

Violation of Migrant Women Worker's Rights in Middle-East

Shirani Hetti Arachchi

Visiting lecturer, Dept. of Agricultural system,
Faculty of Agriculture, Rajarata University of Sri Lanka,
Anuradhapura, Sri Lanka

Hettiarachchi_13@yahoo.com

#0094713722525, 0094812316000

Abstract

This study focused on violation of women migrant workers rights who have gone to middle –Eastern countries on domestic employment and returned to Sri Lanka without completing their contract of service. Problem of the study is the manner in which the Human Rights of women domestic migrant workers to the Middle-East are violated. An intense discussion was held with 10 women migrant returnees and interviews were held with officers of “Sahana Piyasa” run by the Sri Lanka Bureau of Foreign Employment to assist women migrant workers who are in distress. I used both quantitative and qualitative data to this study. Women migrant workers are at great risk and are vulnerable to discrimination, exploitation, abuse and violating their human rights. The main forms of discrimination, exploitation abuse that women migrant workers face in the countries of destination are, violation of employment contracts, or no contracts, poor working and living condition, limited freedom of movement, harassment and violence, health and safety risks and lack of social protection and forced labour and debt bondage. As a results of such experiences faced by women migrant workers in middle-East, it is an apparent that violations of human rights occur at a very high level.

Key words: *Migrant labuor, Migrant workers rights, domestic workers, Sri Lankan migrant population, International women migration, economic benefits, discriminatory treatment*

1.0 Introduction:

Times have changed; today more and more women migrate not to join their spouses, but in search of employment in places - where they will be better paid than in their home country. It is estimated that female migrants make up almost half of migrant workers - in the world today. This 'feminization' is sometimes characterized by an over-representation of women migrants in extremely vulnerable positions¹.

What is striking is that in developing countries that admit migrants exclusively for temporary labour purposes, the share of women in the labour migration flows has been increasing since the late 1970s. In some parts of the world, women migrant workers have become important income earners for their families.

The global rise of migrant labour has received increasing attention of academic researchers in the past two decades. On the one hand, the “feminization of migration”, in which women cross international borders to take

¹ Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 01, Gender promotion programme, International Labour office, Geneva, 9p

up paid work as domestics, indicates an increased mobility of women. The recruitment of Sri Lankan labour for International markets became an official business enterprise after 1973. It is estimated that female migrants make up almost half of migrant workers - in the world today. There are 214 million estimated international migrants in the world today where they comprise 3.1% of the global population (United Nations Trends in total migrant stock, 2008: 06) The majority of migrant female workers especially who migrate to the Middle-East countries namely Saudi Arabia, Kuwait, Qatar, Jordan and Lebanon are women from Asia who come with the expectation of working in dignified conditions as domestic workers. When the 20th century came to close, international women migration has become part of the South Asian region economic, social and political fabric. The Arab states are primary destination for many migrant workers from Asia, including Bangladesh, Pakistan, the Philippines and Sri Lanka. In the past twenty years Lebanon, Saudi Arabia and the Gulf States became common destinations for Sri Lankan women in search of a better future.

Sri Lanka secured the labour market for domestic workers which contributed to the feminization of migration in the region. The demand for domestic workers increased and became the major source of work for women migrants. In this is devoted to updates on women labour migration both authorized and unauthorized and the paper examines recent economic trends in international women labour migration. The concluding section outlines the social and economic implications of trends of women migration, and the problems and challenges faced by them in the Middle East.

1.1 International Women Migration:

International migrants are persons who take up residence in a foreign country. Migration may occur for a multitude of reasons. International migration, however, is a recent phenomenon and assumed importance only after the Second World War (Pongsapich, 1991:150). Many people leave their home countries in order to look for economic opportunities in another country. Others migrate to be with family members who have migrated or because of political conditions in their countries. Education is another reason for international migration (OECD International Migration Outlook, 2007).

There are many different potential systems for categorizing international migrants; one system organizes migrants into categories of distinct groups. These are temporary labor, irregular, illegal or undocumented, highly skilled and business associates, refugees, return migrants, family members and long-term, low-skilled migrants. Migrants can typically also be divided into two large groups which are permanent and temporary. Permanent migrants intend to establish their permanent residence in a new country and possibly obtain that country's citizenship. Temporary migrants intend only to stay for a limited periods of time; perhaps until the end of a particular program of study or for the duration of their work contract or a certain work season. Whether temporary or permanent, international migration has a profound effect on the society and economy of both the host country and the home country of migrants. (OECD International Migration Outlook, 2007:40).

As of the year 2000, there are an estimated 150 million international migrants (World Migration Report, 2000:05). In ten years from 1990 to 2000, the number of migrants in the world increased by 21 million persons, or 14%. In 2005, the number of international migrants in the world reached almost 191 million, which was 3% of the world population. The proportion of women and girls among all international migrants was nearly 50% in 2005, up from 49% in 1990 (International Migration Report 2006: A Global Assessment, 2009: xiv-xv). National level estimates indicate that in year 2000, women represented 68% of the 2.35 million Indonesian

migrant workers abroad, 46% of the 2.945 million documented and 1.840 million undocumented Philippine migrant workers abroad, 75% of some 1.2 million Sri Lankan migrant workers abroad.²

In the process of international migration, women may move away from situations where they are under traditional, patriarchal authority to situation in which they can exercise greater autonomy over their own lives (Hugo, 2000:299). The number of migrant women and their socio-economic characteristics as well as government policies determines the impacts of international migration. The impacts can differ significantly from country to country.

1.2 Sri Lankan Women's Labour Migration to the Middle East: An overview

As a migration region, the Middle East and south Asia is one of the most complexes in the world today. While it is difficult to make broad generalization about migration trends in countries as diverse as the Gulf States, Iraq, the Islamic Republic of Iran, Afghanistan, Israel, India, Pakistan, Bangladesh, and Sri Lanka, it is also true that the Middle East and South Asia are linked by history, culture, religion, and migration patterns (World Migration report, 2000:105). Initially labour migration to the oil rich countries Kuwait, Bahrain, Oman, Qatar, Saudi Arabia, and United Arab Emirates involved mostly women workers.

Since the 1970s India, Pakistan, Bangladesh, Philippines and Sri Lanka have been the main suppliers of labour to the Middle East. Initially, most Asian to the Middle East were men employed in construction and infrastructure building, but from the late 1970s the ability to hire a servant, traditionally restricted to Arab elites, was opened up by newly found oil wealth to the middle classes, generating a vast new market for unskilled female labour.

Sri Lanka has a population of approximately 19 million. According to the SLBFE, the Sri Lankan migrant population is around 1.8 million. Of the total migrant worker population, women migrant workers dominated, registering a major share of 70% in 2009. The Middle Eastern region continued to more than 90% of total foreign employment opportunities. Saudi Arabia, UAE, Kuwait and Qatar absorbed around 80% of migrant employees (See figure 01).

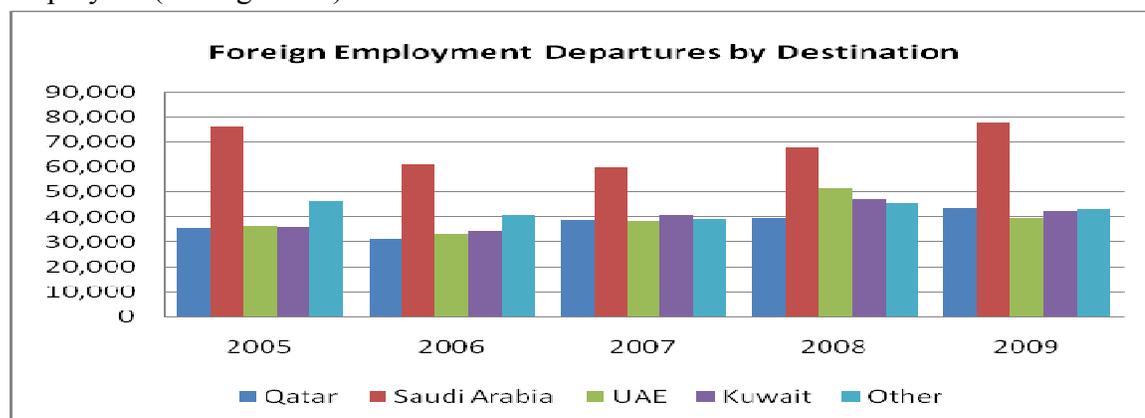


Figure01

² Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 01, Gender promotion programme, International Labour office, Geneva, 9p

Source: Sri Lankan Bureau of Foreign Employment

The Middle Eastern region continued to dominate the foreign employment market, accounting for more than 90% of the total migrant workforce, with the majority consisting of housemaids accounted of 82.4% of the total departures for foreign employment in 2009. The share of housemaids in departures for foreign employment increased to 46% in 2009 compared to 43% in the previous year (Central Bank of Sri Lanka Annual Report, 2009:92). 29% of the population is dependent on foreign incomes (SAARC migration year book, 2000:55). According to conventional definitions of economic activities and of the labour force, it appears that in Sri Lanka, women have played an increasingly significant role as contributors to the national economy and economic development since the country gained independence.

Sri Lanka has seen the following phases of migration. The first phase is 1970 and this was largely middle class migration. The second phase is 1997; this time Sri Lankans began to work in oil rich Middle Eastern countries. The number of overseas female domestic workers increased dramatically. The number of Sri Lankans leaving the country has been increasing steadily since 1975, and rose drastically in the mid 1990s. According to the figures from the Sri Lanka Bureau of Foreign Employment (SLBFE), a total of 203,710 people, more than 70% of whom were women, left the country for employment in 2009. Figure two provide some indication of the quantitative significance of foreign employment by sex in 1986-2002.

Table 01
Departures for foreign employment by sex 1986-2002

Year	Male number	%	Female number	%	Total
1986	11,023	67	5,433	33	16,456
1987	10,647	66	5,480	34	16,127
1988	8,309	45	10,119	55	18,428
1989	8,680	35	16,044	65	24,724
1990	15,377	36	27,248	64	42,625
1991	21,423	33	43,560	67	64,983
1992	15,493	35	29,159	65	44,652
1993	17,153	35	31,600	65	48,753
1994	16,377	27	43,791	73	60,168
1995	46,021	27	126,468	73	172,489
1996	43,112	26.5	119,464	73.5	162,576
1997	37,552	25	112,731	75	150,283
1998	53,867	33.7	105,949	66.3	159,816
1999	63,720	35.4	116,015	64.5	179,735
2000	59,793	32.8	122,395	67.2	182,188
2001	59,807	32.5	124,200	67.5	184,007
2002*	70,726	34.7	132,984	65.3	203,710

Source: Asian Migrant Yearbook 2002-2003, Migration Facts, Analysis and Issues in 2001-2002, Asian Migrant Centre-Migrant forum in Asia, 243p

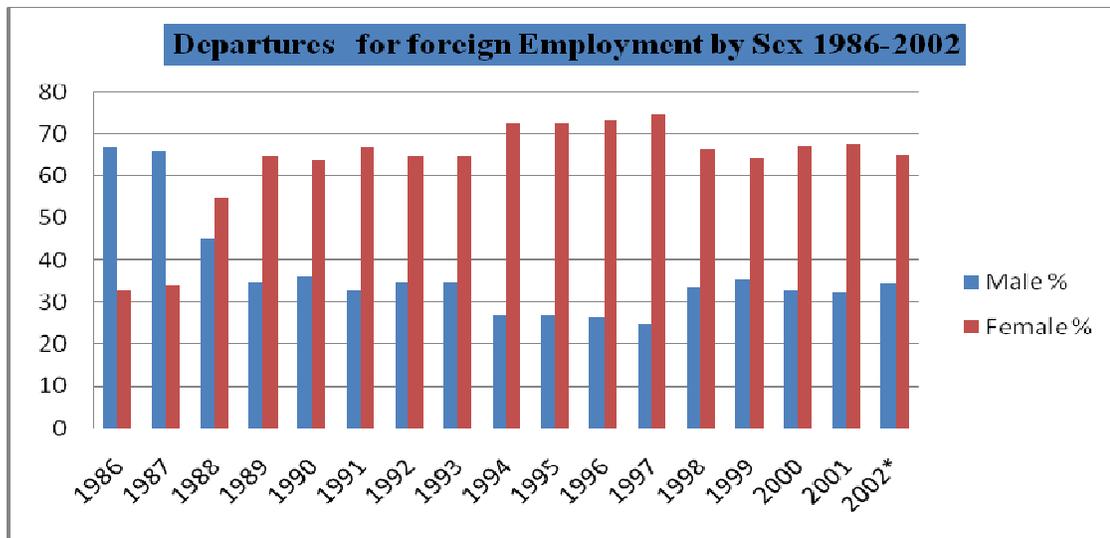


Figure 02

Source: Asian Migrant Yearbook, 2003:243

A 2002 report on Sri Lanka from the ILO's series on women and migration notes that majority of Sri Lankan women migrants are employed in the "unskilled" category (primarily domestic work) (Asian Migrant Yearbook, 2003:243-251). The Memorandum of Understanding to be entered into by the SLBFE with labour receiving countries. Labour productivity, measured in terms of GDP per worker (at constant price of 2002) increased by 4.2% in 2009 over the previous year to Rs. 322,200 per worker (Central Bank of Sri Lanka Annual Report, 2009:93). In these contexts, the feminization of poverty and the fact that more women are becoming the sole breadwinners in families have contributed to the growing number of women willing to take their chances by searching for employment and income opportunities abroad. Finally, every migrant worker hopes for a better life; which means they migrate to achieve social and economic well-being.

1.3 Economic Benefits of migrants:

In some parts of the world, women migrant workers have become important income earners for their families and contributors of foreign exchange for their countries of origin, often on par with men. In most labour surplus developing countries, labour migration-especially temporary migration for work can have very positive effects on the economy of the sending country (Ghosh, 2009:65). West Asian migration had become so important to the Sri Lankan economy by the early 1980s. Labor export is also the largest foreign exchange earner for the country.

The development policies in the recent past have had a heavy focus on women's labour force participation. Organized labour migration has a long history in Sri Lanka. The labour intensive industries now placed highest in the measurement of GNP. Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. Women are migrating for employment on almost the same scale as men, accounting for about half of the total migrants' worldwide. For many women, as for men migration is a positive experience, leading to a better life and improvement of their economic and social position. Their major objective in migrating, in any case, was to remit or bring back savings for domestic needs.

Sri Lanka's attitudes towards labour migration has changed over time from that of a harmful phenomenon that drained much valued, trained people to one that is beneficial for its positive contribution to the economy (Pinnawala, 2009:68). There has been a steady increase in foreign employment over the years

contributing significantly to foreign exchange earnings and reducing the pressure on the unemployment in Sri Lanka. In 2008, foreign employment placements reported an increase of 15.4% compared to 8.2% in 2007 (Central Bank Annual Report, 2008:98). Billions of US dollars are sent as remittances by Sri Lankan migrant workers, which have now become the country's largest foreign exchange earner. In the year 2003 Sri Lankan expatriate workers earned a record income for the country amounting to Rs.138.8 billion, this was a 10% increase over the previous year. In 2002, the total amount of private remittances amounted to around LKR 123,183 million 61.3% of which were sent from the Middle East.

Table 01.

Private Remittances (LKR Million) 1991-2002

Year	Remittances	
	Middle East	Total
1991	9,515	18,311
1992	13,186	24,037
1993	16,932	30,592
1994	20,196	34,992
1995	23,567	40,482
1996	26,728	46,003
1997	33,202	54,445
1998	39,466	64,517
1999	45,766	74,342
2000	55,252	87,697
2001	62,680	100,427
2002*	75,579	123,183

Source: Asian Migrant Yearbook, 2003:251

Total foreign remittances received in 2009 increased by 14.1% to US dollars 3,330 million, compared to US dollars 2918 million received during the previous year.

2.1 Human Rights and Migrant Workers:

All persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labor protections, including migrant workers and their families. International documents prescribe the same human rights for migrant workers that any other human being enjoys. Migrants are also entitled to certain human rights and protections specifically linked to their vulnerable status.

The 1990 International Convention on the Protection of the Rights of all Migrant Workers and members of families, ratified by 19 countries, establishes an international definition of the different categories of migrant workers (International Migration Report, 2002:02-05). As of early 2006, it had been ratified by 34 states, none of which was a major migrant receiving country. In 2004, the protocol against smuggling and that to prevent trafficking in persons also entered into force, after having been adopted by general Assembly in 2000; these protocols had been ratified by 84 and 95 states, respectively (International Migration Report 2006: A Global Assessment, 2009: xvii).

Various International instruments specifically or generally enumerate the rights of women migrants. International human rights conventions, including the International Covenant on Civil and Political rights and

the International Covenant on Economic, Social and Cultural Rights, provide important protection migrant women workers. During the past two decades, a number of international, regional and national instruments dealing specifically with migration have been adopted, which include provisions applicable to migrant women. They include the international Convention on the Protection of the Rights of All Migrant Workers and Members of their families. But women migrant workers tend to be at greater risk to discrimination, exploitation, abuse and forced labour than men migrant workers - mainly because the labour market in the country of destination reproduces the gender division of labour and inequalities of their country. This study would be that among the violation of human rights faced by the migrant women workers, socio-economic and civil rights are severely affected.

During the year, the numbers of migrant workers who have returned due to various problems they have encountered in the host countries have reached a high level. See table and graph given below.

Table No 02

Number of returnees (due to problems) from January to July 2004

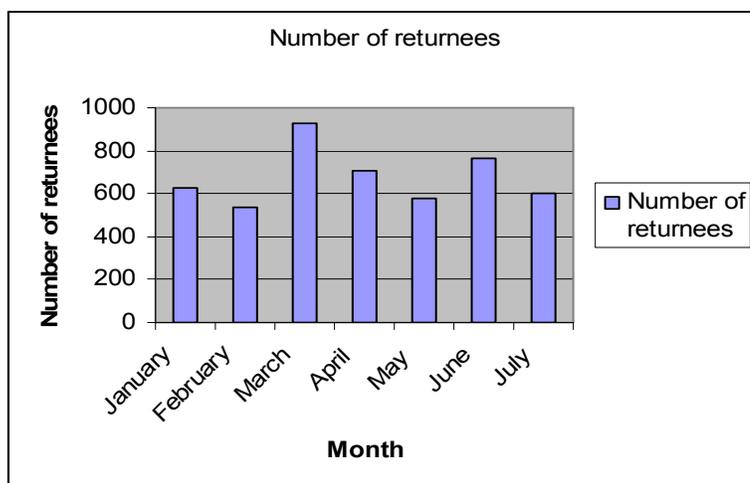
Month	Number of returnees
January	628
February	535
March	925
April	709
May	577
June	761
July	598
Total	4733

Source: Sri Lanka Bureau of Foreign Employment welfare Assistance Centre- Sahana Piyasa, Progress Report, 2004

This situation is described in the following graph.

Figure 03

Number of returned (due to problems) from January to July 2004



Sri Lankans who have gone to foreign countries as migrant workers in search a better life has had to return home for various unacceptable reasons. Most of the migrant workers are from Bharain, Lebanon, Saudi Arabia and Kuwait and they have all returned due to the untold suffering they had encountered.

The above chart will indicate that 4733 of migrant workers have returned from January to July 31st 2004 as displaced or having to face adverse circumstances in their search for lucrative employment. Other than these 4733 there is another 491 persons who do not fall in to the first category. These people are the most helpless. According to the above graph there is a slight fluctuation in the arrival of these people from January to July 2004. Even through it is difficult to differentiate male and female workers in this data, the officers of the Sri Lanka Bureau of Foreign Employment has confirmed the above statistics and that 90% of the migrant workers are female and that they have returned due to untold difficulties that they have encountered in the host countries.

On the morning of 1st August 2004 when I was waiting at the Katunayake airport, I uncounted 5-6 women migrant workers who had just returned from Middle East employment. They narrated heartrending tales of woe of their experiences as expatriate workers.

I have given below according to gender the statistics of displaced migrant workers from the Middle East. The above chart clarifies particulars concerning migrant workers.

1. The number of migrant workers returning from each country from March to July, 2004.
2. According to gender the number of returning migrant workers for each month
3. Total from March to June 2004. Male and female migrant workers returning due to discriminatory treatment from the Middle Eastern countries

From the above data we can see that female migrant returnees out number the males. An analysis of female migrant workers is separately given below.

Table No. 03

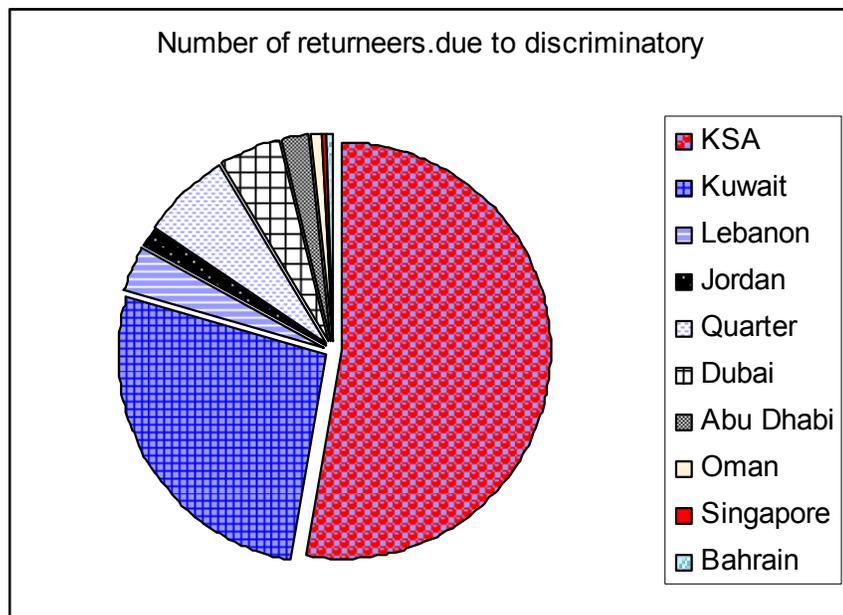
Migrant workers returning due to discriminatory treatment from the following Middle Eastern Countries (March-June-2004)

Serial No.	Country	March	April	May	June	Total
1	KSA	446	300	230	252	1228
2	Kuwait	162	83	144	234	623
3	Lebanon	26	23	19	14	82
4	Jordan	09	08	06	10	33
5	Quarter	45	47	20	46	158
6	Dubai	73	15	08	15	111
7	Abu Dhabi	22	14	07	08	51
8	Oman	09	04	06	02	19
9	Singapore	02	01	02	01	06
10	Bahrain	09	01	02	04	16
Total	Total	803	496	442	587	2330

Source: The Researcher has made the analysis from data collected monthly by 'Sahana Piyasa'.

The above chart clearly indicates the number of female domestic migrant workers who have returned due to discriminatory and abusive treatment without completing their contract of service. This is reflected in the graph below.

Graph No. 01



On a closer examination it will be seen that Kuwait and Saudi Arabia stands out prominently for inhuman treatment of migrant workers. During the above mentioned four months women migrant workers numbering 1228 from Saudi Arabia and 623 from Kuwait have returned to Sri Lanka due to unendurable hardship. A total of 2330 domestic migrant workers who had gone with the hope of securing a better future for their families have returned because they have been subjected to severe physical and mental ill treatment by their employees.

The diverse nature of the discriminatory treatment and injustices faced by women migrant workers in the host countries: in some instances even their lives have been at risk -- was revealed through this study. Their workers' rights as well as their human rights have been violated to such an extent, as to make it impossible for them to have continued in employment. Furthermore, they have been badly exploited and subjected to physical violence. The violence they have encountered can be categorized as follows:

1. Harassment
2. Non payment of salary
3. Insanity
4. Disabled
5. Sickness
6. Pregnancy
7. Return with babies
8. Sexual harassment
9. Immigration problems

By examining the data relating to women migrant workers who have returned to Sri Lanka, a clear idea of the extent of the violations can be perceived. When examining the date of the Sri Lanka Bureau of Foreign Employment it was evident that most of the women migrant workers have undergone these experiences. However, the most common problem encountered by male migrant workers is that of non-payment of salary.

The Sri Lankan women migrant workers have undergone the above mentioned harassments during the month of June 2004. This is clarified by the following Table.

Table No. 04

During the Month of June 2004 the Types of Harassment Undergone by Women Migrant Workers to the Middle East

<i>Reason</i>	Registered	Not registered	Uncertain	Term completed	Term not completed	Total
Harassment & Non-payment of salary	65		78	19	124	286
Harassment	74	04	62	14	126	280
Non- Payment of salary	49	-	102	27	124	302
Insane	10	-	01	02	09	22
Disabled	04	-	02	-	06	12
Sickness	71	-	09	01	79	160
Pregnancy	02	-	01	-	03	06
With babies	-	-	01	-	01	02
Immigration Problems	02	-	-	-	02	04
Sexual Harassment	32	-	13	04	41	90
Other Problems	02	-	-	-	02	04

Source: Records from Sri Lanka Bureau of Foreign employment (Sahana Piyasa)

According to the data during the month of June; of the harassment suffered by women migrant workers; the most frequent was physical abuse and non-payment of wages. 302 women had not received their wages, 280 have faced harassment and 286 have faced both harassment and non-payment of wages. It also showed an increase in sexual harassment. In the month of June 90 women migrant workers have suffered sexual harassment. In general women migrant workers have faced abuse and harassment in many forms.

In recent times there is rising indication of women who go abroad on foreign employment with dreams of enhancing the quality of life of their families: by the higher earnings available to them in affluent countries, succumb to exploitation mentioned above and to cruel inhuman and degrading treatment.

There is no evidence of the actual implementation of the protection and safeguards afforded to women by the convention for the Eliminations of all forms Discrimination Against Women and the Convention on the Rights of Migrant Workers. It is apparent that they do not get the opportunity- especially to protection, quality nutrition, favorable employment conditions and freedom from exploitation. They are often engaged in unprotected work and even experience the hardship of not receiving their wages on time. It is clear that women migrant workers are subject to extreme violations of their human rights.

By the discussions I have had with them an indepth analysis is given below:

2.2 Harassment

Women migrant workers in domestic employment are faced with the following hardships. There are, assault, insults, false allegations, deprivation of food, frequent scolding, minimal health care facilities (sometimes none), no rest or leisure and 10 to 13 hours of continuous work per day. In some instances domestic workers are sent to work in the homes of relatives of the employer. The following daily routine was cited by them.

“We must wake up before everyone else and commence work. Usually, it is 4.00 a.m. 5.00 a.m. in the morning. The houses are very large. They are all two three storied houses. There is a great deal of house work to do. Even if you work full 24 hours – yet you cannot complete the work. We have to sweep and dust daily; climb ladders and clean high walls – which is very dangerous and frightening. We are compelled to do this work. We are not given proper food and we do not have time to eat the food. However hard we work – we are scolded. Sometimes, we are assaulted – but we have no one to complain to or seek redress. We come as housemaids because of our poverty – so we have to bear the suffering and continue to work. This Sinhala woman broke down in tears and stated that she returned to Sri Lanka before the expiry of her contract, due to the untold hardships that she had to endure.

I was away for 9 months. From the day I started working in that household, they ill treated me, for no reason at all. I did whatever I was asked to do. The lady of the house made false allegations against me and started to assault me. All the scars on my body are due to the physical violence inflicted on me. One day I was hit on my head with iron bar. That is why I had to come like this. My head was severely injured and started to bleed profusely. They then took me to a hospital. There doctors performed two surgeries. 57 days I was in hospital. The hospital staff collected money and gave Rs 29,000/-. Due to some past merit I was able to return to Sri Lanka. I thought I would die there. The Tamil woman who narrated her experiences showed her maggot infected wound.

It is evident that female migrant workers suffer diverse hardships when they go on overseas employment.

2.3 Non payment of salary

One of the main problems faced by women migrant workers is non payment of salary. From the discussions I had with them, they clarified the situation as follows. When we go on overseas employment, we are in debt to so many people; as we have to sell or mortgage property, sell or pawn our jewelry or borrow money on interest to pay the employment agency and air fare. Our aim is to some how earn money to send home so the family can pay back the loans as well as spend on food, children’s education and to build a house to live. These are our expectations. But even after 3 or 4 months of working we are not paid a salary.

I met women who have returned to Sri Lanka after working for 10 months without receiving their wages. Statistics indicate that in June alone 302 women migrant workers have returned to Sri Lanka for non-payment of salary.

2.4 Non payment of salary and Harassment

As stated above when domestic migrant workers do not receive their salaries, they are compelled to ask the employers’ to pay them. In such circumstances women have to face an unpleasant scenario. If they asked for their wages instead of being paid, they were ill treated and abused. They had to work even harder if they were to be paid. It is in such environments that house maids succumb to violence and abuse. In June 2004, 286

women had returned to Sri Lanka who had been subjected to violence, abuse and non-payment of wages. In such situations women suffer both physically and mentally.

I was away on overseas employment for 4 months. I did not receive my wages. I kept remembering my children back home needing money. So I asked for my salary to send home to the children. They told me if I am to be paid, I will have to work harder. What ever I was asked to do, I did. Then they started to assault me. But I did not receive my wages. One day when I was cleaning the walls of the upstairs apartments, I fell from the ladder. I was not given any medical treatment for the injuries. However, because my leg was disabled I was taken to a hospital. From the hospital I was sent back to Sri Lanka. Now I am unable to walk.

Another woman who had returned to Sri Lanka without receiving her salary narrated the following experience. "I was abroad for one year and 10 days. I did not receive my wages. I kept asking for my salary to send home to my family. I was given a small amount of money, when ever I asked for the salary. One day I told my employers that if they cannot pay me a salary, to hand me over to the Employment Agency. They did not respond to my request, but started giving me additional work and to assault me. I was not given proper food or clothes to wear. One day I was told to clean a huge wall and the lady of the house sat and watched me work. I fell from the ladder and injured myself. I injured my knees and became disabled. Thereafter, they bought the air ticket and sent me to Sri Lanka without paying my wages".

There are no laws and regulations governing foreign domestic employment. Therefore, women domestic migrant workers face severe hardships as they have no legal rights or recourse to redress.

2.5 Sexual Harassment

This is yet another aspect of the violence encountered by Sri Lankan migrant workers who go overseas on domestic employment. This is of frequent occurrence and a degrading and inhuman condition that has to be endured by migrant women workers. They suffer sexual harassment from the Barbar (Head of the house), from his sons and from his friends. Sometimes the lady of the house insists on the maid having sex with her husband. If she refuses, she is ill treated by the lady. Very often the lady of the house is unaware that the maid is sexually harassed by her husband and sons. When the lady of the house informed of such incidents usually takes the husbands or son's side and treats the maid as a bad woman. Therefore, migrant women workers face further harassment from the lady of the house. In the month of June 2004, 90 women returned to Sri Lanka on the grounds of sexual harassment. As a result of sexual harassment many women have returned to Sri Lanka either pregnant or with children.

It was also revealed that often these women were made to indulge in deviant sex by their employers. A migrant woman who had undergone such cruelty narrated her experience –

"One day the barba had come with 4 friends and against her wishes had forcibly had sex with her, while the others looked on. Thereafter, the other men in turn raped her. One man had inserted a bottle inside her. Though she has shouted nobody had come to her aid. She had not been able to walk for several days. She had developed a temperature due to infection, but she was not given medical treatment. The barba kept harassing me. That is why I decided to return to Sri Lanka."

Sri Lankan women who go to work as domestic maids in the Middle East in order to improve their economic condition face many hazards. In addition to the above mentioned circumstances, domestic migrant workers also contract various illnesses and some are even permanently disabled.

Another aspect that was revealed through this study is the increase in the number of women migrant workers who have returned with severe mental problems. Such women are sent to the Angoda Mental Asylum.

However, the Sahana Piyasa officials I interviewed stated that there was no follow-up of these women, to ascertain whether they have been rehabilitated into society.

From the 30 case studies I did with regard to women migrant workers 10 of the cases were of women who had mental problems and had been referred to the mental hospital at Angoda.

2.6 Other Instances When Women Migrant Workers are Subject to Injustice and Helplessness

Women migrant workers gave instances of harassment meted out to them by those other than their employers, especially from employment Agencies and from officials of the Sri Lankan Embassies.

When asked why they did not make a complaint when they were harassed, they gave the following reply – We have no means of getting out of the house. The houses are enclosed with high walls and barred by thick iron gates. Furthermore, the moment they arrive, their passports are taken by the Employer. “If we escape without the passport, if we are found by the police, we are sent to goal. Then we have to undergo terrible suffering without food or clothes. If we go to the Agency they will not allow us to make a complaint nor will they listen to us. They scold and assault us and take us to another house. Sometimes the new place of employment is worse than the previous one. It is very rarely that we get a good employer or household. Also these agency people steal whatever we have and try to rape us.

In these countries we no one to turn to for help or assistance, we are completely alone.”

It is evident that in such circumstances there is no institution or procedure for these people to seek redress in these countries. This study revealed the injustices, exploitation and harassment experienced by women migrant workers. Not only their foreign employment conditions but their human rights as well are violated. Due to these unbearable conditions, they are subject to severe physical, mental and economic stress with adverse effects both socially and culturally.

3.0 Social Challenges of Women Migrant workers in the Middle East:

Sri Lankans who have gone to foreign countries as migrant workers in search a better life has had to return home for various unacceptable reasons. Most of the migrant workers are from Bahrain, Lebanon, Saudi Arabia and Kuwait and they have all returned due to the untold suffering they had encountered. The question of the conditions of work for Sri Lankan women migrants Middle-East has recently attracted the attention of women’s groups, and the general public.

Cases of executions, killings, torture, assaults and mistreatment of these workers are now attracting international attention and governments are being forced to assume some responsibility for their citizens working abroad. Women migrant workers irrespective of the nature of employment are highly vulnerable to harassment, abuse and violence not only in the workplace but also in the street and public places and by the local authorities while in detention, as a result of their migrant status, gender, class and race. The various forms of harassment, abuse and violence include:

- ◆ Verbal abuse
- ◆ Psychological abuse
- ◆ Physical abuse and violence
- ◆ Sexual harassment and
- ◆ Sexual violence and rape
- ◆ Other harassments in the working places

As a result of such experiences faced by women migrant workers in foreign countries, it is apparent that violations of human rights occur at a very high level. In the countries of destination, women migrant workers are often in situations of double, triple or even fourfold discrimination, disadvantage, marginalization or vulnerability as foreigners with language, culture, ethnicity or religion different from those of nationals. The specific reasons for their vulnerability include:

1. The persistence of gender stereotypes and occupational segregation in the labour market.
2. The lack of labour and social protection.
3. Discriminatory immigration policies.
4. Legal illiteracy and fear of the authorities.
5. Dependent employment relationship.
6. Individualized and isolated work environments.
7. Lack of organization and representation.

Women migrant workers are much less likely than men migrants to report abuses by their employers for a number of reasons. Namely -

- Migrant workers depend on their employers therefore they are afraid of losing their jobs.
- They do not have knowledge of the legal system in the country
- They have no freedom of movement
- They do not trust the authorities and fear that they will be further harassed or abused.
- Traditional attitudes discourage women who suffer domestic violence from reporting it.

There is no evidence of the actual implementation of the protection and safeguards afforded to women by the convention for the Elimination of all forms of Discrimination against Women and the Convention on the Rights of Migrant Workers. It is apparent that they do not get the opportunity- especially to protection, quality nutrition, favorable employment conditions and freedom from exploitation. They are often engaged in unprotected work and even experience the hardship of not receiving their wages on time. It is clear that women migrant workers are subject to extreme violations of their human rights.

4. 0 Conclusion and recommendations:

Today foreign employment has become a vital means of foreign exchange for many countries. There are over a million Sri Lankans in overseas employment. The above discussion clearly indicates that international labour migration has brought the individuals and their families both economic as well as social benefits. Potential high earnings from work in west Asian countries have attracted a substantial number of rural people to seek such opportunities. Large proportions of these migrant workers are employed as housemaids in countries of the Middle East. It is people coming from the lower income classes that seek employment in the Middle East. The purpose of their seeking foreign employment is to achieve economic stability. Their primary expectations are to buy a land, build a home and educate their children to enable them to move upward in the social strata. Other reasons for women to seek employment abroad are the death of spouse, desertion or unemployment of husband as well as drunkenness and abuse by husband.

However, when women go as migrant labour to foreign countries they are again faced with diverse problems of harassment. They suffer from inhuman treatment, sexual harassment, non-payment of wages, and inadequate food and clothing. They become subject to diseases and proper medical care is not available to them. They have to work beyond the statutory working hours and succumb to physical disabilities in the course of carrying out their duties. In such instances there is no responsible person or institution for them to seek redress. The rigid rules followed by domestic employers which prohibit domestic migrant workers from interacting with the world outside as well as impounding of their passports, from the moment they enter into domestic service, makes them virtual prisoners. Even if they manage to find their way to the embassy, they are again victimized and harassed by the officials. To conclude, the government of Sri Lanka and other organizations that work on women migrant workers related activities have to consider the following remedial aspects to overcome the problems and challenges faced by women migrants and so that find a sustainable solution to the women workers problem itself.

1. To ensure the safety of migrant workers proper procedure and mechanisms should be put in place by the Government.
2. At the orientation programmes held for prospective migrant workers they should be given clear instructions on the procedure to be followed in the event of harassment or violation of their rights in the host country. Furthermore, they should have the facilities available for migrant workers to communicate with the Sri Lanka Bureau of Foreign Employment in crisis situations.
3. There should be a state policy to protect Sri Lankans who seek employment overseas.
4. Domestic law as well as international law should pay more attention to protecting the rights of women migrant workers. There must be a proper mechanism to enable even the prevailing laws to be effectively observed. It should also encompass a mechanism that allows for petitioning of complaints.
5. Migrant workers should be given an awareness of their legally recognized human rights as well as employment agencies should be given a mandatory training on their duties and obligations towards migrant workers, when negotiating overseas employment, to ensure safety and security of migrant workers.
6. There should be institutions established between the host Country and the country of origin of migrant workers to which they could seek redress for problems that arise whilst on foreign employment.
7. There should be a state organization that could coordinate the activities of all employment agencies and a procedure should be evolved for all such employment agencies to be accountable to the State organization.

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