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News Desks

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**15 March 2016: New Justice Centre Hong Kong report “Coming Clean” estimates that 1 in 6 migrant domestic workers (MDWs) in Hong Kong are in forced labour**

A study released today by Justice Centre Hong Kong has for the first time estimated the prevalence of forced labour and trafficking for the purpose of forced labour amongst MDWs in Hong Kong.

**The study finds:**

-17% of migrant domestic workers (MDWs) – 1 in 6 surveyed – display all the indicators required to be counted in forced labour. Extrapolated to the general population of 336,600 registered MDWs in Hong Kong, this is equivalent to over 50,000 MDWs in the HKSAR territory who may be in forced labour.

-Of those in forced labour, the study finds that 14.0% – 1 in 7 of those in forced labour – have been trafficked into it – showing forced labour in both their recruitment and working life in Hong Kong.

-66.3% of MDWs surveyed show strong signs of exploitation but are not in forced labour. 11.3% show medium signs of exploitation. Only 5.4% of MDWs surveyed did not show any signs of exploitation.

**Who is most vulnerable?**

-MDWs with excessive recruitment debt (debt burden that equivalent to or exceeding 30% of their annual income) are 6 times more likely to be in forced labour than MDWs with lower debt levels.

-MDWs on their first contract are 2.7 times more likely to be in forced labour than MDWs with previous working experience in Hong Kong.

-MDWs from Indonesia are 70.5% more likely to be in forced labour than MDWs from other countries of origin.

-MDWs younger than 30 are 52.8% more likely to be in forced labour than those older than 30; MDWs less than 24 years are 15 times more likely.

### **Other significant findings**

-The average working hours among all respondents was more than 70 hours a week.

-Over one-third of all respondents were not given a full 24-hour rest period as per the requirements under Hong Kong law.

-35.1% of all respondents had debt-to-income ratios equal to or in excess of 30% of their reported annual income.

-39.3% of all respondents do not have their own room to sleep in, 35.2% share a room with a child or the elderly and 2% sleep in a kitchen or communal living space.

### **How were the estimates derived?**

The findings were based on a street-intercept, closed-ended 114-question questionnaire with over 1,000 MDWs from eight countries of origin, currently working in Hong Kong. MDWs were surveyed in several locations across HKSAR. The survey examined recruitment practices, debt, salary, working hours, food, working and living conditions, treatment by their employer and other issues.

Justice Centre commissioned a leading market research and insights company to conduct the survey. Five qualitative focus groups were then conducted with NGOs, trade unions and migrant rights groups to discuss and validate key findings.

The responses to the survey were then analysed against indicators of forced labour, according to a measurement framework based on the 2012 International Labour Organisation's *Hard to See, Harder to Count* guidelines, adapted to the Hong Kong context.

### **A call for action**

Victoria Wisniewski Otero, co-author of the report and Advocacy and Campaigns Manager at Justice Centre Hong Kong, stated:

*Forced labour does not always involve physical violence; there are many tools of coercion and deception.*

*The findings show that many MDWs' rights – as workers and human beings – are not being respected and protected. Varying degrees of exploitation – from minor labour offences to forced labour – are all too commonplace.*

*Forced labour is not only about the employee-employer relationship. In fact, our study shows that excessive recruitment debt was the biggest predictor of whether someone would be vulnerable to forced labour.*

*Unscrupulous recruitment and placement agencies, brokers and moneylenders, have a huge role to play, and lack of adequate regulation and of stiffer penalties on these agencies that overcharge is having a detrimental human rights impact on MDWs.*

Piya Muqit, Executive Director of Justice Centre, called on the Hong Kong Government to take action to address the underlying issues behind the problems identified in the report:

*“The survey findings provide much-needed evidence to push for policy and legislative change around forced labour, human trafficking and domestic worker rights in Hong Kong. Hong Kong must come clean and acknowledge these problems; it can no longer afford to simply sweep them under the carpet.*

*The study shows that forced labour and human trafficking can happen even in a place like Hong Kong. Current regulations can actually increase the vulnerability of workers to exploitation, and victims face very real barriers in seeking assistance and justice.*

*We urge the Hong Kong authorities to deepen their collaboration with sending country governments, and also to work closely with civil society; these are often the actors that first come into contact with victims of forced labour and human trafficking, and provide initial assistance.*

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**Notes to the editor:**

**To find a copy of the main report and related materials, please visit: [www.justicecentre.org.hk/comingclean](http://www.justicecentre.org.hk/comingclean)**

Hong Kong has one of the highest densities of migrant domestic workers in the world, and MDWs play a crucial role in Hong Kong’s economy and society. One in three households with children in Hong Kong employs a MDW. They comprise 4.4% of the total population in Hong Kong and 10% of the total working population – 98.5% are women.

Currently, the HKSAR has no comprehensive legislation to prohibit human trafficking in all its forms, including for the purpose of forced labour, or laws to prohibit forced labour as a standalone offence.

In the past few years, Hong Kong has been faced with a number of high-profile incidences of abuse against MDWs, most notably the much-publicised cases of Erwiana Sulistyarningsih, Kartika Puspitasari and Elis Kurniasih.

HKSAR has ranked at Tier 2 for eight consecutive years in the US Trafficking in Persons Report. Recently, the UN Committee against Torture raised concerns about forced labour among migrant domestic workers in its review of Hong Kong last year.

The Hong Kong Government, in response to international criticism, often denies that it is a source, transit or destination area for human trafficking and forced labour.

Forced labour is defined in the ILO Forced Labour Convention, 1930 (No. 29) as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily.

### **About Justice Centre Hong Kong**

Justice Centre Hong Kong is a non-profit human rights organisation working fearlessly to protect the rights of Hong Kong's most vulnerable people: refugees, other people seeking protection, survivors of torture, human trafficking and forced labour. Launched in 2014, Justice Centre was formerly the Hong Kong Refugee Advice Centre (HKRAC), which over seven years helped more than 2,000 refugee men, women and children on the road to a new life.

**#HKcomingclean**