

“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.”¹

1.1. Chapter introduction:

This chapter serves as a commencement to the research as it presents the research’s main constituents. In details, this chapter provides the reader with a contextual background that leads to the statement of the research problem; then it presents the research objectives, and questions. Afterwards, the chapter moves to discussing the research justification, scope and limitation before depicting the research’s conceptual framework. The chapter goes through a thorough discussion of research methodology before concluding with the organization of the research chapters.

1.2. Problem statement:

A domestic worker is defined as a woman, man or child who works within the employer's household- where the home is the workplace- performing a variety of household (domestic) services for an individual or a family for pay. The work performed by domestic workers does not correspond to the general labour market notion that reflects a dichotomy between work and family. Domestic workers may cook, clean, take care of children, the elderly, the disabled, or even domestic animals - tasks that may not be closely defined and which are usually boundless(ILO, 2011 and 2012). Some domestic workers live on the premises of their employer; others work on a part time basis, often for multiple employers. Within domestic work, women are concentrated in cleaning and care services, while men tend to have

¹Theodore Roosevelt, former US president, <http://www.motivational-quotes-sayings.com/work-business.php> accessed 25th January 2012

the better paying jobs as gardeners, drivers, or security guards (WIEGO, 2012).

Domestic work constitutes a significant segment of the informal economy².

Informal economy represents a dichotomy: although it represents an escape to a large population from extreme poverty by providing means for earning income for survival; however such income is earned in an absence of provision of basic protection and services (Beneria et al., 2006).

Another problem related to informal economies is that human and labour rights violations are rampant, in the informal economy generally and in domestic work in particular. According to (Human Rights Watch, 2011) domestic workers are among the most exploited and abused workers in the world; they often experience working conditions that fall far short of international standards, including low and irregular pay, excessively long hours of work, lack of rest periods, and exclusion from social protection such as social security and maternity benefits (Human Rights Watch, 2011). In more extreme notes; domestic workers may also face physical, psychological, and sexual abuse, food deprivation, forced confinement, and trafficking into forced labour. These risks are heightened given their isolation, the imbalance of power between employer and domestic worker, lack of information or ability to seek help, and financial pressures and debts that make them afraid to lose their employment (ILO, 2011).

ILO's statistics indicate that there is a noticed growth in both supply and demand for domestic work: factors such as aging populations, increased participation of women in the labour force, the on-going

²The part of an economy that is not [taxed](#), not monitored by any form of [government](#), not reported, nor included in any [gross national product](#) (ILO, 2011).

challenge of balancing working life and family life in urban areas of developing countries and in developed countries contribute to increased demand for domestic workers. While, factors such as increased rural poverty, limited employment opportunities in general and migration contribute to growth in supply of domestic workers (ibid).

It is also worthwhile to acknowledge the contribution of domestic workers to the global economy; including paid job opportunities for women and men workers with family responsibilities and the substantial income transfers within and between countries. A study made by the ILO, found out that domestic work is an important occupation for millions of individuals; absorbing up to 10% of total employment in some countries (see ILO, 2009 and Anti-Slavery Organization, 2009), however they remain among the most marginalized, undervalued and poorly -if ever- regulated on the one hand while they remain overworked, underpaid and unprotected on the other (Mpedi and Smith, 2006, Smith P., 2011 and ILO, 2011).

A lifeline emerged since the ILO's concept of "decent work" came to light. Decent work was developed so as to address concerns for protecting basic human rights and privileges at the work place for any type of job, be it formal or informal. Decent work is based on the understanding that work is a source of personal dignity, family stability, peace in the community (ILO, 2002). In a relatively short time this concept has forged an international consensus among governments, employers, workers and civil society towards decent productive employment, the Decent Work Agenda has regard of four strategic objectives: realization of fundamental rights at work, securing decent employment and income, providing social protection and strengthening social dialogue and tripartism (ILO, 2002).

One of the targeted informal jobs which need drastic measures for decent work is domestic work. The ILO worked extensively and at different levels to support the organization of domestic workers- recognizing the decent work deficits such as access to social protection and the enforcement of their rights as workers. That is why and in June 2011; for the first time, the ILO has decided to consider adopting labor standards that allow for the specificity and unique circumstances of domestic service workers- Domestic work was referred to by the ILO as “*Work like any other, work like no other*”- (ILO, 2011 and Smith P., 2011). Hence the ILO’s Decent Work for Domestic Workers Convention (Convention 189) was put to vote. The main rights given to domestic workers according to this convention are:

- Daily and weekly rest hours,
- Entitlement to a minimum wage,
- Choice of where to live and how to spend their leave,
- A right to a clear (preferably written) communication of employment conditions. (ILO, 2011)

In addition to these main rights; ratifying countries should also take protective measures against violence and should enforce a minimum age which is consistent with the minimum age at other types of employment (Neo, 2011).

Accordingly, an international call for desperate measures for decent work for domestic workers- to ensure that they enjoy universal labour rights- is witnessed. However, there is a need for both attention and action, specifically for more focused research on the types of strategies required to promote decent work for domestic workers (ILO, 2011, Smith, 2011 and Workers Hub for Change, 2012).

In Sudan, the historical, socio economic and political contexts of domestic work has always led to an on-going marginalization of domestic workers and unjust working conditions. There was always – and still- a gap and inconsistency between what is stated the 1955 SDSA, 2009 KSDSA, the international standards for decent work, and what is practiced in reality (Khartoum Legislation Council, 2014, National Assembly, 2013 and ILO, 2011). For example; one of the decent work tenants is freedom of association³ ; according to which each and every domestic worker has the right to be a member of a union; yet this tenant contradicts with the Sudan labour relations Act⁴- specifically for non- Sudanese- who constitute the majority of domestic workers and who according to this act are not allowed to organize (Elmustafa, 2013).

Despite the rampant expansion of informal jobs in Sudan, still it is one of the countries wherein attempts to measure or investigate conditions in the informal economy are absent. In addition to this, no salient and solid research work has been conducted in decent work for either formal or informal jobs; the documented studies done so far pertaining domestic and decent work include studies done merely to show case the situation of child domestic workers (See Musa and Elhashmi, 2013, Mansour, 2012, Alkarib, 2007). This confirms that there is a lack of designated efforts for the investigation of the topic, as well as a need for dedicated research and studies about decent work, labour rights in the informal economy particularly domestic work in Sudan.

³ Freedom of association is the individual right to come together with other individuals and collectively express, promote, pursue and defend common interests (ILO, 2013).

⁴ The Sudan Labour Relations Act states that for workers to organize it is a must for workers to have one employer.

All the discussion above brings up a challenging query to seek and understand how to apply a platform for decent work -with all its tenants of dignity, freedom, equality on domestic work; vis-a-vis the submission and resistance to some extent of domestic workers and the satisfaction of employers, employment agencies and the government. This latter statement explains the existing situation where informality overrules law and regulation, promoting a chaotic situation which needs attention and action.

1.3. Research Objectives:

Research objectives come in two general folds which entail two specific objectives each:

1/ To unveil the invisible and factual subtleties of domestic work in Sudan, through:

- Disclosure of the history, evolution and current context of domestic work
- Exposition of a show case of domestic work practice, relations and dynamics from different angles

2/ To set the path towards decent work for domestic workers' implementation in Sudan, through:

- Proposition of a review and amendment to the Sudan's local domestic work in line with the ILO Convention 189, so as to prepare Sudan as an ILO member state for C189 ratification
- Putting forward recommendations for policy implications and local measures for decent domestic work in Sudan

1.4. Research Questions:

This research will attempt to answer the following questions;

1. What is the context of domestic work in relation to the different historical, political/legal, socio-economic and cultural aspects?
2. What is the practice of domestic work and domestic work relationships in Sudan?
3. What are the local measures for policy implications and interventions for decent work for domestic workers in Sudan?
4. How the contextual socio-economic and politico-cultural processes have influenced the emergence and development of domestic work in Sudan?
5. How and within what contextual circumstances the particular domestic work practices and relations have evolved?
6. How and why the existing local measures and policies/acts have taken this specific character?

1.5. Research Rationale:

This study is worth conduction because until this date, the literature and research tackling the current practice in informal economy and domestic work or developments in decent work in Sudan are almost absent. Accordingly, this research incorporates two implications:

- **Epistemological Implications:** This research will contribute to the available literature by providing some information on decent work, labour regulations and domestic work in Sudan,
- **Policy Implications:** the research attempts to suggest practical framework and recommendations for the current Sudan domestic workers acts in line with the notion of decent work for domestic workers. The research stands out, since up to date there is no pertaining empirical data to the research area

-to the best of the researcher's knowledge- about (decent) domestic work and their whereabouts in Sudan.

1.6. Research Limitations:

- The research was challenged with the lack of previously carried out conducted studies, statistics and research in Sudan. This limitation was overcome by developing a conceptual and literature review framework embracing international and regional studies and statistics- along with the limited-if any- statistics and studies from Sudan.
- Another limitation was the reluctance of most of the employers, domestic workers and other major constituents to open up and provide information. This limitation was overcome with a couple of psychological exercises' including reassurance, building mutual confidence, ice-breaking, signature of consent forms- all these exercises were conducted to ensure informants that the information they generously provide are only used for research purposes and in an anonymous manner.

1.7. Research Scope:

- In terms of the conceptual scope, this research focused on concepts/ theories of human rights, labour rights, political economy, social exclusion, international and local labour standards and regulations, decent work and domestic work.
- In terms of research methodology and data collection, the research focused on Khartoum State, where the concentration of domestic work takes place. The research employed a mixed-method research approach, depending on "QUAL-quant"; where most of the methods used were qualitative including semi-structured interviews, focus groups and life histories/narratives. While a slight share of quantitative questionnaires appeared in

two parts of the Delphi Technique. Thematic analysis was extensively used to present findings.

Conceptual framework of analysis:

This conceptual framework of analysis below served as a linkage between concepts based on theoretical and empirical evidence; it represents a mind map which depicts all the relationships between concepts, literature, methods, gaps and propositions. It also provided a guide for the literature reviewed and presented in the next chapter:

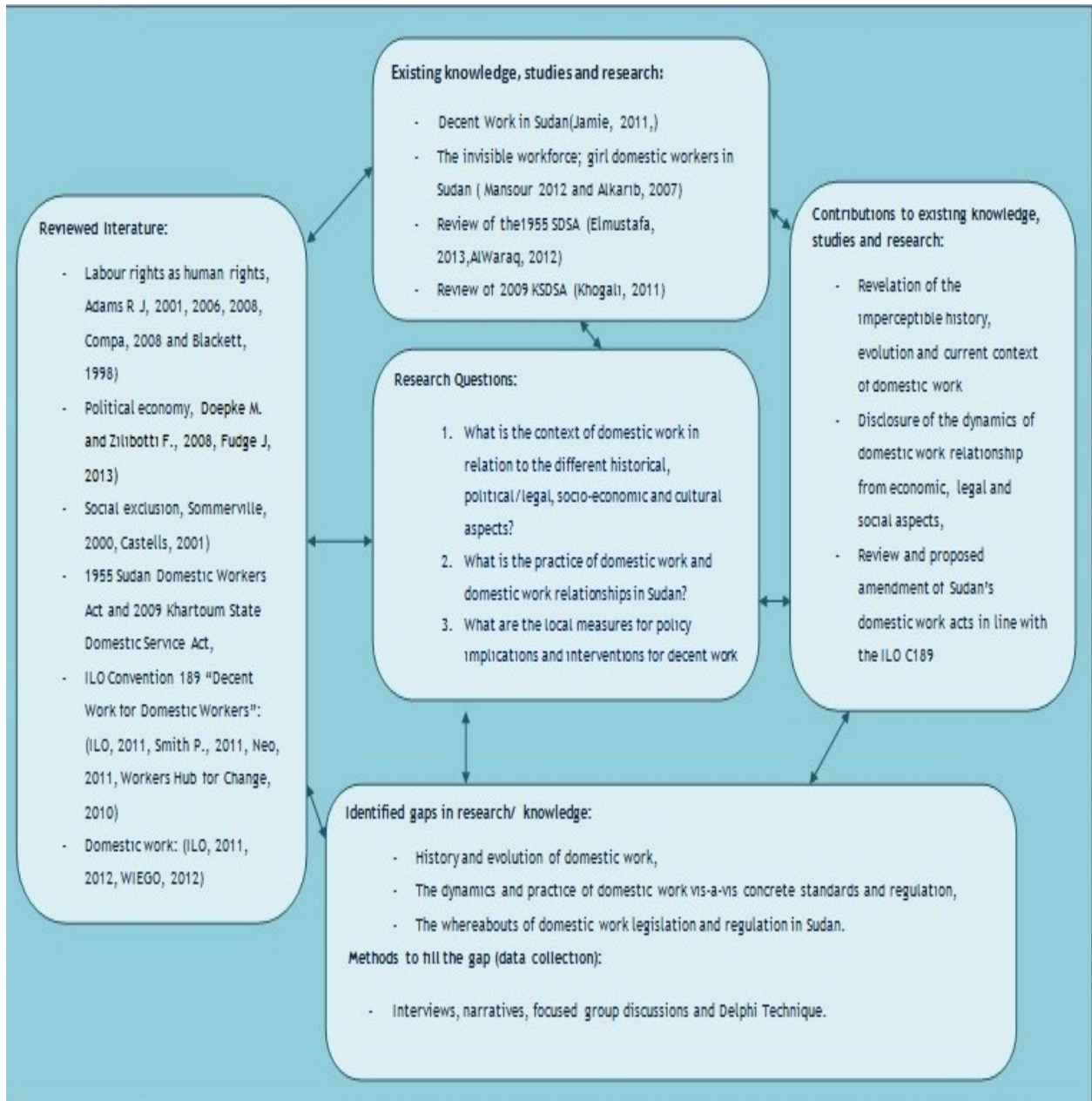


Figure 1.1.: The Conceptual Framework of Analysis, Source: Author

1.8. Research Methodology:

1.8.1. Research design and approach:

Exploratory research design was employed in this research because of its appropriateness for research areas where there is lack of knowledge/awareness and where there is very little existing research.

Exploratory research design is best in examining an emerging field that has not yet been adequately examined. In this case the whereabouts of (decent) domestic work as well as the local measures for implementing decent work for domestic workers.

The mixed method/approach⁵“QUAL/quan” was employed; where “QUAL” (in capital/upper case) denotes higher priority and weight than “quan” (in small/lower case); this means that the research depended heavily and made more use of qualitative methods than quantitative methods.

The mixed method/approach was used to add an inclusive, practical and general feature to the research. “QUAL” was chosen since the qualitative approach matches exploratory research because of its flexible, deep and revisiting pattern, while “quan” was employed for its practicality and quick-result nature; appearing in form of two questionnaires for the Delphi Technique.

(See USC, 2013, Boeije and Hodkinson, 2009, Galt, 2009, Van Wyk, 2009, Creswell, 2007, Maxwell, 2004, Mason, 2002, Carriger, 2000, Hughes,2000)

1.8.2. Data collection methods:

To yield the best results the research used primary, secondary and tertiary data collection methods:

1.8.2.1. Primary data collection methods:

- **Semi- structured interviews:**

A semi- structured interview- also known as the qualitative interview- usually has an asymmetrical structure. Although it follows an interview guide yet the questions and probes are based on response from the interviewee. Such interview seeks rich detailed answers for which the interviewer make clarifications and

⁵Mixed method approach refers to a situation where the researcher mixes both qualitative and quantitative research methods in a single study (Johnson and Onwuegbuzie, 2004)

also answer questions (Bryman, 2013, Bates et al, 2008, Berg, 2004, Wengraf, 2001). In this context, two sets of interviews were conducted⁶:

- a) **The Households’ Interview:** targeted 20 households and employers of domestic workers for exploring knowledge, attitudes, practice, relationships and roles within the “decent work for domestic workers” context, for the notions that households- domestic workers’ employers- influence and first implement policies.
- b) **The Context Interview:** 20 interviews were conducted to inform about the perception, contextual background and policy implications of (decent) domestic work in Sudan- including the historical, political, legal, economic and socio-cultural aspects. Key informants included government officials, civil society activists, historians, lawyers, political science scholars, politicians, religious leaders, economists, anthropologists, intellectuals and scholars.

- **Narratives(life histories):**

A narrative- also known as life history- refers to a retrospective life or experience recount by the individual, elicited by another person. The use of individual narrative also makes it possible to link personal experience with broader patterns of institutional change (see Schostak, 2013, Eagles, 2011, ESRC, 2009, Lewis, 2008, Squire, 2005, Czarniawska, 2004, Bron and West, 2000, Dhunpath, 2000).

In the research’s context; narratives made use of the “Labov’s Natural Narratives’ Categories”:

Narrative category	Narrative question
Abstract	What was this about?
Orientation	Who or what are involved in the story?

⁶For details, structure and content of the interviews, see Appendix

	When and where did it take place?
Complicating action	Then what happened?
Resolution	What finally happened
Evaluation	So what?
Coda	How does it all end?

Table 1.1.: Labov’s natural narratives categories, extracted from (Eagles,2011)

Accordingly, 15 narratives/life histories were conducted with individual domestic workers coming from different contexts, in attempt to reflect experienced meanings of domestic workers’ life activities and experiences⁷.

- **Focused Group Discussions (FGDs):**

A focus group discussion is an exploratory research tool which takes the form of informal discussion and interaction among a group of selected individuals about a particular topic to explore different perspectives. FGDs are used when insights are needed into a new area of research (see Unti, 2013, Georgia Institute of Technology, 2012, Escalada and Heong, 2012, Liamputtong, 2010, Wilkinson 2004).

In this context, ranging 7 focused groups between domestic workers, domestic workers’ employers and domestic workers and their employers thoroughly discussed experiences, practice, relationships, conditions, perception, challenges, opportunities and implications of decent work for domestic workers’ implementation⁸.

- **Delphi Technique:**

A Delphi Technique is a research method used to address complex problems through a structured communication process. Anonymity and feedback constitute the key elements of the Delphi method.

⁷For further details about the narrative structure refer to Appendix

⁸For further details about the FGDs structure refer to Appendix

Questions included in a Delphi may be of any sorts that involve judgment, including the proper policy to achieve a goal. (see Gordon, 2009, Skagfeld and Derbyshire, 2008, Hsu, 2007, Mattingly Scott, 2006, Underhill, 2004, Powell, 2003, Linstone and Turoff, 2002)

Delphi Technique was used to review and amend the 1955 Sudan Domestic Servants Act and the 2009 Khartoum State Domestic Service Act so in attempt for compliance with the ILO Convention 189: “decent work for domestic workers”. Panel of experts (20 members) included members of the parliament (National Assembly), experts and officials from the ministry of labour, lawyers, civil society and human rights activists.⁹

The Delphi technique followed a three parts process:

Delphi Part One:

1. Select and contact panel members
2. Meet with panel members individually and explain the process
3. Distribute and collect First Questionnaire

Delphi Part Two:

1. Distribute and collect Second Questionnaire
2. Conclude findings from First and Second Questionnaires and discuss individually and in groups with members

Delphi Part Three:

1. Conduct workshop for final summary presentation, feedback and recommendations
2. Present the final (policy) recommendations to the panel members, the National Assembly (department of legislation, justice and human rights) and the Khartoum State’s Legislative Council

1.8.2.2. Secondary data collection methods (documentation):

- **Documentation** is used to uphold and augment evidence from other sources (Yin, 2003). Books, articles, publications,

⁹Findings from the Delphi Technique are found in Chapter Five of the research.

dissertations and internet sources were exhausted to give details about decent work for domestic workers' constituents, practice, challenges, opportunities and implications.

- **Documents’ analysis:** The research depended on reports analysis and examination to identify decent domestic work. Analysed reports included ILO reports as well as policy documents...etc.

1.8.2.3. Tertiary data collection methods:

Tertiary methods refer to distilled and collected information from primary and secondary methods; i.e. a “textual condensation” (University of Maryland, 2013). In this sense, University of Western Cape’s database as well as dictionaries and encyclopedias pertinent to labour studies were used for documents and information pertaining the research topic and constituents.

1.8.3. Samples and sampling technique:

Scope/ area	Data collection method	Sample size	Sampling technique
Khartoum State	Household interviews	20	Random selection
	Context interviews	20	Purposeful selection/Convenience sampling
	Narratives/life histories	15	
	FGDs	7	
	Delphi Technique (panel members)	20	

Table 1.2.: samples’ sizes, classifications and techniques, source:

Author

1.9.3.1. Sampling techniques:

- **Purposeful selection/Convenience sampling:** in qualitative research the sample is intentionally selected according to the needs of the study, commonly referred to as ‘purposive sampling’ or ‘purposeful selection’. Convenience sampling;

where selection is based on accessibility and availability (See Leech and Onwuegbuzie, 2007, Tuckett, 2004, Blaxter et. al., 2001, Curtis et al., 2000).

- **Random selection** where “all” have an equal chance to be selected. In this context, household interviews were conducted through a random choice process where the researcher targeted areas and randomly knocked doors asking household members if they have domestic workers and whether they are willing to conduct an interview.

1.9.3.2. Sample selection process for interviews:

- Context interviews:

A purposeful selection took place in which a list of suggested key informants as per each contextual aspect¹⁰- by name and/or profession- was pursued. In cases of failure to liaise with the target informant, a backup informant was immediately identified and contacted. At the end a yield of 20 interviews covering different aspects was achieved.

- Household interviews:

The interviews were conducted in Khartoum State which constitutes of three main towns: Khartoum, Khartoum North and Omdurman. Areas in the three towns were divided into three socio-economic categories (A, B and C) -all which can afford domestic worker(s) yet differently;

- Category A represents high social class, affluence and income. High social class and affluence would mean that the household head’s job could be managerial jobs or consultancy or business which allow for a generous income,

¹⁰Find aspects, details and content of the context interviews discussed in depth in Chapter Three of the research.

the ratio of household members to number of domestic workers is 1:1 which means hypothetically that each family member has a domestic worker at service. In this category, it is also noticed that distinct domestic work categories exist such as nanny, driver and gardener.

- Category B represents the upper middle class, above average affluence and income. In domestic work terms, above average affluence would mean the household head’s job could be medicine or lecturing or senior officer which allow for an averagely high income, the ratio of household members to number of domestic workers is 1:3. In this category, the domestic work chores are the usual- nothing extra- however a division of labour exists: a domestic worker who cleans doesn’t help in kitchen and vice versa.
- Category C represents the middle class with average affluence and income. In domestic work terms average influence would mean the household head’s job could be a headmistress, pensioner or officers allowing for an average income, the ratio of household members to number of domestic workers is 1:5. In this category, the domestic work chores are the usual- cleaning, washing, kitchen help, where mostly one domestic person performs them all.

Names of areas were put to a random draw which eventually resulted in conduction of 20 interviews per area/per category as depicted in the below table:

Ar eas	Khartoum	Khartoum North	Omdurman
Categori es			

A	<ul style="list-style-type: none"> • Alryad • Amarat 	<ul style="list-style-type: none"> • Kafuri • Alsababi 	Almulazmeen
B	<ul style="list-style-type: none"> • Hay Almatar • Khartoum 2 	<ul style="list-style-type: none"> • Alwaha • Almughtarbin • Alsafia 	<ul style="list-style-type: none"> • Alarda • Alhashmab • Albusta
C	<ul style="list-style-type: none"> • Khartoum 3 • Jabra 	<ul style="list-style-type: none"> • Alhalfaya • Shambat 	<ul style="list-style-type: none"> • Alhijra • Wad Nubawi • Almasalma

Table 1.3.: Household interviews' sample distribution per category and area

1.9.3.3. Sample selection process for narratives/life history and FGDs:

Convenience sampling was conducted for narratives/life histories and FGDs while conducting household interviews; the researcher asked the household head if they and their domestic worker agree to narrate experiences and to engage in FGDs. As a result, 15 narratives/life histories and 7 FGDs were compiled.

1.9.3.4. Sample selection process for Delphi Technique:

A purposeful selection took place in which a list of suggested panel members¹¹- by name, profession and relevance to law reform was pursued. A total of 24 persons were contacted, out of which 20 responded positively and eventually participated in the technique.

1.8.4. Data analysis:

A triangulation¹² of data analysis methods was used:

¹¹Find information about the Delphi Technique and its panel members in Chapter Five of the research

¹² Triangulation in data analysis means using two or more methods so as to come up with comprehensive and versatile findings

- **Thematic analysis:**

Thematic analysis is a qualitative method for identifying repeated patterns/themes in data collected then organizing and interpreting such data in rich detail. Usually, the common themes are distilled and grouped from data collected in a manner which reflects texts comprehensively (see Anderson, 2007, Brauni and Clark, 2006, Attride-Stirling, 2001).

Thematic analysis was hence employed for identifying recurring themes in qualitative data extracted from semi-structured interviews, narratives, FGDs and Delphi's questionnaires' open ended questions.

- **Simple statistical analysis:** manual analysis and MS Excel were used for the Delphi's questionnaires and household interviews' closed ended questions.

1.8.5. Ethical considerations in research writing:

- **Respect for Anonymity and confidentiality** :(BERA, 2004 and Walford, 2005,) argued that it is a norm in the conduct of research to treat data in confidential and anonymous manners in respect for participants' privacy- without compromising the recognition of participants' rights (to be identified with research). This research compromised both views; by respecting wishes of participants who wanted to remain anonymous and confidential as well as recognizing and identifying those who wanted to be identified with their contributions¹³.
- **Anti-plagiarism** measures and tests were run throughout the research process.
- **Consent forms** were collected from different sets of participants in interviews, narratives, FGDs and the Delphi Technique.

¹³ Participants in context interviews- for example- never minded identifying their names aside their contributions while household interviewees and domestic workers appreciated confidentiality

- **Research permit:** for ethical and legal considerations, the researcher issued a research permit letter from the university to support data collection endeavors.
- **Participants/informants use of terminology:** the researcher employed the term participants and informants to reflect active and participatory notions in research.
- **Validity and impartiality :**(Polkinghorne, 2007) argued that validity of a knowledge claim in research is a result of how cogent, sound and impartial the researcher presents evidence and arguments. Hence, this research strived to present lucid and non-biased presentation of evidence and arguments.

1.8.6. Methodological Frame of Reference:

The below figure demonstrates the interconnections between the research questions, objectives and the methodological tools which will be employed:

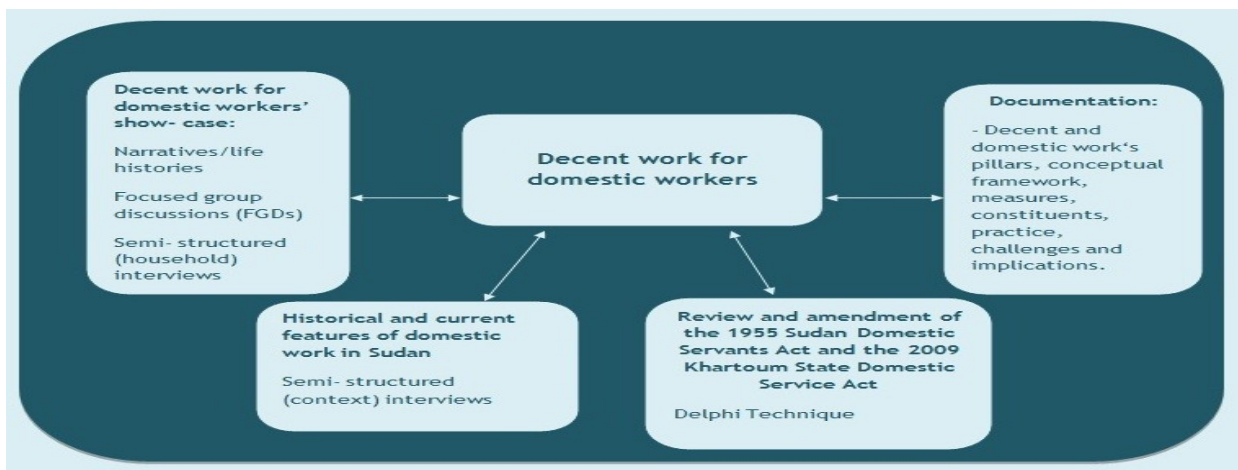


Figure 1.2.: The Methodological Frame of Reference

1.9. Organization of the research:

Chapter One Introduction

Chapter Two Conceptual framework and literature review

Chapter Three	The contextual framework of domestic work in Sudan
Chapter Four	A showcase of decent work for domestic workers in Sudan
Chapter Five	Policy implication: proposed review and amendment to the Sudanese acts on domestic work
Chapter Six	Decent work for domestic workers in Sudan- a policy Statement

-End of Chapter One-

“All those who work have rights at work, irrespective of where they work”¹⁴

2.1. Chapter introduction:

¹⁴At the International Labour Conference’s 90th Session in 2002

This chapter organizes and portrays the conceptual framework and literature review of the research. In details it dwells upon pertinent theories, concepts and literature on domestic and decent work. In its theoretical/ conceptual framework; the research uses two concurrent debates; on the one hand, it discusses decent work for domestic workers; highlighting the political economy and social exclusion argument, and on the other hand, it presents the debate of labour rights (stressing upon the right for a decent work) as human rights. As well, the chapter provides an overview of the existing literature about decent work and domestic workers, including local acts, regional and international acts, the international conventions as well as endeavors and practices. Moreover, the chapter thoroughly examines the international convention of decent work for domestic workers- Convention 189. The chapter also looks into the previous research, existing knowledge and studies pertinent to the research topic and finally concludes with an in depth analysis of all issues in light of the research topic.

2.2. The conceptual framework of decent work for domestic workers:

When discussing the conceptual framework of international labour standards in general and decent work for domestic workers in particular specific; the chapter takes two dominant discourses: the political economy and social exclusion debate on the one hand and the human rights debate on the other. Political economy and social exclusion theories are featured because they serve as the theoretical justification for the prevailing domestic work context of work relations where economic imbalance, marginalization, and ruling-out exist. Next, the chapter goes through a “narrow-down” approach by discussing the relationship between human rights labour rights, standards and regulation, decent work for domestic

workers. The debate of labour rights as human rights and their convergence is exposed for verifying the notion that the “labour rights as human rights argument” act as the base for the following discussion about labour regulations and standards:

2.2.1. Political economy and social exclusion:

Raymond Williams defines political economy in a “basic social practices” context; arguing that political economy is the social custom, practice, and knowledge about how to manage, first, the household then the community (Rahman, 2008). In a closer definition; (Mayer, 1987) states that political economy considers economic ideas and behavior as beliefs and actions to be explained and not as frameworks for analysis. Political economy can be defined using a number of approaches: for example, the public choice approach defines political economy as political: “the science of wealth” and lists utility, wealth, value, commodity, labour, land, capital as its elements of the political economy (Mosco, 2009, Alesina, 2007 and Malthus, NA), while the Marxists, socialists and institutionalists view political economy with an understanding of “the social totality”: a commitment to the social totality means understanding the connections between the political and the economic spheres (Jessop, 2001). However, the comparative definition of political economy -from the mid-1990s onwards- has expanded to include many topics such as development, reform, the role of culture, ethnicity and gender in explaining economic outcomes, fairness, macroeconomic policy and the relation between constitution and economic policy (Acemoğlu, 2006, Persson T et al, 2000, Drazen A, 2000, Zajac E, 2000 and Keefer P, 2004).

(Mosco, 2009) argues that political economy focuses on a specific set of social relations which are revolving around power and the ability to

control others while continuously facing resistance. This argument confirms the notion that political economy enhances the master/ slave rather than structured work relationship between a domestic worker and his/ her employer- i.e. a domestic worker is treated as a factor of production- rather than a structured work relationship between an employer and an employee: in many countries, including Sudan, though a domestic worker has a job, paid in cash or kind but still he/she has no control over the job or its conditions, he/she is stuck in it with no potential of improvement. Accordingly; the political economist of decent work for domestic workers will attempt a focus on the shifting forms of control as well as forces affecting any shifts in the nature of the relationship.

Picking up from the above discussion, while looking into the political economy of domestic work in depth; the researcher reviewed literature pertinent to the political economy of care¹⁵ economy and child labour, since domestic work falls within it. Care's importance is justified by many scholars; instrumentalist approaches emphasize the significance of care for economic growth since it contributes to human capital and social investment. Other scholars take the care economy's contribution to a broader level as part of the fabric of society and integral to social development (Razavi, 2008 and Daly, 2002). However (ibid) argue that the way society addresses care reflects structures of power and inequality. Hence, (Fudge, 2013, Razavi et al, 2007 and Standing, 1999) suggest that care must become a dimension of citizenship with rights enjoyment and advocacy for such inequalities to end.

¹⁵Care refers to work that is concerned with caring for people, including domestic provisioning of food, clothing and shelter (Oxfam, 2013), whether paid or unpaid, which entails domestic work (Razavi, 2008).

Another interesting aspect for the political economy of domestic works falls within (Adams, 2008 and 2005)'s argument which concludes that until recently the labour law was referred to as "the master and servant law"; since the employed has to obey orders or otherwise be a subject to punishment for insubordination which might eventually lead to dismissal, a situation *he* names "capital punishment".

The concept of social exclusion is a product of the French republican thought, where it simply referred to individuals or groups belonging to a society in which they are deprived of aspects enjoyed by others. An individual is socially excluded when he/ she is a member of a society but for reasons beyond his/ her control, cannot participate in the normal activities of citizens in that society (Burchardt et al, 2002, Somer, 2000 and Castells, 1998), i.e. social exclusion describes the multi-factual nature of social deprivation as well as the processes of neglect and marginalization in society (Bowring, 2000). Social exclusion occurs when different factors trap individuals in a "spiral of disadvantage" (DSS, 1999); these factors might include inadequate social participation, absence of social integration and lack of power (Room, 1995).

The issues around which social exclusion persists are still vague, yet many scholars agree on some of these issues such as social and economic participation and the ability to enjoy "full citizenship" (University of Reading, 2005). In depth; social exclusion can be spotted in five dimensions: body, work, citizenship, identity and territory. However, it arises directly or indirectly through "contractualisation"¹⁶ (See Somerville, 2000 and Stoer et al, 2003).

¹⁶ Situations where contractual relations take place

(Kothari, 2012) emphasized a “continuum” of exploitation, derived from exclusion which appears in labour relations categorized by some violations of workers’ rights; such continuum exists where the line between the free and un-free labour is blurry.

In many countries, domestic workers have tended to provide care services to more powerful social groups, while their own needs were and still marginalized and downplayed (Glenn, 1992). Certain social complexities have led to the occurrence of a ‘legislative precariousness’ of domestic workers where they are excluded from protective labour legislation; ample examples of exclusions are all over the world: exclusion from the regulation of minimum wage, maximum working hours, social security, health care and occupational safety (ILO, 2013). An interesting study made by (Perea, 2010), revealed that domestic workers in the USA cannot be classified as “employees” because of social exclusion, as well and also because of social exclusion they are not included in the national labour relations act which eventually means that they are deprived from the right to organize or bargain collectively; a situation which indeed increases exploitation and vulnerability of domestic workers. Unfortunately, this is the case in many other countries including Sudan. Other deprivations include the exclusion of domestic workers from occupational safety and health legislation, access to social security and health care, and to protection against abuse and harassment. A flagrant practice against domestic workers is the exclusion from safe pregnancies and delivery, maternity leaves and the right to return to work afterwards; statistics of laid off pregnant domestic workers are rampant (ILO, 2013 and NFS, 2013).

2.2.2. Labour rights as human rights, the international labour standards and regulations:

Some might argue that the question of labour rights being human rights is not even a question; it is common sense- they are endorsed

without hesitation. Yet the saga of labour rights, human rights and their interrelations has to be explored- with all its convergence and divergence especially in the context of decent work for domestic workers and its legalization where labour/ human rights constitute a backbone.

Before discussing the linkages and interrelations; it is important to provide definitions for both concepts;

Human rights are absolute and fundamental rights to which a person is entitled to, for merely being a human being, regardless of sex, ethnic origin, religion or any other status. Human rights therefore are described as universal, egalitarian and natural; a set of moral and legal guidelines which promote and protect the recognition of values, identity, equality, fairness and ensure an adequate standard of living. They are rights associated with the Universal Declaration of Human Rights¹⁷ and they include both civil and political rights, such as the right to work, the right to liberty and freedom of expression (Amnesty International, Australian Human Rights Commission and Wikipedia, 2013). (Adams, 2006, P:135) defined a human right as:

“A right possessed by all human beings simply as a result of their being human. Such rights may neither be granted nor be taken away by governments. They are considered to be superior to rights established by statute.”

Human rights both limit what society can do to the individual and, provide claims which societies are deemed to do for the individual (Mundlak, 2007). However, human rights are to be acquired through state sanctions and legitimacy (Sen, 1999).

¹⁷The [Universal Declaration of Human Rights](#) (UDHR) is the foundation of protection for human rights. It was adopted by the United Nations General Assembly on December 10th, 1948. Many of the issues declared to be human rights in the declaration were relevant to the world of work including freedom from slavery, child labour, discrimination at work and freedom of association (Adams, 2006).

In contrast to human rights, which are universal and possessed by virtue of humanity; labour rights can be defined as the set of rights that humans possess by virtue of their status as workers (Adams, 2006). Labour rights are a group of legal rights; “claimed human rights” which are related to the relations between workers and their employers; they include rights negotiated over pay, benefits and safe working conditions as well as the right to organize (ILO, 2009).

Taking the above definitions a step further; it is now key to see how human rights and labour rights converge and differ. The pertinent literature provides rich arguments- both for and against. Below is a concise narrative of some of this literature:

Since the passage of the International Labour Organization (ILO)’s Declaration on Fundamental Principles and Rights at Work in 1998, few theoretical background was provided for justifying how labour rights are considered under the “rubric” of human rights (McIntyre, 2008, Savage, 2008, Adams, 2008). (ibid) Scholars continue by arguing that rights’ effectiveness is greatly limited and rather symbolic; they support this argument by discussing that the process by which standards are enforced does not involve economic sanctions or the threat of violence, which is ultimately necessary for an effect to take place. However, they argue that labour scholars and labour movements developed a keen interest in using human rights discourse and international legal instruments to diminish what they describe as “an ossified legal system”. These scholars and advocates have argued that labour rights are fundamental human rights, and ought to be constitutionalized or statutorily recognized as such (ibid).

(Mantouvalou, 2012) argues that there are three approaches to consider labour rights as human rights: the positivistic approach- which can be found in international law literature- argues that if labour rights are incorporated in human rights documents; then they

are human rights. On the other hand the instrumental approach is interested in studying strategies which promote labour rights as human rights such as litigation or civil society action. The last approach, normative, examines what a human right is and assesses whether certain labour rights are human rights. (Koblen, 2007) argued that there are three convergence contexts between human rights and labour rights: trade unions, non- union labour rights' organizations and human rights organizations.

(Savage, 2008) argued that there is a certain appeal to the labour rights as human rights approach. He uses the arguments of many labour scholars including (Adams, 2001 and McIntyre, 2006) which stated that workers should not be viewed as economic interests' seekers, but rather as bearers of fundamental human rights. This argument goes in line with (McIntyre, 2008) who argued that workers must assert their collective rights as workers in order to win human rights as individuals.

The practical task of promoting human rights on the ground was delegated to various UN agencies. The International Labour Organization (ILO)¹⁸ was given prime responsibility for labour issues (Swepston, 1998, Rubin 2005 and ILO, 2013).

The ILO participated strongly in re-establishing ties with the international human rights community. In 1998, the ILO's annual conference passed the Declaration of Fundamental Principles and Rights at Work- in an attempt to achieve moral, political, and legal consensus on the constitution of universally recognized labour rights as well as consensus on the human rights character of core labour rights (ILO, 2013, Adams, 2006, Kolben, 2007 and Tsogas, 2001).

¹⁸ The ILO is The UN specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights. ILO continues to be a tripartite organization with representation from labour, business and governments (ILO's official website: www.ilo.org).

However, differences between labour rights and human rights do exist. Mainly divergence takes place in the way each operates “conceptually” and also in the way they are actualized: while labour rights are “collectively oriented”, human rights are concerned with individuals. Moreover, the labour rights as human rights approach is somehow deficient because it assumes that power flows from rights, while the opposite is historically proven (Adams, 2008, 2005 and Savage, 2008).

Nevertheless, it is definite that both human rights and labour rights adhere to the notion that respect for human dignity requires that human beings never be treated as means but always as ends, and accordingly both rights act against systems which impose unilateral and unfair conditions of employment (Adams, 2008).

The ILO adopts the human rights approach in regulating some of its international labour standards; a recent example is the “ILO Convention 189: decent work for domestic workers” which takes an integrated human rights approach by including civil rights such as access to justice, and social/ labour rights such as working time (ILO, 2013,2012, 2011, Albin and Mantouvalou, 2012)

International labour standards are first and foremost about the development of people as human beings and about their wellbeing. Through international standards the ILO recognizes that “labour is not a commodity”. International labour standards are legal instruments drawn up by the ILO’s constituents (governments, employers and workers) so as to set out basic principles and rights at work. The ILO’s founders recognized that the global economy needed clear rules in order to ensure that economic progress would go hand in hand with social justice, prosperity and peace for all, and so, international labour standards and regulations came to being. International labour standards are either conventions; legally-binding- international treaties that may be ratified by member states

and which lay down principles to be implemented by ratifying countries, or recommendations; non-binding guidelines which supplement a convention (ibid).

Once a country ratifies, it commits itself to applying the convention in national law and practice, and to reporting the application in regular intervals.

The ILO's Governing Body identified eight conventions covering subjects that are considered as fundamental principles and rights at work and titled "fundamental conventions" which are also covered in the ILO's Declaration on Fundamental Principles and Rights at Work (1998):

- 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)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958(No. 111)

Furthermore, international labour standards provide guidance for developing local policies, such as employment, work and family policies. International standards are also employed in improving administrative structures such as social security, employment services, labour inspection and informal economy regulations. Other actors than the main ILO constituents perceive international standards as useful too; such as the civil society, its advocacy groups and non-governmental organizations draw on international labour

standards to call for changes in policies, acts or their application. Subjects covered by international labour standards include: freedom of association, collective bargaining, forced labour, child labour, equality of opportunity and treatment, tripartite consultation, employment policy, vocational guidance and training, employment security, social policy, wages, working time, occupational safety and health, social security, maternity protection, migrant workers, indigenous and tribal people and recently domestic workers (ILO, 2012 and 2009)¹⁹.

2.3. Review of literature:

2.3.1. Explanation of main concepts:

2.3.1.1. Domestic work:

The term “domestic work/domestic worker” was reached after a round of propositions and consultations all over the world. At an international domestic work conference back in 2006, participants were asked about the naming of domestic work(er) in their countries or regions. The following responses were concluded:

- Household worker in English,
- Trabajadores del hogar (house worker) in Spanish
- Khadimat (servant) in Arabic

Then it was proposed that the term ‘domestic worker’ replaces all above names, for notions of more respect and less subservience. In this manner, some countries have already changed terminology and naming used for domestic workers and included them in their bills and acts on domestic work such as the Philippines and Guatemala (for more details see ILO, 2012 and D’Souza, 2010)

¹⁹ See Appendix for facts about labour rights status in Sudan

Box I.1
A note on terminology

The use of the terms "domestic work" and "domestic workers" should be explained, as the language surrounding this occupation has varied greatly over time and according to geographical and cultural context. Their meaning can therefore vary from one country to another.

The language used in this report has the virtue of updating the archaic terms of "maid" and "servant" that clearly implied direct subservience. The shift to "worker" is particularly significant for the ILO, which is responsible for improving the conditions of *all* workers.

Some parts of the world have already moved away from the language of "domesticity", because of its pejorative connotations and the tendency to undervalue care work. Others, on the other hand, have opted to retain the concept of "domestic" work and note that the word has its place in the language of international relations, side by side with that of the individual state. Others again prefer to speak of "private household", but this risks institutionalizing a distinction between public and private regulation that has already been superseded by the ILO's Home Work Convention, 1996 (No. 177).

The decision of some countries to espouse the concept of "home care" has some real advantages, but it also comes with problems. Although theoretically the language is gender neutral, perhaps for that very reason it does not readily conjure up the image of a gardener or chauffeur. It may be something of a euphemism, too, masking the broad range of menial household duties that domestic workers are called upon to undertake, while tasks of a more uplifting nature are reserved for members of the family, generally the mother. However, the real virtue of this language is the inherent principle that caring *is* a form of work. Indeed, some academics speak of "caretaking" rather than "caregiving", to emphasize the skills associated with care work and the importance of their remuneration.

In other countries again, the terms used are "household helper" or "household aide", a formulation that unfortunately takes the emphasis away from the notion of "worker" and runs the risk of "de-skilling" the occupation. A number of civil associations have therefore preferred "household work" as a linguistic solution. But here there is a real danger of confusion with the term "home work" employed in past standard-setting exercises – a confusion that is aggravated by the problem of translation into other languages.

Be that as it may, the language chosen for the future instrument must reflect the wide range of responsibilities and skills required in domestic work.

This report by the Office abides by the Governing Body's decision to refer to decent work for "domestic workers", in keeping with the usage of the ILO's supervisory bodies and other ILO reports. As far as possible, the report has also updated references in past ILO documents to "servants" and "maids".

That said, it must be made clear that the International Labour Conference is at liberty to adopt a Convention with a different title and that ILO Members, in consultation with their representative employers' and workers' organizations, might retain the authority to use the terminology most suited to their local context. Self-definition, particularly by those doing the work, is crucial. The important thing is that the workers who come within the scope of the proposed international instrument should benefit effectively from the protection it affords.

Box 2.1.: ILO's 100th Conference note on the terminology of domestic work, source: ILO, 2012

Domestic workers are not homogeneous; they differ not only in their demographic profile- be it age, gender or migration status- but also heterogeneity of domestic work occurs through the nature of the job; where varied tasks are performed including cleaning, looking after elderly or children, guarding the house, driving, gardening or cooking and beyond. In search for a universalized definition of domestic work; the ILO developed a general formulation comprising common features of domestic work- One is that they work for private households- rather than providing specific details of tasks performed which vary from a

context to another: the Domestic Workers Convention 189 defines domestic work in its Article One as:

“(a) The term domestic work means work performed in or for a household or households,

(b) The term domestic worker means any person engaged in domestic work within an employment relationship,

“Any person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker”

This definition has two main components: domestic work should be performed within an employment relationship, in or for a household. It is also noticed that this definition does not pay attention to the details or tasks of domestic work.

The above definition also denotes that domestic work is gendered-domestic workers are mostly women. The definition is closely interlinked with international migration: domestic workers might move to other countries in search of better employment opportunities, usually through employment agencies as intermediaries. At least 52.6 million men and women were employed as domestic workers across the world in 2010, this means that domestic work counts to 1.7% of total employment worldwide.²⁰ Africa is the third largest employer of domestic workers, after Asia and Latin America. The statistical database built for the global and regional estimates is weakest for Africa. One probable explanation for the low number of domestic workers in official statistics in West and East Africa is in fact that they may not be recognized as workers in labour force surveys (see ILO,

²⁰For more information, figures and tables about domestic work statistics see Appendix

2011, 2012 and 2013, Albin and Mantouvalou, 2012, Simonovsky and Luebker, 2011, Blackett A, 1998).

Domestic work around the world is informal and characterized by widespread violations of human and labour rights. These unfavorable conditions of domestic work led to invisible²¹ and precarious status of domestic workers as well as unfair employment relations between the domestic worker and his/her employer. The exactitude of domestic work explains precariousness and invisibility; most of the domestic workers are women, migrants, children or they might belong to disadvantaged communities; all these factors add to their more fragile position. Moreover, there is a stigma related to it since the poorest and neediest take it. As well, domestic workers are open to exploitation and abuse because of a series of combined factors: their extreme dependency on their employers, the isolated nature of their jobs and the absence or lack of rights. Examples of abuses and violations to which domestic workers are subjected to are ample: physical and sexual violence, abusive working conditions, non-payment of wages, restriction on freedom of movement...etc.²².

Domestic work is indeed controversial, particularly when its invisibility and precariousness are compared with its value, be it economic or social. According to the ILO statistics, the share of domestic workers in total employment is on the rise; this mirrors a global importance of domestic work, a growing demand and more importantly a positive effect to contemporary societies and economies. Factors such as increased participation of women in the labour market, an increase in service and care economies and globalization

²¹Domestic work is described as invisible because it is unregulated, unprotected and is not recognized and most importantly it is performed in the privacy of the household.

²² For more details refer to the countries profile section of this chapter which gives live examples from different countries.

has contributed to the growth of domestic work's value. Domestic work is beneficial in many aspects: economically, domestic work is a haven for those who failed to be employed mainly in formal jobs, domestic work sustains many family incomes locally and across countries, and thus has been prevented from being poverty-stricken. Domestic work also has a social value: combating poverty through domestic work has a social notion, as well, since –as discussed before– most of domestic workers are women, domestic work helps them become independent and grants them some leverage. However, the varied contributions of domestic work would be abundant if domestic work was granted legislations, if it was more recognized and if it took the form of decent work (see Nadasen and Williams, 2013, ILO, 2012, Albin and Mantouvalou, 2012 and Lutz, 2007).

Though domestic work is vital today in many countries and communities, yet domestic workers face what is termed “legislative precariousness”: they are in a precarious position because they are either excluded from labour legislations, or offered the lowest levels of protection and coverage in working hours, minimum wage, social security and occupational health and safety (see Albin and Mantouvalou, 2012, Caracciolo, 2011, Smith, 2011, ILO, 2010 and Mantouvalou, 2007).

2.3.1.2. Decent work in the informal economy:

Juan Somavia, the previous ILO Director-General described decent work as a venture which embraces “opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity”. Decent Work sums up the aspirations of people in their work and life; it attempts at delivering fair income, personal development prospects, freedom of expression, freedom of association and social integration in the workplace, as well as social protection for families. ILO defines decent work as a goal rather than

an end and for that the “ILO Agenda for Decent Work” was developed, so as to pursue objectives in a balanced and integrated program at all levels. The Agenda for Decent Work has four pillars:

- Standards and rights at work,
- Employment creation and enterprise development,
- Social protection,
- Social dialogue.

These four pillars are promoted along a continuum from formal to informal ends of the economy. The notion of decent work is an implementation which is development-oriented, gender- equitable and focused on poverty reduction. Achieving decent work presents many challenges as well as controversies. The informal economy²³ comprises workers who are neither recognized nor protected under legal and regulatory frameworks and therefore, these “informal” workers are exposed to vulnerability, poverty and many other decent work deficits. Implementing decent work in the informal economy is promoted and reinforced through a poverty reduction strategy, which generates better employment opportunities, realizes fundamental rights at work including social protection and social dialogue, all in line with a resilient effort to eliminate all negative forms of informality. Therefore, progress in decent work will happen only if causes of informality and barriers to enter the economic and social mainstream are resolved. Yet, decent work is still a challenge in many countries- including Sudan where job quality and quantity are a residuals rather than an important factors in development and where whereabouts of informality are still a mystery (see the International Trade Unions Confederation, 2013, Chernyshev, 2010, The European

²³The term “informal economy” is more comprehensive than “informal sector” because the workers and enterprises in question cut across many sectors. As well, the term “informal economy” downplays linkages, and grey areas between formal and informal activities (see ILO, 2002).

Union, 2008, ILO, 2002, 2009, 2013, Australian Council of Trade Unions, 2006).

The ILO Sudan Programme is working on designing an employment policy which will include: decent work, social protection and social dialogue, to be implemented starting 2014 (ILO, 2013).

2.3.2. Domestic Work regulation and legislation in Sudan:

2.3.2.1. Sudan Domestic Servants²⁴ Act²⁵ قانون خدم المنازل

- The Sudan Domestic Servants Act came to the light in 1955. The act comprises three chapters:
- Preamble,
- Personal identification documents, and
- Service conditions.

These three chapters include twenty six provisions.

The Sudan Domestic Servants Act defines a domestic servant as:

“ An employed person- working full or part time- who is responsible for any domestic chores (including cooking, kitchen, washing and bedrooms’ work), butlers, nannies, drivers, and any other similar work.”

The act goes further on defining a domestic worker:

“Domestic workers do not include those of upper level jobs employed by government or any local authorities or any institution working on food and beverages catering for profit or any club, school, inn, hotel, canteen, hospital, or any other institution designated for care taking of elderly, physically and mentally challenged people.”

²⁴ The term “domestic servant” is a literal translation of the term used in this act in Arabic; in this context it refers to the term “domestic worker” used throughout this research.

²⁵ The full text of the act is available at the Appendix.

This act provides certain service conditions to domestic servants which are briefly discussed below:

- Information on terms and conditions of employment:

The act dictates implicit as well as explicit conditions to be included in the employment contract including wages, termination of service and medical care.

- Remuneration:

The act stipulates the must of payment in cash, i.e. in kind payment is not allowed

- Hours of work, annual leave and sick leave:

According to the act:

- The domestic servant deserves two rest periods during the day, one hour each and a weekly 12 hours off,
- Annual leave- 15 days with pay for each year- is granted only after completion of two years of continuous service,
- The domestic worker deserves a fully paid sick leave for any sickness not caused by his/her negligence or misconduct, only after two years of continuous employment.
- Other provisions, amendment and enforcement of the act:
 - The act states that all mentioned conditions do not stop the domestic worker from being offered better conditions than those listed,

(Sudan National Assembly, 2013)

2.3.2.2. The 2009 Khartoum State Domestic Service Act ²⁶ قانون عمال الخدمة المنزلية بولاية الخرطوم لسنة 2009

This act was approved by the Khartoum State's Legislative Council under provisions of the transitional constitution of Khartoum State in 2009. The act defines a "domestic service worker" as:

"Any person employed by the household head for full or part time to perform domestic duties- including cleaners, cooks, butlers, nannies, nurses, guards, drivers (of household cars), persons who wash clothes, gardeners- as well as those who are employed in the house for performing any other similar service to the mentioned above- provided that are not below 14 years old."

The act encompasses six chapters and 19 provisions. Chapters of the act cover the following aspects:

Chapter 1: Preamble; this chapter explains the title and enactment of the act as well as the main terms found in the act.

Chapter 2: Employment Offices: such offices are designated to domestic service workers' issues including records, registration and training.

Chapter 3: Service Conditions: including wages, daily and weekly breaks and absence.

Chapter 4: Leaves: including annual and sick leaves.

Chapter 5: Termination of work and after service benefits.

Chapter 6: General and last provisions: this chapter includes penance procedures and designated authorities.

²⁶For the full text of the acts, see Appendix.

It is worth noting that the act applies to all domestic workers albeit Sudanese or foreigners.

2.3.2.3. Other relevant Sudanese acts:

(i) The individual labour relations act قانون العلاقات العماليه الفرديه

This act was issued in 1981, but then it was repealed with the issue of the 1997 Labour Law; which included a provision- 70 (1) - urging the establishment of national and federal labour relations councils responsible for:

- Helping the Minister in the framing of the general policy for labour relations, and in the supervision of the implementation of such policy, and

- Helping the Minister in regulating, developing, consolidating labour relation and improving the relation between the employer and workers to create favourable conditions for work and production.

Domestic workers are not included in this provision and accordingly its application since they are excluded from the 1997 Labour Act (ibid).

(ii) Minimum Wage Act قانون الحد الادنى للاجور

The Minimum Wage act was enforced in 1974, it provides guidance on how to pay wages and allowances for women and men working in organizations; whose ages are more than 16 years old. This act also excludes domestic workers in its application (ibid).

(iii) Organization of Foreigners' Employment Act قانون تنظيم استخدام غير السودانين

This act was enforced in 2001. It applies to domestic workers and requires the employer to issue a permit to import workers and to issue a contract- based on provisions in the 1997 Labour Law.

However this act does not apply to migrant domestic workers (ibid).

(iv) Social Insurance Act قانون التأمين الاجتماعي

This act was enforced in 1974 and amended in 1990. The act allows for workers and their employers to agree on deducting an accumulated amount from the monthly wage to be paid later on along with the after service benefits. However, domestic workers are excluded from this act (ibid).

(v) Workers' Unions Act قانون نقابات العمال

This act was enforced in 2010 to plan and regulate the workers' organization and association as well as to regulate the organization of union's structure, management and objectives which are:

- To defend rights of members and to govern their interests,
- To work on capacity building and development of members,
- To work towards overall economic and social development as well as social justice.

Domestic workers are excluded from this act (ibid).

2.3.3. ILO Convention No. 189²⁷: Decent work for domestic workers and Domestic Workers Recommendation No. 201:

*"Domestic work is work. Domestic workers are, like other workers, entitled to decent work."*²⁸

In recognition of the special nature of domestic work, its social and economic value as well as its precarious context; the ILO adopted a distinct regulative instrument for domestic work in its 100th annual

²⁷The full text of the convention is available at Appendix.

²⁸The 100th International Labour Conference's message

conference on June, 16th 2011: Convention No. 189 (C189) and the supplementing Recommendation No. 201: C189 is a binding treaty-upon ratification-which lays down basic rights and principles, and requires States to take a series of measures, including making decent work a reality for domestic workers. The accompanying Domestic Workers Recommendation No. 201 provides “non-binding” and practical guidance for possible legal and other measures to implement the rights and principles stated in the Convention such as policies and programs for the professional development and work-life balance, international cooperation and provisions regarding statistics. The Recommendation 201 is to be read in conjunction with C189 since it builds on its provisions.

Convention No. 189 defines domestic work as:

“Work performed in or for a household or households. Domestic work may involve a range of tasks, including cooking, cleaning the house, washing and ironing the laundry, general housework, looking after children, the elderly or persons with disabilities, as well as maintaining the garden, guarding the house premises, and driving the family car.”

The convention defines a domestic worker as:

“Any person engaged in domestic work within an employment relationship”.

According to the C189 definition; domestic worker may:

- Work on full-time or part-time basis,
- May be employed by a single household or by multiple households,
- May be residing in the household of the employer (live-in worker) or may be living in his/her own residence (live-out),
- May be working in a country of which he/she is not a national.

Table 2.1 below, illustrates a brief summary of the C189 provisions:

Article 3	Domestic workers should enjoy the ILO fundamental principles and rights at work: 1) freedom of association, 2) elimination of forced labor, 3) abolition of child labor, 4) elimination of discrimination;
Article 4	Protections for children, including a minimum age and ensuring that domestic work by children above that age does not interfere with their education;
Article 5	Protection from abuse, harassment, and violence;
Article 6	Fair terms of employment, decent working conditions, and decent living conditions if living at the workplace;
Article 7	Information about terms and conditions of employment, preferably in written contracts;
Article 8	Protections for migrants, including a written job offer before migrating and a contract enforceable in the country of employment. Countries should cooperate to protect them and specify terms of repatriation;
Article 9	Domestic workers shall not be confined to the household during rest periods or leave, and can keep their passports/identity documents;
Article 10	Ensures equal treatment with other workers with regard to hours of work, overtime pay, and rest periods, taking into account the special characteristics of domestic work;
Article 11	Minimum wage coverage where it exists;
Article 12	Payment at least once a month and a limited proportion in “payments in kind”;
Article 13	Right to a safe and healthy working environment (can be applied progressively);
Article 14	Equal treatment with regard to social security, including maternity protection (can be applied progressively);
Article 15	Oversight of recruitment agencies including investigation of complaints, establishing obligations of agencies, penalties for violations, promoting bilateral or multilateral cooperation agreements, and ensuring recruitment fees are not deducted from domestic workers’ salaries;
Article 16	Effective access to courts;
Article 17	Effective and accessible complaints mechanisms, measures for labor inspections, and penalties

Table 2.1.: ILO C189 provisions Source: ILO, 2011

Subject matter	C.189 Article	R.201 Paragraph
Definitions	1	
Scope	2	
Promotion and protection of human rights	3	
Freedom of association, right to collective bargaining	3	2
Non-Discrimination	3, 11	3
Forced labour	3	26(2)
Child labour	3, 4	5
Protection against abuse, harassment and violence	5	7
Fair terms of employment, decent working and living conditions	6	17
Privacy	6, 17(3)	3(a), 17(a), 24
Information on terms and conditions of employment, written contracts	7	6
Working time	10	8, 9, 10, 11, 12, 13
Remuneration	11, 12	14, 15, 16, 20(3)
Occupational safety and health	13	4, 19
Social security	14	20, 26(2)
Protection for particular groups	Child domestic workers	4
	Live-in workers	6, 9
	Migrant workers	8, 15
Private employment agencies	15	23, 26(2)
Compliance and enforcement	16, 17	7, 19(b), 21, 24
International cooperation and collaboration	8(3), 15(c) and (d)	20(2), 26
Means of implementation	18	
Consultations with employers' and workers' organizations	2(2), 13(3), 15(2), 18	14(2), 6(3), 8(2), 19, 22, 25(1) and (2)
Statistical data		25(2), 26(2)
Professional development		25(1)
Work-life balance, work and family responsibilities		25(1)
Diplomatic personnel		26(4)

Table 2.2.: Subject matters per C189 articles and R201 paragraphs, Source: ILO, 2011

Adoption of C189 was a milestone, (Gausi, 2013) describes the adoption of C189 as the chance for the “world’s invisible workforce to come out of the shadows”. Yet to ensure that it makes a difference; it must be ratified, fused with national laws, and enforced. Some governments have publicly committed to ratify the convention, ten countries to this date have ratified, while others are pursuing legislative reforms so that laws comply with the new convention. In this compliance path, governments should:

- Submit the convention and recommendation to the national parliament,
- Consult with representatives of employers and workers— regarding the ratification, and implementation of the convention,

- Review national laws, modify as necessary to bring them in line with C189 and Recommendation No. 201,
- Make a public commitment/ intention to ratification and implementation and inform ILO,
- Ratify the convention while taking appropriate measures to ensure prompt and effective implementation.

Once a country ratifies; its government formally makes a commitment to implement all the obligations provided in C189, and to report periodically to the ILO on progress.

(See Varia and Becker, 2012, Human Rights Watch, 2011, D' Souza, 2010, ILO, 2011 ITUC, 2010, World of work, 2010)

2.3.4. Countries' profile of domestic work: efforts towards domestic work regulation and C189 ratification:

	Country	Ratification date	Status of ratification
1	Uruguay	14/06/2012	In force ²⁹
2	Philippines	05/09/2012	In force
3	Mauritius	13/09/2012	In force
4	Nicaragua	10/01/2013	In force
5	Italy	22/01/2013	In force
6	Bolivia	15/04/2013	Not in force ³⁰
7	Paraguay	07/05/2013	Not in force
8	South Africa	20/06/2013	Not in force
9	Guyana	09/08/2013	Not in force

²⁹In force ratification imposes a legal obligation on the ratifying state to apply the convention (Sarcevic et. al., 2006)

³⁰Conventions come into force 12 months after registration of the ratification (ILO, 2012)

10	Germany	20/09/2013	Not in force
11	Ecuador	18/12/2013	Not in force
12	Jamaica	08/03/2014	Not in force
13	Argentina	24/03/2014	Not in force
14	Colombia	09/05/2014	Not in force
15	Costa Rica	09/05/2014	Not in force
16	Ireland	09/07/2014	Not in force

Table 2.3.: Countries which ratified C189 until July 2014, Source:

www.ilo.org

True that domestic work is heterogeneous; true that its context varies from one country to another, yet there are a couple of model domestic work acts, regulation and organization which can be used as guides towards local measures in Sudan, if not as models. In this section, three distinct initiatives of domestic work regulation and organization are introduced: Uruguay, Philippines and South Africa. Another justification for why these three countries are distinct models is their ratification of ILO C189;

2.3.4.1. Uruguay: The first to jump into the cold water:

The Uruguayan Senate approved ratification of Convention No. 189 on April 25th, 2012, by this Uruguay became the first country to ratify the C189. Uruguay is said to have the most successful and advanced domestic labour act in its region. The act, passed in 2006, puts domestic workers on an equal stand with the rest of the labour force, and includes provisions for an eight-hour workday, adequate food and housing for live-in domestic workers, and safeguards for domestic workers terminated because of pregnancy. The 120,000 Uruguayan domestic workers are known for their strong organization and bargaining over wage increases and improvements in working conditions and rights (see ILO, 2013, Human Rights Watch, 2012, Rosas and Ahn, 2012).

2.3.4.2. The Philippines: A window to better conditions and better lives for migrant workers:

The Philippines is considered a major “sending” country of migrant domestic workers: the Philippines has approximately two million domestic workers at home and millions more abroad. Remittances from Filipino migrant domestic workers constitute a significant source of the country’s foreign exchange. However, migrant domestic workers are often at amplified risk of exploitation and abuse due to excessive recruitment fees, language barriers, national policies and cultural practices. The Philippines was the second country to ratify Convention 189 on May 18th 2012. C189 includes specific provisions to protect migrant domestic workers, including receiving a written contract, having detailed regulations for private employment agencies, complaints’ investigation procedure, and prohibition of deducting from domestic workers’ salaries to pay recruitment fees. The convention also requires governments to strengthen cooperation to protect domestic workers. To move forward with the ratification; the Philippines already issued a draft bill- the Philippines’ Domestic Workers Act (Kasambahay bill)- which raises the minimum wage for Filipino domestic workers, requires a written contract, extends social security, and improves protection from violence and abuse. It is worth noting that domestic workers were called “katulong”- domestic servants, which denoted the notion of a rather submissive and unequal master/servant relationship but it was replaced by ‘kasambahay’- household companion which denotes an equal work relationship in the bill (See ILO, 2013, Human Rights Watch, 2012, Gertholtz, 2010, Bonner, 2010, Sayres, 2007).

2.3.4.3. South Africa: The Rainbow Nation: perseverance to organize, persistence to ratify:

The South African Domestic Service and Allied Workers Union (SADSAWU) was founded in 2002 by three domestic workers, and now embraces thousands of members. South African domestic workers negotiated and persevered until in 2002, the Sectorial Determination 7 came to effect for establishing conditions of employment and minimum wages for employees in the domestic worker sector. However, the rights extended by the Sectorial Determination 7 go beyond the minimum which C189 calls for, and for that the South African domestic workers again unified, bargained and persevered until the South African Parliament ratified C189 in June 2013. The organization of South African domestic workers sets an example to follow and learn from: the solid case of domestic workers taking the lead to translate law into reality, their capability to fight for rights both individually and collectively and the ambition to make decent life a reality for all. South Africa sets a lesson not only for fellow countries but also for the ILO in terms of the unique and successful case of domestic workers organization (See South African Ministry of International Relations and Cooperation, 2013, Elfatih, 2013, Pandit, 2012, Sectorial Determination 7, 2002).

2.3.5. Previous work, research and studies in Sudan:

(Decent) domestic work; although a very fertile topic full of buzz-words, but it has not yet been explored as such in Sudan. Below is a brief portrayal of the so far documented research, studies and work on domestic and/ or decent work in Sudan:

- (ILO, 2013) confirmed developing an employment policy for Sudan comprising sections for decent work, social protection and social dialogue, to be finalized by the end of 2013 and implemented starting 2014.
- (Musa and Alhashimi, 2013) conducted a study about the child domestic workers in Khartoum State. The study entailed two

- aspects: legal and socioeconomic. The study included methods of questionnaires and narratives as well as a legal analysis of the two domestic work acts in Sudan. It was concluded from this study that child domestic workers come from ethnic minority groups, are school drop-outs, are usually between 10-14 years old and mostly girls. The study also concluded that being child domestic workers puts them in a precarious status, facing different types of abuse and discrimination,
- (Elmustafa, 2013 and Elwarag, 2012) stated that in commitment to the 2005 Comprehensive Peace Agreement; the Sudanese Ministry of Labour must undergo a series of review and amendments for a number of acts which are related to the Labour Law- including the Domestic Servants Act. However and so far, no progress has been done.
 - (Elwarag, 2012) wrote an article titled “Sudan Domestic Servants Act: an out-dated act” where he interviewed a number of informants, including a former minister of labour, lawyers, activists and domestic workers. The article concluded that:
 - The Sudan Domestic Servants Act includes obsolete and ineffective provisions which are neither enforced nor known to domestic workers, employers and legal authorities,
 - Hence, the act needs an immediate and key update and review,
 - Studies and research are needed to understand the overall context of domestic service in Sudan.
 - (Jamie, 2011) researched the basic principle for decent work application in civil service in Sudan; her research argued that ratification of international labour standards and their application as well as promotion of social dialogue, and social justice are prerequisites for decent work in Sudan. She called these three prerequisites the “social factors” which she considered key factors of production in the civil service.

Unfortunately this research did not comprise any empirical evidence.

- (Alkarib and Mansour, 2007) wrote an article titled “The Invisible workers: Domestic Labourer Girls in Sudan”. The article focused on the conditions of girl domestic workers and looked at the legal framework that organizes child domestic work in Sudan. The article also presented four stories of child domestic workers in Khartoum.

2.4. Chapter conclusions:

This chapter depicted a recount of relevant theories, concepts and literature to the research topic: “decent work for domestic workers; local measures for Sudan”. The chapter can be concluded in the following points:

- The chapter presented theories of political economy and social exclusion in relation to decent domestic work, and concluded that while the political economy theory allows for the domestic worker to be treated as a factor of production; it emphasizes a master/servant relationship rather than promoting a structured employment relationship between the domestic worker and his/her employer. While the theory of social exclusion well- portrays the precariousness, vulnerability and exploitation of domestic workers.
- Labour rights as human rights and international standards were the next to follow in discussion of the theoretical/ conceptual framework where a number of arguments were presented to answer the questions of whether labour rights are human rights and whether international labour standards and conventions- in a way- stem from human rights. The answer and relationship are indeed controversial; yet the research used a solid example of an international labour standard/ convention which was derived from

the fundamental human rights: the ILO Convention No. 189: decent work for domestic workers.

- The chapter then moved into reviewing the literature starting with the main concepts (domestic work, decent work and the informal economy) so as to set standard explanations and definitions to be followed throughout the research.
- Then after, the main acts in Sudan pertinent to domestic work were depicted. It is noticeable that when reviewing these acts; they all tend to lead to one conclusion: exclusion of domestic workers from basic and important rights.
- Next, an illustration of the ILO's C189, Recommendation 201 and some countries' profiles of decent domestic work organization and regulation were provided so as to give an idea about the situation out of Sudan,
- Finally, a limited recount of limited relevant work, research and studies pertinent the research topic was presented. This recount confirmed the existence of gaps in research, studies and work about the whereabouts of (decent) domestic work in Sudan,
- Hence the overall conclusion of this chapter is that, after the review of pertinent literature; proven gaps were established and observed. These gaps as well as methodological solutions to fill them- through this research- are discussed in the below points:
 1. An attempt to fill gaps in domestic and decent work study and statistics in Sudan will be achieved through narratives, Focused Group Discussions (FGDs) semi-structured interviews and ,
 2. Information about the domestic work context in Sudan will be collected through semi-structured interviews,
 3. The urgent need to review and amend the Sudan Domestic Servants Act, in a way that it goes in line with C189 will be done through the Delphi Technique.

- End of Chapter Two -

“Sudan is a country where old habits die hard.”³¹

3.1. Chapter introduction:

This chapter attempts to expose the historical and current context of domestic work in Sudan; it builds on the strongly perceived argument that domestic work is a remnant of the past practice of slavery and a form of contemporary forced labour. Accordingly, the chapter weaves through a selection of domestic work’s history in the region and the historical context of domestic work in Sudan before it goes through a recount of the evolution of domestic work in Sudan. The chapter continues with a discourse over contextual aspects of domestic work including political, legal, economic and socio-cultural, then-after concludes with analysis and synthesis of all depicted and exposed.

3.2. The historical context of domestic work- a regional glimpse of slavery and forced labour:

A selected profile of regional experiences is illustrated in this section so as to give a broad spectrum and a better understanding to the historical context of domestic work in Sudan. In this notion, the North, South and Indian Pacific Africa are rich experiences to dwell upon. However and before dwelling upon the selected profile; terms and definitions pertinent to slavery and forced labour are showcased;

The Slavery Convention of 1926 defines **slavery** as “The status of a person over whom any or all of the powers attaching to the right of ownership are exercised.” A **slave** or someone **in slavery** is:

- Forced to work- through mental or physical threat
- Owned or controlled by an “employer” who practices some sort of mental or physical threat or abuse

³¹Madut Jok in War and Slavery in Sudan Page 24 , University of Pennsylvania Press, 2011

- Dehumanized, treated as a commodity or bought and sold as property
- Physically constrained or has restrictions placed on his/her freedom of movement

Over time, slavery has become a metaphor for extreme inequality, subordination, deprivation and discrimination.

The ILO Convention No.29 defines **forced labour** as:

“All work or service that is exacted from any person under the menace of any penalty for which the said person has not offered (oneself) voluntarily”.

Forced labour refers to any work or services which people are forced (or threatened) to do against their will: it is the condition where a person is not free to cease providing labour or services, or leave the place where the person provides labour or service. It is usually found in labour intensive and/or under regulated industries such as agriculture, manufacturing and domestic work. Modern/contemporary slavery prevails today in forms of forced labour where people are illegally recruited by individuals, businesses or even governments and who are forced to work under different types of threats including abuse, withhold of wage, freedom restrictions... etc (see Human Rights Watch, 2014, Anti-slavery, 2014, ILO, 2014).

(Nugud, 1995) elucidated distinct dimensions of slavery in Africa: he said that it was indeed a valid representation of exploitive production relations- a slave mode of production- in which slaves were treated as a production tool which must be exhaustively used to achieve fortune and power- however, slaves in Africa obediently accepted slavery because of the predominant notion of “the right of mastery”, therefore slavery evolved as mainstream social relationship.

Slavery and domestic work in the Indian Ocean Africa:

Slavery in Mauritius was part of a single 'core system of labour exploitation'. Slaves were mostly used as "field hands" and "domestics" among other occupations. Each occupation determined not only the lifestyle of the slaves but also the nature of their relationship with and obligations to their masters. The existence of forced labour together with slavery is also noted even after slaves were emancipated: the apprenticeship system which succeeded slavery tied freed slaves to their owners for a term of years after their emancipation; the indentured labour and other later forms of labour on the island were all situations which led slaves to live-in or near their masters' households under closer control. A different case was Zanzibar: the Zanzibari society was Swahili and Muslim, providing rigid social and legal restrictions for the slave trade and the practice of slavery: on the one hand, slaves have certain legal rights under Islamic law that their counterparts elsewhere did not enjoy. On the other hand, the constrictions of society and demands of the booming economy meant that the laws were neither evenly applied nor always followed (see Arsenault and Rose, 2006 and Campbell, 2004).

Morocco

In late nineteenth century, European observers found slaves everywhere in Morocco. Women were household domestics, concubines, and factory workers; men were artisans, shop assistants and transporters. Both were cultivators and herders. The Europeans revelations about slavery in Morocco is that it was not real: that slaves were a "veritable part of the family" and of Muslim culture. In 1922, a colonial government circular emphasized that administrators were to reinforce the 'freedoms' the sharia advocated and protect those who claimed such rights. However, until this day the reminders of the former master-slave nexus pervade the Moroccan social life (See McDougall, NA, Thompson, 2001).

South Africa

Domestic work's history in South Africa exemplifies notions of both slavery and forced labour. Over the last two hundred years of South African history domestic service is a "kaleidoscopic institution": it has involved slaves, coloured, Indians and African men as well as women. Its development reflects changing patterns of both racial and sexual domination (Alley, 2009 and Cock, 1980).

3.3. Historical context, evolution and current context of domestic work in Sudan:

3.3.1. A general profile; ethnography of Sudan:

Sudan is located in the north eastern part of Africa, it is the most-neighbored African country- sharing boundaries with ten countries: Egypt and Libya to the North, and South Sudan to the South, Chad and Central Africa to the West, Ethiopia and Eritrea to the East³². Sudan has over 500 tribes which speak over 400 different languages. These tribes split into major ethnic groups of Arab and African: these two groups consist of hundreds of smaller ethnic and tribal divisions. Most of the population adheres to Islam or Christianity (For more details see UNFPA, 2013, UNDP, 2013, World Bank, 2013, Tigani and Daoud, 2008).

3.3.2. The historical context: slaves, servants or workers?!

A slave is universally defined as a person who works without proper remuneration or appreciation, who is excessively dependent on and/or controlled by something or someone. **A servant** is a person who performs duties for others, especially a person employed in a house on domestic duties. While **a worker** is a person who holds a paid

³²See Sudan's detailed maps in Appendix

employment job, with a stable (explicit or implicit) contract, on a continuous basis with a specific employer (see Oxford dictionary, Webster dictionary, ILO, Anti-slavery, 2014). In many cultures and communities, the term servant is a synonym of slave- for example in Christianity and almost in the entire Arab world. With time- in terms of terminology, the use of “servant” decayed due to its connotation and hints to slavery, thus the world is now more inclined towards implementation, use and practice of the term “worker”. However, in Sudan “servant” still dominates terminology and reference, especially to persons working in households- who are universally recognized as domestic workers.

The discussion below traces and depicts whether indeed domestic work in Sudan holds-within traces of slavery and whether the continuous precarious, master/servant and forced labour status which distinguishes the majority of domestic work relations today have conceptions in the past;

Enslavement’s roots in Sudan go back to the era where Sudan belonged to the geographical area of Bilad Al Sudan³³, where a rampant slave trade and slave raiding took place back then since the sixteen century. Two kingdoms- Funj and Fur- ruled two thirds of Sudan between the sixteenth and nineteenth centuries; where use of slaves was common. The main source for obtaining slaves for both kingdoms was slave raids from the non- Muslim population south of their territories. In both kingdoms, slaves were the prerogative of the ruling elite and were used as soldiers, laborers and concubines. In the 18th century, the Funj kingdom went through major social and political changes that led to a large scale of slaves: social mobility and transformed balance of power were demonstrated through slave

³³ Bilad al Sudan referred to the belt of African territory south of the Sahara Desert and extending from the Atlantic to the Ethiopian plateau. The name in Arabic literally meant the land of black people. www.sudanembassy.org/index.php

ownership. Slaves relieved their owners from the pastoral and farming activities they performed. The Fur kingdom witnessed greater commercial exchange which gradually increased social differentiation and centralized authority which led to more ownership and use of slaves (See Loimeier, 2013, and Sikainga, 1996). During the pre-colonial period (1885-1898), where “noble” groups controlled political and economic power, while the enslaved- named as “subjects” provided labor and paid tribute. Being noble implied a relief from performing menial labor even on one’s own land or at one’s own home. Slave institutions were more effective along the Nile, where slaves were heavily labored in agriculture and domestic work. Domestic slavery became more common in the Northern Sudan during the Turko-Egyptian rule. (See Jok, 2011, Amir, 2005, Sikainga, 1996, Nugud, 1995)

During the beginnings of British colonization; slavery continued to support the formation of the colony. British authorities maintained good relationships with powerful Sudanese figures- including slave traders- a thing which affected the administration’s decision to end slavery in spite of the British and global moral discourse of antislavery at that time, and so slavery continued for decades. One of the factors which contributed to the continuation of slavery was perceptions of the British administrators’ towards slavery in Sudan: the British believed that a sudden ending to slavery would lead to social problems such as moral decay, vagrancy and prostitution and therefore it would be a win-win for all parties if slavery continued. However and eventually, the British colony worked on an abolition of slavery strategy as part of a conclusive act in all colonies; this strategy came in a series of “bills” among which are:

- In 1905 the authorities enacted the “Vagabond Act”³⁴ which assumed that freed slaves will either be criminals or prostitutes and accordingly acted on lashing and/or arresting them or even returning them to their ex-masters if they would take them back,
- In 1919 the British authorities issued a bill titled: “Domestic slaves’ guidelines” which included 15 provisions. This bill unified terms of domestic servant and domestic slave in one term- Sudanese servant and defined a Sudanese servant as: “persons who were enslaved or assumed to be”.

(ibid)

(Nugud, 1995) argued that although the Sudanese society was cured from the slavery relations and institutions in its tangible economic and social aspects; slavery’s intangible psychological, cultural and behavioral remnants exist to burden the modern society. In a similar argument, (Jok, 2005) said that the existence and escalation of conditions which fueled the slavery practice such as the racial setup, religious ideological conflict, poverty, labour exploitation, and political instability- such conditions would eventually trigger “slavery-like-practices” today.

3.3.3. The evolution of domestic work: a melting-pot-Sudan?!

Domestic work being a degrading and hard type of work rejected by urban relatively affluent families, perceived with slavery notions or simply given up over an inevitability of earning extra income was left to certain ethnic and marginalized groups- mainly people from Nuba Mountains, the South West African migrants (Falata tribes), Ethiopians, Eritreans and Asians.

The variety of domestic workers’ backgrounds is remarkable and quite a reflection of how- even if controversial- Sudan has always been a melting pot and a turning point to many; this might have led to an

34 A copy of the act can be found at the Appendix

interesting evolution of domestic work from the era of British colonization up to this date:

The British colonization era (1898- 1955): attempts to abolish slavery

British colonization authorities had to manage the slavery abolition in compliance with the international uprising efforts for labour regulation, principles and standards. Accordingly, the British administration issued slaves- who were mostly domestic workers- freedom documents, this action led to rampant unemployment, a result of which was the Vagabond Act³⁵.

The 1960s: scarce domestic work

During colonization and throughout the 1960s the extended family performed most of the domestic work; thus there was no need for domestic workers, this practice still takes place in most of the rural families today. During this period, men and/ or boy domestic workers were employed by government officials who worked in missions away from extended families and couldn't help their wives at home- this practice had a social taboo related to the conservative nature of Sudanese families. Employment of these domestic workers was informal because the relationship still held some slavery remnants and also because these domestic workers belonged to marginalized minority groups.

The 1970s: rise of nuclear family, inception of regulation and the influx waves:

With more women coming to the workforce and with the increase of nuclear independent families, domestic work became more of a necessity than a luxury.

In the early 1970s, domestic work regulation started when employers of domestic workers were required to issue "domestic workers cards"- an upshot process of the Vagabond Act.

In the mid-1970s, an influx of Ethiopians and Eritreans fled to Sudan- due to the famine strike- providing society with a composition of

35 This act prohibited any person to walk in the street without permission and guarantee

cheap labour and hard work; a new variety of vulnerable, sweet and obedient young women ready to serve as domestic workers as well as a solution to the problem of social taboos against employing male domestic workers.

Yet, the informality of domestic employment relations continued because domestic workers who were refugees had to go through a long, formalized and multi-partite procedure: formal domestic employment meant more responsibilities for the employer and responsibilities for the government; protection, care, plus an accountability and exposure to the international community.

1980s: dominance of informality and absence of regulation

Until the late 1980s, there was a regulated employment relationship between employers and domestic workers; however, regulation and formality vanished towards the end of 1980s and up to this date. In the 1980s, another type of domestic workers' influx invaded Khartoum; displaced people fled to the capital because of drought in the West and the civil war in the South, Nuba Mountains and the Blue Nile. These phenomena increased competition and variety in domestic work which led to an ample supply vis-a-vis a decline in wages and quality of working conditions' of domestic work as well as augmented informality.

The 1990s- 2000s: A new face of domestic work

In the late 1990s and 2000s another influx of Asians- mainly Philipinos, Bangladeshis, Indonesians- appeared either through affluent migrant returnees from the Gulf area, or through the fad of employment agencies which acted as intermediaries between domestic workers and employers while resuming the abortion of rights and working conditions of domestic workers.

This era also witnessed an emergence of a rich upper class which tended to perceive and practice domestic work as an act of flaunter and imitation.

(See Khalfalla, 2014, Humeida, 2013, Khojali, 2013, Batahani, 2013, Almustafa, 2013)

3.3.4. Current features of domestic work in Sudan: the dynamics of the game

Political features of domestic work: the politics of domestic work:

The politics of domestic work is rather a grey area, usually mingled with other legal, economic and socio-cultural aspects as, (Albatthani, 2013) puts it:

“The political aspect to domestic work in Sudan is not visible.”

A historical trace of politicization of domestic work is visible in a speech by Father Philip Ghabosh³⁶ back in the 1980s during the post Numeiri elections, when he argued that his people from Nuba Mountains were confined solely to serve in domestic work- with no intention of the government for upgrading or development.

Another dimension of the politics of domestic work is the government’s reluctance to ratify and implement international standards, as (Almustafa, 2013) puts it:

“The government tends to escape international standards’ ratification unless it is put under pressure.”

Even when willing to ratify, such governmental willingness is not usually backed up with policy implications, social incentives, awareness and way forward.

Legal features of domestic work: the on-paper-only and/or out-of-context- acts:

Sudan as many other developing countries suffer from the quandary of laws and acts being written on paper but not taken to action.

Another flaw in most of the Sudanese laws/acts is a lack of context considerations- albeit social, economic and cultural- of the target parties of the law or act. These two “syndromes” do exist and they tend to get more severe when dwelling upon informal economy and informal work:

³⁶Father Philip Abbas Ghabosh(1922-2008) was a political activist and advocate for the rights of the marginalized and vulnerable in general and the Nuba rights in specific (Elbasheer, 2010)

Lack of domestic workers' awareness and knowledge:

Workers are not aware of their rights and therefore are inclined towards informality. Unfortunately, such informality and unawareness lead to domestic workers' exclusion and abuse. Accordingly, domestic workers do not enjoy labour rights as such in Sudan and do not demand them: almost every domestic worker experience rare days off, harassment, long and unlimited working hours and verbal undocumented agreements (Humeida, 2013 and Khalfalla, 2013).

Absence of regulation:

“Until the late 1980s, there was a solid process of registration, record keeping and statistics of domestic workers; a process of liaison between the police and the ministry of labour. Each domestic worker had to be issued an ID card with important information (name, address, telephone, guarantee ...). Now it is a hassle with neither regulation nor statistics of domestic work!”

(Mohamed, 2014)

Lack of a system or regulation and absence of inspection measures led domestic workers to be treated in an arbitrary manner: rules and standards are up to norms and convenience. All these aspects challenge an implication of (decent) domestic work (Elmahdi, 2014, Khalfalla, 2014 and Adeeb, 2013).

Because of absence of proper regulation most of domestic workers do not receive their after service benefits as well as compensation for the leaves they had to give up in service (Abdelhameed, 2013 and Ibrahim 2013).

It is worth noting, however, that some regulation takes place through employment agencies which import Asian domestic workers (mostly Indonesians and Philipinos). Domestic workers are imported by such agencies only for diplomats and people who prove to afford a certain level of income and the expensive charges. Each domestic worker signs a contract at the embassy; the contract is later reviewed and certified by the ministries of labour and foreign affairs. Complaints and issues of domestic workers are resolved through the labour office

while the employment agency handles the employment relations between domestic workers and their employers (Sabir, 2014).

A continuation of precariousness and abuse

“I call it the “dual oppression”; where most of the domestic workers are women and foreigners; two statuses which lead to a naturally abusive and “for-granted” attitude of a whole society- especially men.” (Elmahdi, 2013)

(Takas, 2014) elaborates on the precarious status of domestic workers:

“Most of domestic workers have dual precariousness; they are mostly women, refugees or displaced who don’t have any personal identification documents, who are uneducated and accordingly are ignorant of their rights and obligations.”

The likely scenario is the constitution’s inclusive adoption of human rights which are then transcended into a complying set of standards, laws and acts which are later transformed into a culture and practice of respect and recognition. Instead, disparities between constitution, legislation and culture prevail in less developed countries;

consequently it is the vulnerable groups who usually pay the price (Elmahdi, 2014, Khalfalla, 2014, Adeeb, 2013).

In extreme scenarios; domestic workers’ ignorance of their right to complain as well as their fear to lose their job- being in the fragile status- usually prevent them from reporting abuse (Ibrahim, 2014, Mohamed, 2014, Khojali, 2013, Humeida, 2013, Almustafa, 2013).

“Domestic workers are in a very vulnerable stand; I remember an incident of a lady domestic worker who came to me in a very bad psychological state complaining that she quit her job and when she asked for her after service benefits her employers accused her of theft. Eventually she gave up her rights for she can’t fight for them. By the way, this is a common scenario!” (Hafiz, 2014)

Moreover, the absence of law makes every abuse possible: an example of this is the phenomenon of “informal domestic workers’ agents”:

these agents work as middlemen for domestic workers who are usually their acquaintances or relatives, they usually hold negotiations with households, receive complaints and order domestic workers about how to act and perform. The trend of such agents is that they bring a domestic worker to work for an agreed period of time- a month maximum- then they order the domestic worker to ask for a leave to go to see her sick relative- this is the most common excuse- and she never comes back because the agent takes her to work somewhere else where he gets another commission and so on. Such agents- locally named as brokers- keep domestic workers in what is called (*beit habash*)³⁷ which is literally a one-room house (where people safe-keep their belongings) and a big yard with tens of scattered beds (where they spend weekends). This house is often owned by the broker and his wife, who charges a weekly fee for the bed, a meal and the safe-keeping of belongings. This scenario leads to notions of human trafficking, dependence and dual exclusion: the individual exploitive attitude of the employer on the one hand and the formal/informal employment agencies/ agents on the other (Khojali, 2013, Jafar, 2013, Humeida, 2013, Almustafa, 2013, Elnigoumi, 2013). All above discussion calls for a change: a change and mobilization towards finding grounds for recognition and respect:

“There is a need for large and intact lobby for dignity and respect at work, because the legal context in Sudan is neither considerate nor competent.” (Adeeb, 2013)

As well as a need for capacity building and education of domestic workers through developing means for their organization:

“It is very important to educate and raise awareness of domestic workers. What is more important and effective is to organize domestic workers so that they could learn about their rights, advocate and negotiate for earning such rights.” (Khalfalla, 2014)

Economic features of domestic work: the dual opportunity cost

37 *Beit habash*'s literal translation is the house of people from Ethiopia or Eritrea

An opportunity cost is an economic term which refers to the value (sacrificed) to the use of the next highest valued alternative (Henderson, 2014). Talking economics; domestic work represents a case of dual opportunity cost where on the one hand, the domestic worker sacrifices own and family time to work for other families and on the other the employer sacrifices her income to afford domestic care:

The rise of nuclear families along with the challenging economic conditions called for dual or multiple income earners and eventually caused the increase of women going into the workforce, a phenomenon which resulted in the greater need for domestic workers. The use of domestic work accordingly shifted from a show-off to a necessity. Working women were ready to pay themselves for domestic workers- an opportunity cost (Khalfalla, 2014, Khojali, 2013, Humeida, 2013).

The narrow labour market led domestic work to be an opportunity; the economic crisis also precipitated the emergence of part time and per piece domestic work. However, domestic workers find themselves in a labour market which is not sophisticated and rather buyer-influenced, where the domestic worker has little influence if at all. Adding factors are the imbalance between supply and demand, along with shortage of households to economically afford decent work conditions- such as minimum wage and social security- of domestic work which led to a case of indecency and absence of ideal work conditions (Elagraa, 2014, Khalfalla, 2014, Albatthani, 2013, Umbada, 2013).

It is worth noting that the economic value and contribution of domestic work is never recognized; domestic workers have direct contributions in the economy: transfers, services and other spending (Khojali, 2013).

All of the above confirms an evidence of opportunity cost- though more on the domestic workers side, for they tend to sacrifice their

family time, power to negotiate better conditions, influence...etc and act obedient for the mere sakes of getting and sustaining a job.

Socio-cultural features of domestic work: the controversy:

An observation made by many is the dominant discussion about domestic work and workers in social gatherings- a discussion similar to the random and recurrent discussion of weather: which ones are better, where to get them from, how to treat them, how much to pay them... etc. It is in such discussions that the actual “rule of the game” is found- where employment relationships are set, including minimum wages, duties/chores and work conditions and- essentially- how to treat them “right” from day one. More importantly; such discussions represent an eye opener to realities and controversies of society:

The controversy of Sudanese Society:

“What does it mean to be linked and connected to upbeat technologies, to have our Facebook profiles full of Prophet Mohamed applications, to claim civilization and modernity if we continue to treat our domestic workers with disrespect and indecency then brag about it?!” (Elnigoumi, 2013)

Sudan is a melting pot; it is the only neighbor for each country in the Nile Basin; it has always welcomed visitors from these and other countries. Sudanese have some sort of respect for people coming from the Horn of Africa- and so are better than other countries- Gulf or North African countries, for example where domestic workers are treated like slaves. Sudanese are better in many ways: they do not abuse verbally, they don't hit or deprive from food. Therefore most of the domestic workers prefer working in Sudan because in spite of the problems they face, still they believe treatment is better (Elmahdi, 2014, Almustafa, 2013).

It is true that a respectably good relationship generally exists between domestic workers and their employers yet when deeply examined, one will find that it is a “degradingly-friendly” relationship which is probably a remnant of slavery. Besides, unprofessionalism and informality is embedded in the Sudanese; they tend to informalise work relationships and therefore it becomes difficult to set rules and standards. Another controversy lies in the “Eastern” conservative influence which implies that domestic work is something “private”, to be exposed neither to society nor to government. As well and when it comes to decent work; such conservative mentality hinders implementing pillars of decent work. (Takas 2014, Khalfalla, 2014 and Adeeb, 2013).

A cultural indecency:

“A culture of indecency prevails in the Sudanese society towards precarious groups among- which are domestic workers, where there is abuse and denial of the basic right of being human.”
(Adeeb, 2013)

Legal interference is vital but not enough; the role of culture must be weighed: there is a strong need for a paradigm shift in thoughts and practice so that the Sudanese society embraces a change in production relationships’ perception which will lead to a change in culture and brings about a decent culture (ibid).

What does religion say?!

In both Islam and Christianity there is no specific mention of domestic work, yet they belong to the “paid workers” category for which both religions provide ample material on how to treat them and deal with them:

Christianity:

The bible mentions many stories and advices concerning “Dolos”: employees, servants or slaves- three words which are used as synonyms. The Bible encourages decent treatment of employees (Kobli,2013):

- (Leviticus 19:13): “Do not take advantage of anyone or rob him do not hold back the wage of someone you have hired, not even for one night.”
- (Deuteronomy 24:14):”Do not cheat poor and needy hired servants... each day before sunset pay them for that day’s work...”
(The Good News Bible, 1994)

Islam:

Islam appreciates work and effort; it looks on to everyone equally as long as people perform with faith and decency:

- The Prophet (PBUH) said:” O People! Your lord is one, and your father is one, Adam, and Adam was created from dust.”
- The Prophet (PBUH) said: ”Allah said I’ll be in an opponent to three types of people on the Day of Resurrection: ... and One who employs a labourer and takes full work from him but does not pay him or his labour.”

Islam asks followers to treat “Ajeer” (paid worker/servant/slave) decently and respectfully, to instruct them politely:

- The Prophet (PBUH) said: “Give the hired worker his wage before his sweat dries.”
- “Fear God in the matter of your slaves. Feed them with what you eat and clothe them with what you wear, and do not give them work beyond their capacity. Those whom you like, retain, and those whom you dislike, sell. Do not cause pain to God’s creation. He caused you to own them and had He so wished He could have caused them to own you.”

Prophet Mohamed himself worked as a paid worker, he was always proud of it and he kept mentioning it to encourage people to work. Unfortunately, people are getting Islam wrong: Islam is a religion of simplicity and good manners; Prophet Mohamed (PBUH) says: “Religion is treatment” it is not about constant praying or fasting but rather about learning and practicing how to deal with others with honesty, care, kindness and allegiance (Abusabeeb, 2014).

Sudanese literary work on domestic workers:

Below is a recount of some of the literary and written work which illustrated glimpses of different domestic workers experiences in Sudan (Salih, 2014):

- *Farka:*

A novel by (Jafar, 2011) narrates and exposes facts about slavery, social life and culture through the lead character “Farka” who was kidnapped and sold as a house slave.

- *Slave: my true story*

A biography by (Mende, 2005) illustrating the story of a girl from Nuba Mountains who was kidnapped and sold as a slave to at the age of 12, how she worked with families who abused her in many forms and eventually managed to run away and break free while working for a Sudanese family abroad.

- *“Falatia”³⁸*

A poem by (Ibrahim, NA), which describes a typical day of the Falatia who works as a part time domestic worker: the poem starts with how the lady wakes up early, leaves her own baby- sleeping, unattended to

³⁸Falatia is the female coming from Falata tribes.

and starts the day to “put some food on the table”. The working day starts with piles of clothes to be washed and a scolding employer. The poem goes on describing how the tiring chores continue to fall on the Falatia along with a continuation of harassment. The day ends with work being done and the Falatia being given below minimum wage for her work which she takes then raises her head to the sky thankfully and goes home.

- *“In need for a fine-tune”*

A poem by (Medani, 1984), which describes the mishaps and sufferings of the marginalized and minorities. The poet describes domestic workers and their precariousness in one part of the poem:

*“We are silence
We die, when chosen -within the trade-off- by the houses
Our blood colour escapes us..
And so do poems
Or they exchange impartiality
In silence, the path converses with us
While the country’s ways desert us”*

3.4. Chapter conclusions:

With all the proclaims of abolishing slavery and bringing about freedom to those enslaved; however today’s world witnesses a new and contemporary form of slavery and forced labour, the word slave- even if cautiously used or eloquently put- is still conferred frequently. Domestic work is a valid example of such argument, where most of the domestic workers all over including Sudan are still restricted from exercising many freedoms including the freedom of movement, freedom to keep (original) personal identification, freedom of organizing, freedom to negotiate and get better work conditions. This chapter attempted to unravel the relationship and ties between slavery, forced labour and domestic work by tracing history: the chapter revealed that not only in Sudan but also in a selected

examples in the region, domestic work is indeed an offspring of slavery and accordingly the predominant contemporary work relationships between domestic workers and their employers continue to be a servitude relation rather than a workplace relationship. This thesis is supported not only by the historical trace of domestic work, but also by its evolution and current whereabouts which were depicted in details and which unpacked the existence and continuation of social and employment relations in which indecency and lack of recognition prevail.

-End of Chapter Three-

“The way families deal with their domestic workers is inherited; generations grow up while observing how their elders treat domestic workers; a continuum of a relationship built with mutual trust and respect, on one extreme, the arrogance of master-servant relationship in the middle to another extreme of (still) calling them slaves and treating them as such.”³⁹

4.1. Chapter introduction:

³⁹ A participant in the working women/ employers of domestic workers’ focus group

This chapter features a show case of relations and dynamics of (decent) domestic work in Sudan. The chapter presents an elucidation of empirical findings of interviews, life histories/ narratives and focus group discussions carried out with domestic workers and their employers so as to seek out a factual background. These findings were derived using thematic analysis. The chapter wanders through general themes for each mode of findings as well as immersing into detailed and specific themes for more profound discussion before concluding outstanding findings for further research and policy recommendations.

4.2. Thematic analysis- explanation and methodology:

Thematic analysis is a rich description of the data set where themes are an accurate reflection of the content of the entire data set. Thematic analysis lacks depth and complexity, yet it achieves a rich holistic description. In this context, thematic analysis is employed for its usefulness in exploring under-researched areas as well as when views about the topic is unknown. Both justifications apply to this research. Latent and realist thematic analysis are used here within, where latent means that underlying ideas and conceptualizations are identified and examined, and realist refers to the employment of an epistemological approach (for more information about thematic analysis (See Guest et al, 2011, Anderson, 2007, Braun and Carke, 2006, Attride-Sterling, 2001).The thematic analysis process in this chapter went through the phases in the below table:

	Phase	Description
1	Familiarization with data	Transcribing, reading and noting down initial ideas
2	Generating initial codes	Coding interesting features of the data in a systematic fashion across the entire data set
3	Searching for	Collating codes into potential themes,

	themes	gathering all data relevant to each potential theme
4	Reviewing themes	Checking if the themes work in relation to the coded extracts and the entire data set (thematic map)
5	Defining and naming themes	On-going analysis to refine the specifics, names and definition of each theme
6	Producing the report	Selection of vivid extract examples, final analysis of selected extracts in relation to research questions

Table 4.1.: Phases of thematic analysis, source: Braun and Carke, 2006

General themes- categorized in three main sections- were developed and used to analyze the employed methods of household interviews, narratives and Focus Group Discussions. Furthermore, ten specific themes covering the detailed C189 provisions were also identified for analysis and discussion, as well as a specific theme covering the pros and cons of having an enacted domestic work act. These specific themes are discussed within each method’s context then merged into discussion with the general themes.

4.3. General themes for analysis:

Derived from the household interviews; general themes trace a biographical, socioeconomic and legal track of the domestic work relations in the three areas of Khartoum State as illustrated in the below info-boxes:

Khartoum:

The info-box below illustrates general features of the domestic work whereabouts, dynamics and details in six districts in Khartoum classified into three socioeconomic categories (high, upper-middle and middle classes). Most of the interviewed head of households call their domestic workers “workers” (*shaghalin*) as opposed to one

interviewee who calls them “servants” (*khadamin*) this may be due to their level of education and profession. Most of the interviewees do not know about decent work- “never heard of such concept” was a common response. Most of the domestic workers are Ethiopian females performing typical chores of cleaning, washing and cooking. Those Ethiopian females are mostly employed through informal brokers who monopolize negotiations with the household head over what is referred to as “the market rate wage” as well as the work conditions- such as having a washing machine and limited number of rooms- and their “un-negotiable” commission. Such negotiations take place without any written documentation (verbal contract). A noted observation was that most of the Ethiopian female workers found through informal brokers do not stay for a long duration as opposed to Sudanese counterparts (Falata, Nuba and Darfurians) who linger in employment. Interviewees are frequent with providing annual increments whenever prices increase. Household heads described the social aspect of the domestic work relationship in a continuum between “close integration with respect and trust” to “respect for redlines and boundaries”. It is worth noting that there were a couple of households which employed foreign domestic workers (Philippinas and Ethiopians) legally - through written contracts with copies given to workers:

Household	1	2	3	4	5	6
SECTION I GENERAL INFORMATION						
RESIDENCE	Khartoum 3	Ryad	Hay Almatar	Khartoum 2	Amarat	Jabra
RESIDENCE CATEGORY	B⁴⁰	A	B	A	A	C
GENDER	Male	Female	Female	Female	Female	Male

40 A, B and C are socioeconomic classes identified by the researcher to represent the prevalent three classes employing domestic workers, where A is high class, B is upper middle class and C is middle class (refer to the methodology part in Chapter One).

JOB	Medical doctor	Housewife	Lecturer	IT specialist	Housewife	Lecturer
HOUSEHOLD MEMBERS #	3	6	5	5	2	5
AGE	50s	40s	40s	20s	50s	50s
SECTION II INFORMATION ABOUT DOMESTIC WORKERS						
NAMING OF DW	Worker	Worker	Worker	Worker	Worker	Servant
# OF DW	1	4	1	5	2	1
GENDER	Female	Male/ Female	Female	Female/ Male	Female	Female
ETHNIC GROUP	Ethiopian	Ethiopians/ Philippina	Falata	Ethiopians/ Darfurians	Ethiopians	Ethiopian
CHORES	Cleaning, washing & ironing, kitchen help	Driving/cook,/cleaning, washing & ironing/nanny	Cleaning, washing & ironing, kitchen help	Cleaning, washing & ironing, cook, nanny/guard/driver	Cleaning, washing & ironing, cook	Cleaning, washing & ironing, kitchen help
EMPLOYMENT SOURCE	Agent	Acquaintance/ employment agency	Acquaintance	Employment agency/ Acquaintance	Acquaintance	Agent
EMPLOYMENT DURATION	6 months	1-2 years/3 years	1 year	2-8years	4 and 2 years	3 months
SECTION III DETAILS OF DOMESTIC WORK RELATIONSHIPS						
EMPLOYMENT LEGAL RELATIONS	Verbal contract with the agent and frequent reminders	Verbal contract with frequent reminders/ contract between the employment agency and the Philippina	Verbal contract with the worker frequent reminders	Contract between the employment agency, worker and employer/ contract between the employment agency	Verbal contract with the worker frequent reminders	Verbal contract with the agent and frequent reminders
EMPLOYMENT ECONOMIC RELATIONS	Market rate, annual increase	Market rate, annual increase/ as per contract	Neighborhood rate, annual increase	As per contract/ market rate, annual increase	Market rate, annual increase	Market rate, no increase
EMPLOYMENT SOCIAL RELATIONS	Integration with respect	Integration, trust and respect	Integration, trust and respect	Integration, trust and respect	Integration, trust and respect	Respect for redlines and limits
KNOWLED	Yes	Yes	No	No	Yes	No

GE ABOUT DECENT WORK							
GENERAL OBSERVAT IONS/ COMMENT S	- "Exchange rate is not my problem; they have to deal with it!"						

Info-box 4.1.: Domestic work dynamics in Khartoum

Khartoum North:

The info-box of Khartoum North below depicts some of the general features of the domestic work details in six areas classified into three socioeconomic classes. Most of the interviewed head of households call their domestic workers “workers” except for a couple who calls them “servants”. All of household heads never heard of decent work. As compared to Khartoum the ratio of domestic worker to household members is less. However, most of the domestic workers share the same chores as those in Khartoum- i.e. cleaning, washing, kitchen help. The majority of domestic workers are Ethiopians who perform the afore-mentioned chores, while a fair share of Sudanese (Nuba and Darfurians) perform guarding and driving. The areas are also familiar with informal agents, verbal contracts and market rate wages with fluctuating annual increases. A “no integration” and “integration with respect for limits” highlight the majority of social domestic work relations in Khartoum North:

HOUSEHOLD	1	2	3	4	5	6	7
SECTION I GENERAL INFORMATION							
RESIDENCE	Alwaha	Alsababi	Almughtar bin	Shambat	Alhalfaya	Alsafia	Kafuri
RESIDENCE	B	A	B	C	C	A	A

CATEGORY							
GENDER	Female	Male	Female	Female	Male	Female	Female
JOB	Psychiatrist	Business man	Housewife	Housewife	Pensioner	Housewife	Consultant
HOUSEHOLD MEMBERS #	8	3	2	4	5	3	3
AGE	30s	60s	30s	50s	60s	30s	50s

SECTION II INFORMATION ABOUT DOMESTIC WORKERS

NAMING OF DW	Worker	Servant	Worker	Worker	Servant	Worker	Worker
# OF DW	5	2	1	1	1	3	4
GENDER	Female/Male	Female/Male	Female	Female	Female	Female/Male	Female/Male
ETHNIC GROUP	Ethiopians / Kordofani / Darfurian/ Nuba	Ethiopian /Falata	Ethiopian	Ethiopian	Ethiopian	Ethiopian/ Nuba	Ethiopian/ Darfurian/ Nuba
CHORES	Kitchen help/nanny/ driver/ gardening / cleaning, washing & ironing	Cleaning and cook/ washing & ironing	Cleaning, washing & ironing, kitchen help	Cleaning , washing & ironing, kitchen help	Cleaning, washing & ironing, kitchen help	Cook/ cleaning, washing & ironing/ kitchen help/ driving	Cook/ cleaning, washing & ironing/ kitchen help/ guard/driver
EMPLOYMENT SOURCE	Acquaintance	Acquaintance	Agent	Agent	Agent	Agent/ Acquaintance	Agent/ Acquaintance
EMPLOYMENT DURATION	2 years/ 5-10 years	2 months/ 3 years	1 year	1 month	1 year	1 year/ 5-10 years	2 years/ 5-10 years

GENERAL OBSERVATIONS/ COMMENTS
 Ethiopians don't stay for long in the job

SECTION III DETAILS OF DOMESTIC WORK RELATIONSHIPS

EMPLOYMENT LEGAL RELATIONS	Verbal contract with the worker frequent reminder	Verbal contract with the worker frequent reminders	Verbal contract with the agent and frequent reminders	Verbal contract with the agent and frequent	Verbal contract with the agent and frequent reminder	Verbal contract with the agent or the worker,	Verbal contract with the agent/ verbal contract
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	s			reminders	s	with frequent reminders	with the worker, with frequent reminders
EMPLOYMENT ECONOMIC RELATIONS	Market rate, annual increase with price increase	Market rate, annual increase upon worker's request	Market rate, no increase	Market rate, no increase	Market rate, no increase	Market rate, annual increase with price increase	Market rate, annual increase upon worker's request
EMPLOYMENT SOCIAL RELATIONS	Very integrated and close relationship	Integration with respect for limits	Familiarization, integration and close relationship	No integration	Very integrated and close relationship	Integration with respect for limits	Integration with respect for limits
KNOWLEDGE ABOUT DECENT WORK	No	No	No	No	No	No	No
GENERAL OBSERVATIONS/ COMMENTS	Ethiopian domestic workers and their agents run their own rules.						

Info-box 4.2.: Domestic work dynamics in Khartoum North

Omdurman:

As depicted in the info-box of Omdurman below; seven areas representing three socioeconomic classes were featured. The household heads in this area were mostly housewives who call their domestic workers “servants”. Interviewees don’t know about the concept of decent work. Most of their domestic workers are female Ethiopians who perform indoors chores such as kitchen help and cleaning, while Sudanese males from Nuba Mountains or Darfurians perform outdoor chores such as yard cleaning and clothes’ washing. One area is dominated by Falata domestic workers who perform every domestic chore. A phenomenon of “neighborhood rate wage” is observed in Omdurman as opposed to “market rate wage” in other

areas. Annual increases or increments subject to prices' increase prevail. Social aspects indicate a close relationship and integration between the domestic workers and their employers yet with certain limits:

Household Id	1	2	3	4	5	6	7
SECTION I GENERAL INFORMATION							
RESIDENCE	Alhashmab	Wadnubawi	Hay Alumda	Alarda	Masalma	Hay Almulazmin	Hay Albusta
RESIDENCE CATEGORY	B	C	C	B	C	A	B
GENDER	Female	Female	Female	Female	Male	Female	Female
JOB	Librarian	(home) businesswoman	Headmistress	HR officer	Engineer	Housewife	Housewife
HOUSEHOLD MEMBERS #	5	8	8	2	3	5	3
AGE	50s	50s	40s	40s	30s	20s	50s
SECTION II INFORMATION ABOUT DOMESTIC WORKERS							
NAMING OF DW	Worker	Servant	Worker	Servant	Worker	Servant	Servant
# OF DW	2	2	1	1	1	2	2
GENDER	Female	Female/Male	Female	Female	Female	Female/Male	Female
ETHNIC GROUP	Ethiopians	Ethiopian / Nuba	Nuba	Ethiopian	Ethiopian	Ethiopian/Falata	Nuba/Falata
CHORES	Kitchen, cleaning, washing & ironing	Ethiopian: kitchen, cleaning, help in business/ Nuba: washing & ironing	Cleaning, washing & ironing	Kitchen, cleaning, washing & ironing	Kitchen, cleaning, washing & ironing	Ethiopian: kitchen, cleaning/ Falata: washing & ironing	Nuba: kitchen, cleaning/ Falata: washing & ironing
EMPLOYMENT SOURCE	Informal agent	Ethiopian: informal agent/ Nuba: acquaintance	Acquaintance	Informal agent	Church	Ethiopian: informal agent/ Falata: acquaintance	Acquaintance

EMPLOYMENT DURATION	3 yrs/ 7 months	2 months/10 years	11 years	1 month	1 year	3 months/5 years	27 years/3 years
GENERAL OBSERVATIONS	Ethiopians only wash using washing machine and sometimes charge extra for ironing and always have excessive use of mobile phone. South Sudanese are mostly preferred as domestic workers for they are clean, diligent, well-trained and they stay for long time, Falata are rated second.						
SECTION III DETAILS OF DOMESTIC WORK RELATIONSHIPS							
EMPLOYMENT LEGAL RELATIONS	Verbal contract with the agent and frequent reminders	Ethiopian : verbal contract with the agent and frequent reminders/ Nuba: verbal contract with frequent reminders	Verbal contract with the worker frequent reminders	Verbal contract with the agent and frequent reminders	Verbal contract with the agent and frequent reminders	Ethiopian: verbal contract with the agent and frequent reminders/ Falata: verbal contract with an older female family member with frequent reminders	Nuba: verbal contract with the worker and frequent reminders/ Falata: verbal contract with an older female family member with frequent reminders
EMPLOYMENT ECONOMIC RELATIONS	Market rate, annual increase	Market rate, increase when prices increase	Neighborhood rate, increase upon demand of domestic worker	Neighborhood rate, no increase	Market rate, annual increase	Neighborhood rate, no increase	Market rate, annual increase
EMPLOYMENT SOCIAL RELATIONS	Integration with limits	Integrated and close relationship	No integration	Integration with respect for limits	Integration and close relationship	Integration with respect for limits	Very integrated and close relationship
KNOWLEDGE ABOUT DECENT WORK	No	No	Yes	No	No	No	No
GENERAL OBSERVATIONS	-She is a stranger; it is my duty to make her feel at home: we keep each other company, eat and sleep in the same place. - Domestic workers have boundaries to stick to.						

Info-box 4.3.: Domestic work dynamics in Omdurman

4.4. Specific themes:

4.4.1. ILO Convention 189 (C189) provisions:

Participants in household interviews, narratives and focus groups gave their insights about whether they think each provision in C189 applies to their domestic work relationship or not:

ILO Convention 189 (C189): Decent Work for Domestic Workers	Applied	Not applied
Basic Rights of Domestic Workers Equality, fairness, respect, dignity and freedom	2	40
Information on Terms and Conditions of Employment (contract)	5	37
Hours of Work		
• Regular work hours	42	0
• Overtime compensation	0	42
• Daily and weekly rest period of at least 24 consecutive hours (Article 10)	21	21
• Annual paid leave (Article 10)	0	42
• Stand-by hours (Article 10)	0	42
Remuneration		
• Payment of wages cash at least once a week	42	0
• Minimum wage if a minimum wage exists for other workers (Article 11)	0	42
Occupational safety and health		
• Right to safe and healthy working environment (Article 13)	0	42
Social security		
• Social security protection, including maternity benefits (Article 14)	0	42
Standards concerning child domestic workers	32	10
• Requirement to set a minimum age for entry into domestic work (15-18) (Article 4)		
• Work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training (Article 4)		
Standards concerning live-in workers	35	7
• Decent living conditions that respect the worker's privacy (Article 6)		
Standards concerning migrant domestic workers	2	40
• A written contract that is enforceable in the country of employment, or a written job offer, prior to travelling to the country of employment (Article 8).		
Dispute settlement, complaints, enforcement	5	37

Table 4.2.: Participants' insight about the application of C189 provisions

More specifically; below is a detailed thematic discussion based on participants' commentary on the C189 provisions and other issues related to (decent) domestic work:

- **Basic Rights of Domestic Workers: Equality, fairness, respect, dignity and freedom**
- “The bad thing about my job is insecurity: I am harassed by Ethiopian house owner- who constantly asks for money for no rendered services and threatens that he’ll throw me and my belongings out. I fear getting caught and deported since I am “illegal”, I can’t afford registration charges to become formal and legal, and so I hide most of the time. I am always prone to harassment by one of the family members who take advantage of my precarious status.”
(Ethiopian female, 16 years old, works as a cleaner and cook)
- “When I compare myself with my “sisters” they are paid more, however I never ask for an increase because first in my culture it is not polite to demand an increase- my employers should notice it themselves, and secondly the good treatment and privileges I receive are invaluable: they treat me as their own daughter and always give me treats and bonuses, they respect my privacy and my group’s obligations. Such treatment makes me tolerate other bad things.”
(Falata female, 22 years old, works as a cleaner and cook)
- “Respect for fundamental rights is applied but not fully; we don’t treat our domestic workers in the same manner we treat doctors, engineers or shop keepers, because we believe strongly- for granted that they are vulnerable.”
(Participant in the housewives focus group)
- “Concern, decent treatment and recognition yield in commitment and diligence; for example, it is very important that domestic

workers have their own comfortable space with the same conditions which the family enjoys, as well as caring for their health and well-being. On the other hand, maltreatment- distrust and accusation- troubles the employer and makes the domestic worker inhibited, insecure and sometimes disloyal.”

(Participant in the working women focus group)

Domestic workers live in a precarious work environment; oblivious of their basic rights at work- just like other workers, while having to deal with the inherited manner of treatment of their employers- the lack of recognition of domestic work like any other work leading to the erosion of basic rights of work such as freedom, dignity and respect.

- Knowledge about work conditions (contract):

- “She is with the family for seven years now. We had a verbal agreement with the wage and duties which my daughter negotiated with the domestic worker’s older sister⁴¹ with consent of the domestic worker.”

(Participant in the employer/domestic worker focus group)

When it comes to work agreement; written contracts for domestic workers are a myth except in rare cases. Both parties of the work relationship ignore the benefits of documenting terms and conditions. The common case is a verbal agreement between the domestic worker (or someone from their behalf) and the employer. Such verbal agreement puts the domestic worker at a disadvantage for it makes her/him loose chances of renewal, upgrading, improving work conditions and wage increase.

-Standards for child, live-in and migrant domestic workers:

⁴¹ For Falata, there are no agents or brokers. The household head usually negotiates terms with the mother or an older sister

- “The good thing about my job is that I don’t have an agent; I am free to work wherever I want, on my own terms vis-à-vis the employer’s”

(Ethiopian female, 16 years old, works as a cleaner and cook)

- “I feel torn between the two sides: broker and the employer.”

(Ethiopian female, 26 years old, works as a cook)

- “I-personally- make sure that my domestic workers are legal by making sure they issue and renew refugee IDs. This helps make them committed and feel secure.”

(Participant in the employer/domestic worker focus group)

- “I like my job because I am both free and legal- independent from any agency: I have my own contract copy, I have a work permit and I am registered at the ministry of labour.”

(Philippina, 40 years old, works as a nanny)

The hassle of informality of domestic work is on the rise; features for a solid relationship based on negotiated, agreed upon and documented conditions are erased by dominance of what the broker and- to some extent- the employer want; leaving the domestic worker in a fragile and dependent status. Even the rare scenarios of formal relationships through employment agencies with contracts and solid agreements are majorly shadowed by abuse and freedoms’ restrictions.

- Vocational and behavioural training:

- “Although I train them on certain things yet there is still procrastination, conflict of priorities and negligence; sometimes it is because of the workload, however I believe they need behavioural training and motivation.”
- “We believe that domestic workers are “Jack of all trades” and we therefore forget about training and reminders which are vital.”

(Participants in the employer/domestic worker focus group)

Domestic workers- just like any workers- are in need for both vocational and behavioural training. Unfortunately and due to their underprivileged socioeconomic status they cannot afford paying for such training, another hurdle is that there is no such training available except for some rare cases in churches. As well and although employers would enjoy the benefits of vocational training, however they might be reluctant to pay for training their domestic workers.

- **Social integration:**

- “There are redlines which shouldn’t be crossed; engagement and integration must be with (agreed-upon) limits. However a trust relationship is always developed and sustained”

(Participant in the housewives focus group)

- “There is a trust gap between me and my employer.”

(Nuba female, 38 years old, works as a cleaner)

- “The way families treat their domestic workers is inherited; generations grow up while observing how their elders treat domestic workers; a continuum of a relationship built with mutual trust and respect, on one extreme, the arrogance of master-servant relationship in the middle to an extreme of (still) calling them slaves and treating them as such.”

(Participant in the employer/domestic worker focus group)

- “Socialization and orientation for both of the family and the foreigner domestic worker are important; through them both sides will learn about each other’s culture as well as learn to respect and tolerate and accordingly negative stigma about both ends will diminish.”

(Philippina, 35 years old, housekeeper)

- “There is stereotyping linked to female Ethiopian domestic workers: loose, lazy and thieves. Such stereotyping affects the work, trust and respect relationships.”

(Ethiopian female, 20 years old, cleaner)

Referring to the quote at the beginning of this chapter, social integration and relations between domestic workers and the household members are indeed a continuum and rather household/family-dependent: the way a family treats its domestic worker can vary from considering her/him as a family member to treating her/him as different “specie”. The situation is more extreme with foreign workers where integration- of both parties- tends to be more difficult where processes of orientation, sensitization and socialization desperately need to be carried out.

4.4.2. Pros and cons of having an enacted and enforced domestic work act:

Participants in household interviews, narratives and focus groups gave their insights about enforcing a regulative domestic work act:

- “Enacted law is pivotal for regulation and administration but organization of domestic workers is even more pivotal: a collective call for rights and recognition is better than individual attempts.”

(Participant in the employer/domestic worker focus group)

- “The law will make domestic workers equal: foreigners and Sudanese.”

(Darfurian male, 25 years old, works as a cleaner)

- “There is a strong need for regulation because everything is a chaos! Employers are suffering because of informality, we are forced to deal and negotiate with the broker and the worker. Even with the employment agency- in case of formal workers- all who imply things which are not included in the usual work agreement.”

(Participant in the employer/domestic worker focus group)

- “Applying a law will be beneficial to and protective of all domestic workers and especially foreigners. Domestic workers already enjoyed benefits of the rule of law in the Philippines: for example international contracts are now more specific and protective of domestic workers vis-à-vis employment agencies.”

(Philippina, 35 years old, housekeeper)

- “The law will protect us from informality and the pertinent abuses we face: abuse of agents, authorities and even fellow Ethiopians.”

(Ethiopian female, 16 years old, works as a cleaner and cook)

- “An enacted and functioning act is needed to regulate the relationship and help transform it into a proper employment relationship.”

(Participant in the working women/employers focus group)

Sudan is very advanced when it comes to acts and legislation; in terms of domestic work regulation it is a pioneer regionally and even globally- however this does not deny the facts that these acts are not perfect and almost just on paper. Domestic workers and their employers- although in need for a regulative system- are ignorant of the existence of domestic work acts which are formulated to regulate and facilitate the work relationship, are unaware of the existence of a

concept called decent work and uninformed about how they can approach the labour office for any particularities within this work relationship.

4.5. Chapter conclusions:

This chapter presented a show case for dynamics and relationships of (decent) domestic work in Sudan. The chapter relied on depiction of three qualitative methods: household interviews, narratives/ life histories and focus group discussions using both general and specific themes for analysis. The points below are summaries for the main findings:

- Specific themes adopted by this showcase represented the provisions of C189 and how domestic workers and their employers see them applied. Findings revealed that most of the provisions such as basic rights at work, written contracts, social security and occupational health and safety are not applied in real work relations and dynamics, while some provisions are applied such as remuneration and hours of work. These findings call for a profound, salient and regulative action,
- General themes employed included versatile aspects including the social, economic and legal dynamics of the work relations as perceived and practiced by both domestic workers and their employers. Findings highlighted new concepts which came into the scene such as informal brokers, market wage rate, neighbourhood wage rate, social integration with respect for redlines... etc.
- Both domestic workers and their employers call for an enacted and functioning legislation to regulate, administer and manage what they refer to as a “messy” work relationship.

- End of Chapter Four-

“It takes two of us to create a truth; one to utter it and one to understand it.”⁴²

5.1. Chapter Introduction:

This chapter presents a policy implication for decent work for domestic workers in Sudan by proposing means for review and amendment of Sudan’s domestic work acts in line with the “ILO

⁴²Kahlil Gibran

Convention 189: decent work for domestic workers” (C189). The chapter starts with an overview of both acts and the international convention before it moves forward to a comprehensive comparison to reveal the gaps. Then the chapter discusses the use of Delphi Technique for the review and amendment processes; explaining the technique, its parts and methodology. The chapter concludes with a thorough illustration and discussion of the Delphi Technique’s findings, thus-after paving a way for a policy statement for decent work for domestic workers in Sudan.

5.2. Overview of the Sudan’ domestic work acts and the ILO C189:

The reviewing and amendment to the Sudan domestic workers’ acts- the 1955 Sudan Domestic Servants Act (SDSA) and the 2009 Khartoum State Domestic Service Act (KSDSA)- are recommended for two main reasons. First, both acts tend not to fully reflect the current reality of the Sudanese society as marginalization and negligence of domestic workers continue along with an almost complete absence of regulation and standards. Second, and in preparation for local measures for Sudan as a member state of the ILO to ratify the ILO Convention 189 (C189), its relevant domestic acts must comply with the convention.

Sudan has been a member state of the ILO since 1956. It has so far ratified 14 conventions: seven fundamental conventions, two governance/ priority conventions and one technical convention⁴³.

⁴³ The ILO’s Governing Body designated another four conventions as "priority" instruments to encourage member states to ratify them because of their importance for the functioning of the international labour standards system (See <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>). Technical conventions are rather work-specific and detailed conventions (See <http://www.ilo.org/dyn/normlex/en/f?p=1000:12000:0>) (See <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>)

The 1955 SDSA⁴⁴ defines a domestic servant⁴⁵ as:

“An employed person- working full or part time- who is responsible for any domestic chores (including cooking, kitchen, washing and bedrooms’ work), butlers, nannies, drivers, and any other similar work.”

The Khartoum State Domestic Service Act (KSDSA) was issued and approved by the Khartoum State’s Legislative Council. The act defines a “domestic service worker” as:

“Any person employed by the household head for full or part time to perform domestic duties- including cleaners, cooks, butlers, nannies, nurses, guards, drivers (of household cars), persons who wash clothes, gardeners- as well as those who are employed in the house for performing any other similar service to the mentioned above- provided that are not below 14 years old.”

It is worth noting that the 2009 KSDSA applies to all domestic workers albeit Sudanese or foreigners working in Khartoum State, while 1955 SDSA only applies to Sudanese domestic workers. However, domestic workers- Sudanese and foreigners- are excluded from other labour acts including minimum wage, workers’ organizations and protection against occupational accidents.

C189 is a distinct regulative instrument for domestic work adopted by the ILO in 2011, and a binding treaty- upon ratification. C189 offers protection for domestic workers and lists basic rights and principles at work. It defines a domestic worker as:

44 For further details, refer to the table on Page 71.

45The term domestic servant is a literal translation of the term used in this act in Arabic; in this context it refers to the term domestic worker.

“Any person engaged in domestic work within an employment relationship”.

5.3. Comparison between the 1955 SDSA, 2009 KSDSA and C189:

5.3.1. Comparative tables:

Below is a depiction in two tables: Table One compares the local Sudanese acts for domestic work in certain categories derived from chapters and provisions of the two acts. Table Two, on the other hand, compares both acts with the ILO C189 so as to disclose the gaps which need to be addressed and included in case of amendment.

Table 5.1.: Comparison between 1955 SDSA and 2009 KSDSA

1955 SDSA	2009 KSDA
Naming and definition of domestic worker	
The domestic servant is an employed person- working full or part time- who is responsible for cooking or any domestic chores (including kitchen, washing and bedrooms work), butlers, nannies, drivers, and any other similar work.	The Domestic Service Worker refers to any person employed by the household head for full or part time to perform domestic duties- including cleaners, cooks, butlers, nannies, nurses, guards, drivers (of household cars), people who wash clothes, gardeners- as well as those who are employed in the house for performing any other similar service to the mentioned above provided that are not below 14 years old.
Information on terms and conditions of service	
A service contract means any written or oral, explicit or implicit contract, which an employer uses to employ a domestic worker to perform one of the following duties: 1) Preparing and serving food and beverages, 2) The regular domestic chores necessary for arranging, cleaning and maintaining the house, 3) Personal handling including taking care of children, 4) Any other duties related to those mentioned above or related to gardening and driving.	The Service Contract: refers to any contract written or verbal, explicit or implicit under which a household employs a domestic service worker for performing any type of domestic duties for a wage of any type.

Hours of work	
<p>The domestic worker deserves:</p> <p>a) Two rest periods during the day for an hour each,</p> <p>b) A weekly time off for twelve consequent hours with six hours during the day.</p>	<p>The domestic service worker will have two daily breaks/time off for one hour after each continuous eight hours of work.</p> <p>The domestic service worker will have a weekly paid day off.</p>
Wage	
<p>Wages must be paid once at the end of each month.</p> <p>The domestic worker must be paid in cash; in kind payments are not allowed.</p>	<p>The Wage: refers to the material remuneration paid by the household head for the services rendered by the domestic service worker. The wage doesn't include incentives, health insurance, food and shelter expenses. Wages must be paid to domestic service workers in cash, in kind payments are not allowed.</p>
Leaves (annual and sick)	
<p>After completing two years of consecutive employment; the domestic worker is entitled to a consecutive 15 day (annual) leave with pay for each year following these two years.</p> <p>After two years of continuous employment; the domestic worker deserves a paid sick leave for any sickness not caused by his/her negligence or misconduct. The employer should not be committed to any sick leave permission unless the domestic worker was completely incapable of performing duties due to sickness proven by a certified medical report. The employer has the right to use a doctor for writing this medical report with consent of the domestic worker.</p>	<p>The domestic service worker deserves an annual paid leave after completing one year in continuous service within the household plus a transport allowance. The annual leave is to be agreed upon between the two parties as per work duties. Public holidays and occasions are included in the annual leave.</p> <p>After six months of continuous service, the domestic service worker receives a paid sick leave in case of sickness which prevents him/her from performing duties as per a doctor's certificate.</p>
Registration	
<p>Any person doesn't have the right to be employed as a domestic worker if they don't have a valid identification document. The employer shouldn't employ a domestic worker who does not have personal identification documents reviewed by the police at least 30 days before employment.</p>	<p>It is not allowed for any household to employ a domestic service worker who doesn't possess a valid registration certificate issued by the relevant labour office and a service log issued by the state's police authorities.</p>
Termination	
<p>The employer has the right to terminate the employment contract within the first 7 days of employment</p> <p>The employer has the right to terminate employment without notice, if the domestic worker misbehaved or</p>	<p>Any of the two parties may terminate the contract of service as per any of the following conditions:</p> <p>(a) During probation period,</p> <p>(b) Willingness of any party to terminate</p>

extremely neglected his/ her duties any other related assignments.	<p>the contract by notifying the other party at least 7 days before end of contract. In case of failure to meet this condition, a compensation must be paid for the length of notification period,</p> <p>(c) The employer has the right to terminate service without notification for misconduct,</p> <p>(d) The employer has the right to terminate service without notification for negligence,</p> <p>(e) The employer has the right to terminate service without notification if the domestic service worker was convicted for crime according to punishable crimes listed in the criminal law.</p>
After service benefits	
If the contract was terminated by one of the parties, the employer has to pay the domestic worker an end of service pay of half of the basic monthly wage plus the cost of living allowance (if provided) for a domestic worker who spent two years of consecutive employment. The after service payment is calculated as an average of the basic wage received for the last two years before termination.	In consideration of other better offered benefits, the domestic service worker will receive the after service benefits after completion of 2 years in continuous service. (d)The benefit is calculated as per the latest monthly wage paid.
Regulation and management	
The articles of this act are regulated by the states' legislator bodies.	The State Minister (of labour) is authorized to issue procedures, rules, orders and samples needed for implementing provisions of this act.
Punishment	
Any breach of this law will be fined for 2 pounds for the first time and 10 pounds for the second and consecutive times.	Any party who breaches articles and provisions in this act will be fined for an amount not exceeding SDG. 1000. In case of failure to pay; the breaching party will be imprisoned for a period which doesn't exceed a month.

Table 5.2.: Comparison between C189, 1955 SDSA and 2009 KSDSA:

ILO Convention 189 (C189): Decent Work for Domestic Workers	The 2009 Khartoum State Domestic Service Act	The Sudan 1955 Domestic Servants Act (SDSA)
Basic Rights of Domestic Workers:		

<ul style="list-style-type: none"> Respect and protection of fundamental principles and rights at work; freedom of association and the effective recognition of the right to collective bargaining 	Not provided	Not provided
<ul style="list-style-type: none"> Effective protection against all forms of abuse, harassment and violence (Article 5) 	Not provided	Not provided
<ul style="list-style-type: none"> Fair terms of employment and decent living conditions (Article 6) 	Not provided	Not provided
Information on Terms and Conditions of Employment		
Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner, preferably through a written contract (Article 7)	(Chapter One) The Service Contract: refers to any contract written or verbal, explicit or implicit under which a household employs a domestic service worker for performing any type of domestic duties for a wage of any type.	(3.14) Both implicit and explicit conditions of work must be included in the employment contract. It only specifies wage and termination as work conditions and requires the contract to be either written or oral
Hours of Work		
Ensuring equal treatment between domestic workers and workers generally in normal hours of work:		Find details of work hours compared below
<ul style="list-style-type: none"> Overtime compensation 	Not provided	Not provided
<ul style="list-style-type: none"> Daily and weekly rest period of at least 24 consecutive hours (Article 10) 	<p>9. (b) The domestic service worker will have two daily breaks/time off for one hour after each continuous eight hours of work,</p> <p>9. (c) The domestic service worker will have a weekly paid day off</p>	(3.16) Two rest periods during the day for an hour each, weekly time off for twelve consecutive hours with six hours during the day
<ul style="list-style-type: none"> Annual paid leave (Article 10) 	10. (1) The domestic service worker deserves an annual paid leave after completing one year in continuous	(3.21.1) After completing two years of consecutive employment, the domestic servant

	service within the household plus a transport allowance. The annual leave is to be agreed upon between the two parties as per work duties. Public holidays and occasions are included in the annual leave	is entitled to a consecutive 15 day leave with pay for each year following these two years
<ul style="list-style-type: none"> Regulation of stand-by hours - periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls (Article 10) 	Not provided	Not provided
Remuneration		
<ul style="list-style-type: none"> Minimum wage if a minimum wage exists for other workers (Article 11) 	Not provided	Not provided
<ul style="list-style-type: none"> Payment of wages must be made in cash, directly to the worker, and at regular intervals of no longer than one month. Payment by cheque or bank transfer - when allowed by law or collective agreements, or with worker's consent (Article 12) 	<p>9. (a) The domestic worker will be paid a wage according to the agreed upon work duties,</p> <p>13. Wages must be paid to domestic service workers in cash, in kind payments are not allowed.</p>	<p>(3.14) (a) Wages must be paid once at the end of each month</p> <p>(3.18.1) The domestic worker must be paid in cash; in-kind payments are not allowed</p>
Occupational safety and health		
<ul style="list-style-type: none"> Right to safe and healthy working environment (Article 13) 	Not provided	Not provided
Social security		
<ul style="list-style-type: none"> Social security protection, including maternity benefits (Article 14) 	<p>Chapter Two: One of the employment office's duties (e) is to Include and register domestic service workers in health insurance.</p>	Not provided
Standards concerning child domestic workers		
<ul style="list-style-type: none"> Requirement to set a minimum age for entry into domestic work (Article 	8. (a) Domestic service is not	There is no clear mention of a

4)	allowed for children below 14 years	minimum age, however the general provisions section- mainly 4 and 6 - lists the necessity that a domestic servant possess an ID, and to obtain an ID the domestic servant must be 15 years old and above
<ul style="list-style-type: none"> Domestic workers aged 15 years old but less than 18 years old - their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training (Article 4) 	Not provided	Not provided
Standards concerning live-in workers		
<ul style="list-style-type: none"> Decent living conditions that respect the worker's privacy (Article 6) 	Not provided	Not provided
<ul style="list-style-type: none"> Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household (Article 9) 	Not provided	Not provided
<ul style="list-style-type: none"> No obligation to remain in the household or with its members during their periods of rest or leave (Article 9) 	Not provided	Not provided
<ul style="list-style-type: none"> Right to keep their identity and travel documents in their possession (Article 9) 	Not provided	(2.11) The employer keeps the personal identification document of the domestic worker as long as he/she is employed
<ul style="list-style-type: none"> Regulation of stand-by hours (Article 10) 	Not provided	Not provided
Standards concerning migrant domestic workers		
<ul style="list-style-type: none"> A written contract that is enforceable in the country of employment, or a written job offer, prior to travelling to the country of employment (Article 	Not provided	Not provided

8).		
Dispute settlement, complaints, enforcement		
<ul style="list-style-type: none"> Effective access to the courts, tribunals or other dispute settlement mechanisms, including accessible complaint mechanisms (Article 17) 	Not provided	Not provided

5.3.2. Revealing the gaps:

When comparing 1955 SDSA and 2009 KSDSA with C189; there are four main gaps which require the SDSA to be reviewed and amended in preparation for compliance and ratification. These gaps are:

- The absence of conditions for fair employment and decent work conditions- including a documented employment contract, minimum wage, overtime, social security and protection against harassment and violence,
- A lack of context- sensitive terminology for domestic work,
- An absence of the rights to freedom of association and collective bargaining,
- The lack of work standards for child, live-in and migrant domestic workers.

(Khojali, 2011) commended KSDSA in that it is the first state act targeting domestic workers as well as being an update to the 1955 SDSA attempting to comply with international regulations and conventions. However, (ibid) criticized KSDSA in the following points:

- It doesn't consider the socioeconomic developments as well as their yields of current attitudes and lifestyles,
- The notion that domestic work is different from any other work; which made legislators exclude domestic workers from enjoying such provisions as the occupational health and safety as well as compensations for work accidents,

(ibid) highlighted a number of gaps which must be revisited and considered, these gaps are:

- Pre-employment medical check up,
- Speculation in employment procedures
- Minimum wage determination
- Inclusion in social security

5.4. Employing the Delphi Technique:

The Delphi Technique is used to address complex problems through a structured communication process. Anonymity and feedback constitute the key elements of the Delphi Technique. Questions included in a Delphi may be of any sorts that involve judgment, including the proper policy to achieve a goal (for more information see Gordon, 2009, Skagfeld and Derbyshire, 2008, Hsu, 2007, Mattingly Scott, 2006, Underhill, 2004, Powell, 2003, Linstone and Turoff, 2002).

The Delphi Technique was applied by bringing together a panel of experts of domestic work to give views on the overall review of the 1955 SDSA and 2009 KSDSA in line with C189, as well as the possibility of inclusion of the mentioned gaps. The panel also looked at the inclusion of rights and conditions which were not provided explicitly in C189 and finally suggested recommendations for effective policy implication and intervention. The employed Delphi Technique entailed three parts:

Delphi Part One:

4. Select and contact panel members
5. Meet with panel members individually and explain the process
6. Distribute and collect First Questionnaire

Delphi Part Two:

3. Distribute and collect Second Questionnaire
4. Conclude findings from First and Second Questionnaires and discuss individually and in groups with members

Delphi Part Three:

3. Conduct workshop for final summary presentation, feedback and recommendations
4. Present the final (policy) recommendations to the panel members, the National Assembly (department of legislation, justice and human rights) and the Khartoum State's Legislative Council

The Delphi Technique hosted 20 panel members from the following fields⁴⁶:

- Sudan National Assembly's "legislation, justice and human rights" department members
- Khartoum State's Legislative Council
- Ministry of Labour's "Employment" and "International Standards" departments
- Head of the Khartoum Labour Office
- ILO's Sudan program officer
- Lawyers (with specialties in law reform, domestic workers' cases handling and refugee cases handling)
- Civil society activists in fields of human rights, advocacy, women and child rights
- Psychologists
- Labour, economics, anthropology and political sciences' scholars

5.5. Findings from the Delphi Technique:

5.5.1. Findings from Part One: The Questionnaire on 1955

SDSA:

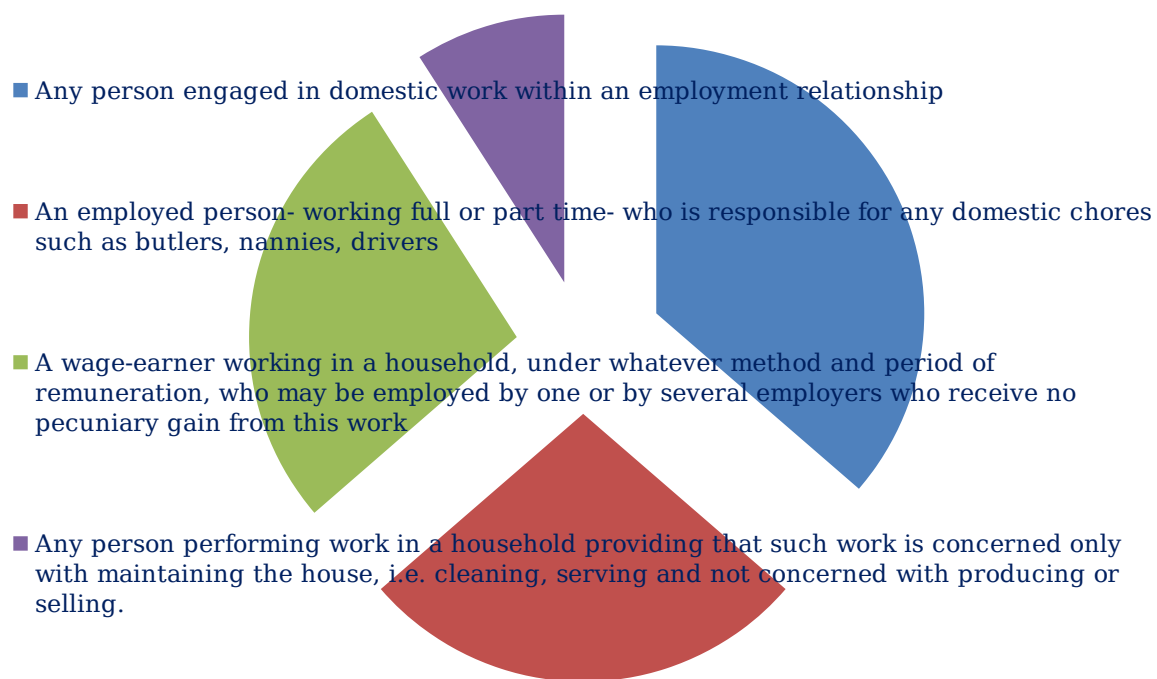
Panel members were selected according to their field of expertise. The panel had to be diverse and comprehensive of all pertinent fields to the constituents of the local acts and international convention. Next step was to contact panel members, seek consent and distribute

⁴⁶For ethics consideration of anonymity and confidentiality; panel member names are not be revealed

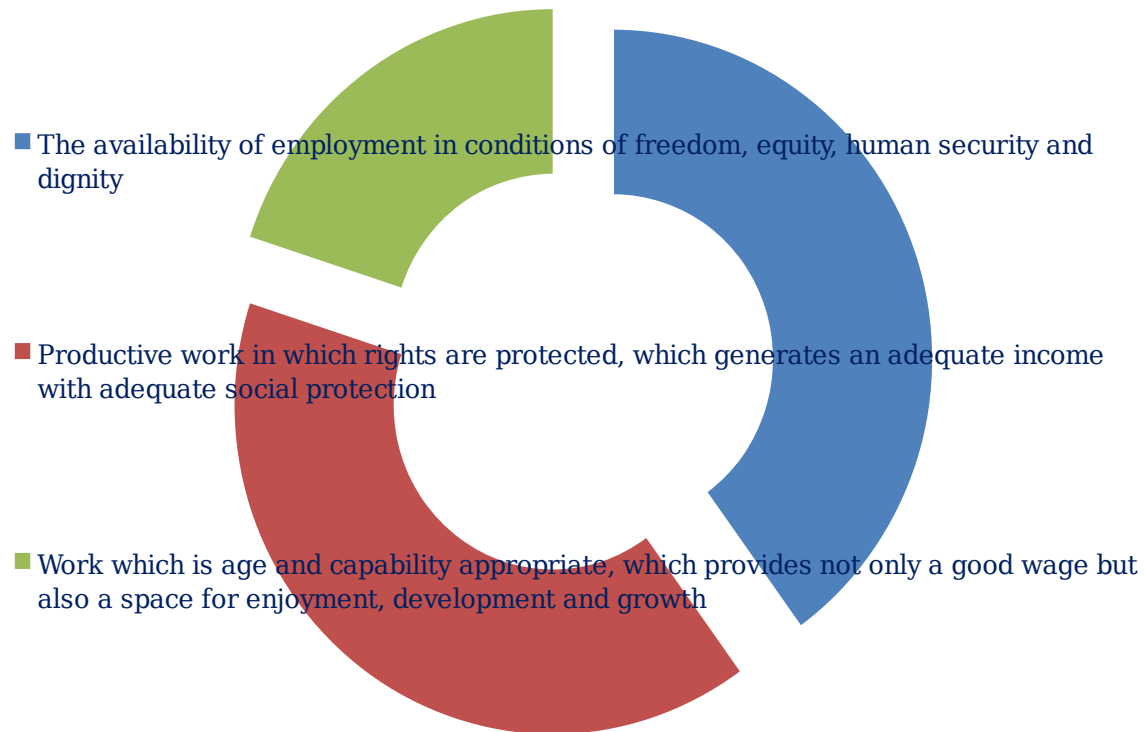
questionnaires. Questionnaire⁴⁷ findings went through two processes of quantitative statistical analysis for closed-ended questions and qualitative thematic analysis for open-ended questions:

Perception and definition of domestic work and decent work:

As shown in the first two graphs below; the majority of the respondents adopted the ILO C189's definition of domestic work as: "any person engaged in domestic work within an employment relationship". While a majority defined decent work same as the universal definition of: "productive work in which rights are protected...".



⁴⁷For the questionnaire content and details, kindly refer to Appendix.



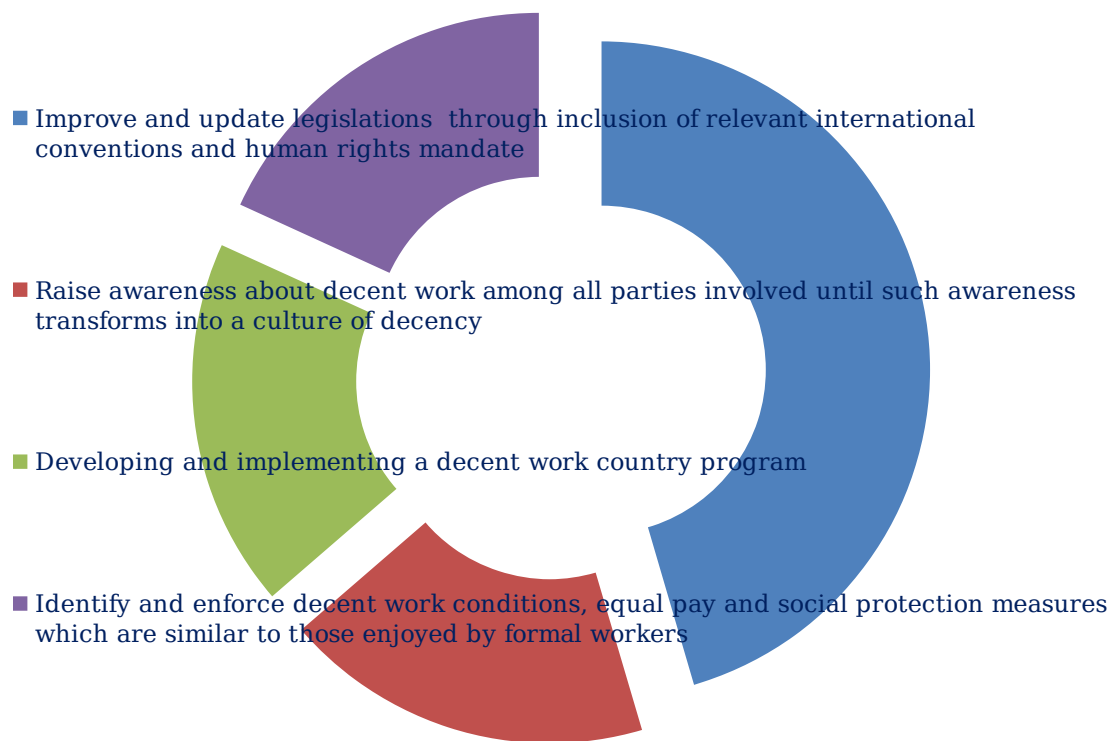
Importance about implementing decent work for formal and informal jobs:

When panel members were asked, there was a positive consensus on the implementation of decent work for formal jobs for the below reasons:

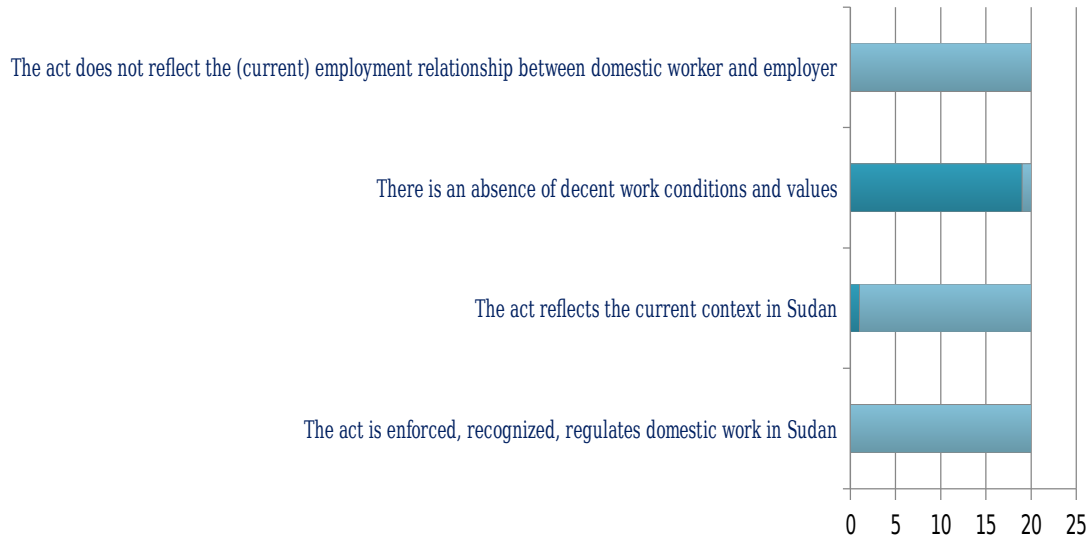
- To guarantee a solid and formal employment relationship embracing all duties and responsibilities and ensuring enhancement and productivity
- To ensure social stability and social justice
- To promote workers' organization, freedom of association and collective bargaining
- To help upgrade informal jobs to formal ones
- To promote equal pay and minimum wage

Seventeen members (%87) commended the implementation of decent work for informal jobs. One of the members commented on the reality of implementing decent work for informal jobs saying:

“The challenging nature of informal jobs makes it impractical or difficult to implement decent work in its absolute form. However guarantees for protection and security are necessary, without pressuring workers with restrictions and bureaucratic procedures.”



The above chart discusses how the panel members suggest decent work to be implemented in general- for formal and informal jobs. The majority suggested implementation through improving and updating current laws by including relevant international conventions and agendas.



■ **Disagree**
■ **Agree**

Further panel members’ observations about 1955 SDSA included:

- Limitation of freedom and semi-forced labour as in Provision 11 of the SDSA: “ “The employer has the right to keep all domestic servant’s personal identification papers”
- The act is very limited and shallow; it doesn’t pay attention to important things such as decent work conditions, protection against abuse, overtime...
- There is an absence of work culture
- It reflects the ideology of the dominant class, i.e.

Views about the need for review and amendment of 1955 SDSA:

When panel members were asked, there was a positive consensus on the need for review and amendment of 1955 SDSA. The justifications provided included the below:

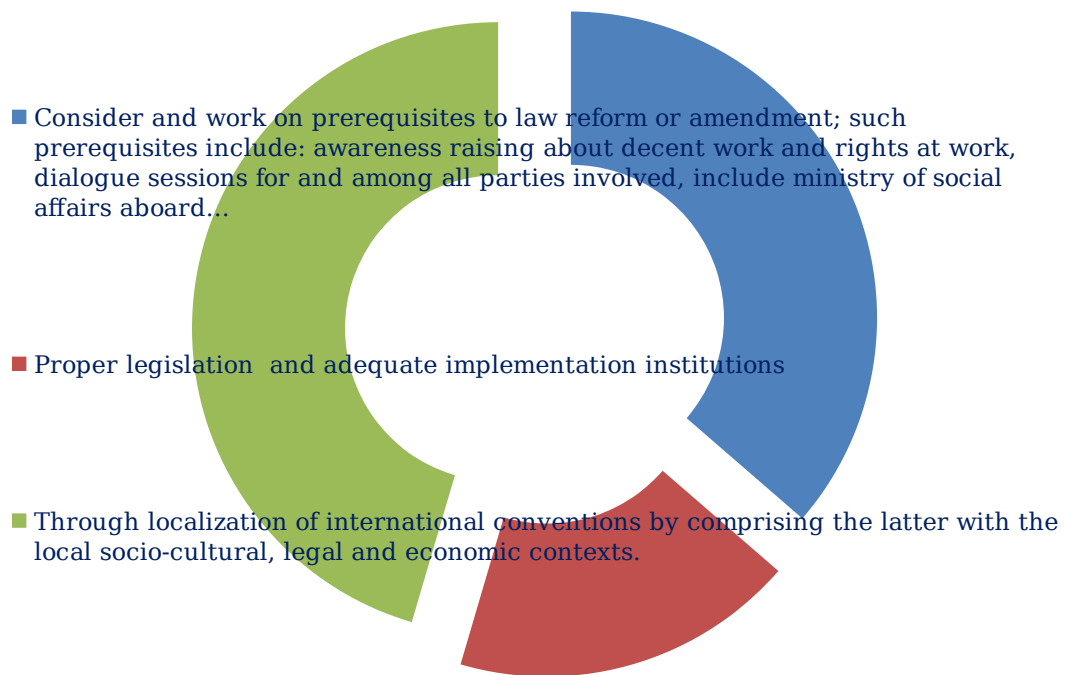
- To comply and up-keep with the development of conventions guarding employment relationships in both formal and informal economies

- The presence of bill of rights in constitution obligates its amendment; to adequately address and place human rights issues and to protect human and economic rights
- Rampant employment, economic, social and political changes took place since 1955.

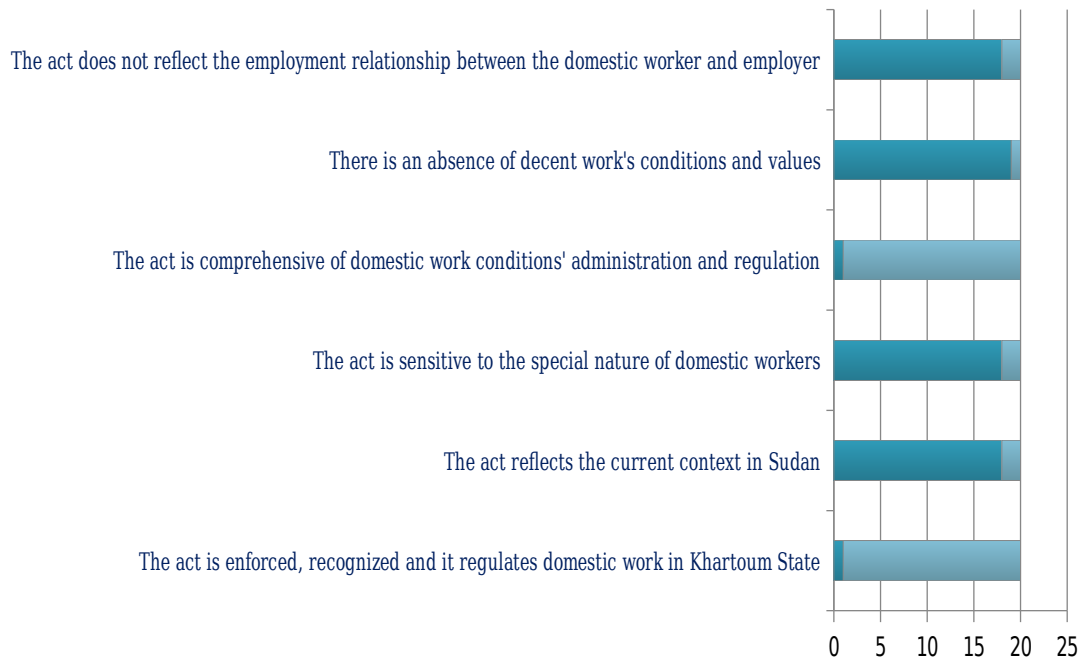
Suggested propositions (C189 provisions) for inclusion in the 1955 SDSA:

The panel members were asked to suggest provisions from C189 which they would like to see included in the amended domestic work act. There was a consensus on almost every provision, except for 2 and 3(10% and 15% respectively) members who disagreed with provisions of:

- Change of act name to a more context-sensitive name
- Inclusion of work standards for child, live-in and migrant domestic workers
- Inclusion of rights to freedom of association and collective bargaining



**5.5.2. Findings from Part Two: The Questionnaire on 2009
KSDSA:**



■ **Disagree** ■ **Agree**

Further panel members' observations about 2009 KSDSA included:

- The act is both enacted and regulating domestic work; however knowledge and awareness about this act are limited if not absent
- There are a number of conditions which need to be considered such as social security
- The act implies a servitude and submission (master-servant) relationship, for example there is no catering for job description included in the contract

Views about the need for review and amendment of 2009 KSDSA:

When panel members were asked, 18 members (90%) stated that there is a need for review and amendment of 2009 KSDSA. The justifications provided included the below:

- Absence of many conditions such as foreign workers regulation, employment agencies/offices, children between 14-18 years old,

specific work conditions such as wage specifics in contract, social security...

- To fill the gaps needed to comply with international regulations
- To include provisions for inspection, work permits and qualification tests

While 2 members (10%) didn't see a need for review and amendment and gave the below justifications:

- First the act needs to be known; awareness raising efforts must be on the run for domestic workers, employers, society, and regulators.
- After regulation for a considerate period of time then the act can be evaluated and reviewed.

The panel members were asked to suggest provisions from C189 which they would like to see included in the amended domestic work act. There was a consensus on inclusion of all provisions, except for single disagreements for some provisions- below-with justifications:

- Protection against harassment and violence:
A morals and ethics code are already embedded in the Sudanese society
- Minimum wage:
One of the panel members argued that there is no need for a minimum wage since there are already two ways for determining a domestic worker wage either through the market wage or the neighbourhood wage which are usually negotiated for the greater benefit of the domestic worker leading to a reasonable wage which is usually more than what government officers receive is agreed upon when negotiating.
- Inclusion of rights to freedom of association and collective bargaining and organization:

The domestic work relationship is contractual upon mutual agreement and not forced on one part by the other

Panel members commented on some of the provisions as follows:

- Change of act name to a more context-sensitive name to “Domestic work Act” and “Domestic Workers”
- Make definitions and terms more specific and context-sensitive:
 - Include a job description within a written contract template
 - Change the minimum age from 14 years old to be more compliant with international standards and conventions ratified by Sudan
- Inclusion of conditions for fair employment and decent work including education and training:

“Since there is high demand on domestic work; then training is crucial and it is high time to be provided, run and supervised by the ministry of labour through its vocational training bodies. In the same understanding that drivers must have a license, same goes for other chores/divisions of domestic work which should have licenses and certificates.”

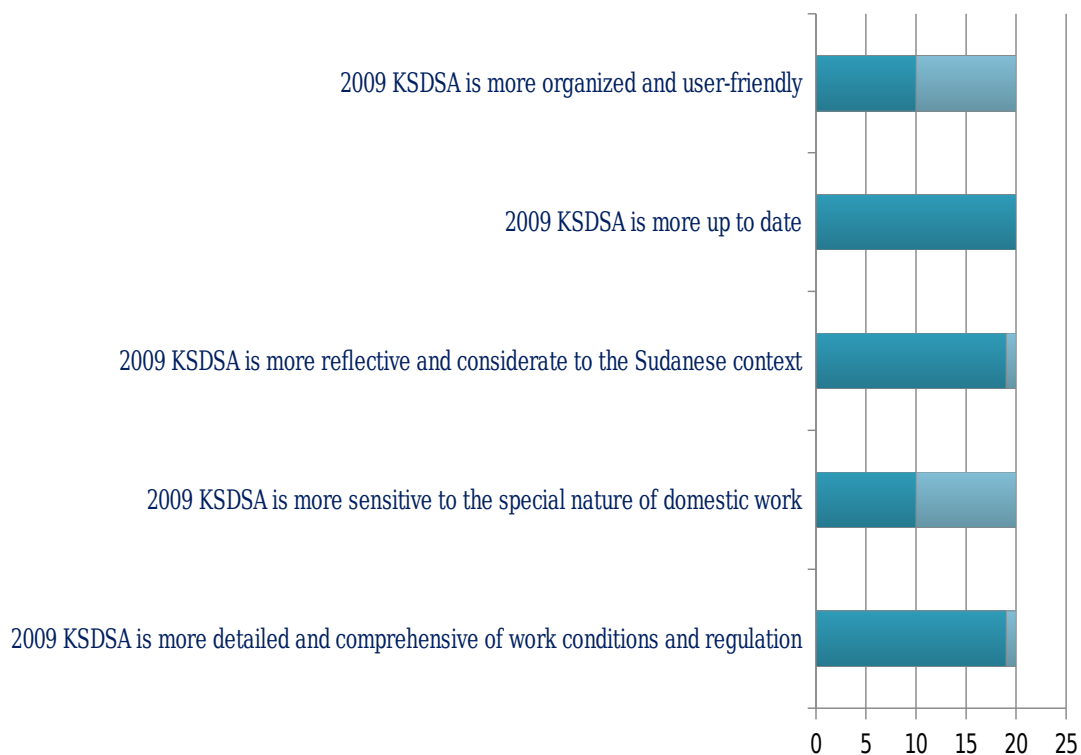
Recommendation for 2009 KSDSA to become a federal act:

When panel members were asked whether they recommend that 2009 KSDSA becomes federal or not, 50% responded positively, while 50% of the panel members didn't recommend that 2009 KSDSA becomes federal, giving the below reasons:

- Each state has its own context and constituents, division of work... for example Khartoum state has more affluent households which afford employing domestic workers- especially migrants. For

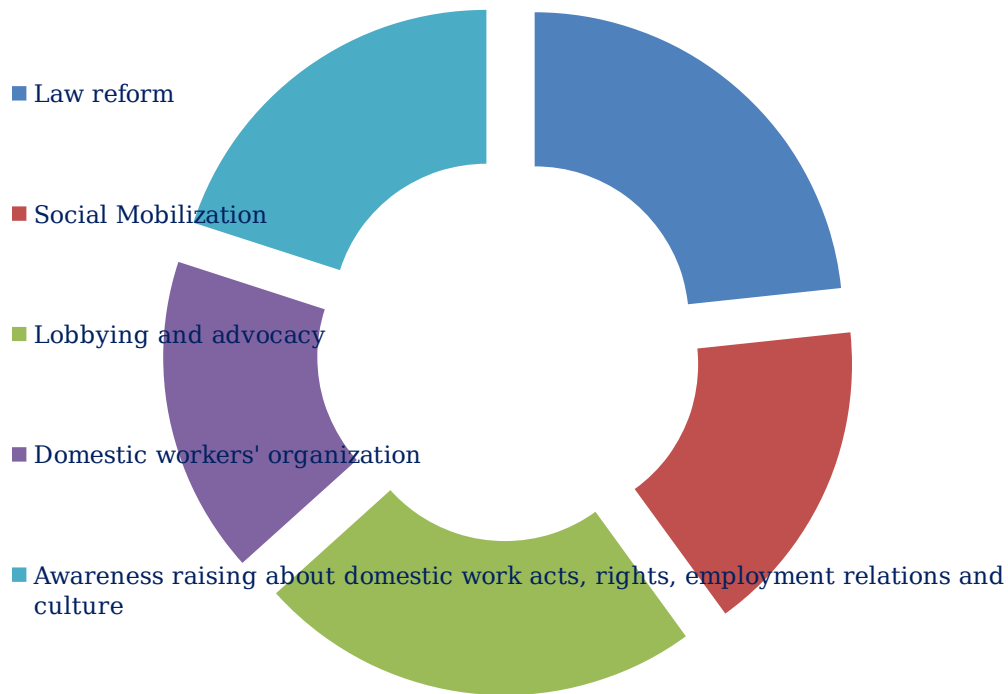
the act to be federal it has to govern for specifics and context of each state

- The act has to be modified first then transferred to a “model act” to be followed by other states according to their own contexts



Disagree **Agree**

Most of the panel members think that 2009 KSDSA is more improved than 1955 SDSA in that it is more up to date, more detailed and more reflective and considerate. However the members agreed that the 2009 KSDSA needs more work and amendment so as to include decent work provisions.



When asked to list requirements of prerequisites for an effective decent domestic work policy; panel members were required to give justifications for the requirements mentioned above; some responses came as follows:

- Law reform:
High authorities in the government as well as parliament members are now pushing forward for a law reform revolution
- Social Mobilization:
Social mobilization is needed to remove the subordinate way of thinking that such categories as domestic workers don't deserve advocacy
- Domestic workers' organization:
It needs preparations and removal of obstacles mainly the law which states that organized workers must have one employer or work premises
- Awareness raising:
It is a prerequisite to law reform, advocacy and organization

5.6. Chapter Conclusions:

SDSA was enforced in 1955 to act as the sole federal regulation for domestic work in Sudan. In 2009 the Khartoum State Legislative Council issued the KSDSA as the state's regulative legislation for domestic work. Well noted gaps stand out when comparing both acts with the ILO C189; these gaps are summarized as follows:

- Specific, context- sensitive definitions and terminology,
- The rights to freedom of association and collective bargaining,
- Protection against abuse, harassment and violence,
- Fair employment and decent work conditions,
- Exchange of information about employment conditions
(contract),
- Overtime, - Minimum wage, - Stand- by hours,
- Occupational health and safety, - Social security,
- Standards concerning child domestic workers,
- Standards concerning live- in domestic workers,
- Standards concerning migrant domestic workers,
- Possession of domestic workers of their contracts and official documents.

Hence, it is noted that 1955 SDSA and 2009 KSDSA needs amendment and reform in preparation for compliance measures; the application of Delphi technique for amendment and reform of the acts was conducted. Three parts of the Delphi Technique were conducted with expert panel members ranging from different areas pertinent to decent domestic work. Panel members worked individually and in groups on the overall review of the acts as well as the inclusion of the above mentioned gaps. The panel looked into rights and conditions not provided explicitly in C189 such as sick leave, education and training, health insurance, termination and end of service benefits. The panel finally compiled suggestions and recommendations in form of a draft policy statement which is featured in the next chapter.

- End of Chapter Five-

“A policy is a temporary creed liable to be changed, but while it holds good it has to be pursued with apostolic zeal”⁴⁸

6.1. Chapter introduction:

This chapter serves as the final chapter of the research. It winds up important observations, features and findings derived from the previous chapters. As well, the chapter suggests recommendations of two types: policy recommendations and further study recommendations. The chapter concludes with a suggested policy statement for future intervention with regards to decent work for domestic workers.

6.2. Concluding remarks:

The research falls under the umbrellas of human rights and human security: decent work’s constituents embrace meanings of human rights including dignity, equality and fairness. Decent work also embraces constituents of human security such as education, social security and health measures.

The research narrows down to focus on the measures and implications which have to be considered to implement the concept of decent work for informal jobs- looking in specific at one of the most prominent which is domestic work. The ILO Convention 189 “decent work for domestic workers” (C189) represents the backbone of the research; its constant measure and parameter.

The theoretical and conceptual framework for this research entailed two dominant discourses: the political economy and social exclusion debate on the one hand and the human rights debate on the other. The conclusion is that while the political economy theory allows for

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the domestic worker to be treated as a factor of production; it emphasizes a master/ servant relationship rather than promoting a structured employment relationship between the domestic worker and his/her employer. While the theory of social exclusion well- portrays the precariousness, vulnerability and exploitation of domestic workers. Moreover the conceptual framework presented a number of arguments to answer the questions of whether labour rights are human rights and whether international labour standards and conventions- in a way- stem from human rights. The answer and relationship are indeed controversial; yet the research used a solid example of an international labour standard/ convention which was derived from the fundamental human rights: the ILO Convention No. 189: decent work for domestic workers.

The research attempted to achieve the following outputs:

- Disclosure of the historical and current contexts of domestic work in Sudan:

The research developed and implemented a conceptual framework backed up with primary data collection to trace the history, evolution and context of domestic work by analyzing relevant scholarly works and carrying out a context interview with scholars, advocates, activists and officials. Conclusions confirmed the argument of a witnessed contemporary form of slavery and forced labour in many countries including Sudan. Relationships and ties between slavery, forced labour, human trafficking and domestic work in Sudan were unraveled: most of the domestic workers are still restricted from exercising many freedoms including the freedom of movement, freedom to keep (original) personal identification, freedom of organizing, freedom to negotiate and get better work conditions. Accordingly, the predominant contemporary work relationships between domestic workers and their employers continue to be a

servitude relation (master/servant) rather than a workplace relationship (employer/employee) in which indecency and lack of recognition prevail. With the increased demand for domestic workers, this work relationship however has not altered because of an ample supply of domestic workers. Another contributing factor is that domestic workers' negotiation powers are controlled by middle persons (brokers or family members).

- Exposition of a show case of domestic work practice, relations and dynamics:

Attempting to make visible the invisible, a multi-method process was carried out to unveil the invisible and factual subtleties of domestic work dynamics. Household interviews with employers, narratives with domestic workers as well as focus groups with domestic workers and their employers were conducted to tell about the different social, economic and legal aspects as well as to explore to what extent the C189 provisions are applied within such work relationship. Findings revealed that most of the C189 provisions are not applied. New concepts came into the scene such as informal brokers, (*beit habash*), market wage rate, neighborhood wage rate, social integration with respect for redlines... etc. It is worth noting that findings also revealed that both domestic workers and their employers call for an enacted and functioning legislation to regulate, administer and manage what they refer to as a "messy" work relationship where informality prevails allowing for unorganized and unjust work agreements and relationships.

- Proposition of a review and amendment to the Sudan's local domestic work in line with the ILO Convention 189, so as to prepare Sudan as an ILO member state for C189 ratification:

Delphi Technique⁴⁹ was conducted for review and amendment of the Sudan's two domestic work acts 1955 SDSA and 2009 KSDSA; a panel of experts gave their individual and collective insights and suggestions; identifying the gaps in each local act when compared with the international convention, suggesting and recommending means to include them and finally contributing in a policy statement which is featured at the end of this chapter.

The researcher views the findings reached through this research as credible to a great extent in all of the attempted outputs- conferred above. However, the researcher reckons that findings did not fully cover certain aspects related to the research, for example detailed and accurate demographic statistics of households and domestic workers rather than estimates.

The following policy implication, local measures and further study recommendations as well as a policy statement are presented to pave the path for decent work for domestic workers in Sudan.

6.3. Policy implications and local measures recommendations:

The eight entities- mentioned below- have roles to assume individually and in liaison with each other as partners of decent domestic work attainment. To perform such roles they need to take certain measures:

- First, National Assembly- through its legislation, justice and human rights department- should bring to action the amendment of 1955 SDSA as part of its campaign for law reform,

⁴⁹ Delphi Technique- a research method based on anonymity and feedback- was used to review and amend the 1955 Sudan Domestic Servants Act and the 2009 Khartoum State Domestic Service Act so in attempt for compliance with the ILO Convention 189: "decent work for domestic workers". Panel of experts (20 members) included members of the parliament (National Assembly), Khartoum State Legislative Council, experts and officials from the ministry of labour, lawyers, civil society and human rights activists.

- Second, Khartoum State Legislative Council should consider evaluating the regulation of 2009 KSDSA as well as its amendment to fill-in all the loopholes. Afterwards, measures for raising awareness about 2009 KSDSA- at least at the legal practice sphere- must be executed,
- Third, Ministry of Labour should exert more pragmatic and efficient efforts towards the administration and regulation of domestic work, starting with bringing the section which was earlier designated for domestic work back to function, conducting proper statistics and studies and liaising with the ILO in implementing the decent work agenda,
- Fourth, Sudan Workers Union should develop and promote means for embracing and organizing segments of informal workers under its umbrella- including domestic workers,
- Fifth, Human Rights Commission should promote labour rights as human rights, develop and implement programs and conduct studies with corrective actions on the situation of labour rights enjoyment and/or violations,
- Sixth, local government/ localities should be given more authorities in the administration and regulation of domestic work relations by linking them up with the labour offices. This venture will lead to a practical and feasible administration and monitoring processes,
- Seventh, ILO Sudan Program should develop salient programs on the promotion, recognition and implementation of decent work in general and for domestic workers in specific,
- Eighth, civil society organizations should liaise with all mentioned above to work on the advocacy for better and decent work conditions for domestic workers through campaigns, projects, and petitions.

6.4. Further-study recommendations:

Since this research was limited in providing detailed information about certain issues, the researcher is suggesting that further research should be conducted so as to fill in the gaps that were not filled by this research, mainly further research should contribute to;

- More investigation on the implementation of decent work agenda in Sudan; prospects and reality,
- Detailed studies and statistics on the informal economy in Sudan,
- more exploration about the dynamics and current context of domestic work
- Detailed studies and statistics about domestic work
- Studies about how to benchmark best practices of domestic work legislation and regulation to the Sudanese context.
- In depth research about the socio-cultural linkages between slavery and domestic labour, the impact of this on the present configuration of conflicts in Sudan and the attendant consequences on the task of nation building.

6.5. Policy statement:

Following up from the Delphi Technique employed and exhausted in the previous chapter; series of wrapping-up meetings with the panel members were conducted for final findings' summary presentation, feedback and consensus. As a yield of this last part of the Delphi Technique, a policy statement was drafted to be presented to the National Assembly (Department for legislation, justice and human rights) and the Khartoum State Legislative Council along with the relevant empirical data obtained through this research:

Draft Policy Statement

Policy Title:

Amendment of the Sudan domestic work acts

Applies To:

- The legislation, justice and human rights department at the National Assembly,
- The Khartoum State Legislative Council.

Reasons for Policy:

This policy illustrates recommendations to amend the two domestic work acts in Sudan, 1955 Sudan Domestic Servants Act and 2009 Khartoum State Domestic Service Act. Amendment attempts are made so as to comply with regional and international standards, mainly the ILO Convention 189: decent work for domestic workers. Amendment is needed to:

- Fill-in loopholes pertinent to decent and proper work conditions and standards,
- Pave the way towards proper regulation and administration of domestic work,
- Promote enjoyment of a sound employment relationship between domestic workers and their employers.

Policy Statement:

This policy is a recommendation of an extensive process of discussions, meetings of a panel of experts who reached a consensus for amending the current Sudanese domestic work acts. The experts' panel mainly recommended an immediate amendment of the acts for the following justifications:

- For inclusion of many conditions such as foreign workers regulation, employment agencies/offices, children between 14-18 years old, specific work conditions such as wage specifics in contract and social security
- For inclusion of provisions for inspection, work permits and qualification tests
- For filling any other gaps needed to comply with international regulations

The panel of experts also came up with a number of suggestions for bringing such amendment forward:

- Localization of international conventions by comprising the latter with the local socio-cultural, legal and economic contexts
- Proper legislation and adequate implementation institutions aiming at the abolition of all legislative and administrative restrictions hindering the achievement of the fundamental rights at work as well as respectful, decent and humane work conditions
- Benchmarking of relevant best practices for domestic work's legislation reform

Figure 6.1.: Draft Policy Statement- Decent work for domestic workers in Sudan

-End of Chapter Six-