

**Beyond agency and rights: capability, migration and  
livelihood in Filipina experiences of domestic work in  
Paris and Hong Kong**

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## List of Acronyms

AMC	Asian Migrant Centre
ASMCB	Asian Migrant Coordinating Body
APWLD	Asia Pacific Forum on Women, Law and Development
APMM	Asia Pacific Mission for Migrants
CA	Capability Approach
CAA	Capable Agency Approach
CCEM	Comité Contre L'esclavage Modern
EU	European Union
FDH	Foreign Domestic Helper
FDW	Foreign Domestic Worker
FMWU	Filipino Migrant Workers Union
FODW	Filipina Overseas Domestic Worker
HK	Hong Kong
HKLD	Hong Kong Labour Department
HKSAR	Hong Kong Special Administrative Region
ICMR	United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
MDW	Migrant Domestic Worker
MFMW	Mission for (Filipino) Migrant Workers in Hong Kong
NCS	New Condition of Stay
NGO	Non-government organization
NIC	Newly industrializing country
ODW	Overseas Domestic Worker
POEA	Philippine Overseas Employment Administration
PWC	Philippine Women Centre
RESPECT	Rights, Equality, Solidarity, Power, Europe, Cooperation, Today (migrant domestic workers' network in Western Europe)
TNCs	Transnational Corporations
UNDP	United Nations Development Programme
UNIFIL	United Filipinos in Hong Kong

## **Abstract**

More and more women from poor areas of the world are migrating to rich countries for domestic work. Given the increasing published research on their exploitation and 'slavery,' much policy action has been oriented towards their protection as victims. Far from protecting the livelihood needs of these migrant workers, however, this victim-based approach has instead resulted in legitimising the protection of rich countries' borders. An emerging perspective underscoring migrant women's agency is producing a counter-approach that fights for migrant workers' rights: not as victims but as workers. Yet despite this important development in research and policy agendas, increasing inequality in the global economy and stringent immigration policies render a rights-based approach ineffective. From poor countries, and with very limited livelihood options, these migrant women choose overseas domestic work often at the expense of their human rights. As migrants, they are outsiders whose rights are superseded by the rights of the sovereign, receiving-state.

How is it possible then, to protect the rights of these workers? This thesis employs Amartya Sen and Martha Nussbaum's Capability Approach to evaluate the efficacy of these women's agency in overcoming victimisation. This evaluation gives equal consideration to the victim and rights-based perspectives. It synthesises the Capability Approach with Anthony Giddens' Structuration Theory in order to reconcile the polarised theories underlying the victim and rights-based perspectives - feminist structural theory and migration agency theory, respectively. In so doing, the study is able to refine the conceptualisation of agency from the highly ambiguous rights-based approach, to a more theoretically sound and feasible capability approach. The main hypothesis is that agency requires capability to successfully mediate victimisation; agency in itself is insufficient. The study draws on the experiences of Filipina overseas domestic workers in Paris and Hong Kong to test this hypothesis, and demonstrates how it is 'capability' that can turn the 'slave' into 'the worker', and protect 'the worker' from turning into a 'slave.'

## Declaration

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.



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