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trafficking in women forced labour and domestic work

in the context of the Middle East and Gulf region

Working paper

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Trafficking in women, forced labour and domestic work in the context of the Middle East and Gulf region

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Contents

Abbreviations	1
Geographical and Geo-political references	2
Chapter 1	3
1.1 Introduction	3
1.1.1 Why migrant domestic workers?	3
1.1.2 Why migrant domestic workers in the Middle East?	4
1.2 Methodology	9
1.2.1 Aims of the study	5
1.2.2 Definition framework	5
1.2.3 Methods used	6
1.2.4 Dilemmas, limitations and lessons learned	7
Chapter 2: Push and pull factors	9
2.1 Migrant workers in Middle East	9
2.1.2 The patterns of labour migration in the Middle East which make people vulnerable to trafficking	11
2.1.3 Push factors in the Horn of Africa	13
2.1.4 Migration patterns in the Horn of Africa which make people vulnerable to trafficking	14
2.1.5. When migration becomes trafficking	16
2.2 Gender	17
2.2.1 Gender specificity and labour migration	17
2.2.2 The gender aspects of labour in destination countries	17
2.2.3 The position of female domestic workers	18
2.2.4 The position of migrant female domestic workers	19
2.3 Law	20
2.3.1 The sources of law in the region	20
2.3.2 National provisions for domestic work and migrant domestic workers	21
Chapter 3: Identifying the problems - Forced labour outcomes	25
3.1 Who are the migrant domestic workers?	25
3.1.1 Local women	25
3.1.2 Migrant domestic workers	26
3.2 Clustering the forced labour (and related) issues	28
3.2.2 Working conditions	28
3.2.4 Living conditions	30
3.3 Assistance and help at disposal	32
3.3.1 Destination countries	32
3.3.2 Countries of origin	36
Chapter 4: Identifying responses - Strategies and tools	38
4.1 Strategies	38
4.1.1 Promotive and preventive strategies	38

4.1.2	Protective and assistance strategies	40
4.2	Tools for capacity-building, advocacy, awareness-raising and assistance	41
Chapter 5: Country profiles		48
	Egypt	48
	Eritrea	51
	Ethiopia	52
	Lebanon	54
	Sudan	57
	Yemen	61
Appendix 1: Contacts		61
Appendix 2: Relevant international law		65
Appendix 3: Relevant international and regional mechanisms		69
Appendix 4: Sources		73

Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ALO	Arab Labour Organisation
AU	African Union
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung, German Federal Ministry for Economic Cooperation and Development
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CRC	Convention on the Rights of the Child
EC	European Commission
ECOSOC	United Nations Economic and Social Council
ESCWA	United Nations Economic and Social Commission for Western Asia
EU	European Union
GCC	Gulf Co-operation Council (The Co-operation Council for the Arab States of the Gulf)
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit, German Technical Cooperation
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Office/Organization
IOM	International Organization for Migration
LAS	League of Arab States
MEDA	Financial instrument of the EU for the implementation of the Euro-Mediterranean Partnership
MENA	Middle East and North Africa
OHCHR	Office of the United Nations High Commissioner for Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development

Geographical references

Middle East States:	Egypt, Iraq, Jordan, Lebanon, Palestine, Syria and Yemen
Gulf States:	Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates
The Mashrek States:	Egypt, Jordan, Palestine, Lebanon, Syria, Yemen
The Maghreb States:	Morocco, Tunisia, Libya, Algeria
Western Asia States:	Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Yemen

Geo-political references

LAS States:	Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates
The GCC States:	Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates
ESCWA States:	Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Yemen
MEDA states:	25 EU Member States and Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey. Libya has observer status since 1999

Chapter 1

1.1 Introduction

1.1.1 Why migrant domestic workers?

Globally, for more than 40 years, female migrants have been almost as numerous as male migrants. In 1960, there were 35 million female migrants and 40 million male migrants. By 2000, although the total number of migrants had more than doubled, the gap between female and male migrants remained about the same with 85 million female migrants and 90 million male migrants.¹ This number covers women who migrate for a variety of reasons and for various purposes, including those who migrate for employment.

Female migrant workers often find employment in informal areas of work, which are unprotected by labour legislation such as domestic work, child care, care for the elderly and so on. This report focuses on the situation of female domestic workers, who despite working and generating income, are not considered 'real' or 'formal' workers. Most often they are referred to as workers in the informal sector.

There is a serious debate on how to define informality and clarify the terms 'informal sector', 'informal labour' and 'informal economy'. We use those terms in the report in the knowledge that each of them has its advantages and limitations. However, whether we talk about the informal sector, informal labour or informal economy, from the perspective of individual workers - in our case migrant domestic workers - the situation has several key characteristics:

- Workers are not protected or recognised under the legal and regulatory frameworks.
- They receive little or no legal or social protection.
- They are unable to enforce contracts or have security of property rights.
- They are rarely able to organise for effective representation and have little or no voice to have their work recognised and protected.
- They are excluded from or have limited access to public infrastructure and benefits.
- They have to rely as best as they can on informal, often exploitative institutional arrangements, whether for information, markets, credit, training or social security.
- They are highly dependent on the attitudes of public authorities.²

All the above mentioned characteristics make domestic workers vulnerable to serious abuses. In particular, the lack of recognition, protection and access to public services are reportedly contributing factors in trafficking for forced labour. However, there are wider-reaching issues. The concern and emerging issues as reported by migrant domestic workers are numerous, interlinked and complex. The Programme Consultation Meeting on the Protection of Domestic Workers Against the Threat of Forced Labour and Trafficking held in Hong Kong³, identified the following areas of concerns in relation to migrant domestic workers in situations of forced labour and trafficking:

- Law and its application: Lack of legislative protection for local and migrant domestic workers. If there is a legal framework as in many countries in Asia, it is difficult to implement because of bureaucratic 'red tape' combined with an inability of local authorities to apply the law.
- Organisation and representation: There is a continuing lack of organisation, representation and voice for domestic workers, and there are significant barriers to enable them to organise themselves.
- Lack of services, especially for those trapped in conditions of severely exploitative work: The nature of the domestic sphere makes it difficult to identify and act on situations of forced labour and exploitation, and to reach out to domestic workers.
- Continued persistence of unacceptable recruitment and employment practices: Both sending and receiving governments are unable or unwilling to address the unscrupulous activities of recruitment agencies and workers' dependency on them. Domestic workers remain in exploitative situations due to fear of retaliation by employers, agencies and government. They frequently find themselves in situations of debt bondage, to recruitment

agencies or employers.

These problems are not new. In 1965, the International Labour Conference resolution concerning the conditions of employment of domestic workers recognised the “urgent need” to establish minimum living standards, “compatible with the self-respect and human dignity which are essential to social justice”. But to date, there are no specific provisions under international law dealing with domestic work. The NGOs, particularly in Europe and Asia, are campaigning for recognition of the problem both on a national and international level. In 2003, for example, Kalayaan, a UK based organisation working with domestic workers, published a report⁴ highlighting abuses of migrant domestic workers in the UK. On the European level, the RESPECT⁵ network is campaigning for recognition of domestic work and ensuring labour standards for those employed in private households.

Given the lack of specific recognition of (and therefore standards on) domestic work in international law, this paper uses the ‘fundamental principles and rights’ (and lack of thereof) of the ILO Declaration on Fundamental Principles and Rights at Work⁶ as a basis for assessing the situation of migrant domestic workers:

- Freedom of association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced and compulsory labour
- The effective abolition of child labour
- The elimination of discrimination in respect of employment and occupation

These principles apply to all ILO member states, regardless of their levels of economic development, cultural values and history, and should be ensured in all areas of work. Yet as already mentioned, the fundamental rights as human beings and as workers are not recognised and guaranteed to migrant domestic workers.

1.1.2 Why migrant domestic workers in the Middle East?

Not all migrant workers end up in forced labour situations and out of those who do, not all of them have been trafficked into it. But increasingly, frequent reports and mounting anecdotal evidence of abuses reported to Anti-Slavery International by partners, focused our attention on the situation of migrant domestic workers from the Horn of Africa in the Middle East and Gulf countries. Evidence suggested that many women migrating for employment as domestic workers ended up being trafficked into forced labour and trapped in a complex net of exploitation facing legal, social, financial and cultural obstacles.

Progress has been made on international level in terms of creating international instruments to combat trafficking in persons, and most of the states have taken steps to address trafficking in persons, particularly in areas of criminal law. However, much remains to be done to address the problem of prevention of forced labour outcomes of trafficking and access to justice for exploited people. In order to address these issues, the state parties need to acknowledge the forced labour outcomes of trafficking. They also need to focus in particular on preventing exploitation in areas of employment which women mostly find themselves in. Yet, as already mentioned, neither states nor international instruments tend to recognise areas of women’s work as real.

One of the major questions in drafting this paper was how to gain a better understanding of these problems and their context the Middle East region: What are the experiences of migrant domestic workers in the region? What are the dynamics and workings of the migration process? How does migration (if at all) contribute to trafficking? Are gender and the fact that the domestic work is predominantly done by women playing a role in exploitation in this particular region and if so, how? What is the role of labour law in making migrant domestic workers vulnerable, if any? What has been done, what can be done and who are the stakeholders? This paper is the result of a pilot research project looking into these issues in the Middle East and Gulf states. The main focus of this initiative was to assess what information was available on the topic and, in particular, what information was available on the situation in several selected sending, receiving and transit countries (Egypt, Ethiopia, Eritrea, Lebanon, Sudan and Yemen).

Clearly, the paper and its recommendations are indicative. The in-depth research, the interpretation and above all the solutions should come from within the region and should engage a wide range of actors, including governments, civil society and academics. Assessing and monitoring the situation and developing measures to address forced labour as such as well as the exploitation of migrant domestic workers in particular represent a challenge for all countries concerned. Nonetheless, finding solutions to the interlinked problems of trafficking, forced labour and exploitation

should be of interest to both sending and receiving countries. Both Horn of Africa and Middle East countries will need to recognise the migrant labour and trafficking in persons as human rights, labour rights, and as development and economic issues. For sending countries, migrant workers contribute significantly to national economies. Labour migration is often not only a way of coping with crises but also a way for migrants to build up a social insurance for themselves and their families, which the country of origin is often not able to guarantee. According to most of the available literature, remittance flows are increasing rapidly worldwide (with a projected \$90 billion for 2003) and constitute the "largest source of financial flows to developing countries after Foreign Direct Investment (FDI) and in many countries exceed FDI flows".⁷

For receiving countries, migrant workers represent an economic interest and sought after labour, particularly in employment areas which the national workforce is not interested in occupying. The World Bank states that the developing South is the primary destination for poor rural migrants and also the major source of workers' remittances.⁸ So-called South-South linkages among developing countries - and especially between larger middle-income countries and poor countries - are a growing source of trade, FDI, remittances and development assistance.⁹ An example of a more advanced developing country is this observation from the United Arab Emirates: "Foreign female domestic workers sometimes outnumber the household members. During the day, in the street, the most commonly seen people are foreign female domestic workers."¹⁰

1.2 Methodology

1.2.1 Aims of the study

The general aim of the study was to broaden our knowledge on the phenomenon and identifying strategies to protect women from being trafficked into exploitative working conditions. The particular focus was on:

- Recruitment process
- Abuse in countries of destination
- Situation of women who return back to countries of origin

1.2.2 Definition framework

As far as definitions are concerned, we are using the following international instruments:

Trafficking in persons: According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (2000):

"Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

Since the report looks at domestic work as a purpose of trafficking, the terms "forced labour or services, slavery or practices similar to slavery", used in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, are of a particular relevance and the following definitions of those terms are used:

Forced labour:

The use of forced labour has been condemned by the international community as a practice similar to but distinct from slavery. The League of Nations and the United Nations have made a distinction between slavery and forced or compulsory labour. The International Labour Organization (ILO) was given principal responsibility for the abolition of the latter.¹¹

The Forced Labour Convention (No. 29), 1930, defines forced labour as: "...all work or services, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily..."

Unlike the two conventions on slavery, above definition does not incorporate the concept of ownership. "Yet the practice imposes a similar degree of restriction of an individual's freedom - often achieved through violent means." ¹²

The following list of indicators can be used to identify forced labour:¹³

- Threats or actual physical harm to the worker
- Restriction of movement and confinement to the workplace or to a limited area
- Debt bondage: the worker works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape the debt
- Withholding wages or reducing wages excessively which contradicts previously made agreements
- Retaining passports and identity documents so that the worker cannot leave or prove his/her identity and status
- Threat of denunciation to the authorities, where the worker is in an irregular immigration status

Slavery and slavery-like practices:

The League of Nations Slavery Convention (1926) defines slavery as "...the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised..." (Art.1 (1)).¹⁴

The Supplementary Convention on Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) also includes in its definition debt bondage, serfdom, certain institution and practices related to marriages of women without their right to refuse them, any exploitation of child labour by others than their parents etc, which are collectively referred to as the "servile status".

In the Updated review of the implementation of and follow-up to the conventions on slavery, D. Weissbrodt and Anti-Slavery International suggest that next to the above definitions "[t]he circumstances of the enslaved person are crucial to identify what practices constitute slavery, including:

- the degree of restriction of the individual's inherent right to freedom of movement;
- the degree of control of the individual's personal belongings; and
- the existence of informed consent and a full understanding of the nature of the relationship between the parties " ¹⁵

1.2.3 Methods used

Desk research

The data collection involved a review of more than 70 reports and documents. The materials used are, where possible, from the period of 2000 to 2005.

Interviews

More than 50 field interviews were conducted and 26 case were studies collected. Also used were several legal complaints by domestic workers, 10 medical reports, 5 prison testimonies, 14 work contracts and 10 newspaper articles covering the issue. The methodology for the data and information collection during the field visits developed during the reporting period covers three specific topics:

- The situation of migrant domestic workers generally and the way it is interpreted by local actors and the workers themselves
- The way in which local actors apply the trafficking theory in practice, the people and method by which people are defined as being trafficked as well as the criteria for decision
- The assistance and protection available for people identified, with particular emphasis on assistance and protection of those who escaped abusive conditions

The sample strategy used was a judgement sampling: Interviewees were selected according to a number of set criteria (such as being a female domestic worker from the Horn of Africa, being involved in human rights issues) etc. Then a snowball method was used with one contact leading to another. Interviewees included workers of governmental, inter-

governmental and non-governmental organisations, academia involved addressing the issue, and migrant domestic workers themselves.

Type of interview: Semi-structured interviews were carried out. This type of interview employs a set of themes and topics to form questions in the course of investigation. We can consider this type of interview as a 'conversation with a purpose'. Most of the interviews were carried out by Anti-Slavery International's Trafficking Programme Officer, who has been working for seven years on the issues of trafficking and has extensive experience in working with trafficked women. Seven interviews in Lebanon were arranged and conducted by a field researcher trained by Anti-Slavery International staff.

Reporting: The report uses information which could be cross-checked from a minimum of two different sources. Where a case study or information from a field trip interview is directly used, this is stated in the footnote.

1.2.4 Dilemmas, limitations and lessons learned

Establishing contacts

This area of work was new to Anti-Slavery International and most of the contacts in the region had to be set up from scratch. In general, this proved rather demanding, particularly since the time for field visits was very limited (approximately 10 days per country, which already extended the original plan of 35 working days to be spent on the study in total).

Building up communication and trust with possible partners is a long-term process and it was strongly felt that this would be difficult to achieve just through e-mail communication and short visits. Although most organisations were welcoming, they often operated in difficult circumstances. For them, maintaining confidentiality and 'doing no harm' to both their employees and their clients was a priority. Secondly, it was rather difficult to win the trust of the domestic workers themselves, especially if they had run away from their employers and had illegal status in the country. The only possibility to reach the migrant domestic workers was through the snowball method with one person recommending another. It was possible, however, to establish those contacts in most countries and to visit the domestic workers in private at night, after they finished work or when they were having informal (tea) meetings in private flats. In the countries of origin, the supporting organisations were extremely helpful in getting in contact with women who had been trafficked and returned back home. However, the issue of confidentiality and trust was persistent throughout the entire process as many women do not wish to be labelled as trafficked victims. Moreover, avoiding victimisation, retraumatisation and stigmatisation were key priorities for both the assistance providing organisations and Anti-Slavery International's Trafficking Programme Officer .

Accuracy: The data available and estimates on most of the issues covered by this study varied widely, and it was not possible to obtain reliable data on several aspects of the study, such as up-to-date data on migration for example. The number of interviews is limited. These two facts allowed us to prepare an indicative paper rather than an in-depth study. It would therefore be recommendable to initiate in-depth regional consultation and research.

Security: The field trips and the information collection presented a security issue for the researcher, those interviewed and interpreters, and that of data translations and storage. These were addressed by the project officer during the implementation period, but it is recommendable that safety and security policies for the researcher and clearly defined safety procedures for data collection and storage are in place before a field assessment takes place.

Confidentiality: Many of those interviewed were willing to share their experiences and information, but asked for protection of their identity. Their statements could therefore not be quoted directly.

Time: 35 working days were allocated to complete the desk research, implement the field trips and draft the technical and narrative reports. The original idea was to involve local researchers, but since the contacts had only just been established during the research project itself and since the time-frame was tight, the entire research was carried out by Anti-Slavery International's Trafficking Programme Officer who was aiming to identify those suitable as research partners for future co-operation. In general, the time-frame proved not to be a realistic estimate of the time needed to complete the task, and it is recommendable to allocate at least double the amount of time for similar projects, or preferably even more.

Geography: Being based in London, UK, proved not to be ideal for the researcher because it made it impossible to organise follow-up interviews. Secondly, keeping up electronic communication and contacts over a long distance is generally demanding and it proved particularly complicated in areas where Anti-Slavery International does not have already long established working partnerships. Building up communication in this way was also beset with technical difficulties, which made it more difficult. The Trafficking Programme Officer believes that the field worker should ideally be based in one of the countries of the region for an extended period of time.

Endnotes

¹ The Global Dimensions of Female Migration By Hania Zlotnik , March 1, 2003 in 2004 Migration Policy Institute: www.migrationinformation.org/Feature/display.cfm?ID=109

² Source: Decent work and the informal economy, ILO, Geneva 2002

³ Anti-Slavery International and partners, in co-operation with the ILO, Hong Kong, SAR, February 16-19 2003

⁴ Pearce, N.: Migrant Workers' Rights: The Passport Issue, Kalayaan, 2003

⁵ RESPECT is the European network of migrant domestic workers' organisations, individuals, and supporters, that campaigns for the rights of women and men working in private households in EU countries. RESPECT supports its members campaigns and facilitates the sharing of experience and expertise in campaigning, organising and lobbying

⁶ The Fundamental Principles and Rights at Work (1998) are derived from the ILO Constitution and are expressed in policy decisions of the Organization, such as its Conventions and Recommendations

⁷ Migrant Labour Remittances in Africa: Reducing Obstacles to Developmental Contributions. www.worldbank.org/afr/wps/wp64.pdf

⁸ World Bank, Global Development Finance Report, 2005

⁹ World Bank, Global Development Finance Report, 2005

¹⁰ Rima Sabban, United Arab Emirates: Migrant Women in the United Arab Emirates, The case of female domestic workers, GENPROM Working Paper No. 10, ILO, Geneva

¹¹ Weissbrodt, D; Anti-Slavery International; Contemporary Forms of Slavery, Working paper, UN Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights; E/Cn.4/sub.2/2000/3 para 30

¹² Weissbrodt, D; Anti-Slavery International; Contemporary Forms of Slavery, Working paper, UN Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights; E/Cn.4/sub.2/2000/3 para 32

¹³ See the ILO Human Trafficking and Forced Labour Exploitation: Guidelines for Legislators and Law Enforcement (2004), Geneva

¹⁴ Weissbrodt, D; Anti-Slavery International; Contemporary Forms of Slavery, Working paper, UN Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights; E/Cn.4/sub.2/2000/3, para 8

¹⁵ Weissbrodt, D; Anti-Slavery International; Contemporary Forms of Slavery, Working paper, UN Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights; E/Cn.4/sub.2/2000/3; para 19

Chapter 2: Push and pull factors

When looking into the issue of trafficking into domestic work, it is important to understand the push and pull factors in countries of origin, transit and destination.

There are numerous individual reasons why people temporarily or permanently move from their home countries. Migration is essentially a way of coping with conflict, unemployment, natural or man made disasters, a mechanism for people to try and improve their social standing, a mechanism for building up social insurance, or a combination of all of these. The Horn of Africa experience illustrates this: people have recently been fleeing their villages in eastern Sudan to escape the outburst of armed conflict. Many have left Ethiopia to escape poverty and unemployment, and to earn enough money to send children to school or to set up a small business. Many others have emigrated from Eritrea to avoid political persecution, compulsory military service, or to earn a viable income to support their families.

At the same time, there is a demand for labour throughout the Middle East and the Gulf regions, which these migrants offer. It is mainly the low-skilled labour sector, which is open to them such as driving, construction work, and for women cleaning, care or domestic work.

Migration itself, the labour force it offers and on the other hand the demand for cheap labour that exists, does not necessarily mean that trafficking is happening. Even though trafficking includes an element of movement, the crucial aspect of identification is not the movement or the location of work per se, but the brokering, lack of consent and in particular the exploitative conditions of work.

This chapter looks at the migration patterns in the region, the immigration status of people, the ways of meeting the offer and demand for labour, the gender patterns, the recognition of women's labour and the way the laws are addressing the position of women as workers, and how they are playing a role in trafficking into domestic work.

2.1 Migrant workers in Middle East

The Middle East and Gulf states have a long tradition of labour migration, both emigration and immigration. One of the effects of the oil boom in 1970 was a significantly increased inter-regional migration as well as immigration into the region from Asia (Thailand, Bangladesh, Philippines and Indonesia). The non-oil-producing countries such as Syria, Lebanon, Jordan, Egypt or Yemen were supplying workers to oil-producing Gulf countries such as Saudi Arabia, the United Arab Emirates and Kuwait. Both highly- and low-skilled workers were needed to help the oil-rich countries to make full use of the the newly discovered potential, set up banking systems, management and engineering, and implement the grand reconstruction and infrastructure-building plans. At the same time, an increasing demand for teachers became evident. The health sector also absorbed migrant workers including doctors, veterinarians, pharmacists and dentists.

The socio-economic changes in labour migration were wide-ranging in the sending and receiving countries of the migrant workforce. It increased household income due to remittances, and it created a need for women to work as paid labour as to replace male migrants. In Jordan, Egypt, Syria and Yemen, officials attributed the increase in women's participation to the gap left by the number of men who had migrated to the oil-rich states of the region for better-paying jobs.¹⁶ Emigrant workers' wives had to manage the households, and often had a paid job as well. In some areas, particularly where the men migrated for low skilled jobs, this brought only additional demands on women but did not improve significantly the income of the household. In other areas, the family income substantially increased. This is possibly also a reason for the increased demand for domestic workers in oil non-producing countries.

The drop in oil prices in the late 1980s meant that employment opportunities in many areas, particularly construction, decreased and immigration into related labour sectors fell rapidly. However, the demand for services continued to increase. The employment opportunities in the service sector (such as the hotel and care industries, as well as domestic work) were available in the Gulf area and in many Middle Eastern countries. Anderson suggests that the increasing demand for domestic workers was due to the changing lifestyle in the region: "The move towards a consumerist lifestyle and the nuclear family concomitant on increased prosperity has added to the domestic

burdens...but the number of women in the household to share these burdens has diminished".¹⁷ Migrant women, mainly from South and South-East Asia, met the demand in this segment of the labour market and this period is referred to as the 'Asianisation' phase of guest work in the Middle East¹⁸ and the Gulf region. Although hard data is limited and keeps fluctuating, available information on current trends (1995-2005) in migration within the Middle East and Gulf states suggest that the proportion of scientists and technicians migrating for work in the Arab region has increased and the share of labourers has declined, although they still represent a significant proportion of migrant workers (see example below).

According to CAPMAS (the Central Agency for Public Mobilisation and Statistics) estimates, the total number of Egyptian temporary migrant labourers is about 1.9 million. Most of the demand for Egyptian labour comes from Saudi Arabia, Libya, Jordan and Kuwait. Migrants to these countries comprise of 87.6 per cent of the total number of Egyptian migrant labourers. In recent years, and after the end of the civil war, Lebanon became a new destination for unskilled Egyptian migrants working in construction.¹⁹ Saudi Arabia, Libya, Kuwait, the United Arab Emirates, Qatar, Yemen and Oman absorb the most highly skilled Egyptian workers. The per cent of technical and scientific migrants to these countries ranges from 69.1 in Yemen to 40.5 in Saudi Arabia. The highest proportion of unskilled migrants is found in Lebanon, where they comprise about 75 per cent of the total number of Egyptian migrants. Iraq²⁰ and Jordan rank second where 69.2 per cent of migrants are unskilled labourers. Some 50 per cent of the Egyptian migrants to UAE are unskilled labourers. The percent of unskilled Egyptian labourers in other Arab countries ranges between 37.4 per cent in Qatar and 7.7 per cent in Yemen. The Gulf Co-operation Council (GCC) countries plus Libya absorb most of the skilled Egyptian labourers while Iraq, Jordan and the GCC countries absorb most of the unskilled Egyptian migrants.²¹

Unskilled labourers face competition from new streams of cheap labour from Southeast Asia²² and Africa. For example, between 1992 and 2001, 7,300 men left Ethiopia for the Middle East/Gulf as legally recruited migrants.²³ The men are reported to be employed mainly as drivers, guards, waiters, mechanics and similar professions. However, the exact number of men migrating from Ethiopia to the Middle East and Gulf states is presumably much higher. Equally, the real number of women migrating from Ethiopia and working in the Middle East/Gulf region is probably significantly higher than official figures suggest. For example, between 1996 and 1998, 2,247 women left for Arab countries with the approval of the Ministry of Labour and Social Affairs of Ethiopia. But in 1999, 17,000 Ethiopian women were reportedly working as domestic workers in Lebanon only.²⁴ The recently known numbers indicate only how many women left the home country through legal channels and secured exit visas from the state authorities. The available data and information on women migrants from Ethiopia indicate that most of them are employed as housemaids or nannies.²⁵

In recent years, female migrant workers in general have composed larger percentages of migrant workers in Gulf Co-operation Council (GCC) countries, which include Saudi Arabia, Bahrain, Qatar, Kuwait, and the United Arab Emirates. Women migrants represented almost 30 per cent of all inflows in 2000 compared to 8 per cent in the early 1980s. In Lebanon, the proportion of women migrant workers among all migrant workers more than doubled between 1965 and 2000.²⁶ According to data from the Filipino President's project Oplan Kalinga, there are over a million of migrant domestic workers from Philippines in the Middle East alone. The figure is distributed as follows: 950,000 in Saudi Arabia, 30,000 in Bahrain, 1,500 in Egypt, 591 in Iran, 121 in Iraq, 40,000 in Israel, 30,000 in Jordan, 60,000 in Kuwait, 25,000 in Lebanon, 19,400 in Oman, 35,000 in Qatar, 2,500 in Syria, 1,500 in Turkey and 170,000 in the United Arab Emirates.²⁷

The relationship between economy and politics in the labour migration in the Middle East and the Gulf is complex. The fluctuation in the number of migrant labourers working within the Arab region in the last three decades is caused, amongst other factors (such as the oil price), by political tensions including the Iran-Iraq War, the Gulf War, and the political and economic sanctions on Libya. Of the mass repatriation of Yemenis from Saudi Arabia (as many as 800,000²⁸) after the Gulf War, for example, and their replacement with workers from other countries/regions or expulsion of tens of thousands of Egyptians, Mauritians and Sudanese from Libya in the middle of the 1990s. How migration is managed plays a role as well: "One of the distinguishing features of the mass migration experience in Gulf States compared with Europe was that the idea of diversification of nationalities was to deflect the potential political encroachment by Arabs from other regions."²⁹ The diversification trend intensified in the decade following the Gulf War. "The reason for the emergence of this trend differs from regime to regime, but usually stemmed from a general unease about foreign labourers' sense of entitlement, particularly Arab-origin labourers."³⁰ But apart from the rights and sense of entitlement, which migrant workers rarely can claim in host countries, there is also a clear economic dimension in the diversification of the labour market and the acceptance of labour from Asia and Africa.

Jeddah: Labour Minister Dr Ghazi Al Gosaibi has rejected proposals to fix a minimum wage...“No country has implemented separate wage system for nationals and expatriates. If we implement the minimum wage system for Saudis alone it will be considered a violation of human rights”., Okaz Arabic Daily quoted the Minister as saying: Wlf we implement the minimum wage system, it will turn our economy upside down, create a black market for manpower and double manpower costs”, he said....“Suppose we fix a minimum wage of SR3,000, it will lead to closure of most factories here. Even if we fix SR1,000, it will double the salary of domestic servants”, he pointed out.³¹

2.1.2 The patterns of labour migration in the Middle East which make people vulnerable to trafficking

The migrant manpower is meeting the demand for labour in the region in several major ways and from several different reasons. People are willing to migrate for labour and enter the country as temporary labourers. Or they are forced to leave their home and enter the host county primarily for other reasons but find themselves in situations where they need to generate income to survive. They may also be willing to travel further from the Middle East and use countries in the region as a transit point where they need to earn money to continue their journey. None of above is trafficking situation per se, but all of them were reported as making people extremely vulnerable, and each could develop into trafficking situation.

Contractual temporary labour migration and the Kafala system

Kafala is a system of sponsorship that dates back to the late 1950s. It is derived from the Bedouin principle of hospitality that sets obligations required in the treatment and protection of foreign guests.³² The Kafala system is often referred to as a system of structural dependence of the migrant worker on her/his employer.³³ It is nowadays characterised by:

- The employer as a sponsor: In order to be allowed to enter the country on a working visa (which is a pre-condition of legal employment), the worker must be invited by the receiving side (either the agency or the individual employer). The employer -'kafeel'- takes in principle full legal and economic responsibility for the employee during his/her stay in the country.
- Recruitment via agencies: In most cases, the agents and agencies put the workers in touch with their employers. The agencies are operating in the destination country and have counterparts in countries of origin which are responsible for recruiting the workers or they can sometimes recruit the workers themselves.
- The contract is temporary and the workers' rights are limited: Essentially, the migrant workers are seen as temporary workers and their rights are kept to a minimum. They are dependent on the employer for all legal aspects of their stay in the country such as work permit, renewal of the permit, registration at the relevant state institutions. The employee cannot leave or change the employer without leaving the country or having government approval. The system, as it stands now, is open to abuse. The common practice is to submit the employee's passport to the employer for the entire stay so that the worker cannot physically leave the place of employment without the risk of being liable to arrest, detention and deportation. The employee faces the same risk if the employer does not renew the work permit.

Forced migration³⁴

It is not only formal labour migration which brings migrants into Middle Eastern countries, but also forced migration, which recent applied to an estimated six million people in the Middle Eastern region (Roudi, 2001).³⁵ Forced migration, displacement, and seeking asylum³⁶ are common factors of population movements. Although it is impossible to establish the precise numbers of people forced to leave their homes and migrate in order to survive conflicts, persecution, extreme poverty and famine, it is estimated that between 1960 to 1995, the number of refugees in/from the African continent alone increased from 79 000 to 6.4 million.³⁷

Since then, the numbers are reported to have decreased as a result of the resolution of some conflicts, refugee repatriations and an increasing reluctance of states to grant asylum on a prima facie basis. However, today's Cairo, for example, "accommodates one of the five largest refugee populations living in urban areas" in the world (Ismail 2002).³⁸ Of the 30 nationalities of refugees known in Egypt, Palestinians form the largest group, followed by people from Sudan, Somalia, Ethiopia and Eritrea.³⁹

Another example of the steady inflow of forced migrants into the Middle East is the United Nations High Commissioner for Refugees' (UNHCR) claim that in Yemen there are, among other nationalities, some 47,000 Somalis registered with the UNHCR office.

Forced migrants and refugees are usually among the poorest of the poor in host countries. Although some of the asylum-seeking and refugee families do have some modest income due to relatives working in rich Gulf countries, many struggle to survive. The income of asylum seekers is often dependent on remittances sent from family members who are lucky enough to secure employment or informal work in a 'rich' country.

Access to the formal labour market is impossible not only due to high unemployment but mainly due to the existing legal provisions in relation to the right to work - if the right is recognised at all - and complicated administrative requirements making employment possible. A researcher in Yemen concluded that "Ultimately, not one refugee interviewed had been granted a work permit by the Ministry of Labour nor had they heard of any others being granted such a permit, even with the required UNHCR letter. In Yemen, some individuals expressed the opinion that the Yemeni Government denies permits because, like the employers...they want to maintain a supply of low-wage labour for the economy and protect higher wage jobs for Yemeni nationals".⁴⁰ Such an assumption was also common among asylum seekers and professionals interviewed in Cairo.⁴¹

But even the low paid informal labour the interviewed asylum seekers referred to is often hard to access. "[R]efugees have been known to get involved in illegal activities such as alcohol brewing and prostitution in order to make a living; it is said that some have even resorted to selling their organs" (Sperl 2001:19).⁴² One of the few options available⁴³ to female refugees is domestic work. Many refugee women are reported to find work as domestic workers in the hope of supporting their families with this income.⁴⁴ The informality of their labour and their migration status make them vulnerable and easy to be exploited. Essentially, working refugees are very often in a situation where the employer has all the rights while they have none.

Smuggling, transiting and trafficking

Many people need to migrate into/within the region outside the formal employment or refugee system, mainly because formal and legal means of migrating or seeking seeking are not accessible to them. In the process, they are extremely vulnerable to abuse and exploitation. These people do not migrate primarily as labour migrants. But it is not uncommon for people to travel to a point of transit, often with the assistance of an intermediary, hoping to earn some money in the 'transit country', which will enable them to continue their journey to the desired destination. The only work available to such migrants is informal and unprotected work. For women, again, one of the few possibilities is domestic work. Through the entire process of migration, these people are extremely vulnerable to abuse. For migrants, many countries in the region are countries of origin, transit and destination at the same time, but it is impossible to offer numbers or estimates of 'irregular' migrant communities within the Middle East and Gulf states. Many women are migrating, using the services of intermediaries or assistance from others.

Aside from leaving the country with the help of illegal agents, women also use the Oumra and Hagi (Moslem pilgrimages) as a pretext to go to Saudi Arabia and, from there, to other Arab countries. According to a statement issued by the Saudi Arabian Consulate in Addis Ababa (20 December 2000), 11,000 people got visas for Saudi Arabia to go for the year 2000 to the Oumra and Hagi, while 587 applications were denied...According to an official of the Ethiopian Immigration Authority, most of the women who leave the country through Omura and Hagi use the Moslem pilgrimage as a pretext to migrate for employment in the Arab countries. As women are not allowed to travel alone on such a pilgrimage, they pay men who are travelling there to pose as their husbands and get visas for them.⁴⁵

These are by no means all trafficking cases. But the way the women depend on third parties increases their vulnerability, which is, reportedly, in some cases abused and the women are trafficked when attempting to migrate for labour into Saudi Arabia.

The means and routes of transportation can be extremely varied. In the case of people from the Horn of Africa, it is reported⁴⁶ that many people travel from Ethiopia and Eritrea via Sudan to Egypt, some hoping to transit through Egypt to Libya and further to Europe. Others travel directly from Khartoum to Tripoli. The fact that Libya has a transit function can be verified. On 17 March 2005, the Italian authorities forcibly returned 180 migrant people to Libya (without assessing their asylum claims).⁴⁷ The migrants were of various nationalities and had landed by boat on the Sicilian island of Lampedusa. Throughout 2004, Libyan authorities forcibly returned a number of Eritrean nationals to their

country of origin.⁴⁸ The risks which deportation brings upon them are not taken into account by the authorities in destination countries. In addition, many of those trying to get to Europe are thought to perish on their way.

Fourteen African migrants drown off Libya 16/5/2005 12:45:00 PM GMT

At least 14 African migrants heading to Italy drowned when their boat sank off the coast of Libya, the Libyan Interior Ministry said on Monday, adding that three other passengers were missing. The boat was carrying 23 migrants, from North and Sub-Sahara Africa countries, when it sank off the An Noukat al Khams area, 30 km west of Tripoli, a few hours after it left Libya for Italy on Sunday. Libyan security forces had recovered 14 bodies and rescued six people, said a ministry statement, carried by the state news agency Jana. Authorities are still searching for three missing migrants. Libya had dismissed calls by Italy and other European Union states to put an end to illegal migrants to Europe through Italy, saying that stopping illegal immigration needs co-operation between Africa and the EU. However, as part of a larger Libyan diplomatic campaign to win the West, Tripoli has stepped up efforts to crack down on illegal migrants from North and Sub-Sahara African states....Officials estimate that thousands manage to slip through Spain each year, while many drown while making the crossing.⁴⁹

Many people are travelling on land from Ethiopia and Eritrea to Djibouti and mainly to Somalia, and board boats to Yemen or Saudi Arabia. It is reported during interviews with migrants in Yemen⁵⁰ that some are misled as to what their destination will be and instead of landing at the Saudi Arabian coast, they find themselves in Yemen. Many believe that they will be able to make their way through Yemen to Saudi Arabia or to Europe, if they find work and earn enough money for the transport. UNHCR also reported that large numbers of people were being transported to Yemen via Somalia, especially Port Bossasso.

Four days later, on 7 March, the crew of another boat ordered the 85 passengers aboard to jump into the sea while still some way off the coast. Survivors told UNHCR that 18 people drowned as a result - 17 Somalis and one Ethiopian. The Yemeni authorities have recovered seven bodies. Sixty-seven survivors reached shore. They too received emergency UNHCR assistance at the Mayfa'a reception centre, which is now struggling to cope with 535 new arrivals in less than a week. Survivors told UNHCR staff that some 1,500 people are waiting to be smuggled into Yemen from Bossasso in the coming days.⁵¹

2.1.3 Push factors in the Horn of Africa

The Horn of Africa has a history of both emigration and immigration. For a long time, Eastern Africa (including the Horn of Africa) and Western Africa have had higher numbers of international migrants than any other regions in the continent. At regional level, refugees have constituted a very substantial proportion of all international migrants in Eastern and Horn Africa. In 1990, they accounted for 54 per cent of the migrant stock. This declined to 36 per cent in 2000.⁵²

It is difficult to find data on recent migration trends and especially on labour migration. However, local researchers assert that labour migration from the region is increasing. For example, some available figures indicate the extent of this increase in recent years: According to the Ethiopian Government's Security Immigration and Refugee Affairs Authority, the number of migrant workers leaving the country increased from an average of 23 per month in 1996, to 410 per month in 1999.⁵³

Motivations to migrate were not researched regionally (or the Trafficking Programme Officer did not come across such information). This report can therefore only list general push factors which influence both migration and trafficking:

Conflict: Examples of Sudan and Eritrea

It is both the actual conflict and the post-conflict situation which increases vulnerability of people to trafficking:

The recent⁵⁴ outbreak of conflict near the Eastern borders of Sudan has forced a significant number of people to leave their homes. The internally displaced persons (IDPs) and refugees are therefore seeking protection in IDP or refugees camps. There they are being forced to change their traditional lifestyle which evolved around agriculture and animal herding. Recently, they had to make their living in different ways, particularly in informal labour, where their traditional skills are no longer applicable. According to local researchers, their dependency and lack of applicable skills combined with the need to survive increases their vulnerability to forced labour and trafficking.

Following the outbreak of war between Ethiopia and Eritrea, the number of armed soldiers in Eritrea increased from

46,000 in 1997 to 250,000 in May 2000. The planned demobilisation following the end of the war in June 2000 is progressing extremely slowly and in 2004, armed forces still totalled over 200,000.⁵⁵ Military service is mandatory, and both men and women are expected to join the service for one year, which, in many cases, is reportedly extended to two or three years. For many young Eritreans, the compulsory service, which is said to be mainly hard physical construction work, is the main push factor for leaving the country. The second factor is said to be the poverty in the post-conflict era and lack of opportunities. An ongoing five-year drought coupled with the impact of a labour shortage stemming from the military mobilisation and a shortage of hard currency reserves, resulted in Eritrea being able to meet only 19 per cent of its own food needs in 2005.⁵⁶ Many Eritreans are trying to leave the country and migrate via Sudan to Egypt or to Libya and further to Europe, migrating to Djibouti or Somalia and further to Yemen, or migrating south, trying to reach South Africa. Each of these migration routes is reported to also be a trafficking route.⁵⁷

Economic situation, employment and hunger, example of Ethiopia:

The drought and subsequent famine affected an estimated 15 million Ethiopians. The lack of harvest in 2002, excess livestock deaths⁵⁸ and long-term low prices of coffee on international markets influenced the Ethiopian economy dramatically. The US Government estimates that there are currently 12 million Ethiopians in urgent need of food assistance. Data from the Famine Early Warning System Network (FEWS NET), coupled with reports by a USAID mission in Ethiopia and numerous nutritional surveys carried out by non-governmental organisations, indicate that the number of people currently receiving assistance is significantly lower than the number of people in need.⁵⁹

Lack of prospects (particularly for women):

Both the lack of employment per se and structure of employment impact on employment prospects. According to reports, for most Ethiopian women the only viable option to earn an income is through informal work. The reasons are varied but are mainly lack of skills, training and access to the formal labour market. "A lot of women in the informal sector work as daily labourers or are involved in small trades, which they start up with little capital, having no property to use as collateral for credit from financial institutions. Lack of capital means the lack of a place to conduct their small trades. Without a legal licence to operate, they risk being chased away by law enforcement officers and having their property confiscated from time to time".⁶⁰ In Sudan, informal sector activities of women, particularly displaced women, are also increasingly visible, especially around Khartoum, where it also has been met with considerable hostility and harassment. After the military government came to power in June 1989, attacks on informal sector workers, many of whom were women, began as part of a more general campaign against 'black-market' activities.⁶¹ The local researchers confirmed that this situation is still persistent and has in fact become institutionalised in recent years.

In a survey in Ethiopia, respondents were asked about what factors encouraged them to consider migration. 26 per cent of respondents stated that unemployment was the major push factor, 19 per cent mentioned poverty and 10.5 per cent mentioned lack of prospects. These three related answers accounted for 55.5 per cent of responses. In the same survey, 40.5 per cent of respondents stated that improved opportunities were accessible abroad, including higher income (19.6 per cent) and the possibility of accumulating capital to start a business (16.8 per cent). 12.3 per cent of respondents also stated that studying was an important reason for migrating abroad.⁶²

2.1.4 Migration patterns in the Horn of Africa which make people vulnerable to trafficking

The means of migrating are extremely varied and depend heavily on the circumstances in which a person is migrating. Unlike forced migrants, migrant domestic workers first aim for physical survival. There are many factors and recruitment processes taking place in conscious labour migration and as a result, a wide range of players are usually involved. In Ethiopia, for example, a formal procedure for labour migration has been established. This involved setting up registered and state-controlled agencies to assist women migrating abroad for domestic work. However, non-registered agents and brokers are operating and facilitating labour migration, and have been reported to traffic many women abroad, mainly using false promises and debt bondage.

The reasons why women use non-registered agents are generally many. They are often told that the services of non-registered agent are cheaper and that the agency can get better paid jobs for them. Another frequently reported reason is that women, particularly in rural areas, are not informed about what the formal procedure are, or they find it too complicated or inaccessible. When they are approached by someone offering a well paid job, they see it as a good way to escape from poverty and send money to their families. Lastly, relatives and friends are often involved in the process, either by putting the woman in contact with the broker or by helping to pay the fees for arranging the job and

travel. Trust is an important factor in this, and, in the case of re-paying the debts, so is the sense of duty which recruited women feel towards their loved ones. The following actors are normally involved in recruitment:

Agents and brokers: The agents, brokers and intermediaries are operating in the countries of origin and facilitate the employment, necessary administrative procedures, transport, and communication with counterparts in destination countries. While in many destination countries (and in Ethiopia as a country of origin) the work of agencies is regulated by law, many agencies exist and recruit workers illegally. "There are many agents (in Ethiopia), who are not legal. They would go from house to house, promising that they will get a job for a girl in Yemen or Saudi Arabia."⁶³ The major problems reported are related to contracts, debt bondage and misleading information about living and working conditions. Here is an example of a 'contract' provided to a recruited migrant domestic worker⁶⁴:

CONTRACTUAL WORK AGREEMENT

I, Ms _____ Address W. _____ K _____ H.N _____ & my family agreed/consented that I am going to be hired as a house maid in Lebanon for about 2 and half years & may extend the above mentioned period of Contract of work provided if there is a Favorable working atmosphere.

The following are conditions of employment

I am going to be paid \$100 a month given, I will perform my work and service fully and efficiently.

If I wish to go back to my country before the period mentioned above, I have agreed to pay back \$3,000 as penalty.

Employer's Name & sign

Employee's Name & sign

The agents and brokers were reported to be the major source of fear, both in countries of origin and destination. According to the domestic workers interviewed, the risk of reprisals is high if the worker escapes the employment before she 're-pays her debt'. All saw the agents and brokers as very powerful people. Physical violence, intimidation and threats were the major factors outside the household they worked in which kept the women in abusive situations. There was also a big fear of reprisals after being repatriated back to the country of origin.

Relatives and friends: Family members, community members and friends are often involved in the recruitment of migrant workers. They may be misled about the real nature of the work in the destination place, but in many cases, they recruit the worker knowing that she/he will be subjected to violence, threat of violence, forced labour or sexual exploitation.

K is a young lady of 19. She has completed 12th grade and no job was available. So two of her aunts raised 7,000 Birr to enable her to go to Qatar. She paid 7,000 Birr to two agents, without receipt because one of them is a neighbour and was responsible for her decision to go and "get rich". She left for Qatar. When she reached there (a) the salary promised by the Addis Ababa agent was not true. It was reduced by more than half. She had no choice and agreed to work. (b) Then the Qatar agent requested to have sex with her before she was employed. She flatly refused. He made her stay in his office for seven days without adequate food and sleep. When he asked her to come with him on the 7th day, she was glad because she believed she was going to be employed, at last. But he took her to the airport and shipped her to Addis Ababa. When she asked the Addis Ababa agents why she was back without working, their response was "the agent in Qatar said that you refused to be employed because of low salary".⁶⁵

As shown in the example, family members can raise finances for the workers to go abroad. This is often used as a means to force the woman to work even if the work is not what was originally promised, as she is expected to work off the debts. One of the threats often reported during the interviews was that if the migrant domestic worker escaped and the agent or money lenders would not get their money back, the family and loved ones would be punished. Intimidation did not come from the family itself - at least this was not reported. The women interviewed saw their family members and loved ones as co-victims despite their involvement in the trafficking. The women expressed anxiety about the well-being of their loved ones and believed that the family did not know what would happen to

them. Also, reprisals or retaliation from loved ones against escaped domestic workers were not reported in countries of destination, nor upon return to the country of origin. The key issues and fears reported were stigmatisation, particularly if the experience abroad involved sexual abuse, excommunication and for married women, a broken marriage back home.

Individual travel: Historically, cultural and economic ties between Yemen, Saudi Arabia, Egypt and the Horn of Africa have led to a steady flow of goods and people in both directions. This tradition has continued in recent decades.

“I was a teacher in Ethiopia. I mean, I trained as a teacher but there was no work available for me. But even if there would be a job for me, the salary is so very low that I would have a difficulty to sustain myself. I went to Yemen once and I liked it. So I decided to go to Yemen and find a work as a domestic worker. I did fly to Sana on my own and found a job here. I am working for several households. I am not earning much money but it is still better than what I had at home.”⁶⁶

Individual travel is seen as a way to retain some control and freedom. However, this usually involves illegal travel, as in most destination countries, the migrant workers need to have a sponsor (see the Kafala system), which must be arranged before departure, usually by agent or broker.

2.1.5. When migration becomes trafficking

Migration, smuggling and trafficking into the Middle East are complex and interlinked, and as described, in reality there is no clear and easy formula for identifying when a particular migrant will be trafficked for forced labour. The most that can be said is to show the patterns, systems and policies which are making migrants vulnerable to trafficking. In summary, migration may take place through regular or irregular channels, and may be freely chosen or forced upon the migrant as a means of survival. The categories of migrants described above cover:⁶⁷

Temporary migrant workers: They are admitted by a country other than their own for the explicit purpose of exercising an economic activity. They can be seasonal migrant workers, project-tied migrant workers or contract migrant workers. In case of migrant domestic workers, the vulnerability stems from the structural dependence they have on their employer and agent.

Refugees: A refugee is “any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country”.⁶⁸ In the case of domestic workers, their vulnerability stems from their urgent need to migrate, and the status and labour rights they do (or do not) have in the new country.

Irregular or undocumented migrant workers: They do not comply with the conditions necessary to be authorised to enter, to stay and to engage in a remunerative activity in the country of employment. They can be:

- Those who enter the country legally but whose stay or employment contravenes the law (for example visa expiry);
- Those whose stay and entry are lawful but who do not have the right to work and are engaged in illegal or illicit employment;
- Those who enter the country illegally and who seek to change their status after arrival to find legitimate employment;
- Those who have entered the country illegally, whose stay is unlawful and whose employment is illegal.

Migrant domestic workers are vulnerable because of their migration status, which makes it difficult for them to access justice should they be exploited.

A clarification needed in relation to trafficking is the distinction to be made between migration, trafficking and smuggling. If the method of migration is irregular, a smuggler, who will facilitate illegal entry into a country for a fee, may assist the migrant. The smuggler may demand an exorbitant fee and may expose the migrant to serious dangers in the course of the journey, but on arrival at his/her destination, the migrant is free to make his/her own way and normally does not see the smuggler again.

For trafficked people, it is often only when they arrive in the country of destination that their real problems begin. Even

though trafficking includes an element of movement, the crucial aspect of identifying it is not the movement or the site of work per se but the brokering, lack of consent and especially the exploitative conditions of work. It involves the movement of people, using coercion or deceit, for exploiting their labour or services (see Chapter 3).

2.2 Gender

2.2.1 Gender specificity and labour migration

As mentioned previously, both women and men migrate for variety of reasons. However, women may decide to go abroad for different reasons from those of men. Apart from the individual aim to improve their living standard, which they share with male migrants, many factors are important for female migrants in the decision-making process. Very often, these are related to their status as women in their country.

It is usually difficult for women to earn money and be independent if there is gender inequality in their country or origin. Therefore, for many women, migrating is a way of empowering themselves and escaping a discriminating, socio-cultural environment, even if they come from poor conditions.

Secondly, in some of the home societies, it is thought that daughters bear responsibility for improving the family's living standard and, because of the pressure families put on them, they choose to work abroad to support their family. Most Ethiopian migrant women, for example, seek employment not only to make a living themselves but also to support their families.

If migration policies are not gender-inclusive, the vulnerability of women to trafficking and exploitation increases. But if gender discrimination is important to understand women's initial mobility, it is imperative to recognise that women, once they arrive in the country of destination, are often also subject to double discrimination for being both a foreigner and a woman.

2.2.2 The gender aspects of labour in destination countries

One of the key elements of the problematic position of female migrant domestic workers in the destination countries is the nature of their work. Indeed, the engagement of women in domestic work, whether done by a local woman or a migrant, is not regarded as work.

In most of the literature on the issue of women's work in the Middle East and Gulf region, the word 'invisible' appears regularly. Women constitute only a very small part of the formal and waged sector in those countries. A World Bank report in the 1990s estimated women's participation in the labour market to be 34 per cent in Turkey and Israel, but only eight per cent in Saudi Arabia.⁶⁹ This, however, does not reflect the complete paid and unpaid 'informal' labour of women in the Middle East and Gulf regions. Women are engaged in a wide range of activities, mainly in the domestic sphere (household work, cleaning, cooking and raising children) and, in the case of peasant and nomadic women, agriculture.

Colburn concluded that, in rural Yemen, women are not only responsible for the household, reproduction childcare and agricultural work, but usually also for grinding grain by hand, hauling water, collecting fuel, making dung cakes, gathering fodder, fertilizing with organic matter, drying grains, and storing, preserving and processing dairy and other food products.⁷⁰ Another form of activity is the work which women 'perform for other women' for free or for a fee such as healing, sewing, washing clothes, knitting, selling cloth, making bakhour (incense), cooking, making bread, performing music, removing hair, decorating hands and feet with henna, naqsh, or khidhab patterns.⁷¹

Urbanisation has transformed societies and traditions and brought dramatic changes into women's lives. New conveniences such as bottled gas, piped water, indoor plumbing and commercial flour, have transformed the outfit and technical aspects of female labour. But their work naturally remains 'invisible' and unrecognised. The labour of women still mainly revolves around their role as mothers, carers and for running a smooth, clean household.

The terms 'work' and 'job' were found to not adequately describe the way women's labour and economic activities are viewed. 'Even though men regard women's participation as essential in running family businesses, in which many women invest long hours, few husbands or neighbours, and often women themselves, consider them and themselves as 'working' women (Hoodfar, 1990, p 29).⁷² A study in Syria found that when men would deny their wives worked for

them when asked, but they acknowledged that they would have to hire a replacement should their wife die (Papps, 1992; Chamie, 1985).⁷³ In relation to household work, Brink (1991) notes that women's power within the household is related to their life cycle.

A woman ... enters the family of her husband upon marriage and is placed under the total authority of her husband and mother-in-law. Ties to her own family are weakened by a careful monitoring of her visits to them. Young wives do the heavy housework, and are often overworked and underfed. A woman's status increases somewhat after the birth of a son, but her workload does not lighten until she has daughters who are old enough to help her. In this early stage of marriage, a wife makes no economic decisions. ... A woman's status improves when her husband moves from his father's home to establish his own household ... Moving to form a nuclear family benefits the wife since she now becomes the female head of household and allocates the food and money which her husband gives her ... She is also free of her mother in law's supervision and can organise her housework as she likes. However, her movements are still controlled by her husband, and his permission must be secured before she leaves home. The wife's status rises again when her sons are old enough to marry. After a son marries, the mother takes charge of her daughter-in-law. This represents the height of power available to her. (Brink, 1991:2002.)⁷⁴

It's important to note that there are regional differences and also differences in various economic groups in terms of women's position in the household. An in-depth comparative research would be very useful but was not found during the course of the project. However, the issue of invisibility of women's work in the household and particularly its low status, was mentioned in most interviews conducted.⁷⁵ Even though the need for 'help' or a 'helper' is then recognised in the household, it does not mean that the labour of hired domestic workers is being recognised and seen as work. Rather than hiring a worker for a set of tasks, the employment of a domestic worker is seen as getting a servant who is at hand to perform domestic duties.⁷⁶

2.2.3 The position of female domestic workers

There is generally not enough research on the evolution of the role of those helping with domestic chores. In the materials available, Juraidini says that there is "anecdotal evidence that, from the turn of the twentieth century up to the civil war, Lebanese households employed local and foreign Arab women".⁷⁷ These were Lebanese Shia women, mostly coming from the rural area of Baalbek. Kurdish refugee women also worked as domestic workers, and so did Syrian, Egyptian and Palestinian women (coming mainly from refugee camps in Lebanon). "It was common for a young female, sometimes as young as 9-12 years of age, to live in the household and work until she was ready for marriage. Her parents would visit as infrequently as annually to collect her wages."⁷⁸

In Bahrain, Al-Nejar notes that women from poor families used to work for wealthy families (before the discovery of oil in 1932).⁷⁹ They were provided with food, accommodation and clothes, but they did not receive regular salaries. Effectively, the young girls grew into adulthood with the employing family. However, even though the parents were relatively distant, the family of the young worker knew the family of the employer and the "duty of care and honour was an important obligation".⁸⁰ The following example from Egypt shows that in some parts of the region, the practice of employment of local domestic workers, including young local girls, persists and that the 'duty and honour' protection mechanisms may fail to be effective.⁸¹

The Tragedy of Wafaa Mekki Housemaid is repeated at Manshiat Al Bakri

Sabah (The Child): My Employer "Ghada" cut my "Ears" with a knife. The Employer brought her young housemaid under her daughter's name at the hospital and run away, by Mohammed Arafah

Eight days ago, a five year old girl attended the Accident and Emergency Unit at Manshiat Al Bakri Hospital. The child was bleeding from her head, ears and eyes. The doctors acted very fast and performed a surgical operation to the cuts on the child's ear, and prescribed the necessary medication for her, and she was kept at the Surgery Unit. Due to the seriousness of the case, the police have been informed about the arrival of the child Yasmeen Abdullah accompanied by her mother to the hospital. Until this moment everything was normal, only when the police officer wanted to speak to the child's mother to ask her few questions to finish his report, he was surprised of her disappearance. And when the child woke up from the anaesthetic, the doctors asked about her name, and to their surprise she said: "my name is Sabah Rashid, and that the woman who was with me is madam Ghada, I work for her", then she started crying and lost her words and kept quiet for the eight days she spent in the hospital without anyone asking after her or a family visiting her.

Sabah Talking to Al Akhbar Newspaper

Al Akhbar Newspaper spoke to the little housemaid yesterday morning in the 4th floor of Manshiat Al Bakri Hospital. The housemaid said with difficulty: "Yes madam Ghada cut my ear with a knife, she hit me hard on my head, and hit me on the face and eyes with her hands - the reason was that I hit her daughter Yasmeen, who is a bit younger than me and who does not like me and always fight with me, I like playing with her sister 'Maysoun' and brother 'Boudi' more than her - and by the way madam Ghada always hit me and before that she cut my long hair". I asked her: "Where are your father and mother?" Looking at the ceiling, with tears on her eyes she answered: "I do not know - our village is very far away, my father is a fisherman, and my mother sell fish in the market, I have six brothers and sister apart from myself, one of my sisters works as a housemaid for a lady friend of madam Ghada, I do not know her address. I came here to Cairo with a man named "Masaad", and have been working for the madam for one year. My father and mother came to visit me once and told me I have to listen to the madam and they will love me very much"

Where is Sabah's family?

During my conversation with Sabah, Dr Ismail Mohammed Ismail, head of the Surgery Dept at the hospital came to check on her health, and he said that she is very well now and that she can leave but they cannot find her family, and no one asks after her or her medical progress since she arrived. He said while holding her medical file, that her report shows her both ears are cut, a fracture on her skull's bone and bruises with blood clots around her right eye. The doctor presented me with a copy of the police report, stating the injuries.

The doctors' and nurses' wish is to put a security guard on the young child to protect her from any harm or being kidnapped by her employer Mrs. Ghada, who they think is capable of that since she treated the child with cruelty and abuse and would want to hide the truth about her crimes towards the child.

Al Akhbar Newspaper wishes for Mrs. Ghada to come forward and give herself in to be judged, and to defend herself against these accusations, or otherwise can contact the newspaper to publish her defence story, so that she does not encounter the same destiny as the artist "Wafaa Mekki".⁸²

With the increasing wealth in some parts of the region and increasing influx of migrant workers, employing a foreign domestic worker is a way of raising women's social status in middle class families. Not only does it help with domestic burdens, but "having a (foreign) house cleaner is seen as essential and a status symbol of middle class identity"⁸³ and adds prestige.

2.2.4 The position of migrant female domestic workers

The status and nature of the work, the complex gender and social status relationships as described above, the racial issues and the fact that domestic workers are migrants, makes the situation in destination countries complicated.⁸⁴

Adjustment: Besides the low status of their work, migrant domestic workers are confronted with a new environment, which is often radically different from their environment back home. There is no comparative research on perceptions of migrant workers, and migrant domestic workers in particular, available which looks at the changes they experience when moving to the Middle East/Gulf regions. Sabban notes that most of the domestic workers (in the sample) had made tremendous adjustment efforts, retained a positive attitude and were determined to achieve what they had come for. However, some respondents actually seemed desperate and struggled to survive.⁸⁵ Although there is no comparative regional research, there is an extensive amount of literature on the issue of 'culture shock' in general.

The term, culture shock, was introduced for the first time in 1958 to describe the anxiety produced when a person moves to a completely new environment. This term expresses the lack of direction, the feeling of not knowing what to do or how to do things in a new environment, and not knowing what is appropriate or inappropriate. The feeling of culture shock generally sets in after the first few weeks of coming to a new place.

We can describe culture shock as the physical and emotional discomfort one suffers when coming to live in another country or a place different from the place of origin. Often, the way that we lived before is not accepted as or considered as normal in the new place. Everything is different, for example, not speaking the language, not knowing how to use banking machines, not knowing how to use the telephone and so forth.⁸⁶

Language: Language difficulties were reported to be one of the major practical challenges faced by migrant domestic

workers. Particularly domestic workers who do not speak fluent English and/or Arabic faced enormous difficulties in many aspects.⁸⁷

- Administration: The work contracts and documentation regarding their stay was written in English or Arabic and the women did not understand the exact provisions.
- Work: The delivery of orders was reported impatiently and in a way that was difficult to understand for the workers.
- Social life: The feeling of isolation, particularly in cases where the domestic worker was not allowed to meet fellow nationals, was reported as a major stress factor.

Race: As more and more women have immigrated from Africa and Asia particularly, being a domestic worker means a very low status due to the servant like work, the working conditions and the low wages. Many of these women in the region are also reported as being affected by prejudices because of their darker skin colour and African features. The common attitudes that, for example, the African women have loose morals manifest themselves not only in verbal harassment, but can also place these women in situations of physical violence and abuse. Thus, in addition to being strangers, discrimination impacts the lives of these immigrants. Regional research into the issues of race is missing.

But, for example, in her research on Yemen, Colburn also raised the gender dimension of racial discrimination and concluded that: "In addition to encountering many of the same problems of male refugees, ...refugee women are seen as easy targets, lacking male tribal protection and legally vulnerable, as many do not have the money or ability to legalise their residence/employment in Yemen".⁸⁸

2.3 Law

The legal situation of migrant domestic workers in the Middle East and the Gulf region is complex. The initial international framework of this study was given by three key legal instruments: The Trafficking in Persons Protocol, The Forced Labour Conventions and The Slavery Conventions.

While it is not possible to say that all cases of abuse of migrant domestic workers we came across were trafficking for forced labour cases, most of the women we interviewed were subjected to debt bondage and forced labour at some point during their stay in the host country.

2.3.1 The sources of law in the region

The sources of labour law in the region are varied but basically stem from international law, Islamic Sharia Law and national sources.

In terms of international law, the International Labour Organization conventions mainly inform the national labour legislations. Another source of international guidance are the relevant European Union agreements, but their wording is rather vague.

Bearing in mind the four core elements of social justice as enshrined in the ILO Declaration on Fundamental Principles and Rights at Work⁸⁹ (Freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced and compulsory labour, the effective abolition of child labour, the elimination of discrimination in respect of employment and occupation), the problems which the migrant domestic workers (and also other researchers) reported relate to three interlinked areas: human rights, labour rights and migrants' rights.⁹⁰

In general terms, it seems that while the tools that prohibit practices such as discrimination, forced and compulsory labour and similar are ratified by most of the countries, the instruments guaranteeing rights on various grounds have far fewer ratifications or accessions.

While the ILO convention prohibiting forced and compulsory labour (C29) was ratified by all countries belonging to the LAS,⁹¹ the other key human rights instruments guaranteeing rights and freedoms were only ratified by six of them.⁹² The core regional human rights instrument, the Arab Charter on Human Rights, is still awaiting ratification and has yet to be enforced.

Labour rights pose similar problems: While all LAS member states except Oman ratified the ILO Convention No. 111 on Discrimination (Employment and Occupation), 12 countries ratified the ILO Protection of Wages Convention⁹³, only Algeria ratified the ILO Migration for Employment Convention No. 97, and none of the LAS states ratified the ILO Convention on Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers No. 143.

Lastly, only Morocco has ratified the International Convention on the Protection of the Rights of all Migrant Workers and their Families.⁹⁴ None of the LAS member states ratified the Convention on the Status of Refugees as of 1 May 2005, although some countries have acceded to it.⁹⁵

In terms of the Islamic Sharia Law, differences occur within the region according to different trends and schools of thoughts. For example, “[t]he differences in application of laws and regulations in each Emirate (of the United Arab Emirates) extend to criminal laws. In earlier criminal charges against female domestic workers, the penalty often depended on the Islamic school of thought and the place of trial (a situation similar to most federal political regimes).”⁹⁶

The national sources are state sources and employment regulations. The primary state source is the constitution as a basic law. Some of the constitutions cover labour rights extensively, while others say very little. In particular, the right to collective action and bargaining is not always explicitly sanctioned by the constitution.

On the level below the constitution are legislative provisions and regulations. These mostly spell out clearly the labour rights such as wage-related provisions, working hours, occupational health and safety and so on. However, one of the major characteristics is the diversity of laws in relation to sectors and occupational groups. In both public and private sectors, various sets of rules and provisions apply.

2.3.2 National provisions for domestic work and migrant domestic workers

In case of domestic work, there are three categories of legal provisions of interest:

- A. Provisions regulating domestic work and rights of the workers as such
- B. Provisions regulating the procedures and position/immigration status of the migrant domestic workers
- C. Provisions regulating the work of third parties, particularly agents and agencies

A. Domestic work is not recognised by any country of the region as a professional category per se. In Egypt, for instance, labour law clearly excludes female agrarian and domestic workers (‘servants’). Labour law does not protect domestic workers in any country in the region (and other other laws often do not either). In Yemen, for example, the labour code⁹⁷ clearly states that “[t]he provisions of this Code shall not apply to the following categories: ...(g) casual workers; ...(i) household servants and workers of equivalent status”. The labour code stipulates specific provisions that shall apply to non-Yemenis in sectors not covered by the provisions of the code. These cover the conditions of employment in terms of work permit and residence permit obligations for the employee and employer, but do not spell out any rules regarding the labour rights of the employee. Effectively, the workers are formally excluded from the guaranteed labour rights.

Similarly, in Lebanon there is no clearly defined legal provision regulating domestic work and the labour rights in this work sector. The legislative provisions mainly cover immigration, work permits, visas and operation of recruitment agencies. However, Decision No. 1/5 on the organisation of the work activities of employment agencies sets out some obligations of the work agencies towards domestic workers such as the requirement of a contract, co-signed by the employer, which should include the following clauses:

- ...the duration of maid’s work in Lebanon and her monthly salary:
This is a pledge by the employment agent to return the maid to her country at the agent’s own expense and to provide a replacement without burdening the employer with additional expenses in the following cases:
- if it appears that she is pregnant or suffers from a mental, infectious or contagious disease, or a handicap which prevents her from working normally, during a period of time not exceeding three months as of the date of entry to Lebanon
- if she runs away from the home of her sponsor within a period of four months maximum

The sponsor pledges to provide the maid with clothing, food, medicine, a convenient place to sleep and rest, pay her salary at the end of each month, provide the needed assistance to transfer her salary abroad upon request, give her sufficient break periods, not to mistreat or beat her or else will be prosecuted.

In Jordan, the "Special Working Contract for Non-Jordanian Domestic Workers" guarantees rights such as the right to medical care and life insurance, a day off per week, minimum wage and repatriation when the contract expires. However, this contract and provision (which the Minister of Labour endorsed) targets temporary contract workers and non-nationals only, and not all workers in domestic work as such.

B. The laws, provisions and policies regulating the position of migrant domestic workers seem to, again, spell out a number of obligations, but are very terse in terms of rights. There is no comparative research on labour immigration laws in the region (or the TPO did not find such) and their implications. However, the experience of Lebanon suggests that "issues arising tend to be dealt with in an unsystematic fashion"⁹⁸. Similarly, the report from United Arab Emirates states that "[t]here is no system that can be evaluated and developed and the problem of foreign domestic workers is growing, but is not given any special attention."⁹⁹

C. The involvement of third parties is currently the most discussed problem. Irregularities in the recruitment system are common, and in both sending and destination countries, new laws are being developed, which would improve the regulation and monitoring of recruitment agencies.

Endnotes

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¹⁷ *Britain's Secret Slaves*, Anderson, B, Anti-Slavery International and Kayalaan

¹⁸ See Jureidini, R.; *Middle East Guestworkers: Global Migration in the 20th century: An Encyclopedia* (Oxford:ABC-CLIO)

¹⁹ Zohry A. and Harrell-Bond B., *Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration*, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 32

²⁰ The situation in migration flows to Iraq has changed significantly since the war in the country started in 2003

²¹ Zohry A. and Harrell-Bond B.; *Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration*, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 35

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²³ In Kebede, E., *Ethiopia: An Assessment of the International Labour Migration Situation*, GENPROM Working Paper No. 3, Gender Promotion Programme, ILO, p 3

²⁴ Source of date: MOLSA, Public Employment Section, Ethiopia and Jureidini, R; *Women Migrant Domestic Workers in Lebanon*, International Migration Papers, no 48, International Migration Programme, ILO, Geneva

²⁵ Kebede, E.; *Ethiopia: An Assessment of the International Labour Migration Situation*, GENPROM Working Paper No. 3, Gender Promotion Programme, ILO, p 5

²⁶ *Domestic Workers: Little Protection for the Underpaid*, Moreno-Fontes Chammartin, G. International Labor Organization in 2004, Migration Policy Institute: <http://www.migrationinformation.org/Feature/print.cfm?ID=300>

²⁷ *Asian Labour News*, Philippines: Filipino workers abroad...mal-treated heroes, December 14, 2004, www.asianlabour.org/archives/003267.php

²⁸ McMurray, D.; *Recent Trends in Middle Eastern Migration*; Middle East Report, No 211, 1999

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³¹ K.K. Jafarkhan; *Minimum wage proposals for Saudis rejected*, Khaleej Times, Monday, September 27, 2004, p 11

³² See Jureidini, R.; *Middle East Guestworkers: Global Migration in the 20th century: An Encyclopedia* (Oxford:ABC-CLIO)

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³⁴ The International Association for the Study of Forced Migration defines forced migration as "a general term that refers to the movements of refugees and internally displaced people (people displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects"

³⁵ Zohry A. and Harrell-Bond B., *Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration*, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 64.

³⁶ In the MENA region, Egypt, Mauritania, Somalia, Sudan and Yemen signed the 1951 United Nations Convention Relating to the Status of Refugees

³⁷ In *Data Insight: International Migration if Africa: An Analysis based on Estimates of the Migrant Stock* By Hania Zlotnik, United Nations DESA/Population Division, September 1, 2004 in 2004 Migration Policy Institute:

<http://www.migrationinformation.org/USfocus/display.cfm?ID=252>

³⁸ Zohry A. and Harrell-Bond B.; Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 49

³⁹ Zohry A. and Harrell-Bond B.; Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 49

⁴⁰ Neysa HB Hughes, Report on the situation of Refugees in Yemen: Findings of a one-month exploratory study, Forced Migration and Refugee Studies programme, American University of Cairo, August/September 2002

⁴¹ Project field trip interviews: Cairo, February, March 2005

⁴² Zohry A. and Harrell-Bond B.; Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration, Forced Migration and Refugee Studies Programme, Working Paper, American University in Cairo, December 2003, p 62

⁴³ Others are for example begging or engaged in sex work

⁴⁴ Project field trip interviews: Cairo, February, March 2005

⁴⁵ Kebede, E.; Ethiopia: An Assessment of the International Labour Migration Situation, GENPROM Working Paper No. 3, Gender Promotion Programme, ILO, p 4

⁴⁶ Field trip interviews, Lebanon, Egypt, Yemen, Ethiopia, Eritrea, 2004-2005

⁴⁷ Which is in breach of Italy's obligations under the UN Refugee Convention

⁴⁸ Which was strongly condemned by Amnesty International, see: AI briefing, Immigration Cooperation with Libya: The Human Rights Perspective www.amnesty-eu.org

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⁵⁸ The Ethiopian Government states that animal deaths exceeded 50 per cent in some areas of the Afar and Somali regions

⁵⁹ Fact Sheet, USAID, Washington, DC, June 7, 2005: Hunger in the Horn of Africa

⁶⁰ Kebede, E., Ethiopia: An Assessment of the International Labour Migration Situation, GENPROM Working Paper No. 3, Gender Promotion Programme, ILO, p 2

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⁶⁴ Ethiopia, source EWLA

⁶⁵ Counter Trafficking Programme, International Organization for Migration, Assessment of the Magnitude of Women and Children Trafficked Within and Outside of Ethiopia, prepared by AGRINET, IOM, April 2004, Addis Ababa.

⁶⁶ Interview with Anna, Yemen, October 2005

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⁶⁹ Al-Khudairi, D; Development: Middle East and the Arab Region

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⁷⁵ Interviews: Lebanon, Egypt, Yemen (2004-2005)

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⁷⁷ See Jureidini, R, Moukarbel, N; Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery?'; the Journal of Ethnic and Migration Studies, July 2004, 30 (4) issue

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⁷⁹ Dr Sabika al-Nejar; Migrant Domestic Workers in Bahrain, 2001, updated 2003

⁸⁰ See Jureidini, R, Moukarbel, N; Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery?'; the Journal of Ethnic and Migration Studies, July 2004, 30 (4) issue

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⁸⁴ Most middle-income Arab countries in the Middle East region receive thousands of women migrants, some of them well-educated, as domestic workers each year. Domestic Workers: Little Protection for the Underpaid, Moreno-Fontes Chammartin, G., International Labour Organization in 2004 Migration Policy Institute: www.migrationinformation.org/Feature/print.cfm?ID=300

⁸⁵ Sabban, R in Migrant Women in the United Arab Emirates, The case of female domestic workers, GENPROM Working Paper No. 10, ILO, Geneva

⁸⁶ Written by Dr. Carmen Guanipa, Dept. of Counseling and School Psychology, San Diego State University. Copyright ©, 1998

⁸⁷ Interviews Lebanon, Egypt, Yemen, Ethiopia, reports from available literature, 2004-2005

⁸⁸ Colburn Marta; Gender and Development in Yemen, Friedrich-Ebert-Stiftung, Oxfam, 2002

⁸⁹ The Fundamental Principles and Rights at Work (1998) are derived from the ILO Constitution and are expressed in policy decisions of the Organisation, such as its Conventions and Recommendations

⁹⁰ For detailed description see Appendix 2

⁹¹ Except from Palestine, which is not recognised by the United Nations

⁹² Algeria, Egypt, Iraq, Jordan, Morocco and Tunisia ratified both the ICCPR and the ICESCR as of 29 June 2005, Djibouti, Kuwait, Lebanon, Libya, Mauritania, Somalia, Sudan, Syria and Yemen having acceded the ICCPR. "Accession" is the act whereby a State accepts the offer of the opportunity to become a party to a treaty already negotiated and signed by other States. It has the same legal effect as ratification

⁹³ Algeria, Comoros, Djibouti, Egypt, Iraq, Lebanon, Lybia, Mauritania, Somalia, Sudan, Syria, Tunisia and Yemen as of 28 July 2005

⁹⁴ Algeria, Egypt, Libya and Syria have acceded this Convention

⁹⁵ Succession: Algeria, Djibouti, Morocco, Tunisia; Accession: Egypt, Mauritania, Somalia, Sudan, Yemen

See: <http://www.unhcr.ch/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b73b0d63>

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Chapter 3: Identifying the problems

- Forced labour outcomes

The original aim of this project was to focus on the issue of migrant domestic workers. But it is not only non-nationals who are employed as domestic workers. Particularly in Magreb and Mashrek countries, local women also work as domestic workers in other families' households. It is useful to note that it is not the immigration status that determines whether a person is subjected to forced labour. Both local and migrant women often face similar difficulties.

- Whether they move from a community from within a country (for example from a village to a city) or migrate for employment from another country, they face a new environment and lack the support and protection of their own family.
- They are not protected by labour laws.
- As described in the previous chapter, they are employed in what is not recognised as work.
- Consequently, they are employed by private persons who are not recognised as employers.
- They work in the private sphere which is not recognised as a workplace
- In most cases, they depend on their employers for provide shelter and food.

The domestic workers are placed in a very vulnerable position. The system of employment of domestic workers is open to exploitation. This does not mean that the employer always or most of the time takes advantage of a vulnerable worker, and exploits her or subjects her to forced labour. In the course of the research, the Trafficking Programme Officer interviewed several domestic workers who were satisfied with their working and living conditions. However, in many cases, the Trafficking Programme Officer came across reports of exploitation and forced labour and, in case of migrant domestic workers, trafficking for forced labour.

The following chapter categorises the types of domestic workers employed in the region and the risks and experiences of exploitation, forced labour and trafficking as reported by them or by other researchers.

3.1 Who are the migrant domestic workers?

3.1.1 Local women

Women from poor backgrounds, particularly from rural areas, are employed as domestic workers in wealthy households, especially in cities. They may travel long distances and their contact with their family, which could protect them and provide support, is limited. Similar to migrant domestic workers, local domestic workers are often confronted with dramatic changes to their lives, including a new and unknown environment, hard work and dependency on the employer. Mahida's experience as a domestic worker in her native country is an example of how a situation of forced labour in domestic work can evolve.

Mahida the maid: Victim of an important man's wife

Madiha el Sawi suffered under all kinds of maltreatment by her employer, from being locked up for four days without food to being beaten day and night, and finally being set on fire and thrown out of the flat. Her life was spared only when neighbours and the concierge of the building managed to put out the fire and called an ambulance.

Madiha was screaming with agony, and her body, which looked blue from the beatings, was completely wrapped up in bandages. She's now lying in a bed waiting for somebody to do her justice. Her only mistake was that she chose to work in order to support her six brothers and sisters and her sick father.

Madiha el Sawi, 21, lived in Shebrakheet, El Baheira district, with her modest family: her unfortunate father, four brothers and two sisters. The father tried to send his children to school, but couldn't afford it. And when his wife died, Madiha decided to find a job to help support her brothers and sisters. She went to Cairo where she worked as a maid for a nice family who paid her dues. But when the family moved, Madiha looked for another one. Her second

employer was completely the opposite of her first one. Suddenly, her life became hell.

A heartless woman

Madiha started working for an important man's family in the Zohra area of al Maadi district. "The man was kind," Madiha said, "but dealing with his wife was utter misery. As soon as I started working for them, she started treating me like a slave for no reason. She has a four-year old daughter. She would constantly humiliate me in front of her guests and the concierge's wife. She would also insist that I do every task twice and that I sleep on the floor!"

Madiha continues, while in agony from the extensive burns. "I couldn't take it any more, so I left and went back to my village. But she didn't leave me alone. She told me when I was leaving that she could force me to go back to them wherever I was and whenever she wanted. And indeed, I was surprised when the village chief sent someone asking me to go back, otherwise I could end up in jail because my employer was accusing me of theft. After much insistence, I agreed to go back just for a few days (I wish I'd never gone back). But as soon as I arrived in the flat, her attitude towards me became far worse. She aggressively pulled me by the hair and said laughingly, "I told you that you wouldn't know how to escape from me". Then something strange took place. The employer forced Madiha to sign a piece of paper (using thumb fingerprint), and it later transpired that the paper had the amount of 100,000 Egyptian pounds written on it. The paper was constantly used to threaten Madiha if she ever told anyone about her treatment by her employer.

The night of that terrible event

In a sobbing voice, Madiha tells of what happened that night. "On that day, I cleaned and mopped the flat, but was surprised when she poured water all over the floor another time. Without saying a word, I mopped it again. But she did the same thing again and again. So I begged her not to be hard on me for no reason. To my surprise, she started swearing at me and hitting me hard. She then asked me to bring the gas canister from the kitchen. So I did, thinking that she was going to ask me to use the gas to clean the floor. But she grabbed it from me and poured it over my clothes. While I was asking her why she'd done that, she suddenly got hold of a match and set fire to my clothes. I screamed a lot while the fire spread on my body, I threw myself on the wet floor in an attempt to put the fire out, but to no avail. She just stood there not helping me. I ran out of the flat while still on fire. She just closed the door behind me. Hearing my screams, the neighbours came to my rescue. They wrapped me up in blankets. I lost consciousness and woke up in hospital. I learnt later that the neighbours and the concierge had called an ambulance which brought me here. The hospital did a report which recorded all that I had said before. On the second day, a police officer arrived and prepared another report which recorded the same things I'd said before. After that, I was surprised that the same lady came to the hospital - this was witnessed by all those who were in my room - she stayed outside and sent in her driver. He threatened me and urged me to change my story, my family and I would end up in jail. She sent with him 30 Egyptian pounds which I refused to take. After that two more reports were written. But under threat from the lady, I changed my story and said that I'd caught fire while trying to boil milk. But I'm now prepared to speak out in court, bring the concierge and the neighbours, and the nurses at Kasr el Aini hospital who saw her bring her driver to threaten me.

Madiha was told that medical experts had found her fingerprints on the gas canister, but nobody asked to take her fingerprints. She continues, "even if the canister has my fingerprints on it, it's because it was me who took it to her when she asked me to do so. I am asking for an enquiry, and I am prepared to assume responsibility if I'm proven to be a liar."

False accusation

Madiha's uncle (on her mum's side) said that the lady had told them that she was torturing her because of her bad behaviour, and that she'd noticed that Madiha had signs of vomit and fainting, which were a sign of pregnancy. But thank God this was not true as we got her checked by a doctor who confirmed that she was still a virgin. Does such a woman deserve to live? Why does one get tortured for nothing? We are adamant to uncover the wrongdoings and crimes of this lady. She used to get pleasure from torturing our daughter. She used to throw cigarettes on the floor and ask her to pick them up using her mouth ... We want this to be conveyed to the chief prosecutor for investigation.¹⁰⁰

3.1.2 Migrant domestic workers

They are in a similar situation, being 'unprotected' workers but their immigration status and the involvement of third parties in the recruitment and employment process makes it even more difficult for them to assert their basic rights and seek justice in cases of abuse including trafficking.

Both local and migrant domestic workers may live in the employers' household, work as freelancers for more than one employer, or (in the case of migrants) may be in a run-away situation. Foreign migrant domestic workers may face the following situations:

Living in the employer's household: The majority of migrant domestic workers (and many local domestic workers) are 'live-ins', which means that they reside with the employer's family usually for a period of two to three years. The duty to live in the employer's house is rarely set out specifically in law. Nevertheless, implicitly, it is assumed that the worker must stay in the employer's house, as it is the employer who is responsible for the migrant domestic worker during her stay in the country.

N. is a 25-year-old woman from Ethiopia

N. came to Beirut to work as a domestic worker three months ago. This was not her first employment away from her home in Ethiopia; she had worked as a domestic worker in Jordan before, so she knew what domestic work was about and did not expect any problems.

Her agency back in Ethiopia, that offered her a good household job in Lebanon, arranged her travel to Beirut and the local agent took care of her contract with her employer, who organised her visa and work permit. Straight after arrival, general security workers at the airport confiscated N.'s passport. She had to wait with other women arriving in Lebanon as domestic workers in a separate room until her employers picked her up. Her passport was then given to the employers, to prevent N. from running away from the employer's house. Also her work permit and visa were given to her employers, who kept them locked at their home in a drawer. The employers also took away N.'s address book with all her addresses and phone numbers.

There was no bedroom for N. in the house. She slept in the salon, when the family was not there. They entered whenever they wanted; it was a TV room as well and N. could sleep only when her employers did not watch TV. N. was getting some food, but not the kind she liked. She could not choose what she would eat so she was hungry.

When asked what her job in the house was, N. replies "everything". She had to wake up every day at 5 am and was not allowed to go to sleep before midnight. N. was cleaning the flat, taking care of the children, cooking, shopping and assisting the 'Madam' as she requested.

However, she says that the employers and their children were nice to her in the beginning. They did not treat her too badly, she thinks.

After two weeks things changed. The man started to abuse her sexually. First N. had to perform oral sex on him and later he started to rape her repeatedly whenever his pregnant wife went shopping or was generally out of the house. He threatened her that if she would tell anyone, he would kill her. N. knew by then that there had been another domestic worker in the house before her who died. There was no way to escape the violence, as N. did not have a room on her own, where she could lock the door. N. does not know, whether Madam knew what her husband was doing to her, but Madam started to be very demanding and asking impossible tasks of N. For instance she wanted the work, which would normally take three hours, to be done in one hour. If she was not satisfied, she was yelling and screaming at N. who knew that she could not ask Madam for help; Madam would not trust her and would blame N. for what happened.

The children also changed their behaviour and were increasingly aggressive. N. was beaten and bitten several times.

In the employers' flat, N. was under constant control. When the employers went out, they locked the door. When N. was walking the children, which was the only opportunity for her to get out of the flat, the kids were controlling her. If she spoke to any other Ethiopian woman on the street, they would tell their parents and N. would be punished. She felt that the only way to escape her situation was to kill herself.

After two months, N. found a solution. She wrote a short letter requesting help. When she was walking the children, she threw the letter to another Ethiopian woman on the street.

The woman helped N. and called Caritas whose social worker followed up the case.

At the same time, N. refused to work in the house anymore and the angry employer took her back to the agency. N. told her agent that she did not want to work for the family. The agent knew the character of the man. N. was not the first woman to experience such a thing. But he insisted that she continue to work with another family because she had signed a contract for two years and forty-five days.

However, N. stayed with her new employer only for one day since the General Security started an investigation of her case and she told the officers that she wanted to return home to Ethiopia.

She does not want to take legal action against her employer. It would take too long and she has a husband and a child back home. She wants to be with them. She will not get payment for the work done and she will not get any compensation for the harm she suffered.¹⁰¹

Freelancers: These workers enter the country legally through having one sponsor (or in an irregular way), but they work for more than one employer. They live and fend for themselves. If they immigrate legally for employment, they only have one official sponsor. In many cases, however, the women end up working for more than one employer, which is illegal. Women who enter and work in the country on an irregular basis, face similar situations and risk. In the interviews, it was mentioned several times that freelancers have a stronger position and more control over their life because they are living outside the private household.

Runaways: These are women who have run away from their employers. They come to the country as live-in domestic workers, face abusive conditions and decide to leave the employment early, or for other reasons simply leave the employer without his/her consent. Since in the vast majority of the cases, the employer confiscates the worker's passport, the runaways are undocumented and most often treated as illegal migrants and detained if caught by law enforcement or immigration officials.

3.2 Clustering the forced labour (and related) issues

3.2.2 Working conditions

Duties

"I had a lot of work. I did everything. Madam had a big garden. I had to work in the house and keep the garden tidy. I could not rest during the day and I had very little sleep at night. I could only sleep in the salon, when the family was not using it." (Pandini)¹⁰²

All the women interviewed, as well as NGOs and academics, when asked what a domestic worker's everyday work was, replied "everything". The normal duties include cleaning, washing, dusting, taking out rubbish, cleaning windows, helping to prepare meals, taking care of the children, shopping, taking care of the pets, and serving the guests.

The work duties are not specified in the contract and there is usually no other formal agreement on the domestic worker's duties. It rather seems that there is a set of daily duties such as cleaning, washing the floors, and dusting, for example, as well as being at disposal for any other employer's commands, which can vary in time and content according to the employer's needs.

Working hours

In general, all research available suggests that the daily working hours of female domestic workers are somewhere between 11 and 20. There was no research on the working hours of migrant domestic workers from Horn of Africa in particular. In N.'s case, the working day was 19 hours. Other women interviewed also reported long working days.

Research from United Arab Emirates, for example, shows that the women work an average of 15 hours per day.¹⁰³ Research on the situation of Sri Lankan domestic workers in Lebanon shows that "the average workday was between 14 and 17 hours."¹⁰⁴ In addition to their long working hours, many of the migrant domestic workers are expected to be constantly at hand - throughout day and night, they have to be on call, ready to provide a service. In fact, for some domestic workers, this means being on duty 24 hours a day.

The free time of migrant domestic workers is generally limited. Examples of guaranteed free time are varied. In Yemen, it was reported that it is common practice for the domestic worker to have a day off per week. But none of the foreign female domestic workers interviewed, or any others encountered in United Arab Emirates households, reported that they were allowed a day off per week.¹⁰⁵ Lebanon, for example, has six working days a week. However, even if domestic workers are given a day off, they are often restricted in how they can spend it.

"No, she doesn't have a day off. You know, I am afraid if I send her, maybe she will meet another girl. She will tell her 'come and runaway', or she will meet a man. Most of them, they teach them to run away...."
(Lebanese female employer)¹⁰⁶

Management of work

Live-in domestic migrant workers are purely seen as coming to the family to serve them, and their servile position is non-negotiable. The employers often see the worker as an economic commodity on which they have spent a lot of money. Therefore the employer 'owns' the domestic worker and her working conditions are set accordingly.

It is the female employer who is responsible for the management of domestic workers' everyday work and who is supposed to negotiate their working and living conditions and procedures. The attitude which domestic workers often face was revealed by a Lebanese female employer.

*"They forget themselves sometimes what they are. She wants to work as she wishes, whether right or wrong. But you can't...You bought her to serve you."*¹⁰⁷

"Madam was not too bad to me. She did not beat me a lot. Only sometimes. But I had bad food and also, I was promised \$150 but Madam paid only \$100. So I ran away. I do not have any papers. They were taken from me by Madam." (Fatima)¹⁰⁸

Delivering orders aggressively, shouting, constant belittling and criticising mask an underlying threat of violence.¹⁰⁹ Employees may be belittled on a daily basis, for example by being called names (Hmara, or 'donkey', is the most common term used).¹¹⁰ "They would scream that you are stupid. There can be a lot of screaming and shouting when the employers are in a bad mood. Some employers would also call you "dirty" because you are black".¹¹¹ Sabban suggests that "[those] forms of abuse are also related to a tense situation in the household, or are rooted in the legacy of slavery and of subjecting the new house workers to the old norms of interaction between the owner and the slave."¹¹²

The treatment of female domestic workers is reported to be in many cases violent. This includes beatings, slapping, being burnt with boiling coffee. Broken ribs, scars, bruises and hospitalisation were reported. Many so-called suicides of domestic workers have been reported.

Freedom of movement during working hours and free time is a specific problem. Many women interviewed reported that they were locked in the employers' house, particularly when the employers had gone out.

In case of 'live-in' domestic workers, restricting the worker's movement seems to be a common to prevent the worker from escaping. If they are not literally locked in, the women are usually forbidden to leave the employers' flat or house without express permission. Reportedly, agencies advise employers to lock the workers in since otherwise there would be no guarantee that they would not run away.

*Lebanese (female) employer: "The agency gives us instructions: Don't leave your drawer open, lock it with keys...Lock her in, take her passport, don't leave any money in front of her."*¹¹³

The exception were 'freelancers' and 'runaways', who were at the employers' households during working hours only, and left the place of employment after fulfilling their duties. This relative freedom, however, is combined with a permanent fear of being caught by the authorities and detained. Secondly, this position of legal vulnerability is reportedly making the workers vulnerable to employers' threats to report them to the authorities. They therefore often have to settle for extremely sub-standard working conditions and lower than average wages.

*"No, you cannot refuse or negotiate an order. You have to do all what they tell you because otherwise they would report you. They would say that you had stolen something to make matters worse and you will end up in prison."*¹¹⁴

"A girl was arrested under the accusation of stealing 100,000 dollars. When asking the female employer if she had 100,000 dollars, she said no. Moreover, so much cash would never have been lying around. This proved that the accusation was wrong. The worker stayed five years in the prison though."¹¹⁵

Remuneration

In most of the interviews with service providers, it seemed that non-payment of wages, being overworked and lack of free time, were the three most common problems migrant domestic workers experienced.

Withholding wages is a widespread practice. During the first three months of employment, many domestic workers in Lebanon are not paid at all, as the employer takes the first three months' wages to compensate for what he had to pay to the agency to have the worker brought over. In Bahrain, there are examples where an agency has paid for the worker, the agent receives the fees directly from the employer, while the domestic worker works without any wages for the first three months.¹¹⁶ It is not uncommon for the migrant domestic workers not to be paid at all for the duration of their stay.

"There have been cases reported where maids have worked for up to six years without being paid."¹¹⁷

As there is no minimum wage for migrant domestic workers, it is hard to ensure that they are being paid properly. In all surveys conducted on the topic, migrant domestic workers are reported to be paid between \$100 and \$300 monthly.

A factor which is worth mentioning is that wages are often paid according to the nationality of the worker. Jureidini states: "It is unwise to put a firm figure of the standard monthly rates, however, the norm is probably around \$250 to \$300 for Filipinos, \$100 to \$150 for Sri Lankans and Africans."¹¹⁸ He goes on to explain this wage discrepancy: "Filipinos are considered more prestigious in terms of status of the household, 'more intelligent', better educated and better able to speak English."¹¹⁹ Similar findings were reported in a report from the United Arab Emirates.

If the ordinary working day can last between 11 and 17 hours a day and the monthly salary is between \$100 to \$150, it means that the common hourly rate for migrant domestic workers from Sri Lanka and African countries is close to \$0.40.

4.2.4 Living conditions

Accommodation

"I had to sleep in the kitchen. Under the kitchen table. I did not have enough food." (Aida)¹²⁰

No specific research was conducted on living conditions of migrant domestic workers from African countries. Research on a sample of Sri Lankan women in Lebanon described their accommodation as follows: "For those who do not have their own room (56 per cent), some of the women sleep with children, some in the living room, some in the kitchen or even on the balcony. Most use a small mattress or fold-up bed."¹²¹ (see also N's story.) In Bahrain, the percentage of MDW having private bedrooms was reportedly slightly higher at 61.76 per cent).¹²²

As reported during the interviews, domestic workers not only have to deal with the absence of comfort, but also the absence of privacy during their time off. Many of them literally do not have a space where they can be on their own, do what they want, sleep or relax.

The absence of private space also means that the domestic workers' possessions can easily be controlled or confiscated. This reportedly happened often with personal phone books and diaries containing contact details for friends or people who could help in case of trouble.

Freelance and runaway domestic workers can maintain better control over personal belongings, as they often hire and share a flat together. Women coming from similar cultural backgrounds tend to live together. During the research, flats of women from Ethiopian and Eritrean communities were visited. Those two communities would often live together as "we are sisters, anyway".¹²³

Food

Abuse may also include the employer withholding food or not allowing the worker to prepare her own food who then has to rely on the 'handout' of the leftovers from the family meal. There have been cases where locks were put on refrigerators, and in one case, an alarm was installed.¹²⁴

All women interviewed reported having not enough food or being given food that they did not like as it was not the type of food to which they were used to and not being allowed to cook their own food or use what they liked from the fridge or storage.

Health and access to health care

Insurance: The employer is responsible for obtaining the worker's insurance. The insurance should cover both health and cases of injury or death.

Access to a health care: This is generally problematic for two reasons. Firstly, it is the responsibility of the employer to organise insurance for the worker. In practice, this means that if the employer does not organise/renew the insurance, the worker is not covered by any protection scheme. Secondly, given the limitations most of the workers face in terms of freedom of movement, they can rarely visit the doctor independently, without the employer knowing that they have a health problem. As the employer must give the worker permission to visit the doctor and will 'take her' to one, it is impossible for the worker to choose the doctor. It also seems that doctors can reveal the condition of the patient to the employer or agency, as it happened in Assina's story (see below).

Physical health: No systematic research was carried out regarding domestic workers' health situation. The women interviewed did not complain about general health problems not being addressed.

Mental health: Mental health seems to constitute a serious problem which is not addressed at all. Given the culture shock, the lack of support from the employers and the often unacceptable working and living conditions, it is not a great surprise that all the women interviewed reported psychological problems. The phrase "I wanted to kill myself" was voiced frequently. Whether it demonstrates real suicidal intentions or is simply a way to express how helpless and hopeless the women felt, it clearly shows how damaging the situation can be for their mental health.

"When I was working here, my son died. I was sad. I was ill. Mentally, you know, I was sad and crying. The mister was beating me and was telling me to go out, that he does not want to look at me." (Megilini)¹²⁵

Reproductive health: Pregnancy or serious illness¹²⁶ are the two reasons usually stated in the contracts (if such a document is legal and exists at all), that should immediately allow migrant domestic workers to return to their country of origin at the agency's expense. However, according to the interviews, if the worker is pregnant, it is not uncommon for agencies to force the domestic worker to have an abortion instead.

During the summer 2004, the legal case of an African woman Assina, who arrived in Lebanon when she was two weeks pregnant, was negotiated with the General Security. The doctor she saw (since she did not feel well and was visibly ill and tired) informed the agency about her condition. When Assina refused to undergo an abortion, she was taken to another agency and threatened that if she did not have an abortion, she would have to return the \$3,000 that the agency invested in her flight and work documents.

*"They forced me to write and sign a paper, stating that 'I Assina, if I don't have \$3,000, I will submit to an abortion, even by force.' Then they told me 'we have your passport; you are a foreigner. If you refuse again, we'll kill you and throw you away in a box'."*¹²⁷

Social life and cultural habits

*"A woman arrived in Lebanon with no knowledge of modern technology, therefore seen as incompetent by her household as she was not able to use the cleaning devices, such as the vacuum cleaner. She was beaten and pushed from the stairs. Upon such treatment the woman decided to leave and therefore she became a 'runaway' - an illegal alien in Lebanon."*¹²⁸

In addition to the possibility of keeping in touch with their own family and children, the support of peer groups and access to assistance is obviously instrumental to help the women cope with the culture shock and dramatic

adjustment which they have to go through.

However, the reality is quite the opposite: All too often, the employers' assumption is that too much free time will not only make the employee more expensive. It will allow her to build up relationships that may end up causing problems - such as romantic attachments - that will, in turn, end up taking too much of the employee's time.¹²⁹ As mentioned above, the women are also restricted in going out during their free time. Equally, conversations with other domestic workers in the streets, when doing shopping or walking children or pets, is often strictly forbidden.

As domestic workers often do not have any space of their own, it is impossible for them to invite friends in for a coffee or tea. Both the women interviewed and representatives of support organisations mentioned that both correspondence and using the phone were controlled. In many cases, the use of the phone was forbidden.

3.3 Assistance and help at disposal

3.3.1 Destination countries

Employment agencies

In theory, the agency should help the worker with any problems. Some of them are supportive. In many cases, however, if an employer returns the maid to the agency, it is likely that the latter will be punished in some way as a discipline measure. "There is this agent, everyone fears him. He brings women from Ethiopia, he is well connected. But he is very cruel and he beats women if they escape the employer or if they are returned. He does bad things. A girl was returned by her employer to this agent and after a few days was found hanging in his cellar."¹³⁰

Agencies are often threatening the workers that if they stop working, they will have to pay the 'debt' that they have with the agency and/or pay money directly for 'additional services' such the renewal of personal documents.

"I have paid \$800 to the agent to help me to obtain new papers, because my passport and other documents were taken from my employers. He promised to get new ones for me. But when I came to collect them, he said that he wants more money. I do not have more money. I do not have any passport or documents now. I cannot leave this country." (Dana)¹³¹

"I paid \$1400 to the agent. He promised to help me. But he never did. I live without a passport. I do not have more money. I do not know how will I get home." (Kumari)¹³²

Basically, agencies usually do not represent the interests of the workers in negotiations with employers. It is rather the other way around. Many agents punish the worker if she causes any difficulties. A Lebanese (female) employer, for example, reportedly said: "We took her in (to the agency) and they taught her a big lesson. Taamouah atle' mrattabe' (They beat her well)."¹³³

Governmental agencies

Labour inspection generally does not happen for two reasons. The labour inspectorates often lack staff and financial resources. More fundamentally, as domestic workers are not considered 'real' workers, and are working for private people who are not considered employers (and the household is not considered a workplace), the inspection is outside the scope of the competencies of labour inspectors.

Law enforcement: Although access to justice is guaranteed under international law¹³⁴, in practice, domestic workers rarely have access to legal mechanisms, courts or legal advice and assistance. In the case of disputes between the domestic worker and her employer, the domestic workers said that it would highly improbable that the law enforcement would trust the workers. Those women are therefore mostly not identified as victims of crime but instead are treated as criminals before any actual investigation takes place. This impacts on any further proceedings, including extremely low number of court cases initiated by migrant domestic workers against their employers and the fact that compensation is rarely awarded to them.

During the interviews, the domestic workers interviewed several times raised the treatment by law enforcement

officials. They mentioned in particular the widespread practice of employers' false accusations of crimes, especially theft, and the resulting harsh treatment and investigation techniques of law enforcement officials.

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Cairo on: 13/3/2000

Mr. Counsellor / Maher Abdul Wahid
Attorney General

Kind Regards,

We have received a complaint from the citizen Ms Saleha Sayed, who resides at 16 Beni Hilal Abou Al Saud Street, Masr Al Kadamah, complaining that she had been locked in and tortured at Al Giza Police Constabulary on 3/3/2000.

The Complainant stated that:

She worked for a lady in her house since a long time, and that she goes to her once a week to do house work. On 29/2/2000 the lady's house was burgled and the complainant was called to the house to go with the police officer to issue Criminal case journal on 1/3/2000.

On 3/3/2000 two police officers have ordered the complainant to go with them to Al Giza Police Constabulary again to issue another Criminal case journal, and at around 4 pm she has been put in the 5th floor at the Investigations Unit for Home Burglary with a police officer named/Mohammed and some of his officers, and she was then assaulted as follow:

- Tying her hands behind her back, tying her feet together and covering her eyes with a piece of material.
- Lifting her feet up and hitting her with a wooden stick and putting them in cold water after that. This lasted for 10 minutes.
- Taking off all her clothing (except her underwear), then hitting her naked body and threatening her with rape. This lasted for 30 minutes.
- Exposing her to electric shocks on her toes.

The above assaults were done several times and continued over four hours to force her to admit stealing. At around 11 pm she was put in a small room on the 6th floor with another person until the morning.

At around 11 am next day 4/3/2000 she was called to the office of Officer/Magdy Abdul Al Aal, Head of Investigations for stealing, who started abusing her verbally and ordered one of his assistants to hit her and assault her.

- They made her sit on a wooden chair with her hands tightened behind, and applied electric shocks to her fingers, pouring water all over her at the same time, and hitting her with a wooden stick. She was released at around 1 pm, after taking her ID card and ordering her to come back again.

All the above assaults have caused several obvious injuries to the Complainant, which are:

- Red peeled off skin on her upper back and to the right side.
- Peeled off skin on the left leg and red clots all over the right leg.
- Red clots on the upper part of the back of the right thigh.
- Red clots and blue bruises on the upper and lower part of the right thigh and part of the leg.
- Red peeled off skin on the right leg.

Our organisation considers the above information as a serious violation to the National Legislation and the Relevant International Treaties for Human Rights under articles No:

Articles 41, 42 of the Egyptian Constitution
Articles 126,129 of the Egyptian Penalty Law
Articles 3, 9 of the International Declaration for Human Rights
Article 5, 7 of the International Covenant for the Civil and Political Rights

Our organisation requests you to take the Legal procedures as follows:

Investigating the incident of keeping Ms Saleha Sayed Kasim locked in and assaulted for the dates from 3/3/2000 until 4/3/2000.

Transferring the complainant to a forensic physician to check her medically to confirm her injuries, what caused them and the date they happened.

Stopping the Investigation Unit of Al Giza Police Constabulary from threatening the Complainant.

Kindly send us the outcome of the investigation,

With kind regards,

General Secretary

Hafiz Abou Saada
Solicitor

If proven guilty during a trial, or if the immigration status of the woman is irregular, she will be detained or imprisoned. The conditions are reportedly very harsh for both the physical and the mental well-being of the inmates. Even if the evidence available is anecdotal, it is alarming¹³⁵. It is therefore recommended that further in-depth research is carried out to look at the situation of migrant women in detention facilities and prisons.

Courts: It is reportedly very rare for migrant domestic workers to file a law suite and receive any compensation if they are found to be victims of a crime. There is no data on this and any evidence is too anecdotal to draw any conclusion. However, it would be very useful if any future research would focus on access to justice for migrants (domestic workers) and also cover the issue of compensation.

Immigration services: The repatriation of migrant domestic workers is an issue which is often mentioned by services providers. Particularly for the 'runaway' domestic workers, it is a nearly unsolvable problem. Once the worker becomes illegal because she has run away from the employer, she is at risk of being sent to a detention centre if caught. Currently, none of the countries in the region have any comprehensive system of repatriation of migrants, which would be based on the consent of the migrant and reflect her situation and needs.

In financial terms, it is usually the migrant herself or the embassy of the country of origin, which is supposed to cover the expenses for repatriation. If the woman does not have her own means to cover the costs of repatriation and if she is not identified by an NGO or embassy worker, she may stay in the detention centre for an excessively long period of time. Women were reported to be detained or imprisoned for years in Lebanon and in other countries because they were simply unable to raise enough funds for repatriation.

The return journey was reported to be extremely complicated for the migrant workers even if they had not run away. Given that the salaries, if paid at all, are low given the costs of a plane ticket, it is extremely difficult to cover the travel costs if the employment does end early. In many cases, it means spending all the savings the worker has.

The workers themselves were saying that their priority would be to be able to change the employer if the original one was abusive, and have their wages protected so that they can earn enough money and take care of themselves and of their return back home. The repatriation per se is not a solution if it meant the worker returns without having earned any money. On the other hand, if problems occur such as abuse, health or family problems, the workers feel it is necessary for them to have the option to return home. The role of embassies in addressing this problem is key, given

that many of the domestic workers have their personal documents confiscated by the employers. International agencies and NGOs can also assist in the process. The costs of a return ticket should be part of the costs that the employer should bear when hiring the worker. If the worker changes her employer, this duty should be transferable. The immigration services should ensure that all migrants in detention centres have access to legal counselling. If the repatriation takes place, it is crucial that the immigration services do not repatriate anyone who may be in danger of reprisal upon return to their country of origin.

Peer groups

A variety of informal women groupings exist. But as mentioned above, the live-in domestic workers are often restricted in their movement and forbidden to communicate with other domestic workers. Those who are in closer contact with their peers, are mainly runaway and freelance migrant domestic workers living together in flats under the constant risk of being caught and detained. The flats have various functions. They serve as accommodation, but also as places for information exchange, social contacts and self-support for women living in or visiting. The variety of self-support functions includes emotional and spiritual support, help with health issues and so on. The women can also practise cultural habits and relax together.

But these groups do not view their activity as self-organising, and most of their members do not see themselves as victims of crime, or as trafficked people especially. They were describing their situation as 'bad luck', or they recognised it as injustice but believed they could not do anything about it. So far, they do not work to promote rights for domestic workers. This is all understandable, given their status and the threats these women face in the country as 'runaway domestics' or freelancers working for several households.

Embassies

Embassies should play a significant role in assisting migrant domestic workers in distress if they are established in the country. One of the major problems reported is the limited capacity and financial of embassies and consulates. In many countries the embassies do provide effective assistance, training and support to migrant domestic workers and are able to assist them in situations of distress. An often positive example in the region are the embassies of the Philippines with a wide range of services on offer. They were in regular contact with Filipino domestic workers. However, the mandates of embassies are rather limited, and it is crucial that the host countries and their administrations recognise responsibility for the situation of migrant workers.

NGOs

Where NGOs are operational, they provide much needed services. Most of the NGO workers interviewed did think that some of the migrant domestic workers were trafficked, but stressed that the problems were far wider and that there was a need to approach the situation of migrant domestic workers comprehensively. The services which NGOs provide are mainly direct assistance and counselling. There were some services provided in all the countries visited. For example, the NGOs in Lebanon are providing following assistance:¹³⁶

- Assisting detained women to obtain valid documents
- Retrieving passports from employers
- Financially contributing to expired work/residency permits and repatriation
- Providing legal aid
- Providing medical treatment
- Providing shelter
- Providing social counselling, welfare and pastoral care
- Radio programmes
- Contacting diplomatic representation and family of prisoners
- Providing Free education for children of migrant domestic workers

In Egypt, for example, one NGO offered training for domestic work, similar to that offered to refugees and assistance with employment.

However, it is important to note that in most of the countries of the region, the NGOs are not encouraged to operate, and where they do, they face serious staff and financial constraints and lack of capacity. The services are spread rather thinly and for many migrant domestic workers, accessing them is limited if not impossible.

Secondly, since many workers have restricted freedom of movement, it is difficult for NGOs to get to those most in

need: "The cases which are really needy are the cases we don't see."¹³⁶ The options explored by NGOs included radio broadcasting, employment of cultural mediators (both Lebanon), visiting detention centres and prisons (Lebanon and Yemen), and producing information leaflets (Lebanon).

While it is not possible to provide a complete overview of all services available, and it would be beyond the scope of this paper to evaluate their effectiveness, it would be very useful if the NGOs from the region could have the opportunity to meet and discuss what services are currently available, who provides what and what their experiences in terms of effectiveness and needs in terms of support from international agencies are. A directory of NGOs or an electronic database (available via Internet), listing services and assistance currently available in Middle Eastern countries would be extremely useful. It could be a starting point for capacity-building and information exchange in the region. Ideally, such an activity should be implemented by or be in partnership with an experienced Middle Eastern NGO, and followed up by debate about the gaps, needs and strategy.

3.3.2 Countries of origin

Government agencies

Services to returned migrant domestic provided by state agencies in the Horn of Africa are virtually non-existent, with the exception of Ethiopia. The Ethiopian Government does not provide services per se, but co-operates with agencies such as IOM and non-governmental organisations such as the Good Samaritan Association or the Ethiopian Women's Lawyers' Association. The services offered by these organisations are described in some detail in the Ethiopian country report in chapter 5. Ethiopia was the only country of origin of migrant workers for which the interviewed migrant domestic workers did not have concerns about returning to for fear of persecution.

The interviewed women from Eritrea, Sudan and Somalia expressed serious concerns about their safety and freedom if they were repatriated. The concerns were not based on threats from traffickers but rather from fears that they would be prosecuted for leaving their country in the first place. It was not possible to validate those claims (at least not in the course of preparing this paper), but research into the situation of returnees and repatriated migrants to the Horn of Africa is necessary. Any decision to repatriate those migrants should be based on their safety, security and on what possible support they will get upon return. Co-ordination between services providers in countries of destination and agencies such as UNHCR on assessing what risks migrant can face if repatriated, would be extremely useful.

NGOs

The NGOs in Eritrea do not offer any services to returned women, and no NGO service was reported to available in other countries. Ethiopia seems to be the only country in the Horn of Africa, where NGOs provide variety of services such as shelter (Good Samaritan Association), psycho-social counselling (Good Samaritan Association), legal counselling (the Ethiopian Women's Lawyers' Association), self- support group (Gemenaye), and attempts to build co-ordinated services in collaboration with countries of destination (in which IOM plays a significant role).

Endnotes

¹⁰⁰ Article sent by the Egyptian Organisation for Human Rights, from Al Wafd newspaper, 17/4/2003

¹⁰¹ Interview with N. took place in Beirut, spring 2004

¹⁰² Pandini is a 'runaway' migrant domestic worker; Interview; Lebanon; spring 2004

¹⁰³ Sabban, R; United Arab Emirates: Migrant Women in the United Arab Emirates, the case of female domestic workers, p 22 GENPROM Working Paper No. 10, Gender Promotion Programme, ILO, Geneva

¹⁰⁴ Female Sri Lankan Domestic Workers in Lebanon: A case of 'Contract Slavery?'; Jureidini, R., Mourkabel, N.; Journal of Ethnic and Migration Studies ; July 2004, 30 (4) issue

¹⁰⁵ Sabban, R; United Arab Emirates: Migrant Women in the United Arab Emirates, the case of female domestic workers, p 25 GENPROM Working Paper No. 10, Gender Promotion Programme, ILO, Geneva

¹⁰⁶ Migrant workers and xenophobia, Jureidini, R., Conference Paper, UNRISD, Durban, South Africa, 2001

¹⁰⁷ Female Sri Lankan Domestic Workers in Lebanon: A case of 'Contract Slavery?'; Jureidini, R., Mourkabel, N.; Journal of Ethnic and Migration Studies ; July 2004, 30 (4) issue

¹⁰⁸ Fatima is 'runaway' migrant domestic worker; Interview; Lebanon, spring 2004

¹⁰⁹ Migrant workers and xenophobia, Jureidini, R.: Conference Paper, UNRISD, Durban, South Africa, 2001

- ¹¹⁰ Migrant workers and xenophobia, Jureidini, R.; Conference Paper, UNRISD, Durban, South Africa, 2001
- ¹¹¹ Interview with migrant domestic worker from Ethiopia, Yemen, October 2004
- ¹¹² Sabban, R; United Arab Emirates: Migrant Women in the United Arab Emirates, the case of female domestic workers, p 28, GENPROM Working Paper No. 10, Gender Promotion Programme, ILO, Geneva
- ¹¹³ Female Sri Lankan Domestic Workers in Lebanon: A case of 'Contract Slavery?'; Jureidini,R.; Mourkabel, N.; Journal of Ethnic and Migration Studies ; July 2004, 30 (4) issue
- ¹¹⁴ Interview, member of Sudanese workers community, Cairo, April 2005
- ¹¹⁵ Interview with Father Salim, who works mainly with Ethiopians in Beirut; spring 2004
- ¹¹⁶ Sabika al-Najjar; Migrant Women Domestic Workers in Bahrain, 2001
- ¹¹⁷ Migrant workers and xenophobia, Jureidini, R., Conference Paper, UNRISD, Durban, South Africa, 2001
- ¹¹⁸ Jureidini,R; Migrant Women Domestic Workers in Lebanon
- ¹¹⁹ Ibid
- ¹²⁰ Aida is 'runaway' migrant domestic worker; Interview; Lebanon; spring 2004
- ¹²¹ Female Sri Lankan Domestic Workers in Lebanon: A case of 'Contract Slavery?'; Jureidini,R., Mourkabel, N.; Journal of Ethnic and Migration Studies ; July 2004, 30 (4) issue
- ¹²² Sabika al-Najjar; Migrant Women Domestic Workers in Bahrain, 2001
- ¹²³ Interview with 'freelance' domestic worker, Yemen, October 2004 and with 'runaway' domestic worker, Lebanon, spring 2004
- ¹²⁴ Migrant workers and xenophobia, Jureidini, R., Conference Paper, UNRISD, Durban, South Africa, 2001
- ¹²⁵ Megilini is a 'runaway' migrant domestic worker; Interview; Lebanon, spring 2004
- ¹²⁶ Decision no. 1/5 on the organisation of the work activities of employment agencies, article 15, para 3 "if it appears that she is pregnant or suffers from mental, infectious or contagious disease..."
- ¹²⁷ Smith, M.; Beaten, forced to abort her child, a woman fights back; The Daily Star, 29 March 2004, Beirut
- ¹²⁸ Case study provided by the nun from the FMM; The Franciscaine Missionaires of Mary, part of Franciscaine International
- ¹²⁹ Young, M. Migrant Workers, Lebanese NGO Forum
- ¹³⁰ Interview with migrant domestic workers, Yemen, October 2004
- ¹³¹ Dana is a 'runaway' migrant domestic worker, Interview; Lebanon; spring 2004
- ¹³² Kumari is a 'runaway' migrant domestic worker, Interview; Lebanon; spring 2004
- ¹³³ Jureidini,R. and Moukarbel, N; Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery'? published in the July 2004, 30 (4) issue of the Journal of Ethnic and Migration Studies (JEMS)
- ¹³⁴ The Universal Declaration of Human Rights (UDHR) contains a number of articles, which are relevant in terms of access to justice, such as the right to life, liberty and security of person, equality before the law and entitlement without any discrimination to equal protection of the law. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence
- ¹³⁵ Rape, food deprivation, beating, no access to information were reported
- ¹³⁶ As reported by NGO representatives during the field trip and as systematised in the report of Jureidini, R; Women migrant domestic workers in Lebanon, International Migration Papers no 48, International Migration Programme, ILO Geneva
- ¹³⁷ Interview with representatives of Pastoral Committee for Afro-Asian Migrants, spring 2004

Chapter 4: Identifying responses - Strategies and tools

In the previous chapters, we have tried to highlight the complexity of problems associated with domestic work in the region, the position of migrant domestic workers, and the need to identify strategies and tools for addressing the issues of trafficking and forced labour.

This chapter initially looks at various strategies which can be used to promote the situation of domestic workers, prevent trafficking and assist and protect the domestic workers once they are in employment.

The next step is to identify tools which can be used to implement strategies aimed at improving the situation of (migrant) domestic workers.

The last part of this chapter provides a list of indicative recommendations to major stakeholders in the region.

4.1 Strategies

4.1.1 Promotive and preventive strategies

These are measures which should uphold the level of protection of a migrant worker and potential migrant workers. In sending countries, these should primarily ensure that the level of distress of emigration is kept to a minimum and that channels for regular labour migration are available.

In policy development terms, this includes operating development programmes targeting those most likely to be forced to migrate, and the establishment of labour market policies enabling those who are excluded to have access to the domestic labour market. In the case of migrant domestic workers, this should at least include policies to enable women to access the formal labour markets in home countries, and access financial support and the means to set up self-employment businesses. It should also include policies to protect women earning their living through informal labour from harassment and intimidation.

In both countries of origin and destination, it means developing gender sensitive policies for regulated, and orderly labour migration:

Assistance with securing employment

Assistance with securing employment abroad legally is a strategy that can help to prevent trafficking from countries of origin. At regional and bilateral levels, multilateral and bilateral agreements between labour sending and receiving countries, such as the bilateral agreement between Philippines and several countries of the region, guaranteeing just treatment to Filipino migrant workers in the destination country have much to offer. The well functioning bilateral co-operations provide secure legal migration channels and thus reduce the risk of trafficking.

In the case of prevention targeted specifically at the exploitation of migrant domestic workers, the use of the ILO Convention on Private Employment Agencies, 1997 (No. 181) is worth exploring both in countries of origin and destination, bearing in mind that agents and brokers are only one way through which women engage in domestic work outside their country of origin.

For example, the Ministry of Labour and Social Affairs (MOLSA) in Ethiopia designed a model contract for all migrant workers to be used by employment agencies in an attempt to assist prospective migrant workers. The model contract is in Amharic and clearly sets out working hours, payment of salary, food, housing, and so on. MOLSA also attempts to raise awareness among the private employment agencies about trafficking.¹³⁸

Assistance with training for employment

Another way to prevent trafficking is making workers aware about the potential hazards, assisting them with preparation and providing training before they travel abroad. The training and provision of information and skills for prospective migrant workers, which they will need in their employment, are essential in helping migrant worker in destination countries. The Philippines Overseas Employment Administration (POEA), for example, has developed a two-week home management course for domestic workers in co-operation with the Technical and Skills Development Authority (TESDA).¹³⁹

This course is primarily designed to enhance the skills, knowledge and values of domestic workers, some of whom are coming straight from rural areas and are destined to work in urbanised and technologically advanced countries. Although the training is not mandatory, all domestic workers will undergo testing and competency assessment to determine their preparedness to assume responsibilities.... Graduates are issued the corresponding competency certificate. The TESDA accredits training programmes for household workers that are run by various training institutes.

Information provision before departure

The information needs and possible ways of raising awareness, both in countries of origin and destination, should be assessed. Means of effective delivery of information may vary, since they depend on numerous factors such as literacy, language, culture and legal awareness. The information the migrant worker has available before the actual migration takes place is crucial. Below is an example of an information needs assessment from Ethiopia.

The IOM Addis Ababa research¹⁴⁰ concluded that the main information needs of potential migrants are:

- Socio-economic and political situation in destination countries
- Culture and language
- Human rights situation
- Immigration laws and regulations
- Role of Ethiopian embassies, consulates and other relevant organisations concerned with migration
- Availability of employment opportunities
- Expected norms in the work environment
- Skills required to secure legal employment

The IOM plans to provide the counselling and information to migrant workers at the airport on their departure. However, this practice only helps those who migrate legally and not due to an emergency situation at home.

Information provision in destination countries after arrival

Information provided after arrival helps workers adjust and can be a useful in preventing abuses in destination countries. Below is an example of information provided to migrant workers in Hong Kong.¹⁴¹

The Hong Kong Home Affairs Bureau has published a guide in different languages coming to work in Hong Kong, mainly as domestic workers. The contents include:

- A general introduction
- Issues when arriving in Hong Kong such as immigration process, custom and how to get into town
- Information about ID cards and visas such as how to apply for an ID card, how to keep it safe, what to do when it expires, how to apply for an extension of stay when the visa expires, and how to complain to the Immigration Service in Hong Kong
- Issues related to working in Hong Kong such as conditions of employment, employment contracts and terminating them, employment agencies, rights as a foreign domestic helper, and what to do in case of ill-treatment, physical or sexual abuse
- Tips on how to get along with employers
- Information about access legal services and justice such as how to get help from the Labour Department, rights to organise and other labour rights, who to go to for legal help (such as the Labour Relations Division Office of the Labour Department, NGOs, telephone helplines and the duty lawyer scheme)
- Information about the Hong Kong Police Force and the Independent Commission against Corruption
- Information about daily life in Hong Kong including consumer rights, health care, financial institutions,

currency, social activities, culture and entertainment, places of workshop, postal and social services, weather information, information about the government structure, telephone services such as public enquiries and hotlines, how to make local and international calls, information about useful organisations (such as embassies, consulates, migrant organisations, unions and NGOs)

- Information about returning home
- A list of useful Chinese place names and Cantonese phrases for daily use

The collaboration between various social organisations, such as trade unions, employers, employment agencies, state agencies, law enforcement agencies, NGOs and self-support groups should be encouraged to help raise awareness.

4.1.2 Protective and assistance strategies

Protective measures in our context are measures aiming to provide protection, assistance and support where promotional and preventative measures have failed.

Access to information provided to migrant workers in distress

The availability of information to migrant workers throughout their stay in the destination country, irrespective of their immigration status, is crucial in preventing abuses, including forced labour outcomes of trafficking. The workers should be accurately informed about their status, their rights, whether or not they are in breach of national legislation, their options and where they can seek assistance. Operating such a service is vital because it is often only in the destination country that the worker realises that she has been trafficked. Ways of providing such services are varied and include self-support organisations, counselling centres, hotlines, services by NGOs and so on.

In 2003, Bahrain announced a national plan to assist abused foreign workers that includes temporary shelters and a help hotline. New domestic workers in Bahrain will also have access to a guide on rights and duties, which will be available in embassies, recruitment office and points of entry. The Government is also looking at ways to organise work permit procedures for domestic workers.¹⁴²

Access to assistance

Assistance in destination countries should be available from several sources but at the very least, the workers, regardless of their immigration status and employment, should have access to their respective consulates or embassy, and be able to ask for help there. The consulates and embassies should:

- Monitor the situation and draw the attention of the representatives of a host country to potential problems
- Keep in a regular contact with the migrant workers and provide information and contacts to the migrant workers
- Provide advice, counselling and assistance to migrant workers in distress. The Ethiopian Embassy in Bahrain, for example, provides full assistance to Ethiopian domestic workers, including a shelter for those domestic workers who have left their employment
- Represent their nationals in cases of legal disputes
- Assist their nationals with obtaining further education and skills. Reportedly, in the United Arab Emirates and Lebanon, the Embassy of the Philippines offers courses for domestic workers so that they can gain more highly skilled employment. Under these programmes, the workers are taught a variety of skills ranging from sewing and cooking to computer literacy skills
- Assist their nationals with returning to their country of origin if necessary

Access to justice

The Universal Declaration of Human Rights (UDHR) contains a number of articles, which are particularly relevant in terms of access to justice, such as a person's right to life, liberty and security,¹⁴³ equality before the law and entitlement without any discrimination to equal protection of the law.¹⁴⁴ Everyone charged with a penal offence has the right to be presumed innocent until proving guilty according to law in a public trial where they have all the guarantees necessary for their defence.¹⁴⁵

Access to voluntary dignified repatriation¹⁴⁶

Governments in destination countries should try and implement a transparent, humane and regulated migration system by providing assisted voluntary return programmes and by working towards bilateral agreements with countries of origin for safe channels for remittances and harmonised procedures. Irregular migrants should be treated humanely when repatriated, and trafficked persons should be provided with appropriate support services and

protection.

Migrant associations should encourage networking between migrant workers, improve access to financial support and provide information on what assistance is available. They should also lobby governments to better address the problems faced by migrant workers returning.

Victims of trafficking should have access to safe and human reintegration in their countries of origin. The return should be voluntary and carefully regulated. Governments in countries of origin should set up clear rules on repatriation and registration systems, and also provide repatriation assistance such as referral to social services whenever necessary. Workers should be given advice on investment, employment opportunities and what channels are reliable to send remittances back home.

4.2 Tools for capacity-building, advocacy, awareness-raising and assistance

The tools listed are a mixture of short and long term suggestions for development and human/labour rights measures to address the issue in its complexity. Implementing some of the identified measures will require long-term commitment and sustained effort by both national governments and the international community. However, several tools can be used in the short- to medium-term to inform and facilitate the development of a long-term sustainable strategy. The underlying principles in developing anti-trafficking tools should be:

- A bottom-up approach, in which the experiences, opinions and needs of migrant workers are taken into account for any future action
- Ownership within the region, which means that international agencies and donors should encourage local actors in taking the lead in developing and testing tools, strategies and activities based on the actual situation in individual countries in the region as opposed to implementing pre-designed programmes and strategies
- Ensuring fundamental human rights and rights at work should be a central part of any anti-trafficking strategy. Particular attention should be devoted to preventing any anti-trafficking action which would negatively affect the situation of (potential) migrants and their access to employment
- These tools for addressing the trafficking situation in the short- and medium-term are capacity-building, advocacy, awareness-raising and direct assistance.

Capacity-building

Capacity-building within the region should aim at increasing capacity to address the issue. It should involve research to enable all stakeholders to understand the scale of the problem in the region, identification of stakeholders, establishing regular communication, identification of main areas where changes need to be made, and training for those who can bring about such changes.

National agencies such as the labour ministries, could establish round-tables at which law enforcement agents, immigration officials, NGOs, and embassies or consulates workers could regularly exchange information and set priorities for building capacity to address trafficking. Several suggestions for specific actions are listed in the table at the end of Section 2 in this chapter. For specific recommendations to major stakeholders see Section 3 of this chapter.

Advocacy and campaigning

Trafficking issues need to be put on the legislative agendas in the broader framework of human and labour rights. Academics, NGOs, social partners and state agencies should first of all work to ensure fundamental human rights for all persons, and secondly to provide relevant protection mechanisms accordingly. It would be useful to urge national agencies, such as labour and justice ministries, to recognise the need to guarantee fundamental human and labour rights for migrants in line with the human rights covenants, ILO conventions and the Convention on the Protection of the Rights of all Migrant Workers and their Families. Also needed are practical plans of action for developing mechanisms for implementation and monitoring. The regional bodies such as the League of Arab States and the Arab Labour Organisation, should be encouraged to develop regional strategies for the protection of the rights of migrants. The international bodies, such as the International Labour Organization and Office, should be encouraged to take further steps to ensure rights to migrant workers and especially migrant domestic workers. They should also technically assist the countries in the region in developing their own plans of action and implementation. Several

suggestions for specific action are listed in the table below at the end of Section 2. For specific recommendations to major stakeholders see Section 3 of this chapter.

Awareness-raising and prevention

As the situation of the migrant domestic workers is closely linked to stereotypes and general misperception of their role in the household, it is important to find ways to raise awareness in both countries of origin and destination. The target groups, besides the general public, should at the very least include migrants, potential migrants, employers, potential employers, immigration officials, law enforcement officers, and officers responsible for labour affairs in the labour ministries. The national agencies such as the ministry of labour, ministry of interior and ministry of justice, should be responsible for raising awareness among relevant professionals, ideally in collaboration with NGOs. It is crucial that the voices of domestic workers are heard and that their experiences and opinions are taken into account.

Embassies, consulates, NGOs and immigration officers should ensure that all migrants have information about their rights immediately after arrival, and that they have access to information throughout their entire stay in the country. Several suggestions for specific action are listed in the table below at the end of Section 3. For specific recommendations to major stakeholders see Section 3 of this chapter.

Assistance to migrant domestic workers

Access to assistance to migrants in distress should not be the sole responsibility of the embassies of sending countries. It would be useful if NGOs with services in destination countries could share their experiences with those from countries of origin, network and improve the service provisions available. It is also crucial that the state agencies such as the Ministry of Social Affairs, gets involved, supports the accessibility of services, and controls the living and working conditions of the migrant workers.

Several suggestions for specific action are listed in the table below. For specific recommendations to major stakeholders see Section 3 of this chapter.

Tool 1: Capacity-building	
Goal: To increase the ability to define and address the problems within the region	
Actors	Activities
National agencies in both sending and receiving countries (for example, Ministry of Labour)	<ul style="list-style-type: none"> ● Identify relevant stakeholders in both sending and receiving countries ● Inform and train relevant stakeholders on issues of trafficking and forced labour ● Research and monitor the problems and trends and develop mid- and long-term multi-agency strategies to address them effectively, in compliance with international human rights laws
Embassies of sending countries	<ul style="list-style-type: none"> ● Gather information on legal, social and economic conditions and provide to workers when required ● Identify ways to improve access to social security/assistance structures for migrant domestic workers (existing shelters, hotlines) ● Raise awareness on trafficking issues ● Set up clear rules on the repatriation process ● Establish a database of arriving migrant workers and keep in touch ● Identify reliable channels to send remittances
National NGOs and academics in both sending and receiving countries	<ul style="list-style-type: none"> ● Research and monitor the issue ● Identify the major problems, their scale and identify what changes are needed ● Exchange information and experience with NGOs in countries of origin ● Develop joint plans, goals and strategies for advocacy and assistance

Tool 2: Advocacy and campaigning	
Goal: To recognise the importance of including human rights into existing mechanisms, including national laws, and to implement them effectively	
Actors	Activities
National bodies and agencies (such as Ministry of Labour, Ministry of Justice, Ministry of Interior)	<ul style="list-style-type: none"> ● Ratify relevant human rights, labour rights and migrants' rights treaties ● Recognise domestic work as a form of work and develop legislation concerning temporary migrant workers, in particular migrant domestic workers, in line with international human rights law ● Develop systems and mechanisms for monitoring accessibility of these rights in your country
Regional bodies (such as the League of Arab States)	<ul style="list-style-type: none"> ● Recognise the need for better protection of human rights for both nationals and non-nationals ● Discuss possible measures for regional co-operation to protect migrant workers' human rights and prevent trafficking
International bodies (such as the International Labour Organization)	<ul style="list-style-type: none"> ● Recognise the problem of a legal vacuum around the position of migrant domestic workers in host countries and seek tools and mechanisms to address it ● Promote, support, monitor and, where necessary, facilitate the process of developing rights-based approaches to address forced labour and trafficking in the region

Tool 3: Awareness-raising and prevention	
Goal: To inform the general public as well as specific target groups about the issue	
Actors	Activities
Actors at the local level (such as NGOs)	<ul style="list-style-type: none"> ● Identify the target groups and their information needs ● Identify best information measures that are relevant to the target group, its level of skills and literacy
Actors at the national level (such as Ministry of Labour, Ministry of Interior)	<ul style="list-style-type: none"> ● Identify key stakeholders such as the Ministry of Labour, and best measures of organising employment abroad such as setting regulations for employment agencies in line with Convention No. 181 in both sending and receiving countries ● Organise round-table discussions for state agencies, NGOs and migrant workers, so they can share their views on how to prevent trafficking and forced labour ● Develop materials informing migrant domestic workers about their rights and conditions of employment in languages which the workers understand ● Actively support migrants organising themselves and self-support groups of migrant domestic workers in both countries of origin and destination ● Engage national media in both sending and receiving countries. Organise round-table discussions for state agencies, NGOs and migrant workers, so they can share their views on how to prevent trafficking and forced labour
Actors at the regional level (such as The Arab Labour Organisation)	<ul style="list-style-type: none"> ● Hold a regional strategy discussion on migrant workers on the prevention of exploitation, trafficking and forced labour, which would include governmental representatives, NGOs, IGOs and international agencies

Tool 4: Assistance to migrant domestic workers	
Goal: To provide support and assistance in order to prevent or stop abuses of individual migrant domestic workers	
Actors	
Actors at local and national level (such as Ministry of Social Affairs and NGOs)	<ul style="list-style-type: none"> ● Create shelters, hotlines and a service provision system that meets the needs of domestic workers ● Co-ordinate with other stakeholders to ensure the services operate in the interests of migrant domestic workers
Embassies of sending countries	<ul style="list-style-type: none"> ● Develop guidelines to assist migrant domestic workers in all stages of their employment, which will include information about their rights and ways of accessing them ● Enable exchange of information between service providers in countries of origin and countries of destination
Actors at regional and international level (such as NGOs, IGOs and Ministries of Labour and Social Affairs)	<ul style="list-style-type: none"> ● Exchange information and good practice ● Identify ways to organise assistance, which would not hamper economic and employment interests of migrant domestic workers ● Discuss the role of remittances and ways to protect wages, and effective ways of transferring remittances

4.3 Recommendations to major stakeholders

The ultimate goal of any change in policy or practice should be to minimise the risks people may face throughout the migration process as well as at the workplace.

The League of Arab States

- Encourage member states to ratify the Charter
- With a view to a future establishment of the Arab Human Rights Committee as set forth in the Charter, to seek ways to guarantee observer status to non-governmental organisations. There need to be methods they can use to contribute to an effective implementation of the Charter. There should also be reporting on the measures the states have taken to give effect to the rights and freedoms recognised in the Charter

The Arab Labour Organisation

- Encourage member states to develop a regional strategy to implement as swiftly as possible the relevant Charter provisions, in particular the following: The right not to be held in slavery and servitude under any circumstances (Article 10, Para 1), the right of every worker to enjoy just and favourable conditions of work, (appropriate remuneration, regulated working hours, time off, paid holiday, health and safety protection, and protection of women, children and disabled persons in the work place) (Article 34, Para 2), and the right of every individual to freely form trade unions, or to join them and to freely pursue trade union activity for the protection of his interests (Article 35)

International Labour Office and the Arab Labour Organisation

- In the framework of mutual consultation as set forth in the mutual agreement, seek ways to co-ordinate the implementation of the ILO Declaration on Fundamental Principles and Rights at Work in the Arab region
- In the framework of the technical co-operation as set forth in the mutual agreement, seek ways to build capacity to implement the relevant ILO conventions in the region

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International Labour Organization

- Seek ways to follow up the International Labour Conference Resolution of 1965 concerning the conditions of employment of domestic workers, which recognised the “urgent need” to establish minimum living standards, “compatible with the self-respect and human dignity which are essential to social justice”
- Seek ways on how to make domestic workers and other informal workers visible in international standards
- Develop recommendations, policies and, where possible, monitoring tools to implement the ILO Declaration on Fundamental Principles and Rights at Work in informal work. Collaborate on developing these with social partners, NGOs and activists

UN ESCWA

- Within the mandate of the main economic and social development forum within the UN system in the region, develop in collaboration with other specialised agencies, inter-governmental organisations and NGOs, a joint framework to promote and monitor economic and social rights for both nationals and non-nationals as defined in the International Covenant on Economic, Social and Cultural Rights and the Arab Human Rights Charter

The EU-Mediterranean Partnership

- In the framework of objectives set up in the Barcelona Declaration, particularly under the Social, Cultural and Human Chapter, encourage the development and the operation of mechanisms to protect human rights, including women’s and child rights. Encourage the participation of civil society in all stages of development, operation and monitoring of such mechanisms
- In the bilateral dimension of the Partnership, include the human rights of migrants, non-nationals and migrant workers into monitoring and evaluation indicators of national indicative programmes
- At regional level, include human rights of migrants, non-nationals and migrant workers into key areas of collaboration under the Social, Cultural and Human Chapter
- Include provisions to support bilateral and regional activities addressing the issue of human rights of migrants, non-nationals and migrant workers into the MEDA programme

The EU-GCC Partnership

- Follow up the initiative to develop a concrete co-operation as declared in the Joint Communiqué from the 15th GCC EU Joint Council and Ministerial Meeting, and include the issue of human rights of migrants, non-nationals and migrant workers in the process of developing specific areas of co-operation

Other international, inter-governmental and UN agencies

- Co-ordinate efforts to ensure that strategies, advocacy and activities do not duplicate or conflict in some aspects while ignoring others. A strategy meeting, which would involve UN agencies, international organisations and donor agencies, would be a useful tool for co-ordination. The strategy meeting should involve but not be limited to:
 - Clarifying the mandate and focus each agency has in the region
 - Clarifying short-, mid- and long-term plans
 - Identifying opportunities and strategies for future co-operation
 - Identifying ‘black spot’ areas on which agencies are not focusing but should despite their mandate
 - Identifying and co-ordinating short- and mid-term plans for future work

National governments

Ratify relevant international treaties, particularly the two Covenants and incorporate them into domestic legislation. Ratify the relevant conventions relating to migrants and refugees, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention relating to the

Status of Refugees, and incorporate them into domestic legislation where necessary

- Recognise domestic workers as workers and ensure that the legislative provisions on workers' rights are applicable to them
- License and monitor the recruiting agencies and seek ways of reducing the dependency of the migrant workers on the agencies, as well as establishing an effective independent complaints mechanism or body
- Organise/provide training for domestic workers after their arrival and help them access education/training while they are in the destination country.
- Raise awareness about the issues of exploitation of migrant domestic workers and particularly focus on altering the stereotypes about them. Seek ways of getting the message to the employers
- Establish services accessible to domestic workers, which would be independent and would provide at the very least a hotline, psychosocial counselling, shelter, legal advice and representation, assistance with communication and return to the country of origin

NGOs

- Where there are NGOs or activists with experience or the potential to address the problem of exploitation of migrant workers and migrant domestic workers in particular, or some of its aspects, it would be useful to encourage the bottom-up approach to capacity-building and networking
- Hold a national and regional activists' discussion and networking meeting, which would try to answer at least the following questions:
 - What is the role of activists in the region and what should it be in the future in relation to the issue?
 - What can be done in the given political, economic and social situation of the region in terms of raising awareness and developing measures to prevent exploitation, assistance to abused migrant domestic workers, identifying and challenging legislative provisions and policies which make migrant domestic workers vulnerable to abuse?
 - What needs to be done to build the capacity of NGOs to raise awareness and provide services?
- Develop strategies for raising awareness and providing services, and pilot these
- Establish services provisions, which would at least include:
 - Hotline
 - Shelter and other social help
 - Counselling and legal counselling
 - Assistance with integration in the host country, return and reintegration in the home country
- Develop international exchange of information and co-operation. It would be useful to encourage an international dialogue involving the Middle Eastern/Gulf partners. A way forward could be to link up Middle Eastern activists with those from the Horn of Africa and East Africa, together with the activists from South and South-East Asia. The mutual communication would be extremely helpful in order to:
 - Facilitate information exchange and advocacy
 - Share experiences and lessons learned
 - Be able to provide direct assistance to exploited domestic workers in places of destination

Academic and research networks

- Encourage more intensive academic networking and some regional research, which would cover at least:
 - Comparative in-depth legal research in the region including both customary and tribal laws
 - Comparative in-depth research on formal and informal policies on informal labour markets in the region
 - Comparative in-depth sociological research of informal labour in the region

Endnotes

¹³⁸ Regulated by the Private Employment Agency Proclamation No. 104/1998

¹³⁹ Source: M.A. M.C. Villalba, Philippines: Good Practices for the Protection of Filipino Women Migrant Workers in Vulnerable Jobs in ILO GENPROM: An Information Guide, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 2: Decision-making and preparing for employment abroad, 2003

¹⁴⁰ Belayneh, T; Research and Communication Strategy Definition; Be Informed: Counter trafficking Through Information, IOM 2003

¹⁴¹ Source: Hong Kong SAR Home Affairs Bureau, Your Guide to Services in Hong Kong, English Version (3rd Edition), 2002 in ILO GENPROM: An Information Guide, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 2: Decision-making and preparing for employment abroad, 2003

¹⁴² Domestic Workers: Little Protection for the Underpaid , Gloria Moreno-Fontes Chammartin International Labour Organization, April 1, 2005

¹⁴³ Article 3, UDHR

¹⁴⁴ Article 7, UDHR

¹⁴⁵ Article 11(1), UDHR

¹⁴⁶ Based on: An Information Guide, Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 5, Back home: return and reintegration, GENPROM, Geneva

Chapter 5: Country profiles

The following chapter provides basic information about each project country visited, and describes the civil society actors relevant to trafficking.

Egypt¹⁴⁷

Egypt is mainly a country of origin of labour migrants, but also a transit and destination place for migrants and refugees. It is currently not possible to establish how many of them may be trafficked. However, we came across cases of who had been severely exploited after they had arrived in Cairo.

Most information available suggests that Egypt is a country of transit for trafficking in women from Eastern Europe and Sub-Saharan Africa for sexual purposes in Israel. The main reported route is through the Sinai desert.

Limited information was available from all interviewed professionals about the destination role of Egypt in trafficking for forced labour. Those who come to Egypt as migrants or forced migrants, and are later subjected to exploitative work, forced labour or servitude, are simply not seen as having potentially been trafficked. Although several cases were reported to the TPO, which were effectively trafficked cases into domestic work, the problem is not recognised as such. Equally, the issues of servitude to which some internally migrating Egyptian women mainly from rural areas are subjected, was not seen as a structural issue.

The efforts of the Egyptian authorities are focused on the transit role of the country and the prevention of organised crime. In 2005, an organised crime office within the Ministry of Interior was established. This office should in future be the co-ordinating body for narcotics and human trafficking.

Egypt does not have any legislation on trafficking in persons. No state-guaranteed social services are provided and assistance to trafficked persons appears to be seen as the responsibility of the embassies of countries of origin. Assistance with return, seems to be ad-hoc and arbitrary, and in most cases, the responsibility of the embassies or the migrants themselves.

As far as international law instruments relevant to migrant domestic workers are concerned, Egypt has ratified the Universal Declaration of Human Rights, the ILO Conventions No. 29, No. 95 and No. 111, but has not yet ratified ILO Conventions No. 97 or No. 143. It has also ratified the ICCPR and the ICESCR, and has acceded both to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the Convention relating to the Status of Refugees.

Egypt has an extensive number of ministries and their policies and potential for addressing the issue should be explored further. The most relevant ministries are:

- Ministry of Health and Population
- Ministry of Insurance and Social Affairs
- Ministry of Interior
- Ministry of International Co-operation
- Ministry of Manpower and Immigration

Trade unions are active in the country, but not actively involved in the issue of migrants workers.

NGOs

Services provision

There are no NGO specialising on the issue of migrant workers, but a number of NGOs provide a variety of services to refugees. This list is by no means exhaustive but shows the main services available:

AMERA Egypt provides legal assistance and representation for asylum seekers during the refugee status determination process with the UNHCR. AMERA Egypt's legal advisers prepare legal briefs and testimonies, and accompany asylum seekers to their first and subsequent appeal interviews with the UNHCR. It offers classes to refugees to help them prepare their testimonies and present their own cases. It also provides legal advice on resettlement and local integration. In addition, its psychosocial workers provide counselling and crisis intervention for refugees who have experienced trauma and torture. AMERA Egypt also participates in policy development and public education initiatives on refugee protection by collaborating with and providing cross-training to Egyptian lawyers, community organisations, and international organisations on refugee protection under international and domestic legal standards.

Refuge Egypt helps people from Sudan and other African countries living in Cairo, who have fled their country due to war or disaster, who have a well founded fear of return due to persecution or loss of rights, or who are recognised by the UNHCR as refugees. In its income-generating programme, it has been running a course on training and employment for domestic workers since 1999. The high unemployment rate in Egypt makes it almost impossible for refugees to get work in the formal sector. However, both wealthy Egyptians and expatriates living in Cairo tend to prefer hiring African refugees to work as domestic helpers to hiring Egyptians.

UNHCR collaborates with Refuge Egypt to expand the programme into an employment office. This has meant that the training courses and the employment office have extended their remit to include only asylum seekers but also refugees recognised as such by UNHCR. In 2003, the total number of employed domestic workers in Egypt was 250.

The El Shariya Ma'adi Workers' Cooperative Association assists both Egyptians and foreigners (but some services are limited to nationals only). The association does not discriminate on ethnicity, religion, place of residence and so on. The services include medical services, social services (orphanages for illegal infants/children and street children, assistance with food, clothing and education to single mothers with children, and assistance with food and stipends to disadvantaged newcomers to Cairo (including refugees. All refugees whether recognised by UNHCR or not, are eligible for these services.

Research, advocacy, campaigning

The Egyptian Organization for Human Rights (EOHR) was founded in 1985 and is based in Cairo. It has a national membership of 2,300 and has 17 provincial branches across Egypt. EOHR is part of the international and Arab human rights movement and it co-operates with the relevant United Nations human rights bodies and international and regional human rights organisations. It also establishes contacts with these organisations to exchange support. The organisation promotes respect for human rights and the basic freedoms of all Egyptians as well as non-Egyptians who are in Egypt, according to the Universal Declaration of Human Rights and the International Covenants on Human Rights, especially the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as the United Nations Declaration on the elimination of all forms of racial discrimination.

It calls for the reform of Egyptian laws and constitution so that they will be in accordance with international human rights covenants and conventions, promote the rule of law and fully respect the concepts of an independent judiciary and fair trials for all defendants. It runs legal clinics providing legal aid to people who have been denied freedom of expression, and helps prisoners and detainees who are subject to torture or other cruel, inhuman or degrading treatment or punishment. It organises fact-finding missions such as prison visits to collect testimonies and document information about human rights violations. It issues urgent appeals, press releases, reports and publications on human rights violations in the country. Furthermore, EOHR raises awareness among individuals and groups through publications, conferences, seminars and studies.

The Arab Organization for Human Rights (AOHR) has consultative status at ECOSOC and observer status at AOU and African Commission on Human People's Rights (ACHPR). It promotes the UDHR, the ICESCR and the ICCPR. It carries out field missions in an effort to release political prisoners, and can act as an observer or member of the legal defence panel. It deals with complaints from individuals, groups and organisations, and contacts the relevant authorities. In addition to offering legal assistance, the organisation Organization provides financial assistance to the families of victims if necessary and possible. However, its main work is with prisoners of conscience.

The Cairo Institute for Human Rights Studies was founded in 1994 and is a research centre focusing on human rights. The CIHRS enjoys special consultative status with the United Nations Economic and Social Council. It also has

observer status with the African Commission on Human and Peoples' Rights. The CIHRS is a member to the Euro-Mediterranean Human Rights Network (EMHRN) and the Human Rights Education Network.

Below are some indicative recommendations for initial steps for donors and international agencies:

Capacity-building

- Support for research would be helpful. This would offer some reliable information about the nature and magnitude of exploitation and forced labour in migrants' and refugees' informal work in Egypt. Organisations in direct contact with migrants and refugees, such as Amera and Refuge, should be directly involved and co-ordinate the collection of information with other service providers. The research could be designed and supervised by the American University in Cairo, which is running a course on forced migration and refugees.
- There is a need to build the capacity of NGOs to identify strategies for awareness-raising and advocacy, and to develop services. A meeting, training and information exchange with NGOs working on migrants rights issues in both countries of origin and destination could be a first step. Organisations such as Cairo Institute for Human Rights or the Arab Organization for Human Rights, could be well suited to co-ordinate such a meeting, and follow up its conclusions with advocacy.
- It would be helpful to build the capacity of state institutions, particularly the Ministries of Labour and Social Affairs and Ministry of Interior, to address the problems and collaborate with NGOs on policy development. Ideally, the ILO, UNODC and UNHCR could co-operate on providing technical assistance to the Egyptian government departments in areas of law and access to justice, developing standards and monitoring mechanisms, awareness-raising and prevention, support and protection.

Advocacy

- Support is needed for advocacy activities aimed at the effective implementation of the Universal Declaration of Human Rights, the ILO Conventions No. 29, No. 95 and No. 111, the ICCPR, the ICESCR and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and the Convention relating to the Status of Refugees - in general and especially where migrant labour is concerned. Organisations such as the Cairo Institute for Human Rights or the Arab Organization for Human Rights seems to be well suited to co-ordinate with services providers on developing advocacy priorities and strategies.
- Another area in need of support is the development of regional advocacy and the international exchange of good practices. In this respect, campaigning organisations such as Anti-Slavery International are well suited to support the process.

Awareness-raising and prevention

- It would be useful to support NGOs working directly with migrants and refugees, as they are most likely to come into contact with trafficked people. In terms of prevention of exploitation, the experiences of Refuge are very valuable. A good starting point would be to identify the target groups in Egypt, how they can be reached and what methods can be used. An exchange of experiences and awareness-raising strategies with those active on the issue in other countries would be useful.
- Awareness should be raised among a variety of professional groups, particularly immigration and law enforcement officials, and those responsible for labour and social affairs. Mutual support and collaboration between Egyptian ministries, particularly the Ministry of Labour and Social Affairs and the Ministry of Interior is necessary in developing appropriate awareness-raising tools such as education materials and trainings.
- Another area of support could be for co-operation between NGOs and government bodies to raise public awareness-raising about the unacceptability of servitude and forced labour practices. This would need to be done in such a way that it would reach beyond the cities into the rural areas of Egypt.

Assistance

- Extensive support for direct services providers would be helpful. Grassroots NGOs and community groups already have experience in providing good services and it would be useful if they could extend their services (such as shelters, hotlines, psychosocial and legal counselling) and make them available to a larger group of people.
- Information exchange about direct services provision and creating links with services providers in other countries in the region, as well as with those active in countries of origin, would be extremely useful. A regional/international workshop on services provision to migrant domestic workers would be a good starting point. Experienced organisations such as ICMC in Lebanon, could be a possible partner in preparing such a workshop.

Eritrea¹⁴⁸

It proved rather complicated to gain information on Eritrea. Despite the research findings and outcomes of the interviews in several countries (Lebanon, Ethiopia, Yemen), which indicated that Eritrean women are migrating for work abroad and can find themselves in a situation of forced labour, the Trafficking Programme Officer was unable to identify an organisation with experience in human rights and an interest in trafficking, information-sharing and collaboration. The trip proved useful in establishing a contact with the Eritrean Women's Union, which seems to be the only NGO addressing women's issues in Eritrea. Given the complete absence of information on the ground, this chapter is based on information from interviews in other countries.

Eritrea is mainly a sending country of migrants. It is currently not possible to establish how many are possibly trafficked. However we came across migrant domestic workers who had been severely exploited in Beirut.

Most information available suggests that Eritrean women migrate for employment to the Middle East and Gulf countries, some of them hoping that they will get to Europe. The use of smugglers is widespread, as it is often difficult to leave the country legally.

There seem to be no efforts by the Eritrean authorities to address trafficking in persons. As far as the TPO was able to establish, there is no legislation on trafficking and embassies do not provide any services, nor do they help if a trafficked migrant worker is being repatriated. In fact, some of the migrant workers interviewed, made it clear that the repatriation back to Eritrea is the least desired scenario, as they claim to have reasonable grounds to fear compulsory military service and/or some form of punishment for having illegally emigrated from the country.

Eritrea has approximately 59,000 internally displaced persons due to the border war with Ethiopia. UNHCR began repatriating about 150,000 Eritrean refugees from Sudan in 2000.

Among international instruments relevant to our study, Eritrea has ratified the Universal Declaration of Human Rights and ILO Conventions No. 29 and 111, but has not ratified ILO Conventions No. 95 and No. 143. The ICCPR, the ICESCR and the International Convention on the Protection of the Right of all Migrant Workers and Members of their Families are not ratified, nor is the Convention relating to the Status of Refugees.

The Ministry of Labour and Social Affairs is in principle responsible for implementing its labour laws and co-ordinating labour migration.

The Ministry of Interior is responsible for issuing exit permits.

The Ministry of Foreign Affairs is responsible for co-ordinating of assistance provided by Eritrea's embassies and consulates abroad to its citizens.

Trade unions do exist but are not involved in the issue of migrants workers.

NGOs

There are no national NGOs providing services in Eritrea.

Research and advocacy

The National Union of Eritrean Women seems to be the only relevant NGO in Eritrea and focuses on all women-related issues. However, it did not have any information and was not working in any way on the topic.

Listed below are indicative recommendations for initial steps for donors and international agencies:

Capacity-building

- It would be useful to establish a dialogue with the National Union of Eritrean Women to find out whether the organisation would be willing to cover the issue.

Awareness-raising and prevention

- Given the high level of migrants in distress, it would be useful to raise awareness about the rights people should have within the migration process and what organisations are available to assist them.

Advocacy

- A system for labour migration could be set up, which would be rights-based and would promote orderly migration. It would be useful to encourage the sharing of experiences between the National Union of Eritrean Women and NGOs, which are experienced in promoting the rights of female migrants. Practical workshops, which could bring together NGOs from countries with high levels of labour migration, such as the Philippines, would be a useful starting point.

Assistance

- Services accessible to migrants in distress abroad need to be set up. However, any services provision must be rights-based, and no one should be punished for leaving the country. A good starting point in this respect could be the sharing of experiences and information with countries, which do have a good system of support and protection for their workers abroad, such as Philippines.

Ethiopia¹⁴⁹

Ethiopia is mainly a migrant sending country and to some extent also a transit country for trafficking. Both women and men are trafficked from Ethiopia for forced labour, particularly to the Middle East and the Gulf states. Several reports also mention trafficking in children, for domestic work, sexual purpose and street vending, as well as the trafficking in women for sexual purposes.

In recent years, there has been mounting evidence of trafficking for forced labour, particularly domestic work. Until 2005, Ethiopia's criminal code defined trafficking as forcing women or children to engage in prostitution, and did not cover trafficking for forced labour. A revision of the penal code was passed in Parliament in early 2005, and new provisions, covering also trafficking for forced labour, became law in May 2005. In terms of relevant international instruments, Ethiopia ratified the Universal Declaration of Human Rights and ILO Conventions No. 29 and No. 111. However, Ethiopia has not ratified ILO Conventions No. 95, 97 and 143. Nor has it signed the ICCPR, the ICESCR, the Convention on all migrant workers were not ratified, or the Convention relating to the Status of Refugees.

During 2003, 2004 and 2005, the Ethiopian authorities intensified their efforts to protect migrant workers, and, in 2004, new consulates were established in Lebanon and United Arab Emirates. The consulates support Ethiopians who have been trafficked into these countries, including referrals to services and assistance with repatriation when necessary.

Ethiopia has an institutional framework for addressing the issues of trafficking, which includes an inter-agency anti-trafficking task force with three sub-commissions, covering research and data collection, public awareness and legal issues. In terms of trafficking for forced labour, the Ministry of Labour and Social Affairs (MOLSA) plays the central role. MOLSA is responsible for implementation of the Private Employment Agency Proclamation No. 104/1998, which provides for licensing private employment agencies and the prosecution of illegal brokers. Ethiopians are permitted to migrate for work only if they use a licensed agency or obtain special permission from MOLSA. MOLSA works in the

task force and co-ordinates with other agencies such as the Ministry of Justice, the Ministry of Foreign Affairs, the Immigration Authority, and the Prime Minister's Office.

The country has 393,032 refugees from Sudan and 23,578 refugees from Somalia to be repatriated in 2005, according to UNHCR. 132,000 people were internally displaced because of the war with Eritrea.

NGOs

Services provision

The Good Samaritan Association provides assistance for returning trafficked women including shelter, counselling, and income-generating activities. The organisation closely collaborates with the International Organization for Migration.

The Ethiopian Women's Lawyers Association (EWLA) provides legal counselling to returning women and their families, and families of women, who are in an exploitative labour situation abroad. In some cases, it represents the interests of exploited women when liaising with authorities abroad.

Gemenaye is a self-supporting organisation with currently some 30 members. It provides services and practical advice for migrant workers before travel, represents the workers in correspondence with destination countries, and hopes to increase contacts and co-operation with counterparts in destination countries as well as its educational, awareness-raising and advocacy activities. The group would like to focus especially on destination countries.

IOM is active in prevention and researching the issue, actively collaborates with partners abroad on repatriation of trafficked women, and, in many cases, co-ordinates assistance on return. IOM also intensively advocates on trafficking issues both at national level, and tries to establish co-operation with countries of destination. Research: Assessment of the magnitude of women and children trafficked within and outside of Ethiopia, IOM, Counter Trafficking Programme, 2004; Research and communication strategy definition: Be informed: Counter trafficking through information, Tsehay Belayneh, IOM, 2003. IOM is also intensively involved in awareness-raising and prevention. In collaboration with the Ministry of Education, it organised prevention campaigns targeting schools.

Research and advocacy

EWLA advocates for women's rights generally and began working on trafficking issues in 1996. The organisation lobbies the national institutions and also raises awareness raising through workshops. Research: Trafficking of Women from Ethiopia, A Study carried out on behalf of: The Women's Affairs Sub-Sector in the Prime Minister's Office and the International Organization for Migration in Addis Ababa, Atsedewoine Tekle and Tsehay Belayneh, June 2000, Addis Ababa- Ethiopia.

Indicative recommendations for initial steps for donors and international agencies:

Capacity-building

- There is a need to support and extend already existing services and ensure the sustainability of reintegration. Generating income is serious problem faced by organisations working on re-integration. It would be useful if Ethiopian NGOs such as the Good Samaritan Association or Gemenaye, could have an opportunity to exchange information and experiences on income-generating strategies for returnees with other countries of origin of migrants such as the Philippines.
- Support for self-organising activities would be welcome. Some initial steps were taken by Gemenaye having already 30 members. Gemenaye and other interested NGOs ideally should have the opportunity to share information and experiences with self-organised and self-support groups. Anti-Slavery International's partners from South-East Asia could be a useful source of information with trainers from the Ethiopian groups.
- Also, support for networking with countries of destination would be helpful. Some initial steps in this area have already been taken by IOM with regard to Lebanon, and it would be extremely useful if NGOs from Ethiopia could have the opportunity to establish direct contacts with those active in the Middle East.

Awareness-raising and prevention

- The trend to assist Ethiopian migrant workers in distress set up by the Ethiopian Ministry of Foreign Affairs should be supported together with training for staff of embassies and consulates. NGOs such as the Ethiopian Women's Lawyers Association and non-governmental services providers could potentially be useful partners for developing a training programme.
- The development and organisation of pre-departure training should be encouraged. Also, ideally, there should be co-ordination of the orientation courses on arrival, which are being developed by the Lebanese NGOs. In general terms, practical workshops between those active in the Middle East and those active in countries of origin could help towards developing programmes for such a courses.

Advocacy

- Bilateral co-operation and agreements with countries of destination for labour migrants should help guarantee workers' rights.

Assistance

- Ensuring the sustainability of self-support and self-organising groups as well as expanding already existing service provision should be encouraged. Activities of all NGOs listed above are very useful in this regard, and the Ethiopian Women's Lawyers Association, the Good Samaritan Association and Gemenaye are potentially good partners in this.

Lebanon¹⁵⁰

Lebanon is a destination country for trafficked women for domestic work from Asian and African countries. Various reports also mention women trafficked for sexual purposes, mainly from Eastern Europe. The country is to a lesser degree also a transit country, particularly for African women trying to get to Europe. The exact numbers of women trafficked into Lebanon are not known.

Lebanon does not have legislation concerning trafficking in persons. As far as international instruments are concerned, Lebanon has ratified the Universal Declaration of Human Rights, the ILO C29, C111 and C95, but has not ratified ILO C97 and C143. It has not ratified the ICCPR nor the ICESCR, nor the International Convention on the Protection of the Rights of all Migrant Workers and members of their Families, nor the Convention relating to the Status of Refugees.

The Lebanese Government has taken steps to address the situation of exploitation of migrant workers, particularly as regards raising awareness. It has produced information booklets aimed at migrant workers on legislation, rights and obligations in the country as well as on practical information about available assistance. The Ministry of Labour has taken several measures against employment agencies. 11 were reportedly closed on the grounds that they had mistreated workers and engaged in fraudulent practices. The Ministry is also responsible for complaint procedures and reportedly dealt with 35 contract disputes between employers and employees. Of these, 23 were resolved in favour of the workers.

The country still does not have a unified and transparent system of contracts between employers and employees. Developing one is a key aim of newly established working groups of NGOs, academics and state officials.

With regard to assistance, services provided by NGOs are increasingly available. In 2004, a Memorandum of Understanding between the Lebanese Government and ICMC and Caritas Lebanon was signed for both NGOs to run a shelter for trafficked women in Lebanon. Reportedly, the authorities of Lebanon are starting to refer the trafficked women to the shelter. Government officials have taken the positive step to grant those recognised as victims of exploitation temporary permits to stay in the country for up to two months, to assist in the investigation and eventually to take legal action against their employer. It has not been reported, however, how many persons were granted such a permit and how many of them took a legal action and/or got compensation. Nor was it known to the TPO at the time of writing, whether the practice is institutionalised, who has access to such a permit, and under what criteria. NGOs such as PCAAM provide valuable services to all migrant workers and run various types of counselling for migrant

domestic workers, including legal counseling during visits to detention centres, where many runaway domestic workers are held. Also, the staff of embassies and consulates of countries of origin in Lebanon spoke of improved access to detention facilities.

In terms of access to justice, there is not much progress. During 2004, no abusive employer was prosecuted despite available evidence. It has also been reported that the vast majority of the migrant workers generally do not get any compensation for basis lost income, unpaid wages or harm suffered. The authorities continue to treat workers who run away from their abusive employers, as illegal migrants and detain them. The law enforcement, however, introduced a new mechanism into investigations. Now, a social worker can be present when the police question a migrant worker. NGOs have expressed concerns about this. Migrant domestic workers, for example, are not always informed about this an option and the issue of trust needs to be addressed, as the social workers are not seen by the migrant women as independent from law enforcement.

There are 394,532 Palestinian refugees in Lebanon, and the civil war and Israeli invasions have caused the internal displacement of some 300,000 people.

The Ministry of Labour is responsible for labour and employment affairs, including labour inspections, regulation of employment agencies and complaint procedures.

The Ministry of Interior is responsible for immigration affairs and criminal affairs.

Trade unions are active in the country, but not actively involved in the issue of migrants.

The Beirut Bar Association is best positioned for legal review and analysis.

NGOs

Services provision

The Pastoral Committee of Asian-African Migrants (PCAAM) helps detained women obtain valid documents, retrieves passports from employers, contributes financially to expired work/residency permits and repatriation, PCAAM also provides legal aid, medical treatment, and contacts diplomatic representation and families of prisoners.

The Afro-Asian Migrant Centre (AAMC) helps detained women obtain valid documents, retrieves passports from employers, financially contributes to expired work/residency permits and repatriation, runs a shelter, provides social counselling, welfare and pastoral care, broadcasts radio programmes, establishes contact with diplomatic representations and families of prisoners, and provides free education for children of migrant domestic workers.

LAKSEHTA provides services mainly for Sri-Lankan women. It helps detained women obtain valid documents, retrieves passports from employers, financially contributes to expired work/residency permits and repatriation, provides medical treatment, shelter, contacts diplomatic representation and families of prisoners.

The International Catholic Migration Committee (ICMC) in co-operation with Caritas Migrant Centre helps detained women obtain valid documents, retrieves passports from employers, provides legal and social counselling, financially contributes to expired work/residency permits and repatriation, provides legal aid and medical treatment, contacts diplomatic representation and families of prisoners.

The Caritas Migrants and Refugees Centre assists migrants and refugees experiencing social and economic difficulties. It provides financial, legal and logistical help for all destitute, sick and vulnerable people wanting to return home. On resettlement, it provides administrative assistance and follow-up for those who want to live in a third country (such as Canada or Australia). It also provides medical care and follow-up through Caritas' medico-social centres and/or medical insurance that covers hospital care. It also provides free legal counselling, assistance and follow-up. It helps migrant and refugee children in public and semi-public schools, and raises awareness among Lebanese communities about the situation and living conditions of migrants and refugees in the country. The Caritas centre also provides emergency humanitarian assistance to families such as food and clothing. It encourages migrants and refugees to form committees and groups with the aim of promoting self-sufficiency and mutual assistance. Caritas also helps, as far as it can, with social and legal follow-up for all foreign prisoners.

Research and advocacy

The Lebanese NGO Forum aims to bridge relations with the Lebanese governmental institutions within the context of the governmental and non-governmental sectors complementing each other. Being the representative of an organised segment of the civil community in Lebanon, the Forum works to be a constructive and efficient partner in building a modern state through dialogue and interaction among citizens and government, and in defending the interests of the underprivileged in Lebanese society. Research: Migrant Workers in Lebanon, Young, M.; Lebanese NGO Forum, 1999.

The PCAAM Committee is intensively co-operating with lawyers, active civil society and, where possible, state institutions. The research: Afro-Asian Migrants in Lebanon, Report of the Committee on Pastoral Care of Afro-Asian Migrant Workers, McDermott, M.J., PCAAM, 2003

Frontiers is working on the issues of non-Palestinian refugees and has expressed urgent need for in-depth research into their living and working conditions in Lebanon.

Researchers at the American University in Beirut, particularly Dr. Ray Jureidini and Nuala Moukarbel, have been doing pioneering work on the issue of migrant domestic work. See literature overview.

Below are some indicative recommendations for initial steps for donors and international agencies:

Capacity-building

- Research concerning all migrant workers in Lebanon and assessment of the magnitude of trafficking of them would be a useful step. Important research work has been done in this respect by the researchers of the American University in Beirut. It would be useful if they could lead on the methodology and supervision of future research work on trafficking in Lebanon.
- Research in detention centres is needed focusing on current practices and identifying ways to improve access to justice for abused workers, who become illegal due to their visa having expired or their passport having been confiscated.

Awareness-raising and prevention

- Support for activities raising awareness directly in migrant communities and encouraging self-organising and self-support of migrant workers would be helpful. Groups such as PCAAM have extensive experience in this area and could be good partners for such an activity.
- It would be useful to support raising awareness about the unacceptability of forced labour and servitude among the general public. The group of NGOs currently active on the issue in Lebanon would be probably good partners. It is also crucial that the Lebanese Government endorses the awareness raising.
- There needs to be more awareness-raising among officials, such as law enforcement, immigration authorities, labour administration authorities through seminars, workshops or others form of information-sharing. It would be useful if the Ministry of Labour, Ministry of Interior and NGOs could jointly develop ways of raising awareness and collaborate on implementing these.

Advocacy

- It would be useful if the Lebanese stakeholders could develop an advocacy strategy, which would include but would not be limited to the following:
 - Ensuring that any strategy against trafficking focuses on human and labour rights and does not hamper migrant workers' access to employment
 - Ensuring that migrant domestic workers are recognised as workers and have labour rights as such
 - Ensuring that migrant workers who are victims of a crime have access to justice, including compensation, irrespective of their immigration status

- NGOs such as the Lebanese NGO Forum, PCAAM, ICMC, CARITAS, Frontiers and others could potentially be advocacy partners. A useful first step could be a strategy meeting, possibly also with activists from other Middle Eastern countries, which would aim at developing a joint strategy.

Assistance

- It would be helpful to support and broaden the already existing assistance, and seek ways to institutionalise practices such as the temporary permit to stay. The support to direct services provision is crucial.

Yemen¹⁵¹

Yemen is mainly a country of transit and destination for trafficking in adults from the Horn of Africa and East Africa. Migrant domestic workers are in some cases reportedly subjected to exploitative conditions or forced labour. From the transit aspect, some of those arriving in Yemen reportedly try to get through Yemen to Saudi Arabia.

The issue of trafficking is discussed mainly in relation to Yemeni children being trafficked to Saudi Arabia. The Yemen's Social Affairs Ministry and UNICEF have carried out research, concluding that children are being trafficked into begging or work as street vendors and unskilled labourers. Although there is disagreement about the magnitude of the problem, it seems to be recognised by state agencies and international organisations, in particular UNICEF.

Interviews have also revealed that Iraqi women are trafficked into Yemen for the purposes of sexual exploitation. In terms of trafficking in persons into Yemen, limited information was available from interviewed professionals. But the migrant domestic workers and the staff of embassies of their countries of origin reported experiences of violence, exploitation, forced labour/servitude, to which some migrant domestic workers were subjected. It is not possible to establish how widespread the problem is, and more detailed research into the experiences of migrant women, particularly migrant domestic workers, in Yemen would be useful.

Yemen does not have legislation targeting trafficking in persons, but it appears to have legislative provisions in its penal code allowing the prosecution of traffickers. (The TPO did not manage to obtain an English version of the penal code.) In terms of international law, Yemen ratified the Universal Declaration of Human Rights, ILO Conventions No. 95, 29 and 111. The country has not ratified the ILO Convention No. 97 nor No. 143. Concerning the ICCPR and the ICESCR, Yemen went through the process of accession. It has not ratified the Convention on all Migrant Workers has not been ratified, nor the Convention relating to the Status of Refugees. But in 1992, UNHCR and Yemen signed their Memorandum of Understanding, which resulted in the set up of a UNHCR office there.

The efforts to address trafficking so far have focused on stricter migration control and management. For instance, Yemen imposed new entry visa requirements on Iraqi nationals following the above-mentioned reports about trafficking in Iraqi women into Yemen. Yemen is also active in improving border protection, particularly along the coastline and the border with Saudi Arabia. As regards migrant domestic workers, similar provisions as in Lebanon were introduced in 2004. In practical terms, the law requires migrant domestic workers to have a sponsor, who will be responsible for their entire stay in the country. They must also be registered by the employment authority. Similar to Lebanon or Egypt, domestic workers are not legally recognised as workers and the labour code does not apply to them.

In terms of access to justice, most people interviewed reported many irregularities. The law enforcement reportedly abuses its position of authority, and cases of sexual harassment and rape of migrant women were reported. If the woman is found to be illegally in the country, she can be detained and deported. The detention centres allow access to some NGOs to provide counselling and support. However, several sources have reported that the conditions in the detention centres are in generally very harsh. No migrant domestic worker has been reported to take legal action against their employers nor have there been any known cases of compensation.

In terms of assistance available, the options are limited. As mentioned above, some NGOs do provide legal counselling in detention centres and reported that they had come across migrant women, particularly from Somalia and Ethiopia, whom they assisted. But there is no shelter, psychosocial or any other type of counselling available for migrant women in Yemen. A new initiative in assisting domestic workers is being planned by the Ethiopian Embassy. It wants to use the new legislative provisions regulating the employment of domestic workers to request the newly arrived migrants to register with the embassy so that the embassy staff will be able to monitor better the Ethiopian migrant domestic workers, stay in contact with them and be available for assistance, if needed.

The Ministry of Labour is responsible for labour and employment affairs, issues work permits, and has also been regulating employment agencies and complaint procedures since 2004.

The Ministry of Interior is responsible for criminal affairs.

The Ministry of Foreign Affairs and the Department of African Affairs is covering Yemeni-African social, political and economic affairs.

The Ministry of Immigrants Affairs is responsible for regulations and implementation of immigration provisions.

Trade unions are active in the country. They deal with gender issues, but have apparently not been actively involved in the issue of migrants so far. The Ministry of Labour has veto power over collective bargaining agreements.

NGOs

Services provisions

There are no NGOs providing services exclusively to migrant domestic workers. There are, however, NGOs dealing with social exclusion, gender and human rights. Most of the relevant NGOs work on awareness-raising, advocacy and research.

The Civic Democratic Support Foundation/Women's Affairs Support Centre is under the umbrella of the Civic Democratic Support Foundation. Since the first Yemeni Conference on Violence against Women which was held in Sana'a in 1998 as a part of UNIFEM's global campaign. The Woman's Affairs Support Centre deals mainly with human rights, legal literacy, and governance. It uses a number of strategies, involving local members throughout Yemen on training, research, advocacy and monitoring.

Sisters' Arab Forum for Human Rights (SAF) are a research, legal, training and advocacy group, and are successful in mobilising civil society on key human rights issues. Focusing on active lobbying for human rights, it produced an excellent report on children's rights and the country's compliance with the regulations of the Convention on the Rights of the Child (Shadow Report on Children's Rights in Yemen Prepared By: Civil Society Organisations in Yemen in co-operation and co-ordination with Sisters Arab Forum for Human Rights (SAF), a corresponding member of the International Federation for Human Rights May, 2005.)

The organisation co-wrote the NGO Shadow Report on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, August 2002), and, for example, also mobilised civil society to draft a report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Yemeni Women's Union is a membership-based organisation with a large numbers of members. The southern (Aden) branch predates the unification of Yemen (1990). The issues covered by the Union are broad, but the organisation focuses predominantly on Yemeni women with respect to law and legal literacy, social protection and political participation.

The Youth Centre is a voluntary NGO raising general awareness of human rights, particularly among youth. It is based in Taizz, has four co-ordinators throughout Yemen, in Hodeida, Aden, Abyan and Thamar, and is well connected to other local NGOs. Some of these are working on projects generating economic activity for women, training and education. The centre focuses on awareness-raising, organising seminars, lectures and workshops throughout the country.

The Women's Forum for Research and Training, based in Taiz, runs several programmes such as a human rights promotion programme, a women's rights in Islam programme, and raising awareness. It is a research organisation, monitoring and reporting on violence against women, actively lobbying through various means, including workshops and training seminars, and organising the Women's Symbolic Court on violence against women issues.

The Friedrich Ebert Foundation has been active in Yemen since 1997. Its main activities are part of its regional project entitled Promotion of Democracy in the Middle East. The Sana'a Office is supervised by the Foundation's regional representative in Amman, Jordan and is headed by Yemeni local staff member.

The Sana'a office of the Friedrich Ebert Foundation aims at enhancing the democratisation and modernisation process of the Yemeni society as a contribution to the country's inner-security whilst protecting its typical national identity. It also works to promote women's empowerment in political, social and economic spheres as well as preparing the grounds for gender related policies.

The office is closely co-operating with a large variety of stakeholders and was most helpful during the field visit. It intensively collaborates with the Oxfam Yemen Gender Programme, which was also an invaluable source of information during the field trip. Oxfam is deeply engaged in gender issues in Yemen, and, for instance, runs legal literacy trainings.

The researchers of the University of Sana'a, particularly Dr. Mohamed Moghram (Faculty of Law) and Dr. Fuad Abd Al-Jalil Al-Salahi (Dept. of Sociology, Faculty of Arts) have conducted research on the compatibility of Yemeni law with international treaties, on the issues of discrimination and social exclusion, refugee flows, and were interested in the issue of international migrants.

Capacity-building

- It would be useful to support capacity building of Yemeni NGOs to identify and approach the issue of trafficking in persons. Initial training and building up contacts and an information exchange with NGOs in other Middle Eastern destination countries, could be a useful first step.
- It is crucial to conduct research on the situation of migrants in Yemen, in particular migrant women. The evidence so far is too anecdotal to inform comprehensive policy on trafficking in persons. Organisations experienced in research, such as the Sisters' Arab Forum for Human Rights could be a suitable partner for such an activity, as well as the researchers from the University of Sana'a.

Awareness-raising and prevention

- It would be helpful to support awareness-raising among NGOs at first, so that they can include trafficking issues into their strategies, be it advocacy, education or research (see above).

Advocacy

- Training and advocacy on human rights-centred approaches towards trafficking needs to be supported. Yemeni NGOs such as the Sisters' Arab Forum for Human Rights, the Civic Democratic Support Foundation/Women's Affairs Support Centre and others could be potential partners for organising such a training and co-ordination the development of a strategy.
- Support is also needed for advocacy work on access to justice for all abused migrant workers, irrespective of their immigration status.
- Another area for support is the establishment of bilateral co-operation and agreements with countries of origin of labour migrants to guarantee workers' rights.

Assistance

- Work needs to be undertaken to identify how to establish at least basic services for migrants, and migrant women in particular, in Yemen. The organisations active in Lebanon would probably be very good sources of information for Yemeni NGOs and international organisations active in Yemen. Yemeni NGOs (see list above) and experienced international agencies such as Oxfam Yemen, CARE, Friedrich Ebert Foundation or GTZ, could be suitable partners. Bearing in mind that Yemen has very limited financial resources, financial support for such an activity is crucial.

Endnotes

¹⁴⁷ The general information is based on the World Factbook, CIA and the BBC country profile

¹⁴⁸ Ibid

¹⁴⁹ Ibid

¹⁵⁰ Ibid

¹⁵¹ Ibid

Appendix 1: Contacts

Egypt

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The Egyptian Organisation for Human Rights

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The Arab Organisation for Human Rights

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Cairo Institute for Human Rights

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Eritrea

The National Union of Eritrean Women

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Ethiopia

Good Samaritan Association

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Ethiopian Women's Lawyers Association

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Gemenaye

Contact via IOM

International Organization for Migration

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Lebanon

Beirut Bar Association

Institute for Human Rights
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Pastoral Committee of Asian-African Migrants

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Afro-Asian Migrant Centre

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LAKSEHTA

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Women's Affairs Support Centre**

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Oxfam Yemen

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Appendix 2: Relevant international law

This appendix highlights the relevant parts of above mentioned treaties and provides detailed information about ratifications and accessions of those in the region

Human rights

The human rights stemming from acceding to international human rights instruments are guaranteed in the region as follows:

Universal Declaration of Human Rights: Right to life, liberty and security (art 3), prohibition of slavery or servitude and the slave trade (art 4), equality before the law and entitlement to equal protection against any discrimination in violation of UDHR (art 7), right to protection against arbitrary interference with privacy, family, home or correspondence (art 12), right to own property (art 17), right to peaceful assembly and belonging to association (art 19) and joining trade unions (art 23), right to equal pay for equal work (art 23), right to rest and leisure, including reasonable limitation of working hours and periodic holiday with pay (art 24), right to a standard of living adequate for health and well-being (art 25).

UDHR was adopted by the General Assembly on 10th December 1948, by resolution 217/III-A. From the region, only Saudi Arabia abstained from voting.

International Covenant on Civil and Political Rights: Right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (art 7), not to be held in slavery (art 8 para 1), servitude (art 8 para 2), not to be required to perform forced or compulsory labour (art 8, para 3 (a)), right to liberty and security of the person (art 9, para 1), right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (art 10, para 1), right not to be imprisoned on the ground of inability to fulfil a contractual obligation (art 11), right of all persons to be equal before courts and tribunals (art 14) , a guarantee to all persons to equal and effective protection against discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (art 26), right not to be subjected to arbitrary or unlawful interference with privacy, family, home or correspondence (art 17), right to freedom of association with others, including the right to form and join trade unions (art 22, para 1).

Adopted on 16th December, 1966, by the UN General Assembly.

From the LAS member states, Algeria, Egypt, Iraq, Jordan, Morocco and Tunisia ratified the ICCPR as of 29 June 2005.¹⁵²

International Covenant on Economic, Social and Cultural Rights: Right of everyone to the opportunity to gain his living by work which he freely chooses or accepts (art 6, para 1), right to just and favourable conditions of work (art 7), in particular fair wages and remuneration and decent living (art 7 a (i and ii)), safe and healthy working conditions (art 7 b), rest, leisure and reasonable limitations of working hours and periodic holiday with pay, as well as remuneration for public holiday (art 7 d), right to form trade unions and join the trade union of his choice, right to social security, including social insurance (art 9), right to an adequate standard of living, including adequate food, clothing and housing (art 11).

Adopted on 16th December, 1966, by the resolution of the UN General Assembly.

From the LAS member states, Algeria, Egypt, Iraq, Jordan, Morocco and Tunisia ratified the ICESCR as of 29 June 2005.¹⁵³

In Arab region, the fundamental document relating to human rights, the **Cairo Declaration on Human Rights in Islam**, was adopted by the Organisation of the Islamic Conference in 1990. It guarantees for all individuals freedom from discrimination based on various grounds.

Labour rights

ILO Discrimination (Employment and Occupation) Convention No. 111 concerning Discrimination in respect of Employment and Occupation

The convention defines the term 'discrimination' as:

(a) Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

(b) Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies. (art 1) Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof (art 2).

Convention No. 111 was adopted on 25th June, 1958, by the General Conference of the International Labour Organization at its forty-second session. From the LAS member states, all states ratified it.

ILO Protection of Wages Convention No. 95: applies to all persons to whom wages are paid or payable (art 2) and explicitly prohibits states to exclude persons employed in domestic service from the application (art 2). It prohibits methods of payment that deprive workers of the genuine possibility of terminating their employment (art 5,6 and 12) and any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as labour contractor or recruiter) (art 9).

It was adopted on 1st July, 1949, by the General Conference of the ILO. From the LAS member states, 12 countries ratified Convention No. 95: Algeria, Comoros, Djibouti, Egypt, Iraq, Lebanon, Libya, Mauritania, Somalia, Sudan, Syria, Tunisia and Yemen ratified it as of 28th July, 2005.

ILO Convention concerning Migration for Employment No. 97. This Convention asks for measures to be taken as appropriate to facilitate the departure, journey and reception of migrants for employment (art 4) and appropriate medical services. (art 5) Treatment no less favourable than that which it applies to nationals in respect of the following matters: remuneration, membership of trade unions and enjoyment of the benefits of collective bargaining, accommodation, social security is required¹⁵⁴ (art 6).

This Convention was revised and adopted on 1st July, 1949. It came into force on 22nd January, 1952. Of the LAS member states, only Algeria has ratified it.

ILO Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers No. 143. This convention asks for States to respect the basic human rights of all migrant workers (art 1) and to determine if the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations (art 2). Each Member shall adopt all necessary and appropriate measures (...) against the organisers of illicit or clandestine movements of migrants for employment and against those who employ workers who have immigrated in illegal conditions, in order to prevent and to eliminate the abuses referred to in Article 2 (art 3); trafficking can be prosecuted whatever the country from which they exercise their activities (art 5).

States have to ensure that migrant workers enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits. In case of dispute, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative (art 9).

Adopted by the General Conference of the International Labour Organization on 24th July, 1975, and entered into

force on 9th December, 1978. None of the LAS member states had ratified Convention No. 143 as of 28 July 2005.

Convention Relating to the Status of Refugees: The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regard the right to engage in wage-earning employment (art 17,1) and as regards to engage on his own account in agriculture, industry, handicraft and commerce and to establish commercial and industrial companies (art 18).

Adopted on 28th July, 1951, by the Conference of the United Nations on the Status of Refugees. Even though some countries have gone through the process of accession or succession, none of the LAS member states has ratified this Convention.¹⁵⁵

Migrants rights

International Convention on the Protection of the Rights of all Migrant Workers and their Families is the main international instrument protecting migrant workers' rights. The whole convention is here relevant but we can list the following major provisions:

The Convention asks for States to ensure to all migrant workers and members of their families the rights of the Convention without distinction of any kind (art 7). Migrant workers' rights to leave any State (art 8), to life (art 9), to freedom of thought, conscience and religion, to hold opinions without interference (art 12), to freedom of expression (art 13), to liberty and security of person (art 16), to recognition everywhere as a person before the law (art 24), to receive any medical care that is urgently required (art 28), to liberty of movement in the territory of the State of employment and freedom to choose their residence there (art 39) to equality with nationals of the State concerned before the courts and tribunals (art 18), to social security (art 27) to freely choose their remunerated activity (art 52), to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity, (art 55) are protected.

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art 10). No migrant worker or member of his or her family shall be held in slavery or servitude. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour (art 11). No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others (art 15).

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation (art 14). It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy documents (art 21).

Adopted by General Assembly resolution on 18th December, 1990. Among the LAS member states, it was signed by Comoros and Morocco, but only Morocco had ratified it as of 29 June 2005. Algeria, Egypt, Libya, and Syria have acceded to it.

On migration, the **Agreement of the Council of Arab Economic Unity 1965** provides for freedom of movement, employment and residence and abolishes certain restrictions upon movement within the region.

In 1968, the Arab Labour Organisation developed the **Arab Labour Agreement**, intended to facilitate labour movement in the region, and giving priority within the region to Arab workers. This focus on reducing the participation of external migrants from the Arab labour market is apparent throughout the 1980s, with the adoption of the **Strategy for Joint Arab Economic Action** and the **Charter of the National Economic Action**.

The **Arab Declaration of Principles on the Movement of Manpower 1984** stressed once more the need to give preference to Arab nationals before nationals of third countries, calling simultaneously for the strengthening of regional bodies and intra regional co-operation.¹⁵⁶

Endnotes

¹⁵² Djibouti, Kuwait, Lebanon, Libya, Mauritania, Somalia, Sudan, Syria and Yemen have acceded the ICCPR, but not yet ratified it

¹⁵³ Ibid

¹⁵⁴ Non-exhaustive list

¹⁵⁵ Succession: Algeria, Djibouti, Morocco, Tunisia; Accession: Egypt, Mauritania, Somalia, Sudan

¹⁵⁶ Martinez, D.; ILO standards on labour migrations, ILO, www.lanic.utexas.edu

Appendix 3: Relevant international and regional mechanisms

The League of Arab States (LAS)

The League of Arab States, founded in Cairo in 1945, is a voluntary association of independent countries: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, and the United Arab Emirates.

LAS serves as a forum for member states to co-ordinate their policy positions, particularly on political, economic, cultural and social matters, and for settling some emerging disputes. The LAS major document, the Arab League Charter does not include the issue of human rights into any of the 19 articles of its preamble.

In the 1970s, the League appointed a committee of experts, the Permanent Arab Commission on Human Rights¹⁵⁷, to draft a human rights instrument. The idea of a human rights instrument for the Arab region materialised in 1994 with the adoption of the Arab Charter on Human Rights. The instrument was signed by Iraq only and has never been ratified.

The Council of the League of Arab States¹⁵⁸ decided in 2003 to modernise the Charter, and the Permanent Arab Commission on Human Rights was mandated with "[the r]evision and updating of the text of the Charter in light of international human rights standards (in order to) enhance the poor level of success the Charter had enjoyed and to respond to the different criticisms formulated both by certain Arab States as well as by various non-governmental organisations, both Arab and international".¹⁵⁹

The critical points of the former text of the Charter for this report were the prohibition of slavery and servitude, and rights of non-nationals and citizens of other countries:

- The right not to be held in slavery and servitude was not included in the Charter, which only established the prohibition of forced labour.
- The right to work including the right to social security, the right to education, including the right to free compulsory education, the right to a sufficient standard of living or the right to health were reserved solely for citizens of a member state.¹⁶⁰

The new draft of the Arab Charter on Human Rights, approved by the Council of the League and adopted by the Summit of the Arab States in 2004, is now open for signatures, ratification or accession.

The Charter includes the following provisions regarding the rights which should be guaranteed to everyone:

No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment (art 8), all forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances (art 10, para1), forced labour, trafficking in human beings ... are prohibited (art 10 para 2). All persons are equal before the law and have the right to enjoy its protection without discrimination (art 11). No one who is shown by a court to be unable to pay a debt arising from a contractual obligation shall be imprisoned (art 18). No one shall be subjected to arbitrary or unlawful interference with regard to his privacy, family, home or correspondence, not to unlawful attacks on his honour or his reputation (art 21). Every worker has the right to the enjoyment of just and favourable conditions of work, which ensure appropriate remuneration to meet his essential needs and those of his family and regulate working hours, rest and holiday with pay, as well as the rules for the preservation of occupational health and safety and the protection of women, children and disabled persons in the place of work (art 34 para 2), Every individual has the right to freely form trade unions or to join trade unions and to freely pursue trade union activity for the protection of his interests (art 35). Every person has the right to an adequate standard of living for himself and his family, which ensures their well-being and a decent life, including food, clothing, housing, services and the right to healthy environment (art 38).

Rights that remain reserved solely for citizens are the right to freedom of association and peaceful assembly (art 24, para 6), the right to work (art 34 para 1), and the right to social security, including social insurance (art 36).

The Arab Labour Organisation www.aralo.org/english/

The Arab Labour Organisation (ALO) is a specialist organisation of the LAS. When it was founded, its key objectives were to strengthen the co-operation between LAS members in achieving social justice, raising workers' living standards, and ensuring workers' material and moral welfare in freedom, dignity and equality of opportunity. Recently, the organisation has focused on three key areas:

- Social protection
- Human development
- Technical development

ALO has an agreement¹⁶¹ on mutual co-operation with ILO on:

- Mutual consultation
- Reciprocal representation
- Exchange of information
- Technical co-operation
- Complementary administrative arrangements

The agreement on mutual consultation is of particular relevance. The International Labour Organization and the Arab Labour Organisation will consult regularly on matters of common interest to further the effective accomplishment in the state members of the Arab Labour Organisation of their common aims and to eliminate unnecessary duplication of work.¹⁶²

The UN ESCWA www.escwa.org.lb

The United Nations Economic and Social Commission for Western Asia (UNESCWA or ESCWA) was established in 1973 to encourage economic co-operation among its member states. The body is under the administrative direction of the United Nations Headquarters and reports to the Economic and Social Council (ECOSOC). It has 13 member states: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syrian Arab Republic, the United Arab Emirates and Yemen.

The body promotes economic and social development through regional and sub-regional co-operation and integration, and serves as the main general economic and social development forum within the United Nations system for Western Asia.

It formulates and promotes development assistance activities, and projects commensurate with the needs and priorities of the region and acts as an executing agency for relevant operational projects. ESCWA co-ordinates its activities with the major departments/offices of the United Nations at Headquarters, specialised agencies and intergovernmental organisations, such as the League of Arab States, the Gulf Co-operation Council and the Organisation of the Islamic Conference.

Relations with LAS

ESCWA signed a memorandum of understanding with The League of Arab States in 1983 (renewed in 1995). The areas of co-operation are:

- Energy, natural resources and environment
- Social development issues and policies
- Economic development issues and policies
- Sectoral issues and policies
- Statistics

In the area of Social Development, ESCWA and LAS co-operated on four regional preparatory meetings for the integrated follow-up to global conferences, including the follow-up of the World Summit on Sustainable Development (in collaboration with UNDP, ILO, ALO and the Arab Network for NGOs, 1998) and the Second Arab Meeting for the Follow-up to the Beijing Conference (in collaboration with UNIFEM).

The EU-Mediterranean partnership

The Euro-Mediterranean Conference of Ministers of Foreign Affairs, held in Barcelona on 27-28 November 1995, marked the starting point of the Euro-Mediterranean Partnership (Barcelona Process), a wide framework of political, economic and social relations between the member states of the European Union and Partners of the Southern Mediterranean. The Euro-Mediterranean Partnership comprises of 35 members, 25 EU member states and 10 Mediterranean partners (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey). Libya has had observer status since 1999.

The Barcelona Declaration¹⁶³ establishes three main objectives for the Partnership:

1. Reinforcement of political and security dialogue (political and security chapter)
2. Economic and financial partnership and the gradual establishment of a free trade area (economic and financial chapter)
3. Social, cultural and human partnership aimed at encouraging understanding between cultures and exchanges between civil societies (social, cultural and human chapter)

The Euro-Mediterranean Partnership comprises two complementary dimensions:

Bilateral dimension: The European Union carries out a number of activities bilaterally with each country. The most important are the Euro-Mediterranean Association Agreements that the Union negotiates with the Mediterranean Partners individually. They reflect the general principles governing the new Euro-Mediterranean relationship, although they each contain characteristics specific to the relations between the EU and each Mediterranean partner. The National Indicative Programme (2005-2006) for Lebanon, for example, defines as one of its objectives support for human rights, civil society and democracy: "The approach will be to co-operate in areas where the EU support is most needed, i.e. in improving penal and prison system, strengthening the role and capacity of civil society, and promotion of advocacy, education and awareness - raising on human rights issues amongst the population".¹⁶⁴ In the Indicative Programme for Egypt, the "Improved mechanisms available and operational to protect the human rights, including women's rights"¹⁶⁵ are one of the expected results.

Regional dimension: Regional dialogue represents one of the most innovative aspects of the Partnership, covering at the same time political, economic and cultural fields. Regional co-operation has a considerable strategic impact as it deals with problems that are common to many Mediterranean Partners while it emphasises the national complementarities. Ahead of the extraordinary summit on Euro Med Partnership (Barcelona, November 2005), the EU General Affairs and External Relations Council¹⁶⁶ agreed to review the partnership and define guidelines for the future regarding several key areas, such as justice, security and freedom, including the question of migration and social integration.¹⁶⁷

MEDA

The Meda Programme is the main financial instrument of the EU for the implementation of the above-mentioned Euro-Mediterranean Partnership and is implemented by Directorate General Europe Aid.

The EU-GCC partnership

The EU relations with the Gulf Co-operation Council (Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman), and Iran, Iraq and Yemen are of a bilateral nature, based on contractual relations.

The Commission's External Relations Directorate General is responsible for follow-up to the Co-operation Agreement between the Community and GCC, signed in 1988. The Commission implements a number of economic and decentralised co-operation activities. The main focus of the debates so far was trade in goods and services.

However, the Joint Communiqué from the 15th GCC-EU Joint Council and Ministerial Meeting contains, next to issues on free trade and current regional and global issues, reaffirmation of shared willingness to reinforce dialogue and develop concrete co-operation on human rights. The Joint Council invited officials to make proposals and it states that "[t]he Joint Council welcomed the State of Qatar's initiative to host the UN Human Rights Centre for South-West Asia and the Arab region".¹⁶⁸

The Draft Joint Declaration on Political Dialogue between the European Union and the Republic of Yemen (Brussels, 6 July 2004) is supposed to signal the beginning of a closer and deeper relation between the EU and Yemen. One of the particular intentions of the dialogue is to "promote respect for human rights, democratic principles and fundamental freedoms, including by acting in accordance with international legal obligations and the human rights set out in ICCPR and its two optional protocols, ICESCR, CAT and its optional protocol, CEDAW and its optional protocol, CERD, CRC and its two optional protocols."¹⁶⁹

Endnotes

¹⁵⁷ Resolution R 2443/48 (XLVIII)

¹⁵⁸ The supreme authority of LAS composed of representatives of member states

¹⁵⁹ International Commission of Jurists: The Process of "Modernising" the Arab Charter on Human Rights: a Disquieting Regression: Position Paper of the International Commission of Jurists, 20 December 2003, p 2, www.icj.org

¹⁶⁰ *ibid*, p 7

¹⁶¹ Published in: Official Bulletin of the ILO, Vol. LIX, 1976, Series A, No. 3

¹⁶² Article 1, Agreement between the International Labour Organization and the Arab Labour Organisation

¹⁶³ http://europa.eu.int/comm/external_relations/euromed/bd.htm

¹⁶⁴ Euro-Med Partnership, Lebanon, National Indicative Programme 2005-2006

¹⁶⁵ Euro-Med Partnership, Egypt, National Indicative Programme 2005-2006

¹⁶⁶ The Council is composed of one representative at ministerial level from each member state, who is empowered to commit their government. Council members are politically accountable to their national parliaments. Who attends each Council meeting varies according to the subject discussed, although its institutional unity remains intact. Thus, ministers for foreign affairs attend in the configuration known as the General Affairs Council to deal with external relations and general policy questions, while the ministers responsible for economic and financial affairs meet as the Economic and Financial Affairs Council and so on.

The frequency of Council meetings varies according to the urgency of the subjects dealt with. The General Affairs, Economic and Financial Affairs and Agriculture Councils meet once a month, while the Transport, Environment or Industry Councils meet two to four times a year.

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¹⁶⁷ Council of the European Union, Press Release, 2660th Council meeting, General Affairs and External relations: External Relations, Brussels, 23 and 24 May 2005

¹⁶⁸ Joint Communiqué, 15th GCC-EU Joint Council and Ministerial Meeting, Manama, 5 April 2005

¹⁶⁹ Draft Joint Declaration on Political Dialogue

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