
Issues and Challenges of Ethiopian Female Labour Migrants to the Middle East

By

FIREHIWOT WUJIRA

*School of Law,
Bahir Dar University,*

Abstract

A significant trend in the contemporary period is the increased number of women migrants due to the changing labour demands caused by globalisation. Over the past century, women's employment has shifted from the industrial to the service sector and also to the informal economy. The development of the informal economy has allowed women to be active participants in this sector and also to migrate from developing countries to developed countries with better economies. This migration and foreign employment has the potential to bring positive benefits for these women; but, simultaneously, there is also a great risk of exploitation and abuse associated with such migration. This paper attempts to assess and critically examine both the possible advantages and potential human right violations faced by Ethiopian female domestic workers migrating to the Middle East. It calls attention to the neglected plight of these women and attempts to forward possible solutions to mitigate their suffering.

Induced by different causes human migration is a phenomenon that has existed throughout history. A significant trend in contemporary period is the increased number of women migrants due to the changing labour demand caused by globalisation. Over the past century, women's employment has shifted from the industrial to the service sector and also to the informal economy. The development of the informal economy has allowed women to be active participants in this sector and also to migrate from developing countries to developed countries with better economies.

Ironically, the patriarchal structure that dictates the unequal division of labour has created a niche for women in the global labour market. Female workers from Ethiopia migrate to different parts of the world in search of better job opportunities to escape poverty and improve the circumstances of themselves and their families.

Recently, there has been a large influx of Ethiopian women to the Middle East, serving primarily as domestic labourers in private households. This migration and employment in a foreign country has the potential to bring positive prospects for these women. Simultaneously, there is also a great risk of exploitation and abuse associated with such migration.

The purpose of this essay is to assess the possible advantages and critically examine human right violations being faced by Ethiopian female domestic workers in the Middle East. It calls attention to the neglected plight of these women and attempts to forward possible solutions to mitigate their suffering.

General Trends in Women’s Migration for Employment to the Middle East

In Ethiopia, during the previous socialist Derg regime, international labour migration was limited due to the government’s restriction on the right to movement. However, the current government recognized the right to freedom of movement in the FDRE Constitution. Hence, everyone willing and able to go abroad is constitutionally permitted to do so.

Currently thousands of Ethiopian women, lured by the promise of high salaries, migrate to Middle Eastern countries. According to the information gathered from the Ministry of Labour and Social Affairs, following the travel ban to Lebanon, Saudi Arabia has become the primary destination of Ethiopian domestic workers, followed by Bahrain and Dubai.

General estimates indicate that over 100,000 Ethiopian workers are believed to be working in countries of the Middle East, and 50,000 of them work in Beirut.ⁱ The profile of Ethiopian women migrants in 2008-2009 depicts that 83% of them were females belonging to the age group covering 20 to 30 years old. The information of MOLSA also reveals that 100 percent of these women migrated for the purpose of serving as domestic servants in private households.

Factors Contributing to the Migration of Ethiopian Women to the Middle East

Different factors have contributed to the increasing exodus of Ethiopian women to the Middle East. Gender inequality in both sending and receiving countries is one of the reasons responsible for spurring the labour migration of women. By looking at major female labour exporting countries to the Middle East (like Sri Lanka, Philippines, and Ethiopia, for example) and also at labour importing countries, we observe that reproductive labour is relegated to women. At both ends of the migration stream, women are unable to negotiate for a fairer division of domestic work and, as a result, they still carry the burden of domestic tasks. In Ethiopia and other places care work and house work are not considered “real work,” but as “love work,” performed as part of the natural female role. Domestic works are believed to be related to the unpaid caring work of the woman. Hence, it is women in Ethiopia who migrate to be hired as maids in private households. However, women in Ethiopia state that the domestic work

which they do in Ethiopia as part of their uncompensated daily chores is rewarded with payment when they perform similar tasks in the Middle East. Thus, this is a huge factor which motivates the migration of women.

Women in wealthier countries are more liberated compared to women in developing countries. Nevertheless, much of such liberation is gained at the expense of migrant women workers and not because the traditional division of labour has been renegotiated. Professional working women today still are burdened with family care, but they are sometimes able to transfer this obligation to less privileged migrant women. This phenomenon allows us to stress that the traditional division of labour in the patriarchal nuclear household has not been significantly changed in many countries in the world.

In Ethiopia though both men and women equally share prevailing problems associated with poverty, women seem to be more severely affected due to various reasons. Due to patriarchal cultures, women in Ethiopia have very limited access to resources, education, and training opportunities, particularly in rural areas. Hence, they are mostly unemployed or have limited participation in the formal economy. Due to these barriers, which inhibit women's participation in the formal economy, the only viable alternative means of earning income lies in joining the informal labour market. With the feminization of poverty and high unemployment rate in the country, it is not surprising that women migrate to Arab countries as domestic workers. Hence, the pervading poverty is responsible for the growing tide of migration.

Potential Advantages of Migration

This section will illustrate what contributions are being made by Ethiopian domestic workers in the Middle East to the overall development of their country, in general, and their families and themselves, in particular.

Remittances are among the most easily discernable effects of migration. Since Ethiopian migrants remit their earnings both through official and non-official means, it is difficult to compile accurate data on the amount they send into their home country. But, for example, according to data gathered from the National Bank of Ethiopia, private official remittances in year 2007-08 amounted to 804 million dollars, and most remitters sent this money to support their families.ⁱⁱ

Remittances which are based on social networks play an important role in alleviating extreme poverty in developing countries; and through their contribution women migrants act as agents of change in their countries of origin. Although there is little research revealing the exact impact of remittances on the Ethiopian economy, literature in general supports that remittances have positive effects on the economies of sending states. The report of the Global Commission on International Migration emphasized that international migration should become an integral part of the national, regional, and global strategies for economic growth in developing countries.

However, other scholars question the long term contribution of remittances to human development. Some research indicates that in the long term, remittances may not contribute significantly to human development, despite the fact that they significantly contribute to the GDP of countries. They strengthen their argument by mentioning the failure of small businesses funded by remittances due to lack of technical assistance or sustained funds and also the spending of most remittances on consumer items. Remittances in Ethiopia do directly contribute to the foreign exchange reserves of the country. Families also spend their remittances on health care, education and nutrition and this also supports social and economic development.

Moreover, in most societies in Ethiopia remittances serve as vehicle for changing gender relations by promoting respect for women who remit. However, research reveals that though migrant women experience upward social mobility, at the same time their social status goes down in their countries of destination.

In general women may gain economic independence, confidence, and greater freedom through migration; and, in rare situations, fathers take on new gender roles and take care of their children. However, as some scholars have noted, international migration is only going to empower women if they are documented migrants, and if these women are not live-in domestic workers. Hence, it is very difficult for me to conclude that Ethiopian women domestic workers in the Middle East are actually being empowered, since most of them are live-in workers and a substantial number of them are illegal migrants.

Concerns and Issues of Ethiopian Women Migrant Workers in Lebanon, Bahrain and UAE

Despite the above mentioned benefits, migrant workers often become victims of exploitation by their employers, governments, and employment agencies. It is important to note that all migrant women in the Middle East may not necessarily share similar problems. The discrimination suffered varies depending on their race, ethnicity and religion.ⁱⁱⁱ But in general Filipino, Sri Lankan, and Ethiopian women in the Middle East face double or triple oppression emanating from their gender, class, and race.

The problems faced by women migrants usually begin in their home countries, especially through unethical practices by illegal brokers and private employment agencies. Migrant workers end up in exploitative working condition due to a lack of accurate information on the living and working conditions in receiving countries. In Ethiopia, Article 12(2) b of the Private Employment Agency Proclamation states that agents have the duty to provide the necessary orientation for the workers regarding their work and the country of employment before the contract of employment is signed. 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.

Although there are legal private employment agencies in Ethiopia, women still use illegal channels due to the quick service rendered by these brokers. On the other hand, migrants state that they have to wait a long time to get employed through the legal employment agencies. The problem with such illegal migration is that workers are expected to pay high fees and, since most of them can not afford the payment, it generally causes them to enter in to debt. Hence, the debt causes workers to work for a certain period of time without receiving a salary to cover these fees. Ultimately, they end up in debt bondage, analogous to a slavery-like practice, which is prohibited under the ILO's Convention on the Abolition of Forced Labour.

If we look at Article 13 sub 2 of the Private Employment Proclamation of Ethiopia, it clearly stipulates that employment agencies can not receive any payment in kind or cash from workers and doing so is good cause to cancel or suspend their license. Moreover, as stated in article 18, performing the task of employment services with out obtaining a license from the appropriate authority is a criminal act which is punishable by imprisonment and fine. However, due to the lack of proper enforcement of the law, there are many illegal agents engaged in illegally sending workers to the Middle East.

The exploitation of workers in large part emanates from a lack of proper standardized contracts between employer and employee. Most of the time, domestic workers do not conclude contracts that properly set out their legal rights and obligations. For example, according to a study conducted by the ILO in Bahrain, only 44.1 percent of the house workers interviewed signed contracts; in the UAE, none of the domestic workers interviewed possessed a contract of employment. In Ethiopia, Article 12 of the PEA Proc. obliges employment agencies to submit the contract of employment to the competent authority for approval and registration of a copy. The 1994 directive issued to determine the manner of employment of Ethiopian nationals abroad also states that the contract of employment can not be approved unless it contains information on place and type of work, duration of employment, food and lodging, medical and accident insurance, paid leave, round-trip travelling expenses, and the entitlement of the worker to a work permit and a visa. But the problem is, for example, in Saudi Arabia the contracts signed by workers in the sending country are often confiscated when workers arrive and are replaced by Arabic language contracts with different terms. This renders the contract and the attempt to protect the rights of migrant workers in sending countries ineffective. Moreover, the ILO study depicted that in all three studied countries, the legal system is unsatisfactory in addressing complaints by these workers. Thus, even if a contract is signed, there is no guarantee for its proper enforcement.

In Lebanon and other Arab countries workers are commonly locked in the household and often are not allowed to go out without the express permission of the employer.^{iv} As the study conducted by ILO in these countries reveals, employers deny

the right to movement by confiscating the travel documents of employees.^v Another lack of freedom is the difficulty in communicating with their families and others via telephone, post, or the internet. Physical, emotional, and psychological abuse are just some of the forms of violence experienced by domestic workers. They are also often forced to work in an exploitative manner for more than 16 hours a day, which is improper in any labour standard set out for other fields of employment. Non-payment of wages is also a significant concern in Bahrain and Lebanon, and non-remunerated overtime work exists in all countries. The ILO study also revealed that all interviewed women working in households in UAE had not having a single day off within a month; in Lebanon and Bahrain, the migrants reported having only one or two days off a month. There is also discrimination in wages based on the nationality, despite the fact that they possess similar skill. For example, Filipina workers are paid more than Sri Lankan and Ethiopian workers. In UAE, evidence shows that male housekeepers are paid more than females. Another concern cited by female migrants interviewed by ILO in Bahrain, UAE and Lebanon is sexual abuse inflicted by male family members and even other male employees.

In general, the employment relationship discussed above compels the argument that Ethiopian and other domestic workers in the Middle East are trapped in what Bales called “modern day contract slavery.” Bales identified three types of modern day slavery and one of them is what he called contract slavery, in which legal contracts are legal fictions rather than legally binding employment agreements. The best example cited by him is the vague employment contracts accepted by domestic workers. The contracts are vague because they do not clearly indicate the obligations of the parties, but simply dictates that employees are to be faithful, sincere, honest, and dutiful.

Domestic workers are victims of such human rights violations due to their powerlessness under national labour laws. At the government level, most states 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. But in this area, the law should arbitrate in the private arena to bring about gender justice. Just as private issues like domestic violence have become public matters, the issues of domestic workers should also come to light in the public arena. South Africa’s experience of incorporating domestic workers into labour legislation can be a good model for Arab and other countries.

Even though most national labour legislations do not take any role in governing employment conditions of domestic workers, there are international human rights instruments such as the UN Migrant Workers Convention, UDHR, ICCPR, ICESCR, and CEDAW which address the issues they face. These instruments protect all human beings, and migrant workers are also entitled to the same protection as citizens. For example, Articles 8-35 of the UN Convention on the Rights of Migrant Workers gives human rights protections and also extends existing labour rights to migrant women who migrate for temporary work. Unfortunately, none of the receiving countries have

ratified the treaty. However, several articles of the UDHR, which has been ratified by all three countries, are also relevant to foreign domestic workers. Examples include: Article 5 on inhuman and cruel treatment, Article 13 on the right to freedom of movement, and Article 24 on the right to rest and leisure, among others.

Some scholars argue that different articles of CEDAW, support substantive interpretation of the convention. Hence, while a law may not facially discriminate against women, it may be discriminatory in effect. For example, state legislation that does not cover domestic workers has a discriminatory effect, even though there is no facial inequality because both males and females are excluded. Under a substantive interpretation, a state party with such an exclusionary law would have an obligation to change the law. Articles I and III of CEDAW also prohibit discrimination against women in all forms. And, regulating male dominated employment areas while failing in female dominated employment areas like domestic work is discrimination which must be addressed.

Albeit Bahrain, UAE, and Lebanon are signatories to such conventions, they have not developed mechanisms to enforce and actively administer these laws in their courts. As many have argued in regard to legal protections, the existence of laws without enforcement is useless.

Conclusion and Recommendations

Ethiopian women are driven by different factors to migrate to the Middle East to serve as domestic workers in private households. As illustrated in the body of the essay, the migration process exposes them to both risks and opportunities. Financial benefits and personal development are few of the advantages emanating from their migration. Human rights violations and poor working conditions are some of the dangers faced by these workers.

Efforts from different bodies, such as sending and receiving countries' governments, civil societies, and private individuals are needed to address the concerns raised here. Primarily, Ethiopia should adopt a viable economic strategy aimed at creating jobs and reducing the level of unemployment to discourage the migration of workers. The government should also make bilateral agreements with receiving countries, and such agreement should obligate labour importing states to draft standardized contracts. These contracts must guarantee proper working conditions, minimum remuneration, and other entitlements, like freedom of movement, which are enjoyed by other workers. Initiated by UNIFEM, the pilot project which developed standardized contracts in Jordan should be encouraged as a model and adopted in other countries. Domestically, initiatives should be undertaken to strictly identify and punish illegal employment agents or brokers. Moreover, capacities of Ethiopian embassies and diplomatic representatives should be strengthened so that they can provide legal assistance to migrants in need.

Concerned civil societies should campaign and push receiving states to incorporate domestic workers into their labour legislations and to increase their commitment to fixing existing problems of enforcement with regard to international human rights instruments and employment contracts. Receiving governments must create legitimate channels of redress that domestic workers can access and must also attempt to effectively address complaints made by domestic workers. Finally, efforts should be made toward changing the attitudes of employers towards domestic workers.

References

- Bina Fernandez. (2009). *Disposable in the downturn Ethiopian domestic workers in the Middle East* [online]. Available at: <http://www.genderanddevelopment.org/Bina%20Fernandez%2015.9.09.ppt>
- Cheng, S. 2004. Reviewed works-Servants of Globalization; Women, migration and domestic work by Rachel Salzar Parrenas. *Feminist review, labour migrations, women on the move*. 77. P 204.
- Chian Lan, P. 2003. Maid or Madam? Filipina Migrant Workers and the Continuity of Domestic Labour. *Gender and Society, Global Perspective on Gender and Care work*. 17(2), p. 198.
- Constitution of the Federal Democratic Republic of Ethiopia No 1/1995, Article 32
- Constitution of the Federal Democratic Republic of Ethiopia No 1/1995, Article 32
- DE REGT, M. (2007). Ethiopian women in the middle east: The case of Migrant Domestic workers in Yemen: *African Studies Centre Seminar, 15 Feb 2007*, p. 5.
- Emebet, Kebede. (2002). *Ethiopia: An assessment of the international labour migration situation*. The case of female labour migrants. Gender promotion programme, international labour office. Geneva, p.10.
- Fernandez, B. 2009. *Disposable in the downturn Ethiopian domestic workers in the Middle East* [online]. Available from World Wide Web: <http://www.genderanddevelopment.org/Bina%20Fernandez%2015.9.09.ppt>
- Gwenann, S. Manseau. (2005). *Contractual solutions for migrant labourers. The case of domestic workers in the middle east* [online]. [Accessed 8th March 2010]. Available from worldwide web: <http://beta.nottingham.ac.uk/hrlc/document>
- Helmz Vtz, H. (2002). 'At your service madam; The globalization of domestic Service.' *Feminist Review, Globalization*. 70, 89-104.

- Hussein, K. 2008. *Ethiopia bans its citizens from seeking jobs in Lebanon* [online]. [Accessed 8th March, 2010] Available from [www.http://www.groundreport.com/Business](http://www.groundreport.com/Business).
- ILO. (2004). *Gender & migration in Arab states: The case of domestic workers*, p 8.
- International Legal Framework for the Protection of Migrant Workers. (2006). [online]. [Accessed 9th March 2010]. Available at: <http://www.osce.org/publications/eea/2006/05/1>
- Irena, Omelaniuk. (2006). *Gender, poverty reduction and migration* [online]. [Accessed 9th March, 2010]. Available at: <http://www.siteresources.worldbank.org/EXTABOUTUS/Resources/Gender.pdf>
- Jennifer, S. Hains further. (2008). 'A rights based approach: The utilization of CEDAW to protect The human rights of migrant workers.' *American University International law Review*. 1-52.
- JUREIDINI, R., MOUKARBEL, L. (2004). Female Sri Lankan domestic workers in Lebanon: A case of contract slavery? *Journal of Ethnic and Migration Studies*. 30 (4), 581.
- Karim, Hussein. (2008). *Ethiopia bans its citizens from seeking jobs in Lebanon* [online]. [Accessed 8th March, 2010] Available from [www.http://www.groundreport.com/Business](http://www.groundreport.com/Business).
- Kim Van Eyck. (2005). 'Women, workers, and migrants in the globalised public health sector: debate at the 2004 International labour conference.' *Development in practice*. 15 (5), 701-709.
- Lina Abu Habib. (1998). 'The use and abuse of female domestic workers from Sri Lanka in Lebanon. *Gender and Development*.' 16(1), 52-56.
- Margaret Satterthwaite. (2004). Women migrants' Rights under international human rights law. *Feminist Review, Labour Migration: Women on the move* 77, 167-171.
- Marilyn Thomson. (2009). 'Workers not maids- organizing house hold workers in Mexico.' *Gender and Development*. 17(2), 281-293.
- Marinade Regt. (2007). Ethiopian women in the middle east: The case of migrant domestic workers in Yemen: *African Studies Centre Seminar, 15 Feb 2007*.
- Nividita, M. 2004. *Recovering subversion: Feminist Politics beyond the law*; University of Illinois Press.

- PARRENAS, R. 2000. Migrant Filipina domestic workers and the international division of Reproductive Labour. *Gender and Society*. 14(4), p 564.
- Pei-Chia Lan. (2003). 'Maid or madam? Filipina migrant workers and the continuity of domestic labour.' *Gender and society, global perspective on gender and care work*. 17(2), p. 198.
- Private Employment Agency Proc, No 104/1998, Article 12(2)
- Ray, Jureidini. (2004). 'Female Sri Lankan domestic workers in Lebanon: A Case of contract Slavery?' *Journal of Ethnic and Migration Studies*. 30(4), 581-607.
- Rachel Salazar Parrenas.(2000). 'Migrant Filipina domestic workers and the international division of reproductive labour'. *Gender and Society*. 14(4), p 564.
- Shu-Ju Ada Cheng. (2004). 'Reviewed works-servants of globalization; Women, migration and domestic work by Rachel Salzar Parrenas'. *Feminist Review, Labour Migrations, Women on the Move*. 77. 203-206.
- Susie Jolly. (2005). *Gender and migration*. [online] [Accessed 14th March, 2010]. Available from World Wide Web: <http://www.bridege.ids.ac.uk>.
- Thomson, M. (2009). Workers not maids- organizing house hold workers in Mexico. *Gender and Development*. 17(2), p 283.
- UNDP Gender Team/Capacity Development group. (2003). *PAC proposal on gender and remittances* [online]. [Accessed 8th March 2010]. Available from World Wide Web:<http://www.undp.org/partners/business/resources/genderandremittances.pdf>
- United Nations, Department of Economic and Social Affairs, Division for the Advancement of Women (Unpublished, 2005). *2004 World Survey on the Role of Women in Development: Women and International Migration*. Report dated 2005.
- VTZ, H. (2002). At your service madam; The globalization of domestic service. *Feminist Review, Globalization*. 70, 90.
-