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

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