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WATCH

## “I Was Sold”

Abuse and Exploitation of Migrant Domestic Workers in Oman





## **“I Was Sold”**

**Abuse and Exploitation of Migrant Domestic Workers in Oman**

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Printed in the United States of America

ISBN: 978-1-6231-33764

Cover design by Rafael Jimenez

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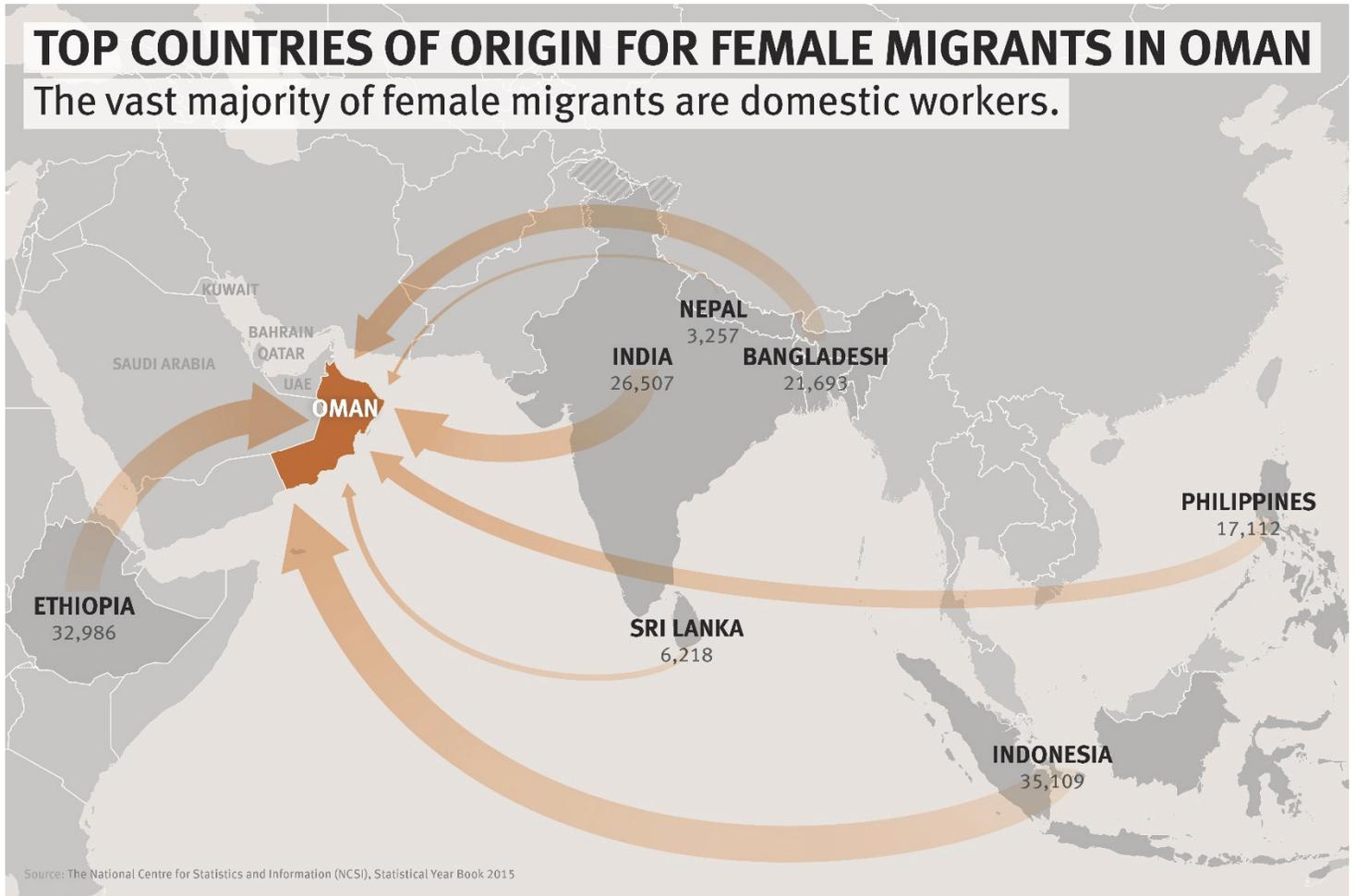
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# TOP COUNTRIES OF ORIGIN FOR FEMALE MIGRANTS IN OMAN

The vast majority of female migrants are domestic workers.





## Summary

I would start working at 4:30 a.m. and finish at 1 a.m. For the entire day they wouldn't let me sit. I used to be exhausted. There were 20 rooms and over 2 floors. He wouldn't give me food. When I said I want to leave, he said, "I bought you for 1,560 rials (US\$4,052) from Dubai. Give it back to me and then you can go."

—Asma K., a Bangladeshi domestic worker, in Oman, May 2015

Many families in Oman, like other Gulf states, rely on migrant domestic workers to care for their children, cook their meals, and clean their homes. At least 130,000 female migrant domestic workers—and possibly many more—are employed in the country.

Many workers leave families in Asia and Africa—including the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, and Ethiopia—after recruiters promise them decent salaries and good working conditions. For some workers, these promises are realized. But for others, the reality is bleak. After they arrive, many find themselves trapped with abusive employers and forced to work in exploitative conditions, their plight hidden behind closed doors.

Based primarily on interviews with 59 female domestic workers in Oman in May 2015, this report documents the abuse and exploitation some migrant domestic workers experience during their recruitment and employment, and the lack of redress for such abuse. It also examines the ways in which Oman's legal framework facilitates these conditions. In some cases, workers described abuses that amounted to forced labor or trafficking, including across Oman's porous border with the United Arab Emirates (UAE). While this report does not purport to quantify the precise scale of these abuses, it is clear that abuses are widespread and that they are generally carried out with impunity.

Most of the workers we interviewed said their employers confiscated their passports, a practice that appears to be commonplace even though Oman's government prohibits it. Many said their employers did not pay them their full salaries, forced them to work excessively long hours without breaks or days off, or denied them adequate food and



Physical abuse

living conditions. Some said their employers physically abused them; a few described sexual abuse.

Instead of protecting domestic workers from these abuses, Oman’s laws and policies make them more vulnerable. In fact, Oman’s legal framework is often more effective in allowing employers to retaliate against workers who flee abusive situations than in securing domestic workers’ rights or ensuring their physical safety. The country’s immigration system prohibits migrant workers from leaving their employers or working for new employers without their initial employers’ consent and punishes them if they do. Oman’s labor law excludes domestic workers from its protections, and those who flee abuse have little avenue for redress.

The situation is so dire for many domestic workers that some countries, such as Indonesia, have banned their nationals from migrating to Oman for domestic work. However, such wholesale bans are ineffective, and can put women at heightened risk of trafficking or forced labor as they and recruiters try to circumvent the ban. Several countries, like the Philippines and India, have set basic protections for their domestic workers in Oman that



Not paid full salaries or at all

Omani law does not provide, such as minimum salaries. But they can do little to enforce these protections once their nationals are in the country.

Oman also at times bans domestic workers coming from some countries. According to a news report, in 2016 the authorities banned workers from Ethiopia, Kenya, Senegal, Guinea, and Cameroon, on the dubious grounds of preventing “the spread of diseases from these African countries to Oman” and because it said workers from these countries “get involved in certain crimes.”

Female migrant domestic workers face multiple forms of discrimination and arbitrary government policies: as domestic workers, they are excluded from equal labor law protections guaranteed to other workers; as women, regulations provide that they can be paid less than male domestic workers; and as migrants, their salaries are based on their national origin rather than their skills and experience. These policies and practices violate Oman’s obligations under human rights treaties it has ratified, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

Oman has made a number of reforms to its labor law in recent years and is reportedly considering further revisions, possibly including the extension of its protections to domestic workers.

## **Abuses against Domestic Workers**

Oman criminalizes slavery and trafficking, but enforcement is weak. Forced labor is punished under the country's labor law, but domestic workers are excluded from that law's protections. Omani authorities have prosecuted a few individuals for forced labor, but it is unclear whether any of those cases involved domestic workers.

Some domestic workers told Human Rights Watch that employers and agents trafficked them into Oman from the UAE which has a border with Oman. According to embassy officials of several countries of origin, many domestic workers in Oman are brought across the border, eluding regulations or tracking by home embassies. Considering the high number of reports of women trafficked into forced labor situations from the UAE to Oman, the number of prosecutions and convictions for such crimes is strikingly low—there were only five sex trafficking prosecutions in 2015, and none on forced labor.

Recruitment agents promise domestic workers decent working conditions in Oman, and many sign contracts stipulating good salaries before leaving their home countries. But upon arrival, many find that they have to work for less pay than promised and under worse conditions.

Several workers described conditions that amount to forced labor under international law. Many described employers beating them, withholding their salaries, threatening to kill them, falsely accusing them of crimes when they sought to leave, or retaliating against them by beating them for trying to escape abuse. Several workers said that their employers behaved as though they owned them—claiming that the recruitment fees they paid to secure workers' services were in fact a price paid to acquire them as property. Oman's legal framework facilitates abuse of domestic workers to such a degree that it could leave some trapped in situations that amount to slavery under international law.

Roughly one-quarter of the domestic workers Human Rights Watch interviewed said that their employers physically or sexually abused them, including a Bangladeshi domestic

worker who said that her employer cut her hair and burned her feet, and another who said that her employer's son raped her. Most said their employers verbally abused them by shouting at them, threatening to kill them, or calling them insulting names like "bitch." Marisa L., a Filipina domestic worker, recounted: "Madam would say all the time that I don't have a brain. That I'm dirty."

Many domestic workers said that their employers delayed paying their salaries or paid less than was owed. Some did not pay their wages at all. One worker said she did not receive wages for a year. Almost all domestic workers complained of working long periods of up to 15 hours per day and, in extreme cases, up to 21 hours per day with no rest and no day off, even if they were sick or injured. For example, Babli H., a 28-year-old Bangladeshi domestic worker, said her employer made her work 21 hours a day with no rest and no day off. She said that her employer also physically and verbally abused her, and withheld two months of her salary. She said when she asked to leave, her employer said, "If the agent doesn't give me back my money, I won't let you go."

In some cases, women worked for large, extended families or in multiple houses. Parveen A., a Bangladeshi domestic worker, said she worked for a family of 15 in 4 houses in their compound in Sohar, a port city in northern Oman. She said she worked for 16 months from 4 a.m. until midnight with no day off. She said her employer only paid her 50 Omani rials a month (\$130), 20 rials less than she was owed, and withheld 4 months' salary entirely.

Domestic workers described common employer practices that kept them isolated from sources of support, namely passport confiscation, tight restrictions on communication, and confinement in the household. While Oman prohibits employers from confiscating workers' passports, it is not clear whether the law actually allows for criminal sanctions or whether any have ever been imposed.



Passport confiscation

Under contractual terms mandated by Oman's government, employers are required to provide domestic workers with adequate room and board; these provisions are particularly important given that many domestic workers are not free to leave their employers' homes, are not paid in full and on time, and, in many cases, do not earn enough to provide their



Inadequate sleeping conditions

own food and lodging. Yet some domestic workers said their employers gave them insufficient or spoiled food, and berated or beat them if they requested more. Mamata B., a Bangladeshi domestic worker, said her employer punished her after she fled to the

police for help but they returned her. “My madam beat me up and locked me in the room for eight days with only dates to eat and water to drink,” she said.

Some domestic workers described inappropriate and inadequate sleeping conditions in their employers’ homes, including in kitchens, living rooms, or with small children. Anisa M., a Tanzanian domestic worker, said, “I sleep in the kitchen. I don’t have a room.”

## **Punishing Escape and Barriers to Redress**

Domestic workers who flee their employers due to abuse have very few options for physical or legal protection. While the government provides some limited shelter services for



Trapped/confined to employer's homes

women subjected to trafficking, very few victims are referred by the government for shelter services, with only five victims provided shelter in 2015. Moreover, the authorities have not established any official emergency shelter specifically for domestic workers exposed to abuse. Some embassies provide shelter and assistance to their nationals, but many do not. Even those that do lack sufficient capacity and adequate conditions. Some workers said when they reported abuse to their recruitment agencies, agents confined them, beat them, and forced them to work for new families against their will.

Domestic workers seeking assistance or justice following abuse are given little help—and may even be punished. Some domestic workers who turned to the police for help said officers simply returned them, against their will, to their employers or recruitment agencies. They said the police did not follow up, and in several cases, domestic workers said their employers beat them after the police sent them back.

Some domestic workers avoided the police altogether, stating that they feared prosecution. This is an entirely reasonable fear, because employers can report domestic workers who flee abusive situations as having “absconded,” an administrative offense

under Oman’s abusive *kafala* system that can result in deportation and a ban on future employment. For instance, Aditya F., an Indonesian domestic worker, fled her employer following physical and verbal abuse, but her employer reported her as “absconding.” The police caught her and returned her to her employer, who beat her and broke her teeth. Some workers said their employers filed, or threatened to file, trumped-up theft charges against them when they asked for their salaries or fled abuse.

Oman’s labor dispute settlement procedures are inadequate and the courts are not a practical avenue for redress for domestic workers. Some country-of-origin embassy officials told Human Rights Watch that they discouraged domestic workers from using these mechanisms because the process is lengthy, unlikely to succeed, and because the women are not legally allowed to work in the meantime. Many workers simply give up and return home unpaid and without justice.

## Legal Framework

Oman, like its Gulf neighbors and across the Middle East to varying degrees, implements the notorious *kafala* (visa-sponsorship) system. Under this system, all migrant workers—who make up almost half of Oman’s population of 4.4 million people—are dependent on their employers to enter, live, and work legally in Oman as they act as their visa sponsors.

Employers have an inordinate amount of control over these workers. Migrant workers cannot work for a new employer without the permission of their current employer, even if they complete their contract and even when their employer is abusive. Moreover, employers can have a worker’s visa canceled at any time. Workers who leave their jobs without the consent of their employer can be punished with fines, deportation, and reentry bans.

In 2011, Oman told the UN Human Rights Council that it “is researching an alternative to the sponsorship system, but this process is not yet complete.” As far as Human Rights Watch is aware, however, the government has not put forward any concrete proposals in the intervening years.



Excessive working hours

Oman is also reportedly considering revisions to its labor law. In May 2015, the *Times of Oman* quoted a Ministry of Manpower official stating that Oman is considering extending the law's protections to include domestic workers. At present, Oman's labor law explicitly excludes domestic workers from important protections enjoyed by workers in other sectors, such as limits on working hours and provisions for overtime pay. Instead, domestic workers only enjoy a much narrower range of basic protections under regulations issued in 2004 that specifically pertain to domestic workers.

Omani authorities issued a standard employment contract for domestic workers in 2011, which mandates one day off per week and thirty days of paid leave every two years. However, these provisions fall far short of the protections offered by Oman's labor law and in any case, domestic workers have little ability to enforce employers' contractual obligations. The contract also provides less than many workers are promised when recruited in their home countries, and falls far short of international standards.

Labor inspectors have no mandate to check on domestic workers, and as such, there are no inspections for working conditions of domestic workers in private homes.

Where Oman has failed to provide adequate protection to migrant domestic workers, some countries of origin—such as India and the Philippines—have attempted to help address this gap by securing some basic protections for their nationals. For instance, some have set minimum salaries for their nationals working in Oman, and have taken steps to blacklist abusive recruitment agencies and employers. However, these are no substitute for strong government action by Oman and in any event, some country-of-origin governments make no efforts to protect their nationals at all. Some recruiters seek out “cheaper” workers from countries with less regulation.

## Oman’s International Obligations

The Omani government is obligated under international human rights and labor treaties to address and remedy abuses against migrant domestic workers. However, in breach of these standards, Oman has, like other Gulf states, failed to adequately protect domestic workers against exploitation and abuse. Indeed, in some respects the country’s legal framework facilitates abuse.

The International Labour Organization (ILO) and many United Nations human rights experts and bodies have called on Gulf countries, including Oman, to end the *kafala* system and grant domestic workers full labor law protections.

Oman should act now to reform its labor law to provide equal protections to domestic workers. It should also reform the *kafala* system to fully and effectively protect all migrant domestic workers in the country in line with international standards. Oman should cooperate with countries of origin to prevent abuse and exploitation of domestic workers, and should thoroughly investigate abuses and prosecute those responsible. It should ratify key international treaties, including the ILO Domestic Workers Convention, and bring its laws into compliance with their provisions.

## Key Recommendations

### To the Government of Oman

- Reform the *kafala* sponsorship system by amending the Foreign Residency Law and its implementing regulations and other laws so that domestic workers terminate and transfer employment, at will and without employer consent, before and after completion of contract. Remove “absconding” provisions in existing laws.
- Pass a law explicitly criminalizing passport confiscation by employers and agents.
- Ensure that reforms to the Labour Law include expanding the law’s scope so that all of its protections include domestic workers, and update the 2004 regulations on domestic workers to bring them and the Labour Law in line with the ILO Domestic Workers Convention.
- Criminalize forced labor under the penal code with adequate penalties, and thoroughly investigate and prosecute cases of forced labor, slavery, and trafficking.
- Ratify the ILO Domestic Workers Convention and the Protocol of 2014 to the ILO Forced Labour Convention, 1930.
- Establish government-sponsored shelters for domestic workers fleeing abuse or provide financial support for private shelters; and publicize the existence and contact information of shelters and other assistance among domestic workers.
- Train police officers on receiving and processing domestic worker complaints.
- Instruct police officers not to return domestic workers to employers or recruitment agencies against their will, and to thoroughly investigate all credible allegations of abuse against employers and recruitment agents.
- Coordinate with the United Arab Emirates on investigating situations of trafficking of persons, with a particular focus on the role of recruitment agencies in the towns of Al Ain and Buraimi.
- Raise awareness of both domestic workers and employers of rights and responsibilities, and regularly inform employers of penalties for mistreatment.

## To the Governments of Countries of Origin

- Provide domestic workers information on their rights, on how to understand and effectively navigate Oman’s legal framework regarding domestic workers, and on how to access crisis support and legal assistance available to them in Oman.
- Report allegedly abusive employers and recruitment agencies to the Omani authorities, so they can investigate and prosecute where appropriate.

## Methodology

This report is based on research conducted in Oman in May 2015 by two Human Rights Watch researchers. They conducted interviews in Muscat, the Omani capital, and Seeb, a nearby coastal city, which have high concentrations of recruitment agencies and families employing domestic workers, and where many domestic workers fled after abuse by employers from other parts of Oman.

Human Rights Watch researchers interviewed 59 female migrant domestic workers between the ages of 19 and 52. The workers were from Bangladesh, India, Indonesia, the Philippines, Tanzania, and Uganda. The interviews took place in a variety of locations including parks, open spaces, malls, cafes, hotels, and informal shelters. The researchers conducted interviews in person, and one by phone.

The researchers took care not to approach women in the presence of their employers. The length and depth of interviews varied depending on the degree of privacy at the interview location. Researchers conducted most interviews individually, although some were group interviews.

Human Rights Watch researchers discussed with all interviewees the purpose of the interview, the ways the information would be used, and its voluntary nature. No compensation was provided to interviewees for participating. The researchers also advised all interviewees that they could decline to answer any question or end the interview at any time, and they sought to minimize the risk of further traumatization of those interviewees who had experienced physical or sexual abuse.

Researchers conducted interviews in English, Hindi, Bengali, and Arabic. Whenever possible, interviews were conducted in the workers' own languages, sometimes with the assistance of an interpreter. Human Rights Watch researchers also interviewed lawyers, country-of-origin embassy officials, and community social workers who requested anonymity.

This report uses pseudonyms for all workers and withholds names for all other individuals in the report who requested anonymity in the interest of their privacy. Interview locations and other identifying information has also been withheld where interviewees requested it.

Human Rights Watch requested meetings with Omani government officials in May 2015. However, the Oman Human Rights Commission informed Human Rights Watch that the government would not grant such meetings, and requested that Human Rights Watch not conduct research in Oman without prior government agreement. Human Rights Watch sent a summary of its research findings and a request for information on domestic worker policies and practices to the Ministries of Manpower, Justice, Legal Affairs, and Foreign Affairs as well as the Royal Oman Police, and the Omani ambassador to the USA in June 2016. None had responded at the time of writing.

Human Rights Watch makes no statistical claims based on these interviews regarding the prevalence of abuse against the total population of domestic workers in Oman.

# I. Background

Since the 1973 oil boom, Oman has become a high income economy with a gross domestic product (GDP) of US\$52.2 billion in 2015, and gross national income (GNI) of \$18,340 in 2014.<sup>1</sup> While not as wealthy as its Gulf neighbors, it is a major destination for migrants from many parts of the world, particularly South Asia.<sup>2</sup>

According to the Omani National Centre for Statistics and Information (NCSI), there are more than 2 million non-Omani nationals in the country, comprising almost half of Oman's population of 4.4 million people.<sup>3</sup> Migrant workers constitute more than 88 percent of Oman's private sector workforce, according to a 2015 NCSI report.<sup>4</sup> Oman is one of the top 20 countries from which migrant workers, including domestic workers, send remittances home.<sup>5</sup> In 2014, such remittances totalled \$10.3 billion, comprising 12.6 percent of Oman's GDP.<sup>6</sup>

In 2014, according to government data, 130,006 out of 160,998 migrants employed as domestic workers in Oman were female (over 80 percent).<sup>7</sup> However, this number is believed to be higher as it does not include undocumented domestic workers. Oman's domestic workers are mostly recruited from the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, Ethiopia, and Tanzania.<sup>8</sup> However, there is an increasing recruitment of

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<sup>1</sup> Official Omani data shows Oman's GDP of 20.1 billion Omani rials (\$52.2 billion) for the third quarter of 2015 or September 2015. See, National Centre for Statistics and Information (NCSI), "Economic Review," April 26, 2016, <http://bit.ly/1UjoXIZ> (accessed June 21, 2016). World Bank data from 2014 puts Oman's GDP at \$81.8 billion and Oman's GNI at \$18,340. See, World Bank, "Oman," undated, <http://data.worldbank.org/country/oman?display=graph> (accessed June 21, 2016).

<sup>2</sup> Gulf Research Center, "Demography, Migration and the Labour Market in Oman," Explanatory Note No. 9/2015, 2015, [http://gulfmigration.eu/media/pubs/exno/GLMM\\_EN\\_2015\\_09.pdf](http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2015_09.pdf) (accessed June 21, 2016).

<sup>3</sup> The National Centre for Statistics and Information (NCSI) provides a daily "Population Clock." As of June 2, 2016, it noted 2,018,080 expatriates out of a population of 4,440,064. See, NCSI, *Population Clock*, <https://www.ncsi.gov.om/Pages/NCSI.aspx> (accessed June 21, 2016). NCSI said that in mid-2014, 1.732 million out of a population of 3.993 million people in Oman (43.3 percent of the population) were non-nationals. See, NCSI, *Statistical Year Book 2015*, October 6, 2015, [https://www.ncsi.gov.om/Elibrary/LibraryContentDoc/ben\\_Statistical\\_Year\\_Book\\_2015\\_740doda1-01d2-4f42-a159-6102a49ecf59.pdf](https://www.ncsi.gov.om/Elibrary/LibraryContentDoc/ben_Statistical_Year_Book_2015_740doda1-01d2-4f42-a159-6102a49ecf59.pdf) (accessed June 21, 2016) p. 64.

<sup>4</sup> NCSI, *Statistical Year Book 2015*, pp. 138-148.

<sup>5</sup> World Bank Group, "Migration and Remittances Factbook 2016," Third Edition, 2016, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf> (accessed June 21, 2016) pp. 31-32.

<sup>6</sup> World Bank Group, "Migration and Remittances Factbook 2016," pp. 31-32.

<sup>7</sup> NCSI, *Statistical Year Book 2015*, p. 144.

<sup>8</sup> NCSI, *Statistical Year Book 2015*, p. 147.

domestic workers from East African countries to the Gulf states, including Oman, as recruitment agencies attempt to sidestep restrictions and bans in recent years by some Asian countries on domestic workers migrating to the Gulf.

Women seek to migrate abroad for domestic work for a variety of reasons. Many female domestic workers come—in some cases, even for decades—to support family members at home. They are sometimes the sole earner for their family and have few employment opportunities at home. Some hope to build houses for their family or invest in businesses. While domestic workers often take care of their employers' children, they usually go without seeing their own children for years. Rupa K., a 52-year-old domestic worker from Tamil Nadu, India, said she started working for an Omani family 24 years ago, helping to care for a family while her own 3 children grew up without her in India. Now adults in their 30s, they have children of their own, whom she sees every 2 years. She continues to work in Oman to help her daughter provide for her 3 children aged 5 to 7 because her son-in-law is blind and has not had work opportunities. “I have to support them,” Rupa said. When Human Rights Watch interviewed her she was using her wages to finance the construction of a house for her family.<sup>9</sup>

Others migrate after they find themselves in dire financial straits. Latika C., a 30-year-old Bangladeshi domestic worker, said she migrated because of family debt. “My husband is paralyzed. I had to pay \$10,000 in Bangladesh for his operation. We fell into debt because of this and so I decided to travel.”<sup>10</sup> Some women migrate to escape not just poverty but also violence. Marisa L., a 36-year-old Filipino domestic worker, is separated from her husband and the sole supporter of 3 sons and 2 daughters aged between 8 and 21 years old. “I was made to marry the man who raped me. He used to beat me. I came here in Oman for work and my children.”

Many Omani and expatriate households depend on migrant domestic workers. According to a 2013 government report, 23 percent of Omani families employ domestic workers, as do 2 percent of emigrant families.<sup>11</sup> Though these numbers may be higher as they do not include families who are not the sponsors of—but employ—domestic workers.

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<sup>9</sup> Human Rights Watch interview with Rupa K. (pseudonym), Muscat, May 15, 2015.

<sup>10</sup> Human Rights Watch interview with Latika C. (pseudonym), Muscat, May 21, 2015.

<sup>11</sup> NCSI, *Domestic Workers*, September 2013, <http://bit.ly/1QDdJID> (accessed June 21, 2016) pp. 2-3.

Domestic work, usually considered women's unpaid work, is often given little respect as real work, a prejudice that is clearly reflected in Oman's legal framework. Yet domestic workers perform a wide range of vitally important tasks for their employers including: cleaning rooms, windows, and cars; washing and ironing clothes and other laundry; cooking meals; taking care of children, elderly, or individuals with disabilities or special needs; tending to pets, sheep, and goats; and gardening.

## II. Abuses against Domestic Workers

This section documents how numerous employers and recruitment agents have abused and exploited domestic workers in Oman. It includes the accounts of domestic workers who experienced forced labor, trafficking, and possible situations of slavery. It also describes a range of other abuses, including: physical, sexual, and psychological abuse; wage abuses, excessive work, and lack of rest; passport confiscation and violations of freedom of movement; and denial of food, rest for illness, and adequate living conditions.

### Forced Labor, Possible Situations of Slavery, and Trafficking

Oman has banned forced labor, trafficking, and slavery. However, the cases below show that forced labor and trafficking continue to take place, and possibly situations of slavery, fuelled in part by the government's immigration policies, notably its reliance on the *kafala* system. Oman's legal framework does not address these abuses in accordance with international standards and Oman excludes domestic workers from the protections of its labor law. Even where abuses against domestic workers do contravene Omani law, there is an apparent dearth of prosecutions or other effective enforcement (see chapter III).

#### *Forced Labor*

The International Labour Organization (ILO) describes forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>12</sup>

Many of the domestic workers interviewed by Human Rights Watch in Oman described abusive situations that could amount to forced labor. Most said their employers confiscated and held their passports. Some workers described involuntarily entering or remaining in domestic work. Some also said that their employers told them they could leave only if they first paid back the recruitment fees employers had paid in order to secure their services—in general amounting to about 1,000-1,500 Omani rials (approximately

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<sup>12</sup> Art. 2, ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Oman on October 30, 1998. ILO Convention No. 105 concerning Abolition of Forced Labour (Abolition of Forced Labour Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959, ratified by Oman on July 21, 2005.

US\$2,600-\$3,900)—an impossible task for many who said their employers failed to pay their wages in full or on time.<sup>13</sup>

Workers also described a range of situations in which they worked under menace of penalty, an aspect of forced labor. This included situations where their employers threatened to inflict physical violence or kill them; beat them; physically confined them in the workplace; imposed financial penalties, including withholding salaries arbitrarily; threatened to or reported them to authorities as having “absconded” or otherwise breached the *kafala* system; threatened them with deportation; or falsely accused them of crimes.

Latika C., a 30-year-old Bangladeshi domestic worker, first went to the UAE for domestic work in October 2014. There, an agent took her to a recruitment agency in Al Ain. Shortly after, an Omani man hired her, and took her to Oman for domestic work. She said her employers did not pay her salary for 5 months, beat her when she asked to be paid, confiscated her passport, and made her work 15 hours a day with no rest or day off. They falsely accused her of a crime after she asked for her money. “I asked for my money and they beat me,” Latika said. “Madam said, ‘Tomorrow, we will make a case against you.’” The police then arrested her after her employers accused her of theft (see chapter IV: Absconding Charges and Employer’s Criminal Complaints).<sup>14</sup>

Like Latika, many other domestic workers experienced multiple abuses that together amount to situations of forced labor.

Evelyn S., a 42-year-old Filipina domestic worker, found successive employment with two families in Oman, for around two months each. Both families confiscated her passport; made her work 16 hours a day with no rest and no day off; deprived her of adequate food; and reneged on their promises to pay any part of her 120 OMR (\$310) salary per month. She said that members of the second family also verbally and physically abused her, including while she carried hot pots of food. “Mother of sponsor hit me and [I] dropped the pots, which burned my arms,” she said.<sup>15</sup>

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<sup>13</sup> Hereafter Omani rials are referred to as OMR. This report uses an exchange rate of 2.598 for OMR to USD and then rounded up. XE currency converter, <http://www.xe.com/> (accessed June 21, 2016).

<sup>14</sup> Human Rights Watch interview with Latika C. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>15</sup> Human Rights Watch interview with Evelyn S. (pseudonym), Muscat, May 20, 2015.

Babli H., a 28-year-old Bangladeshi domestic worker, said, “My agent bought me for 80,000 taka (\$1,020).” She said her employer in Oman confiscated her mobile phone and passport; made her work 21 hours a day with no rest or day off; physically and verbally abused her; and did not pay her salary for the entire 2 months she worked. She said when she asked to leave, her employer said, “If agent doesn’t give me back my money, I won’t let you go.” She said her employer beat her and kicked her out of the house when the water bill went up—after she watered the garden every day, as her employer ordered.<sup>16</sup>

### *Possible Situations of Slavery*

Situations of slavery are distinguished by the exercise of “any or all of the powers attaching to the right of ownership” over a person.<sup>17</sup> All states have adopted laws that prohibit slavery, but it is widely accepted that the definition of slavery under international law encompasses situations where one person is able to exercise *de facto* powers of ownership over another in spite of these prohibitions.<sup>18</sup> The UN special rapporteur on contemporary forms of slavery has asserted that slavery includes situations where “the perpetrator puts forward a claim to ‘own’ the victim that is sustained by custom, social practice or domestic law.”<sup>19</sup> There is, however, no clear consensus as to precisely what combination of factors allow for a situation to be properly defined as slavery, as opposed to forced labor, servitude, or slavery-like conditions, under international law.<sup>20</sup>

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<sup>16</sup> Human Rights Watch interview with Babli H. (pseudonym), Muscat, May 21, 2015.

<sup>17</sup> Art. 1, Slavery, Servitude, Forced Labor and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927. Oman has not ratified this convention. For further discussion, see below, Chapter III: Criminalizing and Prosecuting Forced Labor, Slavery, and Trafficking.

<sup>18</sup> See, *Prosecutor v. Kunarac, Kovac and Vukovic*, International Criminal Tribunal for the Former Yugoslavia, Case No. IT-96-23 and IT-96-23/1-A, Judgement (Appeals Chamber), June 12, 2002, para. 119, noting that “the traditional concept of slavery, as defined in the 1926 Slavery Convention and often referred to as ‘chattel slavery’ has evolved to encompass various contemporary forms of slavery”; Art. 7(1)(c), International Criminal Court, Elements of Crimes, ICC-ASP/1/3 (part II-B), adopted September 9, 2002, entered into force September 9, 2002, <http://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf> (accessed June 21, 2016), defining slavery as a situation where, as part of a widespread or systematic attack directed against a civilian population, “The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.”

<sup>19</sup> UN Commission on Human Rights, “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian,” June 18, 2010, U.N. Doc. A/HRC/15/20, [http://www.ohchr.org/documents/issues/slavery/sr/a.hrc.15.20\\_en.pdf](http://www.ohchr.org/documents/issues/slavery/sr/a.hrc.15.20_en.pdf) (accessed June 21, 2016) para. 25.

<sup>20</sup> The ICTY in *Kunarac*, for example, concluded “the question of whether a particular phenomenon is a form of enslavement will depend on the operation of the factors or indicia of enslavement...Consequently it is not possible to exhaustively enumerate all of the contemporary forms of slavery which are comprehended in the expansion of the original idea...” *Prosecutor v. Kunarac*, para. 119. The European Court of Human Rights has cited *Kunarac* on this point. European Court of Human Rights, *Rantsev v. Cyprus and Russia*, Judgment of January 10, 2010, available at [www.echr.coe.int](http://www.echr.coe.int) (accessed June 21, 2016), paras. 136-144. As of June 2016 the Court had decided several cases where it found a violation of Article 4 of the

Human Rights Watch has argued that some countries' legal frameworks make it possible for migrant domestic workers to become trapped in situations of *de facto* slavery.<sup>21</sup> The same risk exists in Oman. In light of some of the experiences migrant workers described, Human Rights Watch believes that Oman's legal framework, in combination with the government's lax enforcement of the country's already inadequate legal protections, risks giving rise to situations of slavery.

This report details how Oman's legal framework facilitates abuse of migrant domestic workers. It helps enable situations where migrant domestic workers are physically confined to the homes they are made to work in, left unpaid, subjected to physical or emotional abuse, cut off from all outside contact, and unable to secure respect for any of the minimal rights they are entitled to under Omani law. In addition to all this, several workers said that their employers also behaved as though they owned them—claiming that the recruitment fees they paid to secure workers' services were in fact a price paid to acquire them as property. Some employers reportedly told workers that they had “bought” them and that they would not allow them to leave their employment unless that money was repaid.

The mere assertion of ownership rights does not make for a situation of slavery, and Omani law certainly does not recognize any such claim of ownership. But Human Rights Watch documented several cases in which police personnel are alleged to have returned workers who fled situations of confinement and abuse to their employers against their will. As reported to Human Rights Watch, the employers in these situations appeared able to secure the cooperation of law enforcement agencies in ensuring the forcible return of workers who they claimed as property—suggesting the *de facto* exercise of something akin to “powers attaching to the right of ownership.” Situations like those described below are at the very least dangerously close to situations of slavery.

Human Rights Watch interviewed several workers who said that they fled abusive situations and then either sought assistance from or were detained by the police, only to

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European Convention on Human Rights, which prohibits slavery, servitude, and forced or compulsory labor, but had not labeled any of those violations as situations of slavery.

<sup>21</sup> See, Human Rights Watch, *“I Already Bought You”: Abuse and Exploitation of Female Domestic Workers in the United Arab Emirates*, October 2014, <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>; Human Rights Watch, *“As if I Am Not Human”: Abuses against Asian Domestic Workers in Saudi Arabia*, July 2008, <http://www.hrw.org/reports/2008/07/07/if-i-am-not-human-o>.

be returned to their employers against their will (see Chapter IV: Absconding and Police Behavior). Others who sought assistance from their recruitment agencies said they were either returned to their employers against their will or forced to work for another employer unless they could pay back “fees.”<sup>22</sup>

Mamata B., a Bangladeshi domestic worker, said that in 2015 she paid an agent in Bangladesh 350 OMR (\$910) to secure a job as a domestic worker in the UAE with a \$200 monthly salary. After a medical test in the UAE revealed a blood disorder, she said her employer returned her to the agency, which took her to their office in Al Ain, where she stayed for 25 days. Then they told her to go with an employer to Oman. She said she did not want to go to Oman, but the agent replied, “die here then.” Her new employer also ignored her pleas not to go, and told her, “I bought you in Dubai.”

Mamata said her employer forced her to work 21 hours a day with no rest and no day off for a family of ten people, including six young children; only allowed one phone call in two months; did not provide enough food; verbally and physically abused her; and paid her nothing.

After two months, she fled to the police. She said the police asked for her employer’s contact details, but she pleaded, “I don’t want to go, they will beat me.” She said the police replied, “They won’t beat you.” The police called her employer, who took her back. She said that her employer then beat her and locked her in a room for eight days with only dates and water. She said she fled again after another severe beating by her employer: “She kicked me and I fell on my chest. She picked up my head by grabbing my hair. They beat me mercilessly. I became numb from all the beating.”<sup>23</sup>

Several women described how their employers bartered over how much they would have to pay for their “release” from their visa-sponsorship, in some cases seeking more money than they paid in fees to recruit them. The *Times of Oman* also reported a recruitment agent describing the charging of ‘release’ money as “common practice.”<sup>24</sup> Combined with

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<sup>22</sup> See cases under Chapter II: Trafficking, and Chapter IV: Abuse by Recruitment Agents.

<sup>23</sup> Human Rights Watch interview with Mamata B. (pseudonym), Muscat, May 21, 2015.

<sup>24</sup> “Release fee demand on workers ‘illegal’ in Oman,” *Times of Oman*, March 12, 2016, <http://timesofoman.com/article/79286/Oman/Government/Release-fee-demand-on-domestic-workers-transfer-in-Oman-illegal> (accessed June 21, 2016).

the larger context of coercion and abuse many domestic workers face, this could give rise to situations where employers effectively “sell” a domestic worker they employ to someone else against that worker’s will.



### *Trafficking*

Human Rights Watch interviewed several women who described being trafficked into forced labor situations from the UAE to Oman, often across the border between the towns of Al Ain, in the UAE, and Buraimi, in Oman. Several country-of-origin embassy officials told Human Rights Watch that they cannot track workers migrating or trafficked into Oman via this porous border (see chapter III). Nor can they provide these workers with contract verification or require employers to provide them with health insurance. An Indonesian embassy official said many domestic workers who came to them for help had arrived in Oman from the UAE, sometimes in trafficking situations. The same official said that 60 out

of 100 women whom the Indonesian embassy had sheltered in April 2015 had come to Oman by crossing the UAE border.<sup>25</sup>

In late 2013, Human Rights Watch heard similar accounts from domestic worker country-of-origin embassy officials in the UAE. They noted that there were many recruitment agencies in Al Ain and Buraimi and that Omani employers travelled to Al Ain on Fridays to find a domestic worker.<sup>26</sup> One country-of-origin official told Human Rights Watch that women, many of whom had travelled to the UAE to work as domestic workers, were confined to recruiting agency offices or even “put on display” for potential employers.<sup>27</sup> These agency offices reportedly allowed employers from Oman and other Gulf states to find readily available domestic workers when they did not want to spend time processing travel for a migrant domestic worker or wanted to avoid other restrictions. One country-of-origin official noted: “In Al Ain, you see a lot [of agencies] especially on the border. It is just like window shopping.”<sup>28</sup>

Asma K. said she paid 300 OMR (\$780) to an agent in Bangladesh to connect her to a job in the UAE. She said a UAE agent picked her up in Sharjah and took her to Dubai, where she said, “I was sold to a man in Oman.” Her employer then confiscated her passport; forced her to work 21 hours a day with no rest or day off for a family of 15; deprived her of food; did not pay her salary; and subjected her to verbal abuse and sexual harassment. When she asked to leave, her employer said, “I bought you for 1,560 rials (\$4,052) from Dubai; give it back to me and then you can go.” After his adult sons sexually harassed her, she said, “I begged their mother, ‘Your sons won’t leave me alone at night. Please let me go home.’” Her employer’s wife sent her back to the agent. But the agent hit her about 50 times with a stick that night, and sent her to work for another employer.

The new employer was no better. Asma said her second employer forced her to work 20 hours a day with no rest and no day off; confiscated her passport; gave her only leftover spoiled food; did not pay her; and verbally and physically abused her. She said she fled

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<sup>25</sup> Human Rights Watch interview with an Indonesian embassy official (name withheld), Muscat, May 22, 2015.

<sup>26</sup> Human Rights Watch interview with five officials from two countries of origin relating to research on domestic workers in the UAE in November 2013. The officials spoke to Human Rights Watch on condition of anonymity.

<sup>27</sup> Human Rights Watch interview with country-of-origin official in the UAE (name withheld), in November 2013.

<sup>28</sup> Human Rights Watch interview with country-of-origin official in the UAE (name withheld), in November 2013.

after her employer threatened to kill her: “She tried to cut me with a knife. I begged her not to hit me. I said, ‘Take me back [to the agency].’ She said, ‘I will throw you in the river.’”<sup>29</sup>

Some women are subject to trafficking into forced labor, without going via the UAE. Sushila R., a 21-year-old Bangladeshi domestic worker, said that in 2015 she took a loan to pay 100,000 taka (\$1,265) to an agency in order to obtain a customer service job in Oman. But just before she left Bangladesh, she learned that her visa designated her as a domestic worker. She said the agent explained that she would first be taken to a house, and then after two days, her employer would take her to a shop to do customer service work. After arriving, she said she told her employer, “I’m supposed to work in the shop.” But her employer said, “No, you are a housemaid... If you don’t work with me, then I will hit you, and send you back.” She fled the house and went to the police. Sushila said the police sent her back to her agent in Mabella (a coastal area at the edge of Muscat), who told her, “I paid 200 rials (\$520). If you pay this, then you can go.” She said she replied, “No, I paid for everything myself.” He beat her and locked her in a room with two other women who said the agent had also “bought” them for 200 OMR. She said she managed to escape after she jumped out of a second-story window and cut her feet.<sup>30</sup>

## Physical, Psychological, and Sexual Abuse

Some domestic workers whom Human Rights Watch interviewed said that their employers physically abused them, often if they were not pleased with their housework, including by beating them with sticks; punching, slapping, and kicking them; burning them with hot food, water, and implements; and pulling or cutting their hair. Human Rights Watch observed injuries during interviews such as missing teeth and hair, bruises, and burns.

“Madam would shout at me, and when she thinks that work is not done right she would grab my hair and pull me out of the house,” Husna J., a 20-year-old Bangladeshi domestic worker, told Human Rights Watch.<sup>31</sup> Similarly, Asma K. also from Bangladesh, said her

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<sup>29</sup> Human Rights Watch interview with Asma K. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>30</sup> Human Rights Watch interview with Sushila R. (pseudonym), Muscat, May 21, 2015.

<sup>31</sup> Human Rights Watch interview with Husna J. (pseudonym), from Mirpur district in Dhaka, Bangladesh, Muscat, May 21, 2015.

employer would criticize her for not watering the plants correctly. “If I said I did,” Asma said, “she would slap me twice.”<sup>32</sup>

Sometimes, more than one family member meted out abuse. Shima U., a 50-year-old Bangladeshi domestic worker, said that during the six months she worked for an Omani employer in 2014, several family members beat her: “They held my arms and two people beat me. Madam pulled my hair, and burnt me on my arms.”<sup>33</sup>

In other cases, workers said employers beat them for other “transgressions,” like eating food, speaking on the phone, asking for their salary, or asking to quit their job. Parveen A. said her employer beat her when she found her eating rice in the kitchen: “She beat me up. She pulled my hair and hit me all over.”<sup>34</sup> Latika C. said that when she asked her employer for her salary, it “created a storm. They beat me for asking for it.”<sup>35</sup>

Some women described how their employers beat them even more severely after they fled and reported abuse to the police, who sent them back.

Aditya F., a 30-year-old domestic worker from West Java in Indonesia, said her employer beat her and broke her teeth after the police returned her to her employer’s home in 2014.<sup>36</sup> Latika C. said the police returned her to her employer after they cleared her of a theft allegation, and that her employer abused her for two days upon return: “He cut my hair and burned my feet with hot water.”<sup>37</sup>

Most of the domestic workers who spoke to Human Rights Watch said that their employer or members of their household shouted at and insulted them, threatened them, and humiliated them. Many said their employers treated them like “animals,” or as if they were dirty. “Madam would say all the time that I don’t have a brain. That I’m dirty. That I don’t know how to cook. They would call me ‘ayb’ (in Arabic, shameful or disgraceful),” said Marisa L.<sup>38</sup>

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<sup>32</sup> Human Rights Watch interview with Asma K. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>33</sup> Human Rights Watch interview with Shima U. (pseudonym), Muscat, May 21, 2015.

<sup>34</sup> Human Rights Watch interview with Parveen A. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>35</sup> Human Rights Watch interview with Latika C. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>36</sup> Human Rights Watch interview with Aditya F. (pseudonym), Muscat, May 22, 2015.

<sup>37</sup> Human Rights Watch interview with Latika C. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>38</sup> Human Rights Watch interview with Marisa L. (pseudonym), from the Philippines, Muscat, May 19, 2015.

Jocelyn E., a 28-year-old Filipina domestic worker, said all eight members of the family she worked for also shouted at her and called her things such as “Filipino bitch” and “crazy.”<sup>39</sup> Rahela C., a Bangladeshi domestic worker, said her employer refused to pay her three months’ salary and threatened to kill her when she asked for it. She said her employer told her, “I will kill you and throw you in the sea.”<sup>40</sup>

Human Rights Watch also interviewed three domestic workers who said that their employers or members of their employer’s household had raped, sexually assaulted, or sexually harassed them.

Asma K. said that her employer’s three adult sons sexually harassed her at night. She said they called her to come to them, and she refused. She said, “I begged their mother, ‘Your sons won’t leave me alone at night. Please let me go home.’”<sup>41</sup> The mother sent her back to the agent.

Marisa L., a Filipina domestic worker, said her employer’s 21-year-old son sexually harassed her in 2012-2013. She said he often got drunk and offered her money to have sex with him. One time, she said, he came into the bathroom while she was cleaning, made sexual gestures at her, and said, “I want you little bit like this and like that.”<sup>42</sup>

Mausumi A., a 30-year-old Bangladeshi domestic worker, said that her employer’s son raped her in 2015: “I was working until late that night. I woke up at 3 a.m. to get something. The 27-year-old son grabbed and raped me.”<sup>43</sup>

## **Wage Abuses, Excessive Work, and Lack of Rest**

Many domestic workers whom Human Rights Watch interviewed said that their employers did not pay their wages, paid them late or less than was owed, and required them to work excessive hours without rest periods or rest days.

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<sup>39</sup> Human Rights Watch interview with Jocelyn E. (pseudonym), Muscat, May 20, 2015.

<sup>40</sup> Human Rights Watch interview with Rahela C. (pseudonym), Muscat, May 21, 2015.

<sup>41</sup> Human Rights Watch interview with Asma K. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>42</sup> Human Rights Watch interview with Marisa L. (pseudonym), Muscat, May 19, 2015.

<sup>43</sup> Human Rights Watch interview with Mausumi A. (pseudonym), Muscat, May 21, 2015.

## *Wage Abuses*

Some domestic workers told Human Rights Watch that their employers had not paid wages for anywhere from one month to one year. Several said their employers told them they would pay only after a certain number of weeks or months to compel them to stay—and even then, might underpay. Oman’s 2004 domestic worker regulations require that the employer pay monthly wages within seven days of the end of each month, and an employee must sign a receipt for it (see chapter III).<sup>44</sup>

Anandini U., a 36-year-old Indian domestic worker from Andhra Pradesh, said her Omani recruitment agency told her she would receive 120 OMR (\$310) per month, but her employer only gave her 80 OMR (\$208), always delaying by weeks. “If I ask for salary, they just shout and shout,” she said.<sup>45</sup> Evelyn S. said she signed a contract in the Philippines to do domestic work for 160 OMR (\$415), but the two successive families she worked for—in each case for two months—told her they would pay only 120 OMR (\$310), then did not pay her at all.<sup>46</sup> Nalini H., a Bangladeshi domestic worker, said her employer paid her 60 OMR (\$155) per month for two months of work, but then stopped paying for a full year.<sup>47</sup>

## *Excessive Work and Lack of Rest*

Most of the domestic workers who spoke to Human Rights Watch said their employers required them to work for excessively long periods—15 to 21 hours a day—and carry out a variety of tasks.

Asma K. said her employer made her work from 4:30 a.m. until 1 a.m. without rest. “For the entire day they wouldn’t let me sit,” she said. “I used to be exhausted. There were 20 rooms and over 2 floors.”<sup>48</sup>

Divya S., a 43-year-old Indian domestic worker from Kerala, said she started working at 5 a.m. and would finish between 10 p.m. and midnight. She cleaned, washed clothes,

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<sup>44</sup> Art. 5(1), Ministerial Decision no. 189/2004.

<sup>45</sup> Human Rights Watch interview with Anandini U. (pseudonym), Muscat, May 15, 2015.

<sup>46</sup> Human Rights Watch interview with Evelyn S. (pseudonym), Muscat, May 20, 2015.

<sup>47</sup> Human Rights Watch interview with Nalini H. (pseudonym), Muscat, May 21, 2015.

<sup>48</sup> Human Rights Watch interview with Asma K. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

cooked, and ironed. Divya said her employer allowed her to go back to the Omani agency office because it was “too much work. No rest.”<sup>49</sup>

Many domestic workers said their employers did not allow them to rest even if they were ill or injured, including Jocelyn E., who said: “I had the flu and a fever, but they didn’t let me stop working.”<sup>50</sup> Maricel P., a Filipina domestic worker, said, “Because of overwork, I became sick. [Yet] I was allowed to rest for only two hours but [then] had to work.”<sup>51</sup>

Few workers said their employers regularly allowed rest periods during the day or periodic days off. Only two said their employer allowed a weekly day of rest. This is despite the 2011 domestic workers standard contract which requires that employers allow one paid weekly day of leave, or compensation in lieu of time off.<sup>52</sup> Jocelyn E. said she worked from 5:30 a.m. until 10:30 p.m. or later with almost no rest: “If I finish work then [I] can have lunch for 30 minutes.” Her employer did not allow any days off for nearly a year, then allowed only one day off per month for her last five months of work.<sup>53</sup>

Many workers described excessive work demands. Anandini U. said she worked for an Omani family of three, but relatives often visited, and she then worked for up to eleven people. She said she worked from 4 a.m. until late at night cleaning, cooking, and taking care of a baby day and night, with no rest and no day off. “Too much difficulties,” she said.<sup>54</sup> Parveen A. said she worked for a family of 15 in 4 houses in their compound in Sohar. She said she worked for 16 months from 4 a.m. until midnight with no day off.<sup>55</sup> Aisha N., a 22-year-old Ugandan domestic worker, spent 24 months working for an Omani family of 8 including 6 young children. She said she worked 13 to 16 hours a day with no day off.<sup>56</sup>

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<sup>49</sup> Human Rights Watch telephone interview with Divya S. (pseudonym), while she was in Muscat, May 28, 2015.

<sup>50</sup> Human Rights Watch interview with Jocelyn E. (pseudonym), from the Philippines, Muscat, May 20, 2015.

<sup>51</sup> Human Rights Watch interview with Maricel P. (pseudonym), Muscat, May 20, 2015.

<sup>52</sup> Art. 5(c) of the “Employment contract for domestic workers and those in similar jobs,” Ministry of Manpower, Ministerial Decision no.1 of 2011, Organizing Manpower of Non-Omanis.

<sup>53</sup> Human Rights Watch interview with Jocelyn E. (pseudonym), from the Philippines, Muscat, May 20, 2015.

<sup>54</sup> Human Rights Watch interview with Anandini U. (pseudonym), from Andhra Pradesh, India, Muscat, May 15, 2015.

<sup>55</sup> Human Rights Watch interview with Parveen A. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>56</sup> Human Rights Watch interview with Aisha N. (pseudonym), Seeb, May 15, 2015.

## Passport Confiscation, Restricted Communication, and Confinement

Passport is always with madam.

—Rupa K., 52, an Indian domestic worker, who spent 24 years working for an Omani family.<sup>57</sup>

Domestic workers in Oman described common employer practices, such as passport confiscation, tight restrictions on communication, and confinement in the household, which cut them off from sources of social support.

Almost all the domestic workers Human Rights Watch interviewed said their agents or employers had confiscated their passports. Jocelyn E. said: “When I arrived [in Oman], the agency took my passport and gave it to madam, [who then kept it].”<sup>58</sup> Marisa L. said her Omani employer confiscated her passport upon arrival in 2011: “She told me, ‘Give me your passport and I will give it back to you when you finish your contract.’”<sup>59</sup>

Passport confiscation is a key element in identifying situations of forced labor.<sup>60</sup>

A 2006 circular produced by Oman’s Ministry of Manpower makes clear that employers have no right to retain workers’ passports without their consent or a court order.<sup>61</sup> According to the US State Department, in 2014, the Royal Oman Police placed public awareness announcements in local English and Arabic newspapers to raise awareness that confiscating the passport of an expatriate worker is illegal, and that passport confiscation could lead to prosecution and a jail sentence.<sup>62</sup> However, the 2006 circular provides for no specific penalties for noncompliance.

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<sup>57</sup> Human Rights Watch interview with Rupa K. (pseudonym), Muscat, May 15, 2015.

<sup>58</sup> Human Rights Watch interview with Jocelyn E. (pseudonym), from the Philippines, Muscat, May 20, 2015.

<sup>59</sup> Human Rights Watch interview with Marisa L. (pseudonym), from the Philippines, Muscat, May 19, 2015.

<sup>60</sup> ILO, *Human Trafficking and Forced Labor Exploitation: Guidelines for Legislation and Law Enforcement: Special Action Programme to Combat Forced Labor* (Geneva: ILO, 2005), [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081999.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081999.pdf) (accessed June 21, 2016), p. 21.

<sup>61</sup> Human Rights Watch could not find this circular on a government website. The text of the Ministry of Manpower Circular no. 2/2006 of 2006 (in Arabic) is reproduced on this website: <http://avb.s-oman.net/archive/index.php/t-1285676.html> (accessed June 21, 2016). See also, reference made to it in UN Human Rights Council, National Report of Oman to the Working Group on the Universal Periodic Review, U.N. Doc. A/HRC/WG.6/10/OMN/1, November 18, 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/OMSession10.aspx> (accessed on June 21, 2016) para. 91.

<sup>62</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2015 Trafficking in Persons Report,” July 2015, <http://www.state.gov/documents/organization/243561.pdf> (accessed June 21, 2016) p. 270.

The *Times of Oman* reported that a Royal Oman Police (ROP) source said that the “ROP has nothing to do with expatriates’ passport in such matters,” and is only authorized to deal with such cases if an Omani passport is involved. The article also reported that the Ministry of Manpower does not directly sanction employers for passport confiscation, quoting a government official saying, “the Ministry of Manpower tries to settle the issue between the employers and employees,” and refers the issue to the Public Prosecution in the event of failure to do so.<sup>63</sup>

The US Trafficking in Persons Report in 2016 reported that the Ministry of Manpower handled 432 passport retention violations, of which “137 were referred to the lower court, 126 were settled through a mediation process, and seven were referred to labor inspection teams comprised of law enforcement to check on the employer.” But the report noted that the Ministry did not refer any of these violations for criminal prosecution of potential labor trafficking offenses. It did not mention whether any of these cases involved domestic workers or whether employers faced sanctions for passport confiscation.<sup>64</sup>

Human Rights Watch approached several government ministries to ask whether there are any laws that are used to prosecute employers who confiscate domestic workers’ passports without their consent; none responded.

Some domestic workers also told Human Rights Watch that their employers took their phones and refused to let them use household telephones or computers. Babli H. said, “The agent gave me an Omani sim card so I can call my son. But my madam took my mobile. I pleaded with her, ‘Please don’t take my mobile.’”<sup>65</sup> But her employer would not give it back to her.

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<sup>63</sup> “Bosses in Oman told not to keep a worker’s passport,” *Times of Oman*, November 2, 2015, <http://timesofoman.com/article/70974/Oman/Government/Employers-in-Oman-keep-passports-of-expatriates-despite-government-directive> (accessed June 21, 2016).

<sup>64</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2016 Trafficking in Persons Report,” June 2016, <http://www.state.gov/documents/organization/258881.pdf> (accessed June 30, 2016), p. 293.

<sup>65</sup> Human Rights Watch interview with Babli H. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

Nalini H. described how her employer beat her for calling her family:

After a month they wouldn't give me my phone. I would cry and plead for my phone. My brother had an accident and his legs were injured. I managed to call my brother, but my boss said, "This is not your brother." They think I have a boyfriend. Then boss, madam, and their daughter beat me with sticks all over my body.<sup>66</sup>

Some women told Human Rights Watch that their employers did not allow them to leave the homes where they worked and even locked them inside. Other domestic workers said that even if they were not locked in, they felt isolated, especially if they lived outside the main cities and far away from their embassy. For workers living in large cities, it can still be hard to know how to get to their embassy, or to pay for a taxi. "I left the house and walked for hours. I was exhausted," Asma K., a Bangladeshi domestic worker who fled her abusive employer, told Human Rights Watch. She eventually came across a Bangladeshi worker who took pity on her and gave her some cash. "I took four taxis to go to the embassy. It cost me 30 rials (\$78)," she said.<sup>67</sup>

## Denial of Food and Inadequate Living Conditions

While Oman's 2004 domestic worker regulations and standard contract makes employers responsible for providing domestic workers with adequate room, food, and medical care, some domestic workers said that they were not provided sufficient food or sleeping conditions.<sup>68</sup>

For instance, some domestic workers told Human Rights Watch that their employers gave them insufficient or spoiled food and berated or beat them if they requested more. This problem is particularly serious because the domestic workers Human Rights Watch interviewed generally lacked the financial means to purchase their own food, and in many cases, the time off work and even the freedom of movement necessary to procure it. Several workers said their employers deprived them of food as a punishment for their "mistakes" in housework.

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<sup>66</sup> Human Rights Watch interview with Nalini H. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>67</sup> Human Rights Watch interview with Asma K. (pseudonym), Muscat, May 21, 2015.

<sup>68</sup> Art. 5(2), Ministerial Decision no. 189/2004.

Evelyn S. said that her first employer in Oman did not allow her to eat lunch. Describing the situation with her second employer she said, “Sometimes I do not eat because there is too much work.”<sup>69</sup> Mamata B. said her employer punished her after she fled to the police for help but they returned her: “My madam locked me in the room for eight days with only dates to eat and water to drink.”<sup>70</sup> Parveen A. said her employer beat her when she found her eating rice.<sup>71</sup>

Some domestic workers also described inadequate sleeping conditions in the homes where they worked. Some said employers required them to sleep in the same room as children, sometimes in the same bed as a child. One worker said she slept with a two-month-old baby, and another said she had to sleep in the same bed as her 45-year-old female employer because she is “madam’s right hand.”<sup>72</sup> Others said they slept in kitchens, storage rooms, or open living rooms. Anisa M., a Tanzanian domestic worker, said, “I sleep in the kitchen. I don’t have a room.”<sup>73</sup>

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<sup>69</sup> Human Rights Watch interview with Evelyn S. (pseudonym), from the Philippines, Muscat, May 20, 2015.

<sup>70</sup> Human Rights Watch interview with Mamata B. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>71</sup> Human Rights Watch interview with Parveen A. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>72</sup> Human Rights Watch interviews with Somaiya N. (pseudonym), from Indonesia, Muscat, May 21, 2015, and Rupa K. (pseudonym), from Tamil Nadu, India, Muscat, May 15, 2015.

<sup>73</sup> Human Rights Watch interview with Anisa M. (pseudonym), Muscat, May 15, 2015.

### III. Legal Framework

The acute vulnerability of domestic workers in Oman to abuse and exploitation by their employers is largely attributable to Oman's badly flawed domestic legal framework. In 2007, the UN Special Rapporteur on trafficking in persons stated that domestic workers in Oman, who are "hidden behind the guarded walls of their employers' homes" are susceptible to abuse and exploitation because of the restrictive immigration system of *kafala* and the "weak legal framework surrounding their working conditions."<sup>74</sup>

The situation that domestic workers face in Oman is similar to that of most countries in the region.<sup>75</sup> In some of these other countries, however, there have been important examples of progress in recent years. Jordan became the first in the region, in 2008, to include domestic workers under its labor law, and adopted domestic worker labor regulations in 2009.<sup>76</sup> Since then, some Gulf governments—faced with frequent reports of worker abuse, country-of-origin complaints, and occasional bans on migration to Gulf countries by

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<sup>74</sup> Report of the UN Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda, "Mission to Bahrain, Oman, and Qatar," U.N.Doc. A/HRC/4/23/Add.2, April 25, 2007, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (accessed June 21, 2016) para. 71.

<sup>75</sup> See, Human Rights Watch, "*I Already Bought You*": Abuse and Exploitation on Female Migrant Domestic Workers in the United Arab Emirates, October 2014, <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>; Human Rights Watch, "*For A Better Life*": Migrant Worker Abuse in Bahrain and the Government Reform Agenda, September 2012, <https://www.hrw.org/report/2012/09/30/better-life/migrant-worker-abuse-bahrain-and-government-reform-agenda>; Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System*, October 2010, <http://www.hrw.org/reports/2010/10/06/walls-every-turn-o>; and Human Rights Watch, "*As If I am not Human*": Abuses against Asian Domestic Workers in Saudi Arabia, July 2008, <http://www.hrw.org/reports/2008/07/07/if-i-am-not-human-o>.

<sup>76</sup> In 2008, Jordan amended its labor law to provide domestic workers the same protections as other workers, including minimum wage; annual, maternity, and sick leave; and workplace health and safety regulations. Jordan issued regulations in 2009 and subsequent revisions in 2013, which require employers of migrant domestic workers to grant at least eight hours of continuous rest per day, limit daily work to eight hours, and grant one day off per week. See Law no. 48 of 2008 amending the Labour Code, available on the ILO website, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=89325&p\\_country=JOR&p\\_count=156](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=89325&p_country=JOR&p_count=156) (accessed June 21, 2016); Regulation no. 90/2009 of Domestic workers, cooks, gardeners and similar categories, available on the ILO website at <http://www.ilo.org/dyn/travail/docs/642/Regulation%2090.2009.pdf> (accessed June 21, 2016), and Regulation no. 11/2013 amending the 2009 regulations on domestic workers, available on the ILO website at [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=95847&p\\_country=JOR&p\\_count=156](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=95847&p_country=JOR&p_count=156) (accessed June 21, 2016). However, enforcement of these legal protections was lax at the time of a 2011 assessment by Human Rights Watch. See Human Rights Watch, *Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers*, September 2011, <http://www.hrw.org/reports/2011/09/27/domestic-plight-o>.

countries of origin—have instituted reforms. In 2015, for example, Kuwait adopted a new law specifically covering domestic workers' labor rights.<sup>77</sup>

Gulf Cooperation Council (GCC) labor ministers have discussed the possible development of a regional standard contract for domestic workers, but a draft made public in 2013 failed to provide key protections, such as a limit on hours of work.<sup>78</sup> In November 2014, news media cited an announcement by a GCC official following a Labor Ministers' meeting that the GCC had agreed on a new standard contract for domestic workers. It would reportedly have imposed an eight-hour limit on their working day, given them one day off each week, overtime compensation, paid annual leave, and allowed them to live independently from their employers.<sup>79</sup> However, it later appeared that the GCC had not concluded an agreement but instead ministers agreed to check whether their governments would agree on the provisions.<sup>80</sup> Since then it seems that the initiative has been shelved.

While a regional standard contract would not make up for the lack of equal protections for domestic workers under the respective national labor laws of GCC member states, it could be a move in the right direction if it were in line with the ILO Domestic Workers Convention.<sup>81</sup>

Possibilities for regional cooperation aside, Oman has human rights law obligations to improve its own legal framework to ensure that it protects domestic workers' rights instead of discriminating against domestic workers and facilitating abuses against them as it does now. The following pages describe the most urgently needed areas of legal reform.

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<sup>77</sup> In June 2015, Kuwait's parliament passed a law which granted domestic workers the right to a weekly day off, 30 days of annual paid leave, a 12-hour working day with rest, and an end-of-service benefit of one month of pay for each year of service at the end of the contract, among other rights. Law no. 68 of 2015 regarding domestic workers. See the text of the law (in Arabic) at <http://kuwaitalyawm.media.gov.kw/content/%D8%B1%D9%82%D9%85-68-%D9%84%D8%B3%D9%86%D8%A9-2015> (accessed June 21, 2016). For Human Rights Watch analysis of the law see, "Kuwait: New Law a Breakthrough for Domestic Workers," Human Rights Watch news release, June 30, 2015, <https://www.hrw.org/news/2015/06/30/kuwait-new-law-breakthrough-domestic-workers>.

<sup>78</sup> Gulf Cooperation Council, Model Contract for Domestic Workers and the Like (on file with Human Rights Watch).

<sup>79</sup> "Gulf agrees on new contract for domestics," *Kuwait Times*, November 25, 2014, <http://news.kuwaittimes.net/gulf-agrees-new-contract-domestics/> (accessed June 21, 2016).

<sup>80</sup> "End Exploitation of Domestic Workers in the Gulf," Human Rights Watch commentary, December 18, 2014, <https://www.hrw.org/news/2014/12/18/end-exploitation-domestic-workers-gulf>.

<sup>81</sup> "Proposed Domestic Workers Contract Falls Short," Human Rights Watch news release, November 16, 2013, <https://www.hrw.org/news/2013/11/16/proposed-domestic-workers-contract-falls-short>; "Gulf Countries: Increase Migrant Worker Protection," Human Rights Watch news release, November 23, 2014, <https://www.hrw.org/news/2014/11/23/gulf-countries-increase-migrant-worker-protection>.

## *Kafala* (Visa-Sponsorship) System

Oman administers a visa-sponsorship system (known as *kafala*), in which a migrant worker's ability to enter, live, and work legally in Oman depends on a single employer who also serves as the worker's visa "sponsor." Governed primarily by the foreign residency law and reinforced by other laws and regulations, this system gives employers inordinate control over migrant workers and severely limits workers' ability to escape abusive working conditions.<sup>82</sup> The Royal Oman Police, which also acts as Oman's immigration authority, enforces the *kafala* system along with the Ministry of Manpower.

Oman's 2004 domestic worker regulations also reinforce the restrictive aspects of the *kafala* system. They stipulate that domestic workers are not allowed to work for another employer until their current employer—also their visa sponsor—has ended their sponsorship and all other required procedures are followed.<sup>83</sup> The labor law, which applies to other types of migrant workers, is also rooted in the *kafala* system and provides additional penalties for employers and workers who violate its restrictions.<sup>84</sup>

Domestic workers who wish to leave abusive employers before the end of their contract (generally two years) may not transfer to another employer without their current employer's permission, in the form of a "no-objection certificate" or "release."<sup>85</sup> The Directorate General of Labour within the Ministry of Manpower must then approve the transfer.<sup>86</sup> According to official data, authorities granted only 119 visa-sponsorship transfers for domestic workers in 2014.<sup>87</sup> This is a low number given that there are some 160,000 domestic workers in Oman, many of whom may want to change employers before their

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<sup>82</sup> Law on Foreign Residency, issued by Royal Decree no. 16/95, April 16, 1995, <http://www.rop.gov.om/pdfs/roplaws/arabic/ROPRULE-6.pdf> (accessed June 21, 2016); Implementing Regulations of the Foreign Residency Law, issued by Decree no. 16 of 1995, on August 13, 1996, text in Arabic available at <http://gulfmigration.eu/oman-decision-no-63-of-1996-issuing-the-implementing-regulations-of-the-foreign-residency-law-no-16-of-1995/> (accessed June 21, 2016); and Royal Oman Police, "Employment Visa," undated, [http://www.rop.gov.om/english/dg\\_pr\\_visas\\_employment.asp](http://www.rop.gov.om/english/dg_pr_visas_employment.asp) (accessed June 21, 2016).

<sup>83</sup> Art. 7(4), Ministerial Decision no. 189/2004 on labor rules and conditions for domestic employees, issued on June 16, 2004, available in Arabic at <http://www.omanlegal.net/vb/showthread.php?t=14362> (accessed June 21, 2016), and <http://www.s-oman.net/avb/showthread.php?t=701180> (accessed June 21, 2016).

<sup>84</sup> Art. 18Bis, 20, 113Bis, 114, and 114Bis, Labour Law, issued by Royal Decree no. 35/2003, [https://www.manpower.gov.om/Portal/Englishpdf/Service/toc\\_en.pdf](https://www.manpower.gov.om/Portal/Englishpdf/Service/toc_en.pdf) (accessed June 21, 2016).

<sup>85</sup> Art. 24, Implementing Regulations of the Foreign Residency Law.

<sup>86</sup> See, Royal Oman Police, "Employment Visa," undated, [http://www.rop.gov.om/english/dg\\_pr\\_visas\\_employment.asp](http://www.rop.gov.om/english/dg_pr_visas_employment.asp) (accessed June 21, 2016) and for more information about required documents for transfer, see Omanuna (Oman e-government services portal), "Accreditations," <http://bit.ly/1WMYQ6Y> (accessed June 21, 2016).

<sup>87</sup> NCSI, *Statistical Year Book 2015*, p. 539.

contract ends or after they have completed their contracts.<sup>88</sup> The UN Special Rapporteur on trafficking in persons has criticized this process, stating that: “The fact that approval is needed from the very person the worker wishes to be released from, possibly due to abusive and exploitative conditions, is clearly problematic.”<sup>89</sup>

Ministry of Manpower regulations require that employers pay work-permit and processing fees of approximately 141 OMR (US\$365).<sup>90</sup> Private recruitment agencies charge additional fees, including for the worker’s flight tickets and medical tests.

Migrant workers who leave Oman after their contract period are not allowed to re-enter Oman to work for two years.<sup>91</sup> As such, migrant domestic workers who wish to continue working, but for a different employer, must remain in Oman to transfer employers. Even in these cases, they must also obtain a “release letter” from their prior employer.<sup>92</sup>

Several domestic workers recounted how their employers asked them to pay back recruitment fees, including work-permit fees, or demanded more money in return for their approval of a transfer. A March 2016 *Times of Oman* article quoted a Ministry of Manpower official saying this practice is “unlawful,” but the same article quoted a recruitment agency official referring to this as a “common practice.”<sup>93</sup> Human Rights Watch’s research did not discover any explicit legal prohibition of this practice. We wrote to several government ministries in an effort to confirm this but did not receive a response.<sup>94</sup>

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<sup>88</sup> NCSI, *Statistical Year Book 2015*, p. 144.

<sup>89</sup> Report of the UN Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda, “Mission to Bahrain, Oman, and Qatar,” U.N.Doc. A/HRC/4/23/Add.2, April 25, 2007, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (accessed June 21, 2016) para. 61.

<sup>90</sup> Art. 2, Ministerial Decision no.189 of 2004. The fees are 1 OMR for issuing the license and 140 OMR for the work permit. See, Ministry of Manpower, “Services Directory,” [http://www.manpower.gov.om/Portal/Englishpdf/Service/dali\\_new\\_En.pdf](http://www.manpower.gov.om/Portal/Englishpdf/Service/dali_new_En.pdf) (accessed June 21, 2016) p. 16.

<sup>91</sup> Art. 11, Law on Foreign Residency, issued by Royal Decree no. 16/95, April 16, 1995, <http://www.rop.gov.om/pdfs/roplaws/arabic/ROPRULE-6.pdf> (accessed June 21, 2016), and art. 17, Implementing Regulations on the Law on Foreign Residency.

<sup>92</sup> See also “New restraints on the employment visa issuance procedure in Oman,” Catherine Jaskiewicz, Meyer-Reumann & Partners, Oman Office, April 2014, <http://lexarabia.meyer-reumann.com/new-restraints-on-the-employment-visa-issuance-procedure-in-oman/> (accessed June 21, 2016).

<sup>93</sup> “Release fee demand on workers ‘illegal’ in Oman,” *Times of Oman*, March 12, 2016, <http://timesofoman.com/article/79286/Oman/Government/Release-fee-demand-on-domestic-workers-transfer-in-Oman-'illegal'> (accessed June 21, 2016).

<sup>94</sup> Human Rights Watch letters to the Ministries of Manpower, Justice, Legal Affairs, and the Royal Oman Police, June 7, 2016.

An employer can cancel their domestic worker's residence permit at any time by initiating repatriation procedures.<sup>95</sup> The 2004 domestic worker regulations only requires that employers should provide one months' notice.<sup>96</sup> However, when a worker leaves their sponsor before the end of their contract without permission, they are considered to have "absconded" so long as they remain in Oman and can be punished with imprisonment, fines, deportation, and bans (see chapter IV: Absconding Charges). Sponsors can also be punished for not reporting when their workers have "absconded."<sup>97</sup> Oman's 2004 domestic worker regulations provide that a domestic worker may terminate employment "if it is proven that he was assaulted by the employer or a member of his family." But even in this situation, domestic workers still cannot transfer employers without their sponsor's permission, and face barriers in accessing help following physical abuse (see chapter IV).

The *kafala* system creates incentives that have led to an informal black market known as the "free visa" system, in which sponsors allow their workers to work for other employers. In return, the worker pays the original sponsor a "fee." Kani S., an Indonesian domestic worker, said she paid her sponsor 300 OMR (\$780) per year, and now lives independently and works for two to three employers, earning a combined income of 260 OMR (\$675) per month.<sup>98</sup>

One community social worker noted that some sponsors exploit the "free visa" system by charging high fees and keeping their workers' passports as leverage. He also said that unbeknownst to the workers, some of these sponsors also report them for "absconding," so if their worker is caught working for another household, the original sponsor will not be punished.<sup>99</sup>

The restrictive *kafala* system has also contributed to tens of thousands of foreign nationals residing without legal status in Oman. The Omani authorities periodically grant amnesties

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<sup>95</sup> See, art. 27, Implementing Regulations on the Law on Foreign Residency. The article also provides that the employer should show evidence that they provided their worker their legal dues before leaving.

<sup>96</sup> Art. 8, Ministerial Decision no.189 of 2004.

<sup>97</sup> Art. 44, Foreign Residency Law.

<sup>98</sup> Human Rights Watch interview with Kani S. (pseudonym), Muscat, May 21, 2015.

<sup>99</sup> Human Rights Watch interview with a community social worker (name withheld), Muscat, May 17, 2015.

to allow them to leave Oman without penalty. In a 2015 amnesty, for example, more than 20,000 foreign nationals reportedly took the opportunity to leave.<sup>100</sup>

Oman has indicated some willingness to reform the *kafala* system. During Oman's 2011 "Universal Periodic Review" process at the UN Human Rights Council, the government noted that it "is researching an alternative to the sponsorship system, but this process is not yet complete."<sup>101</sup> Human Rights Watch is not aware of any concrete proposals that have emerged from this process in the intervening years. In 2016, the UN Committee on the Elimination of Racial Discrimination expressed concern about the *kafala* system for placing migrant workers "in a highly dependent relationship with their employers," and called on Oman to abolish it.<sup>102</sup>

## Lack of Labor Law Protection

Domestic workers are not covered under Oman's labor law. Article 2(3) explicitly excludes domestic workers from the law's purview and therefore also from all of the protections it offers.<sup>103</sup> Oman is reportedly considering a revised labor law, which may include domestic workers.<sup>104</sup> In April 2016 the *Times of Oman* quoted Salem Al Saadi, an advisor to the Minister of Manpower, stating that Oman has "plans to legalise their rights and provide

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<sup>100</sup> "Just three days of amnesty left for illegal workers in Oman," *Times of Oman*, October 25, 2015, <http://timesofoman.com/article/70386/Oman/Government/Illegal-workers-to-face-action-after-end-of-amnesty-in-Oman> (accessed June 21, 2016).

<sup>101</sup> "Report of the Working Group on the Universal Periodic Review Oman, Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review," U.N. Doc. A/HRC/17/7/Add.1, June 3, 2011, para. 90.51, at [http://www.upr-info.org/sites/default/files/document/oman/session\\_10\\_-\\_january\\_2011/a\\_hrc\\_17\\_7\\_add.1\\_e.pdf](http://www.upr-info.org/sites/default/files/document/oman/session_10_-_january_2011/a_hrc_17_7_add.1_e.pdf) (accessed June 21, 2016).

<sup>102</sup> UN Committee on the Elimination of Racial Discrimination, "Concluding observations on the second to fifth periodic reports of Oman," U.N. Doc. CERD/C/OMN/CO/2-5, June 6, 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fOMN%2fCO%2f2-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fOMN%2fCO%2f2-5&Lang=en) (accessed June 21, 2016) paras. 19-20.

<sup>103</sup> The law provides, "The provisions of this law shall not apply to: (1) Members of the armed forces and public security organizations and employees of the state administrative apparatus and other government units. (2) Members of the employer's family who are dependent upon him. (3) Domestic servants working inside houses or outside houses such as a driver, maid and a cook and those with similar jobs. The Minister shall by his decision issue the rules and terms of work relating to these categories." See Labour Law, issued by Royal Decree no.35/2003, 2012, [https://www.manpower.gov.om/Portal/Englishpdf/Service/toc\\_en.pdf](https://www.manpower.gov.om/Portal/Englishpdf/Service/toc_en.pdf) (accessed June 21, 2016).

<sup>104</sup> "Revised Labour Law likely to look into social dialogue, inspection," *Muscat Daily*, February 1, 2014, <http://www.muscatdaily.com/Archive/Oman/Revised-Labour-Law-likely-to-look-into-social-dialogue-inspection-2wg8> (accessed June 21, 2016).

better protection to domestic workers,” which will be “either in the new labour law or as a separate chapter.”<sup>105</sup>

Oman’s 2004 domestic worker regulations do provide for some loose rules regarding the employment conditions domestic workers should enjoy.<sup>106</sup> It requires employers to provide their domestic workers with monthly wages within seven days of the end of each month; adequate room, board, and medical care; return airfare when the employer terminates the contract; and airfare to and from their home countries during approved vacation days.<sup>107</sup>

However, the 2004 regulations fall short of the rights and protections provided for workers in other sectors under Oman’s labor law. For instance, the regulations do not establish standards for working hours, weekly rest days, annual vacation, or overtime compensation. Nor do they establish that domestic workers can form or join unions, a right that Oman’s labor law affords to workers in other sectors.<sup>108</sup> Moreover, domestic workers do not benefit from the labor inspection system prescribed by the labor law and other regulations, nor from the “wage protection system” involving direct payment of wages into bank accounts, unlike migrant workers in other sectors.<sup>109</sup> The regulations do not stipulate any penalties for employers’ breaches of its provisions unlike the labor law. The

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<sup>105</sup> “Domestic workers set for legal rights in Oman,” *Times of Oman*, April 27, 2016, <http://timesofoman.com/article/82477/Oman/Government/Call-to-set-up-a-body-to-protect-domestic-workers'-rights-in-Oman> (accessed June 21, 2016).

<sup>106</sup> Ministerial Decision no. 189/2004 on labor rules and conditions for domestic employees, issued on June 16, 2004, <http://www.omanlegal.net/vb/showthread.php?t=14362> (accessed June 21, 2016) and <http://www.s-oman.net/avb/showthread.php?t=701180> (accessed June 21, 2016).

<sup>107</sup> Art. 5(1), 5(2) and 6, Ministerial Decision no. 189/2004.

<sup>108</sup> See, part 9, “Labour Unions and the General Federation for the Workers of the Sultanate of Oman,” arts. 108-110, Labour Law, no.35/2003. For related regulations and decisions on trade unions and collective bargaining, see website of the General Federation of Oman Trade Unions, “Regulations and Decisions,”

<http://www.gfotu.org/en/Pages.aspx?MID=2&PGID=34#&panel1-1> (accessed June 21, 2016).

<sup>109</sup> See, art. 90 of the Labour Law, Royal Decree no. 35/2003. See also, Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law, issued by Ministerial Decision no. 286/2008 at

<http://www.oman.om/wps/wcm/connect/198e373d-866b-46fd-90b9-fd1dd8fec77d/Occupational+health+and+safety+framework.pdf?MOD=AJPERES> (accessed June 21, 2016); and Ministerial Decision no. 11/2008, concerning the approval of the “Guide to Labour Inspection.” The Ministry of Manpower adopted the wage protection system in January 2014. See, “Wage protection plans on the track, says top Central Bank of Oman official,” *Times of Oman*, September 8, 2015, <http://timesofoman.com/article/67232/Oman/Wage-Protection-System-is-going-ahead-with-full-force-says-top-Central-Bank-of-Oman-official> (accessed June 21, 2016); and Ministry of Manpower, “Wage Protection System,” <http://www.oman.om/wps/wcm/connect/961c3c02-ocf2-4b51-9e86-odd4b955f94d/Wage+Protection+System.pdf?MOD=AJPERES> (accessed June 21, 2016). Ministerial Order no. 90 of 2013 Outlining sanctions for enterprises in the private sector that breach the provisions of the Labour Law, adopted on February 17, 2013, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=95444&p\\_country=OMN&p\\_classification=01.02](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=95444&p_country=OMN&p_classification=01.02) (accessed June 21, 2016).

regulations only state that a department in the Ministry of Manpower can handle domestic worker employment contract disputes, but as described in chapter IV, there are problems with this form of dispute resolution.<sup>110</sup>

### *ILO Convention concerning Decent Work for Domestic Workers*

Oman voted in favor of creating the 2011 ILO Convention 189 concerning Decent Work for Domestic Workers, which came into effect on September 5, 2013.<sup>111</sup> Despite this show of support, Oman has yet to ratify the convention.<sup>112</sup>

The convention requires governments to provide domestic workers with labor protections equivalent to those of workers in other sectors, covering hours of work, a minimum wage, compensation for overtime, daily and weekly rest periods, social security, and maternity protection. It also obligates governments to protect domestic workers from violence and abuse; regulate recruitment agencies and penalize them for violations; and ensure effective monitoring and enforcement of labor rules relating to domestic workers.

Excluding an entire category of workers, the majority of whom are women, from equal labor law protections violates Oman's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW requires the elimination of discrimination against women in all areas, including employment.<sup>113</sup>

Despite the labor law's supposedly gender neutral exclusion of domestic workers, it is clear that women are disproportionately and negatively impacted by this exclusion. Neutral provisions or practices that put persons of one sex at a particular disadvantage compared with persons of the other sex constitute impermissible, indirect discrimination unless that provision or practice is objectively justified by a legitimate aim, and the means

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<sup>110</sup> Art. 10 of the Ministerial Decision no. 189/2004.

<sup>111</sup> ILO Convention No. 189 concerning Decent Work for Domestic Workers (Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100\\_instrument\\_id:2551460](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:2551460) (accessed June 21, 2016). At the time of writing, 22 countries had ratified the ILO treaty, including the Philippines, a major country of origin for domestic workers in Oman. See, ILO, Ratifications of C189 - Domestic Workers Convention, 2011 (No. 189), [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460) (accessed June 21, 2016).

<sup>112</sup> "ILO: New Landmark Treaty to Protect Domestic Workers," Human Rights Watch news release, June 16, 2011, <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers>.

<sup>113</sup> See arts. 2 (c) and 11, Convention on the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981. Oman acceded to the convention on February 7, 2006.

of achieving that aim are appropriate and necessary.<sup>114</sup> There is no such legitimate aim for excluding domestic workers from legal protections in Oman.

As domestic workers are foreign nationals, the UN Committee on the Elimination of Racial Discrimination also called on Oman to include domestic workers under its labor laws.<sup>115</sup>

In addition, Omani guidelines for employers imply that male domestic workers should be paid more than female domestic workers. A government “Service Directory” provides that an Omani employer wanting to hire a “non-Omani” laborer to work in a house must earn a monthly salary of at least 350 OMR (\$910) to prove they can pay the salary of a single female worker. But for a male worker, the employer’s income must be at least 1,000 OMR (\$2,600).<sup>116</sup> This suggests that the Omani authorities expect that a male domestic worker’s salary would be far higher than that of a female domestic worker.

Migrant domestic workers also face wage discrimination on the basis of national origin. The Council of Ministers (the cabinet) has only set minimum wages for Omani nationals working in the private sector.<sup>117</sup> Migrant workers are thus excluded from minimum wage regulations. As there is no minimum wage set for domestic workers, some countries of origin have set minimum wages for their domestic workers which embassies try to check are reflected in the employment contract before workers are allowed to depart. The salaries vary from 70 OMR (\$180) to 160 OMR (\$415) (see section below entitled Country-of-Origin Protection Mechanisms). Recruitment agencies, in turn, often set minimum pay rates on the basis of a domestic worker’s nationality rather than on experience and skills, or the

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<sup>114</sup> See, General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, U.N. Doc. CEDAW/C/GC/28, December 16, 2010, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx> (accessed June 21, 2016) para. 16; UN Human Rights Committee, CCPR General Comment No. 18: Non-discrimination, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I), p. 195, November 10, 1989, [http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.1%29\\_%28GC18%29\\_en.pdf](http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.1%29_%28GC18%29_en.pdf) (accessed June 21, 2016) para. 13.

<sup>115</sup> UN Committee on the Elimination of Racial Discrimination, “Concluding observations on the second to fifth periodic reports of Oman,” U.N. Doc. CERD/C/OMN/CO/2-5, June 6, 2016, para. 22.

<sup>116</sup> Only certain professional categories of expatriate workers can employ migrant domestic workers, and even then must show a minimum monthly salary of double that required of an Omani employer: at least 700 OMR to hire a female domestic worker and at least 1,500 OMR for a male domestic worker. Ministry of Manpower, “Services Directory,” [http://www.manpower.gov.om/Portal/Englishpdf/Service/dalil\\_new\\_En.pdf](http://www.manpower.gov.om/Portal/Englishpdf/Service/dalil_new_En.pdf) (accessed June 21, 2016), section on “Licenses for hiring service workers,” pp.16-19.

<sup>117</sup> Art. 50 of the Labor Law provides the Council of Ministers with the discretion to set minimum wages for specific occupations or professions. Ministerial Decision no. 222 of 2013 sets the minimum salary to 325 OMR (\$844) per month for Omani workers in the private sector. Text of law available on ILO website at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95440/112360/F-483370690/95440%20om.pdf> (accessed June 21, 2016).

nature of her work.<sup>118</sup> This is a common practice in other Gulf states too.<sup>119</sup> One country-of-origin official noted that in some cases, agencies even advertise salaries lower than the minimum salaries set by countries of origin.<sup>120</sup> This is not against the law as Oman has no minimum salary set for domestic workers. This practice of setting salaries on the basis of nationality amounts to discrimination as it is unjustified, unequal treatment with no legitimate aim. This is done openly and with no effort to conceal it from the Omani authorities, who have facilitated this kind of discrimination by not setting minimum wages for all domestic workers in violation of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>121</sup>

## Standard Contract for Domestic Workers

Domestic workers are required to have a contract under the 2004 regulations.<sup>122</sup> In 2011, the Ministry of Manpower issued a standard employment contract for domestic workers.<sup>123</sup> It includes the provisions from the 2004 regulations relating to regular payment, food and accommodation, medical expenses, and return airfare when the contract is terminated.<sup>124</sup> The standard contract, in addition to the regulations, requires that the employer allow one paid weekly day of leave, as well as a 30-day leave (including return flights) every 2 years, or compensation in lieu of either form of leave.<sup>125</sup> It does not set the rate of wages that must be paid to domestic workers.

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<sup>118</sup> Some recruitment agencies advertise online while many others advertise in newspapers. See, for example, the following websites. Kind Hands Manpower Services website advertises domestic workers grouped together under their nationalities along with their respective salaries: Sri Lankan domestic workers (120 OMR); Ugandan domestic workers (80 OMR); Philippines (160 OMR), <http://khands.org/index.php?route=product/category&path=59> (accessed June 21, 2016). Danat Al Arjan Manpower Suppliers advertises online Filipino domestic workers with a set salary of 160 OMR, [http://www.danatarjan.com/visetor\\_screen\\_list.php?goto=1](http://www.danatarjan.com/visetor_screen_list.php?goto=1) (accessed June 21, 2016). Al Dahleez Manpower Services advertises domestic workers with the following salaries for these nationalities: Sri Lankan (85 OMR), Indonesian (100 OMR); <http://www.al-dahleez.com/index.php/maids/sri-lanka> (accessed June 21, 2016).

<sup>119</sup> Human Rights Watch, *"I Already Bought You,"* pp. 24-26; Human Rights Watch, *"For A Better Life,"* pp. 41-43; Human Rights Watch, *Walls at Every Turn*, p. 43; and Human Rights Watch, *"As If I am not Human,"* pp. 73-74.

<sup>120</sup> Human Rights Watch interview with Philippines embassy official (name withheld), Muscat, May 19, 2015.

<sup>121</sup> International Convention on the Elimination of All Forms of Racial Discrimination (CERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 4, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969. Oman acceded to CERD on January 2, 2003.

<sup>122</sup> Art. 4, Ministerial Decision no. 189/2004.

<sup>123</sup> Ministry of Manpower Decision no. 1/2011 Organizing manpower of non-Omanis, "Employment Contract for Domestic Workers and Similar Jobs," <http://www.omanlegal.org/law/omanlegal/2011-1-1-1.pdf> (accessed June 21, 2016) p. 13.

<sup>124</sup> Arts. 5(a), (b), and (e) of the "Employment contract for domestic workers and those in similar jobs," Ministry of Manpower's Ministerial Decision no.1 of 2011, Organizing manpower of non-Omanis.

<sup>125</sup> Arts. 5(c), (d) and (e) of the "Employment contract for domestic workers and those in similar jobs," Ministry of Manpower's Ministerial Decision no.1 of 2011, Organizing manpower of non-Omanis.

The standard contract in Oman undoubtedly helps in some respects to promote domestic workers' rights. But as described in chapters II and IV, these contractual rights are often breached, and remedies are often unattainable. Moreover, the standard contract does not fix the problem of domestic workers signing one contract with better terms in their country of origin, only to have it ignored in Oman. Many Filipina domestic workers, for example, told Human Rights Watch that the initial contract they signed in the Philippines provided that they would be paid 160 OMR (\$415) per month, but upon arrival, their employers said they would receive a lower wage, often in the range of 90-120 OMR (\$234-310).

The UN Special Rapporteur on trafficking in persons commented about problems with domestic worker contracts in Oman, noting, the "authorities are reluctant to interfere in the contractual relationship between domestic workers and their employers as this relationship is viewed as a private family affair; any interference would be seen as impinging on the family's right to privacy. This lack of protection, however, impinges on the rights and freedoms of the workers."<sup>126</sup>

Moreover, according to one lawyer, domestic workers who change employers before completing their two-year contract while in Oman often do not have a contract with their new employer.<sup>127</sup> This is largely because the procedure for transferring to a new employer does not require her to have a standard contract with the new employer.<sup>128</sup>

## Country-of-Origin Protection Mechanisms

Given Oman's lack of labor law protections for domestic workers, and only minimal regulatory protections, governments of countries whose nationals migrate to Oman for domestic work have tried to step in to bolster protections. However, these measures are not always effective.

Several countries of origin, such as the Philippines, require that employers and recruitment agencies agree to a worker's minimum salary and conditions of employment

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<sup>126</sup> Report of the UN Special Rapporteur on trafficking in persons, especially women and children, Sigma Huda, "Mission to Bahrain, Oman, and Qatar," U.N.Doc. A/HRC/4/23/Add.2, April 25, 2007, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (accessed June 21, 2016) para. 73.

<sup>127</sup> Email correspondence with a lawyer from Oman, whose name is withheld for security, June 15, 2016.

<sup>128</sup> Royal Oman Police, "Employment visas," undated, [http://www.rop.gov.om/english/dg\\_pr\\_visas\\_employment.asp](http://www.rop.gov.om/english/dg_pr_visas_employment.asp) (accessed June 21, 2016).

before the worker will be authorized to migrate. This process requires country-of-origin embassies in Oman to “verify” domestic workers’ contracts by checking that the employer has agreed to a minimum salary and other conditions of employment. Upon doing so, domestic workers are provided an exit permit to leave their country of origin.

The monthly minimum wage that countries of origin require varies. As of 2015, the minimum salaries for some major countries of origin were: the Philippines 160 OMR (\$415), Indonesia 120 OMR (\$310), Sri Lanka 85 OMR (\$220), India 75 OMR (\$195), Bangladesh 75 OMR (\$195), and Tanzania 70 OMR (\$180).<sup>129</sup>

Beyond verifying the minimum salary, some countries of origin require the employer to sign additional undertakings with their embassies for decent working conditions, such as a limit of eight working hours per day.<sup>130</sup> Some also have measures to promote domestic workers’ rights and safety. India, for instance, requires employers to supply a pre-paid mobile phone for the domestic worker.<sup>131</sup> Both the embassies of India and Bangladesh require that employers obtain specific medical insurance for their domestic workers.

However, once a domestic worker is in Oman, countries of origin have little power to enforce these conditions. One of the only practical measures they can take is to “blacklist” recruitment agencies or sponsors in Oman that they believe have abused or exploited

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<sup>129</sup> The *Times of Oman* reported that the Bangladeshi embassy was considering an increase in the set minimum salary to 90 OMR (\$234). See “Plan to set minimum wage for Bangladeshi maids in Oman under study,” *Times of Oman*, May 17, 2016, <http://timesofoman.com/article/83936/Oman/Government/Plan-to-set-minimum-wage-for-Bangladeshi-maids-in-Oman-under-study> (accessed June 21, 2016). Philippines Overseas Labor Office, Muscat, Oman, “Process Flow: domestic workers,” <http://polomuscatoman.weebly.com/process-flow--household-service-worker.html> (accessed June 21, 2016); “Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman,” Embassy of India, <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed June 21, 2016); “Make a bigger hole in pocket for hiring maid,” *Times of Oman*, November 12, 2012, <http://timesofoman.com/article/2328/Oman/Make-a-bigger-hole-in-pocket-for-hiring-maid> (accessed June 21, 2016); “The plight of TZ housemaids in Oman,” *The Citizen*, October 18, 2014, <http://www.thecitizen.co.tz/News/national/The-plight-of-TZ-housemaids-in-Oman/-/1840392/2490450/-/3la7hk-/index.html> (accessed June 21, 2016).

<sup>130</sup> Philippines Overseas Labor Office, Muscat, Oman, “NOC undertaking,” <http://polomuscatoman.weebly.com/blank-forms-download.html> (accessed June 21, 2016); “Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman,” Embassy of India, <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed June 21, 2016).

<sup>131</sup> “Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman,” Embassy of India, <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed June 21, 2016).

workers.<sup>132</sup> If an embassy blacklists an agency or sponsor, it will not verify or approve contracts for future workers to come to Oman with that agency or sponsor.

The Philippines also sanctions agencies in its country whom they deem to have been abusive or deceptive in their recruitment of Filipino domestic workers migrating abroad.<sup>133</sup> Workers can file claims against Filipino recruitment agencies when they return home, although such processes can take months or even years. Indonesia also provides mechanisms for returning migrant workers to seek redress through insurance schemes, administrative dispute resolution mechanisms, or the courts. However, such processes are undermined by a number of barriers that prevent workers from accessing justice.<sup>134</sup>

Some country-of-origin embassies, including India and Sri Lanka, try to guarantee that domestic workers will be paid their salaries by requiring that sponsors provide a security deposit.<sup>135</sup> When the employment contract ends, the embassies interview domestic workers to check whether wages were paid before returning the security deposit.<sup>136</sup>

However, countries of origin cannot provide such protections when domestic workers migrate or are trafficked into Oman through unregulated channels, often via the UAE. In addition, domestic workers who come from countries that do not have an embassy or consulate in Oman, such as Uganda, do not benefit from such protection. Ethiopia, which has a large number of domestic workers in Oman, has an honorary consulate but it

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<sup>132</sup> See, for example, “Make a bigger hole in pocket for hiring maid,” *Times of Oman*, November 12, 2012, <http://timesofoman.com/article/2328/Oman/Make-a-bigger-hole-in-pocket-for-hiring-maid> (accessed June 21, 2016).

<sup>133</sup> Philippines Overseas Employment Administration (POEA), “All About Illegal Recruitment,” <http://www.poea.gov.ph/air/penalties.html> (accessed July 3, 2016).

<sup>134</sup> Open Society Foundations, “Migrant Workers’ Access to Justice at Home: Indonesia,” 2013, <https://www.opensocietyfoundations.org/sites/default/files/migrant-worker-justice-indonesia-20131015.pdf> (accessed June 21, 2016).

<sup>135</sup> India requires 1,100 OMR (\$2,858) for a deposit, and Sri Lanka, 380 OMR (\$987). See, “Make a bigger hole in pocket for hiring maid,” *Times of Oman*, November 12, 2012, <http://timesofoman.com/article/2328/Oman/Make-a-bigger-hole-in-pocket-for-hiring-maid> (accessed June 21, 2016); and, “Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman,” Embassy of India, <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed June 21, 2016). Tanzania also requires 100 OMR as a security deposit for their domestic workers. See, Embassy of the United Republic of Tanzania, Muscat, Oman, “Labour matters,” <http://www.tanzaniaembassyoman.com/pages/11> (accessed June 21, 2016).

<sup>136</sup> “Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman,” Embassy of India.

is not a full-fledged diplomatic mission that can provide these protection mechanisms for its workers.<sup>137</sup>

Other countries, such as Indonesia, have banned their nationals from migrating to particular countries for domestic work, including Oman, in part due to repeated cases of abuse.<sup>138</sup> However, such bans are ineffective and can put women at heightened risk of trafficking or forced labor as they and recruiters try to circumvent the ban.<sup>139</sup> An Indonesian official said that despite the ban, Indonesian domestic workers still end up in Oman. He said he suspects that about half of the Indonesian domestic workers coming into Oman arrived via the UAE.<sup>140</sup>

Unlike some other Gulf states, the Omani authorities have not prevented countries of origin from conducting contract verification and other such measures to protect their workers.<sup>141</sup> Officials at country-of-origin embassies noted that Omani authorities do cooperate with them at times. For instance, an Indonesian embassy official noted that since the Indonesian government barred its citizens from migrating to Oman to be employed as domestic workers, the Omani authorities had stopped processing visas for Indonesian domestic workers.<sup>142</sup>

Unfortunately, Oman also at times bans domestic workers coming from particular countries. According to media outlets in Oman, the Omani authorities issued a ban effective on February 1, 2016, on domestic workers coming from five African countries including Ethiopia, Kenya, Senegal, Guinea, and Cameroon. *Muscat Daily* reported that a

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<sup>137</sup> In 2014, 32,986 Ethiopian women were reported to be in Oman (most in domestic work). See, NCSI, *Statistical Year Book 2015*, p. 147. See also, "Ethiopia opens honorary consulate in Oman," *allAfrica*, June 17, 2014, <http://allafrica.com/stories/201406171352.html> (accessed June 21, 2016).

<sup>138</sup> "Indonesia maid ban won't work in Mideast, migrant groups say," CNN, May 6, 2015, <http://edition.cnn.com/2015/05/06/asia/indonesia-migrant-worker-ban/> (accessed June 21, 2016); "Indonesian maids will have to return home from Oman within four years: Envoy," *Times of Oman*, May 9, 2015, <http://timesofoman.com/article/51793/Oman/Indonesian-maids-will-have-to-return-home-from-Oman-within-four-years:-Envoy> (accessed June 21, 2016); and "Nepal set to lift ban on maids in Gulf," *Times of Oman*, November 1, 2014, <http://timesofoman.com/article/42583/Oman/Nepal-set-to-lift-ban-on-maids-in-Gulf> (accessed June 21, 2016).

<sup>139</sup> "Indonesia: Banning Migrant Domestic Work is Short-Sighted," Human Rights Watch dispatch, February 17, 2015, <https://www.hrw.org/news/2015/02/17/indonesia-banning-migrant-domestic-work-short-sighted>.

<sup>140</sup> Human Rights Watch interview with an Indonesian embassy staff member, Muscat, May 22, 2015.

<sup>141</sup> See for instance, "Hiring Filipino maids in UAE just got tougher," *Gulf News*, June 23, 2014, <http://gulfnews.com/news/gulf/uae/employment/hiring-filipino-maids-in-uae-just-got-tougher-1.1351275> (accessed June 21, 2016).

<sup>142</sup> Human Rights Watch interview with an Indonesian embassy staff member, Muscat, May 22, 2015.

senior Royal Oman Police official said that they issued the ban to “prevent the spread of diseases from these African countries to Oman,” and because they believed these workers “get involved in certain crimes.”<sup>143</sup> If this is the government policy, Omani authorities risk fueling racial discrimination against workers with these nationalities by depicting them as “diseased” and prone to crime.

## Criminalizing and Prosecuting Forced Labor, Slavery, and Trafficking

Oman has banned forced labor, slavery, and trafficking, and offers victims some social services. However, it has done little to address key structural factors that contribute to human rights abuses faced by domestic workers, namely the *kafala* system and the exclusion of domestic workers from the labor law. It has also done little to ensure accountability or redress for these abuses. Instead, as the cases in chapter II and IV show, women described being punished for escaping abuse, including those that amounted to forced labor and trafficking.

### *Forced Labor and Slavery*

Oman’s Basic Statute of the State (the country’s constitution) prohibits forced labor.<sup>144</sup> The labor law, amended in 2006, also prohibits forced labor, but the penalty is only one-month imprisonment or a fine of 500 OMR (US\$1,300).<sup>145</sup> However, it does not apply to domestic workers, as the labor law excludes domestic workers and the 2004 domestic worker regulations say nothing about forced labor.

Oman’s penal code criminalizes slavery and the slave trade, but not forced labor. Article 260 provides, “anyone who enslaves people or puts them in a state similar to slavery” can

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<sup>143</sup> “Oman bans domestic workers from five countries,” *Muscat Daily*, February 1, 2016,

<http://www.muscatdaily.com/Archive/Oman/Oman-bans-domestic-workers-from-five-African-countries-4lob> (accessed June 21, 2016).

<sup>144</sup> Art. 12 of Oman’s Basic Statute of the State, issued by Royal Decree no. 96/101, provides: “It is not permissible to impose any forced labor on anyone except by virtue of a law, for rendering a public service, and for a fair remuneration.” See text at Ministry of Legal Affairs website, <http://mola.gov.om/eng/basicstatute.aspx> (accessed June 21, 2016).

<sup>145</sup> Royal Decree no. 74/2006 amending some provisions of the Labour Law, adds art. 3(bis) under chapter 2 of the Labour Law: “The employer is prohibited to impose any form of compulsory or coercive work,” and art. 123: “Failure to observe article 3(bis) will result in imprisonment of a maximum of one month and/or a fine of 500 OMR. The penalty will be doubled in case of recurrence.” See text of decree (in Arabic) on Oman Legal website, [http://omanlegal.org/law/Resault.aspx?law\\_file=74-2006.pdf](http://omanlegal.org/law/Resault.aspx?law_file=74-2006.pdf) (accessed June 21, 2016), and Oman’s labor law at Ministry of Manpower website, <https://www.manpower.gov.om/Portal/Laborlaw.aspx> (accessed June 21, 2016).

be sentenced to imprisonment from five to fifteen years.<sup>146</sup> Article 261 provides that anyone “who makes someone enter or leave the territory of Oman in a situation of slavery or bondage or disposes, receives, acquires, or keeps him/her in this position” can be imprisoned for three to five years.<sup>147</sup>

## International Law on Forced Labor and Slavery

ILO Convention No. 29 on Forced Labour of 1930 defines **forced or compulsory labor** as “*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*”<sup>148</sup> A subsequent ILO Convention, the Abolition of Forced Labour Convention, 1957 (No. 105), further limited the situations in which forced labor by states would be considered permissible.

The ILO Protocol of 2014 to the Forced Labour Convention, 1930, updated these standards. It requires governments to take measures to identify, release, and provide assistance to forced labor victims as well as protect them from retaliation.<sup>149</sup> Nearly all ILO member states voted in favor of adopting the protocol; Oman, however, abstained in its vote.

**Slavery** is defined under the Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention) as “*the status or condition of persons over whom any or all of the powers attaching to the right of ownership are exercised.*”<sup>150</sup> The most contemporary definition of enslavement under international law is in the Elements of Crimes for the Rome Statute (establishing the International Criminal Court), which provides: “*The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.*”<sup>151</sup> It adds that “*such deprivation of liberty may, in some circumstances, include exacting forced labour or otherwise reducing a person to a servile status as defined in the Supplementary Convention on the Abolition of Slavery.*”<sup>152</sup> Practices similar to slavery are defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery to include, among other things, debt bondage and serfdom.<sup>153</sup>

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<sup>146</sup> Art. 260, Penal Code, issued by Royal Decree no. 7/74, on February 16, 1974.

<sup>147</sup> Art. 261, Penal Code, issued by Royal Decree no. 7/74, on February 16, 1974.

<sup>148</sup> Forced Labour Convention, art. 2.

<sup>149</sup> Protocol of 2014 to the Forced Labour Convention, 1930, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_246615.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246615.pdf) (accessed June 21, 2016). Oman has not ratified this protocol.

<sup>150</sup> Art. 1, Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927. Oman has not ratified this convention.

<sup>151</sup> Art. 7(1)(c), International Criminal Court, Elements of Crimes, ICC-ASP/1/3 (part II-B), adopted September 9, 2002, entered into force September 9, 2002, <http://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/o/elementsofcrimeseng.pdf> (accessed June 21, 2016).

<sup>152</sup> *Ibid.*

<sup>153</sup> Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, art. 1. Oman has not ratified this convention.

The penal code, labor law, and other laws do not define further the elements of slavery and forced labor. Oman has ratified international treaties on forced labor, but its laws do not match the international law definitions (see text box below).<sup>154</sup> Furthermore, Oman has not ratified international treaties on slavery.

### *Trafficking*

Oman adopted a law on combatting human trafficking in 2008, which prohibits trafficking and prescribes penalties of 3 to 15 years of imprisonment and fines.<sup>155</sup> It provides that any individual who intentionally and for the purpose of exploitation carries out one of the following acts is guilty of the crime of human trafficking:

- a) To recruit, transport, harbor or receive a person by instruments of coercion, threat, deceit, blackmail or misuse of power, influence or use of authority on that individual, or by any other illegal instrument, either directly or indirectly.
- b) To recruit, transport, harbor or receive a child even without using the instruments cited in the previous paragraph.<sup>156</sup>

It defines “illegal exploitation” as including, among other things, forced labor, enslavement, and quasi-slavery practices.<sup>157</sup> This definition is somewhat narrower than the international law definition.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as one of the Palermo Protocols), is the primary international law source on trafficking in persons. It defines trafficking in persons as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of

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<sup>154</sup> ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Oman on October 30, 1998. ILO Convention No. 105 concerning Abolition of Forced Labour (Abolition of Forced Labour Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959, ratified by Oman on July 21, 2005.

<sup>155</sup> Law on Combating Human Trafficking, issued by Royal Decree no. 126/2008, text available at the National Committee for Combatting Human Trafficking website, <http://www.ncchtoman.gov.om/english/rules.asp> (accessed June 21, 2016). For a better English translation, see [http://www.protectionproject.org/wp-content/uploads/2010/09/Oman\\_TIP-Law\\_2008-Ar+En.pdf](http://www.protectionproject.org/wp-content/uploads/2010/09/Oman_TIP-Law_2008-Ar+En.pdf) (accessed June 21, 2016).

<sup>156</sup> Art. 2, Law on Combating Human Trafficking.

<sup>157</sup> Art. 1, Law on Combating Human Trafficking.

force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>158</sup>

Oman established the National Committee for Combating Human Trafficking (NCCHT) in 2009, headed by the Inspector General of Police and Customs.<sup>159</sup> The NCCHT published a national plan to assist victims of trafficking, including allowing them to stay in Oman until all legal proceedings are complete.<sup>160</sup> However, it still does not allow them to work for another employer contravening the Palermo Protocol which calls on states parties to consider measures to provide for the provisions of employment opportunities.<sup>161</sup>

According to the US State Department 2015 TIP report, a special judicial department in the appeals court in Muscat handles trafficking-related cases.<sup>162</sup> However, there are few prosecutions and convictions for trafficking. In fact, prosecutions and convictions have slightly decreased in recent years. According to the TIP report, the Omani government reported that:<sup>163</sup>

- In 2012, authorities prosecuted 15 cases of sex trafficking, and convicted 2 defendants.<sup>164</sup>

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<sup>158</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000, art. 3(a). Oman acceded to the Protocol on May 13, 2005.

<sup>159</sup> See, “UN Universal Periodic Review, National Report: Oman” and website of the National Committee on Combating Human Trafficking, <http://www.ncchtoman.gov.om/english/default.asp> (accessed June 21, 2016).

<sup>160</sup> See NCCHT, National Plan, p. 11.

<sup>161</sup> Art. 3(d), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000.

<sup>162</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2015 Trafficking in Persons Report,” July 2015, <http://www.state.gov/documents/organization/243561.pdf> (accessed June 21, 2016) p. 269.

<sup>163</sup> The Omani government has not published data or provided Human Rights Watch with the information relating to investigations, prosecutions, and convictions for trafficking in persons. However, they have provided such information to the US government for their TIP report.

<sup>164</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2013 Trafficking in Persons Report,” June 2013, <http://www.state.gov/documents/organization/210741.pdf> (accessed June 21, 2016) p. 289.

- In 2013, authorities investigated six cases of sex trafficking and one case of forced labor. Of these, the authorities prosecuted five cases of sex trafficking, and sentenced four of the convicted traffickers to prison.<sup>165</sup>
- In 2014, authorities investigated five trafficking cases. Out of these, they prosecuted 2 cases involving 11 suspects. A court convicted two of the suspects and sentenced them to seven years imprisonment and a 10,000 OMR (\$26,000) fine. The court acquitted seven defendants due to insufficient evidence, and two were awaiting trial at the end of the reporting period.<sup>166</sup>
- In 2015, authorities investigated five sex trafficking cases but no forced labor cases. The authorities initiated three prosecutions involving nine suspects, but did not convict any offenders.<sup>167</sup>

The 2014 TIP report said that the government has not prosecuted or convicted any forced labor offenders since 2010, and the 2016 TIP report also noted that there were no prosecutions or convictions of forced labor in 2015.<sup>168</sup> It also noted the Omani government and country-of-origin officials reported that cases of labor violations—which likely amounted to forced labor—were frequently classified as “administrative complaints,” and were “rarely investigated for trafficking or referred to criminal court.”<sup>169</sup>

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<sup>165</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2014 Trafficking in Persons Report: Oman,” June 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226792.htm> (accessed June 21, 2016).

<sup>166</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2015 Trafficking in Persons Report,” <http://www.state.gov/j/tip/rls/tiprpt/index.htm> (accessed June 21, 2016), p. 269.

<sup>167</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, “2016 Trafficking in Persons Report,” June 2016, <http://www.state.gov/documents/organization/258881.pdf> (accessed June 30, 2016), p. 293.

<sup>168</sup> US State Department, “2014 Trafficking in Persons Report: Oman,” and “2016 Trafficking in Persons Report: Oman.”

<sup>169</sup> US State Department, “2014 Trafficking in Persons Report: Oman.”

## US Trafficking in Persons Report

The US Department of State issues an annual report known as the Trafficking in Persons (TIP) Report.<sup>170</sup> The TIP Report monitors and ranks each country in a tier based on the extent of their government's efforts to comply with the US Trafficking Victims Protection Act of 2000 (TVPA) "minimum standards for the elimination of trafficking."<sup>171</sup> The rankings, from best to worst, are Tier 1, Tier 2, Tier 2 Watch List, and Tier 3. Countries in Tier 3 can be subject to certain restrictions on bilateral assistance.

In 2007 and 2008, the US TIP report ranked Oman as a "Tier 3" country—one that does not fully comply with the TVPA's minimum standards and is "not making significant efforts to do so." Since then, Oman has maintained a "Tier 2" ranking—that is, it is not fully complying with the minimum standards, but is making significant efforts to bring itself into compliance with those standards.<sup>172</sup>

Reuters reported that US State Department officials told a reporter that they had decided in April 2015 to downgrade Oman's rating to "Tier 2 Watch List."<sup>173</sup> However, Oman maintained its Tier 2 rating when the report was published in late July, about five weeks later than in prior years. According to Reuters, an official said the publication was delayed due to disagreements within the State Department about Oman's ranking. However, the State Department stood by the Tier 2 ranking. In June 2016, the US downgraded Oman to Tier 2 Watch List as the Omani government "did not demonstrate evidence of overall increasing efforts to address human trafficking during the previous reporting period." The report in particular noted the "decreased investigations and prosecutions of trafficking offenses compared to the previous reporting period and did not convict any traffickers. The government treated potential labor trafficking cases as mediation disputes, handled in labor courts. Victim identification efforts remained weak, as authorities did not employ formal procedures to identify trafficking victims among vulnerable groups; authorities relied on victims to voluntarily identify themselves and report abuses."<sup>174</sup>

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<sup>170</sup> For more information see, US State Department, "2015 Trafficking in Persons Report."

<sup>171</sup> See, Section 108 "Minimum Standards for the Elimination of Trafficking in Persons of the Victims" of Trafficking and Violence Protection Act of 2000 (TVPA), October 28, 2000, US State Department website, <http://www.state.gov/j/tip/laws/61124.htm> (accessed June 21, 2016).

<sup>172</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2009: Oman," <http://www.state.gov/j/tip/rls/tiprpt/2009/123137.htm> (accessed June 21, 2016). The report covers the events of 2008.

<sup>173</sup> "Exclusive: In favoring Middle East ally, U.S. glossed over human rights record," *Reuters*, December 21, 2015, <http://www.reuters.com/article/us-usa-humantrafficking-oman-exclusive-idUSKBN0U40G720151221> (accessed June 21, 2016).

<sup>174</sup> US State Department, "2016 Trafficking in Persons Report," June 2016,, p. 293.

## IV. Punishing Escape and Barriers to Redress

Sources of support are limited for domestic workers who flee abusive employers in Oman. Recruitment agencies are the first place domestic workers turn to for help. However, some agents put profit over worker safety, sending women back to abusive employers or to new employers against their will; three women said that agents they turned to for help locked them up and assaulted them. Government shelters are specifically for trafficking victims, not domestic workers who suffer other abuses. Some embassies offer shelters, but not all. The very act of escaping abuse can be punished as “absconding” under Omani laws.

This lack of support is compounded by a host of obstacles to securing redress for abuse. Foremost among these are police who sometimes resist taking complaints from domestic workers and instead send them back to the employers they accuse of abuse. It may be difficult for domestic workers to produce evidence in support of their claims, as abuse often occurs in the employer’s household. Few workers have money to hire a lawyer, especially if their complaint arises from non-payment of wages. If a case does go forward, the process may last months or more; during this time, a migrant domestic worker who has left her sponsor cannot work.

### Abuse by Recruitment Agents

Many workers in distress turn to their recruitment agency, which serves as their first point of contact in Oman. While some recruitment agents may try to assist domestic workers in distress, others threaten or abuse workers seeking assistance.

Recruitment agencies are not set up to serve as shelters for traumatized and abused workers. Furthermore, they have a financial incentive to send workers back to abusive employers or reassign them as quickly as possible. In some circumstances, recruitment agencies are required under Oman’s standard contract to pay return travel costs of domestic workers who leave employment within 180 days (around 6 months).<sup>175</sup>

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<sup>175</sup> Ministry of Manpower’s Ministerial Decision no.1 of 2011 Organizing Manpower of Non-Omanis, Employment contract for domestic workers and those in similar jobs (standard contract), art. 4. This article provides: “[I]f it can be proven that the occupation was different to that stated in the labor clearance; the domestic worker refused to work for the employer without a legally justifiable reason; the domestic workers has a disability of a type that will render him/her unable to commence the assigned work; or the domestic worker has an infectious or chronic disease, or a mental disorder.”

Some workers reported that the agents treated them badly when they sought help. They said some agents confined them to their offices while denying them adequate food or shelter, beat or threatened them, coerced them to return to abusive employers or work for new families, or refused to let them return to their home countries.

Divya S. said she sought help from her agent after her employer overworked her and paid her late. She spent two weeks at the recruitment agency, locked in one room with about eight other domestic workers before finally escaping. She said some days they had “no food and no water.” She said one of the agents attempted to sexually assault her.<sup>176</sup> Divya finally escaped and spoke to Human Rights Watch just before departing Oman. Asma K. said she sought help from her agent after her employer’s adult sons sexually harassed her, but the agent beat her with a stick and assigned her to another employer. Her second employer was also abusive and threatened to kill her (see chapter II: Trafficking). She escaped, walking for hours, until she came across someone who gave her some cash for a taxi to the embassy.<sup>177</sup>

Sushila R. said when she sought help from her recruitment agency in Mabella (a coastal area at the edge of Muscat), the agent told her, “I paid 200 rials (US\$520). If you pay this, then you can go.” He locked her inside with two other women who said the agent had also “bought” them for 200 OMR. She said: “He beat me up, locked me in the room. I jumped out of the window. It was two floors up.”<sup>178</sup> She sought assistance at her embassy shortly after.

## Limited Shelters

In 2011, the Royal Oman Police opened a permanent shelter for victims of trafficking. This shelter can accommodate up to 50 women and children who are victims of forced labor or sex trafficking.<sup>179</sup> Victims can only receive government shelter services upon referral from the

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<sup>176</sup> Human Rights Watch telephone interview with Divya S. (pseudonym), from India, while she was in Muscat, May 28, 2015.

<sup>177</sup> Human Rights Watch interview with Asma K. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>178</sup> Human Rights Watch interview with Sushila R. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>179</sup> US State Department, “2011 Trafficking in Persons Report,” <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> (accessed June 21, 2016).

public prosecutor, and may not leave the shelter premises unchaperoned.<sup>180</sup> The shelter provides basic lodging, psychological counseling, legal services, and medical care.<sup>181</sup>

The 2015 US State Department Trafficking in Persons report said that the shelter was underused due to the government's weak victim identification efforts.<sup>182</sup> The Omani government reported to the US State Department that it referred 9 trafficking victims for shelter services in 2013, 10 in 2014, and 5 in 2015.<sup>183</sup> There is no information on whether any of these were trafficked domestic workers.

In 2014, the Omani government announced in its reports to the UN Human Rights Council that it would open a new shelter for trafficking victims in the interior region, but it is unclear whether or to what extent it has followed through on that commitment. Oman also noted that there are other shelters for trafficking victims run by the government in cooperation with nongovernmental organizations.<sup>184</sup> However, community social workers told Human Rights Watch that they knew nothing about the government's shelters, and one embassy official said the main trafficking shelter "never call[s] the embassy to tell us if they have someone."<sup>185</sup>

Several country-of-origin embassies have shelters in Muscat, although embassy officials said they are often over capacity. For instance, an Indonesian embassy official told Human Rights Watch, "We have a capacity of maximum 20 persons in the shelter but every day we receive 5 people. Last month, we had 100 women [domestic workers] in the shelter." Workers cannot leave the shelter except to pursue legal proceedings with embassy staff. Some embassies or consulates do not provide shelter to abused workers and some countries whose nationals work as domestic workers in Oman do not have a permanent

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<sup>180</sup> US State Department, "2016 Trafficking in Persons Report: Oman."

<sup>181</sup> NCCHT, "Political Officer at US Embassy in Oman visits the shelter centre for human trafficking victims," undated, <http://www.ncchtoman.gov.om/english/news.asp> (accessed June 21, 2016) and [http://www.ncchtoman.gov.om/english/info\\_committeeServices.asp](http://www.ncchtoman.gov.om/english/info_committeeServices.asp) (accessed June 21, 2016).

<sup>182</sup> US State Department, "2015 Trafficking in Persons Report: Oman"; and "2016 Trafficking in Persons Report: Oman."

<sup>183</sup> US State Department, "2015 Trafficking in Persons Report: Oman."

<sup>184</sup> See, "UN Universal Periodic Review, National Report: Oman;" UN Committee on the Elimination of Racial Discrimination, "Combined second to fifth periodic reports due in 2012: Oman," U.N. Doc. CERD/C/OMN/2-5, December 24, 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fOMN%2f2-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fOMN%2f2-5&Lang=en) (accessed June 21, 2016) para. 21.

<sup>185</sup> Human Rights Watch interview with three different community social workers and a country-of-origin official (names and nationalities withheld), Muscat, May 2015.

diplomatic presence in the country at all. Domestic workers from these countries are especially vulnerable to abuse.

## Absconding Charges and Employers' Criminal Complaints

Domestic workers who flee abuse can face “absconding” charges and even trumped-up criminal charges based on accusations made by their employers. This not only serves to punish escape but also acts as a barrier to redress. Workers who face “absconding” or other charges after fleeing employer abuse are often willing to drop claims against employers so they can go home.

Domestic workers who leave their employer without consent before the end of their contract are deemed to have “absconded.” Such “absconding” workers can face imprisonment, fines, deportation, and a ban on future work. The offense of “absconding” serves to prevent migrant domestic workers from leaving the employment relationships they are bound to under the *kafala* system in order to seek alternative employment of their own choosing. This inherently abusive legal construct allows employers to use absconding charges to retaliate against domestic workers who flee abusive situations, or even to secure their involuntary return.

The employer must publish a notice about the worker in a local newspaper within a week of the worker “escaping,” and notify the Ministry of Manpower.<sup>186</sup> The ministry then notifies the Royal Oman Police. A migrant worker can appeal an absconding report, within two weeks, and the Ministry of Manpower can adjudicate.<sup>187</sup> Employers can also report an “absconded” worker to the Royal Oman Police, and the employer can take the police report to the Ministry of Manpower.<sup>188</sup>

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<sup>186</sup> Art. 1, Ministerial Decree no. 95/2001 relates to posting reports of migrant workers who escape, the text of which can be found in Arabic at <http://www.omanlegal.net/vb/showthread.php?t=4351> (accessed June 21, 2016). Art. 5(3), Ministerial Decision no. 189 of 2004 also provides that if a domestic worker “absconds” then the employer is required to report the worker and follow established procedures. See also the following website, which details the process of reporting “escape of an expatriate employee” at “Accreditations,” Omanuna (Oman e-government services portal), <http://bit.ly/1WMYQ6Y> (accessed June 21, 2016). According to such rules, the sponsor is also required to provide the Ministry of Manpower with a bank notification blocking an amount of money which, if the worker is caught, would serve to pay for the worker’s return flight ticket. A community social worker noted that a local newspaper advert for such reports can cost between 10-15 OMR (\$26-40). Human Rights Watch interview with a community social worker, Muscat, May 17, 2015.

<sup>187</sup> Art. 4, Ministerial Decree no. 95/2001.

<sup>188</sup> This procedure takes place in practice, but it is unclear whether it is formalized in regulations. Human Rights Watch interview with a lawyer (name withheld), Muscat, May 18, 2015, and confirmed by another lawyer (name withheld) by email, April 2016.

Sponsors can be punished for not reporting workers who “abscond.” Authorities can request the sponsor to reveal the whereabouts of the sponsored worker, and if the sponsor fails to do so within a month, they can be fined up to 500 OMR (\$1,300).<sup>189</sup>

Domestic workers can face a combination of sanctions for “absconding.” Once a migrant worker is deemed to have “absconded,” the authorities cancel their residency permit and the worker faces deportation. Any migrant who is deported is subject to a ban on re-entry for two years, and requires permission from the Inspector-General to re-enter.<sup>190</sup> Furthermore, if migrants remain in Oman after their residence visa has expired, they can also be imprisoned up to three years or fined up to 500 OMR (\$1,300).<sup>191</sup> Foreigners who fail to renew their residency visas on time can also be sentenced to imprisonment or fines.<sup>192</sup>

Some employers file criminal complaints against domestic workers after they flee abuse. These may include, for example, theft allegations or accusations that the workers engaged in *zina* (sexual relations outside of marriage, including both fornication and adultery).<sup>193</sup> *Zina* offenses violate international law by criminalizing adult consensual sexual relations.<sup>194</sup>

Workers who find themselves facing criminal charges may not receive any legal or consular assistance at the time of interrogation. One country-of-origin official noted that when the police arrest a foreign worker, they do not automatically inform the worker’s embassy directly. The official also said that while the Ministry of Foreign Affairs does provide embassies with information related to arrests, this can take months. The official noted further that sometimes the embassy does not even know when a case involving one of their nationals has gone to trial.<sup>195</sup>

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<sup>189</sup> Art. 44, Foreign Residency Law.

<sup>190</sup> Art. 34, Foreign Residency Law.

<sup>191</sup> Arts. 41 and 42, Foreign Residency Law.

<sup>192</sup> Art. 42, Foreign Residency Law.

<sup>193</sup> Penal Code art. 225 punishes sexual intercourse outside of marriage between a man and women with imprisonment of between three months to one year. Art. 226 provides that if the person is married (thus adultery) then they can be punished between one to three years’ imprisonment.

<sup>194</sup> *Zina* and other “moral” offenses violate international human rights law, as do the punishments associated with them. *Zina* offenses are often applied in a way that discriminates on the basis of sex: women are disproportionately impacted due to prevailing social attitudes and because pregnancy serves as “evidence” of the offense. In addition, female victims of rape and sexual assault who might report rape can end up being prosecuted instead under *zina* laws. International human rights law also requires decriminalization of consensual adult sexual relationships to protect a variety of human rights, including the rights to privacy, nondiscrimination, physical autonomy, and health. United Nations human rights expert bodies and special rapporteurs have called for the repeal of *zina* laws.

<sup>195</sup> Human Rights Watch interview with country-of-origin official (name withheld), Muscat, May 20, 2015.

Rahela C. said her employer beat her, threatened to kill her, and kicked her out of the house. She sought help at a hospital, where a police official accused her of “absconding.” He called her employer and told him to take Rahela back. He did, and beat her when she returned.<sup>196</sup> Aditya F. fled her employer’s physical and verbal abuse, and her employer reported her as “absconding.” The police caught her and returned her to her employer, who beat her and broke her teeth.<sup>197</sup>

Latika C. said when she asked her employer for five months of unpaid wages, her employer beat her and said, “We will make a case against you.” She said her employers called the police and accused her of theft. The police held her at the Central Prison in Sumail for about three weeks. When she went to court, she said the authorities dropped the theft case because her employer would not testify under oath. However, the court sent her back to her employer, who then beat and burned her.<sup>198</sup>

## Police Behavior

As cases documented in chapter II show, some domestic workers who reported employers’ abuses to the police said the police discouraged them from filing formal complaints, and sent workers back to abusive employers where employers retaliated with even more physical abuse.

Mamata B. said that in April 2015 she told the police that her employer had beat her and refused to pay her for two months. The police asked for her employer’s contact details. She pleaded, “I don’t want to go, they will beat me,” but she said the police replied, “They won’t beat you.” The police called her employer, who took her home, beat her “mercilessly,” and locked her in a room for eight days. She fled again, but did not go back to the police and instead sought assistance at her embassy.<sup>199</sup>

Workers also faced problems “proving” that abuse took place. Hina R., a 32-year-old Bangladeshi domestic worker who arrived in Oman in March 2015, reported that her employer and his son beat and raped her. She fled the following month and reported the

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<sup>196</sup> Human Rights Watch interview with Rahela C. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

<sup>197</sup> Human Rights Watch interview with Aditya F. (pseudonym), from Indonesia, Muscat, May 22, 2015.

<sup>198</sup> Human Rights Watch interview with Latika C. (pseudonym), Muscat, May 21, 2015.

<sup>199</sup> Human Rights Watch interview with Mamata B. (pseudonym), from Bangladesh, Muscat, May 21, 2015.

abuse to the police, who went to the house to collect evidence of undergarments, but it was all gone. Despite her testimony, the authorities deemed that they could not “prove” the rape, and did not refer the case for prosecution. She was only able to claim 250 OMR (\$650) to pay for her flight tickets home.<sup>200</sup>

## Problematic Labor Dispute Resolution and Courts

Domestic workers who suffer abuses face significant hurdles when seeking redress through the courts or the dispute resolution with the Ministry of Manpower.

The 2004 domestic worker regulations say that a competent department (in the Ministry of Manpower) has jurisdiction to hear disputes about domestic worker contracts, and should try to settle them within two weeks.<sup>201</sup> However, one lawyer explained that the system can take much longer than two weeks.<sup>202</sup> Moreover, embassy officials expressed little faith in this dispute settlement system. An Indonesian embassy official said, “We don’t bother with the dispute process because the Ministry of Manpower doesn’t believe them [the domestic workers].” He said the embassy instead asks the recruitment agency to contact employers, for example, to retrieve a worker’s passport.<sup>203</sup> Another country-of-origin official said officials “have a blind eye” on the abuses of employers so even having lawyers doesn’t help. He noted further that “the dispute settlement department doesn’t have any power.”<sup>204</sup>

Civil or criminal court cases against employers can take months; one lawyer said that cases before the Court of First Instance can take up to six months.<sup>205</sup> While this does not necessarily represent an unreasonable delay, it creates a real hardship for domestic workers because during this time, they are not permitted to work. In some cases this makes it difficult or impossible for them to remain in Oman long enough to see the process through.<sup>206</sup> One lawyer noted that since a domestic worker cannot work during this time, “it is better to take the salary [she has] and go back home.”<sup>207</sup>

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<sup>200</sup> Case of Hina R. (pseudonym), reported to Human Rights Watch including documents, Muscat, May 20, 2015.

<sup>201</sup> Art. 10 of the Ministerial Decision no. 189/2004.

<sup>202</sup> Human Rights Watch interview with lawyer (name withheld), Muscat, May 18, 2015.

<sup>203</sup> Human Rights Watch interview with an Indonesian embassy official (name withheld), Muscat, May 22, 2015.

<sup>204</sup> Human Rights Watch interview with country-of-origin official (name withheld), Muscat, May 20, 2015.

<sup>205</sup> Human Rights Watch interview with lawyer (name withheld), Muscat, May 18, 2015.

<sup>206</sup> US State Department, “2015 Trafficking in Persons Report.”

<sup>207</sup> Human Rights Watch interview with lawyer (name withheld), Muscat, May 18, 2015.

Aditya F. pursued a criminal case against her employer. Aditya said she fled her employer at one point because he beat her, and her employer reported her for “absconding.” However, her employer did not cancel the charges after the police caught her and returned her to him following which he beat her and broke her teeth. The criminal case against the employer took more than a year for a verdict. While Human Rights Watch does not have court files to confirm this case, an embassy official reported that the judge acquitted the employer because he could not determine that her employer beat her, as there was an outstanding “absconding” report.<sup>208</sup>

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<sup>208</sup> Human Rights Watch interview with Aditya F. (pseudonym), from Indonesia, and an Indonesian embassy staff member, Muscat, May 22, 2015.

## V. Recommendations

### To the Council of Ministers, Ministry of Legal Affairs, and Royal Oman Police

- Reform Oman’s *kafala* (visa sponsorship) system:
  - Repeal or amend all articles and implementing regulations of the Foreign Residency Law and other laws that give individual employers control over domestic workers’ immigration status, freedom of movement, and freedom to terminate employment.
  - Establish a bond for all employers that is refundable when workers are paid full salaries and receive other benefits required under law.
  - Create legal bases for workers to terminate employment at will and without employer consent, and to transfer employment at will before and after completion of contract, also without employer consent.
  - Repeal the automatic two-year entry ban for workers who leave Oman following completion of contract.
  - Repeal “absconding” provisions in existing laws and regulations. Replace these with reasonable and proportionate administrative sanctions for visa violations which do not deter workers from leaving abusive employers.

### To the Royal Oman Police

- Screen migrant domestic workers when they or their employers seek to cancel their residency visas or before they depart Oman for pending or unresolved claims against employers, employment agents, or others, and ensure that they understand their rights and have a practicable opportunity to pursue claims.
- Establish regulations that require police officers to receive complaints, thoroughly investigate such complaints, to not return workers to agents or employers against their will, and safely follow-up on workers who choose to return to employers or agents.
- Train police officers on receiving and processing domestic worker complaints.
- Instruct officers not to return domestic workers to employers or recruitment agencies against their will, and to thoroughly investigate all credible allegations of abuse against employers and recruitment agents.

- Train police officers and immigration officials to identify situations of forced labor, slavery, and trafficking in persons in all forms, and to refer such cases to prosecuting authorities.
- Investigate situations of forced labor, slavery, and trafficking in persons and refer cases to prosecuting authorities.
- Coordinate with the United Arab Emirates on investigations of trafficking in persons with a particular focus on the role of recruitment agencies in the towns of Al Ain and Buraimi.

## To the Ministry of Manpower, Council of Ministers, and Ministry of Legal Affairs

- Ensure that reforms to the Labour Law include expanding the law’s scope so that all of its protections include domestic workers, and update the 2004 regulations on domestic workers to bring them and the Labour Law in line with the ILO Domestic Workers Convention. This should include the following:
  - Establish limits to working hours and daily rest periods, a weekly day off, overtime compensation, and paid annual leave equal to other workers.
  - Set a standard minimum wage under law for all domestic workers, and combat wage discrimination against domestic workers on the basis of nationality or gender. Amend rules that require a lesser showing of income to hire a female domestic worker than a male, so the income requirements are equal.
  - Repeal or amend all legal provisions, including in the Labour Law, the 2004 domestic worker regulations, and the 2011 contract for domestic workers, that give individual employers control over domestic workers’ immigration status, freedom of movement, and freedom to terminate employment. Ensure that any new legislation does not also reinforce the *kafala* system and eliminates delegation of unchecked power to individual sponsors.
  - Ensure that all domestic workers, including those transferring to new employers, have a contract with their employer.
- Reform the 2004 regulations on domestic workers to strengthen and expedite dispute resolution for domestic worker complaints by:
  - Requiring employer participation in labor dispute-resolutions and penalties on those who fail to comply.

- Referring complaints that do not reach fair resolution to the court system.
- Permitting workers to seek alternate employment while pursuing legal claims.
- Pass a law explicitly criminalizing passport confiscation by employers and agents.

## To the Council of Ministers and Ministry of Legal Affairs

- Ratify international labor and human rights treaties relevant to domestic workers, including the ILO Domestic Workers Convention; the Protocol of 2014 to the ILO Forced Labour Convention, 1930; the Slavery Convention; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Criminalize forced labor under the penal code and ensure there are adequate penalties.
- Decriminalize adult consensual sexual relations in the penal code.

## To the Ministry of Manpower

- Create a domestic work inspection task force to monitor working conditions and legal compliance for this sector:
  - Inspect places of work where domestic workers have alleged violations. It should be possible to conduct inspections either with employers' consent, or, where warranted, through judicial order.
  - Implement telephone or SMS hotlines to allow workers—including those who are confined to employers' homes—to safely report abuse.
  - Coordinate with local labor authorities or embassy officials to make regular calls to domestic workers to check on their working conditions.
  - Investigate all credible allegations of abuse by employers of domestic workers, and sanction employers for labor abuses.
  - Refer cases of employers and agents credibly implicated in criminal abuses to police and public prosecution authorities.

- Enforce the prohibition on the confiscation of workers' passports. Sanction employers and recruiters who violate this prohibition or, if necessary, lead a process to pass new legislation that allows for such penalties.
- Extend the electronic wage protection system to domestic workers. Sanction employers who fail to pay workers' salaries.
- Raise awareness of both domestic workers and employers of rights and responsibilities, and regularly inform employers of penalties for mistreatment.

### **To the Ministry of Justice**

- Ensure domestic workers have access to justice and effective remedies in courts for both labor and criminal law complaints.
- Train public prosecution officials to identify and investigate cases of forced labor, slavery, and trafficking in persons in all forms. Prioritize the investigation and prosecution of employers and agents credibly implicated in these offenses.
- Investigate and prosecute employers and agents who abuse the criminal justice system by filing frivolous criminal charges against domestic workers.

### **To the Ministry of Social Development**

- Improve provision of emergency shelters and other assistance:
  - Establish government-sponsored shelters for domestic workers fleeing abuse, or provide financial support for private shelters.
  - Publicize the existence and contact information of shelters and other assistance among domestic workers. Make this information available in languages spoken by most domestic workers in Oman.

### **To the Governments of Countries of Origin, including the Philippines, Indonesia, India, Nepal, Bangladesh, Sri Lanka, Ethiopia, and Tanzania**

- Ratify the ILO Domestic Workers Convention, the Protocol of 2014 to the ILO Forced Labour Convention, 1930, and the International Convention on the Rights of all Migrant Workers and Members of their Families where states have not already done so.

- Ensure that regulations concerning recruitment agencies meet standards in the ILO Domestic Workers Convention, monitor recruitment rigorously, and impose meaningful penalties for violations.
  - Set clear standards for fees and recruitment practices to reduce overcharging and deception by recruitment agents and local brokers; penalize violations.
  - Create procedures for domestic workers to register allegations of abuse by employers and agents at foreign missions and upon return.
- Require that local agents provide workers and their families the name and contact details of the recruitment agency in Oman that will handle their employment.
- Cooperate with other countries of origin and the Omani authorities to harmonize a standard contract which is enforceable in Oman and in the country of origin.
- Provide domestic workers information on their rights, on how to understand and effectively navigate Oman’s legal framework regarding domestic workers, and on how to access crisis support and legal assistance available to them in Oman.
- Enhance capacity of diplomatic missions in Oman to assist migrant domestic workers by:
  - Establishing or maintaining shelter facilities.
  - Increasing trained staff to assist domestic workers with legal proceedings, and arranging legal representation when not provided by the Omani government.
  - Facilitating speedy provision of temporary travel documents when domestic workers cannot recover their passports.
  - Sharing information on blacklisted employers and recruitment agencies with other countries’ diplomatic missions.
- Report allegedly abusive employers and recruitment agencies to the Omani authorities, so they can investigate and prosecute where appropriate.
- Collect information about recruitment agencies in the UAE from workers trafficked from there to Oman when workers make complaints at the mission in Oman or when they return home. Coordinate with missions in the UAE to ensure that these missions blacklist agencies that have trafficked workers from the UAE into Oman; and refer agencies to the UAE authorities so they can investigate and prosecute.

## To the US Government

Maintain Oman’s ranking in the US Trafficking in Persons report to “Tier 2 Watch List,” unless there is clear evidence of an increase in government efforts to investigate and prosecute trafficking cases, as well as the implementation of other robust government efforts to curtail trafficking, including reforming the *kafala* system and including domestic workers under existing labor law protections.

## To the Gulf Cooperation Council (GCC) Members

- Adopt a GCC-wide commitment to extend the protections established by national labor laws to domestic workers, reform *kafala* systems, improve recruitment oversight, and increase access to services and redress.
- Coordinate with the Omani authorities on all forms of trafficking in persons where the trafficking involves another GCC state.
- Ratify the ILO Domestic Workers Convention, the Protocol of 2014 to the ILO Forced Labour Convention, 1930, and the International Convention on the Rights of all Migrant Workers and Members of their Families.

## **VI. Acknowledgements**

Rothna Begum, women's rights researcher for the Middle East and North Africa of Human Rights Watch, wrote this report. It is based on research conducted by the author and Faraz Sanai, a former researcher in the Middle East and North Africa Division.

Janet Walsh, deputy director in the Women's Rights Division; Tara Sepehri Far, researcher in the Middle East and North Africa Division; a deputy director in the Middle East and North Africa Division; Chris Albin-Lackey, Senior legal advisor; and Tom Porteus, deputy director of the Program Office, edited this report.

Annerieke Smaak, senior associate in the Women's Rights Division, provided editing and production assistance. Fitzroy Hepkins and Jose Martinez also provided production assistance. Nadine El-Nabli, intern in the Women's Rights Division, provided valuable research assistance.

Human Rights Watch gratefully acknowledges the financial support of Beth and Andy Burgess and the Ford Foundation.

Illustrations were designed by Rositsa Raleva, and produced by Maria Stanisheva.

Human Rights Watch thanks all of the individuals who agreed to be interviewed for this report. In particular, we gratefully acknowledge the women who courageously agreed to share their experiences in Oman with us.

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
Tel: 212-290-4700  
Fax: 212-736-1300; 917-591-3452

## Appendix 1: Letter to the Royal Oman Police presenting Human Rights Watch research findings and request for information

June 7, 2016

His Excellency Lt General Hassan bin Mohsen Al Shraiqi,  
Inspector General of Police and Customs  
Royal Oman Police  
Muscat, Sultanate of Oman



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Heather Barr, *Senior Researcher*  
Amanda Klasing, *Senior Researcher*  
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Rothna Begum, *Researcher*  
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Your Excellency:

Firstly, I would like to send my greetings for the holy month of Ramadan to Your Excellency and to all your staff members in the Royal Oman Police, and please accept my regards on behalf of Human Rights Watch. I write to request information concerning female migrant domestic workers in Oman.

Human Rights Watch has promoted workers' rights around the world for more than ten years, including in other Gulf countries. Our 2013 report [\*Claiming Rights: Domestic Workers' Movements and Global Advances for Labor Reform\*](#) highlights progress made, as well as steps that remain to be taken. According to the *Times of Oman*, we understand that Oman is considering including domestic workers under its labor law. We would welcome such a move.

In 2015, Human Rights Watch interviewed domestic workers in Oman, and also sought but did not secure government meetings. We attach a summary of our main findings based on our interviews, as well as questions we have concerning government policies and actions. Human Rights Watch is committed to fair and accurate reporting and seeks to understand the perspectives of the Omani government. We would be grateful for a written response to our questions in as complete a manner as possible by July 1, 2016. This will allow us to reflect your relevant responses in our upcoming report and other materials. We are also writing to several other ministries, authorities, and organizations with questions relevant to their responsibilities.

We are planning to visit Oman in July and look forward to meeting with you to discuss these matters in person. Please contact my colleague xxxxxxxx xxxxxxxx at xxxxxxxx or on xxxxxxxx and relevant staff will answer any questions you may have, receive responses to the attached questions, and dates regarding your availability for a meeting. Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Liesl Gerntholtz".

Liesl Gerntholtz  
Director  
Women's Rights Division

# Summary of Human Rights Watch findings and questions on the situation of migrant female domestic workers in Oman

## 1. Research Background

During a research visit to Oman in May 2015, two Human Rights Watch researchers interviewed 59 female migrant domestic workers currently or formerly employed in Oman. Human Rights Watch requested government meetings, but these have not yet been granted.

Human Rights Watch makes no statistical claims based on the interviews we conducted regarding the prevalence of abuse among the total population of domestic workers in Oman. However, in a larger sense the interviews help illustrate how and to what extent the Omani government addresses its commitments under international law to protect women workers' rights and provide mechanisms that effectively address rights violations when they occur. The interviews took place in a range of settings and involved interviewees who were had had no contact with one another and spoke a variety of different languages. Interviewees reported similar types of abuse that pointed to patterns in some employers' treatment of workers. Given the broad consistency of interviewees' accounts, Human Rights Watch believes that the problems and abuses they reported exist on a larger scale.

Domestic work is an important form of employment for migrant women, and we are aware and acknowledge that many workers have positive experiences in Oman. However, in our research we encountered many workers who alleged serious abuses by their employers in circumstances that lead us to conclude that Oman's visa sponsorship system (*kafala*), combined with the lack of labor law protections for domestic workers comparable to those that other workers are entitled to, put these women at risk. Domestic workers reported that employers had failed to pay wages due to them, confiscated their passports, prevented them from communicating with their families, subjected them to physical or sexual abuse, verbally harassed and psychologically abused them, and denied them adequate food and rest.

## 2. Main findings

Our research documented abuses against migrant domestic workers during the process of their recruitment and employment, as well as when they sought assistance or remedies for abuse. It also examined the legal framework and identified problems that help facilitate such conditions.

### ***2.1 The kafala system, lack of equal labor law protections, and standard contracts***

In this section, we set out our understanding of Oman's legal and regulatory framework for domestic workers, and indications that the government is considering reforms. We welcome any feedback concerning our understanding of the policy framework, as well as on the questions below.

As you know, under Oman's *kafala* visa-sponsorship system, migrant workers cannot work for a new employer without the permission of their current employer, even if they complete their contract and even when their employer is abusive. Moreover, employers can cancel a

worker's visa at any time. Workers who leave without the consent of their employer can be punished for "absconding" with fines, deportation, and bans.

In 2011, Oman told the UN Human Rights Council that it "is researching an alternative to the sponsorship system, but this process is not yet complete." As far as Human Rights Watch is aware, the government has not put forward any concrete alternative proposals since then.

Oman's labor law explicitly excludes domestic workers, and they have only basic protections under 2004 regulations on domestic workers. They are not entitled to equal protection of laws afforded to most other workers, such as limits on working hours and provisions for overtime pay. We note that Oman is currently considering a revised labor law. The *Times of Oman* reported on April 28, 2016, that an advisor to the Minister of Manpower told them that there are plans to "legalise their rights and provide better protection to domestic workers" which will be "either in the new labour law or as a separate chapter."

In 2011, Omani authorities issued a standard employment contract that employers are required to use when applying for a domestic worker entry permit for domestic workers, which includes one day off per week and 30 days of paid leave every two years. However, the contract in no way makes up for the lack of labor law protections, and remains poorly enforced. The contract also provides less than many workers are promised when recruited in their home countries, and far short of international standards.

Labor inspectors have no mandate to check on domestic workers, and as such there are no inspections for working conditions of domestic workers in private homes.

Oman prohibits passport confiscation under Ministry of Manpower Circular no. 2/2006, but there do not appear to be any clearly established penalties for employers who violate this directive.

Oman's Basic Statute of the State prohibits forced labor, as does the labor law, which provides a penalty of one month imprisonment or a fine of 500 OMR (US\$1,300). It is not clear that the labor law prohibition and penalty applies to domestic workers, given that the labor law excludes domestic workers and the 2004 domestic worker regulations say nothing about forced labor. Oman's penal code criminalizes slavery and the slave trade, but not forced labor. It does not define slavery and the slave trade further.

ILO Convention 189 concerning Decent Work for Domestic Workers requires governments to provide domestic workers with labor protections equivalent to those of workers in other sectors, covering hours of work, a minimum wage, compensation for overtime, daily and weekly rest periods, social security, and maternity protection. The convention also places an obligation on governments to protect domestic workers from violence and abuse, regulate recruitment agencies and penalize them for violations, and ensure effective monitoring and enforcement of labor rules relating to domestic workers. Oman voted in favor of creating ILO Convention 189, but has yet to ratify this key treaty.

**Questions:**

1. Is there any mechanism in place to allow a domestic worker to leave employment or transfer to another employer without her employer's consent and still retain her legal status? If so, how? Please indicate relevant laws or regulations.
2. Is Oman considering alternatives to the *kafala* system? Please explain the details of any concrete alternatives being considered, including how they relate to domestic workers.
3. Passport confiscation is prohibited under Ministry of Manpower Circular no. 2/2006, however that Circular does not provide for any penalties for employers who violate that directive. Are there any laws or policies allowing for penalties for passport confiscation? If so, which policies and what are the penalties? How many cases of passport confiscation have the Royal Oman Police documented?
4. Does the forced labor prohibition and related penalties in the labor law extend to domestic workers? Are there any other penalties for forced labor set out in other laws or regulations that extend to the employers of domestic workers?
5. Are slavery and the slave trade defined in laws or regulations beyond the penal code?
6. A March 2016 *Times of Oman* article discussed the practice of employers asking for money from domestic workers in return for signing their "release" or "No-Objection Certificate" so they can transfer employers. A Ministry of Manpower official is quoted in the article stating that this practice is "unlawful." What law prohibits such a practice? And are there relevant penalties for it? Please indicate relevant laws or regulations.

## ***2.2 Abuses and Remedies***

### ***Abuses against domestic workers***

Roughly one third of the domestic workers Human Rights Watch interviewed said that their employers physically or sexually abused them. Most said their employers verbally abused them, including by shouting at them, threatening to kill them, and calling them degrading names.

Many domestic workers said that their employers delayed paying their salaries or paid less than was owed. Some did not pay their wages at all. Almost all domestic workers complained of working long hours of up to 15 hours per day and, in extreme cases, up to 21 hours per day with no rest and no day off, even if they were sick or injured.

In some cases, women worked for large, extended families, or in multiple houses leading to long working hours and a heavy workload. Domestic workers described common employer practices that keep them isolated from sources of support, namely passport confiscation, tight restrictions on communication, and confinement in the household.

Some domestic workers said their employers provided them with insufficient or spoiled food, and berated or beat them if they requested more. Some domestic workers also described inappropriate and inadequate sleeping conditions in their employers' homes, including in kitchens, living rooms, or with small children.

Several domestic workers told Human Rights Watch that employers and agents trafficked them via the UAE into Oman. According to embassy officials of several countries of origin, many domestic workers in Oman are brought through this border, eluding regulations or tracking by home embassies. Some workers described employers forcing them to work under “menace of penalty,” such as by beating them, withholding salaries, threatening to kill them, or falsely accusing them of crimes. Considering the high number of reports of domestic workers being trafficked into forced labor through this border, the number of reported prosecutions and convictions for such crimes is strikingly low.

Several workers also said that their employers told them they had “bought” them, and demanded back recruitment fees in return for their “release” to leave the country or work for another employer.

### ***Lack of shelter, and barriers to redress***

Domestic workers who said they escaped from their employers’ homes due to abuse have very few options for shelter. While there are a few government shelters for women subjected to trafficking, authorities have not established any official emergency shelter specifically for domestic workers. Some embassies provide shelter and assistance to their nationals, but many do not. Even those that do lacked capacity and adequate conditions. Some workers said when they reported abuse to their recruitment agencies, agents confined them, beat them, and forced them to work for new families against their will. Some workers said that when they pleaded to return home, recruitment agents told them they first had to reimburse the high recruitment fees their sponsors had paid.

Many domestic workers who turned to the police for help said officers refused to register their complaints and returned them to their employers or recruitment agencies. They said the police did not follow-up, and in several cases, domestic workers said their employers beat them after police sent them back.

Lawyers and country of origin officials told Human Rights Watch that they had little confidence in the existing labor dispute settlement procedure or the courts as viable mechanisms to secure redress for domestic workers. Some embassy officials said that they discouraged domestic workers from pursuing such avenues because the process is lengthy, unlikely to succeed, and the women cannot work in the meantime.

Domestic workers who leave their employer’s homes also risk their employers reporting them as “absconded,” an administrative offense that can result in deportation and a ban on future employment, or filing criminal complaints against them. Some workers said their employers filed trumped-up theft charges against them when they asked for their salaries or fled abuse.

### **Questions:**

1. Are there any shelters that the Omani government provides for domestic workers fleeing abuse? Please confirm the number of shelters, capacity, and locations.

2. Does the anti-trafficking shelter in Oman accept domestic workers fleeing abuse from an employer? If so, how many individuals has the shelter accepted since opening? In what circumstances can a domestic worker seek shelter?
3. How many people, if any, have been prosecuted for forced labor since 2010? Of those, how many were convicted?
4. How many people, if any, have been prosecuted for trafficking individuals into forced labor since 2010? Of those, how many were convicted? Please provide a breakdown in particular for cases involving domestic workers by nationality of the offender and the victim, and the sentence.
5. How many people, if any, have been prosecuted for offenses related to slavery or the slave trade since 2010? Of those, how many were convicted?
6. Police response to complaints
  - a. What official procedure, if any, must police officers follow when receiving complaints of a criminal nature from foreign domestic workers, including sexual and physical assault, harassment or verbal abuse, forced confinement, forced labor or trafficking, or food deprivation?
  - b. What procedure must police officers follow for complaints of a contractual nature, such as failure to pay agreed salaries, failure to grant weekly days off work, and making the domestic worker work excessive hours?
  - c. What steps must police officers take when investigating severe injuries incurred by domestic workers fleeing abuse?
  - d. What is the official procedure and mechanisms available for women who report sexual assault? For instance, are female officers present, what medical forensic tests are carried out, and is medical treatment provided?
  - e. Please describe training police receive concerning how to handle crimes against domestic workers, including identification of forced labor and trafficking cases. What training is provided to police officers in dealing with sexual assault cases in particular?
  - f. Do oversight mechanisms exist to monitor police officers' compliance with procedure when handling cases involving domestic workers?
  - g. Are interpreters made available when a domestic worker wishes to put forth a complaint with the police against an employer?
7. Other measures on employers and compensation for domestic workers
  - a. Does the Omani government ever provide money to pay for domestic workers' flights home? If so, in what circumstances?
  - b. Are abusive sponsors ever prevented from hiring new domestic workers?
8. Recruitment Agencies
  - a. Has the government conducted any investigation into complaints by domestic workers of abuses by the recruitment agencies? If so, how many investigations have been conducted in 2014-2016? What were the results of such investigations?

- b. Does Oman coordinate with the UAE in investigating recruitment agencies domestic workers have accused of trafficking particularly those on the border of al-Ain (UAE) and Buraimi (Oman)? If so, please describe the nature of this coordination and any joint investigations or enforcement actions taken in 2014-2016,
9. Criminal proceedings and absconding cases against domestic workers
- a. How many female migrant domestic workers were charged with crimes in 2014-2016 pursuant to accusations lodged by their employers? What were the charges (e.g., theft, illicit relations, assault, sorcery, etc.)?
  - b. How many of these women were detained pending trial? At what prisons or detention facilities?
  - c. Are domestic workers being investigated for alleged criminal offenses provided lawyers and interpreters at time of interrogation? If so are they free of cost?
  - d. Are domestic workers allowed to contact their embassies at the time of interrogation?
  - e. What penalties apply to absconding workers?
  - f. How many absconding reports were filed against domestic workers in 2014-2016? Please provide any available data regarding the outcomes of these cases.
  - g. How many female migrant domestic workers were convicted and sentenced to prison in 2014-16? For what crimes? Please provide data on sentence lengths.

# “I Was Sold”

## Abuse and Exploitation of Migrant Domestic Workers in Oman

More than 130,000 migrant women work in households in Oman. Most come from the Philippines, Indonesia, India, Sri Lanka, Nepal, Bangladesh, and Ethiopia. They cook, clean, and care for children and the elderly. While some earn decent salaries and work in good conditions, others find themselves trapped in abusive situations, their plight hidden behind closed doors.

Based on interviews with 59 female domestic workers, lawyers, embassy officials, and others, *“I Was Sold”: Abuse and Exploitation of Migrant Domestic Workers in Oman* documents how Oman’s laws and policies fail to provide for migrant domestic workers’ rights or safety and enable employers to retaliate against workers who flee abuse. Domestic workers described a wide range of abuses, such as employers confiscating their passports, not paying their full salaries, forcing them to work excessive hours without breaks or days off, or denying them adequate food and living conditions. Some said their employers physically abused them; a few described sexual abuse. In some cases, workers described abuses amounting to forced labor or trafficking.

In the face of these abuses, migrant domestic workers have little recourse. Like its Gulf neighbors, Oman maintains an immigrant labor system (known as kafala) that punishes workers who leave their employers or change jobs without their employers’ consent. In addition, the country’s labor law excludes domestic workers from its protections. Human Rights Watch calls on Oman to reform these laws and policies in order to afford all migrant domestic workers protections in line with international standards. The government should also thoroughly investigate abuses against domestic workers and prosecute those responsible.



*A migrant domestic worker watches over a child playing in the Magic Planet, City Centre Muscat, a shopping mall in Oman.*

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