*EXPORTED AND EXCLUDED*

*A study of Kenyan Female Migrant Domestic Workers in Saudi Arabia*

*Wilbur M. Bonuke and Alice Jumwa*

*SUPERVISOR: Susi Merete*

*THESIS, CCG, 2015*

****

**Abstract**

Female migrant domestic workers claim a significant component of the labor force in the Arab labor market. Over the past few years, the Plight of migrant domestic workers has been reported in the Gulf due to the persistent exploitation and abuse of their rights.

The purpose of this study is to highlight the sources of the predicaments Kenyan female domestic workers are facing in the Kingdom of Saudi Arabia. These problems include; forced long working hours of up to 20 hours a day; seven days a week, unpaid wages and salaries, physical violence, rape, crime and other forms of exploitation. The international division of labor proposes that the reproduction activities have been progressively commodified in the context of the global market economy. As such our study uses in-depth interviews to investigate and enumerate the root problems of migrant Kenyan female domestic workers.

The scope of this thesis is limited to those domestic workers who use both illegal and legal means of recruitment process through PEAs. In addition, the approach of this study is narrowed down to focusing on the human rights abuse, exploitation, trends and practices of migrant domestic workers in the Gulf Countries, particularly in Saudi Arabia. The themes of the result from interviews and observations are discussed with relevant theoretical explanations provided in the research study.

**Keywords;** Saudi Arabia ,Globalization, Labor mobility, Female Migrant Domestic workers, Human Rights, Kenya, Global Care Drain.

**Acknowledgment**

Working on this Thesis has been a wonderful and sometimes overwhelming experience. It has been journey of learning; working as a team and staying up until the birds start singing and stay in focus.

As such we bestow our abundant gratitude to GOD; we thank him for rewarding us with UNCONDITIONAL LOVE and HEAVEN MERCIES. First we are very grateful to our supervisor Susi Meret, Department of Culture Communication and Globalization, for her support, patience, immense knowledge and guidance provided, right from the beginning of developing the thesis to the end.

We would also like to thank our family and friends for their unending support and encourage during the entire period of study. Special thanks go to Christine Dama, Maria Larsen and Patrick Baya for their support in locating returnee victims and helpful guidance. We salute you Mr. and Mrs. Bonuke for your moral and financial support is deeply appreciated. Brian Nyandika, Kevin Omwenga and Beryl Bonuke, we salute you for refreshing and reinforcing love during our agitation and haste in writing the research. Our friends Lydia Tanyi, Peter, Emily and all of you whose names are not mentioned here, we are indebted to you for your help in the process of our research study.

Last but not least, our deepest gratitude goes to all our interview participants for having mastered the courage to narrate their sensitive stories.

**Dedication**

This study is dedicated to the Loving memory of my mother Betty Kadzo Baya who gave me this opportunity and to all women returnee victims who made through or not.

**ACRONYMS**

HRW Human Rights Watch

PEAs Private employment agencies

LCP Live-in Caregivers program

CDSI Central department of statistics and information

IFWEA International federation of workers education association

KNBS Kenya national bureau of statistics

CEDAW Committee on the elimination of discrimination against women

UN United Nations

UDHR Universal Declaration of Human Rights

C189 Convention 189

Table of contents

[Chapter 1 8](#_Toc420559748)

[1.1 Introduction 8](#_Toc420559749)

[1.2 Background of the Problem. 12](#_Toc420559755)

[1.3 Statement of the Problem 15](#_Toc420559757)

[1.4 Methodology 15](#_Toc420559758)

[1.4.1 Description of how research was designed and conducted. 18](#_Toc420559759)

[1.4.2 Direct Observation 20](#_Toc420559760)

[1.4.3 Data collection sources, methods and instruments. 21](#_Toc420559761)

[1.4.4 Validity and reliability 21](#_Toc420559762)

[1.4.5 Unstructured and semi-structured interviews 23](#_Toc420559763)

[1.4.6 Ethical considerations 24](#_Toc420559764)

[1.4.7 Limitations 25](#_Toc420559765)

[Chapter 2 26](#_Toc420559766)

[Theoretical Framework 26](#_Toc420559767)

[2.1 Global Care Chains 26](#_Toc420559768)

[2.2 A feminist intersectional theory on women domestic work and abuse 31](#_Toc420559769)

[2.2.1 Gender 36](#_Toc420559770)

[2.2.2 Class 37](#_Toc420559771)

[2.2.3 Race 38](#_Toc420559772)

[2.3 Global migration theories 39](#_Toc420559773)

[2.3.1 Neoclassical theory of migration 39](#_Toc420559774)

[2.3.2 New economics theory of migration 42](#_Toc420559775)

[Chapter 3 43](#_Toc420559776)

[3.1 Globalization and commodification of domestic work. 43](#_Toc420559777)

[3.1.1 Role of recruitment agencies 45](#_Toc420559778)

[3.2 Contract Enslavement: The Kafala System in Saudi Arabia 49](#_Toc420559779)

[3.2.1 New forms of slavery in the 21st Century 50](#_Toc420559780)

[3.2.2 The Kafala System 52](#_Toc420559781)

[3.3 Kenyan perspective on domestic work. 56](#_Toc420559782)

[3.3.1 Role of the Kenyan government 59](#_Toc420559783)

[3.3.2 The effect of the travel ban on Kenyan migrant domestic workers. 60](#_Toc420559784)

[Chapter 4 62](#_Toc420559785)

[International labor standards on migrant domestic workers 62](#_Toc420559786)

[4.1 Saudi Arabia’s Statutory Standards, Exclusion from the labor law 62](#_Toc420559787)

[4.2 International Legislation. 63](#_Toc420559788)

[4.3 Universal Declaration of Human Rights 64](#_Toc420559789)

[4.4 The Arab Charter on Human Rights. 65](#_Toc420559790)

[4.6 Legal Protection of Domestic Workers in the ILO convention (C189) 67](#_Toc420559791)

[4.6.1 Contract Agreement. 68](#_Toc420559792)

[4.6.2 Working periods and Rest. 69](#_Toc420559793)

[4.6.3 Wages 69](#_Toc420559794)

[4.6.4 Freedom of Mobility 70](#_Toc420559795)

[4.6.5 Working conditions and rights 70](#_Toc420559796)

[4.8 Committee on the elimination of discrimination against women (CEDAW) 72](#_Toc420559797)

[Chapter 5 74](#_Toc420559798)

[Discussion 74](#_Toc420559799)

[5.1 Gender Discrimination 74](#_Toc420559800)

[5.2 Class discrimination 77](#_Toc420559801)

[5.3 Movement Restriction 79](#_Toc420559802)

[5.4 Violence and Abuse 81](#_Toc420559803)

[5.5 Psychological and Verbal Abuse. 82](#_Toc420559804)

[5.6 Physical Abuse 83](#_Toc420559805)

[5.7 Sexual Abuse 84](#_Toc420559806)

[5.8 Religious intolerance 85](#_Toc420559807)

[5.9 Exploitation of labor 86](#_Toc420559808)

[5.10 Racial discrimination 88](#_Toc420559809)

[5.11 Abusive working and living conditions 89](#_Toc420559810)

[5.12 Art of deception by recruitment Agencies 90](#_Toc420559811)

[5.13 Criminal charges against female migrant domestic workers 92](#_Toc420559812)

[5.13 Detention prior deportation 93](#_Toc420559813)

[Conclusion 94](#_Toc420559814)

[Recommendations. 96](#_Toc420559815)

[BIBLIOGRAPHY 98](#_Toc420559816)

[APPENDICES 103](#_Toc420559817)

¨

# Chapter 1

# 1.1 Introduction

The pursuit for being employed abroad continues to increase for many Kenyan women both skilled and semi-skilled but only a few of them understand the risks of working in places where labor legislation is not taken seriously or ignored. International Organization for Migration report (2010:13) asserts that lack of employment opportunities and unattractive wage rates in Kenya are among the determinants that have caused high rates of migration to other countries (wangui,2012:17).

*Approximately 3000 female Kenyan domestic workers (ILO, 2014) are currently working in Saudi Arabia (although the number could be higher since some do not register with the Kenyan Embassy in Riyadh) of these, 90 percent are from Mombasa, where a majority of residents share the same Islamic beliefs as Saudis, a factor that woos many into immigrating there* (Wangui, 2012:17).

Our main focus in this study is the female migrant workers from Kenya migrating to Saudi Arabia for domestic work. The main reason for choosing Kenya is for a fact we are Kenyans and we have experienced these stories first hand apart from them being highlighted nationally both in the public as well as the political domain . The Kenyan economy is dualistic and comprises both formal and informal sectors. However it is the informal sector that employs majority of Kenyans and its contribution to the incomes of the households cannot be taken for granted. It is estimated that 76.5% of Kenya’s labor force work in the informal sector with the number increasing each year (COTU, 2012). It’s worth noting that domestic work belongs to the informal sector.

Thousands of Kenyan women continue to maximize employment opportunities in the gulf countries as domestic workers. These laborers migrate into unmonitored and informal sectors that are characterized by exclusion of domestic workers in accordance to the laws of the destination country (Vlieger, 2012:141). These women experience severe forms of abuse and exploitation contrary to what they expect as disguised by the recruitment agencies. Furthermore they are more vulnerable due to the fact that they work in private households where abuse and exploitation easily takes place without being noticed by the public. As a result, the Kenyan government has taken the initiative through the Ministry of Foreign Affairs by forming an extensive labor framework that is responsible in providing standards and guidelines for Kenyan migrants working in the kingdom of Saudi Arabia. In addition to this the Kenyan government formed a commission which monitors private recruiting agencies. This labor framework was initiated with the sole purpose to bind labor agreement based on the global labor standards.

Reports of extreme abuses of migrant domestic workers in Saudi Arabia led Kenya to impose a travel ban to the Kingdom (BBC, 2012). Due to high rates of corruption and unemployment, unfortunately this did not stop Kenyans to continue seeking better living and working conditions abroad. Consequently the government of Kenya lifted the ban in November 2013 that has seen more women migrating to Saudi Arabia without understanding the risks and dangers they may be exposed to.

Our research illustrates a deductive qualitative study which is aimed at investigating the plight of Kenyan female migrant domestic workers in Saudi Arabia and the role of the international labor standards. In addition to this, the study also explores the global migration flows as well as the aspect of gender division of labor in relation to commodification of domestic work.

The history of labor migration in Saudi Arabia dates back to 1930s, (ILO, 2009) due to the fact of oil exploration which influenced big inflows of foreign laborers and experts from poorer neighboring Arab states as well as western countries (Grete, 1993). Migrant workers shared the labor market opportunities with mostly unskilled Saudi workers. As a result labor strikes were held in the oil fields thought out 1950s (ILO, 2009). However, after 1973, the initial oil boom influenced economic diversification and infrastructure building causing much larger flows of both skilled and semi-skilled workers into the oil rich kingdom (ibid).

Arab as well as Asian and African migrants were employed on short term contract basis known as *Kafala system* which is characterized by explicit exclusion from the protections of the statutory labor law (Hudspeth, 2014). Furthermore, migrant labor flows were used as an instrument for distributing oil wealth which saw an increase in career opportunities in the rapidly expanding public sector. Saudi citizens had an option to get income from the trade of labor visas an aspect that denotes domestic workers as mere products for profit exploitation (Ibid).Thus, labor recruitment practices become disconnected from the market need that is, a number of clandestine migrants increased, unaccounted for by authorities, and with a possibility of tapping for short term entrepreneurial needs.

Over 30,000 migrant Kenyan workers are working in Saudi Arabia, majority being employed in the hotel industry and domestic work (World Bank, 2012).

Kenyan domestic workers experience difficulties in resolving the cases involved with labor exploitation because of the nature of the work which involves a private household setting. These women also face problems when collaborating with various partners involved in the protection of their labor rights since their movement is restricted.

We were inspired by the fact that thousands of Kenyan women continue to seek employment opportunities in the gulf region despite of widespread outcry of abuses of domestic workers, some of which have resulted in deaths. Why do these women keep on migrating despite efforts put by the government although limited to inhibit labor migration to the Saudi Kingdom? Several media outlets have documented these incidences to mention but a few. When exploitation of domestic workers gets out of hand: Media reports on a dangerous fieldwork;

1. *The plight of domestic workers in Saudi Arabia came to the forefront once again with the news of a 30-year-old Kenyan woman who escaped her employer’s mansion* [*in Orange County*](http://www.guardian.co.uk/law/2013/jul/11/saudi-princess-accused-slavery) *in July 2013 to tell a familiar story of exploitation and abuse*.[[1]](#footnote-1)

ii) *Kenyan domestic worker stabbed, burned by Saudi employer-report.[[2]](#footnote-2)*

 iii)*The Middle East Is the Worst Place to be a Domestic Worker[[3]](#footnote-3)*

 iv) *The plight of migrant workers in Saudi Arabia .A global outcry has followed the beheading of a young Sri Lankan housemaid accused of killing a child in her care[[4]](#footnote-4).*

v) *Nightmare in Saudi Arabia: The Plight of Foreign Migrant Worker[[5]](#footnote-5).*Nederst på formularen

Vii) [*Indonesia Pays “Blood Money” to Save Maid in Saudi Arabia; Pressure Mounts to Reform Kafala Employment System*](http://www.futuredirections.org.au/publications/indonesia/45-indonesia-swa-articles/1627-indonesia-pays-blood-money-to-save-maid-in-saudi-arabia-pressure-mounts-to-reform-kafala-employment-system-2.html)*[[6]](#footnote-6).*

vii) *Saudi Arabia: A Nightmare for Migrant Domestic Worker[[7]](#footnote-7)*

It’s also important in this context to understand the concept of domestic work as an economic activity from the employer’s perspective. According to International Standard Industrial Classification of all Economic Activities (ISIC Rev. 3.1) for division 95, activities of private household as employers of domestic staff refer to ; *Activities of households employers of domestic personnel such as maids,cooks,waiters,valets,butlers.laundresses,gardeners,gatekeepers,stable-lads,chauffeurs, caretakers and governesses. It allows the domestic personnel employed to state the activity of their employer in census or studies, even though the employer is an individual. The product, which is self-consumed, is considered non-market and assessed according to the cost of the personnel in the national accounts. These services cannot be provided by* *companies*.

This definition has also received criticism in the sense that, services provided by domestic workers vary from country to country and may change over time. On the contrary, ILO generated this definition on the common feature of domestic workers that they work for private households (ILO, 2013).

According to Drenta (2007) care giving can be described as work that entails supporting elderly or people with physical or mental disabilities in their private homes. Care workers can either be professionals (nurses) or non-professionals as in the case of “*au-pairs*”. However, when the work is done in the household setting, the duties of domestic and care worker may overlap.

Furthermore, in a family setting, migrant domestic workers are often regarded as “members” of the family by their employers which make the line between work and privacy very thin. This also implies that the difference between domestic work and care giving is not very clear. However, domestic work is a wider concept which mainly is attributed to house work as described in the definition. Our study suggests that domestic work also entails aspects of caregiving work. For instance, cooking or cleaning the house for an elderly person can be regarded as an aspect of caring. Moreover, the aspect of emotional support may be involved in both domestic work and caregiving work. Due to this fact our study will apply the two terms as synonyms.

# 1.2 Background of the Problem.

During the spring of 2007, Human Rights Watch (HRW) report revealed abuses against female migrant domestic workers in the Kingdom of Saudi Arabia as well as other gulf countries including United Arab Emirates, Lebanon and Kuwait disclosing the following findings;

*Migrant domestic workers are among the least protected workers of the labor force. They work in unregulated and undervalued job sector and they are at high risk of abuse and exploitation.(…) They generally work excessively long working hours ,get no rest days, and are paid discriminatory wages.(…) women domestic workers also suffer physical, psychological, and sexual abuse, non-payment of wages, food deprivation, confiscation of their documents, forced confinement in the workplace, and limitations on their ability to return to their home countries when they wish to do so. In some cases, the combination of these pervasive workplace abuses create a situation in which women are trapped in forced labor.*

Due to the fact of the personalized working environment of household labor, female domestic care givers are the most vulnerable to exploitation in Saudi Arabia. Migrant domestic care givers are usually denied freedom of movement and are either locked in the house or not allowed to exit the home without authorization (Shah & Nasra, 2004).

Cases of violence against migrant domestic workers includes physical attacks ranging from assault to rape as well as overworking, forcefully working in more than one home and denied days off, non-payment of wages or underpayment of salary. Domestic workers in Saudi Arabia also face poor working conditions, most common being lack of privacy and food (ibid).

Physical violence is mainly committed by the female employer or mother of the household. Most domestic workers have reported being subjected to various forms of violence thus inflicting tremor due to past employment experiences that in the end affects their ability to reintegrate into society upon returning home (ibid).

Unfortunately most of these domestic workers migrate voluntary thus enslaving themselves above in hopes of maximizing the perceived economic opportunities. However, this doesn’t directly mean that migrants are to blame for their unfortunate situations. The blame is partly due to the contract employment where by once signed, all intended or future choices are restricted or in some extreme cases non-existence.

Most of these migrant workers sign contracts that they mostly don’t understand, for instance most of them expect payment of up to 800 USD a month but end up earning up to less than 100 USD a month (Halabi, 2014). This fraudulences together with the contract system, limits the movement of the migrant domestic workers thus exposing them to the clemency of employers who in most cases may beat or sexually assault them.

Surprisingly, these agencies recruiting and sending domestic workers to Saudi Arabia and regions of the Persian Gulf are fully aware of the abuses these women are exposed to. Regardless of this knowledge countries with growing masses and economic instability, continue to send female care givers abroad due to the financial benefits and remittances. For most of these countries, sending its citizens to the Middle East and the Persian Gulf reduces the rates of unemployment and lowers the risks of social discontent For example, in Sri Lanka, domestic service workers are the most profitable export commodity (Ibid). The commodification of the global *maid trade* enhances a cheap and flexible labor force willing to earn low wages an attractive factor for both sending and receiving countries (ibid). Most importantly, this trend does not only make migrant domestic workers vulnerable to abuse and exploitation but also reduces them to mere products to be traded in the global market place.

The involuntary servitude of migrant domestic workers is hard to abolish compared to other forms of slavery. This is basically due to the fact that the practice is rooted in the global markets of labor sending and receiving nations. Women from all over the world continue to expose themselves voluntarily to these problems through migrating in hope of uplifting their economic status back at home. Unfortunately these dreams are not realized and that’s where the struggle starts that was never intended. As long as there is no effective international pressure on such practices, the exploitation and abuse of female migrant domestic workers is in no doubt to continue.

Below is one of the recent reports from media outlets that highlight the magnitude of this problem. It’s adopted from (Thomson Reuters Foundation, 2014**)**

*A Kenyan domestic worker in Saudi Arabia was attacked by her employer with a kitchen knife and stabbed eight times before wrestling the knife from him. After recovering in hospital, she was taken to a desert jail where she met many other foreigners, including about 20 other Kenyans, who had also been badly treated by employers and were awaiting repatriation, the paper said.*

*Many Kenyans go to the Middle East to find work but some are exploited in domestic servitude, brothels and massage parlors or in forced manual labor.*

*The woman, known as Naomi, found work in Saudi Arabia through a Nairobi-based recruitment agency but left her employer after being attacked, insulted, overworked and having her mobile phone confiscated.*

*She was found a new job, but while her elderly new employer’s wife was out, he forced his way into Naomi’s room with a knife and cigarette lighter and attacked her, she said.*

*“I pleaded with him not to kill me, but he stabbed me eight times in the waist and the back even as I hopelessly screamed for help,” she told the newspaper.*

*When she seized his knife, the man burned her hands with a cigarette and lighter, stopping only when his wife returned, it said. Naomi was sent to hospital for treatment and then to the desert prison.*

*“The jail is supposed to hold foreigners for their own protection until they receive an air ticket either from their families or reluctant agents,” she told the paper.*

*In the jail, in Sakakah in northern Saudi Arabia, she met other stranded Kenyans. Unable to contact their embassy in the capital, Riyadh, they can get home only when another Kenyan leaves and informs their families of their plight, it said.*

*The Kenyan government rescued more than 800 of its citizens from Saudi jails in 2013, it added. The government has faced accusations of failing adequately to monitor overseas recruitment agencies.*

*The government banned Kenyans in June 2012 from going to the Middle East as domestic workers, but lifted the ban in November 2013.*

*The Kenyan labor ministry said that it had inspected 389 out of an estimated 500 labor recruitment agencies in 2013, the 2014 U.S. Department of State Trafficking in Person report said*

The story above reports the way migrant domestic workers are treated in the kingdom of Saudi Arabia. These incidents agitate our need to research on this phenomenon of labor standards and migration and development. In order to carry out this study we conducted interviews which gave detailed descriptions of the interview experiences which were characterized with abuse and exploitation. In respect of the implications of labor standards as a “case-sensitive” topic our data will be explored through a theoretical framework. Moreover, we conducted a thematic analysis which we will expand on those particular themes later in our study.

# 1.3 Statement of the Problem

 The aim of our research is to investigate the efficiency of international labor standards to combat the plight of the Kenyan female migrant domestic workers. In order to do this we have come up with the following research question which will help us to address the subject, and the problem formed will be a guide in the entire study. Thus our study asks;

*How efficient are the international labor standards in relation to the plight of the Kenyan female migrant domestic workers in Saudi Arabia?*

Our study also leads us to investigate the obstacles to the efforts of combating the problems Kenyan female domestic workers are facing in Saudi Arabia.

# 1.4 Methodology

In this research study on global care and exploitation we have chosen to focus on returnee migrants who reside in Kenya. In this chapter we aim at discussing the relationship between our theoretical approach (see chapter 2) and our methodological, epistemological and ontological perspectives and approaches which create the background of this study.

Epistemology concerns itself with the means we utilize to better understand various phenomena in the social world. According to Williams and May (1996: 10) philosophy is concerned with the interpretation of our social surroundings and what kind of things exist in the world and to what extent it warrants us to know and understand these things. For our research study, we try to have a better understanding of the impact of global labor ethics on female migrant domestic workers. Having mentioned that, we believe the most appropriate approach to employ would be the interpretivist approach.

Interpretivism is considered as “an association with the philosophical position of idealism, and is used to group together diverse approaches, including social constructionism, phenomenology and hermeneutics; approaches that reject the objectivist view that meaning resides within the world independently of consciousness” (Collins, 2010:38). Moreover, interpretivism studies usually centers on meaning and may use multiple methods in order to reflect different aspects of the social problems. For instance, in our case we intend to find out the efficiency of labor standards in regards to the problems that these female domestic workers experience. By the reason that, this epistemological perspective should declare how our interviewees shared experiences reflect on global labor ethics and how they feel and think about them.

The scholar Alan Bryman (2012:619) considers the interpretivism as a paradigm that emerges from a clash between hermeneutics and positivism. In his words *“ Interpretivism reflects a division between an emphasis on the explanation of human behavior... and the understanding of the human behavior”* Hence our stand in this research is to make sense on the exploitation of female domestic workers in Saudi Arabia and the impact of these on the broader global perspective. In order to undertake such a process we aim at looking more in depth at those factors that influence this plight of migrant female domestic workers in Saudi Arabia.

 Although from an ontological stance, the social reality is perceived through the lens of theories of our choice and its preceding methodology. As Williams and May (1996: 23) states *“the ontological shapes the epistemological”*. The ontological perspective is understood to have two categories which the researcher can take into account. The constructionist perspective is based on the fact that people interactions are created in the social world. Moreover social constructions are constructs of perception and actions of the social actor, in contrary to objectivity which argues on the basis of conviction must be a framework of an objective entity that has a reality independent of its social actors according to May (1993:14).

However, Williams and May continue to assert that, instead of referring a researcher as either a constructivist or an objectivist they should instead be known as Idealists of Realists. As mentioned, the concept of realism contends that knowledge should be perceived by people in the society and which eventually the social world affects their behavior. May argues that our making of the social world through the lens of the realm of ideas is usually simply influenced by the social world. He further denotes that, *“unlike the propositions of positivism and empiricism, the social world does not simply ‘exist’ independently of this knowledge”*. Given this, causes are not simply determining of actions, but must be seen as ‘tendencies’ that produce particular effects. Yet people’s knowledge may be partial or incomplete. They would argue that our actions are not governed by cause and effect, as in the case of molecules in a test tube, but by the rules which we use to interpret the world. As natural science deals with matter which is not *‘conscious’*, researchers of this persuasion argue that its methods cannot deal with social life and should therefore be discarded from its study. To speak of cause and effect is not applicable to researching social life for people contemplate, interpret and act within their environments” (May, 2001). Having mentioned that, our research study relates our ontological stance to constructivism as it is according to Walliman. He explains constructionism as “*the belief that social phenomena is in a constant state of change, because it is totally reliant on the social interactions as they take plac*e”. However, Williams and May accord our research to have an idealist stance. As such, idealism is referred to as “*an expression of meaning that humans give to their conduct”* (Johnson et al.1990, In May, 1993).

We have come to understand that the concept of global ethics and labor concern a multitude of factors such as race and labor exploitation. However the nature of their experiences will depend solely on the aforementioned factors, as such our research study will be an interpretation of the way the interviewees experiences influenced the global ethics on workers in Saudi Arabia.

Our research study will investigate the circumstances surrounding Kenyan female domestic workers in the kingdom of Saudi Arabia. Hence the need to answer the following sub questions:

1. What compels Kenyan women to continue to seek domestic work in the Gulf Countries despite Warnings and awareness of the problem?
2. What working and living conditions are these women subjected to in the destination countries?
3. How does the “Kafala” system enhance abuse and exploitation of migrant domestic workers?
4. What is the role and limitations of global labor standards in the protection of domestic migrant workers in Saudi Arabia?

# 1.4.1 Description of how research was designed and conducted.

The data collection for this research study was collected within the period of March 3, 2015 to March 17, 2015.The place for data collection was in Mombasa city in Kenya, where the process of data collection was conducted. Private employment agencies were found in Mombasa city in Kenya and other stakeholders to recruit and process the travel for domestic workers in Saudi Arabia.

We only managed to interview two recruiting agencies and the criterion for selection was through reference by the interviewees. We mainly consider the agencies that were mostly mentioned by the interviewees. Also, a field work was conducted whereby the interviewer disguised herself as one potential domestic worker seeking employment in Saudi Arabia .Two semi-structured interviews were conducted with these private employment agencies. Furthermore five in-depth, unstructured interviews were conducted in the period of March 7th 2015 to March 15th 2015; these were the key informants who were let to narrate their experiences in Saudi Arabia.

Out of the six interviews conducted the last semi structured interview was conducted through the telephone due to lack of time and the geographical distance of the interviewee. The informant is an employee of the ministry of foreign affairs, working in the department of human rights. Having said that, for the interview process to begin an interview guide was prepared in English which was appropriate to collect the required data for the topic under research. However this was done for one interviewee who was able to communicate in English without any difficulty. Voice recording and note taking was used during the interviews after securing permission of the participant in order to help in the collection of data.

 In areas where the participants were uncomfortable with voice recording, note taking was used as a means of collecting data. The necessary data was also collected through direct observation by going to the natural settings of the actors. Short notes were taken at the spot to memorize what has been observed.

Five research participants were free to give their own stories of what they through in Saudi Arabia as domestic workers expressing themselves the best way they know how. The interviews were conducted in Swahili since that was the language they know and speak.

 Due to the fact that they spoke in Swahili the interviews prompted translation and transcription.

The interviewees were approached in Mombasa city center and asked if they were able and willing to participate in the research study by introducing the topic of the research and the main objective with reference to the problem formulation and sub questions of the research study. After the participants consent of willing to participate in the research study, the interviews were programmed in consideration of the participant’s wishes; time and place that were convenient for them.

The interview setting was set to their choosing so as to try and get rid of any rigid atmosphere. This aspect ensured that the participants were comfortable and easier for them to narrate their experiences. It should be noted that Vlieger (2012:23) conducted a similar study of migrant female domestic workers in Saudi Arabia and the Emirates. The general framework of her study was looking into “the factors that influence conflicts between domestic workers and employers in the kingdom of Saudi Arabia and the United Arab Emirates”. We believe her study is relevant to our own approach albeit her interviews rather focus on conflicts between employers and domestic workers whereas our study focuses on the efficiency of international labor standards non female domestic workers. During the course of the interview, the interviewer let the participants to speak and narrate their own stories in depth so as to give detail accounts of what they went through during their employment period. The duration of each interview was approximately between 15 to 40 minutes.

According to Yin (2003) a case study design is always considered when: (i) the focus of the research study is to answer “how” and “why” questions; (ii) when you cannot manipulate the behavioral trends of those involved in the study; (iii) moreover if you want to cover contextual conditions because you believe they are relevant to the phenomenon under study; or (iv) when the boundaries are not clear between the phenomenon and context.

Having mentioned that, our research tends to lean to understand and find out about these experiences they went through and their behavioral trends in the aspect of exploitation of labor. This concept proves that our research study will have a case study stance and an interpretational approach and a philosophical stance as argued by Constructivists who claim that truth is relative and that it is dependent on one’s perspective. This paradigm “recognizes the importance of the subjective human creation of meaning, but doesn’t reject outright some notion of objectivity. Pluralism not relativism is stressed with focus on the circular dynamic tension of subject and object” (Miller & Crabtree, 1999:10).

Moreover the direction of our research study will be based on selected theories dealing with global care chains, feminism intersectional and migration theories. This is to prove that we are using a theory before research model, meaning deductive reasoning. The application of this phenomenon or the rational approach is “on the basis of what is known about in a particular domain, the researcher must have a hypothesis that has to be subjected to empirical scrutiny” argues Bryman (2012:24)

This research is conducted using both primary and secondary data sources. The data from primary sources was gathered from different categories of subjects through in-depth unstructured and semi-structured interviews. Direct observation was also utilized in the natural settings and the activities of the participants of the study were recorded at the setting. In addition secondary sources of data was basically was gathered from books, journals, media outlets, published and unpublished research papers, legal documents, working papers, human rights reports, newspapers and the internet.

It is worth noting that we may not follow the exact structure of our set of interview questions.it should also be noted that some of the questions posed during the interviews were inspired by other studies on a human right report, par taken by human rights watch in (July, 2008) namely “as if I am not human: abuses against Asian domestic workers in Saudi Arabia”.

According to Russell (2011), a qualitative research study usually takes place in its natural settings in cooperating a combination of observations and interviews as primary data sources and scientific literature as well as document review as secondary source. Both primary as well as secondary sources are applied to generate data and information in the research study.

# 1.4.2 Direct Observation

The participants in this research study were observed and their behavior was interpreted in the natural setting that is, their places of choice where they felt more comfortable due to the sensitivity of the problem. In addition the different actors were observed performing their duties and activities. The following places were where the different participants were observed:

i) Two private employment agencies (PEA): the recruitment offices and where all other dealings are made to enable a worker to travel to Saudi Arabia. The location of the offices was partly hidden in the city center with huge signboards on the entrance. Furthermore, it was noted that flyers could be seen all over the city of Mombasa as a means of attracting more people. Observation is made regarding how the agents communicate with desperate women in search for work, the ability of the staff to inform a worker on her rights, situation in a foreign country and obligations as a woman.

ii) Five women interviews, narrating their experiences, were being observed throughout the interview process, also by paying attention to the way they expressed feelings and meanings for instance if they got angry, cried or used specific words or terms to describe their experiences.

During this process the interviewer was understanding and observing the behaviors of the actors mentioned in their narrations, as they rationalized the wrong doers; the employers, the private employment agencies, and the Saudi society.

These observation settings were accompanied by interviews in some cases the interviewer used a disguise in order to get in-depth understanding of the participant’s behavior under study.

# 1.4.3 Data collection sources, methods and instruments.

Our research study will employ a qualitative research inquiry as opposed to a quantitative one. This research method “relies more on language and the interpretation of its meaning, hence data collection methods strategies tend to involve close human interaction” as cited by Walliman (, 2006:37). Our study aims to understand the way the experiences of female migrant domestic workers in Saudi Arabia can be related with global labor standards on care labor. Furthermore, since the concept of experience and exploitation can hardly be quantified our decision to focus on qualitative strategy and methods.

# 1.4.4 Validity and reliability

According to Kvale and Brinkmann (2009: 249) validity “takes the form of subjecting ones findings to competing claims and interpretations providing the reader with strong arguments for the particular knowledge claim being ascertained by examining sources of invalidity, the stronger the falsification attempts the proposition has survived , the more valid, trustworthy the knowledge (2009:247). Our research calls for concept of validity and the fact that we are able to apply our selected theories of choice makes the theoretical framework emphasize on the validity aspect.

Most researchers tend to rely on evidence to affirm their findings from the field. According to Neuman (2003:388), *“reliability in field research, depends on the researchers insight, awareness, suspicions and questions, he or she looks at members or event from different angles (legal, economic, political, and personal) and mentally ask questions”*. Reliability and validity are complex issues in a qualitative research however a qualitative research is a holistic activity that tends to in cooperate these aspects together.

A qualitative research study requires the researcher to establish a strategic method of selecting interviewees. The strategic method of our choice was the respondent-driven sampling also known as snowball strategic sampling method.

Naturally, there are other methods of sampling participants; however we considered this method being the most suitable for our particular research study. According to Lee (1993) in Berg (2007: 44) *“snowballing is sometimes the best way to locate subjects with certain attributes or characteristics necessary in the study….especially when studying sensitive topics, or difficult to reach populations”.* This method implied that we rely on family, friends and neighbors to order to get contact with the subjects for the research study.

Once a participant was located, they were asked for referrals of other people whom they knew, and had the same experiences; attributes as them. In our case, our initial contact was through friends and relatives who knew female domestic workers returnees from Saudi Arabia and from that contact she referred us to four more of her friends who were in the same position. This created the snowball effect which led us to have interviews with five women returnees. The interviewees also included two private employment agencies and a human right activist working in the ministry of foreign affairs.

 For the requirement of our research study, we decided not to investigate the more general working conditions of household workers such as drivers and gardeners, but put our focus on migrant women employed inside the house as nannies, housekeepers, and care takers. Furthermore, the female domestic workers returnees from Saudi Arabia who participated in the interview are not necessarily the representative of all domestic workers in Saudi Arabia.

We choose to only focus and highlight the experiences of those who have suffered exploitation and abuse in relation to their experiences not forgetting the responses from the stakeholders involved including, the government through the Ministry of Labor, Ministry of foreign affairs, trade unions, NGOs, and the PEAs.

These interviews were conducted in different approaches; the five women interviewed were all within the age range of mid-twenties. In the table below we show an over view of the interviewed, their age, name (not their real names), and geographical area of origin. All of them were women and had migrated to Saudi Arabia.

|  |  |  |  |
| --- | --- | --- | --- |
| **Names** | **Age** | **Geographical area of origin** | **Religion** |
| Aisha | 24 | Mombasa | Muslim |
| Fatma | 26 | Mombasa | Muslim |
| Grace | 27 | Nairobi then relocated to Mombasa | Christian |
| Amina | 22 | Mombasa | Muslim |

## 1.4.5 Unstructured and semi-structured interviews

According to Ferrante (2013), unstructured interview allows the researcher to investigate into a certain issue until the required information is obtained from participants of a research study.

This approach is useful for the researcher to gather the thoughts, feelings and lived experiences of the subjects in certain topic under study. By allowing the informants to be free in order to express their life world as they experienced a certain phenomenon (unstructured interview). Moreover, having full control through guided interview questions and at the same time allowing the respondent to follow new leads within the research topic range (semi structured interview); the researcher is able to generate the relevant data for the particular research study. Furthermore, it should be noted that according to the response accorded to us, various questions may arise during each interview; this strategy has been employed for the reason that the interview topic is considered to be sensitive for the informants who are victims of various kinds of exploitation in their work places. As Bernard (2011) suggested, it requires a great deal of effort to get the trust and consent of informants for the interview in the case of sensitive and personal issues.

These interviews involved an interview guide which does not limit the interviewer to a set of pre-determined answers but also allows the subjects to explore the topic in question further. Semi structured face to face interviews were conducted, which entailed a general script of open-ended questions that covered the research topic under discussion.

 Follow-up questions were also raised for further explanation so as to get a deeper understanding of the subjects’ experiences and knowledge in relation to the research study. In some cases, the participants were left free to discuss in detail what they know and think about the research study matter without imposing restriction however, the participants interviewed with this approach included the Pea agents and the human rights activist working in the ministry of foreign affairs.

In addition secondary sources of data was basically gathered from research papers, legal documents, working papers, human rights reports, newspapers and the internet.

It is worth noting that we may not follow the exact structure of our set of interview questions.it should also be noted that some of the questions posed during the interviews were inspired by other studies on a human right report, par taken by human rights watch in (July, 2008) namely “as if I am not human: abuses against Asian domestic workers in Saudi Arabia”. We believe at this point in our methodology section, that we include the interview guide which is as follows:

# 1.4.6 Ethical considerations

The ethic perspective in a social research is always very vital especially when conducting interviews. Social researchers’ should be aware of these ethics when conducting a qualitative research study. Kavale and Brinkman (2008) explain the requirement that participation of informants should be voluntary and rightfully informed by the interviewer before undertaking any interview. This concept of ethics is enforced by Russell (2011) arguing that it is the obligation of the researcher to keep anonymity of the subjects regarding disclosed sensitive information.

The research study undertakes very sensitive topics and issues especially returnee victims sexual exploitation and abuse which remains a sensitive concept that imposes a huge psychological and physical influence on the victims. Consequently, the participants of this research study were informed of the direct objectives of the research in the language they understand and also made aware of the great value of knowledge obtained from this study.

Participants in the research study were informed of the anonymity aspect in the research report and their names and any other details they reveal will never be released to another publication. The confidentiality and privacy of the participants was maintained by the interviewer. It was also made clear to the subjects that the study is voluntary they could withdraw any time from the participation of the research at any time without prejudice.

The data collected through these interviews, affects the relationship between the interviewer and the interviewee in the sense where by a researcher considers undertaking an uninformed observation in a particular aspect. Kavale and Brinkmann (2008) talk about assuming the role of participant as observer which implies conducting uninformed observations during an interview so as to get deeper understanding of the concepts. Such an approach is applied by author and journalist Günter Wallraff as a research method to explore important information. Wallaraf would create a fictional identity so that he was not recognizable as a journalist, in this way he investigated and documented social injustices which try to provide readers with new discoveries on how society operates. This research method is characterized with what the researcher experiences personally after disguising oneself to be part of the participants under research or investigation.

 During direct observation of certain activities of subjects of the study, if they are aware of the study, they might act differently than they usually do which leads to generation of invalid data.

The identity of the informants in this research has been kept anonymous and general identification terms have been changed and pseudo names are used in the analysis of the interviews.

# 1.4.7 Limitations

 Researchers should avoid being biased and applying their personal beliefs and judgments and emotionally distant from what they are studying as Payne (2004) argues. An emotional immersion of a researcher risks the nature of the findings to be personally biased according to him. Research findings, Payne further argues, we should not depend on who conducts the research but on the outcome of the findings. Deroche (2010) explains with the same approach which asserts that however it is not easy to attain objectivity, researchers have the responsibility to avoid distortion of research findings by abstaining from personal wants, value and ideology.

However the concept of social structure & class hierarchy in Kenya is unclear, we can say we were not easily affected by the problem under discussion by considering us coming from the middle class hierarchy but then having said this, the problems Kenyan women are encountering in Saudi Arabia; specifically in the Middle East have indirect effect on our essence. Different experiences of friends, neighbors, relatives and others have the power to move our emotions. During the interview with returnee victims, I experienced pain and distress. Standing by the side of the voiceless is self-evident. In addition, as a woman of colour, I have a personal and professional interest in the topic; migrant domestic workers exploitation and the constructed intersectional discrimination. Despite all this subjective reality, I as much as possible tried to avoid biased and personal judgments regarding the study results.

# Chapter 2

# Theoretical Framework

This chapter provides some basic theoretical approaches in understanding our study. We mainly applied global care chains theory, Feminist intersectional theory and migration theories.

# 2.1 Global Care Chains

This section illustrates the global care chains framework by first defining the application of the terms caregiving and domestic work. Second, it gives a brief description of global care chains theory and points out relevant perspectives presented by various philosophers on care work. It also highlights the aspect of globalizing care work ethics from a localized trajectory to a more internationalized one.

The global care crisis is not a new phenomenon since it was experienced before the outburst of the financial crisis across all countries both in the center and periphery (Zimmerman et al. 2006). According to Orozco (2010:1);

*…In the former, the crisis consists of a breakdown of the previous model of providing care based on the Fordist nuclear family model and the classic sexual division of labor, in which care was treated as a cost-free responsibility of women in the private, domestic sphere. As expectations of social reproduction change, a redistribution of work becomes necessary that, if it were not to take place, would create strong social and family tensions. In peripheral countries, the crisis refers more to the difficulties of guaranteeing social reproduction processes themselves which lead households to deploy new survival strategies. These strategies are also cross-cut by the different responsibilities assumed by women and men, involving different costs and responses from different actors. In order to comprehend the multidimensional global crisis, an initial, essential task is to consider care as inherent to the crisis itself….*

In addition, the world is comprised of multifaceted global crisis where by the financial crisis has caused the failure of development. Thus various global crises have impacted socioeconomic structures i.e. the energy crisis, the environmental crisis, the food crisis and the care crisis (ibid).

The global care chain” concept (Hochschild, 2000) as a theoretical construction of the relationship between globalization, migration and care, refers to the series of personal links between people across the globe, based on paid or unpaid work of caring (Yeates,2004:369).

It explains a circumstance in which female migrants migrate from their home and immediate families to take care of children and elderly people in other countries, resulting in a care deficit in their home countries. Hochschild argues that this chain has further created a new ecology of care in which one form of care is almost entirely dependent on another in a collection of global interconnections.

As a result, care labor is transferred from the global south to the global north, causing an emotional surplus in more affluent countries and a deficit in the sending poor countries like Kenya. As already emphasized, female migrants overwhelmingly take jobs as maids or domestic care workers. This is how the global care chain has been deeply integrated in migration processes (Ehrenreich and Hochschild, 2002:6). The global care chain concept (Hochschild, 2000) as a theoretical construction of the relationship between globalization, migration and care, refers to the series of personal links between people across the globe, based on paid or unpaid work of caring (Hochschild, 2000;Yeates, 2004:369).

 According to Yeates the global care chain concept;

 *...captures the importance of transnational care services and the international division of reproductive labor as integral features of the contemporary international economy that are otherwise neglected: by ‘globalization studies’ due to its fixation on states, markets and paid labor; by ‘migration studies’ which has failed to take account of the importance of gender roles and identities to household strategies, networks and transnational migration; and by ‘care studies’ which, although fully conversant with the importance of domestic care economies and the divisions of paid and unpaid care work, pays little attention to the transnational processes having an impact on these* (Yeates, 2004:370)

The migration of care labor from periphery (developing countries) to core countries (developed countries) is not a new phenomenon. What is abnormal however is the range and speed of women’s migration to these presumed jobs. Many aspects contribute to the expanding feminization of migration. One is the increasingly widening gap between the worlds rich and poor. For instance, also Harry S. Truman declared in his 1949 inaugural speech that the Southern hemisphere including the postcolonial nations of Asia, Latin America and Africa was underdeveloped and it was the responsibility of the north to aid the south “catch up” (Truman 1949). However the gap between the north and south has significantly increased since then, for instance according to UNDP research program, sixty countries were worse off in 1999 than they were in 1980.

While this conception stands for an important approach in the analysis of the relationship between globalization, care and migration. Hochschild describes migrant care-giver laborers as passive victims of globalization. On the other hand, another approach presented by Lutz (2008) and Evergeti and Ryan (2011) describes migrants as agents of change, that states that migrant domestic workers are not influenced by situations but rather choose to be care-givers as a prudent and functional commitment in their migration venture. In our thesis, Migrant domestic workers are both agents of change and victims of the global inequalities that are further enhanced through globalization. These women and men are prepared to travel and take risks to connect the sending and receiving nations to establish new transnational migration space. Most of these domestic care-givers have to suppress the fears of dangers and problems in their desire of the favorable results and improvement of their lives trusting their personal commitment towards changing their lives and venture as individuals in problem-solving skills.

In this sense domestic migrant worker should be regarded as a productive and independent agent who takes a choice of empowerment (Lutz 2008). Furthermore, she asserts that when reviewing transnational dependency and global care chain it is significant to consider both opportunities and limitations that impact care-givers and receivers as well as the dynamic and changing position of various actors in the chain (ibid). Yeates insists that care chains are made up by aspects that can’t only be described and explained through an economic framework, however wide and broad.

Undermining the significance of cultural, religious, linguistic and other factors in the choice of end destination. She asserts that (Yeates, 2012); *reproductive labor comprises multifaceted care production process that involves multiple actors and settings and unfolds over time*.

In the review of Hochchild’s global care theory, Yeates (2004) argues that the contemporary application to migrant domestic care-giver must be expanded for its advantages to be fully maximized. According to Yeates (2012:47), care work should be conceptualized as a major form of reproductive labor. This concept is seconded by Truong (1996) who argues that…. *‘[no] production system operates without a reproduction system and it should not be surprising that the globalization of production is accompanied by its intimate “Other” meaning reproduction*

 (Truong, 1996; Yeates, 2012:47). For instance, innovation was evident of the importance of migrant women working in the rapidly growing domestic and sexual services economies in Europe and Asia (ibid).

Truong argued that:

… *these service economies are organized on a transnational scale rather than on a purely national one and that research and campaign efforts needed to be directed accordingly catalyzing an international research agenda mapping the causes, dynamics and consequences of the globalization of paid and unpaid reproductive labor. At the core of this agenda lies a focus on care. As a key dimension of reproductive labor, care occupies an important position in social policy because of what its social organization reveals about the nature of social relations and practices as well as of welfare formations more widely* (ibid)

According to Yeates (2012), Global Care Chains has contributed to the better understanding of the socio-spatial dimensions of diverse forms of care work globally (Yeates,2012). Also it has generated analyses of the world economy, one of the m being consideration of political responses that penetrates beyond nation-states.

She further argues that ( Yeates, 2012:136):

… *First, while GCC research focuses political attention on female migrants it may reinforce the perception that cares work is women’s work. Second, GCC research tends to privilege certain occupations; forms and dynamics of care trans nationalization at the expense of others.*

*Third, GCC research may inadvertently renaturalize the nation-state by focusing only on care migration that transcends international state borders*

Hochshild`s approach to the care concept is very narrowly minded and is unable to fully incorporate the sophisticated networks of interaction that holds up and preserve family ties and the evolving nature of caring responsibilities. On the contrary, Yeates applies a multiple approach and emphasizes the actuality of various types of care. Our study is mainly inspired by Yeates approach of analysis of both the state and non-state actors in the care chains underlining the contribution of labor strategies and immigration laws, ethnic networks, religious institutions, recruitment agencies and households in shaping migration.

It’s important to mention that Labor in the care sector has been globalized in the same way as in institutionalized care work through; day care centers, retirement homes, domestic help services, nursery schools etc., which are organized by private and public spheres. This perspective applies to private households who directly hire domestic service for the members of the family (Orozco, 2010:8). This prompts us to ask whether care work should be analyzed and interpreted globally or within national or local structures. Care continues to receive limited attention in the mainstream global discussions due to the fact that it’s assumed to be defined within territory of nation-state. Moreover the negative effects of methodological nationalism are widely experienced in the aspect of care provision (Ibid). Thus in this phenomenon care can be analyzed to some extent within national borders without being influenced by the happenings in other territories or nation-states. However, according to Orozco, (2010:8);

*In the current context of globalization it is obviously inconceivable that any element of the social-economic system could be so automous. Hence, efforts must be made to reflect upon what introducing a transnational perspective to the analysis of then social demands and supply of care implies* *we need to think about how to understand the social organization of care in the context of globalization…*

Feminist framework on care ethics supports this perspective of globalization of care and should be regarded as an important contribution to the human existence.

Care ethics was first initiated by Gilligan (1982) and Nodding (1984) but has been further expanded by various scholars including (Held 2006; Sander-stout 2006; Tronto 1993).

Most importantly, feminist framework suggests that interdependency approach as a fundamental role in understanding care ethics and not autonomous approach of sociological interpretation. In addition, feminists also proposed the relocation of care from the personal to the public as well as from individuals to a global trajectory (Rahhuram, 2012:157).

Theorists of space have pushed for the globalization of care in sense that care relationships are fundamental to living responsibly in the highly increasing aspect of globalization. The argument here is that moral motivations that arise from an emotive and proximate connection to specific people are not dissolute with distance (Lawson 2007; Gerhardt 2008:914; Rahhuram, 2012:157). In other words they intend to present those motivations into a global perspective of responsibility.

On the other hand Parrenas (2005) presents an empirical reason for incorporation and analyzing care globally because of the forms in which mobility has elevated distances among those involved in care work.

For instance, a large number of older people feel that they are away far from the family members especially children who might have taken care of them (Baldassar 2007). However it’s important to understand that it is the migration of these female care laborers that facilitates the global perspective on care work.

# 2.2 A feminist intersectional theory on women domestic work and abuse

“*What is needed is a realization that power without love is reckless and abusive, and love without power is at its best power correcting everything that stands against love”( words of wisdom by Martin Luther King; Gregory,2008:195).*

 Feminist theories usually deal with the aspects of social construction of gender and sexuality, oppression, discrimination, othering and stereotyping in the society as a consequence of one’s identity or status (Davis, 2006). There are various feminist theories which provide scientific clarification on the different phenomena in the society like; socio-cultural, religion, political and economic. However, our research study asserts the relevance of the feminist intersectional theory to be used in this study. The theory is adopted to understand the significance and explanation of the phenomenon under investigation, which is the efficiency of international labor standards on Kenyan migrant domestic workers in Saud Arabia.

The term intersectionality was originally coined by Kimberle` Crenshaw (1989). The intention was to tackle the problems and struggles faced by women of color between the cracks of both feminist and anti-racist discourse.

The feminist sociological theory of intersectionality; claimed black women in the United States are suffering from interrelated oppressions as a result of a combination of identities; as blacks, women, and members of working class Yuval-Davis (2006). She underscores the “multidimensionality” of “marginalized subjects” lived experiences of women (Crenshaw, 1989:139).The feminist theory of intersectionality came about in the late 1980s and early 1990s from studies of race.

 This concept was invented through a scholarly movement that was committed to solve problems bound on color blindness, neutrality and objectivity. The intersectionality critical aspect is also stressed by McCall, (2005:171) calling it as “the most important theoretical contribution that women studies, in conjunction with related fields has made so far”. From its establishment, this theory has had one strong interest in one particular aspect: the intersection of race, class and gender. As a result the feminist intersectionality theory does not accept the *single axis frame work* which is often adopted by both feminists and anti- racists scholars but instead focuses on the various ways in which race and gender interact to shape the multiple dimensions of black women experiences of their lives (Crenshaw, 1991:1244).

While the term intersectionality has managed to become a scholarly buzzword the aspect of identity is created by interchanging and mutually reinforcing the aspects of race, gender, class and sexuality has spread for decades. First and foremost, people tend to identify themselves in different categories which include: only blacks, only women, only men (and many more). However their definite social location is always constructed along multiple axes of difference such as, class, gender, race, stages in one’s life cycle, sexuality, ability and many other categories.

The critique of women of color essentialism insists on the unlinking between feminism claims which assert for all women and feminism`s never ending inattention to racial, ethnic, class and sexual differences (Davis, 1981; Moraga, 1983; Smith, 1983; Spelman, 1988; Higginbotham, 1992; Collins, 2000). Migrant female domestic workers decry of discrimination in different levels same as explained above. As women have no freedom of movement. Grace one of our interviewees (see appendix, 3) complained of being followed everywhere. She could not go to the market without the company of a male even simple chores of sending her salary home was impossible since she felt she was being monitored of her every move.

Second, the intersecting social divisions are difficult to analyze as items that are put together but rather, as constituting each other. Albeit the discourse of race, gender, class, sexuality etc. contends their own ontologies that cannot be minimized to each other, there is no separate clear meaning of any social division. According to McCall (2005:173,174) in Lyyke (2011:70) the reason of not classifying these categories is that, classification will lessen the meaning. The intra-categorical intersectional approach aims to in cooperate the abandoned points of the intersectional approach. Female migrant domestic workers are marginalized by their gender identity, class, race and economic position. These factors play an important role to their victimization, understanding these notions and our interviewees’ experiences will enable us understand the concept.

Estimates adopted from International labor Organization (ILO, 2013) *Global and regional statistics and the extent of legal protection.* Try to answer the important to question as to why there is a high global demand of domestic workers in private households and why this demand is being solved by migrant women. Most of our interviewees were women who were willing to maximize the global demand of domestic workers in Saudi Arabia to be precise, and this global estimate clearly cements the aspect of feminization of reproductive labor. This demand is influenced mainly by demographic factors i.e. increase in ageing population, social policies, change in family structures, feminization of labor, economic and socio-cultural aspects (Anderson,2001).By the same degree Davis argues that the feminist intersectional theory asserts there are multiple forces that puts women in a vulnerable positions; due to the interaction of multiple identities and experiences of exclusion and subordination; gender, class and race are the major intersecting forces that make women, as part of the marginalized group of society, vulnerable to variety of problems as argued Crenshaw (1993), Collins (1998) in Davis (2008:72).These migrant women live in separation from their families to be included as part of the employers family for the entire period and in most cases up to twenty hours a day. However these workers are underappreciated and experience severe exploitation and abuse.

 As of 2010, 52.6 million men and women were employed as domestic workers globally (ILO, 2013).This shows the significance of domestic workers due to the fact that it’s a crucial source of employment*. If all domestic workers worked in one country, this country would be the tenth largest employer worldwide* (Ibid). It represents 1.7 percent of total employment globally as well as 3.6 percent of all wage employment (Ibid). The field represents an important aspect in developing regions including, Latin America and the Caribbean with 11.9 percent of total paid employees being domestic workers. Also, Middle East represents a share of 8.0 percent (ibid).



 Table 1, Source: ILO, ( 2013) Global and regional statistics and the extent of legal protection

Consequently, many feminist theorists have rejected the notion of a universal woman without using the term “intersectionality”, this is due to the fact that the term “woman” itself is a contested aspect and the experience of woman is constituted by subjects with different interests, hence intersectionality provides a preexisting theoretical and political understanding to the effects of race, class, gender, on women struggles and identities on empowerment.

 According to Davis (2006:71), emphasizes that “Intersectionality seemed ideally suited to the task of exploring how categories of race, class and gender are intertwined and mutually constitutive, giving centrality to questions like how race is ‘gendered’ and how gender is ‘racialized’, and how both are linked to the continuities and transformations of social class”. The theory is selected for the fact that it acknowledges specifically for the purpose of analyzing the exploitation of migrant female domestic workers in Saudi Arabia and analyzing their vulnerabilities from different stand points. In her article, “*Just another job? The commoditization of domestic labor,* Anderson (2003) asserts that “domestic work is deeply embedded in status relationships, some of them overt, but others less so. And these relationships are all the more complex because they fall along multiple axes. They are relationships among women, but often women of different races or nationalities certainly of different classes.”

The thought that marginalized people could be in several disadvantaged situations at the same time and suffer painful experiences at the consequence of exploitation and specific discrimination was first termed “multiple” or “intersectional”. This notion is further explained by (Lykke 2011:51) who says that many feminist researchers are in agreement with the concept of intertwined processes of transformation …. And therefore the term *inter -act*, coined by a feminist physicist Karen Barad (Barad 2003:815 in Lykke 2011: 51) is interplay between non- bounded phenomena in the processes of mutual construction. For instance female migrant domestic workers in Europe are steadily increasing in numbers despite the fact of numerous challenges that they face. Bridget Anderson (2003:104) depicts different cases of female migrant workers facing exploitation and discrimination at the same time including abuse. She states this, that a worker that lives with the family is the most vulnerable to be exploited one as opposed to the one who leaves. The live in worker has no option than to work around the clock.

*“Teresa, a Filipina domestic in Athens: said this… You're working the minute you open your eyes until the minute you close your eyes. You keep your strength and your body going so that you will finish your work.... You keep waiting on your employers until they go to sleep because, although you finish your work, for example you finish ironing everything, putting the children or the elder person to bed, even if you put them to bed at ten o'clock, there are still other members of the family.*

*So you keep on observing, "Oh, can I sleep or maybe they will call me to give them food or to give them a yogurt." ... And even if you are sleeping you sometimes feel that you are still on duty*.”(See in Anderson, 2003)

This is clearly an aspect of oppression as discussed further, Teresa is a migrant from Filipina who deserves to be with her family and the fact that she works in a rich country her employers exploit her making her to work for more hours than the normal average working hours. Unpaid care work, sexual harassment, discrimination are some of the few aspects that female domestic workers face, a thing common to all our five interviewees. In this study, the area of major focus will be on three identities that are most relevant to our research problem.

# 2.2.1 Gender

The notion of gender as defined by the UN special ‘rapporteur’ on violence against women (2001) is explained as;

*Gender refers to the socially constructed roles of men and women ascribed to them on the basis of their sex. Gender roles depend therefore on a particular socio-economic, political and cultural context, and are affected by other factors, including race, ethnicity, class, sexual orientation and age. Gender roles are learned and vary widely within and between cultures*.

Feminist scholars are very conscious on the debate of gender and labor and the way these are perceived. Distinctively, radical feminists characterize the oppression in the gender system by males, in different sectors of the social structure. This section will major on the aspects of gender as it takes center stage of our research problem. According to Elson (1999:612) employment places usually “operate at the intersection of ways in which people make a living and care for themselves” these places are the carriers of gender. This phenomenon is also noted by Joan Williams (2010) that the labor market has the ability to include all races and gender to participate effectively and efficiently.as such traditional accounts of work and labor were all performed by women. Women were involved in maintain houses, make food, take care of the family.

As a result the aspect of care is related to women; feminization. Women continue to dominate the sector in almost every region across the world. They represent almost 63 percent in the middle East and 92 percent in America and Caribbean region (ILO,2013).Consequently this has seen domestic work become one of the significant source of employment for women globally who usually face more challenges than men in getting paid jobs*. Globally, one in every 13 female wage workers is a domestic worker (or 7.5 percent), and the ratio is as high as one in four in Latin America and the Caribbean (26.6 percent) and almost one in three in the Middle East (31.8 per cent)(ILO,2013).*The sector has helped many women as a stepping stone into the labor market. However women continue to face challenges such as poor working conditions, exploitation, sexual abuse and inadequate legal protection. Consequently, this has caused harm to women as well as disparities in the issue of access to decent work (Ibid).



 Table 2, Source: International Labor Organization. 2013.

However women continue to face challenges such as poor working conditions, exploitation, sexual abuse and inadequate legal protection. Consequently, this has caused harm to women as well as disparities in the issue of access to decent work (ibid).

The basic employment divisions of gender in destination countries as explained by Antonopoulos (2008:38) “women migrants are often restricted to traditionally “female” occupations such as domestic work, care work, nursing, work in domestic services and sex work-that are frequently unstable jobs marked by low wages, absence of social services and poor working and living conditions”. As such this promotes the discrimination of women on a larger scale making women to become more vulnerable and victimized. This is also emphasized by the international organization for migration (IOM, 2008) in Orozco, (2010:8) “regardless of the migrants level of education, female migrant labor is concentrated in occupations associated with gender roles – the service sector in general and the care sector in particular, domestic work is the main door through which women migrants enter the workforce and also the trap which is difficult to escape”.

# 2.2.2 Class

The class aspect is another identity that leads women to be vulnerable and be marginalized. Individuals who are deprived of their basic rights usually feel weak and they can be easily victimized. Moreover being otherized on the basis of one’s economy, race or gender escalates the level of discrimination. According to Crenshaw (1989) *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color****,*** her argument contends that *“At the simplest level, race, gender, and class are implicated together because the fact of being a woman of color correlates strongly with poverty”*. Moreover, the disparate access tohousing and jobs that is, the phenomenon of discrimination is reproduced through their race andgender identity. Race and gender are two of the primary sites for the particular distribution ofsocial resources that end up with observable class differences. And finally, once in a lowereconomic class, race and gender structures continue to shape the particular ways that woman ofcolor experience poverty, relative to other groups.” Wealthy families always had the opportunity to employ the very poor employees from the bottom class hierarchy whom they would exploit and sometimes the employee might have unpaid care work. Al-Rasheed (2013:103) states that among the rich families in Saudi Arabia, the women relieved themselves from domestic work as a consequent of owning slaves and later female migrant domestic workers form Asia and African countries. Female migrant domestic workers are often oppressed by their class inequality and by the fact that they happen to be in a lower social economic position in the society they belong to.

# 2.2.3 Race

Caring labor has been characterized by violence and mostly shaped by the fact of “difference” against women of color. Crenshaw (1993) depicts this notion of racial segregation has an important aspect in “otherization” of women from different nations and race. This phenomenon is seconded by Ehrenreich (2003) in her words “one thing you can say with certainty about the population of household workers is that they are disproportionately women of color: “lower” kinds of people for “lower” kind of work.”

In many cases most migrant female domestic workers tend to come from developing countries and by consequence they are women of color. Yuval-Davis (2006:45) further explains that Intersectional theory has a close relation to the socialist feminism approach that describes and explains all forms of social oppression using the knowledge of class and gender hierarchies as a base from which to investigate systems of oppression centering not only on class and gender, but also on race, ethnicity, age, sexual preference and location within the hierarchy of nations. Our research study seeks to find out the obstacles migrant female domestic workers face in their destination countries and discrimination in the workplace is one of the major notions deeply rooted. Crenshaw (1993) underscores a number of aspects which make women marginalized through various social, cultural and economic phenomena. Vulnerability and victimization leads to identity discrimination and then it extends to multiple identity discriminations. The fact being a woman of color and a migrant domestic worker makes one to be vulnerable from the “triple oppressions”.

However, the intersectionality theory faces criticism from post-structural feminist theorists since feminism scholars tend to think identity politics only rest on the presumption of a norm and identity politics. Other feminist scholars find the identity categories nonfunctional, and the fact that they stand on a view point of hierarchies, race and gender these factors can be politicized more in some environments and not much in other environments. Kosut (2012:180) Finally, feminist intersectional theory has a good chance of change and the contributions of feminist theorists have managed to investigate identities and feminist problems beyond the boundaries of single axis-approaches.

# 2.3 Global migration theories

In this section we present a broad analysis of various international migration theories that explain different causalities and flows in global migration. According to Massey et al. (1993, 1998) and Schoorl (1995) theoretical approaches of international migration can be classified into two streams: a) theoretical approaches describing the initiation of migration; b) those that describe the continuation of migration. Theories that describe the initiation of international migration include: neoclassical economic theory, dual labor market theory, new economics of labor, relative deprivation theory and world system theory. On the other hand theories that tend to describe the course of international migration flaws are, network theory and institutional theory. It’s important to note that our study applies only neoclassical and new economic theories of labor migration.

# 2.3.1 Neoclassical theory of migration

The neoclassical theory of migration describes migration to be influenced by differences in profits to labor across markets. The original model was coined and created to describe migration along the processes of economic development through the works of Hicks (1932 ) Lewis (1954) and Harris and Todaro (1970) underlines that migration outcomes from the wage differences across labor markets or nations that arise from the diverse levels of labor market limitations. This theory denotes that migration is influenced by geographical variations in labor demand and supply as well as wage differences between capital rich nations and those nations endowed with too much labor. The main argument presented by neoclassical theory lies on wages.

Wage differential is the sole reason most migrants are motivated to migrate for livelihoods and employment. However, it is worth mentioning that wages would counter the excess supply of labor causing equilibrium. These migrants migrate with high hopes of getting employment at their end destination. On the contrary, MDWs are “contracted” temporary migrants.in the sense that migration takes place only after getting and securing employment opportunity at the intended destination country.

In addition, the theory suggests that the presumption of full employment speculates a linear relationship between migration flows and wage differences across the labor market (Bauer and Zimmermann1999; Massey et al.1993; Borjas, (2008). According to Bauer and Zimmermann (1999); Massey et al. (1993) expected earnings influence migration more than the actual earnings; the main factor here is the earnings which is motivated by the expectation of employment in the country of destination. Kenyan female migrant domestic workers continue to be attracted by the expected high wages or rather better as promised in the contracts of employment. This aspect is catalyzed by the PEAs who usually disguise the earnings and expected working conditions in the destination country. Consequently these women incur huge losses due to the fact that they plunge themselves in debt to fund their migration process. The PEAs play an important role in the process of migration as described in the institutional framework of international migration. The aspect of institutions can be applied in a wider perspective in the case that they interpret the social environment structure where by people have to make choices. De Bruijin asserts that;

.. *For such contextual entities as universities, organizations and firms, which are generally-also in common language perceived as institutions…but also for more abstract social constructs such as democracy, religion, policy and gender systems or bodies of knowledge* (De Brujin, 1999:122; Jennissen,2004:55).

In this case the PEAs represent one of major the institutions in Kenya that provides linkage between Kenyan women willing to migrate to Saudi Arabia as care workers and the employer.



Fig.1 Source (Jennissen, 2007) Neoclassical structures leading to equilibrium.

Tedaro (1969) applies the term human capital theory of migration which presents neoclassical aspect as the macro-level description that can be shifted to the micro-level model of personal choice .The human capital theory supports the neoclassical perspective by including the social-demographic factors of a person as a key cause of migration presented in the micro-level (Bauer and Zimmermann 1999).

*Human capital endowments, skills, age, marital status, gender, occupation, and labor market status as well as preferences and expectations strongly affect who migrates and who does not. Heterogeneity between individuals is an important factor and different individuals in the same sending country demonstrate different propensities to migrate and would also choose different receiving countries* (Bonin et al. 2008; Kurekova, 2011).

Moreover, the neoclassical theory is further cemented by the push-pull factors that explain the economic aspect of the flow of laborers (Bauer and Zimmermann 1999). However de Hass (2008) has criticized this framework for its incapability to determine key factors.

Kurekova (2011: 7) criticizes this theory by arguing that;

*The neoclassical theory of migration has been subject to a conceptual critique and rich empirical testing. While rigorous, it has been viewed as mechanically reducing migration determinants, ignoring market imperfections, homogenizing migrants and migrant societies and being ahistorical and static. It generally ignores the effects of home and host states and leaves out the importance of politics and policies, which are only considered as distortion factors or additional migration costs.*

Keynesian economic theory also contradicts the neoclassical perspective on global relations (Houben, 2011). As presented in the Keynesian theory, labor supply depends on both real wage as well as nominal wage differentials. This contrast is built from the various perspectives on the role of money in a particular economic setting. Neoclassical stand point presents an aspect of money as only a medium of exchange. On the contrary, Keynesian perspective presents money not only as a medium of exchange but also as a medium of saving, thus attracting migrants to high nominal countries. Furthermore, prospects to re-migrate or even send remittances back home further highlight the significance of nominal wage aspect in relation to real wage aspect. As a result, new global equilibrium may not be realized as predicted by neoclassical economic migration. According to Keynesian theory, migration represents equilibrium recovering tool too.

# 2.3.2 New economics theory of migration

This theory suggests that labor migration should be examined within broader social frame .i.e., households (Jennissen, 2004:48). Within the organization of the household, the uncertainty of household economic status is the main driving force of labor migration. The decisions of a household member to migrate are done collectively as an approach to maximize income as well as minimize risks at the same time. We chose to apply this theory since it represents contradictory perspectives of the neoclassical framework and describes migration as an outcome of not only personal independence but also mutual interdependence (Stark, 1991; Kurekova, 2011:8).

The main approach presented in this phenomenon is that these migration decisions made by Kenyan women are not only influenced by personalized reasons or determinants but mainly by households or families. Furthermore, these decisions are significantly motivated by factors that are influenced by conditions in the present home country.

According to Taylor (1999) the theory of new economics of labor migration asserts that remittances have a positive impact on macroeconomic development in sending nations in the sense that it also promotes the aspect of household interconnectedness as well as diversification of risk. This perspective can be described as developmentalist perspective. Moreover, international labor migration can be described according to new economics of labor migration a transient phenomenon (Molho, 2013)

The factor of agency freedom to make choices is omitted in the push- push approach as well as neoclassical theory. In relation to this approach, migration is not entirely associated with optimality.

The main issue is migrants being able to meet their objectives better than others. Furthermore, when people migrate they usually have deferent possible alternatives to choose from. Consequently they can’t equally optimize their possibilities internationally (Gikuru, 2013).

New economics theory of migration analyzes the impacts and determinants of migration. However it has been criticized as presenting bias and it inability to isolate the impacts of market imperfections as well as the risks from other forms of employment variables and income (Kurekova, 2011:8). Faist (2000) criticizes the new economics theory of migration as it has failed to incorporate the various household dynamics such as gender roles.

# Chapter 3

This chapter provides a broad analysis of the role of globalization in relation to the concept of commodification of domestic work. Also, it highlights the impacts of globalization of domestic work as well as the participants who influence these phenomena. Our main focus lies on the role of labor receiving countries, labor import and immigration policies, employers and private traders. Secondly, it focuses on the role of kafala system in Saudi Arabia and finally we also examine the Kenyan perspective on reproductive labor.

# 3.1 Globalization and commodification of domestic work.

Studies of migrant domestic workers describe how social relationships have transformed beyond the local or national setting. Constable, (2009:49)argues that*:-*

*Social relations have become ever more geographically dispersed, impersonal, mediated by and implicated in broader political-economic or capitalist processes.*

 *At the same time, intimate and personal relations-especially those linked to households and domestic units, the primary units associated with reproductive labor-have become more explicitly commodified, linked to commodities and to commodified global processes i.e., bought or sold; packaged and advertised; fetishized, commercialized, or objectified; consumed; assigned values and prices and linked in many cases to transnational mobility and migration.*

According to the Marxist definition, commodification is the process of assigning market value to goods, services or human force that previously existed outside of the market (Marx 1978 in Constable, 2009:50). Globalization and the framework of intimacy can be described in three approaches i.e., i) transnational marriages, ii) migrant domestic laborers and iii) care givers as well as migrant sex workers since they are directly or indirectly related to commodification. Constable describes intimacy relations as*; a social relationships that are or give the impression of being physically and or emotionally close, personal, sexually intimate, private, caring, or loving.* Constable (2009:50)

It is important to question as to why there is a high global demand of domestic workers in the private household and why this demand is being solved by migrant women. This demand is influenced mainly by demographic factors i.e. increase in elderly population, social policies, change in family structures, feminization of labor, economic and socio-cultural aspects (Anderson, 2001). These migrant women live in separation from their families to be included as part of the employer’s family for the entire period and in most cases up to twenty hours a day. However most of these workers are underappreciated and most of the time experience exploitation and abuse. For instance, in the au pair system in most European Countries to be specific UK young female domestic caregivers are not regarded as workers but as part of the employer’s family (Cox, 2015). Focusing on our main culprits Saudi Arabia, domestic workers are excluded from the protections of the statutory labor law and this is well documented in the Saudi labor law, article 7:2 (see in 4.1)

Kenyan women continue to migrate to Saudi Arabia in search of employment opportunities as domestic workers; hence to a considerable extent this enables the globalization of social reproductive labor. Fudge describes the concept of social reproduction as;

 *(…)the social processes and labor that goes into the daily and generational maintenance of the population. It also involves the reproduction of bodies and minds located in historical times and geographic spaces. It includes the provision of material resources (food, clothing, housing, transport) and the training of individual capabilities necessary for interaction in the social context of a particular time and place.* Fudge (2013:3)

 The idea of social reproduction originated from political economy theory and has been applied by feminists to describe the importance of women’s unpaid labor for the operation of labor markets. Social reproduction is mainly established by families in private house hold as well as by the state through sectors of health, education, welfare and immigration policies (Fudge, 2011a). Moreover it can also be established through the market and voluntary organizations such as churches and NGOs.

Domestic workers play an important role in the society thus there is need to respect and dignify these workers as part of the global social production and reproduction. However, this is not the case as domestic workers are exploited for profit in the sense that they are commoditized to maximize the available market in developed countries. According to Marxist feminist perspective, social reproduction that typically occurs in private households is connected to productive labor and is important for the maintenance of capitalism (Ligaya, 2012). Marx argues for instance that, “*every system of production involve” not only the production of good necessary to sustain life but also the “reproduction of labor power” needed “for production*”(in Ligaya, 2012). The concept of paid domestic laborers reproduces humans as well as social relations in both what they perform and in the performing of it. Hence paid domestic workers play a part in the reproduction process. Therefore the issue is not only reproductive labor power but as well as the worker. Despite this domestic labor is still undervalued and not regarded as legitimate work due to its gendered nature. Migration of Kenyan women to Saudi Arabia through recruitment agenciesenables the globalization of reproductive labor that is also commoditized into the trade.

# 3.1.1 Role of recruitment agencies

Recruitment agencies, both legal and illegal play an important role in the process of globalizing domestic labor. Consequently, they make huge returns from the globalization of trade in domestic care work. Unfortunately these agencies charge over excessive recruitment fee that sinks these women in huge debt (Vlieger, 2012) .Most of the returnees that we interviewed confessed that they had to look for funds through borrowing to pay recruitment agencies (See Appendix 4).

As a result globalization of domestic work has given birth to a new perspective of capitalist entrepreneurs who use migrant domestic workers as commodities for exchange.

 Traditional forms of work and labor legislation have disregarded the unpaid domestic labor, which is mostly done by women. The labor involves housekeeping, shopping, and converting the commodities used in the household. Consequently this acts as a supplement to the services provided to households by private and public practitioners i.e. caring and organize social as well as personal relationships. Gendered division of paid and unpaid labor has extreme negative impacts on women (Rittich, 2002).

Labor-receiving countries continue to play a major role in the process of commodification of domestic labor. According to Himmelweit, (2013) labor is not only an input but also output, for instance education and healthcare, there is a little extend for increasing productivity at the same time retaining quality of care. Furthermore it is not possible to exchange capital for labor or rather introduce technological advancement, when wages stand high, the cost of care rises more than other goods and services in general. Hence, the utilization of migrant domestic workers is one way to bring down the costs of care. In addition Hochschild argues in her book *Love and Gold* that the love and care given by third world women is a modern day resource. However this aspect of resource varies from the past extraction of ivory, rubber and gold from the third world nations to a modern imperialistic extraction that denotes love and care as the new gold since emotional labor is extracted from third world to first world at an alarming low cost (Ehrenreich & Hochschild,2003).

Social services for the migrant domestic labor are intentionally limited as a means to make their labor affordable and cheap.

*A government or host society that respects or gives due recognition to the importance of work of migrant domestic workers to the maintenance of their families must at least provide them with some form of subsidized housing. But they want to make their labor cheap, with little cost to them, so they are insensitive and act as if they are oblivious to their basic need to live decently as human beings. So, at the other end, labor-importing states, likewise, participate in the commoditization of domestic workers* (Ligaya, 2012:33).

However, the effects of rising wages and care costs range from different sectors of care provision thus high inequality in access to cheap and affordable care in wealthy countries (Himmelweit, 2013).

The main actors who play an important role in these processes (globalization and commodification of MDWs) include, labor-receiving state, through its immigration and labor import policies, employers and private entrepreneurs.

Labor-receiving states usually have their own import and immigration policies that mostly segregate migrant women into domestic labor. However these policies vary across states. For instance, in Italy the influx of Filipino migrants in domestic labor who are mostly working around Rome and Milan is influenced by Italy’s labor and immigration policies .i.e. as an E.U member Italy has described domestic labor as *Laboro subordinato* that can be largely opened to migrants whose home countries are non-members of E.U. In Canada domestic labor is given to migrant Third World women through live-in Caregivers program (LCP).This program expects women to perform live-in domestic labor for a period of twenty-four consecutive months before they can qualify to apply for permanent residence and if one fails to do so then their status as migrants are illegalized. They are also not allowed to work in other sectors apart from domestic labor. It is also important to note that the application of new technologies of consumption by these PEAs in particular internet also facilitates the commodification and consumption of domestic work.

Labor-receiving nations take part in making migrant domestic labor cheap as well as the globalization of labor. These nations only concentrate or see the urgency for labor in sectors like caring for their old but fail in providing them fair recognition, treatment, respect as well as appreciation. As a result the minimum wages for domestic workers in these nations are the lowest. For instance, Hong Kong reduced its minimum wages for domestic workers in 1997 and was justified by the argument that these workers were part of the family and should also bare the effects of financial crisis. Furthermore, in other state like Taiwan women working in the domestic sector experience reproductive control i.e. migrant women are not allowed to get pregnant and breaking this policy leads to deportation.

Private entrepreneurs in the labor-receiving and sending countries also play a role in availability of cheap, affordable and flexible domestic labor. The most exploited migrant workers are one who are undocumented since they are paid low wages and usually don’t have any power to complain about any form of exploitation or violation of human rights due to their status. Moreover, some local entrepreneurs take part in the entry of undocumented migrant domestic workers since they get returns from it. Other employers favor these migrants because the expense is cheap compared by legal hiring. As a result the aspect of undocumented status generates a cheap, exploitable, manageable domestic labor force.

It’s also worth noting that employers also play a role in these processes of globalizing as well as commodifing reproductive labor.

The connection between low paid reproductive labor to the existence of petty capitalism as well as exploitation of migrant domestic workers promotes the Capitalism that neo-liberal globalization intends to promote. Petty capitalism involves for instance when an employer extends other duties to domestic worker instead of hiring formal laborers. Ligaya, (2012) Moreover, employers would also apply labor control structures for instance isolation and mobility control as well as passport confiscation and control of telephone usage. By doing so, this limits the migrant worker from networking; mobility and social capital that can be very empowering (ibid). In fact, in extreme cases employers apply violence mechanism in punishing domestic laborers. Control is a mechanism to domesticate and make reproductive labor manageable thus putting the worker in a situation where they are powerless and can’t fight for their rights.

Transnational division of female labor is one of the major impacts of globalization of female domestic work and is more profitable to the labor-receiving countries. This mainly causes market segmentation that catalyzes inequality influenced by race, gender, class and nationality in the labor-receiving country. Usually middle and upper class women in the labor-receiving country have the opportunity to work in the formal sector with better working conditions an pay while educated migrant women from third world like Kenya are segregated in poorly paid, low status domestic work that the locals can’t do. As a result, this molds division among women in regards to nationality, race, and class.

Another impact of globalization of domestic labor is transnationalization of the household. This occurs in both receiving and sending countries. This enables labor-receiving household to have access to care for both the young and old. On the other hand, labor-sending household is denied of care from the migrant female or mother in most cases. Moreover, these migrant women are in turn also denied of emotional satisfaction of caring for their children.

We argue that the aspect of commodification of reproductive labor fosters the framework of neo-liberal globalization and doesn’t fully solve the economic problems of these migrant workers. Instead they are treated as mere commodities in the whole process of migration which greatly makes them vulnerable to abuse and exploitation.

## 3.2 Contract Enslavement: The Kafala System in Saudi Arabia

In this section we present issues of enslavement of migrant domestic workers through the sponsorship system. We argue that this system is fundamental to the plights experienced by Kenyan female domestic workers in Saudi Arabia**.**

Saudi Arabia is the origin of Islam and hosts two of its holiest shrines; Medina and Mecca. It has an ideological as well as political influence to over 1.6 billion Muslims i.e. 23 percent of the world’s population (Longva & Nga, 1999). The kingdom is also the biggest economy in the Arab world, blessed with world’s second biggest proven oil reserves. Consequently, this makes Saudi Arabia a major attraction for population movements from all over the globe. Pilgrims from all over the Muslim world to the holy shrines of Mecca and Medina attract millions of faithful’s every year. According to CDSI, 2012 Saudi Arabia received 7.2 million pilgrims in 2012 and with an estimated 9.4 million non-national residents. As a result, Saudi Arabia was ranked as the second top remittance sending nation and is first in the Gulf region.

During 1979, political tensions undermined the destabilizing power of most large migrant communities settling in the kingdom (ibid). The break out of the first Gulf War in august 1990 after the invasion of Kuwait by Iraq, caused mistrust among the Gulf States towards Arab workers. Consequently this facilitated replacement by Asian laborers and other developing countries which were assumed to be less prone to political claims (ibid).

Saudi Arabia is a complete monarchy currently ruled by King Abdallah Aziz Al Saud (Heritage, 2015). In terms of economy, the Kingdom is yet to diversify its economy because the revenues from oil still account for 80% of its budget (World Bank, 2014). Saudi Arabia is also the largest exporter of petroleum given the fact that it has 16% of the worlds established petroleum reserves which makes it play an important role in OPEC. Oil revenue counts for about 45% of its GDP as well as 90% of its total export earnings (Ibid). However, the main problem faced by Saudi Arabia’s economy just like other countries with oil is *Dutch disease* that can be described as the deindustrialization of a countries economy that happens when the realization of a natural resource raises the value of currency, causing manufactured goods to be less competitive with other countries, increasing imports and decreasing exports.

# 3.2.1 New forms of slavery in the 21st Century

Slavery still exists in the twenty-first century although an increasing number of people are more informed about it compared to 50 years ago. The issue of contemporary slavery is not entirely based on the aspect of modernity, but to various factors that continue to change over time. Today, 600,000 workers are estimated to be in conditions of forced labor in the entire Middle East region (ILO, 2015). In addition, the forms of slavery have dramatically changed due to increased modernization and globalization. The western approach to slavery describes it as of an individual who is only regarded as an object to be traded in available forms of market especially in regards to labor (Degorge,200).The slave is referred here as another person’s property that can be used as that owner wishes (Ibid).I n this case the owner is entitled to freedom while the slave is associated with socioeconomic and political deprivation and legal impotence(ibid). Historically slaves were bought from foreign distance countries where skin color as well as culture and language differed from that of the master. Slavery has also been closely associated with forced labor since they are both characterized with the same aspects and approaches. According to ILO Forced Labor Convention, (ILO , 1930 , N.29); forced labor can be defined as;

*All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*

The indicators for assessing cases or situations of forced labor include;

1. *Threat of denunciation to the authorities, where the worker is in an irregular.*
2. *Retaining passports and identity documents so that the worker cannot leave or prove his/her identity and status.*
3. *Withholding wages or reducing wages excessively which contradicts previously made agreements.*
4. *Threats and intimidation or actual physical harm to the worker.*
5. *Debt bondage: as in, the worker works to pay off a debt or loan, and is not paid for his or her services. The employer may provide food and accommodation at such inflated prices that the worker cannot escape.*
6. *Restriction of movement and confinement to the workplace or to a limited area.*
7. *Deception which relates to failure to fulfill what was promised to the worker, either verbally or in written form.*
8. *Isolation.*
9. *Excessive overtime.*

Forced labor has increasingly become part of the global debate especially due to the fact that by the end of 2009 it was estimated that 12.3 million people were trapped in forced labor (ILO, 2009). Of these, 126 million were reported to be involved in the extreme forms of child labor (ILO, 2006). These worst forms of labor are also experienced by domestic workers which include, trafficking, and all the forced labor indicators.

The table below highlights various forms of exploitation across the globe.



Table 3. ILO Minimum, Estimate of forced labor in the world. Source (ILO,2013:2).

We understand as highlighted in the table (3) above that the major regions that forced labor is practiced are in Asia and Pacific which includes 9.5 million people who are regarded to be forced labor victims i.e. three quarters of the total number of people in forced labor globally. Following closely is the Latin America and the Caribbean with 1.3 million people involved in forced labor. Sub-Saharan Africa follows with 660,00 victims that represent 5% of total ,industrialized countries 3%, Middle East and North Africa 2% as well as transition economies 2%.

It’s important to understand that slavery is not only a thing of the past but also present although in various forms across the world today. The modern slavery approach focuses on huge returns and cheap lives (Jureidini & Moukarbel, 2006:3). According to Bales (1999:4) slaves can also be described as people who are held by violence or even threat of violence for sole purpose of economic exploitation. There are three main factors that have contributed to modern slavery today i.e. increase in the global population, economic change in the developing nations, and socioeconomic change that has been influenced by modernization and globalization of the global economy. In the modern world economy it’s a normal trend where by capital is attracted to places where labor is cheap and flexible ( Bales 1999:4; Jureidini & Moukarbel, 2006:4).

There are three types of modern day slavery as described by Bales in his book *disposable people* (1999): Debt bondage where servitude is involved against the loan of funds, chattel slavery where slaves are usually captured, born or in severe form sold into servitude permanently. The third form of slavery which is directly connected to our thesis is the contract slavery where by the contracts are just mere fiction in contrary to the intended application of binding employment agreements legally. Consequently, this form of slavery masks the reality conditions brought about by slavery.

# 3.2.2 The Kafala System

Slavery in Saudi Arabia was eradicated in the year 1962 (Chammartin & Gloria, 2002). However, contract slavery particularly of domestic migrant care givers continues to be practiced in most of the Persian Gulf region, where the very local economies depend and grow on migrant work force. Economic factors on both parts of the sending and receiving countries influence the migration of female worker from their home countries to Saudi Arabia (Ibid).

Slavery remains illegal in Saudi Arabia although the use of contracts “Kafala” (sponsorship system) has emerged to provide slave-holders to disguise the practice as if they were legitimate employers with no intentions of slavery (Hudspeth, 2014). The Kafala system has its origin in the Arab world. It was adopted from Bedouin custom that provided temporary protection to strangers especially those travelling. For instance, if a stranger was travelling mostly across the desert and happened to wonder into a family’s premises then it would be tradition to take him in, provide him food as well as his livestock and allow them to stay as long as they want.

 However the modern day Kafala system provides the opposite where it gives the employer leverage over the employee and most cases it starts with passport confiscation that facilitates exploitation and abuse.

For migrants to work in Saudi Arabia as well as majority of the Gulf countries they need to secure a visa through the sponsorship system. This system according to Saudi law binds the worker to the employer (Budlender, 2010). Although both the sponsor and worker are able to declare the contract null and void, it is still unfair to the worker. She has to pay for her ticket which otherwise it is supposed to be the employer’s responsibility. As a result she may be fined or pay huge debts to the recruitment agency. Studies done by Halabi denote that;

*Through this system of sponsorship, the fate of the migrant worker is entirely dependent upon the goodwill of an employer who, at any time, can threaten her deportation if unsatisfied. Once in their host countries, these migrants are immediately required to surrender their passports to their employers. Thus, even before the worker steps foot in her host country, the systems of exploitation are already in place* ( Halabi, 2014).

The sponsorship system also fosters the idea of wage slavery since most of these domestic workers depend heavily for survival. According to Wikipedia;

*Wage slavery is a term expressing disapproval of a condition where a person feels compelled to work in return for payment of a wage. In terms used by critics of capitalism, wage slavery is the condition where a person must sell his or her labor power submitting to the authority of an employer in order to survive.*

This can also mean laborers who have limited choice in their employer whether due to economic and geographicconditions or the lack of skilled competence. According to (Degorge, 2007), wage slavery is also referred to as the condition where one is unable to make choices and action differing from the description of the job by the employer. Furthermore, the wage earners livelihood is completely depended on the wages

The common forms of wage slavery are those with menial jobs and household laborers which include domestic workers.

These are women who come to Saudi Arabia to work for what in their home economies would be regarded as a lot of money.

However if it is put into perspective that is, compared to other wages earned in Saudi Arabia its extremely low and in some cases they end up not being paid a penny. Foreign workers play a major role in the labor force in Saudi Arabia and most of the gulf countries since they provide cheap and flexible labor. Consequently, they are vulnerable to various forms of abuse and exploitation since it’s hard for them to voice their plights and if they do, little of no attention is given to them.

The table (4) below shows the number of migrant workers in the gufl region in various sectors.



Table 4 : Source; *Labor Immigration and Labor Markets in the GCC Countries: National Patterns and Trend.* (see *Edwards,2011:23)*

The above table (4) shows clearly that employment in the household which includes domestic workers is greatly considered a foreign thing. To be specific, in Saudi Arabia 99.6% of workers in the household are foreigners.

These factors, together with restrictive contract systems, tie the female domestic care giver to the immediate employer thus creating an environment favorable to involuntary servitude and exploitation.

 International Labor Organization (ILO 2005) describes involuntary servitude as;

. *When a domestic worker becomes ensnared in an exploitative situation from which they are unable to escape. The exploitation can include inadequate wages and working conditions; however, it is also the real or perceived restriction of freedom, trapping the individual in servitude through violence, coercion, physical, sexual and emotional abuse, physical barriers etc.* (Director General, 2005 in world vision,2009 ).

 This oil rich kingdom is currently the largest recipient of migrant domestic care givers primarily emigrating from Indonesia, Sri Lanka and Philippines, who mostly chose to abandon their families and migrate for various social and economic reasons (Silvey & Rachel, 2006).

Contrary to the traditional understanding, these women who migrate to Saudi Arabia do so by choice i.e. willingly. Most of them are educated and skilled and are not on the absolute poverty. In fact most of these care givers are from lower-middle class families that take the initiative to migrate. Moreover, some also do so due to adventure seeking, independence, training as well as upward social mobility. Influenced by these factors, women often experience substantial debts and pay recruitment agencies unreasonable fees to finance and facilitate their migration.

Depending on recruitment and employment agencies and brokers, migrant domestic care givers enter contractual bondage with employers unknown to them exposing themselves thus vulnerable to abuse and exploitation.

In some cases migrant domestic workers without proper documentation find themselves under the control of their employer. This automatically exposes them to exploitation and abuse. This is mainly due to the fact that Saudis and Middle Eastern households in general usually consist of big extended families, thus work can be onerus. In many case the labor involves duties such as, cleaning, cooking, washing, tailoring and taking care of children and the elderly. Consequently, they are subjected to extremely long working hours, up to 20 hours a day.

# 3.3 Kenyan perspective on domestic work.

Kenya’s GDP reflects at US$32.19billion according to Central Bank of Kenya (2010). The annual growth is estimated to 5.6 % approximates in the year (2010) and an inflation rate of 14% by the year 2011. The country’s economy is dependent on agriculture although periods of drought tend to limit the growth of the country’s GDP.

Kenya has a dualistic economy involved of the formal and the informal sectors. For many years the informal sector has been doubted for its contribution in the economy albeit it is clear that it makes enormous contributions to many households and nations.it is important to gauge the informal sector by its labor force as it keeps on growing each year. According to the Government estimates 5.9 million people are employed in the Kenya’s informal sector and have grown from 7.5 million to 7.9 million in 2008 (Ministry of Labor-Kenya,2011).

Omolo (2010) acknowledges how the Kenyan government has been working towards a policy for the creation of productive and sustainable employment opportunities since attaining independence in 1963. Kenya vision 2030 is a good example which was laid out by the former president Mwai Kibaki in the creation of 703,000 jobs annually as part it of its success (GoK, 2007).

Furthermore legislative and institutional reforms are being adopted to improve the labor situation between the workers and the employers. Kenya has enacted five set of laws that help to regulate the Labor sector. These labor Laws that regulate relationships in the workplace.

*The Employment Act (2007) defines the fundamental rights of employees, provides basic conditions of employment, and regulates the employment of children.*

*The Labor Relations Act (2007) consolidates the law relating to trade unions and trade disputes, provides for the registration, regulation, management and democratization of trade unions and employers’ organizations or federations, and seeks to promote sound labor relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development.*

*The Labor Institutions Act (2007) provides for the establishment of labor institutions, outlines their functions, powers and duties and other related matters. The Work Injury Benefits Act (2007) provides for compensation to employees for work related injuries and diseases contracted in the course of their employment while the Occupational Safety and Health Act (2007) provides for the safety, health and welfare of workers and all persons lawfully present at workplaces* (IFWEA, 2012).

Wage councils were also created to help solve the minimum wages that a worker is able to earn with various sectors of the economy. Despite these interventions, Kenyan workers especially female domestic workers, continue to suffer decent work deficits. These are particularly manifested to the inability of the workers to obtain decent and productive work, in conditions of freedom, equality, security and human dignity.

It’s worth noting that women participate in productive labor. Hence the need for them to migrate outside the country, a notion prompted by the aspect of wage difference. According to Parrenas (2001:64) economic insecurities take the center role of migration but then so is the need and desire to offer support to the family. However women feel a great sense of responsibility and demands from the family and most of them seek liberation from these duties.

 Many take the risky step to travel abroad with the hope of finding a job in the informal sector like domestic work. This international transfer of care and mothering roles in the domestic sphere traps many women in exploitative situations and abuse. Cases like these prompts one to ask the question, how efficient are the labor standards in combating labor exploitation and abuse?

Migration should not be limited to pull and push factors, but also rapid industrialization which as a consequence it has led to very high unemployment rates. Scarcity of jobs and high competitions in Kenya has led people to seek for broader opportunities outside the country like in Saudi Arabia since not all them have the qualifications to compete in the formal sector.

The figure below shows open unemployment rates amongst the youth cohorts of 15-19; 20–24; 25-29; and 30-34 years. It also compares this trend with the total unemployment rates over time.



Figure 2: Youth Unemployment in Kenya by Age Cohorts (1978-2006)

Source of Data: KNBS, *Statistical Abstract,* various issues

Figure 1 confirms the variation of unemployment trends of different demographic groups depicting youth unemployment rate being relatively higher than the total unemployment rate. In 1998/99, for instance, the unemployment rate among the youth 7 categories of 15–19 years; 20–24 years; 25–29 years; and 30-34 years was 47 percent, 47.3 percent, 25.1 percent and 14.3 percent, respectively. Even though the unemployment rate in the economy reduced in 2005/2006, the youth unemployment levels was still comparatively high at 25 percent, 24.2 percent, 15.7 percent and 7.5 percent for the youths in 15–19 years; 20–24 years; 25–29 years; and 30-34 age categories respectively.

Coenjaerts *et al.* (2009) supports the trends of the youth having higher chances of losing their jobs during economic downturns. They are also very side-lined under the basis of last in-first out approach to staff reduction, barriers to entry due to lack of or inadequate work experience, and path dependence, which shows that early unemployment increases the likelihood of subsequent unemployment.

 Gender disaggregated data on unemployment presented in Table 2 depicts relatively

High unemployment rates for women than for men. This is true for all age groups.

Table: 4 Unemployment Rates in Kenya by Age Group and Gender (Percent)

|  |  |  |
| --- | --- | --- |
|  | **2009/10** | **2012/13** |
| Age(years) | Total | Men | Women | Total | Men | Women |
| 15-19 | 24.3 | 21.8 | 26.4 | 19 | 19.2 | 18.8 |
| 25-29 | 15.5 | 8.2 | 21.6 | 20.9 | 20.2 | 21.5 |
| 35-39 | 8.4 | 5 | 11.8 | 6.6 | 6.6 | 6.6 |
| 45-49 | 8.2 | 4.9 | 12.5 | 3.5 | 3.5 | 3.5 |
| 55-59 | 13.5 | 14.2 | 12.7 | 1.4 | 2 | 0.9 |
| Total | 14.6 | 9.8 | 19.3 | 12.7 | 11.2 | 14.3 |

Source of Data: KNBS, *Statistical Abstract,* various

The data summarized in Table 2 shows that overall, the unemployment rates for women eased from 19.3 percent in 2009/10 to 14.3 percent in 2012/13. However, the male unemployment increased by 1.4 percentage points from 9.8 percent in 2009/10 to 11.2 percent in 2012/13.

It is important to mention, despite the legal enactments to improve the domestic work sector, many challenges still exist towards the fulfilment of labor standards and rights at work in Kenya. Domestic workers in Kenya and in many parts of the globe are employed in the confines of households. In many cases the working relationship is usually non-formal with no contracts signed and if there are most of them do not understand what they are contracting themselves to. At the same time in the Kenyan context, some domestic workers are either employed by their relatives or were assisted by their relatives to get the jobs.

# 3.3.1 Role of the Kenyan government

The government of Kenya, through the Ministry of Foreign Affairs has lead the efforts for a creation of an all-inclusive document on labor standards that will be able to guide the terms and conditions of Kenyans working in Saudi Arabia. This notion was prompted by many cases of Kenyan migrant domestic workers leaving the country in great anticipated and returning home either dead or in fractures (COTU 2011).

The central organization of trade unions Kenya (COTU) is always in the fore front for fighting for the rights of workers and responding to the plight of workers employed in the diaspora. This national center is formulating a new constitution which enables the protection of domestic migrant workers by creating new policies and clear guidelines. This aspect was clearly noted by the Secretary General Francis Atwoli during the Labor Day celebrations when the people prompted the government to intervene the plight of female migrant domestic workers in the Gulf countries (Daily Nation, 2014).

As a consequence the Kenyan Government implemented a travel ban to probe the many cases of female migrant domestic workers labor exploitation in Saudi Arabia. A commission was established by the Ministry of Labor which involved Non-Governmental Organizations, Ministry of Foreign Affairs, Trade Unions and Private Employment Agencies.

# 3.3.2 The effect of the travel ban on Kenyan migrant domestic workers.

The Kenyan Government decided to impose a travel ban on domestic workers to Saudi Arabia in June 2012 due to the frequent labor exploitation and abuse on female migrant domestic workers. The oil-rich kingdom employs a high number of Kenyans; about 3,000 in a single month according to international Organization of migration (IOM 2011).Majority of them were lured by promises of huge remittances at home if they secured the jobs. Ironically Kenyan women ended up being victims of sexual harassment, victimization, rape and worst murder.

The ministry of Foreign Affairs in accordance to Government of Kenya temporarily suspended the recruitment and export of domestic workers to the gulf countries. An official report by the political and diplomatic secretary clearly stated this action was based by numerous reports of abuse and violence (Daily Nation 2012).The Kenyan Government intends to vet Private Employment Agencies who often are the middle men for workers and employers. These recruitment agencies are known to recruit women to the gulf countries where the employment laws are based on a principle called the *kafala* system.

The *kafala* system is a code that was meant to host travelling strangers as one and part of the family. According to Vlieger (2012:64) the *kafala* system has managed to change to an official migration policy known as sponsorship “which gives employers undue control over their employees. Common practices include withholding of paychecks, confiscation of passports, and the enforcement of long working hours under poor or unsafe conditions. Migrant workers are often exempt from protective labor laws, giving them little redress in the face of injustice.

Sponsorship is especially dangerous for female domestic workers, since they often travel alone and can be easily confined to their employers' homes.

In comparison to Indonesia, Kenya follows the same step to impose a travel ban on female migrant domestic workers to the Middle East. According to Nisha Varia, a researcher at Human Rights Watch told the CNN (June 2011), “An Indonesian migrant worker Ruyati binti Satubi was beheaded in Saudi Arabia last summer for killing her employer’s wife, the Jakarta government imposed a moratorium on sending its laborers to the kingdom. Indonesian authorities were incensed that the Saudi government had not notified them of the execution beforehand in order to provide sufficient time to apply for clemency in addition another Indonesian woman who was sentenced to death last November, Neneng Sunengsih binti Mamih Ujang, was eventually released after Indonesian officials intervened on her behalf.”

Kenya and Indonesia are sending a message to Saudi Arabia that it is not acceptable to exploit and execute their nationals without intervention. Saudi Arabia currently has about 1.2 million Indonesian workers; only Malaysia has more. About two dozen Indonesians are presently on death row in the kingdom. The Indonesian government is reportedly seeking to completely end the process of sending workers to Saudi Arabia by 2017, The Asahi Shimbun (2012).

However in November 2013, the travel ban was lifted following too much criticism from the private employment agencies that were almost out of business and ironically the workers themselves. The argument was based on the grounds that Kenya will lose the remittances that migrant workers send back home which have a considerable impact on the economy. Total remittance inflows (from all countries with Kenyan immigrant workers) have been on the increase in recent years such inflows raised from about $641 million in 2010 to more than $891 million in 2011, according to the Central Bank of Kenya Report(2012). This amounts to a 40 percent increase in a single year. Banning Kenyan domestic workers from migrating to the Middle East will surely put a dent in that income. But for the families of women who might have ultimately faced abuse and exploitation at the hands of their employers abroad, it's a small price to pay.

# Chapter 4

# 4.0 International labor standards on migrant domestic workers

In this section we discuss formal legal standards both written and ratified by both Kenya and the Saudi government. In this case we examine the statutory law in the Kingdom. Exclusion of domestic workers from the labor laws remains a reality in Saudi Arabia and majority of the countries in the gulf region. These workers are only included in the sponsorship system that is highly characterized with immigration regularities as we have discussed it in the previous section. Secondly the section offers an analysis of the global laws that are relevant to the protection of domestic workers. What forms of protection are provided by these laws and to what extent are they effective in protecting these Kenyan female domestic migrant workers in search of greener pastures. We describe the Arab Charter on Human Rights, the convention on the Elimination of all forms of Discrimination against Women (CEDAW), Universal Declaration of Human Rights, ratified International labor agreements2w and the Palermo Protocol against Human Trafficking.

National formal legal standards in Saudi Arabia provide normative tools to the advantage of the employer, while global formal legal standards provide tools to the advantage of the domestic worker. (Veliger, 2011:141) However this phenomenon is different in Europe where both national and global laws provide tools for the protection of employees, in this case domestic workers (Ibid). Moreover, formal legal standards usually create a social stratum between deferent standards which limits its application hence giving more advantage to the powerful actor, the employer (Ibid).

# 4.1 Saudi Arabia’s Statutory Standards, Exclusion from the labor law

In the kingdom of Saudi Arabia, domestic laborers have been openly excluded from the protections offered by the statutory labor law.

According to Saudi labor law, article 7, the following are exempted from the protection offered by this law;

(*i) The employer’s family members, namely, the spouse, the ascendants and descendants who constitute the only workers of the firm*

*(ii) Domestic servants and the like.*

*(ii) Sea workers working on board of vessels with a load of less than five hundred tons.*

*(iv) Agricultural laborers other than the categories stated in Article (5) of this Law.*

*(v) Non-Saudi workers entering the Kingdom to perform a specific task for a period not exceeding two months.*

 *(vi) Players and coaches of sports clubs and federations*.

We argue that the exclusion of reproductive laborers from the national protection of labor laws exposes this vulnerable sector of employees to exercise labor exploitation as well as human rights violations. In addition we base our argument from Albert O. Hirschman’s “*exit voice”* economic model of recuperation, which argues that the exclusion from labor laws infringes international human rights law and directly denies any legal protection for domestic laborers who are victims of exploitation and abuse. Furthermore, these conditions enhance forced labor just as slavery does and also infringes global human rights legislation.

# 4.2 International Legislation.

International law can be categorized into; i) international conventions, ii) customary law and iii) general standards common to the main global legal systems. Veliger, (2011:144) argues that; *customary law is binding regardless of ratifications; according to others it’s not binding .Conventions become binding on states upon ratification.* It’s important for governments to take responsibility on non-self-executing standards while self-executing standards are absorbed into the state legal system (ibid). However this can be influenced by the system (monistic or dualistic) of preference by the country. In monistic legal system, state and international legislation are considered as one legal system. Furthermore, the process of ratification absorbs the rules in question into state law and nationals can directly refer to them in the court of law as state law. On the contrary, in dualistic system the citizens are not able to refer to international ratified laws and judges cannot apply them.

According to Saudi Arabia law Article 70; *any international treaty or agreement approved by a Royal Decree and its provision shall be valid and effective and shall directly be referred to by the courts in passing their judgments*

According to Merry (2006), nations ratify transnational laws because of reciprocity, desire for membership in the global community, the illusion to appear *civilized*, pressure from other nations due to economic factors like trade agreements. Nations with less global power are prone to submit to this pressure while more wealthy and powerful nations such as USA and Saudi Arabia decline to be influenced by some aspects of transnational law that they regard unnecessary (Ibid).

Realists suggest that nations only submit to these international laws only when it is in their self-interest contrary to the application of these laws (ibid). For instance, this self-interest factor is pushing nations to ratify some international laws aiming to profit from direct foreign investment in the effort to diversify their economies. In addition, some transnational organizations (for example, European Union and World Trade Organization) call for ratification of particular conventions in return for intended benefits. Consequently Saudi Arabia has ratified some treaties although the rate is low and implantation even worse.

# 4.3 Universal Declaration of Human Rights

The 1948 Universal Declaration of Human rights, Article 12, 13, and 24 are being infringed against migrant domestic workers in Saudi Arabia and Middle East in general with less concern from the international community.

Article 13, states that;

*(1) Everyone has the right to freedom of movement and residence within the borders of each state.*

*(2) Everyone has the right to leave any country, including his own, and to return to his country.*

Article 23, states that;

*(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment*

*(2) Everyone, without any discrimination, has the right to equal pay for equal work.*

*(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*

*(4) Everyone has the right to form and to join trade unions for the protection of his interests.*

Article 24, states that;

 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

# 4.4 The Arab Charter on Human Rights.

Majority Islamic nations have criticized the Universal Declaration of Human Rights for its assumed failure to consider the cultural and religious context of Muslim states. As a result, this has caused the formation and adoption of the Arab charter on Human Rights commonly referred as *The Charter.* However the international community disapproves the regional treaty that set unfavorable standards in relation to the Universal human rights principles as provided in UN treaties. On the other hand, the Charter also comprises some values of international human rights standards. It asserts:

*Article 43: Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the States parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.*

In addition it states;

*(…) reaffirming the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.*

The fact that not all member countries have ratified all the global covenants then this Charter provides guide lines or standards for nations like Saudi Arabia. For instance, the article bellow under the Charter describes the position of domestic laborers;

Article 3 States;

*(i) Each State party to the present Charter undertakes to ensure to all individuals subject to its jurisdiction the right to enjoy the rights and freedoms set forth herein, without distinction on grounds of race, color, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability.*

*(ii) The States parties to the present Charter shall take the requisite measures to guarantee effective equality in the enjoyment of all the rights and freedoms enshrined in the present Charter in order to ensure protection against all forms of discrimination based on any of the grounds mentioned in the preceding paragraph*

*(iii) Men and women are equal in respect of human dignity, rights and obligations within the framework of the positive discrimination established in favor of women by the Islamic Sharia, other divine laws and by applicable laws and legal instruments. Accordingly, each State party pledges to take all the requisite measures to guarantee equal opportunities and effective equality between men and women in the enjoyment of all the rights set out in this Charter.*

The charter hence refers to individuals not citizens or nationals. Moreover it asserts;

 Article 8:

*(i) No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment*

*(ii) Each State party shall protect every individual subject to its jurisdiction from such practices and shall take effective measures to prevent them. The commission of, or participation in, such acts shall be regarded as crimes that are punishable by law and not subject to any statute of limitations. Each State party shall guarantee in its legal system redress for any victim of torture and the right to rehabilitation and compensation*

Article 12:

*All persons are equal before the courts and tribunals. The States parties shall guarantee the independence of the judiciary and protect magistrates against any interference, pressure or threats. They shall also guarantee every person subject to their jurisdiction the right to seek a legal remedy before courts of all levels.*

If implemented, the Charter would thus provide proper legal protection to migrant domestic workers.

**4.5 UN Convention on the Rights of Migrant Workers.**

The UN Convention on the rights of Migrant Workers (adopted in 1990 and enforced in 2003) is the most inclusive global treaty in the sector of migration and human rights. The convention provides guidelines in relation to access to human rights for migrants. Even so, it’s still characterized with apathy towards its enforcement: only fourty countires have ratified it and no major immigration state has done so.

This shows how migrants remain overlooked in relation to access to rights. Although their job is important in the global economy, the non-economic strand of migration i.e. migrants’ rights continues to be overlooked.

Saudi Arabia has not ratified this convention. Furthermore, government officials as well as citizens generally agree that migrants including third generation migrants, are not supposed to have any rights as well as their family members Veliger, (2011:149). The influx of migrant workers through contracts that is usually valid for two to three years are not even regarded as migrant workers but temporary contract workers to stress the return to their home countries.

Moreover, even if Saudi Arabia ratifies this convention, the standards and regulations will not be applied to domestic laborers since they are not regarded as workers.

# 4.6 Legal Protection of Domestic Workers in the ILO convention (C189)

Domestic workers are major contributors to the economy considering the huge remittances they send back to their home countries. According to the ILO convention in Geneva (Geneva, ILO, and 2013:19) depicting the estimates of female domestic workers globally “at least 53 million people, the majority being women and girls are employed in private homes as domestic workers”. The international labor organization has set standards and ethics that govern the rights of domestic workers at their work places. The ILO Convention 189 made participating countries to recognize domestic workers as workers with rights and dignity who perform regular work and not as helpers.

 Domestic workers carry out household chores including cooking, cleaning, laundry, caring of the elderly and children. However domestic workers continue to be exploited and discriminated by their employers.

The human rights watch report on the ILO convention 189 contends the gaps in legal protections of domestic workers and the fact that they work in private households makes them to be at risk of several abuses including labor exploitation. “Around the globe, domestic workers endure excessive hours of work with no rest, non-payment of wages, confinement, forced labor, abuse and trafficking” (ILO 2013).

Our focus in this study is the plight of the Kenyan female domestic workers working in Saudi Arabia. How efficient and effective are these conventions in regulating exploitation and abuse these domestic workers go through? In the kingdom of Saudi Arabia, domestic workers are clearly excluded from the labor laws leaving them with no legal right to contest of exploitation by their employers. Visibly domestic work continues to be undervalued while the major participants are women and girls, majority being migrants from marginalized communities.

The ILO convention on domestic workers (convention no.189) is an international adoption of the economic, social value of domestic work which seeks to protect the domestic worker. According to the IFWEA report (2012), notes the importance of addressing the exclusions of domestic workers from labor laws since “Most domestic workers are women; the new standards are an important aspect to advance gender equality in the world of work and ensure women rights are protected under the law”.

Convention 189 was adopted on the sixteenth day of June, the year of two thousand and eleven, and adopted to protect the rights of all domestic workers with the requirement to monitor private recruitment agencies and preventing child labor in domestic work.

The Human Rights watch on the convention 189 highlights the principles accorded to domestic workers according to international labor organization principles. Kenya and Saudi Arabia are some of the nations that support the convention 189 and its adoption. However they are yet to ratify the objectives and goals of the convention, Kenya has managed to reinforce 50 conventions and ratified 43 while Saudi Arabia has ratified 16 conventions and no convention denounced (ILO 2012).The discussion of the convention enables us to organize the legal framework put in place for the protection of domestic workers, this approach will also highlight the purpose of the study area

# 4.6.1 Contract Agreement.

The contract creates the bondage between the worker and the employer. It also has the basis for one to be able to claim for rights.

The Convention 189 acknowledges the need for governments “to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written con-tracts in accordance with national laws, regulations or collective agreements” (Article 7).The convention notes that the contract should be clear on the details of the employer ( name, address), of the work place ( work to be performed, normal working hours, beginning date and length of the contract). Food and accommodation if applicable (If the workers live in the house), in addition the termination of the contract should include the time of notification article 7a).

# 4.6.2 Working periods and Rest.

Clearly the ILO convention 189 focuses on the working duration earlier during contract signing. Furthermore article 10 sub article 3, of the convention stipulates that “Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice”. Article 10 sub article 1 of the convention notes “each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work”.

Weekly rest has also been taken into account, being at least 24 consecutive hours article 10(2). It’s worth noting the convention 189 highlights the freedom of mobility of workers and that they are not obliged to stay in the household or within household members during rest periods.

#

# 4.6.3 Wages

In regards to wages, the convention no.189 asks the governments to ensure that domestic workers have standard minimum wage coverage and that remuneration is established without discrimination based on sex (article 11).

Article 12 states that “domestic workers shall be paid directly in cash at regular intervals at least once a month”.

# 4.6.4 Freedom of Mobility

Freedom of movement and the effective recognition to the right of collective bargaining Article 3(sub-article 3) is one of the ILO fundamental principles of the convention. Measures have been taken to ensure that domestic workers and employers enjoy the freedom of association and to the right of collective bargaining; members should be able to protect the rights of domestic workers and employers of domestic workers subject to the rules concerned, join organizations, federations of their own choice.

# 4.6.5 Working conditions and rights

Article 13(sub article 1) notes that “every domestic worker has the right to a safe and healthy working environment”. Moreover article 9 also confirms that domestic workers should be to choose whether to reside with the employer or outside the household in addition, article 5 notes that “each member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence with regards to workers, in this case mostly women”.

**4.7 Global standards on the ratification of C189**

The launching of the ILO convention in June 2011, regarding the global labor standards for domestic workers has increased the chances of domestic workers to have the same basic rights obtainable like any other worker. According to the human rights watch on the ILO convention ( 2013), decent domestic work is important to the care economy , governments should ensure the regulation and monitoring of private employment agencies in addition to protecting domestic workers from abuse and violence.

 Since the introduction of the convention countries have pledged to adopt its policies including Kenya while some have already ratified the convention 189.

The international labor organization (2013) notes the achievement taken by countries in order to improve workers conditions and the protection of their rights. In the united States, the state of Hawaii has already implemented the domestic workers bill of rights protecting them abuse and providing a standard minimum wage, Dominican republic, Morocco, Costa Rica, Venezuela have new labor laws which include paid workers holidays and weekly day rests. Moreover Brazil and Argentina have made strides to ensure domestic workers have overtime pay, unemployment insurance, pension and a maximum 8 hour work week.

Saudi Arabia and Kenya have also ratified international labor organization conventions in the past which are also majored to protection of workers. The ILO (2012) puts the two countries ratified convections as follows:

|  |  |  |
| --- | --- | --- |
|  | Saudi Arabia | Kenya |
| C1 Hours of Work (Industry)Convention, 1919 | x |  |
| C14 Weekly Rest (Industry) Convention, 1921 | x |  |
| C29 Forced Labor Convention, 1930 | x | x |
| C30 Hours of Work (Commerce and Offices)Convention, 1930 | x |  |
| C45 Underground Work (Women) Convention,1935 | x |  |
| C81 Labor Inspection Convention, 1947 | x | x |
| C89 Night Work (Women) Convention (Revised),1948 | x | x |
| C90 Night Work of Young Persons (Industry)Convention (Revised), 1948 | x |  |
| C100 Equal Remuneration Convention, 1951 | x |  |
| C105 Abolition of Forced Labor Convention, 1957 | x |  |
| C106 Weekly Rest (Commerce and Offices)Convention, 1957 | x |  |
| C111 Discrimination (Employment andOccupation) Convention, 1958 | x |  |
| C123 Minimum Age (Underground Work)Convention, 1965 | x |  |
| C138 Minimum Age Convention, 1973, 15 years in Saudi Arabia 16 years in Kenya. | x | x |
| C174 Prevention of Major Industrial AccidentsConvention, 1993 | x |  |
| C182 Worst Forms of Child Labor Convention,1999 | x |  |
| C189 domestic workers convention. |  |  |

# 4.8 Committee on the elimination of discrimination against women (CEDAW)

The kingdom of Saudi Arabia has also managed to ratify the convention on the elimination of all forms of discrimination against women (CEDAW) in the year 2000. However their compliance to these conventions is usually very minimal the convention stated this in Article 1.

 Article 1*:*

*For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

Article 2:

*There upon adds that states parties condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. By prohibiting any distinction which has the effect of impairing the rights of women, CEDAW prohibits both direct and indirect discrimination. Because almost all domestic workers are female, excluding them from the protections of the labor law based on the argument that this is the private sphere of the household seems tantamount to indirect discrimination* Vlieger (2012:149).

However as Vlieger continues to the reservations of this convention, it is clear that it permits changes that are not compatible with the purpose and objectives of the convention (article 28*). A number of States have entered reservations to particular articles on the ground that national law, tradition, religion or culture is not congruent with Convention principles, and purport to justify the reservation on that basis.* Saudi Arabia is one of the countries that have had reservations regarding the convention.

*In the case, Saudi Arabia may have contradictions between terms of the Convention and the norms of Islamic law; the Kingdom is not under obligation to observe the contradictory terms of the Convention furthermore the Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention Vlieger* (2012:150

Reservations made by nations are bound to be compatible to the objectives and purpose of the convention however, when reservation are made contrary to the purpose they shall not be permitted.

The UN report on the (CEDAW) convention, (2011) states “the CEDAW commission does not accept all reservations to the convention but article 28, paragraph 2 of the convention states the importance and the credibility of these changes in regard to the convention.

The report further states the clarity of challenging the main principles of the convention which are in divergent to the universal international law. Vlieger (2012) agrees to this notion as she states “Article 2 is considered by the Committee to be a core provision of the Convention. The Committee holds the view that states parties which ratify the Convention do so because they agree that discrimination against women in all its forms should be condemned and that the strategies set out in article 2, subparagraphs (a) to (g), should be implemented by states parties to eliminate it. Neither traditional, religious, cultural practice nor incompatible domestic laws and policies can justify violations of the Convention”.

Saudi Arabia has to identify domestic workers as workers who need to be treated like human beings with equal rights at the workplace. Excluding them from the labor laws makes these conventions not to be applicable to them hence difficult to implement.

# Chapter 5

# Discussion

In this section of our research we will analyze the information obtained from our interviews and observations. This information will then be discussed in the scope of the theoretical approaches raised in the study as well as the findings from the narration of the female domestic workers. Furthermore the findings will be put in selected themes and analyzed with the reinforcement of secondary data to explore the causes of abuse and exploitation of female domestic workers and the efficiency of the international labor standards.

# 5.1 Gender Discrimination

The social constructed notion of gender is a major factor of women victimization. Most Women from marginalized areas have problems to access education, job opportunities and resources unlike men. Most of them are limited to uptake jobs in the sector of care economy such as domestic work.

Gender plays an important role to the vulnerability of worker rights, since most of the female domestic workers. According to CEDAW Report (2008) on migrant domestic workers in the Gulf countries, argue

 *Gender discrimination in public life and employment is generally visible. However, migrant workers working behind closed doors, especially female domestic workers, are often “invisible” and are therefore particularly vulnerable to abuse and exploitation. They are not protected by labor laws and are effectively subjected to conditions of involuntary servitude.*

Women usually take the responsibility of taking care of the family and most of them seek risky measures to escape poverty situations. Domestic work, as argued by feminist theorists is a feminized type of work according to Holvino (2003), Anderson (2003) and Collins (1998). Andall (2000) captures this concept clearly when she mentions the peculiar trade-off between the thriving participation of Italian women labor market, social life and the abuse of female domestic workers in preserving the structure of the family. In addition she criticizes the autonomy of paid work has increased the presence of migrant women; who substitute with domestic work. Gender discrimination of female migrant domestic workers proves the unjust and prejudicial treatment of women in different categories especially on the grounds of race, class, or gender.

Andall (2000) and Anderson (2003) argue that domestic work degrades a woman who is employed by her female employer from the middle class. According to Anderson,

*(..)the female middle -class employer has to devote "quality" time to her children and husband. In effect, employing a cleaner enables middle-class women to take on the feminine role of moral and spiritual support to the family, while freeing her of the feminine role of servicer, doer of dirty work. The employment of a paid domestic worker thereby facilitates status reproduction, not only by maintaining status objects but also by allowing the worker to serve as a foil to the lady of the house. Simply by hiring a domestic worker, the employer lowers the status of the work that employee does. After all, the employer has better or more lucrative things to do with her time.* (Anderson, 2003)

Cases of severe physical, psychological, verbal abuse and sexual harassment have been one of the major dilemmas’ Kenyan female migrant domestic workers are experiencing. According to Appendix 1, Fatma March 2015, one of our interviewees claims of verbal and physical abuse while working in Saudi Arabia,

*(…)I can remember there was a time my employer would just spit on me and punch on my face with no apparent reason. She would pull my hijab clothes and push me to the wall.*

Incidences of physical abuse have been reported widely, as most domestic workers go through these cases. In another interview Appendix 2, Amina March 2015, states

(…) *my employer actually burnt me with an iron box, she would also beat me on the head and back with a hard stick…. As I escaped her walking backwards I fell off the balcony and broke my arm.*

Verbal abuse and constant belittling of the worker is a form of abuse and discrimination. This abuse can happen on a daily basis and eventually turn to psychological abuse.

 Appendix 3, Grace says her employer would abuse her publicly in a shopping mall. *She shouted at me, you are a fool! A dirty poor African who cannot think!*

The phenomenon of migration has led to the victimization of these women in the lines of gender, race and class inequalities. A study by jureidini and Moukarbel on Female Sri-Lankan Domestic workers in Lebanon expands the concept of women migration to seek employment in the care economy. The study notes that, majority of the Sri-Lankan female domestic workers migrated to the Middle East countries to seek high employment wages.

 According to the study, 1970s had the highest percentages of women travelling alone to the Gulf countries were married (Brochmann 1993) quoted in jureidini and Moukarbel (2004:594).

Furthermore they depict the study in comparison to the Sri-Lankan government data on foreign migration;

*In our sample, 45 per cent were married (one de facto), with 23 per cent separated or divorced and 11 per cent widowed. Even though Sri Lankan women can earn up to 10 times the income level available in Sri Lanka, it is worth to note that many are also motivated to migrate for other reasons. For instance the Sri Lankan Government Bureau of Foreign Employment has noted that 25 per cent of the women who travelled for work [outside Sri Lanka] were pushed by the poor lifestyle at home and the abuse of a drunken husband.…The motive to travel, in most cases, is to get out of Sri Lanka to a safe place away from abuse and mistreatment and have new relations abroad.* Jureidini and Moukarbel (2004:594).

 In addition the numbers of women migrating to the Middle East has been on the increase since 1970 according to Zlotnik “The female migrants constituted about 43% of foreign population in Kuwait, 33% in Saudi Arabia, 30% in Bahrain, and 20% in the United Arab Emirates (UAE). Moreover 2000, there were about 7.4 million female workers constituting around 39% of all migrants in the region (Zlotnik, 2005) quoted in (Jarallah 2009).

Since the olden days, domestic work has been dedicated to women as their responsibility to take care of the family. As a consequence almost all the domestic workers from Asia and Africa According to McMurray are female and most often they are subjected to abuse.

*Wherever they come from and wherever they end up, female migrants are even more vulnerable than their male counterparts. All of the usual swindles and forms of corruption are visited upon both equally. However, the female migrants must also run the patriarchal gauntlet. They can never be sure that their male employers won’t sexually abuse them: they have no guarantees that their employment agencies won’t force them into the sex trade (McMurray* 1999).

# 5.2 Class discrimination

Domestic work and informal labor are often associated with the inadequacy of education qualifications. This aspect puts the people employed in this sector to be marginalized as compared to those working in formal sectors of the economy. Most women and girls opt for domestic work rather than venturing in other unskilled areas in the economy like prostitution.

Marginalized women are from lower class-status according to the class hierarchy and the society because of their gender identity in addition the labor migration as unskilled female migrant domestic workers to Saudi Arabia further lowers the Kenyan women class as a result of parallel occurrence of their identities.

Anderson (2000) states that albeit domestic work is vital in social as well as economic aspects, it is a highly demeaned and disregarded feminized duty. Grace claimed that her employers discriminated her because of her class.

She says

*(…) the children would dirty the house after I have cleaned it, and when I tell them it’s wrong they would tell me I am their slave and I have bought because I am poor.* Appendix 3, Grace March 2015.

Female domestic workers suffer from class exclusion as their employers have the right to manipulate them as they prefer by overworking them. At times the employer will withhold their salaries, selling them to other employers, beating them are very regular trends.

 Grace an interviewee states this aspect as she had experienced it first-hand. She *states*

 *My employer forced me to in her friend’s home and relatives…..I kept cleaning two houses despite the fact that I only agreed to work on one”.* Aisha recounts her ordeals with her employer when her wages were not paid *(...) most of the money I expected to earn I was not paid.* Appendix 3, Grace March 2015.

The approach that domestic work takes as argued by Anderson (2003) is that domestic work can be isolating moreover in some cases the domestic worker works for low wages because she feels part of the family. It is worth to note that labor is a social aspect and just an economic process. Domestic work is intertwined in a status relationship between the employer and employee.

As a result most employers do not pay their workers their own genuine effort in addition to violation of their basic human rights and dignity.

Many employers would like to see their household chores performed for free. However Anderson (2003) puts this employer and employee relationship into perspective, she adds “the power relations among these women are very complex, to the point where even acts of kindness work to reproduce an employer's status and self-image, and they do not always, in the end, benefit the worker.” Employers should learn to appreciate and respect their domestic workers, they should also be aware that the fact that they employ a domestic worker puts them into a status relationship.

# 5.3 Movement Restriction

Kenyan women migrant domestic workers face abuse and exploitation thought the entire process of migration. It begins during the recruitment and preparation stage and continues in the duration of employment abroad. The most common problem that these women face is movement restriction. It is well documented how women in the Middle East are not allowed to move anywhere without the company of a man while outdoors. Most of the domestic work returnees we interviewed claimed that they were always locked inside the house with limited access to the outside world. For instance Grace confesses;

*My employer was a guard at the government, so I never got a chance to leave the house or run away.* Appendix 3, Grace, March 2015.

Freedom of movement and freedom of association are both provided by the international law. Article 13 of the UDHR provides for the right to liberty of movement as well as the right to return to one’s home country. Article 20 of the UDHR elaborates the right to freedom of association. This right is further elaborated by several ILO Conventions, most notably the Freedom of Association and Protection of the Right to Organize Convention, 1948 (Convention No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (Convention No. 98), two of the ILO’s fundamental conventions.

Domestic workers are usually denied freedom of movement and association. They are put under lock and key and forbidden to go out unless they ask for permission from the employer. Consequently this means that care givers can’t associate with their fellow workers, develop relationships and friendship, and various forms of social relations apart from the employment relationship. Passport confiscation is also another form of movement restriction that these migrant women face. Almost every returnee we interviewed complained that their passports were confiscated by the employer on arrival to Saudi Arabia something they were never informed prion to travelling to the Kingdom. Denying someone her passport is restriction of movement something that all the International Laws are against.

*In the beginning before I started working for my employer, they took away my passport telling me they had to create a working permit for me to continue working there.* Appendix 4, Aisha, March 2015.

Regular checks of documentation papers are always carried out randomly in Saudi Arabia and even if a worker runs away from an abusive employer the police are always on the lookout. As a result most of them are jailed instead since they lack documentation. Without the official documents in their possession, the migrant domestic worker may be detained, (where they may experience further abuse from the local police) and questioned until her documents can be retrieved, or the sponsor avails themselves at the detaining center in order for her to be released.

*Since the day they took my passport I had not seen it. But now I was jailed, and some of the women inside the detention center, told me to prepare either to be raped by the police or if my employers would report me they would give me back to them then I would receive a very harsh condition than what i was in before*. Appendix 4, Aisha, March, 2015.

Workers are also not allowed to communicate with the world outside the working home, or visiting others, another indicator of movement restriction. It’s also important to note that these workers experience movement restriction once they arrive in the kingdom I.e., workers are usually brought in by agents who lock them up in “Training” centers awaiting allocation to an employer. Most of these centers have unfavorable living conditions and is usually characterized with food deprivation and other forms of abuses including, sexual, physical as well as psychological.

*I left Kenya, by arriving in Saudi Arabia they took my passport, the Saudi agents, and then took pictures of us before our employers would come to take us to our respective work places. Then before our employers came to take us, we were taken to rooms; there we met other women who stayed there for seven days who had not been taken by their employers since they came in Saudi Arabia. The women were frusteted since they did not know where they were going to be taken to work.* Appendix 1, Fatma,March 2015.

The aspect of forced confinement of domestic care givers is not entirely necessary for the purpose of national security, public health, public order and freedoms of others ( HRW,2004:81). As a result, the practice of restricting domestic laborers from leaving training centers or their work place as well as confiscating their travel documents violates international human rights law. Furthermore, confinement in these training centers and work places hinders workers from enjoying other rights, including freedom of association and the right to return to their country.

Forced confinement in relation to labor rights violations and abuse also provides psychological abuse in sense that these women are isolated from support networks or other options available for escape and creating dependency and the feeling of one being powerless.

# 5.4 Violence and Abuse

 *The wife of my employer continued to hit me……if I cover my head she would step on my feet with her heels, so much that my feet were injured and I could not walk. After that she dragged me along her living room and poured a whole cup of chlorine on my hands to wash them…*

 Appendix 3, Grace March 2015.

Violence according to Bales (1999) is the essence of slavery. In the case of the modern contract slavery female migrant domestic workers experience violence, the employers use violence as a means of social control to subjugate workers. Domestic workers undergo psychological abuse, verbal, physical abuse and worse sexual harassment. Employers will demean and degrade workers as they shout and give orders aggressively.

 Aisha claims her employer would have a stick to punish her whenever she did not complete her chores;

(..) *they also have a stick for you so that they beat you when you are slow. My employer slapped me in the face and kicked me….he would tie my hands, legs and back for the small mistakes I make in the house. if they go out and when they return ,if I have not finished my chores the man would beat me saying if I had done the work then I would not have been beaten.* Appendix 4, Aisha March 2015

As much as there are many cases reported on psychological, physical or sexual abuse too little is done to curb to increasing incidences. The Human Rights Watch (HRW 2008) reports of at least six cases in 2007 where female domestic workers in Saudi Arabia died from injuries.

 Domestic workers areas of employment; in private households’ increases the risk of these abuses due to the imbalance of power and poor relationships between the employer and the employee. This, however, is a rather intelligible argument. First, most domestic workers complain of their female employer to be their main abuser in these relationships.

She states the abuses and negligence from her female employer; *she continued to abuse me despite of the fact that I was sick…she would beat me with a hard stick saying I deserve to be punished since I am a slave and only understand through pain.* Appendix 2, Amina March 2015

Most of the physical, Psychological and verbal abuses are perpetrated by female employers while the male employers mostly sexual harass these workers. In addition, one abuse can lead to another abuse. For instance, when the domestic worker is sexually harassed by the man of the house more physical abuse is created by the woman of the house whom may feel threatened by the circumstance. Anderson (2000:147) explains the concept of violence as a mechanism which manages to separate the positions of two women in the relationship which is marred by tangled web of emotions, jealously, guilt and disgust.

# 5.5 Psychological and Verbal Abuse.

The human rights watch report (2008) “As I were not human” depicts several cases of shouting, belittling, insults, threats and humiliation of female migrant workers. Employers would use verbal, physical or even psychological to exercise social control over the workers.

Appendix 2, Amina March 2015 said, *My employer always used abusive words like kalb!..dog! you are a stupid donkey! Hamiir! She would shout at me and order me around because I forgot to do something she asked.*

Employers would go further to humiliate the workers and belittle them so as to assert power. Appendix 3, March 2015 Grace had her hair shaved off because she did not cover herself as according to the Islam norms. An interview with her, she stated *My employers humiliated me, they shaved my head bald because I left my hair for people to see.*

Employers will go further to threaten workers of murder if they try to expose them to their neighbors or other people. Grace goes further saying she was threatened of death if she dared to tell that she was abused in any way (Appendix 3, Grace, March 2015). Female domestic Migrant workers may persevere abuse for so many years because of the confinement in the workplace, lack of information about where to seek assistance, barriers to approaching authorities, and intense financial pressures that make them reluctant to lose their employment.

A common trend emerges when employers criticize and insult domestic workers on basis of their job execution. Almost all of our interviewees complained of criticism and physical abuse. Fatma said,

*My employers will always complain about the quality of work (…) they were never satisfied..i would do more work than the required simple household chores. They would call me to clean on single spot for more than once…even if the place is visibly clean.* Appendix 1,Fatma March 2015.

Most domestic workers complain of mis-treatment and as these cases attract international attention; innumerable cases remain unreported or unnoticed.

# 5.6 Physical Abuse

The report from the HRW (2008) indicates the prevalence of physical abuses among female migrant domestic workers. A certain case human rights watch reports “ in August 2007, a Saudi family accused four Indonesian domestic workers of performing witchcraft on their son, they beat them so badly that two died from their injuries and the other two were placed in a hospital’s intensive care unit”. Most women suffer in silence either by embarrassment or by lack of knowledge of where to get help. Majority of these migrant workers have fresh wounds and scars from physical abuse. For example Amina fell off from the balcony when she was fleeing from her employers blows.

 She said , *she would beat me on the head with a hard stick…….I tried to escape and started walking backwards covering my face but they kept hitting me and I fell out of the balcony.my room was one floor up so I broke my arm.. I was unconscious.* Appendix 2, Amina March 2015.

Employers carry out brutal acts on workers; some of them delayed medical attention after the physical abuse. In the worst scenario these domestic workers lost their lives. Grace narrates a story of a friend who died because of physical abuse.

 She stated, *I also know of a story of my friend who tried to run away from all this abuse, her employers tied her feet up in the ceiling and she was daggling in the air like a piece of meat. They hit her so many times ….. her employers enjoyed punishing her, she died. Her body was brought home.* Appendix 3, Grace March 2015.

 Physical abuse increased if they refused their employers demands and when they also demanded for their rights.

Aisha recalls of a Philippine domestic worker who died because she refused to follow the demands of her employer.

 Domestic work nurtures several forms of discrimination against women who are considered vulnerable. The subsequent abuses and violence experienced by female migrant domestic workers have developed to suicide attempts by the workers.

 A study in Kuwait conducted by the international organization for migration stem the notion of “jumping syndrome”. Incidents of domestic workers jumping from multi-storey buildings have been documented in this study.

*The ‘jumping syndrome’ phenomenon; there were approximately two to three cases of serious fractures per week as a result of jumping (Shah et al., 2002; International Organization for Migration, 2003). Furthermore a study conducted in the psychiatric hospital in the same country, reported psychiatric morbidity to be about five times higher in the foreign domestic workers compared to the natural rate for a Kuwaiti female (Shah et al., 2002).*

The same phenomenon is experienced in Saudi Arabia and more specifically our participants in the interviews.

# 5.7 Sexual Abuse

Sexual harassment is one of the common abuses that female domestic workers experience in the workplace. The male employers were the most accused by our participants including relatives, teenage or adult sons. The abuses ranged from unsuitable touching, hugging to extreme cases of rape. Aisha one of our participants in the interview recounts on how she was raped by her male employer.

 She says,

*I remember vividly that fateful day when my employer came home earlier when his wife was not in the house. He then told me he wants to have sex with me but I refused and ran into the kitchen. He came from behind and injected my arm with something… when I woke up I found my bleeding. I was raped.* Appendix 4, Aisha, March 2015.

The male employer will attempt to get close to the worker or even give suggestive messages of sexual harassment. Grace and Fatma narrate their encounters with their male employers trying to give suggestive messages of sex. Grace says *he kept on asking for massages all the time… I bluntly refused to have sex with him...* Appendix 3 Grace March 2015.

The same case is relevant to Fatma who says,

 *the husband of the house asked me to massage him , he kept saying his back is hurting… the next thing he asked me to have sex with him… sometimes I would be washing utensils and the husband would come and touch my privates from behind..* Appendix 1, Fatma March 2015. According to a study by Jureidini and Moukarbel on female Sri Lankan domestic workers in

Lebanon: a case of ‘contract slavery’ reported cases of other members in the family being abusive towards the female domestic worker. This notion is proved by Amina one of our participants, that it was the son who sexually harassed her. She says the *son came in and opened her bedroom without knocking and she was from taking a shower, he caught her naked*. Appendix 2, Amina March 2015.

The study continues to highlight sexual harassment is not only restricted in the confines of the household. These female migrant domestic workers also experienced insults from the streets mostly by men who would shout at them “Dicky dicky one dollar” Jureidini and Moukarbel(2004:584).

#  5.8 Religious intolerance

Migrating from a Christian country to a country that is entirely Islamic founded and run is expected to incur tensions derived from each individual’s belief. For instance, one of the returnee we interviewed claimed that she felt discriminated in terms of religion since she was constantly called *Kafir* (non-believer).

*As a Christian they kept calling me a Kafir, a non-beliver, they tried to convince me to join their religion but I could not. I cannot help but remember an incident that the wife of my employer took me with her children to the mall.but then after a few minutes in the middle of a crowd she shouted and screamed at me abusing me in front of many people, that “Iam a foolish kafir and a dirty poor African who cannot even think” I felt so bad and weak in the knees and I wanted to cry but I could not since the pain made me numb.* Appendix 3, Grace, March 2015.

Religious freedom in Saudi Arabia can’t be found to exist. For instance, Non-Muslims are not allowed to practice their faith and face harsh treatment by the Saudis. The official form of Islam is Wahhabi and the state has put extreme restrictions on Saudis who are not keen on following it and may face torture, harassment and imprisonment. Moreover, converting from Islam to other forms of religion is only punishable by death according to the state law. Non-Muslims are not allowed to celebrate their cultural and religious holidays as well as social and national days. Sharia deals with many topics addressed by secular law, including crime, politics and economics, as well as personal matters such as sexuality, hygiene, diet, prayer, and fasting. Where it enjoys official status, Sharia is applied by Islamic judges, or qadis.

According to Sharia, Muslim employers should treat their workers accordingly and its provide in the Quran which states that;

*The holy prophet said: they are your servants whom Allah has made your subordinates. He should give him to eat what he himself eats and to wear what he himself wears. And if you are obliged to put such a burden on them with labor that may exhaust them.(…) It is the duty of the employer to take only such work from the employees as they can do easily. They should not be made to work as hard as that their health gets impaired.* (…) (Quran 4:25; Vlieger, 2011)

One of the domestic workers we interviewed (Fatma) confirms this religious intolerance that is extended even at the work place. She claims;

*They perceive Christian domestic works as prostitutes since they don’t practice the same religion as the host family and majority of the nationals. Contrary if you are a muslim then they might be a little lenient to you and accept you as their own.(…) They don’t respect your religion; even try to convince you to convert into their religion.* Appendix 1, Fatma, March 2015

Most of the women we interviewed reported that they were not allowed to practice their religion instead they insisted on converting them into Islam. For instance Fatma a Christian reported that she was constantly advised to convert to Islam and even given materials to learn the religion. She asserts;

# 5.9 Exploitation of labor

*They told me I will be going there to do house work. And I was supposed to work for 8 hours a day and 48 hours in a week, but that was not the case when I was working. I was working almost 24 hours in a day and I never had a chance of rest. The only time I had rest was when I boarded the flight back home, or when you are sleeping.* (Appendix 1, Fatma, March, 2015)

Exploitative conditions of labor include excessive and long working hours, working for more than one employer (household) and being on-call for the members of the family at all times.

Virtual all the women we interviewed claimed that they never had days off and enjoying leisure was impossible with the fact that they were always locked in. These exploitative conditions characterize the domestic workers as slaves who are only supposed to work with limited concern of their health and living and working conditions. Bales (1999:9) argue; *the value of slaves lies not so much in the particular products they make as in their sweat, but in the volume of work squeezed out of them.*

We agree with Bales since all the women we interviewed were excessively overworked with almost no concern over their well-being. These women are bought as “maids” through the contracts with help of agencies, where in the real sense they are commodities which are inform of slaves. Consequently, the employer “slave owner “has to maximize the commodity *maid* as long as its utility is still in good form thus leads to severe labor exploitation.

The first indicator of the aspect of labor exploitation is that these workers have to work in more than one household, something that is contrary to the agreement. This usually happens when the employer travels away from home and loans her maid to relatives or friends. This is due to the fear that she may decide to escape while alone. For instance Amina narrates;

*After some time the family decided to go for vacation and she (my employer) put me under the care of her friend until she came back. At her friends place, I only rested for thirty minutes and worked all day all night, I never had rest or even off. Everywhere I went she had me followed because she suspected me I would steal in her house* (Appendix 2, Amina, March, 2015).

Another indicator highlighted by our interviewees, was that they had to work long hours in some cases the whole day. Apart from denial of time off and holidays these workers had to work extremely long hours and it even got worse during the month of *Ramadan* (ninth month of the Islamic calendar; Muslims all over the globe observe this as a month of fasting).

Fatma asserts;

(…) *and when you are sleeping you are not allowed to sleep for more than 8 hours, that means if your waking up time is 8:00 in the morning and you slept late in the night, you have to wake up at the same time at 8.00 am, they do not care if you just slept for two hours. What was worse was during the holy month of Ramadan. Since I landed in my employer´s home , I can’t remember the time when I had a day off, even if I was sick I would work with my normal schedule*. (Appendix 1, Fatma, March, 2015).

Apart from being excessively overworked, these workers also experience underpayment of wages or sometimes they are not paid a penny. Aisha narrates;

*I also worked for so many hours without resting. I would wake up at 6.00 am in the morning, go to bed at 2:00 am in the morning the next day and only have a few hours rest and I am back to work again. But I would not see my salary. I worked in that household for months but I was not lucky to receive salary. What hurts me most was the fact that I could not even send home some money and I was working like a donkey*.( Appendix 4, Aisha, March, 2015.)

According to (Tomei, 2011) household work in the case of domestic laborers is regarded as devoid of value and exogenous to the labor market. (Tomei, 2011; ILO, 2013, 68). However. The traditional perception still applies in the sense that washing clothes and cooking remains to be productive work when done in the kitchen just the same as when performed in the hotel or laundry. ( Rubinow, 1906: 504 ILO, 2013, 68). We argue that the main reason for the low wages and labor exploitation of domestic laborers is due to their weak bargaining position. Since their workplace is a private setting, these domestic laborers execute their duties in most cases isolated from other laborers leaving them vulnerable.

# 5.10 Racial discrimination

*(…) After that she dragged me along her living room and poured a whole cup of chlorine on my hands to wash them since according to them my black hands were dirty* Appendix 3, Grace, March, 2015

Discrimination against race is predominant in the kingdom of Saudi Arabia contrary to the teachings of Islam. Most Saudis regard themselves superior to other nationalities that they often despise and publicly abuse. It’s normal for them to mistreat and abuse non-Saudis with extreme contempt. Migrant domestic workers in general experience racial discrimination at work place as Grace (interview) claims;

*in the middle of a crowd she shouted and screamed at me abusing me in front of many people, that “Iam a foolish kafir and a dirty poor African who cannot even think” I felt so bad and weak in the knees and I wanted to cry but I could not since the pain* (Appendix 3,Grace,March 2015)

According to Anderson (2000:148)

*The end of slavery as an institution did not mean the end of racism, and in particular*

*the notion that black people are naturally suited to certain kinds of physical labor,*

*and black women to domestic work. There is a surprising consensus that slavery*

*Continued despite its formal abolition—particularly for domestic workers* (Anderson

2000: 148).

Arguing from the Islamic discourse (Sharia), Saudis are discouraged to discriminate others based on color, race or ethnicity. For instance the Quran states that;

*All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over white except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly.*

*Do not, therefore, do injustice to yourselves of righteousness after I am gone* (Sahih Al-Bukhari, Hadith .1623, 1626, 6361; Saudi justice: 2015)

It’s clear that racial discrimination is condemned by Sharia. However racial discrimination continues to dominate the work places of migrant workers including domestic workers. Their deeds (racial discrimination) are against the moral reference Sharia which they not only deceitful use to disguise international human rights violation of these domestic workers but also defame it.

# 5.11 Abusive working and living conditions

*Since I landed in my employer home I cannot remember the day I had a day off, even if I was sick I would work with my normal schedule without any medical attention. Sleep* Appendix 1, Fatma, March, 2015.

Migrant domestic workers in Saudi Arabia usually experience abusive working and living conditions including, food and sleep deprivation, segregation and sub-standard living conditions. However, some of these workers tolerate these abusive conditions due to the coercion factor i.e. economic reasons preventing them from quitting the job.

Lack of privacy and inadequate living places is one of the main forms of abusive conditions that these workers face. Most of the domestic workers that we interviewed confessed that they had to sleep in communal parts of the house, usually in degrading conditions. For instance, Amina (Appendix 2, March, 2015), said, *my room was very small there was hardly any space even to put my suitecase. The room also had a very small window just to let ventilation and a little sun rays.*

Furthermore, inadequate living conditions lead to other forms of abuses like sleep deprivation that is also partly contributed by long working hours as well as lack of food. However this may vary according to the beliefs and practices of deferent employers. For instance, Fatma said;

*Something which I also experienced was that, I was not allowed to eat the food that I prepared. Instead, I was eating the remains from their plates. Moreover if there are no left overs, I was not allowed to cook my own food and so sometimes I would just end up drinking water instead of food. This caused me lose a lot of weight because I was working for so many hours and I had little sleep* Appendix 1, Fatma, March, 2015.

These workers are merely treated as slaves who are not entitled to any rights or dignity. Segregation also contributes to these streams of abusive conditions due to the fact that they are perceived to be inferior to their masters. Fatma said, *I had my own spoon, fork, plate, cup which I was not supposed to mix with the family’s utencils. I would also eat in the kitchen and not with the rest of the family had no bed to sleep on. I was sleeping on the floor with a thin mattress*. Appendix 1, Fatma, March, 2015.

Another slave like condition reported by these women was that they received no medical attention in most cases unless it was serious although this did not guarantee anything. The only thing expected of them was labor provision even when they fell sick or had medical complications, some of which were inflicted by their masters. However these domestic workers who come from disease prone areas like Kenya had to go through medical checkups frequently. Consequently, we argue that this contributes to sexual abuse since the men of the house were aware of the workers medical records especially in relation to sexually transmitted diseases such as HIV and AIDS.

# 5.12 Art of deception by recruitment Agencies

The PEA agents are also to blame on the deception and the lack of information they give to these domestic workers. Approaching the recruitment office I observed that the outside and inside walls were decorated with beautiful big pictures of skyscrapers and multistorey hotels.

These glamourized pictures act as an attraction to individuals with the intention of traveling; a deceptive perception that most of them realize very late.

Most of the PEAs are based on the grounds of illegal activities. According to the PEA managers we interviewed, they stated the knowledge and consequences of involving in illegal activities and that the Kenyan Government has revoked their licenses.

They stated *…they will have to wait until we have an adequate number of people to transport and also the government has been on us, we had our license revoked we only got it back a few days ago, so we only do legit business here….*Appendix 6, PEA March 2015

 However the second private employment agency we interviewed admitted to lose their license due to domestic migrant workers

….*mm we are not sending workers to the gulf because of the government requirement ….we lost our travel license…it was confiscated by the government… We are still waiting to get it back and then we can continue without business* Appendix 7, PEA March 2015.

The decision made to apply the disguise identity proves the data and the important information collected from the participants regarding the legality and illegality of the recruitment activity to Saudi Arabia. In regard to helping the domestic workers they sent to Saudi Arabia proves to be a deception as well offering their contact numbers in case you need help.

This aspect is proven by Grace our interview participant says

*I realized that the private employment agency from Mombasa had lied to me. They promised if I was in any problem I would call them but all the numbers were not going through* Appendix 3, Grace March 2015.

The process of inspecting illegal private employment agencies has made the Kenyan Government to be able to monitor and keep records of workers travelling outside the country.

Hussein speaks categorically on this issue; *we managed to ban all illegal private agencies transporting domestic workers to Saudi Arabia…. Unless they learn to sensitize their recruits and provide all the necessary information before they sign any contracts* Appendix 5, Hussein Khalid March 2015.

The nature of migration in the care economy is naturally voluntary. It’s unfortunate that these migrants will end up en slaving themselves in un-readable contracts, unpaid wages, exploitation and all forms of abuses. This deception puts the migrant worker at the mercy of her employer, hence the vulnerability aspect as she gets physically, psychologically and sexually harassed. Unless the two government of sender and receiver countries work on curbing these incidences as well as the international community it will be difficult to break the cycle and continuation of exploitation and contract slavery.

# 5.13 Criminal charges against female migrant domestic workers

Workers do not report abuses since they risk being regarded as criminals rather than victims of exploitation and abuse. According to the human rights report, the police and the migration departments in Saudi Arabia reported cases of theft and prostitution which were charges against female domestic workers by their former employers.

*Some employers accused domestic workers of prostitution because they suspected them of having relationships with their husbands but others had done so to counter rape or sexual assault allegations that the worker had made against the employer*.

 Aisha recounts the ordeal in the police station when she was taken to the magistrate, she says *the police said we were prostitutes and that is not allowed in the sharia law including the Saudi law* Appendix 4 Aisha, March 2015. The media in Saudi Arabia according to the human rights report (2014) has investigated the cases of pregnant domestic workers; most of them were impregnated by the police. Aisha was raped by one of the policemen while awaiting deportation in jail while Amina had a relationship with a police man who eventually turned out to be violent as she ran away back to the shelter.

Prostitution and illegal migration are the most common charges faced by female migrant domestic workers. Aisha says*, our rights were read in Arabic* *and the police said we were prostitutes… so we were put in chains in both arms and legs…the judge said he is sentencing us to six years imprisonment with six hundred lashes* Appendix 4 Aisha march 2015.

The human rights report (2014) emphasizes on the weighty penalties these women face in Saudi Arabia in addition to imprisonment and deportation when they are prosecuted. Moreover the penalties of suicide attempts are also very huge and in turn they are used to victimize vulnerable workers who try to run away from their employers. Female migrant domestic workers put their lives in danger when they attempt to jump from multi storey buildings. According to human rights report (2014) “almost all cases of attempted suicide that resulted in convictions before the Misdemeanors Court in 2012 involved either domestic workers or laborers who had not been paid for several months”

# 5.13 Detention prior deportation

Domestic migrant workers have limited alternatives to seek for help when they are abused. Runaway domestic workers are often accused for lying if they file reports to the police about their sponsors in addition they get arrested for running away. Most of our interviewees chose the decision of running away; but they enlighten us that it was illegal to walk in the streets alone and especially if you are a woman. Amina explains, *I decided to run away in the streets…. and this time I was caught by the police, I was taken to jail in the jail there were several women staying there, some sick…others searching for a means to escape.* Appendix 2, Amina March 2015.

The employers usually confiscate their workers passports hence making it difficult for them to seek other jobs and eventually they turn out to be illegal migrants.

Halabi (2014:43) depicts this notion of;

*Government-run shelters for “runaway” domestics are a common destination for migrant women in Saudi Arabia. However, this supposed charity is only provided until their cases are settled—either by returning the women to their sponsors or by deportation. Reminiscent of the fugitive slave laws in the United States, Saudi newspapers run bounty ads for “escaped” domestic workers.*

Thus because of fear or demanding responsibility at their home country, these female migrant workers often chose to stay silent and endure the exploitation or even flee to other houses and work there as proved by Amina when she says,

 *I decided to run away… a taxi stopped in the streets and I told the man I need help so he took me to his sister where I would stay and work rather than being in the streets….after six months I was taken to another house* Appendix 2, Amina March 2015.

For instance, the human rights report on UAE (United Arab Emirates) which has similar trends as Saudi Arabia on female migrant workers has reported on the charges that these workers encounter once they run away from their employers.

*Runaway workers can be deported and face a ban on future work. They also incur fines for residing without valid documents in the UAE, from Dh25 to 100 (US$7 to 27) per day depending on the length of stay. According to news reports, courts have also ordered “absconding” domestic workers to pay additional damages to employers. In one case, a civil court was reported to have ordered a domestic worker to pay the costs of the visa and employment agency fees to her employer because she “runaway,” despite her claims that she was made to work 20 hours a day and was not paid in 6 weeks* HRW (2014).

Grace, one of our participants in this research study is so sure that her employer reported her to the police when she ran away and she was eventually taken back to her employers. These workers flee from their employer’s households because of the exploitative conditions at the work place, unpaid or underpaid wages. She says,

*After one week my employer came for me at the shelter since he is a guard with the government it was easy for him to drag me out of the place… I was taken back to the house for another thorough beating because I escaped….one tooth fell out* Appendix 3, Grace March 2015.

# Conclusion

This study was set out to investigate the circumstances surrounding Kenyan female domestic workers in the kingdom of Saudi Arabia. The study has also sought to answer; i) what compels Kenyan women to continue to seek domestic work in the Gulf Countries despite Warnings and awareness of the problem? ii) What working and living conditions are these women subjected to in the destination country? iii) How does the “Kafala” system enhance abuse and exploitation of migrant domestic workers? iv) What is the role and limitations of global labor standards in the protection of domestic migrant workers in Saudi Arabia?

Domestic work is a rare form of occupation that very few are willing to engage in. However women in third world countries including Kenya have maximized this sector as a way to lift up themselves from poverty as well as better their livelihoods. The demand for cheap and flexible labor in affluent countries has caused not only migration flows but also a development from the bottom aspect for these women. On the contrary this development aspect has not been fully realized as women continue to face unfavorable non-economic factors that are fundamental in changing and uplifting their lives.

These workers face extremely bad working and living conditions that starts on the first day of work as in passport confiscation which further leads to even more exploitation and abuse. These women work long hours without adequate rest and yet some of them are not paid their wages and even if it’s paid, it’s usually not what they bargained for. Majority of these women are seeking domestic work in Saudi Arabia due to economic factors since the Kingdom is rich in oil forgetting the already highlighted problems faced by migrant female domestic workers.

Migrant women’s economic mobility is connected to their social mobility in the sense that, as they migrate to better their lives, they are in turn exposed to various kinds of abuse and exploitation. These women from Kenya increase their chances of exploitation and abuse when they ignore government warnings. They become easy prey for the recruitment agencies that are out to make money facilitated by the sponsorship “kafala” system. We argue that the sponsorship system is merged with irregularities and it’s the sole contributing factor to mistreatment and abuse of migrant domestic women. Through this system women are regarded as mere commodities that are to be traded in the reproductive sector that has been linked to the traditional gender roles.

As we have seen, the globalization of domestic work has given birth to a new group of capitalist entrepreneurs whose commodities for exchange are the migrant domestic laborers. Furthermore, women incur huge debts to facilitate their movement thus causing a dilemma of loans and the desire to provide for their families. Women migrate leaving their families to take care of other families causing care drain. The empirical findings assert one critical problem faced by domestic workers; they have to control their emotions for them to keep a good relationship between personal life and the intended work.

Focusing on the provisions of international labor standards, we argue that the conventions remain as political symbols that only foster global union contrary to the initial function. Kenya as well as Saudi Arabia have not yet ratified key conventions that offer direct protection to migrant workers including domestic workers. Migrant domestic workers are relatively excluded from Saudi labor law due to the fact that domestic work is regarded a personal engagement that takes place in the private household setting. It’s important to understand how labor is conceived and how law is understood. We contend that labor laws and other human rights laws should be de-territorialized i.e. operate beyond boarders. In addition, we suggest that labor laws should not only be confined to narrow conceptions of national citizenship. The scale of this debate is therefore extensive and multifaceted both locally and globally. To create achievable policy approaches in relation to global care chains, there is need for more research at the local level to allow further assessment of global labor standards on the subject.

# Recommendations.

Labor exploitation has been a sophisticated problematic issue for a number of years. The nature of the problem has been a complex intertwining of nature regarding factors, means, perpetrators and sufferers; being the female domestic workers. Policies guidelines need to be revised and be able consider the economic factors, socio-cultural, lawful and political aspects of the problem.

The governments of Kenya and Saudi Arabia should be able to enact legislations that protect female migrant domestic workers in addition to change the existing laws. The proposed convention by ILO, the c189 convention towards the protection of domestic workers, has to be ratified by both countries to ensure the rights of female migrant workers are fully protected. The international Organizations should be able to hold the Kenyan government and Saudi Arabian kingdom accountable for the provision of resources in strengthening the capacity of organizations helping female domestic workers with support services.

The international organization for migration should be able to address the frequent problems faced by migrant domestic workers in recommendations and research publications in addition the International Labor organization should be able to help the domestic workers by creating bilateral labor agreements with concerned governments to aid reforms.

On the other hand, Migration facilitates remittances hence benefitting the families, individuals and the nation. Hence domestic workers should be acknowledged and their work be regarded like any other; not as helpers. The government of Kenya should consider adopting a bilateral labor agreement that protects female domestic workers rights in order to combat the high unemployment rate. These aspects could include:

* Creating recruitment, training and policies and that will monitor the transit process from Kenya to Saudi Arabia.
* The workers should not sign dubious contracts which they do not understand but the creation of a standard contract which clearly highlights the hours of work, holidays, compensation from injuries and payment of salary.

The government in cooperation with the ministry of labor, foreign affairs, and trade unions should control and monitor the illegal activities of Private employment agencies.

 The ministry of labor should establish mechanism which provides penalties to private employment agencies that practice in illegal activities furthermore; the ministry of foreign affairs has to keep track of how many Kenyans have left the country by getting data from the recruitment agencies.

Sensitization of workers before the travel process is also very important, the Kenyan Ministry of Foreign affairs should be able to provide orientation programs which include the information about the workers’ rights and how, where to seek assistance. Workers should be told the truth of what they are really going to find out in their new work place before signing the contract.

 The Ministry of Labor should also create effective mechanisms which ensure domestic workers have social security funds. The inspection of shelters and work place will be able to minimize abuses and also ensuring that workers get compensation of their unpaid wages as they seek justice.

Non-Governmental organizations should try to strengthen their capacity to rehabilitate female domestic workers returnees through the production of support services, including legal help, health care services and psychological counselling. Reintegration programs should also be incorporated to help the traumatized domestic workers lead their daily lives back into the society.

The Ministry of Labor should publish a guide which helps to educate employers about the treatment of domestic workers and their legal accountabilities. In this study, it is the lived experiences of female domestic workers that were important to understand the problem that they have gone through. As a result we would like to suggest to other researchers who have a keen interest in the assistance of labor exploitation of female domestic workers to see this complex issue through the viewpoints of the victim.

## BIBLIOGRAPHY

Al- Rasheed, M. (2013). *A Most Masculine State: Gender, Politics and religion in Saudi Arabia.*. New York: Cambridge University press.

Andall, J. (2000). *Gender, migration and domestic service*. Alder shot, Hampshire, England: Ashgate.

Anderson, E. 2011. Feminist Epistemology and Philosophy of Science. *The Stanford Encyclopedia of Philosophy (spring 2011 Edition),* Edward N.Zalta (ed.).

Anderson. B. 2000 Doing the Dirty Work The Global Politics of Domestic Labor: New York: Zed Books Ltd.

Antonpoulos,R.(2008).The unpaid Care Work-Paid Work connection. The Levy Economics institute of Bard College, Working Paper NO.541.

Bales, K. (1999). *Disposable people*. Berkeley, Calif.: University of California Press.

Barad, K. (2003). *Post humanist performativity: towards an understanding of how matter comes to matter signs: the journal of women in culture 3(28)*.

Berg, B. (2009). *Qualitative research methods for the social sciences*. Boston: Allyn & Bacon.

Berg, L. (2007). *Qualitative Research methods for the social sciences*. London: Sage publications.

Bridget Anderson “*just another job? The commoditization of domestic labor (Global woman: nannies, maids, and sex workers in the new economy, 2003 p, 104 -114)*

Brochmann, G. (1993). *Middle East Avenue: Female Migration from Sri-Lanka to the Gulf*. London: West view press.

Bryman, A. (2012). *Social research methods*. Oxford: Oxford University Press.

Central Bank of Kenya, (2010). *Annual Finance Report*. Nairobi: Central Bank of Kenya, pp.21, 40, 68.

Central Bank of Kenya, (2012). *Annual Report*. Nairobi: Central bank of Kenya.

Central organization of trade Unions in Kenya, (2011). *Annual Report*. Nairobi.

Coenjaerts C., C. Ernst, M. Fortuny, D. Rei, and M. Pilgrim, 2009. “Youth Unemployment,” In: OECD, 2009, *Promoting pro-poor growth: employment*. OECD, Paris.

Collins, H. (2010). *Creative Research*. London: AVA publishing South Africa.

Collins, P. (1998). *Fighting Words: Black women and the search for justice*. Minnesota: University of Minnesota.

Cox, R. (2015 ) *Au pairs' lives in global context*.

Crabtree, B. and Miller, W. (1999). *Doing qualitative research*. Thousand Oaks, Calif.: Sage Publications.

Crenshaw, K. (1991) ‘Mapping the margins: intersectionality, identity politics, and violence against women of color’ Stanford Law Review, Vol. 43, No. 6: 1241–1299.

Crenshaw, K. (1992) ‘Whose story is it anyway? Feminist and antiracist appropriations of Anita Hill’in Morrison, T. (1992), editor, Race-in Justice, Engendering Power, New York: Pantheon.

Crenshaw, K. 1993. Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color. Los Angeles: University of California

Crenshaw, Kimberlé. “Demarginalizing the Intersection of Race and Sex: A Black

Davis, A. (1981) Women Race and Class, New York: Random House

Davis, Kathy. ‘Intersectionality as Buzzword: Sociology of Science Perspective on What Makes a Feminist Theory Successful.’ Feminist Theory 9.1 (2008): 67–85.

DE Roche, J. E. & DE Roche, C. 2010. Encyclopedia of Case Study Research. New Delhi: SAGE publications India Pvt. Ltd

Ehrenreich, Barbara (ed.) 2003*. Global Woman: Nannies, Maids and Sex Workers in the New Economy*. New York: Henry Holt & Company.

Elson,D.1999.Labor markets as gendered institutions: equality, efficacy and empowerment issues. World Development 27(3),611-627

Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.”

Ferrante, J. (2015). *Sociology: A Global Perspective*. New York: Cengage Learning.

González, A. and Seidler, V. (2008). *Gender identities in a globalized world*. Amherst, N.Y.: Humanity Books.

Government of Kenya Reports, (2007). *Development report*. Nairobi: Government of Kenya.

Gregory, E. (2008). *Politics and the Order of Love: The Augustinian Ethic and Democratic citizenship*. Chicago: University of Chicago Press.

Halabi, S. (2014). *Body Language: The Ultimate Body Language Guide for Women*. New York: Create Space Independent Publishing Platform.

Holvino, E. (2003). *Intersections: The Simultaneity of Race, Gender and Class in Organization Studies*. Research gate.

Human Rights Watch, (2008). *As If I Am Not Human*. Human Rights Watch.

ILO, 2011. The Domestic Workers Convention (No. 189), article 1.

International Federation of Workers Education Associations. (2012). *Decent Work for Domestic Workers*. London.

International Labor Organization, (2000). *CEDAW*. Geneva.

International Labor organization, (2008). *Committee on the Elimination of Discrimination against Women*. Geneva: International Labor organization.

International Labor Organization, (2011). *Committee on the Elimination of Discrimination against Women*. Geneva: International Labor Organization.

International Labor Organization, (2012). *ILO Global Estimate of Forced Labor*. Geneva: International labor organization.

International Labor Organization, (2013). *The ILO Domestic workers convention new Standards to Fight discrimination exploitation, and abuse*. Geneva: International Labor Organization.

International Organization for Migration, (2011). *Communicating effectively about migration*. Geneva: International Organization for Migration.

Intersectionality as stratification’, in H. Lutz, M.T. Herrera Vivar & L. Supic, FramingIntersectionality: Debates on a multi-faceted concept in Gender Studies, Farnham: Ashgate.

IOM, 2003. Glossary on Migration. International Migration Law Series No. 25, International Organization for Migration.

IOM, 2003. World Migration. Managing migration: Challenges and responses for people on the move. (p.61). Geneva, Switzerland: International Organization for Migration.

Jarallah, Y. (2009). Domestic Labor in the Gulf Countries. *Journal of Immigrant & Refugee Studies*, 7(1), pp.3-15.

Jureidini, R. and Moukarbel, N. (2004). Female Sri Lankan domestic workers in Lebanon: a case of ‘contract slavery’? *Journal of Ethnic and Migration Studies*, 30(4), pp.581-607.

Kenya Bureau of Statistics, (2000). *Statistical Abstract*. Nairobi: Kenya Bureau of Standards.

Kithi, N. (2012). House helps ‘will not get Saudi visas. *Daily Nation*.

Kvale, S. and Brinkman, S. (2009). *Interviews*. Los Angeles: Sage Publications.

Langford, I. and May, T. (1994). Social Research: Issues, Methods and Process. *The Statistician*, 43(3), p.463.

Lee, R. (1993). *Doing Research On sensitive Topics*. London: Sage publications.

Lykke, n. (2011). *A Guide to intersectional theory, methodology and writing.* New York: Routledge.

May, T.(1993).*Social Research. Issues, methods and process*.1st ed. New York: open University press.

McCall, L. (2005) ‘The complexity of intersectionality’ Signs, Vol. 30, No. 3: 1771–1800.

Ministry of Labor Kenya, (2011). *Revised workplace registration*. Nairobi.

Neuman, W. (2003). *Social research methods*. Boston: Allyn and Bacon.

Ombaka, R. (2014). Labor Day celebrations. *Daily Nation*.

Omolo, J. (2010). *The dynamics and trends of employment in Kenya*. Nairobi: Institute of Economic Affairs.

Orozco.A.P.2009.Global Care Chains (Gender, Migration and development Series) The United Nations International Research and Training Institute for Advanced Women, Working Paper 2.

 P. and Bellamy, C. (2012). *Principles of methodology*. Los Angeles: SAGE.

Parreñas, R. (2001). *Servants of globalization*. Stanford, Calif.: Stanford University Press.

Payne, G. and Payne, J. (2004). *Key concepts in social research*. London: SAGE Publications.

Pérez Orozco, A., Paiewonsky, D. and García Domínguez, M. (2010). *Crossing borders II*. Santo Domingo, Dominican Republic: United Nations International Research and Training Institute for the Advancement of Women.

Quiano, K. (2015). After beheading, Indonesia stops sending workers to Saudi Arabia. *CNN*.

Russell, B. (2011). *Research methods in Anthropology: qualitative and Quantitative approaches*. 5th ed. London: AltaMira Press.

Staunæs, D. 2003. Where have all the subjects gone? Bringing together all the concepts of Intersectionality and Subjectification NORA no. 2, 2003 vol. 11; 101-110 Taylor & Francis.

University of Chicago Legal Forum, v.122 (1989).

Vlieger, A. (2012). *Domestic workers in Saudi Arabia and the Emirates*. New Orleans: Quid Pro Books.

Walliman, N. (2006). *Social Research Methods*. California: Thousand oaks.

Walliman, N. (2006). *Social Research Methods*. London: Thousand oaks, California.

ILO (2013) Minimum, Estimate of forced labor in the world.

Williams, M. and May, T. (1996). *introduction to the philosophy and social research*. London: Routledge.

Yin, R. (2003). *Case study research*. Thousand Oaks, Calif.: Sage Publications.

Yuval-Davis, N. (2006). *Gender & nation*. London [u.a.]: SAGE.

Yuval-Davis, N. (2011),’beyond the recognition and re-distribution dichotomy:

# APPENDICES

Appendix 1

Interviewer: did the private employment agencies ask you for any requirements when you went to ask to travel to Saudi Arabia as a domestic worker?

Fatma: They only asked for my national Identification card, first…… they wanted my parent’s identification cards, so that they would process my passport. I got my passport after two weeks and then they arranged for me a ticket to Saudi Arabia. They also processed the Saudi visa then they informed me that I was ready to travel. I left Kenya, by arriving Saudi Arabia they took my passport, the Saudi agents, and then they took pictures of us before our employers would come to take us to our respective work places. Then before our employers came to take us, we were taken to rooms; there we met other women who had stayed there for seven days who had not been taken by their employers since they came in Saudi Arabia. The women were frustrated since they did not know where they were going to be taken.

They were given food, but the food was once in a day and it was just a sandwich a meal which we were not used to, as opposed to the regular heavy foods we have here at home like (ugali).as for me it was only by chance I did not stay there for long, I only stayed for only one hour and a half then my employer came to pick me up. That day was the last day I saw my passport when I was sitting with my employer in the airport, I never saw my passport again, the next time I saw my passport again was when I was coming back home. My employer was the one who took my passport and kept it. The private employment agencies did not ask me for a curriculum vitae or anything.

Interviewer: Did the agency inform you of the work you will be going to do?

Fatma: they told me I will be going there to do house help work. And I was supposed to work for 8 hours a day and 48 hours in a week, but that was not the case when I was working .i was working almost 24 hours in a day and I never had a chance of rest. The only time I had rest was when I boarded the flight back home, or when you are sleeping.

 And when you are sleeping you are not allowed to sleep for more than 8 hours, that means if your waking up time is 8 in the morning and you slept late in the late in the night, you have to wake up at the same time … at 8.00 am they do not care if you just slept for two hours. What was worse was during the holy month of Ramadan. Since I landed in my employer home I cannot remember the day I had a day off, even if I was sick I would work with my normal schedule.

They would want you to sleep during the day which was impossible because of the heat and sunlight and be able to wake up by 4.00 a.m. to prepare meals while the family will be breaking the fast. Something which I also experienced is that, I was allowed to eat the food that I had prepared It, rather I was eating the remains from their plates. Moreover if there are no left overs I was not allowed to cook my own food and so sometimes I would just end up drinking water instead of food. This caused me to lose a lot of weight because I was working for so many hours and I had little sleep with no food.

 Also the segregation was not limited to just eating alone. I had my own spoon, fork, plate, cup which I was supposed not to mix with the family’s utensils. I was not allowed to use their utensils …….it’s not allowed to share. I would also eat in the kitchen and not with rest of the family. I had no bed to sleep on, I was sleeping on the floor the mattress I was sleeping on was very thin …..Huh! There was no difference like sleeping on the floor.

Interviewer: does it mean they were treating you like a slave?

Fatma: yes, I think so, they treat people like slaves because, they believe you are not supposed to touch their food with naked hands… you are supposed to wear gloves when you are cooking, and also when you arrive in Saudi Arabia, you need to go for a medical checkup and also it is mandatory to go to the hospital after three months so that you can get the identification card in Saudi Arabia called (IQAMA). Something else which I also discovered is that they can loan you to their friends, to go and work there.

She will go there to visit and when you go there she will tell you to work and since she is your boss there is no way that you will refuse since it’s your boss who gave the order. But if you are clever enough you can choose not to if you stand your ground and say that you came to work at your employer and not to her friends place. I can remember there was a time my employer would just spit on me and punch me on the face with one reason. She would pull my hijab clothes and push me to wall, one time I bled a lot. I would ask her why she hits me and she would just say, “I hate you”.

Interviewer: what if you refuse?

Fatma: Then they now start mistreating you, and then they can also over work you and go to an extent of verbally abusing you. My employers will always complain about the quality of work and they were never satisfied. My employer once tried to physically abuse me….. She wanted to beat me, we pushed each other. what was, the child had lost his iPad and she wanted me to search for it, I told her I cannot search because I was busy in the laundry room, and could not leave, but she insisted that I had to search for the lost iPad, then I told her I find the iPad, then it will mean I will not do any chores for the rest of the day. So she came and pushed a table towards me and then I turned it quickly towards her, in the process the table knocked my knee and it also knocked her accidentally. when the husband came back , she told him everything, meaning I had ran to my toilet and locked myself in, because if you are there you are not allowed even to share their toilet. The room I was sleeping in had no window; they do that so that you will not escape.

Interviewer: Did they abuse you in any way?

Fatma: I think I would do more work than the required simple house hold chores. They would call me to clean on single spot for more than once….even if the place is visibly clean. Also I was sexually harassed. There was one time the husband of the house asked me to massage him, he kept on saying that his back is hurting and he could not sit upright and then the next thing he asked me to have sex. I warned him that I came to work and not to play and rejected his advances right there and then. And if the wife knows about it, she will just kill you because of taking her husband and dump you somewhere.

 Sometimes I would be washing utensils and the husband would come and touch my private parts from behind. I warned him never to do it again. But if you give in to his advances he will go and inform other male people in the house, and when the women go to the mall you stay alone in the house, then he will send someone to come and take advantage for you.

They also know that you are free of diseases like HIV because after three months you will be going for medical checkup. I had an Indonesia friend who was raped and soon it developed as a secret affair with the husband of the house, so accidentally she got pregnant, but then the girl went back home to Indonesia gave birth and came back to work to her boss whom they had the affair. But then it was easy for her to continue the relationship because she was a of a fairer skin. The worst thing is also if you are a Christian.

 They perceive Christians to be like prostitutes since they are not in the same religion as the host family and majority of the citizens. Contrary if you are a Muslim then they might be a little lenient to you, and accept you as their own, but the language barrier will always be a difficult thing to be solved. When going out you have to wear a bui bui, because according to the Muslim culture a woman must be covered. They do not respect your religion; even try to convince you to convert into their religion.

They even bought me an English Quran to read and Muslim videos but I could not dare touch them. And restrict your movement, in the sense that they will refuse for you to have a mobile phone, anywhere you go you have to be taken by the driver, I could not got to the bank to send a little cash to my family because of the restrictions they had.

Interviewer: how did you come home?

Fatma: I told my employer I wanted to go home. And she gave me my passport willingly without me having to fight for it. So I left the next day without waiting for my salary, I just wanted to get home where all of these abuses are not there.

**Appendix 2**

Interviewer: How did you go to Saudi?

Amina: I went Saudi with a private employment agency. I went there to look for work as a domestic worker and they provided me help. The agency is called abdulsalam, and when I arrived in their offices they informed me of the job and about the contract, how much money I was supposed to pay for the passport, visa and the air tickets. They also gave me the requirements they wanted for the position and documentation such birth certificates, national identification cards for me and my parents in order for them to process my passport.so it took roughly three months before everything was ready then I was to leave Kenya to Saudi.

Interviewer: what happened when you arrived in Saudi?

Amina: when I arrived I was taken to the airport by my employers and they took me to a camp. In the camp there were so many women who were coming in and out some had stayed there for a while some were already leaving and some were arriving like us. The next day, they took us to a medical test, and then they have to process a working permit which they told me they would require my passport so that I could have the residence and working permit in Saudi, it took ten days for me to have all the documentation. It did not take time then my employer came and showed me a place where I would live inside the big house, my room was very small there was hardly any space even to put my suitcase.

The room also had a very small window just to let ventilation and a little sun rays.my boss came quickly and started showing me the chores of the house and what is expected of me.The house was big and beautiful, and almost everything was written in Arabic. The wife and the husband could not speak English and their son was their only on who could speak English, he was the translator because most of the times I could not understand her gestures. They had two sons and one who is abnormal he had a mental problem.

Interviewer: How was your work experience?

Amina: first and foremost there were misunderstandings with my employer all the time. We did not understand each other because of the language barrier and she would end up shout at me or even abuse me. My employer always used abusive words like “kalb!” “hamir!”….. This means dog and a donkey. All these words she would shout at me, abuse and order around, because I forgot to do something she asked around the house. There was once a time I was ironing clothes and she needed the garden swept, I told I would do it later after I have finished ironing; she clearly came at me so angry and took the iron box, as hot as it is and pressed it on my arm. She actually burnt me with the iron box. I have a big scar on my left arm.my employer did not pity me she continued to abuse me despite of the fact that I was sick, my wound took time to heal since she did not even help in buying medicine for my arm.one day she would just wake up with a day and start beating me up with one reason.

She would beat me on the head and hit my back with a hard stick. She kept saying I deserved to be punished since I am a slave and only understand through pain. I tried to escape her and started walking backwards covering my face but they kept hitting me and I fell out of the window.my room was one floor up, I was unconscious. When I woke I realized I had broken my arm and it was already swollen. I went to my room and asked my employer to call for a doctor. They did not call the doctor causing my arm to swell, it was impossible to carry out the daily chores as well as eat or even take a shower. I went on my knees to ask for help after sometime since I knew eventually I would lose my arm if I do see the doctor.

Instead she took a shoe and hit on the arm causing further injury, I screamed in pain as blood oozed out, it was bloody everywhere, that’s when they decided to take me to the hospital. But then the doctor it was too late to save my arm.

As much as of the food I could cook in the house, she wanted me to eat the remains of the children. When they have finished eating then I will look for the biting’s they left on their plates. That was very disgusting and most of the time I ended up just drinking water. During the month of Ramadan I would work around the clock with no rest. When the holy month was near then I would work for more than 8 hours a day. That was not what we had agreed in the contract by the time I was coming to this country. But I had to persevere because I left my children with my parents and I have to struggle to get a good life for them. Eventually I lost a lot of weight.

Interviewer: Were they treating you unfairly in the case of religion?

Amina: No…not really. I am a Muslim so the fact of wearing the Muslim dress, and covering yourself as a woman was and is very natural to me. I also understood a little Arab but it was very difficult to understand my employer because she had a very different accent which was difficult for me to comprehend. I would read the Quran so many times because that was where I would find peace after all the day work. The only thing I found a problem with was the fact that she would say I was dirty all the time because my skin color, she would make sure I would not eat at the dinner table with rest of the family, I had my own toilet, my utensils to use and also my own clothing line to air my clothes.

Interviewer: Did your employer harass you sexually?

Amina: well, it was the son actually. We were able to communicate and he would come to the kitchen when his mother was not around, so we became friends. One instance he came and opened my room without knocking when I was out from the shower, I felt very bad. I forgave him during that instance thinking it was just an accident and that it will not repeat itself again. Again he came and touched my breast that is when I had to stop I warned him of that, he started hating me and his attitude towards me changed completely. I became scared what will happen if I was left alone with him in the house…. I was very afraid. He would look for instances and chances to get close to me and do something stupid all the time. After some time the family decided to go for a vacation and she (my employer) put me under the care of her friend until she came back. At her friends place, I only rested for thirty minutes and worked all day all night, I never had rest or even a day off. Everywhere I went she had me followed because she suspected me I would steal in her house. I was very insecure and this started to bother me.

Interviewer: Did she overwork you?

Amina: yes she did, she overworked me a lot, I worked all the time and the fact that I was followed all the time just because I was a suspected thief made my work difficult .after sometime she started accusing me of stealing her food in the cabinets. That’s when the blows started. She and her sons would gang up and give me several blows to my body and head, and then I realized if I do not do anything I will die. I decided to run away.in the streets a taxi stopped and the man asked me where I was going I told him I just need help. So he took me to his sister where I would stay and work there for the time being rather than being on the streets.

 I worked there for six months then they wanted to relocate so I had to be sent to another house.in the third house, I only managed to stay for two months then I ran away again because the husband of my employer would want massages and after force you to have sex with him.

Interviewer: So you ran away again?

Amina: I did run away again. And this time I was caught by the police, I was taken to jail.in the police jail there were several women staying in there, some very sick, others looking for a means to escape. We were put in chains as we a waited to be taken to court. We stayed in the jail for three weeks before the judge could see us, after a while the police man said we were walking in the street with our husbands, as a woman in Saudi Arabia it is not allowed. We were sentenced to 7 years imprisonment with each getting 50 lashes of the cane. In a twist turn of events, while in the cells I fell in love with a policeman. He was different and I never thought that I could find such a man in that type of place.

 He promised to take care of me and took me out of the police station and we started living together. After a few months my husband would come home very angry and beat me up, and suddenly everything changed. He come and complain I do not clean the house well, he would check the book shelves and draws to see if there was dust. And if he found dust he would grab my hair and pull it so tightly and tell me I was lying , he would take me to our bed room and beat me giving me blows to my face and body.

I felt so depressed because I knew he had changed and that if I try to talk to him then our situation will be different. That following night he came and grabbed my mobile telephone and took all my clothes and set them on fire. He then forced me to have sex with him after whom he told me he was already married to three wives and each wife had four children. I was very disappointed and had hit rock bottom. Although our Muslim religion allows men to marry more than one woman, the least he could have done was to tell me. I could not bear it anymore so I ran away from the house back to the shelter.

Interviewer: So what happened then?

Amina: I managed to stay in the shelter for a few weeks. The place was dirty, and so many women were suffering there. Some would even give birth on the floor in the shelter and some would also die. My husband came in the shelter and the police told me to go with him because now that I agreed to stay with him I married, and they only allowed me to stay in the shelter because they thought I was maid. I refused and told them of the abuse, he beat me several time, burnt my clothes treats me like an animal.

 But they told me since I could not afford a ticket home then I have to go to my husband. I refused and they removed me from the shelter and sent me to the Saudi jails. I stayed in the jail for three months before I was taken to court for trial and there, I could not understand what they said all I knew was I was sentenced for 10 years imprisonment.

 I was glad, I would rather rot in jail than being with a man who treats you like his maid than wife, and I would rather go home. Luckily enough I was sent home with my life, even if help came late I am glad I am out of that country; at least I can be able to help my family here at home where I can see them.

Interviewer: thank you Amina for your experience, I hope you find peace for what you have been through in that country, and also thank you for the time.

Amina: I just wish people could be wiser and choose not to go to Saudi, maybe other countries apart from the Middle East, because it is very hard with a lot of exploitation.

**Appendix 3**

Grace: On arrival at the Saudi Arabian airport i surrendered my passport to my employer who told me she paid almost 400,000 Kenya shillings to agents so that i can come here. She also said she was taking it so that I will not run away after I have just arrived. She also added she needs to processes my residence permit, in the passport there is a sticker written in Arabic which shows that I am in Saudi Arabia for domestic work. Back at home I could not sign the contract because it was written in Arabic but the private employment agency convinced me and translated part of the contract, then I signed.in the contract I was supposed to be pad 18.000 riyal and I whenever I felt like I was being over worked and deprived of food I can resign from the work after a three months’ notice. I left Kenya because we are poor, my mother is the only one supporting our family and furthermore we have quite a number of siblings I have to help my mother.

Interviewer: okay…. So have you seen on media or on newspapers the stories of other migrant domestic workers in Saudi Arabia?

Grace: yes, I have. The stories are all over the television but I had no option because I was tired of this life of poverty. I have a friend who is Saudi and she got a very good family. She also sends a lot of money to her family, soon enough they moved to an upper middle class house. We could also talk often and she was the one who convinced me that I could find a good family that could help us too. So my mother was convinced and we went to see the private employment agencies which they were to help me to go abroad. I believed that everybody has luck but I was wrong.

When I arrived in Saudi Arabia things were very different from what I had expected. When I would go to the kitchen to cook they would spray me with disinfectant, mmmmh…… it took time but then I had to ask her why is she spraying me all the time I am in the kitchen? She just told me, she usually smells a foul smell around me, then I asked her why, she told me I should not mind, I should just let her continue spraying me.my employer would also abuse me at times she would call me a dog in Arabic, and many other verbal abuses. I was working for 12 hours per day which was very tiring including the month of Ramadan which was very difficult. At times I would not sleep; I would just rest for an hour and then get back to work. My employer was guard at the government, so I never got a chance to leave the house or run away. They always locked from outside and took the keys of my room with them.

Interviewer: what did you experience?

Grace: I was forced to dress like a Muslim woman since that is the requirement of the country, women are supposed to be covered.my employer forced me to work in her friends’ homes and relatives. Initially she had promised I would earn extra 15 riyal for working at her grandmother’s house but then as time went by, the money stopped coming and I kept cleaning two houses despite the fact that I only agreed to work on one. When I asked my employer about my salary she would verbally abuse me.

As a Christian they kept calling me a kafir, a non-believer, they tried to convince me to join their religion but I could not. I cannot help but remember an incident that the wife of my employer took me with her children to the mall. But then after a few minutes in the middle of a crowd she shouted and screamed at me, abusing me in front of many people, that “I am fool, a kafir. A dirty poor African who cannot even think!” I felt so bad and weak in the knees I wanted to cry but I could not the pain had me numb.

 Discrimination is also something that I will never forget. I would have my own cup, spoon, plate, my own toilet, I was not allowed to seat on the dinner table, although I had the chance to cook what I wanted if the family’s meal was not good to me, something which was also very wrong according to me was, I had to clean and take care of their pets.

The husband had a snake and the kids a tortoise. I had to feed those two pets which according to me they were very scary. These pets increased the work allocated to me in the day and I was always tired.

Interviewer: Did the employer abuse you in any way?

Grace: he kept on asking for massages, all the time and he clearly told me the time I give him a massage he will sleep with me. I bluntly refuse to have sex with him because it was not right for me. They then went ahead to cut my hair because I was not allowed show my hair, something I was not aware about. My employers humiliated me; they shaved my head bald because I left hair for people to see. I was afraid also because if the lady of the house knew that you were sleeping around with the husband then she will kill you herself. The children would go and dirty the entire house after I have cleaned it and when I tell them it wrong, they would tell me I am their slave and I have been bought because I am poor.

The big boss (employer) would slap me and bang my head on the wall, and then he called me a dog and a slave. Later, some family members asked me what was going on and why I had bruises. I was so afraid to tell them because I might be beaten again.so the next day he tie me up with cable wire, my hands and legs and put a knife on my face and warned me if I say anything I would be dead. I also know of a story of my friend who tried to run from all this abuse, her employers had tied her feet up in the ceiling and she daggling in the air like a piece of meat.

They hit her so many times and she cried for help but the employers just enjoyed punishing her. She actually died and sent her body back home. Although, the wife of my employer continued to hit me. Since the wife of my wife stayed at home, she would still continue to beat me. If I cover my head she would step on my feet with her heels. So much that my feet were injured and I could not walk. After that she dragged me along her living room and poured a whole cup of chlorine on my hands to wash them since according to them I was dirty, my black hands were dirty. I tried to contact the agency to inform them of the problems that I am going through but their numbers were not going through. I tried one of the secretaries and they told me they were not at the office. That is when I knew the agency was not going to help me and that they had lied to me.

Interviewer: Did the agency promise to help you?

Grace: I realized that the private employment agency from Mombasa had lied to me. They promised if I was in any problem I would call them but all the numbers were not going through. It’s like they had threw me in a foreign country without them taking any responsibility. I had to come up with a lie that my mother was dead and I had to go and bury her so that they would release me from my duties.my employer told me that she would not release me to go home, if I have to see my mother’s grave, then it will be after 2 years.my employer explained to me, the fact that she had used a lot of money to bring me here and the contract I had signed bounded me to work for 2 years.

Interviewer: so what did you do next?

Grace: I waited for the sun to set and I planned my escape I took my jalbaba (Muslim dress for women) and my bag and lowered them out of the window, then I kept my shoes next to the main gate but the jalbaba was going to show my face so I had to strategize so as not to be caught. During that time my condition was very bad. I was very weak, but I knew this was the only chance that I had to run away. My whole body was swollen because of what I had gone through, my right eye could not see clearly and my leg was in condition to run. I was informed that there were old men with long beards whose work is to capture runaway house helps who will take you to deportation straight away. I wanted to go to the embassy first before I went to deportation place.

 I quickly thought of the Kenyan embassy in Saudi Arabia, I went there to ask for help so that the embassy would know that I am in the deportation. I met a Somali man in the Kenyan embassy and he told me cunningly that the embassy budget did not include runaway house help food or to offer a place to sleep so you have to go and find solace elsewhere. I left so disappointed and did not know where to turn to.

The police caught up with me just when I took the corner from the building. I was taken to jail and slept on dirty floors. Then after a week my employer came back for me at the shelter. Since he is a guard with government it was easy for him to drag me out of the detention center, I was taken back to the house for another thorough beating because of the reason that escaped.

They beat me until one tooth fell out ...( showing the missing tooth) and a scar on the lips.it was only through God that I managed to escape for the second time in the middle of the night and went back to the police station. I was locked up again. I met several Kenyan women there in the same predicament each of them had their own stories to tell considering what they had gone through. I had a phone hidden so I used it to contact my family and told them where I am and what is going on. They told me they will contact the agency and help me get out of jail.

Interviewer: what did the agency say?

Grace: they told my family if I have the money for air tickets then I should come back home, but I knew they had knowledge of all the processes that I will be taken to jail , then detained after I will be taken to the deportation. What was funny was that the labor courts which we can go and claim our dues but almost all of the people who go there are only offered the solution of deportation instead of finding justice. But they did not offer any assistance. They even told me that they had no enough space to keep runaway domestic workers.

We were taken to court and charged with living in a foreign land without the necessary documents each of us accorded 50 lashes of the cane and five months imprisonment and thereafter be deported back to our original countries. Luckily a good organization calling itself Muhuri came to help us. The owner the Ngo tracked our agencies and put them into account and then he contacted the embassy in Saudi to have us deported back to our countries without further delay. The relief I felt in my heart I knew I was safe and never coming back to this country.

Interviewer: how long did they take to help you?

Grace: In the beginning it seemed impossible that they could not help because of the too many challenges. But then finally a breakthrough came and all this suffering had to end at some point. At least I came to see my mother and my siblings, other I would be returning home in a coffin, these Saudi people can really kill you, they do not care. I would advise women to read the contract and also use a good registered agent, who will help you when things are not going well.

Interviewer: well, thank you grace for all of your help.

**Appendix 4**

Aisha: I went to Saudi Arabia in 16 may 2008, and I am twenty –four years old. We were two girls travelling to Saudi Arabia to do house work. The reason being in Kenya there are no jobs and it is challenging for a person like me who has not gone to school that much to get a well-paying job. I also have three children who await me to feed, clothe and send to school, Because of the responsibilities …. Going abroad will be a good idea and I will earn much more money as compared to the petty jobs I would get here at home. We were two girls from the same agency travelling in the same plane. When we arrived there we were put in a group with other girls who had arrived earlier in a camp.

After a few hours, two men dressed in `` kanzu``…. (Muslim dress for men) came to ask for our passports so as to process our resident permits and working identification. We gladly gave them out, that was the last day I saw my passport until the day I boarded my flight to Kenya. Furthermore, after the second day we were taken for a medical checkup where we were given a clean bill of health. We stayed in the camp for three more days eating snacks which were given to us by the agents in Saudi Arabia. The environment was poor, you cannot go to the toilet and its very unhygienic also, the weather was very hot and most us in the camp were scrambling for water and food, because you easily go hungry, since some will take more than their share.

Interviewer: Did you sign any contract before you left Kenya?

Aisha: Yes I signed a contract. The contract I signed here at the Abdul Salam Agency was not in the same terms as the one I found in Saudi Arabia. I had also signed salary of 1000 riyal as stated in the contract. When I arrived in Saudi Arabia the salary was 600 riyal. What was also stated in the contract was I could call them whenever I needed help and that I should understand my rights. I should not be over worked and when they deprived me of food I should resign or report to nearest embassy. When I tried to call the agency but the number was not going through.

Interviewer: How long did you work in Saudi Arabia?

 Aisha: I worked there for a period of nine months. That period was filled with harassment, abuses and exploitation not to mention segregation. I had my own toilet, own spoon and cups to use. They always called me a slave because of skin color I was also very dirty. One time my employer spat on me, I almost wanted to knock her…. But I knew it would be bad. During vacation that is usually before the month of Ramadan, she took me to her grandmother’s house where I would work there until the family came back. I went there and started working after a few days I found clothes of maybe a girl who was working there under the bed. They were stained with blood. That really scared me a lot, and on shaking the clothes a ``safaricom top up card`` fell, right there I knew that this girl was from Kenya, and maybe she died here.I tried to call my agent but still the number was not going through.

Interviewer: What did you further experience?

Aisha: What I experienced was, mmmm….. For one thing if you are sick, they do not care, but when you insist then they will only buy you Panadol (pain killers) instead of taking you to the hospital. After three weeks of working, the grandmother took me to a chicken house where I would clean. While cleaning I found two people buried inside the chicken house. I panicked and did not what to do. That sight really destroyed my mental state and I could not sleep well at night. It was in the next coming week that my former employer came back and I went back. Also the other girl I travelled with was taken to Jeddah, a city in Saudi worked only for two months and came back home. This was because she was pushed by her employers over the balcony and broke her leg. She then came back home lucky to escape with her life.

There is also another story I heard of a domestic worker whose hands were broken by her employers. I don’t know if she survived or she died. There is also another Philippine girl whom we were told of her story when we were in the camp, we found out that the person who was allocated for her to work, was a lesbian, so she wanted to rape her when she refused, the employer ordered other workers to come and chain her and had her genitals cut out. She lost a lot of blood when she was rushed to the hospital; by the time doctors came to attend to her she had already lost her life.

They also have a stick for you so that they beat you when you are slow.my employer slapped me in the face and kicked me. He would hit my legs, hands, back for small mistakes I make in the house. If they go out and when they return if I have finished my chores the man would beat me, saying if had done the work then I would not have been beaten.

Interviewer: did your employer sexually harass you?

Aisha: I think so, there was one time I was cleaning the house when the husband (my employer) came and stood from behind and fondled my breasts without my consent. I shouted at him but instead I received a lot of blows from him. I have scars to show what I went through. You see here…. (Showing her arm a long black mark is very visible)….. There was also one time he forced me to watch pornography with him when the madam of the house was away. I refused and he hold me by force and touched my whole body, I was very disgusted and that really made me hate him. What I cannot forget is the scars from my mind, when I close my eyes I just think of what I went through and how much torture I received.

 I also worked for so many hours without resting. I would wake up at 6:00 am in the morning go to bed at 2:00 am in the morning the next day and only have a few hours rest and am back to work again. But I would not see my salary. I worked in that household for months but I was not lucky to receive salary. What hurts me most was the fact that I could not even send home some money and I was working like a donkey in the house.

When I thought of my family back home tears would just run across my face realizing the responsibility I left home and my family. I was forced to wear a black gown and cover up to my eyes. I was not allowed to go out, all the time I had to be companied and most of the money I expected to earn I was not paid. I did not know where to go or who to turn to ask for help, I went into depression, because of that I lost a lot of weight. The madam of the house came abusing me, with verbal abuses while the husband harassed me and beat me. I remember vividly that fateful day when my employer came home earlier when his wife was not in the house. He then told me he wants to have sex with me but I refused, and ran in the kitchen.

He came from behind and injected my arm with something which up to now I think he drugged me. Immediately I felt weak and I think my employer got his way and raped me. I was so furious when I woke up and realized my situation. I went and tried to tell the woman of the house about what happened. She was devasted and cried but then she could not help me in any way since she told me when her husband is drunk he has no control of his behavior. That is when I realized enough is enough I have to go home or I will soon die here.

Interviewer: What did you do for you come home?

Aisha: In the beginning before I started working for my employer, they took away my passport telling me they had to create a working permit for me to continue working there.

 I felt time was really out and I needed to go otherwise I would die. I ran away in the night, I walked for hours alone in the street and then suddenly a car stopped in front of me, it was the police. They told me it was illegal for me as woman to walk in the streets alone. I was charged.

Interviewer: Did your employer return your passport?

 Aisha: No! (Chuckles…) since the day they took my passport I had not seen it. But now I was jailed, and some of the women inside the detention center, told me to prepare either to be raped by the police or if my employers would report me and they would give me back to them then I would receive a very harsh condition than what I was in before. I would just pray and hope for the next day it would be better after a week we were called to the court so that they would here our charges.

Interviewer: that was terrible! What did you do next?

Aisha: I hoped I might find help in a police station, but I was wrong, that fateful morning I together with other twenty girls were taken to the magistrate. Our rights were read and the police said we were prostitutes and that is not allowed in the sharia law including the Saudi law. We had nobody to defend so we just accepted the charge, because we could even understand the language they were speaking. So we were put in chains in both arms and legs and charged with prostitution, the judge said he is sentencing us to six years imprisonment and six hundred strokes of the cane.

Interviewer: oh my!! So what happened next?

Aisha: I stayed in the jail, I was raped by one of the police but on my second year the Kenyan embassy came to our safety and our location was changed to a deportation center. I was happy at least I would see my family again. After two weeks I was in a plane already back home luckily with my life but I have wounds which will never heal. What I have gone through I would never wish any of my children to see or go through. I would rather wash clothes, here at home rather than being killed in a foreign land.

Interviewer: Thank you Aisha for sharing your experience, I wish you all the best.

Aisha: thank you too.

**Appendix 5**

Interviewer: Good afternoon sir… i will just go straight to the questions to avoid a waste of time…How is it that most Kenyans keep on going back to Saudi Arabia over and over again after seeing all these injustices happening to them? Is the government doing anything about it?

Hussein Khalid: When they get into trouble that is what they all say…That the government is not helping them with anything. Most women are very excited to leave the country and forgetting the most crucial thing that we always tell them about it…. They have to register with the ministry of foreign affairs before they leave out of the country or in case they do not, they should register with nearest embassy they find in the foreign country.

Interviewer: some of the domestic workers in Saudi Arabia, say that the government and the Kenyan embassy in Saudi Arabia is doing nothing to help them…Do you support these claims?

Hussein Khalid: well, I think those are just claims which have no basis, but what is true is that the embassies are always at hand to help all those in need, whenever they show up. Moreover this is a matter of cooperation between Kenyan in Saudi Arabia and the Kenyan official in the embassies, the most important thing that I will insist and keep telling them whenever they decide to go and work in a foreign country is to sign up in the Kenyan diplomatic missions nearest to them or register here at home before you decide to leave the country.

Interviewer: I have talked with my friend a couple of days ago and she informs me that , most Kenyans do not where the Kenyan embassies are located, so they end up suffering, so if they do not know where to find help what do they do?

Hussein Khalid: we have tried to put out information through media and most private employment agencies to inform these, those who are seeking work outside on what they should do. But most Kenyans do not even take the initiative themselves to acquaint themselves with information before embarking on search a risky venture.

Interviewer: do you think the Kenyan job seekers are to be blame for the suffering they go through especially in a country like Saudi Arabia?

Hussein Khalid: well, I think it’s unfortunate that they have to go through suffering but the government is trying to put on measures so as to curb these happenings .domestic workers especially women are the most vulnerable as most them come back dead or alive with the help of the Kenyan embassy, I would tell people to inform themselves first before they get lied to by agencies or people who are out there to exploit workers.

Interviewer: I understand, the government put a travel ban of workers to Saudi on June 2012, and then it was lifted in November 2013, so hungry Kenyans workers went back there to work… why is it difficult to break the cycle?

Hussein Khalid: we need to find the root of the problem, especially in our communities. Particularly at the coast since most the women have par taken on this dream, to head to Saudi Arabia. The fact that there are no jobs, and no employment then it makes these people vulnerable and to do anything to get away from the state they are in. in 2012 most civil organizations and Ngos demonstrated because many Kenyans were coming back in coffins , so we managed to get a freeze on the travel to the gulf countries, the freeze was actually meant to give the key stake holders particularly the foreign affairs ministry , the labor ministry, the private employment agencies and the civil society time to look at and a develop a policy that will guide and help these workers , and unfortunately that was not done.

Interviewer: what was the problem?

Hussein Khalid: the problem was that the agencies kept on putting pressure , and of course the community members too, that need to go and recruit more people, they need to find ways of earning a living and of course , the ban was lifted. What we are having now, is the same situation repeating itself again like a cycle and actually at the center of this mess are the private employment agencies. We have agencies that are working without regulations from the government.

Interviewer: considering the challenges these workers face, like their passports and mobile phones are being confiscated by their employers on arriving in the foreign country …. How do they register?

Hussein Khalid: I think they should be wise enough not to give their mobile phones and of course the national identification should always come in handy when you need to identify yourself as a Kenyan in the embassies. I understand it is illegal to work in a country without the necessary documentation so I just think and hope Kenyan are learning from these experiences to become wiser and do what is required of them for their own safety and justice.

Interviewer: exploitation of domestic female workers is a global issue, what is the government trying to do to combat cases like these?

Hussein Khalid: we understand Kenyans can work in very many different places and not only in Saudi Arabia, we know of a case a domestic worker was abused right here in Africa, and unfortunately killed in south Sudan, we also know it is not only Kenya that has domestic workers in the gulf, countries like the Philippines, Srilanka, Bangladesh and part of the south Asia also export labor, but now we are also involved in international trade unions which will be able to monitor our country men and also be able to give them the help which they need abroad.

Interviewer: You have mentioned about the agencies, in the past years the private employment agencies were inspected and now most of them have had their licenses revoked so as they apply afresh….has this action helped anything so far?

Hussein Khalid: This process has helped to weed out the unscrupulous private employment agencies that lie to innocent Kenyans. We managed to ban all private agencies transporting domestic workers to Saudi Arabia and secured all their licenses unless they learn to sensitize their recruits and provide all the necessary information before they sign contracts of agreement. We are also monitoring all the private employment agencies before sending any workers they should inform the foreign missions how many people they are sending and they should provide all the adequate required data.

Interviewer: how can the government be able to track these Kenyan workers if they did not register themselves in the embassies?

Hussein Khalid: as I said before…. The re registering of these private development agencies will help us monitor the movements of these Kenyan workers in foreign countries. Sufficient laws have also been put in place to make sure these agencies keep on reporting to the foreign affairs ministry on a monthly basis reporting on how many workers they have sent in each town and country. This regulation process will enable us to monitor and keep records of workers outside the country. Unfortunately also, it is true, previously it was difficult to monitor most Kenyans abroad and few who got to the embassies got the help they very much wanted.

Interviewer: the laws in Saudi Arabia do not favor migrant workers, considering the fact that they had a slavery regime before….. What is the guarantee that the agencies, embassies in Saudi Arabia will help the needy Kenyans?

Hussein Khalid: the best we can do, is to first take care of our own people, from our country, Saudi Arabia is a sovereign state, we cannot go there and start imposing laws, all we need is to do is sensitize Kenyans right here from home on the advantages and disadvantages of taking the journey to a foreign country.

Interviewer: two members of parliament are trying to pass a law to prevent labour exploitation in Saudi Arabia what is your take on that aspect?

Hussein Khalid: I support that move 100 percent, and I wish the entire legislator see the sense in that bill and that they pass it into law. We need to ensure that we have all the stake holders involved, we should also be able to listen to people who have come out from these experiences, so that any law drafted it should include the voices and a law that is meant to protect, with it then it will be a law of futility, and ensure that these agencies are well regulated.

Interviewer: Thank you so much so your time Mr. Hussein Khalid.

.

**Appendix 6**

Interviewer: Hallo, I am searching for a job, I saw the sign outside that you take workers to Saudi Arabia, Kuwait, Dubai and Jordan.

PEA Agent: I might be able to help to you…. But first I need to know where you want to go … is it Dubai, Saudi Arabia or Kuwait?

Interviewer: Well, I am searching for domestic work, because I do not have many qualifications….. I do not know where you prefer?

PEA Agent: okay, right now we are taking only men to Bahrain, Kuwait and Dubai. The positions are for drivers, chefs and cashiers. We usually take domestic workers to Saudi Arabia because that is where we get the most demand but as for now I will give you our contacts and incase of anything that comes along please call us after a week to find out.

Interviewer: what are the requirements?

PEA Agent: You need to have a copy of your national identification, birth certificates for you and your family so as we can be able to process your passport and tickets to Saudi. You also need to have a c.v at least show us how far you have gone with school …. Even if you dropped out from primary level just write it down. It will take almost three months for us to be able to process all your documents and put them if you able to get a place to work in Saudi Arabia.

Interviewer: Is there some amount of money am supposed to pay for the tickets?

PEA Agent: Yes, but that will come after we have processed all the necessary documentation needed for you to travel.

Interviewer: Have you had some girls coming back after you have taken them to Saudi Arabia?

PEA Agent: No. all the girls we take work there and they get good families. They even save a lot when they come some visit us to tell us how good we have done to help them. Although the media has been so unfair to publish that we agents are to blame for many deaths happening in Saudi Arabia. When we take girls there we usually make sure they are taken care of by our agents back there in Saudi Arabia, and then…… it is also up to you that you should be patient that you need work and you at least stay for more than three months before running back home.

Interviewer: Do you usually communicate with the agents in Saudi Arabia?

PEA Agent: sometimes…. We do, when necessary, when we have a problem with the workers we have sent to the intended countries and may be they have to come back and also may be their employers treated them badly.

Interviewer: what will happen if I get abused too?

PEA Agent: we will just leave our contacts with you before you leave, you will be able to call us and we will give you the correct guidance in case you need any help. We are also available on phone twenty four hours so… there is no way you will not be able to get help.

Interviewer: is there a contract?

PEA Agent: There is always a contract to sign whenever you have to leave to work abroad. That is also good for you …. You know….. eeeh, may be the employer will be bad to you , exploit you, in the contract it will be prohibited for him to do so, and it will help you to find another place.

Interviewer: How about the language barrier? Do you inform workers before?

PEA Agent: we try to… according to the government requirement we inform them but some do not care much… but they also have to learn to use gestures in cases where they need to understand their employers.

Interviewer: so for how long will I have to wait until I get to bring my documentation?

PEA Agent: whenever you are ready you can bring your documents but of now, they will have to wait until we an adequate number of people to transport and also the government has been on us we have had our license revoked we only got it back a few days ago, so we only do legit business here, we are registered and inform the ministry of foreign affairs whenever we send workers to the gulf countries.

Interviewer: Okay, thank for you time, I will gather the necessary documentation and bring it, and thank you for your time.

**Appendix 7**

Interviewer: Hallo, I am searching for a job, I saw the sign outside that you take workers to Saudi Arabia, Kuwait, Dubai and Jordan

PEA Agent: what would you like to know…?

Interviewer: what kind of jobs I might get, what requirements are needed for me to have, as a domestic worker?

PEA Agent: most of the time we usually deal with constructors, and house maids (domestic workers), but as of now we are not taking workers abroad because of the government requirement which made us loose our travel license. Aaah……mm, we are not allowed to take domestic workers to the gulf yet until we get our license back it was confiscated by the government…. So we are still waiting to get it back and then we can continue with our business.

Interviewer: okay, but we you taking workers before?

PEA Agent: Just last year in august we took about 40 housemaids and 20 constructors to Saudi Arabia. Our Agency is well trusted and most people give us good feedback.

Interviewer: so what do I do, because I really want to go and work as a domestic worker?

PEA Agent: so, now…. What you will do is to submit your credentials, according to your qualifications. If you have any qualification, a primary certificate …anything to show that you went to school, passport picture, a copy of your national identification and a c.v.

Interviewer: Are all those documents necessary since I am only a domestic worker? I already know and understand the skills of cleaning, taking care of a child ……. I mean do I need a c.v?

PEA Agent: you must have gone to school, and at least may be have a primary school certificate. That is also enough, and a passport photo, the CV is not necessary…..mmmm do you have a passport?

Interviewer: no I do not have.

PEA Agent: then you will need one for you to travel, you will bring to us the original of your national identification, birth certificate, and a two national identification for your mother and father and at least two siblings together with their photocopies. With that then we will be able to process your passport and visa.

Interviewer: how long will that take?

PEA Agent: most passports take at most two weeks while the visa might take up to three weeks depending on the country you are heading to. We will also take care of your flight ticket and provide you with all the help you will need when travelling to there.

Interviewer: how much money am I supposed to raise for the tickets, passport and visa?

PEA Agent: Roughly 400,000 ksh will cover all your expenses together with the services that will be able to offer you. We also offer you our contact numbers in case of anything which is available and also inform you with all the details of the contract before you sign it.

Interviewer: how much should I expect to be paid in the event I get a job?

PEA Agent: from 700 to 1000 riyal.you will be paid a lot of money... that equivalent to Kenyan shillings… you will be able to drive a car soon...Ha! Ha! Ha...it is good money.

Interviewer: have you ever taken a client to the gulf countries that came back and complained about you?

PEA Agent: well…. I cannot say we have not... Considering now the gulf….well Saudi is receiving many complain of abuse of housemaids. The government has also taken away our licenses but we are on the way of getting ours back. We are registering again… afresh. According to the government requirements.

We have had certain incidences when a girl claims to have gone through our agency to Saudi Arabia and that her employers have mistreated her so she comes back dead or even have her limbs broken in the case where she was running away. I always tell the girls who come here all the time to read the contract and understand it before signing it. And also we tell them to persevere; three months’ probation is good. How can you go to seek work and within a month you want to back home? That is not possible!!

Huh…! We are running a business here.. It is a loss if these girls keep on coming without finishing what we agreed, ……..you know…. Between us…. Eeeh sometimes I am usually very kind and polite, I personally take care of the expenses and then we write an agreement that you pay me in bets from your salary. In Saudi riya that is almost like nothing.

So you see….. I help a lot of girls….. it is people who are ungrateful that think that these agencies are here to bring problems.

Interviewer: so what is usually written in the contract?

PEA Agent:… so many things. But the usual mistreat… in case they deny you food and may be over work you… then you should contact the Kenyan embassy as soon as possible. We also usually have our people there in Saudi Arabia from our agency that you can communicate with them in case you have problems.

Interviewer: do you tell the housemaids what to expect when they go there? Like new food, language?

PEA Agent:…uuh…maybe… sometimes we do sometimes there very many people we forget. But we usually make it an effort to inform them that it is an Arabic country so you need to be patient with your boss, especially if you are Christian and do not understand Arabic.so sometimes the boss might use gestures and sometimes use directions so that you understand. As for the food… Well it is a different country… And not in Kenya so you should prepare yourself psychologically.

Moreover some employers do not want girls who have attitudes, so need to be very humble you also need to be very friendly to the kids and the mother then if they like you your life and work in that house will be very easy. You also not allowed to have mobile phones while working, some of them find it offensive, so if you need your phone you have to hide it and use it later when you are alone.

Interviewer: so the time I have all my applications ready which country n gulf do you take domestic workers?

PEA Agent: We always take house maids to Saudi Arabia, but may be one time in Dubai or Kuwait. But most of the time we take domestic workers to Saudi Arabia.

Interviewer: Do you have a sort of agreement with Saudi Arabia regarding maids?

PEA Agent: no! We do not have but we have a consultancy agency there and they inform us they need a lot of housemaids. So it is good if you can leave your details here and then bring all the documents we start to process your qualification…….although it will take time until our license is returned back, my boss has gone to Nairobi to sort it out.

Interviewer: okay, that will give me also ample time to about it; I will get back to you. Thank you for time.

**Appendix 8**

INTERVIEW GUIDE

1) How is it that most Kenyans keep on going back to Saudi Arabia over and over again after seeing all these injustices happening to them?

a) Is the government doing anything about it?

2)Some of the domestic workers in Saudi Arabia, say that the government and the Kenyan embassy in Saudi Arabia is doing nothing to help them…Do you support these claims?

3) Most Kenyans do not where the Kenyan embassies are located, so they end up suffering if they do not know where to find help what do they do?

4) Do you think the Kenyan job seekers are to be blame for the suffering they go through especially in a country like Saudi Arabia?

5)The government put a travel ban of workers to Saudi on June 2012, and then it was lifted in November 2013(according to the Daily Nation….) so hungry Kenyans workers went back there to work… why is it difficult to break the cycle?

6) Considering the challenges these workers face, like their passports and mobile phones are being confiscated by their employers on arriving in the foreign country …. How do they register?

7) Exploitation of domestic female workers is a global issue, what is the government trying to do to combat cases like these?

8) Private employment agencies were inspected and now most of them have had their licenses revoked so as they apply afresh….has this action helped anything so far?

9) How can the government be able to track these Kenyan workers if they did not register themselves in the embassies?

 10) The laws in Saudi Arabia do not favor migrant workers, considering the fact that they had a slavery regime before….. What is the guarantee that the agencies, embassies in Saudi Arabia will help the needy Kenyans?

11) Two members of parliament are trying to pass a law to prevent labour exploitation in Saudi Arabia what is your take on that aspect?

1. <http://www.al-monitor.com/pulse/originals/2013/07/humantrafficking-saudiarabia-al-rasheed.html#ixzz3Y556NTno> [↑](#footnote-ref-1)
2. http://www.trust.org/item/20140902142724-oget4/ [↑](#footnote-ref-2)
3. <http://www.buzzfeed.com/miriamberger/the-middle-east-is-the-worst-place-to-be-a-domestic-worker-n#.ld7lrYEg8> [↑](#footnote-ref-3)
4. <http://www.aljazeera.com/programmes/insidestory/2013/01/201311116530348352.html> [↑](#footnote-ref-4)
5. <http://www.thedailybeast.com/articles/2013/01/14/nightmare-in-saudi-arabia-the-plight-of-foreign-migrant-workers.html> [↑](#footnote-ref-5)
6. <http://www.futuredirections.org.au/publications/indonesia/45-indonesia-swa-articles/1627-indonesia-pays-blood-money-to-save-maid-in-saudi-arabia-pressure-mounts-to-reform-kafala-employment-system-2.html> [↑](#footnote-ref-6)
7. <http://www.carbonated.tv/news/horrific-video-of-saudi-man-beating-servant-shows-how-bad-things-are-for-migrant-domestic-workers-in-the-kingdom> [↑](#footnote-ref-7)