

Questionnaire for NGOs and other stakeholders on domestic servitude

This questionnaire is addressed to stakeholders such as international and regional organisations, national human rights institutions, UN agencies, funds and programmes, non-governmental organisations, trade unions, research institutions, businesses, community initiatives, private individuals, foundations and academia.

The below questionnaire is meant to assist the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, with elaborating a comprehensive report on domestic servitude of migrant women and girls that will be presented to the Human Rights Council in September 2018.

The responses to the below questionnaire should be submitted to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences in English, French or Spanish at [srsalavery@ohchr.org](mailto:srslavery@ohchr.org)

The deadline for submissions is 18 May 2017.

If not stated otherwise in your submission, the responses received will be published on the website of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

Question 1

Please provide information on your organisation and its work with migrant domestic workers who became victims of contemporary forms of slavery, including the countries in which you work on this issue.

Ethiopia has become one of the major sending countries of Migrant Domestic Workers (MDWs) to the Middle Eastern countries and their numbers have greatly increased in recent years. According to the data from Ministry of Labour and Social Affairs (MoLSA) around 460,000 Ethiopians have legally migrated for employment to the Gulf Cooperation Council (GCC) States mainly Saudi Arabia, Kuwait and United Arab Emirates, and Lebanon between September 2008 and August 2013 out of which close to 86 percent are women going as domestic worker. MDWs in receiving countries are concentrated in less regulated occupations where they work excessive hours without over pay, no weekly or monthly rest days, and restrictions on freedom of movement,

exposed to psychological, physical and sexual abuse. Most of them even suffer from virtual imprisonment with their travel and identity documents confiscated. The deceptive recruitment practice, and increase in irregular migration combined with a significant number of reported cases of abuse, forced labour and mistreatment of Ethiopian migrants domestic workers have forced the Government of Ethiopia (GoE) to put a temporary ban on low-skilled migrant workers going to the Middle East and Sudan between October 2013 to January 2018.

In support of the GoE, ILO undertook various activities to ensure that decent work is guaranteed to Ethiopian migrant domestic workers and labour standards are granted to them. Considering the existing situation of irregular migration, ILO supports the GoE in putting in place an efficient and effective structure to govern labour migration and create the necessary awareness to better equip migrants and potential migrants to make informed decisions. Some of the major ILO's intervention in the country include informing policy making through undertaking various studies and discussing results with relevant stakeholders, capacitating the GoE and social partners for improving existing services provided to migrants, supporting the GoE in the revision of an improved legislation and policies for the protection of MDW, improving coordination and cooperation of relevant stakeholders at origin and destination through bilateral dialogues to ensure better protection of MDW, promoting the ratification of the ILO convention relating to the Rights of Domestic Workers C189, establishing a decentralized and digitalized registration system for migrants, providing MDWs with relevant information and substantive training to throughout all stages of the migration process in order to reduce exploitation and abuse and sensitizing migration-prone communities to enable them make informed decisions about migration and about their rights and obligations.

Question 2

A. Please characterise the legal and/or policy frameworks relevant to the protection of migrant domestic workers subject to contemporary forms of slavery, as well as any global trends you would like to highlight. Please include information about provisions criminalising contemporary forms of slavery, those that might establish distinct rights and/or restrictions for domestic workers, including migrant domestic workers (in regards to, for instance, salary, working hours, freedom of movement, freedom of association, limited freedom to change employers, etc.), as well as measures to identify and support migrant domestic workers who are or were victims of contemporary forms of slavery.

B. Please include specific references to the source of law when possible.

Ethiopia legal/policy framework tried to address the issue of forced labour. The Federal Democratic Republic of Ethiopia (FDRE) constitution article 32 pursuant of the freedom of every Ethiopians to move and reside within the country and to leave the country is always guaranteed. Also the other constitutional provision of relevance is Article 18/2, which strictly prohibits the holding of persons in slavery or servitude and outlaws human trafficking for whatever purpose.

Article 9/4 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) provides that “all international agreements ratified by Ethiopia are an integral part of the law of the land.” Moreover, article 13/2 of the FDRE Constitution provides that the fundamental rights and freedoms recognized under Chapter 3 of Constitution shall be interpreted in a manner conforming to the International Covenant on Human Rights and the other international instruments adopted by Ethiopia.

Currently, Ethiopia has ratified numerous international and regional treaties in relation to human rights. These include the African Charter on Human and Peoples Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Elimination of All Forms of Discrimination against Women Convention; the Convention on the Rights of the Child; the Convention on the Elimination of Racial Discrimination; the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Prevention and Punishment of the Crime of Genocide. Above all, Ethiopia has ratified the ILO’s eight fundamental convention¹ including Forced Labour Convention, 1930 (C29) and the Private Employment Agencies Convention, 1997 (C 181).

To address the increased irregular migration, trafficking and smuggling of migrants and the associated grave violations of human rights and suffering of citizens, Ethiopia has enacted the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015. The objective of this proclamation is to provide adequate protection, support, and rehabilitation to victims of trafficking and to impose severe penalties on culprits. The Proclamation sets out procedures for the investigation of smuggling and trafficking offences as well as establishing procedures for the protection and rehabilitation of victims of trafficking.

To address the growing demand for overseas employment, meet the dynamics of the labour migration and fill the shortcomings of proclamation 909/2015 in supporting regular overseas

¹ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102950

employment, Ethiopia revised the Employment Exchange Services Proclamation No. 632/2009 and decreed the Overseas Employment Proclamation No. 923/2016. Its principal objectives covers the establishment of bilateral agreements, the fight to human trafficking, and clearly defines and regulates the role of the private sector in overseas employment exchange service in order to avoid precarious recruitment processes.

The Overseas Employment Proclamation applies to Ethiopians travelling abroad to engage in overseas contracts of house maid service. This law, according to the Labour Proclamation No. 337/2003, is governed by a directive issued by the Ministry of Labour and Social Affairs. At the same time, it is addressing one aspect of the employment services listed in article 172 of Proclamation 377/2003. A closer perusal of Proclamation 923/2016 reveals that overseas employment is possible only upon permission by the Ministry after considering the assurances that the employee's rights and dignity will be protected in the receiving country.

With regard to labour inspection, Proclamation 923/2016 assigns a labour inspector to monitor any agency whether is discharges its obligation or responsibilities provided for in this proclamation. Furthermore, the Labour Proclamation (Article 177-182) indicates that labour inspectors are authorized by the Minister of Labour and Social Affairs to carry out the responsibilities of follow-up and supervision of the inspection service. The national legislation provides inspectors the power to enter the work premises during working hours without prior notice; take measurements, photographs, samples and make recordings for the purpose of examination and investigation; examine, copy or extract registers, documents, certificates and notices; interview any one; and ensure that relevant notices are affixed at the appropriate place of work. However, in the majority of cases, abuses occur in the receiving country. Nevertheless, in receiving countries it is not possible to intervene with labour inspections and, unless comparable investigations are carried out, it is difficult to assume that the dangers of human trafficking under the guise of overseas employment are curbed. Proclamation 923/2016 does not allow the Ministry to assign a labour inspector to conduct workplace inspection, but allows the assignment of a labour attaché to the Ethiopian Mission in the receiving country. Proclamation 923/2016 and the Labour Law are in harmony for what concerns the task of the labour attachés.

Pursuant to Article 32 of the Constitution, the Overseas Employment Proclamation No. 923/2016 warrants the rights of Ethiopians to move and work abroad. The Proclamation 923/2016 prohibits illegal recruitment and trafficking and Article 3 and 5 of Proclamation 909/2015 "Prevention and suppression of trafficking in persons and smuggling of migrants" stipulates crimes of trafficking

and smuggling of migrant along with the punishment. Moreover, Proclamation 923/2016, in particular with its article 17, requires the preparation of model contract of employment for overseas worker, to guarantee limited work-hours, minimum wages, rest, leave, remunerated leave for public holidays, and healthy and safe working environment. Proclamation 923/2016 considers illegal the recruitment and deployment abroad of workers below 18 years of age, and any violation of this provision supposedly entails criminal liability in accordance with the relevant criminal law (see articles 42/3/d and 47/3).

To respond to the usual practice of withholding of passport and travel documents, Article 42/3/q of Proclamation 923/2016, prohibits withholding of travel documents and this entails revocation of the licence of the agency. To prevent abuse and exploitation of migrant workers at recruitment, the Ethiopian Proclamation 923/2016 accords higher protection as it prescribes a no-fee system and unequivocally prohibits the employment agencies from charging any fee on the worker; Article 42/3/i clearly stipulates exemptions of recruitment fees and related costs.

Freedom of association and the right to collective bargaining are cornerstone ILO principles. However, Proclamation No.923/2016 fails to recognize the right to freedom of association and the right to collective bargaining of migrant workers.

Question 3

Please describe the main challenges and barriers identified in the country or countries in which your organisation works to ensuring the human rights of migrant domestic workers victims of contemporary forms of slavery. Please also specify any global trends that you are aware of.

Ratification of ILO relevant labour migration instruments by origin and destination countries: ILO Domestic Workers Convention, 2011 (No. 189) seeks improvement of working and living conditions for domestic workers, including migrant domestic workers. Ethiopia and the GCC countries have not yet ratified Convention No. 189 on domestic work nor ILO Migration for Employment Convention (Revised), 1949 (No. 97), ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

Monitoring fair recruitment and zero recruitment fees and related costs: Fostering fair recruitment practices, preventing human trafficking and reducing the costs of labour migration

with a recruitment fee omissions is one of ILO's priority in its fair recruitment initiative. ILO global studies that focused on assessing relationship between forced labour, human trafficking and corrupt recruitment illustrate that the payment of recruitment fees by a migrant worker increased their risk of ending up in forced labour. The choice of informal agencies or brokers depends on the belief that they provide cheaper solutions. The result asserts that payment of high recruitment fees by migrant workers contributes to the increased vulnerability as they have to repay their debts for several months and sometimes years. As a result the migrant workers will be highly dependent on their employers, who often deduct recruitment fees directly from their wages. The baseline assessment on improved labour migration governance to protect migrant workers and combat irregular migration in Ethiopia finding reaffirms the high correlation between coverage of recruitment fee by migrant domestic workers and forced labour. Therefore, ensuring fair recruitment practice and ensuring recruitment fee omissions prevents migrant domestic workers from exploitation and abuse by corrupt labour recruiters and fraudulent and abusive employment agencies. However, regular and continuous monitor and follow up of the recruitment process and recruitment related costs has become a bit difficult and challenging for the Government of Ethiopia.

Provision of quality service for potential migrant workers: The ILO study on migration and forced labour: An analysis on Ethiopian workers proved that many return migrants in Ethiopia did not receive the relevant information before their departure nor they discussed the terms and conditions of their future jobs with their employer or recruiter. Few received oral promises and only a very limited group of migrants obtained a written contractual agreement with their employer or recruiter regarding the nature of the work (5.9 per cent) and the wage (9 per cent). A large proportion of migrants do not find the job promised before migration in the destination country and are forced into prostitution, domestic servitude, and forced labour upon their arrival. The study reveals that about 60 per cent of returnees were in forced labour when abroad (ILO, 2014)². Establishing a quality and proper service provision mechanisms for potential migrants to access the needed labour migration information prior to departure is crucial in order to equip them with the relevant knowledge and skills to avoid the deception by brokers and smugglers. This would give them better understanding about the countries of destination and support them in making an informed decision. MoLSA has been decentralizing the migration services up to local level

² ILO (2014) Migration and forced labour: An analysis on Ethiopian workers.

http://www.ilo.org/addisababa/information-resources/publications/WCMS_621555/lang-en/index.htm

administrative structures. However, the Government of Ethiopia limited capacity, i.e. human, material and financial resources, significantly impacts the delivery of quality services at local level.

Migrant domestic workers pursuing irregular routes: Significant amount of Ethiopian Migrant Domestic Workers live the country irregularly and as a result they do not have proper documentation (passport, visa and work permit) to travel and work abroad. The ILO (2017) baseline assessment report depicts that 45 per cent of the respondents (returnees and migrant workers) had no documentation prior to their travel and only 17 percent had obtained both a visa and work permit. This means that 83 per cent of the returned and still working migrants can be considered as irregular migrants. Monitoring and deterring irregular migration by promoting and availing regular labour migration is still a challenge in the country. The current move by the government to lift the ban on overseas employment might help in addressing this particular challenge.

Return of Ethiopian migrant and challenges: The majority of Ethiopian migrant returnees do not achieve their goals during their migration in the Middle East. The poor working conditions and challenges they face in destination country does not allow them to meet their goals (financial and social). The majority of MDWs remit their salary to their families. According to the ILO report on migration and forced labour, use of remittances were mainly allocated to consumption (60.6 per cent), but also investment (15.6 per cent) and saving (8.2 per cent). Therefore, upon return, most MDWs remain in situations of vulnerability since they do not have enough saving to establish a sustainable income generating activity. In addition, a study by Kushminder (2014)³ found that over 60 per cent of returnees were unemployed upon return, and of those that were employed nearly half reported being underemployed. The lack of employment opportunities upon return was a driving force for several returnees to consider re-migration, despite the challenges that they had faced.

Barriers in destination countries: Gulf Cooperation Council (GCC) countries have explicitly excluded (or in a few cases, only minimally covered) domestic workers under their labour and social security laws. For instance, Qatar, Kuwait and UAE have put in place a Domestic Workers Law, an Employment of Domestic Workers law and a Federal Law on Support Service Workers respectively that are different from the National labour law. The different laws in the GCC countries put in place do not provide the needed protection to the migrant domestic worker, where in some cases minimum wage nor information regarding overtime work is not specified (case of

³ Kushminder, 2014. Female Return Migration and Reintegration in Ethiopia

Saudi Arabia, Bahrain and UAE), in Bahrain, working hours is not even determined and in Saudi Arabia it is set for 15 hours per day. In addition, GCC laws do not allow labour inspectors to enter private homes, therefore monitoring and inspecting to ensure the human rights of migrant domestic workers is non-existent. Also, in some destination countries, such as Kuwait and Qatar, domestic workers including migrant domestic workers are under the mandate of the Ministry of Interior rather than the Ministry of Labour. This has made the protection of migrant workers in GCC States and Lebanon a difficult tasks. Another challenging system considered a barrier in destination country is the Kafala system, which is a sponsorship system that regulates residency and employment of workers in Gulf Corporation Council countries for Migrant Domestic Workers. This gives the sponsor full responsible for paying any recruitment fees and takes full economic and legal responsibility for their workers. The system allows the sponsor to have complete control over the migrant's legal status, freedom of movement, and employment mobility. As a result, MDWs are exposed to limiting and constraining immigration procedures that put them in danger of exploitation and abuse. Despite the total administrative, financial dependency on the employer, the regularity of migrant domestic workers are bound with the employer. Namely, in the case where the employer does not renew the worker's papers, or in the case where the employee leaves the employer, the worker automatically becomes illegal and is subject to arrest or deportation.

Question 4

A. Please elaborate on any specific violence, threats of violence, abuse or harassment faced by migrant women and girls who are in situation of domestic servitude.

B. Please elaborate on any other human rights violation faced by migrant women and girls who are in situation of domestic servitude (including, for example, their right to health, water, housing, freedom of movement, freedom of association, etc.).

There are several reports of human rights abuses of domestic workers in the Middle East, however there are no official statistics on the frequency and forms of abuse to come up with concrete evidence on the prevalence and extent of the abuse, violence and exploitations on domestic workers. However, a couple of studies conducted indicate a widespread abuse, violence and exploitation of migrant workers in Middle East Countries.

Kuschminder (2014) study on Ethiopian female returns report reveals that Ethiopian Migrant Domestic Workers mentioning of several different forms of abuse including: beatings, indentured

labour, not receiving food, not receiving payment, sexual harassment, verbal abuse, and restricted movement. Kuschminder also found that a normal situation for a domestic worker in the Middle East is to be working 18 hours per day with no day off per week. Another study conducted by ILO in Lebanon reveals that significant number (up to 67%)⁴ of Ethiopian Migrant Domestic Workers work all seven days of each week, and on average 16 hours per day, which is by far beyond the expected 10 hour per day (including overtime), without overtime fee.

Also, a study on Ethiopian Migrant Domestic Workers Vulnerability conducted by ILO (2014), substantiate Kuschminder findings. It described the plight and abuse of Ethiopian Migrant Domestic Workers face starting from recruitment, and while working in Middle East countries. The reported cases of abuse range from psychological to sexual violence and physical torture, which sometimes leads to death. Reports of such abuse refer to employers as well as recruiters as perpetrators.

Moreover, the Baseline Assessment conducted by ILO (2017) indicates that as much as 72 per cent of respondents (returnees and Ethiopian migrant domestic workers in Middle East Countries) are characterized as victims of forced labour. Forced labour manifested in work and life under duress but also occurred during recruitment and at the time migrant workers wanted to leave their employer. More than half of respondents highlighted that they were harassed or humiliated, and 46 per cent were under constant surveillance. A large proportion (42 per cent) had their freedom of movement restricted. Furthermore more, a significant share of respondents reported other penalty abuses such as withheld wages, physical violence, risk of injury, confiscation of their identity documents, threats of violence to their family and were fired without reason. Around 13 per cent of the respondents cited sexual abuse, which actually ranked lowest among all abuses reported⁵. The study also reveals that MDWs who had paid recruitment fees in the Middle East and did not received some type of migration service prior to migrating are highly vulnerable to forced labour.

The Benefit scheme enrolments are almost non-existent in the Middle East; 83 per cent of the respondents of the Baseline Assessment did not receive any such benefit. However, the remaining had access to private health insurance coverage. The same study estimates that more than 50

⁴ ILO, 2014. The Implication of Work related Vulnerabilities of Migrant Domestic Workers in Lebanon. http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---sro-addis_ababa/documents/publication/wcms_621750.pdf

⁵ ILO, 2017. Baseline Survey: Improved Labour Migration to Protect Migrant Workers and Combat Irregular Migration in Ethiopia; Unpublished

percent of Migrant Domestic Workers in Middle East are not receiving any of the social security schemes, which violates their basic labour rights. Above all, unfair wage deduction and withheld of passport have been stipulated by studies conducted by different agencies. The studies inform that the deduction were for clothing or equipment, food and accommodation, which can be regarded as unfair deductions.

Question 5

Please elaborate on the challenges faced by migrant women and girls who are at the risk of or who are already under conditions of domestic servitude to obtain protection against their human rights violations.

Ethiopian Domestic workers are victims of human rights violations due to their powerlessness under national labour laws. At the government level, most states in the Middle East do not count domestic workers as employees under their national labour codes. The law's exclusion is due to the private nature of the employment relationship.

Studies conducted by ILO and other similar organizations⁶ indicate that insignificant Ethiopian Migrant Domestic Workers are aware of the protection services provided by Diplomatic mission and other duty bearers. Despite the limited number of services providers and the unfavourable environment to provide protection services for migrant domestic workers, those that are aware of these services are not willing to seek them since many Ethiopians are irregular migrant and are uncomfortable to access the service. In addition, it is difficult to keep track of them due to their irregular status.

The finding of the Baseline Assessment show that very few number of NGO, government agencies (in some countries) and Ethiopian missions provide support when migrants seek protection and other assistance, due to their inadequate resources. However, the few services include mediation, legal services, medical assistance, emergency shelter and return assistance. This is often done in partnership with local NGOs and other civil society organizations. For instance, Ethiopian Missions in Lebanon, Kuwait, Qatar, KSA, the United Arab Emirates provide shelter, medical assistance, protection (negotiate with employers or go to court) and assistance to return to

⁶ RMMS, 2014. Blinded by Hope: Knowledge, Attitudes and Practices of Ethiopian migrants and ILO, 2014. The Implication of Work related Vulnerabilities of Migrant Domestic Workers in Lebanon. http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---sro-addis_ababa/documents/publication/wcms_621750.pdf

Ethiopia; but it generally lacks adequate resources to be proactive and conduct outreach activities. Labour attachés have yet to be assigned to any Ethiopian mission in the Middle East. Currently, existing staff in those missions do their untrained best to coordinate with local authorities to help migrants in need and resolve their grievances.

The nature of domestic work means that they have limited opportunities for social interaction outside the workplace, often becoming isolated and thus encountering greater risk of abuse. There are limited avenues for these MDWs to seek redress. The low education status of MDWs and their very little knowhow about the destination country, such as support services, makes it challenging to get the needed protection.

Question 6

Please elaborate on the specific situation of migrant women and girls in domestic servitude, taking into consideration factors that might contribute to their increased vulnerability to contemporary forms of slavery, including poverty, identification to minority groups, indigenous people, age, and caste.

Ministry of Labour and Social Affairs further estimates that the regular labour migrants represent only 30 per cent – 40 per cent of all Ethiopians in the Gulf, suggesting that the remaining 60 per cent – 70 per cent of Ethiopians in the Gulf countries have irregular status (Fernandez, 2017)⁷. Results from ILO's baseline survey are consistent with the study estimate, with 63 per cent of respondents are irregular migrants. The irregularity significantly increases their vulnerability for forced labour. One of the major component for their vulnerability is the little or no knowledge on laws, rights and obligations; support and protection services; the risks and obstacles they might face during their migration to GCC states and the abusive working conditions.

Furthermore a study conducted by the ILO (2014) on Ethiopian Migrant Domestic Workers in Lebanon identified the gender, social network, education and place of residence before migration as determinant variable of their vulnerability to forced labour. The study further elaborates that female are more likely to experience forced labour as compared to male. Similarly, individuals with no education or primary education and with no skills training are more likely to be victims of forced labour rather than those with high school education and trainees certified in skills. In

⁷ Fernandez, 2017. Irregular Migration from Ethiopia to the Gulf States, GLMM. <http://gulfmigration.eu/media/pubs/book/BookChapters/GLMM%20-%20IM%20Volume%20-%20Chapter%20III%20-%20Extract%20-%202017-05-19.pdf>

addition, MDWs from rural areas or neighbourhoods are more vulnerable as compared with those that migrated from major urban areas. Finally, returnees which were in contact with previous migrants and obtained better information were less likely to be victims of forced labour.

Poverty is major push factor for migration, most potential migrants don't have the needed initial capital to pay the costs of migration. Therefore, according to the Kushminder (2014) study on Female Return Migration and Reintegration in Ethiopia, MDWs wishing to look for overseas employment do not have to pay any significant up-front costs to the agency since it will pay all costs associated with their migration in exchange for their first three months of wages. This migration process is easy and accessible to potential migrants which puts them in a situation of extreme vulnerability to forced labour and associated abuses.

The problems faced by MDWs usually starts in the country of origin, due to the unethical practices by illegal brokers and private employment agencies. Migrant domestic workers end up in exploitative working condition due to unfair recruitment practice and a lack of accurate information on the living and working conditions in receiving countries. In Ethiopia, Article 42/2/n of the Overseas Employment Proclamation states that agents have the duty to provide pre-departure orientation and counselling service to workers destined for overseas employment prior to the signing of the employment contract. However, as returning migrants have indicated, agencies do not properly communicate the real working conditions for fear of losing business, so they paint an idealized picture which encourages workers to migrate.

Question 7

A. Please detail any examples of good practice in relation to protecting, identifying and rescuing migrant women and girls in situation of domestic servitude. This might include actions and initiatives taken by governments, civil society organizations, international organizations, media outlets, employers, individuals, survivors, etc.

The ILO as a mandated Labour Agency has made the protection of Migrant Workers a priority. The ILO CO Addis Ababa has been supporting MoLSA to address irregular migration and to create decent work for Ethiopian Migrant Domestic Workers working in Middle East Countries since MDWs are concentrated in less regulated economic sectors, where they often work excessive hours without overtime pay, have no weekly or monthly rest days, have restrictions placed on their freedom of movement, and are exposed to psychological, physical and sexual abuse. The ILO has implemented a project entitled "Development of a Tripartite Framework for the Support and

Protection of Ethiopian Women Domestic Migrant Workers to the Gulf Cooperation Council (GCC) States, Lebanon and Sudan” from 2013 up to mid-2016. The project aimed to do this by improving decent work standards and recognition of the human rights of MDW from Ethiopia throughout promoting safe and regular migration for migrants by empowering Ethiopian Migrant Workers and strengthen legal and institutional governance of the overseas employment services.

As per the project theory of change, the interventions are geared at individual, institution and policy/legal towards achieving the outcomes. At individual level, the project focuses on empowering migrant workers and relevant stakeholders through provision of appropriate and up to date information. Establishment and strengthen different coordination forums and technical working groups, setting up standard practices and code of conduct and advocate for the decentralization the regular labour migration services were major tasks at institutional level. The last and the most important was to support and facilitate the adoption of comprehensive legal and policy framework that regulate irregular migration and also properly manage the regular labour migration, which are compatible with international labour standards. The achievements of the project that have led to the outcome are presented below.

Enhanced Migrant Domestic Workers awareness and Advocated for improvement of working condition and benefits of MDW

The advocacy promoted efforts to ensure regular, as opposed to irregular, migration and decent work for MDW in recipient countries. Advocacy was, in most cases, combined with awareness raising on the challenges that MDW face before departure, during travel to recipient countries, in recipient countries and on return home to Ethiopia. The ILO used various means, such as facilitating training for policy makers and experts, facilitate various discussions on international labour standards and experiences and different awareness raising campaigns by focusing on Migrant Domestic Workers Convention No 189. The campaign was fruitful since it facilitated for legal framework for overseas employment, development of different pre-departure training and orientation manuals and their integration with the existing system, development of skills training curriculum specific with MDWs. In addition, it also provided support to enable MDWs to access the social protection floor through awareness raising and the development of a policy brief on improving social protection for MDW. Proclamation 923 also addresses the issue of MDWs’ access to basic health care schemes.

The project has reached more than 250,000 community members through awareness raising activities that promote regular labour migration over irregular. Moreover, the ILO has successfully

integrated the Community Conversation Behaviour Change Communication tool as part of the government structure in Addis Ababa City Administration and Oromia, Tigray and Amhara Regional States, which sustained the intervention after the project phase-out.

The ILO has contributed for the empowerment and Strengthening of MDWs' capacity to protect themselves while overseas through pre-departure training and orientation and in-country activities. In this context, developing a pre-departure training manual and piloting pre-departure orientation and skills training were important.

Built institutional capacity to enhance access and quality of migration services and protection of migrant workers

The ILO has supported the institutional capacity building of MoLSA, Ministry of Foreign Affairs (MoFA), and Office of Attorney General (OAG) through facilitating various trainings, experience sharing forums, support development of different manuals, and support the development of web based Ethiopian Migrants Data Management system. The trainings and experience sharing events has provided a sound knowledge and skills for senior government officials and experts, which has a contributed significant role in the revision and adoption of the overseas employment proclamation 923//2016 and introduction of new institutional structure.

The Ethiopian Migrants Data Management System, is a registration software system of decentralized data on migrants that will record the end-to-end migration process of all Ethiopian migrants. The system allow for more accurate tracking of the number and type of migrants to inform planning of all types. Such information can also help improve the support available to MDW if they face challenges in their work situation once they arrive in the country, as they will already be easily identified and recognised as a migrant.

The ILO has supported technically and financially to strengthen four different committees/ working groups to drive the coordination and dialogue on efforts to address MDW and other migration issues. The groups are:

- National Anti-trafficking council, chaired by Deputy Prime Minister, all line ministries (17 are members), ILO and IOM, NGOs, workers' and employers' organisations and faith based organisations;
- National Anti-Human Trafficking Taskforce, chaired by the Office of the Attorney General which has a secretariat. The secretariat has a sub-committee on the development and implementation of Proclamation 923 on Ethiopia's Overseas Employment; and

- Committee within the Ministry of Foreign Affairs to follow up on the establishment of bilateral agreements with MDW recipient countries;

In destination countries, the strengthening of local MDW associations and groups through the training of trainers (ToT) on topics including group management, advocacy, and awareness raising were important actions. These has created contributed for the community of support for needy Migrant Domestic Workers. Moreover, this has in same ways contributed for establishment of the first Domestic Worker union in the Arab Region in Lebanon on the 25th of January, 2015 in Beirut, where Ethiopian Migrant Domestic Workers are key players in the union.

In spite of the ILO great work in strengthening institutional capacity for effective management of overseas employment were successful, it is very far from complete.

Development of Legal and Policy Frameworks

The ILO has advocated for introduction of new legal framework, which is in line with international labour standards that govern overseas employment services. Also it has provided technical support by arranging High Level Policy Dialogue sessions for Senior Government Officials, during the development and adoption of the Overseas Employment Proclamation 923/2016. The project also engaged in various efforts to disseminate Proclamation 923 and raise awareness of it through the publication of a booklet and sensitization workshops. Also through the committee at MoFA, the ILO has supported bilateral agreement signing between Ethiopia and four Middle Eastern Countries (KSA, Qatar, Kuwait and Jordan). Currently, the committee is facilitating the negotiation of an MoU between Ethiopia and United Arab Emirates (UAE) and Lebanon. Side to BLA with government counterparts, the ILO is supporting the engagement of social partners in the protection of MDWs. Accordingly, A bilateral agreement was adopted between the workers' organisation CETU in Ethiopia and the National Federation of Trade Unions of Workers and Employees in Lebanon (FENSOL) to protect MDW in Lebanon.

Question 8

Please describe any challenges identified in ensuring that migrant women and girls who are survivors of domestic servitude have access to justice?

Ethiopian Migrant Domestic Workers have a number of obstacles to access to justice in Middle East Countries. The first obstacle is the absence of evidence. Meaning that, evidence on the conditions under which the contract is executed remains within the confines of the workplace, the employer's home. The employer enjoys privileged access to the contract, while the burden of proof is borne by the domestic worker in his capacity as plaintiff.

The second obstacle is the marginalization of low-skilled migrant workers by various stakeholders, including the judiciary. For instance, in Lebanon, an international NGO legal Aid team reported that in cases involving migrant domestic workers the prosecutor did not take action against the alleged offender after being informed about a certain violation or crime, such as injury. This suggests the existence of a discretionary prosecution system, which can be problematic when used inappropriately by members of the judiciary to exclude domestic workers.

The third obstacle to access to justice is the widespread lack of knowledge of the law by migrant domestic workers. Different studies indicate the majority of domestic workers have little or no knowledge of their rights during their stay in destination countries, the clauses of the contract they signed before the notary public or the legal remedies available to them to claim their rights. The lack of awareness among workers deprives them from the power to take action. Finally, migrant domestic workers have few guarantees in terms of access to a fair trial within a reasonable timeframe. This is due to several factors such as the slowness of the judicial system and the limited access to legal aid service.

The last and the most pertinent obstacle is the inaccessibility of the justice system to migrant domestic workers. For instance in Lebanon, the right of access to justice applies to both Lebanese and foreign nationals, and therefore all foreign domestic workers victims of a violation of the Lebanese Law may file a complaint before the public prosecutor office, the investigating judge or the single judge in cases of offense, or before the police in case of flagrante delicto. However, Article 7 of the Lebanese Labour Law excludes the domestic servants employed in private houses” from its scope of application.

Question 9

Please describe any projects delivered by your organisation or other civil society organisations to ensure protection of the human rights of migrant domestic workers victims of contemporary forms of slavery.

The ILO Country Office for Ethiopia, Djibouti, Somalia, Sudan and South Sudan, and for the Special Representative to the AU and the ECA (ILO CO-Addis Ababa) as a mandated institution, is supporting the GoE and its social partners to work towards putting in place effective legal and institutional frameworks on labour migration to protect migrant workers and address irregular migration. To realize this objective, ILO CO-Addis Ababa has a large project portfolio on labour migration.

The current projects are:

Support to the reintegration of returnees in Ethiopia: it is a three years (Jan 2015- Dec 2018) project with total budget of Euro 5 million funded by European Union. The project aims to improve labour migration governance in Ethiopia by efficiently and effectively assisting returned migrant workers from KSA in accessing productive employment and decent work. It empowers by returnees and strengthening service providers. The project intervention areas are: social support including psycho-social support, awareness raising programmes, economic empowerment of returnees and institutional development.

Addressing the root causes of migration in Ethiopia: it is a three years (August 2016 - 30 November 2019) project with a total budget of Euro 1,516,837. This project is funded by EU and managed by the Italian Development Cooperation. This project is part of ‘Stemming irregular migration in Northern and central Ethiopia (SINCE) project funded by EU and managed by the Embassy of Italy in Addis Ababa with a total fund of 20, million Euros. The project aims to create greater economic and employment opportunities by establishing inclusive economic programmes that create employment opportunities for young people and women with a focus on rural towns and urban areas, particularly Addis Ababa and other migration-prone regions (Amhara, Tigray, Oromia, SNNPR) of Ethiopia. This is done by vocational skills training, creation of micro and small enterprises and start-up of small livelihood activities. This intervention is based on a socio economic assessment undertaken by the project to identify needs and interests of the ultimate beneficiaries, concerned government offices and service providers in the target regions.

Improved labour migration governance to protect migrant workers and combat irregular migration: it is a four years (Jan 2017 – Dec 2020) project funded by DFID with a total budget of GBP 2,677,000.00. The project aims to address irregular migration by improving the governance of labour migration. The project focuses to make regular migration more accessible and desirable for potential migrants in Ethiopia. To this end will build the capacity of potential migrants, government institutions, PEAs, labour attaches, migrants community etc., both in country of

origin and destination. The project will also work on establishing and strengthening systems to better manage and govern labour migration.

Free Movement of persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility: It is a three years (January 2017 – June 2020) project with a total budget of Euro 5,999,871 funded by EU. The project aims to improve opportunities for regulated labour mobility and decent work within the IGAD countries in the broader context of the regional integration process. The project's interventions cover two main areas: knowledge-building and operational implementation. The knowledge building component seeks to strengthening the knowledge base to deepen understanding of migration and labour market dynamics in the region, including the constraints and opportunities for employment creation and causes of skills shortages. The operational component seeks to develop of employment and skills opportunities for young women and men (aged 18 to 35) both nationals and migrants, in their countries of origin, transit or destination seeking entry into local labour markets or improved livelihoods through wage labour or entrepreneurship, in the Ethiopia – Sudan migration corridors. It also aims to enhance employment-generating sectors that target areas of origin, transit and destination of migrants.

Last but not least, there is a pipeline project expected to start before the end of the year on Social Protection as a component of the JLMP with total budget of Euro 2 million.

As an office the ILO CO Addis Ababa have a lot of achievements, but to state a few in the past 5 years or so in the area of labour migration:

Strengthening Legal and Institutional Frameworks on Labour Migration

The ILO has supported the revision of the Ethiopian Overseas Employment Proclamation 923/2016.

With an aim to improve the working conditions of Ethiopian migrant workers in destination countries, ILO has supported the signing of a Bilateral Trade Union Agreement between the Confederation of Ethiopian Trade Unions (CETU) and the Fédération Nationale Des Syndicats des Ouvriers et Employés au Liban (FENSOL) to further strengthen the relationship between the two trade union organizations on the protection of Ethiopian migrants. Besides, the ILO strengthened the capacity of the National Anti-Trafficking Task Force and provided support to

Public Employment Agencies (PEA) in the development and validation of the PEA internal code of conduct aligned with the Overseas Employment Proclamation 923/2016.

Capacity Building

Capacities of key government institutions, mainly Ministry and its Bureaus of Labour and Social Affairs (MoLSA and BoLSAs), Ministry of Foreign Affairs (MoFA) and its Foreign Missions, and ILO's social partners (CETU and the Ethiopian Employers Federation (EEF)) were strengthened through the provision of specialized trainings, experience sharing programs as well as national, international, inter-regional dialogues and knowledge sharing forums on various thematic areas related to labour migration.

To enhance better administration of records of Ethiopian migrant workers leaving and returning to the country, the ILO supported the development of a web-based Ethiopian Migrants Data Management System, which provides specific, full and up-to-date data on migrant workers.

ILO have supported MOLSA in the development of pre-departure and pre-employment training manual and reintegration guideline to equip migrants with the necessary knowledge when seeking employment overseas and returning back home.

Supporting Reintegration of Returnees

ILO has been working to ensure smooth reintegration of returnees into the labour market through the provision of psychosocial support, entrepreneurship training, vocational skills training, business development services and the improvement of returnees' access to finance in collaboration with implementing partners like AGAR, WISE, ESHURURU and governmental institutions such as Technical and Vocational Education and Training Bureau (TVET) and BoLSA. To date we have supported over 15,000 returnees.

Research

To support evidence-based policy making and labour migration programme development and implementation, the ILO have conducted around ten researches in countries of origin and destinations for Ethiopian Migrants. Out of the ten, four studies focus on irregular migration, smuggling and trafficking and migrant workers situation in destination countries with the objective to bridge knowledge and information gaps and build evidence for practitioner and policy makers. These studies reveal the hidden and unspoken realities that Ethiopian migrants face in the recruitment, journey and destinations. They describe the mechanisms and cost of recruitment, means of deception and coercion, and more generally the working conditions of migrants in the

various countries of destination. Furthermore, they present the magnitude and prevalence of human trafficking and its root causes.

Awareness Raising and Sensitization Programs

ILO designed and implemented different awareness raising and sensitization programs to provide basic and practical information for potential migrants, migrants and returnees. To this end, the ILO has developed various Information, Education and Communication (IEC) materials, audio and video infotainments, and structured interactive or face-to-face programs. To mention a few, the ILO developed and disseminated various information materials such as Rights and Obligations leaflets, FAQs and information guides in English, Amharic, Tigrigna and Afaan Oromo languages on basic and practical issues of labour migration.

ILO supported and facilitated high profile public information campaigns by using broadcast media. It supported a television drama series in Amharic, Tigrigna and Afan Oromo and featured film entitled “Enkopa” on irregular migration.

Question 10

Please provide any research, data or other information that your organisation has produced or is aware of relating to the protection of domestic workers victims of contemporary forms of slavery.

Thank you for your cooperation. Please feel free to include any additional pertinent information on access to justice and remedy that you think would help the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.