

**Transnational Governance and Migrant Domestic Workers:
Examining the Role of State and International Organisations in
Protecting Indian Migrant Domestic Workers in the Middle East**

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Abstract

Migrant labour stands as a cornerstone of the global economy, providing vital support to various industries and segments across globe. In 2019, the ILO assessed that globally there were 169 million international migrant workers, accounting for nearly 5 percent of the global workforce, of which 42 percent were women. In recent years, the spotlight has increasingly turned to the plight of migrant domestic workers. Most of them face abusive working conditions, lack access to fundamental socio-economic and labour rights and are exposed to sexual and gender-based discrimination and violence. Over a significant period a massive number of Indian domestic workers have travelled to countries in the Gulf region, South East Asia and sporadically even to countries in Europe and North America- reported by National Domestic Workers Movement (NDWM). Despite their significant contributions to global economies, migrant domestic workers often encounter various forms of exploitation and vulnerability, especially in Middle East countries, where kafala system is in practice. In this backdrop, the paper delves into the intricate dynamics of transnational governance concerning the safeguard of the migrant domestic workers from India, with a definite focus on the role played by international organizations. Through an analysis of national policies, international frameworks, including those led by prominent organizations such as the International Labour Organization (ILO) and the United Nations (UN),

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this research critically assesses the effectiveness of existing mechanisms in safeguarding the rights of the migrant domestic workers from India. It identifies key gaps and challenges in transnational governance and proposes recommendations to reinforce protection measures and enhance the empowerment of migrant domestic workers. The findings underscore the pressing need for concentrated efforts by countries and international organizations to address systemic issues and ensure dignified treatment and rights of migrant domestic workers from India in the global labour market.

Keywords: *Migrant Domestic Workers, ILO, Transnational Governance, International Organisations, Dignified treatment, Collaborative actions*

I. Introduction

Migrant labour stands as a cornerstone of the global economy, providing vital support to various industries and segments across globe. Millions of individuals leave their home crossing borders of their countries in quest of employment opportunities, often looking for better remunerations, living and working conditions, and improved prospects for themselves and their families. In 2019, the ILO assessed that globally there were 169 million international migrant workers, accounting for nearly 5 percent of the global workforce, of which 42 percent were women.² From construction sites to agricultural fields, from industry labour to domestic services, migrant workers form a crucial part of the workforce, contributing to financial development in both sending and destination countries.

In recent years, the spotlight has increasingly turned to the plight of migrant domestic workers ('MDWs'), a particularly vulnerable segment of the labour force. For this study, MDWs are cross-border migrants who are involved in working in others households as domestic workers. Most of them experience abusive working conditions, lacks fundamental socio-economic and labour

² Business and Labour Migration, International Labour Organisation, (Feb. 09, 2024, 04:12 PM) https://www.ilo.org/empent/areas/business-helpdesk/WCMS_855528/lang-en/index.htm

rights and are prone to sexual and gender-based discrimination and violence.³ MDWs offer crucial services to the destination countries, thereby contributing to the prosperity and sustainability of the countries' (destination countries) welfare and employment systems.⁴ A report of ILO Migration Branch reveals that there are 11.5 million migrant domestic workers globally, which represents around 17.2 percent of a total estimation of 67.1 million domestic workers existing worldwide.⁵ Women accounts for the larger portion of the MDWs force.⁶ Notwithstanding their crucial role in supporting families and economies, migrant domestic workers frequently face exploitation, abuse, and discrimination, often owing to the limited legal protections. This highlights the urgent need for improved measures to safeguard their rights and well-being.

In this backdrop, transnational governance emerges as a critical framework in addressing the multifaceted challenges faced by MDWs. With labour migration spanning across borders and involving multiple stakeholders, including sending and destination countries, international organizations and employers, effective governance mechanisms are indispensable to guarantee the protection of rights of migrant workers and promote fair and ethical labour practices.

Transnational governance refers to the coordination and cooperation among states, international organizations, and non-state actors to address international issues that cross national boundaries. In the context of migrant labour, transnational governance comprehends a range of policies, agreements, and initiatives aimed at regulating labour migration, protecting migrant workers'

³ Elisa Mosler Vidal, Can data help improve migrant domestic workers' lives? Migration Data Portal, (Feb. 10, 2025, 05:12 PM) <https://www.migrationdataportal.org/blog/can-data-help-improve-migrant-domestic-workers-lives>

⁴ Migrant domestic workers, International Labour Organisation, (Feb. 12, 2025, 04:00 PM) <https://www.ilo.org/global/topics/labour-migration/policy-areas/migrant-domestic-workers/lang--en/index.htm>

⁵ Maria Gallotti, ILO Labour Migration Branch, Migrant Domestic Workers Across the World: Global and Regional estimates, Based on the ILO report on "Global estimates on migrant workers (2015)", International Labour Organisation (Feb. 12, 2025, 04:15 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf.

⁶ *Ibid.*

rights, and promoting their socio-economic integration. This includes the development and application of international labour standards (ILS), bilateral and multilateral agreements on labour migration advocating for migrant workers' rights.

This research seeks to examine the role of transnational governance in protecting migrant domestic workers, with a specific focus on individuals from India working in the Middle East. India has long been a chief sending country for migrant labour, with millions of its citizens seeking employment opportunities abroad, including in domestic work. The Middle East, in particular, has emerged as a significant destination region for Indian migrant domestic workers, drawn by the demand for household services and the promise of higher wages.

The predominant research question concerning this study is: How effective are transnational governance mechanisms in safeguarding migrant domestic workers from India in the Middle East? To address this question, the following objectives will be pursued:

1. To analyze the legal frameworks and policies governing migrant domestic work in India and the relevant international instruments.
2. To study the role of international organizations, such as, the International Labour Organization (ILO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in shaping transnational governance related to migrant domestic work.
3. To assess the impact of transnational initiatives and agreements on protecting the rights and well-being of Indian migrant domestic workers in the Gulf countries (Middle East countries).
4. To identify challenges and opportunities for strengthening transnational governance mechanisms to better support migrant domestic workers from India.

By addressing these objectives, this research aims to contribute to a deeper conceptualisation of the dynamics of transnational governance in the context of migrant domestic work and provide insights into strategies for enhancing the protection of migrant workers' rights in the Middle East and beyond.

II. Contextual Analysis: Migrant Domestic Workers from India

Migrant domestic workers from India constitute a substantial portion of the global workforce, predominantly in regions such as the Middle East, Southeast Asia, and parts of Europe. These individuals, chiefly women, leave their homes and families behind to seek employment opportunities as domestic workers in foreign countries. Over a significant number of years a huge number of Indian domestic workers have travelled to Middle East countries in the Gulf region, South East Asia and occasionally to the European countries and North America-reported by National Domestic Workers Movement (NDWM).⁷ The study indicates that in Kerala, the primary motivation for women, especially widows and single mothers, to work abroad as domestic workers is the need for money to meet current necessities. As per reports of Ministry of External Affairs conducted in 2019, the top five states sending domestic working women were Kerala, Karnataka, Tamil Nadu, Telangana and Maharashtra and the countries where the domestic workers are usually destined are UAE, Oman, Kuwait, Saudi Arabia and Bahrain.⁸ One major emigration route is from Kerala in Southern India to Arab countries, while another important route is internal, from Jharkhand to New Delhi.⁹ The study discloses that in Kerala, the need for money to meet present day requirement is the chief push factor for women, predominantly widows and single mothers to travel abroad as domestic workers. Mostly the domestic workers decide to migrate owing to economic necessity, as they seek to sustain themselves and their families. However, their journey is tense with challenges, including exploitative working conditions, limited legal protections, and social isolation.

A. Demographic Profile and Working Conditions

Indian migrant domestic workers represent an assorted group, hailing from various regions, socio-economic backgrounds, and educational levels. Many come from rural areas or economically disadvantaged urban communities,

⁷ Women in International Migration: A Case of Domestic Workers from India, ICM New Delhi, Indian Council of World Affairs, Sapru House, New Delhi (Mar. 25, 2025, 10:00 AM),

https://www.icwa.in/show_content.php?lang=1&level=3&ls_id=8292&lid=5463

⁸ *Ibid.*

⁹ Indispensable yet Unprotected, International Labour Organisation, (1st ed. 2015)."

where openings for employment in formal sector are scarce. As a result, the demand for domestic work abroad offers them a means to earn higher wages and improve their standard of living. Domestic work is the largest sector attracting international female worker migration.¹⁰ In Kerala, most of the migrant workers are dependent on agents to simplify the process of migration and pay them hefty amounts as service charges.¹¹ The large majority of these women are unaware of official emigration requirements and many unintentionally become illegal migrants.

Domestic work is predominantly dominated by women. The women constitute over 81% of national domestic workforce and 73% of migrant domestic workforce globally.¹² Over 100 million, mostly migrant women work in someone else's house.¹³ However, there are variations in different regions, suggesting that domestic work also serves as an entry point into receiving countries' labour markets for migrant men, especially in regions with policies facilitating regular migration channels in this sector. For instance, research by the International Labour Organization (ILO) in Italy indicates that when migration quotas permit entry and residence permits specifically for domestic work, this option becomes appealing to a considerable number of migrant men.

On the other hand, there are certain pull factors that plays a role in attracting labours to migrate and join the domestic workforce. Studies show that unlike many other regions of the world, the growth in need for domestic workers in the Arab States is partly owing to demographic factors, such as the aging

¹⁰ Towards Safe Migration for Aspiring Women Domestic Workers, Asia and the Pacific (Dec. 12, 2024, 08:00 AM) <https://asiapacific.unwomen.org/en/countries/india/migration/women-domestic-workers>

¹¹ Maria Gallotti, ILO Labour Migration Branch, Migrant Domestic Workers Across the World: Global and Regional estimates, Based on the ILO report on "Global estimates on migrant workers (2015)", International Labour Organisation (Apr. 12, 2025, 04:15 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf.

¹² *Ibid.*

¹³ Migrant domestic workers in the Gulf: Trafficking and forced labour (Documentary), (Mar. 12, 2025, 08:10 AM) <https://www.youtube.com/watch?v=uYSMFYzTla8>.

population and increasing labour market involvement of national women.¹⁴ In these countries, on the other hand, the demand is also driven by rising wealth, improved living standards, and socio-cultural traditions. It is common for a household to employ numerous domestic workers to perform various works, including cleaning, cooking, driving, guarding, and gardening.

Globally, the increase in demand for domestic workers in the Arab States is partly owing to demographic factors, such as the aging population and augmented labour market participation of women. In these countries, the demand is primarily driven by rising wealth, improved living standards, and socio-cultural traditions. It is usual for households to hire multiple domestic helpers to perform various tasks, including cleaning, cooking, driving, guarding, and gardening.

In terms of working conditions, Indian migrant domestic workers every so often find themselves in precarious and exploitative situations. They are mainly employed in private households, where they perform a wide range of tasks, including cleaning, cooking, childcare, and elderly care. Despite the essential nature of their work, they are often undervalued and subjected to long hours, low wages, and inadequate living conditions. Many of these migrant domestic workers are not covered by the labour laws or social security schemes, neither they can form or join trade union. Moreover, migrant domestics face numerous kinds of abuses and exploitations,¹⁵ including verbal, physical, and sexual abuse, as well as restrictions on their freedom of movement and communication, which often goes unnoticed.¹⁶ Many are secluded from their spouse, children, relatives and communities, with limited access to support networks or avenues for recourse in cases of abuse or mistreatment.

¹⁴ Maria Gallotti, ILO Labour Migration Branch, Migrant Domestic Workers Across the World: Global and Regional estimates, Based on the ILO report on “Global estimates on migrant workers (2015)”, International Labour Organisation (Apr. 12, 2025, 04:15 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf.

¹⁵ Migrant domestic workers in the Gulf: Trafficking and forced labour (Documentary), (Apr. 22, 2025, 08:10 AM) <https://www.youtube.com/watch?v=uYSMFYzTla8>.

¹⁶ *Ibid.*

Furthermore, the *kafala or sponsorship system*, prevalent in many Middle Eastern countries, ties migrant workers' legal status to their employers, creating a power imbalance and dependency that can be exploited by unscrupulous employers.¹⁷ In a documentary by International Trade Union Confederation (ITUC), the vulnerable condition of migrant domestic workers was depicted. A woman from Kerala was taken to Kuwait promising her a decent job of cleaning and sweeping at hospital. After she was taken there, she was asked to do domestic work. The people at the agency office took her passport. Thereafter an Arab man came in to take her and also the man took her passport from the agency. In lieu of that the man gave 30 Dinar to the agent. This was actually the sale of the domestic worker for servitude, where she has no option to return home and depend totally upon the wish and whims of the employer. She was working at the private household of the Arab man, where she was heinously tortured. The woman of the house mistreated her, the children used to hit her. She was not allowed to have food and could sleep only after 2 am at night. When the employers used to go on holidays, the domestic worker was locked inside the house. She was never allowed to contact her family. Once the poor worker was also threatened by the Arab employer that even if they kill her, no one would know about, rather it will be portrayed as a car accident and the corpse will be sent back to her home without a 'from' address.¹⁸ By this system the domestic worker stays at the compassion of the sponsor (i.e. employer), for she does not have the right to change her job unless she leaves the country. Additionally, the employer generally takes away her legal documents, suppressing her bargaining power. Under this system, migrant workers may find themselves trapped in abusive employment situations, with limited options for escape or redress.

B. Legal Frameworks and Policies

In India, the legal framework governing migrant labour is complex and fragmented, with regulations spanning across various central and state-level laws, as well as international agreements and conventions. *The Emigration Act of 1983* regulates the recruitment and emigration of Indian workers overseas,

¹⁷ Indispensable yet Unprotected, ILO, 2015.

¹⁸ Migrant domestic workers in the Gulf: Trafficking and forced labour (Documentary), (Apr. 12, 2025, 08:10 AM) <https://www.youtube.com/watch?v=uYSMFYzTla8>.

while the Protector of Emigrants (POE) office oversees the licensing of recruiting agents and the welfare of emigrants.

Moreover, the government in order to protect the vulnerable sections of society, have introduced the concept of EMIGRATION CHECK REQUIRED' (ECR). The workers having less educated qualification, or minors, etc., may be enticed to move overseas under the pretence of a better life and easily be trapped by illegal agents. Moreover, employers in destination country may exploit them and make them work extensively for minimum wages. At times, employers may take hold of their passports and prevent them from returning to their home country.¹⁹ In this light, the stamping ECR was introduced with an objective to ensure employers in certain countries do not take benefit of workers with less educational qualifications and experience. As per the Emigration Act, 1983, if there is an ECR stamp on the passport, it is necessary to get clearance from the Protector of Emigrants (POE) office to travel abroad for work. As per the guidelines of the Ministry of External Affairs, the following 18 countries (Afghanistan, Oman, Bahrain, Qatar, Indonesia, Kingdom of Saudi Arabia, Iraq, Sudan, Jordan, South Sudan, Kuwait, Syria, Lebanon, Thailand, Libya, United Arab Emirates, Malaysia, Yemen) require ECR passport holders and nurses travelling for work to undergo ECR checks.²⁰ Currently, the Government of India permits women with an ECR endorsement (except nurses) of 30 years of age or above to pursue employment opportunities in the ECR countries.²¹ An ECR passport safeguards workers from being exploited in the countries mentioned in the ECNR required list. The Indian Emigration Act issues the ECR so that Indian workers can travel safely to and from their country of employment, and are assured of a healthy, safe, and comfortable passage and work.²² As per report there are 8.54 million Indian workers in 17 Emigration Check Required (ECR) countries worldwide, collectively sending home \$69

¹⁹ What is ECR in Passport? SBI General, (Apr. 20, 2024, 08:00 AM) <https://www.sbigeneral.in/blog-details/what-is-ecr-in-passport>.

²⁰ *Ibid.*

²¹ Women in International Migration: A Case of Domestic Workers from India ICM New Delhi, Indian Council of World Affairs, (Apr. 20, 2024, 08:00 AM) https://www.icwa.in/show_content.php?lang=1&level=3&ls_id=8292&lid=5463

²² What is ECNR/Non-ECR in Passport: Meaning, Documents and Eligibility, ACKO, (Apr. 21, 2024, 08:00 AM) <https://www.acko.com/travel-tips/ecnr-in-passport/>

billion each year, which accounts for 3% of India's GDP.²³ According to the Ministry of External Affairs, 40% of these remittances originate from Gulf Cooperation Council (GCC) countries. However, many workers face mistreatment from unscrupulous recruitment agents. To address this issue, a *model work contract* is being developed and competitive labour agreements are being exchanged with ECR countries to safeguard Indian workers.²⁴

Further, the (retd.) General of Minister of State for External Affairs mentioned that an *e-migrate system* has been operational for the last 18 months, recording details of those traveling to ECR countries. A significant issue was highlighted: *“The problem is that this data will remain incomplete because a large number of people go through devious routes. Neither we nor our consulates know about them. Until they get into trouble, they do not approach us. We are addressing the lacunae.”*²⁵

A report by Amnesty International titled “My Sleep is my Break” probes into the plight of migrant women working as domestic helper in Qatar. The research highlights that the exploitation of these workers is a global issue—where the families may punish expatriate employees for merely seeking fair compensation for gruelling work.²⁶ This is a problem deeply rooted in Qatar, more or less in most of the Middle East countries. As per several reports in the media, certain digital applications have been used for imploring the services of domestic workers for Kuwait.²⁷ The matter was questioned before the GOI, Ministry of External Affairs (MEA), that how Indian workers are being treated there. Their contention was the apps used to sell domestic helps in Kuwait results into a modern-day slave trade. What is the plan of action by the Government to protect Indian women who are working in Gulf countries to save from such abuse? This also raises serious concern for trafficking of women from India.

²³ Sharath Srivatsa, Other States beat Kerala in emigration to Gulf, The Hindu, (May. 03, 2025, 08:10 AM) <https://www.thehindu.com/news/national/Other-States-beat-Kerala-in-emigration-to-Gulf/article17014350.ece>

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Shilpa Jain, Migrant Labour Rights in The Gulf, PL (HR) July (2015) p. 81.

²⁷ Question No.1584 Indian Domestic Helps Abroad (2019), Ministry of External Affairs, (May 09, 2025, 04:10 PM) https://www.mea.gov.in/lok-sabha.htm?dtl/32106/question_no1584_indian_domestic_helps_abroad

The MEA ensured a positive response from Government of Kuwait to take necessary action against such application as well as similar other websites. The GOI's mission is also in touch with the Kuwait authorities to protect Indian workers from use of such applications in Kuwait.

According to the government-established process, if a foreign employer wants to recruit Indian female workers with ECR passports with the aid of Indian Recruiting Agents for employment in any of the ECR countries, they must involve one of the state-run Recruiting Agencies. Presently, there are nine such agencies: NORKA Roots and Overseas Development and Employment Promotion Consultants (ODEPC) in Kerala, Overseas Manpower Corporation Ltd. (OMCL) in Tamil Nadu, Uttar Pradesh Financial Corporation (UPFC) in Uttar Pradesh, Overseas Manpower Company Andhra Pradesh Limited (OMCAP) in Andhra Pradesh, Telangana Overseas Manpower Company Limited (TOMCOM) in Telangana, and three agencies in Karnataka—Karnataka State Unorganised Workers Social Security Board (KUWSSB), Karnataka Vocational Training & Skill Development Corporation (KVTSDC), and another unnamed agency. Moreover, foreign employers are required to deposit an amount as bank guarantee which is equivalent to \$2,500 for each woman worker recruited directly with the respective Indian mission. Embassy attestation is compulsory for the direct recruitment of all ECR passport-holding women workers in all ECR countries.²⁸

In *Lawyers Beyond Borders (LBB) India, represented by Adv. Subhash Chandran. K.R. v. Union of India, through its Secretary and Others*²⁹ a writ petition was filed by an international network of legal experts, namely, Lawyers Beyond Borders in the nature of a PIL, advocating for the migrant workers' rights. The major suffering of the Indian migrants in destination countries during the Covid-19 pandemic was put forward in this case. With the support of the Government's scheme of repatriation a huge number of workers were brought back home. However, the majority of those workers are returning empty-handed and are prone to debt-bondage. Moreover, it was highlighted that, during the mass repatriation owing to COVID-19, there was a lack of

²⁸ *Ibid.*

²⁹ *Lawyers Beyond Borders (LBB) India, represented by Adv. Subhash Chandran. K.R. v. Union of India, through its Secretary and Others*, WP(C). No. 13444 of 2020(S)."

mechanisms both abroad and within India to address the grievances of returnee migrant workers who had not received their dues and other compensations from their employers.

Besides, in the case of *Pravasi Legal Cell, through its President Adv. Jose Abraham v. Union of India, represented by its Secretary and Other*³⁰ it was highlighted that since the pandemic began, hundreds of thousands of migrant workers have been repatriated to India. The situation is particularly severe in Gulf countries, where many Indian emigrants with 15 to 20 years of service were being abruptly terminated from jobs without notice. The writ petition approached the court for issuing the writ of mandamus to provide legal aid to the distressed labourers in this regard. However, in this case the government brought to the notice of the court its several initiatives and schemes which are already in place. Such as engagement of Legal Liaison Officers (LLOs) under the Pravasi Legal Assistance Scheme to provide legal aid to the distressed Malayalee workers facing difficulties abroad, establishment of Indian Community Welfare Fund (ICWF) in 2009 to assist the Overseas Indian Nationals in times of emergencies or to provide legal or financial aid to the Indian females aboard who are cheated, exploited, abused by NRI/PIO or foreign couples, introduction of Pravasi Bharatiya Bima Yojana (PBBY) in 2017 aimed at ensuring settlement of claims and providing insurance. The PBBY scheme specifically includes domestic workers. Additionally, the Government also launched MADAD portal, an online Consular Grievance Monitoring System to provide assistance to Indians working abroad in need. After the petitioners in the cases and also looking at the government initiatives taken so far, the court did not issue any writ and stated that government will take actions whenever required as many mechanisms to address the situation is already present.

C. Challenges Faced by Indian Migrant Domestic Workers

Indian migrant domestic workers confront a myriad of challenges in their pursuit of better opportunities abroad. These challenges include:

³⁰ *Pravasi Legal Cell, through its President Adv. Jose Abraham v. Union of India, represented by its Secretary and Other*, WP(C). No. 14496 of 2020(S).

1. Exploitative Working Conditions: Many migrant domestic workers endure long hours, low wages, and hazardous working conditions, with little recourse for complaints or grievances.

2. Lack of Legal Protections: Inadequate legal frameworks and weak enforcement mechanisms leave migrant workers vulnerable to exploitation and abuse by their employers. Migrant domestic workers are at the junction of two independent countries, which frequently have differing interests and governing frameworks with regard to migrant domestic workers.³¹ Even in India the domestic workers are devoid of legal protection. In *Som Vihar Apartment Owners' Housing Maintenance Society Ltd. v. Workmen*,³² the Apex Court has held that the services provided by a domestic servant, are wholly personal services, thus fall beyond the scope of Industrial Disputes Act, 1947. Similar position has also been reiterated by high courts. The Industrial Disputes (Amendment) Act, 1982 while defining the term 'Industry' did not include domestic workers from its purview. Similarly, in the Arab States, domestic workers are mainly excluded from the labour laws of most countries, except Iraq and Bahrain, which offer partial coverage for these workers.³³

3. Social Isolation: Migrant domestic workers often face isolation and loneliness in foreign countries, with restricted opportunities for social communication or support. They are isolated from other employees, they hardly have admittance to communication devices, like mobile or internet to connect with their families, and have limited scope of movement.³⁴

4. Cultural and Language Barriers: Cultural differences and language barriers can further exacerbate the challenges faced by migrant workers, making it difficult for them to navigate their new environments and assert their rights.

³¹ ILO, Making Decent Work a Reality for Migrant Domestic Workers 5 (2015).

³² *Som Vihar Apartment Owners' Housing Maintenance Society Ltd. v. Workmen*, 9 SCC 655 (2002).

³³ Sophia Kagan, 'Domestic Workers and Employers in the Arab States: Promising Practices and Innovative Models for a Productive Working Relationship' – ILO White Paper (International Labour Organization, Regional Office for Arab States, Beirut) (1st ed. 2017).

³⁴ ILO, Making decent work a reality for migrant domestic workers 6 (2015).

These barriers cause hindrance to access information regarding the laws and sociocultural features of the destination country.

III. International Conventions Protecting the Rights of the Migrant Domestic Workers

A. Universal Declaration of Human Rights, 1948

Protection: The Declaration establishes principles of equality and non-discrimination, providing a foundation for safeguarding the rights of all including migrant domestic workers. However, as a non-binding instrument, its effectiveness in directly protecting these workers may be limited. (Art. 22, 23 – 25, 26)

B. International Covenant on Civil and Political Rights, 1966

It prohibits slavery, forced labour, and ensures due process for expulsion of aliens, which can help protect migrant domestic workers from exploitation and abuse. It obliges the member state to ensure that none is held in slavery or any practice of slave trade is encouraged.³⁵ It further strives to humane treatment of everyone whose liberty is curtailed, as well as it aims to ensure inherent dignity of all.³⁶

C. International Covenant on Economic, Social and Cultural Rights, 1966

Recognizes the right to equal and satisfactory working conditions³⁷, right to livelihood³⁸, fair wages, right to form trade union³⁹ and social security, which are essential for safeguarding the rights of migrant domestic workers. However, enforcement and implementation may vary across countries. (Articles 6 – 11)

D. UN Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW)

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 and entered into force from 1981, aims at promoting women's rights and eliminating discrimination against women in all

³⁵ The International Covenant on Civil and Political Rights, 1966, art. 8

³⁶ *Id.* at art. 10.

³⁷ International Covenant on Economic, Social and Cultural Rights, 1966, art. 7.

³⁸ *Id.* at art. 6.

³⁹ *Id.* at art. 8.

forms. It establishes legal obligations for signatory countries to end discriminatory practices and ensure equality in various spheres of life. It particularly provides for the obligation to eliminate discrimination against women in employment, including migrant women workers.⁴⁰ General recommendations emphasize the equal rights of migrant women workers and recognition of their unremunerated domestic activities. Bahrain, Iraq, Saudi Arabia, Qatar, Kuwait, UAE- all these Middle East countries have ratified this convention.

E. UN Convention on the Rights of the Child, 1989

It sets out the civil, political, economic, social, and cultural rights of children. It provides a framework for ensuring the protection, well-being, and development of all children globally. It recognizes the right of children to be protected from economic exploitation, which indirectly benefits children of migrant domestic workers.

F. UN Convention for the Protection of the Rights of all Migrant Workers and members of their families, 1990

The UN Convention for the Protection of the Rights of all Migrant Workers and members of their families, adopted in 1990, aims to safeguard the rights and dignity of migrant workers and their families. Entered into force July 1, 2003. India is not a signatory to this convention. It provides a holistic approach in protecting the migrant workers against discrimination, exploitation, and abuse, ensuring equal treatment regardless of migration status. The Convention addresses various aspects of migrant workers' rights, including labour rights, social security, access to justice, and family reunification. Only Syria and Egypt from the Middle East have ratified this convention.

Ratifying states under the UN Convention for the Protection of the Rights of all Migrant Workers and members of their families, 1990, commit to several key obligations. These include:

- c) Ensuring that migrant workers and their families enjoy the rights and protections outlined in the Convention without discrimination based on

⁴⁰ The UN Convention on the Elimination of All Forms of Discrimination against Women, 1979, art. 11.

their migration status, race, sex, colour, age, social origin, economic status, place of birth, etc.⁴¹

- d) The term ‘migrant worker’ refers to “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”⁴²
- e) The term ‘members of the family’ refers to persons married to migrant workers as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation.⁴³
- f) Providing adequate information to migrant workers and their families about their rights and obligations under national laws and regulations.
- g) Taking appropriate measures to prevent and combat abuses, exploitation, and trafficking of migrant workers.
- h) Protect right to life of the migrant workers and their families.
- i) Protect them from any sort of torture or cruel, inhuman or degrading treatment⁴⁴ or from forced labour, slavery and servitude.⁴⁵
- j) Ensuring access to justice, including effective remedies and legal assistance, for migrant workers and their families in case of violations of their rights.
- k) Access to various developmental rights like, access to educational institution, vocational guidance, placement services, access to vocational training, housing, social and health services, etc.⁴⁶

General Comment No.1 acknowledges the heightened risk of exploitation and abuse faced by migrant domestic workers, particularly women. Calls for

⁴¹ The UN Convention for the Protection of the Rights of all Migrant Workers and members of their families, 1990, art. 7

⁴² *Id.* at art. 2.

⁴³ *Id.* at art. 4.

⁴⁴ *Id.* at art. 10.

⁴⁵ *Id.* at art. 11.

⁴⁶ *Id.* at art. 43.

addressing the rights of migrant domestic workers within the framework of decent work.

G. UN Convention against Transnational Organized Crime, 2000 and Protocols

The UN Convention against Transnational Organized Crime, adopted in 2000, is a pivotal instrument in combating organized crime worldwide. Significant articles Article 5, which requires states to adopt legislative and other measures to combat organized crime. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea, and Air are integral components, focusing on specific criminal activities. This instrument aims to combat human trafficking and smuggling, which are significant risks for migrant domestic workers.

These conventions and protocols provide important frameworks for protecting the rights of migrant domestic workers, their effectiveness depends on ratification, implementation, and enforcement by member states. Addressing the specific vulnerabilities and challenges faced by migrant domestic workers requires comprehensive legal frameworks, effective enforcement mechanisms, and international cooperation.

H. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Migrants often face discrimination based on race, nationality, religion, ethnic origin, or identity, in addition to xenophobia for being non-nationals. The UN Special Rapporteur on the migrants' rights noted that those who differ in colour, appearance, dress, accent, or religion from the host country's they often suffer violence and rights violations, regardless of their legal status.⁴⁷ This discrimination, which also influences entry into labour market, is prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The ICERD, adopted in 1965 and entered into force in 1969, is a pivotal United Nations treaty aimed at eliminating racial discrimination globally. It commits signatory countries to eliminate racial

⁴⁷ Migration and International Human Rights Law A Practitioners' Guide, International Commission on Jurist (3rd ed. 2021).

discrimination in all its forms and promote understanding among all races. Bahrain, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia and UAE have ratified the convention.

IV. Transnational Governance Structures

Transnational governance structures play a vital role in shaping the landscape of migrant labour governance, facilitating harmonization and cooperation among states through the help of broad guidelines and framework of international organizations. The International Organisation mainly dedicated to the safeguard of the MDW are International Labour Organisation (ILO) and United Nations Entity for Gender Equality and the Empowerment of Women ('UN Women').⁴⁸ This section offers an outline of the key components of transnational governance mechanisms, focusing on the role of ILO and UN Women in advocating for migrant domestic workers' rights, as well as analysing transnational initiatives and agreements aimed at protecting migrant labour.

A. Mechanism of Transnational Governance of International Labour Organizations

The International Labour Organization (ILO) along with is established International Labour standards (ILS) play pivotal roles in migrant labour governance. The ILO, in particular, sets ILS and endorses decent work for all, including migrant workers. ILS serve as essential guidelines that provides a framework for basic principles, articulate rights, obligations and responsibilities of employers and employees, and set forth policy objectives to encourage decent, fair and equitable working condition for labours of all nationalities.⁴⁹ These standards are even more crucial in protecting the rights and well-being of workers globally.

⁴⁸ Jennifer N. Fish, *Domestic Workers of the World Unite! A Global Movement for Dignity and Human Rights*, 102, New York University Press (1st ed. 2017).

⁴⁹ Protecting Migrant Domestic Workers: The international legal framework at a glance, Based on a report elaborated by Elisa Menegatti, ILO, Research Series, (May 10, 2025, 06:00 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_467722.pdf.

There are three main types of international labour standards: Conventions, Protocols, and Recommendations. Conventions are legally binding international treaties that member states may ratify, while Protocols serve as additional instruments often framed and used to amend or implement earlier frameworks. While, recommendations, provide non-binding guidelines for member states to consider.

Few significant conventions of ILO relevant to the rights of MDWs are briefed below along with the supervisory mechanism of ILO:

i. Domestic Workers Convention, 2011 (No. 189)

The International Labour Organization's is dedicated to advancing decent work globally, as outlined in the ILO's Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization. It recognized the vital role of domestic workers in the international economy, as they support the individuals engaged in formal sector with family responsibilities. Despite this, domestic work remains undervalued and largely performed by women and girls, including migrants and disadvantaged individuals, exposing them to discrimination and human rights abuses. This convention is specifically tailored to address the unique needs and challenges faced by domestic workers, including migrant domestic workers. It emphasizes fair treatment, decent working conditions, regular working hours, admittance to social security and protection from abuse and exploitation. Members must ensure domestic workers receive clear, understandable employment terms, preferably in written contracts, compliant with national laws. These terms include employer and worker details, workplace address, start date and duration of contract, job description, payment details, work hours, leave entitlements, provision of food/accommodation, probationary period, repatriation terms, and termination conditions.⁵⁰

Article 8 of the convention specifically deals with the migrant domestic workers. It provides:

1. State laws must ensure that migrant domestic workers get a written job offer or contract, addressing employment terms, before crossing borders for work.

⁵⁰ The Domestic Workers Convention, 2011, art. 7.

2. This does not apply to workers under certain agreements or regional integration areas.
3. Members must cooperate to apply this Convention to migrant domestic workers effectively.
4. Members must outline conditions for repatriating migrant domestic workers upon contract termination, through laws or regulations.⁵¹

Further Article 15 provides for protecting domestic workers, including migrant ones, against abusive practices by private employment agencies. It obliges member states to:

- (a) regulate agency operations per national laws,
- (b) establish complaint investigation mechanisms,
- (c) enact laws penalizing abuses,
- (d) consider agreements to prevent abuse, and
- (e) ensure agency fees aren't deducted from workers' pay.

Consultation with relevant stakeholders is required.

ii. *Migration for Employment Convention (Revised), 1949*

While not specific to domestic workers, this convention ensures the fortification of migrant workers' rights, including those engaged in domestic work. It focuses on ensuring fair treatment at par with local workers in terms of wages, working hours, and social security.

These conventions serve as crucial instruments in safeguarding the rights and well-being of migrant domestic workers, providing them with essential protections and ensuring their fair treatment in their host countries.

These standards are well-settled through a collaborative process involving representatives of governments, employers, and workers at the International Labour Conference, held annually by the International Labour Organization (ILO). Once adopted, member states are required to submit Conventions and Protocols to their legislating authority for ratification. Ratifying countries

⁵¹ *Id. at* Art. 8.

commit to integrate these standards in their state laws and practices and report habitually to the ILO on their implementation.

iii. The Supervisory Mechanism of the ILO

It is accountable for monitoring and guiding the application process of conventions, recommendations and protocols by member states. The International Labour Organization (ILO) maintains a vigorous supervisory system including various mechanisms to ensure acquiescence with ratified conventions. A key component of this system is the *Committee of Experts on the Application of Conventions and Recommendations* (Committee of Experts), which manages and oversees governments' reporting obligations under ratified conventions.⁵² This is a group of 20 legal experts from around the world, assigned to deliver an unbiased and technical, non-binding assessment of the implementation and execution of ILS.

The Committee of Experts scrutinizes over 2000 country reports annually. It evaluates obedience of the ILS by the ratifying states. It provides two kinds of feedback: 'observations' and 'direct requests'. *Observations* are suggested by the Committee and are published in the annual report. These address the fundamental issues related to the execution of specific conventions by member states. *Direct requests* are issued for technical clarifications or additional information, and are communicated directly to the respective governments.

Through its comprehensive review process, the Committee of Experts plays a crucial role in monitoring the application of ILS, identifying areas of concern, and providing direction to member states to ensure effective compliance. The multifaceted supervisory machinery works beyond regular reporting procedures to address grievances and alleged breaches of specific conventions.⁵³

⁵² ILO Supervisory Machinery and Bodies, UN Sustainable Development Group, UN Sustainable Development Group (May 11, 2024, 09:00 PM) [https://unsdg.un.org/2030-agenda/strengthening-international-human-rights/ilo-supervisory-machinery-and-bodies#:~:text=ILO%20Supervisory%20Bodies,-The%20ILO%20has&text=The%20main%20ILO%20supervisory%20mechanism,Recommendations%20\(Committee%20of%20Experts\).](https://unsdg.un.org/2030-agenda/strengthening-international-human-rights/ilo-supervisory-machinery-and-bodies#:~:text=ILO%20Supervisory%20Bodies,-The%20ILO%20has&text=The%20main%20ILO%20supervisory%20mechanism,Recommendations%20(Committee%20of%20Experts).)

⁵³ *Ibid.*

This includes complaints or grievance redressal mechanisms with special freedom of association procedures. While individual communications are not directly addressed, workers' and employers' organizations play a key role in these supervisory processes, advocating for the enforcement of ILS and ensuring accountability for violations.⁵⁴ This whole mechanism ensures adherence to ILS and provides a framework for addressing issues of non-compliance through dialogue, technical assistance, and, if necessary, enforcement measures.

Sl. No.	Mechanism	Role	Periodicity	Outcome
1.	Committee of Experts on the Application of Conventions and Recommendations (Estd. in 1926).	Under ILO Constitution, articles 22 and 23 – regular reporting to be done regarding implementation of the ratified Conventions in law and practice.	Every 3 years reporting – for essential (core) and governance Conventions & Every 5 years reporting for all other Conventions.	- Annual report with comments, and general survey report submitted to the Conference Committee. - Directs requests to Governments.
2.	Conference Committee on the Application of Standards	Standing Committee of the annual International Labour Conference. Examines the annual report of the Committee of Experts and its general survey.	About 25 distinct cases are assessed yearly. It is selected at the commencement of the Conference by officers.	(c) Recommending measures be taken. (d) Follow-up undertakings. (e) Technical aid. (f) Highlighting the special concerns in the report. (g) Further discussion to feed the Committee of Experts'. (h) Provide the Governing Body with information,
3.	Representation (article 24 and 25)	Under articles 24 and 25, ILO Constitution,	The Committee is established by the Governing Body	

⁵⁴ What is the ILO Supervisory Mechanism?, ILO, (May 11, 2024, 09:30 PM) https://www.ioe-emp.org/international-organisations/international-labour-organization/ilo-supervisory-mechanism_

	scrutinizes accusations of inability or failure to effective implement the ratified convention.	for each representation which is determined to be permissible.	conclusions, and recommendations. e) This report will subsequently inform the Committee of Experts' examination.
4. Complaints (article 26)	Complaint against member State for non-adherence with a ratified. Convention may be filed by another ratifying member State. -a delegate to ILC -the Governing Body. A Commission of Inquiry is set up to Investigate the serious concerns.	The Governing Body determines if a Commission of Inquiry will be established.	- Investigates the complaint - Adopts a report with recommendations . - In case of non- compliance with recommendations , - Governing Body can take further action under art. 33 of the ILO Constitution.

➤ *Obligations of the Member States:*

Governments are required to submit reports on the eight fundamental Conventions to the International Labour Organization (ILO) at least every three years. Additionally, they may be asked to give reports outside the regular cycle if impelled by representations from a workers' or employers' organization. In cases where issues are brought before the Committee on the Application of Standards or if representation or complaints reports have been submitted relating to a definite country, additional information may be requested.

a. United Nations Entity for Gender Equality and the Empowerment of Women

UN Women focuses on gender equality and women's empowerment, advocating for the rights of migrant working women, including those engaged in domestic work. It works to address the intersecting forms of discrimination and exploitation faced by migrant women, such as gender-based violence, unsatisfactory pay, and restricted access to social protection.

These international organizations provide technical assistance, capacity-building support, and policy guidance to member states, helping to strengthen legal frameworks, improve labour migration governance, and promote the rights and well-being of migrant workers on a global scale. In between May 2016 and September 2017, UN Women, in association with the India Centre for Migration, MEA, GOI, developed IEC materials intending to protect Migrant Women Domestic Workers.⁵⁵ The materials include a handbook, poster, video spots and audio and a destination helpline card. They provide fundamental information on migration rules and regulations, pre-departure preparation, vital contact numbers, travel tips, details about destination countries, as well as basic Arabic vocabulary, and, crucially, the rights of Migrant Women Domestic Workers.

Material from two Training of Trainers sessions, held in Sircilla, Telangana, and Bommuru, Rajahmundry, Andhra Pradesh, in October and November 2017, aimed to empower 48 Master Trainers. The objective was to enable them to conduct Pre-Departure Orientation Trainings for 3,000 aspiring women migrant domestic workers, emphasizing their rights, responsibilities, and legal avenues for safe migration.

b. Guidelines and Framework

The ILO Multilateral Framework on Labour Migration (2006) is a non-binding set of principles that seek to encourage a rights-based approach to labour migration. It was adopted in 2006 and is envisioned to guide the development and execution of policies and practices related to labour migration. The framework includes various issues such as labour standards, protections for migrant workers, social integration, and the prevention of mistreatment. It applies to both the sending and receiving countries and is proposed to be used in concurrence with existing international law and conventions.

⁵⁵ Towards Safe Migration for Aspiring Women Domestic Workers, UN Women, (May 11, 2024, 09:50 PM)
<https://asiapacific.unwomen.org/en/countries/india/migration/women-domestic-workers>.

c. Other Governance Initiatives

- *Global Compact for Safe, Orderly, and Regular Migration, 2018*, adopted by the UN which provides a complete framework for global cooperation on migration. It is an intergovernmental agreement that aims to address the challenges of migration and promote cooperation among countries to ensure safe, orderly, and regular migration. The compact includes 23 objectives and 44 commitments, covering areas such as migration governance, human rights, and economic development. It has been signed by 190 countries and is considered a significant step towards addressing the complex issue of migration.
- *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (regional agreement) of 2000*, aim to enhance protections for migrant workers within specific geographical contexts. It is a legal document that outlines the rights and protections given to migrant workers, including freedom of movement, fair wages, harmless working conditions, and admittance to social security benefits. The declaration also emphasizes the significance of respecting the human dignity and fundamental rights of migrant workers, and provides mechanisms for the investigation and redress of abuses. It applies to all migrant workers, regardless of their citizenship or legal status. The declaration has been ratified by all ten members of the Association of Southeast Asian Nations (ASEAN), including Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

V. Critical Appraisal

Transnational initiatives and agreements aimed at protecting migrant labourers involve a range of measures, including conventions, bilateral and multilateral project, regional and national frameworks, and global initiatives. These ingenuities intend to address various aspects of migrant labour governance, such as recruitment practices, labour rights protection, social inclusion, and access to justice.

Through the above-mentioned transnational initiatives and agreements and national policies of the state, stakeholders collaborate to address the complex challenges faced by migrant domestic workers and advance their rights and

well-being worldwide. However, challenges remain in implementation and enforcement, underscoring the need for continuous shared action and collaboration across borders.

Despite the regulatory measures of the Indian government, like designating certain agencies for immigration to secure the migrants, Indian migrant domestic workers often fall through the cracks of the legal system, facing challenges in accessing justice and legal protections abroad. Insufficient regulation and gaps in current emigration procedures have permitted illegal agents to abuse possible emigrants for monetary gain. The unregistered agents have prospered in creating an effective mechanism to facilitate irregular emigration through process of '*pushing*'. The agents access to familiar aiding networks provides impetus to their credibility, particularly in the eyes of a troubled MDWs. The e-Migrate portal of MEA shows establishes this point. Till 2023, 2,548 complaints of illegal agents have been registered in the portal. The ministry though includes a Pre-Approval Category (PAC) for certain foreign employers based on complaints of harassment, illegal recruitment, and non-payment of salaries⁵⁶, still the problem exists. Further the labour laws in destination countries, leave the domestic work out of its ambit, resultantly the migrant workers become vulnerable to exploitation and abuse by their employers.⁵⁷

Even the complaint mechanism set out by the ILO has been ineffective to some extent. Various countries have reported certain barriers in accessing the redress provide by it. The Worker member of the United Kingdom highlighted shortcomings in Qatar's complaint mechanisms, citing barriers to justice such as expensive expert reports and long-lasting resolution times.⁵⁸ Workers facing

⁵⁶ Question No.12 Migration to ECR Countries, Ministry of External Affairs, (May 21, 2025, 6:10 PM) <https://www.mea.gov.in/rajya-sabha.htm?dtl/36823/QUESTION+NO12+MIGRATION+TO+ECR+COUNTRIES>.

⁵⁷ Sophia Kagan, 'Domestic Workers and Employers in the Arab States: Promising Practices and Innovative Models for a Productive Working Relationship' – ILO White Paper (International Labour Organization, Regional Office for Arab States, Beirut) (1st ed. 2017).

⁵⁸ Forced Labour Convention, 1930 (No. 29) - Qatar (Ratification: 1998), ILO https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:4062895

non-payment of wages were mainly troubled, with reports of mistreatment and retaliation. Under-resourced departments and the Labour Court exacerbated the issue, discouraging victims from seeking redress. Despite some improvements, challenges persisted, including sponsor retaliation and lack of worker awareness about rights. In *Onu v Akwiwu and another and Taiwo v Olaigbe and another*⁵⁹ the UK Supreme Court observed that abuse of migrant domestic workers by employers who exploited their employees' susceptible state is clearly wrong. Depending on the forms in which the mistreatment takes place, it well amount to a breach of the 'worker's contract of employment' or violation of other labour rights or a tort or amount to an offence of slavery or forced labour. The way the employers of the domestic workers in Middle East Countries are treating them that definitely amounts to servitude and compulsory labour leading to grave violation of human rights in general and labour rights in specific.

The critical examination of transnational governance concerning Indian domestic workers reveals notable gaps in international organizations' effectiveness in protecting their interests. Despite frameworks like the ILO Multilateral Framework on Labour Migration and conventions such as Domestic Workers Convention, implementation remains a challenge. Countries like Iran, Bahrain, Kuwait, Oman and Saudi Arabia- have ratified the core conventions of the ILO specifically Forced Labour Convention. But they are hardly following it in practice.

Private employment agencies often exploit loopholes, subjecting workers to abusive practices. Additionally, while bilateral agreements may offer protections, enforcement mechanisms are often weak. Moreover, the lack of coordination among destination and origin countries undermines efforts to combat trafficking and exploitation. Thus, while international frameworks exist, their efficacy in protecting Indian domestic workers remains questionable due to inadequate enforcement and coordination mechanisms.

Despite the existence of certain conventions and mechanism into place the MDWs continues to fall pray of violent abuses in the destination countries, same is the case with Indian MDWs as their working conditions are mentioned above.

⁵⁹ *Onu v Akwiwu and another and Taiwo v Olaigbe and another*, UKSC 31 [2016].

VI. Conclusion and Way Forward

In conclusion, Indian migrant domestic workers contribute significantly to foreign households and economies but face considerable vulnerability and marginalization. Addressing their challenges requires a multifaceted approach, including legal reforms, improved enforcement, and enhanced support services. While international organizations like the ILO advocate for their recognition and protection, their initiatives lack binding force, leaving enforcement to states' discretion. The UN should establish rigorous mechanisms to punish states for violations of rights, supplementing existing frameworks like the ILO. Despite initiatives like India's ECR, trafficking of domestic workers persists, underscoring the imperative for international organizations to assume greater responsibility. The International Organizations have extensively provided to protect their interest like ILO has urged countries to recognize domestic workers as care workers and include them as care providers within national policies and social security systems as it foresees the care economy to create 300 million jobs by 2025.⁶⁰

The researcher for enforcing the effective governance by the international organizations suggest the following measures to be taken by the significant international bodies; Certainly, here are some measures to enhance the effectiveness of transnational governance in protecting migrant domestic workers:

1. *Harmonization of Laws:* Encourage destination and origin countries to harmonize their laws and regulations concerning migrant domestic workers to ensure consistent standards and protections.
2. *Enhanced Monitoring and Enforcement:* State as well as international bodies shall adopt measures to strengthen monitoring mechanisms to ensure compliance with labour standards and regulations, including regular inspections of workplaces and private employment agencies.

⁶⁰ ILO urges nations to recognise domestic workers as care workers; proposes to include them in social security system, India Times, (May 18, 2025, 04:30 PM) https://economictimes.indiatimes.com/news/india/ilo-urges-nations-to-recognise-domestic-workers-as-care-workers-proposes-to-include-them-in-social-security-system/articleshow/108326557.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

3. *Access to Justice*: Improve admittance to justice for migrant domestic workers by establishing legal aid programs, facilitating grievance mechanisms, and ensuring that victims of exploitation and abuse can seek redress without fear of retaliation.
4. *Training and Awareness*: Provide comprehensive pre-departure orientation and training programs for migrant domestic workers to educate them about their rights, legal protections, and available support services in destination countries.
5. *Cooperation and Information Sharing*: Foster collaboration between destination and origin countries, international organizations, civil society groups, and relevant stakeholders to share information, best practices, and resources for the protection of migrant domestic workers. Further certain collaborative projects can be undertaken by the international organizations with different sending or receiving countries for the betterment of the MDWs. As one remarkable collaboration made by India Centre for Migration (ICM) collaborates with International Organization for Migration (IOM) on the project “Strengthening data-informed and migrant-centered migration management frameworks in India,” launched on March 23, 2021.⁶¹ The project aims to enhance access to labor migration for Indian migrants by improving migration management. It focuses on enhancing migration frameworks, emigration data collection, and promoting labor migration to emerging European markets.
6. *Empowerment and Representation*: Empower migrant domestic workers by promoting the formation of support networks, unions, and advocacy groups to amplify their voices, advocate for their rights, and hold employers and authorities accountable for their well-being.
7. *Regulation of Recruitment Agencies*: State and International bodies shall regulate and monitor private employment agencies to stop fraudulent practices, exploitation, and trafficking of migrant domestic workers, including imposing sanctions on agencies that violate regulations.

⁶¹ India Centre for Migration (ICM), Ministry of External Affairs, GOI, (May 19, 2025, 02:00 PM) <https://www.mea.gov.in/icm.htm>.

8. *Bilateral and Multilateral Agreements*: Establish bilateral or multilateral agreements between countries to address specific issues related to the recruitment, employment, and safeguard migrant domestic workers, counting provisions for repatriation, dispute resolution, and access to social services.
9. *Special Working Contract for Migrant Workers*: A mandate of Special Working Contract for Migrant Workers shall be introduced and enforced by the international organizations. Like in case of Jordan, a 'Special Working Contract' for MDW has been designed which is to be signed by the following parties, employer, the domestic workers, the agency and an embassy representative.⁶² The employer would be able to obtain a visa, residency, and work permit only when a contract is so arranged. This contract sets wage levels and includes rights such as passport retention, free correspondence, and monthly wages. Additional tasks outside the residence are prohibited, and the employer must cover expenses and provide insurance. While adherence remains uncertain, breaching the contract requires the employer to repatriate the worker at their expense, leading to job loss for the worker. Moreover, the kafala system shall be abolished and replaced with a work permit that allows the worker to work under different employers. This includes eliminating the "no objection" certificate.⁶³

By adopting these measures, transnational governance can play a crucial role in averting exploitation and abuse of migrant domestic workers in destination countries, ensuring their rights, dignity, and well-being are protected.

⁶² Annelies Moors and Marina de Regt, *Migrant Domestic Workers in the Middle East*, 102, *Illegal Migration and Gender in a Global and Historical Perspective* (Marlou Schrover, et. al, 2008).

⁶³ Forced Labour Convention, 1930 (No. 29) - Qatar (Ratification: 1998), ILO (May 21, 2025, 08:00 PM) https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:4062895