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SCHOOL OF GRADUATE STUDIES
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Lived Experiences of Ethiopian Migrant Domestic Workers Returned from Saudi Arabia:
Analysis from Human Rights Perspectives

Gizachew Getinet

June, 2018
Addis Ababa

LIVED EXPERIENCES OF ETHIOPIAN MDWs RETURNED FROM SAUDI ARABIA:
ANALYSIS FROM HUMAN RIGHTS PERSPECTIVES

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JUNE, 2018
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DECLARATION

I, Gizachew Getinet, declare that 'Lived Experiences of Ethiopian MDWs Returned from Saudi Arabia: Analysis from Human Rights Perspectives' is my own work, and that all the sources that have been used or quoted indicated and fully acknowledged through complete references.

Candidate

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Date of Submission:

June 7, 2018

Signature -----

Acknowledgment

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Acronyms

UN-----	United Nations
UDHR-----	Universal Declaration on Human Rights
ICCPR-----	International Covenant on Civil and Political Rights
ICESCR-----	International Covenant on Economic, Social, and Cultural Rights
ILO-----	International Labour Organization
IOM-----	International Organization for Migration
CEDAW-----	Convention on the Elimination of All Forms of Discrimination Against Women
CERD-----	Convention on the Elimination of All Forms of Racial Discrimination
CAT-----	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRC-----	Convention on the Rights of Child
HRW-----	Human Rights Watch
AI-----	Amnesty International
FDRE-----	Federal Democratic Republic of Ethiopia
GCC-----	Gulf Cooperative Council
U.A.E.-----	United Arab Emirates
AU-----	African Union
SNNP-----	South Nations, Nationalities, and Peoples
MOLSA-----	Ministry of Labour and Social Affairs
ODWsV-----	Oversees Domestic Workers Visa
MDWs-----	Migrant Domestic Workers
IOMs, GMDAC-----	International Organization for Migration's Global Migration Data Analysis Center
USA-----	United States of America
USD-----	United States Dollar

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Abstract

*The research was conducted with the objective of analyzing lived experiences of Ethiopian MDWs from human rights perspectives. To do this, the research applied qualitative approach and conducted an in-depth , and key informants interviews apart from the analysis of secondary sources. The research found out that MDWs were pushed by poverty, and pulled by the attractive stories of better life and salary in Saudi Arabia. Particularly, unemployment, low family income, and low salary were the major pushing factors for their migration. The research found out that MDWs had experienced gross human rights violations and labour rights abuses during and after the employment periods in Saudi Arabia. Some of the violations and abuses are categorized under workload without resting period, deprivation of food, unpaid wages and salary deductions, denial of medical service, sexual harassment, discrimination, and confinement. As a result, the researcher recommends that as the major labour-sending country to GCC countries, including to Saudi Arabia, Ethiopia needs to revise-the scope and the depth of its bilateral agreement made since 2017. **This bilateral agreement plays a vital role in the enforcement of labour standards, and protects MDWs from labour abuses and human rights violations.** Further, it will create a common understanding between Saudi Arabia and Ethiopia, and among other stakeholders who work with migrants such as ILO, IOM, and AU. Finally, the researcher believed that these findings will be useful to stakeholders whose projects are related with migration, policymakers, for potential migrants, and to the community in general.*

Keywords: MDWs, Saudi Arabia, Ethiopia, Human Rights, Labour Rights, Violation,

Chapter one

1. Introduction

Human migration is a global phenomenon and labour migration particularly, is one of the most common kinds of movements that exist in the present day globalized world. Domestic work is one of the oldest occupation and significant for the functioning of households and society. Different economic theories explain the sharp increase in demand for domestic work in the modern era. Some of the factors include the feminization of international migration, women's increased participation in the labour force, the aspiration of women to reconcile work and family life, and gaps in care service provided by the state¹.

In the past decades, MDWs had played a significant role in transforming industrial and infrastructural development in GCC countries² in general and Saudi Arabia in particular. Apart from these facts, most of those labour receiving countries did not recognize that their economic developments are dependent on MDWs. Thus, they appear negligent to formulate a domestic workers framework that safeguards and protects the rights and dignity of MDWs. For various reasons, those workers in this region exposed for human rights violations and labour rights abuses. Some of these reasons were, because they were non-nationals their vulnerability had increased. Then, workers often were underprivileged from the economic sector and excessively affected by lack of respect of their labor rights. Other factors contributing to rights violations included unfamiliarity with the legal systems to claim as rights, and social and the cultural practices of host countries. Besides racism, xenophobia and discrimination were also frequent features for MDWs in their everyday experience³.

In 2013, out of 11.5 million MDWs, 8.45 million were female MDWs aged 15 years old and above⁴. Currently, regardless of some changes, around 2.1 million MDWs are working in Gulf

¹ L. Sagynbekova, 2016. The Impact of International Migration: Chapter 2: Theoretical Perspectives on International Migration and Livelihoods, Springer International Publishing Switzerland, pp. 9-20.

² The Gulf states include; Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates. The study focus on Saudi Arabia.

³ Ryszard C, Paul, and Antoine, 2009(edi). Migration and Human Rights; the United Nations Convention on Migrant Workers, Published in the United States of America, Cambridge University Press, New York, pp. 2-4.

⁴ ILO (2015). ILO global estimate on migrant workers: Results and methodology, Geneva; United Nations, p.5

Cooperation Council countries. Most of them continue to risk themselves for brutal labour exploitation and labour rights abuses, and most of whom are from Africa and Asia⁵.

Ethiopia is also one of the major labour supplying country to GCC and people were migrating to these countries in hope of supporting themselves and their families. In 2009 up to 2014, 480,480 at the age of 20 and above 65 Ethiopian MDWs were migrated to the GCC countries to engage in domestic work. Out of these, 380,076 female MDWs migrated to Saudi Arabia regularly which is much greater than Kuwait, U.A.E., Qatar, and other GGC countries. MDWs come from both urban and rural areas of Ethiopia. Considering regional distribution, 161, 490 MDWs were from -Oromia, 149, 426 from Amhara, and 78, 986 from Addis Ababa. Because of the fact that, Philippines has secured bilateral agreements with Saudi Arabia to protect their MDWs in respect of improved human and labour rights, Saudi Arabia has returned their demand to Ethiopia MDWs. Those migrants who migrated to Saudi Arabia are being exposed for excessive work, long working hours, get no rest days, no holiday pays, received discriminatory wages as compared to other labour-sending countries, food deprivation, the codification of their identity document, and forced confinement in the workplace. Until 2017/2018, Ethiopia has no bilateral agreements with Saudi Arabia to protect violations and abuses of her MDWs during and after the employment period. Even, Ethiopia also lacks a comprehensive system of legislation to protect MDWs human rights violations and labour rights abuses in Saudi Arabia⁶.

Recently, in 2017, many Ethiopian MDWs had been repatriated from Saudi Arabia forcefully, and the Ethiopian government had condemned Saudi Arabia and called for a bilateral agreement⁷. Today, there are many issues concerning migration around the world that are attracting several scholars and researchers in conducting studies. Since the issues of migration are not only pertaining to individuals or groups who are traveling from one country to another country, rather migration has also economic, political, and legal aspects as well. All of these facts motivated me to know exactly about lived experiences of Ethiopian MDWs returned from Saudi Arabia from human and labour rights aspects. Plus, I have developed

⁵ International trade Union, 2017. Facilitating Exploitation: A review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Council Countries, p.6.

⁶ FDRE Ministry of Labour and Social Affairs, 2018

⁷ FDRE Ministry of Foreign Affairs, 2018.

aspirations towards exploring their lived experiences comparatively with Philippines MDWs in Saudi Arabia.

1.2. Statement of the Problem

MDWs are the most vulnerable sections of the population, whose rights are the least protected in the labour force. Commonly, those MDWs who are deployed in areas to which the nationals are not engaged are highly susceptible to violations. Since they are performing unregulated labour, they are regularly subject to abusive, exploitative, and discriminatory treatments. Especially, female MDWs are highly exposed to such degrading, exploitative, and abusive working environment⁸.

Many research findings have shown that Ethiopian MDWs are experiencing horrific slave-like situations where lack of protection from either their host country or by the Ethiopian government. For instance, Shukria Y. (2015) pointed out that, Ethiopian MDWs are under the horrific slave-like situation of where lack of protection from either their host country or by the Ethiopian government⁹.

Yemisrach Feraw (2015), has shown that the high expectation of the returnee families created stress on the returnees and inspire them for re-migration the other Gulf States and that the returnees face sexual, physical, and emotional harassment during deportation process and after arrival¹⁰. Similarly, Miriam Tesfaye (2015) has discussed forced female returnees from Saudi Arabia and their current livelihood opportunities, and the response of the Ethiopian government¹¹.

Following the above findings and the sensitivity of the issue, governmental and nongovernmental organizations have shown great interests on Ethiopian MDWs returned from Saudi Arabia, but those interests are mere interests. Since, the issue of lived experiences of Ethiopian MDWs returned from Saudi Arabia has not thoroughly been analyzed from

⁸ Migrant Workers; Labor Education 2002/4 No. 129, pp. 1-3.

⁹ Shukria Yesuf (2015) " Combating Trafficking in Women for Labour Purposes and Establishing State Responsibility under International Law: The Plight of Ethiopian Migrant Domestic Workers in Saudi Arabia," MA Thesis, Faculty of Law, Lund University, Sweden.

¹⁰ Yemisrach Frew (2015) " Experience of Eight Deported Women Ethiopians Who Returned from Kingdom of Saudi Arabia, MA Thesis, College of Social Work, Addis Ababa University.

¹¹ Miriam Tesfaye (2015) " A study of job seeking Saudi Arabia Forced Female Migrant Returnees and their Current Livelihood Opportunities in Ethiopia from Human Rights Perspective,' MA Thesis, Center for Human Rights, Addis Ababa University.

human rights perspective, this study would exclusively focused on analyzing MDWs lived experiences from human rights perspectives broadly.

1.3. Objectives of the study

1.3.1. General Objective

The main objective of this research is to assess lived experiences of MDWs from human rights perspectives.

1.3.2. Specific Objectives

This research specifically aiming at;

- To analyze the existing theoretical and legal frameworks of MDWs.
- To assess the reasons for migration for Ethiopian MDWs to Saudi Arabia.
- To investigate lived experiences of MDWs in Saudi Arabia.
- To examine Ethiopian MDWs repatriation processes from Saudi Arabia and the responses of the Ethiopian government during the process.

1.4. Research Questions

This research tries to answer the following - research questions:

- ✓ What are the specific theoretical and legal frameworks particular to MDWs?
- ✓ How did Ethiopian MDWs experiences lives in Saudi Arabia?
- ✓ What are the major pushing and pulling factors for Ethiopian MDWs to Saudi Arabia?
- ✓ How did the Ethiopian government response against the acts of Saudi Arabia during repatriation?

1.5. Research Approach

This research draws on qualitative research approach. This approach involves studying things in their natural settings , and provides interpretation about the phenomena in terms of the

meanings that people attached to them. Since, this study specifically deals with MDWs lived experiences in the destination country, it is appropriate to use qualitative approach¹².

1.5.1. Sampling technique

For the purpose of this research, nonprobability sampling technique has been used. Particularly, both purposive and snowball sampling techniques. Snowball sampling technique is decisive to point out those MDWs returned from Saudi Arabia. Using this sampling technique, the researcher has selected 14 informants, accordingly, 5 of them from Addis Ababa City Administration Labour and Social Affairs Bureau, Middle East Directorate returnees registration rooster, and 9 of them from AGAR Ethiopia Charitable Society rehabilitation center.

Apart from snowball sampling technique, the researcher used purposive sampling technique which is a nonprobability sampling technique whereby the researcher has selected 8 government and nongovernment officials(1 woman, and 7 men). The choice of the key informants was mainly made based on their professional relevance to the theme investigated, particularly, knowledge about trends of migration, diplomacy, and rehabilitation and reintegration. The key informants have defined and elaborated the research problem with their own understandings using their own words. This gave the researcher information about lived experiences of MDWs returned from Saudi Arabia.

1.5.2. Data collection methods

Specific data collection tools are applied-based on the adapted research methodology and consequently have been used to gather information from primary and secondary sources. These tools are the following;

1.5.2.1. In-depth interview

There are many data collection techniques frequently used by social science researchers to extract first-hand information, but the interview is the most preferable instrument in doing qualitative research. Based on the objectives which the researcher set and the nature of the

¹² Creswell, John (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA: Sage. Available on: web: <http://www.ceil-conicet.gov.ar/wp-content/uploads/2015/10/Creswell-Cap-10.pdf>.

respondents, the researcher has been selected interview. Thus, primary data is collected from returnees of MDWs about subjective lived experiences and meanings attached to these experiences. In doing so, the researcher has used open-ended questions. The open-ended questions were aiming to allow the interviewees to freely narrate their stories in their own words. These interview questions written in Amharic language and later has been translated into the English language for the purpose of analysis.

Different experts and authors argue that the number of interviewees are dependent upon one's methodological and epistemological perspective. According to Louisa and Linda, one interview can be enough if it produces rich accounts of subjectivity. Like Jenson, and Mason also identifies the need within qualitative research to build a convincing analytical narrative based on 'richness, complexity and detail' rather than on statistical logic. The number of the interview depends on the nature and purpose of the research. Further, samples for the qualitative study is much smaller than those used in the quantitative method. Because, qualitative research is focused on meanings and not making generalization with hypothesis testing. Also, analyzing a large sample size is time-consuming, and reduce repetition and superfluous information. Thus, 14 sample size be enough because of the fact that the researcher believed no new theoretical insights were being gathered in a gradual way to measure the level of saturation.¹³

The following table summarizes the actual size and informants profile in detail.

¹³ Mason, Mark (2010). Sample Size and Saturation in PhD Studies Using Qualitative Interviews [63 paragraphs]. Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 11(3), Art. 8, <http://nbn-resolving.de/urn:nbn:de:0114-fqs100387>.

Table 1.1. : List of Informants sample qualitative data:

Informant name	Age at departure	Educational level; Studied unit grade	Place of birth (region)	Religion	Language skill	Marital status	Number of children	Employment status	Previous travel experience to Saudi Arabia
Zemzem	20	Grade 4	Amhara	Muslim	Amharic and Arabic	Divorced	0	Unemployed	Twice
Tibiletse	25	Grade 2	Amhara	Orthodox	Amharic and Arabic	Divorced	1	Unemployed	Twice
Wudasee	35	Grade 4	SNNP	Protestant	Hadiya and little Arabic	Divorced	0	Unemployed	Once
Kedija	13	Grade 7	Amhara	Muslim	Amharic	Single	0	Unemployed	Once
Tigist	23	Diploma	Oromia	Orthodox	Oromiffaa, Amaharic and Italy	Single	0	Employed (International -NGO)	Once
Seida	21	Grade 8	Amhara	Muslim	Amharic	Divorced	1	Self	Once
Phridos	27	Grade 6	Oromia	Orthodox	Oromiffaa, Amharic and	Divorced	2	Unemployed	Once

					little Arabic				
Marta	16	Grade 3	SNNP	Protestant	Wolegegna	Single	0	Unemployed	Once
Frehiwot	22	Grade 10	Oromia	Orthodox	Amharic	Single	0	Unemployed	Once
Azebe	23	10	Amhara	Orthodox	Amharic and Arabic	Single	0	Unemployed	Once
Workinesh	18	7	Oromia	Orthodox	Oromiffaa and Amharic	Single	0	Unemployed	Once
Code 12	31	6	Oromia	Orthodox	Oromiffaa Amharic, and Arabic	Divorced	1	Unemployed	Once
Lemlem	19	9 drop out	Tigray	Orthodox but changed to Muslim	Tigrigna and Amharic	Single	0	Unemployed	Once
Code 14	21	8 drop out	Tigray	Orthodox	Tigrigna, Amharic, and Arabic	Single	0	Unemployed	Once
G/total 14 informants									

1.5.2.2. Key informant interview

Since the subject matter of the study is sensitive and complicated, the researcher has conducted key informant interview to extract information about their experiences and knowledge on lived experiences of Ethiopian MDWs. Moreover, the researcher has been enabled those key informants to illustrate the subject matter with their own words in relation to the relevance of the research topic of the study. Purposively, four organizations working with migration have been selected; FDRE Ministry of Labour and Foreign Affairs, FDRE Ministry of Labour and Social Affairs, Addis Ababa City Administration Labour and Social Affairs Bureau, and AGAR Ethiopia Charitable Society(sampling space)¹⁴. Lastly, the researcher digs out key informants professional and legal insights about MDWs. The following table summarizes the actual size and data collection instruments in detail.

Table 1.2: List of key informants sample for qualitative data

Name of the Organization	Status	Sex	Educational level	Marital status	Position	No. of key informants
FDRE Ministry of Foreign Affairs	Governmental	M	BA+	Married	Senior officials+	3
FDRE Ministry of Labour and Social Affairs	Governmental	F	BA+	Married	Director	1
		M	BA	Married	Training officer	1
		M	BA	Married	Coordinator	1
Addis Ababa City Administration Labour and Social Affairs Bureau	Governmental	M	BA	Married	Group leader	1
AGAR Ethiopia Charitable Society	Local NGO	M	BA+	Single	Coordinator	1

¹⁴ AGARA Ethiopia Charitable Society; established since 2005 on the bases of rehabilitating returned domestic workers . This nongovernmental organization jointly work together with ILO, and parental organizations who are working order people.

1.5.2.3. Document analysis

To supplement and triangulate the primary data obtained through interview, the researcher has analyzed legal documents and literatures which are related with MDWs. Some of those legal documents are International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Labor Organization- Convention 97(1949), and Convention 143(1975), Decent Work for Domestic Workers Convention No. 189, 2011, International Covenant on Civil and Political Rights, International Covenant on Social, Economical, and Cultural Rights, Regional human rights instruments, national legal frameworks and legislatives, and various studies have been assessed throughout the research to demonstrate the conceptual discussions on lived experiences of MDWs from human and labour rights contexts.

1.5.3. Data processing and analysis

Prior to the analysis process, the researcher transcribed and coded by meanings all the data from in-depth interview. To safeguard anonymity and conformity to ethical procedures, pseudonym are used during the narratives. Then, the data obtained from primary and secondary sources was processed and analyzed by using the technique of multiple thematic analysis where results of various methods put together to present insights on the topic under study.

1.6. Significance of the study

Ethiopian MDWs in many Gulf Cooperative Council countries in general and Saudi Arabia, in particular, are excluded from the protection of labour laws while they are being exposed for human rights violations and labour rights abuses. The workers are not equally accessing justice as of nationals and even their presence is not being considered as legal person who can sue and to be sued, and equal enjoyments of the existing human and labour rights entitlements. Even though various studies have been conducted on Ethiopian MDWs returned from Saudi Arabia, those studies only focused on rehabilitation, reintegration, and remigration. Therefore, this research would be important in terms of identifying the existing human rights violations and labour rights abuses that Ethiopian MDWs experiences during and after employment periods. The research result would also be beneficial to potential

migrants, Government institutions, NGOs who are working with migration, IOM, ILO, AU, and researchers whose projects are related to the issues of labour migration.

1.7. Scope and limitations of the study

This research is limited to Saudi Arabia because of time and financial constraints, it was impossible to conduct research in all GCC countries. Saudi Arabia is chosen due to the conservative sponsorship system(kafala) and the largest labour receiving country as compared to other GCC countries. The research concerns the question which creates fertile conditions for the violations and abuses of human and labour rights against Ethiopian MDWs in Saudi Arabia. The factors identified are Societal, political, economic, ideological, and cultural.

This research has excluded -male MDWs, and private drivers, because of the tasks they have performed are quite different from as of female MDWs. Therefore, generalization would not be drawn from this specific investigation to the whole Ethiopian MDWs about their human and labour rights situation in Saudi Arabia.

1.8. Ethical Considerations:

Even though the confidentiality of the informants are kept, the target populations of the study are psychologically injured and then forcing them to think about their lived experiences of violation could be upsetting. So, the researcher diligently requested the informants to provide information about themselves that is not readily available from any secondary sources.

1.9. Conceptual definition: Migrant worker and Migrant domestic worker:

Mostly, these two concepts are apparently similar but they are entirely different. For the purpose of this research, it is significant to draw clear boundaries between these two concepts to establish international state responsibility concerning the violations and abuses of Ethiopian MDWs in Saudi Arabia.

1.9.1. Migrant worker:

Migration is an international phenomenon which has a changing nature with economic and social developments all over the world. These phenomena contribute to the difficulty of having universally agreed definition of migration. Because of the fact that it had no

universally accepted definition, migrant workers were less protected and their human rights frequently were violated. But, inter alia, article 11/1 of ILO Convention No. 97 defines migrant for employment as:

A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment¹⁵.

The same formulation appears in article 11/1 of ILO Convention No. 143 defines a migrant worker as:

A person who migrates or who have migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker¹⁶.

According to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines a migrant worker as:

A person who is to be engaged is engaged or has been engaged in a remunerated activity in a State of which he /she is not a national¹⁷.

From the above definitions, we could infer main central elements: a person who engaged, remunerated, regularly admitted, non-nationals, and migrant for employment. Hence, these all definitions do not provide the concept of migrant domestic worker and only focused on the migrant worker, there is no reason to use the two concepts interchangeably.

1.9.2. Migrant domestic worker:

The concept of migrant domestic worker and providing detailed definition is not an easy task. MDWs are not homogenous that take into account only demographic profiles (age, sex, and migration status), whereas, their definition also takes into account the nature of jobs they

¹⁵ ILO Convention No. 97, Art. 11/1, 1949.

¹⁶ ILO Convention No. 143, Art. 11/1, 1975.

¹⁷ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Adopted by General Assembly resolution 45/158 of 18 December, 1990, Part I: Scope and Definitions, Article 2(1).

perform. This definition has also limitation because the task they perform varies from country to country, and might have changed over time¹⁸.

From these argument that ILO draws common features which accommodate these all ambiguities and adopted Convention No. 189, 2011 under General Assembly resolution 45/158¹⁹. A domestic worker, in particular, has only been defined under ILO Convention No.189 (Hereafter called as ILO, C189) which has not been ratified by both Ethiopia and Saudi Arabia. This definition would not be used to establish accountability but to elaborate the meanings of the term used throughout the research²⁰.

Accordingly, ILO, C189 article 1(a and b) defined as:

the term domestic work means work performed in or for a household or households and the term domestic worker means any person engaged in domestic work within an employment relationship²¹.

A person engaged in domestic work as ' a domestic worker' for a single household or multiple employers may include tasks such as: cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family and guarding the house. Their contribution to the national economy and labour market are indispensable, but domestic workers very often lack recognition as real workers and constitute one of the most vulnerable categories of the population. Due to the persisting perception that the tasks which women traditionally carry out are ascribed than acquired. Due to the fact that domestic work involves tasks that women have traditionally shouldered in the home without pay, such as cleaning, cooking, shopping, and laundry, as well as caring for children and the elderly, would more likely lead to undermining the value of their domestic work²².

¹⁸ Antoinette, Vlieger, 2011. "Dissertation: Domestic Workers in Saudi Arabia and the Emirates: A Socio-Legal Study on Conflict, University of Amsterdam, pp.20.

¹⁹ Domestic workers across the world: Global and regional statistics and the extent of legal protection, International Labour Organization, 2013, Geneva, Switzerland, p.7

²⁰ Convention No. 189 Decent work for domestic workers, 2011. Social Protection Sector International Labour Office, Geneva, , Switzerland.

²¹ ILO, C189, Art.1(a & b)

²² World Employment and Social Outlook: Trends for women 2017, International Labour Office , Geneva: ILO, 2017, p.5

The above definition is also suitable for this research as it encompasses several components that make up the overall application of the term 'domestic worker' and its application throughout the research process. It stipulate the components include: engaged in domestic work, employment relationship, employed in part-time or full-time base, work in single or multiple households, reside in or out, and non-nationals²³.

1.10. Operational definition of concepts:

1. Individual person: The operational definition of individual person is migrant domestic worker. Here the rights entitled to individuals in any legal document relevant to the research topic are entitled to migrant domestic worker. So, in the analysis and literature review parts, I have used interchangeably these two concepts.
2. Migrant worker: The operational definition of migrant worker is migrant domestic worker. Similarly, the rights entitlements to migrant worker are entitled to migrant domestic worker for the purpose of this research.
3. A Human being: The operational definition of human being is migrant domestic worker. In the analysis and the literature parts I have used them interchangeably for the purpose of this research topic only.

²³Supra note 21.

Chapter Two

2. Literature Review: Theoretical and Legal Frameworks of migrant domestic worker:

This chapter discusses basic knowledge about human and labour rights situations of MDWs in hitherto existing literature. This chapter would largely focus on assessing the gaps in previous studies related to lived experience of Ethiopian MDWs about their human and labour rights situations in Saudi Arabia. Furthermore, this chapter would analyze theoretical and legal frameworks to which the study has shown the magnitude of human rights and labour rights situations.

2.1. Theoretical Frameworks of migrant domestic worker

Bellow is the brief introduction to theoretical frameworks of the migrant domestic worker, i.e. The Universal Human Rights of migrant domestic worker, intersectionality theory of domestic worker, the feminist perspective of domestic worker and different economic theories on the causes of migration for domestic work.

2.2.1. The Universal Human Rights of migrant domestic worker

The present paper uses universality of human rights to draw MDWs human rights entitlements. The present-day activists of human rights contributed to the scope of human rights by adding the idea of "universalism" as the central arguments of human rights. The concept of universalism concerning human rights is that every human being; rich or poor, woman or man, child or adult, healthy or sick, skilled or unskilled or not holds human rights as members of a human being²⁴.

The universality nature of human rights first applied by Universal Declaration of Human Rights(1948). This declaration has mentioned dozens of human rights to which states parties should respect and protect. For the purpose of the topic of this thesis, the researcher narrow down the concepts of rights for example the right not to be held in slavery or servitude, the rights not to be subjected to arbitrary interference with his/her privacy, the right to own property, and the right not to be arbitrarily deprived of his property, the right to freedom of

²⁴ Brian Orend, *Human Rights: Concept and Context*, 2002, Broadview Press, Mississauga, Canada, p. 15.

peaceful assembly and association, the right to work, and free choice of employment, the right to rest and leisure pay with public holidays²⁵. Further, the International Covenant on Civil and Political Rights (ICCPR) stated that the rights of all individuals not to be subjected to any types of slavery or servitude. In the Meantime, ICCPR also emphasise the rights of individuals concerning inhuman, degrading treatment, unlawful interference of their privacy of life, and freedom of association and right to form trade union²⁶. Apart from ICCPR, the International Covenant on Economic, Social, and Cultural Rights also highlighted that everyone has the right to work and free choice or accepts of employment, earn fair wages, working in good working condition, rest in holidays with pay, and limitations of working hours. Therefore, the concept of universality of human rights of MDWs are not only applied by UDHR, but also various human rights instruments and human rights organizations benchmark universalism to determine labour standards of MDWs and to protect and promote their human rights. In consecutive sections, labour laws; international, regional, and domestic human rights instruments will be explained in brief²⁷.

2.2.2. The concept of intersectionality of migrant domestic worker

Intersectionality, began in feminist discourse with the advantage of pertaining the law lies in its potential to offer an all-inclusive theory of identity. Individual's identity has many dimensions, such as race, sex, class, national, gender, and religion. These all identities work together to influence MDWs experiences and behaviors in relation to exploitation, oppression, inequality, injustice, and discrimination. Initially, it was conceived as a way to present a simple reality that seemed to be hidden by conventional thinking about discrimination and exclusion. This simple reality that disadvantage or exclusion can be based on the interaction of multiple factors rather than just one²⁸. The central theme of intersectionality is not showing how one group is highly exploited than others, rather recognize where they have similarities and differences in their experiences of discrimination. For instance, Ethiopian MDWs in Saudi Arabia experience multiple identities of discrimination; Women, an Ethiopian woman,

²⁵ UDHR (1948), Article, 4,12, 17(1 &2), 20(12), 23(1-4), and 24.

²⁶ International Covenant on Civil and Political Rights (ICCPR), 1966. Article 8, 17, & 22.

²⁷ International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966. Article 6 & 7.

²⁸ Kimberle Williams Crenshaw (born 1959) is an American civil rights advocate and a leading scholar of the field known as critical race theory. She is a full professor at the UCLA School of Law and Columbia Law.

undocumented woman, immigrant woman, and MDWs at all. These all multiple factors contributed to poor working conditions, low wages, sexual harassment, exploitation, discrimination, passport withholding, psychological and physical abuses. Meantime, workers are not willing to demand equality, fair treatment, and justice because of fear of deportation, and being thrown to prison or jail²⁹.

Nowadays, international, regional, national human rights documents and labour laws are recognizing and acknowledging the central idea of intersectionality and inspire different organs to develop policies and practices to perpetuate its productivity on equal opportunity, equality, and fundamental human and labour rights. Moreover, it is vital for bringing awareness and build capacity to the social justice so as to enlarge the extents of intervention. If the exclusion of women from the scope of domestic legal documents is not analyzed based on the lens of intersectionality, then human rights **advocators and different actors will going to miss its significance**. Sometimes, this may bring unfortunate consequences on the lives of women³⁰.

Therefore, thinking and acting in the initial phase of the social problem, intersectionality is useful to analysis, advocate, organize, and develop policy frameworks emerged out of the lived realities of emigrant women, and enable us to understand the overlapping cause of violation and draw limited vision to advocate and intervene on behalf of them. finally, these will be important to develop comprehensive approach seek to change policy practice, laws, and beliefs that contributed to discrimination and thereby changes institutions and systems³¹.

2.2.3. The feminist theory of migrant domestic work

Mostly, in many societies, domestic work is undervalued and relegated to women. Also, it is considered as inherently unskilled occupation and the mere responsibility of women.

²⁹ Linda Burnham and Nik Theodore, "Home Economics: The Invisible and Unregulated World of Domestic Work," <http://www.domesticworkers.org/pdfs/HomeEconomicsEnglish.pdf> (New York: National Domestic Workers Alliance, 2012)

³⁰ African American Policy Forum, 2008. A primer on Intersectionality, p.2-5. Available on: www.AAPF.org.

³¹ Dr. Yolande T. and et al. 'Framing Questions on Intersectionality', US Human Rights Network and the Rutgers Center for Women's Global Leadership,

Nowadays, different feminists claim that domestic work is outside the scope of the world economy and considered as not really work³².

Marxist feminists like Heidi Hartmann et al viewed as "domestic work " is the ways of accumulating capital from which surplus values are produced. Since domestic work is held in a state of irregularity, the working conditions of those workers are not protected by international labor organization conventions and trade union agreements. With this perspective, domestic work is viewed as "private matter" so that states exempt regulation, and treatment into the midst of private households. Viewing domestic work as the feminization of labor resulted in labor exploitation and colonization of labor. Nonetheless, Bridget Anderson argues that protecting legal MDWs might not be sufficient because there is a condition where a regular migrant domestic worker be change to the irregular migrant domestic worker. Anderson further explained her view with "Overseas Domestic Workers Visa(ODWS)". In United Kingdom, there is one year domestic workers visa award, which is named as" Overseas Domestic Workers Visa(ODWS)", with this visa that employers and employees attachment relay on, if their relationship is terminated after one year, there will not be any guarantee in case of abuse, discrimination, exploitation, and even any kind of promotion or prosperity regarding MDWs. Finally, Anderson concluded that, migration policies to migrant domestic work is so fragile in the legal arena³³.

2.2.4. Economic theories on the causes of migration for domestic work

For centuries, migration is a common feature for human beings across the globe. Nowadays, it has also become a global phenomena for all human beings regardless of nationality, sex, development, and race. There are different pushing and pulling factors behind people's migration. Even though migration is the common features for all human beings, but the causes of migration, the flows of migration, and the origins of migration might be different from continent to continent, and region from region. Africa and Asia; are the main origins and contributors of migration to GCC countries and Western countries. Particularly, Ethiopia is becoming the main supplier of MDWs to the GCC countries in general and Saudi Arabia in

³² Encarnacion G., 2010. Migration, Domestic Work and Affect: A Decolonial Approach on Value and the Feminization of Labor, Routledge research in gender and society, New York, pp. 13.

³³ Ibid, p. 44-47.

particular. There are different economic theories on the causes of migration for domestic work, among them, the followings are few.

2.2.4.1. Neoclassical economic theory of migration

This economic school argues both at macro and micro level causes of migration. Accordingly, people migrate to another because of geographical differences in supply and demand for labour. Countries with a large amount of human labour relative to capital have a low market wage, while countries with low labour resource relative to capital have a high market wage. As a result, people migrate from low market wages to high market wages in order to reap return on their skills. The movement of people from poor capital country to rich capital country is considered an investment. Corresponding to the macroeconomic scheme of international migration is a microeconomic model of individual choice. Micro-economists argue that, individuals migrations are based on the actor's free will choice relying on calculating the advantages and disadvantages of being migrating into another country. Here, while individuals are migrating to another country, they are expecting positive returns from their movement, mostly monetary return. Before individuals start to earn their return, there are expenses whereby migrants are expected to incur, like costs of travel, costs of maintenance while moving and looking for job, costs for learning new languages, culture, and experiences of adopting difficulties into new labour market, and other psychological costs that enables them to divorce with old views for work. Finally, this economic school concluded that most migrants are moving from one country to another country because of pushing and pulling factors. Pushing factors are poverty, cheap labour(low wages), unemployment, whereas pulling factors are the difference in earnings(better remuneration rate), development of personal career, technological advancement, better realization of labour standards³⁴.

2.2.4.2. The new economic theory of migration

This school emerged to counter the assumptions of the "neoclassical theory of migration" whereby, individuals migration decisions are not solely made by the individual, but family is the main actor behind the decision of individuals migration. According to this school,

³⁴ Douglas S. Masse, et al, 2011. Theories of International Migration: A Review and Appraisal, Population and Development Review, Vol. 19, No. 3 (Sep., 1993), pp. 431-466, Population Council, p.432-433.

communities act collectively to decide on the matters of the individual not only to maximizing the income of the family, but also, allocating family labour in the labour market. One of the members of the family might be assigned for domestic labour market, and others might be assigned in the foreign labour market where working conditions and labour wages are appropriate than in the local labour market³⁵.

2.2.4.3. Dual labour market theory of migration

Dual labour market theory of migration argues differently from neoclassical and new economic theories of migration. According to this school, international migration is born in line with the emergences of industrialized societies in Europe. Naturally, large industries demand huge labour supply and this demand produced the flow of people from less industrialized society to high industrialized society. As a result, international migration becomes evident to industrial development and the rationale behind international migration is not the individuals choice or family to maximize income and minimize risks of household income rather than international migration and the development of modern industrial society are intrinsically interrelated and interconnected one another contributed for individuals migration from one country into another country. Finally, dual labour market theory conclude that, industrialized countries produced good job opportunities thereby foreign emigrant workers maximize their family income, reduce risks of credit shortcomings, and further family opt sending individuals as a strategy for household income generation and risk diversification³⁶.

2.2.4.4. World system theory of migration

Unlike the above-mentioned economic theories of migration, world system theory of migration argues that the growing interests of the West European capitalist in search of raw material, land, new market, human labour from noncapitalist societies created mobile population and this later prone to migrate abroad. Further, this theory asserts that the process of the development of capitalism in Western Europe contributed to migration. In general, migration resulted while capitalist nations transport goods and services where they produced

³⁵ Ibid

³⁶ Supra note 34, p. 440-444.

from the peripheral they also promote the movement of people by minimizing the expense of movement along international pathways. Also, globalization facilitates cultural links between capitalist and non-capitalist nations and advocates ideological ties. In the end, it is inevitable that globalization accompanied international labour movement³⁷.

From the discussions above, migrants have different pushing and pulling factors to migrate from one country to another country. Mainly, in developing countries, families face income crisis which is not supported by social security, and credit associations which are not available to the household that could enable the family to generate income, whereas, in developed countries, social security services and credit associations are easily available to the individual as well as to the household. To generate income, individuals' migration choice could be made either by an individual or by family. Individuals' network can be a source of individuals' migration from less economically developed countries to high income generating countries³⁸.

2.3. Legal Frameworks for the protection of migrant domestic worker

The International legal framework is composed of various human rights instruments adopted by United Nations member states. While the issue of migrant domestic worker has a deep-rooted historical background with human history, it acquired global recognition since 2011 when Decent Work for Domestic Workers Convention No. 189 and its Recommendation No. 201 were adopted. So, reviewing international legal frameworks will help the researcher to analyze the protection/violation of MDWs' work in the labour sector in Saudi Arabia.

2.3.1. Universal Declaration Of Human Rights (UDHR), 1948

The Universal Declaration of Human Rights (UDHR), one of the most significant declarations, provides that nobody has the right to treat others as a slave, and they should not make anyone one's own slave. The Declaration is highly recognized among States and most of its provisions are customary international law. It primarily delineates the human rights of citizens and noncitizens that all states must honor and set out a number of fundamental workers' rights. Besides, there are several instruments that form the international legal framework within which States must define their own laws in order to address effectively to protect rights

³⁷ Supra note 34, p. 444-448.

³⁸ Supra note 34, p. 436-440.

of MDWs. Article 2, 4, 23, & 24 of UDHR respectively stated that "no matter what your race, skin color, sex, language, religion, opinions, family background, social or economic status, birth or nationality". Plus, the present declaration stated that, the right to "just and favorable remuneration that ensures an existence worthy of human dignity". Also, individuals have the right to work, to choose their work and to work in good conditions, individuals who do the same work should get the same pay, and they should be able to earn a salary that allows workers to live and support their family. Finally, article 24 of this Declaration mentioned that individual workers have the right to rest and enjoy free time, and workers workday should not be too long, and workers should be able to take regular paid holidays. In addition, article 25 of this Declaration stated that "you have the right to the things you and your family need to have a healthy and comfortable life, including food, clothing, housing, medical care and other social services". These elements are recognized as a fundamental human right in the Universal Declaration of Human Rights³⁹.

2.3.2. ICCPR and ICESCR, 1966.

These two covenants emerged after the adoption of the Universal Declaration of Human Rights(1948). They stipulated basic principles regarding domestic workers whereby member states should respect and protect. Article 8, 13, and 22 of the ICCPR describes that treating MDWs like a slave is prohibited and in general slave trade in all forms as well as forced labour is forbidden, state parties should establish due process for expulsion of an alien legally in the territory of a country, and establish room for domestic workers to enjoy the right to freedom of association respectively⁴⁰. Article 7 of ICESCR stated that fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. Plus, workers have rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. Article 11(1) of ICESCR stated that the members of this Convention recognize the rights of everyone to an adequate standard of living including adequate food. Plus, article 11(2) of this Convention

³⁹ UDHR, article 4, 23 & 24, 25.

⁴⁰ ICCPR, art.8,13, &22 .

stated that state parties should have to recognize the fundamental rights of every one to be free from hunger, and should take appropriate policy measures⁴¹.

2.3.3. CEDAW, 1979

The Convention on Elimination of All Forms of Discrimination against Women is another important international legal instrument which is adopted by the General Assembly (GA) in 1979, to promote equality between men and women. Women in the employment process, CEDAW member states have an obligation to work for eliminating discrimination based sex, abolishing of gender hierarchies, and work towards gender equality. Further, CEDAW General Recommendation No. 17 and 26, describes that state parties should have to take into account the unremunerated activities of women as a contribution to the gross national product of a given country or state, and the destination countries for migrant women workers should guarantee the same rights as national workers^{42,43}.

2.3.4. CERD, 1990

General Recommendation No. 30 of CERD commented that member states should remove any hindrances that prevents migrant worker of the enjoyment of his/her economic, social and cultural rights. Further the recommendation suggests that in relation to working conditions and working requirement, the state parties be remind that the employment process should be free of any kinds of discrimination against migrant workers based on sex, race, ethnicity, and nationality⁴⁴.

2.3.5. Protection of the Rights of all Migrant Workers and Members of their families, 1990

Currently, MDWs vulnerability to labour exploitation and abuse of their human rights are increasing, particularly, the intersectionality of gender, including gender-based violence increase degree of isolation and dependence characteristics of female MDWs. As a result, the Committee on the Protection of the Rights of all Migrant Workers and Members of Their

⁴¹ Ibid, art. 7 & 11.

⁴² UN Convention on the Elimination of All Forms of Discrimination against Women, 1979, General Recommendation No. 17: tenth session, 1991, Measurement and quantification of the unremunerated domestic activities of women and their recognition in the GNP.

⁴³ Rights of Migrant Domestic Workers In Europe, UN OHCHR, Europe Regional Office

⁴⁴ UN Convention on the Elimination of All Forms of Racial Discrimination, 1990, General Recommendation No. 30: Discrimination against non-citizens: 01/10/2000.

Families comment member states to address the rights of MDWs within the legal framework of decent work for domestic workers⁴⁵.

2.4. Regional human rights instrument

Regional human rights instruments are very important for the better realization of human rights. They can also use as a **bridge between international and national human rights mechanisms**. Accordingly, they have a potential to incorporate both universal human rights norms and principles with the norms, cultures and the social dynamism of the region. There are regional and subregional enforcement mechanisms for human rights conventions. For the purpose of this research, Arab Charter on Human Rights will be discussed as follows.

2.4.1. Arab Charter on Human Rights

This Charter was adopted by the League of Arab States since 2004 so as to play a vital role to teach about human rights to the Arab States, the dignity of human person, loyal to his/her homeland, and inalienability and inviolability of human rights of a human being. From article 34-42 of the Charter talks about, civil and political rights of a person, and economic, social, and cultural rights as well. Even though the Charter is established based on the norms and principles of the international human rights instruments, but as regional human rights instrument, it recognizes the particular traditions of the Arab states. Further, the Charter has tried to reconcile the norms and standards of international human rights instruments with Islamic Law(Shariah). For example, article 12 and 13 of the Charter respectively provides that, everyone has the rights to seek legal remedies and the rights to fair trial. Likewise, the Charter also demands compensation for the victims of arbitrary arrest, and torture⁴⁶.

In conclusion, this Charter has been **criticized frequently by Committee on CEDAW**. According to them, the Charter is highly discriminatory against MDWs and trafficking women. The absence of unfair treatment of MDWs with national legislation indicates that the Charters enforcement mechanism among state parties is too weak. Comparably, this subregional human rights instrument is insufficient of protecting, promoting, and respecting

⁴⁵ Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, General Comment No. 1, paragraph 37. Available on: http://www2.ohchr.org/english/bodies/cmw/cmw_migrant_domestic_workers.htm.

⁴⁶ The Arab Charter on Human Rights, 2004.

the universal human rights principles, norms, and ILO labour standards entitled to MDWs in the GCC countries⁴⁷.

2.5. ILO Conventions:

2.5.1. ILO Convention No.97, 1949 (revised) and ILO Convention No.143, 1975.

The migration for Employment Convention states that regular migrant workers should have to be protected from any kinds of discrimination and exploitation, and make sure that those migrants are treated equally among national workers respective of daily working hours, daily and weekly rest periods, including holidays rests⁴⁸.

Migrant Worker's Convention No. 143(1975, Supplementary provision) states that migrant workers in irregular status are entitled to equal of treatment in the working conditions with national workers respect of rights arising out of their past employment. This convention also provides for migrant workers in regular status and their families equal treatment and equal opportunity in employment, including access to social security, form and join a trade union, and preserve cultural rights⁴⁹.

Apart from the above two Conventions, Convention No. 118(1962) of the equal of treatment(social security) and the Maintenance of Social Security Rights Convention No.157(1982) argues that migrant workers have the rights to be treated equally with national workers with regard to social security⁵⁰.

2.5.2. The Private Employment Agencies Convention No. 181, 1997

This convention inspires the ILO member states to enter into bilateral agreements to prevent and protect migrant workers from abuse of their labour rights and prevent from fraudulent practices. The Convention argues that workers have the rights to freedom of association and

⁴⁷ Mohamed Y, 2013. Human Rights Journal on: Article 43 of the Arab Charter on Human Rights: Reconciling National, Regional, and International Standards, p.92-100.

⁴⁸ ILO Convention No.97, 1949 (revised)

⁴⁹ ILO, Convention No. 143(1975, Supplementary provision)

⁵⁰ ILO, Convention No. 118(1962)

collective bargaining power against the practice of discrimination and charging of fees to workers⁵¹.

2.5.3. ILO Convention No. 189, 2011

The information collected from ILO member states shows that domestic workers are excluded from the national labour legislation. The exclusion is apparent with regard to minimum wages, minimum working hours, inclusion in social security and occupational health and safety. Especially, national labour laws in Arab countries significantly exclude domestic workers, who in these countries, women MDWs in Asia and Africa. So as to improve the practice of national laws with the view to promote decent work on domestic worker among ILO member states, in 2011, at 100th ILO conference Domestic Workers Convention (No.189) and Recommendation No.201 (concerning domestic workers) adopted. This period is termed as the history of domestic workers whereby ILO shows its commitment to promote decent work and to protect domestic workers rights through the achievements of the goals of the ILO Declaration on Social Justice for a Fair Globalization, ILO Declaration on Fundamental Principles and Rights at Work, and recognizing the indisputable contribution of domestic workers to the world economy. The ILO C189 and Recommendation No. 201 stipulate that domestic workers should have to enjoy the same basic labour rights as any other migrant workers; freedom of association and collective bargaining power, information on the terms and conditions of employment, reasonable working hours per day, weekly rest(consecutive 24 hours), and remuneration and social security⁵².

The preamble of the Convention recognizes that:

domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities⁵³.

⁵¹ Private Employment Agencies Convention No. 181, 1997

⁵² ILO, 2013. Domestic Workers across the world: Global and regional statistics and the extent of legal protection, Geneva, p. 46-47.

⁵³ ILO, C189

For this reason that discrimination of domestic workers and vulnerable to human rights abuse in the workplace increased. Especially, in developing countries, formal employment opportunities are limited that domestic workers constitute a large proportion of domestic workforce and lift as marginalized sections of the population⁵⁴.

Article 1(a-c) of the ILO, C189 defines domestic work and domestic worker as:

*Domestic work means work performed in or for a household or households, whereas, the domestic worker is any person engaged in domestic work within an employment relationship, and a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker*⁵⁵.

From the above definition, a domestic worker who perform domestic work sporadically or periodically but an occupational basis is covered by the ILO, C189. According to this Convention, domestic workers enjoy at least the following rights in their workplace where ever they are. These rights are the following:

2.5.3.1. Fundamental rights of MDWs

The ILO members states obligations under the 1998 Declaration on fundamental principles and Rights at Work ensure that domestic workers, like other workers; are entitled to promote, respect and protect fundamental rights of the domestic worker. These rights are:

- (a) freedom of association and the effective recognition of the right to collective bargaining;*
- (b) the elimination of all forms of forced or compulsory labour;*
- (c) the effective abolition of child labour; and*
- (d) the elimination of discrimination of employment and occupation*⁵⁶.

⁵⁴ ILO, Convention 189 and recommendation 201, 2011. Conference on: Concerning decent work for domestic workers, Geneva, p.1.

⁵⁵ ILO, C189, art.1.

⁵⁶ Ibid Art. 3.

2.5.3.2. The rights to information on terms and conditions of employment

In pursuant to article 7 of C189, ILO member states are required to take measures to make sure that domestic workers are informed of their terms and conditions of employment in:

an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contract in accordance with national laws, regulations or collective agreements.

Significantly, domestic workers should have to be informed of their employers name and address, workplace, types of contract(long term or short term contract), starting date, the nature of work they perform, benefits, the methods of payment(daily, monthly, quarterly, semi annually, or yearly bases), the amount of working period(eight hours per day, nine hours per day, twenty four hours per day, seven days per a week), when and where annual leave is possible or when and where is not possible with pay or without pay, provision of food and other accommodations, and the terms of repatriation and others must be informed to domestic workers⁵⁷.

The practicality of article 7 ensured by article 8 of the convention whereby, domestic workers job offer must be regulated by national laws and regulations⁵⁸.

2.5.3.3. Working conditions

Article 5 and 9 of ILO, C189 states that all member states shall undertake measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence, and further member states shall provide additional protection, including freedom to reach an agreement with their employers, freedom to leave the household during their rest time, and to keep their identity and travel document under their control, respectively⁵⁹.

In pursuant to article 10 of the convention, domestic workers must work eight hours per day, earn overtime payment, and rest consecutive 24 hours of weekly rest⁶⁰. Parallel to the above argument, article 13 of the convention stated that member states are required to ensure occupational health and safety of domestic workers⁶¹.

⁵⁷ ILO, C189, art.7.

⁵⁸ Ibid, art.8.

⁵⁹ Ibid, art. 5 and 9.

⁶⁰ Ibid, art.10.

⁶¹ Ibid, art.13.

2.5.3.4. Remuneration and social security

The establishment of domestic workers remuneration must be free from discrimination based on sex, and those workers must enjoy the minimum wages available⁶². Their salary must be paid in cash on a regular base, at least once a month, but in certain circumstances where workers agreed, national laws, regulations and collective agreements may provide for a limited proportion of payment in kind⁶³.

Related to domestic workers social security, member states must also ensure social security benefits to the workers, including maternity leave. These measures can be done through consultation with workers and employers representatives, particularly, with domestic workers representatives⁶⁴.

2.5.3.5. Private employment agencies

The role of private employment agencies are vital in the recruitment process of domestic workers and required to secure effective protection of their rights against the abusive environment. Article 15 of the Convention stated that member states are expected to regulate the conditions of private employment agencies recruiting or placing domestic workers. In addition, there should be an appropriate mechanism whereby complaints, alleged abuses investigated, and to protect and prevent abuse and fraudulent practices against domestic workers, member states are required to consider bilateral, multilateral agreements between and among states⁶⁵.

2.5.3.6. Implementation, Compliance, and enforcement

Art. 16 of this Convention ensures that domestic workers, either by themselves or through their representatives during disputes have the rights to access to courts, tribunals or conflict resolution mechanisms. For the purpose of this article, member states required to establish fertile conditions for domestic workers to access justice through incorporating domestic workers rights into national laws and regulations⁶⁶.

⁶² Ibid Art. 11.

⁶³ Ibid Art. 12.

⁶⁴ Ibid Art. 14.

⁶⁵ Ibid Art. 15.

⁶⁶ Ibid Art. 16, 17, & 18.

2.6. The national legal framework of Saudi Arabia

Saudi Arabia as UN member state, has already acceded to several human rights instruments and labour law Conventions respective of **Islamic law**. Those instruments like, International Convention on the Elimination of All Forms of Racial Discrimination(CERD), International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment(CAT), and International Convention on the Rights of the Child(CRC). Here, the international human rights law requires the state parties to protect and respond to human rights abuse by state authorities and non-state actors (abuses in private companies and employers). Even though Saudi Arabia acceded these all human rights instruments, but authorities have frequently failed to investigate the alleged offenses against women, and there is no any opportunity whereby those abuses against women redressed⁶⁷.

According to Antoinette Vlieger, Saudi Arabia has not ratified any one of the following international labour laws to which the most important for MDWs; like C189 Decent Work for Domestic workers, C45 Underground Work(Women) Convention, 1935, C81 Labour Inspection Convention, 1947, C89 Night Work(Women) Convention(Revised), 1948, C100 Equal Remuneration Convention, 1951, C106 Weekly Rest(Commerce and Offices) Convention, C111 Discrimination(Employment and Occupation) Convention, 1958, and C29 Forced Labour Convention, 1930 are some of the international norms where Saudi Arabia failed to ratify and incorporate into domestic labour laws⁶⁸.

The national labour legislation is vital in providing legal protection for domestic workers, if the scope of labour legislation exclude MDWs, then this exclusion will considerably weaken their positions comparable to other workers. Mostly, this is evident in Arab countries in general and in Saudi Arabia in particular⁶⁹.

According to ILO findings, GGC countries national labour laws exclude MDWs from the legal protection of their labour rights. In these countries, there are employment contracts that

⁶⁷ Saudi Arabia: Gross Human Rights Abuses Against Women, MDE 23/57/00, sep. 2000, p.3.

⁶⁸ Antoinette Vlieger, 2011. Dissertation on: Domestic workers in Saudi Arabia and the emirates: a socio-legal study on conflict, Amsterdam Law School Legal Studies Research Paper No.2011-49, General Subserie Research Paper No. 2011-08, p. 153.

⁶⁹ HRW, (2010) slow Reform Protection of MDWs in Asia and the Middle East, 6-10.

could offer some protections, but those contracts are agreements between employers and employees, whereby, in practice, domestic workers lack power and capacity to demand enforcement of their contractual agreements in court⁷⁰.

The Kingdom of Saudi Arabia, like other GCC countries, the labour law excludes MDWs from legal protection, unlike other migrant workers. In Saudi Arabia, labour law regulates the relationship between employer and employee concerning wages, working hours, social security, occupational health and safety, and resolving conflicts. Pursuant to article 7 of Saudi Arabia Labour Law:

the Minister shall:

in coordination with the competent authorities, draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party and submit the same to the Council of Ministers⁷¹.

15th of July, 2013, the Council of Ministers adopted a regulation; Saudi Arabia: decision No. 310 of 1434 on MDWs, and in February 2017 regulation No. 605 of 1434. These two regulations guarantee MDWs with the following rights; nine hours of daily rest, one day off per week, paid sick leave, one month of paid annual leave after two years of work, suitable accommodation, service compensation equal to one month's salary after four years of work, prohibit forced labour, and receive salary monthly without delays⁷².

Even though the new regulation **has entitled MDWs with the above-mentioned rights, but the regulation does not ensure equal protection with other migrant workers**. For instance, MDWs are expected to work for fifteen hours per a day with nine hours rest, but other workers are working eight hours. Also, the law confirms that in case of contradiction

⁷⁰ ILO, (2015): Report on: Protecting the rights of migrant domestic workers: good practices and lessons learned from Arab region, Regional Office for Arab states Beirut, Lebanon, p.5.

⁷¹ Saudi Arabia Labour Law, 2005, Art. 7.

⁷² Saudi Arabia: decision No. 310 of 1434 on Domestic Workers, 2013.

between any terms of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention⁷³.

2.6.1. The legal framework of Kafala(sponsorship) Scheme of Saudi Arabia

The recruitment of any foreign workers is done through sponsorship process. Those who sponsor foreign workers **bear responsibility for the costs of recruitment and residence permit**. In addition, the law specifies that, anyone who **plans to leave the country or to change his/her employer and transfer to another employer, the worker must acquire the will of the sponsor**. This process is called 'kafala' or 'sponsorship'⁷⁴. Kafala means, series of customs and laws used by the employers to monitor MDWs in Saudi Arabia. Undoubtedly, Kafala, exposes MDWs the **abundance of vulnerabilities and human rights abuses**. This scheme creates slave-like relationship between employers and MDWs which later resulted in human rights violations and labour rights abuses⁷⁵.

The system has been harshly criticized by ILO to **align it with the minimum labour standards** by which, MDWs human rights respected and protected. Following this criticism, in 2012, the Saudi Arabia Labor Minister proposed to abolish the Kafala system⁷⁶. As cited in Gulf Research Center, the Council of Minister's forbidden employers of holding passports of migrants or members of their families from their freedom of movement inside the Kingdom of Saudi Arabia. Further the term "transfer of sponsorship" is changed to "service transfer" in response to divert the attempts of criticism against the sponsorship system. Here, the Minister of Labour recognized the rights of the worker to transfer the service from former employee to new employee without the approval of the current employer. In other words, the employee granted the rights to transfer his/her work permit to another employee without the necessity of the approval of the employer. In the meantime, if she is found working for an employer other than who employed her, the worker may ban for two years from returning to Saudi Arabia.

⁷³ UN Women, 2013. Contribution of Migrant domestic Workers to Sustainable Development, United Nations Entity for Gender Equality and the empowerment of Women, Bangkok, Thailand, p.40.

⁷⁴ Supra note 69, p. 3-4.

⁷⁵ Report Center Human rights Working Paper Series, 2016. Beyond Kafala: Remedying Human Rights Abuse of Migrant Workers in the Persian Gulf, The Bernard and Audre Rapoport Center for Human Rights and Justice at The University of Texas School of Law, p. 1.

⁷⁶ Ibid, p.41.

On the other hand, the foreign worker who is sponsored may seek permission of their employer to have exit permit. During repatriation, Saudi Labour Law states that the employer may cover the costs of exit visa and return ticket to the worker at the end of their employment⁷⁷.

In conclusion, Saudi Arabia as GCC member country should take significant measures so as to align national legal system to promote, protect, and respect the rights of MDWs in pursuant to ILO C189. Unless GCC countries are not **abolished the kafala system, MDWs human rights emanated from international Conventions could not be promoted, protected and respected by state authorities and non-state actors**. So, Saudi Arabia has to improve ways of inspection and conflict resolution mechanisms whereby, basic human rights entitlement of MDWs protected⁷⁸.

2.7. The national legal framework of Ethiopia

For the last decades, Ethiopia has ratified international and regional human rights instruments relevant to migration and MDWs. She has signed significant bilateral agreements **with labour receiving countries like Qatar, Kuwait, and Jordan, but not with Saudi Arabia**. Some of them are :

- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social, and Cultural Rights, 1966
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

UN and ILO, introduced different initiatives towards the establishment of the international labour standards, whereby, the rights of MDWs promoted, protected, and prevented. Almost 19 labour conventions have adopted by ILO member states, Ethiopia has ratified only:

- ✓ The Abolition of Forced Labour Convention No. 105, 1957
- ✓ The discrimination(Employment and Occupation) Convention No. 111, 1958

⁷⁷ Gulf Research Center, 2014. Explanatory Note on: The Legal Framework of the Sponsorship System of Qatar, Saudi Arabia and Kuwait: A Comparative Examination, Gulf Labour Market and Migration- EN-No.7/2014, p.4-11.

⁷⁸ HRW, (2008) As If I am Not Human: Against Asian Domestic Workers in Saudi Arabia, p.15.

- ✓ The Private Employment Agencies Convention No. 181, 1997.
- ✓ Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979
- ✓ Convention on the Rights of the Child (CRC).
- ✓ ILO Convention No. 87: Freedom of Association and Protection of the rights to Organize Convention, 1948.

Other ILO Conventions like Decent Work for Domestic Worker Convention No.189 (2011), ILO Convention No.97, 1949 (revised) and ILO Convention No.143, 1975, and Protection of the Rights of all Migrant Workers and Members of their families(1990) are not yet ratified by Ethiopia, whereas, labour-sending countries such as Philippines, Indonesian, Bangladesh, Mexico, India, and Brazil have ratified basic ILO instruments concerning domestic workers rights.

2.7.1. Federal Democratic Republic of Ethiopia Constitution, 1995

Ethiopia does not have a comprehensive national immigration policy to protect human and labour rights of MDWs. However, the country has instruments regulating the issue from different aspects. A prominent example is article 18 of the Federal Democratic Republic of Ethiopia's (FDRE) Constitution, which provides that:

- 1. Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.*
- 2. No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.*
- 3. No one shall be required to perform forced or compulsory labour.*
- 4. For the purpose of sub-Article 3 of this Article the phrase "forced or compulsory labour" shall not include: (a) Any work or service normally required of a person who is under detention in consequence of a lawful order, or of a person during conditional release from such detention; (b) In the case of conscientious objectors, any service exacted in lieu of compulsory military service; (c) Any service exacted in cases of emergency or calamity threatening the*

life or well-being of the community;(d) Any economic and social development activity voluntarily performed by a community within its locality.”

Article 9(4) and 13(2) of the FDRE Constitution strictly provides that international human rights instruments and ILO labour rights conventions ratified by Ethiopia as an integral part of the law of the land and the fundamental rights included in the constitution shall be interpreted in conformity to the principles of the human rights law and ILO labour standards⁷⁹.

Even though the UN conventions on human rights and ILO convention on labour rights ratified by Ethiopia have pressurized the country to adopt domestic legislation, the above conventions themselves are not practically feasible. The main argument behind the infeasibilities of those Conventions are, domestically there is no clear procedure to apply, particularly in the courts, law enforcement bodies, and the community in general⁸⁰.

2.7.2. Employment Exchange Service Proclamation No.632/2009

Before this proclamation, the issues of Ethiopian going abroad for employment was treated by Private Employment Agency Proclamation No. 104/1998 up to 2008. Later, this proclamation revised and changed to Employment Exchange Service Proclamation No.632/2009. The reason behind revising the proclamation was to further protect the rights and safety and dignity of Ethiopian migrant workers employed abroad. The other reason was migration become dynamic and migrants problem become complicated and forced the country to revise its law so as to cope up with gross violations of the rights of MDWs abroad

Article 172(4) of this Proclamation, MOLSA has the right to determine on Ethiopian nationals to be employed abroad. Further article 175 of this Proclamation also states that MOLSA has the responsibility of obtaining adequate guarantee in the destination country where the rights and dignity of the employee is respected and protected⁸¹.

According to Ethiopian Labour Law, MOLSA ensured the rights and dignities of those workers shall be respected in the labour receiving countries. Also, MOLSA has the obligation to issue directives concerning the manner of recruitment and the directives containing

⁷⁹ Ethiopian Federal democratic Republic Constitution, article 9 and 13(2), 1995.

⁸⁰ Shukria Yusuf, 2015. Thesis on: Combating Trafficking in Women for Labour Purposes and Establishing State Responsibility under International law: The Plight of Ethiopian Migrant Domestic Workers in Saudi Arabia, Faculty of Law Lund University, p. 42-44.

⁸¹ Ethiopian Employment Exchange Service Proclamation No.632/2009.

information about: place and types of work, food and accommodation, duration of employment, medical and worker-related accident insurances, wages, paid leaves, travel costs, employment conditions and legal benefits entitled to the workers in receiving countries, work permit and visa, and dispute resolution mechanisms, unless and otherwise these all contents are fulfilled, the contract of employment cannot be approved⁸².

2.7.3. Bilateral Agreements with Saudi Arabia

For the last years, Ethiopia has not made any bilateral agreements with Saudi Arabia concerning MDWs labour rights protections despite Ethiopian domestic workers abroad facing continuous labour rights abuse in Saudi Arabia. But, Ethiopia has bilateral agreements with other GCC countries. On May 26, 2017, Ethiopian and Saudi Arabia signed MDWs Recruitment Agreement. As per the agreement, Ethiopian MDWs could work in Saudi Arabia after passing through the necessary agreements made by employment agencies of both countries. According to the statement made by FDRE Foreign Ministry of Affairs, Dr. Workineh G.:

the agreement signed between two countries helps to protect the rights of Ethiopian domestic workers⁸³.

According to FDRE Foreign Ministry, the bilateral agreement between Ethiopia and Saudi Arabia are not yet completed **with various factors of both countries, whereas, Ethiopia left the ban to send labour to Saudi Arabia, and the tension is still apparent**⁸⁴.

⁸² ILO, 2017. Ethiopia's Overseas Employment Proclamation 923/2016: Comprehensive Analysis, p. 35-36.

⁸³ Semonegna Politics, 2017. Available on: <http://semonegna.com/ethiopia-saudi-arabia-sign-domestic-workers-recruitment-agreement/>.

⁸⁴ Supra note 7. .

Chapter Three

3. Findings and Discussions:

This chapter begins by portraying MDWs pre-departure experiences and then proceeds to presenting destination country lived experiences rigorously as follows:

3.1. Pre-Departure Experiences

Themes under this section include, information for migration, reasons for migration, nature, and contents of employment contract/work agreement, and pre-departure training about their destination; i.e. Saudi Arabia. In general, migration decision-making process with particular emphasis to those who participated in through in-kind support and guidance a time of their migration is also the main area of discussion in this section.

3.1.1. Information for migration

Concerning the information for migration, the vast majority of the informants said that they had prior information about their destination. Some of them had the chance to visit Saudi Arabia for long and short periods of time employed as domestic worker, and others had prior travel experiences to other GCC countries.

Apart from their prior visit, family members/ relatives already migrated neighbors, friends of parents, local brokers, and employment agencies played a significant role in providing MDWs with attractive information about Saudi Arabia. They were looking at their neighbors life style had changed, their families clothes were fancy, and their friends were opened their own business that they impressed for migration. Others were migrated unknowingly mischief with false promises by local brokers, and employment agencies about their destination only to get a job.

The findings revealed that the majority of informants who had received the information about their destination was highly confident in the trustworthiness of the information since they extracted from their relatives, friends, and neighbors. While others who had the previous visit to their destination were confident on what to expect. Generally, being unemployed, divorced, lost

family, not educated, and feeling hopelessness made them believe whatever information and whoever provided as long as a job is concerned.

3.1.2. Reasons for migration

As can be understood from the dynamic nature of migration, the factors behind individuals migration are multifold. Informants forwarded different reasons for migration, some of them said to open a new business after accumulating lot of amounts of money, others said to support their family, few said to gate access for better education, and surprisingly, some of them said to get relief after they divorced.

All in all of the findings, factors that are identified as causes of migration are economic. The identified economic causes of migration are evaluated from various perspectives of economic theories. Migration is about the movement of people from one place to another place. However the movement of people is not random, rather peoples movement is either guided by family, individual, relative, or friend decisions.

3.1.2.1. Economic reasons

One's country economic status might reflect its citizens standard of living. As discussed in chapter two of literature review, issues related to economic elements are the most significant factors that cause individuals for migration. Consequently, informants of this research have mentioned that economic issues as their causes for migration. These economic factors for migration are discussed in detail as below.

Employment as the cause of migration

Almost all of the informants indicated that unemployment was the cause for their migration to Saudi Arabia. According to them, their educational level ranged from grade 2 to grade 8 had affected them not find a job in Ethiopia. Especially, 5 of the informants who came from Amhara region blamed that due to their parents had a small amount of farmland and high population density made them difficult to find a job. As a result, they forced to migrate to another country in search of job.

Another informant who came from Oromia and SNNP regions pointed out that their migration was related to the intention of better job opportunity and better payment and a better life. They believed that if they migrate to Saudi Arabia which is the most oil producing country in the

world would create good job opportunity and better payment/ better life, but after arrival, their level of expectation was not felt they had before.

Some of the informants(6 of them) also indicated that during they were married and under the supervision of their husbands, they were not worried about being they were unemployed. After they had divorced from their husbands and remained empty with their children's, they were highly initiated to migrate to Saudi Arabia so as to generate income to feed their children and to support themselves as well. These informants also described their migration as a reliving mechanism against their divorce and lead their lives independently in the area far from where they could not see their husbands.

Few participants(2 of them) who were employed emphasized that reasons for their migration to Saudi Arabia were to open a new business after they came back to their country; Ethiopia.

To sum up, it is possible to conclude that the reasons for informants migration indicated above are in line with economic theories which treat their justifications related to employment and different in earnings as causes of migration. In relation to this, Neoclassical Theory of Migration argues that individuals migrate from one country to another country due to push and pull factors. Pushing factors are poverty, low wage(cheap labour), and unemployment, whereas, pull factors are different in earnings(better remuneration rate), development of personal career, better realization of labour standards. This school also argues that individuals migration are based on free will choice relying on calculating advantages and disadvantages of being migrating to another country. This is a theory that is related to the findings above how individual woman is motivated for migration with the intention to get a job.

Family income as the cause of migration

One's family income level can determine family members future fate. All informants came from Oromia, Amhara, Tigray, and SNNP raised family income as causes for their migration.

Hence, 4 informants from Amhara indicated that their family farmland was too small and members of the family did not start to live reasonable life pushed them to migrate to Saudi Arabia. Particularly, one woman from this region said that:

our family members were eight and our farmland was too small, and we were living a miserable life as compare to other neighboring families. So, this forced me for migration in search of job and betterment of life⁸⁵.

Other participants from Oromia indicated that their families were civil servants earning small amounts of money which could not be enough for all family members to live a reasonable life. Among them, one informant told me that

my family was living in Addis Ababa renting a house, but I was living in Jima with my husband. Later on, I divorced my husband due to disagreements between us. If I went to my family, how could I lead my life because they earn which was not sufficient for them. So, I decided to migrate⁸⁶.

In conclusion, participants from SNNP, and Tigray also described that lost of parents an early stage and small farming land would contribute them for migration to Saudi Arabia.

The points described by informants showed that low income generating family could not be able to feed, educate, and provide their family members basic necessities, then the possible option for this family would be migration. Besides to unemployment, low family income and lack of social security to fill the gaps of the family economic crisis could lead individuals to migration. These points are parallel to the ideas of the New Economic Theory for Migration. According to this school, family plays the main role in the decision of individuals migration. Not only to maximize family income but also allocating family labour in the labour market would contribute for individuals migration to high income generating countries; Saudi Arabia.

Salary as the causes of migration

Most of the informants pointed out that since they are low skilled, and have not graduated from diploma and degree program made them difficult to gate a job which could enable them to earn a good salary. Even those who were employed had described that their earnings were not enough to live a reasonable life in Ethiopia. The following table shows average salary of informants.

⁸⁵ Interview with Tibletse, March 28, 2018

⁸⁶ Interview with Firdos, March 28, 2018

Table 3.1: participants average salary earnings in Ethiopia and Saudi Arabia

Name/ case # of informants	Average earnings in Ethiopia in birr	Average earnings the destination country, Saudi Arabia in Riyal
Zemzeme	0 birr	1500 Riyal
Tibletse	0 birr	1500 Riyal
Wudassie	0 birr	700 Riyal
Kedija	0 birr	1000 Riyal
Tigist	2000 birr	1500 Riyal
Saida	1500 birr	1500 Riyal
Firdos	0 birr	700 Riyal
Marta	0 birr	700 Riyal
Frehiwot	0 birr	800 Riyal
Azebelesanwork	0 birr	700 riyal
Workinsh	0 birr	900 Riyal
Case # 12	0 birr	800 Riyal
Lemlem	0 birr	800 Riyal
Case # 14	0 birr	\$100(375 Riyal)

Note: 1 birr = 7.2648 Riyal, 1 Riyal = \$ 3.75, source: National Bank o Ethiopia, 28/04/2018, 11:30 AM

As highlighted in the above table, except two informants, the rest did not have a job and earn nothing. Even those who had a job were not satisfied with the salary they were earning. They further explained that they perceived the most attractive and reasonable salary scale could be found in areas outside of Ethiopia. Thus, they motivated to migrate to Saudi Arabia with this perceptions, but most of the informants did not get according to the promises made by both their agencies and employers. Sometimes exceeds the initial salary agreement, and sometimes lower the initial salary agreement. For instance, one of the informants with Code 14 described that initially she was agreed \$150 with her agency, but after her arrival her employer gave her \$100. Similarly, Lemlem said that she was agreed to earn 1000 Riyal, but after arrival she received

800 Riyals. Whereas, Workinesh described that she agreed with 700 Riyal monthly salary, due to she was speaking Arabic that her employer gave her 900 Riyal per month.

All in all, according to my informants, initiation for migration mostly come from their relatives, peers, brokers, media, and from those who returned from Saudi Arabia. The reasons of migration were family poverty, the betterment of life, opening a new business, and divorce, unemployment, emergences of the new labour market in Saudi Arabia, attractive salary for domestic workers as compared to Ethiopia, a woman's who returned from Saudi Arabia better changing their life and their family. These all reasons for migration and initiation are interconnected and interrelated one another. The above points mentioned by informants fit with the main arguments of Neoclassical, Dual Labour Market, and World-System economic theories of migration. According to Neoclassical Economic Theory of Migration low wages, and unemployment are pulling factors which motivated individuals to migrate to other countries. Whereas, Dual Labour Market Economic Theory stated that industrialized countries like Saudi Arabia produced good job opportunities thereby foreign immigrant workers maximize their family income. Finally, World System theory of migration argued that globalization facilitate cultural likes between capitalist and non-capitalist nations and advocate ideological ties. In the end, it is inevitable that globalization accompanied international labour movement.

3.1.3. work agreement/contract

Out of 14 informants, 11 of them had signed work agreement, and 3 of them **did not sign work agreement**. Most of them who signed work agreement did not know detail about the contract, and most of the work agreements were written in Arabic. In addition to this, the majority of MDWs who signed work agreements under MOLSA, agency, broker or sponsorship was not working according to the work agreement after arrival. Due to this they were forced to escape and employed illegally(without formal work contract) for another household. Even, MDWs who had received the work agreement that was written in the Arabic language to which they did not read and understand it well. Following these all mischief, MDWs exposed for excessive workload, denial of medical service, deprvation of food, and salary deduction. This fact directly contradicts with human rights instruments and ILO labour standards.

According to Domestic Workers Recommendation, 2011 (No. 201) Paragraph 6 "members should provide appropriate assistance, when necessary, to ensure that domestic workers understand their terms and conditions of employment". Further article 7 and 8 of ILO, C189 states that, "domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular: the name and address of the employer and of the worker; the address of the usual workplace or workplaces; the starting date and, where the contract is for a specified period of time, its duration; and the type of work to be performed". Whereas, the practice is totally different from the existing reality. In GCC countries, including Saudi Arabia, there are employment contracts that could offer some protection, but in practice domestic workers lack negotiation power and capacity to demand enforcement of their contractual agreements in courts. Nationally, FDRE MOLSA has the obligation to issue directives concerning the manner of recruitment and the directives containing information about: place and types of work, food and accommodation, duration of employment, medical and worker-related accident insurances, wages, paid leaves, travel costs, employment conditions and legal benefits entitled to the workers in receiving countries, work permit and visa, and dispute resolution mechanisms, unless and otherwise these all contents are fulfilled, the contract of employment cannot be approved⁸⁷. The research findings to the contrary have shown that even though the Ethiopian government as the responsible body and MOLSA as the main actor failed to properly execute its mandates during the contract period. On the other hand, there are no bilateral agreements between the two countries concerning Ethiopian MDWs about their labour rights protection in Saudi Arabia. For this reason that, they were facing continuous labour rights abuses and human rights violations during and after their employment periods.

3.2. Destination Experiences

In this section, information obtained through an in-depth interview is treated in light of the theoretical and legal frameworks that have been discussed in chapter two the literature review. The themes are deprivation of sleep, denial of food, workload without resting period,

⁸⁷ Supra note 82.

confinement, sexual harassment, psychological abuse, denial of medical care, Unpaid wages and salary deductions, and discrimination.

3.2.1. Psychological abuses

It is true that whenever a human being changed from his/her residence to other residence or from one working environment to another working environment there would be the likelihood of being exposed for culture shock, face psychological maladjustment, and new work which is totally and partially different from the previous work and working environment. The same thing has happened to the majority of the informants during and after arrival.

MDWs were deceived by different organs at a different level to decide to migrate to Saudi Arabia. When they arrived at their future place, they faced different welcoming manners, some of their employers welcomed them warmly, and continuous till termination, others welcomed them with short-lived smiling and soon changed to barbarous face. Few of employees were forced to dress as of Muslim even though dressing style is similar across, but the different thing in the case of Lemlem was she was forced to be Islam not to look like.

As a conclusive remark, this practice is incompatible to the rights of the individual which is stated under article 18(1, 2,& 3) of ICCPR, .i.e. everyone has the right to freedom of religion, and no one shall be forced to adopt her/his religion or belief without his/her free will. In pursuant to article 18(3) of this Covenant, Saudi Arabia as Islamic state has the rights to protect its community safety, and fundamental rights and freedoms of others⁸⁸. Further Arab Charter on Human Rights as regional human rights instrument also argues that all international agreements ratified and signed by Arab states should not contradict with Islamic law. In case of contradiction, the Islamic law Perivale's. But, according to Committee of CEDAW, this Charter frequently has been criticized by its discriminatory practice against migrant women.

Above all, MDWs as a human being, do not need any new human rights and labour rights entitlements, rather they need to be recognized by the existing legal frameworks in the destination countries.

⁸⁸ ICCPR, article 18

3.2.2. Workload without resting period

The single most cited problem by the workers I interviewed all across the board was the issue of being overworked. Except for one informant, all other informants were forced to work more than 17 hours a day without rest, and even in holidays without payment. Plus, they were forced to work in their employer's parents and relatives. For instance, one of the informants has reported that she was cleaning 7 family members rooms, washcloths every day since every member of the family changes at least his or her t-shirt per a day, and cook meal at least four varieties. After she has finished all these assignments, she went to their aunt's room to provide her care and support. Then, she went to bed to sleep, but mostly, she did not sleep because she was afraid. Finally, due to lack of proper sleep and sufficient rest, she gets sick⁸⁹.

The research findings have shown that the reality on the ground and the law are paradox one another. Across Saudi Arabia, all informants were exposed for overburden in places that they were working for. Mostly, due to overwork, lack of rest, and in combination with lack of food that they were exposed to different health problems. Their efforts were not recognized by their employers and sometimes by Ethiopian embassy and consular in Saudi Arabia. There were no any mechanisms for them to present their problems in Saudi Arabia, except Ethiopian embassy involvement in some cases. As a solution, most of MDWs were preferred to change one house to another, rather than taking their abuses to the court or to the police due to fear of deportation and detention.

From the Feminist perspective, the findings have shown that domestic work is undervalued and relegate to a woman, and also domestic work is considered as inherently unskilled occupation and the mere responsibility of women. Further, this school stated that since domestic work is held in a state of irregularity, the working conditions of MDWs are not protected by ILO Conventions and trade union agreements. So that, states exempt regulation, and treatment into the midst of private households. Finally, viewing domestic work as the feminization of labour resulted in labour exploitation and colonization of labour.

As a human being, nobody has the right to treat others as a slave, and they should not make anyone one's own slave. Also, individuals have the right to work, to choose their work and to work in good conditions, individuals who do the same work should get the same pay, and they

⁸⁹ Interview with case # 14, March 28, 2018.

should be able to earn a salary that allows workers to live and support their family. In line with this statement, individual workers have the right to rest and enjoy free time, and workers workday should not be too long, and workers should be able to take regular paid holidays.

Whereas, the findings have shown that Saudi Arabia as a state party to UDHR failed to abide with this Declaration. MDWs, as a worker should have to be protected from any kinds of discrimination and exploitation. State party to the present Convention make sure that those workers are treated equally among national workers concerning daily working hours, daily and weekly rest, and including holiday rests, but the practice is totally different⁹⁰.

Apart from the above legal framework, article 3(2, b and d) of ILO, C189, in relation to domestic worker stated that member states should take measures to eliminate of all forms of forced labour or compulsory labour, and discrimination in respect of employment and occupation. Plus, article 10 of the present Convention argues that domestic worker must work eight hours per day, earn overtime payment, a period of daily and weekly rest, and weekly rest shall be at least 24 consecutive hours.

It is convincing that MDWs have to rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. Whereas, the interviewed informants were working 17 hours and above. Not only inconsistent with international legal frameworks, but also the practices contradict with Saudi Arabian: Decision No.310 of 1434 and 605 of 1434 on Domestic Workers Resolution which guaranteed MDWs with nine hours of daily rest, one day off per week, paid sick leave, one month of paid annual leave⁹¹.

In conclusion, GCC countries in general and Saudi Arabia, in particular, their national labour laws exclude MDWs from the legal protection of workers labour rights. Similarly, the sponsorship system(kafala) gave arbitrary power to the employers to restrict MDWs from their protection. Finally, I agree with the arguments made by AI, i.e. MDWs in Saudi Arabia are forced to sleep less than five hours, no day off, and no holiday pay. Most of MDWs were living in slave-like situations.

⁹⁰ Supra note 48.

⁹¹ Supra note 72.

3.2.3. Deprivation of food

In regards to the food available to MDWs, this varied depends on the family a female migrant domestic worker is employed by. However, the majority of informants indicate that they were not well fed. Out of 14 informants which I interviewed, 8 of them were not properly fed at a time of their hunger. Due to this, the majority of them had consistently been facing health problems. Some of them were falling on the ground due to loss of self-control, few of them were victims of Anemia, and most of them lost their weight. For example;

Case #12 indicated that:

I went under sponsorship, and I was working day and night with no food and rest. Within four years, I changed four households due to food. They wanted me always to work, but not to eat. Finally, I got sick because of food shortage plus workload with no rest⁹².

Case # 14 described how she was denied to get access for food as follows:

I was serving to different families of my employer's relatives. No rest, not food, rather they insulted me. I had tried to get food, but due to workload, I could not get food. Finally, I lost self-control, and fallen to the ground. Due to shortage of food, I did not have blood in my body and I was afraid I could die(cry.....cry.....cry...⁹³).

As stipulated under article 23 & 25 of UDHR, individuals have the right to good working conditions, and they have the rights to healthy and comfortable life, including food and other social services respectively. Besides to this Declaration, article 11(1) of ICESCR stated that the members of this Covenant recognize the rights of everyone to an adequate standard of living including adequate food. Further article 11(2) of this Covenant stated that state parties should have to recognize the fundamental rights of ever one to be free from hunger, and should take appropriate policy measures. Similarly, article 7(h) of ILO, C189 stated that, state parties to the present Convention should take measures to ensure that domestic workers are informed from the beginnings of the work agreements the applicability of food.

As can be seen from the above legal frameworks, the research findings totally contradict with the basic human and labour rights entitlements of MDWs as a human being and as a worker. From

⁹² Interview with case #12, March, 2018

⁹³ Interview with case #14, March, 2018

the beginning, MOLSA was responsible to provide information about food and accommodation that MDWs have in the destination country, but the practice is different.

Consequently, Ethiopian MDWs in Saudi Arabia had been facing multiple human rights violations. One of the human rights violations that Ethiopian's faced were deprivation from getting access for food.

3.2.4. Unpaid wages and salary deductions

A common way to pressure MDWs into staying is by postponing salary payments, sometimes for months and year. Several MDWs interviewed for this research confirmed that their employers used salary deduction to force them to stay. For instance, Tibleitse was asked why she had not left the household earlier when she was severely abused, she replied: " due to salary; they would pay to bellow our agreements and even they withhold for three months without any justification."

Out of 14 interviewees, 9 of them provided similar accounts. Further;

Tigist described as :

I went to Saudi Arabia under MOLSA with a monthly salary of 1500 Riyals. After a few months later, she(employer) refused to give me three months salary. I asked her to give me my salary, but she simply said no. Since I went under MOLSA, I called to my dad to Ethiopia, and he had complained at Ministry of Foreign Affairs Consular Affairs Directorate General. Following my dad's complain, Ethiopian embassy in Jeddah come immediately and took me to the embassy. Finally, I got my salary and changed to another household. The same thing happened in the second household, they refused me totally⁹⁴.

Similarly, Saida narrated as:

I agreed informally with my employer in Jeddah 1500 Riyals monthly salary. They ordered me to do everything, but they refused me six months' salary. Our embassy in Jeddah supported me to some extent, but they did not give me my salary⁹⁵.

The finding above contradicts the central theme of UDHR, i.e. individuals should receive "just and favorable remuneration that ensures an existence worthy of human dignity". Also, individuals who do the same work should get the same pay, and they should be able to earn a

⁹⁴ Interview with Tigist, March, 2018.

⁹⁵ Interview with Saida, March, 2018.

salary that allows workers to live and support their family. Further, article 7 of ICESCR stated that fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Similarly, the findings above incompatible to ILO labour standards of MDWs. Article 12 of C189 stated that domestic workers shall be paid in cash on a regular base at least once a month. Plus, workers have rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

All in all, from the facts extracted through both an in-depth and key informants interviews confirmed that MDWs in Saudi Arabia were excluded from the legal protections. Following, they have exposed for labour rights abuses and human rights violations. Apart from their exclusion from Saudi Arabia Labour Law, there is no any legal ground whereby the two countries called upon responsible. Even though they are part and particle to international human rights instruments and ILO labour Conventions, their participation are mere participation. Due to this, MDWs human rights violations and labour rights abuse still continuous.

3.2.5. Denial of medical service

Most of MDWs which I interviewed told me that their rights to get access to medical service whenever they got sick was frequently denied by their respective employers in Saudi Arabia. Out of 14 informants, 7 of them were denied to get access to medical service. According to them, when they asked their employers how to get medical service, their request mostly would bring other forms of violence, such as food deprivation, degrading treatment, and sometimes verbal abuses(insulation). For instance:

Case # 14 described how she was denied to get access to medical service as follows:

My employers were so bad, they did not give me food, no time for rest, excessive workload, and sometimes she(employer) insulted me. Following, one day I lost self-control and fallen on the ground, but no one took me to the hospital...cry...cry...cry...finally, I escaped during the night while I was dropping waste⁹⁶.

⁹⁶ Interview with case # 14, March 28, 2018.

Another informant: Frehiwot described how she was initially denied to get access to medical care as follows:

Due to excessive working hours without resting period, and following I started asking why? she with her children had arranged obstacle in the kitchen which resulted for my right-hand arm to be broken. She was not willing to take me to the hospital, but her husband did. when she saw this, she started to refuse me food, and sleep which was the most barbarous⁹⁷.

The findings above contradicts with fundamental human rights of the migrant domestic worker as a human being which is stipulated under article 12 of ICESCR. Under this Covenant, everyone has the rights to the enjoyment of the highest attainable standard of mental and physical health. General Comment No. 14 of the Committee on ESCR elaborates upon, and interprets, the right to health as, migration should be seen as an underlying determinant, as the processes of pre-departure and reintegration in sending States, and arrival, stay and integration in receiving States determine health outcomes of migrant workers. To this regard, state parties to the present Covenant required to respect, protect, and fulfill the rights to health of everyone, including migrant workers. Further, state parties have an obligation to fulfill the rights to health through adapting and implementing domestic health policy which does not discriminate against non-nations and irregular and regular migrants⁹⁸.

To sum up, both countries as labour-sending and labour-receiving failed to provide legal as well as social protections to MDWs whose economic contribution to their development are great. Even though the rights to health is arguably with the availability of resources, but as a human being MDWs have to get access to medical service whenever they need regardless of their identity, sex, status, and skill.

3.2.6. Sexual Harassment

Out of 14 informants which I interviewed, 3 of them told me that they had been harassed by their employers and members of their family. According to Marta, the man who was the wife of her employer had frequently been asking her to get his married. He was touching her body, he

⁹⁷ Interview with Frehiwot, March 25, 2018

⁹⁸ UN General Assembly, 2013: Report of the special Rapporteur on the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health, Human Rights Council, 203rd session, p.4-5.

sometimes comes to her room, and whenever he found her somewhere in the compound he was nipping her. Finally, she Left the house.

Case # 12 stated that she had been harassed by her employers. She had been working four different households in her four years of stay, one of the reasons for changing one house to another was due to sexual harassment.

Similarly, Case # 14 told me that, she was harassed by the son of her employer. One day, he comes to her room and he had tried to rape her, but she was shouted, then left her alone. Following her shout, his mama come to her and she said that you had to keep silent unless I would throw out of here in this house...cry....cry...cry...

According to international and regional human rights instruments, the crime of rape has been treated as inhuman act against women. Such as CEDAW and the Protocol to the ACHPR on the rights of Women in Africa proclaimed that, rape as one form of violence against women⁹⁹.

Consequently, the analysis above also contradicts with article 11 of CEDAW General Comment No.18, which states that,

Sexual harassment includes such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

In line with this Comment, the Committee on the Elimination of Discrimination against Women Recommended that: (j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of

⁹⁹ The protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, of 11 July, (2003), Article 4 (1) reads "Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited: (2) State parties shall take appropriate and effective measures to: (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;(b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violation against women... (e) punish the perpetrators of violence against women and implement programs for the rehabilitation of women victims

violence of coercion in the workplace. Moreover, General Recommendation No. 19, with regards to gender-based violence against women, state parties have an obligation to such violations, that results from the acts or omissions of both the state or its actors, on one hand, and non-state actors, on the other hand.¹⁰⁰

Also, article 2(d) of CEDAW states that state parties to the present convention, their organs and agents have to refrain from participating in gender-based violence against women. Further, article 2(c and g) of this Convention pointed out that, state parties must have effective and accessible legal mechanisms to address such gender-based violence against women committed by state and non-state actors¹⁰¹.

Apart from the legal frameworks above, FDRE Ministry of Foreign Affairs officials argue that, Ethiopian MDWs in Saudi Arabia had been experiencing human rights and labour rights violations. But they did not fully agree with the causes for sexual harassment. They were unable to protect those violations due to, one thing most of the migrants were illegal which their embassy could not found them and stand against their violations, and second, most of the sexual harassments happened because of our women workers were "rent seekers" which exposed them for sexual violence. Plus, the main duties of Ethiopian embassy in Jeddah is playing diplomacy role, and they are 6 in number which was difficult for them to follow-up those violations and accept their complaints as well¹⁰².

On the other hand, FDRE Ministry of Labour and Social Affairs officials argues that, the reason behind those violations were lack of bilateral agreement between two countries. Ethiopia has bilateral agreements with Qatar, Jordan, and Kuwait, but Ethiopia did not has with Saudi Arabia. Or Ethiopia as the largest labour-sending country to Saudi Arabia than other GCC countries, did not has follow-up mechanism against those violations and abuses. Finally, they asserted that these all gaps contributed to gross violations against Ethiopian MDWs in Saudi Arabia¹⁰³.

¹⁰⁰ UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, available at: <http://www.refworld.org/docid/52d920c54.html> [accessed 17 May 2018)

¹⁰¹ CEDAW: General recommendation No. 35 on gender based violence against women, updating general recommendation No.19, 2017, p.7

¹⁰² Interview with FDRE Ministry of Foreign Affairs officials, March 24, 2018

¹⁰³ Interview with FDRE Ministry of Labour and Social Affairs officials, April 3 &4, 2018

Above all, we can draw a conclusion from the facts extracted from both the research findings and the literature that, MDWs in Saudi Arabia was victims of gender-based violence, and there is no any legal as well as contractual mechanisms whereby those violations can be addressed. This shows that still the economic contributions of MDWs for both countries undervalued, and the violations against MDWs continuous.

3.2.7. Discrimination

MDWs are vulnerable to be a victim of human rights violations and labour rights abuses due to their status as non-nationals in the destination country; Saudi Arabia. The vulnerability status occurs because of the fact that MDWs do no shared common identities, religious believes, and understanding of social facts. As a result, these factors end up with gross human rights violations and labour rights abuses of those MDWs. The majority of the informants experienced exploitation, oppression, discrimination on the ground of different identities during and after their employment periods. As a human being, whether MDWs are skilled or unskilled, shared common identities with nationals or not are entitled rights and deserved to be treated equally regardless of their status. No matter what their race, skin color, sex, language, birth or nationality, and religion are entitled the same rights as nationals¹⁰⁴. Further, the informants were earned small amounts of salary as compared to Philippines MDWs who were doing the same job. As a worker, individuals who do the same work should gate the same pay, and they should be able to earn a salary that allows workers to live and support their families.

Apart from this, the findings also contradict with article 7 of ICESCR, i.e. workers should get fair wages and equal remuneration for work of equal value without distinction of any kind(see p.37). Similarly, the findings did not fit with the CEDAW's argument which states that member states have an obligation to work for eliminating discrimination based on sex, abolishing of gender hierarchies, and work towards gender equality. In addition, CEDAW General Recommendation No. 17 &26 states that state parties to the present Convention should take into account the unremunerated activities of women as a contribution to the national gross product of a given country, and destination countries should guarantee the same rights as national workers(see p.26). With regards to the rights protections of MDWs, the Arab Charter on Human

¹⁰⁴ UDHR, art.2.

Rights is not functional and the enforcement mechanism is a weak. This statement is consistent with Committee of CEDAW criticism against this Charter, i.e. often its discriminatory practices against MDWs. Likewise, the absence of unfair treatment of MDWs within national legislation indicated that the Charter lack enforcement mechanisms among state parties.

General Recommendation No. 30 of CERD also states that, the employment process should be free of any kind of discrimination against migrant worker based on sex, race, ethnicity, and nationality. Whereas, the employment process in Saudi Arabia against Ethiopian MDWS is discriminatory. Also, the findings are incompatible to article 3(d) of ILO, C189, i.e. the elimination of discrimination in respect of employment and occupation. In terms of remuneration, the findings have shown that migrant domestic worker in Saudi Arabia were discriminated based sex, and did not received minimum wages available. Similarly, Protection of the Rights of Migrant Workers and Members of Their Families Convention argues that currently, migrant workers vulnerability to labour exploitation and human rights abuses are increasing. So, the Committee on this Convention also commented that member states should address the rights of migrant workers within the legal framework of decent work for domestic workers¹⁰⁵. Plus, article 11(1 &2) of this Convention stated that migrant workers should not be held as slavery or servitude, and they should be required for forced or compulsory labour.

In general, Saudi Arabia as state party to ICCPR undertakes to respect and to ensure the rights of to all individuals within its territory without distinction of any kind¹⁰⁶. Whereas, the research findings have shown to the contrary , i.e. not only ICCPR, but also other international human rights instruments and ILO Conventions to which Saudi Arabia has ratified are incompatible with the practices on the ground. Finally, the inconsistency between the law and the practice indicate that domestic laws stipulated by Saudi Arabia concerning MDWs lacks intersectionality.

3.2.8. Confinement

There is ample information regarding how women in Saudi Arabia are not allowed to move around unaccompanied by men while outside the household. So, it was not surprising when the majority of informants which I interviewed were confined to certain places by their employers. Employers of MDWs in Saudi Arabia use different techniques to control and confine their

¹⁰⁵ Supra note 45.

¹⁰⁶ ICCPR, art.2.

employees. Some of the techniques are withholding wages, overworking hours, workload without resting period, manifesting offensive behaviors (shouting and insulting), denial of medical service, blocking communication (phone and visiting), and limiting ways in and ways out (from kitchen to room). Alienating MDWs socially and physically can aggravate health problems such as stress, anxiety and depression, and make it even harder for MDWs to access health and other services. For instance, Zemezem said that she was not given a cell phone to communicate with other workers in Saudi Arabia. The same case applied to Kedija, she was not allowed to call to her family. Whereas, Tiblitse was allowed to call to her family, but her employer was not paid her three months salary. Tigist also indicated that her employers were not voluntary to give her salary rather they were forced her to work without rest and day off.

MDWs employers, and FDRE Ministry of Foreign Affairs often defend these practices as necessary to protect the personal security of the employees, and to prevent them from running away. According to Human Rights Watch, arbitrary denial of freedom of movement and association is abusive, and dramatically increases the vulnerability of MDWs to economic exploitation, forced labor, intimidation, and sexual violence and harassment¹⁰⁷. As a human being no one shall be held in slavery and servitude, and required to perform forced labour, except which is mentioned in paragraph 3(a) of ICCPR. Also, as a human person, individuals have the rights to be free and feel safe, and the rights not to be treated as slave by anyone¹⁰⁸. With the same manner, article 8 of ICPR describes that treating an individual like a slave is prohibited and the slave trade in all forms, as well as forced labour is forbidden.

Therefore, the above analysis shows that workers as a human being, the right to freedom of movement, and not to be treated as a slave are violated by Saudi Arabia state and non-state actors. Finally, the researcher strongly agreed that international human rights instruments and ILO labour Convention to which Saudi Arabia is state party is inconsistent with the practices on the ground.

¹⁰⁷ HRWs, 2006. Swept Under the Rug: Abuses against Domestic Workers Around the World

¹⁰⁸ UDHR, art. 3 &4

3.2.9. New findings

Throughout an assessment, I found out similar findings with previous researches and some new findings which could not be found in any other research findings. Some of those new findings are the following.

- First: The majority of informants said that being in illegal status was the most profitable thing which could enable them to work freely from one household to another household. If they were in legal status with a contract for one employer, this would result in confinement, unpaid wages, salary deduction, and excessive working hours with small amounts of salary. Whereas, If they are in illegal status, they can work for several households with hourly based payment.
- Second: few of my informants said that their family in Saudi Arabia confiscate their passports, and even they discriminate. These resulted for the source of violations and abuses.
- Third: Their employers throw the employee when they got sick, instead of providing them with medical treatment.
- Fourth: Saudi Arabian policy officer employer engaged in mistreatment of MDWs. Such as salary deduction, food deprivation, denial of medical care, and degrading treatment on few employees. This indicates that violation can occur by state actors.
- Fifth: Few of my informants strongly have supported working abroad as migrant instead of working in Ethiopia. The reasons they have mentioned was whatever the situation was boring, you could change your life within short periods of time. They could pay you good salary than in Ethiopia. As a result, they advise the potential migrants that migration is good.
- Sixth: Few informants mentioned that members of Ethiopian embassy had exercised their power asking money for their services, which was "give and take". Your complaint in the embassy to be heard, you were forced to pay the reciprocity.
- Seventh: Some of their employers had stolen their money to remain in their house for long periods of time. This could later bring confinement.

- Eighth: Irrespective of employees religious background, some of the male employers insisted their employees for marriage, which could later bring sexual harassment, confinement, food deprivation, and psychological abuses by wives of male employers.

Chapter Four

4. Conclusion and Recommendations

4.1. Conclusion

The plight of Ethiopian MDWs in Saudi Arabia remains unsolved. Ethiopian brokers, employment agencies, and the sponsorship system often played a great role for the violations and abuses of human and labour rights of MDWs; beginning from their country to destination. Various pushing and pulling factors have been screened out in relation to Ethiopian MDWs to Saudi Arabia. The push factors are categorized into three; namely an employment, family income, and salary as major causes for their migration. On the other hand, the pull factors are the growing demand for Ethiopian cheap labour in Saudi Arabia as compared to the Philippines. The majority of MDWs were deceived during recruitment, and while they were signing work agreements. Most of the work agreements were written in the Arabic language which the employees could not understand well. Even they were not given the copy of work agreement which later contributed to psychological abuses. Plus, lack of emigration policy in Ethiopia paved fertile conditions for those brokers and employment agencies for further flattering of MDWs which exposed them to various abuses and violations in Saudi Arabia. Further, due to Ethiopia is not a party to ILO, C189, and not signed bilateral labour agreement with Saudi Arabia before 2013, jointly aggravated for the violations and abuses against MDWs at different levels.

Similarity, Saudi Arabia as labour receiving country has not signed ILO, C189 which could prevent Saudi Arabia from violations and abuses against MDWs. In addition, the sponsorship system also conducive for Saudi Arabia employers to use arbitrary power over their employees. Even, the new MDWs regulation No. 310 of Sept 2013 also fails to address the core issues that foment the vulnerability of the workers to situations of forced labour, confinement, food deprivation, denial of medical service, sexual harassment, workload without resting period, and discrimination. On the other hand, Saudi Arabia Labour Law does not guarantee MDWs from labour rights abuses by state and non-state actors.

Consequently, in the analysis above on lived experiences of Ethiopian MDWs, both states as labour-sending and labour receiving countries jointly hold responsibilities against the protection of the rights of those workers. To the opposite, both countries have shared common identities in terms of failing to ratify and sign basic MDWs rights Conventions, particularly, ILO, C189, and Protection of the rights of All Migrant Workers and Members of their families Convention.

Apart from this, Ethiopia does not have any labour inspection mechanisms in Saudi Arabia, but the Philippines does. Even though Ethiopia has both embassy and consular in Jeddah and Riyadh, both of them do not have sufficient manpower who are dealing with follow-up and administering to the upcoming complains from Ethiopian MDWs. On the other hand, MDWs in Saudi Arabia, including workers in GCC countries, have been supporting the Ethiopian national gross economy both in remittances and buying bonds for "Renaissances Dam". According to FDRE Ministry of Foreign Affairs officials, during repatriation, because they did not have governing laws between the two countries, the Ministry has used the two countries historical ties as diplomacy instrument. This shows that both countries undervalued the contributions of MDWs to their economic growths and sociocultural benefits.

What so ever, the two countries do not ratify and signed the basic labour laws, human rights violations and labour rights abuses against MDWs are crimes and prohibited under UDHR, ICCPR, ICESCR, CERD, CEDAW, and LIO, C189. Since both of them have ratified the above - mentioned treaties, except ILO, C189, Ethiopia as labour-sending country and Saudi Arabia as labour receiving country have the duty to respect, protect, and fulfill human rights of MDWs as a human being.

All in all, as a response to these horrific acts against Ethiopian MDWs, many International Organizations, NGO's and Government Institutions have issued reports and recommendations on how the situation could be improved. However, the responsibility of States (Saudi Arabia or Ethiopia) under international law for these wrongful acts is an issue seldom raised or pursued. Plus, their policies, legislation, and national labour laws did not consider the concept of intersectionality and expected to be in line with this lines(intersectionality). With the presence of the after-mentioned gaps between the two countries, there are improvements in respect of protecting and promoting the rights of MDWs. Those progress are, deployment of "Labour

Atasion¹⁰⁹", bilateral agreements, adoption of the new proclamation, and the establishment of new Vocational training centers which can provide pre-departure training are among the few progress. With these all efforts, the terrified working environment of Ethiopian MDWs in Saudi Arabia remained unsolved.

4.2. Recommendations

The researcher has identified certain recommendations that both countries have to follow so as to solve the occurring violations and abuses against Ethiopian MDWs in Saudi Arabia from the grassroots level. These are the following.

- As the major labour-sending the country to GCC countries, including to Saudi Arabia, Ethiopia needs to revise the scope and the depth of bilateral agreements which they made since 2017. This bilateral agreement plays a vital role in enforcement of labour standards, and protect MDWs from labour abuses and human rights violations. Further, it will create a common understanding between Saudi Arabia and Ethiopia, and among other stakeholders who work with migrants such as ILO, IOM, and AU Ethiopia as the labour-sending country needs to formulate national immigration policy.
- Ethiopia needs to show its commitment to the already ratified human rights treaties and willing to ratify and sign the major ILO Conventions like ILO, C189.
- The Ethiopian Government should develop migration policy on MDWs. As the major labour sending country and the second remittances receiving country next to Nigeria has to develop migration policy which protects the rights of MDWs abroad. Even though the Ethiopian Government gives priority for domestic employment opportunities, as long as she is the major labour supply to GCC, and Saudi Arabia has to develop and adopt migration policy.
- The Ethiopian embassy in Jeddah and Consular in Riyadh have to extend their duties and responsibilities against violations and abuses of Ethiopian MDWs across Saudi Arabia.
- Finally, the Ethiopian government should jointly work with Haji and Umra travel agencies so as to monitor and control the illegal movement of people undercover.

¹⁰⁹ FDRE, Ministry of Labour and Social Affairs(2018): Labour Atashe, is one of the instrument drafted by Ethiopian government to follow-up the abuses and violations against Ethiopian migrant domestic workers in Saudi Arabia.

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Appendix I: Amharic Version of In-depth Interview Guide for MDWs returned from Saudi Arabia

አዲስ አበባ ዩኒቨርሲቲ

የሰብዓዊ መብቶች ማዕከል

ከሳውዲ አረቢያ ለተመለሱ ስደተኛ የቤት ሰራተኞች የተዘጋጀ ቃለ መጠይቅ:

እኔ የዚህ ጥናት አጥኝ ግዛቸው ጌትነት በአዲስ አበባ ዩኒቨርሲቲ የሰብዓዊ መብቶች ማዕከል የማስተርስ ተማሪ እና በአሁኑ ወቅትም የማስተርስ የመመሪቂያ ጽሁፌን እያዘጋጀሁ ሲሆን አርእስቱም "ከሳውዲ አረቢያ የተመለሱ የኢትዮጵያ ስደተኛ የቤት ሰራተኞች የሕይወት ተሞክሮ ከሰብዓዊ መብቶች አኳያ መዳሰስ ነው"። እርስዎ ለዚህ ጥናት ተገቢውን መረጃ ለመስጠት የተመረጡ ሲሆን፤ እርስዎ የሚሰጡት መረጃ ከዚህ ጥናት አላማ ውጭ ለሌላ አላማ የማይውል እና የሰጡትም መረጃ ሚስጥራዊነቱ የተጠበቀ መሆኑን እያረጋገጥኩ ነገር ግን የማይመችዎት ነገር ካጋጠመዎት ወይም ካልተስማማዎት በማንኛውም ጊዜ ቃለ መጠይቁን ማቆም የሚችሉ መሆኑን አሳውቃለሁ። ለተሻለ የመረጃ ጥራትና የእርስዎን ሃሳብ ሙሉ ለሙሉ ለመያዝ እንዲመች ቃለ መጠይቁ በቴፕ ወይም በሌላ መቅረጸ ድምጽ የሚወሰድ መሆኑን በአክብሮት አሳውቃለሁ። በዚህ ቃለ መጠይቅ ለሚወሰድብዎት ጊዜ ማካካሻ 100 ብር እከፍልዎታለሁ። መጠይቁ የሚወስደው የጊዜ መጠን ከ30 እስከ 60 ደቂቃ ነው። ነገር ግን የእርስዎ ዋናው ጥቅም ለሌሎች ትምህርት ሊሰጥ የሚችል የህይወት ልምድን ማካፈል ነው። የህይወት ልምድን ለማካፈል ለቃለ መጠይቁ ውድ ጊዜዎትን በመስዋት ስለተባበሩኝ አመሰግኖታለሁ።

ምዕራፍ አንድ: ስለ ተጠያቂው ግለሰብ አጠቃላይ መረጃ

- 1) የትውልድ ቀንሽን ልትነግረኝ ትችላለሽ? ስንት ዓመትሽ ነው?
- 2) የትውልድ ቦታሽ? የአፍ መፍቻ ቋንቋሽ? ከመሄድሽ በፊት አረብኛ ትችይ ነበር?
- 3) የትምህርት ደረጃሽ? አቋርጠሽ ነበር? ለምን አቋለጥሽ?
- 4) መች ነበር ወደ ሳውዲ ዓረቢያ የሄድሽው? ወደ ሳውዲ ዓረቢያ ስትሄጁ ስንት ዓመትሽ ነበር? ወደ ሳውዲ ዓረቢያ ስትሄጅስ የመጀመሪያሽ ነው?
- 5) ከመሄድሽ በፊት ስራ ነበረሽ? ከሆነ ምን ነበር የምትሰራው? ወርሃዊ ገቢሽ ስንት ነበር ቡብር?
- 6) ከመሄድሽ በፊት ባል አግብተሽ ነበር?

ምዕራፍ ሁለት፡ ቤተሰቦችን የሚመለከቱ መጠይቆች

1. ከቤተሰቦችን ጋር ነበር የምትኖረው? ከሆነ እስቲ አብራሪልኝ? የሚኖሩበት ቦታ? የቤተሰብ ብዛት? ሃይማኖት?
2. የቤተሰቦችን የትምህርት ደረጃ?
3. የቤተሰቦችን የስራ ሁኔታ እስቲ ንገሪኝ? የቤተሰቦችን ወርሃዊ ገቢ ቡብር?

ምዕራፍ ሦስት፡ ወደ ሳውዲ ዓረቢያ ለመሄድ ካሰብሽበት ጊዜ አንስቶ፡ ሳውዲ ዓረቢያ ግብተሽ፡ ስራ ጀምረሽ፡ ስራ አቋርተሽ/ጨርሰሽ እስከተመለሽበት ጊዜ አንስቶ ያለሽን የህይወት ተሞክሮ በተመለከተ የቀረቡ መጠይቆች፡

1. ወደ ሳውዲ ዓረቢያ ለመሄድ መረጃ እንዴት አገኘሽ? ለመሄድስ የገፋፋሽ ምንድን ነው? ብታብራሪልኝ?
2. ወደ ሳውዲ ዓረቢያ ስትሄድ የስራ ውል ፈርመሽ ነበር? የስራ ውሉ የተፃፈው በምን ቋንቋ ነበር? ስለ ስራ ውሉ ይዘት በዝርዝር ልትነግሪኝ ትሽያለሽ? የስራ ውሉን ያስፈፀመው አካል ማን ነበር? አሰሪና ሰራተኛ አገናኝ? በአሰሪና ማህበራዊ ጉዳይ ሚኒስተር? በዘመድ? እስኪ አብራሪልኝ? የስራ ውሉ ቅጅው ተሰጦሻል? እስኪ አሳይኝ?
3. ወደ ሳውዲ ዓረቢያ ከመሄድሽ በፊት በዚያው ስላለው የስራ ሁኔታ፡ ስለማህበረሰብ አጠቃላይ ሁኔታ እና ሳውዲ ዓረቢያ ስላሉት ኢትዮጵያውያን አጠቃላይ ሁኔታ ገለጻ ወይም ስልጠና ተደርጎልሽ ወይም ተሰጦሽ ነበር? ከነበረሰ ማን ነው ገለጻ ወይም ስልጠና ያደረገልሽ? በዝርዝር ልትነግሪኝ ትችያለሽ?
4. ሳውዲ ዓረቢያ ስትደርሽ ማን ነው የተቀበለሽ? አቀባበላቸው እንዴት ነበር?
5. ሳውዲ ዓረቢያ ከደረሽ በኋላ ኢትዮጵያ እያለሽ በተፈራረምሽው የስራ ውል መሰረት ነበር ስራ የጀመርሽው? የምትሰራበት የቤተሰብ ሁኔታ (ወንድ ላጤ፡ ሴቴ ላቴ፡ ቤተሰብ) እና የቤተሰብ አባላት ብዛት ስንት ነበር?
6. ደመወዝሽን በስራ ውሉ መሰረት ይከፈልሽ ነበር?
 - 6.1. አዎ ከሆነ መልስሽ፡ ስንት ነበር የምትከፈይው? በስዓቱ ይከፍሉሽ ነበር?
 - 6.2. አይደለም ከሆነ መልስሽ፡ ለምን? ስንት ነበር የምትከፈይው? አብራሪልኝ እስቲ?
7. በቀን ምን ያህል ሰዓት ነበር የምትሰራው? በቀንና በማታ ትሰራ ነበር? እስቲ የሳምንት፡ የወር ወይም የዓመት እረፍት ታገኝ ነበር? ታገኝስ ከነበር ብትገልጭልኝ?
 - 7.1. በሳምንት.....
 - 7.2. በወር.....

7.3. በዓመት..... እያልሽ ንገርኝ እስቲ? በበዓላት ቀንስ እረፍት ታገኝ ነበር? ከሆነስ፡ ከነክፍያ ወይስ ካለክፍያ? እረፍት ካልሰጡሽስ ለምን? ከብራሪልኝ እስቲ?

8. ሳውዲ ዓረቢያ ጓደኛ ነበረሽ? ከነበረሽስ አሰሪዎችሽ እንድትገናኝ ይፈቅዱልሽ ነበር? ቤተሰቦችሽን እንድትገናኝ ይፈቅዱልሽ ነበር? ከሆነስ እንዴት ነበር የምትገናኘው? በራሽሽ ወይንስ በሌላ ሰው?

9. በምትሰረቡት ቤት አመጋገብሽን ንገርኝ እስቲ? በአግባቡ ምግብ ታገኝ ነበር? በአግባቡ ከላገኘሽስ ለምን ነበር በአግባቡ የማታገኘው?

10. በምትሰረቡት ወቅት ህመም አጋጥሞሽ ነበር? ከሆነስ በወቅቱ ህክምና አግኝተሽ ነበር? ህክምና ካላገኘሽስ ያላገኘሽበት ምክንያት ብታብራሪልኝ?

11. አሰሪዎችሽ ጋር የነበረሽን ግንኙነት እስቲ ንገሪኝ?

12. ሳውዲ ዓረቢያ እያለሽ የወሲብ፡ የአካል ወይም የስሜት ጥቃት ደርሶብሽ ያወቃል? ደርሶብሽ ከነበርስ ጥቃቱ የደረሰብሽ በማን ነበር? ችግርሽን ለመፍታት የአሰሪዎችስ አስተጾ ምን ነበር? የፖሊስና የሕግ አስፈጻሚዉ አስተዋጸስ ምን ይመስል ነበር? ሳውዲ ዓረቢያ ያለው የኢትዮጵያ ኢምባሲ ጉዳይሽን አሳውቀሽ ኢምባሲው የነበረው ምላሽ ምን ነበር? የሕግ ምክር አገልግሎት ከመስጠት እስከ ጠበቃ አቆሞልሽ ጉዳይሽን እስከማስፈጸም የነበረው እንቅስቃሴ ምን ይመስል ነበር? ሳውዲ ዓረቢያ ያለው የኢትዮጵያ ማሕበረሰብ የነበረውን አስተዋስ ብታብራሪልኝ?

13. ሳውዲ ዓረቢያ እያለሽ ተከሰሽ ታውቂያለሽ? በምን ጉዳይ ነበር የተከሰሽው? ስትከሰሽ ሳውዲ ዓረቢያ ያለው የኢትዮጵያ ኢምባሲ ጋር ያለሽ ግንኙነት ምን ነበር? ጉዳይሽን አሳውቀሽ ኢምባሲው የነበረው ምላሽ ምን ነበር? የሕግ ምክር አገልግሎት ከመስጠት እስከ ጠበቃ አቆሞልሽ ጉዳይሽን እስከማስፈጸም የነበረው እንቅስቃሴ ምን ይመስል ነበር? ሳውዲ ዓረቢያ ያለው የኢትዮጵያ ማሕበረሰብ የነበረውን አስተዋስ ብታብራሪልኝ?

14. ሳውዲ ዓረቢያ ከሄድሽበት እስክትመለሽ ድረስ ስንት ቤት ሰርተሽል? ከአንዱ ቤት ወደ ሌላኛው ቤት ስትቀይሪ፡ ምክንያቱ ምን ነበር? የተለያዩ ቤቶች ሰርተሽ ከሆነ፡ እስቲ የነበረውን የአሰሪዎችሽ አያያዝ ልዩነትና አንድነት ብታብራሪልኝ?

15. ሳውዲ ዓረቢያ በአንኝ ሙያ ተሰማርተው የሚገኙ የሌላ ሀረግ ዜጎች አሉ? ካሉስ ከኢትዮጵያ ስደተኛ የቤት ሰራተኞች የሳውዲ መንግስት ወይም የሃገራቸው መንግስት የምያደርግላቸው ከኢትዮጵያውያን የተለየ ነገር ካለ ብታብራሪልኝ?

16. ሳውዲ ዓረቢያ እያለሽ በኢትዮጵያ በሚደረጉ የልማት እንቅስቃሴዎች የነበረሽ አስተዋጾ ካለ ብትገልጭልኝ?

17. ቤተሰቦችሽን በገንዘብ ትረጅ ነበር? ከሆነስ ገንዘቡን እንዴት እና በማን ነበር የምትልከው? ብታብራራልኝ?
18. ኢትዮጵያ እያለሽ እና ሳውዲ ዓረቢያ ከሄድሽ በኋላ ሕይወት ተቀይቋል ብለሽ ታስቢያለሽ? ከሆነስ እስኪ አብራራልኝ? ካልሆነስ ለምን?
19. ሳውዲ ዓረቢያ በነበርሽበት ወቅት ያጋጠሙሽ አስደሳች፣ አግራሞት የሚጭሩ፣ አሳዛኝ ገጠመኞች ካሉሽ ብታካፍይኝ?
20. በአጠቃላይ ስለ ስደት እና ለመሰደድ እየተዘጋጁ እና ሃሳቡ ላላቸው ግለሰቦች፣ ለአሰሪ እና ሰራተኛ አገናኝ ድርጅቶች፣ ለሳውዲ እና ለኢትዮጵያ መንግስት የምትይወ ካለ ብትገልጭልኝ? ቀሪ፡ ሳልናገረው የማላልፈው ሃሳብ አለኝ የምትይ ከሆነ ሃሳብሽ የማንጸባረቅ መብትሽ በሕግ የተጠበቀ ነው.....
በድጋሜ ለትብብርሽ በጣም አመሰግናለሁ!!!

Appendix II: Interview Guidelines For FDRE Ministry of Labour and Social Affairs
Addis Ababa University
Centre for Human Rights

Part One: Interview Questionnaire for FDRE Ministry of Labour and Social Affairs
Officials and experts

My name is Gizachew Getinet who is second-year Master of Arts in Human Rights student at Center for Human Rights, Addis Ababa University. For the partial fulfillment of Master's Degree in Human Rights, I have chosen to study "Lived experiences of Ethiopian MDWs returned from Saudi Arabia: analysis from human rights perspective". I do believe that your information is vital to understand the lived experiences of MDWs returned from Saudi Arabia about their human rights situations in general and labour rights protections in particular.

Once your consent confirmed, your valid responses will be kept secret and used for academic purpose only. The researcher will record the responses of the key informants using tape so as to capture the original response and later transcribed for the purpose of data analysis. Do not hesitate to tell your exposure to this issue and genuine information.

Thank you for taking time to give me the information and without your effort, this research will not be complete.

I: Personal profile:

1. Sex: Female----- Male.....
2. Educational background.....
3. Official capacity.....

II: Institutional information:

1. Name of institution.....
2. Status: Governmental.....Local NGO.....Inter governmental.....UN Agency.....International NGO.....Regional.....
3. Mandate.....

II: Interview questionnaire related to MDWs returned from Saudi Arabia

1. From where MDWs come from? Rural or urban? What were their educational, social and economic backgrounds and their readiness for migration?
2. From where migrants got information about the process of migration?
3. By whom MDWs migration processes are facilitated? Were there any legal foundations? What was your organizational mandate in migration process? Would you like to specify?
4. Did your organization provide training for MDWs before their departure? If you say yes, would like to specify the focused areas of the training?
5. Did your organization had to follow up mechanisms of those MDWs in the host country?
 - 5.1. If you say yes, would you like to specify some of them?
6. Would you like to tell me how MDWs were treated in the host country by their employers, state authorities, police, and the community in general?
7. Had you ever received complaints in relation to exploitations, abuses or violations of their labour rights?
 - 7.1. If you say yes, would you like to mention some of them?
 - 7.2. What were your organizational responses to those complains? How could your were organization handling those complaints? Would you like to specify some of the mechanism, if any?

8. Does your organization has bilateral agreements with Saudi Arabia Ministry of Labour?
If you say yes, would you like to tell me the main areas of the agreement? What do you think that this bilateral agreement is significant?
9. If your answer for Q. No. 8 is no, what do you think are the reasons? Would like to specify some of them, if any?
10. How were MDWs returned? Were their returner based on work agreements or Forcefully?
10.1. If you say it was forcefully, what were the reasons and the responses of your organization? Would you like to specify?
11. How are MDWs treated after arrival?
12. Whose mandate is treating those returnees MDWs? Is there any responsible body or organ whether governmental or nongovernmental?
13. Generally, what do you say about potential MDWs, the families, the community, labour laws, migration policy, bilateral agreements, and training?
Anything left you to want to specify-----

Thank you so much!

Appendix III: Interview Guidelines for FDRE Ministry of Foreign Affairs
Addis Ababa University

Centre for Human Rights

Part One: Interview Questionnaires for FDRE Ministry of Foreign Affairs officials and experts.

My name is Gizachew Getinet who is second-year Master of Arts in Human Rights student at Center for Human Rights, Addis Ababa University. For the partial fulfillment of Master's Degree in Human Rights, I have chosen to study "Lived experiences of Ethiopian MDWs returned from Saudi Arabia: analysis from human rights perspectives". I do believe that your information is vital to understand the lived experiences of MDWs returned from Saudi Arabia about their human rights situations in general and labour rights protections in particular.

Once your consent confirmed, your valid responses will be kept secret and used for academic purpose only. The researcher will record the responses of the informants using tape so as to capture the original response and later transcribed for the purpose of data analysis. Do not hesitate to tell your exposure to this issue and genuine information.

Thank you for taking time to give me the information and without your effort, this research will not be complete.

I: Personal profile:

4. Sex: Female----- Male.....
5. Educational background.....
6. Official capacity.....

II: Institutional information:

4. Name of institution.....
5. Status: Governmental.....Local NGO.....Inter governmental.....UN Agency.....International NGO.....Regional.....
6. Mandate.....

III: Interview questionnaire related to Ethiopian MDWs

1. Does Ethiopia has ratified Decent Work for Domestic Workers Convention No. 181(2011) and its Recommendation No.201?
 - 1.1. If you yes, how could you describe its significance in relation to labour-sending to the Gulf Cooperative Council countries?
 - 1.2. If you say no, what is the reason behind?
2. FDRE Ministry of Foreign Affairs in 2013 has adopted Diaspora policy. Are MDWs included under this policy?
 - 2.1. If you yes, how?
 - 2.2. If you say no, why?
3. Does Ethiopia has bilateral agreements with Saudi Arabia?
 - 3.1. If you say yes, does this bilateral agreements have human rights elements?

4. What is the contribution of MDWs to the Ethiopian economy? Would you like to mention some of the ways to which they are significant?
5. What is the role of Ethiopian Embassy in relation Ethiopian MDWs in Saudi Arabia? What functions does the embassy provide to those MDWs during accusation; like providing legal consultancy service?
 - 5.1. If you say no, why?
6. Many kinds of literatures stated that Ethiopian MDWs have been facing human rights violations and labour rights abuses in Saudi Arabia. How do your organization see their arguments?
7. Have your organization ever been received any complaints from Ethiopian MDWs in Saudi Arabia?
 - 7.1. If you say yes, what were their major areas of complaint, and what was your organization response?
8. In 2018, Ethiopia has lifted immigration ban to the Gulf Cooperative Council(GCC) countries. What is the logic behind removing the ban? How could you differentiate immigration policy before and after the ban?
9. Whose mandate is facilitating immigration process? Do you have monitoring and evaluation mechanisms for employment agencies?
 - 9.1. If you say yes, would like to specify some of the mechanisms?
10. Comparatively, how do you evaluate the Ethiopian immigration policy with other labour-sending countries; like the Philippines?
11. In 2017, many Ethiopian MDWs repatriate from Saudi Arabia. Does the repatriation process followed the bilateral agreements and with due respecting human rights principle?
 - 11.1. If you say no, why and what was the response of your organization?
12. In general, what do you say about the role of foreign diplomacy in relation to MDWs with Saudi Arabia government?

If any, please specify.....

Thank so much for your cooperation!

**Appendix IV: Information on MDWs in GCC countries based on region and
City administration**

Region	2001 E.C		2002 E.C		2003 E.C		2004 E.C		2005 E.C		2006 E.C		Total	
	M	F	M	F	M	F	M	F	M	F	F	M	F	M
Tigray	463	949	131	573	284	1582	1277	8592	921	8390	36	922	3112	21008
Afar	148	35	53	31	26	139	308	611	84	558	1	38	620	1412
Amhara	979	3551	261	1952	542	10769	3462	62836	271	55877	115	6367	8074	141352
Oromia	644	3600	225	2757	422	10430	2420	64431	179	67219	129	7423	5630	155860
SNNP	517	1981	117	1300	443	4547	927	23392	478	24821	53	3039	2535	59080
A.A	1119	7251	620	6860	969	11813	2235	26774	122	17667	73	2381	6240	727464
Gambela	-	-	-	-	2	12	2	50	4	28	-	13	8	103
DiraDaw a	2	8	4	34	9	162	61	764	24	388	1	21	101	1377
Harar	1	15	3	12	2	15	10	111	3	85	-	7	19	245
Somalia	-	5	2	10	2	16	7	41	0	35	-	1	11	108
Benshan gul	-	-	1	-	2	45	18	338	23	362	-	50	44	795
Total	3873	17395	1417	13529	2703	39520	10727	187940	7266	175430	408	20262	26394	454086

Source: FDRE Ministry of Labour and Social Affairs

Appendix V: Information on MDWs in GCC countries sex distribution

Sex and age	2001 E.C		2002 E.C		2003 E.C		2004 E.C		2005 E.C		2006 E.C	
	M	F	M	F	M	F	M	F	M	F	F	M
20-24	230	8	1023	13	5680	92	32599	612	40331	587	689	3
25-29	7943	320	7090	286	2224	923	119728	4200	116872	3549	13330	217
30-34	6285	1351	3839	504	8620	896	25852	3230	13975	1743	5324	159
35-39	2161	1243	1196	359	2300	517	7102	1683	3247	871	695	33
40-44	657	656	282	155	531	187	2086	681	763	341	173	10
45-49	143	210	58	70	111	77	428	237	139	124	23	4
50-54	39	62	12	22	16	16	92	67	26	41	4	1
55-59	17	13	11	5	10	5	20	22	18	5	-	-
60-64	4	8	5	4	1	-	6	6	15	3	-	-
65+	14	4	11	1	19	1	14	2	43	3	5	-
Total	1739	3875	1352	1419	3952	2704	187927	10740	175429	7267	20243	427
	3		7		9							

Source: FDRE Ministry of Labour and Social Affairs

Appendix VI: Information on MDWs distribution in destination countries

Destination country	2001 E.C		2002 E.C		2003 E.C		2004 E.C		2005 E.C		2006 E.C	
	M	F	M	F	M	F	M	F	M	F	F	M
Saudi Arabia	3749	9399	1082	2396	2030	13446	10341	158959	7127	154669	388	16499
Kuwait	103	6976	321	10837	663	25457	270	28476	130	20659	20	3751
U.A.E.	9	113	1	142	0	510	109	321	-	-	-	-
Others	14	905	148	19	12	115	16	175	12	108	-	12
Total	3875	17393	1552	13394	2705	39528	10736	187931	7269	175427	408	20262

Notice: Saudi Arabia-380076, Kuwait- 97663, U.A.E.-1205, others- 1539, total- 480480