



HUMAN  
RIGHTS  
WATCH

## “Working Like a Robot”

Abuse of Tanzanian Domestic Workers in Oman  
and the United Arab Emirates





## **“Working Like a Robot”**

**Abuse of Tanzanian Domestic Workers in Oman and the United  
Arab Emirates**

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# “Working Like a Robot”

## Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates

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# Map





## Summary

The [employer's] houses were too big and salary very little. I was working for four houses for 50 rials (US\$130) [per month] only. It was not fair.... I told this to the agent [in Oman] and said, "I want to go back home...." She said, "You cannot go anywhere; your boss has your passport. So, shut up and keep on working."

—“Munira E.,” 46, migrated to Oman in 2014. Dar es Salaam, November 9, 2016

Thousands of Tanzanian women toil as domestic workers in the Middle East, cleaning, caring, and cooking for their employer's families. Each year, hundreds more follow, often with promises of salaries ten times what they could earn at home. Some find decent working conditions and good salaries. Many others work excessively long hours for little pay, and are subject to physical and sexual abuse. Some end up trapped in situations of forced labor. One domestic worker said, “it is like a game of cards, you can win or lose.”

The majority of the estimated 2.4 million migrant domestic workers in the Gulf states come from Asian countries such as Indonesia, the Philippines, India, and Sri Lanka. As these countries have increased protections and minimum salaries for their workers, and in some cases banned recruitment to the Gulf entirely, recruiters are increasingly turning to East Africa where protections are weaker and workers deemed cheaper.

This report, based on 87 interviews conducted in November 2016 and February 2017, including 50 Tanzanian domestic workers, documents the abuse women face in Oman and the United Arab Emirates (UAE). The report looks at how the Tanzanian, Omani, and UAE governments' failure to protect Tanzanian migrant domestic workers leave them exposed to exploitation both at home and abroad.

### Abuse in Oman and the United Arab Emirates

Most Tanzanian domestic workers Human Rights Watch interviewed described working 15-21 hours a day with no rest or day off. Twenty-seven women complained their employers paid them less than promised, sometimes receiving only half their promised salaries. In other cases, women said their employers did not pay them at all.



“Adila K.,” 35, said she returned from Oman in January 2017 after spending a year working for a family who confiscated her passport, paid her less than promised, and forced her to work excessive hours without rest or a day off. Kiwangwa village, Tanzania. © 2017 Rothna Begum/Human Rights Watch

Most women described humiliating treatment, including their employers yelling at them daily, and making racial insults. Nineteen workers described their employers physically abusing them, including pinching their cheeks, pulling their ears, and beating them with sticks and mops. Nineteen women described employers and other male members of the household sexually harassing and assaulting them, including groping them while they worked, chasing them around the house, and one who said her employer raped her anally.

Nineteen workers described their employers denying them food, or forcing them to eat spoiled or left-over food, and 27 said their employers forced them to sleep on the floor, in open spaces, store rooms, or sharing rooms with children or their employers. Almost all said their employers confiscated their passports, and 22 said they also confined them to the house or the compound. Employers also took away some workers’ phones or refused to let



them call their families for months. “Atiya Z.,” 28, who worked in Oman from 2015 to 2016, said: “When I came back, my parents said: ‘you never called us. You could have died.’”

Migrant domestic workers had little recourse for leaving abusive working conditions. Women who sought help from their employment agents in Oman and the UAE said they got little assistance: some agents told them to continue working; some made things worse by telling employers of their complaints; some even beat them for leaving their employer; some forced them to work for new employers.

When women tried to leave their employment before completing their contract, several employers forced them to work unpaid for months in return for flight tickets home or to recoup recruitment fees. In one case, “Basma N.,” from Dar es Salaam, told Human Rights Watch that after facing arrest by Omani police for not paying back her employer’s recruitment costs, she had to relinquish her entire salary. She said her employers forced her to work 21 hours a day without rest or a day off, and subjected her to physical abuse. Her employer’s brother attempted to rape her twice. Forced to borrow money to pay for her flight tickets home, she returned to Tanzania financially, physically, and emotionally worse-off than when she left.

## **Oman and the United Arab Emirates’ Failures to Protect Domestic Workers**

Instead of protecting migrant domestic workers from these abuses, laws and policies in Gulf states like Oman and the UAE make them more vulnerable. Existing legal frameworks allow employers to retaliate against workers who flee abusive situations rather than securing domestic workers’ rights or ensuring their physical safety.

The *kafala* (visa-sponsorship) system in both Oman and the UAE prohibits migrant workers from leaving their employers or working for new employers without their initial employers’ consent and punishes them for “absconding” if they do. Oman’s labor law excludes domestic workers from its protections entirely, as did the UAE’s laws until this year. In May, the UAE adopted a long-debated bill that extends key labor protections to domestic workers and is to come into force by December 2017. But some provisions, such as on working hours, are weaker than those for other workers.

Although employers are required to pay migrant domestic workers' recruitment fees, some employers believe they are entitled to all their money back if workers ask to leave before their contract is complete, even when fleeing abusive conditions. While the UAE's 2017 law on domestic workers prohibits recruitment agencies from charging fees to workers or reimbursement of expenses it does not prohibit employers from doing so. Instead, when workers choose to terminate their employment early without a contractual breach, the law requires them to compensate their employer with one month's salary.

Human Rights Watch interviewed workers who said they had to forego their salaries as a condition for their "release," or work for a new employer who repaid recruitment costs to the initial employer. In Oman, Human Rights Watch documented instances where the police and Ministry of Manpower officials helped enforce this practice.

This framework essentially allows employers to overwork, underpay, and abuse workers.

Employers can reclaim their recruitment costs, force workers to pay for their own flight tickets home, and easily hire new workers to begin the cycle again. These practices contribute to situations of forced labor as women must continue to work against their will due to financial penalties far beyond their ability to pay.

Employers enjoy a large degree of impunity for abuse and exploitation. Workers who sought help from police in Oman said the police charged them with "absconding" for violating the *kafala* system, returned them to their employers, or at best, allowed them to leave the country. Of the three workers interviewed by Human Rights Watch who went to the Omani Ministry of Manpower, one said the agent did not turn up to dispute resolution sessions, and the other two said that officials did not believe their stories of abuse and sided with employers. While Tanzanian domestic workers told Human Rights Watch about abuse and exploitation in the UAE, they could not or did not report it to the UAE authorities.

## Tanzania's Failure to Protect Workers

While many of these abuses take place during employment in the Gulf, gaps in Tanzania's recruitment and migration policies place workers at heightened risk from the outset and provide little access for redress. The experience of countries, such as the Philippines, Indonesia, Sri Lanka, and India, that have sent migrant domestic workers to the Gulf for





Domestic workers at a workshop in October 2016 in Zanzibar, discussing ways to organize and support rights of Tanzanian domestic workers in Gulf states. Zanzibar, Tanzania. © 2016 Rothna Begum/Human Rights Watch

decades have shown that stringent regulation and oversight of recruitment, rights-based training programs, appropriately trained consular staff, and bilateral negotiations and agreements are key strategies to prevent and respond to abuse.

Tanzania has expanded some protections for overseas migrant workers since 2011, including requiring a standard contract with minimum employment conditions for migrant workers, creating contract verification procedures in their embassies in Oman and the UAE, and setting increased minimum salaries. However, the standard contract requires workers to pay one and a half month's salary to their employers if they leave their employment before completing 12 months.

Tanzanian and Zanzibari recruitment policies and practice have many gaps. Tanzanian workers are required to process their applications to migrate with respective labor ministries in mainland Tanzania and Zanzibar. However, many workers migrate outside of this channel.

In Zanzibar, the semiautonomous islands within the United Republic of Tanzania, the authorities require married women and never-married women to have male guardian permission to migrate. Such rules restrict women from making decisions about their own lives and provide an incentive to migrate outside of regular channels.

Twenty-three of the migrant domestic workers interviewed by Human Rights Watch said they misinformed immigration departments about the purpose of their travel, explaining that they did so at their agents' direction, or because they believed they would not be allowed to migrate, their passports delayed, or they would have to pay higher costs if migrating officially.

When traveling outside of a regular migration channel, workers bypass mechanisms that—once strengthened—could help prevent and respond to abuse, such as receipt of pre-departure information, verification of employment contracts, and oversight of their recruitment agency including with respect to fees.

Currently these mechanisms are weak or non-existent. The Ministries of Labour in Tanzania and Zanzibar provide some pre-departure information when workers apply to migrate, but no training.

Authorities require women to migrate through a recruitment agency but have not set out minimum standards for how agencies assist workers in cases of abuse, or for inspections and penalties in case of violations. While regulations in mainland Tanzania and Zanzibar prohibit agencies from charging fees and costs to workers, many women said agents charged them costs anyway.

Recruitment costs and financial penalties can trap workers in situations of forced labor. In some cases, both agencies in Tanzania and in the country of employment took workers' initial two months' salary claiming that these fees reimburse them for recruitment costs—even though employers had paid such costs—and that they guarantee their help if needed.

Several Tanzanian agencies that spoke to Human Rights Watch said that if a woman no longer wished to migrate after they had started the recruitment process, they try to coerce her through imposing a financial penalty or pressuring her family. These agencies may also impose an exorbitant financial penalty on a domestic worker who returns home before completing her contract. One contract Human Rights Watch reviewed required workers to pay the Tanzanian agency \$2,000 if they return home for becoming pregnant, “interfering” in the employer’s marriage, or making “false” reports as a pretext to leave the country.

Unlike other countries of employment, Oman does not have any bilateral agreements with countries of origin, including Tanzania, to help secure protection of migrant domestic workers’ rights. The UAE has only one agreement regarding domestic workers, which it signed with the Philippines in September 2017. Without such cooperation, Oman and the UAE only enforce their own standard contracts, which have weaker provisions than those in the Tanzanian standard contract that workers are promised.

The Tanzanian embassy in Oman requires that employers make a security deposit of 100 OMR (\$259) during the application process. This amount is refunded when employers bring workers to the embassy in the first month after arrival. Given the paltry amount compared to other country-of-origin embassies which require deposits four or ten times that amount, some workers said their employers never took them to the embassy. Others said that since the embassy returned the money in the first month, their employers had no deterrent not to break contractual provisions afterward.

Likewise, without cooperation with local authorities and adequate protection mechanisms, the Tanzanian embassy has no real power to assist workers by forcing employers to return unpaid salaries, provide compensation, or pay return flight tickets home. Instead, some workers said embassy officials sent them back to abusive agents and employers, in some cases to situations that amounted to forced labor. In other cases, embassy officials reinforced abusive practices such as encouraging the worker to pay back recruitment costs or work for a new employer who could pay such costs back to the employer.

The Tanzanian embassy in Oman provides shelter to domestic workers who have left their employers. However, some women reported severe overcrowding, being confined to the embassy, and one worker said they were forced to clean embassy offices. The embassy has no mechanism to force employers or agents to pay for return flight tickets or funds to

otherwise assist workers in distress. Workers spend months in the shelter raising funds from relatives or working during the day for friends or relatives of embassy staff to pay for their flight tickets home.

Tanzania has no complaints mechanisms or channels to provide medical assistance for returning workers who faced abuse or exploitation overseas. Only two workers who returned to Tanzania said they reported their abuse to the authorities there but they did not receive any redress or assistance. The lack of economic reintegration policies leaves many women seeking to migrate again even if they faced abuse.

## Key Recommendations

### To Tanzanian and Zanzibari Authorities

- Draft and adopt a comprehensive migration law and amend employment regulations to address oversight of recruitment agencies, recruitment fees and debts, pre-departure information, and training.
- Set up rights-based pre-departure trainings, establish diplomatic missions equipped to track and respond to complaints, and provide shelters with trained staff and access to trauma counseling and health care.
- Develop protection mechanisms such as requiring employers provide a security deposit to Tanzanian embassies that can be used to provide domestic workers with unpaid salaries, compensate for unpaid overtime and lack of rest days, and return flight tickets home.
- Set up a complaints mechanism, and a system to blacklist abusive employers and agents.

### To Oman and the United Arab Emirates

- Reform the *kafala* (visa-sponsorship) system to allow workers to change employers—before and after completing their contract—and to leave the country without employer consent, as well as remove the corresponding “absconding” penalties.
- Amend labor laws to extend equal protections to domestic workers.
- Ensure that subsequent regulations for the 2017 UAE domestic workers law are in line with the ILO Domestic Workers Convention. Introduce mechanisms for its effective enforcement and launch a sustained information campaign to sensitize employers, workers, and agents.

### To Tanzania, Oman, and the United Arab Emirates

- Cooperate to prevent exploitation of migrant domestic workers, investigate abuses, and prosecute those responsible. This should include development of a mutually enforceable standard contract, cooperation on regulation and oversight of recruitment agencies, and assistance to victims of abuse.

- Ratify key international treaties, including the ILO Domestic Workers Convention, and bring laws and all domestic worker-related reforms into compliance with their provisions.

## Methodology

This report is based on research conducted by a Human Rights Watch researcher in Tanzania in October and November 2016, and February 2017.<sup>1</sup> In mainland Tanzania, the researcher conducted interviews in Dar es Salaam, Bagamoyo, and Mwanza. In Zanzibar, the researcher conducted interviews in the main island of Unguja.

Human Rights Watch interviewed 87 people, including 50 female migrant domestic workers between the ages of 20 and 46. Half of the workers are from Zanzibar, all from the island of Unguja except one who lives on the island of Pemba, and the other half are from mainland Tanzania including Dar es Salaam, Bagamoyo, Kiwangwa, Kondowa, Mwanza, and Shinyanga. Out of 50 workers, 38 said they migrated only to Oman, six migrated to the United Arab Emirates (UAE), five migrated to both Oman and the UAE, and one migrated to Qatar. Given that only one worker went to Qatar, this report focuses on Oman and the UAE.

Human Rights Watch conducted most interviews in person, and a few by phone including with two workers still in Oman. The researcher conducted most interviews individually while a few were group interviews. Almost all interviews with domestic workers were conducted in Kiswahili, with the assistance of interpreters, and one in English where the worker felt comfortable. In each case, Human Rights Watch explained the purpose of the interview, how it would be used and distributed, and obtained consent to include their experiences and recommendations in the report.

Human Rights Watch advised all interviewees that they could decline to answer any question or end the interview at any time, offered anonymity, and sought to minimize the risk of further traumatization of those interviewees who had experienced physical or sexual abuse. For instance, Human Rights Watch did not proceed with an interview with one worker to prevent further re-traumatization as she said she had given multiple interviews to the media about the abuse she faced which brought back difficult memories and was still seeking medical treatment for her injuries at the time.

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<sup>1</sup> The United Republic of Tanzania is a unitary republic comprising 30 administrative regions in mainland Tanzania and Zanzibar. Zanzibar consists of two islands: Unguja and Pemba.

Human Rights Watch reimbursed the modest costs of travel for most interviewees. No other compensation was provided to interviewees for participating.

Human Rights Watch also interviewed 12 local and national government officials from the Ministry of Labour, Empowerment, Elders, Youth, Women and Children in Zanzibar; the Ministry of Labour, Youth, Employment, and Persons with Disabilities in mainland Tanzania including from the Tanzania Employment Services Agency (TaESA); the Immigration Division and the Anti-Trafficking in Persons Secretariat in the Ministry of Home Affairs; and the Ministry of Foreign Affairs and East African Cooperation. Human Rights Watch sent follow-up letters with its findings and questions to these ministries as well as the Ministry of Community Development, Gender, Elderly and Children in October 2017.

Human Rights Watch interviewed a further 25 people including from four recruitment agencies in Dar es Salaam, officials from the Tanzanian Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU), the Zanzibar: Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU-Z), the International Domestic Workers Federation, nongovernmental organizations (NGOs), journalists, the International Labour Organization, and the International Organization for Migration.

This report builds on earlier investigations into abuse of migrant domestic workers conducted in the United Arab Emirates in 2013, and in Oman in 2015.<sup>2</sup> Human Rights Watch sent letters to the Omani Ministry of Manpower, Ministry of Foreign Affairs, the Royal Oman Police, and Ministry of Legal Affairs, and UAE Ministry of Human Resources and Emiratisation, Ministry of Foreign Affairs, Ministry of Interior and the General Directorate of Residency and Foreigners Affairs in October 2017. Human Rights Watch received a response from the Omani Ministry of Manpower via the Omani Human Rights Commission in early November, but had not received a reply from the UAE government at the time of publications.

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<sup>2</sup> Human Rights Watch, *"I Was Sold": Abuse and Exploitation of Migrant Domestic Workers in Oman*, July 2016, <https://www.hrw.org/report/2016/07/13/i-was-sold/abuse-and-exploitation-migrant-domestic-workers-oman>; Human Rights Watch, *"I Already Bought You": Abuse and Exploitation of 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>.



This report uses pseudonyms—indicated in quotation marks—for workers who requested anonymity in the interest of their privacy, and withholds names of some individuals in the report for their security. Other workers requested their real name be used.

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

The report uses an exchange rate of 1 Tanzanian shilling (TZS) equal to US\$0.00044; 1 Omani rial (OMR) equal to 5,818 TZS or \$2.597; and 1 Emirati dirham (AED) equal to 609.79 TZS or \$0.27, except where a historical exchange rate is warranted.<sup>3</sup>

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<sup>3</sup> This report uses currency exchange rate from June 10, 2017 at [www.xe.com](http://www.xe.com).

# I. Background

## Push Factors for Migration

Around 12 million Tanzanians live in extreme poverty earning less than US\$0.60 per day, according to the World Bank.<sup>4</sup> In addition, women have a higher unemployment rate than men and are paid lower wages.<sup>5</sup> Tanzania ranked 151 out of 188 countries in the United Nations' 2015 Gender Inequality Index.<sup>6</sup>

Many women are turning to the Middle East for work as they struggle to find jobs within Tanzania. Many told Human Rights Watch that they were unemployed before they migrated. Others said they earned very little working in salons, shops, grocery stores, family farms, factories, households, and hotels. “Zeina R.,” 28, married with four children, said she earned as a little as 35,000 TZS (\$15.40) per month as a domestic worker in Zanzibar.<sup>7</sup>

Many women said they migrated because they are the sole income-earners for their families. According to the Tanzanian government, the number of female single-headed households is 25 percent nationwide.<sup>8</sup> Stella M., 39, a single mother of two children said she went to Oman in 2014 because “I didn’t have support from the father of my kids. I am a single mother and everything here—school and to raise children—I need money.”<sup>9</sup>

One agent in Dar es Salaam explained how “easy” it is to find workers to migrate:

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<sup>4</sup> World Bank, “Tanzania: Overview,” <http://www.worldbank.org/en/country/tanzania/overview> (accessed October 27, 2017).

<sup>5</sup> National Bureau of Statistics (NBS) [Tanzania], “Tanzania Integrated Labour Force Survey 2014,” 2014, <http://www.nbs.go.tz/nbstz/index.php/english/statistics-by-subject/labour-statistics/614-the-2014-integrated-labour-force-survey-ilfs> (accessed October 27, 2017); and Office of Chief Government Statistician, President’s Office, Finance, Economy and Development Planning Zanzibar, “Zanzibar Integrated Labour Force Survey, 2014,” March 2016, <http://www.ocgs.go.tz/index.php/pr/DisplaySavedImage/id/194> (accessed October 27, 2017). See also International Labour Organization, “Women’s entrepreneurship development in Tanzania: insights and recommendations,” 2014, at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---ifp\\_seed/documents/publication/wcms\\_360426.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---ifp_seed/documents/publication/wcms_360426.pdf) (accessed October 27, 2017).

<sup>6</sup> United Nations Development Programme Human Development Reports, “Table 5: Gender inequality Index,” <http://hdr.undp.org/en/composite/GII> (accessed October 27, 2017).

<sup>7</sup> Human Rights Watch interview with “Zeina R.,” Zanzibar, February 18, 2017.

<sup>8</sup> Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC) [Tanzania Mainland], Ministry of Health (MoH) [Zanzibar], National Bureau of Statistics (NBS), Office of the Chief Government Statistician (OCGS), and ICF, “Demographic and Health Survey and Malaria Indicator Survey 2015-16,” 2016, <https://www.dhsprogram.com/pubs/pdf/FR321/FR321.pdf> (accessed October 27, 2017), p. 25.

<sup>9</sup> Human Rights Watch interview with Stella M., Dar es Salaam, February 14, 2017.



Some women who earn enough money are able to build houses back home for themselves and their families. Many women migrate with dreams of being able to build a house for their families. House construction, Majohe, Dar es Salaam, Tanzania. © 2017 Rothna Begum/Human Rights Watch

Firstly, you have to go to the interior—the village areas—and assemble house girls there. So many are jobless. When *dalali* [subagent] assembles them there—they will provide information to attract them to go work [abroad].<sup>10</sup>

Some women said they saved enough money by working abroad to start a new business, buy land, or build homes for their families. “Maryam H.,” who worked in Oman from 2013 to 2016, said: “I raised a lot [of money] to help build a house. The left-over money, I used to help family members pay for school.”<sup>11</sup>

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<sup>10</sup> Human Rights Watch interview with Mohammed Said, managing director, Gulf Recruitment Manpower Worldwide Agencies, Dar es Salaam, November 4, 2016.

<sup>11</sup> Human Rights Watch interview with “Maryam H.,” Zanzibar, February 18, 2017.

While Tanzania is not one of the top 10 countries globally earning remittances, Tanzanians sent \$400 million home in 2015.<sup>12</sup> The Tanzanian authorities are increasingly recognizing such contributions to their economy. In 2008, Tanzania's National Employment Policy sought to "assist Tanzanians acquire employment abroad," and in 2016, the president promised a "diaspora policy" to structure remittances.<sup>13</sup>

## Demand for Domestic Workers in the Middle East

There are an estimated 2.4 million migrant domestic workers in the Gulf Cooperation Council (GCC) states.<sup>14</sup> Oman reported hosting a total of 169,456 female migrant domestic workers in July 2017.<sup>15</sup> The United Arab Emirates (UAE) reported that it hosted 146,100 female migrant domestic workers in 2008, though the number is now believed to be much higher.<sup>16</sup> The reliance of families, both citizens and resident foreign nationals, on domestic workers is high and expected to increase with the aging local population.

Tanzanian officials said they believed that the majority of Tanzanian migrant domestic workers in the Gulf are from Zanzibar and most of them go to Oman.<sup>17</sup> The Tanzanian Ministry of Foreign Affairs told Human Rights Watch there were almost 6,000 Tanzanian

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<sup>12</sup> World Bank Group, "Migration and Remittances Factbook 2016 Third Edition," <https://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/4549025-1450455807487/Factbookpart1.pdf> (accessed October 27, 2017).

<sup>13</sup> Ministry of Labour, Employment, and Youth Development, the United Republic of Tanzania, "National Employment Policy 2008," [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=94064&p\\_country=TZA&p\\_count=284&p\\_classification=08&p\\_classcount=10](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94064&p_country=TZA&p_count=284&p_classification=08&p_classcount=10) (accessed October 27, 2017); "Tanzanian Diaspora Assured of Government Support," *All Africa*, August 26, 2016, <http://allafrica.com/stories/201608260150.html> (accessed October 27, 2017). See also Ministry of Foreign Affairs and East African Cooperation, "Diaspora Engagement and Opportunities," undated, <http://www.foreign.go.tz/index.php/en/services/diaspora-engagement-and-opportunities> (accessed October 27, 2017).

<sup>14</sup> The Gulf Cooperation Council includes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>15</sup> Oman National Centre for Statistics and Information, "Monthly Statistical Bulletin," August 2017, [https://www.ncsi.gov.om/Elibrary/LibraryContentDoc/bar\\_202017%اغتسطس\\_da60168d-3ef2-4cfd-9de7-9d7cfc6ebo83.pdf](https://www.ncsi.gov.om/Elibrary/LibraryContentDoc/bar_202017%اغتسطس_da60168d-3ef2-4cfd-9de7-9d7cfc6ebo83.pdf) (accessed October 27, 2017), p.21.

<sup>16</sup> International Labour Organization (ILO), "Domestic workers across the world: Global and regional statistics and the extent of legal protection" (Geneva: ILO, 2013), Appendix II, p.129, quoting statistics from the National Bureau of Statistics of the United Arab Emirates, Labour Force Survey 2008, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_173363.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf) (accessed October 27, 2017). In 2011, there were 57,013 female migrant domestic workers in the emirate of Dubai alone. See Dubai Statistics Center, "Labor Force Survey 2011," April 2012, <https://www.dsc.gov.ae/Publication/%D9%86%D8%B4%D8%B1%D8%A9%20%D9%85%D8%B3%D8%AD%20%D8%A7%D9%84%D9%82%D9%88%D9%89%20%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D9%84%D8%A9%202011.pdf> (accessed September 29, 2017), p.12.

<sup>17</sup> Human Rights Watch interview with Fatima I. Ally, labour commissioner, and Ameir Ali Ameir, director, employment, Ministry of Labour, Empowerment, Elders, Youth, Women and Children, Zanzibar, October 31, 2016; Hilda Kabissa, labour commissioner, and Boniface Chandaruba, chief executive officer, TaESA, Ministry of Labour, Dar es Salaam, November 2, 2016; and Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

domestic workers in Oman in September 2016.<sup>18</sup> In recent years, recruiters from other Gulf countries have started to hire Tanzanian domestic workers.<sup>19</sup> While there is no publicly available data on the number of Tanzanian domestic workers in the UAE, local Tanzanian media reported in 2016 that there are altogether around 9,000 Tanzanians in the UAE, but it is not clear how many of them are domestic workers.<sup>20</sup>

Zanzibar is a former colony of Oman, which transformed the islands into a hub for spices and slaves.<sup>21</sup> Centuries of inter-marriage, familial and social relations tie the two countries together. Some Omani citizens are of Zanzibari descent, and some Omanis once lived or continue to reside in Zanzibar or mainland Tanzania. There are also Zanzibari families living in the UAE after they fled the 1964 Zanzibar revolution.<sup>22</sup>

In recent decades, the majority of domestic workers in Oman and the UAE have come from Ethiopia and Asian countries—Indonesia, the Philippines, India, Sri Lanka, Nepal, and Bangladesh—which have increasingly sought to strengthen protections for their workers including through demands of minimum salaries, and in some cases, suspensions or bans on migration following high profile cases of abuse.

These policies have led to an increase in recruitment costs, and recruiters have turned to other African countries besides Ethiopia such as Kenya, Uganda, and Tanzania, where regulations are weaker and workers are considered cheaper.

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<sup>18</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>19</sup> In 2014, Saudi Arabia—which has the highest number of domestic workers in the Gulf—added Tanzania to its electronic portal Musaned for the recruitment of domestic workers. “‘Musaned’ adds more countries for domestic workers’ recruitment,” *Arab News*, December 3, 2014, <http://www.arabnews.com/saudi-arabia/news/669031> (accessed October 27, 2017).

<sup>20</sup> “Middle East jobs: Tanzania reins in rogue agents,” *East African*, October 13, 2016, <http://www.theeastafrican.co.ke/news/Middle-East-jobs-Tanzania-reins-in-rogue-agents/2558-3415320-5n2sag/index.html> (accessed October 27, 2017).

<sup>21</sup> Zanzibar has come under the rule of Portugal, Oman, and the British. In 1698, Zanzibar fell under the control of the Sultan of Oman and in 1861, it became an independent sultanate following a dispute between the late Sultan’s sons over succession. The authorities abolished the slave trade in 1876, and slavery in 1897. For more information on the history of Zanzibar see Mohammed Ali Bakari, *The Democratisation Process in Zanzibar: A Retarded Transition* (Hamburg: Institute of African Studies, 2001).

<sup>22</sup> Ibid.

## II. Abuse in Oman and the United Arab Emirates

While some Tanzanian domestic workers in Oman and the United Arab Emirates (UAE) report decent working conditions, others experienced a wide range of abuse including psychological, physical, and sexual abuse; unpaid, underpaid and delayed wages; wage discrimination; heavy workload and excessively long working hours without rest; denial of food and adequate living conditions; and passport confiscation, forced confinement and restricted communication. Some of these abuses amounted to forced labor. Human Rights Watch has previously documented similar abuses against migrant domestic workers and the laws that facilitate them in Oman and the United Arab Emirates.<sup>23</sup>

### Forced Labor

The International Labour Organization (ILO) Forced Labour Convention describes forced 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>24</sup> The UAE and Tanzania have both criminalized forced labor in their penal codes, whereas Oman punishes it under its labor law.<sup>25</sup>

Many workers described indicators of forced labor. All but one of the Tanzanian workers Human Rights Watch interviewed said their employers confiscated their passports. Some

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<sup>23</sup> Human Rights Watch, *“I Was Sold”: Abuse and Exploitation of Migrant Domestic Workers in Oman*, July 2016, <https://www.hrw.org/report/2016/07/13/i-was-sold/abuse-and-exploitation-migrant-domestic-workers-oman>; Human Rights Watch, *“I Already Bought You”: Abuse and Exploitation of 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>.

<sup>24</sup> International Labour Organization (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, art. 2, ratified by Oman on October 30, 1998, the UAE on May 27, 1982, and Tanzania on January 30, 1962. 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, the UAE on February 24, 1997, and Tanzania on January 30, 1962.

<sup>25</sup> See Tanzania Penal Code, chapter 16, 1981, art. 256: “Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanor,” <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/59637/104199/F-1839757965/TZA59637.pdf> (accessed October 27, 2017); the UAE Federal Law No. 3 of 1987 of the Penal Code, art. 347: “Whoever compels a person to work with or without pay in order to serve a special interest in other than legally permissible cases shall be punished with imprisonment for a period not exceeding one year, by a fine not exceeding ten thousand dirhams, or by one of these two penalties;” Oman 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 which provides penalties of a maximum of one month imprisonment and/or a fine of 500 OMR, doubled if offence is repeated.

workers described involuntarily entering or remaining in domestic work. Workers also described a range of situations in which they worked under “menace of penalty.” This included situations where their employers threatened to inflict physical violence; beat them; physically confined them in the workplace; imposed financial penalties, including withholding salaries arbitrarily; threatened to or reported them to the authorities as having “absconded;” and threatened them with deportation.

Seven women also said that their employers and agents told them they could leave their jobs before they completed their contract only if they first paid back the recruitment fees employers had paid ranging from 500 (US\$1,298) to 3,500 OMR (\$9,089). This is an exorbitant amount for many workers and forced them to keep working.<sup>26</sup>

Human Rights Watch interviewed ten former domestic workers who described abusive situations in Oman and the United Arab Emirates that could amount to forced labor.

“Atiya Z.,” 28, from Kondowa, travelled to Oman in June 2015. She said her employer confiscated her passport and phone, forced her to work 21 hours a day with no rest and no day off, did not allow her to eat food without permission, and beat her every day. She attempted to flee after three weeks, but her employer brought her back and told her: “if you want to go back you have to pay us the money we spent to bring you here” and asked for the equivalent of 2 million TZS (\$880). Atiya called her agent in Oman for help, but the agent said it was her employer’s decision. After this incident, Atiya said her employer confined her to the house. In April 2016, she said she fainted because she could not eat due to a swollen throat. When they returned from the hospital, her employers beat and raped her in retaliation:

The woman started hitting me and said: “you did not come here to get sick.” She called her sister-in-law who came over and they stripped me naked and beat me with plastic hangers. The construction workers could hear me screaming from outside but couldn’t help. When the husband came back he took me to the room and raped me anally. After he finished raping me, they took me to the brother’s house and the next day they put

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<sup>26</sup> For more information on regulation around employers and agents demanding recruitment costs for workers’ release, see Chapter III: Lack of Legal Protections and Recruitment-Related Abuses, *Kafala System*.

me on a flight back to Tanzania. They took the money I earned, and only gave my passport back. They just left me at the airport. I was scared, traumatized, and didn't know who to speak to.<sup>27</sup>

Eight workers also said after they begged to leave or complained about abusive and exploitative conditions, their employers forced them to work unpaid often up to two months in return for flight tickets home despite their contracts requiring that employers pay for their return flight tickets.

“Basma N.,” 21, from Majohe in Dar es Salaam, went to Oman in March 2015 after her agent in Tanzania promised her a domestic worker job for a family of four with a salary of 70 OMR (\$182) a month. However, she said her employer confiscated her passport, and forced her to work 21 to 23 hours a day with no rest and no day off, in three houses for a family of nine, for 60 OMR (\$156) per month. Her employers also confined her to the house, and verbally abused her. A visiting family relative of her employer attempted to rape her twice. Two months later, her employers beat her and confiscated her two months' salary from her after she complained to the embassy about her working conditions.

A month later, her employer's son turned on a ceiling fan while she was cleaning the top of a cupboard which hit her head and she fell. Bleeding heavily from a cut in her head, she left for the Tanzanian embassy. Human Rights Watch saw the scar, for which she received six stitches. She said her employer refused to let her leave unless she paid back costs amounting to 2,400 OMR (\$6,234).

My employer said to me: “We gave the agent 1,200 rials (\$3,117) to give your family in Africa, and it cost 1,200 rials to bring you here.” I told them: “My family never received this money.” My employer said: “I don't care, that's what I gave your agent. Not my problem, I want my money back.” I just said: ‘I want to go back home.’ Madam said: “If you don't give me back my money, I will take a case against you in court.”

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<sup>27</sup> Human Rights Watch interview with “Atiya Z.,” Dar es Salaam, November 8, 2016.



Despite airing her grievances during the dispute-resolution process, she said the government official mediating recommended to Basma's employer to report her to the police if she refused to pay the recruitment costs or work for a new employer who could pay the costs. Basma then relinquished almost three months' salary of 180 OMR (\$467) and gave her employer an additional 20 OMR, totaling 200 OMR (\$519) before her employer gave her passport back. She paid for her own return flight tickets by raising money from her relatives and borrowing money from an embassy official. Basma said she was still paying off her loan a year after returning home in February 2016.<sup>28</sup>



Several workers described how agents forced them to work for multiple employers under the initial “guarantee” period—in the first two or three months of employment, agencies in Oman and the UAE

promise to provide employers with replacement workers in certain conditions—but these temporary employers did not pay their salaries despite the women working excessively long days or months for them. Employers could and did overwork women and not pay them their salaries knowing they could return workers to agencies for a replacement worker, or until workers insisted on returning to the agency.

Interpreter uncovering a scar on the head of “Basma N.” Basma said her employer's son turned on a ceiling fan while she was cleaning the top of a cupboard. The fan hit her head and she fell. Bleeding heavily from the cut to her head, she fled to the Tanzanian embassy. Dar es Salaam, Tanzania. © 2017 Rothna Begum/Human Rights Watch

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<sup>28</sup> Human Rights Watch interview with “Basma N.,” Dar es Salaam, February 20, 2017.

“Inaya R.,” 23, said when she went to Dubai in 2014 she worked for four families for varying short periods of up to a week each time. None of these families paid her any money, and at least three of them restricted her food.<sup>29</sup>

Two domestic workers said their employers in Oman renewed their residency visas for another two years without their consent, forcing them to continue working with them without paid leave, and in exploitative conditions. Rehema M., 30, said in 2014 her employers renewed her visa for an additional two years without her consent: “They tricked me, when the visa was expiring, they said: ‘We’ll renew for one year, then you can go home for a while and then come back for a year.’ But they renewed it for two years and there was no holiday. They refused to give me holiday.”<sup>30</sup>

“Amani W.,” 31, said that after completing her two-year contract in Oman in 2016, she asked to go home.

They tricked me. They said, “Okay, let’s go to hospital,” and I thought this was for a card to leave. But they took the tests for the renewal. I realized that they had renewed the visa after we were coming back home. They said, “You are not going, you are going to stay for the rest of your life.” I had no choice but to work and bear them.<sup>31</sup>

## Psychological, Physical, and Sexual Abuse

I was ironing an *abaya* and it got burned. [My employer] became very angry, I tried to tell her I am a human being. But she didn’t listen, she started to beat me, and threw water in my face. She ordered her son to come back with acid. I ran into the room and locked the door to prevent the son from coming in.

—Dotto B., 32, migrated to Oman in 2015. Mwanza, February 9, 2017

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<sup>29</sup> Human Rights Watch interview with “Inaya R.,” Kigamboni, Dar es Salaam, February 15, 2017.

<sup>30</sup> Human Rights Watch interview with Rehema M., Dar es Salaam, February 14, 2017.

<sup>31</sup> Human Rights Watch interview with “Amani W.,” Kigamboni, Dar es Salaam, February 15, 2017.



Cecilia, 22, said in Oman she worked 16 hours a day with no rest and no day off, and was paid 60 OMR instead of the 100 OMR her agent promised. She said her employer made sexual advances towards her and hit her after she refused. Dar es Salaam, Tanzania. © 2017 Sophie Stolle

Nine women told Human Rights Watch they experienced a combination of psychological, physical, and sexual abuse.

Most women said they faced psychological abuse including being yelled at, insulted, and humiliated. Workers said their employers insulted them using terms including: “animal,” “dog,” “donkey,” “lazy,” “poor,” and “filthy.” The insults often took on a racial element linked to their race or nationality. “Inaya R.,” for instance, said her employer shouted, “You Africans are poor, that’s why you are here.”<sup>32</sup>

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<sup>32</sup> Human Rights Watch interview with “Inaya R.,” Kigamboni, Dar es Salaam, February 15, 2017.

Workers also described their employer's family humiliating them. Their employers required them to use separate utensils, eat in a different place, accused them of bad body odor even after they had showered, or stepped on their food. One worker said her employer treated them like dogs: "Sometimes there wasn't food [at home for me]. When they come home, they would ask, 'Have the dogs eaten?'"<sup>33</sup>

Nineteen women said their employers or members of the household physically abused them including by slapping, beating, punching, pinching their cheeks, and pulling their ears. They beat them with spoons, ladles, scissors, sticks, mops, and clothes hangers, and threw bottles and pots at them. Human Rights Watch observed injuries during the interviews such as scars and burns. They described how their employer and other family members beat them for making "mistakes," or for not responding to their calls quickly enough. Workers also said their employers beat them in retaliation for refusing to work, rejecting sexual advances, or complaining about their working conditions to agents or their embassy.

Nineteen of the Tanzanian domestic workers interviewed by Human Rights Watch described sexual harassment and sexual assault including attempted rape and in one case (that of "Atiya Z." described above) anal rape. Women described employers and other male family members groping them, exposing themselves to them, chasing them around the house, and coming into their rooms late at night. They also said the perpetrators would threaten to dismiss them, or inform their wives that the domestic worker had seduced them to try to force them to sleep with them.

"Jamila A.," 20, said all the men, "even the old man," in the family assaulted her, and hid her room keys so she could not lock her bedroom door.<sup>34</sup> "Anisa L.," 28, described how her employer repeatedly exposed his genitals to her and a fellow domestic worker. "Always doing that, just pulling down his pants. When we saw him, we would start running."<sup>35</sup>

Several workers said they feared dismissal if they complained to their female employers, which occurred in one case, or they could not communicate due to language barriers.

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<sup>33</sup> Human Rights Watch interview with "Farida S.," Zanzibar, February 12, 2017.

<sup>34</sup> Human Rights Watch interview with "Jamila A.," Dar es Salaam, February 15, 2017.

<sup>35</sup> Human Rights Watch interview with "Anisa L.," Zanzibar, October 25, 2016.

When they did complain, female employers did not believe them or placed the burden on them to avoid the harassment.

“Basma N.,” 21, said her male employer’s brother attempted to rape her twice in 2015 when she was alone in the house.

I started ironing clothes and he started pulling me to try and rape me. I was lucky the younger brother came back and rang the doorbell—he then left. I told the madam and the embassy. She said: ‘No, you are just lying.’ She didn’t want to believe he would do such a thing.<sup>36</sup>

Women also face barriers to reporting sexual harassment and assault, including rape. Oman’s Penal Code does not criminalize non-penetrative forms of sexual assault or sexual harassment and excludes marital rape.<sup>37</sup>

A former official at the Tanzanian embassy in Oman said that the embassy in Oman referred some domestic workers who reported rape to the Omani police. However, these cases did not move forward either because the woman refused to undergo the forensic test as the forensic doctor was a man, or the police, after questioning her, did not believe the woman had been raped.<sup>38</sup>

Reporting rape to Omani or Emirati authorities also carries risks. When rape is not proven, the reporting of rape itself can be considered a confession of sexual relations prompting charges of *zina* (sexual relations outside of marriage) against the rape victim.

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<sup>36</sup> Human Rights Watch interview with “Basma N.,” Dar es Salaam, February 20, 2017.

<sup>37</sup> Oman Penal Code, promulgated by Royal Decree No. 7/74, art. 218 states: “Any person who has intercourse with a female outside of marriage without her consent through coercion, threat or subterfuge, or who abducts a person using the same means with the intent of committing fornication, or who commits fornication with a person under the age of 15 or with a person who has a physical or mental deficiency, shall be punished by imprisonment of 5 to 15 years, even if the act occurs without coercion, threat or subterfuge or if the perpetrator is a parent or guardian of the victim, or has power over the victim, or is an attendant of the victim.”

<sup>38</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.

In Oman, *zina* carries a penalty of three months to one-year imprisonment, or one to three years' imprisonment if the accused is married.<sup>39</sup> However, for a prosecution to proceed, the spouse or the guardian of the accused must file an official complaint, or if there is no guardian found, a prosecutor can still file a case.<sup>40</sup> The former embassy official explained that in practice, the police calls the wife who then chooses to pardon her husband at the station. The Tanzanian embassy in Oman also writes to the worker's husband in Tanzania to confirm in writing that he does not wish to file a *zina* complaint against her. In the UAE, *zina* carries a maximum of one-year imprisonment, but judges can go further and sentence people to flogging or stoning. Such charges are not dependent on a spouse or guardian calling for prosecution.<sup>41</sup>

## Unpaid, Underpaid, and Delayed Wages

[My employers] owed me 270 rials (US\$701)—as they didn't pay me for four months and two weeks, and it was 60 rials per month (\$155). But after we reach the airport they paid me only 155 rials (\$402).

—“Faiza S.,” 31, went to Oman in 2014 to 2015, originally promised 70 OMR (\$182) monthly salary. Zanzibar, October 28, 2016

Twenty-seven workers said their employers paid them less than promised by their agents or as was agreed to in their contracts—sometimes only half the amount. Three workers did not know their employers underpaid them until they sent their salaries home. Most workers complained that their employers did not pay their full wages while also forcing them to work long hours without rest or days off. Ten women also said that their employers made them pay for their basic needs.

Twenty-two workers said their employers delayed their salaries for several months or did not pay them at all. Several workers said they only received their salaries at the airport on their way home.

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<sup>39</sup> Oman Penal Code, promulgated by Royal Decree No. 7/74, arts. 225-226. The criminalization of adult consensual sexual relations violates international human rights law including the rights to privacy, nondiscrimination, physical autonomy, and health.

<sup>40</sup> Oman Penal Code, promulgated by Royal Decree No. 7/74, art. 227.

<sup>41</sup> The United Arab Emirates (UAE) Federal Law No. 3 of 1987 of the Penal Code, art. 356. See for more information Human Rights Watch, “*I Already Bought You*,” pp. 64-65.





Dotto B., 32, said her employer in Oman physically assaulted her, forced her to work 20 hours a day with no rest and no day off, and paid her 50 OMR (\$130) instead of 80 OMR (\$208) per month as per the contract. Mwanza, Tanzania. © 2017 Rothna Begum/Human Rights Watch

Workers who complained about underpayment said their employers told them they agreed on a lower salary with the agent, threatened to return them home, and in some cases, beat them. “Rashida M.,” 28, went to Oman in 2015 to work for a Zanzibari family of seven for a monthly salary of 80 OMR (equivalent to around 380,160 TZS or \$207) but was paid only 40 OMR (190,080 TZS or \$103) a month. When she complained, she said two of the sons “locked me inside the kitchen and beat me using the mop. He scratched my face.”<sup>42</sup>

## Wage Discrimination

I may have more experience, but a Filipino [worker] gets 1,500 [AED per month] (\$408). Why do I get 600 [AED] (\$163)? I should get 1,500 too. The

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<sup>42</sup> Human Rights Watch interview with “Rashida M.,” Zanzibar, October 28, 2016.

Philippines [government] says [to UAE] you have to give 1,500 or no more workers. But Tanzania [government]? No. They don't do anything.

—“Anisa.L,” 28, worked in Dubai from 2013 to 2015, Zanzibar, October 25, 2016

In the UAE and Oman, there is no minimum wage set for domestic workers. As such, many of the countries-of-origin embassies have set minimum salaries for domestic workers that varies from 75 to 160 OMR (\$195 to \$415) for Oman, and 750 to 1,500 AED (\$205 to \$408) for the UAE. As of 2017, the monthly minimum salaries for some major countries of origin in Oman and the UAE were the following:

Monthly minimum salaries for domestic workers set by countries of origin for Oman and the UAE		
Country of origin	Oman	UAE
Philippines	160 OMR (\$415) <sup>43</sup>	\$400 (commonly paid as 1,500 AED) <sup>44</sup>
Nepal	120 OMR (\$310) <sup>45</sup>	1,100 AED (\$300) <sup>46</sup>

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<sup>43</sup> The Philippines Overseas Labor Office, Oman, “Process Flow: domestic workers,” <http://polomuscatoman.weebly.com/process-flow---household-service-worker.html> (accessed October 27, 2017).

<sup>44</sup> Embassy of the Philippines, UAE, “Requirements for Hiring Domestic Help,” <http://www.abudhabipe.dfa.gov.ph/images/Labor/5.-Requirements-For-Hiring-Domestic-Help.pdf> (accessed October 27, 2017).

<sup>45</sup> Embassy of Nepal, Oman, “Minimum wages/salary for Nepalese Workers in Oman,” <http://om.nepalembassy.gov.np/wp-content/uploads/2017/03/Minimum-Wages-for-Nepalese-in-Oman.pdf> (accessed October 27, 2017); “Nepal fixes minimum wage for migrant workers in Oman,” *Times of Oman*, January 23, 2016, <http://timesofoman.com/article/75997/Oman/Government/Nepal-fixes-minimum-wage-of-OMR120-for-migrant-workers-says-embassy-in-Muscat> (October 27, 2017).

<sup>46</sup> Embassy of Nepal, UAE, “Important Notice for the Recruitment of Nepalese Domestic Service Workers (NDSWs): Group/Individual,” <http://ae.nepalembassy.gov.np/important-notice-recruitment-nepalese-domestic-service-workers-ndsww-groupindividualopen-close/> (October 27, 2017).



Indonesia (before ban)	120 OMR (\$310) <sup>47</sup>	800 AED (\$218) [1,500 AED (\$408) for returning workers since 2013 moratorium] <sup>48</sup>
Sri Lanka	115–120 OMR (\$298–310) <sup>49</sup>	800 AED (\$218) [for cooks—900 AED (\$245)] <sup>50</sup>
India	75 OMR (\$195) <sup>51</sup>	1,100 AED (\$300) <sup>52</sup>
Bangladesh	90 OMR (\$233) <sup>53</sup>	750 AED (\$205) <sup>54</sup>
Tanzania	80 OMR (\$208) [100 OMR if previous migrant experience]	1,095 AED (\$298) <sup>55</sup>

Before the Tanzanian embassy in Oman set a minimum salary, Tanzanian domestic workers on average received 25 to 30 OMR (\$65–78) per month. In 2011, the Tanzanian

<sup>47</sup> “Indonesia raises minimum wage for domestic workers,” *Oman Observer*, March 2, 2014, <http://2015.omanobserver.om/indonesia-raises-minimum-wage-for-domestic-workers/> (accessed October 27, 2017).

<sup>48</sup> Following the moratorium on Indonesian domestic workers to the UAE in 2013, the Indonesian embassy said that for domestic workers already in the UAE who wish to renew their employment or go on leave can return if they are receiving a minimum salary of 1,500 AED see “Indonesian housemaids in UAE can continue working if they prefer,” *Gulf News*, February 17, 2015, <http://gulfnews.com/news/uae/society/indonesian-housemaids-in-uae-can-continue-working-if-they-prefer-1.1458566> (accessed October 27, 2017). Indonesia subsequently issued a ban in May 2015 on domestic workers migrating to the Middle East see “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/index.html> (accessed October 27, 2017).

<sup>49</sup> “Oman facing maid crunch as countries tighten screws,” *Times of Oman*, May 17, 2016, <http://timesofoman.com/article/84014/Oman/Government/Oman-facing-housemaid-deficit-as-other-countries-tighten-immigration-rules> (accessed October 27, 2017).

<sup>50</sup> Embassy of Democratic Socialist Republic of Sri Lanka, UAE, “Documents Required to Recruit Private Domestic Workers,” <http://www.srilankaembassyuae.com/test/HmPvt.pdf> (accessed October 27, 2017).

<sup>51</sup> Embassy of India, Oman, “Guidelines/Instructions for Completing the Formalities for Employing Indian Housemaids in Oman,” <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed October 27, 2017).

<sup>52</sup> Consulate General of India, Dubai, UAE, “Housemaids,” <http://www.cgidubai.org/housemaid/> (accessed October 27, 2017).

<sup>53</sup> Embassy of Bangladesh, Oman, “Housemaid Policy,” <http://bdembassyoman.org/en/housemaid-aggreement/> (accessed October 27, 2017).

<sup>54</sup> “Is minimum wage for maids 'taking advantage of UAE nationals', Minister to be asked,” *National*, May 20, 2013, <https://www.thenational.ae/uae/is-minimum-wage-for-maids-taking-advantage-of-uae-nationals-minister-to-be-asked-1.253525> (accessed October 27, 2017).

<sup>55</sup> Consulate General of the United Republic of Tanzania, Dubai, UAE, “Employment Agreement between Domestic Workers and Sponsor,” <http://www.tanbizdubai.com/text/index.aspx> (accessed October 27, 2017).

embassy in Oman set a monthly minimum salary at 50-70 OMR (\$130-182), and then increased it in mid-2015 to 80 OMR (\$208) for first time migrant domestic workers, and 100 OMR (\$260) for those with experience.<sup>56</sup> The Tanzanian embassy in the UAE requires a monthly minimum salary of 1,095 AED (\$298).<sup>57</sup>

Recruitment agencies often discriminate against workers by setting minimum pay rates based on a domestic worker's nationality rather than on experience and skills, or the nature of her work. Some agencies provide lower salaries than the minimum salaries set by countries of origin. 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 and UAE authorities, who have facilitated this kind of discrimination by not setting minimum wages for all domestic workers. The authorities appear to be ignoring their obligations to end discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>58</sup>

## Heavy Workload and Excessively Long Work Hours without Rest

They don't follow the contract, and they overwork us. They don't think of us as human beings that get tired.

—Stella M., 39, worked for two years in Oman. Dar es Salaam, February 14, 2017

Most workers described working extremely long hours, with no rest and no day off. Most reported working 15-21 hours a day, and a few said they slept just one or two hours. Only four women said their employers allowed them a day off once a month. This breaches the requirements of a weekly rest day in the Omani, UAE, and Tanzanian standard contracts.

“Munira E.” said in Oman she worked from 4:30 a.m. with no rest, and was “not allowed to sleep until guests left and my boss was asleep even until 2 or 3 a.m.”<sup>59</sup> “Basma N.” said

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<sup>56</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East Department, Ministry of Foreign Affairs, November 2, 2016.

<sup>57</sup> Consulate General of the United Republic of Tanzania in Dubai, “Employment Agreement between Domestic Workers and Sponsor,” <http://www.tanbizdubai.com/text/index.aspx> (accessed October 27, 2017).

<sup>58</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 and the UAE acceded in June 20, 1974.

<sup>59</sup> Human Rights Watch phone interview with “Munira E.,” Dar es Salaam, November 9, 2016.



Rehema M., 30, said her employer in Oman forced her to work after she sustained a burn on her hand when a thermos she was cleaning exploded. Dar es Salaam, Tanzania. © 2017 Rothna Begum/Human Rights Watch

she slept only one hour because her employers stayed up until 5 a.m., “I used to feel dizzy from not sleeping.”<sup>60</sup>

Fourteen workers said they worked in multiple houses, either in the family compound or for their employer’s relatives or family members, in breach of standard contracts. Twenty-one workers also said their employers made them undertake tasks the Tanzanian contract excluded from their duties: tending to animals, gardening, and washing cars.<sup>61</sup> “Anisa L.,”

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<sup>60</sup> Human Rights Watch interview with “Basma N.,” Dar es Salaam, February 20, 2017.

<sup>61</sup> Tanzanian embassy contract exempts domestic workers from “washing employer’s cars, and attending to gardens/farm.” “Employment Contract for Tanzanian Working in the Sultanate of Oman,” art. 2.2.10, and “Employment Contract for Tanzanian Working in the UAE,” art. 2.2.10.

28, said she worked two years in Oman for 21 hours a day with no rest and no day off, cleaning three houses, and tending to animals.

I woke up maybe 4:30 a.m. early in the morning, and went to sleep at 12 a.m. No break. Ironing, cleaning, cooking, looking after animals—two cows and ten goats, and cutting grass. No day off at all. All the time working like a robot.<sup>62</sup>

Three domestic workers also worked in their employers' businesses such as shops and in catering for no additional remuneration.

Workers also complained that part of the overwork related to being at the beck and call of multiple family members for the most minute of tasks. "Asha S.," 41, said, "They drop a spoon on the floor and they call you to pick it up wherever you are in the house."<sup>63</sup>

Rehema M., 30, said she worked for four years for a family of 20 who forced her to work in four houses in the family compound 17 hours a day with no rest and no day off. "They said, 'You don't come here to rest, this is not your parents' house. You are here to work.'"<sup>64</sup>

Workers also said their employers did not give them time to rest if they were ill or injured. "Zeina R.," 28, said after almost a year in Oman she experienced acute back pain possibly because of the daily tasks of bending while ironing and washing the floor. Her employers did not give her time to rest or take her for medical treatment. Instead, they paid for her flight tickets home and sought a replacement.<sup>65</sup>

## Food Deprivation and Inadequate Living Conditions

I was sleeping in the kids' room on a mattress on the floor. It was very thin so I had to fold it so I don't hurt when I sleep. The mattress was very filthy.  
—"Atiya Z.," 28, who worked in Oman in 2015. Dar es Salaam, November 8, 2016

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<sup>62</sup> Human Rights Watch interview with "Anisa L.," Zanzibar, October 25, 2016.

<sup>63</sup> Human Rights Watch interview with "Asha S.," Zanzibar, February 18, 2017.

<sup>64</sup> Human Rights Watch interview with Rehema M., Dar es Salaam, February 14, 2017.

<sup>65</sup> Human Rights Watch interview with "Zeina R.," Zanzibar, February 18, 2017.

Nineteen of the Tanzanian workers interviewed for this report described how their employers only provided them with little, spoiled, or left-over food. In some cases, employers deprived workers of food altogether. Eleven workers also said their employers monitored what they ate, and prohibited them from eating without their permission. A few workers said they resorted to stealing or hiding food.

“Jasira A.,” 28, said in 2016 her employer in Oman agreed to let her go home after she had complained to her agent about being forced to work while sick. Jasira’s sister paid for her flight tickets but her employer punished her by depriving her of food until her departure:

She started yelling at me, pushing me around. She said: “From now on, you will not eat. You will just eat once a day, and it will be porridge.” I stayed for two weeks in hard conditions with just a single meal a day and working hard while sick.

She said that with two days remaining, her employer locked the kitchen and said, “Now that you are going back home, you are not going to eat at my house.”<sup>66</sup>

Twenty-seven workers described sleeping in inadequate conditions in living rooms, store rooms, or on the floor of the rooms of their employers or employer’s children. A few described being stepped on when sleeping on the floor. Such conditions give them little to no privacy, and left them at the beck and call of employers.

Six workers who had their own rooms, described not having air conditioning or not being allowed to use the air conditioning, forcing them to sleep in extremely high temperatures that in Oman and the UAE can soar over 40 degrees Celsius (104 degrees Fahrenheit) in the summer months.

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<sup>66</sup> Human Rights Watch telephone interview with “Jasira A.,” Zanzibar, November 5, 2017.

## Confiscation of Passports, Forced Confinement, and Restricted Communication

I didn't have permission to look out the window. I wasn't allowed to answer the door in case someone convinces me to run away.

—“Maryam H.,” 29, worked in Oman from 2013 to 2016. Zanzibar, February 18, 2017

Passport confiscation, confinement to the workplace, and lack of communication with the outside world left workers isolated and more vulnerable to situations of forced labor.

Almost all of the workers interviewed said their employers or agents confiscated their passports, and some also said their contracts, birth certificates, and residency cards were taken upon or shortly after arrival. They did not see their passports, even if changing employers, until they were at the airport for their flight home or their embassy. While passport confiscation is prohibited in Oman and the UAE, it remains common practice.<sup>67</sup>

Twenty-two workers said that their employers confined them to the house or the compound. Eight women said that the families took them along to work when they went out, fearing they would steal something if left alone at home.

“Anisa L.,” 28, said for two years: “When I was working there [in Oman] I didn't see anyone, no Swahili speakers, no neighbors, just this family. I just stayed in the house from day one until the last day.”<sup>68</sup>

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<sup>67</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 but provides no specific penalties for non-compliance. 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 October 27, 2017). In a letter to Human Rights Watch, the manpower ministry noted it aims to resolve passport confiscation amicably and otherwise sends such cases to court. They did not clarify whether or what types of penalties are imposed for violations. Response from Manpower Ministry to Human Rights Watch's letter requesting information, sent via the Oman Human Rights Commission to Human Rights Watch, November 9, 2017. The UAE Ministry of Interior declared passport confiscation unlawful in a 2002 circular, however it does not mention any specific penalties either. See “Bid to stamp out illegal retention of passports,” *National*, June 16, 2012, <http://www.thenational.ae/news/uae-news/bid-to-stamp-out-illegal-retention-of-passports#ixzz2tuZPACdZ> (accessed October 27, 2017). The UAE's new 2017 law on domestic workers guarantees the right of domestic workers to keep his or her own identity documents, and while there is no specific penalty for this, the law provides a fine of up to 10,000 AED (US\$2,723) for breaches of the law. UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 15(9). See text of law at “President issues federal law on domestic workers,” *Emarat Alyoum*, September 26, 2017, <http://www.emaratallyoum.com/local-section/other/2017-09-26-1.1030250> (accessed October 27, 2017).

<sup>68</sup> Human Rights Watch interview with “Anisa L.,” Zanzibar, October 25, 2016.

Rehema M., 30, said for four years in Oman until 2016:

They would lock the main house and leave me in the compound with the gate closed. I would look for a tree or some shade somewhere. They would leave me for five hours from 12 to 4 or 5 p.m. Even in the hottest months. No water, no wash room. They didn't care. They told me they are scared that I might steal something.<sup>69</sup>

Four of the workers interviewed said their employers did not allow them to speak to guests, or neighbors, sometimes hiding them in rooms. Dotto B., 32, said her employer confined her to the house in Oman and only allowed her out once a month to throw out trash: "Because of no interaction with my compatriots outside I started to get mental problems. I also got headaches. I thought maybe I was going to become crazy."<sup>70</sup>

Most workers said their employers restricted their communication. Employers either did not allow them to make calls, or only allowed infrequent calls ranging from once a week to once every four months. Ten workers said their employers confiscated their phones upon arrival. Workers could not find out about the wellbeing of their children, spouses, and other family members back home. A few said they did not know family members had passed away. These workers had no way to call to complain about their working conditions. "Atiya Z.," 28, said, "They would not allow me to use the phone. When I came back, my parents said 'you never called us. You could have died.'"<sup>71</sup>

Three women said their employers broke or confiscated their phones to punish them for having a phone without permission, speaking too much on the phone, or for complaining about their working conditions to their agents or the embassy.

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<sup>69</sup> Human Rights Watch interview with Rehema M., Dar es Salaam, February 14, 2017.

<sup>70</sup> Human Rights Watch interview with Dotto B., Mwanza, February 9, 2017.

<sup>71</sup> Human Rights Watch interview with "Atiya Z.," Dar es Salaam, November 8, 2016.

## Exploitative Practices by Labor Agents in Oman and the United Arab Emirates

Most of the time the problem is agents. Once you are there, as long as they had their payments, they dump you and do not bother with you about any ill-treatment.

—Asma, 24, migrated to Oman in 2015. Dar es Salaam, November 8, 2016

Workers reported that recruitment agents in Oman and the UAE charged extra fees, failed to assist them, or abused them. Several also said when they complained about underpayment their employers told them they agreed on a lower salary with the Omani or UAE agent.

Some agents in Oman took the first one or two months of workers' salaries to pay for their recruitment costs despite charging employers for the same costs.

For instance, "Asilia H.," paid her agent in Tanzania 300,000 TZS (\$138) for her passport but still had to pay the agent in Oman two months' salary.<sup>72</sup> Other agents in Oman and the UAE forced workers to pay for their flight tickets if they wished to leave before the contract ended, despite contracts requiring employers to pay. Some other country-of-origin embassies require the recruitment agency to pay for workers' return flight tickets.

"Nafisa R.," 22, who went to Oman in 2015, wished to return home after her mother's death. Her agent in Oman charged her 70 OMR (\$182) to recoup recruitment costs. When the employer found out, he argued, "I paid for everything for my domestic worker, why are you taking money from her?" But the agent did not pay Nafisa back, and she returned to her employer to work a further two months to raise money for her flight tickets.<sup>73</sup>

When workers complained to agencies about exploitative working conditions, most said agents provided little to no help. Agents often told them to bear with their employers, or gave them advice on how to avoid their employers in cases of sexual harassment but did not remove them from their workplaces or report their employers to the police. Ten women said their agents helped them to leave their employers only if they repaid their recruitment costs or were willing to work for a new employer instead of returning home.

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<sup>72</sup> Human Rights Watch interview with "Asilia H.," Dar es Salaam, February 16, 2017.

<sup>73</sup> Human Rights Watch interview with "Nafisa R.," Kiwangwa, near Bagamoyo, February 17, 2017.



“Majama M.,” 40, said when she called to complain about 20-hour days with no rest, no day off, physical abuse, and receiving only half her promised salary, her agent in Oman told her: “That’s how work is there, you need to calm down.”<sup>74</sup>

When “Asha S.,” 41, told her agent that her employer in Oman sexually harassed her, she said the agent “told me to return the money.... He even told me to sell my house to get the money. I said I’m not selling anything.” Ultimately, Asha’s employer did not pay her two months’ salary, and only agreed to let her leave if she repaid his recruitment costs. The agent forced her to work for a new employer who paid her initial employer around 500-600 OMR (\$1,298-1,558). Asha said she spent two years with the second family, who made her work 14-hour days with no day off, and verbally abused her.<sup>75</sup>

A few workers said that when they called their agents in Oman for help beyond six months or if they changed employers without their agents knowing, the agents said they no longer had any obligation to them.

Several workers described witnessing beatings or being beaten themselves when they first arrived at an agency office or if their employers returned them to the office. “Anisa L.” said:

In Dubai ... I saw the agents beating domestic workers because they just returned and got tired. They said they don’t want to go work, and they [the agency] want to force them to work.<sup>76</sup>

“Najma K.” said she spent a week confined in the Oman agency office, after leaving her employer who sexually assaulted her. The agent hit her until she agreed to work for a new employer:

The agent slapped my fingers with a ruler once in the morning, every day.  
Others were given punishment to stand all day long—from the time the

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<sup>74</sup> Human Rights Watch interview with “Majama M.,” Dar es Salaam, February 16, 2017.

<sup>75</sup> Human Rights Watch interview with “Asha S.,” Zanzibar, February 18, 2017.

<sup>76</sup> Human Rights Watch interview with “Anisa L.,” Zanzibar, October 25, 2016.

office is open until it closed. If she sees other clients come, she will tell them to go aside and then come back and continued the punishment.<sup>77</sup>

Mwajuma H., 27, said when she fled her employer in Oman, her agent demanded money back. She could not pay as she had not received six months of her salary. The agent forced her to work for new employers to recoup their costs. She said: “When I saw other girls there got hit, I was scared myself, and [the girls] advised me that ‘you better agree otherwise they will beat you up.’ So, I was scared and said, ‘Okay I will work.’” She worked unpaid for one month each for two different employers, who gave her salary to her agent.<sup>78</sup>

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<sup>77</sup> Human Rights Watch interview with “Najma K.,” Dar es Salaam, February 7, 2017.

<sup>78</sup> Human Rights Watch interview with Mwajuma H., Dar es Salaam, February 20, 2017.

### III. Lack of Legal Protections and Recruitment-Related Abuses

#### *Kafala* System and Lack of Legal Protections in Oman and the United Arab Emirates

The visa-sponsorship system, known as the *kafala* system, and the gaps in labor protections accorded to domestic workers in Oman and the UAE foster an environment where abuse of domestic workers can take place with impunity.

##### *Kafala System*

Oman and the UAE administer the *kafala* system, in which a migrant worker's ability to enter, live, and work legally depends on a single employer who also serves as the worker's visa "sponsor." The *kafala* system exists through a myriad of laws and regulations but is primarily found in residency laws. It gives employers inordinate control over migrant workers, severely limiting workers' ability to escape abusive working conditions. Migrant domestic workers are not allowed to work for another employer before the end of their contract, generally two years, unless their current employer—also their visa sponsor—provides them with permission and ends their sponsorship. In the UAE, the permission is given in the form of a "no-objection certificate" and in Oman, it is also called a "release."<sup>79</sup> The UN Special Rapporteur on trafficking in persons criticized this process: "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>80</sup>

In Oman, even migrant domestic workers who have completed their contracts need a "release letter" from their original employer before they can work for another employer.<sup>81</sup> Moreover, workers who complete their contract are not allowed to re-enter Oman to work

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<sup>79</sup> For the UAE, see Executive Regulations of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners, art. 68(d), and for Oman, see Implementing Regulations of the Foreign Residency Law, art. 24.

<sup>80</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 October 27, 2017), para. 61.

<sup>81</sup> Catherine Jaskiewicz, Meyer-Reumann & Partners, "New restraints on the employment visa issuance procedure in Oman," Oman Office, April 2014, <http://lexarabiae.meyer-reumann.com/new-restraints-on-the-employment-visa-issuance-procedure-in-oman/> (accessed October 27, 2017).



Employment visa from Oman in the passport of a former Tanzanian domestic worker. Dar es Salaam, Tanzania. ©2017 Rothna Begum/Human Rights Watch

for two years.<sup>82</sup> Migrant domestic workers who wish to continue working, but for a different employer, must remain in Oman to transfer employers. Sada R., 29, who worked in Oman from 2013 to 2016 said, “I asked for the letter to allow me to work for another family and the boss refused.... They blocked my entrance because I didn’t want to go back [to them].”<sup>83</sup>

<sup>82</sup> Oman Law on Foreign Residency, issued by Royal Decree no. 16/95, April 16, 1995, art. 11. <http://www.rop.gov.om/pdfs/roplaws/ROPRULE-7.pdf> (accessed October 27, 2017), and art. 17, Implementing Regulations on the Law on Foreign Residency, 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-1995-2/> (accessed October 27, 2017).

<sup>83</sup> Human Rights Watch interview with Sada R., Zanzibar, February 18, 2017.

The UAE allows domestic workers 30 days to find a new employer following completion of their contract and the cancelling of their work permit and residence visa by their employer-sponsor.<sup>84</sup> The UAE does not impose an automatic re-entry ban on migrant domestic workers but, like other Gulf states, allows employers to request a block on migrant workers leaving the country and bans on workers from re-entering the country.

Employers are responsible for applying, renewing, and cancelling residency permits for domestic workers in Oman and the UAE, leaving workers dependent on their employers for their legal residency and their exit. Moreover, while an employer in both countries can cancel their domestic worker's residence permit at any time by initiating repatriation procedures, a worker who leaves her sponsor without permission can be punished with imprisonment, fines, deportation, and bans for "absconding."<sup>85</sup> Sponsors can also be punished for not reporting to the authorities when their workers have "absconded."<sup>86</sup>

The *kafala* system gives employers the ability to exploit workers if they wish to return home or get a new job. Several Tanzanian domestic workers recounted how their employers asked them to pay back recruitment costs in return for their approval of a transfer. In Oman, 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>87</sup> A former official at the Tanzanian embassy in Oman said he asked the Omani National Committee on Combating Human Trafficking during a conference: "What does the law say when the worker doesn't want to stay and the employer says: 'Pay me my money back?'" He said the committee told him, "The law is silent, but you have to understand that the employer paid money."<sup>88</sup> Instead of protecting workers from this exploitation, the police and Ministry of Manpower in Oman sometimes help to enforce it.<sup>89</sup>

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<sup>84</sup> The UAE Executive Regulations of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners, art. 68(d).

<sup>85</sup> Human Rights Watch, *"I Was Sold;"* Human Rights Watch, *"I Already Bought You."*

<sup>86</sup> Oman Law on Foreign Residency, issued by Royal Decree no. 16/95, April 16, 1995, art. 44, <http://www.rop.gov.om/pdfs/roplaws/ROPRULE-7.pdf> (accessed October 27, 2017); the UAE Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners, amended by Decree No. 7 of 2007, art. 34.1.

<sup>87</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 October 27, 2017).

<sup>88</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.

<sup>89</sup> See Chapter IV: Protection Failures and Obstacles to Effective Redress, Barriers to Redress in Oman and the UAE.

The UAE's 2017 law on domestic workers prohibits recruitment agencies from charging fees to workers or reimbursement of expenses but does not prohibit employers from doing so.<sup>90</sup> Instead, the new law provides that workers—not just employers—who terminate employment without a breach of contractual obligations must provide compensation of one month's salary and pay for their own return flight tickets home.<sup>91</sup> Many domestic workers who flee abusive employment conditions do not always feel safe reporting such conditions to the authorities or drop claims to return home quickly. This provision could end up trapping some in abusive conditions if they feel their claims will not be believed and further punish workers who do leave.

The UAE has eased transfer rules for migrant workers through labor ministry decrees, including in cases where employers breach “contractual or legal obligations,” but these transfer rules do not extend to domestic workers.<sup>92</sup> The new law on domestic workers allows both employers and domestic workers to terminate employment if they fail to meet their contractual obligations.<sup>93</sup> It also provides that in all situations following termination of employment, the Ministry of Human Resources and Emiratisation may grant the worker a new work permit if they wish to work for a new employer in accordance with regulations.<sup>94</sup> It is unclear whether this means that the current requirement under the residency laws which requires workers to obtain former employers' consent to transfer to a new employer will continue to apply.<sup>95</sup>

In addition to the above, the 2017 UAE law on domestic workers also reinforces the *kafala* system by imposing time limits on both the employer and the worker to report to the authorities if they leave. It requires employers to inform the Ministry of Human Resources and Emiratisation within five days if a worker leaves them without a “legitimate reason” and it requires the worker to report to the ministry within 48 hours if they leave their employer without informing them.<sup>96</sup> Current regulations already punish the employer if

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<sup>90</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 4(2). See text of law at “President issues federal law on domestic workers,” *Emarat Alyoum*, September 26, 2017, <http://www.emaratallyoum.com/local-section/other/2017-09-26-1.1030250> (accessed October 27, 2017).

<sup>91</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 23(2) and 23(3).

<sup>92</sup> See Human Rights Watch press release, “UAE: A Move to Protect Migrant Workers,” November 1, 2015, <https://www.hrw.org/news/2015/11/01/uae-move-protect-migrant-workers>.

<sup>93</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 23(1).

<sup>94</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 23(4).

<sup>95</sup> Executive Regulations of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners, art. 68(d).

<sup>96</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 17.

they fail to report that their worker has “absconded.”<sup>97</sup> This new requirement will likely result in employers being more likely to report workers for “absconding” immediately, and arguing that workers did not leave for a “legitimate reason.” “Legitimate reason” is not defined in the law. Workers who do not or are not able to report to the authorities within 48 hours, may also be more likely to be punished for “absconding.”

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>98</sup> Human Rights Watch is not aware of any concrete proposals for reform that Oman has presented or pushed forward since then, although some Omani officials have reported that the government is considering abolishing the “no-objection certificate” requirement for migrant workers to transfer jobs as part of labor law reforms.<sup>99</sup> The Omani Manpower Ministry confirmed that they are studying the issue to Human Rights Watch but did not stipulate any concrete proposals.<sup>100</sup>

Both Oman and the UAE authorities are also considering ways to mitigate problems arising under the *kafala* system without full reform. For instance, the UAE in March 2017, announced that it will replace recruitment agencies by the end of 2017 with “tadbeer centers” (procurement centers) that are privately operated but publicly regulated. These centers will provide pre-arrival interviews with domestic workers on their contractual rights, provide training to new workers, resolve disputes between workers and employers, and check on workers’ accommodation.<sup>101</sup>

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<sup>97</sup> Article 34.1 of the Entry and Residence of Foreigners Law, amended by Decree No. 7 of 2007.

<sup>98</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, recommendation 90.51, p.11, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/OMindex.aspx> (accessed October 27, 2017).

<sup>99</sup> “Scrap NOC in Oman for GCC work permit,” *Times of Oman*, October 24, 2016, <http://timesofoman.com/article/94993/Oman/%27Scrap-No-Objection-Certificates-in-Oman-to-get-GCC-work-permit-for-expats%27> (accessed October 27, 2017); “Labour Law rules “soon”: Manpower Minister,” *Times of Oman*, May 1, 2017, <http://timesofoman.com/article/108111/Oman/Government/Labour-Law-rules--quot;soon-quot;--Oman-Manpower-Minister> (accessed October 27, 2017).

<sup>100</sup> Response from Manpower Ministry to Human Rights Watch’s letter requesting information, sent via the Oman Human Rights Commission to Human Rights Watch, November 9, 2017.

<sup>101</sup> “Tadbeer centres to recruit domestic workers,” *Gulf News*, March 22, 2017, <http://gulfnews.com/news/uae/society/tadbeer-centres-to-recruit-domestic-workers-1.1998797> (accessed October 27, 2017).

The UAE's law on domestic workers will also allow recruitment agencies to "sponsor" domestic workers whom they then supply to employers for "temporary employment."<sup>102</sup> The potential advantage is that employers will no longer wield additional power over workers as their immigration sponsor, and they may be less tempted to recoup upfront recruitment costs through unpaid wages to their workers.

The *Times of Oman* also reported that the Omani Manpower Ministry is considering an insurance scheme to cover employers' lost recruitment costs if domestic workers leave them prior to completing their two-year contract, as well as allowing cleaning companies to provide employers with domestic workers hired by the hour.<sup>103</sup>

However, effective oversight over such agencies and cleaning companies will be crucial if the rights of workers are to be protected. In other countries, Human Rights Watch has documented such cleaning companies exploiting or endangering workers. Past research on the UAE, for example, found instances in which cleaning companies paid workers less than the salaries agreed upon in their contracts or repeatedly sent workers to employers with records of abuse.<sup>104</sup> Likewise, workers also reported how recruitment agencies in the UAE sent them back to abusive employers, beat them for returning to the agency, or forced them to work for new employers.

### *Exclusion from Labor Laws*

Both Oman and the UAE exclude domestic workers from their labor laws, however the UAE has issued a separate law providing some labor protections for domestic workers. On May 31, 2017, the UAE Federal National Council adopted a revised version of a 2012 draft law on domestic workers, approved by the cabinet in March 2017.<sup>105</sup> The president ratified the law in September, and it is due to come into force two months after publication in the official gazette as Federal Law No. 10 of 2017 on Assistant Service Workers (hereafter 2017 law on

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<sup>102</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 32.

<sup>103</sup> "Plan to clean up Omani market of illegal maids," *Times of Oman*, January 15, 2017, <http://timesofoman.com/article/100611/Oman/Oman%27s-Shura-members-express-concern-over-high-cost-of-hiring-maids> (accessed October 27, 2017).

<sup>104</sup> Human Rights Watch, "*I Already Bought You.*"

<sup>105</sup> See Federal National Council, May 31, 2017 (untitled), <https://www.almajles.gov.ae/mediacenter/pages/events.aspx?eventid=29764> (accessed October 27, 2017).



domestic workers).<sup>106</sup> This law covers 19 categories of workers, including domestic workers, regulates recruitment, and addresses terms and conditions of employment.

The law requires that employers treat the worker “in a good manner that preserves their dignity and the integrity of their body,” and guarantees domestic workers decent accommodation and food, but is vague on minimum standards.<sup>107</sup> It also requires employers to provide 30 days of annual paid leave and daily rest of 12 hours, including at least eight consecutive hours of rest.<sup>108</sup> It would also guarantee 15 days of paid sick leave, 15 days of unpaid sick leave, and compensation for work-related injuries or illnesses.<sup>109</sup> The law sets out a weekly rest day but permits the employer to make the domestic worker forego the rest day if paid overtime or provided an alternative rest day.<sup>110</sup> The law does not stipulate workers be free to leave the workplace during their non-working hours.

These provisions are a significant advance, but are weaker than the UAE labor law for all other workers, which stipulates an 8-hour workday or 48-hour workweek, and 15 days of paid sick leave, 15 days at half pay, and unpaid sick leave thereafter.<sup>111</sup> The International Labour Organization (ILO) Domestic Workers Convention maintains that domestic workers should have protections equivalent to those of other workers.<sup>112</sup>

Notably, the law allows for inspections of recruitment agency offices, workplaces, and workers’ residences where they have the permission of the owner. If they do not, then the public prosecution can still conduct inspections in cases where the worker or the employer has made a complaint or there is reasonable evidence of a violation of the law.<sup>113</sup> The law sets out fines for breaches of the law, and a penalty of up to six months’ imprisonment in cases where a person obstructs an official from implementing the law

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<sup>106</sup> “UAE set to launch new law to protect domestic workers,” *Arabian Business*, September 25, 2017, <http://www.arabianbusiness.com/politics-economics/379499-uae-set-to-launch-new-law-to-protect-domestic-workers> (accessed October 27, 2017).

<sup>107</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 15(2), 15(3), and 15(5). See text of law at “President issues federal law on domestic workers,” *Emarat Alyoum*, September 26, 2017, <http://www.emaratalyoud.com/local-section/other/2017-09-26-1.1030250> (accessed October 27, 2017).

<sup>108</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 12(2) and 13(1).

<sup>109</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 14 and 15(7).

<sup>110</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art 12(1).

<sup>111</sup> The UAE Federal Law No. 8 of 1980 on the Regulations of Labor Relations.

<sup>112</sup> For more analysis see “UAE: Domestic Workers’ Rights Bill A Step Forward,” Human Rights Watch news release, June 7, 2017, <https://www.hrw.org/news/2017/06/07/uae-domestic-workers-rights-bill-step-forward>.

<sup>113</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, arts. 19(3), 19(4) and 20.

(which potentially could be used against employers who refuse an inspection), and anyone who helps a worker to leave his job to exploit him or make him work “illegally.”<sup>114</sup>

While the law advances domestic workers’ labor rights, the *kafala* system (above) will continue to remain a significant barrier for workers attempting to claim their rights. Human Rights Watch has previously documented how the threat of “absconding” charges can trap workers in abusive conditions, and how some workers who fled to the police for help were instead arrested because their employers had reported them for “absconding.” Many workers also drop cases against employers because they do not have work authorization and cannot afford to wait months for a resolution to their cases without an income.<sup>115</sup>

In 2016, an Omani Manpower Ministry official noted that they are considering including domestic workers in a revised labor law, or in a separate law.<sup>116</sup> Currently, domestic workers fall under Oman’s 2004 domestic worker regulations which provide only some loose rules regarding domestic workers employment.<sup>117</sup> They include that employers should provide 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. However, it falls significantly short of guarantees in the main labor law by excluding standards for working hours, weekly rest days, annual vacation, overtime compensation, and penalties for employers who breach provisions.<sup>118</sup>

### *Standard Contracts*

Oman and the United Arab Emirates have a standard contract for domestic workers as part of an application for a work permit or a residency permit. The 2011 Oman standard employment contract for domestic workers includes provisions from the 2004 domestic worker regulations, and, in addition, requires one paid weekly rest day and 30 days of

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<sup>114</sup> UAE Federal Law No. 10 of 2017 on Assistant Service Workers, art. 29.

<sup>115</sup> Human Rights Watch, *“I Already Bought You.”*

<sup>116</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 October 27, 2017).

<sup>117</sup> Ministerial Decision no. 189/2004 on labor rules and conditions for domestic employees, issued on June 16, 2004.

<sup>118</sup> Human Rights Watch, *“I Was Sold.”*

leave, including return flights every two years, or compensation in lieu of either form of leave but has no limit on working hours.<sup>119</sup>

The 2014 UAE standard contract for domestic workers provides for at least eight continuous hours of rest each day, one day off per week or compensation equal to that day's work, and an annual paid vacation of thirty days.<sup>120</sup> However, it also allows the employer the right to deduct from the domestic worker's salary any damage "or loss of any goods or property attributable to default or negligence" of the worker.<sup>121</sup> The UAE contract is set to be revised once the UAE law on domestic workers comes into force.

Neither the Oman nor UAE standard contract has provisions for overtime pay.

## Tanzania's Laws and Policies on Recruitment and Migration

Several countries that send tens of thousands of domestic workers to the Gulf, including the Philippines, Indonesia, India, Sri Lanka, Nepal, and Bangladesh, have established laws for the recruitment and protection of their migrant workers.<sup>122</sup> These laws typically regulate the recruitment process, including with oversight over agencies and fees. They may also require the government to provide support to migrants through their foreign missions and consulates, and set out insurance and compensation schemes to assist workers who do not get paid or cannot afford a ticket home.

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<sup>119</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.

<sup>120</sup> "Standard contract for maids in the UAE," *Gulf News*, March 2, 2014, <http://gulfnews.com/news/gulf/uae/employment/standard-contract-for-maids-in-the-uae-1.1297972> (accessed October 27, 2017).

<sup>121</sup> The 2014 UAE Employment Contract for Domestic workers and the Like, art. 2(3), on file at Human Rights Watch. Article 11 of the UAE Federal Law No. 10 of 2017 on Assistant Service Workers provides that in such cases, the employer can deduct the worker's salary with the consent of the worker, and if the worker does not agree, then the Ministry of Human Resources and Emiratisation can rule on the deduction which should not exceed a quarter of their full salary. If there is still no agreement with the ministry, then it can go to the courts for a decision.

<sup>122</sup> The Philippines: Migrant Workers and Overseas Filipinos Act of 1995, Republic Act No. 8042, [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html) (accessed October 27, 2017); Nepal: Foreign Employment Act, Act No. 18 for 2064 (2007), September 5, 2007, [http://www.dofe.gov.np/new/uploads/article/foreign-employment-act\\_20120420110111.pdf](http://www.dofe.gov.np/new/uploads/article/foreign-employment-act_20120420110111.pdf) (accessed October 27, 2017); Bangladesh: Overseas Employment and Migrants Act 2013, October 27, 2013, <http://www.ilo.org/dyn/migpractice/docs/169/Act.pdf> (accessed October 27, 2017); Indonesia: Law on Placement and Protection of Indonesian Workers Abroad, (Law No. 39/2004), adopted October 18, 2004, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=70915](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70915) (accessed October 27, 2017).

Tanzania has fewer and weaker laws and policies to protect its workers than any of these Asian countries. Furthermore, most workers migrate via informal channels and do not benefit from the few protections available.<sup>123</sup>

In addition to Tanzania's labor law requiring written contracts for employees working outside of the country, mainland Tanzania's 2014 National Employment Promotion Services (Private Employment Promotion Agency) Regulations provide some provisions relating to employment of Tanzanians overseas in relation to private recruitment agencies.<sup>124</sup> For instance, private agencies should provide copies of the contract relating to terms and conditions of work including hours of work, remuneration, details of the employer, among others to the labor commissioner, the employee, and the Tanzanian mission in the country of employment.<sup>125</sup>

Likewise, Zanzibar's Employment Act no. 11 of 2005 provides limited regulation of recruitment including that workers should be provided with a contract that details provisions on wages, accommodation, working hours, and annual leave. It also requires Tanzanian citizens who are from Zanzibar to register with the labor commissioner prior to departure, and for a labor officer to attest their contract, a copy of which is kept with the labor commissioner.<sup>126</sup>

Since 2011, the authorities of the United Republic of Tanzania and Zanzibar have developed policies focusing on a contract-verification process for Tanzanian domestic workers in Oman and the UAE, but gaps in other aspects of recruitment remain such as assistance in cases of abuse.<sup>127</sup>

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<sup>123</sup> The head of Tanzania Employment Services Agency (TaESA) said they are aware that most domestic workers go through informal channels because of discrepancies between those recorded by immigration and reports from Tanzanian embassies in the Middle East. Human Rights Watch interview with Boniface Chandaruba, chief executive officer, TaESA, Ministry of Labour, Dar es Salaam, November 2, 2016.

<sup>124</sup> Employment and Labour Relations Act, No. 6 of 2004, art. 14(2) (mainland Tanzania) <http://www.ilo.org/dyn/travail/docs/2212/Employment%20and%20Labour%20Relations%20Act%202004.pdf> (accessed October 27, 2017). National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014.

<sup>125</sup> National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014.

<sup>126</sup> The Employment Act No.11 of 2005, art. 56, [http://www.zanzibaremploymentservices.go.tz/employment\\_act\\_2005.pdf](http://www.zanzibaremploymentservices.go.tz/employment_act_2005.pdf) (accessed October 27, 2017).

<sup>127</sup> Human Rights Watch interview with Hilda Kabissa, labour commissioner, and Boniface Chandaruba, chief executive officer, TaESA, Ministry of Labour, Dar es Salaam, November 2, 2016; and interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.



Tanzanians migrating overseas for work must register with a local agency and apply for a letter to leave the country (“exit permit”). Workers in mainland Tanzania apply to the Tanzanian Employment Services Agency (TaESA), an executive agency in the Prime Minister's Office on Labour, Employment, Youth and People with Disability (Ministry of Labour), while workers from Zanzibar apply at the Department of Employment in the Zanzibar Ministry of Labour, Empowerment, Elders, Youth, Women and Children (Zanzibar Ministry of Labour).

Lulu Omar, coordinator for domestic workers at Zanzibar: Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU-Z), describing her campaign to register Tanzanian domestic workers before they migrate. Stone Town, Zanzibar, Tanzania. © 2016 Rothna Begum/Human Rights Watch

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—some of which go beyond what a host country's contract provides—before the worker will be authorized to migrate.

Abdallah Kilima, a Tanzanian Ministry of Foreign Affairs official, told Human Rights Watch that the embassy devised a similar mechanism in 2011. The employer is required to show proof of address, a salary certificate, and provide a refundable security deposit of 100 OMR (US\$259). The embassy then sends an employment contract signed by the employer to Tanzania, and provides a list of contracts to TaESA and the Zanzibar labor commission for verification. The Tanzanian embassy in Dubai established a similar procedure in March 2015.<sup>128</sup>

The standard contracts devised by the Tanzanian embassies in Oman and the UAE are based on the official Omani and UAE standard contracts but have more favorable terms.<sup>129</sup> For instance, they require a limit of a 12-hour working day; a weekly rest day or compensation of at least 5 OMR/50 AED (\$13); one-month annual paid leave or compensation in lieu; and insurance for occupational injury, illness, and death. The employer must pay the worker's salary to a bank account, and allow her to use a mobile phone. The contracts exempt domestic workers from "washing employer's cars, and attending to gardens/farm." The contracts are written in Arabic, English, and Kiswahili.

A shortcoming of the Tanzanian contract is that it imposes financial penalties on workers who wish to leave employment before 12 months is complete. If either party wants to cancel the contract early, they must pay "damages" which in Oman is one and a half month's salary of the employee, and in the UAE, is one month's salary plus flight tickets.<sup>130</sup> These costs are waived for the party seeking to end the contract if the other party verbally, physically, or sexually harassed them. The contract does not state how and by whom such allegations should be confirmed.

In addition to the contract, the registration process for TaESA and the Zanzibar Ministry of Labour also requires workers to have a letter confirming her address from her street or village authority. TaESA requires an administration fee of 100,000 TZS (\$44.66), which agencies typically pay and get reimbursed by the employer. Both authorities then provide

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<sup>128</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>129</sup> "Employment Contract for Tanzanian Working in the Sultanate of Oman," Embassy of the United Republic of Tanzania, Muscat, Oman, and "Employment Contract for Tanzanian Working in the UAE," Consulate General of the United Republic of Tanzania, Dubai, UAE.

<sup>130</sup> "Employment Contract for Tanzanian Working in the Sultanate of Oman," arts. 3.7 and 3.9, and "Employment Contract for Tanzanian Working in the UAE," art. 3.7 and 3.9.

the exit permit—a letter addressed to the immigration commissioner to allow the migrant worker to pass immigration control at the airport.

Human Rights Watch was not able to find out whether there is a registered database that allows airport officials to verify these letters. Abdallah Kilima, from the Ministry of Foreign Affairs, explained that if an immigration officer doubts the permit they can send them to the TaESA desk in the airport.<sup>131</sup> However, the TaESA desk is only staffed during the day. Boniface Chandaruba, head of TaESA, said: “There are some cases of people going abroad during the night without TaESA checking.”<sup>132</sup> Fatima I. Ally, labour commissioner in Zanzibar, said, “If we had counter-verification then we could check [exit letters] better when they travel.”<sup>133</sup>

Five women interviewed by Human Rights Watch, from both mainland Tanzania and Zanzibar, said immigration officers at the airport allowed them to leave even when they did not have exit permits but told officials they were going to work as domestic workers. “Rashida M.,” migrated to Oman in March 2015 and said, “I had a domestic worker visa, [but] I had no letter to show at the airport. Immigration stopped me ‘where is your contract?’ But I don’t know anything. They [still] let me go on the plane.”<sup>134</sup>

Twenty-three women told Human Rights Watch that they did not apply for permission from the government to work in the Middle East. Nineteen women who migrated via agents in Tanzania told Human Rights Watch that their agents told them to lie to immigration officials about where they will be travelling and what they be will doing. They often were unaware that a regulated channel existed. “Jamila A.,” 26, went to Oman in June 2016, said her agent told her to tell officials that she needed a passport to travel to Zambia for personal business. She said he told her this would make it easier to get her passport, but if she told the truth, they would delay issuing her passport for two to four months.<sup>135</sup>

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<sup>131</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>132</sup> Human Rights Watch interview with Boniface Chandaruba, chief executive officer, TaESA, Ministry of Labour, Dar es Salaam, November 2, 2016.

<sup>133</sup> Human Rights Watch interview with Fatima I. Ally, labour commissioner, Labour Commission, Zanzibar, October 31, 2016.

<sup>134</sup> Human Rights Watch interview with “Rashida M.,” Zanzibar, October 28, 2016.

<sup>135</sup> Human Rights Watch interview with “Jamila A.,” Dar es Salaam, November 3, 2016.



Four women who migrated without an agent said they lied about the purpose of applying for a passport because they believed if they told the truth officials would not let them migrate, they would encounter delays, or they would be charged additional fees.

Instead of introducing practices to encourage more workers to migrate through regular channels, Zanzibar has discriminatory policies that may incentivize workers to skirt them. The Zanzibar Ministry of Labour requires women to obtain permission from their husband, or their father if not yet married, to work as a domestic worker overseas. Divorced women must present their divorce certificate before they can travel without guardian permission.<sup>136</sup> This contravenes Zanzibar's constitution which provides for the "right to leave Zanzibar" as well as Tanzania's obligations under international human rights law.<sup>137</sup> The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) called on states parties to "lift restrictions that require women to get permission from their spouse or male guardian to obtain a passport or to travel."<sup>138</sup>

### *Gaps in Oversight of Recruitment Agencies*

Tanzanian Labour Commissioner, Hilda Kabissa, estimated in 2016 that there were close to 100 private recruitment agencies in the United Republic of Tanzania.<sup>139</sup> It is unclear how many of these agencies recruit women for domestic worker jobs in the Middle East. In Zanzibar, there were only two agencies registered to recruit workers for domestic work abroad in 2016.<sup>140</sup>

In mainland Tanzania, private recruitment agencies are required to register with the Labour Commission in accordance with the National Employment Promotion Service Act 1999 and

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<sup>136</sup> Human Rights Watch interview with Ameir Ali Ameir, director, employment, Ministry of Labour, Empowerment, Elders, Youth, Women and Children, Zanzibar, October 31, 2017.

<sup>137</sup> Constitution of Zanzibar 1984, art. 16(1), <http://www.wipo.int/edocs/lexdocs/laws/en/tz/tzo28en.pdf> (accessed October 27, 2017). 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, art. 15(4). Tanzania ratified the convention on August 20, 1985. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, arts. 3 and 12. Tanzania acceded to the Covenant on June 11, 1976.

<sup>138</sup> CEDAW Committee, General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, [http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf) (accessed October 27, 2017) para.24(a).

<sup>139</sup> Human Rights Watch interview with Hilda Kabissa, labour commissioner, Ministry of Labour, Dar es Salaam, November 2, 2016.

<sup>140</sup> Human Rights Watch interview with Ameir Ali Ameir, director, employment, Zanzibar Ministry of Labour, Zanzibar, October 31, 2016.

the corresponding 2014 regulations.<sup>141</sup> The labor ministry checks that there are no complaints made by police or individuals such as trafficking offences before issuing a license.<sup>142</sup> Agencies which operate without such registration can be fined 5 million TZS or two years imprisonment.<sup>143</sup> TaESA is tasked with monitoring agencies.

The 2014 regulations on private agencies prohibits agencies from charging fees to workers, requires providing full information to workers, and requires eliminating all forms of forced labor and discrimination in employment.<sup>144</sup> However, it does not set out obligations of agencies to assist workers in cases of abuse, prohibit agencies from charging penalties if workers fail to migrate or return early from employment, and does not regulate sub-agents. The regulations also do not make employers and agents responsible for paying for workers' return flight tickets unless the worker does not receive employment upon arrival.<sup>145</sup> Other than the penalty for operating without registration, there are no penalties in the 2014 regulations relating to agencies' obligations.<sup>146</sup>

In practice, Tanzanian recruitment agencies and informal intermediaries receive "job orders" from agencies and informal agents in Oman and the United Arab Emirates, and often have signed agreements. In some cases, informal agents in Tanzania may have connections directly with employers in Oman and the UAE. Recruitment agencies in mainland Tanzania and informal agents then contact sub-agents (*dalali*(s), *madalali*(pl)) based around the country to recruit women from their area, and bring them to the agency's office or the informal agent's house in Dar es Salaam.<sup>147</sup>

A couple of recruitment agencies said that women came to their offices after hearing about them through their own contacts.<sup>148</sup> In other cases, workers are directly hired by employers

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<sup>141</sup> National Employment Promotion Service Act, 1999 (No. 9 of 1999), adopted June 2, 1999, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/54432/62315/F892162001/TZA54432.pdf> (accessed October 27, 2017).

<sup>142</sup> Human Rights Watch interview with Hilda Kabissa, labour commissioner, Ministry of Labour, Dar es Salaam, November 2, 2016. See also National Employment Promotion Service Act, 1999 (No. 9 of 1999), art. 20(2).

<sup>143</sup> National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid., art.8.

<sup>146</sup> Ibid.

<sup>147</sup> *Dalalis* earn around 50-70,000 TZS (\$22-31) for each worker that they recruit. Human Rights Watch interview with Anath Juma Itere, managing director, Kinyasi Agency Services, Dar es Salaam, November 3, 2016.

<sup>148</sup> Human Rights Watch interview with Anath Juma Itere, managing director, Kinyasi Agency Services, Dar es Salaam, November 3, 2016, and Ali Rajab, owner, Target Tours recruitment agency, Dar es Salaam, February 14, 2017.

in Oman or the UAE, and employers direct them to local agencies as official policy requires workers to migrate with an agency. Some women migrate to the Middle East via agents in third countries such as Kenya.

The Labour Commissioner noted that the Labour Ministry is considering reforming the 1999 National Employment Promotion Service Act to require that overseas employers work with local agencies to recruit domestic workers.<sup>149</sup>

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<sup>149</sup> Human Rights Watch interview with Hilda Kabissa, labour commissioner, Ministry of Labour, Dar es Salaam, November 2, 2016.

## Other Countries' Labor Migration Laws and Oversight of Recruitment Agencies

The Philippines has a comprehensive set of regulations governing the conduct of recruitment agencies deploying overseas workers, including specific rules for protection of migrant domestic workers. The Philippines' Migrant Workers and Overseas Filipinos Act of 1995 obligates the state to afford full labor protection to overseas workers. It recognizes the contribution of overseas migrant women workers and their vulnerabilities, and requires the state to apply gender-sensitive criteria in the formulation and implementation of policies and programs. It prohibits government officials and employees from engaging in the business of recruiting migrant workers. It also provides penalties of six to twelve years' imprisonment for "illegal recruitment" and establishes legal, counseling, and other services in Filipino missions as well as a legal assistance fund.<sup>150</sup>

The Act also requires local agencies to provide an escrow account of a million pesos, and agencies hiring domestic workers for foreign placement are required to put up an escrow account with a deposit of \$50,000 which can be used for any valid and legal claims workers make arising from violations of employment contracts.<sup>151</sup>

Agencies are required to monitor conditions of deployed workers, submit a quarterly report, and act on any complaints within five days. Agencies that deployed 100 domestic workers or more must employ at least one welfare officer/counselor in its office to monitor and resolve domestic worker problems/complaints at the job site.<sup>152</sup> If workers need to return home, the regulations also impose an obligation on employers or agents to provide return tickets, with sanctions if they fail to do so.

Indonesia passed the 2004 Law on Placement and Protection of Indonesian Workers Abroad to better manage the migration of Indonesian workers after complaints that agencies charged extortionate processing and training fees, and forced workers to live in training camps for up to 14 months.<sup>153</sup> The law requires the state to protect workers during the pre-departure period, while in employment abroad, and following return.

Requirements include supervision of placement of workers, diplomatic efforts to ensure worker protections, the placement of labor attachés in missions where necessary, and legal assistance for

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<sup>150</sup> The Philippines: Migrant Workers and Overseas Filipinos Act of 1995, Republic Act No. 8042, [http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](http://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html) (accessed October 27, 2017).

<sup>151</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016, sections 13 and 96, <http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf> (accessed October 27, 2017).

<sup>152</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016, section 209.

<sup>153</sup> Law on Placement and Protection of Indonesian Workers Abroad (Law No. 39/2004), adopted October 18, 2004, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=70915](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70915) (accessed October 27, 2017). Report of the Committee on the Application of Standards, Report III (Part 1A) General Report and observations concerning particular countries, adopted in 2004, published 92nd ILC Session (2004).

workers. Before departure, workers must sign a contract with their employers with information about their working conditions, and recruitment agencies must provide workers with pre-departure training and insurance.

The 2004 act allows the government to withdraw from a security deposit of 500 million Indonesian Rupiah (\$37,638) that the agency must provide, and/or revoke the permit of the agency, in the event of the agency failing to fulfil its obligations towards the worker. Agencies whose permits are revoked continue to have obligations towards workers that are already abroad.

Nepal's Foreign Employment Act (2007) prohibits gender discrimination in the deployment of overseas workers. It provides that the state may stipulate a minimum salary for foreign workers. Before departure, workers must have a contract (translated into Nepali) with their employer and agent detailing the terms and conditions of employment. They should undergo orientation training and their agents must procure insurance for them.<sup>154</sup>

The Sri Lanka Bureau of Foreign Employment Act (No. 21 of 1985) set up the bureau to protect Sri Lankan migrant workers abroad including by licensing recruitment agencies, registering migrants, running training programs, assisting workers in the country of employment, establishing a Workers Welfare Fund, and provide rehabilitation programs for returning workers, among others.<sup>155</sup>

Bangladesh's Overseas Employment and Migrants Act 2013, prohibits gender discrimination for overseas employment and return of migrant workers. It sets out the rights of migrant workers to information, legal aid, to file a civil suit, and to return home. It establishes, where necessary, a Labour Welfare Wing in foreign missions, which should submit an annual report with recommendations and information such as services offered by the mission, or the steps taken to resolve the problems of migrant workers. It also sets out principles for a bilateral agreement including "the protection of the rights, safety and human dignity of all migrant workers."<sup>156</sup>

India's Emigration Act 1983 requires mostly low-skilled overseas migrant workers to secure emigration clearance and recruitment agencies to register with the government. It imposes penalties of up to 2 years imprisonment and a fine on recruiters who "cheat" or charge workers fees beyond prescribed limits.<sup>157</sup>

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<sup>154</sup> Nepal: Foreign Employment Act, Act No. 18 for 2064 (2007), September 5, 2007, [http://www.dofe.gov.np/new/uploads/article/foreign-employment-act\\_20120420110111.pdf](http://www.dofe.gov.np/new/uploads/article/foreign-employment-act_20120420110111.pdf) (accessed October 27, 2017).

<sup>155</sup> Sri Lankan Bureau of Foreign Employment, Act No. 21 of 1985, amendments made by Act No. 4 of 1994 and Act No. 56 of 2009, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/37396/96795/F16095015/LKA37396.pdf> (accessed October 27, 2017).

<sup>156</sup> Bangladesh: Overseas Employment and Migrants Act 2013, October 27, 2013, <http://www.ilo.org/dyn/migpractice/docs/169/Act.pdf> (accessed October 27, 2017).

<sup>157</sup> India: The Emigration Act, 1983, Act no.31 of 1983, <http://www.epcom.org/Emigration-Act-1983.pdf> (accessed October 27, 2017).

### *Abuses by Recruitment Agencies in Tanzania*

Despite some regulation of recruitment agencies by Tanzania, gaps in oversight of recruitment agencies, and the failings and practices by recruitment agencies in Tanzania noted below can leave workers exposed to a wide range of abuses. Many workers described how recruitment agents and sub-agents made false promises about working conditions and their salaries in Oman and the UAE. Some of these cases amounted to trafficking into forced labor.

#### **Lack of Information, Coercion, Deception, and Trafficking**

Many agencies and informal agents appear to have little information about specific job offers. Twenty-four workers said they did not receive details of their employer, including how many family members they are required to work for, and other working conditions.

Mohamed Said, director of Gulf Recruitment Manpower Worldwide Agencies noted that:

Agencies [in country of employment] don't give details of employer—they say they will get visa, and that the employer is good. [But] it is hard to know real habit of employer. They would tell us that it is a good employer, but he doesn't know. It is a gamble. We are gambling.<sup>158</sup>

Some agencies did not provide contact details for themselves or for agents in Oman, which workers could access if they needed help. “Najma K.,” 24, said, “The first time I reached Oman, I didn't have any contact with the agent. He told me to call him if there are any problems, but he didn't give me his number. Luckily, I met a girl who had the same agent in Dar [es Salaam] who gave me the agent's number in Oman.”<sup>159</sup>

The failure to provide full information to prospective migrant women about their responsibilities, salary, rights, and how to seek help, places them at risk of exploitation.

Agencies who coerce women to leave their home country through financial penalty or other pressure can also force women into migrating against their will.

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<sup>158</sup> Human Rights Watch interview with Mohammed Said, managing director, Gulf Recruitment Manpower Worldwide Agencies, Dar es Salaam, November 4, 2016.

<sup>159</sup> Human Rights Watch interview with “Najma K.,” Dar es Salaam, February 7, 2017.

Agencies described to Human Rights Watch coercing women to migrate because they were concerned with losing money when a woman refuses to migrate after they have processed visas and paid for documents. One agent said if she refuses to leave, they have to send another worker, and the UAE or Oman agency deducts \$75 from their commission.<sup>160</sup>

Another agent said a financial penalty helped deter workers from declining to travel: “If a visa is issued and she doesn’t go she has to pay 140,000 TZS (\$60).”<sup>161</sup> Other agencies said they pressured parents. One agent said sometimes after they have processed tickets and visas, women refuse to migrate because they heard reports of women dying from abuse in such countries. In such cases, the agent said they put pressure on the parents to persuade the migrant worker to go.<sup>162</sup>

One government official noted that parents easily agree to allowing their daughters to leave when they hear about the salary:

They are vulnerable. [They have a] very difficult and complicated life. [The agent] says, ‘I want to take your daughter, she will get good pay.’ The parent or guardian does not make 100,000 [TZS] (\$44.65) per month even. So, he will just agree when he hears that she will get 400,000 [TZS] (\$178.67).<sup>163</sup>

Twenty-nine workers said that recruitment agents and sub-agents made false promises about working conditions, and salaries. Rehema M., for instance, said her agent in Tanzania told her she would work for a family of two for a monthly salary of 50 OMR (\$130) but the reality turned out very different. “When I got there,” she said, “the family was 12 people within one house and then three additional married adults in their own houses within their compound.”<sup>164</sup>

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<sup>160</sup> Human Rights Watch interview with Ali Rajab, owner, Target Tours recruitment agency, Dar es Salaam, February 14, 2017.

<sup>161</sup> Human Rights Watch interview with an agent in Dar es Salaam (agent and agency name withheld), November 2016.

<sup>162</sup> Human Rights Watch interview with an agent in Dar es Salaam (agent and agency name withheld), November 2016.

<sup>163</sup> Human Rights Watch interview with Seperatus R. Fella, anti-trafficking in persons secretariat, Ministry of Home Affairs, Dar es Salaam, November 7, 2016.

<sup>164</sup> Human Rights Watch interview with Rehema M., Dar es Salaam, February 14, 2017.



Some of these cases amounted to trafficking into forced labor which is forbidden under Tanzania's Anti-Trafficking in Persons Act.<sup>165</sup> In cases of labor trafficking, agents may misinform, deceive, or coerce women workers to migrate, including through high recruitment fees and resulting debt, and trafficked women experience grave workplace abuses following their job placement.

"Munira E.," 47, said she paid an agent in Tanzania 360,000 TZS (\$227) who promised her a choice of jobs in Oman with a \$300 monthly salary in 2014. However, after she arrived, the agent in Oman told her to work as a domestic worker, since the restaurant in which she was to work was not ready. Another domestic worker told Munira that the agent had lied to her and there was no restaurant job. Munira said her employer confiscated her passport and forced her to work 21 hours a day without rest or day off for a family of 13, in four houses. She called her agent in Oman: "I said, 'This is not what I came to do.' But she [the agent] just yelled and insulted me... She said: 'You cannot go anywhere; your boss has your passport. So, shut up and keep on working.'"

Munira fled to the Tanzanian embassy in Oman. The agent gave assurances to send her home but, instead, brought her back to her employer who tried to force her to clean their relatives' houses, which Munira refused. The agent told Munira that she would not fly her home until her family sent her 1 million TZS (\$632). "I said: 'I was deceived so, no, my relatives will not pay you anything.'" Munira fled back to the Tanzanian embassy, where she spent four months until a staff member paid for her return flights home.<sup>166</sup>

### **Recruitment Fees**

Employers who hire workers through agencies in Oman and the UAE pay the full recruitment costs as well as commissions to these agencies, who then pay Tanzanian agencies to recruit domestic workers. But some of the Tanzanian agencies still charge workers.

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<sup>165</sup> The Anti-Trafficking in Persons Act, Law No. 6 of 2008, art. 4(1)(a), [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=82132&p\\_country=TZA&p\\_count=284&p\\_classification=03&p\\_classcount=1](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=82132&p_country=TZA&p_count=284&p_classification=03&p_classcount=1) (accessed October 27, 2017).

<sup>166</sup> Human Rights Watch phone interview with "Munira E.," Dar es Salaam, November 9, 2016.

Mainland Tanzania prohibits agencies from charging directly or indirectly, in whole or in part, fees or costs from workers under its 2014 private employment agencies regulation.<sup>167</sup> However, many women do pay such agents fees.

Likewise, Zanzibar too prohibits private employment agencies from charging workers fees under its 2012 Private Employment Agents Regulations.<sup>168</sup> However, a labor officer in Zanzibar told Human Rights Watch that in practice, agencies charge workers a standard fee of 50,000 TZS (\$22) in cases where the worker finds the employer directly, as the agent is “taking responsibility himself, the fee between employee and agency is for the help they are providing.”<sup>169</sup> Several women from Zanzibar said their agents charged fees or made them pay recruitment costs even in cases where the worker found the employer.

Human Rights Watch research found that some recruitment agencies do not charge any fees, some others charge nominal fees such as 20,000 TZS (\$9) for registration, and some extract exorbitant fees.

Dotto B. said she sold farm land in Shinyanga which she inherited from her parents to pay an agency in Dar es Salaam its fee of 200,000 TZS (\$90) for her travel to Oman in 2015.<sup>170</sup>

“Anisa L.,” 28, from Zanzibar, said she did not pay any fees when she went to Oman in 2011, but the agency charged her when she migrated to Dubai in November 2013: “Same medical check-up, same process for visa, and ticket. But this time they charged us money: 400,000 TZS (\$250) to labor agents for preparation to go to Dubai.”<sup>171</sup>

Seven women said agents took their first one or two months’ salary. In some cases, the agent in Tanzania or the agent in Oman or the UAE took the money, or the agents in both countries took a month’s salary each. Women said that agents told them such fees meant they will help them if they face any problems. However, when they reported abusive and exploitative conditions, their agents did not help them. Asma, 24, from Dar es Salaam,

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<sup>167</sup> National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014, art. 3.

<sup>168</sup> Private Employment Agents Regulations of 2012 (Zanzibar), Legal Supplement (Part II) to the Zanzibar Government Gazette Vol. CXXI No. 6437 of 16 March 2012.

<sup>169</sup> Human Rights Watch interview with a labor officer (name withheld), Zanzibar, October 27, 2016.

<sup>170</sup> Human Rights Watch phone interview with Dotto B., November 3, 2016. Human Rights Watch met her for a further interview in February 2017 in Mwanza.

<sup>171</sup> Human Rights Watch interview with “Anisa L.,” Zanzibar, October 25, 2016.

went to Oman in February 2015, after paying 300,000 TZS (\$138) to her agent for a baby-sitter job with a 100 OMR monthly salary (equivalent to 500,000 TZS or \$259 at the time). Her agents in Tanzania and Oman took her initial two months' salary.

They said: "If you pay both agents with this sum, it is easy for us to take care of anything if you have a problem with the boss. Embassies in these places won't help you, they treat you like a prisoner and your families will have to pay for your flight tickets if you want to come back home safely." They promised me that if I got sick or faced harassment they would help me. But ... they didn't help me with anything.<sup>172</sup>

Eighteen of the women Human Rights Watch interviewed said they paid agents specific costs such as medical check-ups ranging between 20,000 to 30,000 TZS (\$9-13), passports ranging from 50,000 to 300,000 TZS (\$22-134), or birth certificates where they did not have one costing 50,000 TZS (\$22).

### **Replacing Workers**

Tanzanian agencies commit in agreements with their respective agencies in Oman and the UAE to replace a worker if a worker runs away or is deemed medically unfit following a medical check-up after arrival. Agencies, reluctant to pay replacement costs, pass this cost on to the worker.

One agent in Dar es Salaam noted that, as part of his agreement with agencies in Oman and the UAE, if there is a problem with the worker within the first three months of employment, the agency in Oman or the UAE deducts his commission and he has to provide a replacement worker. "I have to make a replacement, but I won't be paid for the replacement," the agent said.<sup>173</sup> Another agent said they provide a guarantee of five months during which period the agent undertakes to send a replacement if the worker refuses to work, is medically unfit, or runs away. He noted that in 2014, they replaced more than 20 workers in Oman, and one in Dubai.<sup>174</sup>

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<sup>172</sup> Human Rights Watch interviews with Asma, Dar es Salaam, November 8, 2016, and February 7, 2017.

<sup>173</sup> Human Rights Watch interview with Mohammed Said, managing director, Gulf Recruitment Manpower Worldwide Agencies, Dar es Salaam, November 4, 2016.

<sup>174</sup> Human Rights Watch interview with Ali Rajab, owner, Target Tours recruitment agency, Dar es Salaam, February 14, 2017.

Such agreements to replace workers result from the practice of recruitment agencies in the UAE and Oman to guarantee to employers in contracts with them, that they will cover the costs of replacing a worker in the initial two to three months. According to one such contract seen by Human Rights Watch, an agency in the UAE committed to replacing a worker if they are medically unfit and in cases where the worker's disease, "physical retardation," or pregnancy developed before they began working and prevents them from working.<sup>175</sup>

Agencies in Oman and the UAE may be liable to pay employers back their recruitment costs if they cannot find a suitable replacement worker. In 2014, the *Times of Oman* reported that several recruitment agencies in Oman had decided to stop recruiting Tanzanian domestic workers because of both domestic workers' and employers' complaints. Suhail al-Balushi, owner of Sharqiyah Recruitment Agency, is quoted by the *Times of Oman* stating:

It is not good business for us anymore when employers demand their money back when they return the housemaids before the guarantee period is over. We have to reimburse the housemaids with our funds and pay government fees as well. To protect our business, we have stopped recruiting Tanzanian housemaids.<sup>176</sup>

Human Rights Watch reviewed contracts from a Tanzanian agency that stipulated that if the worker refuses to work "without any reason of direct threats to their life, health or dignity," she or her trustee must pay \$2,000 (4,000,000 TZS) to reimburse travel costs. For the worker to be "relieved of the liability of paying the expenses" she is required to work under a sponsor for six consecutive months, but if she cannot complete the term, then she will be required to work for another employer until she completes the full term.<sup>177</sup>

Workers can face these high penalties if they leave for the following reasons: making "false" reports as a pretext to leave the country including lying about bereavement or "pretending to be demon-possessed," falling pregnant after being tested while in Tanzania

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<sup>175</sup> Contract drawn up by an agency in Ajman, in the United Arab Emirates. Agency name and details of parties withheld. On file with Human Rights Watch.

<sup>176</sup> "Omani agencies not to recruit Tanzanian housemaids," *Times of Oman*, September 10, 2014, <http://timesofoman.com/article/40177/Oman/Omani-agencies-not-to-recruit-Tanzanian-housemaids> (accessed October 27, 2017).

<sup>177</sup> Contract drawn up by an agency in Dar es Salaam, Tanzania. Agency name withheld. On file with Human Rights Watch.

or after migrating, and “interfering with marriages by taking people’s husbands or wives.” In a similar contract, it clarifies that if the worker is not lying about bereavement, she has a right to a leave of absence.<sup>178</sup>

Penalizing pregnancy with forcible return and a financial penalty is a form of gender-based discrimination. This is even more egregious where the pregnancy is a result of rape whether in Tanzania or the country of employment. Such penalties could also facilitate situations of forced labor, in which women are forced to work under abusive conditions for fear of a financial penalty if their complaints are deemed to be false. The penalty for “interfering with marriages” could further punish victims of sexual harassment and assault where employers may instead accuse them of instigating a relationship.

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<sup>178</sup> Ibid.

## IV. Protection Failures and Obstacles to Effective Redress

### Barriers to Redress in Oman and the United Arab Emirates

Domestic workers face significant barriers to accessing redress in Oman and the UAE. Many domestic workers said that they wished to flee to the police or the embassy but did not know how to get there or their employers confined them to the house. Others said that even when they tried to flee, strangers reported them to their employers who took them back.

Human Rights Watch documented several cases in which Omani authorities failed to investigate and prosecute abuses reported by Tanzanian domestic workers.

Human Rights Watch has also previously documented barriers to redress by domestic workers in the UAE. Workers said they avoided seeking help from the police because they feared arrest for “absconding.” In other cases, employers filed counter-charges such as theft, or police officers pushed them to return to abusive employers. Many workers said they felt they had no choice but to return home unpaid and without justice because of the lengthy process to seek redress during which they were not allowed to work.<sup>179</sup> However, for this report, Tanzanian domestic workers who had worked in the UAE told Human Rights Watch that they could not or did not report their abuse to the UAE authorities.

#### *Police*

Domestic workers who leave abusive employers, or attempt to report their case to the police face the risk of arrest as employers may report them for “absconding” or file countercharges for theft.

“Hidaya Z.,” 30, went to file a complaint with the police in 2016 to get her passport back from her employer on the advice of the Tanzanian embassy in Oman. She said she fled her employer’s house after a male family member sexually assaulted her. However, the police told her that her employer had pressed charges against her for running away. She said: “I told the police about my problems but, they didn’t care.” For almost two years, her employers had forced her to work 17 hours a day with no rest, and no day off, confined her

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<sup>179</sup> Human Rights Watch, *“I Already Bought You.”*

to the home when they left the house, insulted her, paid her 50 OMR (US\$130) instead of 80 OMR (\$208) as per her contract, and failed to pay her six months' salary.

The police told her to pay 200 OMR (\$520) or spend 3 months in jail. Hidaya said she returned to the embassy where she spent three months raising the money by working during the day for other families and collecting money from her family to pay the fine. "All of my things, including the new clothes I bought for my family and my phone, I left at the [employer's] house [when I fled] and came back as you see me."<sup>180</sup>

"Amani W.," 31, said in 2014 she fled her employer after six months in Oman but the police caught her. She said she explained that her employer forced her to work 14-hour days with no days off, and did not allow her to rest when she fell ill. But the police arrested her and called her employer who came a week later.

The employer told the police "she owes me 700 rials" (\$1,818). They agreed at the police station that my employer will find another employer for me, so he could get back his money.<sup>181</sup>

In other cases, workers said that the language barrier meant that when they went to the police to complain, they could not understand them. They also said the police did not file criminal complaints against their employers, even in cases where serious abuses were alleged, and sent them back to their employers instead of finding them safe refuge or calling their embassy.

"Fahima M.," 32, said she fled to the police after working four months for an employer from 2016 to 2017 who forced her to work 16 to 17 hours a day with no rest, and no day off, and paid her 50 OMR (\$130) instead of 80 OMR (\$208) per month as promised in her contract. However, she said, "they [police] couldn't understand me in Swahili. They called my boss who wanted me jailed but the police told them [my employer] they should take me home." She said neither the police nor her employer took her to the embassy as she requested, but

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<sup>180</sup> Human Rights Watch interview with "Hidaya Z.," Zanzibar, February 11, 2017.

<sup>181</sup> Human Rights Watch interview with "Amani W.," Kigamboni, Dar es Salaam, February 15, 2017.

she stayed with another Zanzibari family with her employer's consent, as she feared her employer might harm her. She left after five days, and paid for her own flight tickets home.<sup>182</sup>

Another worker said that the police in Oman helped her to leave the country but did not offer her the opportunity to file a criminal complaint concerning her allegation that her employer beat and punched her, nor to take refuge at her embassy.<sup>183</sup>

A former official from the Tanzanian embassy in Oman said that of all the cases where the embassy helped workers to file complaints against employers, he knew of only two cases that proceeded to prosecution but were then dropped after the employers agreed to an out-of-court settlement.<sup>184</sup>

### *Inadequate Dispute-Resolution Mechanisms*

Oman's 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>185</sup> However, Human Rights Watch interviewed workers who said the process took several weeks to several months. The problems experienced by Tanzanian workers with the dispute-resolution mechanisms are similar to the experience of other domestic workers in Oman.<sup>186</sup>

A former official at the Tanzanian embassy in Oman, said that in "some cases where [an] employer is not cooperating, we send [the] case to labor office (Ministry of Manpower) and they call him. But there, things move slow. They [the Ministry of Manpower] register [the] complaint, take two weeks before sitting, and then another two weeks for another session."<sup>187</sup>

Other embassy officials in Oman told Human Rights Watch in 2015 that the process takes much longer than two weeks and that they did not advise workers to undergo the dispute-resolution process because "the Ministry of Manpower doesn't believe them [the domestic

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<sup>182</sup> Human Rights Watch interview with "Fahima M.," Zanzibar, February 11, 2017.

<sup>183</sup> Human Rights Watch interview with Sada R., Zanzibar, February 18, 2017.

<sup>184</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.

<sup>185</sup> Oman Ministerial Decision no. 189/2004, art. 10.

<sup>186</sup> Human Rights Watch, *"I Was Sold."*

<sup>187</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.



workers]” and the “the dispute settlement department doesn’t have any power.”<sup>188</sup> The Omani dispute-resolution mechanism has no power to force employers or agents to attend dispute-resolution sessions.

Mwajuma H., 27, said she went four times to the sessions at the Manpower Ministry in 2015 after her agent forced her to work for two employers without pay, but the agent did not show up, and finally sent an agency staff member to return her passport.<sup>189</sup> Domestic workers also said that officials often side with employers, and that they left without justice, even in cases in which their descriptions of the abuse they faced suggested forced labor.

Two workers said their employers filed complaints at the dispute-settlement department to demand their recruitment costs be paid back after they fled. Dotto B., 32, said her employer forced her to work 20 hours a day with no rest and no day off, paid 50 OMR (\$130) instead of 80 OMR (\$208) per month as per the contract, and physically assaulted her. She said her employer wanted 600 OMR (\$1,558) back that she paid for her recruitment costs.

I said, “how could I pay? I only worked two months with 50 rials, how can I pay?” For this amount, I could have stayed at home. I mentioned everything to court [dispute-resolution sessions] including the hitting and I had proof. I was cut on my back from the cabinet mirror and I had a ripped dress that I brought with me.

She said she went to the sessions six times over four months with an interpreter provided by the embassy. In the end, the employer agreed to drop her claim for recruitment costs but Dotto had to pay 100 OMR (\$259) for her flight tickets home.<sup>190</sup>

“Basma N.,” who described abuse by her employer in Oman in 2015 that amounted to forced labor said after she fled her employer demanded payment of 2,400 OMR (\$6,234) for

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<sup>188</sup> Human Rights Watch interview with an Indonesian embassy official (name withheld), Muscat, May 22, 2015, and with country-of-origin official (name withheld), Muscat, May 20, 2015. See also Human Rights Watch, *“I Was Sold.”*

<sup>189</sup> See Chapter II: Abuse in Oman and the United Arab Emirates, Exploitative Practices by Labor Agents in Oman and the UAE. Human Rights Watch interview with Mwajuma H., Dar es Salaam, February 20, 2017.

<sup>190</sup> Human Rights Watch phone interview with Dotto B., Mwanza, February 9, 2017.

recruitment costs.<sup>191</sup> A month later, she received a letter to attend a dispute-resolution session at the Ministry of Manpower. Basma said she went to the sessions twice and the process took a month. She said her employer told the official mediating the session that Basma refused to pay back her money. Basma said she produced her contract to the official.

The man [official] said people in Oman don't follow this contract. I had time to say all my complaints in the room. The [official] then asked my employer: "Is it true what she is saying?" My employer said: "It's not true." He then said to me: "We cannot agree with you, as we were not there." Then he said to my employer: "If she doesn't want to pay you, and she doesn't want to go to another employer—take her to the police." That's when I said: "Keep my money, and give my passport back so I can get flight tickets to go home."<sup>192</sup>

## Tanzania's Failure to Protect Workers

### *Bilateral Cooperation*

Transnational labor movement requires international cooperation. Cooperation between Tanzania and countries of employment like Oman and the UAE is necessary to craft mutually enforceable and recognized employment contracts that provide substantive protections, create effective complaint mechanisms and investigation procedures, and provide redress for abuses.

Several countries have sought bilateral labor agreements or memoranda of understanding (MOUs) with Gulf countries given the major gaps in domestic protections. These seek to coordinate on oversight of recruiters and regulation of recruitment fees and a minimum set of labor protections. However, bilateral agreements have limitations. They are often non-binding and vague on enforcement mechanisms, making it difficult to protect workers' rights. The negotiating countries often have unequal bargaining power resulting in lopsided agreements. As they are negotiated on a country-by-country basis, it can mean different protections for different nationalities. They also cannot replace comprehensive labor law protections and effective national enforcement mechanisms.

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<sup>191</sup> See Chapter II: Abuse in Oman and the United Arab Emirates, Forced Labor.

<sup>192</sup> Human Rights Watch interview with "Basma N.," Dar es Salaam, February 20, 2017.

Bilateral cooperation could improve the registration and contract-verification process in Tanzania by ensuring the cooperation of agencies and employers in Oman and the UAE. Existing Tanzanian regulations provide that private recruitment agencies in Tanzania must take into account any bilateral agreements that Tanzania enters into with another state.<sup>193</sup>

A recruitment agent in Tanzania told Human Rights Watch that agencies in the UAE they work with do not register applications with the Tanzanian embassy, in breach of Tanzanian regulations.<sup>194</sup> The agent, who is registered with TaESA, remarked: “If the [UAE] agent doesn’t go to the embassy, then [we] don’t have a contract [for her], and we have to do the process informally.”<sup>195</sup>

The embassy-verification process takes place in parallel with the procedures that employers undertake to apply for an entry permit from the host government for domestic workers, which means employers and agents can bring Tanzanian workers without being required to register with the embassy. Moreover, workers are also able to come into Oman or the UAE on a visit visa, and employers can acquire a residency visa for them without informing the Tanzanian embassy. As such, the Tanzanian embassies are not aware that some Tanzanians are in the country and therefore unable to provide them with even the basic protections currently available.

The Philippines embassy in Oman told Human Rights Watch in 2015 that, following their request, the Omani authorities require employers applying for entry permits for Filipinos to go to the Philippine embassy for approval.<sup>196</sup> The embassy also requested the Omani authorities do the same for residency permits. If granted, this will allow the embassy to verify conditions and salaries of all Filipino domestic workers who end up in Oman, regardless of how they arrived.

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<sup>193</sup> National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014, art. 7.

<sup>194</sup> National Employment Promotion Services (Private Employment Promotion Agency) Regulations, July 11, 2014, art. 6.

<sup>195</sup> Human Rights Watch interview with a recruitment agent (name and agency title withheld), Dar es Salaam, November 2016.

<sup>196</sup> Human Rights Watch interview with a Philippines embassy official (name withheld), Muscat, May 19, 2015.

## *Weak Tanzanian Consular Services in Oman and the United Arab Emirates*

### **Lack of Protection Mechanisms**

The contract, the moment you put it in your bag, it is useless. When you get there and tell the boss this is what the contract says, they just say the contract has no use here.

—“Asha S.,” 41, Zanzibar, February 18, 2017

While some domestic workers said that the standard contract allowed them to push their employers to respect their rights, most domestic workers said their employers did not abide by the contract. This is in part because the Tanzanian contract has no legal standing in Oman or the UAE, and because the protection mechanisms that Tanzanian embassies employ are weak compared to other countries-of-origin embassies.

As mentioned earlier, the Tanzanian embassy in Oman requires the employer provide a security deposit of 100 OMR (\$259) when applying for a domestic worker to migrate, which is refunded when the employer brings their worker to the embassy within 30 days.<sup>197</sup> The employer is also required to bring the worker’s passport, her residency card, employee ID card, health and accident insurance certificate, proof of a bank account opened in her name, and a telephone number in her name.<sup>198</sup>

The Tanzanian embassy in the UAE established a similar procedure in March 2015.<sup>199</sup> The embassy’s standard contract calls for employers to bring their worker within two weeks of their arrival to the embassy/consulate along with a registered mobile number in the employee’s name.<sup>200</sup> However, Abdallah Kilima, a foreign affairs ministry official, noted

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<sup>197</sup> Embassy of United Republic of Tanzania, Oman, “Registration of Housemaid,” undated, <http://www.tanzaniaembassyoman.com/pages/11> (accessed October 27, 2017). The employer signs an undertaking to bring the domestic worker to the embassy in Oman within 30 days of her arrival, and at any other time at her or the embassy’s request. “Sponsor Undertakings,” Embassy of the United Republic of Tanzania, Muscat, Oman.

<sup>198</sup> Embassy of United Republic of Tanzania, Oman, “Registration of Housemaid,” undated, <http://www.tanzaniaembassyoman.com/pages/11> (accessed October 27, 2017).

<sup>199</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>200</sup> Consulate General of the United Republic of Tanzania in Dubai, “Employment Agreement between Domestic Workers and Sponsor,” <http://www.tanbizdubai.com/text/index.aspx> (accessed October 27, 2017).

that there is “no security deposit system there yet,” and that they are considering ways in which to implement the contract.<sup>201</sup>

When employers bring their workers in the initial month to the Tanzanian embassy in Oman, embassy officials explain to workers and employers their contractual duties and rights, and provide them with the embassy’s contact information. A former Tanzanian embassy official in Oman described his experience of briefing employers:

[The] face of employer goes cross. They say: “Entitled to one day of rest a week? I don’t hear of these things.” They will say maybe we agree to one day a month, then we say okay but then you give overtime compensation 5-10 rials (\$13-26) per day. Others agree. We train them that rest will make them a better worker.<sup>202</sup>

However, most domestic workers Human Rights Watch interviewed said their employers did not take them to the embassy. Four of the workers said they did go to the embassy. Most domestic workers said that their employers did not abide by their contracts, even those that went to the post-arrival briefing session.

“Fadiya M.,” 42, described how the embassy in Oman spent more time explaining to domestic workers how to behave—“to be good, don’t be hard-headed, don’t steal, do the job you came here to do”—than on how employers should treat them. “They should put in place sanctions to deter them from abusing us,” she said. “I think we should be brought to the embassy before we leave so they can ask what went wrong.”<sup>203</sup>

Since the Tanzanian embassy’s security deposit is low and is returned at an early stage of employment, embassies have no means to pressure employers to improve working conditions or comply with salary requirements for their workers.

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<sup>201</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>202</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.

<sup>203</sup> Human Rights Watch interview with “Fadiya M.,” Fuoni, Zanzibar, February 12, 2017.

The Indian, Sri Lankan, and the Nepalese missions in Oman and the UAE require higher security deposits that are better able to act as protection mechanisms.

Employer security deposit at country-of-origin embassies in Oman and the UAE		
Country of origin	Oman	UAE
India	1,100 OMR (\$2,858) <sup>204</sup>	9,2000 AED (\$2,504) <sup>205</sup>
Sri Lanka	380 OMR (\$987) <sup>206</sup>	3,675 AED (\$1,000) (refundable); or 1,470 AED (\$400) (non-refundable) <sup>207</sup>
Nepal	500 OMR (\$1299) <sup>208</sup>	3,700 AED (\$1,007) <sup>209</sup>
Tanzania	100 OMR (\$259) <sup>210</sup>	None

The security deposit mechanism of the Indian embassy in Oman consists of a bank guarantee in which the sum of money continues to be held in the employer's account but

<sup>204</sup> Embassy of India, Oman, "Guidelines/instructions for completing the formalities for employing Indian housemaids in Oman," <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed October 27, 2017).

<sup>205</sup> Consulate General of India, Dubai, UAE, "Housemaids," <http://www.cgidubai.org/housemaid/> (accessed October 27, 2017).

<sup>206</sup> "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 October 27, 2017).

<sup>207</sup> Embassy of Democratic Socialist Republic of Sri Lanka, "Documents Required to Recruit Private Domestic Workers," <http://www.srilankaembassyuae.com/test/HmPvt.pdf> (accessed October 27, 2017).

<sup>208</sup> "Nepali housemaid hiring in Oman put on hold," *Times of Oman*, June 14, 2014, <http://timesofoman.com/article/36027/Oman/Nepali-housemaid-hiring-in-Oman-put-on-hold> (accessed October 27, 2017).

<sup>209</sup> Embassy of Nepal, Abu Dhabi, UAE, "Important Notice for the Recruitment of Nepalese Domestic Service Workers (NDSWs): Group/Individual," <http://ae.nepalembassy.gov.np/important-notice-recruitment-nepalese-domestic-service-workers-ndswws-groupindividualopen-close/> (accessed October 27, 2017).

<sup>210</sup> Embassy of the United Republic of Tanzania, Oman, "Labour matters," <http://www.tanzaniaembassyoman.com/pages/11> (accessed October 27, 2017).

is held for the embassy to use in certain conditions until released.<sup>211</sup> The guarantee requirement is waived where employers recruit domestic workers through one of six approved recruitment agencies in India.<sup>212</sup>

The Indian missions require that the employer brings the worker for a post-arrival briefing about their rights and to note their mobile number. When the employment contract ends, the embassies require employers to bring domestic workers for an exit interview to ensure full payment of wages before returning the deposit.<sup>213</sup> If workers flee employers following abusive conditions, missions use the security deposit to pay for return flight tickets home and any unpaid wages.

The Nepal embassy in the UAE, in addition to the employer's security deposit of 3,700 AED (\$1,007), also requires the recruitment agency to provide a registration deposit of 37,000 AED (\$10,073).<sup>214</sup> The embassy requires that the registered agency submit a quarterly report on the salary, leave and other contractual conditions of the domestic worker. It also requires that the agency or the employer bring the worker to the embassy three days after arrival and every four months at the request of the embassy.<sup>215</sup>

The Philippines embassy in Oman told Human Rights Watch that they are considering security deposits in addition to their current practice of "blacklisting" recruitment agencies and sponsors in Oman that they believe have abused or exploited workers.<sup>216</sup> If the

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<sup>211</sup> Embassy of India, Oman, "Guidelines/instructions for completing the formalities for employing Indian housemaids in Oman," <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed October 27, 2017).

<sup>212</sup> "India waives off bank guarantee for six state recruitment agencies," *Muscat Daily*, September 18, 2017, <http://www.muscatdaily.com/Archive/Oman/India-waives-off-bank-guarantee-for-six-state-recruitment-agencies-53ks> (accessed October 27, 2017).

<sup>213</sup> Consulate General of India, Dubai, UAE, "Housemaids," <http://www.cgidubai.org/housemaid/> (accessed October 27, 2017); "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 October 27, 2017); and, "Guidelines/ Instructions for Completing the formalities for employing Indian housemaids in Oman," Embassy of India, Oman, <http://www.indemb-oman.org/pdf/Housemaid%20Agreement%20Form.pdf> (accessed October 27, 2017).

<sup>214</sup> The embassy can deduct the deposit if the worker becomes seriously ill, or finds the job or working conditions different to the contract; the employer or their family members subject the worker to physical, psychological, or sexual abuse, transfers her to a place/country not in contract, refuses/hesitates to let her return to her country after completing contract. See Embassy of Nepal, Abu Dhabi, UAE "Nepalese Domestic Service Workers: Deduction of Deposit," <http://ae.nepalembassy.gov.np/deduction-of-the-deposit/> (accessed October 27, 2017).

<sup>215</sup> Embassy of Nepal, Abu Dhabi, UAE "Nepalese Domestic Service Workers," <http://ae.nepalembassy.gov.np/nepalese-domestic-service-workers/> (accessed October 27, 2017).

<sup>216</sup> Human Rights Watch interview with a Philippines embassy official (name withheld), Muscat, May 19, 2015.

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 Tanzanian embassy in Oman states on its website that at the time of a transfer of a worker's sponsorship or cancellation of her visa, the employer should bring her to the embassy where the embassy issues a "clearance certificate" after checking the employee's bank account to ensure the worker received all her salary and that there are no other outstanding claims. The embassy notes that Omani authorities will not cancel the visa or transfer sponsorship without a clearance certificate from the embassy.<sup>217</sup>

However, workers who did change employers or had their contracts terminated reported that their employers did not take them to the embassy for such a clearance, which suggests that the Omani authorities do not require this as part of their transfer or cancellation of visa processes.

### **Inadequate Consular Assistance**

When domestic workers come to the embassy for help, they file a complaint, and the embassy calls the employer to discuss the issue. A former Tanzanian embassy official in Oman, said in most cases the employers are "understanding," discuss a solution, and workers return to them. If the domestic worker asks to change employers, the embassy seeks the employer's permission to find them a new employer. But, in some "extreme cases," domestic workers want to return home, and employers demand the return of their recruitment costs.

In such cases, they ask the agency to refund the employer, but, he said, "it is difficult with those who come without agencies."<sup>218</sup>

Workers who went to the embassy said they had to raise their own money to pay for flight tickets home, or the embassy found someone they could work for during the day for a couple of months to help pay for their flight tickets. In a few cases, workers said embassy

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<sup>217</sup> Embassy of United Republic of Tanzania, Oman, "Transfer of Sponsorship and Visa Cancellation," undated, <http://www.tanzaniaembassyoman.com/pages/11> (accessed October 27, 2017).

<sup>218</sup> Human Rights Watch interview with former official from the Tanzanian embassy in Oman (name withheld), November 2016.



staff have contributed or gave them loans to pay for their flight tickets home. The former Tanzanian embassy official confirmed that embassy staff members in a few cases contribute to flight tickets “if fares are low,” or “well-wishers” help pay the fare.<sup>219</sup>

The Tanzanian embassy in Oman provides abused and distressed women with shelter. The former embassy official noted that the embassy has a small facility for shelter for domestic workers: “Only for two to four people inside at any given time. Maybe six or seven people at most, but then other times we have no one.” He said in most cases, workers reside there for up to one week but may stay longer if they file a case at the Ministry of Manpower.<sup>220</sup> Human Rights Watch interviewed domestic workers who stayed at the shelter who said there were more than 10 domestic workers residing there to others saying up to 50 or 60 people were staying in the shelter at one time. One worker said officials required them to clean the embassy office without pay.<sup>221</sup>



Mwajuma H., 27, said in 2015 she fled to the Tanzanian embassy in Oman after her employer physically abused her and did not pay her salary. The embassy allowed the agency to take her back on the assurance that they would send her home despite Mwajuma’s protests that the agent beats women. The agent forced her to work for new employers without pay. Dar es Salaam, Tanzania. © 2017 Rothna Begum/Human Rights Watch

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<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Human Rights Watch phone interview with Dotto B., November 3, 2016.

Dotto B., 32, said she spent six months at the embassy shelter which consisted of “a servant’s quarter inside the embassy in a room next to the watchman of the embassy’s residence.” She recalls at one point in May 2016 there were almost 60 people in the shelter, and when she left around 30. She said they slept on the floor. “We were not allowed to go outside. We were locked inside the room and kitchen.”<sup>222</sup>

While workers who fled to the embassy in Oman said the officials received them, one worker said that the embassy in Dubai turned them away. “Inaya R.,” 23, said she went to the Tanzanian embassy in Dubai in 2014 with another worker because their agency forced them to work for several employers for short amounts of time without pay. She said, “We weren’t allowed to enter the embassy. The security guard of the gate turned us away. He said, ‘the ones who brought you here, go to them, don’t come to us.’”<sup>223</sup>

Several workers said that when their employers demanded recruitment costs back, despite abuse they faced, embassy officials in Oman advised them to return to their employer, pay the costs, or work for a new employer who could return such costs to their employer.

Dotto B. said after she fled to the embassy in Oman because her employer physically assaulted her, her employer demanded back 600 OMR (\$1,558) and threatened to take her to court for it. Dotto said the embassy official was “literally convincing me to go back to the boss. He said: ‘If you don’t comply, then they will send you to jail. It is up to you.’”<sup>224</sup>

“Inaya R.,” 23, said in 2013 her employer in Oman did not pay her for five months but when she wanted to leave, they demanded 700 OMR (\$1,818) recruitment costs returned. The embassy could not find an employer willing to pay this amount, so she went home with no salary and raised her own money to pay for her flight tickets home. “The embassy doesn’t have power to say anything.”<sup>225</sup>

A few women who called the embassy in Oman said officials advised them to speak to their employers about their abusive working conditions and did not follow-up with them after.

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<sup>222</sup> Human Rights Watch phone interview with Dotto B., November 3, 2016.

<sup>223</sup> Human Rights Watch interview with “Inaya R.,” Kigamboni, Dar es Salaam, February 15, 2017.

<sup>224</sup> Human Rights Watch phone interview with Dotto B., Mwanza, February 9, 2017.

<sup>225</sup> Human Rights Watch interview with “Inaya R.,” Kigamboni, Dar es Salaam, February 15, 2017.

Four workers said that embassy officials sent them back to agents and employers based on assurances that agents or employers made to the officials even in cases that amounted to trafficking into forced labor, or forced labor. All four workers said they faced more abusive situations following their return to their employers and agents.

“Basma N.,” 21, said she called the embassy in Oman to complain about two months of abuse.<sup>226</sup> The embassy official made things worse by calling the employer and telling her to bring Basma to the embassy because of her complaint, she said. Her employers beat her up and confiscated her money in retaliation. The embassy did not follow up. A month later, her employers took her to the embassy for her post-arrival registration and Basma told an embassy official about her abusive working conditions and asked for help to leave. The official told her he spoke to the employer who, he said, “seemed to understand,” and encouraged Basma to call the embassy if the problems persisted.

After a month, Basma contacted a senior embassy official who promised to collect her himself. But three days later, after she received a severe cut to her head while working, she called the official who said that he was in Tanzania, and provided her taxi driver with directions to the embassy. At the embassy, her employer refused to allow her to return home without refunding his recruitment costs. An embassy official then told her: “now we don’t have anything to help you out with. Either you go back to work for him so you can pay back his money or for him to sell you to another employer.”<sup>227</sup>

Mwajuma H., 27, said in 2015 she fled to the embassy in Oman after her employer physically abused her and did not pay her salary. The embassy told her there was nothing they could do, and her agent should collect her. However, Mwajuma said she did not want to go to the agency, as she had seen the agent beat up many women the day she arrived at their office. The embassy allowed the agency to take her back on the assurance that they would send her home. But instead the agent demanded their recruitment costs back, and when she could not pay, they forced her to work for new employers without pay.<sup>228</sup>

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<sup>226</sup> See Chapter II: Abuse in Oman and the United Arab Emirates, Forced Labor.

<sup>227</sup> Human Rights Watch interview with “Basma N.,” Dar es Salaam, February 20, 2017.

<sup>228</sup> See Chapter II: Abuse in Oman and the United Arab Emirates, Forced Labor. Human Rights Watch interview with Mwajuma H., Dar es Salaam, February 20, 2017.

## Recouping Flight Tickets

Other countries-of-origin embassies have dealt with return airfare costs through a variety of methods including using the security deposit system for unpaid wages to also cover flight tickets. In the Philippines, the authorities require employers and recruitment agencies in the country of employment to pay for flight tickets home for workers if they require immediate repatriation with the threat of suspending or blacklisting agencies from recruiting any further migrant domestic workers. The government can also pay for the flight tickets and then claim the costs from the agency later.<sup>229</sup>

Some countries of origin also have funds available to assist workers who fall outside of their procedures and where the embassy has no leverage over either the employer or agency. India for instance has the Indian Community Welfare Fund. Money is collected from other consular fees that migrants pay and provides for air passage to stranded Indians, board and lodging for abused and distressed Indian domestic workers and unskilled laborers, emergency medical care, initial legal assistance, and return of remains to India or, if necessary, burial of the deceased in country of employment.<sup>230</sup>

India also provides the Pravasi Bharatiya Bima Yojana (PBBY), a compulsory Insurance Scheme for overseas Indian workers who are required to complete an Emigration Check Clearance in order to migrate for employment to a set of countries in Asia and the Middle East. The premiums charged are 375 Indian rupees (\$5.80) for a 3-year policy and 275 Indian rupees for a 2-year policy (\$4.28). The person is insured for a maximum sum of 1 million Indian rupees (\$15,558.22) in the event of their death, and hospitalization expenses of 75,000 Indian rupees (\$1,166.96).<sup>231</sup>

Nepal's Foreign Employment Act (2007) requires the agency to pay for a workers' return flight home if they are found helpless and need to return home. Agencies are also required to obtain insurance for workers before departure in the amount of 500,000 rupees (\$4,857) which workers or their families can claim in the event of their disability or death. The Act also establishes a foreign employment welfare fund—collected in part from recruitment agencies licensing fees—which can be used to provide repatriation, compensation or financial assistance for workers who suffer from a disability during their placement, and repatriating their remains if they die during employment and financial assistance to their family.<sup>232</sup>

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<sup>229</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016, section 214.

<sup>230</sup> Press Information Bureau, Government of India Ministry of Overseas Indian Affairs, "Welfare Schemes for Overseas Indians," March 11, 2015, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=116819> (accessed October 27, 2017).

<sup>231</sup> Ibid.

### *Pre-Departure Information by Tanzanian Authorities*

The recruitment process in a migrant domestic worker's home country, prior to migration, can set the stage for abuses later on, particularly when workers have not received full and accurate information about their jobs or how to access safety and redress mechanisms.

### **Pre-Departure Briefings by Authorities**

As part of the application process for an exit permit, both the Tanzania Employment Services Agency (TaESA) and the Zanzibar Ministry of Labour are supposed to inform workers of their rights in their country of destination, the terms of the contract, and where to access help if anything goes wrong. Workers are required to come in person to government departments as part of their application, including for the briefing.

In Zanzibar, the Director of Employment told Human Rights Watch that the briefing session is around 15 to 30 minutes long, and they discuss with the worker her rights in the contract and the local culture in the Middle East. He said they provide the worker with contact numbers for the embassy, labor department and the agency.<sup>233</sup>

However, workers who spoke to Human Rights Watch described mixed experiences with regard to the information they received. Three women said they received the appropriate information. But seven women said they did not. "Maryam H.," 29, from Zanzibar, said: "They wanted to see my contract but they didn't sit down and explain it to me. They just wanted to see that I was employed. They didn't tell me anything about where to go if I have problems."<sup>234</sup>

In mainland Tanzania, Boniface Chandaruba, the chief executive officer of TaESA, said that officials go through the contract with prospective workers so that they understand it. He said officials also advise workers to go to the Tanzanian embassy on arrival to provide them with contact details. He also explained that officials at times explain aspects of the

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<sup>232</sup> Nepal: Foreign Employment Act, Act No. 18 for 2064 (2007), September 5, 2007, [http://www.dofe.gov.np/new/uploads/article/foreign-employment-act\\_20120420110111.pdf](http://www.dofe.gov.np/new/uploads/article/foreign-employment-act_20120420110111.pdf) (accessed October 27, 2017).

<sup>233</sup> Human Rights Watch interview with Ameir Ali Ameir, director, employment, Zanzibar Ministry of Labour, Zanzibar, October 31, 2017.

<sup>234</sup> Human Rights Watch interview with "Maryam H.," Zanzibar, February 18, 2017.





Poster detailing domestic workers' rights at the office of Zanzibar: Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU-Z). Stone Town, Zanzibar, Tanzania. © 2016 Rothna Begum/Human Rights Watch

work such as how to iron. This pre-departure briefing session takes place at the office over a period of “a few hours,” he said.<sup>235</sup>

However, a few domestic workers who said they registered with TaESA before migrating did not know that their employers are supposed to pay for everything, and that their agencies should not be taking their salary to compensate for recruitment costs.

<sup>235</sup> Human Rights Watch interview with Boniface Chandaruba, chief executive officer, TaESA, Ministry of Labour, Dar es Salaam, November 2, 2016.

## Pre-Departure Training

There is currently no official requirement for pre-departure training, nor provision of such trainings, for overseas migrants in Tanzania. Abdallah Kilima, a foreign affairs ministry official, said he is considering instituting a pre-departure training like other countries of origin for domestic workers migrating to the Middle East to “increase the value of Tanzanian workers.”<sup>236</sup>

Recruitment agencies told Human Rights Watch that they provide some basic training for workers. Kinyasi Agency Services said they provide a week-long training on “how to take care of babies and things. We give a seminar like how to use washing machine, ironing, cooking, cleaning.”<sup>237</sup> “Jamila A.,” 26, from Dar es Salaam, who migrated to Oman with this agency in 2016 said the training was “one day only—they will show you [iron, washing machine].” She said they also explained how to behave with the employer including “when they talk, you should be quiet.”<sup>238</sup>

“Najma K.,” from Dar es Salaam, who migrated to Oman in December 2014, said before she left, she spent two weeks in a house with the agent and a woman and five other domestic workers “doing work in the house for free. They say they are watching over you to see if you can make it.”<sup>239</sup>

Language skills can enable workers to communicate with their employers and access help. Some domestic workers who had learnt Arabic told Human Rights Watch that it helped them assert their claims while other workers said lack of Arabic skills made it difficult for them to complain to their employers about working conditions, including sexual harassment by male family members. Financial literacy skills can also help them plan for viable livelihood opportunities upon their return.

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<sup>236</sup> Human Rights Watch interview with Abdallah Kilima, head, Middle East department, Ministry of Foreign Affairs, November 2, 2016.

<sup>237</sup> Human Rights Watch interview with Anath Juma Itere, managing director, Kinyasi Agency Services, Dar es Salaam, November 3, 2016.

<sup>238</sup> Human Rights Watch interview with “Jamila A.,” Dar es Salaam, November 3, 2016.

<sup>239</sup> Human Rights Watch interview with “Najma K.,” Dar es Salaam, February 7, 2017.

### *Inadequate Complaint Mechanisms and Victim Services upon Return to Tanzania*

Tanzania does not provide adequate formal complaint mechanisms for returning workers wishing to lodge complaints about agents, abusive employers, or lack of assistance by embassy officials. Tanzanian embassies also do not have labor attachés, and labor ministries have no direct channel of information about complaints lodged by workers against recruitment agencies.

Tanzanian prosecutors can prosecute agents for trafficking workers into forced labor under the country's 2008 Anti-Trafficking in Persons Act.<sup>240</sup> The law provides that acts of trafficking carry a penalty of a fine of 5 million TZS (\$2,234) to 100 million TZS (\$44,682) and/or between 2 to 10 years' imprisonment, and for "severe" trafficking, the penalty is 5 million TZS to 150 million TZS (\$67,023) fine or 10-20 years' imprisonment.<sup>241</sup>

Tanzania's Anti-Trafficking Secretariat says it has received complaints from some domestic workers. But it currently does not have enough funding or power to investigate complaints made by returning domestic workers. The secretariat's current mandate allows it to propose recommendations to the Anti-Trafficking Committee (made up of various ministries which meets twice a year), and to support the committee's work. However, it has no budget of its own, and cannot directly contact Tanzanian embassies itself. As one official said, the secretariat has to "communicate through the Ministry of Foreign Affairs."<sup>242</sup>

Some workers said they feared reporting Tanzanian agents to the authorities for fear of reprisals while others believed that they would not get justice. Two workers told Human Rights Watch they attempted to seek help and report abuses when they returned but had received no redress to date.

As reported above, "Atiya Z.," 28, said in April 2016 her employers beat her, raped her, confiscated her salary, and put her on a flight back to Tanzania the next day. She said she reported the physical abuse to the Tanzania airport police upon arrival, and then reported it to the Anti-Trafficking Secretariat at the Ministry of Home Affairs with photos of the

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<sup>240</sup> The Anti-Trafficking in Persons Act, Law No. 6 of 2008, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=82132&p\\_country=TZA&p\\_count=284&p\\_classification=03&p\\_classcount=1](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=82132&p_country=TZA&p_count=284&p_classification=03&p_classcount=1) (accessed October 27, 2017).

<sup>241</sup> The Anti-Trafficking in Persons Act, Law No. 6 of 2008, arts. 4(5) and 6(4).

<sup>242</sup> Human Rights Watch interview with Seperatus R. Fella, anti-trafficking secretariat, Ministry of Home Affairs, Dar es Salaam, November 7, 2016.





Asma, 24, said that following months of isolation and abuse while working as a domestic worker in Oman: “I felt mentally unstable.” She said it took another three months to recover after she returned to Tanzania. Dar es Salaam, Tanzania. © 2017 Rothna Begum/Human Rights Watch

wounds on her back. She said the officials in the anti-trafficking secretariat asked her “if this happened, why didn’t you complain to someone at the airport [in Oman]?” But she said, “I was scared, traumatized, and didn’t know who to speak to.”

She said the officials told her that they passed on her allegations of physical abuse and confiscation of her salary to the Tanzanian embassy in Oman, but that the embassy reported back that the employer refuted her allegations. The officials then advised her to go back to Oman to report the case to the police. However, she cannot afford to pay for flight tickets. She said the Tanzanian police arrested the agent in Tanzania through whom she had obtained the job but nothing was done. She told Human Rights Watch:

It still hurts when I think of what happened to me. Sometimes I feel the pain in my back and chest.... They should take him [employer] to court so I can get justice. I want justice... I want compensation for all the physical violence and I want my things back—my salary, clothes, and phone.<sup>243</sup>

Another worker, Mwajuma H., said she reported the abuse (described above) that she faced in Oman when she returned to Tanzania.

I felt bad seeing people going to Oman. I even went to [the Anti-Trafficking Secretariat in the] Home Affairs Ministry and explained what happened to me. They said, “it’s a problem with you guys, not saying where you are going... If you are not saying exactly where you are going, how will we know about it?”<sup>244</sup>

Twenty-one workers cited experiencing psychological or health problems upon their return because of their exploitative working conditions in the Gulf. Asma, 24, said that following months of isolation and abuse: “I felt mentally unstable.” She said it took another three months for her to recover after she returned.<sup>245</sup> A few said they continued to have back pains or other physical problems at the time of the interview. However, Tanzania does not have any specific programs available to help such returning workers.

### **Redress Mechanisms and Assistance for Returning Workers**

The authorities in the Philippines sanction agencies found to have been abusive or deceptive in their recruitment of Filipino domestic workers migrating abroad.<sup>246</sup> Workers can file claims against Filipino recruitment agencies when they return home, although such processes can take months or even years.

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<sup>243</sup> Human Rights Watch interview with “Atiya Z.,” Dar es Salaam, November 8, 2016.

<sup>244</sup> Human Rights Watch interview with Mwajuma H., Dar es Salaam, February 20, 2017.

<sup>245</sup> Human Rights Watch interviews with Asma, Dar es Salaam, November 8, 2016, and February 7, 2017.

<sup>246</sup> The Philippines Overseas Employment Administration (POEA), “All About Illegal Recruitment,” <http://www.poea.gov.ph/air/penalties.html> (accessed October 27, 2017).

Indonesia also provides mechanisms for returning migrant workers to seek redress through insurance schemes, administrative dispute resolution mechanisms, or the courts.<sup>247</sup> For instance, the mandatory Migrant Workers Insurance Program seeks to compensate harms before, during, or after working abroad. However, reports indicate implementation problems.<sup>248</sup>

Sri Lanka's Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers calls for "implementing special programmes and referrals for trafficked, abused and exploited returnees that need special attention upon their return and after return."<sup>249</sup>

### *Lack of Reintegration Policies*

We go there because there are no jobs. We go there and we get mistreated.  
We tolerate it. Then we come back and have no jobs. We forget about what  
happened and we want to go again.

—“Amani W.,” 31, worked in Oman from 2014 to 2017. Kigamboni, February 15, 2017

The CEDAW Committee has called for states to design or oversee comprehensive socio-economic, psychological and legal services to facilitate the reintegration of women who have returned.<sup>250</sup> While Human Rights Watch does not know the extent of the problems for returning migrant workers, women Human Rights Watch interviewed gave some indication of their economic situation following their return. Sixteen women who faced abuse abroad still wished to migrate again either to the same country or to a different place. Several women came back with no salaries, or were financially worse-off. Often such workers said they could not find work upon return and they needed to migrate again to support themselves and their families. Some women said they would not go back even though they had little to live on.

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<sup>247</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 October 27, 2017).

<sup>248</sup> Open Society Foundations, “Migrant Workers’ Access to Justice at Home: Indonesia,” 2013, pp. 90-91.

<sup>249</sup> Ministry of Foreign Employment, “Sub- Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka,” November 2015, Strategy 1.3 under Sub Policy Area Three: Physical and psychological wellbeing of returnees and their family members, [http://www.ilo.org/colombo/whatwedo/publications/WCMS\\_497323/lang-en/index.htm](http://www.ilo.org/colombo/whatwedo/publications/WCMS_497323/lang-en/index.htm) (accessed October 27, 2017).

<sup>250</sup> United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, [http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf) (accessed October 27, 2017), para.24(i).

“Asilia H.,” 38, who spent eight years working in Oman, said:

I bought four plots of land with my salary: one I built a house on, but the three others I have not been able to do anything with them. I had to pay for my mother’s treatment and kids. Money going out and no income coming in. It’s finishing.<sup>251</sup>

Both mainland Tanzania and Zanzibar provide social security schemes for overseas migrant workers, however Zanzibar’s scheme is more suitable for low-skilled workers. The Zanzibar Voluntary Social Security Scheme (ZVS3) allows Zanzibari overseas migrants to make any amount of contributions, and at any time (monthly or one-off).<sup>252</sup> One half of such contributions can be used for “short-term personal needs/requirements” such as school fees, medical expenses, food, and rent for office or business premises. The second half is longer-term needs, including a pension, invalidity payments, and the heirs of the member can benefit from the funds if s/he dies.<sup>253</sup>

Mainland Tanzania’s voluntary “National Social Security Fund’s Welfare Scheme for Tanzanians in the Diaspora” (Westadi) is costlier and less flexible with a premium annual payment of \$300. It provides Tanzanians with health insurance when in Tanzania, as well as four of their dependents living in Tanzania, repatriation of deceased body or burial expenses.<sup>254</sup>

### Reintegration Policies

Several countries of origin have adopted a range of reintegration policies including social security schemes for their overseas migrant workers to help workers save for their return and resettlement.

One of India’s schemes for overseas migrant workers is the Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY), a voluntary social security scheme, which aims to encourage and enable unskilled

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<sup>251</sup> Human Rights Watch interview with “Asilia H.,” Dar es Salaam, February 16, 2017.

<sup>252</sup> Zanzibar Social Security Fund, “Voluntary Scheme Introduction,” <http://www.zssf.org/en/schemes/voluntary-scheme/introduction-voluntary.html> (accessed July 23, 2017).

<sup>253</sup> Zanzibar Social Security Fund, “Voluntary Scheme Benefits,” <http://www.zssf.org/en/schemes/voluntary-scheme/scheme-benefits-voluntary.html> (accessed July 23, 2017).

<sup>254</sup> National Social Security Fund, United Republic of Tanzania, “Westadi,” undated, <https://www.nssf.or.tz/index.php/schemes/westadi> (accessed July 23, 2017).

and semi-skilled overseas Indian workers emigrating for work in parts of the Middle East and Asia. Workers make co-contributions to save for their return and resettlement; their pension; and obtain life insurance cover during the period of employment.<sup>255</sup>

In 2015, Sri Lanka adopted the Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka which includes support of social reintegration, economic reintegration, physical and psychological well-being of returnees and their family members, mobilization and empowerment of migrant returnees, and the effective management of the return and reintegration process.<sup>256</sup>

Under economic reintegration for instance, the strategy looks at activities related to financial literacy for migrant workers, identifying job market opportunities for returnees, and developing a special entrepreneur development program for lower skilled female returnees, and establish entrepreneur societies and networks for them.<sup>257</sup>

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<sup>255</sup> Press Information Bureau, Government of India, Ministry of Overseas Indian Affairs, “Welfare Schemes for Overseas Indians,” <http://pib.nic.in/newsite/PrintRelease.aspx?relid=116819> (accessed October 27, 2017).

<sup>256</sup> Ministry of Foreign Employment, “Sub- Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka,” November 2015, [http://www.ilo.org/colombo/whatwedo/publications/WCMS\\_497323/lang-en/index.htm](http://www.ilo.org/colombo/whatwedo/publications/WCMS_497323/lang-en/index.htm) (accessed October 27, 2017).

<sup>257</sup> Strategies 2.1, 3.5, and 4.1 Sub Policy Area Two: Economic reintegration of returnees, in “Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka.”

## V. Tanzania, Oman, and the United Arab Emirates’ International Human Rights Obligations

International human rights law obligates Tanzania and countries of employment like Oman and the United Arab Emirates (UAE) to take appropriate measures to prevent, punish, investigate, and redress harm to individual’s rights including the rights of migrants, whether the harm stems from acts by private individuals and entities, or state employees and institutions.<sup>258</sup>

Tanzania’s own constitution also obligates the authorities to ensure equality of all persons before the law, and to direct their policies and programs towards eradicating discrimination.<sup>259</sup>

Under the Maputo Protocol on the Rights of Women in Africa, Tanzania has specific obligations to eliminate all forms of discrimination against women; adopt measures to ensure the prevention, punishment and eradication of all forms of violence against women; prevent trafficking, protect women most at risk, and prosecute perpetrators of trafficking; and protect women from exploitation by their employers violating and exploiting their fundamental rights.<sup>260</sup>

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) moreover—to which Tanzania, Oman and the UAE are party to—calls for the

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<sup>258</sup> See, e.g., International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S.171, entered into force March 23, 1976, ratified by Tanzania on June 11, 1976 and Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8; UN General Assembly, Declaration on the Elimination of Violence against Women, U.N. General Assembly Resolution 48/104 (A/RES/48/104), art. 4(c): “States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should: (c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.” Also, UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987, the UAE acceded to in July 2012, and General Comment 2, Implementation of Article 2 by State Parties, U.N. Doc. CAT/C/GC/2 (2008), para. 18.

<sup>259</sup> Arts. 9(h), 13(1), 13(5), Constitution of the United Republic of Tanzania 1977, which came into force on April 26, 1977, <http://www.judiciary.go.tz/wp-content/uploads/2015/09/constitution.pdf> (accessed October 27, 2017).

<sup>260</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005, ratified by Tanzania on March 3, 2007, arts. 2, 4.2(b), 4.2 (g), and 13(d).

elimination of discrimination against women in all areas including employment.<sup>261</sup> The CEDAW Committee, which oversees the implementation of CEDAW, in its General Recommendation no. 26 on women migrant workers, details specific obligations of countries of origin to “respect and protect the human rights of their female nationals who migrate for purposes of work” including measures related to pre-departure, during their time in the country of destination, and upon return.<sup>262</sup>

The CEDAW Committee’s General recommendation no. 26 on women migrant workers calls for countries of origin to provide diplomatic and consular protection including to:

properly train and supervise their diplomatic and consular staff to ensure that they fulfil their role in protecting the rights of women migrant workers abroad. Such protection should include quality support services available to women migrants, including timely provision of interpreters, medical care, counselling, legal aid and shelter when needed. Where States parties have specific obligations under customary international law or treaties such as the Vienna Convention on Consular Relations, those obligations must be carried out in full in relation to women migrant workers (article 3).<sup>263</sup>

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children requires states parties—including Tanzania, Oman, and the UAE—to combat trafficking in persons which is characterized by the presence of threat or use of force, coercion, fraud or deception at some stage of the migration process for the purpose of exploitation which can include forced labor, slavery or practices similar to slavery, and servitude.<sup>264</sup> It obligates state parties to introduce measures to prevent trafficking, protect and assist trafficking victims, and cooperate to combat trafficking.

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<sup>261</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. Tanzania ratified the convention on August 20, 1985, Oman acceded on February 7, 2006, and the UAE on October 6, 2004.

<sup>262</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, [http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf) (accessed October 27, 2017), para.24.

<sup>263</sup> *Ibid.*, para.24(i).

<sup>264</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as one of the Palermo Protocols), supplementing the UN Convention against Transnational Organized Crime, 2000, is the primary international law source on trafficking in persons. Tanzania ratified the Protocol on May 24, 2006, Oman acceded to the Protocol on May 13, 2005, and the UAE on January 21, 2009.



Tanzania has also ratified key International Labour Organization (ILO) conventions including the ILO Convention on Forced Labor, No. 29, which Oman and the UAE are also party to; the ILO Convention No. 111 concerning Discrimination in Employment and Occupation, which the UAE is a party to; and ILO Equal Remuneration Convention No. 100, which the UAE is also a party to.<sup>265</sup>

Tanzania, Oman, and the UAE have not yet ratified the 2011 ILO Domestic Workers Convention No. 189 (C189).<sup>266</sup> The landmark treaty requires governments to cooperate with each other to ensure that migrant domestic workers are provided 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.<sup>267</sup> 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.

The ILO Domestic Workers Recommendation (No. 201), which accompanies the convention, recommends that countries of origin of migrant domestic workers “assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and through any other appropriate measures.”<sup>268</sup>

According to the ILO, the Tanzanian Labour, Economic and Social Council (LESCO) endorsed a recommendation that the authorities ratify ILO Domestic Workers

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<sup>265</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; the ILO Convention No. 111 concerning Discrimination in Employment and Occupation, adopted June 25, 1958, entered into force June 15, 1960; ILO Equal Remuneration Convention No. 100, adopted June 29, 1951, entered into force May 23, 1953.

<sup>266</sup> International Labour Organization (ILO) Convention No. 189 concerning Decent Work for Domestic Workers (Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013. All six Gulf Cooperation Council states have also not ratified it, though they did vote in its favor.

<sup>267</sup> ILO Domestic Workers Convention, art.8(3) provides that “Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.”

<sup>268</sup> ILO Domestic Workers Recommendation, 2011 (No. 201), art.21(2), [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:R201](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:R201) (accessed October 27, 2017).



Convention.<sup>269</sup> However, the Ministry of Labour has not yet put forward a proposal for ratification of the convention.<sup>270</sup>

The ILO has set out comprehensive recommendations to the government of Tanzania in its 2016 report on domestic workers in Tanzania.<sup>271</sup>



Deograsia Vuluwa, Director of Gender, Women and Children at the Tanzanian Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU), advocating for Tanzania to provide better protections for Tanzanian domestic workers in the Middle East. CHODAWU is also campaigning for Tanzania to ratify ILO Domestic Workers Convention. Dar es Salaam, Tanzania © 2017 Rothna Begum/Human Rights Watch

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<sup>269</sup> Human Rights Watch interview with Rehema Shija, national program officer on domestic work, international labor organization, Dar es Salaam, November 2, 2017.

<sup>270</sup> In an email response to Human Rights Watch on June 11, 2017, Hilda Kabissa, labour commissioner, confirmed that “the Ministry of Labour has not yet put forward a proposal to ratify the ILO Domestic Workers Convention (C.189).”

<sup>271</sup> ILO, “A Situational Analysis of Domestic Workers in the United Republic of Tanzania,” 2016, [http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis\\_ababa/---ilo-dar\\_es\\_salaam/documents/publication/wcms\\_517516.pdf](http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-dar_es_salaam/documents/publication/wcms_517516.pdf) (accessed October 27, 2017).

## VI. Recommendations

### To the Parliaments of Tanzania and Zanzibar

- Draft and adopt a comprehensive migration law that:
  - Ensures effective oversight of recruitment agencies, regulates recruitment fees and debts, and ensures provision of pre-departure information and training.
  - Requires the government to improve international cooperation, including through bilateral and multilateral agreements, to ensure that migrant domestic workers overseas enjoy basic labor protections, including limits on working hours, a weekly rest day, overtime compensation, paid annual leave and other rights in line with the International Labour Organization (ILO) Domestic Workers Convention.
  - Ensures extensive consultation with domestic and international organizations working on migration and forced labor trafficking.
  - Includes substantial penalties for violations with clear and effective mechanisms for monitoring and enforcement.
- Amend the Anti-Trafficking in Persons Act to remove the option of a fine instead of imprisonment for those found guilty of trafficking in persons.
- Regulate employment agents, either through the comprehensive migration law, or by amending the 1999 National Employment Promotion Service Act in mainland Tanzania, its 2014 regulations, and the 2012 Private Employment Agents Regulations in Zanzibar. The regulation should:
  - Require labor agents to register their subagents and hold labor agents responsible for the actions of the subagents they work with.
  - Require subagents to register with the government or with the labor agents retaining them.
  - Require that local agents provide workers and their families the name and contact details of the recruitment agency that will handle their employment in the country of destination and an embassy-verified contract, as well as full information about their potential employer, including number of household members, the size of the house, and tasks.
  - Prohibit agents from deceiving or coercing workers to migrate including through imposition of financial penalties.

- Require recruitment agencies to set up an escrow account that can be used to pay for flight tickets or compensation for returning workers that faced deception and abuse in their working conditions.
- Establish clear guidelines on responsibility for return flight tickets, including when the worker has not completed two years. The responsibility should be borne for example by the recruitment agency during the replacement period, the employer after the replacement period has ended or in cases of abuse, the recruitment agency at home or abroad if the employer refuses to pay, or through insurance and welfare schemes. The cost should never be borne by the worker.

## **To the Ministries of Labour in Tanzania and Zanzibar**

- Establish mechanisms for regular and independent monitoring of recruitment agencies and retained subagents. Conduct unannounced inspections of agencies.
- Establish accessible complaint mechanisms for workers to seek redress for abuses from agents in both mainland Tanzania and Zanzibar.
- Conduct public awareness-raising programs for prospective migrant domestic workers through local radio, in cooperation with local civil society and trade unions, to disseminate information on the migration process, workers' rights, agencies' obligations, and redress mechanisms.
- Establish briefing sessions for workers at village and district levels who are considering migrating for domestic work on the migration process, workers' rights, agencies' obligations, and redress mechanisms.
- Develop a social security scheme under the Tanzania National Social Security Fund that is similar to the Zanzibar Voluntary Social Security Scheme (ZVS3). The scheme should allow for flexible contributions, and returning migrant workers should be able to access the scheme for basic provisions such as investments or a pension.
- Ensure the pre-departure briefing at the Tanzania Employment Services Agency (TaESA) and the Zanzibar Ministry of Labour for domestic workers includes:
  - Information on redress mechanisms in both the countries of employment and in Tanzania.
  - Information on workers right not to pay recruitment costs or fees, even when exiting contracts early.

- An orientation kit with the full contact details of their employer, the Tanzanian embassy, and the recruitment agency based in the country of employment; a certain amount of money in local currency; a copy of their passport; and a copy of their employment contract.
- Information on available social security schemes for prospective migrants including the Zanzibar Voluntary Social Security Scheme (ZVS3).
- Introduce, in consultation with civil society and trade unions, a rights-based pre-departure training program for migrant domestic workers including information about their legal and contractual rights, contact information on where to seek help, language and skills-training, and financial literacy. Tanzania should not require workers to undergo pre-departure trainings with agencies or private institutions where workers are forced to work with no pay or are charged fees.

### **To the Ministries of Labour and Home Affairs in Tanzania and Zanzibar**

- Remove restrictions on freedom of movement including the requirement in Zanzibar that a male guardian give permission for women who wish to migrate as domestic workers.
- Incentivize workers to register with TaESA and the Zanzibar Ministry of Labour by publicizing the benefits of registration including the enforcement of working conditions and minimum salaries, and any social insurance schemes.

### **To the Governments of Tanzania, Oman, and the United Arab Emirates**

- Cooperate to create a standard employment contract enforceable in both the country of origin and employment that aligns with the ILO Domestic Workers Convention. Ensure the contract:
  - Details the terms and conditions of employment clearly including the name and address of the employer and provides equal treatment between domestic workers and other workers under the national labor laws with respect to hours of work, overtime pay, periods of rest, and paid leave.
- Negotiate bilateral agreements to cooperate on oversight of recruitment, employment, and resolution of labor and criminal cases. Agreements should require that:

- Employers seek approval or verification from the Tanzanian embassy when applying for workers' entry permits, residence permits, and cancellation or transfer of permits.
- Tanzania accredit specialized skills training for domestic workers such as taking care of the elderly, persons with disability, or children, and issue trainees with certifications that are recognized by Oman and the UAE and reflected in salary and working conditions.
- Oman and the UAE require police officials to provide workers with the opportunity to speak to the Tanzanian embassy if they are arrested or report to the police in distress, and that officials inform the embassy in a timely manner.
- Oman and the UAE ensure coordination with police officials and the Tanzanian embassy to assist workers in distress, including to enter homes where workers are confined or subject to abuse.
- Oman and the UAE allow domestic workers who faced criminal abuse but were forcibly returned to Tanzania to return to file a case against their employer or recruitment agency. Provide costs of flight tickets and accommodation in such cases.
- 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.

## **To the Tanzanian Ministry of Foreign Affairs and Tanzanian embassies in the United Arab Emirates and Oman**

- Ensure capacity of diplomatic missions to assist migrant domestic workers by:
  - Providing a 24-hour assistance hotline for workers, and guidance to officials on responding to workers and conducting follow-up.
  - Establish shelters with trained staff, provision of trauma counseling and health care, and adequate capacity to avoid overcrowding.
  - Provide adequate number of qualified staff, including labor attachés, to assist migrant domestic workers seeking assistance, especially in the areas of unpaid salaries, investigation and prosecution of alleged abuses, and rights while in detention.

- Create protocols for addressing cases involving migrant workers legally and ethically, and to ensure protection of migrant workers' rights.
- Collect monthly or quarterly information on the number of abused and distressed workers, types of abuse faced, assistance provided, resolution of cases, and information on their recruitment agencies or sub-agents in Tanzania and country of employment.
- Develop a system to rescue domestic workers who are in distress. Secure cooperation with local law enforcement as necessary.
- Facilitate speedy provision of temporary travel documents when domestic workers cannot recover their passports.
- Report allegedly abusive employers and recruitment agencies to the Omani and UAE authorities for investigation and prosecution where appropriate.
- Provide services such as weekly skills training or Arabic and English classes to give employers an incentive to provide workers with a weekly day off.
- Establish a security deposit mechanism and “blacklisting” as means of ensuring implementation of standard contracts and payments of salary, and provision of return flight tickets to abused workers:
  - Increase minimum monthly salaries for domestic workers in line with other countries of origin.
  - Maintain blacklists of proven abusive employers and recruitment agencies, and prevent them from recruiting additional Tanzanian workers. Share such information with other countries' diplomatic missions.
  - Require recruitment agencies to register with the embassy to recruit workers, and to provide a security deposit for use when employers and agencies refuse to pay for return flight tickets for abused workers.
  - Require that employers pay a security deposit to the UAE mission, and increase the security deposit—which can be in the form of a bank guarantee—to the Oman mission for use if the employer refuses to pay for return flight tickets, unpaid salaries or other due remuneration. Return the security deposit upon verifying full payment when the worker completes her contract or transfers to a new employer.
  - Require employers to bring the worker to the embassy within a month of arrival, every four months for a check-in, and at the end of her contract when her residence visa is due for cancellation or renewal. Conduct private

- interviews with the workers to check on working conditions and full and timely remuneration.
  - Require employers to provide a mobile phone and SIM card and keep a record of the number.
  - Require employers to provide workers with a no-objection certificate if she wishes to change employers and she has not breached any conditions of her contract, as a condition for the return of the security deposit.
  - Require the employer to sign another contract, and extend the security deposit for the additional period, if both employer and worker wish to renew the residence visa.
- Introduce arrival briefing at missions to:
  - Ensure domestic workers have information about their rights and the country's legal framework, that her mobile phone is programmed with contact information for seeking assistance, and that they know how to use free messenger services such as WhatsApp or Imo, and map-based services if they need to find their location.
  - Review the contract with both employer and worker.
  - Provide employers with training on providing decent working conditions to domestic workers, including their legal and contractual obligations, how to ensure the worker gets her entitled salary and daily and weekly rest, and how to manage common disputes, including those that result from communication and cultural misunderstandings.

## **To the Ministries of Home Affairs in mainland Tanzania and Zanzibar, and Anti-Trafficking Secretariat**

- Improve services for returning migrant domestic workers by establishing complaint mechanisms, including helpdesks at airports, widely disseminating information about them, and providing medical treatment and counseling for workers in distress.
- Allow returning workers the option to give embassy officials power of attorney to file claims on their behalf if they were unable to file claims against employers or agents while in countries of employment, and unable to return to file such claims.
- Disseminate information of blacklisted recruitment agencies in Tanzania to local media and on social media sites.

## To the Government of the United Arab Emirates

- Ensure that subsequent implementing regulations for the 2017 domestic workers law are in alignment with the ILO Domestic Workers Convention including clarifying provisions of the domestic workers' law to:
  - Provide that workers should be free to leave the workplace during their non-working hours.
  - Ensure that domestic workers are entitled to the same legal protections for workers under the labor law including working hours should be no more than eight hours per day.
- Amend the 2017 domestic workers law to remove the requirement that workers who terminate employment without a breach of contractual obligations must provide compensation of one month's salary, and pay for their return flight tickets home.
- Introduce mechanisms for its effective enforcement and launch a sustained information campaign to sensitize employers, workers, and agents.
- Seek information from country-of-origin embassies and domestic workers on any complaints about abusive practices by existing recruitment agencies before providing them with licenses to operate "tadbeer centers."
- Provide employers with training on providing decent working conditions to domestic workers, including their legal and contractual obligations, and how to ensure the worker gets her entitled salary and daily and weekly rest.

## To the Government of Oman

- Reform the labor law so that domestic workers are provided with the same legal protections as other workers, including on hours of work, payment of wages, salary deductions, rest days, paid holidays, and workers' compensation.
- Reform the penal code to sanction sexual harassment, non-penetrative sexual assault, and marital rape with adequate penalties.
- Ensure female police officers and forensic doctors are available for workers seeking to make complaints including allegations of rape and sexual assault.



## To the Governments of Oman and the United Arab Emirates

- Reform the *kafala* (visa-sponsorship) system, to allow workers to change employers and leave the country without employer consent before and after completing their contract. Remove penalties for “absconding.”
- Set a standard minimum wage under law for all domestic workers, including an hourly minimum, and end wage discrimination against domestic workers on the basis of nationality or gender.
- Coordinate with Tanzanian foreign missions to conduct joint workplace spot checks, and to go to employers’ homes to pick up Tanzanian domestic workers in distress.
- Pass a law explicitly criminalizing passport confiscation by employers and agents, including penalties, and rigorously enforce this law.
- Prohibit employers and agencies from forcing workers to pay recruitment costs if they leave before their contract is finished or to work without pay for a new employer who can repay the amount.
- Decriminalize consensual adult sexual relations.
- Rigorously prosecute employers and employment agents whose treatment of domestic workers violates existing national laws.
- 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.
- Train police officers, public prosecution officials, and labor ministry officials handling domestic worker complaints 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 offences.
- Strengthen and expedite dispute resolution for domestic worker complaints by:
  - Requiring employer participation in labor dispute resolution and penalizing 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.

## To the African Union

- Set up a regional forum or mechanism for East African governments to coordinate and cooperate on protections for African domestic workers in the Middle East.

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# “Working Like a Robot”

## Abuse of Tanzanian Domestic Workers in Oman and the United Arab Emirates

Thousands of Tanzanian women toil as domestic workers in the Middle East, cleaning, caring, and cooking for their employers' families. Each year, hundreds more follow, often with promises of salaries ten times what they could earn at home. While some find decent working conditions and good salaries, others are trapped in abusive situations.

Most domestic workers in the Gulf states are Asian. Their governments have incrementally increased protections and minimum salary requirements for their workers, and in some cases banned recruitment to the Gulf entirely. Recruiters are increasingly turning to East Africa where protections are weaker, and workers deemed cheaper.

Based on 87 interviews, including 50 Tanzanian domestic workers, *“Working Like a Robot”* documents how the Tanzanian, Omani, and UAE governments fail to protect Tanzanian migrant domestic workers.

Domestic workers described how their employers confiscated their passports, forced them to work excessively long hours without rest or a day off, paid them less than promised or not at all, and restricted their communication. Many also described being subject to physical or sexual abuse. Some ended up trapped in situations of forced labor. Migrant domestic workers had little recourse for leaving abusive working conditions.

Oman and the UAE should reform the kafala (visa-sponsorship) system to allow migrant domestic workers to leave their employers or work for new employers without their initial employers' consent, and abolish “absconding” penalties that punish domestic workers. Oman should also include domestic workers in its labor law, while the UAE should enforce its new law on domestic workers' labor rights passed in September 2017. Tanzania should address gaps in its recruitment and migration policies which currently place workers at heightened risk from the outset.



*“Amani W.,” 31, a former domestic worker returned from Oman in early 2017 after three years working for employers who she said forced her to work excessive hours without rest or day off. Now unable to find a job, she is considering selling fish for a living or migrating again. Fish market, Bagamoyo, Tanzania.*

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