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Austrian Centre for Country of Origin
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Ethiopian female domestic
workers inside Ethiopia and
abroad (household slavery,
trafficking)
COI Compilation

January 2016



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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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1 The situation in Ethiopia

1.1 Domestic work, forced labour and internal trafficking

The US Department of State (USDOS) notes in its July 2015 Trafficking in Persons Report, which covers the year 2014, that “[g]irls from Ethiopia’s rural areas are exploited in domestic servitude and prostitution within the country” (USDOS, 27 July 2015).

The June 2015 USDOS Country Report on Human Rights Practices 2014 mentions that child labour, which “remained a serious problem” in the country during 2014, was “particularly pervasive in subsistence agricultural production, traditional weaving, fishing, and domestic work”, noting that “[c]hildren in urban areas, including orphans, worked in domestic service, often working long hours, which prevented many from attending school regularly” (USDOS, 25 June 2015, section 7c).

The same report states that Ethiopian law specifically prohibits some categories of workers, including domestic workers, from organising unions and notes that the informal sector as such, which includes domestic work, “is not unionized and is not protected by labor laws” (USDOS, 25 June 2015, section 7a).

In a January 2016 email response, Mebratu Gebeyehu, a human rights lawyer and independent consultant on migration and human trafficking based in Addis Ababa, noted that female domestic service in Ethiopia is a little-studied area and that there are no recent surveys on the prevalence of domestic service. The few existing studies on girls in domestic service and internal trafficking for the purpose of domestic services are mostly qualitative, indirect and specific to a town, region or a few regions. Another problem is that most of these studies are not published and for internal use only. Gebeyehu goes on to say that the treatment of domestic servants within Ethiopia is usually addressed in the context of HIV/AIDS girls’ education programmes and child protection projects relating to issues including child labor, child migration and trafficking. Gebeyehu notes that domestic workers should not only be viewed as victims of trafficking but also as migrants from rural and semi-urban areas to the major cities, with the issue being one of migration rather than trafficking. (Gebeyehu, 13 January 2016)

With regard to forced labour, the USDOS report notes that “[t]he law prohibits most forms of forced or compulsory labor, including by children”. The report, however, states that “[t]he government did not effectively enforce the forced labor prohibition”, mentioning that “[c]hildren [...] worked in forced domestic labor”. (USDOS, 25 June 2015, section 7b)

The US Department of Labor (USDOL) notes in its 2014 Findings on the Worst Forms of Child Labor report, which was published in September 2015, that the “worst forms” of forced labour children in Ethiopia are engaged in included domestic work (USDOL, 30 September 2015, p. 311).

The same report notes that in 2014, federal courts in Ethiopia “secured 46 convictions for trafficking in persons in 35 cases” (USDOL, 30 September 2015, p. 314).

Meanwhile, the same report indicates that while “the Government attained prosecutions and convictions of transnational human trafficking during the year, there are low prosecution and conviction rates for the internal trafficking of children for forced labor and commercial sexual exploitation” (USDOL, 30 September 2015, p. 314).

As the Overseas Development Institute (ODI), a UK-based think tank on international development and humanitarian issues, notes in an August 2013 report based on surveys conducted in two districts (woredas) in Amhara regional state (Kelala in South Wollo and Kobo in North Wollo), “adolescent boys and girls” in both districts “practise internal as well as external migration”. The report states that internal routes of migration “include different districts within the same zone, different areas (e.g. Humera) within the same region and other regions, such as Afar, as the major route to migrating to Saudi Arabia (Jeddah)”. As the same report goes on to say, “the majority of girls migrate to Jeddah on a contractual agreement to work as housemaids, although some migrate without a pre-established contract”. Meanwhile, representatives of two NGOs in Kobo district are referred to as saying that adolescent girls from extremely poor rural households first migrate to the woreda town of Kobo to work as housemaid before moving on to “bigger towns such as Alamata and Woldia to work in hotels and individual houses”. (ODI, August 2013, p. 20)

As Guday Emirie, assistant professor at Addis Ababa University’s College of Social Sciences, states in her 2005 doctoral dissertation with a focus on Mecha woreda in Amhara regional state, girls from cattle-“poor” families can either get married to a boy from a poor family or an adult married man or, alternatively, “become a domestic servant in a ‘rich’ peasant family in her locality, which is rare”, or “migrate to the nearby towns and then settle there as domestic servant or prostitute (setañña adari, šärmuta)”. (Emirie, 2005, p. 130)

Emirie notes that women divorced or widowed at an early age are vulnerable to poverty and pass it to their children, particularly their daughters. Due to their mother’s “economic constraints to send them to school and a shortage of cattle to arrange early marriage”, “[t]he fate of [t]hese children, especially daughters of a young widowed woman is migration to the towns”, where they work as prostitutes or domestic servants. (Emirie, 2005, p. 145)

The same dissertation also mentions that “[d]ivorced young girls usually migrate to the nearby urban centers” where they work as domestic servants or prostitutes (Emirie, 2005, p. 162).

No further information could be found on domestic work, forced labour and trafficking inside Ethiopia.

1.2 Circumstances surrounding emigration and transnational trafficking

The July 2015 Trafficking in Persons Report 2015, which covers the year 2014, notes that young Ethiopians from rural areas are “aggressively recruited with promises of a better life and are likely targeted because of the demand for cheap labor in the Middle East” (USDOS, 27 July 2015).

A November 2014 report of the Overseas Development Institute (ODI) notes that while young Ethiopians migrating to the Middle East for domestic labour “primarily move voluntarily” (i.e. for economic reasons), these choices are made in an economically “tightly constrained environment” (ODI, November 2014, p. 3).

The same ODI report refers to economic constraints as drivers of emigration:

“However, the local options for achieving their goals do not appear strong. Earning a livelihood from agriculture is proving increasingly difficult, given land fragmentation, environmental degradation and recent shifts in weather patterns; and non-agricultural jobs are few and far between.” (ODI, November 2014, p. 4)

With reference to studies conducted in Hara (Amhara regional state), the same report also points to “discriminatory gender norms” as a factor contributing to the emigration of young women for work:

“Girls are less likely to pass [school] exams because of the heavy demands household chores place on their time, and are less likely to be allowed to continue their education even when they do pass exams. [...] In Hara, in keeping with tradition, many girls marry at this point. With secondary school ruled out, and ‘girl-appropriate’ local jobs particularly rare, parents often fall back on the reality that daughters are more dependable remitters than sons, and insist they migrate to the Middle East – divorcing first, if they are already married – to ensure remittances accrue to them rather than to their daughters’ marital families.” (ODI, November 2014, p. 5)

In a December 2014 study focusing on two towns in Amhara region (including Hara), the ODI stated that some interviewees believe that “migration has largely replaced child marriage in terms of girls’ life-course options”, with marriage (and subsequent divorce) often used as a “bridge to migration”:

“Knowing, from community anecdotes, that their daughters are likely to be at risk of sexual violence if they migrate – either en route if they go illegally or by their employers – many parents prefer their daughters to marry first. As one teacher noted, parents ‘believe it is better to be deflowered before she leaves because if she is raped it won’t be as painful as if she was a virgin’. Several parents also noted it was more dignified for girls to lose their virginity in marriage.” (ODI, December 2014, p. 24)

The report goes on to say that that these young women’s “reliance on illegal brokers”, who provide them “at best partial information about the employment girls are entering into” and “overwhelming exploitation” facing most of these women upon arrival, the line between voluntary migration and trafficking “all but fades into invisibility”. The report states that while “[m]igration – and the remittances it brings – is increasingly vital to Ethiopia’s economy [...], given the recent explosion of the ‘maid trade’, with up to 1,500 girls and women leaving Ethiopia each day to work as domestics in the Middle East, there is mounting concern about reports of these young women suffering physical, sexual and psychological abuse.” (ODI, November 2014, pp. 3-4)

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices notes that in 2013, the government issued a ban on migration of unskilled workers to the Middle East for employment as a means of “prevent[ing] harassment, intimidation, and trauma suffered by those working abroad, particularly in the Middle East, as domestic employees” (USDOS, 25 June 2015, section 2d).

The July 2015 USDOS Trafficking in Persons Report 2014 mentions the following developments over the year 2014:

“During the reporting period, the government publicly pledged to lift the ban on overseas employment and continued to revise the relevant employment proclamation to ensure improved oversight of recruitment agencies and better protection of its citizens working abroad; however, these protections have yet to be applied and the temporary ban remained in place.” (USDOS, 27 July 2015)

In an August 2015 article published by Good Magazine, a quarterly publication of Good Worldwide Inc., a US-based company that works on a variety of social and environmental causes, freelance journalist Laura Kasinof states:

“After several publicized cases of domestic worker abuse and Saudi Arabia’s threat to expel undocumented Ethiopian migrants, the Ethiopian government in fall 2013 placed a ban on its nationals traveling to the Middle East on work visas. Other nations, like Nepal, have enacted similar bans. However, this gave human smuggling space to proliferate.” (Good Magazine, 31 August 2015)

As an October 2015 article of the state-owned Ethiopian Broadcasting Corporation (EBC) reports with reference to the official Ethiopian News Agency (ENA), Ethiopia’s Ministry of Labor and Social Affairs (MoLSA) stated in a press statement that the above-mentioned ban is still in effect (EBC, 19 October 2015).

An April 2013 report of the International Labour Organization (ILO) notes with regard to deployment bans that have been issued by governments of countries of origin of domestic workers:

“These deployment bans are imposed unilaterally by governments of countries of origin and thus are not legally binding in destination countries. Many bans currently apply to countries throughout the region. An official of the General Directorate of General Security (GDGS) at Beirut International Airport explained that if the migrant worker has a valid tourist or work visa upon arrival, the immigration official will allow the person to enter Lebanon, irrespective of whether a deployment ban is in place in the country of origin. Similar practices occur across the region. The onus is therefore on the country of origin to implement the ban, but this is not an easy task.” (ILO, April 2013, pp. 48-49)

However, the November 2014 ODI report points to the limitations of legal measures, most of which are related to their implementation, citing the following example:

“For example, while the law specifically prohibits the migration of children under the age of 18, respondents’ experiences suggested it was relatively easy for girls as young as 13

to obtain false identification that can add up to 10 years to their age.” (ODI, November 2014, p. 5)

As the July 2015 USDOS Trafficking in Persons report notes, “[r]eports suggest district level officials accepted bribes to change the ages on district-issued identification cards, enabling children to receive passports without parental consent, which causes minors to leave the country for illegal work” (USDOS, 27 July 2015).

A July 2014 article of the British Guardian newspaper states that while “[i]t is now illegal under Ethiopian law for anyone under 18 to migrate to work”, thousands of Ethiopians have obtained passports “by using a fake ID” (Guardian, 21 July 2014).

As the ODI notes, further obstacles to implementation are linked to the influence of illegal brokers who are “responsible for moving the 60-70% of migrants who migrate illegally” and “have infiltrated even legal migration channels”:

“[T]here is an evergrowing number of illegal brokers, who charge exorbitant fees to help girls navigate the migration process as quickly as possible, avoiding the lengthy delays involved in legal migration.

These brokers work in well-financed rings that run from rural communities, through Addis Ababa and into destination countries; they are not only fuelling migration by highlighting its potential benefits over and above its risks, but also subverting the legal migration system designed to protect migrants’ rights by fleecing them for sums of money large enough to lead to distress sale of assets by their families and to unhealthy debt ratios. Occasionally colluding with the police and other government officials (with some reported to have paid large cash sums to evade prosecution), brokers appear to be above the law, even when they risk their victims’ deaths by arranging for them to cross the sea and desert illegally.” (ODI, November 2014, pp. 4-5)

The April 2013 report of the ILO notes the following:

“PEAs [private employment agencies] in countries of origin are also known to facilitate the travel of migrants even when their own governments have issued bans on deployment of domestic workers because of recurring human rights violations against domestic workers in the countries of destination. Most of the time, these irregular travel arrangements are organized by unlicensed agencies that operate outside governments’ regulatory schemes. However, some licensed agencies have also been involved in circumventing the bans, even though their legal status makes it more difficult for them to exploit regulatory gaps. [...]

Where deployment bans are in place, domestic workers and PEAs have colluded to find ways to circumvent the restrictions. [...]

An Ethiopian admitted that she too had bypassed the ban: ‘I told the immigration officials in Ethiopia I was going to Bahrain because they wouldn’t let me go to Lebanon. I stayed

one day in Yemen in transit and there I changed my tickets to go to Beirut instead of Bahrain.” (ILO, 9 April 2013, pp. 48-50)

The July 2015 US Department of State (USDOS) Trafficking in Persons Report notes the following:

“Over 400 employment agencies were licensed to recruit for work abroad; however, government officials acknowledged many agencies are involved in both legal and illegal recruitment, leading to the government’s temporary ban on labor export. Following the ban, irregular labor migration to the Gulf has reportedly increased. [...]

Officials continued drafting amendments to the Employment Exchange Services Proclamation No. 632/2009, which governs the work of licensed labor recruitment agencies.” (USDOS, 27 July 2015)

Freelance journalist Laura Kasinof writes in her August 2015 Good Magazine article:

“Brokers who work in rural areas, villages with minimal electricity and primary schools at most, try to entice young women to travel abroad by showing them a large house that an older woman who had worked in the Middle East was able to buy for her family. These young women may see an older neighbor who has returned from the Middle East wearing nice clothing that they could never dream of owning. Of the dozen or so Ethiopian woman I spoke with who worked as domestic workers in the Middle East, all told me they had traveled abroad on their own volition, about half against the will of their parents. Women often go into debt to pay the brokers who are arranging their travel overseas, making them even more vulnerable.” (Good Magazine, 31 August 2015)

An April 2013 report of the International Labour Organization (ILO) notes that “[i]n some cases, the actual destination is chosen not by the prospective migrant, who may not necessarily know which country to pick, but on the advice of their agent”, quoting an Ethiopian woman as saying “I went to an agency in Ethiopia and they told me to come to Lebanon. I had no idea about Lebanon beforehand.” (ILO, 9 April 2013, p. 46).

The same ILO report mentions anecdotal sources and press articles referring to “women who were forced to prostitute themselves by sex brokers”. An employee in a bar in Lebanon is cited as reporting about several Ethiopian domestic workers “who had run away from their employers, who were taken by some pimps and pushed to prostitute themselves in an apartment in Nabaa”. (ILO, 9 April 2013, p. 72)

1.3 Situation of victims of transnational trafficking and returnees

A 2014 report of the Netherlands-based Maastricht Graduate School of Governance/United Nations University - Maastricht Economic and Social Research Institute on Innovation and Technology (MGSOG/UNU-MERIT) (author: Katherine Kuschminder) describes the financial situation of Ethiopian returnees from domestic work in the Middle East as follows:

“The majority of domestic worker returnees do not achieve their goals in their migration to the Middle East. The poor working conditions and challenges they face do not enable

the majority to achieve their financial goals and change their living situations in Ethiopia. The average salary in the Middle East for an Ethiopian domestic worker is US\$150 per month. The majority remits all of this money to their families and in rare cases the families are able to save some of this money for their return. Upon return, most women have limited money that they have been able to bring back with them.” (MGSoG/ UNU-MERIT, 2014)

The same report goes on to quote a study by the same author as indicating that over 60 per cent of returnees were unemployed, while almost half of those who were in employment were reportedly underemployed. The report notes that “lack of employment opportunities upon return” drives some women to “consider re-migration.” (MGSoG/ UNU-MERIT, 2014)

Based on interviews with returnees conducted in two towns in Amhara regional state, the ODI states in its November 2014 report that “[o]utside of family and friends, formal support services for returnees are non-existent” in the two towns studied. The report goes on to note that “[t]ypically, the drivers that propelled them to migrate – primarily poverty and a lack of employment opportunities locally – are still present and have in fact been compounded by the stigma associated with unsuccessful migration. The implications of stigma are described as follows:

“For the most part, the returnees we talked to were disappointed and sometimes even ashamed by their ‘bad luck’ and were frequently planning to migrate again in order to pay off their debts and deliver on their promises to their family.” (ODI, November 2014, pp. 5-6)

Migrant-Rights.org, an online advocacy forum that aims to advance the rights of migrant workers in the Middle East, published an interview with Aida Awel, chief technical adviser at the Addis Ababa office of the International Labour Organization (ILO). In this interview, Awel mentioned that “one main obstacle in some rural parts of the country is the negative attitude the local communities have towards the returnees”. Moreover, “some women have returned back with babies or kids born out of wedlock, and Ethiopia being the conservative society that it is, this is a taboo” and most of these women “will be viewed as commercial sex workers” (Migrant-Rights.org, 10 April 2014).

A September 2015 journal article by Marina de Regt, assistant professor at the University of Amsterdam specialized in gender, labour, migration and development in the Middle East and North Africa, and Medareshaw Tafesse, lecturer and researcher at Ethiopian Police University College, notes on the forced returns of 163,000 Ethiopian migrants from Saudi Arabia:

“163,000 Ethiopian migrants [...] were forced to return from Saudi Arabia to Ethiopia after an amnesty period for undocumented migrants came to an end in November 2013. Saudi Arabia’s large-scale campaign to regularize the migrant population was an indirect result of the ‘Arab Spring’ and underlines the global dimension of a seemingly regional migration issue. [...] In April 2013, the Saudi government announced a seven months period in which undocumented migrants could regularize their residence and employment status or leave the country without having to pay a penalty for the time they

had been undocumented. In the period April–November 2013, 4.7 million undocumented migrants were regularized, and 1 million migrants left the country (De Bel-Air 2014, 10).

After the expiration of the amnesty period, the Saudi Ministry of Labor carried out raids on labor sites and the police arrested undocumented migrants in their homes and on the street. The crackdown was accompanied by severe human rights abuses, including arbitrary detention, theft of migrants' belongings, rape, beatings, and killings (see HRW 2013). In November 2013, the Ethiopian government decided to repatriate all undocumented migrants from Saudi Arabia, facilitated by international organizations such as the International Organization for Migration, UNICEF, and the Red Cross. Within a period of four months Ethiopia received more than 160,000 returnees, many traumatized by the experiences during their arrest and deportation." (De Regt/ Tafesse, 12 September 2015, pp. 1-2)

The same journal article informs about the overall societal impact of the mass returns from Saudi Arabia and the returnees' reintegration needs:

"On a social level the sudden mass return affected the society at large; many returnees stayed in Addis Ababa because they did not want to return to their home villages empty-handed, they often had debts at home and did not want to face their families. In addition, a large number of the returnees had been traumatized and needed mental health care. Families were confronted with family members with serious mental problems, and were often unable to cope with them. In short, the scale of the mass return has been unprecedented, the government and the society at large lacked the capacity of dealing with such a high number of people in need of assistance on many levels. In this section we describe the economic, social network, and psychosocial embeddedness of the migrants following Ruben, van Houte, and Davids (2009). [...]

The type and timing of assistance provided to (return) migrants can substantially contribute to improving their lives after return (Ruben, van Houte, and Davids 2009). If returnees are not assisted to get training and find jobs upon their return, they may become a burden on their families and may once again seek employment abroad. The returnees that were residents of Addis Ababa prior to their migration, registered at the Addis Ababa city administration. This government office was involved in the reintegration process of returnees and launched two rounds of skills training and reintegration assistance. [...]

The major problem in the reintegration process was access to credit services, the provision of working sheds, and the facilitation of trade licenses. Credit access and providing sheds became bottlenecks for the reintegration assistance provision." (De Regt/ Tafesse, 12 September 2015, pp. 10-11)

The same article goes on to elaborate on attitudes of society and relatives towards returnees from the Middle East, and on returnees' prospects of finding jobs and marriage partners:

"The conventional understanding in Ethiopia is that women who worked in the Middle East were exploited and sexually abused, and therefore they are not seen as suitable

marriage partners. In addition, married women's long-term absence may lead to divorce and separation. [...] Many of the young women we interviewed in Addis Ababa said that they preferred to migrate again. They had not been able to find jobs and found their chances to get married minimal as a result of their low social status.

Returnees also spoke about the negative attitude of the society toward them. Social acceptance is crucial for a successful return (Van Houte and de Koning 2008). Social networks are important to become integrated in the society back home. Relations with other returnees are also essential in order to work through frustrations and traumatic experiences. 52 percent of the respondents reported that they had been able to secure strong relationships with their family and community after returning to Ethiopia. 30 percent of the survey respondents indicated that they had a weak relationship with their families and relatives. [...]

Yet, there were also many returnees whose relatives were happy that they returned home. The stories of the violent crackdown and the subsequent treatment of arrested migrants had worried many people, and family members were often relieved when their beloved ones returned home alive. Salam had called her family when she was in the prison, and they told her that they preferred seeing her back in one piece than to receive her money. Many returnees said that they were relieved to be home, but very disappointed that they returned empty-handed. Their economic situation affected their psychosocial well-being, and a considerable number of respondents thought of migrating again." (De Regt/ Tafesse, 12 September 2015, p. 12)

The 2015 US Department of State (USDOS) Trafficking in Persons Report notes on government assistance for the reintegration of returnees:

"The government continued its assistance reintegrating over 170,000 Ethiopian returnees resulting from the Saudi Arabian government's closure of its border and massive deportation of migrant workers beginning in late 2013. [...] Eighty-one percent of returnees cited local government as their main source of support, including job creation and psychological care; however, many returnees also reported disappointment in their inability to obtain expected microcredit or arable land, due to the government's low capacity and budget in this area." (USDOS, 27 July 2015)

As regards assistance to victims of human trafficking, the July 2015 US Department of State (USDOS) Trafficking in Persons Report provides the following details:

"The government relied solely on NGOs to provide direct assistance to both internal and transnational trafficking victims and did not provide financial or in-kind support to such organizations. There was a slight decrease in law enforcement efforts; the government did not report the number of victims it identified in 2014 and lacked a formal system to collect and share data on cases and victims. [...]

Most victim assistance focused on temporary services to migrants at border crossings including food and water, medical assistance, temporary accommodation and transportation back to their home village [...]

Various district-level women and youth departments supported child trafficking victims by providing psycho-social support and placing them in temporary child-safe homes until their families were located. Many NGO-run facilities depended solely on project-based funding for continued operation, which resulted in unpredictable availability of care.” (USDOS, 27 July 2015)

The June 2015 Concluding Observations of the UN Committee on the Rights on the Child (CRC) note the following on trafficking in children abroad and within the country:

“The Committee is deeply concerned that while trafficking in children abroad and within the country for the purpose of domestic servitude, commercial sexual exploitation and exploitation in the worst forms of child labour persists, no information was provided by the State party on the number of affected children, and on the number of investigations, prosecutions and convictions. The Committee is also deeply concerned at the lack of rehabilitation and reintegration centres to provide child victims of trafficking and commercial sexual exploitation with the adequate, age-sensitive medical and psychological assistance.” (CRC, 3 June 2015, p. 18)

The July 2015 USDOS Trafficking in Persons Report notes that while there are reports of investigations and prosecutions of cases of transnational labour trafficking, there is “little evidence of investigation or prosecution of sex trafficking or internal labo[u]r trafficking cases”. The same report goes on to provide details on Ethiopia’s legal framework relating to sex and labour trafficking:

“Ethiopia prohibits sex and labor trafficking through criminal code Articles 596 (Enslavement), 597 (Trafficking in Women and Children), 635 (Traffic in Women and Minors), and 636 (Aggravation to the Crime). Article 635, which prohibits sex trafficking, prescribes punishments not exceeding five years’ imprisonment, which are sufficiently stringent, though not commensurate with, penalties prescribed for other serious crimes, such as rape. Articles 596 and 597 outlaw slavery and labor trafficking and prescribe punishments of five to 20 years’ imprisonment, which are sufficiently stringent.” (USDOS, 27 July 2015)

The same report notes with regard to the application of the above-mentioned legal provisions:

“The government does not provide detailed case information on the articles used to prosecute suspected traffickers; however, a local NGO reported the conviction of nine individuals under Article 597 within the reporting period. In general, Articles 598 (Unlawful Sending of Ethiopians to Work Abroad) and 571 (Endangering the Life of Another) are regularly used to prosecute cases of transnational labor trafficking. The absence of a clear legal definition of human trafficking impeded the government’s ability to investigate and prosecute trafficking cases effectively.” (USDOS, 27 July 2015)

The same report indicates that “[t]here were no reports of trafficking victims being detained, jailed, or prosecuted in 2014” (USDOS, 27 July 2015).

2 Ethiopian domestic workers abroad

This chapter focuses on the situation of female Ethiopian domestic workers in Lebanon and the Gulf Cooperation Council (GCC) states, while it provides a cursory overview of the situation in Jordan, Oman, Iraqi Kurdistan and Djibouti, Yemen. This does not necessarily mean that this phenomenon is not relevant in other countries.

The July 2015 US Department of State (USDOS) Trafficking in Persons Report notes that many young Ethiopians “transit through Djibouti, Egypt, Somalia, Sudan, or Kenya as they emigrate seeking work in the Middle East”. However, some of these migrants “become stranded and exploited in these transit countries and are subjected to detention, extortion, and severe abuses”. The same report also notes:

“Increasing numbers of reports describe Ethiopians transported along southern routes towards South Africa, as well as large numbers of Ethiopians who have died in boat accidents crossing the Red Sea to Yemen, many of whom are attempting irregular migration and are vulnerable to trafficking in these onward destinations.” (USDOS, 27 July 2015)

As the July 2015 US Department of State (USDOS) Trafficking in Persons Report 2015 states, “Ethiopian girls are forced into domestic servitude and prostitution in neighboring African countries and in the Middle East” (USDOS, 27 July 2015).

In a November 2015 announcement on its website, Humanities and Social Sciences Online (H-Net), an international interdisciplinary organization of scholars and teachers, noted a dramatic increase in both legal and illegal migration of Ethiopian female domestic workers “to globalizing cities of the Middle East and Gulf States” including “Dubai, Beirut, Riyadh, Abu Dhabi, Doha, Sana’a and Cairo” where they are “policed by their employers, recruiting agencies and by the government regulatory agencies” (H-Net, 20 November 2015).

The September 2015 journal article by De Regt and Tafesse provides an overview of the migration of Ethiopian women to the Middle East:

“The large majority of regular migrants to the Middle East are women. In the past two decades particularly young women have migrated to the Middle East (see, for example, Kebede 2001; Fernandez 2010; de Regt 2010; Minaye 2012). They respond to the demand for paid domestic labor among middle and upper middle class families in Lebanon, Kuwait, the United Arab Emirates, and Saudi Arabia where African women have increasingly replaced Asian domestic workers (Fernandez 2010, 251). In an interview, a representative of the Ministry of Labor and Social Affairs (MOLSA) reported that licensed Ethiopian overseas recruitment agencies received 182,000 applications for work in 2012–2013, a small decrease from the number received in 2011. The Ministry estimated that this represents only 30 to 40 percent of all Ethiopians migrating to the Middle East. The remaining 60 to 70 percent are either trafficked or smuggled with the facilitation of illegal brokers (see Fernandez 2013). On 19 October 2013, the Ethiopian government installed a ban on labor migration from Ethiopia to the Middle East as a response to the human rights violations against Ethiopian migrants, which was still in place at the time of writing

(May 2015). Such bans had been installed before, but this time they apply to every country in the Middle East.” (De Regt/ Tafesse, 12 September 2015, p. 5)

The above-mentioned November 2014 report of the UK-based Overseas Development Institute (ODI) indicates:

“The travel experiences of migrants differ greatly according to whether they travel illegally or legally, as contract workers. The illegal route is highly hazardous, with migrants exposed to potential abuse by brokers en route and then by gangs once they reach the Yemeni border. For girls and women, the risks are higher still owing to the ever-present danger of sexual violence on the overland journey. By contrast, migrants with a legal two-year contract travel by air and are seldom exposed to problems or abuse en route. Although often frightened because of being alone in a strange land, and typically passed from broker to broker when they arrive at their destination, their exposure to serious risks appears to start only once they reach their employer’s home.” (ODI, November 2014, p. 5)

The 2014 MGSOG/UNU-MERIT report states that “[d]omestic workers are excluded from the labour legislation in most countries in the Middle East” and “have a lack of knowledge of their rights and the options available to them in the event of abuse” (MGSOG/UNU-MERIT, 2014).

Bina Fernandez, lecturer in Development Studies at the University of Melbourne, and Marina de Regt of the University of Amsterdam state in their 2014 book *Migrant Domestic Workers in the Middle East* that “[t]he working conditions of migrant domestic workers in the Middle East vary considerably, depending on whether they are contract or freelance workers”. The authors state with respect to contract domestic workers:

“Contract domestic workers enter into formal employment contracts, usually arranged through private employment agencies (PEA) that operate collaboratively across source and destination countries. These contracts specify their salaries, hours of employment, duration of the contract, and their rights. However, invariably, the contract a domestic worker signs predeparture in the source country is not legally binding in the destination country. In the destination country, another contract is drawn up (a local legal obligation that is not always followed), the terms of which may be different from the terms of the contract signed in the country of origin.” (Fernandez/De Regt, 2014, p. 9)

Fernandez and de Regt meanwhile point out that more significant than the employment contract is a domestic worker’s residence permit (*iqama*). Under the so-called kafala sponsorship system which is prevalent in the Middle East, it is required that the residence of a migrant worker is “sponsored by a *kafil* (sponsor) who must be a citizen”. As the authors note, “the legal residence of a migrant worker is tied to the *kafil* [sponsor], who is in most cases, also his or her employer”. The practices of sponsoring employers are described as follows:

“It is standard for sponsor employers to confiscate the passports of migrant workers. Although this is technically an illegal practice, it is in effect a powerful mechanism of control, as when migrant workers run away, they immediately become undocumented and run the risk of being arrested and deported.” (Fernandez/De Regt, 2014, p. 9)

The same book notes differing levels of implementation of the kafala system in countries in the Middle East and points to incentives for citizens and governments to preserve the system:

“It is important to note that the kafala system is not implemented in the same way in every country: the system is particularly strong in Saudi Arabia and the Gulf States but much less important in Yemen (see the Regt, 2010). Observers of migrant labor regimes in the Middle East have frequently condemned the kafala as the source of injustices faced by migrant workers (Chammartin, 2004; Esim and Smith, 2004; Jureidini, 2003; Longva, 1997), and governments in the Middle East periodically announce proposals to abolish the system; however, the system persists because of the lucrative incomes national citizens earn from the trade in sponsorship (Hertog, 2010) and because it offers states in the Middle East an effective mechanism of surveillance over the vast population of migrant workers.” (Fernandez/De Regt, 2014, p. 9)

The September 2015 journal article by De Regt and Tafesse notes on the kafala sponsorship system and its effects on the treatment of migrant workers in many countries in the Middle East:

“In most countries in the Middle East, the kafala system of sponsorship binds migrant workers’ residence permits to ‘sponsoring’ employers, whose written consent is required for workers to change employers or leave the country. A migrant cannot change his or her sponsor or job unless a release from the sponsor is issued, along with a new sponsorship from a new employer and an approval from the concerned authorities. Those who do so without permission are considered undocumented or illegal and liable for imprisonment and deportation. According to a representative of the Bureau of Labor and Social Affairs of Addis Ababa most of the migrants that were arrested during the Saudi government’s crackdown and deportation of undocumented migrants were women who had ran away from their sponsors. Widespread migration irregularity and deportation can be seen as a direct result of the kafala system.” (De Regt/ Tafesse, 12 September 2015, p. 5)

The impact of the kafala system on the employment situation of foreign domestic workers in the Middle East is also addressed in an August 2015 article of Good Magazine (author: Laura Kasinof):

“When women travel to Lebanon, or other countries like Saudi Arabia, Kuwait, and Qatar, for domestic work, the employer controls the work visa through a system known as kafala, or sponsorship. This is also the policy for foreign laborers in other sectors, like construction. Originally, kafala was part of the tradition of hospitality toward foreigners in the Middle East, when an employer took responsibility for the well-being of a foreigner. Now it is a major contributor to worker exploitation. The employer holds all the power, and the employee has zero options. If a foreign employee complains about work conditions, the employer can threaten deportation. And employees can’t leave their employers for better work opportunities since their visas are tied to their employers. They aren’t even allowed to leave the country without permission. The employer may turn out to be a good person. But relying on a stranger’s kindness in the absence of legal protection is far from failsafe.” (Good Magazine, 31 August 2015)

The 2014 book by Fernandez and De Regt informs about restrictions faced by domestic workers in their daily lives:

“Most families in the Middle East prefer to employ live-in domestic workers, and accommodation in the employer’s residence is part of the contract. For these live-in domestic workers, there is a further reconfiguration of the public-private boundary. The employer’s home is their own (temporary) home. Yet, invariably, this is ‘not home,’ as they often do not have a space or have free time to call their own. They often do not have a room of their own and are forced to sleep in balconies, passageways, living rooms, or the children’s rooms. Their time is also not their own, as there is often no clear demarcation between work and leisure time. From the employer’s perspective, the advantage of having live-in domestic workers is that they are always accessible; from the domestic workers’ perspective, in effect, it means being on call 24/7. As a result, they experience a higher degree of vulnerability to labor exploitation than freelance domestic workers who live outside the homes of their employers, or other categories of migrant workers. In part, the justification for this is made by referencing the specific requirements of domestic work – particularly, the care of young children, elderly, and sick people who need round-the-clock care.” (Fernandez/ De Regt, 2014, p. 11)

“[B]esides limitations on active engagement in the political public sphere, in many countries in the Middle East, migrant domestic workers’ (as with all migrant workers) mere physical presence within the public sphere is a subject to a high level of regulation and surveillance (Longva, 1997; Crystal, 2005; Lori, 2011). They are subject to stop-and-search police checks when they are in public spaces and random checks to inspect whether their residence papers are in order. Tacit (and sometimes explicit) rules exclude migrant workers from certain spaces (e.g., clubs, restaurants, malls) unless they are accompanying their sponsor employers. Women migrant domestic workers are further subject to the gendered norms regarding women’s presence in the public sphere.” (Fernandez/De Regt, 2014, p. 13)

As the November 2014 report of the Overseas Development Institute (ODI) notes, research findings revealed that “relationships between employers and Ethiopian migrants are largely negative”, with “[m]any experienc[ing] excessively long hours, delayed or partial payment and physical and sexual abuse.” The same report details that abuse by employers “appears to happen irrespective of the destination country is perpetuated by women (largely physical abuse) and men (largely sexual abuse) and is meted out to girls and women irrespective of their age and religion”. The report notes that its respondents were typically “confined to the home (or homes) of employers” and that “even those who did have time off generally had very restricted mobility opportunities”. (ODI, November 2014, p. 5)

As for the Ethiopian domestic workers in the Middle East, 2014 report of the Maastricht Graduate School of Governance/United Nations University - Maastricht Economic and Social Research Institute on Innovation and Technology (MGSOG/UNU-MERIT) that “[t]he primary determinant of women’s experiences [...] is the character of their employer”, with women having to “play a game of chance in hoping to receive a good employer” as “[t]he vast majority of women migrate through a broker and has no idea of the households that they are

going to work for”. While there are “no official statistics on the frequency and forms of abuse”, the report says with reference to research by the author (Katherine Kuschminder) that Ethiopian female returnees have cited “several different forms of abuse” including “beatings, indentured labour, not receiving food, not receiving payment, sexual harassment, verbal abuse, and restricted movement”. The authors also found that while “a normal situation for a domestic worker in the Middle East is to be working 18 hours per day with no day off per week”, while “[t]reatment can be much worse including burnings, beatings resulting in hospitalization, and even death”. (MGSOG/UNU-MERIT, 2014)

As the July 2015 USDOS Trafficking in Persons Report 2015 notes, “[m]any Ethiopian women working in domestic service in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, withholding of passports, confinement, and even murder” (USDOS, July 2015).

The November 2014 ODI report notes that many domestic workers have very limited “sources of assistance” at their disposal and states with regard to brokers:

“In theory, as per Ethiopian national law, brokers should step in when employer–employee conflicts cannot be resolved; without exception in our case studies, neither brokers in the Middle East nor those in Ethiopia provided any meaningful assistance. Typically, agents told girls who complained about their employment situation to either stay with the family or go home, often with some form of financial penalty or threat.” (ODI, November 2014, p. 5)

The MGSOG/UNU-MERIT report of 2014 notes with regard to women’s attempts to seek assistance from their brokers:

“Women reported calling their broker when they were mistreated by their employer. In some situations the brokers would change the worker to a new house; however, in a few situations the brokers beat the women and sent them back to their employers.” (MGSOG/UNU-MERIT, 2014)

The 2014 MGSOG/UNU-MERIT report states that the Ethiopian government does not provide support for Ethiopian domestic workers abroad due to lack of presence and capacity:

“The Government of Ethiopia does not provide assistance to women in the Middle East as they do not have official embassies in most Middle Eastern countries and do not have the capacity to support the needs of their expatriates.” (MGSOG/UNU-MERIT, 2014)

Similarly, the July 2015 USDOS Trafficking in Persons Report, which covers the year 2014, notes that that “[l]imited consular services [were] provided to Ethiopian workers abroad” (USDOS, 27 July 2015).

The same report adds:

“The current Employment Exchange Services Proclamation requires licensed employment agencies to place funds in escrow to provide assistance in the event a worker’s contract is

broken; however, the [Ethiopian] Ministry of Foreign Affairs has never used these deposits to pay for victims' transportation back to Ethiopia." (USDOS, 27 July 2015)

The August 2015 Good Magazine article by Laura Kasinof notes on the situation of women who have run away from their abusive employers' homes:

"When these women run away from abusive situations and their embassies don't provide assistance, as is often the case for Ethiopians, they fall through the gaps of international migration. They are without passports, away from their home countries—yet they are not refugees and so cannot turn to that part of international law for protection." (Good Magazine, 31 August 2015)

The 2014 MGSOG/UNU-MERIT report points to cases of women who have been imprisoned after leaving their employer's house:

"In some cases, women in negative situations fled the house of the employer and went to the police. By leaving the house of their employer, they violate their work contract, and are then placed in jail by the police. [...] When in prison, women who attempted to contact the Ethiopian consulate reported not receiving any support." (MGSOG/UNU-MERIT, 2014)

The July 2015 USDOS Trafficking in Persons Report indicates that "Ethiopian women sometimes are subjected to sex trafficking after migrating for labor purposes or after fleeing abusive employers in the Middle East" (USDOS, July 2015).

In their 2014 book, Fernandez and de Regt describe the situation of "freelance" migrant domestic workers:

"'Freelance' migrant domestic workers [...] are workers who have exited the formal employment contract and become irregular residents of the host country or have negotiated with their sponsor/kafil to allow them to work for other employers. In the latter case, their residence status is technically regular, though not officially sanctioned, since 'freelancing' is not legally allowed in most Middle Eastern countries. They often work for more than one household and may sometimes even work in the informal sector. Freelancers earn higher wages and have greater mobility and personal freedom than contract workers. If, however, they are irregular (i.e., have not negotiated with a kafil to 'cover' for them), they can be vulnerable to imprisonment and/or deportation and are often trapped, unable to exit the country without paying large fines. Nonetheless, freelancing allows migrant domestic workers to obtain better working conditions for themselves [...]" (Fernandez/De Regt, 2014, p. 10)

2.1 Lebanon

The website of the International Labour Organization (ILO) includes an undated country overview of Lebanon which states that "[o]ver 250,000 migrant domestic women workers reside in Lebanon" (ILO, undated). Meanwhile, a June 2015 article published by the Association for Women's Rights in Development (AWID), an international NGO committed to

women's rights, puts the number of domestic workers in Lebanon at "at least 300,000" (AWID, 16 June 2015).

The Good Magazine article of August 2015 notes with regard to incentives for households to hire domestic workers:

"Hiring a domestic worker is relatively affordable in Lebanon—more affordable than sending your children to daycare, for example, which encourages the use of domestic workers as nannies. A 'keeping up with the Joneses' attitude also plays a role. If a family's neighbor has a maid, then that family needs to have one to prove that they are also upper class." (Good Magazine, 31 August 2015)

As the ILO notes, the institutional and legal framework for the protection of female migrant domestic workers is "very weak", and "efforts to ensure decent working conditions are confined to a limited number of local organisations, international actors and activists". (ILO, undated)

A March 2015 Al Jazeera article states that female domestic workers in Lebanon are employed under a sponsorship system named kafala, which entails that "immigrant workers are sponsored directly by employers, with no recourse to Lebanese labor law or other state protections" (Al Jazeera, 26 March 2015).

The June 2015 AWID article elaborates on Lebanon's kafala system as follows:

"The Kafala (guardianship) system, enforced in Lebanon and the Gulf monarchies, ties the domestic foreign worker to a specific employer; the worker becomes illegal should she quit her employer, placing the worker in a particularly vulnerable situation. The system allows employers to restrict a worker's freedom of movement, by confiscating passports and home confinement, which leads to an appropriation of the worker by the employer." (AWID, 16 June 2015)

A November 2014 Al-Monitor article written by Lebanese blogger Joey Ayoub highlights the impact of the kafala system on the work and living conditions of Lebanon's migrant domestic workers:

"The kafala system puts the domestic worker's legal status in the hands of her employer, or 'sponsor,' leaving an estimated 250,000 migrant workers, mostly women of South/Southeast Asian and African origins, vulnerable to both physical and mental abuse and exploitation.

Because of this complete legal dependency, most migrant workers being abused are faced with choosing between enduring the abuse, fleeing (thus becoming an illegal resident of Lebanon) or ending their lives. Leaving the country is rarely an option as they require the approval of their employer, who often withhold their documents, including their passports." (Al-Monitor, 19 November 2014)

The March 2015 Al Jazeera article describes the situation of domestic workers in Lebanese households as follows:

“Reports abound of pervasive abuse by sponsors — including beatings, confiscated passports and withheld wages, not to mention the practice of holding employees hostage inside locked houses. Suicide is rampant; there is no shortage of reports of domestic workers plunging off balconies. [...] The direness of the situation, however, barely registers in Lebanon. Perhaps one reason is that premature death is more familiar in this conflict-plagued nation than it is elsewhere. But the lack of concern is better explained by the dehumanization of immigrant workers, who have been incorporated as accessories into many well-to-do Lebanese households — and some not-so-well-to-do ones. Maid’s rooms, a common feature of residential architecture, are often indistinguishable from closets. The relationship between employer and employee can be likened to that between human and microwave oven. If the latter malfunctions, there’s no reason not to smack it. And if for some reason it falls from the balcony, the only problem is having to replace a lost investment.” (Al Jazeera, 26 March 2015)

The June 2015 AWID article notes that the Ministry of Justice has submitted a circular to notaries “to include a new clause in the employer’s letter of engagement, along with the contract” that “stipulates that the employer must prevent any love relationship or marriage of the domestic worker in Lebanon” (AWID, 16 June 2015).

The November 2014 Al-Monitor article points to the limited nature of efforts undertaken by the government to reform the kafala system:

“Despite constant calls by both local and international human rights organizations, little effort has been done to reform or abolish Lebanon’s kafala system. The only such attempt can be credited to former Labor Minister Charbel Nahas, who described the system as ‘racial discrimination’ and even called it illegal under Lebanese law. [...] His efforts, however, were cut short upon his resignation in 2012. [...]

The government has fallen short of doing anything other than what HRW described as, ‘small, token reforms’ with very limited impact and without implementing any mechanism to enforce them. [...]

One such reform has been the Ministry of Labor’s introduction of a compulsory standard contract in January 2009. The contract explicitly required employers to abide by certain rules such as paying the monthly salary on time with receipts of payment, providing a 24-hour rest period each week and paid sick leave, buying health insurance for employees, allowing workers to keep in touch with their families as well as restrict the maximum number of daily working hours. Failure to implement a mechanism to enforce the law has led to the perpetuation of abuse.” (Al-Monitor, 19 November 2014)

The same article quotes Nadim Houry, the Middle East and North Africa deputy director of Human Rights Watch (HRW), as saying that domestic workers are excluded from the country’s labour law:

“Domestic workers are explicitly excluded from Lebanon’s labor law and from the basic protections that the law and other labor policies afforded to most other workers, such as limits on working hours and provision for overtime pay. Lebanon needs to include domestic workers in the labor code or adopt a separate law that grants them these rights” (Al-Monitor, 19 November 2014)

The June 2015 AWID article makes reference to the relevant provisions of Lebanon’s 1946 Code of Labour:

“Article 7 of Lebanon’s 1946 Code of Labour exempts domestic workers, among others, from the legal provisions and protections under the right to work. Interpretation of the code restricts domestic workers from unionizing and Article 92 states generally that foreign workers are not eligible or qualified to vote.” (AWID, 16 June 2015)

The same source goes on to say with regard to Lebanon’s international commitments regarding the protection of worker’s rights:

“Internationally, although Lebanon is party to the International Covenant on Economic, Social and Cultural Rights, which recognizes ‘the right of everyone to the enjoyment of just and favourable conditions of work,’ the country has not yet ratified International Labour Organization (ILO) Convention No. 189 on decent work for domestic workers, which guarantees, among others, the right to freedom of association and specific protections for domestic workers in terms of the right to work.” (AWID, 16 June 2015)

The August 2015 article of Good Magazine by Laura Kasinof indicates that since domestic workers are excluded from the current Labour law, they are technically not allowed to form a labour union (Good Magazine, 31 August 2015).

The August 2015 article of the Good Magazine (author: Laura Kasinof) reports about the findings of a survey conducted by KAFA, a local feminist civil society organization, on the experiences of a sample of 165 migrant domestic worker interviewees:

“Of the 165 migrant domestic workers interviewed for a survey conducted by KAFA, a Lebanese feminist civil society organization, none had knowledge of the kafala system prior to traveling to Lebanon for domestic work. Over half were paid less than they were promised in their home country, and 82 percent felt that they were forced to work. About 77 percent were made to work more than 14 hours a day. Half were locked inside their homes. The vast majority was asked to give up their identification papers, and 8 percent reported being sexually abused.” (Good Magazine, 31 August 2015)

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices 2014 informs about the general the situation of domestic workers in Lebanon:

“There is no official minimum wage for domestic workers. Official contracts stipulated a wage ranging from 150,000 to 450,000 lira (\$100 to \$300) per month for domestic workers, depending on the nationality of the worker. A unified standard contract, which was registered with the DGS [Directorate of General Security] for the worker to obtain residency, granted migrant domestic workers some labor protections. The standard

contract covered uniform terms and conditions of employment, but the section covering wages was completed individually.

Some employers mistreated, abused, and raped foreign domestic workers, who were mostly of Asian and African origin. Domestic workers often worked long hours and, in many cases, did not receive vacations or holidays. Victims of abuse may file civil suits or seek other legal action, often with the assistance of NGOs, but most victims, counseled by their embassies or consulates, settled for an administrative solution that usually included monetary compensation and repatriation.

Authorities did not prosecute perpetrators of abuses against foreign domestic workers for a number of reasons, including the victims' refusal to press charges and lack of evidence. Authorities settled an unknown number of other cases of nonpayment of wages through negotiation. According to source-country embassies and consulates, many workers did not report violations of their labor contracts until after they returned to their home countries, as they preferred not to stay in the country for a lengthy judicial process." (USDOS, 25 June 2015, section 7e)

As regards the practices of recruitment agencies, the ILO reported in April 2013 that "[i]n Lebanon, a ministerial decision of 2011 states that the owners of placement offices are prohibited from receiving direct or indirect fees from domestic workers, on penalty of having their licences revoked." (ILO, 9 April 2013, p. 47). However, the same source goes on to quote an official from KAFA as saying that some migrant workers pay double fees, i.e. to recruitment agencies in both origin and destination countries, which leads to increased indebtedness and vulnerability (ILO, 9 April 2013, p. 48).

The same article quotes the head of KAFA's exploitation and trafficking unit as saying that "recruiters know very well the situation in Lebanon, and they are hiding it" from prospective domestic workers (Good Magazine, 31 August 2015).

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices 2014, which covers the year 2014, notes a lack of monitoring of the activities of recruitment agencies:

"Foreign migrant workers arrived in the country through local recruitment agencies and source-country recruitment agencies. Although the law requires recruitment agencies to have a license from the Ministry of Labor, the government did not adequately monitor their activities. A sponsorship system tied foreign workers' legal residency to a specific employer, making it difficult for foreign workers to change employers. If employment is terminated, a worker loses residency. This circumstance made many foreign migrant workers reluctant to file complaints to avoid losing their legal status." (USDOS, 25 June 2015, section 7e)

With reference to Bina Fernandez, lecturer in Development Studies at Melbourne University, the August 2015 Good Magazine article informs about the practices of recruitment agencies inside Lebanon:

“There are around 500 licensed agencies in Lebanon, and many more unlicensed, so it’s a lucrative business. ‘These agencies are tied up with other sorts of businesses, particularly import-export businesses in the Middle East,’ explains Bina, the lecturer. ‘Maybe one is in the business of processing female domestic workers, but is also exporting cattle, or engaged in international money transfers.’” (Good Magazine, 31 August 2015)

As the same source goes on to note, women who have been returned by their employers are often “kept in a back room of the recruitment agency and not allowed to leave”. According to a member of the human rights group Insan Association, these women are “[f]requently [...] beaten” and “[t]hen they are given to another family and told they must work.” (Good Magazine, 31 August 2015)

In the same article, Kasinof refers to a recruitment agent in Beirut as indicating that the agency not only offers domestic workers who are brought from their home countries to Lebanon, but also maids who are already in the country, i.e. maids who have run away from previous employers. According to the agent, these women do not have papers, which makes it illegal to hire them, but “the government isn’t enforcing” this rule (Good Magazine, 31 August 2015)

The same article quotes the president of the Syndicate of the Owners of the House Workers Recruitment Agencies in Lebanon as saying that while maids recruited by legal agencies are sometimes abused, the bans countries have imposed on Middle East work visas are only promoting such abuse as these bans “push the [recruitment] process further underground.” (Good Magazine, 31 August 2015)

The June 2015 AWID article states that “[i]n certain cases, domestic worker recruitment agencies traffic migrant workers, particularly from countries where emigration to Lebanon is prohibited”. It quotes Sawsan Abdulrahim, professor of health science at the American University of Beirut, as pointing to “a network of recruitment agents that facilitate the movement of women from Ethiopia through another country into Lebanon”. These agencies often charge higher recruitment fees from employers. Abdulrahim is also quoted as saying that agents often “request that the employer pay them the salary for the first three months and not to the worker”, noting that “[t]he employers consent in most cases and are told that the worker was informed about this before she left her country of origin.” (AWID, 16 June 2015)

The AWID article goes on to quote Abdulrahim as saying that domestic work has “become more racialized over the years”:

“In society, the oppression of migrant domestic workers is based on gender, race and class. Abdulrahim explains that domestic work, considered devalued women’s work in Lebanese society, has become more racialized over the years, hence the low number of Lebanese domestic workers. ‘In this case, women who have the means, hire other women to carry out this devalued work. The women are from another culture and are racialized based on their country of origin, skin color, language, etc. Domestic workers

also lack protections because they are migrants in a setting where protections are offered to nationals only.” (AWID, 16 June 2015)

The March 2015 Al Jazeera article reports about efforts of domestic workers to form a recognized union and that “several hundred [domestic workers] attended an inaugural congress in Beirut” in January 2015. The article notes that the government “remains less than enthusiastic” about these plans and that the Ministry of Labour has denounced the idea of a union as illegal and “threatened to unleash police” on the congress held in January 2015. (Al Jazeera, 26 March 2015)

The June 2015 AWID article notes that while the domestic workers’ union formed in January 2015 is supported by the National Federation of Trade Unions of Workers and Employees of Lebanon (FENASOL) it has still not been legally recognized (AWID, 16 June 2015).

As a November 2014 Al-Monitor article notes, domestic workers are “[g]enerally considered a low political priority” and “only make the headlines when tragedy strikes” (Al-Monitor, 19 November 2014).

A number of media articles from 2015 and 2014 report on incidents involving domestic workers:

Referring to coverage by the Beirut-based newspaper Daily Star, an April 2015 article of the Middle East Domestic Help Abuse Reporting, a website that documents abuse of domestic workers in Middle Eastern countries, reported about the death of an Ethiopian female worker:

“Police launched an investigation into the death of an Ethiopian worker who fell to her death Monday in Nahr al-Mott, north of Beirut, a security source said. The source told The Daily Star police arrived on scene at about 9 a.m. after the worker fell through the skylight of a building.” (Middle East Domestic Help Abuse Reporting, 27 April 2015)

Earlier in April 2015, the Daily Star reported with reference to the Lebanese National News Agency that a “23-year-old Ethiopian maid was found hanged in an apparent suicide Monday at her employer’s house in Jbeil” (Daily Star, 13 April 2015).

Another April 2015 article of the Middle East Domestic Help Abuse Reporting refers to the Daily Star as reporting about the suicide attempt of an Ethiopian maid:

“An Ethiopian maid was in critical condition Friday after she allegedly threw herself from the fourth store balcony of her Mount Lebanon employer’s home in an apparent suicide attempt, a security source said.” (Middle East Domestic Help Abuse Reporting, 10 April 2015)

In November 2014, the Daily Star reported that “[a]n Ethiopian domestic worker commit[ted] suicide by jumping off the balcony of her employer’s residence in south Lebanon” (Daily Star, 24 November 2014).

Earlier in November 2014, Al-Monitor reported that an Ethiopian domestic worker attempted suicide in Beirut after having reportedly been “beaten by her sponsor on several occasions”:

“The video of an Ethiopian domestic worker attempting suicide on Nov. 10 [2014] by jumping off the fourth floor of her building in Beirut shocked the country. [...] The young woman was identified as Barcotan Dupree on Ethiopian news websites. Subsequent interviews released on Ethiopian social media (translated for Al-Monitor by a domestic worker who prefers to remain anonymous) reveal that Dupree had been beaten by her sponsor on several occasions. We also discovered that she once escaped from her sponsor’s house, but returned because she had ‘nowhere else to stay.’ She’s now being cared for at the Caritas Lebanon Migrant Center.” (Al-Monitor, 19 November 2014)

In April 2014, the Daily Star reported about the suicide case of an Ethiopian domestic worker in the city of Tyre:

“An Ethiopian domestic worker died over the weekend in an apparent suicide in the southern city of Tyre, security sources told The Daily Star Sunday. The woman allegedly threw herself off a balcony of the apartment building where she worked, the sources said. Media reports said the woman had fled last week from her employer’s home. Security forces later detained the Ethiopian and returned her to her employer.” (Daily Star, 7 April 2014)

The June USDOS Country Report on Human Rights Practices provides details about the case of Alem Dechasa-Desisa, an Ethiopian domestic worker who committed suicide after being abused by a labour recruiter outside the Ethiopian consulate in Beirut in 2012:

“In 2012 Lebanese Broadcasting Corporation International television released a video by an anonymous bystander in which a labor recruiter, identified as Ali Mahfouz, physically abused Ethiopian domestic worker Alem Dechasa-Desisa outside the Ethiopian consulate in Beirut. Dechasa-Desisa subsequently committed suicide at the Deir el-Saleeb psychiatric hospital. Following the investigation Beirut prosecutor general charged Mahfouz with contributing to and causing Dechasa-Desisa’s suicide, and the case was referred to the Beirut penal court. By year’s end, however, the Labor Ministry had not reported taking any action against Mahfouz’s labor agency.” (USDOS, 25 June 2015, section 7e)

2.2 Saudi Arabia, Kuwait, Oman, Qatar and the United Arab Emirates (UAE)

De Regt and Fernandez note in their 2014 book *Migrant Domestic Workers in the Middle East*:

“For nearly half a century, the Middle East and, in particular, the Arabian Peninsula has become a major migration corridor for domestic workers from Asia and Africa. [...] Domestic workers came predominantly from South and Southeast Asia (e.g., the Philippines, India, Sri Lanka, Bangladesh, Nepal, and Indonesia), yet in the past decade, and increasing number of African women have also migrated to the Middle East. Most of them come from Ethiopia and Eritrea, but there are also women from Nigeria, Cameroon, Madagascar, Benin, and other African countries who work as domestics. In addition, while the majority of migrant domestic workers can be found on the Arabian Peninsula,

they are also present in Lebanon, Israel, Jordan, Iraq, Syria (before the civil war), and Yemen [...].

The hierarchy of domestic workers at these destinations is often distinctly organized according to class and race. Upper-class families tend to employ Asian women and in particular Filipinas or Indonesian women, whereas middle-class families employ South Asian or African domestics, who are generally paid lower wages. In addition, when families employ more than one domestic worker, there is often a clear division of labor between them: Asian women tend more frequently to be employed to care for children and the elderly, while African women are more likely to be employed for cleaning and cooking tasks.” (Fernandez/De Regt, 2014, pp. 1-2)

In a 2011 journal article, Bina Fernandez, a lecturer in Development Studies at Melbourne University, noted about the kafala system in the Gulf monarchies:

“The Gulf monarchies’ efforts to contain potential political dissent through the deployment and control of a migrant labor force are sustained through the kafala or sponsorship system of recruitment. The kafeel is the sponsor and employer of a migrant worker, and may be an individual or a company, but only Gulf citizens can legally obtain permission to sponsor migrant workers. A temporary residence permit or iqama is issued on the basis of the work visa, and consequently, the workers’ legal presence in the country is tied to the kafeel. The kafeel invariably confiscates the passports of the migrant workers in order to control them better. Although the Kuwait government issued a decree prohibiting the confiscation of passports in 2007, domestic workers were excluded from its purview, and in any case, the confiscation of passports continues to be widespread.” (Fernandez, 2011, p. 449)

A November 2014 report of the Building and Wood Worker’s International (BWINT), a global federation of trade unions in the building, building materials, wood, forestry and allied industries, states:

“The kafala system, used to varying extents across the Gulf, restricts most workers from moving to a new job before their contracts end unless they obtain their employer’s consent, trapping many workers in abusive situations. Many migrant workers feel intense financial pressure not only to support their families at home but also to pay off huge debts incurred during recruitment. Poorly monitored labor recruitment agencies, in both the migrants’ countries of origin and in the destination Gulf states, often overcharge migrant workers, deceive them about their working conditions, or fail to assist them if they encounter workplace abuse.

In Saudi Arabia and Qatar, migrant workers cannot leave the country without obtaining their employer’s consent for an ‘exit permit’ from the authorities. Some employers have refused to pay wages, return passports, or provide permission for ‘exit permits’ in order to exact work from workers involuntarily.” (BWINT, 24 November 2014)

A November 2014 Financial Times (FT) article includes the following information about domestic workers in the member countries of the Gulf Cooperation Council (GCC):

“The rights of maids and other household workers, many of whom complain of poor working conditions and getting trapped with abusive employers, have been largely excluded from previous labour reform efforts that have focused on conditions of male manual labourers. Most domestic workers in the Gulf are women from the Philippines, Indonesia, Sri Lanka, Ethiopia, India and Nepal. Gulf nationals, guarding their privacy, used to argue that domestic workers, who live with their employers, should be treated as a separate category to other low-income workers. But states have come under relentless pressure to protect maids and other domestic workers after widespread testimony of physical and mental abuse, as well as non-payment of already low wages and restrictions on their movement. All GCC [Gulf Cooperation Council] states – Saudi Arabia, the United Arab Emirates, Kuwait, Oman, Qatar and Bahrain – have either introduced some reforms or are considering national legislation to protect domestic worker rights in a more systematic manner. [...] Rights groups say the system, which limits workers’ ability to change jobs, often traps labourers in abusive contracts.” (FT, 26 November 2014)

Saudi Arabia

The September 2015 journal article by De Regt and Tafesse provide the following detailed overview of migration of Ethiopian women to Saudi Arabia for domestic work:

“Saudi Arabia is one of the main destination countries for Ethiopian migrants. According to a report by the Regional Mixed Migration Secretariat in Nairobi, around 100,000 regular Ethiopian labor migrants moved to Saudi Arabia in 2011 (RMMS 2014, 17). In the first half of 2012 over 160,000 domestic workers migrated to Saudi Arabia, which was ten times more than the year before. The large majority (96 percent) were women. Most Ethiopian women who migrate to Saudi Arabia are unmarried Muslim women who have finished at least some years of secondary education (Fernandez 2010, 253). They are often coming from rural areas and intend to help their families back home. Those who migrated via regular channels sometimes attended a short pre-departure training at the MOLSA [Ministry of Labor and Social Affairs] in Addis Ababa. These trainings cover legal rights, the content and terms of employment contracts and information on whom to contact in case of problems (RMMS 2014, 24). Yet, in most cases they are unprepared for the work they have to do, they are unfamiliar with modern household equipment, and they do not speak Arabic. Upon arrival they are often confronted with a heavy workload and no day off, they face emotional, physical, and sexual abuse, their passports are withheld as part of the kafala system and sometimes they are denied their salaries (see Kebede 2001; Fernandez 2010; Dessiye 2011; ILO 2011). Irregular migration to Saudi Arabia, via Djibouti and Yemen, consists mainly of men (RMMS 2014, 17), which explains why a considerable part of the returnees were male. Male migrants were mainly employed as guards, as daily laborers and on farms.” (De Regt/ Tafesse, 12 September 2015, p. 5)

“Ethiopian labor migrants use three main ways to go to Saudi Arabia: via work contract arranged by a Private Employment Agency (PEA), being smuggled over land and sea, and by obtaining a visa to go on hajj (a religious pilgrimage to Mecca). Visa for the hajj are only handed out to people older than 28 years. Hence, getting smuggled and going on a

work contract basis are the two major means of migrating. Labor migration on the basis of a work contract is the major means to proceed to Saudi Arabia. A MOLSA report indicated that between July 2012 and July 2013, 161,787 Ethiopian migrant workers processed their migration to Saudi Arabia through Private Employment Agencies. The large majority (154,660 or 96 percent) was female; only 7,127 were male (4 percent).

The interviewed returnees had different motivations to choose a particular migration channel. The advantages of irregular channels were the costs (it is cheaper than migrating via PEAs), the fact that irregular migrants receive higher salaries, and the fact that the level of abuse is less because employers will also be held accountable for employing undocumented migrants and are therefore more careful with their treatment. The availability of the services of local brokers who facilitate irregular migration was another reason mentioned. Some respondents mentioned that they did not have to do a health screening, which can be advantageous for people with HIV/AIDS. The advantages of migrating via PEAs were that the pain of a long trip would be avoided (they would travel by plane), the positive feeling of being documented, and the possibility of getting protection from the Ethiopian Embassy and from the PEA (though agencies and embassies were in general described as not so helpful). Most of those who went to Saudi Arabia for hajj were working as undocumented migrants (freelancers). Freelancing is described as better because migrants can change employers since their passport will not be held by the employer or agency. The risk of freelancing is immediate deportation, which silences the migrants and gives them less power to negotiate with their employers.” (De Regt/ Tafesse, 12 September 2015, pp. 8-9)

The same article elaborates on the situation of female Ethiopian domestic workers, focussing on the GCC countries and Saudi Arabia in particular:

“In the Middle East, and in particular, in the Gulf Cooperation Countries, labor migrants work under temporary contracts specified for a particular period of time. Permanent settlement and citizenship rights are inaccessible for labor migrants. The general expectation is that once the contract is finished, labor migrants will leave the country unless their residence and work permits are renewed (Jureidini 2004, 3). Labor migrants who leave their employers without consent (‘run away’) and those unable to renew their residence permits become undocumented and liable for arrest and deportation. Migrants who entered the country on the basis of a hajj visa are expected to practice their religious missions. They are not allowed to engage in paid work and those who take up jobs are also liable for arrest and deportation. Migrants who came through irregular channels, are automatically denied residence and work permits unless they find a sponsor. From the information gathered we learnt that besides these conventional rules there were also people deported for ‘other reasons’. These other reasons statistically represent a small number but reveal xenophobic sentiments ingrained in the minds of the people and officials of Saudi Arabia (see Jureidini 2004). Returnees and key informants mentioned a number of other factors related to the forceful expulsion in 2013–2014. One of them was that employment agencies in Saudi Arabia asked a huge amount of money to regularize the status of undocumented migrants. [...]

Other factors attributing to the termination of labor and work permits included hatred of Ethiopian migrants and the fear of the expansion of Christianity. Some interviewees said that even religious leaders were involved in the crackdown operations. A male returnee told us that a religious leader came to his house, stole his money and assaulted him badly. Returnees that encountered racism and xenophobia said that they had not yet finished their contracts but felt forced to leave. Others said that they decided to leave when they saw the atrocities inflicted on fellow Ethiopians. Migrants who did not have documents were immediately deported but those that were working with false documents (for example those who had sponsors that they did not know) had to pay large sums of money in order to get released from their sponsors. [...]

Almost all of the returnees had horrific experiences between their arrest and their return home. They were imprisoned for a number of weeks, and treated very badly. They could not change their clothes, and sometimes barely had something to wear; they got very simple food and had to sleep outside in the heat. Saudi guards and policemen were sleeping next to them and female returnees told us that they were continuously on the alert fearing to be raped. Many women were sexually harassed and raped, while men were beaten up. Some of the respondents said that their experiences during their imprisonment were worse than what they had ever experienced during their stay in Saudi Arabia. As a result, many deportees were traumatized when they returned to Ethiopia.

In short, the returnees were not at all prepared for their expulsion. They were planning to stay undocumented as long as possible and had no intentions to return to Ethiopia. The violent crackdown and the subsequent arrests and deportations gave them little to no time to prepare their departure. Some returnees were able to bring their personal belongings; others were arrested and deported without having the right to prepare themselves for their return.” (De Regt/ Tafesse, 12 September 2015, pp. 9-10)

In October 2014, Migrant-Rights.Org, an online content-based advocacy forum that aims to advance the rights of migrant workers in the Middle East, renders an essay that was originally featured on PositiveNegatives.org, a website that publishes literary comics about contemporary social and human rights issues. The essay states that:

“The particular plight of domestic workers in Saudi Arabia and the wider Gulf region owes in part to the sponsorship or Kafala system, which renders workers disproportionately dependent on their employers. One common practice is for employers to confiscate identity documents and refuse to release workers from their contracts, leaving little choice for discontent workers but to escape. On July 5th of this year, a young African domestic worker committed suicide in a Saudi domestic workers’ shelter (read: detention center) after her sponsor refused to allow her to return home.

Other common working conditions include 10-hour+ working days with few breaks, no days off, confinement to the house, and delayed or unpaid wages. Domestic workers in Saudi Arabia work an average of 63.7 hours a week, the second highest rate in the world. Many domestic workers also suffer physical, verbal and sexual abuse from their employers and the employers’ extended family.

Though of course not all employers are abusive, domestic workers remain at the mercy of their employers' kindness rather than protected by legislation. With the recent exception of Bahrain, domestic workers are excluded from national labor laws, instead they are only provided meager protection through patchy declarations, unequal bilateral agreements, and wanting unified contracts.

Many of these regulations suffer from poor enforcement due in part to an unwillingness to regulate the private sphere of the home – most domestic workers are required to live in their employers house, and are confined to the house even during their “free time”. Some workers also have restricted access to private communication, impeding their ability to seek help in case of distress.” (Migrant-Rights.Org, 3 October 2014)

Bina Fernandez wrote in a journal article published in 2014:

“Prospective migrants in the source countries will approach (or be approached by) agents and brokers and pay a fee ranging from \$100-\$1000 to be placed. Often, women pay exorbitant fees either through ignorance or because they wish a speedy placement. The source country agencies and brokers liaise with placement agencies in the destination countries and send them the photograph and profile details of the prospective domestic worker. Prospective employers select an applicant and pay recruitment fees ranging from \$1,500-\$3,500 to cover her airfare, health insurance, and the agency charges. Pre-departure, the source country agent organises mandatory health checks for TB, HIV, and pregnancy for the MDW [migrant domestic worker], and draws up an employment contract. This contract has no legal validity at the destination, where prior to placement usually a new contract with the employer will be drawn up by the destination country agent. Once the MDW has been placed, the employer has to arrange for the legal residence of the migrant worker through the kafala, the prevalent migrant labour sponsorship system in the GCC (and in the Middle East more widely). The employer has to obtain residence papers (iqama), usually from the Ministry of the Interior. The iqama binds the migrant worker to the kafeel (sponsor-employer), giving the latter powers to cancel the worker's residency at will and prevent workers from leaving or changing employment without their consent. The kafeel effectively ensures this by confiscating the passport of the MDW. Should the worker 'abscond' or leave employment without permission, they are subject to criminal penalties and/or deportation. The kafala is an effective mechanism by which the state externalises and privatises its surveillance function, passing on to citizens the responsibility of policing the vast force of immigrant labour within the country.

Some MDWs may be satisfied with their employers and working conditions; however, numerous studies have consistently reported high levels of exploitation and abuse by employers. Economic exploitation includes the non-payment or under-payment of agreed wages, over-working the MDW beyond the hours specified in the contract without compensation, and coercing the MDW to undertake work in more than one household or work not specified in the contract (for instance, agricultural work). The source of this economic exploitation is in part attributable to the power over migrant workers that employers exert as kafeels. In part, it is attributable to the high cost of hiring a MDW. The

ILO estimates that the full cost of employing a live-in MDW (including recruitment fees, work and residence permits, and the cost of food and accommodation) is between two to three times the annual salary of the MDW. The high cost borne by employers is then socially perceived as giving them the entitlement to command the labour, time, and even the being of the MDW.

The employer's power over the MDW can also be exerted through physical, verbal, and psychological abuse. Alarming reports of MDWs being beaten, tortured, and sexually abused regularly appear in the media. Employers may deprive the MDW of food, health care, and adequate rest time and sleeping arrangements; they may also forbid the MDW from communicating with their families or friends, restrict their mobility outside the household, and verbally insult and humiliate them (often on racial or religious grounds)." (Fernandez, 2014, p. 5)

In August 2015, the state-owned Ethiopian Herald daily newspaper reported with reference to the official Ethiopian News Agency (ENA) that "Ethiopian domestic workers in Saudi Arabia have been complaining about various violations including unpaid salary, [and] domestic abuse such as torture and rape" (Ethiopian Herald, 27 August 2015)

As the Migrant-Rights.org advocacy forum stated in an undated compilation of statistics on domestic workers in the Gulf region, "[d]omestic workers in Saudi work an average of 63.7 hours per week" (Migrant-Rights.org, undated).

As the Ethiopian news and media website Ethiogrio reported in September 2015 with reference to an official at Saudi Arabia's Ministry of Labor, the ministry has given "approval to local recruitment offices to resume bringing in domestic workers from Ethiopia and three other countries" after a two-year ban [on the recruitment of Ethiopian domestic workers] (Ethiogrio, 15 September 2015).

As the above-mentioned article of the Ethiopian Herald reported in August 2015 with reference to ENA, "Ethiopia and Saudi Arabia are expected to sign the Domestic Workers' Recruitment Agreement to protect the rights of Ethiopian domestic workers" in Saudi Arabia. As the article goes on to say, this agreement, if signed, would "make the Saudi government share responsibility with employers and agencies for any violation of rights against Ethiopian domestic workers". (Ethiopian Herald, 27 August 2015)

No information was found on whether the above-mentioned agreement has been signed.

Kuwait

A June 2015 Human Rights Watch (HRW) press release states:

"Kuwait retains other policies that put domestic workers at risk of exploitation and abuse. For example, under the kafala – visa-sponsorship – system, migrant domestic workers cannot transfer to another employer until their original contract ends without their current employer's consent. This policy traps many domestic workers in abusive situations. Under this system, domestic workers who leave their jobs before the end of

their contract without their sponsor's consent are considered to have 'absconded,' a crime under Kuwaiti law. They can be arbitrarily detained, fined, or sentenced to imprisonment." (HRW, 30 June 2015)

The same article quotes an official at Kuwait's Ministry of Labor and Social Affairs as mentioning that "[d]omestic workers cannot be brought under labor legislation because our traditional cultural values would not allow inspection of private homes by the government" (Fernandez, 2011, p. 450).

The April 2013 report of the International Labour Organization (ILO) noted about the recruitment of domestic workers in Kuwait:

"In Kuwait, the standard contract requires any person sponsoring a domestic worker to pay the worker's travel costs and the associated fees of the recruitment agency. Also, a ministerial order of 2010 stipulates that the employment agency is prohibited from receiving any remuneration from the domestic worker." (ILO, 9 April 2013, p. 47)

Faiz Omar Mohammad Jamie and Anwar Hassan Tsega, academics at the Centre for Peace and Development Studies at the University of Bahri (Khartoum, Sudan), wrote in a September 2015 journal article:

"Ethiopian women suffered [...] gender-based violence, underpayment, and trafficking, to mention only few aspects of human rights violations. This situation could be attributed to the fact that most of these women fall under the category of unskilled and/or illiterate migrants, as irregular migrants who are employed within the private sector, outside the purview any legal or labor regulatory authorities." (Jamie/Tsega, 22 September 2015)

The April 2013 ILO report includes the following information about domestic workers who have "absconded" from their employer's home:

"In Kuwait, the employer is required to notify the Nationality, Passports and Residence Administration within one week of a domestic worker absconding. Once notified, the police will cancel the worker's residency permit and file an order for his or her detention. As the Social Work Society in Kuwait explained: 'After being caught, the domestic worker is put in jail and the case is dealt with in court. Most domestic workers want to go home because they only have the choice between jail and home.' The police must deport domestic workers charged with absconding after a period of detention that must not exceed six months. In 2011 alone, 2,353 domestic workers from Ethiopia, Indonesia, Nepal, Sri Lanka and the Philippines were deported from Kuwait." (ILO, 9 April 2013, p. 61)

The same source goes on to note:

"An owner of a PEA based in Kuwait explained that a 'big percentage of recruitment offices outside Kuwait take money from the domestic worker. The domestic worker has to pay for issuing the passport, medical tests, training, if any in the country, and other documents.' Such practices violate Kuwait's PEA regulation of 2010." (ILO, 9 April 2013, p. 47)

As the Migrant-Rights.org advocacy forum reported in March 2014, the murder of a Kuwaiti woman by an Ethiopian domestic worker in March 2014 was followed by large-scale arrests of Ethiopian domestic workers:

“[O]n March 19 the Ministry of interior launched raids on recruitment agencies. The ministry arrested 12,984 domestic workers in one night and intends to deport them shortly – without granting them access to legal services or to a trial to contest their status. One media outlet reported that the ministry intended to shut down violating offices, and also confiscated agencies’ insurance funds. The ministry ordered the deportation of all domestic workers temporarily placed at these offices, most of whom had been ‘returned’ to the agency and were awaiting the location of another employer. Among the 12,000+ domestic workers arrested, 2,136 were Ethiopians; 234 females and 1,902 males.” (Migrant-Rights.org, 23 March 2014)

In June 2015, Human Rights Watch (HRW) reported that Kuwait’s National Assembly has adopted a law granting domestic workers enforceable rights:

“Kuwaiti legislators’ adoption on June 24, 2015, of a new law giving domestic workers enforceable labor rights is a major breakthrough that should lead other Gulf states to take similar action. [...]

The Kuwait newspaper, Al-Jarida, published the text of the new law, which grants domestic workers the right to a weekly day off, 30 days of annual paid leave, a 12-hour working day with rest, and an end-of-service benefit of one month a year at the end of the contract, among other rights. [...]

The new law will come into force once Kuwait’s Emir has formally approved it and the final text is published in the Official Gazette. The Interior Ministry is required to issue regulations to implement the law within six months of its publication.

The new law, as published in Al-Jarida, is significant because it gives domestic workers enforceable labor rights for the first time, but it lacks key protections found in the general labor law. The labor law – Law no.6 of 2010 on Labor in the Private Sector – provides for a 48-hour work week, or 8 hours a day, and an hour of rest after every 5 hours of work. But the domestic workers law provides for a maximum 12-hour working day with unspecified ‘hours of rest’ and one day off a week. The labor law also has detailed provisions for sick leave, under article 69, including 15 days at full pay, whereas the domestic worker law simply requires employers to provide medical treatment.

The domestic worker law also falls short by failing to set out enforcement mechanisms, such as labor inspections. It prohibits employers from confiscating workers’ passports, a common abuse, but fails to specify penalties. The new law does not guarantee the right to form a union.” (HRW, 30 June 2015)

United Arab Emirates (UAE)

A February 2015 HRW report that was submitted to the CEDAW Committee of the United Arab Emirates' Periodic Report provides detailed information on situation of female migrant domestic workers in the UAE, drawing on an October 2014 HRW report that was based on interviews with 99 domestic workers in the country. The legal situation, including the role of the kafala system and the exclusion of domestic workers from the labour law, is describes as follows:

“At least 146,000 female migrant domestic workers—possibly more—are employed in the UAE. Many of these may enjoy good working conditions but others do not. In its 2014 report, Human Rights Watch documented how the UAE’s visa sponsorship system, known as kafala, and the lack of labor law protections leave migrant domestic workers exposed to abuse. Before compiling its report, Human Rights Watch spoke to 99 domestic workers in the UAE. They complained about many abuses, including not being paid earnings due to them, not being permitted rest periods or time off, confinement to the homes of their employers, and excessive work, with working days of up to 21 hours. They described being deprived of food and reported psychological, physical, and sexual abuse. Many said their employers treated them like animals, or as if they were dirty and that any physical contact with them would be contaminating. In some cases, the abuses amounted to forced labor or trafficking.

In the UAE, the kafala system ties migrant workers to individual employers who act as their visa sponsors, and restricts migrant workers’ ability to change employers. The system gives employers great power over employees because it entitles them to revoke sponsorship at will. This automatically removes the right of a worker to remain in the UAE and triggers repatriation procedures.

The UAE authorities have reformed some aspects of the kafala system in recent years and introduced labor law protections for certain categories of migrant workers, but not for domestic workers. For instance, other migrant workers can legally leave an abusive employer without penalty. Domestic workers who wish to leave employers, even if they are abusive, may not transfer to another employer before the end of their contractual period (generally two years) without their current employer’s permission, trapping many in abusive situations. A domestic worker who leaves her sponsor before the end of her contract without the approval of her sponsor and the UAE authorities is deemed by law to have ‘absconded.’ ‘Absconding’ is an administrative offense that can result in fines, deportation, and a one-year entry ban. Moreover, the UAE standard contract (updated in 2014) specifically states that a domestic worker’s rights are ‘null and void’ if the worker leaves work without informing the sponsor (i.e., ‘absconds’). Domestic workers are explicitly excluded from the UAE’s labor law and from the basic protections that the law and other labor policies afford to most other workers, such as limits on working hours and provision for overtime pay. Domestic workers have virtually no legal safeguards governing their employment.

As domestic workers are excluded from the labor law, their work is also not regulated by the Ministry of Labor. Instead, domestic workers fall within the domain of the Ministry of Interior's General Directorate of Residency and Foreign Affairs (the immigration department). This results in a parallel system whereby domestic workers have fewer rights and remedies than other types of migrant workers. Protective memoranda of understanding that sending countries have negotiated with the UAE Ministry of Labor simply do not apply to domestic workers. Domestic workers also are excluded from Ministry of Labor regulations that apply to other migrant labor sectors, including the imposition of fines on employers who make the workers they contract pay recruitment fees." (HRW, February 2015, pp. 6-7)

In a July 2013 article, *Le Point*, a French weekly political and news magazine, describes the kafala system in the United Arab Emirates under which a foreign worker is totally dependent on his or her employer. The employer has absolute control over the passport and the visa of the employee and thus on his or her ability to change employers or to leave the country. The article notes that access to justice is "very difficult" and that civil society networks supporting the rights of workers are "very weak". (*Le Point*, 23 July 2013)

The same article mentions a case of abuse of an Ethiopian domestic worker in Dubai who had been tortured by her employer (*Le Point*, 23 July 2013).

The February 2015 HRW report elaborates on the treatment of domestic workers by employers, recruitment agencies and the UAE authorities:

"Upon arrival in the UAE, domestic workers must sign the standard UAE contract (the UAE Employment Agreement for Domestic Workers and Sponsors) in order to secure a residence visa. [...] The UAE authorities issued a new standard contract for domestic workers in June 2014. This differs from its predecessor inasmuch as it provides for at least eight continuous hours of rest (i.e., sleep) each day; one day off per week or compensation equal to that day's work; and an annual paid vacation of 30 days. However, it also allows the employer the right to deduct at source from the domestic worker's salary any damage 'or loss of any goods or property attributable to default or negligence' of the worker. The new standard contract contains no limit on working hours (other than the daily eight-hour rest period), no provisions for overtime pay, and no workers compensation. Many of the workers Human Rights Watch interviewed said they signed contracts in their home country but then found when they arrived in the UAE and signed the UAE standard contract that they would be paid less than the original contract indicated.

Most domestic workers Human Rights Watch interviewed said their employers kept possession of their passports, posing a major hurdle for any worker wishing to escape an abusive employer. Passport confiscation is unlawful in the UAE, yet the authorities expect employers to be in possession of their employees' passports when they cancel sponsorship visas or report 'absconding' workers.

Some of the workers interviewed by Human Rights Watch suffered abuses that amounted to forced labor or trafficking. The UAE criminalizes both forced labor and

trafficking, but applies the law narrowly. Much of the UAE's efforts have focused almost entirely on one aspect of human trafficking—trafficking for purposes of sexual exploitation—while neglecting to address trafficking into forced labor, including domestic servitude. The UAE authorities treat human trafficking and 'labor issues' separately rather than deal with the key structural factors that lead to trafficking of forced labor and other forms namely the abusive kafala system and the lack of labor law protections for domestic workers. Human Rights Watch is not aware of any case in which the UAE authorities prosecuted employers for exposing domestic workers to forced labor. Workers who find themselves in abusive conditions have little recourse to shelter or justice. While there are several government-founded shelters for women subjected to sex trafficking or domestic violence, the authorities have not established any official emergency shelter specifically for domestic workers who are exposed to physical or psychological abuse. Some embassies provide shelter and assistance to their nationals, but many do not. UAE law criminalizes 'harboring' a migrant worker without a valid visa, including workers who have fled abusive employers. The penalty can be a heavy fine or imprisonment.

Workers who reported abuse said their recruitment agencies had provided little help, in some cases forcing them to return to abusive employers or to transfer to work for new families against their will. Some said recruitment agents told them they could not return home unless they first reimbursed the high recruitment fees their sponsors had paid. Several said agents confined them to their agency residence and deprived them of food or beat them when they sought their help.

Domestic workers who leave their place of work to escape abuse or for other reasons face a risk that their employers will file criminal complaints against them. Some workers who spoke to Human Rights Watch said that when they escaped and sought to report their employers to the police or immigration authorities for committing abuses, they learned that their employers had already filed trumped-up charges of theft against them. In most cases, such charges were intended to intimidate workers into forgoing wages or dropping charges against employers for a variety of abuses, and were not pursued once they had achieved that purpose. In other cases, however, domestic workers did face trial.

Domestic workers who said they had turned to immigration officials or the police for help against abuse by their employers reported a mixed response. Some said police officers had encouraged certain abused workers to return to their employers. Workers complained about delays and other problems they had encountered when seeking remedies through the courts. This had led some to abandon efforts to achieve judicial redress because the process was lengthy and they were not allowed to work in the meantime. Many said they were resigned to return home unpaid and without justice." (HRW, February 2015, pp. 8-9)

The April 2013 ILO report writes about private employment agencies (PEAs) in the United Arab Emirates (UAE):

“PEAs in the UAE are likewise forbidden to receive any payment or fees from workers, and are required to refund to the worker any amounts he or she may have paid for the recruitment process. In reality, this international norm is often ignored.” (ILO, 9 April 2013, p. 47)

Qatar

As Migrant-Rights.org advocacy forum stated in an undated compilation of statistics on domestic workers in the Gulf region, “[d]omestic workers in Qatar work an average of 60 hours per week” (Migrant-Rights.org, undated).

An April 2014 Amnesty International (AI) report describes the general situation of migrant domestic workers in Qatar as follows:

“Like all migrant workers, domestic workers in Qatar are subject to the highly restrictive kafala or sponsorship system, which gives their employer excessive control over them, including the power to deny them the right to leave the country or change jobs. Like all other foreign workers, they are barred from forming or joining trade unions. In addition, domestic workers cannot challenge their employers if their labour rights are abused, because Qatar’s laws specifically prevent them from doing so. [...]

The system thus conspires on three levels to leave migrant domestic workers in Qatar open to exploitation and abuse: their isolation in the home; the excessive powers of their employers; and a legal system that is not designed to help them.

As a result, domestic workers are susceptible to serious abuses if they are recruited into the homes of families or individuals who seek to take advantage of this permissive environment. The abuses can be extreme.” (AI, 23 April 2014, p. 6)

No further information could be found on the situation of Ethiopian female domestic workers in Qatar.

Oman

Y Magazine, an Omani weekly news publication, stated in a March 2015 article

“The National Centre for Statistics and Information (NCSI) says that the number of domestic workers – both male and female – in Oman reached 224,006 by the end of 2012, a rise of 25 per cent since 2010. [...]

In 2010, it was reported that the Director-General of Labour Affairs in the Ministry of Manpower in Oman received 1,000 complaints about housemaids running away from their original employers towards the end of the year whereas the complaints stood at 700 in the same period in 2009.” (Y Magazine, 18 March 2015)

The same article goes on to report:

“Some maids enter Oman via the ‘free-visa’ system – an illegal practice in which Omani sponsors provide domestic helpers with a visa for a high fee – either monthly or yearly – that allows them to work anywhere they choose. While it might give some maids freedom, it does leave them open to exploitation.” (Y Magazine, 18 March 2015)

No further information could be found on the situation of Ethiopian female domestic workers in Oman.

2.3 Other countries of destination

Yemen

A 2012 journal article by Marina de Regt of the University of Amsterdam provides the following overview of Ethiopian women migrants in Yemen:

“In the past twenty years an increasing number of women from Ethiopia have come to Yemen to take up paid employment, such as domestic work for middle and upper class families in urban areas. [...]

Middle Eastern countries such as Lebanon, Saudi Arabia, Kuwait and the Gulf States have become common destinations for Ethiopian women migrants because of the demand for paid domestic labor. Yemen, geographically closer but financially less attractive, has witnessed an increase of Ethiopian women migrants since the mid-1990s. Yemenis of mixed Yemeni-Ethiopian descent started bringing Ethiopian women into Yemen as domestics when the demand for paid domestic labor increased in the 1990s. Some of them are registered with official employment agencies with the Yemeni Ministry of Social Affairs and Labor, while others do business without an official license. Ethiopian women also come to Yemen with the help of relatives or friends already residing in the country. Yemen once had an open-door policy towards foreigners, residence and work permit checks used to be relatively loose. Obtaining a tourist visa and overstaying, or getting a visa based on a fake work contract used to be easy. As a result there were numerous undocumented Ethiopian women in Yemen before 2011.” (De Regt, 2012)

The same article details on the situation of female Ethiopian domestic workers in Yemen:

“The majority of Ethiopian domestics in Yemen are unmarried Christian women, most of them having completed at least a few years of secondary school. Those coming in via recruitment agents are always employed as live-in domestic workers, while those coming via relatives or friends have the possibility of being employed as live-out domestics. They work mainly as cleaners, cooks and nannies for middle class and upper class families and earn higher salaries than Somali women (the largest group of domestic workers in Yemen) do. Ethiopian women are perceived as ‘clean’, which can be explained by the fact that they are ‘close but distant’. Many Yemenis are acquainted with Ethiopia through relatives, friends or through business and travel. They often point to the historic relationship between Ethiopia and Yemen to explain the preference for Ethiopian domestics. [...]

Both groups took up paid employment as domestics, an activity with a low status in Yemeni society. In the past, Yemeni women and men from low social status groups used to carry out domestic tasks for middle and upper class families. Nowadays Yemeni families prefer to employ migrant women as domestics, a trend that started in the 1970s when Ethiopian and Eritrean women who came with their husbands to Yemen took up paid domestic work. In a sense, these were the predecessors to present-day migrant domestic workers, the difference being that they were employed as live-out domestics and office cleaners and could choose their employers. Women coming in as labor migrants are mainly employed as live-in domestics, have less freedom of movement and are more likely to suffer from abuse and exploitation. However, there are also differences among labor migrants: women who migrate through networks of family and friends are often freer to go about and enjoy better living and working conditions than women whose contracts are worked out prior to migration.

Ethiopian women, whether coming into the country as ‘dependent’ or ‘independent’ migrants, have a low status in Yemeni society because of their African descent and are sometimes discriminated against. In addition, they often do not have Yemeni citizenship status, thereby increasing their vulnerability. Ethiopian and Eritrean women who came to Yemen with their families find it easier to integrate into Yemeni society, are protected by their (Yemeni) families, while Ethiopian labor migrants often remain outsiders to Yemeni society and lack any form of protection. In some cases the families of their employers do protect them, but they can also exploit and abuse them. Women employed as live-in domestic workers run a greater risk of being isolated and exploited than do women working as live-out domestics, who have more access to the support networks of relatives and friends. Women employed as cleaners in offices and as live-out domestic workers are in that sense better off.” (De Regt, 2012)

A 2010 journal article by the same author notes that the “large majority of domestic workers in Yemen come from Ethiopia”. The article goes on to say:

“[W]eak government control makes it relatively easy for immigrants to enter the country. Immigration policies are not strictly implemented as government officials are often inclined to accept illegal practices in exchange for money. Broadly speaking, there are three ways women come to Yemen: invited by relatives or friends, employed by recruitment agents, and smuggled by boat. [...]

[W]hile it is relatively easy to enter Yemen, due to strict departure regulations, leaving the country is an extremely complex process for these workers. Many migrant domestic workers who enter Yemen on tourist visas and who work and reside undocumented in the country for years are unable to leave through legal means. It is possible to leave Yemen over land, crossing the border with Saudi Arabia, yet women are more reluctant to make this long trip on foot through the desert or by boat via the Red Sea.” (De Regt, April 2010, p. 239)

De Regt argues that “the relationship between method of entry and legal status is not fixed” and that “women sometimes opt for illegal ways to migrate and for an undocumented status

in the country of migration because this gives them fewer duties (such as having sponsors who are in control of their passports and the need to comply with the conditions in a contract).” As the author points out, “[i]llegality is thus not automatically disadvantageous.” (De Regt, April 2010, pp. 239-240)

No further information could be found on the situation of Ethiopian female domestic workers in Yemen.

Jordan

The Jordan Times, an English daily newspaper based in Amman (Jordan), reported in August 2012:

“Minister of Labour Atef Odeibat on Wednesday signed a memorandum of understanding with his Ethiopian counterpart Abdul Fattah Abdullah to hire Ethiopian domestic workers in Jordan. The memo entails protecting the rights of workers and recruiters in accordance with the law and in line with related international agreements, in addition to organising the recruitment services and cooperating in the field of human and technical resources. Under the memo, workers will be hired according to official contracts that stipulate their salaries, hours of work, accommodation, medical care and vacation. A joint committee should also be formed comprising members of the concerned authorities to follow up on the implementation of the agreement and address any obstacles hindering the process. Ethiopia will become the fifth country from which Jordan recruits domestic workers, after Indonesia, Sri Lanka, the Philippines and most recently Bangladesh.” (The Jordan Times, 16 August 2012)

The April 2013 report of the ILO indicates:

“[I]n Jordan, the instructions on recruitment agencies prohibit the agency from taking money from the worker, and require that where an agency is found to have committed gross violations of the labour law, the Government shall revoke its licence immediately and shut it down.” (ILO, 9 April 2013, p. 46-47)

No further information could be found on the situation of Ethiopian female domestic workers in Jordan.

Iraqi Kurdistan

The Kurdistan Tribune, an independent platform for Kurdish news and opinion, stated in a July 2015 report:

“According to the laws of Iraq’s republic applying to the Ministry of Labor and Social Affairs, which contains 157 articles passed the Iraqi’s Council of Representatives and approved by Iraq’s president, Iraqi workers have many rights which do not apply to domestic workers. Iraq’s law states that a worker’s salary must be increased after one year of working, but this is not included in the domestic worker’s contract. After acquiring a copy of the Golden Fens Company contract, which is ratified by the KRG [Kurdistan

Regional Government], I realized that it allocates a minimum \$300 as the monthly payment, without any provision for increasing the salary.

Moreover, Iraqi law states that the working day must not exceed 8 hours but, in the contracts signed by domestic workers, there is no limit to their hours, and this is a violation of their basic rights.” (The Kurdistan Tribune, 15 July 2015)

Ekurd Daily, an online news portal based in the USA, reported in April 2014 with reference to an interviewed Ethiopian domestic worker:

“Mania, a 23-year-old Ethiopian girl with only an aged mother and father, said she came to the Kurdistan Region five years ago. [...]

Mania criticizes the Kurdish community saying that, despite their claim to be religious, they harass and rape servant girls. She compares the treatment of Ethiopian servants in the Region to a barbaric colonial tradition of rape and harassment with impunity. [...]

When another Ethiopian married servant named Tariya, 27 -years -old, was asked why Ethiopian girls when raped did not go to police, she replied that they do not know where the police offices are, although they fear to do that.” (Ekurd Daily, 2 April 2014)

No further information could be found on the situation of Ethiopian female domestic workers in Iraqi Kurdistan.

Djibouti

The September 2015 report of the US Department of Labor (USDOL) includes the following references to female Ethiopian migrants in Djibouti:

“In addition to Djiboutian girls, Ethiopian, Somalian and Eritrean migrant girls fall victim to forced domestic work and possibly to commercial sexual exploitation in Djibouti City; the Ethiopia-Djibouti trucking corridor; and Obock, the preferred departure point for Yemen. [...]

The Government detained children in prostitution and street children, including potential human trafficking victims, following sweeps to clear the streets in advance of holidays or national events. After detention, immigration officials transported children identified as Ethiopian or Somali to Ali Sabieh, near the Ethiopian border, leaving them abandoned and vulnerable to re trafficking.” (USDOL, 30 September 2015, pp. 255-257)

No further information could be found on the situation of Ethiopian female domestic workers in Djibouti.

Kenya

As reported in a November 2015 article of The Standard, a Kenyan newspaper, more than 1,000 Ethiopians were arrested along Kenya’s Isiolo Moyale road over the previous week, of whom “200 were repatriated”. The article mentions that 131 arrested Ethiopians were

“charged with being in the country illegally” and “remanded at Isiolo GK Prison”. As the article further reports, “Kenyan traffickers, describing themselves as businessmen operate in Moyale, Marsabit town, Laisamis, Isiolo and Nairobi” and that according to Kenyan government sources, smuggling a person between the Kenyan-Ethiopian border town of Moyale to Nairobi costs Sh50,000 on average. (The Standard, 30 November 2015)

No further information could be found on the situation of Ethiopian female domestic workers in Kenya.

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