

## **AMCB Submission to the LegCo on Provision of Support for FDW Victims or Witnesses of Violence in A Domestic Setting**

The Asian Migrants Coordinating Body (AMCB) is a multinational network of migrant workers' organizations in Hong Kong that advocates for better laws and policies for all foreign domestic workers (FDWs) in the territory.

Recently, it has come to our attention that a proposal has been put forth in the HK Legislative Council that desires for protection of FDWs that have been subjected to violence by their employers, or have been witnesses to such cases. The following is our members' common position on the matter, as requested also by the Legislative Council.

1. AMCB believes that any proposal by the government to provide social welfare coverage to distressed FDWs is a step in the right direction, and something that should have been done since the start of Hong Kong's migrant worker programme. FDWs are part of the Hong Kong community and perform an indispensable role in the economy and society, deserving like all other members of the community a share in essential social services that are part of the mandated functions of the government.

2. Currently, policies for social services provisions for FDWs in Hong Kong lean towards discrimination and social exclusion, particularly in the area of health care and access to redress. This is especially true for victims of abuse who have filed cases against their employers, as they are automatically excluded from coverage of medical benefits in public hospitals as a time when it is most needed. The two-week rule and the consequent non-eligibility to the Right of Abode further deprives them of any established mechanism for social support that other members of the Hong Kong community currently enjoy.

3. The highly-privatized nature of social support in Hong Kong places FDWs, who are at the bottom rung of the income ladder, generally places FDWs in an economically vulnerable position. This becomes even more severe when they are displaced by untimely terminations of their contracts. Not only can they not send money to their families back home, but they also have to find means to subsidize their personal and legal expenses. The HK Immigration Department also charges a fee of HK\$190 whenever FDWs with pending cases extend their visa, and most of them only get 2-3 weeks extension each time.

Without the support of charitable institutions, it is very difficult for them to claim their rights and pursue justice. While a long-term solution to FDW's low economic status is a substantial wage increase to all FDWs, extending social services to distressed FDWs will help reduce their economic vulnerability and promote their availment of existing justice mechanisms.

4. On the other hand, the principal reason why foreign domestic workers have no choice but to rely on charitable institutions for temporary support while pursuing their cases is the HK Immigration Department's New Conditions of Stay (or "two-week rule"), which prohibits domestic workers to work legally while cases are ongoing. Due to this regulation, distressed FDWs become unemployed and stay in temporary shelters for 2 months to 1 year (or even longer in some instances) whenever they pursue their cases. Only after the final decision of the courts are they allowed to find new jobs and work legally again.

5. Generally, there is an urgent need to expand the social welfare budget of Hong Kong so as to include all marginalized sectors in the provision of essential services. Enacting socially inclusive policies without augmenting the public fund for social services will merely create unwarranted competition and animosity between sectors within the Hong Kong community, and fan the xenophobia that already exists to some extent among the local populace.

Therefore, our recommendations to the Legislative Committee on the issue at hand may be summarized thus:

*1) Enact policies and laws that provide financial, logistical and legal support to victims and witnesses of violence against FDWs in Hong Kong.*

*2) Increase Hong Kong's budgetary allocation for social welfare services to include all marginalized sectors of the community.*

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