

**MAPPING STUDY ON
WOMEN DOMESTIC WORKERS IN YEMEN**

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PREFACE AND ACKNOWLEDGMENTS

This study about domestic workers in Yemen, and in particular migrant and refugee women working as domestic workers, is part of a series of studies carried out by international organizations in Arab countries. In the past five years, similar studies have been done in Jordan, Bahrain, Kuwait, Lebanon, the United Arab Emirates, and Syria.¹ Although the number of paid domestic workers in Yemen is limited compared to these countries, paid domestic labour is a growing sector of employment for many women in Yemen. While previously only upper class families employed domestic labour, nowadays an increasing number of families in urban areas make use of domestic workers. Just like in the above-mentioned countries, the majority of these domestic workers are foreigners, being migrants or refugees who left their home countries for political or economic reasons. Their numbers are increasing daily and pose new challenges for Yemeni authorities and embassies of sending countries.

In order to shed light into the situation, International Labour Organization in Beirut initiated a mapping study on migrant domestic workers in Yemen undertaken by a researcher who has been working on the subject of women domestic workers in Yemen since 2003. This mapping study will provide the basis for discussions among government officials, national and international non-governmental organizations, embassies of sending countries and other key stakeholders. The report was funded by the ILO- DECLARATION Special Action Programme to Combat Forced Labour and technically supported in its production by the ILO Regional Office for Arab States in Beirut.

Thanks are due to H.E. Dr. Abdelkarim al-Arhabi, former Minister of Social Affairs and Labour, for approving the mapping study, and Ms. Najwa Ksaifi, ILO's Chief Technical Advisor on Gender and Employment in Yemen, for supporting the study. We are also grateful to the staff of the Directorate General for Working Women of the Ministry of Social Affairs and Labour for their assistance, and to Joyet Beyene, Blandine Destremau, Asha D'Souza, Natan Elkin, Simel Esim, Najwa Ksaifi, Katerine Landuyt, Annelies Moors, Gina Olcese, Emanuela Pozzan, Lara Uhlenhaut, Monica Smith and Mohamed Waked who gave comments on drafts of the report. Most of all, we would like to thank all the people that were willing to be interviewed and provided the information on which this report is based. In the past three years, many domestic workers were interviewed and their stories have given a deep insight in the complexities of migrant and refugee domestic labour. In addition, government officials, staff of embassies and members of non-governmental organizations were interviewed. We want to thank them all for their time and cooperation and hope that this report will be useful to them.

¹ See UNIFEM (2000), Al-Najjar (2002), Jureidini (2002), IOM (2003), ILO (2004).

EXECUTIVE SUMMARY

Paid domestic labour is a growing sector of employment for women in Yemen. Although the numbers of paid domestic workers are small compared to other countries in the Arab region, an increasing number of upper and middle class families in the main cities make use of domestic workers. The majority of these domestic workers come from the Horn of Africa (Somalia, Ethiopia and Eritrea) but also women from Asia (the Philippines, Indonesia, India and Sri Lanka) are employed as domestic workers. Yemeni women are reluctant to take up paid domestic work, but due to impoverishment, their numbers are also rising. This report summarizes the results of a mapping study on domestic workers in Yemen. It is based on an academic study done for the University of Amsterdam between 2003 and 2005 and further work carried out for the ILO at the end of 2005. Domestic workers, employers, employment agents and key personnel at government institutions, embassies, and non-governmental organizations were interviewed. This report is meant as a first step to study, discuss and improve the position of women domestic workers in Yemen.

There is a large variety of domestic workers in Yemen. The main differences are based on: nationality; type of employment (live-in or live-out); whether women are contract workers or freelance workers; the way in which women come to Yemen; their legal status and their religious background. There is a clear hierarchy in domestic work, expressed in wage levels, with Filipinas being the most highly paid domestic workers and Yemeni women the least paid. In addition, there is a pattern of moving from working on a contract basis to working on a freelance basis, from working for Yemeni families to working for expatriate families, and from working as domestic workers in private homes to working as cleaners in public places such as hotels, restaurants and offices.

Comparatively, the treatment of domestic workers in Yemen is in general better than in other Arab countries. Yet, women domestic workers do complain about strenuous workloads, low salaries or delayed payment of salaries, isolation, lack of legal rights, physical and mental abuse, and trafficking by illegal agents. Domestic workers are not covered by the labour law and are therefore vulnerable to exploitation and abuse as a result. There are no laws which regulate their work, and there is little to no supervision in case they work on a contract basis. There are, at present, no employment agencies with a license from the Ministry of Social Affairs and Labour that place foreign workers in Yemen and the number of illegal agencies is increasing. Women who are employed via illegal employment agencies are the most vulnerable to exploitation and abuse since, among other reasons, their passports are retained by the employer or the agency. Because the legal migration process is slow, women often prefer to reduce the waiting time by using illegal means even though they are more costly.

In addition, many migrant domestic workers do not have a residence permit or a work permit because the costs involved in obtaining these permits are too high. Embassies of sending countries and the Ministry of Social Affairs and Labour are regularly confronted with the problems of domestic workers but unable to solve them effectively, hence the need for coordinated response between sending and receiving countries.

Although domestic work is not covered by the Yemeni labour law, domestic workers do have access to official labour dispute resolution mechanisms. In addition, the Yemeni government has ratified all fundamental conventions of the ILO and other key UN Conventions. The effective implementation of these conventions can protect migrant domestic workers against

racial and sex-based discrimination, against forced labour and trafficking and guarantee them the right to organize.

In order to put in place measures to manage the situation at an early stage, a number of recommendations are proposed in the study. Among them are: organizing consultative workshops for key stakeholders and other relevant organizations; establishing a national committee to improve coordination between key stakeholders; drafting legislation including domestic workers in the labour laws; development of guidelines and better monitoring systems around private employment agencies; distribution of rights booklets to domestic workers to raise awareness about their rights; and a more extensive survey of domestic workers.

1. INTRODUCTION

The Republic of Yemen is the poorest country on the Arabian Peninsula (see annex 1 for basic data on GDP per capita etc.), and is primarily known as a sending country in migration. Labour migration has been one of the main pillars of Yemen's economy since the formation of the republic in 1970 with large numbers of Yemenis migrating to Saudi Arabia and the Gulf States. Yet, since the early 1990s, Yemen has also turned into a receiving country. Not only were hundreds of thousands of Yemeni migrants expelled from Saudi Arabia and the Gulf States after Iraq's invasion of Kuwait in 1990, but the political changes that took place in the Horn of Africa, in particular in Ethiopia and Somalia, in the early 1990s led to the arrival of large numbers of migrants and refugees from that region. Many of these migrants are women who are employed as domestic workers in the houses of Yemeni and expatriate families. In addition to African women, who are mainly employed by middle class families, Asian women are employed by upper class and expatriate families. They mainly come from the Philippines, Indonesia, and India.

Little is known about the living and working conditions of migrant domestic workers in Yemen. Even though the numbers of women that come to Yemen and take up paid work as domestic workers are small compared to the large numbers of migrant domestic workers in other Arab countries², their numbers are increasing. However, reliable statistics are not available. One of the main reasons is that many migrant domestic workers do not have residence or work permits and are therefore invisible in statistics. In addition, because domestic labour is not covered by local labour laws it is difficult to regulate and manage such work. This report is meant to provide qualitative data about this hitherto neglected group of workers with the aim of identifying key areas of intervention where labour legislation and social protections could be improved.

The report is based on data gathered during two studies. The first study was an academic study on migrant domestic workers in Yemen, which was undertaken as part of the research programme on the Cultural Politics of Migrant Domestic Labour at the International Institute for the Study of Islam in the Modern World (ISIM) and the University of Amsterdam in the period 2003-2005. In-depth interviews were carried out with 63 domestic workers of different nationalities and with 10 Yemeni employers. In addition, interviews were done with key persons working at government institutions, embassies and national and international organizations. The second study was carried out in December 2005-January 2006 for the International Labour Organization and focused on updating and completing the data gathered during the first study. Considering the small size of the sample, more extensive interviews and representative surveys are needed to generalize the results from this study. This report should be seen as a first step in a process to study, discuss and improve the situation of domestic workers in Yemen.

2. METHODOLOGY

The methodology used during the study consisted mainly of anthropological fieldwork. The following methods were used:

- informal conversations and life story interviews with domestic workers
- informal conversations and in-depth interviews with employers and employment agencies

² See ILO (2004).

- interviews with key informants working at government institutions, non-governmental organizations, embassies and international organizations.
- observations.

The fieldwork was done in different periods throughout 2003-2006. The first fieldwork period consisted of a pilot study in July-August 2003, in the cities Sana'a and Hodeidah (capital of the Tihama governorate on the Red Sea Coast). Sana'a and Hodeidah were selected because of their regional variety. While in Sana'a mainly migrant and refugee women work as domestic workers, in Hodeidah the majority of domestic workers are Yemeni, being rural migrants or returned migrants from Saudi Arabia. Yet, there are also foreign women employed as domestic workers in Hodeidah.

The second fieldwork period consisted of an in-depth study in Sana'a in the period August-December 2004 and in Hodeidah in the period January-February 2005. Migrant domestic workers and Yemeni employers were interviewed on the basis of a list of questions in both cities (see annex 3 and 4). Domestic workers and employers were approached via Yemeni friends and acquaintances of the author (who lived in Yemen in the period 1991-1998), via the Ethiopian and Somali community centers (*jaliyaat*), and via the Refugee Health and Community Development Project (see 6.5.1). A snowball method was used to meet more domestic workers. Because the large majority of domestic workers in Yemen are Ethiopian and Somali, mainly women of these two nationalities were interviewed. It was more difficult to access Asian women workers, since they are mainly employed as live-in domestic workers and have little time off. In addition, most of the interviewed domestic workers were freelance workers (both live-in and live-out) as it was more difficult to gain access to contract workers. In some cases freelance workers had previously worked as contract workers and by using life story interviews their previous experiences could be investigated as well. Moreover, a number of interviews were done with former domestic workers, who are now working as cleaning staff in hotels, offices or embassies. In total, 63 domestic workers (and former domestic workers) and 10 Yemeni employers were interviewed (see table 1 on page 8 for an overview of the interviewed domestic workers, and table 2 on page 9 for an overview of the interviewed employers).

In addition, interviews were done with key informants at government institutions, non-governmental organizations, embassies and international organizations. Two employment agents were interviewed: one with and one without a licence from the Ministry of Social Affairs and Labour.³ Additional material was gathered during a short fieldwork period in Sana'a in December 2005-January 2006. During this fieldwork, the emphasis was on completing and updating the data gathered during the academic study and interviewing more key persons at government institutions and embassies (see annex 2 for a list of names of key persons interviewed).

3. SITUATIONAL ANALYSIS

3.1 The History of Paid Domestic Work in Yemen

A hierarchical system of social stratification characterized pre-revolutionary Yemen. According to this system, the Yemeni population could be roughly divided into five status groups, based on notions of descent and maintained through endogamous marriage patterns

³ The agent who had a licence lost this license in February 2006.

(Carapico 1996, 81). The highest social status group claimed power on the basis of direct descent from Prophet Mohammed, while the lowest social status groups could not trace their ancestry. In addition, there was a close link between people's social status and the work they performed. Elite families often employed people of lower social status for a range of manual and service activities, in and outside the house. The most important service groups were the abid and the akhdaam, two groups with perceived African ancestry.⁴ In addition, it was common to employ young women from poor (rural) families as domestic workers, who would live with the family until they married (Destremau 2002, 331). There was often a clear division of labour between the different categories of people working for one family. Moreover, there were important regional differences between people's social status and the type of work they were involved in. In Sana'a, people of the lowest status group (akhdaam) were, for example, not allowed to enter the homes of people of higher social status and therefore did not do domestic work (see Destremau 2001, 3) while in the coastal town Zabid, such a rule did not exist and akhdaam were able to work as domestic servants (see Meneley 1996, 14).

After 1962, with the overthrow of the Imamate and the development of a nation-state, economic class became gradually more important than social class. Firstly, status differentials were officially abolished in the constitution of 1970 and equality of all citizens was promoted. Secondly, soon after the establishment of the Yemen Arab Republic, large numbers of Yemenis of different social backgrounds migrated to Saudi Arabia and the Gulf States. The remittances migrants sent home led to a growth of the Yemeni economy and the enrichment of people of diverse social backgrounds. One's family background no longer determined one's social and economic status, and a new middle class emerged. In the beginning, the majority of Yemeni migrants were single men who migrated on a temporary basis. They worked as unskilled labourers in construction and agriculture in Gulf countries. In the 1980s, the demand for construction workers began to diminish, as many infrastructural projects were completed, but the demand for labour in the service sector increased (Findlay 1994, 209). The shift to more secure employment in the service and trade sectors allowed an increasing number of Yemeni migrants to bring their families with them. Their wives rarely took up paid work but their sons and daughters benefited from the educational facilities in Saudi Arabia and the Gulf.

While around 75 per cent of the Yemeni population still live in rural areas, urbanization has rapidly increased in the past three decades and this has had strong implications for the way in which domestic work is organized. Urbanization has resulted in changing family structures and nuclear families have often replaced extended families. The result is that domestic tasks can no longer be divided between a number of women but fall on the shoulder of one woman. Upper and middle class families solve this problem by employing domestic workers, something lower middle class families cannot afford. A second explanation for the increased demand for domestic labour is the increase of girls' education in particular in urban areas. Young daughters are therefore not automatically available anymore for household chores. This applies particularly to upper and middle class families. While daughters of lower class families in urban areas are also increasingly enrolled in school, they stop their schooling earlier in order to get married or provide for their families. A third explanation for the demand for paid domestic labour is that an increasing number of upper and middle class women in the main cities have taken up professional work or are doing voluntary work. They have therefore less time available for domestic tasks and are in need of assistance with child care. The

⁴ See Walters (1987) for an extensive study on the akhdaam and abid in Yemen.

extended family is still the main form of childcare for working women in Yemen and those who do not live close to their relatives have to seek alternative arrangements. The lack of affordable and accessible childcare centers results in working women increasingly relying on nannies. In addition, visiting and social gatherings such as attending engagement and wedding parties, mourning ceremonies and the celebration of births are very important in the lives of Yemeni women.⁵ These social obligations require women to host, cook, and entertain guests for which they utilize the labour of domestic workers. Last but not least, handing over certain types of domestic work to other people, such as cleaning, washing and ironing, is increasingly seen as a sign of social status, and even women who are not employed or active outside of their homes may nowadays employ domestic workers. In conclusion, the employment of paid domestic labour is an urban phenomenon with a strong class dimension.

Generally speaking, Yemeni women are reluctant to be employed as domestic workers. This can be explained by a number of factors. According to the system of social stratification, people performing services for others are of low social status. When Yemeni women take up paid domestic labour they are automatically classified in a low status group, even though status differentials are officially abolished. Second, domestic work interferes with notions of gender segregation in which it is seen as inappropriate for a Muslim woman to meet unrelated men. Third, Yemeni women have their own family responsibilities and are therefore in most cases unable to be employed as live-in domestic workers. Fourth, Yemeni families often prefer to employ migrant women. Migrant women, in particular those who come to Yemen on a contract basis, are available full time because they don't have family responsibilities in Yemen. Fifth, migrant women are seen as more 'reliable' and 'cleaner' than Yemeni women. And finally, the fact that they do not speak Arabic well and have no contacts with other Yemenis also makes them less threatening than Yemeni domestic workers. Some families are afraid that Yemeni domestic workers will spread "the secrets of the family" (*asrar al-bait*) by telling others about what they heard and saw in the house of their employers.

3.2 Categories of Domestic Workers

A diverse picture emerges when considering women domestic workers in Yemen with regard to their living and employment situation, nationality, legal status, religious background and the means used to come to Yemen.

Firstly, domestic workers can be divided into two categories: live-in domestic workers and live-out domestic workers. Live-in domestic workers live with the employer's family while live-out domestic workers go home daily and spend the night in their own house. Live-out domestic work is more common than live-in domestic work, which can be explained by the lower salaries paid to live-out domestic workers. This type of employment is therefore affordable for more families who sometimes only employ a domestic worker for a few days or even a few hours per week. Live-in domestic workers can be divided into those who come to Yemen on a contract basis (contract workers) and those who work without a contract (freelance workers). Live-in domestic workers are mainly of Ethiopian or Asian background. Somali and Yemeni women work mainly as live-out domestic workers. Live-out domestic workers can be divided in those who work full-time for one family and those who work part-time and work for more than one family.

⁵ See Meneley (1996) for a study on the importance of visiting in Yemen.

The second difference is the variation between contract workers and freelance workers. Contract workers come to Yemen via a private employment agency, an individual employer or the embassy. Their contract is arranged before their arrival in Yemen. In case the contract is arranged in a legal way, the employer pays their ticket, the costs of the work permit and the residence permit, while the worker is responsible for the visa and health tests. The contract is for two years after which the employer has to pay a ticket home. Contract workers have in most cases no day off and work seven days a week without much free time. They are vulnerable to human rights violations because they are dependent on their agent and employer, who often withhold their passports and give them little freedom of movement. The employer or agent should register contract workers at the labour offices of the Ministry of Social Affairs and Labour in order to obtain a work permit. Freelance workers are women who have arranged their own work and who are responsible for their own residence and work permits. They can be employed as live-in or as live-out domestic workers. They are in most cases employed on the basis of spoken agreements and do not have a written contract. Freelance workers can quit their job whenever they desire since they maintain possession of their own passports and are not dependent on an agent.

A third difference between domestic workers is the way in which they come to Yemen. Generally speaking, there are four main ways in which women come to Yemen: via 1) employment agencies, 2) relatives or friends, 3) the embassy, or 4) on their own by boat (this is particularly the case with refugees from Somalia but Ethiopian women may also come by boat, see 5.4).⁶

A fourth difference is nationality, which to a certain extent determines the type of families women work for. The majority of domestic workers in Yemen are Ethiopian, Somali, Filipina, Indonesian, Indian, and Yemeni. There is a clear hierarchy among domestic workers, with Asian women working for the upper classes and expatriate families, Ethiopian and Eritrean women working for the upper middle and middle classes and Somali women working for (lower) middle class families. Yemeni women work for (lower) middle class families but are sometimes also employed by elite families for particular tasks. Sometimes families employ women of different nationalities in which case there is a clear division of labour between the women.

The type of work women are employed for is a main fifth difference. Asian and Ethiopian women are employed as cleaners, cooks, nannies and caretakers of sick or older people. Somali women only work as cleaners. In Sana'a Yemeni women are often employed for particular tasks such as baking bread and cleaning water-pipes⁷, while in Hodeidah, Yemeni women work mainly as cleaners.

The sixth main difference is the legal status of domestic workers. There are domestic workers who have a residence permit and a work permit; domestic workers who have a residence permit and no work permit; and domestic workers who neither have a residence permit nor a work permit. In addition, some women are registered as refugees (especially Somali women) while others are considered migrants. Refugee women have to register as refugees at one of

⁶ See also de Regt (2005).

⁷ The use of water-pipes (mada'ah in Yemeni Arabic) for smoking tobacco is very common in Yemen, both among men and women. The use and maintenance of water-pipes is labour intensive. Water-pipes are often combined with chewing qat. Qat is a shrub of which the leaves have a mildly stimulant effect when chewed. A large part of the Yemeni adult population, in particular men, chews qat in the afternoon, alone or with others. Qat sessions are the most important pastime in Yemen.

the registration centers of the Yemeni government. They do not need a residence permit and a work permit. Migrant women working as domestic workers should register at the labour office of the Ministry of Social Affairs and Labour, where work permits are issued. Yet, many domestic workers in Yemen are not registered at the labour office and do not have a work permit. Management and monitoring of residence and work permits for foreign workers is relatively weak in Yemen. While the authorities are aware of the presence of undocumented migrants to a certain extent, it is not publicly acknowledged.

A last difference is religion. Most domestic workers in Yemen are Christian or Muslim. Filipinas, who are most highly valued as domestic workers, are in most cases Catholic. There is a small minority of Muslim Filipinas living in Yemen. The majority of Ethiopian women belong to the Ethiopian Orthodox Church but an increasing number of women are Pentecostal Protestants. Some women convert to Pentecostalism during their stay in Yemen. A minority of Ethiopian women are Muslim. Somali and Indonesian women are always Muslim. Most employers said that they did not mind whether their domestic workers were Muslim or Christian but some clearly stated that they preferred Muslim women as domestic workers. The increasing demand for Indonesian domestic workers may also be related to their religious background. In particular conservative upper class families prefer to employ Indonesian women because they are Muslim.

Table 1 Overview of interviewed domestic workers in Yemen

Nationality	Total	Work situation	Residence status	Work permit	Marital status	Religion
Ethiopian	25	12 Live-in, 13 Live-out	2 refugee status 13 illegal 10 legal	5 Yes/20 No	15 Single 8 Married 2 Divorced	19 Ethiopian Orthodox 5 Muslim 1 Protestant
Somali	15	15 Live-out	15 refugee status	No	4 Single 2 Divorced 8 Married 1 Widow	15 Muslim
Indonesian	5	5 Live-in	3 legal/2 illegal	3 Yes/2 No	2 Single 3 Married	5 Muslim
Filipinas	7	5 Live-out, 2 live-in	7 Legal	7 Yes	1 Single 3 Divorced 3 Married	7 Catholic
Indian	2	2 Live-in	2 Legal	2 Legal	1 Married 1 Widow	1 Muslim 1 Christian
Sri Lankan	1	1 Live-in	1 Legal	1 Legal	1 Widow	1 Buddhist
Yemeni	10	9 Live-out, 1 live-in	Not applicable	Not applicable	5 Single 2 Divorced 2 Married 1 Widow	10 Muslim

3.3 Categories of Employers

While employing domestic workers was restricted to upper-class families in the past, nowadays people of other social classes also employ domestic workers quite often. The phenomenon of employing (migrant) domestic workers is, however, mainly restricted to middle and upper classes in the main cities (Sana'a, Hodeidah, Aden, Taiz and Mukalla) (see map).

The families that make use of migrant domestic labour are:

- Upper class families that historically are used to having domestic servants and can afford to employ domestic labour.
- Upper and middle class families where women have paid employment outside the house or are actively involved in other activities and therefore need assistance with various household and child caring tasks.
- Upper and middle class families with a sick or handicapped family member.
- Middle class families where women are not employed but whose husbands earn enough to employ a domestic worker, even for a few days per week and for particular tasks.
- Expatriates living in Yemen.⁸

According to the Yemeni Ministry of Social Affairs and Labour, only large families with many children, families where the wife is employed and families with a sick or handicapped family member, are allowed to employ foreign women. In other cases, work permits are denied, and the family is advised to employ Yemeni or Somali women (see 6.1.1).

Table 2 Overview of interviewed Yemeni employers in Yemen

	City	Econ. class	Nationality domestic	Type of employm.	Contract	Work permit	Res. Status	Monthly Salary
1	Sana'a	Upper	Indian	Live-in	Yes	Yes	Yes	120 US\$
2	Sana'a	Upper	Ethiopian	Live-in	Yes	Yes	Yes	100 US\$
3	Sana'a	Upper	Indonesian	Live-in	Yes	Yes	Yes	50 US\$
4	Sana'a	Middle	Somali	3 days per week	No	No	Refugee	40 US\$
5	Sana'a	Middle	Somali	1 day per week	No	No	Refugee	20 US\$
6	Hodeidah	Upper	Indian	Live-in	Yes	Yes	Yes	120 US\$
7	Hodeidah	Upper	2 Filipinas	Live-in	Yes	Yes	Yes	200 US\$ 250 US\$
8	Hodeidah	Upper	Ethiopian	Live-in	Yes	Yes	Yes	70 US\$
9	Hodeidah	Middle	2 Ethiopian	Live-in	Yes	Yes	Yes	50 US\$ 50 US\$
10	Hodeidah	Middle	Yemeni	Live-out	No			20 US\$

3.4 Recruitment Processes and Agencies

There are three main ways in which migrant domestic workers are recruited:

⁸ There is a relatively large expatriate community in Yemen consisting of embassy personnel, development workers, employees of oil companies and businessmen.

1. via an officially recognized employment agency⁹
2. via an unofficial employment agency
3. via relatives and friends

3.4.1 Via an Officially Recognized Employment Agent

The Ministry of Social Affairs and Labour issues licenses for employment agencies. The following criteria have to be fulfilled before an employment agency obtains a license:

- to have one million Yemeni Rials (5,719 US\$) in the bank, which should be proven by a bank statement¹⁰
- to be registered at the Yemeni Chamber of Commerce
- to have an official office (proven by a rent contract)
- to hand over a copy of the Identity Card of the owner(s) of the agency and to submit their personal data.

Until January 2006, there was one officially recognized private employment agent that brought women to Yemen as domestic workers. He used to have a counterpart in Addis Ababa who recruited women in Ethiopia. The office of his counterpart was closed in 2005 because recruitment fees were asked from the women, which is not allowed according to the Ethiopian law. In addition, in the second half of January 2006 the employment agent in Yemen was arrested and imprisoned because of raping a young Ethiopian woman who had recently come to Yemen via his office. The agent was arrested once the Ethiopian embassy learned of the incident. The Ministry of Social Affairs and Labour, the Ministry of Interior and the Ministry of Foreign Affairs were informed and a court case has been opened against the agent. He will presumably lose his license, which would result in the absence of any officially recognized employment agencies operating in Yemen who recruit foreign women to work within the country.

3.4.2 Via an Unofficial Employment Agent

A number of employment agencies work without a license from the Ministry of Social Affairs and Labour. The requirement of having one million Yemeni Rials (5,719 US\$) in the bank, as a guarantee in case of conflict or financial problems, is the most important obstacle for obtaining a license. However, there are also agencies that prefer not to be officially registered because this will increase the level of government scrutiny over their activities. Some agencies violate the rights of women migrants by deceiving them, withholding their passports, restricting their freedom of movement, delaying the payment of salaries with the excuse that the workers have to pay off their debts (“debt bondage”). The fact that the employer or the agent withholds their passports makes the women completely dependent. Cases of abuse are sometimes reported to the embassies, the police and the Ministry of Social Affairs and Labour (see chapter 6) but rarely published in the media. There are no NGOs that defend the rights of domestic workers in cases of abuse. In such instances, women can only turn to their embassies. In particular, Ethiopian and Indonesian women are victims of illegal recruitment and employment agents.

Women come in contact with brokers or agents in their country of origin who convince them that they will find them a well-paid job in Yemen. Most of the women know that they are going to work as domestic workers but they are often not informed about the way in which

⁹ A distinction is made between employment agencies and recruitment agencies. Employment agencies are operating in the receiving country, and recruitment agencies are operating in the sending countries.

¹⁰ On February 6, 2006, 1 US\$ was equal to 174.866 Yemeni Rials.

they will be employed, their tasks and workload and the salaries they are going to earn. In some cases the brokers or agents lie about the salary or neglect to tell them the value of the Yemeni Rial.¹¹ In addition, women who come via illegal employment agents have to pay recruitment fees, which on average can be between 200-400 US\$. Women borrow money from relatives, friends at home or from the agent; the latter resulting in a long period of time passing by before they actually receive their salaries. The bureaucratic procedures that are involved in legal migration take so much time that many women prefer to make use of traffickers, even though it costs them much more money. Women who want to migrate legally only have to pay the costs of a passport and medical tests, while those who migrate via traffickers have to pay large fees. Yet the demand to migrate is so substantial that many women prefer paying large sums of money to a slow but legal migration process.

On 27 July 2005, the Ministry of Social Affairs and Labour published an announcement in the government newspaper Al-Thawra in which it listed the names of the 15 officially recognized private employment agencies and asked them to renew their licenses. However, as mentioned before, only one of these employment agencies actively recruited foreign women for work in Yemen. All the other employment agencies focus on recruiting Yemeni citizens for work abroad (in particular in Saudi Arabia and the Gulf States). At the moment there is no officially recognized employment agency in Yemen that places foreign workers in the country.

3.4.3 Via Relatives or Friends

One of the other main ways in which migrant domestic workers are recruited is via relatives and friends who already live and work in Yemen. Sometimes women ask relatives or friends in Yemen to find work for them and help organize their migration. In other cases Yemeni employers ask their domestic workers if they have relatives or friends who want to come and work in Yemen. In particular, Ethiopian and Filipina women often come to Yemen via relatives and friends. The close historical relationship between Ethiopia and Yemen has resulted in a large community of Ethiopians in Yemen, as well as many people of mixed Ethiopian-Yemeni descent.¹² Filipinas have a long history of migrating for work to the Middle East. Also, in Yemen they were among the first foreign women to take up paid domestic work. The Filipino community is relatively large and Filipinos help each other to migrate and find work in Yemen.

Women migrants who come via relatives or friends often enter Yemen on tourist visas of three months. In some cases their employment is arranged via their embassies. In case they come on tourist visas, they have to arrange their own residence permits after their visas expire. The high costs involved in getting residence permits (around 300 US\$ per year) sometimes prevents them from applying for legal status. The official costs of obtaining a residence permit is much lower (10,500 YR or 60 US\$, see section 6.1.2) but large sums of money have to be paid to people who assist in getting the permit arranged. Many migrant domestic workers who come to Yemen via relatives or friends therefore reside and work in Yemen undocumented. While undocumented migrant domestic workers in Saudi Arabia, the

¹¹ Ethiopian women are sometimes told that their salary of 5,000 Yemeni Rials is comparable to 5,000 Ethiopian Birr, while the Birr is almost 200 times stronger currency than the Yemeni Rial. On February 6, 2006, 1 Birr was equal to 0.119 US\$ while 1 Yemeni Rial was equal to 0.005 US\$. 5000 Birr was equal to 596 US\$ and 5000 YR was equal to 28,6 US\$.

¹² Many Yemenis migrated to East-Africa in the first half of the nineteenth century to escape the poor economic situation during the Yemeni Imamate. They often married African women and brought their families back to Yemen after the revolution.

Gulf States and Lebanon run the risk of being arrested, detained and deported, government regulation in Yemen is weaker. The government does not have the resources to arrest and deport everyone who is undocumented. As noted before, management and monitoring of residence and work permits for foreign workers is relatively weak in Yemen. And while the authorities are aware of the presence of undocumented migrants, they do not publicly acknowledge it. In addition, undocumented migrants who are arrested can sometimes buy their way out of arrest. Paying off officials is one method for securing residence permits without paying the (entire) penalty of being undocumented.

3.5 Overview per Nationality

3.5.1 Ethiopian Domestic Workers

Roughly estimated there are around 8,000 Ethiopian domestic workers in Yemen. Reliable figures are not available as many of them have not registered. Most women that work as domestic workers come to Yemen via employment agents or via relatives and friends. A smaller group of women come by boat entering the country illegally. The majority of the women are unmarried, and especially those who come through an agent. Yemeni families often specifically ask for young and unmarried women because they think they are more malleable. Women who come to Yemen without the interference of an agent are predominantly young single women but they can also be married, divorced or widows. In some cases they have left their children with relatives in Ethiopia.

The geographic proximity is an important reason to come to Yemen but other reasons are the presence of relatives or friends and the negative stories they heard about other Arab countries (such as Lebanon and the Gulf States where human rights violations of Ethiopians are increasingly becoming public in the media). Some women joined their husbands in Yemen¹³ and then decided to take up work as domestic workers. Those who come through an employment agent enter Yemen legally but the employers or the agents do not always arrange or renew their residence permit. In other cases, women returned to their home countries after having finished their contracts and came back on tourist visas to take up work as freelance workers. They sometimes neglect to apply for residence permits when their tourist visas expire because the costs are too high compared to what they earn.

Ethiopian women work mainly for middle class and upper class Yemeni households. The women who come as migrant workers often intend to go home after having earned enough money to set up a business or build a house in their home countries. In case they are able to save money, they send money to their families, via people who go to Ethiopia or via Western Union. But their salaries are low (between 50-150 US\$ when they work for Yemeni families) and life in Yemen is expensive. They are often unable to save money for their return and many feel they are stuck. They don't want to return home empty-handed and prefer to stay or to move on to another country where they may earn more money. In case they succeed in returning home, they often decide to return to Yemen after a couple of months. Job opportunities in Ethiopia are very limited and they feel compelled to go back to Yemen. There is a clear pattern of change in employment status among Ethiopian domestic workers from working on a contract to freelance work, from live-in worker to live-out worker, from working for families to working as a cleaner in an office or embassy, and from working for

¹³ After the fall of Ethiopian's president Mengistu in May 1991, many Navy officers fled to Yemen and were accepted as refugees.

Yemeni families to working for expatriate families. Expatriate families pay the highest salaries (between 200-400 US\$).

The majority of Ethiopian domestic workers are Christian, mainly Ethiopian Orthodox, but the numbers of Pentecostal Protestants are increasing. Churches play an important role in the lives of many women and those who have a day off on Fridays often go to church.¹⁴ Freelance workers have freedom of movement and are better treated than contract workers. Contract workers sometimes do not have a day off and have a strenuous workload. In addition, they do not hold their own passports, they do not always receive their salaries on time, and are sometimes mentally and physically abused by their employers or their agents. Stories circulate between Ethiopians about women who have tried to commit suicide because of the misery in which they live. A number of women have succeeded in leaving their workplace and are aided by other Ethiopians. The Ethiopian community in Yemen is strong, with people helping and visiting one another, which is visible through their participation in social gatherings, such as wedding celebrations and other parties organized among Ethiopians. The Ethiopian embassy is regularly confronted with the problems of Ethiopian domestic workers. In particular women who came to Yemen via illegal employment agencies approach the embassy for assistance (see 6.2.1).

Case Story: Tsehay

Tsehay is 27 years old and came to Yemen six years ago. She was employed on a contract basis via an official employment agent and earned 50 US\$ per month. Two weeks before the end of her contract she quit her job after a fight with her female employer. She had never left the house before and said that her employer treated her badly. She met some Ethiopian women who took her to their house. She soon found another job, as a live-out domestic worker for a Yemeni family earning 100 US\$ per month. She is not the only domestic worker: an Indonesian woman is responsible for cooking and lives with the family. Until recently Tsehay did not have a residence permit and when she wanted to go home to visit her ailing father, she had to pay a large sum of money to cover the fine and the costs of a residence permit. She stayed for almost three months in Ethiopia and returned before her visa expired. Her father died a few months later. Tsehay quit her job because her shoulders and arms hurt from all the ironing she had to do. She does not know what she is going to do. She wants to return to Ethiopia but knows that it will be very difficult to find employment to earn a basic living.

3.5.2 Somali Domestic Workers

There are approximately 80.000 Somali refugees registered in Yemen, but their actual number is much higher because not all of them have registered as refugees.¹⁵ The Yemeni government is the only country on the Arabian Peninsula that has ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Somali refugees can obtain refugee status by registering at one of the registration centers in the country, where they are provided with identity cards. In principal this card should entitle them to work but in practice companies often still require work permits. After their arrival, Somali refugees can go to a refugee camp near Aden, set up by UNHCR (see 6.5.1), where they receive shelter, food and health care, but many of them prefer to move on to the major cities to look for work. Some of them also

¹⁴ Churches are accepted in Yemen as long as they are not actively visible in the public sphere.

¹⁵ UNHCR estimates the actual number of Somalis in Yemen at more than 100.000.

plan to cross the border with Saudi Arabia, men as well as women, but this trip is very difficult and dangerous.

The large majority of Somali women are employed as domestic workers, and there numbers can be estimated at tens of thousands. Many of the interviewed Somali women had come to Yemen by themselves. They borrowed money and traveled by boat from the East-African coast to the Yemeni coast. The boat trips to Yemen can be dangerous and there are many stories about people who have drowned, which are published in Yemeni newspapers. In some cases, women marry before coming to Yemen in order to have male protection during their trip. Although these marriages are arranged for practical reasons, they often result in pregnancies. In Yemen, the couple may stay together for some time and have more children but in many cases the man leaves his family at some point in time. Many Somali women are separated or divorced with children. But even when husbands are still living with them, Somali women are in most cases the main breadwinners. They are employed as part-time or full-time domestic workers and rarely as live-in domestic workers. Somali women work mainly for middle class Yemeni families. They tend to earn less than Ethiopian women (around 50 US\$ per month), which can be explained by their larger availability.

Somali women often complain of strenuous workloads, of being insulted and called bad names, of not getting their salaries paid, and of discrimination. Sometimes women are afraid they will be accused of theft as a ploy to fire them without paying their salaries, a strategy some Yemeni families use. Many Somali women want to move on to other countries, preferably to the United States or Europe. They try to leave Yemen via the Green Card Lottery, family reunion programmes and resettlement programmes. Their contacts with their relatives back home are weak, and few of them send money home. In some cases, women even receive money from relatives abroad. During instances of disputes with their employers, Somali women have no embassy to turn to and there are few organizations supporting their interests. UNHCR and the UNHCR financed Refugee Health and Community Project and Marie Stopes International Yemen (MSIY) are the only two venues that support refugee women (see 6.5.1).

Case story: Afrah

Afrah is a young Somali woman who is 24 years old. She came to Yemen one and a half years ago. Her parents and younger brothers and sisters are living in Mogadishu. She decided to migrate to Saudi Arabia and traveled alone by bus to Bosasso, one of the ports on the Gulf of Aden. She came by boat to Yemen and arrived in Mukalla. From there she traveled on to Sana'a. The trip took her one and a half months. When she heard that it was very difficult to cross the border with Saudi Arabia she decided to stay in Yemen. She took up domestic work for a Yemeni family and married a Somali man. She soon got pregnant but her husband treated her badly and they divorced within a year. She is now living alone with her five month old daughter in a room in the area As-Safiah, where many refugees live. She earns less than 50 US\$ per month for full-time domestic work. Her employers treat her well but the work is very hard. Her male employer often chews qat¹⁶ and she has to clean the diwan¹⁷ almost daily. Her salary is not enough to make ends meet, but a previous employer paid only half of what she makes now, so she does not complain. She has no contact with her parents anymore; they

¹⁶ Qat is a shrub of which the leaves have a mildly stimulant effect when chewed. A large part of the Yemeni adult population, in particular men, chews qat in the afternoon, alone or with others. Qat sessions are the most important pastime in Yemen.

¹⁷ Arabic sitting room.

do not even know she has a child. Afrah is still planning to move on to Saudi Arabia but she wants to wait till her child is older.

3.5.3 Indonesian Domestic Workers

There are around 1000 Indonesians in Yemen, most of them are students who come to study Islam and Islamic law. Yet, the number of Indonesian domestic workers is increasing. Reliable statistics are lacking because not all of them have work permits and have registered at the labour offices of the Ministry of Social Affairs and Labour. Roughly estimated there are a few hundred Indonesian domestic workers in Yemen. They come to Yemen because the economic situation in Indonesia is deteriorating and overseas migration is one of the ways to make a living. Indonesian women often prefer to work in a Muslim country because they too are Muslims. Indonesian agents recruit women from rural areas, in particular from Java, to work in Yemen because the market for domestic workers to Saudi Arabia and the Gulf States is already covered by large employment agencies. They convince women that it is easier and cheaper to get visas for Yemen than to apply through the official channels for work permits for Saudi Arabia and the Gulf States. Some of the women first worked in Saudi Arabia or other Gulf States but for others, Yemen is their first work experience as migrant workers. They sometimes enter Yemen on tourist visas and are not always registered at the Indonesian embassy. Recently, a shelter has been built at the premises of the embassy for women who leave their job after conflicts with their employer (see also 6.4.2). Religion is one of the reasons why Yemeni families employ Indonesian domestic workers. An increasing number of Yemeni families prefer Muslim domestic workers to Christian domestic workers.

Case story: Ella

Ella is 23 years old and unmarried. Her parents are small farmers who live in a rural area in Java. Ella migrated abroad four years ago. She first went to Kuwait, where she worked for a family with three children. She was responsible for housekeeping and cooking. The family treated her well and she returned to Indonesia after two and a half years. She stayed home for three months and was approached by an intermediary who convinced her to go to Yemen. She is now working as a live-in domestic worker for a rich family with houses in Mukalla and Sana'a. Her male employer is married to two wives and each wife has an Indonesian domestic worker. She is lucky because her female employer only has a son, while her colleague has to take care of a family of six children. They help each other and share a room. But she prefers Kuwait to Yemen. Yemen is poor and underdeveloped, and when her contract ends she does not want to return. She is considering going to another country.

3.5.4 Filipina Domestic Workers

The highest position in the hierarchy of migrant domestic workers in Yemen is occupied by Filipinas. There are around 600 Filipinos in Yemen, half of whom live in Sana'a. In Sana'a there are more women than men working in offices or as domestic workers. Filipino men work mainly in factories outside the capital. A number of Filipinos are employed as nurses. The number of Filipinos was much larger before the civil war of 1994. Fewer Filipinas now work as domestic workers because the economic situation in Yemen is such that fewer families than in the past can afford to have a Filipina domestic worker.

Most of the interviewed Filipinas came to Yemen because they knew someone who was working there. Work was arranged via relatives or acquaintances or through an agent in the

Philippines. Just like Ethiopian women, most Filipinas work first on contract basis and live with the family they work for (upper class Yemeni families). But after having finished their contract they often move on to work for expatriate families and become full-time live-out domestic workers. Many Filipinas work for ambassadors residing in Sana'a.

Filipinas earn higher salaries than Ethiopian and Somali domestic workers (between 200-400 US\$ per month) and are highly valued by Yemenis. Problems Filipina workers complain about are strenuous workloads and the fact that it is very difficult for them to be "released" after the end of their contract, specifically when their employers are satisfied with their work and the employer's children have grown attached to the domestic workers. At the end of the contract (which is usually two years but is often extended) the employer should pay their salary, give them an extra one-month of bonus (which is mentioned in their contract) and buy them a ticket home but they sometimes postpone doing so because they do not want their domestic workers to leave.

Most interviewed Filipinas were married and had left their husbands and children behind in the Philippines. They return home for holidays but in most cases come back to Yemen to work. The Filipino community is close-knit, although there is no Filipino embassy in Yemen. There are two community organizations that arrange activities and parties (the Filipino Community in Yemen TFCY and Samahang Filipinos Yemen) (see 6.3.4) and many Filipinos collectively visit the Catholic Church on Fridays or Sundays. However, women that are live-in workers with Yemeni families have less time or no time at all for such activities and are often more isolated.

Case story: Evelyn

Evelyn is 53 years old and has been working in Yemen for more than ten years. She married when she was 18 years old and has three children. Evelyn decided to migrate because the salary of her husband, who is a carpenter, was not enough to pay for her children's education. Her sister and sister-in-law were working in Yemen and arranged work for her. She came to Yemen in 1992 and first worked for three years for a merchant family in Taiz. The family treated her well but the work was very hard, even though the family also employed two Somali domestic workers. She worked around 16 hours per day and earned 200 US\$ per month. She used to send her entire salary to her family at home. After three years she returned to the Philippines for a couple of months. When she came back to Yemen she found work with an influential family in Sana'a, and stayed with them for seven years. This family also treated her well but the work was even harder than before because the family always had guests. She also accompanied the family abroad and had to take care of the children. They grew so attached to her that the family did not want to accept her resignation. It took a long time before she could leave. She is now working as a live-out domestic worker for an expatriate family. In the meantime she arranged for her husband and one of her daughters to come to Yemen. Her husband is working as a carpenter in Yemen and her daughter has an administrative job.

3.5.5 Yemeni Domestic Workers

The number of Yemeni women employed as domestic workers is relatively small, but there is a wide variation in patterns according to different geographical areas. Roughly estimated there are thousands of Yemeni domestic workers. In Sana'a, domestic labour has a low social status and Yemeni women are reluctant to be employed as domestic workers. Some women say that

they prefer to beg on the streets than to be employed as a domestic worker. Fear of being exploited and abused is a reason why they are reluctant to become domestic workers. Yemeni women that are involved in paid domestic labour are often employed for specific tasks such as baking bread and cleaning water pipes. Some elite families in Sana'a still make use of women from poor rural families as domestic workers. These women live with the family and are treated as part of the family. The deteriorating economic situation in the country has meant that an increasing number of Yemeni women take up paid domestic work, most of them from social classes with lower status.

Whereas in Sana'a few Yemeni women are employed as domestic workers, in Hodeidah the majority of domestic workers are Yemenis. This can be explained by the difference in perceptions and values about gender and labour and the lower standard of living in this city compared to Sana'a. Domestic labour is more accepted and the need to take up paid employment is much larger. In addition, Yemeni families in Hodeidah often cannot afford to employ foreign domestic workers. The women that are employed as domestic workers are of lower social backgrounds, being of mixed Yemeni-African descent (*muwalladaat*), coming from poor rural families in the Tihama Governorate or being return migrants from Saudi Arabia (*mughtaribaat*).¹⁸ Yemeni women that are employed as domestic workers in Hodeidah rarely live in with the families they work for. They are almost always employed on a full-time basis and have cleaning tasks and do not cook. The salaries of Yemeni women domestic workers in Hodeidah are lower than any other nationality. They earn around 20 US\$ per month. Most women receive transport costs for their daily trip from home to work.

Case Story: Fatima

Fatima is 18 years old and was born in Hodeidah. Her parents are rural migrants. They live in a squatter area of Hodeidah. Fatima is the eldest daughter; she has a younger brother and two younger sisters. Her father is a daily labourer in Hodeidah's port but there is often no work for him. Her mother does not have paid work. Fatima finished primary school but there was no money to continue her schooling. She stayed home for four years and then found work as a domestic worker for a Yemeni family with three children. At first she did not want to work as a domestic worker but she did not see any alternative. Her family needs money and she is the main breadwinner. She works six days a week from 8.00 a.m. till 5.00 p.m. and earns 20 US\$ per month. She cleans the house and takes care of the children. Cooking is done by her female employer, who is always at home. Her employer does not assist her with the housekeeping and Fatima complains that, although the apartment is small, the work is hard. Every morning, she walks for one and a half hours to her employer's house in order to save expenses because she does not receive transport costs. In the afternoon she takes a shared taxi home together with her friends who all work as domestic workers in the same neighbourhood. Fatima is planning to get married soon and leave paid domestic work for good.

¹⁸ See de Regt (2003) for a detailed description of the backgrounds of these three categories of women living in Hodeidah.

Table 2 Main characteristics per nationality

Nationality	Somali	Ethiopian	Filipinas	Indonesian	Yemeni
Rough estimate of nr. of domestic workers¹⁹	Tens of thousands (in the whole of Yemen)	Around 8.000 (in the whole of Yemen)	A few hundred (in the whole of Yemen)	A few hundred (in the whole of Yemen)	Thousands (in the whole of Yemen)
Way to come to Yemen	Mostly by boat via smugglers	Via agents Via friends or relatives By boat	Via friends or relatives Via agents	Via agents	Not applicable
Legal status	Most have refugee status	Equal distribution between documented/undocumented	Most are documented	Documented and undocumented	Not applicable
Live-in or live-out	Almost all live-out	Equal distribution between live-in and live-out	Equal distribution between live-in and live-out	Almost all live-in	Almost all live-out
Contract or freelance	Freelance on basis of spoken agreement	Written contracts and spoken agreements	Most work on the basis of a written contract	Almost all work on contract basis	Freelance on basis of spoken agreement
Type of work	Cleaning	Cleaning, cooking, taking care of children and sick people	Cleaning, cooking, taking care of children and sick people	Cleaning, cooking, taking care of children and sick people	Cleaning, sometimes taking care of sick people
Average salary per month²⁰	Around 50 US\$	Between 50 US\$ - 400 US\$	Between 200 US\$- 400 US\$	Between 100-150 US\$	Less than 50 US\$
Religion	Muslim	Most Ethiopian Orthodox, some Pentecostal, some Muslim	Catholic, small minority is Muslim	Muslim	Muslim
Embassy or consulate	No	Yes	No	Yes	Not applicable
Community organization	Yes	Yes	Yes, two	No	Not applicable
Contacts with people of their own background	Yes	Contract workers not, freelance workers yes	Yes	No	Yes

¹⁹ These are very rough estimates based on interviews with staff of UNHCR, the Ethiopian and Indonesian embassy and a representative of The Filipino Community in Yemen (TFCY).

²⁰ Hourly salaries could not be estimated due to the absence of reliable data on working hours.

4. REVIEW OF WORKING AND LIVING CONDITIONS

4.1 Contractual and Non-contractual Employment Relations

As described in section 3.2, one of the most important differences between migrant domestic workers is whether they have a written contract (contract workers) or not. Women who are recruited via private employment agencies are in principle employed on the basis of a contract, and also women who come via relatives or friends and are employed as live-in domestic workers. The Ethiopian Ministry of Labour and Social Affairs provides a standard contract in English, Arabic and Amharic, which needs to be signed by the employer, the agent and the worker. Companies recruiting foreign women as domestic workers for their personnel sometimes have their own contracts. Contracts are in principle for two years, after which the employer has to provide the worker with a ticket home. Working hours, overtime pay, sick and vacation leave, the provision of free adequate and balanced food, free and suitable housing and free medical services are laid down in the employment contract.

Employers that employed domestic workers via the only employment agency that had an official licence had to pay the costs of the visa (150 US\$), the ticket to Yemen (250 US\$), the residence permit (100 US\$²¹), the work permit (100 US\$ per year), and the services of the agency (100 US\$ in Addis and 100 US\$ in Sana'a). In practice employers complained that they had to pay up to 900 US\$. Sometimes they even had to pay the costs of residence and work permits twice, once before the arrival of the worker and once after. The worker officially had to pay the costs of obtaining a passport, medical tests in Ethiopia, and medical tests in Sana'a (50 US\$). The Ethiopian Ministry of Labour and Social Affairs has forbidden recruitment fees being charged to the worker²², but in practice women told me that they had paid up to 1,600 Birr (190 US\$). Women who came via illegal recruitment agencies sometimes paid 2,500 Birr (298 US\$). Agents told them that this money was used to cover the costs of the ticket and the permits but upon arrival in Yemen the workers often found out that the employer had also paid money to cover these costs.

The labour offices of the Yemeni Ministry of Social Affairs and Labour provide a standard contract for individual foreign workers. The contract is in Arabic and has to be signed by the employer and the worker. The contract stipulates, among other things, a three-month probation period, the duration of the contract, the salary, annual leave of one month, a ticket to be provided by the employer, and the clothes which the employer has to provide. In the case of illegal employment agencies, the contract is sometimes only signed by the agent and the employer, or the contract is not translated in the language of the worker and she is not aware of the contents. Whether the employer provides the worker with food, housing, clothing, medical services and other necessities depends very much on the employer. There is little to no supervision of the contents and implementation of the contracts.

Most women prefer to work without a contract because this gives them more freedom. Yemen is the only country on the Arabian Peninsula without a kafala or sponsor system; foreigners do not need to have a sponsor for work or residence permits and therefore it is relatively easy to

²¹ On February 6, 2006, 17.500 Yemeni Rial was equal to 100 US\$. Officially the cost of a residence permit is 60 US\$.

²² In February 2006, fifteen Ethiopian licensed employment agencies have asked the International Labour Organization for an exception of this rule on the grounds that this would reduce exploitation and trafficking of migrant workers. The fees that propose are an equivalent to one month's salary of the migrant domestic worker's salary.

change employers. Freelance workers are not obliged to work for two years for the same employer; they can leave their employer whenever they want. In addition, although freelance workers can also live with the families they work for, they have a day off which they usually spend with friends or relatives in their own rented room or apartment. Contract workers are often not allowed to leave their employer's house on their own and in many cases do not even have a day off.

Freelance workers can be women who came to Yemen through relatives or friends and found work without the interference of an agent. But there are also freelance workers who first came to Yemen via an employment agent and worked for two years on a contract after which they went home. They returned to Yemen on tourist visas and started to work as freelance workers, as live-ins or as live-out domestic workers. Live-out domestic workers rarely work on the basis of contracts. As mentioned before, freelance workers have to arrange their own residence and work permits, but only those who have well-paid jobs do so. The cost of getting a residence permit is around 300 US\$ per year (including the money that needs to be paid to people assisting in obtaining the permit) and this is very high for women who in many cases do not earn more than 100 US\$ per month. Freelance workers are therefore sometimes undocumented.

4.2 Remuneration

The salaries of migrant domestic workers vary greatly, depending on their nationality, the type of work they do, their working hours, the way in which they are employed, the length of employment and the background of the employer (see table 1 for average monthly salaries). Asian women are always paid in US dollars, Ethiopian women are sometimes paid in US dollars and Somali and Yemeni women are always paid in Yemeni Rials. Although domestic workers who do not live with their employers are responsible for their own housing, food, clothing, medical costs and permits, their monthly salaries are sometimes lower than the salaries of live-in domestic workers. In addition to nationality, other factors determine the salary of migrant domestic workers. Cooks earn more than cleaners, and women working for expatriates earn more than women working for Yemeni families. Also the length of time women are employed by one family may affect the salary positively.

4.3 Hours of Work

The working hours of contract workers are difficult to estimate because there is no clear division between the worker's work time and private time. Live-in domestic workers can be called to work at all times of day and night. Contract workers who came to Yemen via illegal employment agents complain of very long working hours and hardly any time to rest. Their working days may run from 5.00 a.m. until 1:00 a.m. the next day. Freelance workers have more possibilities to negotiate their working hours and can refuse to work longer than necessary. They can quit and look for other jobs. Full-time domestic workers who do not live with their employers often start at 8.00 a.m. and work until 4.00 p.m. In most cases they have lunch at their employer's house and go home once having cleaned up the kitchen after lunch. During Ramadan working hours are much longer because of the large amount of work.

4.4 Leisure or Free Time

The amount of free time domestic workers have depends very much on the employer. Contract workers employed by big families with small children often have very little free

time. The only time of the day they may have for themselves may be a few hours in the afternoon, after lunch and before supper. But contract workers who have to take care of children even do not have this time of the day off. Contract workers working for families that often invite guests or organize qat sessions have very little free time. They have to prepare the house before the guests arrive and clean up the kitchen and the house after the guests have left. Contract workers who do not have a separate room to sleep in are often completely dependent on the activities of their employers and can only rest when their employers have gone to bed. Even when they have their own room they are on call 24 hours a day. Contract workers often have no day off, or are not allowed to leave the house by themselves on their day off, which results in their having no leisure or free time at all.

Freelance workers who live with the employers' families²³ have more free time than contract workers. They can negotiate their working hours with their employers before they start their jobs and have a clearer division between work time and private time. In most cases they have their own bedroom. Freelance workers always have a day off, and freelance workers who live with their employers spend their weekends at home, in a rented room which they often share with other freelance workers (see 4.7). They go home on Thursday evenings or Friday mornings and return to their employers' house on Saturday mornings.

Live-out domestic workers are in more control of their free time. They spend their afternoons and evenings at home and return to work in the morning. During their work hours, they often have very little free time. Many domestic workers complain that Yemeni employers continuously give them new tasks because they do not want them to sit idly as this would mean that they are being paid for doing nothing. Somali women especially complain of very heavy workloads and having no time to rest. Domestic workers who work for expatriate families often say that they have more time for themselves and can work more independently.

4.5 Work Tasks Performed

Most domestic workers are responsible for cleaning the house, washing and ironing clothes, and sometimes taking care of children, the sick or the elderly. They also assist with preparing lunch by cutting vegetables and similar tasks. In most cases cooking is done by the female employer. Many Yemeni women say that their husbands and children do not want to eat food that is prepared by someone else. Upper class families sometimes prefer that domestic workers do the cooking, and may even employ a separate cook. Asian and Ethiopian women are sometimes employed as cooks, but Somali domestic workers and Yemeni domestic workers are rarely allowed to cook. Families that can afford it may employ women of different backgrounds for different activities. An Asian or Ethiopian woman may be employed as a cook, a Somali woman as a cleaner and a Yemeni woman to do more traditional household chores such as baking bread and cleaning and preparing the water pipe. Expatriate employers often employ Ethiopian women and Filipinas as cleaners and as nannies for their children.

²³ As mentioned in section 3.2, freelance work is not equal to live-out work. Freelance workers can also live with their employers' families but they spend the weekend at home, in rented rooms. Freelance workers who do not live with their employers live by themselves. The main difference with contract workers is that freelance workers are not employed on the basis of a written contract but on the basis of spoken agreements.

4.6 Treatment by Employers and Agencies

It is difficult to obtain reliable data on the treatment of domestic workers. The living and working conditions of contract workers are difficult to assess in particular since contract workers are often inaccessible to outsiders. They live with their employers and, in cases of bad treatment, are not allowed to leave the house by themselves, make phone calls or meet friends. So if problems do arise, the workers are often unable to reach outside contacts for help. Women that succeed in leaving their workplace or that return to Yemen after having finished their contract are able to give some information about the treatment they received when they were working under contract.

Employers who treat domestic workers well give them much more freedom and allow them to leave the house, make phone calls and meet friends or relatives. It was also possible to interview these women, and sometimes visit their places of work. They were often positive about their employers and said that they bought them toiletries, new clothes, telephone cards, and paid their medical costs in case of illness. They had their own bedroom and received good food. The only thing women with so-called “good” employers complained about was the workload, and in some cases the way the female employer approached them. Because of the gender division of labour in Yemen, women employers are the ones overseeing the work and they are mainly responsible for bad treatment of domestic workers. Some domestic workers mentioned that their ‘madam’ or ‘mama’ controlled everything they did and did not allow them a minute of rest. If the domestic worker is young and considered beautiful, jealousy on the part of the woman employer may also be a reason for mistreatment.²⁴

Women who had left their workplace after problems with their employers had more severe complaints. In addition to arduous workloads, they spoke of poor food and clothing, no suitable place to sleep, not receiving their salaries for months and physical, psychological and sexual abuse by their employers. Psychological abuse was mentioned more than physical abuse, and extreme violence against workers such as burnings with a clothes iron or pushing from balconies, which has been reported in Lebanon and the Gulf countries, has not been reported in Yemen. Sexual abuse is also not as often reported as in other countries. On the one hand, the strict gender segregation results in Yemeni men having less contact with the domestic worker(s) in the household. Yet, on the other hand this strict gender segregation is a reason why some Yemeni men, and in particular unmarried sons, sometimes sexually abuse domestic workers; they are not accustomed to the physical presence of unrelated women in the private sphere. This is also the reason why Yemeni women of lower social classes do not want to work as domestic workers: they do not want to cross the gender boundaries afraid of the possible consequences.

The most severe forms of human rights violations, and in particular physical and sexual abuse, seem to come from the side of employment agents. One agent lost his license after many complaints by Ethiopian women workers who accused him of withholding their passports and salaries, and beating them in cases of conflict. Another agent was arrested and imprisoned in January 2006 after raping a young Ethiopian woman who had come to Yemen through his office.

²⁴ See for newspaper articles about the treatment of domestic workers in Yemen: Al-Atem (2003) and Al-Awadhi (2004). These two articles were the only articles found about domestic workers. There is hardly any public debate in the Yemeni media about migrant and refugee domestic workers.

Contract workers encountering problems at work first turn to colleagues or friends for help. In case they do not have contacts with others, they may ask help from the employment agent. Employment agents will first try to solve the conflict, and only in a later stage place the worker in another family. As noted earlier, one employment agent sometimes beats workers who complain about their employers. Some workers turn to their embassies for help. Embassies may inform the Ministry of Social Affairs and Labour in case of repetitive complaints. There is a special court at the Ministry of Social Affairs and Labour where labour disputes are discussed. Although there are no laws that regulate disputes between employers and domestic workers, the labour law is applied *de facto*. The number of disputes between domestic workers and employers that is brought to court is limited. Most migrant workers do not know that they can go to court to file complaints against their agents or employers, or are afraid of the consequences (see 6.1.1).

4.7 Housing Arrangements

When live-in domestic workers are treated well, they tend to have a separate bedroom where they can sleep and store their personal belongings. These rooms are often in the basement of the house (many Yemeni villas have large basements) but they can also be on the compound, in the attic or on the roof of the house. These rooms may also be used for other purposes, such as washing and ironing. If there is more than one live-in domestic worker, they share one room. There are also live-in domestic workers who do not have separate bedrooms. They may sleep in the children's bedroom, or worse, in the diwan or on a mattress in a hall. This is particularly the case with live-in domestic workers working for middle-class families who live in apartments and not in large villas. Freelance workers living with their employers' families often negotiate a room for themselves, while the bargaining position of contract workers is less strong.

Freelance workers who do not live with their employers' families live in rented rooms, which they share with other women to lower the costs. Sometimes they rent these rooms to spend the weekends.²⁵ These rented rooms are often in apartments or houses where other people of the same nationality live, but the landlord is Yemeni. Of all of the women interviewed, Somali women complained the most about high rents. They pay around 40 US\$ per month for rent, which is very high compared to their salary (50 US\$). Sharing one's apartment with others is a way to lower the costs but also an important strategy to ensure social support (see Beyene 2005). Women who live together benefit from each other's presence and help each other in case of problems, and with finding new jobs, etc.

There are particular areas in the main cities where many Somalis live (such as As-Safiah in Sana'a and Basateen in Aden). Ethiopian women often try to ensure housing close to the areas they work in such as in Hadda Medina, an upper class neighbourhood in Sana'a. The Ethiopian Orthodox Church is also located in this area which is another advantage.

The rooms Somali women live in are often barely furnished, with only one or two uncovered mattresses, a bed and sometimes a wardrobe. The fact that they earn very little and often have children to feed may be an explanation for the lack of furniture and belongings but also the fact that Somali refugees intend to move on to another country. Ethiopian women on the other hand, furnish and decorate their rooms extensively. They often combine Yemeni furniture (cushions and mattresses) and Ethiopian decorations. They hang (religious) posters on the

²⁵ See for similar housing arrangements in Lebanon Al-Zougbi (2003) and Beyene (2005).

walls, and put pictures of their relatives and of themselves on tables and drawers. The rent they pay for a shared room can range from 15 US\$ to 50 US\$ per month, depending on the size of their room or apartment and the number of people sharing the room or apartment with them. Kitchens and bathrooms are shared. Ethiopian women sharing a room together often cook and eat together.

4.8 Access to Health-care

Migrant domestic workers' access to health-care is to a large extent dependent on their employers. In cases where women are employed on official contracts as live-in domestic workers, the employer is responsible to pay any costs related to their health. Those that employ Ethiopian domestic workers via the Ethiopian embassy or via the only agent that had a license, had to pay health insurance for women workers. Proof of insurance papers is one of the criteria on the basis of which the Ethiopian embassy accepts the employment of Ethiopian women as domestics. But even when the employer did not insure the domestic worker, he or she may cover the health costs of the worker. Live-in domestic workers who are treated well receive medication and medical treatment if necessary. But live-in domestic workers who have "bad" employers may have to do without any kind of health-care, which can lead to very serious situations. In particular, women that have been physically or sexually abused are in need of health-care, but they often have no access to health facilities.

Freelance workers who do not live with the employers' families are responsible for their own health-care. Some may receive (little) money for treatment or medication if they are sick but others have to cover their health expenses themselves. In addition, the days they are sick and do not show up at work are often deducted from their salaries. Refugee women can make use of the Refugee Health and Community Project for curative care and of the services of Marie Stopes International for preventive and mother- and child care (see 6.5.1).²⁶ The services offered by these two clinics, which are financed by UNHCR, are free of charge.

5. THE LEGAL FRAMEWORK

5.1 Ratified Conventions Relating to Migrant Workers

The Republic of Yemen has ratified six out of the seven International Human Rights Instruments²⁷ and 29 Conventions regarding International Labour Standards (see annex 5). It has ratified the eight fundamental ILO Conventions (see annex 5) and three out of the four key gender equality Conventions notably the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Workers with Family Responsibilities Convention, 1981 (No. 156), which apply to national as well as migrant domestic workers. While the ILO has not adopted a specific standard dealing with domestic workers, it should be recalled that the abovementioned Conventions as well as many other ILO standards relevant to migrant domestic workers, apply to nationals as well as

²⁶ For more information on the services offered by Marie Stopes International Yemen see Jaffer, Guy and Niewczasinski (2003).

²⁷ The six Core International Human Rights Instruments signed by the Republic of Yemen are:

- International Covenant on Economic, Social and Cultural Rights (ICESR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention Against Torture (CAT)
- Convention on the Rights of the Child (CRC)

non-nationals. The effective implementation by Yemen of the ILO fundamental Conventions is particularly important in protecting migrant domestic workers against racial and sex-based discrimination, against practices of child labour, forced labour and trafficking, and guaranteeing them the right to organize.

With respect to Convention No. 111, the Committee of Experts, in a direct request of 2005, referred to article 3 of the Labour Code (Act No. 5 of 1995, as amended by Act No. 25 of 1997), which excludes casual workers, household workers and agricultural workers from its scope. It noted the Government's statement that it was continuing to apply the Labour Code to these categories of workers and that no new legislation had been drawn up to directly cover them. Considering that a majority of women work in these areas, the Committee encouraged the Government to consider extending formal legal protection to these workers from discriminatory practices. It also requested the Government to keep it informed of all measures taken, including the promulgation of regulations, to protect casual workers, household workers and agricultural workers from discrimination, and to promote equality in employment and occupation.

Yemen has also ratified two Conventions that are directly related to employment issues concerning women domestic workers:

- Employment Policy Recommendation, 1964 (No. 122)
- Termination of Employment Convention, 1982 (No. 158)

The Employment Policy Recommendation, 1964 (No. 122) has a part on International Migration and Employment (see annex 4). The fact that these two Conventions (No. 122 and 158) are ratified by Yemen, provides the ILO with a clear mandate to assist the Government and the social partners to better improve their application, in particular, with regard to vulnerable categories of workers like migrant domestic workers.

In its comments on the application of Convention No. 122, the Committee of Experts on the Application of Conventions and Recommendations (CEACR), has already asked the Government to provide information on the "different policies and programmes being implemented including how they take into account the objectives of full, productive and freely chosen employment and equality of access to employment" (2004 Direct Request). Mention is also made of the Poverty Reduction Strategy Paper. With regard to Convention No. 158, the CEACR has expressed concern with regard to domestic workers.

Article 2 of Convention No. 188. Further to previous comments, the Committee notes the Government's statement that the Ordinance on employment of domestic workers has not yet been issued. Nonetheless, in practice many of the rights contained in the Labour Code are extended to domestic workers, including the right to seek mediation or arbitration in the case of a labour dispute. The Committee would appreciate continuing to receive information on progress made in ensuring that domestic workers are protected from arbitrary dismissal.

In addition, Yemen is the only country on the Arabian Peninsula that has ratified the 1951 Convention relating to the Status of Refugees (ratified in 1980) and its 1967 Protocol. On the basis of this convention, Somali refugees are accepted on a *prima facie* basis, and should receive the same rights as Yemeni nationals. The Yemeni government drafted a refugee law, which is currently under discussion by the Parliament.

However, Yemen has not yet ratified or acceded to:

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,
- 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air.

5.2 Labour Legislation

There are two labour laws in Yemen: law no. 19 of 1991 applies to the public sector and law no. 5 of 1995 applies to the private sector. These laws regulate working hours (48 hours per week in six days), the conclusion of a contract in Arabic, special working conditions for women and juveniles, training, dismissal, settlement of disputes, social benefits such as work insurance, annual paid leave (30 days), maternity leave (60 days), end of service allowances, etc. Labour arbitration committees process claims of employees free of charge. There is no minimum wage but the law mentions that “it is not permitted to pay workers wages less than the minimum wage paid to government workers” (article 55). Overtime should be paid one and a half time the hourly rate (article 56).

The Yemeni labour law does not cover domestic workers. Article 3 B of labour law no. 5 mentions the categories of workers to whom the law does not apply, among whom “domestic servants” are included. Both migrant domestic workers and Yemeni domestic workers are excluded from the labour law. This means that there is no framework providing legal coverage specifically for domestic workers. However, the labour law does contain a number of articles for the employment of foreigners.

Paragraph A and B of Article 22 requires employers who want to employ foreigners to apply for approval at the Ministry of Social Affairs and Labour (see annex 6 for details of this application). Article 33, paragraph A of labour law no. 5 requires the employer to apply for a renewal of work ID card for non-Yemenis not less than a month before it expires.

Paragraph B of the same Article requires the Ministry or its competent office to finish the procedures of the renewal application laid down in paragraph A within a maximum of two weeks from the expiration date of the permit in accordance with the law. The employer is fully responsible for foreign employees, and has to pay a fine in case a foreign worker does not have a work permit. However, the Ministry of Social Affairs and Labour faces various obstacles in trying to oversee domestic labour conditions, linked to the particular nature of the work and to the particularities of the social groups concerned (Destremau 2001: 16).

Article 3 of the entrance and residence of foreigners’ law states that no foreigner is allowed to enter the Republic of Yemen unless he has a valid passport issued from the concerned authority in his country or he has a document that replaces it from the same authority that ensures the right to go back to his country. Every foreigner must have a permit of residence, and has to leave the Republic when her/his period of residence expires except if s/he gets permission from the chief of the Immigration Authority to lengthen the residence in accordance with the provisions of this law.

5.3 Other laws

5.3.1 Civil law

Article 781 of the civil law No. 14, 2002 states that the work contract is the contract that one of the contracting parties commits himself to work in the interest of the other contracting party and under her/his management and supervision in return for a salary that the other party commits her/himself to pay.

Article 784 of the civil law permits the work contract to be for a specific service or a definite time. It also allows for contracts of unlimited duration. Therefore, if the work contract is for the lifetime of the worker or the employer or if it is for five years, the one who asks for an annulment of the contract is required to notify the other contracting party two months before the annulment. The designated period of the work contract ends according to the terms of article 785. However, this Article states that if both parties continue applying the terms of the contract, they come to an agreement to go on for an unspecified time. The one who asks for an annulment of the contract has to notify the other contracting party two months before annulment of the contract.

5.3.2 Penal Code

Similarly, Penal Code No. 12, 1994 is applicable to domestic workers, specifically Article 231 which is concerned with the protection of human beings and paragraph 4 which states that a person from a country at war can enter the Republic of Yemen and be guaranteed legal entry and protection even if the country in question and Yemen are at war, as long as the person is not directly involved in the conflict (i.e. member of the military, militia, rebel groups etc.). The person will be guaranteed a visa and legal stay in Yemen until otherwise decided by the concerned authorities.

Article 248 of this law punishes the following crimes with imprisonment of no more than ten years: First, every person who is involved in acts of trafficking of human beings. And second, every person who brings into the country, or exports from it a person with the intention of disposing of him/her. This is considered a crime of slavery.

5.4 Migration Policies

In principle, only people with a work permit can obtain a residence permit, and the immigration of certain categories of workers is restricted (such as construction workers, administrative personnel, agricultural workers, and service providers). The reason behind this policy is that the unemployment rate of Yemenis is high²⁸ and the government is of the opinion that migrant workers should not take jobs that the Yemeni population can undertake. Domestic workers are not specifically mentioned but the Ministry of Social Affairs and Labour only approves requests for foreign domestic workers when it is clear that the demand cannot be filled by employing Yemeni women (see 6.1.1).

In the past fifteen years the number of people escaping or migrating to Yemen has rapidly increased. As mentioned before, one of the largest flows of refugees comes from Somalia, but also increasing numbers of Ethiopians and Eritreans come to Yemen as refugees or migrants.

²⁸ The official unemployment rate in Yemen was 11,5 per cent in 1999, and 14,7 per cent in 2003 (based on projections of the General Directorate of Human Planning, Ministry of Planning and International Cooperation).

Refugees from the Horn of Africa almost always arrive by boat, having crossed the Gulf of Aden or the Red Sea in smugglers' boats. Migrants may also come by boat but in most cases travel to Yemen by plane entering the country on tourist or work visas. Somali refugees can be immediately accepted as refugees as soon as they register at one of the registration centers in the country. People who come to Yemen on tourist visas and wish to stay longer should apply for an extension or residence permits (see 6.1.2 and 6.1.3).

In order to prevent the presence of undocumented migrants, the Yemeni government regularly announces stricter measures for monitoring the residence status of foreigners. The last time this happened was in August 2004. Migrants were informed that they had to obtain residence permits otherwise they would be arrested and deported. Employers who employ undocumented foreigners were warned that they had to prepare residence and work permits for their workers within a couple of weeks. One of the main reasons given for this action is that the increasing flow of refugees and migrants, in particular coming from Somalia and Ethiopia, is putting a heavy burden on the country. Reception and administration of migrants and refugees and providing them with housing, education, health care, and employment is difficult and costly. But these governmental measures must also be seen in relation to the fight against terror. Stricter border surveillance in the Gulf of Aden and the Red Sea as well as stricter monitoring of residence status are the main ways in which the government tries to manage migration to Yemen.

6. INSTITUTIONAL ANALYSIS: RELEVANT STAKEHOLDERS

6.1 Governmental Institutions

6.1.1 The Ministry of Social Affairs and Labour

Although domestic workers are excluded from the labour law, there are a number of departments in the Ministry of Social Affairs and Labour that deal with migrant domestic workers. The most important department is the Department of Planning and Provision of the Labour Force. This department is, among other things, responsible for the supervision of the labour offices that issue work permits to foreigners and for the supervision of private employment agencies.

There are 24 labour offices in the Republic of Yemen operating in each of the governorates of the country. Yemeni employers and private employment agencies intending to employ foreign workers have to apply for work permits in the labour office. As mentioned before, only requests for personnel that cannot be found in Yemen are accepted. Requests for foreign domestic workers are only accepted when the employer can show that there are no women locally available to fill the demand. Only large families with many children, families where the wife is employed and families with a sick or handicapped family member are allowed to employ foreign women as domestic workers.

The labour office makes use of a standard contract in Arabic for foreign workers, regardless of the work they are employed for ("individual work contract for foreigners"). Work permits are issued for a year, and have to be renewed annually. The labour office in Sana'a has computerized profiles of every person with a work permit, organized per nationality and per job. There are overviews of all migrant domestic workers that have work permits, with information on educational level, language skills, and the name and telephone number of the employer. Other labour offices do not have computerized overviews.

The majority of migrant domestic workers registered for work permits in Sana'a in August 2004 were Ethiopian (917), followed by Indonesian (87), Filipinas (74), Indian (73), Eritrean (26) and Sri Lankan women (18). The nationalities of registered migrant domestic workers in Hodeidah in February 2006 were Ethiopian (14), Indian (8), Indonesian (8), Filipinas (1) and Sri Lankan (2). In Mukalla there were 3 Ethiopian women and 7 Indonesian women registered. Unfortunately, no updated statistics were received from the other labour offices in the main cities, which points to a clear need to improve the registration and monitoring of migrant domestic workers.

As mentioned earlier, many migrant domestic workers in Yemen work without work permits and are not registered at the labour offices. The numbers of migrant domestic workers without work permits are hard to estimate but there are undoubtedly many Ethiopian domestic workers in Sana'a who do not have work permits. Asian women seem to be legally employed more often as they work for upper class and expatriate families who can afford to pay the costs of residence and work permits.

One of the problems the labour offices are confronted with is that employers sometimes obtain work permits for different occupations rather than the one intended for migrants to work in. Migrant women are, for example, registered as engineers for oil companies but in reality employed as domestic workers. In this way employers avoid the possibility that their requests for domestic workers are rejected. Another problem is that domestic workers are not covered by the labour law, and that there are no laws that regulate disputes between employers and domestic workers. There is a special court at the Ministry of Social Affairs and Labour where labour disputes are discussed. The labour law is applied *de facto* (Destremau 2001, 17). The number of disputes between migrant domestic workers and employers that is brought to court is limited. This does not, however, suggest that there are no disputes but instead that migrant domestic workers might not be informed about having the option to go to court or might be afraid of the consequences of bringing their cases to court.

There is a department in the Ministry responsible for private employment agencies. This department issues licenses for private employment agencies and supervises their activities. In December 2005, there were 19 private employment agencies but only one of them was bringing foreigners to Yemen for domestic work (see section 3.4.1). All the other agencies are sending Yemenis abroad for work (predominantly to Saudi Arabia and the Gulf States). The department supervises agencies with licenses but is not monitoring agencies that do not have licenses closely at this time (although the names of illegal employment agents are registered whenever the department comes across one). Licenses can be withdrawn under circumstances where the data provided is not correct or the agent does not respect the labour law and the rights of the workers. As aforementioned, two agencies lost their licences because of human rights violations.

The Ministry of Social Affairs and Labour has a directorate general which specifically focuses on working women. The Directorate General for Working Women is currently supported through a technical cooperation project between ILO and MOSAL (see 6.5.2)²⁹, and has received previous support from UNIFEM as well. The directorate focuses on protecting the rights of women employees working in the private sector. Domestic workers do not fall

²⁹ The first phase of this project on "Strengthening the National Machinery for the Advancement of Women's Employment in Yemen" was funded by the Netherlands government, under a Netherlands-ILO Partnership Program between 2004 and 2006. The first phase came to completion in February 2006. Second phase plans were in the making during the finalization of this report (see 6.5.2).

specifically among their priority target groups, mainly because they are not covered under the labour law, however the leadership of the directorate is interested in the situation of domestic workers and even designed a small project to train Yemeni domestic workers in 2003. The objective was to generate job opportunities for less educated women by training them as domestic workers. This small project was not funded. In the second phase of the ILO supported project “Strengthening the National Machinery for Advancing Women’s Employment” (see 6.5.2) attention will also be paid to migrant women workers.

6.1.2 The Ministry of Interior

The Passport and Immigration Authority of the Ministry of Interior is responsible for issuing visas and residence permits. There are two types of visas: tourist and business/work. Visas can be obtained through the Yemeni embassy or at Sana’a airport. When one applies for a visa at the Yemeni embassy, a valid passport, the completed application form, two passport size photos, and a letter of invitation or a letter of guarantee are requested for a business visa and a letter of invitation or a copy of the plane ticket is needed for a tourist visa. In many cases also a health certificate, including the result of an HIV/AIDS test, is requested.

In order to obtain a residence permit, a health certificate (including the result of an HIV/AIDS test) and a work permit from the labour office of the Ministry of Social Affairs and Labour are required. The cost of a residence permit is 10,500 YR per year (60 US\$) if one comes to Yemen on the basis of a contract or renewal, and 20,000 YR (114 US\$) if one enters the country on a tourist visa and only then obtains a work permit. In reality, the costs are much higher as people involved in arranging the permits need to be paid as well. The fine for being undocumented is 150 YR (0.85 US\$) per day. Paying off officials is one way in which undocumented workers can obtain residence permits without paying full penalty fees.

The General Security and the police are responsible for regulating the illegal entry and presence of foreigners in Yemen. In order to prevent the illegal entry of foreigners, border surveillance are executed along the Yemeni coastline, which is more than 2,000 kilometres long. The number of illegal migrants and refugees that arrive per boat is around 150 persons per day. Many of these migrants and refugees intend to move on to other countries on the Arabian Peninsula or to the West. Somalis can register as refugees at the registration centre in Mayfah and stay at al-Kharaz camp near Aden. Non-Somali nationals have to prove that they are refugees via an intake-interview. Most of them are economic migrants that have fled their country because of famine or lack of employment. As soon as they arrive they are imprisoned and deported. This costs around 60,000 YR per person (343 US\$). Yearly around 5,000 persons are deported, but the number of undocumented people residing in Yemen is much larger. The Ministry of Interior lacks the capacity to manage the documents of migrants effectively, and arrest and deport those who reside in Yemen without the necessary documents.

6.1.3 The Ministry of Foreign Affairs

The Yemeni government has bilateral agreements with many countries in the world, which in some cases also includes clauses on labour migration. With regard to the sending countries of domestic workers there are bilateral agreements with the governments of Ethiopia, Eritrea and India. There are no bilateral agreements with the governments of Indonesia, Sri Lanka and the Philippines.

The Consular and Immigration Department of the Ministry of Foreign Affairs is responsible for issuing visas to migrants who want to come to Yemen. Migrants need to apply for visas at the Yemeni embassy in their country. If applying for work visas, they need to have work permits from one of the labour offices in Yemen. The work permits can be obtained by their employers. After the work permit is received, the visa application goes to the Passport and Immigration Authority of the Ministry of Interior. The Passport and Immigration Authority sends a letter to the Consular and Immigration Department of the Ministry of Foreign Affairs. If the application is approved, it is sent to the Yemeni embassy abroad, and the visa can then be issued.

The criteria for obtaining a business/work visa are: a contract from the labour office which clearly states what the salary is, where the worker is going to live, how many days leave a worker has per week and per year, the labour conditions, etc. Due to the increasing number of migrants that enter Yemen via illegal employment agencies and the subsequent problems, the Consular and Immigration Department strictly supervises the issuing of visas. In the past it was relatively easy for illegal employment agencies to bring migrants (and particularly migrant domestic workers) to Yemen on tourist visas and employ them without arranging work permits and residence permits. Nowadays anyone applying for a visa at a Yemeni embassy has to show a work contract or an invitation of a relative living in Yemen.

The Protocol Department of the Ministry of Foreign Affairs is responsible for visa applications for migrant domestic workers that work at foreign embassies in Yemen. Foreign embassies that want to employ domestic workers from their home countries need to apply to this department. The Ministry of Social Affairs and Labour and the Ministry of Interior need to approve the request. If approved, the request is sent to the Yemeni embassies in the home country of the migrant worker, and a visa is issued.

In 2000, the Council of Ministers decided to create a National Committee for Refugee Affairs with the aim of implementing the 1951 Agreement and its 1967 Protocol on the status of refugees. The committee has been formed under the auspices of the Ministry of Foreign Affairs. The committee consists of representatives of the Ministry of Human Rights, the Ministry of Interior, the Security, the Presidential Office and the Prime Minister's Office.

6.1.4 The Ministry of Human Rights

The Ministry of Human Rights is responsible for the protection of human rights in Yemen. This applies both to the human rights of the Yemeni population and refugees and migrants in Yemen. The Ministry is a member of the National Committee for Refugee Affairs. In cooperation with UNHCR several programmes were carried out such as the programme to register Somali refugees and give them identification papers and the establishment of registration centers. The Ministry has actively been involved in training government officials on the rights and responsibilities of refugees, and in the inspection of refugee reception centres. The Ministry also assisted in drafting the refugee law which is currently under discussion in the Parliament. In 2005, the Ministry published the National Human Rights Report 2004. In addition, a memorandum was written about the legal situation concerning migrant women workers and their encounter with violence. The Ministry is not yet involved in protecting the rights of domestic workers but there is a clear interest to work on this issue.

6.1.5 National Women's Committee (NWC)

The National Women's Committee was established in 1996 as the technical committee affiliated to the Council of Ministers. The NWC became part of the Supreme Council for Women's Affairs in 2000. The main responsibilities of the committee are to advise the government on policies, strategies, plans and proposals related to women's affairs. In addition, as a follow up to the recommendations of the 1995 Beijing Women Conference, NWC supported by policy makers and government officials, formed Women's Directorates in 35 ministries and instituted gender focal points in 13 other line ministries. The NWC supports capacity building programs for these directorates and focal points, and provides training and other technical support on gender mainstreaming. The NWC does not yet deal with the rights of domestic workers but is interested in the issue.

6.2 Embassies

6.2.1 Embassy of the Federal Democratic Republic of Ethiopia

Yemen and Ethiopia have historically close ties, with mutual migration flows and trade relations. Official bilateral relations were established in 1968 when a first trade agreement was signed. Since then many agreements have followed, including agreements on labour migration. According to the Ethiopian Embassy there are around 10,000 Ethiopians in Yemen, but the exact number is hard to estimate because not all of them have registered. An increasing number of Ethiopians have come to Yemen by boat since the start of serious political unrest in Ethiopia in November 2005. In the fall of 2005, around 600 Ethiopian Navy officers who had fled to Yemen after the fall of Mengistu in May 1991 and their families were resettled by UNHCR.

Ethiopian women are one of the largest groups of domestic workers in Yemen and the Ethiopian embassy is often confronted with the problems of Ethiopian domestic workers. Many women who come to the embassy for aid entered Yemen via illegal employment agents and left their job or were abused by their employer or agent. The Ethiopian embassy started a court case against an employment agent in 2003 after having received many complaints from domestic workers, one of whom even committed suicide. The agent lost his license. In January 2006, the embassy was confronted with the rape of a young Ethiopian woman by the only legal employment agent. He was arrested, brought to court and imprisoned.

In order to regulate the migration and employment of Ethiopian women as domestic workers the Ethiopian Ministry of Labour introduced a new system in July 2004. Every request for an Ethiopian domestic worker has to go via the Ethiopian embassy in Sana'a. The agent or the Yemeni employer has to submit the following papers to the embassy:

- application form from the Ethiopian Ministry of Labour and Social Affairs
- the employment contract of the Ethiopian Ministry of Labour and Social Affairs
- the agreement of the Ministry of Social Affairs and Labour in Sana'a
- a copy of the visa
- a support letter
- a copy of the health insurance papers.

The Ethiopian embassy makes four copies of the documents and sends them to the woman worker in Ethiopia, or to the counterpart of the Yemeni agent in Ethiopia. The documents

have to be approved by the Ministry of Labour in Addis Ababa. After approval the worker can travel to Yemen. The costs of her visa and ticket are paid by the employer. The worker is responsible for arranging a passport and a health test (TB and HIV/AIDS). Every party involved receives a copy of the documents. The Ethiopian embassy monitors the implementation of the contract, such as the payment of the minimum salary (100 US\$) and the right to a weekly day off and to annual leave. Since July 2004, 310 Ethiopian women have come to Yemen via this new system. According to the embassy staff, the system works well. The embassy is, however, unable to monitor the activities of illegal employment agencies and continues to be confronted with women whose rights have been violated.

6.2.2 Embassy of the Republic of Indonesia

There are various bilateral agreements between the Republic of Yemen and the Republic of Indonesia but there is no agreement that regulates the migration of Indonesians to Yemen. The Indonesian government discourages labour migration to Yemen. The majority of Indonesians in Yemen are students who come to study Islam and Islamic law. However, the Indonesian embassy is increasingly confronted with Indonesian women who come to Yemen to work as domestic workers. Because there is no bilateral agreement that regulates labour migration most women enter Yemen on tourist visas. The Indonesian embassy does not know how many Indonesian women work in Yemen as domestic workers. They only come to the embassy in case of problems. The number of women who approached the embassy after having quit their jobs in the period April-December 2005 was 21. The embassy has prepared a shelter for women who left their work after problems with their employers. The main reasons women leave their job are the strenuous workload and the fact that salaries are not paid. The embassy has a special budget to repatriate women but they often return home without having received the salaries they earned during their stay in Yemen (in case of salary disputes).

In 2005, the consul and the ambassador have met with the Minister of Social Affairs and Labour in an attempt to come to a structural solution to the problem. The main obstacle is that there is no bilateral agreement between the two countries which regulates women's labour migration. Yet, it has become more difficult for illegal employment agents to bring Indonesian women because the Indonesian government has increased restrictions on women's migration to Yemen.

6.2.3 Embassy of the Republic of India

There are various bilateral agreements between the Yemeni government and the Republic of India, including agreements concerning labour migration. There are around 10,000 Indians in Yemen, most of whom are working in the health sector as doctors and nurses but there are also Indians working for companies and hotels. According to the Indian consul, only a small minority of Indian women are employed as domestic workers. Most women who come to Yemen are from Hyderabad and are Muslim. The consul indicated that there are few problems with Indian domestic workers. The Indian government only allows women over 35 years of age to migrate as domestic workers, but this rule is not always abided by. The embassy makes use of an employment contract for domestic workers in which the salary and working hours are laid down. The embassy supervises the implementation of the contract.

6.2.4 Embassy of the State of Eritrea

After settling the dispute about the Red Sea island of Hanish in 1998, bilateral relations between Yemen and Eritrea have been re-established. There are a number of bilateral agreements between Yemen and Eritrea. In total there are between 6,000 and 10,000 Eritreans in Yemen, not including Yemenis of mixed parentage. The number of Eritrean domestic workers in Yemen is relatively small. The Eritrean government has forbidden agencies to recruit women as domestic workers and all Eritrean women that come to Yemen as domestic workers arrive on tourist visas. The embassy helps them in case they encounter problems but, according to the staff at the embassy, it does not happen often.

6.3 Migrant Community Organizations

6.3.1 The Ethiopian Community Center

The Ethiopian Community Center is the official association or club of the Ethiopian community in Yemen. The association is financially supported by the Ethiopian embassy. Around 1,000 Ethiopians are members of the association. A membership fee of 3,000 YR (17 US\$) is to be paid once. The centre is located in a building with two floors and has a large compound. There is an Ethiopian restaurant in the building, a shop where Ethiopian clothing and handicrafts can be bought, a music shop, and the office of the management. In the compound, people can play table tennis and there is a place to drink Ethiopian coffee. The center used to offer more services with more Ethiopians visiting when it was situated in a more convenient location. Since December 2005, two rooms on the second floor of the new building have been furnished by the embassy and can be used as a shelter for Ethiopians (women and men) who have no place to go to and therefore, go to the embassy for assistance. In addition to the provision of shelter, there are no special activities for women working as domestic workers.

6.3.2 The Association of the Somali Community in Yemen (COMSICCA)

COMSICCA was established with the aim of defending the interests of Somali refugees in Yemen and improving their living conditions (see COMSICCA 2005). The association is located in a building in the neighbourhood of As-Safiah where many refugees live. There are language and computer classes and there is an office for sending money to Somalia. COMSICCA also defends the interests of Somali refugees in Yemen. The association has good contacts with UNHCR, the Ministry of Foreign Affairs and the Ministry of Education. COMSICCA tries to establish contacts with donor-organizations in order to get assistance for Somali refugees in Yemen. COMSICCA would particularly like to set up activities in the field of education and income-generation for older refugees, children and youth. There are no special activities for women working as domestic workers.

6.3.3. The Eritrean Community Center

The Eritrean Community Center in Sana'a functions as a meeting place for Eritreans. The club is closely linked to the embassy. It has a restaurant, a big compound where people can play cards or billiards and watch television, and a place where coffee is made and people can smoke the water pipe. The majority of the visitors are Eritrean men and people of mixed Eritrean-Yemeni descent. Some Ethiopian nationals of Eritrean origin go to the club. There are no special activities for women working as domestic workers.

6.3.4 Filipino Community Organizations

There are two Filipino community organizations in Yemen: The Filipino Community in Yemen (TFCY) and Samahang Filipinos Yemen (SFY). The aim of the organizations is to organize activities for the Filipino community and to help Filipinos in Yemen in case problems arise. In contrast with the Ethiopian, Somali and Eritrean community centers, the Filipino organizations do not have a building. They come together in houses or rent a hall for an activity or party. In the past, there were more problems with domestic workers whose rights were violated, but currently the main problems concern Filipinos who do not have residence permits and who are unable to return home because they have been undocumented for a considerable period of time. There is no embassy of the Philippines in Yemen and Filipinos are represented by the consulate in Jeddah and the embassy in Riyadh. In case of serious problems, representatives of the consulate or the embassy come to Yemen.

6.4 National Non-governmental Organizations

6.4.1 Yemeni Women's Union (YWU)

The Yemeni Women's Union is Yemen's main women's NGO. The organization was officially established in 1965. In 1990, the Northern Yemeni Women's Association and the Southern General Union of Yemeni Women merged into the Yemeni Women's Union. The Yemeni Women's Union is a key promoter of the rights of all women in Yemen. The Union works toward achieving gender equality, women empowerment, advocacy and national development. In terms of activities, it organizes literacy classes, sewing classes, handicraft classes and typing classes for urban women. The Yemeni Women's Union has branches all over the country. In recent years, the union has expanded its activities with the financial and technical support of foreign donor organizations. There are, however, no activities directed at Yemen's migrant and refugee populations.

6.4.2 Sisters Arab Forum for Human Rights (SAF)

The Sisters Arab Forum for Human Rights was established in 1998 and obtained its official license in 1999. The mandate of SAF is to advocate, lobby and defend human rights in general and women's human rights in particular. The main ways in which SAF operates is by changing discriminatory laws, policies and attitudes that hinder the realization of strategic interests and practical needs for all. SAF is particularly active with defending the rights of vulnerable groups. In the past five years, SAF has organized seminars and conferences and published studies on a large variety of topics concerning human rights and women's rights. Particular attention is paid to political participation of women. In May 2003, SAF organized a national conference on refugee women, entitled "Peace and War: Forms of Refuge and the Protection of Rights of Refugee Women". SAF is interested in the topic of (migrant) domestic workers but has not yet worked on it.

6.4.3 Al-Sada Society

The Al-Sada Society organizes activities for women of lower social classes in Sana'a. A skills training course was organized to train Yemeni women as domestic workers in 1998. The training took six months and was led by an Egyptian trainer. Seventeen women participated in the course. They received training in cooking, cleaning, bodily hygiene, social behaviour and etiquette. After the course, fifteen of the participants found work in offices and only two

women were employed as domestic workers in the homes of Yemeni families. Yemeni families were not interested in employing Yemeni domestic workers but the women themselves also preferred to work in public spaces instead of in private homes. The organization is interested in working on the topic of domestic labour.

6.4.4 Other Relevant National NGOs

Other national non-governmental organizations that might be relevant are:

- The Human Rights Information and Training Center (HRITC)

The Human Rights Information and Training Center (HRITC) is a private, non-governmental organization that aims at enhancing human rights values in Yemen and the Arab World. The Center is specialized in spreading awareness on human rights through activities, workshops, for a, publications, archives and periodical bulletins. The headquarters of the Center is in Taiz. The Center receives funding from various national and international organizations.

- The National Organization for the Defence of Rights and Freedoms (HOOD)

The National Organization for the Defence of Rights and Freedoms (HOOD) is a non-governmental organization established by a group of lawyers and human rights activists in Yemen. It aims to participate in monitoring violations of human rights, defending human rights both individually and collectively, organizing symposia, lectures and training course, collecting and distributing information about human rights and raising awareness about human rights. In February 2006 HOOD demanded an investigation into rape cases of Somali women in Yemeni prisons.

6.5 International Organizations

6.5.1 The United Nations High Commission for Refugees (UNHCR)

UNHCR, the United Nations High Commission for Refugees, is mandated to lead and coordinate international action for the world-wide protection of refugees and refugee problems. As mentioned before, Yemen is the only country on the Arabian Peninsula that has signed the UN Refugee Convention of 1951 and its 1967 Protocol. UNHCR has an office in Yemen and supports the government in receiving, assisting and protecting the interests of refugees. At the end of 2005, the total number of refugees registered exceeded 81.000, most of whom are Somali (over 78.000). There are smaller groups of refugees from Ethiopia, Eritrea, Iraq, Palestine, Sudan and a number of other countries. In reality, the number of Somalis in Yemen, or going through Yemen, is much higher because many of them have not registered. Somali refugees are accepted on a *prima facie* basis (while the other nationals are only recognized as refugees after a refugee status determination interview by UNHCR), and become entitled to basic humanitarian aid. UNHCR established a refugee camp in the vicinity of Aden, which is specifically meant for Somalis who arrive by boat. People in the camps receive food, shelter, medical assistance, schooling and vocational training. However, the majority of the refugees move to the main cities in search of work where they are confronted with the lack of employment opportunities, and educational and health-care facilities.

In order to improve the living conditions of refugees living in Sana'a, UNHCR cooperates with the Refugee Health and Community Project. The project is managed by the local

consultancy firm Interaction in Health Development (IHD) and offers health and community services to refugees. Refugees can visit the center in case of health problems and for counselling, legal advice, and language classes. The project also used to assist refugees with finding jobs. Reproductive health services are offered by Marie Stopes International Yemen (MSIY).³⁰

In Aden, other implementing partners, such as the Adventist Development and Relief Agency International (ADRA), are offering among other things, health care, primary education, school feeding programme, social and legal counselling, vocational training, income generating projects, and other projects targeting and benefiting refugee women.

UNHCR has identified single female refugees as a particularly vulnerable group of refugees who need special support and in special cases may be eligible for resettlement. In order to improve local integration and the living conditions of Somali refugees in Yemen, UNHCR is interested in developing activities for refugee women working as domestic workers.

6.5.2 The International Labour Organization (ILO)

The International Labour Organization supports a number of projects and activities in Yemen consistent with its Decent Work Mandate, which encompasses rights, employment and income, social protection and social dialogue (see annex 7 for ILO interventions in Yemen). Gender Equality cross cuts the ILO's Decent Work agenda with the understanding that gender equality and women's greater access to employment are essential to overcome poverty. A number of ILO projects are therefore concerned with promoting gender equality in employment worldwide.

In Yemen, the project "Strengthening the National Machinery for Advancing Women's Employment", forms part of a wider network of pilot projects under the Gender-Equality Theme across the world implemented by the ILO- Netherlands Partnership Programme (ILO/NPP) for 2004-2006. The project aims at promoting Women's Employment in Yemen by building capacity of the Directorate General of Women Workers (DGWW) in the Ministry of Social Affairs and Labour and coordinating with other national constituents working on women and employment issues including the social dialogue institutions (workers and employers associations). The project in its first phase (September 2004-April 2006) has focused on investing in building on human capacities and developing sustainable coordination mechanisms in the Directorate General for Working Women within MOSAL and with key national stakeholders. The project has to date built a solid basis for a wider action that would be able to advocate for decent work and gender equality both on the ground and at the decision-making level.

A second phase of the project is intended to move from organizational capacity to technical expertise, expanding the activities to a wider target group, deepening activities in specific areas and sustaining national ownership of the project. The second phase envisages a powerful media campaign to promote positive perceptions of working women as well as disseminating information on women workers with relevant stakeholders and national women's institutions. It will promote more institutional research and will link with the ongoing ILO Elimination of Child Labour Programme (IPEC) in the country (through joint

³⁰ For more information on the activities of Marie Stopes International Yemen see Jaffar, Guy and Niewczansinski (2003).

research, training, awareness raising and advocacy activities). Migrant women worker activities are also included in the work plan of the second phase.

6.5.3 Other Relevant International Organizations

The following organizations can be relevant partners in any national and international initiative addressing the issues facing migrant domestic workers in Yemen.

- The International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

In Yemen, ICRC is working to resume detention visits to persons detained by the political security department, the Ministry of Interior and the Office of the Chief Prosecutor, focusing on their treatment and their conditions of detention. Assistance programmes benefiting vulnerable groups of detainees, such as women and the mentally ill, are continuing through constant support of the Yemen Red Crescent Society. A second priority is promoting knowledge of International Humanitarian Law, its integration into national law and its incorporation into teaching and training programmes of schools and universities and the armed and police forces, as well as increasing understanding of the ICRC and its working procedures. Other activities are conducted on behalf of physically disabled persons and in the fields of tracing, in particular the exchange of Red Cross messages for Somali refugees and Yemeni families who have a relative interned by the US authorities in Guantanamo or Afghanistan. ICRC could be a relevant organization when developing activities to improve the working conditions of refugee women domestic workers.

- The Office of the United Nations High Commissioner for Human Rights (OHCHR)

OHCHR is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. OHCHR does not have specific activities in Yemen and there is no office in Yemen, but protecting the human rights of domestic workers, and especially of migrant and refugee women working as domestic workers, could be part of its programmes to strengthen regional capacities in the field of human rights in the Arab region.

- The United Nations Development Programme (UNDP)

UNDP is the United Nations global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP focuses in particular on democratic governance, poverty reduction, crisis prevention and recovery, energy and environment and HIV/AIDS. In all their activities UNDP

encourages the protection of human rights and the empowerment of women. This has resulted in the establishment of a special UNDP Human Rights Programme and the UNDP Gender Trust Fund. UNDP has an office in Yemen with a focal point for these two programmes. UNDP could be a relevant partner in developing initiatives to improve the living and working conditions of domestic workers.

- The United Nations Fund for Population Affairs (UNFPA)

UNFPA supports governments to formulate policies and programmes to reduce poverty and support sustainable development. Education and health, including reproductive health, are seen as prerequisites for sustainable development over the longer term. Improving reproductive health, making motherhood safer, supporting adolescents and youths, preventing HIV/AIDS, promoting gender equality, protecting human rights are among UNFPA's objectives. UNFPA has an office in Yemen and could be a relevant partner in protecting the human rights of women domestic workers in Yemen and safeguarding their mental and physical well being as well as of their families.

- The United Nations fund for Women (UNIFEM)

UNIFEM provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all its efforts, UNIFEM focuses its activities on four strategic areas: reducing feminized poverty, ending violence against women, reversing the spread of HIV/AIDS among women and girls, and achieving gender equality in democratic governance in times of peace as well as war. UNIFEM does not have an office in Yemen but the organization supported the Directorate General for Working Women at the Yemeni Ministry of Social Affairs and Labour and played an important role in the development of a contract for migrant domestic workers in Jordan. It could be a very relevant organization when developing initiatives to improve the situation of domestic workers in Yemen.

- UNICEF

UNICEF, the United Nations Children's Fund, is mandated to advocate for the protection of children's rights, help their basic needs and help them reach their full potential, committed to ensuring special protection for the most disadvantaged children and aims to promote the equal rights of women and girls and to support their full participation in the political, social and economic development of their communities. In Yemen, UNICEF is actively involved in assisting the government with its basic education strategy, with increasing immunization coverages, improving obstetric care and the extension of water and sanitation services. In 2004, UNICEF assisted the Yemeni government with a study on the problem of child trafficking to Saudi Arabia and the Gulf States and establishing reception centers for trafficked children near the Saudi border. UNICEF's experiences in this respect can be useful for future activities to prevent trafficking of women to Yemen.

- Oxfam GB

Oxfam GB is a British development, relief and campaigning organization. In Yemen, Oxfam GB focuses its activities on improving access to health care, ending violence against women, and disaster preparedness. Concerning its programme to end violence against women, Oxfam is involved in raising poor women's awareness of their legal rights, legal aid, counselling and

supporting female prisoners. Protecting and improving the rights of domestic workers fits well into Oxfam's programme in Yemen.

6.6 Private Initiatives to Support Domestic Workers

There are no specific institutions that have the support of migrant domestic workers as their mandate in Yemen. Governmental organizations, non-governmental organizations and international organizations almost exclusively focus on improving the lives of the Yemeni population and rarely pay attention to Yemen's migrants. Exceptions are organizations that direct their activities at refugees, in particular Somalis, such as UNHCR and the UNHCR supported Refugee Health and Community Project and Marie Stopes International Yemen. ILO has plans to start working in Gulf Cooperation Council (GCC) countries (including Yemen) on migrant domestic workers. A project proposal is pending for implementation upon funding.

Migrant and refugee domestic workers who run into problems because of their work can only turn to their embassies or community organizations. However, these institutions lack the power to help them effectively. The solutions they offer are on an individual basis instead of being comprehensive and structural. While in some countries churches and church related organizations (such as Caritas Liban Migrant Center in Lebanon) play a role in addressing the problems faced by migrant domestic workers, in particular by offering individual assistance to domestic workers, in Yemen such organizations do not exist. The few churches that do exist in Yemen are important places for migrant women for support and comfort in times of trouble but cannot offer structural solutions to their problems.

The lack of institutions and organizations for the protection of the rights of migrant and refugee domestic workers was the rationale for establishing the Support Group for Domestic Workers in March 2005. It was initiated by the author of this report and consists of a group of volunteers gathered to improve the working conditions of domestic workers in Yemen. The members of the support group are individuals that feel committed to improving the situation of migrant domestic workers. Some of them work for development organizations or projects, but they are members of the support group in a personal capacity. The areas of work are:

- networking and research to gather and share information
- awareness raising and empowerment
- lobbying and advocacy to put the issue on the policy agenda.

In January 2006 the Support Group for Domestic Workers developed two project proposals: one for the establishment of day-care centers for the children of refugee domestic workers and one for an office to defend the rights of migrant and refugee domestic workers. Both proposals will be submitted to foreign donor organizations for funding.

7. FINDINGS AND CONCLUSIONS: AN ASSESSMENT OF KEY ISSUES AND PRIORITIES

1. Although the number of paid domestic workers in Yemen is small compared to other countries in the Arab region, paid domestic work is a growing employment sector in Yemen. In the main cities, in particular, an increase in the employment of domestic workers can be observed, chiefly among upper and middle class families. The majority of domestic workers are migrants and refugees from the Horn of Africa but there are

also Asian women working as domestic workers and an increasing number of Yemeni women who are also taking up paid domestic work. Reliable statistics are lacking.

2. There is a large variety of domestic workers in Yemen. The main differences are based on:
 - Nationality (mainly Ethiopian, Somali, Filipina, Indonesian, Indian and Yemeni)
 - Type of employment (live-in or live-out)
 - Contract workers or freelance workers
 - The way in which women come to Yemen (via agents, via individual employers, via relatives and friends, by boat crossing through the Red Sea)
 - Legal status (residence permit, work permit or refugee card)
 - Religion (Christian, Muslim or another religion)

These differences make it difficult to formulate general statements on the living and working conditions of domestic workers in Yemen. However, the results of the study point to the various dimensions of domestic workers' vulnerability: as foreigners (without access to citizenship), as people without much social capital (education, social networks, legal status, professional background), as women (living and working in a society where women's rights are not fully recognized), as unskilled workers (not covered by the labour law), as people with a different ethnic and religious identity (which sometimes leads to discrimination). The multiplicity of these dimensions offers a basis for interventions at different levels and by different actors.

3. There is no legal employment agency that employs migrant women as domestic workers in Yemen. The two agencies that did have licenses of the Ministry of Social Affairs and Labour lost them after having violated the rights of some of the migrant women workers. There is a clear need for legal employment agencies who follow codes of conduct in accordance with national and international laws and for close supervision of the activities of illegal employment agencies.
4. Based on the interviews conducted for this report, it can be argued that the cases of exploitation and abuse are still not as widespread as they may be in other receiving countries in the Arab region. However, they are present and rising due to the increasing numbers of women coming into Yemen as migrant domestic workers. The main problems domestic workers face are: a strenuous workload, a low salary, delay of the payment of salaries, withholding of passports by agents or employers, isolation, no day off, no proper food, being accused of theft while innocent, difficulties to be released after the end of the contract, and in some cases psychological, physical and sexual abuse.
5. Most domestic workers do not have labour contracts but work on the basis of spoken agreements. Domestic workers are often of the opinion that they prefer to work without a contract because this gives them the freedom to resign whenever they want to. Yet, in the case of a conflict, a spoken agreement cannot be used in court cases to protect the rights of the workers. Domestic workers without contracts, therefore, often lose. Contract workers do have labour contracts but these are not always upheld. There are hardly any mechanisms to monitor the enforcement of contracts. In addition, contracts are not always translated into the language of the worker, so she may not

know its contents. Migrant domestic workers are often unaware of the possibilities they have to bring their employer to court if a conflict arises.

6. Domestic labour is not covered by the labour law. The employer is responsible for the well-being of the worker but there is no monitoring mechanism to ensure decent treatment of domestic workers. In order to improve the protection of the rights of domestic workers the possible inclusion of paid domestic labour in the labour law should be studied, as well as the constraints, obstacles and problems possibly arising from it.
7. Many migrant domestic workers live and work in Yemen without residence and work permits. They arrive on tourist visas, on their own or via (illegal) employment agents. After the expiration of their visas, many do not obtain the necessary documents to be legalized. The main reasons are that the costs of obtaining a residence permit are high, not so much because of the factual costs (60 US\$ per year) but because of the money that has to be paid to people that assist in arranging the permit (around 250 US\$ per year).
8. The various Yemeni government institutions involved in issues related to the employment of domestic workers attempt to protect the rights of (migrant and refugee) domestic workers. However, embassies of sending countries and the Ministry of Social Affairs and Labour are regularly confronted with the problems encountered by migrant domestic workers but are unable to solve them effectively. Migrant community organizations in Yemen have no specific activities for domestic workers and there is no other institution or organization that defends their rights. There is a lack of coordination between government institutions, embassies and other stakeholders.

8. RECOMMENDATIONS

1. In order to improve the understanding on migrant domestic workers in the country, a series of consultations are needed within the key government organizations with responsibilities on migrants and workers including Ministry of Social Affairs and Labour, Ministry of Interior, and Ministry of Foreign Affairs. Following these internal discussions at the ministerial level, the consultations could be opened up to include key stakeholders in the form of national consultations including private employment agencies, NGOs, international organizations and embassies.
2. The recommendations emerging from the consultative workshops could be followed up with the establishment of a Steering Committee, which would start work on priority areas and develop an action plan toward improving the situation of migrant domestic workers (including drafting of sound policies managing migration, incorporating necessary amendments to the Labour Code, improvements in monitoring of employment agencies, development of a unified contract for migrant domestic workers and production and dissemination of a rights booklet informing workers of their rights).
3. To study the possibilities to include domestic workers in the labour law. A legal review with relevant duty bearers and claim holders would be advisable in order to:

- a) understand how migrant domestic workers could be integrated into current labour laws
 - b) identify the major legal challenges faced by domestic workers in general and migrant domestic workers in particular
 - c) review how the penal code and civil laws apply to migrant domestic workers.
4. To do a more extensive survey (including legal aspects) to get reliable quantitative data concerning the numbers of domestic workers and their living and working situation, which can be used for the development of future policies and programmes.
 5. To negotiate bilateral cooperation agreements with major sending countries on conditions of labour migration (in particular with Indonesia, followed by the Philippines).
 6. To develop a standardized employment contract for domestic workers to be used by individual employers, employment agencies and embassies in Yemen and endorsed by the relevant authorities in the country of origin including the Yemeni authorities. The contract should be issued in Arabic and officially translated into English and the language of the migrant worker.
 7. To register the standardized employment contracts in a database accessible to the relevant ministries as well as non-governmental organizations upon request, and in doing so improve the access to data about migrant workers as well as the supervision and monitoring of their employment situation.
 8. To encourage the legalization of employment agencies, to monitor their activities for example by introducing a code of conduct for employment agencies. This could be done by providing awareness raising sessions for employment agencies on how to follow guidelines and principles of work that are in accordance to national and international labour standards; drafting a law for monitoring employment agencies; providing training to government officials in the Ministry of Social Affairs, the Ministry of Interior, and the Ministry of Foreign Affairs to ensure that they effectively monitor employment agencies and employers.
 9. To raise awareness among domestic workers of their rights and responsibilities and provide them with protection in case their rights are violated. This could be done with the help of the embassies, the already existing migrant organizations, and with civil society organizations. Information should be provided on arrival to new recruits in their own languages, including Arabic and English, through information leaflets and a half-day orientation course.

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ANNEX 1 Basic Data on Yemen

	Year	Female	Male	Total
KEY POPULATION AND ECONOMIC INDICATORS				
Population ('000)	2005	10.340,0	10.635,0	20.975,0
GNI Atlas Method	2004	570,0		
Estimated earned income	2003	413,00	1349,00	...
GDP per Capita (PPP US\$)	2003	889,0		
LABOUR FORCE INDICATORS				
Labour force participation rate	1999	21,8	69,9	45,9
Unemployment rate (total)	1999	8,2	12,5	11,5
Unemployed ('000)	1999	79,4	389,7	469,0
Dependency ratio per 100	1999	103,0		
Share of women in wage employment in the non-agricultural sectors	2003	6,1		
Self-employment rate	1999	63,4	49,0	58,0
Employment in the informal sector economy	1999	91,7	76,4	...
Contributing family workers (% of total)	1995-2003	26,0	74,0	100,0
EDUCATION INDICATORS				
Education index	2005	0,51		
Primary, secondary & tertiary gross enrolment ratio	2002-2003	41,0	69,0	55,0
Adult literacy rate	2003	28,5	69,5	49,0
Youth literacy rate	2003	50,9	84,8	67,9
Ratio of girls to boys in primary education	2002-2003	0,71		
Ratio of girls to boys in secondary education	2002-2003	0,46		
Ratio of girls to boys in tertiary education	2002-2003	0,28		
Ratio of literate females to males (15-24)	2001	0,58		
University graduates (% of total)	1999-2000	23,2	76,8	100
Public expenditure on education (% of government expenditure)	2002-2003	32,8		
Public expenditure on education (% of GDP)	2002-2003	9,5		
HEALTH INDICATORS				
Total Fertility Rate	2003	7,0		
Child mortality rate (per 1000)	2003	106	119	...
Adult mortality rate (per 1000)	2003	227	298	...

Maternal mortality rate (per 10,000 live-births)	2002	36,6		
Life expectancy at birth	2003	61,0	57,0	59,0
% of pop. with improved drinking water sources	2002	69,0		
% of pop. using adequate sanitation facilities	2002	30,0		
% of population with sustainable access to affordable drugs	1999	50-79		
HIV prevalence (% of ages 15-49)	2003	0,1
Mean average age at marriage	Latest year	19,1	22,9	...
POVERTY & INEQUALITY INDICATORS				
Population below \$1 a day	1990-2003	15,7		
Population below \$2 a day	1990-2003	45,2		
National poverty line	1990-2002	41,8		
Poverty gap ratio	1990-2001	4,5		
Human poverty index (%)	2005	40,3		
GENDER RELATED MEASURES				
Gender empowerment measure	2005	0,123		
Gender related development index	2003	0,448		

ANNEX 2 Interviewed persons at institutional level

Government officials

- Abdelkarim al-Arhabi, former Minister of Social Affairs and Labour (MOSAL)
- Yassin Abdu Saeed Noman, Deputy Minister of Social Affairs and Labour (MOSAL)
- Ali Qaid, Head of Planning and Provision of the Labour Force (MOSAL)
- Lina Rajah, Department of Employment agencies (MOSAL)
- Ali Dhailami, Head of the Labour Office Sana'a (MOSAL)
- Ahmed Rajah al-Hakimi, Head of the Department of Work Permits, Labour Office Sana'a (MOSAL)
- Maha Ghaleb, Director General of Working Women (MOSAL)
- Brigadier General Mutahar al-Masri, Deputy Minister of Interior
- Brigadier General Mohammed al-Ramli, Chief of the Immigration, Passports and Nationality Authority, Ministry of Interior
- Ambassador Ali al-Kaf, General Manager of the Consular and Immigration Department, Ministry of Foreign Affairs
- Amat al-Alim al-Soswa, former Minister of Human Rights
- Ismail al-Geobri, International Cooperation, Ministry of Human Rights
- Ramziya al-Iriyani, chair of the Women National Committee
- Huriya Mashour, deputy chair of the Women National Committee

Embassies

- Abebe Biazen, consul of the Ethiopian embassy
- Dicky Fabrian, former ambassador of the Indonesian embassy
- Bagus Hendraning, former consul of the Indonesian embassy
- Iman Rokhadi, consul of the Indonesian embassy
- Ajay Ganguli, consul of the Indian embassy

Community Centers/Organizations

- Gidey Hailu Hudur, chair of the Ethiopian Community Center
- Mohammed Ali Hirsi, chair of COMSICCA
- Shirly, chair of The Filipino Community in Yemen (TFCY)

International organizations

- Adel Jasmin, resident representative UNHCR
- Hanno van Gemund, protection officer UNHCR

Refugee Health and Community Project

- Hodman Jama, social counsellor
- Warda al-Hubishi, former employee
- Dr. Samira Banwair, former director
- Khalid al-Dubai, director IHD

Yemeni non-governmental organizations

- Amal al-Basha, chair Sisters Arab Forum for Human Rights
- Rana Ghanem, deputy chair Sisters Arab Forum for Human Rights
- Hayat al-Hibshi, chair Al-Sada Society

ANNEX 3 Checklist for life-story interviews with migrant domestic workers

1. Background information

- Where do you come from? (nationality)
- Where were you born?
- When were you born?
- What is the background of your family?
- Where does your family originally come from?
- What work did your parents do?
- What is the educational level of your parents?
- What is their religious background?
- Did they own land? Or other property?
- Do they own a house?
- How many sisters and brothers do you have?
- What is your position in the family?
- Where is your family living?
- Are other relatives living there too?
- What is your educational background?
- What is the educational background of your sisters and brothers?
- Did you take up paid work at home?
- If yes, what type of work were you doing?
- How much did you earn?
- What did you do with the money that you earned?
- What was the standard of living of your family?
- In what type of house were they living?
- Did you get married?
- If yes, when did you get married?
- With whom did you get married?
- Why did you marry this person?
- What work was/is your husband doing?
- Was/is he educated?
- Did you move to another place?
- If yes, where did you move?
- Do you have any children?
- If yes, how many children do you have
- How old are your children now?
- Are you still married?
- If not, can you tell me what happened?

2. The migration

- What was the reason that you decided to migrate?
- Did you take the decision to migrate yourself?
- If yes, when did you take the decision to leave?
- Where did you want to go?
- Why did you want to go to that particular place?
- How did you want to leave?
- What did you want to do abroad?
- Did you know other people who had migrated?
- Did you know what type of work you could do abroad?
- Why did you want to do that type of work?

- Why did you decide to go to Yemen?
- How did you migrate? (means of transport)
- Who was involved in arranging your migration? (e.g. relatives, friends, agents, subagents)
- Which costs were involved in your migration? (e.g. recruitment fee, travel costs, passport costs, other documents, medical clearance?)
- How much did you pay in total?
- How did you get that money?
- Did you borrow money?
- From who did you borrow money?
- How did the borrowing take place?
- When did you leave?
- How did you leave? (means of transportation)
- Had you been out of the country before?
- How was it to travel?
- Can you tell me your experiences during the trip?
- Who were travelling with you?
- Did you leave your children behind?
- Are your children still in your home country?
- If yes, who is taking care of your children now?

3. Living in a new country

- When did you arrive in Yemen?
- What did you think of Yemen when you first arrived?
- Where did you arrive when you migrated?
- Was Yemen the first country you came to?
- Have you been in other countries before?
- Can you tell me about your experiences in other countries?
- What type of work did you do in the other country?
- Why did you leave that country?
- Can you tell me about your first experiences in Yemen?
- Where did you live?
- With whom were you living?
- Did you meet any Yemenis?
- In how many different places have you lived since you first arrived?
- With whom are you living?
- How much rent do you pay?
- How is it to live in Yemen as a migrant woman?
- Can you tell me about your experiences?
- What do you think of Yemen?
- What do you like about Yemen?
- What do you not like about Yemen?

4. Working as a domestic/Labour trajectory

- What type of work did you want to do?
- How did you find work? (agency, friends/relatives)
- What type of work did you do in the beginning?
- How many different jobs have you had since you are in Yemen?
- Who were you working for in previous jobs?
- Why did you leave those jobs?

- Who is your employer at the moment?
- How big is the family of the employer? (number of persons)
- Can you describe the family you are working for? (e.g. nationality, job of employer, type and reason of family need's for domestic labour)
- Can you describe the house of your employer? (e.g. number of rooms, kitchens, bathrooms, halls, garden etc.)
- Are there other domestic workers employed by your employer?
- What type of work are they doing?
- What type of work are you doing? (e.g. cleaning, cooking, taking care of children, serving meals, ironing, etc.)
- When do you work?
- How many days per week do you work?
- How many hours per day do you work?
- Can you describe an average day of work for me?
- Do you like your work?
- What do you like of your work?
- What do you not like of your work?
- How is the workload?
- Are you satisfied with the workload?
- Why not?
- Does the woman employer also perform housework?
- How is the division of labour between you?
- Is she at home when you are at work?
- Are there any children you have to take care of?
- If yes, how many children are there and how old are they?
- How is your contact with the children?
- Who else is living in the house of the employer?
- How much do you earn?
- Are you satisfied with your salary?
- How is your salary compared to the salary of others?
- Do you know other domestics?
- How much do they earn?
- How much did you earn in previous jobs?
- Do you have a labour contract?
- Are there any allowances included in your labour contract? (e.g. free housing, free medical care, free clothing, free food, free return ticket, paid vacation)
- Do you have a work permit?
- Do you have a residence permit?
- Do other domestics you know have a labour contract/work permit/residence permit?
- Do you have your own passport or is it with your employer?
- What are the advantages of a legal status?
- What are the disadvantages of a legal status?
- How do you spend your income?
- Do you send money home?
- To who do you send money?
- How much money do you send home?
- Has the amount of money you send home changed in the time that you are in Yemen?
- If yes, how?

- Do you know what your family spends the money on?
- Is your family satisfied with the amount of money you send home?
- Do you also send presents home? What kind of presents do you buy?
- Are you able to save money for yourself?
- For what do you want to use the saved money?

5. Contacts with the employer

- How is the contact with your employer?
- Which language do you speak with him/her?
- How did you learn this language?
- Is the employer involved in your work?
- Are there any timetables or work schedules?
- If yes, what do they look like?
- Is the time that you work clearly defined or not?
- In case of live-in, where do you sleep? Do you have a separate bedroom?
- Are you allowed to leave the house by yourself or is your mobility restricted? Do you, for example, have to be home at a certain time when you go out in the evening?
- What kind of appliances are available in the house? (e.g. air-conditioning, fans, electricity, water on tap, bath or shower, television or radio, telephone)
- Are you allowed to use those appliances?
- Are you allowed to enter every space/room in the house?
- If not, which spaces can you not enter?
- Where do you eat?
- With whom do you have your meals?
- At what times do you have your meals?
- Do you eat at the same times as your employer?
- What do you eat when you are at work?
- What do you eat when you are at home?
- What do you wear when you are at work?
- What do you wear when you are at home?
- Do you cover your hair at work?
- Do you cover your hair at home?
- Does your employer tell you what to wear?
- What is the religious background of your employer?
- What is your religion?
- Which religious obligations do you observe when you are at home?
- Can you practice your religion at work?
- How does the religious background of your employer come to the fore?
- Do you have any problems with the different religious background of your employer?
- How does your employer treat you?
- Do you feel respected?
- How is your contact with the children of the employer?
- How is your contact with other people in the house?
- Do you ever get presents/gifts from your employer?
- If yes, what do you get?
- Have you ever had conflicts with your employer?
- Where were these conflicts about?
- How did you solve those conflicts?

- Have you ever had conflicts with other people in the house?
- Where were these conflicts about?
- How did you solve those conflicts?
- What are the advantages of working for this employer?
- What are the disadvantages of working for this employer?
- Would you like to change jobs?
- Where would you prefer to work?

6. Free time

- When do you have free time?
- What do you do in your free time? (differences between live-in and live-out)
- Are you allowed to leave the house when you don't have to work?
- If yes, where do you go?
- If not, why not?
- Do you have any friends?
- Do you have contacts with other domestics?
- Do you have contacts with other migrants, from your country, or from other countries?
- How do you meet them?
- Are there any associations for people of your nationality/religious background?
- Do you practice your religion?
- How do you practice your religion?
- Would you like to practice your religion better?
- If yes, how and why?
- How often do you contact your family back home?
- How do you contact them?
- Have you visited them since you are here?
- If yes, how often did you visit them?
- Who paid the air ticket?
- When would you like to visit them again?
- What does it depend on?

7. Future plans

- Do you want to stay in Yemen?
- If no, where do you want to go?
- Why do you want to go there?
- How do you plan to go there?
- Do you know people who succeeded in leaving Yemen?
- To which country did they go?
- How did they manage to leave?

ANNEX 4 Checklist for life-story interviews with employers of domestic workers

1. Background information

- Where do you come from? (nationality)
- Where were you born?
- When were you born?
- What is the background of your family?
- Where does your mother come from?
- Where does your father come from?
- Where did your grandparents come from?
- What type of work did your grandparents do?
- What type of work did your father do?
- Did your family own land? Or other property?
- Did they own a house?
- Where is your family living now?
- Are other relatives living there too?
- If your family is not living in their home village/town, when did they move?
- Why did they move?
- What is the educational level of your parents?
- What is their religious background?
- How many sisters and brothers do you have?
- What is your position in the family?
- Can you tell me something about your childhood?
- What is your educational background?
- What type of work are you doing?
- What is the educational background of your sisters and brothers?
- What type of work are your brothers doing?
- What type of work are your sisters doing?
- When did you get married?
- With whom did you get married?
- What is the background of your husband?
- How did you meet your husband? (arranged marriage or not)
- Is your husband educated?
- What type of work is your husband doing?
- Do you have children?
- How many children do you have?
- How old are your children?
- What are your children doing? (e.g. school, employed, at home)
- Do you own this house?
- Since when are you living in this house?
- How many people are living in this house?
- How big is the house? (number of rooms)?

2. Employing a domestic worker

- Since when do you employ a domestic worker?
- Why did you employ a domestic worker?
- Is this the first domestic worker you employ?
- If not, who did you employ before?
- Did you dismiss them or did they leave themselves?
- What was the reason that they left?

- How many domestic workers are working at the moment for you?
- What are their different tasks? (e.g. cleaning, cooking, washing, ironing, serving meals, taking care of children, taking care of elderly, taking care of animals)
- Who did this type of work in the past?
- Did your family employ domestic workers in the past?
- If yes, what type of work were they doing at that time?
- Who were employed as domestic workers in the past?
- What was the status of domestic workers in the past?
- How did you find the domestic worker that you are employing now? (way of recruitment, through an agency, through friends/relatives, through other domestic workers?)
- What are the criteria you used for recruitment? (e.g. nationality, ethnicity, religion, educational background, language, skills, physical appearance, previous employment record, marital status?)
- In case an agency was involved, which procedures were required?
- Which costs were involved?
- Are you the sponsor for the worker?
- Did you arrange a work permit?
- If yes, how did that work?
- If not, why not?
- Did you arrange a residence permit?
- If yes, how did that work?
- If not, why not?
- In case the domestic worker was recruited through personal contacts, how did that work?
- Where does your domestic worker come from? (nationality, background)
- Did you purposely employ a woman of this nationality/background?
- If yes, why?
- Is she educated?
- Did you prefer to employ someone who is educated?
- Is she married?
- If yes, what work does her husband do?
- Does she have children?
- If yes, how many children does she have?
- Where are her children?
- Who is taking care of her children?
- Do you know when she came to Yemen?
- Do you know why she came to Yemen?
- Did you employ other women of her background before?
- Did you employ women of different backgrounds before?
- What are the advantages of employing a domestic worker of this background?
- What are the disadvantages of employing workers of this background?

3. Labour conditions

- Does your domestic worker have a labour contract?
- If yes, what is stated in that contract?
- Can I see the contract?
- How much is her salary?
- Did her salary change in the period that she is working for you?
- How much do the other domestic workers you employ earn?

- Does she get any allowances? (such as free housing, free medical care, free clothing, free food, free return ticket, paid vacation?)
- What tasks does the worker have?
- How many days per week does she have to work?
- How many hours per day does she have to work?
- In case she lives in with the employer, does she have a day off?
- When is her day off?
- Do you make work schedules or timetables for her?
- Does she have regular breaks?
- Who decides what task she has to carry out?
- Are you at home when she is working?
- Do you help her?
- What type of domestic tasks do you do?
- And what type of domestic tasks do you leave to her?
- Do you check the way in which she carries out her work?
- In which language do you communicate with her?
- Do you understand each other well?
- If not, why not?
- In which language does she communicate with the children?
- How is her contact with the children?
- How is her contact with other people in the house?
- Does she have her meals here at work?
- When does she eat?
- What does she eat?
- Is she allowed to enter all rooms/spaces in the house?
- If not, which spaces is she not allowed to enter?
- Why is she not allowed to enter these spaces?
- Is she allowed to leave the house during a break?
- If not, why not?
- Is she allowed to leave the house in her free time?
- In case of live-out, where does she live?
- How does she go home? (means of transport)
- Who pays the transport costs?
- In case of live-in, where does she sleep?
- What type of facilities is she allowed to use? (e.g. television, radio, air-conditioning, bathroom, kitchen)
- Is she obliged to wear certain clothing?
- What type of clothing do you prefer her to wear?
- Why do you prefer this type of clothing?
- What is the religious background of the domestic worker?
- What is your religion?
- Which religious obligations do you observe when you are at home?
- Can the domestic worker practice her religion at work?
- Do you have any problems with the different religious background of your domestic worker?
- If yes, what problems do you have with it?
- How is her contact with the other domestic workers working for you?
- When does your worker have free time?
- Do you know how she spends her free time? (differences between live-in and live-out)

- Does she have any friends/other domestic/other migrants?
- What is your opinion about people of her background?
- Does she have contacts with her family back home?
- How does she contact them?
- Has she ever visited them since she is working for you?
- If yes, how often did she visit them?
- Who paid the air ticket?
- Have you ever had conflicts with your domestic worker?
- Where were these conflicts about?
- How did you solve those conflicts?
- Has she ever had conflicts with other people in the house?
- Where were these conflicts about?
- How did you solve those conflicts?
- Are you satisfied with her?
- If yes, why are you satisfied with her?
- If not, why are you not satisfied with her?
- Would you prefer to employ someone else?
- What would be a reason to dismiss her?
- In case you would dismiss her, would you replace her immediately?
- If not, why not?
- If yes, how would you find a replacement?
- What criteria would you use for recruitment?
- Do other relatives/friends/colleagues also employ domestic workers?
- Who do they employ? (nationality, background)
- How do they recruit their workers?
- Is there any debate in Yemen about employing migrant domestic workers?
- If yes, what is this debate about?

ANNEX 5 Conventions regarding International Labour Standards signed by the Republic of Yemen

The eight fundamental ILO Conventions signed by the Republic of Yemen are:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Equal Remuneration Convention, 1951 (No. 100)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

The 29 Conventions regarding International Labour Standards signed by the Republic of Yemen are:

- Weekly Rest (Industry) Convention, 1921
- Minimum Age (Trimmers and Stokers) Convention, 1921
- Medical Examination of Young Persons (Sea) Convention, 1921
- Equality of Treatment (Accident Compensation) Convention, 1925
- Forced Labour Convention, 1930
- Minimum Age (Sea) Convention (Revised), 1936
- Minimum Age (Industry) Convention (Revised), 1937
- Contracts for Employment (Indigenous Workers) Convention, 1939
- Penal Sanctions (Indigenous Workers) Convention, 1939
- Labour Inspection Convention, 1947
- Contracts for Employment (Indigenous Workers) Convention, 1947
- Freedom of Association and Protection of the Right to Organize Convention, 1948
- Labour Clauses (Public Contract) Convention, 1949
- Protection of Wages Convention, 1949
- Right to Organize and Collective Bargaining Convention, 1949
- Equal Remuneration Convention, 1951
- Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955
- Abolition of Forced Labour Convention, 1957
- Discrimination (Employment and Occupation) Convention, 1958
- Employment Policy Convention, 1964
- Minimum Wage Fixing Convention, 1970
- Holidays with Pay Convention (Revised), 1970
- Workers' Representatives Convention, 1971
- Minimum Age Convention, 1973
- Tripartite Consultation (International Labour Standards) Convention, 1976
- Workers with Family Responsibilities Convention, 1981
- Termination of Employment Convention, 1982
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
- Worst Forms of Child Labour Convention, 1999

ANNEX 6 Article X of the Employment Policy Convention, 1964 (no. 122)

X. International Migration and Employment

39. Members, taking account of international Labour Conventions and Recommendations on migrant workers, should, where international migration takes place, adopt policies designed-

(a) to create more employment opportunities and better conditions of work in countries of emigration so as to reduce the need to migrate to find employment; and

(b) to ensure that international migration takes place under conditions designed to promote full, productive and freely chosen employment.

40. Members which habitually or repeatedly admit significant numbers of foreign workers with a view to employment should, when such workers come from developing countries, endeavour to co-operate more fully in the development of such countries, by appropriate intensified capital movements, the expansion of trade, the transfer of technical knowledge and assistance in the vocational training of local workers, in order to establish an effective alternative to migration for employment and to assist the countries in question in improving their economic and employment situation.

41. Members which habitually or repeatedly experience significant outflows of their nationals for the purpose of employment abroad should, provided that such measures are not inconsistent with the right of everyone to leave any country including his own, take measures by means of legislation, agreements with employers' and workers' organisations, or in any other manner consistent with national conditions and practice, to prevent malpractices at the stage of recruitment or departure liable to result in illegal entry to, or stay or employment in, another country.

42. Developing emigration countries, in order to facilitate the voluntary return of their nationals who possess scarce skills, should-

(a) provide the necessary incentives; and

(b) enlist the co-operation of the countries employing their nationals as well as of the International Labour Office and other international or regional bodies concerned with the matter.

43. Members, both countries of employment and countries of origin, should take appropriate measures to-

(a) prevent abuse in the recruitment of labour for work abroad;

(b) prevent the exploitation of migrant workers; and

(c) ensure the full exercise of the rights to freedom of association and to organise and bargain collectively.

44. Members, both countries of employment and countries of origin, should, when it is necessary, taking fully into account existing international labour Conventions and Recommendations on migrant workers, conclude bilateral and multilateral agreements covering issues such as right of entry and stay, the protection of rights resulting from employment, the promotion of education and training opportunities for migrant workers, social security, and assistance to workers and members of their families wishing to return to their country of origin.

ANNEX 7 Article 22 of the Yemeni labour law

Paragraph A:

Any employer who wants to employ foreigners has to apply for approval at the Labour Office of the Ministry of Social Affairs and Labour. The application form should include the following information:

1. The employer's name, nationality, occupation, and the place of work.
2. The name of the worker in request for employment, his family name, his nationality, religion, date of birth, address, and marital status.
3. The type of work the worker is going to do, and his previous job.
4. The worker's expected employment period of time
5. Reporting whether the worker has entered the Republic before, the reasons and the date, as well as the date of his departure and its reasons.
6. A demonstration of the total number of foreign workers working for the employer, the number of foreign workers who have the same occupation as the worker in request for employment, and the number of his Yemeni workers.
7. Any other information requested by the Ministry or its competent office.

Paragraph B of the same Article requires the following documents to be attached to the application form:

1. A statement from the Ministry or its competent office stating that there is a lack of Yemenis to do the work that is needed from the foreign worker.
2. The certificate of the worker in request for employment, his technical qualifications, and his experiences with an authentic translated version if it was written in a foreign language.
3. A copy of the forthcoming employment contract for the worker, explaining in it clearly the salary, incentives, cash and in specie advantages that will be given to the worker.
4. A list of the projects and businesses the employer is engaged in at the time of submitting the application consolidated by the needed documents and papers.
5. Any other documents or information requested by the Ministry or its competent office.

ANNEX 8

ILO supported activities in Yemen

- National Employment Strategy, Symposium and Action Plan (August 2004-ongoing)
- Strengthening the National Machinery for Advancing Women's Employment (May 2004-April 2006)
- Training Program on Decent Work and Gender Equality (May 2004-April 2006)
- Enhancing the Capacity of Child Labour Unit of the Ministry of Social Affairs and Labour Phase I (November 2001-February 2005)
- Enhancing the Capacity of the General Federation of Worker's Trade Union in Combating Child Labour Phase I (November 2001-February 2005)
- Enhancing the Capacity of the Child Labour Unit of the Federation of the Chamber of Commerce and Industry Phase I (November 2001-February 2005)
- Development of a Sustainable Media Campaign Against Child Labour in Yemen Phase I (February 2002-August 2005)
- Withdrawal, Rehabilitation of Child Labour on the Streets of Sana'a Phase II (September 2002-August 2005)
- Withdrawal, Rehabilitation and Prevention of Rural Child Labour (October 2003-December 2004)
- Promotion of Children's Rights Through Arts and Education (SCREAM) (March 2004-August 2005)
- Combating the Problem of Child Labour in the Fisheries in Aden (under preparation, to be launched at project's second phase)
- Workshops on Informal Economy
- Workshops on Social Security Statistics
- ILO Geneva and ROAS Mission on Labour Code and Social Dialogue (January 2006)