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# “I Already Bought You”

Abuse and Exploitation of Female Migrant Domestic Workers  
in the United Arab Emirates





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**Abuse and Exploitation of Female Migrant Domestic Workers  
in the United Arab Emirates**

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# “I Already Bought You” Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates

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## Summary

The work wasn't what I expected it to be. It was totally different. I would wake up to start cooking, then cleaning, washing clothes, and then cooking again. No rest, there was just no rest... Because she kept yelling, I cried and asked to go back to agency, but madam said "I already bought you"...

—Farah S., a 23-year-old Indonesian domestic worker, Dubai,  
December 7, 2013

At least 146,000 female migrant domestic workers—and possibly many more—are employed in the United Arab Emirates (UAE). Labor recruiters in their home countries, mostly in Asia and Africa, entice many of these women with promises of high wages and good working conditions. Recruiters convince them that this could provide a route out of poverty and the means to obtain an education, homes, medical care, and other essentials for their families. Sadiyah A., a 36-year-old Filipina domestic worker, told Human Rights Watch that she saw a job in the UAE as a “golden opportunity.”

Migrating for work can certainly provide an opportunity, but only if the worker's human rights are respected. Some female domestic workers in the UAE have good and responsible employers, satisfactory working conditions, receive their wages in full and on time, and are able to remit money home to their families.

But in many cases, employers in the UAE and recruiting agents abuse the women who become migrant domestic workers. Workers whom Human Rights Watch interviewed for this report described a range of abuses which they had experienced. Most said their employers confiscated their passports. Some accused their employers of having physically abused them and confined them to the homes. Many said their employers had failed to pay the full wages due to them, had forced them to work excessively long hours without breaks or days off, or had denied them adequate food, living conditions, or medical treatment. Some workers were employed in circumstances that amounted to forced labor or trafficking.

For Sadiyah, the reality she encountered as a domestic worker in the UAE was far from the “golden opportunity” she expected. “I didn't have a day off, I couldn't sleep until they [the employers] go to bed, and they didn't give me my salary,” she told Human Rights Watch.

The UAE, with its booming oil-based and trade economy, has long acted as a magnet for labor migration. Its emergence to become one of the world's 10 richest countries with a gross domestic product (GDP) of US\$383.8 billion is due in large part to the contract labor of an estimated 7.3 million migrant workers. Female domestic workers from countries such as the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, and Ethiopia comprise a significant but often overlooked part of this massive migrant community that, all told, amounts to 88.5 percent of the population of the UAE. The UAE should afford migrant workers enforceable legal rights and effective safeguards against exploitation and abuse, as international law requires.

## Main Findings

This report documents abuses against women who migrate to the UAE for domestic work, during both their recruitment and their employment, and also when they attempt to seek assistance or remedies against abuse. It examines the problems with recruitment practices and the deficiencies of the legal framework for employment in the UAE that foster or facilitate the conditions in which abuses take place.

The report is based on interviews that Human Rights Watch conducted with a total of 99 female domestic workers in the UAE in November and December 2013. They described a range of serious abuses that migrant domestic workers suffer under the UAE's visa sponsorship system, known as *kafala*, and due to the lack of protection afforded to them under the UAE labor law.

In the UAE, as elsewhere in the region, the *kafala* system ties migrant workers to individual employers who act as their visa sponsors, and restricts migrant workers' abilities to change employers. The system gives employers great power over employees because it entitles them to revoke sponsorship at will. This automatically removes the right of a worker to remain in the UAE and triggers repatriation procedures.

Domestic workers are explicitly excluded from the UAE's labor law and from the basic protections that the law and other labor policies afford to most other workers, such as limits on working hours and provision for overtime pay. Domestic workers have virtually no legal safeguards governing their employment. The UAE authorities have been considering a draft law on domestic workers for several years but they have yet to make the draft public,

let alone enact it. Media reports suggest that the draft contains fewer and weaker safeguards for domestic workers than those afforded to other migrant workers under the labor law.

The UAE authorities have reformed some aspects of the *kafala* system in recent years and introduced labor law protections for certain categories of migrant workers, but not for domestic workers.

Some labor-sending countries have instituted measures intended to give some protection to their own nationals who go abroad for domestic work, but these have been insufficient to fully safeguard them against abuse and exploitation in the UAE. The UAE government is obliged under international law to address and remedy abuses that occur within the country, but it should also cooperate with labor-sending countries to prevent such abuse and exploitation.

Dozens of domestic workers told Human Rights Watch that they had suffered abuses at the hands of labor-recruiting agents and their employers in the UAE, or both. In many cases, for example, agents and employers in the UAE “substituted” new contracts for those the workers had signed before leaving their home countries, requiring them to work for less pay and under worse conditions. The UAE authorities revised the standard contract of employment of domestic workers in June 2014, with the result that it now includes entitlements to one day off each week and 8 hours of rest in any 24-hour period, yet this is less than many workers are promised when they are recruited in their home countries, and far short of international standards. Moreover, even a stronger standard contract would be no substitute for labor law protections.

More than two dozen domestic workers told Human Rights Watch that their employers had physically or sexually abused them, including one who said that her employer twisted her arm so violently that she broke it, and another who said that her employer raped her. A large majority of the domestic workers Human Rights Watch interviewed alleged their employers had verbally abused them by shouting at them and calling them names such as “donkey” or “animal.”

Almost all domestic workers Human Rights Watch interviewed complained of working long hours, up to 21 hours per day in extreme cases. Many said their employers



permitted them no rest periods and no day off. Many worked for large, extended families and were required to fulfill multiple duties such as cooking, cleaning, caring for children or the elderly, and gardening.

Many complained also that their employers failed to pay them on time or in full, while some said they had never received any wages, one for almost three years.

Many domestic workers told Human Rights Watch that their employers restricted their freedom of movement and ability to communicate with others outside the family they served. Most said their employers kept possession of their passports, posing a major hurdle for any worker wishing to escape an abusive employer. Passport confiscation is unlawful in the UAE, yet the authorities expect employers to be in possession of their employees' passports when they cancel sponsorship visas or report "absconding" workers. Some workers said their employers locked them in the homes where they worked. Others said their employers took their mobile phones and prohibited or restricted calls to their families.

Workers also reported inadequate food, living conditions, and access to medical care. One woman said her employer had not allowed her to eat for three days as "punishment" for "unsatisfactory" work. Several workers said their employers had refused to arrange medical treatment for them when they suffered illness or injuries. Many domestic workers said they were required to sleep in inappropriate places and conditions, including in storage rooms, pantries, and living rooms.

Some of the workers interviewed by Human Rights Watch suffered abuses that amounted to forced labor or trafficking. The UAE criminalizes both forced labor and trafficking, but only applies the law narrowly. Human Rights Watch is not aware of any case in which the UAE authorities have prosecuted employers for exposing domestic workers to forced labor.

Workers who find themselves in abusive conditions have little recourse to shelter or justice. While there are several government-founded shelters for women subjected to sex trafficking or domestic violence, the authorities have not established any official emergency shelter specifically for domestic workers who are exposed to physical or psychological abuse. Some embassies provide shelter and assistance to their nationals, but many do not. UAE law criminalizes "harboring" a migrant worker without a valid visa, including workers who have fled abusive employers. The penalty can be a heavy fine or

imprisonment. Workers who reported abuse said their recruitment agencies had provided little help, in some cases forcing them to return to abusive employers or to transfer to work for new families against their will. Some said recruitment agents told them they could not return home unless they first reimbursed the high recruitment fees their sponsors had paid. Several said agents confined them to their agency residence and deprived them of food or beat them when they came to seek their help.

UAE law considers domestic workers who leave their employers without consent to have “absconded,” and so to have committed an administrative offense that can result in their deportation and a ban on their future employment. Domestic workers who leave their place of work to escape abuse or for other reasons also face a risk that their employers will file criminal complaints against them. Some workers who spoke to Human Rights Watch said that when they escaped and sought to report their employers to the police or immigration authorities for committing abuses, they learned that their employers had already filed trumped-up charges of theft against them. In most cases, such charges were intended to intimidate workers into forgoing wages or dropping charges against employers for a variety of abuses, and were not pursued once they had achieved that purpose. In other cases, however, domestic workers did face trial.

Domestic workers who said they had turned to immigration officials or the police for help against abuse by their employers reported a mixed response. Together with recruitment agents, sending country officials, and employers, they generally spoke positively about the immigration department’s performance of its mediation functions and the conduct of the police, although some said police officers had encouraged certain abused workers to return to their employers. Workers complained, however, about delays and other problems they had encountered when seeking remedies through the courts. This had led some to abandon efforts to achieve judicial redress because the process was lengthy and they were not allowed to work in the meantime. Many said they were resigned to return home unpaid and without justice. Human Rights Watch made several requests to the UAE authorities for information and for meetings to discuss the problems facing migrant domestic workers, but without any response to date.

The UAE, like other Gulf states, has a long record of violating the rights of domestic workers under international human rights and labor law by failing to adequately protect them against exploitation and abuse. The International Labour Organization (ILO) and many United

Nations human rights experts and bodies have called on Gulf countries, including the UAE, to end the *kafala* system and grant domestic workers full labor law protections.

Despite this, the UAE has sought to take a lead on labor migration issues within the international arena, notably by initiating the Abu Dhabi Dialogue, established in 2008, which aims to achieve an agreed regional framework for regulating labor migration. The UAE has also contributed significant funding to the UN Global Initiative to Fight Human Trafficking. In June 2014, other states elected the UAE to the Governing Board of the ILO.

This is a pivotal time for domestic workers' rights globally. In June 2014, a large majority of ILO member states voted to approve a new protocol elaborating protections against forced labor, a crime many domestic workers face. Neither the UAE nor any other Gulf state voted in support of the protocol's adoption. The UAE abstained. The UAE voted in favor of the ILO convention on domestic workers, which came into force in 2013, but it has yet to ratify it, and UAE laws and practices fall significantly short of the convention's requirements. At the time of writing, 15 countries have already ratified the convention and more than 30 have enacted reforms to comply with its provisions.

The UAE should seek to be a global leader on labor migration but in order to achieve that, it should act now to ratify key international treaties, including the ILO domestic workers convention and the forced labor protocol, and thoroughly reform its own labor law and practices to afford full and effective protection to all domestic workers and other migrants employed in the UAE.

Domestic workers who migrate to the UAE to offer vital services to families must not be left to the mercy of unscrupulous employers and agents. The UAE needs to take a firm stand against exploitation and abuse of domestic workers, and should do so without delay.

# Key Recommendations

## To the Government of the UAE

- Reform the *kafala* sponsorship system by repealing or amending all articles and regulations under the Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners and its implementing regulations, so as to allow domestic workers to transfer employment without employer consent and without losing valid immigration status. Remove sanctions on “absconding,” including deportation and bans on future work.
- Enforce the prohibition on the confiscation of workers’ passports. Sanction employers and recruiters who violate this prohibition. Pass a law explicitly criminalizing passport confiscation.
- Amend and pass the draft labor law on domestic workers. Ensure that it provides protections at least equal to those contained in the UAE’s other labor laws and complies fully with the ILO Convention on Decent Work for Domestic Workers.
- Ratify the ILO Convention on Decent Work for Domestic Workers and the Protocol of 2014 to the ILO Forced Labour Convention, 1930.
- Undertake regular public information campaigns to inform domestic workers of their rights and responsibilities under UAE law, and provide information and contact details for sources of assistance. Make this information available in a range of languages, including those spoken by the nations who contribute the largest numbers of domestic workers to the UAE.
- Regularly inform employers of their rights and responsibilities under UAE law, including the penalties they face for mistreatment of domestic workers.

## To Governments of Labor-Sending Countries

- Strengthen the staffing and training of officials at embassies and consulates in the UAE to assist migrant domestic worker nationals whose rights are violated.
- Provide domestic workers with information on their rights under sending country and UAE law, and concerning crisis support facilities and legal assistance available to them. Ensure that all workers who are issued travel visas are also given contact information for the sending country embassy or consulate in the UAE.
- Strengthen cooperation with the UAE authorities on oversight of the recruitment process, validity of contracts, in resolving labor disputes, and coordination in relation to cases of alleged human trafficking, forced labor, and slavery.

## Methodology

This report is based on research conducted in the UAE in November and December 2013. Two female Human Rights Watch researchers conducted interviews in Abu Dhabi, Dubai, and surrounding areas. The researchers visited these areas because they have high concentrations of families employing domestic workers as well as recruitment agencies. Many domestic workers who flee families from other areas tend to come to these cities for employment or to seek help from relevant authorities.

Human Rights Watch researchers conducted interviews with 99 female migrant domestic workers between the ages of 22 and 48. The interviews took place in a variety of locations including parks, malls, streets, shops, homes, informal shelters, and “safe spaces.” The researchers conducted most interviews in person but some by phone.

The researchers took care not to approach women who appeared to be at risk while they were in the presence of their employers in case they should face recriminations for providing an interview. The length and depth of interviews varied depending on the degree of privacy to be had at the interview location; interviews conducted in public places generally were less wide-ranging and in-depth if the worker expressed anxiety about being seen or overheard. All interviews were conducted individually, although some took place in the presence of other domestic workers and some required the presence of an interpreter. Researchers conducted a few interviews with workers whose employers were nearby, after the workers gave their informed consent and expressed a clear willingness to speak. Some domestic workers showed us personal documentation relevant to their employment status in the UAE such as their work contracts, medical reports, immigration documents, and court-related documents.

Prior to each interview, Human Rights Watch researchers discussed with all interviewees the purpose of the interview, its voluntary nature, the ways the information would be used, and made clear that the interviewee would receive no financial payment or other compensation for participating. The researchers also advised all interviewees that they were free to decline to answer any question and could end the interview at any time, and took care to minimize the risk that interviewees might be further traumatized by recounting their experiences. Whenever possible, interviews were conducted in the workers’ own

languages, sometimes with the assistance of an interpreter; others were in English, Hindi, or Arabic. Human Rights Watch researchers also interviewed lawyers, recruitment agencies, employers, and others who requested anonymity.

This report uses pseudonyms throughout for all workers as well as for other interviewees who requested anonymity in the interest of their privacy and security. The report also withheld interview locations or other identifying information upon request.

Human Rights Watch requested meetings with government officials, authorities, and organizations in January 2014 and again in April 2014, but received no response. Human Rights Watch sent letters in April 2014 with requests for detailed information on domestic worker policies and practices to the Ministries of Interior, Labour, Justice, and Foreign Affairs, as well as to the Federal National Council, the National Bureau of Statistics, the National Committee to Combat Human Trafficking (NCCHT), and the government-founded shelters: the Dubai Foundation for Women and Children and Ewa'a Shelters for Women and Children. Human Rights Watch also sent letters to the General Directorate of Residency and Foreign Affairs, the police departments in Sharjah and Dubai, and the public prosecution. Human Rights Watch also asked the UAE embassy to the US, the UAE missions to the United Nations in Geneva and New York, as well as the UAE National Media Council to facilitate government meetings and responses. None of these government agencies or missions responded to our requests for interviews or information, except for the Dubai Foundation for Women and Children which sent a letter. The NCCHT responded but only to refer us to their publications.

Human Rights Watch sent a summary of its research findings to all relevant ministries and other bodies, and again requested meetings in August 2014, but none had responded at the time of writing.

Human Rights Watch also wrote to the following sending countries requesting information about recruitment policies and protection mechanisms in May, July, and August 2014: Philippines, Indonesia, India, Sri Lanka, Bangladesh, Nepal, Ethiopia, Uganda, and Kenya.

Due to the failure of the UAE authorities to respond, Human Rights Watch was unable to visit the Ewa'a Shelters, the deportation center, and prisons. The Dubai Foundation for Women and Children said they were unable to arrange a visit to their shelter. Human



Rights Watch cannot, therefore, verify the circumstances in which shelters admit foreign domestic workers or assess their conditions and treatment in shelters or when detained pending deportation or in prisons.

Human Rights Watch makes no statistical claims based on these interviews regarding the prevalence of abuse against the total population of domestic workers in the UAE. Human Rights Watch researchers interviewed a relatively small number of workers who do not constitute a statistically representative (probability) sample of domestic workers in the UAE. However, the research does shed valuable light on the UAE government's attitude to its commitments under international law to protect women workers' rights and provide mechanisms to address violations that occur. The interviews took place in a range of settings and involved interviewees of various nationalities, who spoke different languages, and who had never met or had contact with one another, and yet reported similar experiences and types of abuse by employers, recruitment agents, and others. They point to a seemingly entrenched pattern of violations of migrant domestic workers' rights and suggest that the problems may well be fairly widespread.

# I. Labor Migration to the Gulf and the UAE

## Migration to the UAE

The United Arab Emirates (UAE) is one of the 10 richest countries in the world, with a GDP of US\$383.8 billion.<sup>1</sup> Oil exports propelled rapid growth after the foundation of the UAE in 1971, but oil now only accounts for around 30 percent of the economy.<sup>2</sup> Other sectors, such as finance, tourism, and construction, have seen rapid growth, and are likely to see more as Dubai prepares to host the World Expo in 2020.<sup>3</sup>

This wealth and economic growth has fueled a huge demand for migrant labor, especially for domestic workers and workers for the construction industry. The UAE has attracted migrants from all around the world, and the number of resident foreign workers now greatly exceeds the number of UAE nationals. A UAE National Bureau of Statistics report of 2011 estimated that 7,316,073 of the 8,264,070 people making up the UAE's population in 2010 (amounting to 88.5 percent of the population) were non-nationals.<sup>4</sup> Migrant workers comprise more than 95 percent of the UAE's private sector workforce, according to the US government's Trafficking in Persons report.<sup>5</sup>

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<sup>1</sup> World Bank, "United Arab Emirates," undated, <http://data.worldbank.org/country/united-arab-emirates> (accessed August 28, 2014) and "The richest countries in the World," Global Finance Magazine, undated, <http://www.gfmag.com/global-data/economic-data/2wpoly-the-richest-countries-in-the-world> (accessed August 28, 2014).

<sup>2</sup> In 1971 the federation of the United Arab Emirates was established. It included six emirates: Abu Dhabi, Ajman, Al Fujairah, Dubai, Sharjah, and Umm al Qaiwain. The seventh emirate, Ra's al Khaimah, joined shortly after in 1972. "Story of the UAE," Zayed University, [http://www.zu.ac.ae/main/en/\\_careers/living/story.aspx](http://www.zu.ac.ae/main/en/_careers/living/story.aspx) (accessed August 28, 2014).

<sup>3</sup> "What Does Hosting World Expo 2020 Mean for Dubai?," The Wall Street Journal, November 28, 2013, <http://blogs.wsj.com/middleeast/2013/11/28/what-does-hosting-world-expo-2020-mean-for-dubai/> (accessed August 28, 2014).

<sup>4</sup> Since the UAE cancelled its 2010 census, this estimate was based on data from the 2005 census and records of births, deaths, immigration and emigration since 2005. The National Bureau of Statistics used data from the Ministry of Health, and the Ministry of the Interior. UAE National Bureau of Statistics, "Population Estimates 2006-10," March 31, 2011, pp.1-4, <http://www.uaestatistics.gov.ae/EnglishHome/ReportDetailsEnglish/tabid/121/Default.aspx?ItemId=1914&PTID=104&MenuId=1> (accessed August 2, 2014).

<sup>5</sup> Migrant workers in the UAE are mostly recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Republic of Korea, Afghanistan, Iran, and the Philippines. See US State Department, 2014 Trafficking in Persons report, June 20, 2014, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226842.htm> (accessed August 28, 2014).

## Migration of Domestic Workers to the UAE

The ILO reported in 2013 (drawing from a 2008 government survey) that there were some 236,500 domestic workers in the UAE in 2008, of whom 146,100 were female.<sup>6</sup> It noted that domestic work accounted for 12.8 percent of total employment in the UAE in 2008.<sup>7</sup>

According to a UAE government survey, this increased to 13.1 percent as of 2009.<sup>8</sup> Media reports suggest this number is much higher but the government has not made such data publicly available.<sup>9</sup>

The UAE's domestic workers are mostly recruited from the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, and Ethiopia, although the numbers recruited from these countries have fluctuated due to temporary bans or restrictions that their governments have imposed in response to abuses against workers or disagreements with the UAE authorities. When one country limits or bans the recruitment of its nationals for domestic work in the UAE, however, others fill the gap. For example, labor agents in the UAE told Human Rights Watch that recruitment agencies began to recruit larger numbers of women from Uganda and Kenya after Ethiopia banned its citizens from seeking domestic work in the UAE in 2012.<sup>10</sup>

The UAE's demand for domestic workers is linked to the increase in wealth experienced by Emiratis in recent decades and the growth of a highly skilled expatriate labor force attracted to the UAE by the prospect of high and tax-free salaries. Both groups find that they can afford to employ live-in domestic workers, especially as the sector is poorly-

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<sup>6</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 August 28, 2014).

<sup>7</sup> UAE National Bureau of Statistics, *Labour Force Survey 2008*, "Table 14: Distribution of Employed Population (15 years+) by Economic Activity according to Emirate," May 28, 2012, <http://www.uaestatistics.gov.ae/EnglishHome/ReportDetailsEnglish/tabid/121/Default.aspx?ItemId=2052&PTID=104&MenuId=1> (accessed August 28, 2014).

<sup>8</sup> UAE National Bureau of Statistics, *Labour Force Survey 2009*, "Table 14: Distribution of Employed Population (15 years+) by Economic Activity according to Emirate," December 25, 2010, <http://www.uaestatistics.gov.ae/EnglishHome/ReportDetailsEnglish/tabid/121/Default.aspx?ItemId=1851&PTID=104&MenuId=1> (accessed August 28, 2014).

<sup>9</sup> *Gulf News* reported that there are a total of around 750,000 domestic workers in the UAE, which they state is according to the Ministry of Interior's statistics at the end of 2007. However, this information is not publicly available. See "Domestic workers get more protection from exploitation," *Gulf News*, May 2, 2012, <http://gulfnews.com/news/gulf/uae/employment/domestic-workers-get-more-protection-from-exploitation-1.1016692> (accessed August 28, 2014).

<sup>10</sup> Human Rights Watch interviews with two owners and one manager of three recruitment agencies, Dubai, December 1- 4, 2013.

regulated and there is no minimum wage or requirement to pay for overtime work.<sup>11</sup> The increase in Emirati women’s participation in the labor force has also contributed to the demand for domestic services.<sup>12</sup>

Some domestic workers are employed to perform only one task, such as cleaning, cooking, child care, driving, or gardening. But many, especially live-in domestic workers, are required to undertake a range of tasks. Human Rights Watch interviewed domestic workers whose tasks included: cleaning rooms, windows, and cars; washing and ironing clothes and other laundry; cooking meals; taking care of children; tending to pets and chickens; providing care for the elderly or individuals with disabilities or special needs; and gardening. Some said they worked for family units comprised of parents and several children, but others said they worked for large, extended families with 20 or more people in the household. Anna S., for example, said she was the only domestic worker employed to cook, clean, and care for a family of 21, including 4 children under age 10.<sup>13</sup> Many interviewees worked in large houses or in a complex of houses.

Despite the importance of these tasks to the households in which the domestic workers are employed, UAE recruitment agents and employers Human Rights Watch interviewed appeared to attach little value to the labor of domestic workers, or to the workers themselves. One recruitment agent said: “Housemaids are small-minded. If big-minded, she wouldn’t do this work.”<sup>14</sup> An employer of two domestic workers told Human Rights Watch, “Domestic workers are like clay. You do whatever you want to do [to them].”<sup>15</sup>

Some employers told Human Rights Watch that they considered their domestic workers as “members of the family.” Whatever the truth of this, the very notion that domestic workers are “like family members” can obscure the fact that there is a contractual employment relationship between the family and the domestic worker whereby the worker provides

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<sup>11</sup> For information on taxes in the UAE see KPMG, *Thinking beyond borders: United Arab Emirates*, 2012, <http://www.kpmg.com/global/en/issuesandinsights/articlespublications/thinking-beyond-borders/documents/united-arab-emirates.pdf> (accessed August 28, 2014).

<sup>12</sup> International Labour Organization, “Women in labor markets: Measuring progress and identifying challenges,” March 2010, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_elm/---trends/documents/publication/wcms\\_123835.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_elm/---trends/documents/publication/wcms_123835.pdf) (accessed August 28, 2014).

<sup>13</sup> Human Rights Watch interview with Anna S., a Filipina domestic worker, Dubai, November 27, 2013. The names of all domestic workers in this report have been changed to protect their privacy.

<sup>14</sup> Human Rights Watch interview with an owner of a recruitment agency, Dubai, December 2, 2013.

<sup>15</sup> Human Rights Watch interview with an employer (name withheld), Abu Dhabi, November 27, 2013.

services in return for wages. Indeed, this likening of the relationship between employee and employer to that of a family member has been used by employers to excuse labor violations and contract breaches, such as failure to pay salaries on time.

Such attitudes toward domestic work and the women who perform it are common in other countries as well as the UAE, as the UN special rapporteur on contemporary forms of slavery has observed:

There is a misperception that domestic work is unskilled work or does not constitute work at all; just like women's unpaid work in the family is undervalued. The relationship between domestic worker and employer is mistakenly perceived as status-based, with a superior master commanding an inferior servant, rather than a contractual arrangement between parties with mutual rights and obligations.<sup>16</sup>

## Reforms in the Gulf and Beyond for Domestic Workers

The UAE's neighbors in the Gulf, such as Bahrain, Kuwait, Oman, Qatar, and Saudi Arabia, have broadly similar levels of demand for migrant labor. The ILO estimates that 2.1 million people are employed as domestic workers in 10 countries in the Middle East (including 4 Gulf countries).<sup>17</sup> Human Rights Watch has documented abuses similar to those faced by migrant domestic workers in the UAE in several other Gulf states.<sup>18</sup>

Most of the Gulf states have problematic visa sponsorship policies and provide few, if any, legal protections for domestic workers under their labor laws. Faced with frequent reports of worker abuse, sending country complaints, and occasional bans on migration to Gulf countries by labor-sending countries, however, Gulf governments have instituted some

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<sup>16</sup> UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, A/HRC/15/20, June 18, 2010, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/15/20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/15/20) (accessed August 28, 2014), para. 19.

<sup>17</sup> ILO, *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva: ILO, 2013), p. 31.

<sup>18</sup> See "Proposed Domestic Workers Contract Falls Short: Gulf Countries Should Improve Laws, Ratify Treaty," Human Rights Watch news release, November 17, 2013, <http://www.hrw.org/news/2013/11/16/proposed-domestic-workers-contract-falls-short>; Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System*, October 2010, <http://www.hrw.org/reports/2010/10/06/walls-every-turn-o>; Human Rights Watch, *As If I am not Human: Abuses against Asian Domestic Workers in Saudi Arabia*, July 2008, <http://www.hrw.org/reports/2008/07/07/if-i-am-not-human-o>.

reforms and they are now discussing the application of region-wide standards within the Gulf Cooperation Council (GCC).<sup>19</sup>

Qatar, Kuwait, and Oman, like the UAE, totally exclude domestic workers from protection under their labor laws. Qatar has reportedly had a draft law on domestic workers under consideration for several years, but the government has not made the draft public.<sup>20</sup>

Bahrain's 2012 overhaul of its labor law extended some benefits and protections to domestic workers, such as annual vacations, and codified others, including access to mediation for labor disputes.<sup>21</sup> However, domestic workers in Bahrain still have no legal right to weekly rest days, a minimum wage, and limits on hours of work.

Saudi Arabia adopted a regulation in 2013 that guarantees domestic workers nine hours of rest daily, one day off per week, and one month of paid vacation after two years.<sup>22</sup> Domestic workers can still be asked to work up to fifteen hours per day, whereas the law limits work hours in other sectors to eight hours of work daily.

Kuwait, like the UAE, has a mandatory standard contract for domestic workers that provides some protections, although these are significantly weaker than those under the country's labor law. Domestic workers in Kuwait have little access to the justice system to seek enforcement of their contracts.<sup>23</sup>

The GCC is also discussing a regional standard contract for domestic workers.<sup>24</sup> The draft contract fails to provide key protections such as a limit on hours of work, and has weak

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<sup>19</sup> The Gulf Cooperation Council includes six member states: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE.

<sup>20</sup> United Nations Committee on the Elimination of Discrimination against Women, "List of issues and questions in relation to the initial report of Qatar; Replies of Qatar," CEDAW/C/QAT/Q/1/Add.1, December 3, 2013, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fQAT%2fQ%2f1%2fAdd1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fQAT%2fQ%2f1%2fAdd1&Lang=en) (accessed August 2, 2014), para. 23.

<sup>21</sup> "Bahrain: Abuse of Migrant Workers Despite Reforms," Human Rights Watch news release, October 1, 2012, <http://www.hrw.org/news/2012/09/30/bahrain-abuse-migrant-workers-despite-reforms>.

<sup>22</sup> Bylaw of Domestic Workers and Employees in Similar Category, Saudi Arabia Council of Ministers' decision No. 310, July 17, 2013.

<sup>23</sup> Human Rights Watch, *Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System*.

<sup>24</sup> "GCC to discuss standardized contract for migrant domestic workers," *Muscat Daily*, April 9, 2013, <http://www.muscatdaily.com/Archive/Oman/GCC-to-discuss-standardised-contract-for-migrant-domestic-workers-2656> (accessed August 28, 2014).



enforcement mechanisms.<sup>25</sup> Even a stronger standard contract would be no substitute for labor law protections in Gulf countries and would not meet the standards outlined in international labor law to ensure that domestic workers have protections equivalent to those of other workers.<sup>26</sup> The GCC is set to discuss the draft contract in November 2014.<sup>27</sup>

Beyond GCC countries, almost every country in the Middle East and North Africa region also excludes domestic workers from labor laws and subjects them to restrictive immigration rules under the *kafala* systems. Jordan is an exception: it was one of the first countries in the region to include domestic workers under its labor law in 2008. It passed new regulations in 2012 that limit domestic workers' daily working hours to eight hours and stipulate that workers are not required to seek their employers' permission to leave the work premises during non-work hours. Enforcement of these legal protections remains lax, however, and Jordan still denies domestic workers the right to change employers freely, even after their contract ends.<sup>28</sup>

Although many households in the Middle East and North Africa rely on migrant domestic workers, their governments generally have failed to adopt measures to protect domestic workers' rights.<sup>29</sup> Not one government in the region has ratified the ILO Convention on Decent Work for Domestic Workers.<sup>30</sup> Elsewhere in the world, governments have introduced robust legal protections for domestic workers, including protections equal to those of other workers under labor laws, maternity and social security rights, measures to address sexual harassment, and the right to form and join workers' organizations.<sup>31</sup>

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<sup>25</sup> Gulf Cooperation Council, Model Contract for Domestic Workers and the Like (on file at Human Rights Watch).

<sup>26</sup> ILO Convention No. 189 concerning Decent Work for Domestic Workers (Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013.

<sup>27</sup> "Gulf ministers admit unified contract for domestic workers in November," *Mubasher.info*, May 19, 2014, [in Arabic] <http://goo.gl/XqJyld> (accessed August 28, 2014).

<sup>28</sup> Human Rights Watch, *Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers*, September 27, 2011, <http://www.hrw.org/reports/2011/09/27/domestic-plight-o>.

<sup>29</sup> "Middle East Failing to Protect Domestic Workers," Human Rights Watch news release, October 28, 2013, <http://www.hrw.org/news/2013/10/28/middle-east-failing-protect-domestic-workers>.

<sup>30</sup> *Ibid.*

<sup>31</sup> Human Rights Watch, *Claiming Rights: Domestic Workers' Movements and Global Advances for Labor Reform*, October 28, 2013, <http://www.hrw.org/reports/2013/10/27/claiming-rights>.

## EXAMPLES OF UAE REFORMS FOR MIGRANT WORKERS' PROTECTIONS

The following are important steps that the UAE government has taken in recent years to increase protections for migrant workers' rights. Some measures apply to migrant domestic workers, however many others only apply to other categories of migrant workers. Examples of positive measures, which are explained in more detail throughout this report, include:

- **REVISED STANDARD CONTRACT FOR DOMESTIC WORKERS:** In June 2014, the standard contract was revised to include one paid day of leave each week and eight hours of continuous rest in any 24-hour period. However, the contract falls short of international standards and is no substitute for labor law protections. (See chapter II on employment contracts)
- **DRAFT LAW ON DOMESTIC WORKERS:** In 2012, a draft law on domestic workers was approved by the cabinet. According to media reports, it proposed to entitle domestic workers to one paid day of leave each week, a period of paid annual leave, and paid and unpaid sick days. However, the content reported would still afford less protection than what the current labor law provides for other migrant workers. It has yet to be promulgated. (See chapter III on the draft law on domestic workers)
- **FINES AGAINST EMPLOYERS:** Ministry of Labor regulations from 2012 allow the imposition of fines on employers who make the workers they contract pay recruitment fees. This does not cover domestic workers. (See chapter III for more information)
- **REGULATION OF RECRUITMENT AGENCIES:** In 2010, the Ministry of Labor introduced regulations on recruitment agencies which provide for the revocation or suspension of their license to operate if they commit any act of forced labor or trafficking of persons. (See chapter III for more information)
- **WAGE PROTECTION SYSTEM:** In 2009, the Ministry of Labor introduced the "wage protection system," which is an electronic salary-monitoring system that applies to private sector employers. When companies fail to transfer workers' wages, the ministry can deny them new work permits. This system does not apply to domestic workers. (See chapter III for more information)
- **HUMAN TRAFFICKING MEASURES:** The UAE has established a National Committee to Combat Human Trafficking, founded and supported several shelters for trafficking survivors, undertaken public awareness campaigns, prosecuted some human traffickers, and commenced a law reform process to bring UAE law more in line with international standards. The focus of these measures has been primarily on sex trafficking, and much less on trafficking into forced domestic work. (See chapter IV for more information)
- **KAFALA SYSTEM CHANGES:** A 2010 resolution which applies to migrant workers covered by the labor law, such as construction workers, eased the *kafala* system. It enables the Labor Ministry to issue work permits to migrant workers so that they can transfer from one employer to another even before their contract is terminated if certain conditions are met (i.e., employer breach of contract). In such cases, the workers can change employers without penalty. This change does not apply to domestic workers. (See chapter II for the *kafala* rules for domestic workers)

## II. Immigration and Recruitment Policies and Practices

### The *Kafala* System

The essence of the *kafala* system is the relationship binding the employee to the employer, which has often been criticised as “slave-like.”<sup>32</sup>

—Azfar Khan, a senior migration specialist for the International Labour Organization

Under the UAE’s visa sponsorship system (known as *kafala*), a foreign worker’s ability to enter, live, and work legally in the UAE depends on a single employer who also serves as the worker’s visa “sponsor.”<sup>33</sup> Not only does this system give employers inordinate control over the worker, but UAE laws have few safeguards for migrant workers to escape from this dependency in cases where the relationship becomes exploitative or abusive.

The *kafala* system rules are especially restrictive for domestic workers. Other migrant workers can legally leave an abusive employer without penalty.<sup>34</sup> Domestic workers, on the other hand, must obtain the cooperation even of an abusive employer if they are to leave that employment without penalty. Domestic workers who wish to leave abusive employers may not transfer to another employer before the end of their contractual period (generally

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<sup>32</sup> Azfar Khan, “Why it’s time to end *kafala*,” *The Guardian*, February 26, 2014, <http://www.theguardian.com/global-development/2014/feb/26/time-to-end-kafala> (accessed August 28, 2014).

<sup>33</sup> With the exception of those on a spouse visa where their spouse acts as their visa “sponsor” who could work for an employer once in the UAE.

<sup>34</sup> Following the Cabinet of Ministers Resolution No. 25 of 2010, concerning Internal Work Permits Applicable in the Ministry of Labour, the Labor Ministry issued Ministerial Resolution No. 1186 in 2010 which applies to migrant workers covered by the labor law (e.g. construction workers), but not domestic workers. Under this resolution, the Labor Ministry may issue work permits to migrant workers to transfer from one employer to another after their contracts expire without requiring their former employer’s consent. Migrant workers wishing to change jobs, with limited exceptions for certain categories of skilled workers, must have at least two years continuous service with their employer and their contract must be terminated by mutual consent. However, there are exceptions to this including where the employer fails to comply with his legal or contractual obligation, when the employee is not the cause of the termination, or where the migrant worker is from one of three professional categories and is to earn a minimum monthly salary of at least Dh5,000 (US\$1,361). If these preconditions are not met, migrant workers wishing to change employers will automatically be subject to an employment ban ranging from 6 to 12 months. See Ministerial Resolution No. 1186 of 2010 (in English), <http://www.mol.gov.ae/newcontrolpanel2010/Attachments/09012014/work%20permits%20and%20employment%20cards%202.pdf> (accessed August 28, 2014). However, it is not known how many work permits have been issued by the Labor Ministry to workers before their two-year contract ended and following claims that that their legal or contractual obligations were breached.

two years) without their current employer's permission.<sup>35</sup> Domestic workers who wish to change employers have two options. One is a three-step process which requires workers to: complete their contract term and give their employer one month's notice that they will not renew; get their sponsor to cancel their work permit and residence visa at the General Directorate for Residency and Foreign Affairs (also known as the immigration department); and then procure a new sponsor within 30 days.<sup>36</sup> The other requires them to secure their sponsor's approval to transfer the sponsorship before the end of their contract by means of a "no-objection" certificate signed by the sponsor, and to pay a sponsorship transfer fee to the immigration department.<sup>37</sup>

A domestic worker who leaves her sponsor before the end of her contract without the approval of her sponsor and the UAE authorities is deemed by law to have "absconded."<sup>38</sup> "Absconding" (explained in detail in chapter VI) is an administrative offense that can result in fines, deportation, and a one-year entry ban.<sup>39</sup> Moreover, the UAE standard contract (updated in 2014) specifically states that a domestic worker's rights are "null and void" if the worker leaves work without informing the sponsor (i.e., "absconds").<sup>40</sup>

The UAE's *kafala* system shares many characteristics with the visa sponsorship regimes of other Gulf countries, which many UN human rights experts and bodies have criticized. For example, the UN special rapporteur on contemporary forms of slavery has criticized prohibitions that prevent workers from freely changing their employers on the grounds that this can create extreme dependency, making it impossible for victims of servitude and other slavery-like practices to escape the situation of exploitation.<sup>41</sup> The UN special rapporteur on trafficking in persons has criticized the *kafala* system in the UAE in the following terms:

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<sup>35</sup> "Change in rule for sponsorship transfer of maids hailed," *Gulf News*, January 19, 2006, <http://gulfnews.com/news/gulf/uae/employment/change-in-rule-for-sponsorship-transfer-of-maids-hailed-1.221996> (accessed August 28, 2014).

<sup>36</sup> Article 68(d) of the Executive Regulations of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners.

<sup>37</sup> *Ibid.*

<sup>38</sup> Article 95 and 96(a) of the Executive Regulations of the Entry and Residence of Foreigners Law provide that persons who have escaped their sponsors are subject to arrest and prohibited from leaving the country of their own accord.

<sup>39</sup> Article 63 of the Executive Regulations of the Entry and Residence of Foreigners Law provides for the sanction of a one-year entry ban where a domestic worker has their residence visa cancelled before the end of their contract outside of the transfer rules. Article 79(d) of the same regulation provides for the expulsion of a foreigner whose entry permit or residence visa has been cancelled and has not left the country within the prescribed period.

<sup>40</sup> 2014 UAE Employment Contract for Domestic workers and the Like, art. 7(4).

<sup>41</sup> UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, June 18, 2010, paras. 47-48.

“The restrictive laws of the *kafala* enhance the degree of control exercised by employers over ... workers, who, especially in the light of the costs associated with travelling in and out of the United Arab Emirates upon losing jobs, are bound to stay in their sponsors’ employment for the duration of the contract irrespective of the working conditions.”<sup>42</sup>

## Recruitment Agency Practices

Most migrant domestic workers are hired through private recruitment agencies. Less often, sponsors directly hire migrant domestic workers in the UAE on visitor visas. The immigration department is the main point of contact for both agency recruitment and direct hires, as it regulates the entry and departure of domestic workers into the UAE.

The UAE’s privately-owned recruitment agencies often work with partner agencies in labor-sending countries to find workers, facilitate local emigration formalities, and arrange flights.

Families in the UAE seeking a domestic worker can choose from hundreds of labor supply agencies in the UAE. At the selected agency, the sponsor can review portfolios of workers with photos and information detailing their experience, skills, nationality, skin color, age, religion, and other attributes. Once the sponsor has chosen a worker, the agency helps the sponsor apply for an entry permit for the worker at the immigration department.<sup>43</sup> Some labor-sending countries also require validation of the hire at the country’s embassy, but the UAE government issued a circular in 2014 ordering a stop to this practice.<sup>44</sup>

Agents acknowledged to Human Rights Watch that they confiscate passports from domestic workers upon arrival, which they then hand over to the workers’ sponsors. In some cases, women told Human Rights Watch they confiscated mobile phones and other documents too. Somayya S., an Indonesian worker, recounted how her agency took all of her possessions except her clothes, including her contract, documents, and books.<sup>45</sup>

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<sup>42</sup> UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, Mission to the United Arab Emirates, A/HRC/23/48/Add.1, February 22, 2013, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/48/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/48/Add.1) (accessed August 28, 2014), para. 7.

<sup>43</sup> Art. 23(4) of the Executive Regulations of the Entry and Residence of Foreigners Law provides that a foreign sponsor has to be a man with a family residing in the UAE or a foreign professional woman. They must earn at least Dh6,000 (US\$1,634) per month; the sponsor and the domestic worker should not be related to each other.

<sup>44</sup> “Hiring Filipino maids in UAE just got tougher,” *Gulf News*, June 23, 2014.

<sup>45</sup> Human Rights Watch interview with Somayya S., an Indonesian domestic worker, Dubai, December 7, 2013.

Entry permits for domestic workers are valid for two months after their arrival in the UAE.<sup>46</sup> Within that time, a worker's sponsor must apply for and obtain a residence visa on behalf of the worker, which requires a medical test and the signed UAE Employment Agreement.<sup>47</sup>

### *Recruitment Costs and Guarantees*

Employers spend between Dh10,000 to 15,000 (US\$2,500 to 4,000) on recruitment costs, which include entry permit fees, flights, medical tests, and recruitment agency fees.<sup>48</sup> Sponsors who are not Emirati nationals pay an additional Dh5,080 (\$1,384) for their worker's residence visa.<sup>49</sup> Human Rights Watch interviewed several domestic workers who said they had paid fees to agents in order to come to the UAE.

Recruitment agencies are contractually obliged to replace a domestic worker within the first two to three months of employment if the employer is not satisfied. They offer no guarantee to replace workers who "run away." One recruitment agent stated: "We give a guarantee that [we] will give a replacement if they don't like each other in the first three months, if she is not healthy, for all problems, except running away."<sup>50</sup>

With employers paying relatively high costs to hire and retain domestic workers while lacking any guarantee that a worker who runs away will be replaced, some employers confine domestic workers to the home.

The Federal National Council (the partly elected federal authority that has an advisory role on legislation) passed a motion in March 2014 to curb the increasingly high recruitment

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<sup>46</sup> Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners Law, art. 9. The entry permit can be renewed twice for 60 days each time (the entry permit visa period can last up to six months).

<sup>47</sup> Executive Regulations of the Entry and Residence of Foreigners Law, art. 65(a)(3). See also Official Portal of Dubai Government, "Sponsor a maid or nanny in Dubai," <http://www.dubai.ae/en/Lists/HowToGuide/DispForm.aspx?ID=45> (accessed August 28, 2014).

<sup>48</sup> This report uses the sign Dh for the UAE currency, known as Emirati dirhams or AED. The UAE currency is pegged to the US dollar and the exchange rate throughout this report is US\$1 = Dh3.67.

<sup>49</sup> Article 23(4) of the Executive Regulations of the Entry and Residence of Foreigners Law requires foreign sponsors to pay each year the equivalent of one year of salary of the domestic worker. See also General Directorate of Residency and Foreign Affairs website, "Issuing Labour Residence Visa- to Housemaids or Equivalent- sponsored by a Non-Local," [http://dnrd.ae/en/Rules\\_Reg/Pages/RuleDetails.aspx?RuleId=69](http://dnrd.ae/en/Rules_Reg/Pages/RuleDetails.aspx?RuleId=69) (accessed August 28, 2014).

<sup>50</sup> Human Rights Watch interview with an owner of a recruitment agency (name withheld), Dubai, December 2, 2013.



agency fees for domestic workers.<sup>51</sup> It called for signing agreements with sending countries specifying the recruitment fees.<sup>52</sup>

## Employment Contracts and Sending Country Requirements

### *Employment Contracts*

No one explained the terms of the contract. I didn't even read the contract and they made me sign it.

—Sandra S., a Filipina domestic worker, Abu Dhabi, November 26, 2013

Many domestic workers in the UAE are duped into believing they have an enforceable contract with higher pay and better conditions than turns out to be the reality. The positive contract terms that convince them to leave their homes and families often prove to be meaningless. The contracts they sign with agencies back home are substituted with the UAE standard contract offering less pay and few rights and protections.

Several sending countries have their own standard employment contracts for domestic workers travelling abroad with terms that differ from the UAE standard contract.<sup>53</sup>

Upon arrival in the UAE, domestic workers must sign the standard UAE contract (the UAE Employment Agreement for Domestic Workers and Sponsors) in order to secure a residence visa. This replaces the earlier contract, which is unenforceable in the UAE. The UAE authorities issued a new standard contract for domestic workers in June 2014.<sup>54</sup> This differs from its predecessor inasmuch as it provides for at least eight continuous

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<sup>51</sup> “Demands to curb rise in placement fees of domestic workers,” *Gulf News*, March 4, 2014, <http://gulfnews.com/news/gulf/uae/employment/demands-to-curb-rise-in-placement-fees-of-domestic-workers-1.1299159> (accessed August 28, 2014).

<sup>52</sup> Federal National Council, “Minutes of session 8, round 3, chapter 15,” pp. 23-27, [in Arabic], <http://www.almajles.gov.ae/InformationCentre/Pages/Diaries.aspx> (accessed August 28, 2014).

<sup>53</sup> See, e.g., Contract of Employment for domestic helpers from Sri Lanka to the Middle East countries, Sri Lankan Embassy in UAE website, <http://www.srilankaembassyuae.com/forms/Domestic-Helpers-Agency-Recruitments.pdf> (accessed August 28, 2014); Individual Employment Contracts-female Household Workers, Embassy of India in UAE, <http://www.uaeindians.org/downloads.aspx> (accessed August 28, 2014); Employment Agreement for Domestic workers and Sponsors (UAE), Bangladesh Embassy in UAE, <http://www.bdembassyuae.org/forms/Employment%20Agreement%20between%20Domestic%20Workers%20and%20Sponsor%20English.pdf> (accessed August 28, 2014); Domestic Worker contract, Nepal Embassy in UAE, <http://www.nepalembassyuae.org/download/domestic-workers-recruitment-form-contract-guarantee-undertaking-letter> (accessed August 28, 2014); Requirements for hiring domestic help, Philippine Embassy in UAE, <http://www.philembassy.ae/labor5.html> (accessed August 28, 2014).

hours of rest (i.e., sleep) each day; one day off per week or compensation equal to that day's work; and an annual paid vacation of thirty days. However, it also allows the employer the right to deduct at source from the domestic worker's salary any damage "or loss of any goods or property attributable to default or negligence" of the worker.<sup>55</sup> The new standard contract contains no limit on working hours (other than the daily eight-hour rest period), no provisions for overtime pay, and no workers compensation.

Many of the workers Human Rights Watch interviewed said they signed contracts in their home country but then found when they arrived in the UAE and signed the UAE standard contract that they would be paid less than the original contract indicated. Many workers from the Philippines, for example, said that the initial contract indicated that they were to receive \$400 (Dh1,470) per month, whereas the UAE contracts were for pay ranging from Dh700-1200 (\$190-330). One Filipina worker, Camille L., said she signed a contract in the Philippines promising her a Dh1,200 (\$330) monthly salary with one full rest day each week, but in the UAE her recruitment agent said she was to be paid only Dh800 (\$218). In practice, she said her employer paid her even less—only Dh700 (\$190).<sup>56</sup>

The UAE contract provides that wage and contract disputes are to be adjudicated by the immigration department.<sup>57</sup> Workers and sending country officials told Human Rights Watch the immigration department takes account only of the UAE standard contract when it is considering disputes, not the original contract workers signed in their home countries. For instance, one Filipina worker said she complained to the immigration department when her sponsor, a bank manager, did not pay her for seven months and asked that he be required to pay her the \$400 (Dh1,470) monthly salary stated in her original contract. The sponsor, however, told the immigration department that the monthly salary stated in the UAE contract was for Dh400 (\$110), and it was this lower rate that the immigration

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<sup>54</sup> See also "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 August 28, 2014) and Ministry of Foreign Affairs website, "Ministry of Foreign Affairs releases brief on 'The Protection of the Rights of Domestic Labour in the U.A.E,'" June 11, 2014, [http://www.mofa.gov.ae/mofa\\_english/portal/e7cceof4-49bb-4b8a-baf4-74fa8b52cc76.aspx](http://www.mofa.gov.ae/mofa_english/portal/e7cceof4-49bb-4b8a-baf4-74fa8b52cc76.aspx) (accessed August 28, 2014).

<sup>55</sup> 2014 UAE Employment Contract for Domestic workers and the Like, art. 2(3).

<sup>56</sup> Human Rights Watch interview with Camille L., a Filipina domestic worker, Dubai, November 22, 2013.

<sup>57</sup> 2014 UAE Employment Contract for Domestic workers and the Like, art. 8. The prior standard contract contained a similar provision.

department ordered him to pay. It took no notice of the contract the domestic worker had signed in the Philippines.<sup>58</sup>

### *Poor Coordination between Sending Countries and the UAE*

Insufficient cooperation between the UAE and labor-sending countries has led to a failure to establish adequate minimum standards for terms of employment.

Several sending countries, such as the Philippines and Sri Lanka, do not allow their nationals to travel to the UAE to become domestic workers unless their UAE employers and recruitment agencies have agreed to their minimum salaries and conditions. Their aim is to afford some labor protection to their nationals who become UAE domestic workers where the UAE authorities have failed to do so. Some have required that domestic workers' contracts be verified by their embassy in the UAE.<sup>59</sup> The UAE has called on embassies and consulates to end this practice.<sup>60</sup>

Some of the countries that send the largest numbers of domestic workers to the UAE prescribe the monthly minimum wages that these workers should receive as follows: Philippines \$400 (Dh1,470),<sup>61</sup> India Dh1,100 (\$300), Nepal Dh900 (\$245), Sri Lanka Dh825 (\$225), Indonesia Dh800 (\$218), and Bangladesh Dh750 (\$205).<sup>62</sup> India also requires that sponsors pay a refundable deposit of Dh2,000 (\$545) and supply a mobile phone for the domestic worker.<sup>63</sup> The embassy checks to see if salaries were paid before returning the deposit.

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<sup>58</sup> Human Rights Watch interview with Sadiyah A., Abu Dhabi, November 26, 2013.

<sup>59</sup> "Requirements for hiring domestic help," Philippine Embassy in UAE, <http://www.philembassy.ae/labor5.html> (accessed August 28, 2014); "Domestic Helpers Recruitment," Sri Lankan embassy in UAE, <http://www.srilankaembassyuae.com/labourdiv.html> (accessed August 28, 2014); "Female Domestic Employees (Housemaid/Baby-Sitter/Servant etc.)," Embassy of Nepal in UAE, <http://www.nepalembassyuae.org/recruitments/domestic-employees/92-domestic-employee> (accessed August 28, 2014); Labor Services, Indonesia Embassy in UAE, <http://www.consularindonesiauae.org/kbriz/> (accessed August 28, 2014).

<sup>60</sup> "Hiring Filipino maids in UAE just got tougher," *Gulf News*, June 23, 2014, <http://gulfnews.com/news/gulf/uae/employment/hiring-filipino-maids-in-uae-just-got-tougher-1.1351275> (accessed August 28, 2014).

<sup>61</sup> In general, Human Rights Watch interviewed domestic workers who were paid or expected to be paid Dh1500 as the equivalent of \$400.

<sup>62</sup> "Is minimum wage for maids 'taking advantage of UAE nationals', Minister to be asked," *The National*, May 20, 2013, <http://www.thenational.ae/news/uae-news/is-minimum-wage-for-maids-taking-advantage-of-uae-nationals-minister-to-be-asked> (accessed August 28, 2014).

<sup>63</sup> Individual Employment Contracts-Female Household Workers, Embassy of India in the UAE, <http://www.uaeindians.org/downloads.aspx> (accessed August 28, 2014).

Once a domestic worker is in the UAE, however, sending countries have little power to enforce these conditions except by blacklisting agencies or sponsors accused of abuse from hiring new domestic workers.<sup>64</sup>

In June 2014, *Gulf News* reported that the UAE Labor Ministry had sent a circular to the embassies and consulates of sending countries calling on them to cease verifying or ratifying contracts of domestic workers. It stated that employers who wish to sponsor housemaids should not be compelled by embassies to be screened or “to sign any contract pledges by those embassies.”<sup>65</sup> News reports said that the Philippines and other countries temporarily suspended deploying domestic workers in response.<sup>66</sup>

For countries that have not set a minimum wage for their nationals, such as Uganda and Kenya, labor agencies in the UAE have a “market rate” that they advertise, based on nationality.<sup>67</sup>

Several sending countries, such as Ethiopia, have banned their nationals from migrating to the UAE for domestic work, and are demanding higher wages before they permit this again.<sup>68</sup>

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<sup>64</sup> See “UAE recruiters warned to monitor workers after Filipina maid death in Dubai,” March 22, 2013, <http://www.thenational.ae/news/uae-news/uae-recruiters-warned-to-monitor-workers-after-filipina-maid-death-in-dubai> (accessed August 28, 2014); “‘Big player’ recruiters in the UAE comply with minimum wage rules for Filipina maids,” *The National*, May 12, 2013, <http://www.thenational.ae/news/uae-news/big-player-recruiters-in-the-uae-comply-with-minimum-wage-rules-for-filipina-maids> (accessed August 28, 2014); and “Special report: Abuse pushes maids to the edge,” *Gulf News*, May 3, 2013, <http://gulfnews.com/news/gulf/uae/society/special-report-abuse-pushes-maids-to-the-edge-1.1178909> (accessed August 28, 2014).

<sup>65</sup> “Hiring Filipino maids in UAE just got tougher,” *Gulf News*, June 23, 2014.

<sup>66</sup> “POEA suspends deployment of maids to UAE,” *Philippine Daily Inquirer*, June 23, 2014, <http://globalnation.inquirer.net/106936/ph-recruiters-to-stop-sending-maids-to-uae-over-contract-policy> (accessed August 28, 2014); “Housemaid recruitment in UAE hit by conflicting laws,” *Gulf News*, June 25, 2014, <http://gulfnews.com/news/gulf/uae/employment/housemaid-recruitment-in-uae-hit-by-conflicting-laws-1.1352303> (accessed August 28, 2014).

<sup>67</sup> An agent who featured Ugandans in their directory advertised a monthly salary of Dh800 (US\$218), which he stated was the market rate. Human Rights Watch interview with an owner of recruitment agency (name withheld), Dubai, December 4, 2013.

<sup>68</sup> Ethiopia banned their nationals from going to the Middle East for domestic work in 2012 following several cases of severe abuse. Ethiopia is negotiating an MOU with the UAE for a minimum wage of Dh1,200, doubling the salary that Ethiopian domestic workers used to be paid. “Employers of Ethiopian maids in UAE urged to inform embassy,” *The National*, April 19, 2013, <http://www.thenational.ae/news/uae-news/employers-of-ethiopian-maids-in-uae-urged-to-inform-embassy> (accessed August 28, 2014) and “Ethiopia wants Dh1,200 minimum wage for its citizens in the UAE,” *The National*, November 21, 2013, <http://www.thenational.ae/uae/ethiopia-wants-dh1-200-minimum-wage-for-its-citizens-in-the-uae> (accessed August 28, 2014). Pakistan has also ceased attesting documents for domestic workers, which is a ban in effect. Nepal instituted a temporary ban on domestic workers in April 2014. “Recruitment of Nepali housemaids put on hold,” *Gulf News*, May 14, 2014, <http://gulfnews.com/news/gulf/uae/general/recruitment-of-nepali-housemaids-put-on-hold-1.1332518> (accessed August 28, 2014).

The UAE authorities are condoning their labor recruitment industry's practice of setting minimum pay rates on the basis of a worker's nationality rather than on experience and skills, or the nature of the work to be performed under their contract. In effect, this amounts to discrimination on the basis of national origin which, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the ILO Discrimination (Employment and Occupation) Convention, the UAE is bound not to permit.<sup>69</sup> The labor recruitment industry's practice of setting salary rates based on national origin amounts to unjustified, unequal treatment with no legitimate aim, and so is discriminatory.

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<sup>69</sup> International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 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. The UAE acceded to ICERD on June 20, 1974. ILO Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, adopted June 25, 1958, 362 U.N.T.S. 31, entered into force June 15, 1960. The UAE ratified it on June 28, 2001.

### III. Labor Law Exclusion

The United Arab Emirates (UAE) labor law specifically excludes domestic workers from its protections. This, coupled with the highly restrictive *kafala* (sponsorship) system, leaves domestic workers exposed to human rights abuses without adequate recourse. A draft domestic workers law has been pending since 2012.

#### Exclusion from Labor Laws and the Labor Ministry's Purview

Article 3(c) of the labor law states that the law does not apply to “domestic servants working in private residences and the like.”<sup>70</sup> The UAE labor law has flaws, but does provide key protections to workers in other sectors, such as limiting working hours to eight per day, requiring rest periods, and establishing rates for overtime work.<sup>71</sup>

Since domestic workers are excluded from the labor law, their work is not regulated by the Ministry of Labor. Instead, domestic workers fall within the domain of the Ministry of Interior's General Directorate of Residency and Foreign Affairs (the immigration department).

This results in a parallel system whereby domestic workers have fewer rights and remedies than other types of migrant workers. Protective memoranda of understanding that sending countries have negotiated with the UAE Ministry of Labor simply do not apply to domestic workers.<sup>72</sup> Domestic workers also are excluded from Ministry of Labor regulations that apply to other migrant labor sectors, including the imposition of fines on employers who make the workers they contract pay recruitment fees.<sup>73</sup>

Although one of the most common complaints of domestic workers is that employers have not paid their wages, they are not eligible for inclusion in one of the most useful mechanisms introduced by the Ministry of Labor—the “wage protection system”—an electronic salary-monitoring system. This system applies to all companies and institutions

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<sup>70</sup> Federal Law No. 8 of 1980 on the Regulations of Labor Relations, art. 3(c).

<sup>71</sup> For comments on the Labor Law when the authorities were making revisions to it see Human Rights Watch, *The UAE's Draft Labor Law: Human Rights Watch's Comments and Recommendations*, March 2007, <http://www.hrw.org/legacy/backgrounder/mena/uae0307/uae0307web.pdf>.

<sup>72</sup> The National Committee to Combat Human Trafficking (NCCHT) reports that the Labor Ministry has signed agreements with 18 countries. NCCHT, “Combating Human Trafficking in the UAE: Annual Report 2013-14,” <http://www.nccht.gov.ae/en/Publications/PDF/English.pdf> (accessed August 28, 2014).

<sup>73</sup> Ministers Council Resolution No. 10 of 2012 amending Cabinet Decision No. 27 of 2010 and Ministerial Resolution No. 703 of 2013.



in the private sector that are registered with the Ministry of Labor. When companies fail to transfer workers' wages, the law allows the ministry to deny them new work permits until they transfer workers' wages in full.<sup>74</sup> One official of a labor-sending country told Human Rights Watch: "It would be good to have a wage protection system like the others under the Labor Law. They [domestic workers] are totally defenseless."<sup>75</sup>

Excluding an entire category of workers, the majority of whom are women, from labor law protections violates the UAE's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW requires the elimination of discrimination against women in all areas, including employment.<sup>76</sup> Despite the labor law's supposedly "gender neutral" exclusion of "domestic servants," it is clear that women are disproportionately and negatively impacted by this exclusion. Neutral provisions or practices that put persons of one sex at a particular disadvantage compared with persons of the other sex constitute impermissible, indirect discrimination unless that provision or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.<sup>77</sup> There is no such legitimate aim for excluding domestic workers from legal protections in the UAE.

The labor law exclusion also violates ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. This convention prohibits "any distinction, exclusion or preference ... which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation," which includes discrimination against domestic workers as compared to workers in other sectors.<sup>78</sup> The ILO Committee of Experts on the

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<sup>74</sup> Ministerial Decree No. 788 of 2009 on Protection of Wages, <http://www.mol.gov.ae/NewMolGateway/english/wpsGuidelineEng.aspx> (accessed August 28, 2014). However, Human Rights Watch does not know if, and how many, companies have been subject to sanctions under this system.

<sup>75</sup> Human Rights Watch interview with official of labor-sending country. The official spoke to Human Rights Watch on condition of anonymity.

<sup>76</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. UAE acceded to the treaty on October 6, 2004.

<sup>77</sup> See General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc. CEDAW/C/GC/28, December 16, 2010, para. 16, <http://www2.ohchr.org/english/bodies/cedaw/comments.htm> (accessed August 28, 2014); UN Human Rights Committee, CCPR General Comment No. 18: Non-discrimination, UN Doc. HRI/GEN/1/Rev.9 (Vol. I), p.195, November 10, 1989, para. 13, [http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.I%29\\_%28GC18%29\\_en.pdf](http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.I%29_%28GC18%29_en.pdf) (accessed August 28, 2014).

<sup>78</sup> ILO Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, adopted June 25, 1958, 362 U.N.T.S. 31, entered into force June 15, 1960. The UAE ratified it on June 28, 2001.

Application of Conventions and Recommendations (Committee of Experts) has, through its “direct request” procedure, urged the UAE to amend its laws to ensure that legal protections against discrimination apply to all forms of migrant workers. It specifically urged the government to enact a law with “provisions protecting domestic workers from discrimination.”<sup>79</sup>

## Draft Law on Domestic Workers

The UAE government stated in 2012 that the cabinet had approved a bill on domestic workers, and that it would be promulgated once the Interior Ministry completed implementing regulations.<sup>80</sup> A June 2013 news report quoted an immigration official stating that the draft law was “in its final stages.”<sup>81</sup> Human Rights Watch made several requests to the government to obtain the draft law but received no response.

While Human Rights Watch cannot confirm the content of the draft law, news reports suggest that it contains both positive and negative provisions. The Dubai newspaper, *Gulf News*, which said it had seen a copy of the draft law, reported in May 2012 that it proposed to entitle domestic workers to one paid day of leave each week, a period of paid annual leave, and paid and unpaid sick days.<sup>82</sup> This would be less than the entitlements that the current labor law affords to workers in other sectors. Human Rights Watch does not know what, if anything, the draft law proposes in relation to daily working hours for domestic workers and their entitlement to regular rest breaks while at work.<sup>83</sup> According to media reports, however, the draft law proposes to make domestic workers criminally liable if they disclose “secrets” of their employer and punish them with up to six months in prison and a fine of Dh100,000 (US\$27,227).<sup>84</sup> News reports also say the draft law proposes severe

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<sup>79</sup> ILO, ILO Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts), “Direct Request - adopted 2011, published 101st ILC session (2012): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - United Arab Emirates (Ratification: 2001),” published 2012, [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699522:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699522:NO) (accessed August 28, 2014).

<sup>80</sup> UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 United Arab Emirates, A/HRC/WG.6/15/ARE/1, November 2, 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/179/70/PDF/G1217970.pdf?OpenElement> (accessed August 28, 2014), para. 26.

<sup>81</sup> “New law on domestic workers in the works,” *Khaleej Times*, June 25, 2013 at [http://www.khaleejtimes.com/kt-article-display-1.asp?xfile=data/nationgeneral/2013/June/nationgeneral\\_June406.xml&section=nationgeneral](http://www.khaleejtimes.com/kt-article-display-1.asp?xfile=data/nationgeneral/2013/June/nationgeneral_June406.xml&section=nationgeneral) (accessed August 28, 2014).

<sup>82</sup> “Domestic workers get more protection from exploitation,” *Gulf News*, May 2, 2012, <http://gulfnnews.com/news/gulf/uae/employment/domestic-workers-get-more-protection-from-exploitation-1.1016692> (accessed August 28, 2014).

<sup>83</sup> *Ibid.*

<sup>84</sup> It is not yet clear from available media reports how the law will define “secrets,” nor whether that definition will exclude disclosure by domestic workers of alleged criminal behavior against them by their employers.

penalties, including imprisonment, for anyone who “encourages” a domestic worker to quit her job or offers her shelter.

Many domestic workers told Human Rights Watch that they support the notion of a law to regulate their conditions of work. A recruitment agent who spoke to Human Rights Watch commented:

It is stronger if it is a law to ensure that she has a day off. So we can say that this day is a holiday for her. It is not us saying it. It is the law. We all need time off. You refresh her mind, you refresh her soul. She will work better.<sup>85</sup>

### ILO CONVENTION ON DECENT WORK FOR DOMESTIC WORKERS

The UAE voted in favor of creating the 2011 ILO Convention 189 concerning Decent Work for Domestic Workers, which came into effect on September 5, 2013.<sup>86</sup> Despite this show of support for the convention at the International Labour Conference where it was adopted, the UAE has yet to ratify this key treaty or signal its intention to ratify in the near future.<sup>87</sup> As a major receiving country for migrant domestic workers, the UAE should take steps to ratify this treaty at the earliest opportunity and enact legislation on the employment of domestic workers in the UAE that accords with the standards that the treaty prescribes.

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

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<sup>85</sup> Human Rights Watch interview with a manager of recruitment agency (name withheld), Dubai, December 1, 2013.

<sup>86</sup> ILO Convention No. 189 concerning Decent Work for Domestic Workers (Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100\\_instrument\\_id:2551460](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:2551460) (accessed August 28, 2014).

<sup>87</sup> “ILO: New Landmark Treaty to Protect Domestic Workers,” Human Rights Watch news release, June 16, 2011, <http://www.hrw.org/news/2011/06/16/ilo-new-landmark-treaty-protect-domestic-workers>; “UAE votes for new charter of rights for domestic workers,” *The National*, June 22, 2011, <http://www.thenational.ae/news/uae-news/uae-votes-for-new-charter-of-rights-for-domestic-workers> (accessed August 28, 2014).

## IV. Abuses against Domestic Workers

Human Rights Watch documented a wide range of abuses against migrant domestic workers in the UAE including: physical, sexual, and psychological abuse; labor exploitation; passport confiscation and violations of freedom of movement; and denial of food, healthcare, and adequate living conditions. In a number of cases, the abuses amounted to forced labor or trafficking.

The UAE authorities are aware that abuses occur but their response has been both inadequate and misguided. The UAE government should address the problem by enacting labor laws that define the rights and entitlements of domestic workers, provide readily accessible mechanisms to resolve disputes, and provide swift and effective remedies against abuse. Instead, the authorities have sought to reduce abuses by scaring employers and portraying domestic workers in negative terms, as untrustworthy or dangerous.

Government sponsored advertisements and statements from officials have carried exaggerated warnings that sponsors who abuse domestic workers could expose themselves to retaliation. One police officer, for example, was reported in the media in June 2013 to have observed: “Sponsors must treat them [domestic workers] with respect in order to prevent housemaid crimes.”<sup>88</sup> Another official was reported in the same article to have warned that domestic workers who became aggrieved at their mistreatment might “use sorcery, such as putting strange materials in food and drinks to improve the situation. Some of them steal.”<sup>89</sup> In a similar vein, a television advertisement produced by the Abu Dhabi Judicial Department depicted a domestic worker poisoning her sponsor’s child in retaliation after the sponsor hit her.<sup>90</sup> This fear mongering approach may put domestic workers at greater risk of abuse by fueling suspicion and other negative attitudes amongst employers, and potentially catalyzing mistreatment.

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<sup>88</sup> “Cops say respect for housemaids will reduce risk of crime,” *7 Days in Dubai*, June 17, 2013, <http://7daysindubai.com/news-14317/> (accessed August 28, 2014).

<sup>89</sup> *Ibid.*

<sup>90</sup> Migrant Rights, “Abu Dhabi Judicial Department Ridicules Maids,” August 6, 2013, <http://www.migrant-rights.org/2013/08/abu-dhabi-judicial-department-ridicules-maids/> (accessed August 28, 2014) and “Abu Dhabi Judicial Department Ridicules Maids,” YouTube, <https://www.youtube.com/watch?v=8msmhaQfZac> (accessed August 28, 2014).

## Physical, Sexual, and Psychological Abuse

### *Physical Abuse*

Of the 99 domestic workers interviewed by Human Rights Watch, 22 alleged that their sponsors had physically abused them. The methods described included beating with sticks or cables, punching, slapping, kicking, choking, spitting, and pulling of their hair.

Several workers said their employers had beaten them to make them “work harder.” Shelly A., a 30-year-old Filipina worker, said:

They slap me in the face and kick me. They have a stick for you. If I make a small mistake they would hit parts of my body—back legs, back and head. Sir would slap or punch me in the face. If they come back from the mall and I am not finished they would beat me. They would say, “If you had done work then we won’t hit you.”<sup>91</sup>

Others said their sponsors beat them without any reason. Mona O., a 42-year-old Filipina worker, said her female employer had punched her and spat in her face. “For three consecutive days she hit me,” she said. “She punched me on my arm, she pulled on my hijab and my clothes. I said, ‘Why you hit me?’ and she said, ‘I will always hate you.’”<sup>92</sup>

Several workers said they were scared to tell anyone about the physical abuse. Arti L., a 22-year-old Indonesian worker, told Human Rights Watch:

He [the sponsor] slapped me and banged my head on the wall, then spit on me. He beat me with a cable on my back and put a knife to my face. After beating me up he left. [Later] Some of the family asked, “Why you have bruises?” I was afraid if I tell I will get beaten up again.<sup>93</sup>

Some domestic workers said they had risked their lives to escape physical abuse by their employers. Raquel P., a 36-year-old Filipina worker, said her employers had slapped and

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<sup>91</sup> Human Rights Watch interview with Shelly A., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>92</sup> Human Rights Watch interview with Mona O., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>93</sup> Human Rights Watch interview with Arti L., an Indonesian domestic worker, Abu Dhabi, November 29, 2013.

beaten her so severely that she climbed from the balcony of their fifth floor apartment to one two floors below:

I tried to go down from the balcony on the fifth floor to escape them at that moment. They both beat me, and I was very scared. I didn't care if I fell from the fifth floor.<sup>94</sup>

Zainab M., an Indonesian worker, suffered head and other injuries when she fell from a window while trying to escape from a beating administered by her employer: "I was running away from the beating and went backwards and fell out of the window. My room was one floor up. I went unconscious."<sup>95</sup>

Some workers said their employers had refused to summon medical help for injuries they had inflicted on them. One, Tahira S., a 28-year-old Indonesian worker, said that her employer beat her every day, and in March 2013 twisted her right arm behind her back so severely that it broke a bone above Tahira's wrist, causing her arm to swell and making it impossible for Tahira to use either to eat or work. The employer refused to take her to a doctor, however, and caused Tahira further injury in May 2013 by throwing a shoe at her foot so forcibly that it drew blood. Following this last incident, Tahira managed to escape from her employer and obtain medical treatment for her injured foot.<sup>96</sup> However, the doctor told her that it was too late to treat her broken arm.<sup>97</sup>

### *Sexual Violence and Harassment*

Human Rights Watch interviewed six domestic workers who alleged that their employers or members of their employer's household had sexually assaulted or harassed them.

Arti L., an Indonesian worker, said that her employer raped her in July 2013 when he took her to clean a second house that he had purchased. She told Human Rights Watch:

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<sup>94</sup> Human Rights Watch interview with Raquel P., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>95</sup> Human Rights Watch interview with Zainab M., an Indonesian domestic worker, Abu Dhabi, November 29, 2013. She was taken to the hospital for treatment. She showed Human Rights Watch researchers the scar on her head sustained from the fall.

<sup>96</sup> Tahira S. showed Human Rights Watch staff member a round scar on her foot of about 2-3 centimeters across that she said was caused by the shoe that her employer threw at her.

<sup>97</sup> Tahira S. told Human Rights Watch that her arm still hurts when she carries heavy things. Human Rights Watch interview with Tahira S., an Indonesian domestic worker, Dubai, December 5, 2013.

I fight him, I was screaming but there is no one around. He slapped me. When he finish he put on his clothes and left me in the room and locked me in. I went into the bathroom and cleaned myself. I came back and he took me back to the house. I was crying all night. Madam said, “What happened to you? Why are you crying?” I wasn’t given time to speak, he said, “Go to your room.”

Arti L. said that she escaped from her employer several days later:

Normally, the front door is locked but this time the keys were on the door. I ran away with blood on my panties. I was bleeding badly.<sup>98</sup>

Diana B., a Filipina worker, said her male employer had attempted to rape her in September 2013 but desisted when she rejected his advances:

He said, “Sit on my back here it is painful,” and he pointed to lower part of his back. I said, “No sir, this not right,” and he say, “No, this is what they do in the massage places I know.” So I sit on his back and he did this [signaling how he moved her onto the bed on her back] and then he tried to go up on me. I said to him, “I am here to work not to play. Please just let me do my job, don’t do this.”<sup>99</sup>

Delilah S., a Filipina worker, said a man living in her sponsor’s home had sexually harassed and attempted to rape her. She said he frequently grabbed her when she was cleaning and threatened her with comments such as, “If you don’t like it I will give you a problem. I will tell [your sponsor] you steal my money.”

She said that one day in 2008 he tried to rape her, and threatened to kill her. When she resisted him, he told her sponsor that she had stolen his money. She said to her employer, “I have been here for two years. I have no salary. Why would I do this?” Her sponsor believed her but did not report it to the police.<sup>100</sup>

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<sup>98</sup> Arti L. reported the rape to the police and her employer was charged. However, due to lengthy delays she decided to withdraw the case (see under chapter VII barriers to redress). Human Rights Watch interview with Arti L., November 29, 2013.

<sup>99</sup> Human Rights Watch interview with Diana B., November 29, 2013.

<sup>100</sup> Human Rights Watch interview with Delilah S., a Filipina domestic worker, Dubai, December 1, 2013.

Some women said they had complained to their employers about their sexual harassment by other members of the household but found their employers did not believe them. Zara H., a 35-year-old Indonesian worker, said her employer's 19-year-old son sexually harassed her. She said, "I told madam about it, but she didn't believe me. She would say that I was lying."<sup>101</sup>

### *Psychological and Verbal Abuse*

Madam keep shouting – always like that. She would say I “don’t have brain,” “don’t have common sense,” “donkey” in Arabic. In Abu Dhabi mall, I was crying in the restaurant because she shouted at me saying, “You have no brain,” in front of other people. It really hurt.

—Sadiyah A., a Filipina domestic worker, Abu Dhabi, November 26, 2013

Most of the domestic workers who spoke to Human Rights Watch alleged that their sponsor or members of their household had subjected them to forms of psychological and verbal abuse, including by shouting at and insulting them, threatening them, and humiliating them. Many said their employers had treated them like animals or as if they were dirty and physical contact with them would be contaminating. Farah S., an Indonesian worker, said her employer never addressed her by her name, only as “worker.” She said:

They thought of me as dirty. They didn’t think of me as human. I know because they never talked to me like I was a person and they had no manners at all.<sup>102</sup>

Mary Ann P., a 28-year-old Filipina worker, said her employer shouted and swore at her in Arabic, using terms such as “idiot,” “animal,” and “dog,” threw clothes at her, hit and slapped her, and once threatened, “If you don’t find the cat, I will kill you.”<sup>103</sup>

Domestic workers whose sponsors were UAE cleaning companies that employed them to clean clients’ homes also reported receiving threats. For example, Holly C., a 26-year-old Filipina worker, said that the company’s owner threatened her: “If you do anything wrong I

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<sup>101</sup> Human Rights Watch interview with Zara H., an Indonesian domestic worker, Dubai, December 6, 2013.

<sup>102</sup> Human Rights Watch interview with Farah S., an Indonesian domestic worker, Dubai, December 7, 2013.

<sup>103</sup> Human Rights Watch interview with Mary Ann P., a Filipina domestic worker, Abu Dhabi, November 27, 2013.



will kill you and cut you up into pieces and put you into the desert and no one will know.”<sup>104</sup> She ran away the following day.

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

Many of the domestic workers that Human Rights Watch interviewed said that they had experienced unpaid wages or unjustified salary deductions and that employers had required them to work excessively long hours without rest periods or rest days.

### *Wage Abuses*

Workers interviewed complained that they received less money than agreed in the original contracts they signed in their home countries for two reasons: due to contract substitution in the UAE (see chapter II) and because some employers fail to pay even the lower salaries stated in their UAE contracts on time, in full, or at all.

Seventeen domestic workers told Human Rights Watch that at the time of the interview their employers had not paid the monies due to them for periods ranging from 2 weeks to 31 months. Several from this group said their sponsors told them that they would pay them only at the end of their two-year contract so as to compel them to complete it.

Thirty-five of the domestic workers interviewed said their employers had delayed paying salaries for weeks or months, and even then underpaid or charged unwarranted deductions. Sukma T., a 37-year-old Indonesian worker, said that she worked for three years for a family who delayed paying her—saying “tomorrow, tomorrow”—when she asked for her wages, until they owed her fifteen months pay. In August 2013, her employer bought her a ticket home but told her that he could pay only half of what he owed her. She told Human Rights Watch:

I said to them “I don’t want to go, I want all of my salary,” and they told me if that was the case I have to pay Dh300 [US\$82] to change the flight. Every day they say they will give it tomorrow, tomorrow.

Her employer still owed her for 18 months of work when Human Rights Watch interviewed her.<sup>105</sup>

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<sup>104</sup> Human Rights Watch interview with Holly C., a Filipina domestic worker, Abu Dhabi, November 27, 2013.

More than half of the domestic workers Human Rights Watch interviewed said their employers remitted their pay directly to their family back home. Some were content with this arrangement but others asked their employers to give them their pay in cash but were refused. Sadiyah A., a Filipina worker, said her sponsor refused when she asked for her pay in cash. She said they said to her, “You cannot have money in your hands,” because their previous Filipina nanny was paid in cash and became pregnant during her employment with them.<sup>106</sup>

The standard UAE contract in use since June 2014 requires employers to pay their domestic workers in cash at the end of each month and within seven days of the due date. It is not clear, however, how the UAE authorities can enforce this in practice. The contract only provides that disputes between the sponsor and the domestic worker are to be resolved by the immigration department. However, this takes place often after a domestic worker has fled and as such, will be subject to deportation.

### *Excessive Work and Working Hours without Rest Periods or Time Off*

Almost all of the domestic workers who spoke to Human Rights Watch said they were required to work for excessively long periods—15 up to 21 hours a day—and carry out myriad tasks. Only a few said they were regularly allowed rest periods during the day or a day free of work each week or fortnight. Some workers said they felt lucky to have good working conditions, but many, even of these workers, said that they worked or were on call more than 12 hours per day.

Many workers described excessive work demands, including working for more people or in more houses than agreed in their contracts. Farah S., an Indonesian worker, was hired to work for an elderly couple but found that she had to serve about 20 people and was required to work from 6 a.m. to 3 a.m. without rest periods or a day off. She said her employers’ children and grandchildren came to their house each day to eat and often brought bags of dirty laundry for her to clean. She said, “The work wasn’t what I expected it to be. It was totally different. I would wake up to start cooking, then cleaning, washing clothes, and then cooking again. No rest, there was just no rest...”<sup>107</sup>

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<sup>105</sup> Human Rights Watch interview with Sukma T., an Indonesian domestic worker, Dubai, December 5, 2013.

<sup>106</sup> Human Rights Watch interview with Sadiyah A., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>107</sup> Human Rights Watch interview with Farah S., December 7, 2013.

Some domestic workers hired to work for one household said they found that they had to work in several other houses as well each day, often for relatives of their sponsor. Jasmine S., a 36-year-old Indonesian worker, worked at times in three houses in a day—those of her sponsor, his mother, and his friends. “I had to work from 6 a.m. until 3 a.m.,” she said. “No stopping. No rest. That’s why I left. No rest.”<sup>108</sup>

Fifty of the domestic workers interviewed said they had worked for employers who never allowed them to take a day off. Others were permitted occasional rest days, but some said their employers did not permit them to leave the home and go out on these rest days. Human Rights Watch interviewed some workers in public places, such as malls, when they were able to leave their employers’ homes on their weekly or fortnightly days off.

## Passport Confiscation, Restricted Communication, and Confinement

### *Passport Confiscation*

The majority of domestic workers Human Rights Watch interviewed said their agents or employers had confiscated their passports. Often this happened at the airport upon their arrival in the UAE. Several agency representatives told Human Rights Watch they took workers’ passports and gave them to their employers in order for them to submit the passports with the residence visa application for the new domestic worker. An agent explained: “We take their [the worker’s] passport and give it to the sponsor to make the residence visa. They will run away if you give them their passports.”<sup>109</sup>

Only 10 of the 99 workers interviewed by Human Rights Watch said that they were in possession of their passports. Others complained that their employers retained them, although a few said they preferred this as they feared they might otherwise lose their passport or have it stolen. Most of the employers who agreed to speak to Human Rights Watch acknowledged that they held their domestic workers’ passports but said this was “necessary” for their “safekeeping.”<sup>110</sup> In such cases, domestic workers did not have direct access to their passports.

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<sup>108</sup> Human Rights Watch interview with Jasmine S., an Indonesian domestic worker, Dubai, December 7, 2013.

<sup>109</sup> Human Rights Watch interview with owner of a recruitment agency (name withheld), Dubai, December 2, 2013.

<sup>110</sup> Human Rights Watch interview with Maha, an employer of two domestic workers, Dubai, November 24, 2013.

The Dubai Court of Cassation ruled passport confiscation illegal in both 2001 and 2004, yet it remains common.<sup>111</sup> The Ministry of Interior also declared passport confiscation unlawful in a 2002 circular, according to one media report.<sup>112</sup> In 2006, a Ministry of Labor official publicly acknowledged that “retaining workers’ passports amounts to forcible work in violation of the...ILO Convention on the Abolition of Forced Labour.”<sup>113</sup> A UAE government submission to the UN in 2009 stated that “it is prohibited by law to retain passports; a passport is a personal right and it cannot be retained other than by a court ruling.”<sup>114</sup>

Human Rights Watch requested information from the government about any measures the authorities take to enforce the prohibition on passport confiscation, but the government did not respond.

Passport confiscation persists largely because of the nature of the *kafala* (visa sponsorship) system. This holds sponsors liable for workers who “illegally” switch employers, thus incentivizing them to control their workers by taking and retaining their passports. When a sponsor reports that a domestic worker has “absconded,” they are required to hand in the worker’s passport to the authorities. The UN special rapporteur on trafficking in persons has commented with regard to the UAE that “the *kafala* system encourages the undesirable motivation for employers to confiscate passports.”<sup>115</sup>

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<sup>111</sup> In 2001, the court held that “it is not permitted for an employer to confiscate the passport of an employee and prevent him from his natural right to travel and move, whatever the nature of the relationship that ties them together. Confiscating a passport from his owner is nothing but a method of the many methods that prohibit an employee from travel and this is ruled by the text of Article 329 of the civil procedure law that raises the cases in which preventing travel is permitted, and the condition that the order must be issued by a judge in accordance with the formal and practical procedures as defined by law.” Dubai Court of Cassation, Case No. 268 (2001), October 27, 2001. In 2004, the Dubai Court of Cassation ruled in favor of an employee who sued his employer seeking a court order for the employer to release his passport stating that “confiscating passports violates the right to freedom of movement and is prohibited by UAE law.” Dubai Court of Cassation, Appeal No. 301-2003, February 28, 2004.

<sup>112</sup> See “Bid to stamp out illegal retention of passports,” *The National*, June 16, 2012, <http://www.thenational.ae/news/uae-news/bid-to-stamp-out-illegal-retention-of-passports#ixzz2tuZPACdZ> (accessed August 28, 2014).

<sup>113</sup> “Retaining passports is ‘forcible labour,’” *Gulf News*, June 13, 2006, <http://gulfnews.com/news/gulf/uae/employment/retaining-passports-is-forcible-labour-1.240660> (accessed August 28, 2014).

<sup>114</sup> UN Committee on the Elimination of Racial Discrimination, “Written replies by the Government of the United Arab Emirates to the List of Questions sent by the Country Rapporteur in connection with the consideration of the Twelfth to Seventeenth Periodic Reports of the United Arab Emirates, (CERD/C/ARE/12-17),” CERD/C/ARE/Q/12-17/Add.1, July 20, 2009, <http://www.refworld.org/pdfid/4a8bb96d2.pdf> (accessed August 28, 2014), para. 9.

<sup>115</sup> UN Human Rights Council, Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, mission to the United Arab Emirates, February 22, 2013, para. 6.

The ILO has pointed to confiscation of passports as a key element in identifying situations of forced labor.<sup>116</sup>

### *Restricted Communication*

Some domestic workers told Human Rights Watch that their employers had either made it difficult for them to communicate with their families and friends back home, or prevented them from such communication altogether. They said employers often took their phones and refused to let them use household telephones or computers. This not only interfered with the worker's ability to stay in contact with their family but also made it more difficult for them to report or seek help if they faced abuse.

Seventeen domestic workers said they had their mobile phones confiscated or were prevented from speaking to their families. Camille L., a Filipina worker, told Human Rights Watch, "in the UAE, the agency take the cellphone and give it to the employer."<sup>117</sup> Sabina S., a 26-year-old Filipina, said her employer took her phone, and did not allow her to call her family for more than two years.<sup>118</sup>

Some domestic workers said their employers forbade them from speaking with their compatriots when they were outside the home. Sandra S., a Filipina worker, said she feared to see other Filipinas after her sponsor warned her not to speak to them: "I don't even want to turn my head in case I see a Filipina and they will shout at me."<sup>119</sup> Sadiyah A., a Filipina worker, said that her sponsor would not allow her to speak to another Filipina domestic worker in the same house, especially in Tagalog.<sup>120</sup> Mona O., a Filipina worker, said her employer made deductions from her pay if she communicated with her family or friends.<sup>121</sup>

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<sup>116</sup> ILO, *Human Trafficking and Forced Labor Exploitation: Guidelines for Legislation and Law Enforcement: Special Action Programme to Combat Forced Labor* (Geneva: ILO, 2005), pp.17-21.

<sup>117</sup> Human Rights Watch interview with Camille L., November 22, 2013.

<sup>118</sup> Human Rights Watch interview with Sabina S., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>119</sup> Human Rights Watch interview with Sandra S., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>120</sup> Human Rights Watch interview with Sadiyah A., November 26, 2013.

<sup>121</sup> Human Rights Watch interview with Mona O., November 26, 2013.

### *Isolation and Forced Confinement*

Many domestic workers said they felt isolated, especially if they lived outside the main cities or were kept locked in at the homes they serviced. Such isolation may make it impossible for some workers to seek or obtain help when employers abuse or exploit them.

Domestic workers who flee abusive employers often go to their home-country embassy or consulate to seek help, but this is more difficult for those employed in distant or remote locations who need to pay for a taxi or other transport. Jasmine S., an Indonesian worker, told Human Rights Watch that she had worked at a location distant from the center of Sharjah where her employer made her work for 21 hours a day without rest periods or a day off, and that she had struggled to find a means of escape. She said:

I made a plan with the neighbor's driver. I left the house at 3 a.m. and walked half an hour to the neighbor's driver. I had his phone number. He drove me to the city center in Sharjah where I then took a taxi to Dubai. Someone reported me missing because they checked all the houses.<sup>122</sup>

Diana B., a Filipina worker, said she ran away twice from her male employer who had sexually assaulted and harassed her. She returned both times because the house was far from the city center in Abu Dhabi and she was afraid of taxi drivers.<sup>123</sup>

Nine women told Human Rights Watch that their employers did not allow them to leave the homes in which they worked and kept the doors locked to prevent their escape.<sup>124</sup> Sabina S., a Filipina worker, said that she waited until one day the door to the house was left unlocked to make her escape from a sponsor who had beaten and insulted her and did not pay her anything for two years and seven months.<sup>125</sup>

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<sup>122</sup> Human Rights Watch interview with Jasmine S., December 7, 2013.

<sup>123</sup> Human Rights Watch interview with Diana B., November 27, 2013.

<sup>124</sup> Article 344 of the Penal Code criminalizes unlawful detention and deprivation of a person's freedom, with penalties up to life imprisonment.

<sup>125</sup> Human Rights Watch interview with Sabina S., November 26, 2013.

Some workers said they were not kept locked in at the homes where they worked but they were still not free to leave. Five said their employers did not allow them to leave the house and either they or security guards watched the workers when they threw out the trash.<sup>126</sup>

## Denial of Food, Healthcare, and Adequate Living Conditions

### *Denial of Adequate Food*

If I finish work then I can eat. Only at night I ate, sometimes at 8 p.m. Sometimes there is no food inside if they eat outside as refrigerator is locked. I would feel dizzy sometimes from not eating.

— Mary Ann P., a Filipina domestic worker, Abu Dhabi, November 27, 2013

Some domestic workers told Human Rights Watch that their employers denied them adequate food, and others deducted food costs from the workers' meager salaries.

Thirty-two domestic workers told Human Rights Watch that their employers gave them too little food or spoiled food. Some said they lost significant weight or experienced health problems during their employment as a result. Erica L., a Filipina worker, said her employer gave her only small amounts of leftovers or rice, and made her pay for any other food.<sup>127</sup> Jenny P., also a Filipina worker, recounted:

The first time I went to the house they told me, “You cannot eat what you want.” After one month they said I cannot eat anything, even food that is being thrown away. She [the employer] would have to see the food was in the garbage. My body was getting smaller and smaller.<sup>128</sup>

Many domestic workers complained that their employers gave them too little time to eat or berated or beat them if they requested more food. Several workers said their sponsors deprived them of food as a punishment for “mistakes” in the housework. Tahira S., an Indonesian worker, said: “If she [the sponsor] wasn't happy with my work, she didn't give

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<sup>126</sup> Human Rights Watch interview with Mary Ann P., November 27, 2013; Mabel L., November 26, 2013; Farah S., December 7, 2013; Yara S., an Indonesian domestic worker, Dubai, December 6, 2013; and Zara H., December 6, 2013.

<sup>127</sup> Human Rights Watch interview with Erica L., Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>128</sup> Human Rights Watch interview with Jenny P., Dubai, November 30, 2013.

me food. Once I didn't eat for three days. She said, 'If you're not doing a good job, you don't need to eat.'"<sup>129</sup>

### *Denial of Adequate Healthcare*

Several domestic workers said their employers refused to let them get medical treatment for illnesses or injuries caused by physical abuse (see also chapter IV). Employers are required under the standard UAE contract to pay for their worker's health care. They are also, depending on the Emirate in which the worker is employed, required to pay for health insurance for their domestic workers when they apply for residence visas.<sup>130</sup> In June 2014, the Ministry of Foreign Affairs stated in a briefing that it is mandatory for employers to provide health insurance for their domestic workers.<sup>131</sup> Nonetheless, domestic workers said some employers refused to let their workers seek care due to the cost this could entail.

Some domestic workers who were taken to see a doctor said their employers deducted from their salaries to pay the fees. Farah S., an Indonesian worker, said her employer made a deduction from her salary after she had a severe toothache and required treatment by a dentist.<sup>132</sup>

Other domestic workers told Human Rights Watch that they had encountered no problems with accessing health care. In one case, both a worker and her employer told Human Rights Watch about efforts the employer had made to raise funds to pay for surgery to treat a hole in the worker's heart, and of the dismissive attitude of one doctor. The employer recounted: "I took her [the domestic worker] to the doctor who told me how much it will cost to fix her heart. He said to me 'Why are you bothering? She is just a maid.'"<sup>133</sup>

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<sup>129</sup> Human Rights Watch interview with Tahira S., December 5, 2013.

<sup>130</sup> In Abu Dhabi, health insurance for workers is compulsory, and the program is also being rolled out in Dubai. "Green light for mandatory health insurance for all Dubai workers," *The National*, November 26, 2013, <http://www.thenational.ae/uae/health/20131126/green-light-for-mandatory-health-insurance-for-all-dubai-workers> (accessed August 28, 2014) and "Mandatory health insurance for all Dubai workers soon," *The National*, March 18, 2013, <http://www.thenational.ae/news/uae-news/health/mandatory-health-insurance-for-all-dubai-workers-soon> (accessed August 28, 2014).

<sup>131</sup> Ministry of Foreign Affairs, "Ministry of Foreign Affairs releases brief on 'The Protection of the Rights of Domestic Labour in the U.A.E.,'" June 11, 2014.

<sup>132</sup> Human Rights Watch interview with Farah S., December 7, 2013.

<sup>133</sup> Human Rights Watch interview with Ophelia W., the employer of Delilah S., Dubai, December 1, 2013.



## *Inadequate Living Accommodations*

It was a flat so I slept in the stock room with the boxes around me on the floor. I got cardboard to sleep on. I woke up one time and jumped because there was a rat climbing on my leg.

—Sandra S., 33-year-old Filipina domestic worker, Abu Dhabi,  
November 26, 2013

Some domestic workers told Human Rights Watch that they slept in their own rooms with a locking door and had their own bathroom. Almost a third of those interviewed—29 domestic workers—described sleeping conditions that were inadequate. Some were required to sleep in the same room as the family’s children, sometimes in the same bed as a child. For example, Sita N., a 44-year-old Nepali worker, said that she slept “on the floor in the 8-year-old boy’s room. They didn’t give a mattress.”<sup>134</sup>

Other workers said they slept in storage rooms, pantries, or open living rooms. Farah S., an Indonesian worker, slept on a mattress on the floor of a storage room that “was full of their old stuff like old refrigerator, old junk” and had to be kept unlocked in case her employers needed something from it.<sup>135</sup>

In some cases, sleeping in an open area or an unlocked room put workers at risk of sexual assault or harassment. Zara H., an Indonesian worker, slept on the living room floor. She said, “I was usually tired so I fall asleep, but the 19-year-old kid tried to sexually harass me.”<sup>136</sup>

## **Forced Labor, Trafficking, and Slavery**

Human Rights Watch documented cases in which the severe exploitation of domestic workers amounted to forced labor or trafficking and some cases may also amount to slavery under international law.

While the UAE has taken some action to address these problems, by criminalizing them in law and by providing social services, it has done little to address the key structural factors

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<sup>134</sup> Human Rights Watch interview with Sita N., a Nepali domestic worker, Dubai, December 6, 2013.

<sup>135</sup> Human Rights Watch interview with Farah S., December 7, 2013.

<sup>136</sup> Human Rights Watch interview with Zara H., Dubai, December 6, 2013.

that contribute to forced labor, slavery, and trafficking, namely the *kafala* system and the exclusion of domestic workers from the protections afforded to workers in other sectors under the UAE's labor law.

### *Forced Labor and Slavery*

Some employers have always perceived their housemaids as slaves. They do not treat them as human beings but as “appliances that they own.”

— Nhel Morona, a representative from Migrante-UAE<sup>137</sup>

Article 34 of the UAE constitution prohibits forced labor and slavery. It provides: “A person may not be subjected to forced labor except in such cases as may be provided in law and provided that such person is compensated for such labor. A person may not be enslaved.”<sup>138</sup>

The UAE's Federal Penal Code also prohibits forced labor and slavery. Article 347 on forced labor provides: “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 or fines.<sup>139</sup> The Penal Code provision on slavery provides: “Whoever smuggles someone into or out of the country with the intention of taking possession of him or disposing of him, and whoever possesses, buys, sells, offers for sale, or disposes in any manner whatsoever of a person as a slave, shall be punished by term of imprisonment.”<sup>140</sup>

The Penal Code does not offer further definition of the elements of either of these crimes. The UAE has ratified international treaties on forced labor and slavery, but its laws do not match the international law definitions (see text box below).<sup>141</sup> The Arab Charter on Human Rights, which the UAE ratified in 2008, also prohibits slavery, forced labor, and trafficking.<sup>142</sup>

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<sup>137</sup> Migrante is a migrant's rights group that assists migrant workers. See “Special report: Abuse pushes maids to the edge,” *Gulf News*, May 3, 2013, <http://gulfnews.com/news/gulf/uae/society/special-report-abuse-pushes-maids-to-the-edge-1.1178909> (accessed August 28, 2014).

<sup>138</sup> Constitution of the United Arab Emirates, art. 34, <http://www.almajles.gov.ae:85/Uploads/Files/2011/06/20/15206.pdf> (accessed August 28, 2014).

<sup>139</sup> Federal Law No. 3 of 1987 of the Penal Code, art. 347. The penalties are: “imprisonment for a period not exceeding one year, by a fine not exceeding ten thousand dirhams, or by one of these two penalties.”

<sup>140</sup> Penal Code, art. 346.

<sup>141</sup> ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by the UAE on May 27, 1982. 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 the UAE on February 24, 1997. Supplementary Convention on the Abolition of Slavery, the Slave Trade,

## INTERNATIONAL LAW AND INTERPRETATIONS OF FORCED LABOR AND SLAVERY

ILO Convention No. 29 on Forced Labour defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>143</sup> A subsequent ILO Convention, the Abolition of Forced Labour Convention, 1957 (No. 105), further limited the situations in which forced labor by states would be considered permissible.

Since many of the provisions of the 1930 Forced Labour Convention have expired or are outdated, ILO members voted in June 2014 to update these standards in a new Protocol of 2014 to the Forced Labour Convention, 1930, which includes creating national plans of action, expanding labor laws to sectors at risk of forced labor, improving labor inspections, and protecting migrant workers from exploitative recruitment practices. The protocol also requires governments to take measures to identify, release, and provide assistance to forced labor victims as well as protect them from retaliation.<sup>144</sup> The protocol reaffirms the definition of forced labor and the obligation to make it a penal offense. Nearly all ILO member states voted in favor of adoption of the protocol; the UAE, however, abstained in its vote.

The ILO has elaborated examples of the two key elements of forced labor: (1) “menace of penalty” (i.e., the means of keeping someone in forced labor), and (2) the “involuntariness” of the labor.

- The examples of “menace of penalty” include the presence or credible threat of: physical violence against a worker or close associates, sexual violence, physical confinement, financial penalties, denunciation to authorities (police, immigration) and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges.<sup>145</sup>

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and Institutions and Practices Similar to Slavery, adopted September 7, 1956. The United Kingdom notified the Secretary General of the accession of the United Arab Emirates known then as the Trucial States (Abu Dhabi, Ajman, Dubai, Al Fujairah, Ra's al Khaimah, Sharjah and Umm al Qaiwain) on September 6, 1957. The prohibition on slavery is obligatory under customary international law.

<sup>142</sup> Article 10, Arab Charter on Human Rights, adopted in May 2004, entered into force on March 15, 2008.

<sup>143</sup> Forced Labour Convention, art. 2.

<sup>144</sup> Protocol of 2014 to the Forced Labour Convention, 1930, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_246615.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246615.pdf) (accessed August 28, 2014).

<sup>145</sup> ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work* (Geneva: ILO, 2005), [http://www.ilo.org/global/publications/books/WCMS\\_o81882/lang-en/index.htm](http://www.ilo.org/global/publications/books/WCMS_o81882/lang-en/index.htm) (accessed August 28, 2014), p. 6.

- The examples of “involuntariness” or lack of consent to the labor (often the “route into” forced labor) include: physical abduction or kidnapping, sale of person into the ownership of another, physical confinement in the work location, psychological compulsion, induced indebtedness, deception or false promises about types and terms of work, withholding or nonpayment of wages, and retention of identity documents or other valuable personal possessions.<sup>146</sup>

**Forced labor** includes practices such as slavery and those similar to slavery, debt bondage, and serfdom.<sup>147</sup> Further, the ILO Committee of Experts on the Application of Conventions and Recommendations has explained that forced labor encompasses trafficking in persons for the purpose of labor and sexual exploitation.<sup>148</sup>

**Slavery** is defined under the Slavery, Servitude, Forced Labor and Similar Institutions and Practices Convention of 1926 (Slavery Convention) as “*the status or condition of persons over whom any or all of the powers attaching to the right of ownership are exercised.*”<sup>149</sup> The most contemporary definition of enslavement under international law is in the Elements of Crimes for the Rome Statute (establishing the International Criminal Court), which provides: “*The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.*”<sup>150</sup> It adds that “*such deprivation of liberty may, in some circumstances, include exacting forced labour or otherwise reducing a person to a servile status as defined in the Supplementary Convention on the Abolition of Slavery.*”<sup>151</sup>

Practices similar to slavery are defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery to include, among other things, debt bondage and serfdom.<sup>152</sup>

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<sup>146</sup> Ibid. The ILO has also set out 11 indicators which can be signs of forced labor. They are: 1) abuse of vulnerability; 2) deception; 3) restriction of movement; 4) isolation; 5) physical and sexual violence; 6) intimidation and threats; 7) retention of identity documents; 8) withholding of wages; 9) debt bondage; 10) abusive working and living conditions and 11) excessive overtime. ILO, ILO Indicators of Forced Labour, October 1, 2012, [http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS\\_203832/lang-en/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_203832/lang-en/index.htm) (accessed August 28, 2014).

<sup>147</sup> ILO, *Profits and Poverty: The Economics of Forced Labour* (Geneva: ILO, 2014), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf) (accessed August 28, 2014), pp.3-4.

<sup>148</sup> ILO, Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Eradication of forced labour*, General survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105) (Geneva: ILO, 2007), Report III (Part 1B), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_089199.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_089199.pdf) (accessed August 28, 2014), para. 77.

The ILO has underscored that forced labor “cannot be equated simply with low wages or poor working conditions. Nor does it cover situations of pure economic necessity, as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives.”<sup>153</sup> The term should apply to a “severe violation of human rights and restriction of human freedom.”<sup>154</sup>

Even when applying a conservative interpretation, several domestic workers interviewed by Human Rights Watch in the UAE described conditions that amounted to forced labor (see examples below). Beyond those cases, there were dozens more in which workers described at least one condition matching the ILO examples of what can constitute “involuntary” work extracted under “menace of penalty.”

Some workers described involuntarily entering or remaining in domestic work. For example, many said they were physically confined in the homes in which they were employed even though they begged to be allowed to leave. Some said that their employers told them they could leave only if they first paid back their recruitment fees and that agents or sponsors had deceived them about the types and terms of work when engaging them. Many said their employers failed to pay their wages in full or on time, and in some cases their employers said they would only pay at the end of their two-year contracts. Most said their employers held their passports.

Workers also described a range of situations in which they worked under “menace of penalty.” This included when sponsors threatened or inflicted physical violence if they did not perform the work demanded of them; physically confined them in the workplace; imposed financial penalties and made deductions from their pay if they did not work to sponsors’ satisfaction or for undisclosed reasons; threatened to or reported them to

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<sup>149</sup> Article 1, Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927.

<sup>150</sup> International Criminal Court, Elements of Crimes, ICC-ASP/1/3 (part II-B), adopted September 9, 2002, entered into force September 9, 2002, <http://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/o/elementsofcrimeseng.pdf> (accessed August 28, 2014), art. 7(1)(c).

<sup>151</sup> Ibid.

<sup>152</sup> Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, art. 1.

<sup>153</sup> ILO, *A Global Alliance Against Forced Labour*, pp. 5-6.

<sup>154</sup> Ibid.

authorities as having “absconded” or breached the *kafala* system in some other way; or threatened them with deportation or falsely accused them of crimes.

In each of the following examples, domestic workers described multiple abuses that together amount to forced labor.

Tahira S., an Indonesian worker, was subject to most of the indicators of forced labor. Her employer locked her inside the home and did not allow her out; shouted at, beat her, and broke a bone in her arm; confiscated her passport; made her work for 15 hours each day without rest periods or any days off and sleep on the floor with no blanket or mattress; gave her food only once a day and withheld it if her work was not deemed satisfactory; and promised to pay her only at the end of her contract but then paid her nothing. She told Human Rights Watch:

My boss started hitting me after two weeks of being there. Even though she hit me every day I wanted to wait for my salary. I thought if I waited three months I could get the money. She hit me with her fist to my chest. She scraped her finger nails to my neck, and slapped my face. I was bruised on my neck. She sometimes pulled out tufts of my hair.<sup>155</sup>

Shelly A., a Filipina worker, said her sponsor forced her to work under threat of physical abuse. Her employer withheld her salary, paying only the initial three months but made her sign receipts falsely stating that she was in receipt of her salary. Her employer also took her passport, confined her to the household, and beat her, telling her, “If you had done work then we won’t hit you.”<sup>156</sup>

Sabina S., a Filipina worker, said her employer forced her to work for two years and seven months with no salary. Her employer made her work 20 hours a day with no breaks, 7 days a week, for a family of 12. She verbally and physically abused Sabina, took her passport and phone, and confined her in the house. Sabina told Human Rights Watch:

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<sup>155</sup> Human Rights Watch interview with Tahira S., December 5, 2013.

<sup>156</sup> Human Rights Watch interview with Shelly A., November 26, 2013.

Madam said, “When you finish your contract we will pay.” After two years I asked for my money. But, madam lost my passport. She said, “You have to wait until passport is claimed [processed]. I will give you money when you are leaving.”

Sabina was still waiting to be paid the wages due to her when she spoke to Human Rights Watch but she was losing hope of doing so.<sup>157</sup>

In some cases, recruitment agencies contributed to the conditions that amounted to forced labor for domestic workers. Nadya K., an Indonesian worker, said her agent placed her with a sponsor who made her work 17 hours a day with no rest and no day off, denied her adequate food, threatened physical abuse, and verbally abused her. After two months, her employer took her back to the agency at Nadya’s request. But the agent beat her and forced her to go back to her abusive employer, where she worked for five more months under the same conditions. She said: “The agent hit my face, shoulder, and head. He ordered me back. The agent said, ‘You don’t need a new boss. You need to work.’”<sup>158</sup>

Several domestic workers described situations that may amount to slavery under international law. They said their employers behaved as if they had rights of ownership over them, and lent their services to other households. Several workers said their employers seemed to think they had purchased them. Farah S., an Indonesian worker, was forced to work long hours, with no rest and no day off, and her employer shouted at her and did not pay her for three months. When Farah asked to go back to the agency, her employer told her, “I already bought you.”<sup>159</sup>

The ILO Committee of Experts has asked the UAE to address factors that contribute to forced labor of migrant domestic workers. In 2013 through its “direct request” procedure, the committee urged the UAE to take action to reduce domestic workers’ vulnerability to forced labor, “particularly when they are subjected to abusive employer practices, such as retention of passports, non-payment of wages, deprivation of liberty, and physical and sexual abuses. Such practices might cause their employment to be transformed into

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<sup>157</sup> Human Rights Watch interview with Sabina S., November 26, 2013.

<sup>158</sup> Human Rights Watch interview with Nadya K., an Indonesian domestic worker, Dubai, December 5, 2013.

<sup>159</sup> Human Rights Watch interview with Farah S., an Indonesian domestic worker, Dubai, December 7, 2013.

situations that could amount to forced labour.” The committee requested information on measures to strengthen the protection of migrant domestic workers, “particularly as regards their freedom to terminate their employment.”<sup>160</sup>

### *Trafficking*

The UAE promulgated a law on combating human trafficking in 2006.<sup>161</sup> This law prescribes penalties against traffickers ranging from one year to life imprisonment and fines between Dh100, 000 (US\$27,226) and Dh1 million (US\$272,260). It defines human trafficking as:

Recruiting, transporting, transferring, harboring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation includes all forms of sexual exploitation, engaging others in prostitution, servitude, forced labor, enslavement, quasi-slavery practices, or detachment of organs.<sup>162</sup>

The UN special rapporteur on trafficking called in 2012 for this law to be amended in line with international standards, including by expanding “the definition of trafficking, to explicitly include labour exploitation, domestic servitude as well as other forms of trafficking such as forced and servile marriages.”<sup>163</sup>

The Federal National Council approved amendments to the law in June 2013 ostensibly to bring it into conformity with international law.<sup>164</sup> However, the amendments were still awaiting

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<sup>160</sup> ILO, Committee of Experts, “Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - United Arab Emirates (Ratification: 2001),” published 2012, [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3148135](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148135) (accessed August 28, 2014).

<sup>161</sup> Federal Law No. 51 of 2006 Law on Combating Human Trafficking.

<sup>162</sup> Law on Combating Human Trafficking, art. 1.

<sup>163</sup> Office of the High Commissioner of Human Rights, “The UN Special Rapporteur in Trafficking in Persons, especially Women and Children concludes her country visit to the United Arab Emirates: Press Release,” April 17, 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12062&LangID=E> (accessed August 28, 2014) and Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, mission to the United Arab Emirates, February 22, 2013, para. 29.

<sup>164</sup> “Adoption of amendments to the Law on Human Trafficking,” *Al Bayan*, June 5, 2013, [in Arabic] <http://www.albayan.ae/across-the-uae/news-and-reports/2013-06-05-1.1898036> (accessed August 28, 2014).



approval by President Sheikh Khalifa at the time of writing.<sup>165</sup> The government has not published the amendments as approved by the Federal National Council so it is uncertain whether the definition of trafficking will fully accord with that used in international law.

## INTERNATIONAL LAW ON TRAFFICKING IN PERSONS

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

*“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>166</sup>*

There is a clear link between the protocol and ILO Forced Labour Convention. The only type of exploitation specified in the Palermo Protocol’s definitional article that is not also covered by the Forced Labour Convention is trafficking for the removal of organs.

The UAE deserves credit for taking some important steps to combat human trafficking, including law reforms, establishing a National Committee to Combat Human Trafficking (NCCHT), founding and supporting several shelters for trafficking survivors, undertaking public awareness campaigns, and prosecuting some human traffickers. However, the UAE authorities should take further action if they are to eradicate the breadth of human trafficking in the UAE.

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<sup>165</sup> “UAE victims of human-trafficking assured of legal rights,” *The National*, June 5, 2013, <http://www.thenational.ae/news/uae-news/uae-victims-of-human-trafficking-assured-of-legal-rights> (accessed August 28, 2014) and see also “Amending the Law on Combating Human Trafficking,” *al-Roeya*, February 20, 2014 [in Arabic], <http://alroeya.ae/2014/02/20/129722> (accessed August 28, 2014).

<sup>166</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000, art. 3(a). The UAE acceded to the Protocol on January 21, 2009.

International experts and other governments have criticized the UAE for focusing almost entirely on one aspect of human trafficking—trafficking for purposes of sexual exploitation—while neglecting to address trafficking into forced labor, including domestic servitude. The 2014 US Trafficking in Persons report stated that: “the government rarely prosecuted potential forced labor cases under the country’s anti-trafficking law.”<sup>167</sup> The UN special rapporteur on trafficking has argued, “Equal emphasis should be placed on all forms and manifestations of trafficking and exploitation, and the lack of regulations and labour rights should be addressed as one of the key structural factors fostering trafficking in persons, whether for sexual exploitation or forced labour or domestic servitude or other services.”<sup>168</sup>

However, the UAE authorities treat human trafficking and "labor issues" separately. The 2013-2014 NCCHT report stressed that “the UAE—with expatriates making up about 85 percent of its population—believes that labour issues should not be linked to human trafficking, and should be treated separately.”<sup>169</sup>

Experts have also criticized the number of human trafficking prosecutions. The NCCHT’s annual report for 2013–2014 indicated that over the course of 2007-2013, 234 cases of human trafficking were recorded, resulting in 113 convictions.<sup>170</sup> The UN special rapporteur on trafficking, who investigated human trafficking in the UAE in 2012, said the number of convictions is low compared to the scale of trafficking.<sup>171</sup> She said this is partly because of the absence of effective witness cooperation programs, which deters victims from reporting. She also cited victims’ fears of arrest or deportation for illegally staying in the country, or, for those who are sexually exploited, for engaging in prostitution.<sup>172</sup>

Human Rights Watch interviewed several women who described experiences which amounted to trafficking and others who described abuses and circumstances of

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<sup>167</sup> US State Department, *Trafficking in Persons report for 2014*.

<sup>168</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, mission to the United Arab Emirates, February 22, 2013, para. 77.

<sup>169</sup> NCCHT, “Combating Human Trafficking in the UAE: Annual Report 2013-14” p.21, on file with Human Rights Watch.

<sup>170</sup> NCCHT, “Combating Human Trafficking in the UAE: Annual Report 2013-14,” and “UAE intensifies fight against human trafficking,” *Gulf News*, April 15, 2014, <http://gulfnews.com/news/gulf/uae/crime/uae-intensifies-fight-against-human-trafficking-1.1319748> (accessed August 28, 2014).

<sup>171</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, mission to the United Arab Emirates, February 22, 2013, para. 62.

<sup>172</sup> *Ibid.*

recruitment that may have amounted to trafficking. Domestic workers interviewed said they were recruited by means of deception and were subject to the control of their sponsors, for the purpose of exploitation in forced labor. The following cases illustrate in particular the element of deception in the recruitment process.

Mabel L., a 35-year-old Filipina worker, travelled to the UAE in 2012 on a visa for office cleaning. Her agency in the Philippines had promised she would work in offices. However, when she arrived, the agency in the UAE said she would be working in a home. “I said I want to work, but not as a nanny. They said, ‘Just try.’” Her employer kept her passport and told her that if she went outside the police would arrest her for having no ID. Her employer forced her to work for up to 20 hours a day, with no rest and no day off. Her employer locked her inside the house, often delayed paying her wages for three months at a time, and verbally abused her, including with death threats. He also physically abused her: “He slapped me, beat me, and kicked me. I couldn’t walk. He beat me on my left hip,” she said.<sup>173</sup>

Maria A., a Ugandan worker who arrived in the UAE in 2013, said she paid 1 million Ugandan shillings (\$400) to a recruitment agency in the UAE as a fee to get a job in a mall. The agency promised the job would pay a monthly salary of Dh1,500 (\$410). However, she said, “on the same day I go to Dubai they sent agreement that said ‘housemaid,’ and it would be Dh800 (\$218) [salary per month]. I had no option but to come.” She was subject to forced labor conditions: her employer confiscated her passport and phone; she worked from 5 a.m. to 2 or 3 a.m., with no rest and no day off; her employer beat her and denied her adequate food; and her employer regularly withheld her wages, paying her only a fraction of what she was owed. The employer refused to pay her until she had completed six months but made her sign statements that said they were paying her salary. After several requests, they paid her one month of salary three months after she started working.<sup>174</sup>

Zara H., an Indonesian worker, came to the UAE in 2012. She paid \$1,300 to a recruiter in Indonesia to get her a job as a driver, but shortly before she went to the airport to fly to the UAE the agent said she was to be a housemaid. The agent told her, “You better stick it out for two years otherwise you will have to pay a \$1,500 fine.” Her employer in the UAE made her work from 5 a.m. to 1 or 2 a.m. with no rest for 7 days a week. She was confined to the

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<sup>173</sup> Human Rights Watch interview with Mabel A., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>174</sup> Human Rights Watch interview with Maria A., a Ugandan domestic worker, Dubai, December 30, 2013.

house. The employer paid her only Dh700 (\$190) instead of the Dh800 (\$218) promised in her UAE contract, and far less than what she expected to earn as a driver. Her employer verbally abused her and a family member sexually harassed her. She had to sleep on the living room floor, and did not get adequate food.<sup>175</sup>

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<sup>175</sup> Human Rights Watch interview with Zara H., December 6, 2013.

## **V. Lack of Shelter and Support for Abused Domestic Workers**

Domestic workers fleeing abuse have very few safe avenues to access shelter and other support in the UAE.

### **Lack of Shelters for Abused Domestic Workers**

Many workers in distress turn initially to their recruitment agency, which serves as their first point of contact in the UAE. While some recruitment agencies exert their best efforts to assist domestic workers in distress, others threaten or abuse workers who turn to them for assistance. Recruitment agencies are not set up to act as shelters for traumatized and abused workers and, indeed, have a financial incentive to send them back to abusive employers or reassign them to another family as quickly as possible.

There are several non-profit shelter facilities for domestic violence and trafficking survivors founded by the government, but these are not intended to assist migrant domestic workers. There is no UAE shelter solely for domestic workers despite the high number of women who flee from abusive employers.

The Dubai Foundation for Women and Children provides shelter for “women and children victims of domestic violence, child abuse, and human trafficking.” The Ewa’a Shelter for Women and Children Victims of Human Trafficking serves trafficking victims (mostly sex trafficking victims) in Abu Dhabi, Sharjah, and Ra’s al-Khaimah.<sup>176</sup> They have hotlines and have conducted anti-trafficking awareness. It is not clear that either of these bodies admit domestic workers fleeing abuse into their shelters on a regular basis. Human Rights Watch sought meetings and information from these shelters, and received only a response from the Dubai Foundation for Women and Children but not the Ewa’a Shelter for Women and Children Victims of Human Trafficking by the time this report went to press. The Dubai Foundation for Women and Children told Human Rights Watch in a letter dated September 15, 2014 that from 2009 to 2013 they dealt with 78 cases of domestic workers.<sup>177</sup> Sixty-six

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<sup>176</sup> Dubai Foundation for Women and Children, established in July 2007, <http://www.dfwac.ae/index.htm> (accessed August 28, 2014) and the Ewa’a Shelters for Women and Children Victims of Human Trafficking established in 2008, <http://www.shwc.ae/portal/vision.mission.aspx> (accessed August 28, 2014).

<sup>177</sup> Letter to Human Rights Watch by email from the Dubai Foundation of Women and Children, dated September 15, 2014.

of these cases —the vast majority—involved women who were trafficked to the country to work as domestic workers but forced to work in the sex industry. The remaining 12 were women who worked as domestic workers and were subjected to violence by their employer or members of the employer’s family. Almost all the women were referred to the shelter by the UAE authorities.<sup>178</sup> Given the number of cases of domestic workers who are subjected to abuse, physical or otherwise, and those trafficked into forced labor and not just the sex industry, such numbers are very low.

Domestic workers who leave their employer’s home can turn to their embassies or consulates for help however, few of these can offer shelter. Some send workers back to their recruitment agents.

In addition, the UAE sanctions anyone who provides shelter to “fugitives,” which includes domestic workers who flee from their employers. Anyone found to have harbored a “fugitive” can be sentenced to a term of imprisonment of no less than two months and fined Dh100,000 (US\$27,227). The fines can go up to Dh5 million (\$1,361,348) for those harboring multiple “fugitives.”<sup>179</sup> This may deter sympathetic individuals from providing shelter to domestic workers fleeing abuse.

With so few options, some domestic workers who flee abusive sponsors put themselves at further risk. Some find housing with other “runaway” workers who do black market domestic work. Others end up in sex work or forced prostitution. Farah S., who escaped an abusive employer, went to live with other “runaway” workers in a rented space which turned out to be a brothel. She said:

The owner said you have to pay me Dh500 [\$136] for rent. They [the owners] pushed me into having sex with local people but they take the money. I got into a fight with the owner of the place, saying I didn’t like the work. The landlord said I had to pay. Otherwise I couldn’t leave, so I got the money from a friend and left... I thought better to sleep in the streets than to stay in such a place. I am still scared.<sup>180</sup>

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<sup>178</sup> The letter provides that 73 out of the 78 women were referred to the shelter by the Dubai police, Dubai prosecution, police/other emirates. Only 5 out of the 78 women were referred by ‘self’ or ‘other’.

<sup>179</sup> Entry and Residence of Foreigners Law, arts. 34(3) and 34(4).

<sup>180</sup> Human Rights Watch interview with Farah S., December 7, 2013.

## Mistreatment of Abused Workers by Recruitment Agents

A housemaid with an employer is like a marriage. When a father marries his daughter off he doesn't keep calling to ask if there is a problem, she will call when there is a problem. It is the same thing.

—Owner of recruitment agency in Dubai, December 2, 2013

Recruitment agents often prove to be poor guardians of domestic workers' safety. As business operators, they may have a greater interest in maximizing their profits than looking after the welfare of their workers. Some workers interviewed by Human Rights Watch who sought help from their agencies reported that the agents treated them badly: some agents denied them adequate food or shelter, beat or threatened them, coerced them to return to abusive sponsors or work for new families, or refused to let them return to their home countries. Labor-sending country officials confirmed that many workers report that their employment agents offered little help or abused workers themselves.

Human Rights Watch interviewed owners or managers of four domestic labor recruitment offices in the UAE. They explained that it is a standard practice for agencies to offer a two to three-month guarantee to sponsors, whereby sponsors can receive a replacement domestic worker if it does not work out with the initial worker. They described the financial risk they face during this period, and said they try hard to keep workers with their assigned employers beyond this guarantee period. Since agents stand to lose money if they have to provide a replacement worker, they may be reluctant to step in if workers report abuse in this period. Even beyond the guarantee period, agencies told Human Rights Watch that they want to keep sponsors happy so that they will come back to the agency to arrange future domestic worker hires.

Agents who spoke to Human Rights Watch said they would help workers in distress, and some said they would not send workers back to abusive households. But the instances they described involved extreme abuse, and several agents were clearly impatient with what they considered frivolous worker complaints. One agent described his rage at workers who complained, and freely recounted how he shouted at and slapped them.

One recruitment agent explained how he doubted worker complaints:

I will ask her—what was wrong? She will say, “She [the sponsor] shouted at me, they not give me food.” The sponsor who pays Dh20, 000 [\$5,445] to bring them here, I have to believe that they don’t give her food? House is this big and they give no food? The real reason she wants to go is either because she wants to work in a company and be free to do what she wants all night or she misses her husband, family or children. But no food? I don’t believe it. If say too much work, I don’t believe it.<sup>181</sup>

Yasmina J., a Filipina worker whose sponsor shouted at her and gave her little food, said that she called her agency for help, but they told her, “As long as they are not beating you and they are feeding you, it’s okay.”<sup>182</sup>

Some domestic workers who fled to their agencies said the agents confined them in their offices or agency residences and punished them by denying them food or beating them. Sandra S., a Filipina worker whose employer returned her to the agency, said:

They [the agents] shouted at me and then put me on punishment and didn’t give me food. For one day and one night they didn’t feed us and we were all crying. I was with ten other domestic workers. When they did give us food it was raw like the rice, bread and the fish were not cooked properly. I was in the agency like this for six days.<sup>183</sup>

One recruitment agency owner openly admitted to Human Rights Watch that he had beaten a domestic worker who came back to the agency. He said the worker complained of tongue and stomach problems due to “black magic,” and wanted to return home. He said: “I slapped her around twice and pulled on her tongue. I say I fix it.”<sup>184</sup>

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<sup>181</sup> Human Rights Watch interview with an owner of recruitment agency (name withheld), Dubai, December 4, 2013.

<sup>182</sup> Human Rights Watch interview with Yasmina J., a Filipina domestic worker, Abu Dhabi, November 29, 2013.

<sup>183</sup> Human Rights Watch interview with Sandra S., November 26, 2013.

<sup>184</sup> Human Rights Watch interview with an owner of recruitment agency (name withheld), Dubai, December 4, 2013.



Some domestic workers said they were deterred from turning to their agents because other domestic workers said agents had beaten them. Zara H., an Indonesian worker, said that after she escaped from a sponsor who shouted at her and made her work up to 21 hours a day, she did not call her agent: “I was afraid of being hit by the agent. Lots of friends of mine were beaten by the agent like my friend ... also Indonesian. Worse thing is agent will send another person to that employer. They don’t care.”<sup>185</sup>

Several domestic workers who wished to go home said their agents forced them to work for new employers, sometimes multiple times. Agents told them that they must do this or else pay back their recruitment expenses. Some said agents locked them in their office or other housing pending their redeployment.

Violet C., a 34-year-old Filipina worker, went to her agent after a year of working 18 hours per day for 2 households with no rest and no day off. She told the agent that she wanted to return home but first he refused this and sent her to another family and then, when she persisted, a manager asked her, “Do you have Dh8,500 (\$2,314)?” indicating that she would be required to pay the recruitment costs. She said the agency confiscated her clothes, money, passport, and other documents and locked her and 9 other domestic workers in an office for 18 days before she was able to escape.<sup>186</sup>

Several recruitment agencies said they blacklisted sponsors if they were physically or sexually abusive. But workers told Human Rights Watch that some agencies continued to place domestic workers with known abusive employers. Jenny P., a Filipina worker whose sponsor deprived her of food and beat her, called her agent to say she wanted to leave. The agent told her to wait until they could provide a replacement worker. She later met others who worked at the same place before she did and had suffered abuses inflicted by the same employer which they also complained about.<sup>187</sup>

Ministry of Labor regulations relating to recruitment agencies provide for the revocation or suspension of their license to operate if they commit any act of forced labor or trafficking of persons.<sup>188</sup> The NCCHT reported that Labor Ministry officials made “1,070

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<sup>185</sup> Human Rights Watch interview with Zara H., December 6, 2013.

<sup>186</sup> Human Rights Watch interview with Violet C., a Filipina domestic worker, Abu Dhabi, November 27, 2013.

<sup>187</sup> Human Rights Watch interview with Jenny P., November 30, 2013.

<sup>188</sup> Ministerial resolution No. 1283 for 2010 Licensing and Regulation of Private Recruitment Agencies.

visits...to follow up on the activities of recruitment agencies” in 2012 but did not disclose whether the ministry suspended or revoked any agencies’ licenses as a result of these inspections.<sup>189</sup> Human Rights Watch asked the government for information on official inspections of recruitment agencies for domestic workers, but received no response.

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<sup>189</sup> NCCHT, “Combatting Human Trafficking in the UAE: Annual Report 2012-13,” <http://www.nccht.gov.ae/en/Publications/Index.aspx?mnu=Pr&MnuType=PR&PriMenuID=54&PubCatID=43&PubSubCatID=69> (accessed August 28, 2014), p. 23.

## VI. Charges and Penalties against Domestic Workers

### “Absconding”

The threat of being charged with “absconding” can increase domestic workers’ exposure to exploitation. Workers told Human Rights Watch that they endured months of abuse and exploitation by their sponsors because they depended on earning money in the UAE to support their families and feared being deported and facing bans on future employment if they “absconded.” Others said they had fled and, due to fear that they would face charges of “absconding,” lived underground and tried to avoid authorities. They said they felt unable to go to the police for help because of the heavy penalties that they might incur for “absconding.”

Domestic workers who leave their employer without their consent before the end of their contract are deemed to have “absconded” or “run-away.”

“Absconding” workers can be deported and face a ban on future work.<sup>190</sup> They also incur fines for residing without valid documents in the UAE, from Dh25 to 100 (US\$7 to 27) per day depending on the length of stay.<sup>191</sup> According to news reports, courts have also ordered “absconding” domestic workers to pay additional damages to employers. In one case, a civil court was reported to have ordered a domestic worker to pay the costs of the visa and employment agency fees to her employer because she “absconded,” despite her claims that she was made to work 20 hours a day and was not paid in 6 weeks.<sup>192</sup>

In 2007, the UAE enacted legislation setting fines of Dh50,000 (\$13,613) for people who employ “absconded” domestic workers and for sponsors who fail to report that their worker has “absconded.” If the offenses are repeated they can face imprisonment.<sup>193</sup> Sponsors who do report their “absconded” workers are exempt.<sup>194</sup> These rules create an incentive for employers to monitor and restrict domestic workers’ freedom of movement.

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<sup>190</sup> Executive Regulations of the Entry and Residence of Foreigners Law, arts. 63 and 79(d).

<sup>191</sup> Executive Regulations of Entry and Residence of Foreigners Law, art. 78.

<sup>192</sup> “Maid ordered to pay wealthy businessman to cover costs of hiring her,” *7 days in Dubai*, March 20, 2014, <http://7daysindubai.com/maid-ordered-pay-wealthy-businessman-cover-costs-hiring/> (accessed August 28, 2014); “Runaway maid facing jail saved by donation, free to return home,” *7 days in Dubai*, April 20, 2014, <http://7daysindubai.com/runaway-maid-facing-jail-saved-donation-free-return-home/> (accessed August 28, 2014).

<sup>193</sup> Article 34.1 of the Entry and Residence of Foreigners Law, amended by Decree No. 7 of 2007. Similar amendments were made to the Labor Law, also known as the Federal Law No. 8 of 1980 on the Regulations of Labor Relations as amended by Federal Law No. 8 of 2007, arts. 181(1) and 181(2).

<sup>194</sup> *Ibid.* art. 34.1(2).

Human Rights Watch interviewed several domestic workers who were certain that their employers had filed “absconding” charges when they fled. Many more suspected that this had been done. All of these workers said they had left their sponsors due to labor exploitation or other abuse. Sadiyah A., for example, ran away after months in which her sponsor shouted at her and withheld her salary. When she went to the immigration department, she learned that there were “absconding” charges pending against her.<sup>195</sup> In some cases, workers have gone to the police to report crimes by employers, only to be arrested because the employer had already filed “absconding” charges.<sup>196</sup>

## Criminal Charges against Domestic Workers

In some cases, domestic workers who have run away from their employers or filed complaints against them have found themselves facing charges that employers and prosecutors have filed against them. While such charges are sometimes well-founded, both workers and sending country officials said that often they appear intended to intimidate workers into forgoing wages due to them or dropping any charges that they have laid against their employers alleging abuse. Workers fear that they risk being treated as criminals rather than victims if they report abuses. Charges laid by employers can also hamper or delay workers pursuing remedies and also delay their return home.

Workers and sending country officials said theft and *zina* (sexual relations outside of marriage, including both fornication and adultery) charges are often filed against domestic workers by employers. News reports show that some domestic workers have also faced “sorcery” charges, although this appears to be less frequent.<sup>197</sup> All such charges can result in prison terms. Domestic workers who face such charges may go to trial, although charges are often dropped before this can occur. Even the threat of such charges by employers can amount to a “menace of penalty” to extract forced labor (see Chapter IV under forced labor). Human Rights Watch documented six cases in which employers made complaints to the police alleging that their domestic workers had stolen from them. For example, Sophie M., a 25-year-old Filipina worker, fled her employers because they forced her to work 19 to 21 hours per day with no rest and no day off, and the children beat her with shoes and clothes

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<sup>195</sup> Human Rights Watch interview with Sadiyah H., November 26, 2013.

<sup>196</sup> “‘Runaway’ maid freed in rape case,” *7 days in Dubai*, June 12, 2013, <http://7daysindubai.com/news-14297/> (accessed August 28, 2014).

<sup>197</sup> “Witchcraft case: Jail sentence cut to 3 months,” *Khaleej Times*, May 29, 2013, [http://www.khaleejtimes.ae/kt-article-display-1.asp?section=court roundup&xfile=data/court roundup/2013/may/court roundup\\_may68.xml](http://www.khaleejtimes.ae/kt-article-display-1.asp?section=court roundup&xfile=data/court roundup/2013/may/court roundup_may68.xml) (accessed August 28, 2014).

hangers. Nine days later, she found out that her employers had filed a theft complaint against her and prosecutors had filed charges. She spent one week in police custody. When Human Rights Watch spoke to her, she was out of jail but awaiting trial.<sup>198</sup>

None of the workers that Human Rights Watch interviewed had faced a charge of *zina*, but sending country officials and a local lawyer said they frequently assisted domestic workers facing this accusation. They said some employers accused domestic workers of *zina* because they suspected them of having a relationship but others had done so to counter rape or sexual assault allegations that the worker had made against the employer. Media reports indicate that hospital staff have reported domestic workers who had miscarried or were pregnant to the police.<sup>199</sup>

The crime of *zina* carries heavy penalties including imprisonment, plus deportation when those convicted are migrant domestic workers. *Zina* offenses that criminalize consensual sexual relations violate international human rights law.<sup>200</sup> The UAE courts convict and sentence people for *zina* offenses under article 356 of the Penal Code which criminalizes but does not define “indecent,” punishable by at least one year of imprisonment.<sup>201</sup> In some cases, courts have gone beyond codified laws and imposed harsher sentences of stoning and flogging.<sup>202</sup> According to one news report, a judicial official stated that stoning sentences

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<sup>198</sup> Human Rights Watch interview with Sophie M., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>199</sup> “Maid suffers miscarriage, arrested at hospital accused of illegal affair,” *7 days in Dubai*, April 6, 2014, <http://7daysindubai.com/maid-suffers-miscarriage-arrested-hospital-accused-illegal-affair/> (accessed August 28, 2014); “Maid detained for illegal affair after pregnancy scan,” *7 days in Dubai*, March 5, 2014, <http://7daysindubai.com/maid-detained-illegal-affair-pregnancy-scan/> (accessed August 28, 2014); “Mother arrested at UAE hospital for illegal affair says child is legitimate,” *7 days in Dubai*, February 16, 2014, <http://7daysindubai.com/mother-arrested-uae-hospital-illegal-affair-says-child-legitimate/> (accessed August 28, 2014).

<sup>200</sup> *Zina* and other “moral” offenses violate international human rights law, as do the punishments associated with them. *Zina* offenses are often applied in a way that discriminates on the basis of sex: women are disproportionately impacted due to prevailing social attitudes and because pregnancy serves as “evidence” of the offense. International human rights law also requires decriminalization of consensual adult sexual relationships to protect a variety of human rights, including the rights to privacy, nondiscrimination, physical autonomy, and health. Sentences of flogging and stoning constitute a breach of the UAE’s obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, which the UAE acceded to in July 2012. United Nations human rights expert bodies and special rapporteurs have called for the repeal of *zina* laws.

<sup>201</sup> Penal Code, art. 356.

<sup>202</sup> Under the Penal Code, Shari’a law rules apply to offenses such as *hadd* (prescribed offenses under Islamic law), *qisas* (retribution, “eye for an eye; life for a life”) and *diyya* (financial compensation in retribution cases also known as blood money). They are not codified in the Penal Code or any other UAE law. However, *ta’zir* (discretionary) offenses are to be determined in accordance with the Penal Code or in other UAE laws. See article 1 of section 1, Penal Code. To invoke a *hadd* punishment for *zina*, the prosecution has to have a confession from the accused or four adult male witnesses to the sexual act. In such cases, the accused can be sentenced to stoning if he or she is married, or 100 lashes and one year of imprisonment if they are unmarried. In most cases the evidentiary requirements are not met, and as such judges use *ta’zir* (discretion) to convict people under article 356. See Butti Sultan Butti Ali Al-Muhairi, “The Incompatibility of the Penal Code with Shari’a,” *Arab Law Quarterly*, Vol. 12, No. 3 (1997), <http://www.jstor.org/stable/3381845> (accessed August 28, 2014), pp. 307-329.

have not been implemented.<sup>203</sup> In two cases reported in the press, pregnant domestic workers were convicted of *zina* and faced *hadd* penalties (punishments prescribed under Islamic law). One unmarried woman was sentenced to one hundred lashes and a married woman was sentenced to death by stoning.<sup>204</sup> Migrant domestic workers are automatically sentenced to deportation following their sentence if they are convicted of *zina* offenses.<sup>205</sup>

The risk of *zina* charges can deter any victim of rape and sexual assault from reporting such crimes for fear of being prosecuted themselves. According to a survey in the UAE by YouGov Siraj, more than half of women respondents said they would not report a rape to police. The chief executive of YouGov Siraj, Iman Annab, was quoted in the media as saying: “In many cases, women are concerned about ending up on trial.”<sup>206</sup>

Charges of attempted suicide can also re-victimize domestic workers trying to escape their abusers. Attempted suicide is a criminal offense. According to the UAE Penal Code article 335, a person who attempts to end his or her life can be punished by up to six months of imprisonment or a fine up to Dh5,000 (\$1,361), or both.<sup>207</sup> While none of the domestic workers interviewed by Human Rights Watch faced attempted suicide charges, at least three of them had escaped or attempted to escape in ways that put their lives at risk, for example by climbing out of apartment windows or from balconies in tall buildings. One fell and suffered injuries.<sup>208</sup> News reports also indicate a high incidence of suicides or attempted suicides by domestic workers.<sup>209</sup> One report, in January 2013, said that almost all cases of attempted suicide that resulted in convictions before the Misdemeanors Court in 2012 involved either domestic workers or laborers who had not been paid for several months.<sup>210</sup>

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<sup>203</sup> “Change plea or you’ll be stoned’: Husband who admits cheating given legal advice by judge,” *7 days*, April 6, 2014, <http://7daysindubai.com/change-plea-youll-stoned-husband-admits-cheating-given-legal-advice-judge/> (accessed August 28, 2014).

<sup>204</sup> “Pregnant maid to get 100 lashes after being found guilty of illegal affair,” *7 days in Dubai*, November 9, 2013, <http://7daysindubai.com/news-14918/> (accessed August 28, 2014), and “Expat faces death by stoning after admitting in court to cheating on husband,” *7 days in Dubai*, May 6, 2014, <http://7daysindubai.com/expat-faces-death-stoning-admitting-court-cheating-husband/> (accessed August 28, 2014).

<sup>205</sup> Penal Code, art. 121.

<sup>206</sup> “Survey says women unlikely to report rape,” *The National*, January 6, 2010, <http://www.thenational.ae/news/uae-news/survey-says-women-unlikely-to-report-rape> (accessed August 28, 2014).

<sup>207</sup> Penal Code, art. 335.

<sup>208</sup> Human Rights Watch interview with Zainab M., November 29, 2013.

<sup>209</sup> See for example “Maid stands in middle of road in Dubai suicide bid,” *The National*, September 29, 2012, <http://www.thenational.ae/news/uae-news/courts/maid-stands-in-middle-of-road-in-dubai-suicide-bid> (accessed August 28, 2014).

<sup>210</sup> “Suicide attempts in UAE spark debate,” *The National*, January 1, 2013, <http://www.thenational.ae/news/uae-news/courts/suicide-attempts-in-uae-spark-debate> (accessed August 28, 2014).

## VII. Barriers to Redress

Workers who seek redress for claims ranging from unpaid wages to physical or sexual assault must overcome a host of legal and practical obstacles.

Workers interviewed by Human Rights Watch who sought to file complaints with the police, the immigration department, or courts described inconsistent responses, with some officials acting promptly and professionally, and others refusing to receive complaints or even sending workers back to abusive employers. Some workers said that when they went to report abuse, the police detained them and charged them with crimes. Officials from sending countries said that the UAE authorities have deported some workers who reported abuse who they deemed to have “absconded.”

Workers who want to file legal claims against employers or agents face both practical and financial barriers. It may be difficult for them to produce evidence in support of their claims as abuse often occurs within the employer’s household, in private not in public. Furthermore, few workers have the financial resources to hire a lawyer or pay court fees, especially if their complaint arises from non-payment of their full wages. The adjudication process may be long, lasting several months or more, and while it is in progress a migrant domestic worker who has left their employer is prohibited by law from taking any new employment in the UAE.

International human rights law obligates the UAE to take appropriate measures to prevent, punish, investigate, or 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>211</sup>

### Immigration Department

If domestic workers have complaints about unpaid wages or breach of employment contracts, they can file complaints with the government’s immigration department. If a

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<sup>211</sup> See, e.g., 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), article 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;” Committee Against Torture, General Comment 2, Implementation of Article 2 by State Parties, U.N. Doc. CAT/C/GC/2 (2008), para. 18.

worker has fled without the sponsor's consent, they must report to the immigration department.

The immigration department often arranges meetings at which both the sponsor and the domestic worker are present to hear complaints, mediate, and negotiate a resolution. Recruitment agents, sending country officials, employers, and domestic workers generally spoke in positive terms about the department's mediation functions. However, several domestic workers raised some concerns about the department.

Domestic workers complained that after such meetings with employers, the immigration department did not inform them adequately about the timelines for resolving their claims. Some said they had to wait several weeks or months before their sponsors returned their passports, paid monies owed to them, or agreed to the cancellation of their UAE workers' visas.

Most domestic workers who spoke to Human Rights Watch who had attended immigration department meetings said that staff from their own country's embassy participated to interpret, although some were unsure that they had translated the entire discussion. In some cases, the immigration department officials used English to communicate with the domestic worker but spoke to the employer in Arabic without translating. Maria A., a Ugandan worker, told Human Rights Watch that her employer accused her of stealing money only moments before she attended a meeting with him and an official at the immigration office. The employer also spoke to the official but what he said was not translated. She said:

They spoke in Arabic. Officer asked me, "Do you have your passport?" and I said, "No." He asked, "Where is your passport?" I said, "Boss has it." He asked me, "Did you receive salary?" I said, "I receive salary only once." My boss pulled out the receipts saying, "I have been giving you money," and I said, "No, I was signing it but you said you were keeping the money for me." The immigration [official] spoke in Arabic and then told boss to go and he left.<sup>212</sup>

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<sup>212</sup> Human Rights Watch interview with Maria A., December 30, 2013.



Maria A. was told by the immigration officials to come back with her embassy representative. When Human Rights Watch interviewed her she was still waiting for a resolution at the immigration department.

One interviewee also described an instance in which an immigration department official made a comment that encouraged domestic worker confinement and restriction of communication. Maha, who employs domestic workers, told us that she went to the immigration department to report that her domestic worker ran away. A department official asked her if she gave her worker a phone and a day off. She replied that she did, and the official retorted: “Well then, it’s your own fault.”<sup>213</sup>

The risk of deportation and other penalties for “absconding” may deter some workers from filing valid complaints. The ILO Committee of Experts noted this concern in a 2011 communication with the UAE. It said:

While noting that the absconding notice will not be registered where the worker has filed a labour complaint or lawsuit, the Committee is concerned that migrant workers suffering such treatment may refrain from bringing complaints regarding discrimination and abuse out of fear of retaliation by the employer, or because of uncertainty as to whether this would lead to a change of workplace or to deportation.<sup>214</sup>

## Police

Domestic workers fleeing abuse often go to the police to file complaints and seek help. Workers interviewed by Human Rights Watch said the police provided an inconsistent array of responses. Some said the police acted promptly, took complaints seriously, helped workers get medical care when needed, provided interpretation, and offered other assistance. In other cases, workers said the police appeared to doubt their complaints, sometimes discouraged workers from filing formal complaints, and sent workers back to abusive employers.

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<sup>213</sup> Human Rights Watch interview with an employer of two domestic workers, Dubai, November 24, 2013.

<sup>214</sup> ILO, ILO Committee of Experts, “Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - United Arab Emirates (Ratification: 2001).”

Zainab M., an Indonesian worker, fell backwards from a first floor balcony as she attempted to escape from an abusive employer. She was taken to a hospital where a police officer recorded her statement, but, she said, she was kept secured with her hands and feet shackled to the bed and a policewoman stood guard to prevent her from leaving.<sup>215</sup> The police did not respond to her requests to have the shackles removed nor did they explain why they did it. The police did follow up to find her employers but they appeared to have fled.

Maryam K., a 45-year-old Indonesian worker, went to the police after her male employer slapped her. The police returned her to the employer against her wishes. She said:

After a while, baba [her male employer] called police and asked if an Indonesian housemaid was there and a policeman in charge said yes. So baba came. Police officer told me to come back to the house but I told the police that I did not want to go back because I was afraid he will hit me. The policeman reassured me that he wouldn't hit me and persuaded me to try one more time for the money. I didn't write or sign anything. Baba took me home and on the way home he didn't shout at me but when I came home madam shout at me, "Why you run away? Like a child?"<sup>216</sup>

Maryam said her sponsor continued to hit her, so she ran away again several months later. This time, she did not go to the police, as she doubted they would assist her.

In other cases, a lack of interpretation services at police stations was said to have been a barrier. Some workers said that the police had spoken with them in English, which they understood, or provided interpretation services, but others reported that police officers had spoken Arabic only and did not offer interpretation. Raquel P., a Filipina worker, said her employers called the police after she began to climb down from the fifth floor apartment in order to escape their beatings. When the police came, she told them that her employers had beaten her but when she got to the police station the officer only spoke Arabic and she did not know how to make a complaint against her employers, with the result that no charges were filed against them.<sup>217</sup>

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<sup>215</sup> Human Rights Watch interview with Zainab M., November 29, 2013.

<sup>216</sup> Human Rights Watch interview with Maryam K., an Indonesian domestic worker, Dubai, December 5, 2013.

<sup>217</sup> Human Rights Watch interview with Raquel P., November 26, 2013.

Tahira S., on the other hand, said that the police encouraged her to pursue a case against her employer who had subjected her to beatings and other abusive conditions that amounted to forced labor. She told Human Rights Watch:

The police said I have to take her to court for her to learn a lesson. They said, “It’s not just you, it’s all the others.” The workers had come from different agents. I felt, thank god I’m here. I don’t have to face that terrible madam.<sup>218</sup>

## Judicial Redress

Domestic workers who suffer abuses can seek redress through the courts but they face significant barriers: the financial costs of retaining lawyers to represent them and in going to court, language problems and the costs of interpretation and translation of documents, and lengthy legal proceedings.

In recent years media has reported a number of prosecutions and convictions for crimes committed against domestic workers, particularly serious violence and murder. The courts convicted at least seven employers between 2012 and mid-2014 on charges of murdering, physically abusing, or raping domestic workers. In a notable recent case, a court sentenced an Emirati employer to 15 years of imprisonment after convicting her of torturing her Ethiopian domestic worker and depriving her of medication prior to the worker’s death from pneumonia.<sup>219</sup>

A 2012 news report said that the authorities had set up a court specifically to address cases relating to domestic workers. However, Human Rights Watch has been unable to date to find anyone able to confirm the court’s existence or describe its functions.<sup>220</sup>

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<sup>218</sup> Human Rights Watch interview with Tahira S., December 5, 2013.

<sup>219</sup> “Jail term upheld by Dubai appeals court for woman who tortured maid to death,” *The National*, April 6, 2014, <http://www.thenational.ae/uae/courts/jail-term-upheld-by-dubai-appeals-court-for-woman-who-tortured-maid-to-death> (accessed August 28, 2014).

<sup>220</sup> “New court to protect domestic workers,” *Emirates 24/7*, March 18, 2012, <http://www.emirates247.com/crime/local/new-court-to-protect-domestic-workers-2012-03-18-1.448970> (accessed August 28, 2014).

### *Access to Lawyers and Interpreters*

Domestic workers navigating the UAE court system need legal advice and sometimes require interpretation. Workers and sending country officials told Human Rights Watch that the UAE court system has a mixed record in this regard.

Article 28 of the UAE's Penal Code provides that anyone accused of a serious crime may be assisted by a lawyer provided by the state.<sup>221</sup> However, no similar provision exists for minor offense cases, which can result in prison sentences ranging from one month to three years.<sup>222</sup> Domestic workers accused of minor offenses, such as theft, often do not have a lawyer to represent them unless their embassy appoints one. Officials from labor-sending countries told Human Rights Watch that consular representatives are not allowed access to their workers until the investigation against them is concluded. As such, domestic workers cannot receive assistance from their consular representatives, who might be able to assist with hiring a lawyer, during the investigation phase.

Due to the cost of hiring a lawyer, domestic workers who wish to pursue civil court cases against their employer for payment of unpaid wages or other breaches of contract are unlikely to be represented by lawyers.<sup>223</sup>

To their credit, the UAE's courts appear to offer interpretation in several of the languages spoken by domestic workers from the largest supplier countries.<sup>224</sup> They also offer interpretation into English as a backup when interpretation for a particular language is not available.<sup>225</sup>

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<sup>221</sup> Federal Law No. 35 of 1992 concerning the Criminal Procedural Law, art. 4. Article 28 of the Penal Code provides that serious crimes include those that provide punishments under *hadd* (prescribed offenses under Islamic law) and *qisas* (retribution) except penalties for drunkenness and slander; death sentence, life imprisonment and a term of imprisonment (defined as 3-15 years imprisonment according to article 68 of the Penal Code).

<sup>222</sup> Article 29 of the Penal Code provides that a minor offense includes crimes that provide punishments of one month to three years imprisonment (as defined further under article 69 of the Penal Code); *dinya* (financial compensation or blood money); and fines amounting to more than Dh1,000.

<sup>223</sup> Human Rights Watch interview with an Emirati lawyer (name withheld), Abu Dhabi, November 27, 2013.

<sup>224</sup> "Aiding justice: Court translators," *Gulf News*, June 16, 2011, <http://gulfnews.com/news/gulf/uae/general/aiding-justice-court-translators-1.821962> (accessed August 28, 2014).

<sup>225</sup> Human Rights Watch interview with an interpreter (name withheld), Abu Dhabi, November 28, 2013.

### *Lengthy Court Proceedings*

Lengthy proceedings and confusion as to the process and status of cases has led many domestic workers to drop cases against their employers. The longer they remain in the UAE with pending cases, the more time passes without a salary. Workers with pending cases do not have work authorization. This makes it particularly difficult for workers whose sponsors failed to pay them for months or years of work to obtain redress or compensation.

Human Rights Watch interviewed six domestic workers who had pressed criminal and civil charges against employers including for unpaid wages, physical abuse, and rape. They were concerned about the long time it might take and those who had initiated proceedings had little information about the status of their cases. Many other workers who spoke to Human Rights Watch said they had suffered abuses that amounted to crimes, such as sexual abuse, but felt unable to press charges.

Shelly A., a 30-year-old Filipina worker, whose employers beat her frequently, filed a criminal case against them alleging physical abuse. She said:

I had a hearing but it was postponed three times because the employer didn't come the first time, I am not sure why it was postponed the second time. I don't know when the next hearing is.<sup>226</sup>

Arti L., an Indonesian worker, filed criminal charges against her employer for rape. When she was first called to the court, her employer went in first and court officials told her to leave. They said she should wait until medical reports were available but then she heard no more from the court and, after four months, decided to abandon the case in order to travel back to her home in Indonesia. She said:

It's been a long time. I want to withdraw the case... Now... [I am] trying to get my salary. But he will get away because I am not suing him.<sup>227</sup>

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<sup>226</sup> Human Rights Watch interview with Shelly A., a Filipina domestic worker, Abu Dhabi, November 26, 2013.

<sup>227</sup> Human Rights Watch interview with Arti L., November 29, 2013.

## Recommendations

While the UAE has a legitimate interest in regulating immigration, its flawed *kafala* system and gaps in labor law are putting migrant domestic workers at risk of labor exploitation and other human rights abuses. To bring an end to this situation, Human Rights Watch recommends that the UAE government undertake urgent reforms.

### To the Federal National Council and Ministry of Interior

- Reform the UAE’s *kafala* (visa sponsorship) system:
  - Repeal or amend all articles and implementing regulations of Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners that give individual employers control over domestic workers’ immigration status, freedom of movement, and freedom to terminate employment.
  - Reduce the fees for the residence visas and make the fees uniform for foreign and Emirati employers. Establish a bond for all employers that is refundable when workers are paid full salaries and receive other benefits required under law.
  - Create legal bases for workers to transfer or terminate employment at will and without employer consent.
  - Repeal “absconding” provisions contained in Federal Law No. 6 of 1973 on the Entry and Residence of Foreigners. Replace these with reasonable and proportionate administrative sanctions for visa violations which do not deter workers from leaving abusive employers. Remove sanctions against individuals who “harbor” “absconders” and reduce overstay fines for undocumented migrants.
- Ratify international labor and human rights treaties relevant to domestic workers, including the ILO Domestic Worker’s Convention, the Protocol of 2014 to the ILO Forced Labour Convention, 1930, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Ensure that the draft domestic workers law meets international standards and matches the UAE labor law standards for other workers:

- Include limits to working hours, a weekly day off, and just and equitable employment conditions such as regular payment of wages.
  - Ensure that such legislation includes no mention of the *kafala* system and eliminates delegation of unchecked power to individual sponsors.
  - Combat wage discrimination against domestic workers on the basis of nationality, ethnicity, or religion by setting a standard minimum wage under law.
- Decriminalize adult consensual sexual relations, “sorcery,” and attempted suicide.

## To the Ministries of Interior and Labor

- Create a domestic work inspection task force to monitor working conditions and legal compliance for this sector:
  - Inspect places of work where domestic workers have alleged violations. Inspections may be conducted with employers’ consent, or, where warranted, through judicial order.
  - Implement telephone or SMS hotlines to allow workers who are confined to employers’ homes to safely report abuse.
  - Establish a pilot program whereby local labor authorities or embassy officials make regular calls to domestic workers to check on their working conditions.
  - Investigate all allegations of criminal conduct against employers of domestic workers and refer suspects to public prosecution authorities.
- Expedite dispute-resolution for domestic worker complaints:
  - Refer all complaints that do not reach fair resolution to the court system.
  - Compel employer participation in labor dispute-resolution mechanisms and impose penalties on those who fail to comply.
  - Provide interpretation for workers in their native languages during proceedings.
  - Permit workers to seek alternate employment while pursuing legal claims.

- Enforce the prohibition on the confiscation of workers' passports. Sanction employers and recruiters who violate this prohibition. Pass a law explicitly criminalizing passport confiscation.
- Improve provision of emergency shelters and other assistance:
  - Expand or create new government-sponsored shelters for domestic workers fleeing abuse or provide public financial support for private shelters and ensure that workers are staying on a voluntary basis and are not confined.
  - Publicize the existence and contact information of shelters and other assistance among domestic workers. Make this information available in languages spoken by the largest numbers of domestic workers in the UAE.
- Expand government monitoring of domestic worker recruitment agencies to ensure accountability for abuse.
- Extend the electronic wage protection system to domestic workers and set a reasonable cap on bank charges. Sanction sponsors who fail to pay workers' salaries.
- In coordination with the Ministry of Health, provide or fund counselling and rehabilitative services in their native languages to domestic workers who exhibit symptoms of trauma or physical injury or who seek social counselling services.
- Raise public awareness regarding the requirements under the standard domestic worker contract and humane treatment of workers. Ensure that any such efforts do not further demonize domestic workers.
- Regularly inform employers of their rights and responsibilities under UAE law, including the penalties they face for mistreatment of domestic workers.
- Provide mandatory orientations for both domestic workers and employers to acquaint them with relevant laws and policies as well as means of redress. In particular, educate and inform employers in order to prevent their becoming involved in forced or compulsory labor practices.

### **To the Ministry of the Interior**

- Screen migrant domestic workers for pending or unresolved claims against employers, employment agents, or others, and ensure that they understand their rights and have a practicable opportunity to pursue claims before departure.



- Train police officers to receive domestic worker complaints in an unbiased and nonthreatening manner.
- Increase the availability of interpreters in police stations in the languages spoken by the largest numbers of migrant domestic workers in the UAE.
- Refrain from handcuffing or shackling injured domestic workers subject to criminal investigations to hospital beds during treatment.
- Allow access to lawyers and consular officials for domestic workers during interrogations.

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

- Train public prosecution officials to identify and investigate cases of forced labor, slavery, and trafficking of persons in all forms. Investigate and prosecute employers and agents for such offenses.
- Investigate and prosecute employers and agents who abuse the criminal justice system by filing frivolous criminal charges against domestic workers.
- Establish a fund for legal aid for domestic workers who wish to pursue civil court cases against their employers or for domestic workers facing misdemeanor charges.
- Create a labor-complaints court that can resolve domestic worker complaints within a time bound period, allowing workers who have faced abuse to return home or to transfer employment as soon as possible.

### **To Governments of Labor-Sending Countries**

- Ratify the ILO Domestic Workers Convention, the Protocol of 2014 to the ILO Forced Labour Convention, 1930, and the Convention on the Rights of all Migrant Workers and Members of their Families.
- Ensure that regulations concerning recruitment agencies and their practices meet standards established in the ILO Domestic Workers Convention, monitor recruitment rigorously, and impose meaningful penalties for violations.
  - Set forth clearly defined standards for fees and recruitment practices to reduce overcharging and deception by local brokers and subagents; ensure that subagents who violate the regulations face meaningful penalties.

- Establish mechanisms for regular and independent monitoring of labor agencies and retained subagents. Conduct unannounced inspections of recruitment agencies.
  - Rigorously collect and investigate complaints about nationals working at labor agencies in the countries of employment. Create procedures that allow domestic workers to register this information at foreign missions in the countries of employment and upon return.
- Cooperate with other sending countries and the UAE authorities to harmonize a standard contract and make it mutually enforceable.
- Strengthen cooperation among labor-sending countries to advocate a common platform for increased protection of domestic workers.
- Improve cooperation with the UAE on oversight of the recruitment process, validity of contracts, and resolving legal cases.
- Require that local agents provide workers and their families the name and contact details of the recruitment agency in the UAE that will handle their employment.
- Enhance capacity of embassies in the UAE to assist migrant domestic workers by:
  - Establishing or maintaining shelter facilities.
  - Ensuring foreign missions have a 24-hour assistance hotline and/or are staffed 24 hours per day for domestic workers fleeing abusive workplaces.
  - Increasing trained staff to address psychosocial needs of domestic workers and assist with cases.
  - Facilitating speedy provision of temporary travel documents when domestic workers cannot recover their passports.
  - Arranging legal representation, when not provided by the UAE government.
  - Sharing information among embassies on blacklisted employers and recruitment agencies. Providing services such as weekly skills training or Arabic and English classes to give employers an incentive to provide workers with a weekly day off. Publicizing such information to employers and workers.
- Report abusive employers and recruitment agencies to the UAE authorities, so they can take necessary steps to investigate and prosecute them.

- Provide domestic workers information on their rights under sending country and the UAE law and on crisis support and legal assistance.
- Expand educational and employment opportunities for women so they are able to migrate out of choice and not desperation.

### **To Members of the Gulf Cooperation Council (GCC)**

- Promote regional standards on migrant labor that protect domestic workers' rights in accordance with international human rights and labor standards.
- Adopt a GCC-wide commitment to include domestic workers in national labor laws, reform *kafala* systems, improve oversight of recruitment, and increase access to services and redress.
- Ratify the ILO Domestic Workers Convention, the Protocol of 2014 to the ILO Forced Labour Convention, 1930, and the Convention on the Rights of all Migrant Workers and Members of their Families.

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# “I Already Bought You”

## Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates

At least 146,000 female migrant domestic workers—perhaps many more—are employed in the United Arab Emirates (UAE). Female domestic workers from the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, Ethiopia, and elsewhere face severe abuse and exploitation by employers and labor recruitment agencies.

*“I Already Bought You”: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates* documents how the UAE’s visa sponsorship system (known as kafala) ties migrant workers to employers and how the exclusion of domestic workers from labor law protections leaves migrant domestic workers at risk of abuse. The report exposes barriers preventing abused domestic workers from obtaining remedy, including lack of shelters, penalties for “absconding” workers, and justice system failings.

Based on interviews with 99 female domestic workers, recruitment agents, employers, and others in the UAE, the report documents abuses that domestic workers face—passport confiscation, non-payment of wages, lack of rest periods and time off, confinement to households, excessive work and working hours, food deprivation, and psychological, physical, and sexual abuse. In some cases the abuses amounted to forced labor or trafficking.

The UAE has an increasingly influential role in the international labor arena. In 2014, it joined the governing body of the International Labour Organization. At home, however, it maintains the exploitative kafala system, has failed to adopt a bill pending since 2012 on domestic workers’ rights, and has yet to ratify key international treaties on migrants’ and domestic workers’ rights.

Human Rights Watch calls for the reform of the kafala system and the introduction of labor law protections and other measures to fully protect domestic workers’ rights.



*A foreign domestic worker with a child under a billboard in Dubai, the United Arab Emirates.*

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