
3. The third reason is relevant to a weak enforcement of labour management and labour inspection towards migrant domestic workers in receiving countries. Social prejudices against domestic workers remains prevalent in societies of receiving countries because domestic workers are still considered one of the lowest casts in Saudi Arabia or social classes in Taiwan.
4. The fourth one is related to the existence of the Kalafa Visa Sponsorship System (only in Saudi Arabia), which authorizes employers to control over the movement and freedom of domestic workers.
5. The last one is the power asymmetry between sending and receiving countries in the negotiation of wage and other relevant regulations to protect the rights of domestic workers. In principle, demands for domestic workers are from labour receiving nations, hence, they have the right to receive or stop foreign labourers from working in their countries.

According to (Fernandez, 2014), poorer countries (normally the sending ones) often has a lower position and less power to negotiate with richer countries (normally the receiving ones); thus, in many cases, rights of migrant workers are not fully protected if the authorities of receiving markets do not want or have no legal system and institutional mechanisms to protect them.

Individual experiences in organizing and networking during and after migration

At present, a mechanism for protecting migrant workers is inadequate due to a lack of direct protection from relevant agencies and organizations. That has put Vietnamese migrant workers (especially domestic workers) in challenges, difficulties and risks in receiving countries. Protecting the rights and benefits of migrant domestic workers have been mainly through Vietnamese embassies located in receiving countries though for the foreign markets with a large number of Vietnamese migrant workers like Taiwan and Saudi Arabia, DoLAB sets up their Overseas Labour

Management Offices there. They also ask the labour sending enterprises which send a large number of migrant workers to the markets must set up their own offices in destination countries to manage them (for instance, in Saudi Arabia, from 300 migrant workers, the enterprise must have their own office with qualified staff there to manage and support the workers). The addresses, contact numbers and information about those above-mentioned offices are published on the Website of DoLAB; however, not many countries of destination have those offices and not many migrant workers (especially domestic ones) are aware of the information and contact details of Vietnamese embassies, DoLAB’s offices from the website and other

information sources. When facing difficulties at work or in life, migrant domestic workers often contact directly with labour brokers or labour sending enterprises.

In general, diplomatic agencies (e.g., Vietnamese embassies) or Enterprises' offices have engaged in supporting migrant domestic workers and others in needs; however, frequencies and effectiveness of support are limited and often unmatched with the migrant workers' expectations and demands. Particularly, domestic workers in Taiwan and boat sailors in Taiwan work and live in separate places and are not fully informed about living conditions and details of contacts in countries of destinations; thus, they do not know where to seek helps when they need (ILSSA, 2012). At present, the Government of Viet Nam is promoting the role of trade unions - the legitimate organization protecting the rights and benefits of Vietnamese workers - to step up in protecting migrant workers. 2012 Law on Trade Unions emphasizes on the role of Trade Unions on counselling workers about the contents of labour contracts, national laws, dispute settlement, representation of employees in litigation and participation in handling procedures. However, most of Vietnamese migrant domestic workers are rural laborers, who are not members of trade unions, so the grasp of the situation of this labour group among trade unions is limited. As a result, it is difficult for trade unions to play a greater role in supporting and protecting them.

From the literature review and KIIs, we find out that labour sending enterprises have not cared much about living and working conditions of migrant domestic workers as well as ineffectiveness in settling their issues and difficulties. Migrant domestic workers often have a huge demand for shared information and networking and they have used social networking sites (Zalo, Facebook, IMO) to share about their work, their difficulties, their feelings and to connect and encourage each other. In conducting the KIIs with returning migrant domestic workers, they shared with us their Facebook and showed us how they had used the tool to connect with other migrant domestic workers to get and show support to each other. The following account of a domestic worker from Saudi Arabia is an evidence.

In this research, we also find out that reintegration of domestic workers after returning their home countries encounter no less difficulties and constraints; while Vietnam Women's Union are inactive in engaging this labour group in their activities, there are existing gender and social stereotypes against returning migrant domestic workers. In addition to neighborhood, relatives, networks of returning migrant workers (through social networking sites) are the spaces for them to share about their life, their work, their happiness and difficulties, or work skills, etc. These sites have also played a significant roles in supporting the domestic workers who have arrived and started to work in countries of destination (MoFA, 2012). The above situation indicates that migrant domestic workers are using social networks to spontaneously support each others.







**CONCLUSION
AND
RECOMMENDATIONS**

III.1. CONCLUSION

Along with the socio-economic development, the employment market for domestic work tends to be increasing in the countries with better socio-economic conditions. The need to enter those wealthy markets tends to grow in the countries with lower economic conditions. In that context, promoting decent work for Vietnamese domestic workers working abroad is an indispensable and objective necessity, particularly when domestic work is gender specific (mainly women and working within families). Through the literature review and KIIs with Vietnamese workers returning from Taiwan and Saudi Arabia, this report identifies a number of policy gaps and issues that Vietnamese domestic workers are encountered as follows:

Although international legal frameworks for migrant workers and domestic workers are apparently present and available, Vietnam, Taiwan and Saudi Arabia have not joined and made commitments to those international instruments. So far there is no international mechanism to monitor, support, and protect the rights of Vietnamese migrant domestic workers in Saudi Arabia and Taiwan. Besides, both Taiwan and Saudi Arabia share the same weaknesses in the enforcement of bilateral and national legal frameworks related to domestic workers. The only legal tool to protect the rights and benefits of Vietnamese migrant domestic workers are labour contracts. However, from the literature review and KIIs, we find that legal tool ineffective when it tends to be the commitment between employers and domestic workers, which can be executed or not; whereas, supporting and labour agencies do not have much roles in enforcing the implementation of the contracts.

In reviewing and evaluating national legal frameworks, the consultant team pointed out a number of shortcomings and policy gaps in Vietnam's legal system related to domestic workers that need to be considered and improved, namely:

- There are no specific regulations or policies specifically for Vietnamese migrant domestic workers. This worker group is largely adjusted in the regulations applicable to other migrant workers.
- Most of Vietnamese legal documents are "gender-insensitive", i.e., regulations

have not been paid with much attention to migrant female workers, particularly domestic workers;

- There is no regulation on protecting the rights of migrant domestic workers to motherhood;
- In the regulations on training necessary knowledge for domestic workers and other migrant laborers prior to departure, there is no content for income management skills.
- There are no specific regulations requiring sending enterprises to provide data on workers by sector, salary and market with sex disaggregation.
- There is a lack of specific regulations, programs, policies and specific guidelines to support returning migrant domestic workers in terms of job seeking, job creation and reintegration

On bilateral agreements between Vietnam and Taiwan, Vietnam and Saudi Arabia:

- The Bilateral Agreement on Sending and Receiving Vietnamese Laborers to Taiwan signed in 1999 between Viet Nam and Taiwan shows no regulation on female migrant workers as well as rights, responsibilities and working conditions of Vietnamese female migrant workers, which will significantly affect the rights and benefits of Vietnamese migrant domestic workers (DoLAB, 2012).
- Taiwan's ban on Vietnamese migrant domestic workers has significantly affected job opportunities of Vietnamese female migrant workers and driven them to more vulnerability as a large number of them likely end up being illegal migrant workers in Taiwan.
- In the MOU between Viet Nam and Saudi Arabia, there is a lack of a regulation on ensuring the principle of "non-discrimination" based on sex, race, religion, culture, politics, social classes, etc. That regulation is important to Vietnamese migrant domestic workers because of the big difference between Vietnamese and Arabian cultures, lifestyles, religion and way of treatment;
- The MOU between Viet Nam and Saudi Arabia has not detailed the maximum working hours, rest time, living and working conditions, and minimum wage. Though Viet Nam has issued the Official Guidance No. 4644/4644/LDTBXH-QLLDNN intended to address those issues, the Document is not a legal document,

which strictly requires labour sending enterprises to comply with in their labour sending activities to Saudi Arabia.

Regarding Taiwan's national legal framework, the country has not had a sound national legal framework to protect the rights of domestic workers except for the Article No. 7(2) in the Labour Law (SALL) 2006, which regulates that the Ministry of Labour "shall draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party" (MOL, 2013).

- Though Saudi Arabia adopted a regulation pursuant to the Article 7, which guarantees migrant domestic workers' rights to rest, appropriate shelter and working conditions and other fundamental rights, the Regulation still restricts fundamental rights of migrant domestic workers to "reject work or level a job, without a valid reason" and the Regulation implies that employers have the right to ask migrant domestic workers to work up to 15 hours per day while other forms of workers in the country only work 8 hours per day (ITUC, 2014);
- Existence of the Kalafa visa sponsorship system has restricted freedom of movement of domestic workers as well as their right to control themselves against their employers. This is a kind of human right violation that the Human Right Watch of United Nations indicated in its observations on the rampant abuses and exploitation of foreign migrant workers in Saudi Arabia (HRW, 2008a)

Regarding temporary issues of Vietnamese migrant domestic workers in Taiwan and Saudi Arabia:

Most of migrant workers lack proper knowledge of domestic work value, as well as necessary pre-departure preparations to work and integrate into communities of countries of destinations. The gaps in knowledge and qualifications include poor foreign language command, limited or no knowledge and understanding of local culture, customs, and religions of countries of destination, limited knowledge of how to use modern home appliances, cooking skills for food in host countries, etc.

Labor contracts are signed between migrant domestic workers and labour sending enterprises and between labour sending

enterprises and employers; however, domestic workers are not interested in or pay attention to the terms of the contract. Besides, there are still many gaps in the implementation of the terms of the contract, for instance, longer working hours, no days off or no overtime compensation for domestic workers though their work load is heavier.

There are evidences that Vietnamese migrant domestic workers are being treated unfairly, disrespectfully and suffer from multi-types of discrimination. Firstly, their wage levels are under the minimum wage of host countries (1,300SR/month vs. 3,000SR/month in Saudi Arabia and NT\$17,000/month vs. NT\$21,009 in Taiwan). Secondly, workers in Saudi Arabia have to work for long consecutive hours without days off during two years of contracts while their personal documents are confiscated; their movement and freedom are also put under strict control of employers. Thirdly, Vietnamese migrant domestic workers are not treated with respect due to their preconceptions about their work and living standards (poor workers, low social status, work only for money, etc.), the existence of “human” purchasing in the minds of Saudi Arabian employers; they pay money to labour sending enterprises to “buy” domestic workers. Fourthly, a large number of Vietnamese workers are at risks of physical and emotional abuse and left unprotected by the service system in the host country.

There are many reasons leading to mistreatments for Vietnamese migrant domestic workers abroad, namely the lack of legal provisions to protect migrant domestic workers’ rights and interests from both sending and receiving countries; poor perceptions of migrant domestic workers towards their jobs and migration; limited roles and actions of enterprises in supporting and protecting workers’ rights during their working term. For profit purpose, labour sending enterprises have made more efforts in finding and dispatching workers rather than managing and assisting them at work. In addition, coordination and mutual support among relevant authorities from both sending and receiving countries in settling labor relation issues arising, and care for mental health or networking of migrant domestic workers overseas are limited.

Given the above-mentioned practical and policy issues, both Viet Nam and host countries as well as relevant stakeholders must take stronger efforts and greater commitments to supporting and protecting migrant domestic workers

III.2. RECOMMENDATIONS

Regarding the amendment of laws and policies related to the migrant domestic workers:

To the Government of Viet Nam:

The Government of Viet Nam needs to foster the progress of consideration and ratification of ILO Convention No. 189 on Domestic Workers. Along with the ratification, the Government needs to map out a national action plan to implement and report on the implementation of the Convention to ILO. In addition, it is essential for the Government to make legal commitments to reforming national laws in light of the Convention.

It is essential for the Government of Vietnam to continue reviewing the national legal framework, particularly the Labour Code of Viet Nam (2012), the Law on Vietnamese Workers Working Overseas under Contract (2007) and other relevant by-law documents (Decrees, Circulars, Joint-Circulars) for the inclusion of fundamental regulations on migrant domestic workers. In the Law on Vietnamese Workers Working Overseas Under Contract (2007), it is needed to have a separate Chapter/Section/Regulations on female migrant workers and migrant domestic workers, which fully regulate fundamental rights, working and living conditions of migrant domestic workers (wage/salary, accommodation, right to freedom, movement, minimum rest time, maximum working, extra payment for extra work, etc.).

In review of national legal framework related to domestic workers and migrant workers in the coming time, relevant agencies (particularly MoLISA and DoLAB) need to mainstream gender equality issues into the those legislative agendas. During their amendment process, it is crucial to train gender knowledge and gender analysis skills for members of the team involving in the drafting or amending of the laws and policies. Moreover, gender experts on labour and gender must be invited to participate

in the draft team to conduct gender impact assessment and make recommendations for gender inclusion in the laws and policies.

The Government needs to strengthen its mechanism for enforcement of laws and policies related to migrant domestic workers, especially to the labour sending enterprises. DoLAB needs to work closely with provincial labour authorities to examine, check and license as well as withdraw licenses and impose fines on the labour sending enterprises which engage in cheating migrant workers about wrong working conditions overseas, brokerage fees, quality, quantity, forms of training for migrant domestic workers prior to their departures.

As currently, the available data on migrant workers have not been fully disaggregated by sex, types of occupations, level of wages, country of destination, places of origin, in the amendment of laws and policies related to overseas migrant workers, it is DoLAB (MoLISA) to regulate the sex disaggregation by types of occupations, level of wages, country of destination, place of origin. Sex disaggregation in data management will enable Vietnam's labour authorities to better manage different groups of overseas migrant workers and to serve as input for gender analyses and law/policy assessments.

In review of the Law on Vietnamese workers working overseas under contract, Vietnam needs to add more policies and measures to manage and support returning migrant workers, especially domestic ones. Viet Nam can consider the engagement of CSOs, NGOs, enterprises operating in domestic work services and other social partners in promoting job creation and connection for this type of workers.

For the amendment of Bilateral Developments between Vietnam and Taiwan, Viet Nam and Saudi Arabia:

The Government of Viet Nam needs to undergo a review on bilateral developments with Taiwan and Saudi Arabia as well as other countries as receiving destinations of Vietnamese domestic workers to include fundamental regulations as regulated in ILO Convention No. 189 on Domestic Workers. In particular,

The Bilateral Agreement on Sending and Receiving Vietnamese Labourers to Taiwan is essential to: (i) include regulations on Vietnamese migrant workers; (ii) mainstream gender equality issues. Moreover, Vietnam should carry further work efforts with Taiwan to remove the ban on Vietnamese migrant house workers in Taiwan to enable job opportunities for Vietnamese poor, rural, ethnic minority women to work in Taiwan. In order to prevent Vietnamese overstayed and illegal migrant house workers in Taiwan, Viet Nam needs to map out strong measures such as the fine applied to the families of migrant domestic workers with a significant amount of money if they overstay and flee from contracted employers to work for others.

For the MOU between Viet Nam and Saudi Arabia, Viet Nam needs to detail the regulations either through reviewing the MOU or issuing a national legal regulation (at Decree, Decision or Circular levels) to detail the regulations of MOU and guide the labour sending enterprises to follow and implement those regulations). At the moment, the Official Document No.4644/LDTBXH-QLLDNN does not impose sufficient legal effects on the enterprises to comply with it though this Document provides for and aims to regulate well basic rights of migrant domestic workers. In addition, the MOU needs to have a regulation on "non-discrimination" and "gender equality" principle to strengthen further the rights of Vietnamese migrant domestic workers.

To DoLAB in managing and assisting migrant domestic workers:

- For orientation education, pre-departure training and preparation for migrant domestic workers, there should be more training contents tailored specifically for female domestic workers. Attention needs to be paid to differences in customs and occupational characteristics of the host countries. At the same time, the training program need to incorporate prevention measures and how to report and find support when domestic workers are abused or exploited in the overseas working setting.
- Encouraging labour sending enterprises to select "best" returning migrant domestic workers to become key trainers or guest speakers who, through the training courses, will pass down necessary knowledge, foreign language, domestic skills, customs and cultures, etc. of the host countries.

- Monitoring and evaluating the effectiveness of training courses for migrant domestic workers; ensuring that the training programs and contents are conducted in alignment with regulated training sessions, contents and required time/hours.
- Supervising and monitoring how the brokerage fee is used in a transparent way, particularly in clarifying of description of the brokerage fee paid by employers to labour brokers in Saudi Arabian market in accordance with the regulations of the Law No. 72/2006. MoLISA and Ministry of Finance (Viet Nam) should consider setting ceiling for brokerage fees, management and use of the brokerage fees to ensure that migrant workers can benefit equally and ease from undertaking heavy or abundant brokerage fees.
- Reviewing and re-negotiating with the host countries on the minimum wage for Vietnamese migrant domestic workers in accordance with the minimum wage level regulated in those host countries.
- Taking strong measures to request labour sending enterprises to monitor the number of working hours of migrant domestic workers as well as to negotiate with host countries to regulate the maximum number of working hours as well to spare domestic workers at least one day off per week.
- Taking concrete actions to handle labour sending enterprises/brokers who engage in sending domestic workers overseas to work illegally or attempt cheating by providing incorrect information regarding jobs, working and living conditions in foreign countries.
- Establishing a database on migrant (domestic) workers working abroad under contract to capture the management of both migrating and returning workers. The database needs to be desegregated by age, sex, place of residence, country of destination, pre-migration work type, type of work overseas, educational and qualification level, foreign language capacity, etc. The database would serve as an informative source for development of effective legal documents, policies and programs in support of migrant (domestic) workers. The database should be linked between DoLAB and labour sending enterprises to get labour sending enterprises update about migrant domestic workers.
- Organize training courses to improve knowledge on workers' rights and obligations,

skills to protect themselves for migrant workers, especially for domestic workers; ensuring that all workers are provided with and accessible to available information and contact about Vietnamese embassies and Consulates in the host countries.

- Strengthening the recruitment and training of staff at foreign embassies and consulates as well as DoLAB's staff in the host countries, especially in Saudi Arabia, with knowledge of gender and skills for supporting migrant domestic workers when they are abused and exploited.

To countries of destination (Taiwan and Saudi Arabia):

Taiwan (Ministry of Labour):

Taiwan needs to review its Labour Standard Act and Employment Service act to include specific regulations on the rights and protection measures for foreign migrant domestic workers. Particularly, in the Labour Standard Act, Taiwan needs to regulate the minimum wage level for foreign domestic workers, which is similar and equally applicable to other types of labourers and local workers in Taiwan.

It is essential for Taiwan to promote the quick review of the Draft Domestic Workers Protection Act and ratification as soon as possible.

Taiwan needs to increase the number of labour inspectors to meet the needs of labour inspections. Labour inspectors need to be trained and familiarized with gender knowledge and with a significant number of female ones to perform inspections on the employers who employ migrant domestic workers;

Taiwan needs to cooperate with Viet Nam to review the Bilateral Agreement on Sending and Receiving Vietnamese migrant workers to work in Taiwan for inclusion of the regulations on female migrant workers as well as their rights, responsibilities and working conditions.

Taiwan should consider lifting the ban on Vietnamese migrant house workers to enable them to be working in Taiwan.

Kingdom of Saudi Arabia (Ministry of Labour):

Saudi Arabia needs to consider ratifying international conventions on human and labour rights related to migrant domestic workers, especially the ILO Convention No. 97, No. 143 and No. 189, No. 98 and No. 87 to protect the

rights of migrant domestic workers working in the country.

Saudi Arabia can consider reviewing its Labour Law (2006) to include the regulations on foreign domestic workers (wages, working time, occupational health and safety, social security, special conditions for women in the workforce, etc.)

In the Regulation pursuant to the Article 7 of the Labour Law, Saudi Arabia needs to regulate the maximum working hours of domestic workers (which can be from 8 – 10 hours) to narrow the gap in working hours with other types of workers in Saudi Arabia.

It is urgent to recommend to Saudi Arabia to loosen its regulation on visa sponsorship in its Kalafa system. Saudi Arabia needs to remove the power that is vested in employers to control workers' movement and confiscate their passports and other personal documents (medical care card, signed labour contracts, visa, etc.)

Saudi Arabia also needs to take measures to adopt stronger enforcement of related laws and policies on migrant domestic workers, through cooperating with Viet Nam and other sending labour countries, to control labour sending enterprises and agencies located in Saudi Arabia.

It is essential for Saudi Arabia to cooperate with Viet Nam in the amendment of the current MOU to make it more gender-responsive and include further detailed points to protect the rights of Vietnamese migrant domestic workers.

Increasing the recruitment age for Vietnamese migrant domestic workers up to 55 years old because returning migrant workers in our KIIs shared that at that age, they still can work.

To Vietnamese migrant domestic workers

Migrant domestic workers should study carefully migration and overseas job information and in details prior to their migration. It is important for them to understand the difficulties and constraints that they may face during their work overseas to make a right decision on migration;

Migrant domestic workers need to seek and read as much as possible about the culture,

customs, lifestyles, climate, etc. of the host countries. They can seek helps from their peers' social networking sites, connecting with returning domestic migrant workers to learn and share experiences, seeking support and advice from labour sending enterprises and DoLAB prior to and during their migration.

They need to learn by themselves and get equipped of the laws and policies related to them in both sending and receiving countries. They should be enabled and able to consult with DoLAB and labour sending enterprises about those documents.



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V. ANNEXS

V.1. ANNEX 1. A BRIEF PROFILE OF KEY INFORMANT INTERVIEW PARTICIPANTS (RETURNING MIGRANT DOMESTIC WORKERS FROM TAIWAN AND SAUDI ARABIA)

Participants of 10 KIIs in this research are returning migrant workers from:

- Taiwan (5 workers);
- Saudi Arabia (5 workers).

Age: They are mainly in the middle age (from 35 - 55 years). However, there are two young women aged from 28 - 30 years old.

Status: All KII participants have returned from Saudi Arabia and Taiwan within two recent years (2015 - 2017).

Origins: They come from rural areas of Ha Noi Capital, HaiPhong, Thai Nguyen, Hai Duong and Thanh Hoa provinces.

Common characteristics: Poor and divorced/separated/widowed women.

After returning from home: Most of them are unemployed and hope to find suitable jobs (even as domestic workers in Viet Nam).

V.2. ANNEX 2. LIST OF LEGAL DOCUMENTS DETAILING THE IMPLEMENTATION OF LAW ON VIETNAMESE WORKING ABROAD UNDER CONTRACT

#	Number of document	Name of document	Year of issuance
1	08/TTLT-BLDTBXH-BTP	Inter-ministry Circular on guiding the contents and liquidation of guaranty contracts for migrant workers working overseas under labour contract by MoLISA & MoJ	11 Jul 2007
2	18/2007/QD-LDTBXH	Decision approving the program on essential knowledge provision for migrant workers prior their departure	18 Jul 2007
3	19/2007/QD-LDTBXH	Decision issuing the Regulations on national machinery for management and essential knowledge provision for migrant workers working overseas under labour contracts of MoLISA	18 Jul 2007
4	126/2007/ND-CP	Decree detailing and guiding the implementation of Law on Vietnamese Working Abroad under Labour Contracts	1 Aug 2007
5	20/2007/QD-LDTBXH	Decision detailing the issuance of essential knowledge provision certificate for migrant workers prior their departure by MoLISA	2 Aug 2007
6	144/2007/QD-TTg	Decision regulating the Establishment, Management, and Usage of Fund for Overseas Employment by the Prime Minister	31 Aug 2007
7	16/2007/TTLT-BLDTBXH-BTC	Inter-ministry Circular guiding brokerage fees and services in sending Vietnamese workers Abroad to work under Labour Contracts by MoLISA & MoF	4 Sept 2007
8	17/2007/TTLT-BLDTBXH-NHNNVN	Inter-ministry Circular guiding management and usage of deposits of labour sending enterprises and migrant workers working overseas under Labour Contracts by MoLISA& SBV	4 Sept 2007
9	144/2007/ND-CP	Decree regulating administrative sanctions for violations on sending Vietnamese workers Abroad to work under Labour Contracts	10 Sept 2007
10	21/2007/TT-BLDTBXH	Circular detailing several provisions of Law on Vietnamese workers Abroad to work under Labour Contracts and Decree No. 126/2007/ND-CP as stated above	8 Oct 2007
11	61/Q-LDTBXH	Decision detailing the brokerage fee amount paid by migrant workers to Labour sending enterprises	12 Aug 2008
12	11/2008/TTLT-BLDTBXH-BTC	Inter-ministry Circular guiding management and usage of the Fund for Overseas Employment by MoLISA & MoF	21 Jul 2008
13	71/2009/QD-TTg	Decision Approving the Master Plan on Support for Poor Districts to promote labour export for sustainable poverty reduction 2009 - 2020 by the Prime Minister	29 Apr 2009
14	31/TTLT-BLDTBXH-BTC	Inter-ministry Circular guiding the Implementation of several contents of the Decision No.71/2009/QD-TTg as stated above by MoLISA & MoF	9 Sept 2009

15	01/2010/TTLT - TANCTC - BLDTBXH - VKSNDTC	Inter-ministry Circular guiding the application of several legal regulations related to dispute settlement of guaranty contracts for migrant workers working overseas under labour contract at the People's Court by the People's Supreme Court, MoLISA and the People's Supreme Procuracy	18 May 2010
16	22/2013/TT-LDTBXH	Circular regulating samples and contents of labour supply contracts and contracts of sending labourers to work abroad	15 Oct 2013
17	09/2016/TTLT-BLDTBXH-BTC	Inter-ministry Circular guiding support for migrant workers working Abroad under labour contracts to implement the Decree No. 61/2015/ND-CP dated 9 July 2015 of the Government regulating the supportive policy for job creation and National Fund for Employment	15 Jun 2016

Source: A self-documentation by the author from different sources, Hanoi, 2017



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