The Plight of Kenyan Domestic Workers in Gulf Countries

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The Plight of Kenyan Domestic Workers in Gulf Countries.

Caroline Gikuru
Graduate Student
Master of Arts in International Studies
2013
SUMMARY

Kenya’s economy remains the regional leader within the East African Community (EAC) and among East African countries at large. However, political instability such as the 2007 post-election violence and the region’s social and political instability trickling into Kenya, have negatively affected the country’s economic growth. To bridge the economic gap, Kenyan women are seeking employment in the domestic service sector in the Gulf Countries, with Saudi Arabia being the most popular destination. At their destination countries, some domestic workers are subjected to various forms of abuse by their employers, leaving the worker without recourse due to the lack of legal structures outlining the rights of domestic workers. This research aims to investigate the motivation to migrate, the experience of the domestic worker once at the destination country, and the sending government’s role to protect its citizens.

To meet these objectives, I have gathered primary data by conducting in-depth interviews with returnees regarding their work experience. I also interviewed a government representative to understand the government’s role in protecting migrant domestic workers, and a recruitment agent to detail the recruitment and migration process. Findings indicate that despite the potential risk for abuse, women are likely to continue migrating to Gulf Countries as they are lured by the international wage differential.\(^1\) Unfortunately, most women end up being paid less than they were promised while in the country of origin, and the little they earn gets remitted back home, leaving them virtually empty handed in the destination country.

\(^1\) International wage differential refers to the difference in wage rates between workers performing similar type of work, with the wage difference being attributed to the location of employment.
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### ABBREVIATIONS

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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<td>COTU</td>
<td>Central Organization of Trade Unions</td>
</tr>
<tr>
<td>DW</td>
<td>Domestic Work(er)</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<td>GCC</td>
<td>Gulf Cooperation Council</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>KISA</td>
<td>Kikuyu Independent Schools Association</td>
</tr>
<tr>
<td>ME</td>
<td>Middle East</td>
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<tr>
<td>NSSF</td>
<td>National Social Security Fund</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>WCD</td>
<td>Women, Culture and Development</td>
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<td>WID</td>
<td>Women in Development</td>
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RELEVANT GEOGRAPHICAL LOCATIONS

Map of Africa showing the location on Kenya

Map of Kenya showing the location of Central Province

Map of Gulf Cooperation Council (GCC) Countries

Map showing Saudi Arabia’s major cities where interviewees were employed
ACKNOWLEDGEMENTS

First and foremost I would like to thank God for getting me through what initially seemed like an insurmountable graduate program.

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Last but not least, I would like to thank my family both immediate and extended for their moral and material support. For those in Kenya who allowed me to invite myself into their homes as I conducted the research, I am grateful and indebted to you. For everyone’s support, especially my mother, it is because of you that I am where I am now.
CHAPTER ONE

1.1 Introduction

Hundreds of Kenyan women are recruited each year for employment in Gulf Countries as domestic workers. Many of them seize this opportunity because they see it as a chance to lift themselves out of poverty. These women migrate to enter into an unregulated and informal work sector where domestic workers are not protected by local laws in the destination countries, and to work in the private sphere where the abuse they might be subjected to remains hidden from the public’s eye. While employed in Gulf Countries, some women are overworked which leads to lack of sufficient sleep and they are denied of their rightful wages,\(^2\) furthermore they are mistreated and deprived of food\(^3\) which makes being a productive worker a challenge.

Reports of rampant abuses of domestic workers, some of which have resulted in death compelled the Kenyan government to take action in order to minimize further abuse. The remedy took the form of a travel ban.\(^4\) The Kenyan government implemented the travel ban in June 2012, with the goal of keeping Kenyans from migrating to Middle Eastern countries for domestic work. In spite of the ban, Kenyan women continue to be recruited and placed for domestic work in the Middle East on an ongoing basis. Unfortunately, women who ignore the ban expose themselves to dangers such as rape and imprisonment while in a foreign country, whilst obliging the Kenyan


government to protect them outside its jurisdiction. This poses a major challenge to the Kenyan government, which has yet to implement structures of protection for citizens working in the domestic service sector in the Middle East. Consequently, responsibility is shifted from the individual to the government.

Education plays a major role in the migration trends. The women interviewed for this study demonstrated basic levels of education because they can read, write and understand English. Therefore, they claimed to fully understand the terms of the contract (when written in English) prior to migration. However, the problem is that those terms are not always honored by the employer when the worker arrives in the destination country. One of the factors driving this migration is that although the women have basic education, they face stiff competition against college educated youth within Kenya when seeking employment. Therefore, the competitive job market relegates them to less financially rewarding jobs domestically. Because some of the women interviewed have kids and some are single mothers, they opt to seek a relatively higher paying job abroad at the risk of being mistreated, over local jobs that cannot support their families. Ultimately their level of education, the demand for domestic workers in Gulf Countries, the lack of employment in Kenya, and the women’s ability to relocate influences their decision to migrate.

The aim of this study is to investigate the circumstances that surround an individual’s decision to migrate to the Middle East despite the travel ban, the workers experience at destination country, and Kenya’s efforts in protecting its citizens working in the private sphere in the Middle East. Additionally, I examine the international instruments that outline women’s labor and migration
rights to highlight the protections available to women as migrant workers, and that can be used to urge the governments of Gulf Countries to extend labor rights to domestic workers. Based on the findings, I make recommendations that can be used to guide policy formulation, as well as serve as an addition to the literature on the topic.

1.2 Research Questions

The main questions guiding this study, and which the research aims to answer include:

What compels Kenyan women to continue to seek domestic work in the Gulf Countries despite warnings and the travel ban? What working and living conditions are these women subjected to in the destination countries? What does the travel ban aim to accomplish? And, what steps has the Kenyan government taken to protect its female citizens who seek domestic work, continue to migrate, and remain in Middle East after the implementation of the ban?

Framing the questions as I have will enable me to explore the rationalization that migrant women undergo in order to justify their migration, including the potential risk of being victims of abuse. Likewise I will be able to document their experiences through the narratives provided during interviews, and examine the psychological effects that may have stemmed from their experience while employed in the Gulf. Additionally, these questions will enable me to analyze the travel ban, evaluate what the government hoped to accomplish by implement the ban and whether that objective has been met, and find out whether the interviewees find the ban to be effective. Lastly, the open-ended nature of the research questions will allow for an exploration of the steps the government is taking to protect migrant domestic workers, and the perception that migrant workers have of their government’s effort to protect them while employed abroad. Not only do
these questions explore the discrepancy that lies between government rhetoric and reality; they also provide a platform for the women to share their lived experiences and thus guide recommendations that would better serve migrant domestic workers better than the prevailing mechanisms.

Public disapproval of the rampant abuses of Kenyan women who are domestic workers in the Gulf region led to a travel ban by the Kenyan government. Unfortunately, very little academic research has been conducted to document the experiences of the migrant domestic workers, and most importantly what sending and receiving governments are doing to rectify this issue. Undoubtedly it has been a relatively short time since the implementation of the ban; however this issue seems to have disappeared from the public discourse in Kenya, making it easy for migrants to believe the danger has subsided.

The importance of this study lies in reigniting this issue in the public discourse in order to pressure the Kenyan government to take speedy action. In so doing, public awareness will cause female migrants to assess the potential risk that lies ahead, and hopefully reconsider their decision to migrate. Furthermore, this study hopes to create and open dialogue to encourage returnees to discuss their experiences, that way structures of help such as rehabilitation of abused victims can be created in Kenya.

The culture of silence with regards to abuse, obscures the damages endured by workers and undermines the seriousness of the abuse they have experienced. Women return to their previous lives and virtually disappear from the eyes of the government as people who need help. Through
their own efforts, returnees seek any job they can obtain to support their families, because the Kenyan government lacks programs that can rehabilitate women and assist with societal reintegration as well as job placement. These are all important areas that require addressing when migrant workers return to Kenya. Without highlighting these issues, the Kenyan government could limit the scope of its efforts in protecting migrant domestic workers, and fail to address issues faced by returnees. Even where bilateral agreements have been reached between governments, or there are laws in receiving countries, rehabilitation and reintegration remain an important aspect, because not all employers will abide by the law, and reintegration is inevitable upon contract termination.

CHAPTER TWO

Literature Review

Domestic work can encompass a lot of duties that are performed within any given domestic unit. Article 1(a) of the Domestic Worker Convention, 2011 (No.189) (hereafter ILO Convention 189), defines domestic work as “work performed in or for a household or households.” This definition is also applicable to male dominated jobs such as gardening and chauffeuring. For the purpose of this literature review and research, the definition above will be extended to specifically address the work done by women. In other words, domestic work will specifically refer to work done in private households such as cooking, cleaning, and caring for kids and

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elders, essentially duties that have traditionally been performed by wives, mothers, and other women in the family.

Although not unique to Kenyan domestic workers, transnational domestic workers in the Middle East are subjected to various forms of abuse. These include: physical, sexual and psychological abuse, non-payment of wages, food and sleep deprivation, and involuntary debt bondage. Oftentimes workers are unable to overcome these challenges in order to seek an indemnification or injunction because of language barrier, or lack of knowledge of local laws, and restriction from moving freely. Even when language is not a barrier to seeking refuge from these cruelties, domestic workers are reluctant to do so because their residential status is tied to their employment. This leaves the workers afraid of reprisal if they seek outside help, or being unemployed which would then trigger a deportation process because employment is the anchor for residential status.

Due to growing concerns about abuses, the Kenyan government banned its citizens from migrating to the Middle East for domestic work, in June 2012. 6 Although it is a proactive step, it the ban did not come about solely due to the benevolence of the Kenyan government. “The decision was made after Kenya's Central Organisation of Trade Unions (Cotu) [COTU] voiced concerns and asked the Government to outlaw foreign recruitment and employment bureaus.” 7 This is a short term solution because it does not outline protection measures for domestic workers who remain in the Gulf following the implementation of the ban.

Furthermore, women who are desperately seeking employment will continue to migrate despite the ban, because their ability to relocate and the higher pay associated with the demand for domestic workers will perpetuate migration, particularly because it is up to receiving countries to control migration through visa issuance. Unless the Kenyan government can create more jobs to respond to local demand for work, the ban will not serve as a solution to globalization’s need for people to migrate to where the jobs are. To better understand the ill treatment of Kenyan domestic workers in Gulf Countries, I will look at four key areas that will contextualize these experiences, they are: the role of racism within Kenya and the treatment of workers in the Gulf, emotional labor, valuation of domestic work, and the inclusion of domestic workers in the national labor legislation.

2.1 Role of Racism

To understand the treatment of Kenyan domestic workers requires a historical overview of race and racism in Middle East as a whole, and Kenya. “The attitude towards black Africans remains on the whole negative”\textsuperscript{8} and this is largely rooted in the history of slavery and colonialism in Africa. Although there are pre-Islamic writings that convey very strong feelings “of hatred and contempt directed against persons of African birth or origin”\textsuperscript{9} theoretically the spread of Islam can been seen as a remedy for this disdain, because it taught of equality by stating that “there are no inferior or superior races.”\textsuperscript{10} Unfortunately this remained an ideal that was not realized, because color prejudice gave rise. “Social status was linked to color rather than race. It is found

\textsuperscript{9} Ibid., 22
in the language where black is associated with sin, evil, deviltry and damnation; while white had
the opposite association.”

The absence of racial hierarchy and color prejudice could have mitigated this stratification,
because the spread of Islam was not contained in only one geographical location; it spread to
peoples of diverse cultures and ethnicities, including Asia, Southern Europe, the Middle East,
North Africa and well into Central Africa. Furthermore, the pilgrimages to Mecca and Medina
brought [and still do] a great mix of people from the vast Muslim world during the pre-modern
history. Since some pilgrims remain in Saudi Arabia after their pilgrimage, Middle Easterners
have been exposed to Africans for decades. However, not only do pilgrimages sensitize the Arab
world especially Saudi Arabia to Africans, they have served to perpetuate slavery of Africans.
Princess Sultana the granddaughter of the first king of Saudi Arabia elaborates on the topic:

“Since my grandfather’s day, we owned a family of Sudanese slaves. Our slave
population increased each year when father returned from Haj… Pilgrims from Sudan
and Nigeria, attending Haj, would sell their children to wealthy Saudis so that they could
afford the return journey to their homeland.”

Although the princess immediately elucidates that the slavery she speaks of is not to be equated
with American slavery, the notion of purchasing human beings does not reflect positively on
such peoples. Furthermore, having being purchased and potentially not compensated for the
work they do in the royal palace, this slavery is not different from that in America, and the fact
remains that there is no hierarchy or need for geographical distinction of slavery. The Saudi

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11 Ibid., 148.
12 Ibid., 18
13 Ibid., 18.
14 Jean Sasson, *Princess: A true story of life behind the veil is Saudi Arabia* (Van Nuys: Windsor-Brooke
government freed slaves in 1962, a short 51 years ago which means that a large population of that country grew up and were socialized with the notion that slavery is not taboo and is synonymous with Africans. In turn, this explains why African domestic workers are treated like slaves in that country.

Even with the exposure to Africans, attitudes towards blacks have not necessarily improved, and this can been seen in post-Islamic writings. One such writing includes *The Thousand and One Nights*, where upon finding his wife in bed with a black male slave, King Shahriyar kills both offenders. The Quran states that punishment for adultery is to be subjected to Muslims who are not slaves, with punishment varying between married and unmarried offenders. According to Zina, which is defined by Islam as extramarital sex, punishment for a married adulterer is stoning to death, while that of an unmarried adulterer is flogging. The punishment subjected to the slave in *The Thousand and One Nights* is not supported by the Qur’an, which begs the question of how race might have impacted to punishment rendered.

Arguably the king could very well have killed anyone he caught engaging in indecent relations with his wife, however the punishment rendered is indicative of how blacks are represented and thus their perceived place in society. Bernard Lewis points out that “Blacks appear frequently in the stories that make up the *Nights*. Where they do, it is almost invariably in a menial role—as porters, household servants, slaves, cooks, bath attendants, and the like—rarely, if ever, rising 15

15 Ibid., 29.


above this level in society.” Subtle implications of racial stratification permeate into society’s social discourse, and become part of the acceptable cultural practice. Furthermore, such bodies of work especially classics carry with them the power to normalize discriminatory ideas in oftentimes entertaining fictional works. Inevitably this creates cultural and ideological hegemony, where the views of the dominant class are projected to the world in a way that appears natural.

These discriminatory notions have been reproduced from fictional works and into the real life. In her autobiographical novel *Slave*, Mende Nazer a Nuba girl from Sudan gets captured and sold into slavery to be a domestic worker in Khartoum, for Arab Sudanese employers who are extremely abusive to her. Although Mende, her captors and her employers were all from the same country, she was mistreated and deprived of freedom because of her race. Therefore, subjugation can be seen within a culture that has evolved from ideologies in the dominant literature, media, popular culture and political discourse. Because culture is lived and experienced in the flesh, it is “found operating within civil society, where influence of ideas, of institutions, and of other persons work not through domination but by what Gramsci calls consent.” In as much as minorities consent to being subjugated, so does the dominant group support oppressive doctrine when it fails to challenge the dominant narrative and status quo.

Although not all members of the dominant group support the subjugation of minorities, some indeed hold such attitudes and aim to normalize that stratification. For example, Jules Harmand a French advocate for colonialism stated that “It is necessary, then, to accept as a principle and

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point of departure the fact that there is a hierarchy of races and civilizations, and that we belong to the superior race and civilization…”21 Whether during the colonial era or contemporary times, the perceived inferior group is initially “not going to concede to you your essential superiority or your right to rule them over despite your evident wealth and power.”22 Similar attitudes are observed in Kenyan domestic workers who challenge their Arab employers when they feel mistreated; however their financial need forces them to make concessions and ultimately negate their position partly or entirely, as they endure abuse in the hopes of earning some money.

With regards to literature, once certain writings become revered they become a part of the public and social discourse, and the masses subconsciously begin to reproduce certain aspects of those works in real life; it is no wonder that Africa was seen as a “legitimate source of slaves.”23 Africans were engaging in continental slave trade in the trans and sub-Saharan slavery before they were victims of the Arab slave trade, and the Trans-Atlantic slave trade to the Americas. Although continental slavery operated at a much smaller scale than trans-continental slave trade, it reveals a long history of slavery in the continent.

Undoubtedly this has implications in the way Kenyan domestic workers are treated in the Gulf. An argument can be made that slavery is over, however the way some domestic workers are treated in that region has been referred to as “slave-like” and the prevalence of literature that depicts black people in menial jobs simply perpetuates their subjugation. Having come from a region where its people were enslaved around world, Africans, and thus Kenyan domestic

22 Ibid., 19.
workers are put in a position where they are generally looked down upon, and would have to “prove themselves” in order to earn the respect of their white skinned employers.

Religion also plays a significant role in how women are treated which is something that cannot be overlooked. This is particularly the case because as theocracies, virtually all Middle Eastern nations are governed by Sharia or Islamic Law. Interpretations of Sharia distinguish between the allocation of rights and responsibilities between men and women, and usually places “women in the position of minor and dependent.” In fact in one Saudi household, it is noted that “To the head of the household, the secondary status of women indicated in the Koran was understood to be slavery.” In light of the inferior status of Arab women, it sheds light on why African women are viewed so poorly in the Middle East, and thus treated in a cruel manner. All societies utilize a standard in which stratification can be observed; this can be socio-economic class, race, gender, and so on. Islamic nations are no exception, however “Muslim societies governed by Islamic legal frameworks exhibit extreme forms of gender stratification and discrimination;” and this can be seen in the differential legal rights of women compared to men.

Furthermore, male guardianship of Arab women solidifies women’s secondary position in that society. Principally, “The sources of women’s second-class citizenship lie in patriarchal gender relations, political economy, legal frameworks, and the nature of the state.” As Arab women struggle to coexist with patriarchy and move towards an egalitarian relationship with men, the

27 Ibid., 258.
infiltration of black women in that society only creates a gendered stratification, because black women are seen as poor foreigners ranking somewhere below Arab women. Additionally, as Arab women are endowed with wealth and the protection of their male guardians, black women in Arab countries lack the same and are thus categorized somewhere below the second-class citizenship designated for Arab women.

As some interpretations of the Koran equate women’s secondary status to slavery, some households in Saudi Arabia interpreted the religious text to determine that “Any woman who was not a Muslim was considered a prostitute.”\(^2\)\(^8\) Not surprisingly, one domestic worker found out that she was hired to “serve as a sexual release for the two teenage sons”\(^2\)\(^9\) of her employer, although she ended up being raped on a daily basis by the man of the house. A foreign domestic worker has little control or power to negotiate how she is treated and particularly having her sexual rights honored, because even in an Islamic marriage, “Marriage gives the husband the right of access to his wife’s body, and marital rape is not recognized.”\(^3\)\(^0\) For a lowly categorized group, foreign and especially black domestic workers have very little ability to rise to or above the status of Arab women who already struggle for better treatment.

### 2.1.1 Colonial Legacies

From a Kenyan perspective, the British colonial era can be traced to as the root of racial hierarchies within Kenya. Beyond the well documented reductive perception of Kenya as a country of uncivilized backward races, British colonizers in Kenya took a step further and set up a eugenics movement. The main objective of the British eugenics was to “combat the causes of

\(^2\)\(^8\) Jean Sasson, “Princess”, 116.
\(^2\)\(^9\) Ibid., 117.
\(^3\)\(^0\) Valentine M. Moghadam, “Global Feminism, Citizenship, and the State,” 260.
the social problem group, the urban pauper class, by confronting supposed underlying biological causes.”\textsuperscript{31} As a group vying for dominance, it is not surprising that the British chose to uphold their genetic traits as superior, by addressing social problems from a biological perspective.

What is surprising however, is the domestication of this British movement to a Kenyan eugenics movement in the early 1930’s. The Kenyan eugenics movement was created using the same intellectual framework and attracted comparable audiences as the British eugenics, however it motivated racial hostility, paternalism and settler political ambitions.\textsuperscript{32} It appears that from the colonial era, Kenyans have been exposed to racial stratification that has placed them below whites, and they have been expected to embrace or at the very least co-exist with paternalistic white skinned foreigners with the ability to interfere with their communal way of life.

From the colonial era, social and racial stratification of the natives created a hierarchy of those who would fill the positions of the whites once they left. In what Frantz Fanon calls the “nationalist bourgeoisies”,\textsuperscript{33} those who remained replicated the same structures of power that they fought the colonizers for. The ethnic group that posed a threat to the British rule in Kenya and set to be the nationalist bourgeoisies was the Kikuyu. Not only did they form the \textit{Mau Mau}, a militant nationalist movement that aimed to expel the British rule in the 1950’s, they also created intellectual defiance. During the same time as the establishment of the Kenyan eugenics movement, they formed their own Kikuyu Independent Schools Association (KISA), which was later acknowledged and given grants by the government. The politically charged independent

\textsuperscript{32} Ibid., 114.
\textsuperscript{33} Edward W. Said (b), \textit{Culture and Imperialism}, 19.
schools organization connected access to education with social, political and economic objectives, and thus became a tremendous threat for the colonial status quo. In the same manner, Kenyan domestic workers pose a threat to their Middle Eastern employers because they are educated enough to understand the terms outlined in their contracts, so sometimes they defy their employer when forced to perform excessive tasks.

By examining the status of tribes in Kenya, Kikuyus are still largely educated, and politically involved. Their higher education level positions them to have better access to local jobs; on the other hand, other ethnic groups in rural areas with lower education levels disproportionately dominate the informal sector and thus transnational domestic work. Although the genesis of ethnic stratification in Kenya as brought by the British was racial, it metamorphosed over time. So even though the colonialists finally left Kenya presumably with their racial ideology, there remained “a dependent and derivative ideology sustained by sporadic contacts with the metropolitan dominant ideology.” The pervasiveness of colonial ideology cannot be undermined in its ability continuously normalize women’s low social status, as Kenya men filled the positions once filled by the departed colonialists, they subsequently created a secondary class for women. The proportionally smaller presence of Kikuyus and the larger presence of other ethnic groups who are domestic workers in the Gulf, represents the disproportionate access to resources, and the internalization of each group’s social class which is part of the colonial and racial legacy.

34 Ibid., 134.
Kenya has never had a policy outlining the rights of migrant domestic workers, which explains the absence of bilateral agreements. Consequently, unscrupulous and often unregistered recruitment agencies amplify the chances of exploitation, with workers being expected to pay an introduction fee to the recruitment agency, while the employer is required to pay for expenses pertaining to the importation of a domestic worker. For example, in Bahrain, costs pertaining to recruitment and plane ticket for prospective employees are supposed to be incurred by the prospective employers: “Bahraini law explicitly forbids Bahraini recruiters from collection any of these fees and travel cost from prospective migrant workers.” Coupled with a monthly fee per migrant worker, these fees are meant to make it expensive to hire migrant workers, and in turn make Bahraini labor competitive. But despite of the existence of such laws, recruitment agencies continue to charge the migrant workers a recruitment fee, and this practice is particularly common with agencies located in labor sending countries. With better cooperation between the sending and receiving countries, such discrepancies can be easily overcome.

Racism greatly affects the experience of a migrant worker when employed in a society where they are a minority. For black domestic workers, this means very poor treatment by the employer, while sometimes African women have a difficult time finding employment, because the employer associates the workers “blackness” with dirt and AIDS. Additionally, the effects of racism can be seen manifested in the compensation of African women. There is a hierarchy

that places “Filipinas generally at the top and black Africans at the bottom, and it is most clearly manifested in pay.”

Furthermore, racism is also perpetuated by the recruitment agencies in the women they target to recruit. For example, in neighboring Ethiopia, a country that has a large population of women domestic workers in the Middle East, and three times the Muslim population (33%) as that of Kenya (10%). Kenya maintains a comparatively lower population of domestic workers in the Gulf. Ethiopia’s close proximity to the Middle East renders its shared influence permeating from the Arab world. Similarly, even within Kenya, recruitment agencies largely recruit women from Mombasa, the country’s coastal city with the most exposure to Islam and Arabic influence from the Horn of Africa and the Gulf.

Experiences with certain nationalities lead employers to delineate a preference for those nationalities. Oftentimes employers generalize and create stereotypes about a particular group, even though such a stereotype is based on experience from a single domestic worker. The employer’s preference leads them to seek out particular nationalities, and the said preferences are usually based on racial hierarchies, which rank women based upon their skin color. This inevitably creates a situation where Africans are rarely sought after to fill the jobs, or when hired, they tend to be subjected to cruel treatment because they are the least desired.

38 Ibid., 152.
2.2 Emotional Labor

In comparison to other jobs in the informal sector, domestic work is one of the lowly valued jobs in terms of pay, yet is very demanding. Part of this low valuation can be attributed to the fact that domestic work requires personal contact between employee and employers family, and the emotions that arise from this contact are expected to be managed by the employee as a component of her waged labor.\textsuperscript{41} This describes emotional labor, a phrase coined by Arlie Hochschild in 1983. Grandley explains that emotional labor requires “the management of feelings to create a publicly observable facial and bodily display.”\textsuperscript{42}

Despite the strenuous work load, domestic workers are expected to provide service in a pleasant manner, which requires them to regulate their emotions by displaying certain expressions achieved through surface representations.\textsuperscript{43} Requiring such emotional regulation essentially commodifies feelings, yet the actual feelings or display of the desired emotions is not monetarily valued independent of the actual service rendered. In fact, when men are employed in the same job or similar service jobs as women, women remain in lower status, and “their feelings are accorded less weight than the feelings of men.”\textsuperscript{44} Despite the requirement to embody certain physical displays, emotional labor remains a “dimension of work that is seldom recognized, rarely honored, and almost never taken into account by employers as a source of on-the-job stress.”\textsuperscript{45} In other words, displaying preferred emotions whether genuine or not does not help the

\textsuperscript{42} Ibid., 96.
\textsuperscript{43} Ibid., 96
\textsuperscript{45} Ibid., 153.
worker, or earn her a pay raise, but morose expressions result in the worker being forced to modify her expressions.

Transnational domestic workers are vulnerable to exploitation, and less likely to have access to legal protection. Because they work in an unregulated sector in the private sphere, and emotional regulation becomes a part of their employment requirements yet remains monetarily unvalued, domestic workers find themselves in situations that are conducive to trafficking. From that standpoint, the ease of trafficking women, or knowingly sending them to precarious work environments is made possible by the fact that women migrate to enter an unregulated job market, where presentation is arguably valued more than skills. Additionally, because emotional regulation is concerned with modifying expression rather than the actual feelings, domestic workers are affected by the negative feelings that they may have, yet they have to pretend that everything is okay. Implementing labor standards that value emotional work or the presentation of desired emotions by domestic workers would mean higher pay and better treatment. This is because as a required skill for domestic work, value would be placed on the ability to manage one’s feelings. This would essentially contribute to regulating this employment sphere, making it difficult to emotionally and psychologically exploit domestic workers.

Having a domestic worker is a matter of status for some, but requiring a worker to regulate her emotions to appear happy actually has negative long term effects. It has been found that “bottling up” of emotions overwhelms the cardiovascular and nervous system, which in turn weakens the immune system; furthermore, the inability to express negative emotions has been found to be one

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46 Alicia A. Grandley, “Emotion Regulation in the Workplace,” 99
of the strongest predictors of cancer.\textsuperscript{47} Without being well, it would be difficult for the domestic worker to perform her duties, and since sponsoring a transnational worker is not an overnight process, the employer could end up without a domestic worker for some time. So, while emotions are generally a private matter in the workplace, they become standardized and commercialized in domestic work. Feelings and social exchanges in the workplace are thus moved from the private to the public sphere, where they are standardized and subjected to hierarchical control.\textsuperscript{48} For that reason, “the relation between private emotion work and public emotional labor is a link between non-commercial and commercial sphere,”\textsuperscript{49} which makes homes sites vulnerable to exploitation.

Moreover, drawing a comparison between male and female domestic workers reveals that women are more vulnerable to emotional exploitation through emotional labor. Women generally have less access to money, power, authority, or status in society,\textsuperscript{50} therefore they tend to settle for low paying jobs that grant them very little labor rights, because they are in a disadvantageous bargaining position. In general, “women are more likely to be presented with the task of mastering anger and aggression in the service of ‘being nice.’”\textsuperscript{51} On the other hand, because men generally enjoy high society status and power, as domestic workers, they are able to negotiate or refuse to perform certain duties.

Clear gender distinction leads to a production of gender identities that permeate into employment roles within the same employment sector. For example, male domestic workers in the Congo

\begin{itemize}
  \item \textsuperscript{47} Ibid., 100
  \item \textsuperscript{48} Arlie Russell Hochschild, “The Managed Heart,” 153.
  \item \textsuperscript{49} Ibid., 160-161.
  \item \textsuperscript{50} Ibid., 163
  \item \textsuperscript{51} Ibid., 163.
\end{itemize}
work as cooks and refuse to do house cleaning and other domestic chores closely identified with women; in so doing, male cooks construct their work in a way that seeks to preserve gender identity. Furthermore, instead of viewing these male domestic workers as docile, they actually pose a bit of a threat and the male employers seek contain that by trying to “‘domesticate masculinity’ by creating unequivocal relations of hierarchy, respect and distance through sets of practices” such as clothing, speech and spatial containment within the house.

On the other hand, women are more intimately immersed in every aspect of their employer’s life, and are sometimes even considered to be like family. Serving as caregivers such as nannies, women domestic workers develop emotional bonds and become attached to the kids that they care for. Despite the blowups that take place between the employer and the nanny, the domestic worker is expected to manage her emotions and care for the child as she would her own, and put aside any bad feelings that may have been caused by the employer. Such emotional management, coupled with the women’s willingness to perform duties beyond the scope of what was agreed upon during the hiring process, makes women domestic workers vulnerable to emotional exploitation and low wages in comparison to job responsibilities.

Furthermore, the isolated nature of domestic work ensures that most domestic workers have weak if any social interactions, which could help them vent out their frustrations. Even within their employers’ house, domestics are expected to act in deference and not have the ability to

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52 Maria Rita Bartolomie, “Migrant Male Domestic Workers in Comparative Perspective: Four Case Studies from Italy, India, Ivory Coast, and Congo,” *SAGE Journals* 13, no. 1 (2010): 100.
53 Ibid., 102.
55 Ibid., 55-69
openly speak with the employer. Communication is largely one-way, from the employer who delegates and gives orders to the domestic. In her examination of domestic workers in various geographical locations, Parreñas notes that everyday interactions between the employer and the domestic highlight “‘deference and maternalism’ as the central script controlling the behavior of employers and domestic workers. Domestic workers must act with deference—they cannot talk to but must be spoken to by the employers, they must engage in ‘ingratiating behavior’, and they must perform tasks in a lively manner.”56 The very strict way in which workers are expected to behave causes them to manifest themselves in observable bodily movements, patterns of speech, and overall attitude.

In addition to the expectation for the worker to display idealized emotions all the time, sometimes the impediment lies not just in the fact that the worker is tired or unhappy, but in how she views her status. Although most migrant domestic workers are compelled by financial need to seek employment, some are actually educated and do not come from families that are poor. “Many are from middle-income backgrounds and have some tertiary education.”57 Thus by seeking employment as a domestic worker, some of the domestics choose to hold jobs that they would not accept in their home countries. They find themselves in a situation that lowers their social status, while simultaneously increasing their financial status.58 This dichotomous status, racialized subjugation and cruel treatment intensifies emotional labor, yet workers are expected to transcend their genuine feelings and only display those that are desired.

57 Ibid., 150.
58 Ibid., 150.
2.3 Valuation of Domestic Work

The value placed on the work performed by domestic workers can be seen in their income level. Even when they work in foreign countries to increase their earning power, domestic workers still earn less than other employees in the informal sector; particularly because workers in the informal sector seek out multiple sources of income. The International Labour Organization (ILO) attributes this undervaluation to the perception that the skills required to perform domestic work are innate to women, as opposed to formally acquired skills and competencies. \(^{59}\) When examining similar occupations held by men, for example a butler or other comparable jobs performed by men that require similar skills to be acquired in a formal setting, it is clear that women’s work is greatly undervalued. Therefore, gender relations play an important role in the low remuneration for women domestic workers. Without understanding how gender relations are manifested in everyday life, achieving parity that is outlined in the Equal Remuneration Convention 1951 (No. 100) will remain a challenge. Furthermore, this convention is only binding to ILO members who have ratified it. \(^{60}\) Even for countries that have ratified it, the convention does not explicitly include domestic work, nor work performed in the private sphere.

Since domestic work takes place in the private sphere, domestic workers lack of bargaining power relegates them to settle for lower pay. The ILO notes that the nature of domestic work entails working in isolation without co-workers; and in the case of the Middle East where workers have long working hours and purposeful isolation by the employer, it is a challenge to meet up with other workers and discuss their experiences and organize collectively. \(^{61}\) Another

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\(^{60}\) ILO, *Equal Remuneration Convention 1951 (No. 100)*, Art. 6(1).

\(^{61}\) ILO, “*Domestic Workers Across the World,***” 70.
barrier to bargaining is the recruitment agencies and their role in connecting domestic workers with employers. They serve as intermediaries who negotiate with prospective employers, leaving the workers to either accept the terms agreed upon by the employer and intermediary, or to remain unemployed in their countries. Likewise, nationality, ethnic and social origin can also be determinants to the level of remuneration. Given the higher economic status of Middle Eastern countries in comparison to Kenya, workers migrating from Kenya are largely motivated by the international wage differential and have demonstrated their willingness to accept the salary that goes along with domestic work.

An argument that is now obsolete claimed that domestic workers are paid less because their work is perceived to be devoid of value. This notion has been rendered obsolete by the principle that aims to compensate the content of work performed. Additionally, by examining the duties performed by domestic workers, it is clear as Rubinow adequately points out that “washing clothes and preparing food is productive work when performed in the kitchen no less than when performed in the laundry or the restaurant.” Therefore said undervaluation serves to underrate domestic workers who are usually women, rather than domestic work. Furthermore, that value of domestic work can be observed in the workers ability to free her employer to engage in value added waged labor.

Another reason that can help explain the valuation of domestic work can be attributed to the social perception of housework. In comparison to men, women are seen to belong in the family, while men belong “at work”, and since women are perceived as non-workers, housework is not

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62 Ibid., 69.
seen as a form of work. 64 This view of women’s work negatively affects the valuation of the work they do in the household, especially when it is waged labor. Domestic workers perform an array of necessary duties; they are cooks, caregivers, cleaners, house sitters, midnight doctors, and so much more, and all these duties must be attended to whether by hired help or a member of the household who may have to sacrifice waged labor in order to run the household.

The value of domestic work is very tricky. If chores within a household were isolated and performed by trained professionals, most tasks performed by domestic workers would come with an astronomical price tag, yet while performed by women who actually work for long hours, they are meagerly compensated if at all. Additionally, the tasks performed in the home are not reflected in the Gross Domestic Product (GDP). As a site of employment, waged labor performed in the home ought to be reflected in the GDP, which would validate that such work is not invisible and thus mandate that labor rights be extended to domestic workers. Claims made in an attempt to explain the difficulty in valuing domestic work include, “household services have limited repercussions on the rest of the economy,” and that “there are no suitable market prices that can be used to value such services, because they are typically not produced for the market.”65

To address the former claim, household services may have limited repercussions if performed without pay, however, waged labor very much affects the economy especially when transnational workers remit their earnings. Approximately 40,000 Kenyans are reportedly employed in Saudi

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Considering that most of the workers who receive compensation remit a majority if not all of their earnings, reveals that there is an outward flow of cash that is not spent domestically, and thus affects the local economy. To the latter claim, the lack of suitable market prices for services provided falls short of what is evident. Nations in the Middle East continue to import domestic workers because hiring locals would be too expensive, which implies that the fair market price of the services rendered have been deemed to be high if those jobs are filled by locals.

As long as value is only accounted for in relation to the buying and selling of commodities such as goods and services, “and the conditions of their production are not directly subject to the law of value;” then such labor undertaken in the production of commodities “does not enter into the formations of abstract labour, which is the basis of value.” Instead of creating a framework that will take into account this unique labor market, it has largely been cast off as an anomaly labor sector which has been devalued legally. Laws reflect what a society values and chooses to protect. Women’s work falls short of having that protection and this can be observed in the sexual division of labor.

Women’s subordination within the home extends to the workplace, which results in domestic work being largely taken for granted to mean work performed by women. The low wages and absence of legal protection demonstrates and feeds into the valuation of domestic work. Despite the perceived lack of value, the work performed by domestics allows other family members to

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actively engage in *valuable work*. Mackintosh notes that when it comes to domestic work, “evidence is gradually accumulating concerning the hours of work involved in these tasks, and the importance of their performance to the standard of living of the household in the village economy.”\(^{68}\) Singularly, the system may not be set up to directly value domestic work, however, domestic work is crucial in freeing others to engage in legally recognized *valuable work*.

Rigid perceptions of the sexual division of labor that views housework as a woman’s responsibility\(^ {69}\) can be seen as contributors to the pay gap. Due to the perception of men as the breadwinners, their earnings have historically been expected to be sufficient to support their families. From this expectation, a link can be drawn to explain the sexual differential in earnings, or pay gap, which is computed by evaluating the difference between the average female and male hourly earnings.\(^ {70}\) Additionally, changes in patterns of occupational segregation over the 20\(^{th}\) century and the introduction of sex discrimination laws,\(^ {71}\) may very well have solidified women’s low earning potential, principally because such laws are aimed at protecting women who are seen as a vulnerable population.

Housework has historically been performed by women, so women with limited education seeking to enter the work force find that their upbringing has provided them with experience that qualifies them to work as domestics. With few employment opportunities, the domestic work sector is faced with a lot of available labor force and not enough opportunities. Therefore, “crowding women into a smaller number of female occupations forces down their pay, due to

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\(^{68}\) Ibid., 178.


\(^{70}\) Ibid., 167.

\(^{71}\) Ibid., 167.
excess supply." Unfortunately, it is not women’s occupation that is devalued, rather it is women’s skills. This can be clearly observed in the relatively few positions filled by men, which have been considered women’s occupation: Chef Mario Batali and dress designer Giorgio Armani are just two examples of men who have excelled in women’s occupation. They are respected and highly compensated for their work. While claims have been made that female skills valuation is now based on education and level of experience rather than the gender of the employee, it should be noted that most female domestic workers have grown up performing domestic duties from a very young age. While college education is not needed to learn to perform household chores, women and their lifelong experiences are not adequately compensated for their experience.

Economic effects on women’s lives are important to evaluate because they are the main causes women’s migration; however they only represent a fraction of women’s lives when they are engaged in waged labor. The flaw in focusing only in economics is exemplified in the World Bank’s commitment which stated that “women’s participation in economic development is a fundamental part of its neoliberal strategy for improving economic productivity” of poor women from developing countries unfortunately the bank failed to account for women’s other roles as wives, mothers, activists and a myriad of other roles that are crucial to society yet difficult to account for in economic analyses. The bank’s inability to engage with the gendered realities of women in developing countries is largely representative of society’s view of these women.

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72 Ibid., 174.  
73 Ibid, 174.  
74 Ibid., 174-175.  
Society is largely concerned with economic development than human development, which explains the low compensation and attention given to domestic workers and problems in that field. The World Bank’s view is reminiscent of the Women in Development (WID) feminist framework, which homogenizes women in developing countries and views them as victims who require rescuing from their seemingly static culture. Additionally, WID improves statistical measure of women’s work. The Women, Culture and Development (WCD) framework on the other hand does not prioritize the economics and highlights women’s agency. It takes into account women’s productive and reproductive activities in light of their social, cultural, political and economic sphere as a way to understand the reproduction of inequalities, and how they can be challenged. These non-economic factors of the WCD framework “are capable of retaining the economic as a key means of grappling with the subordination of poor women in the Third World [developing countries], while not privileging the economic above other aspects of people’s lives,” while culture enables the discussion to produce a different type knowledge needed to achieve social change.\(^76\)

Low valuation of women’s work also lies in the gender roles which pigeonhole a woman’s place to be in the house. Likewise, modernization theory which is largely male skewed; patriarchy; women empowerment or lack thereof, and feminist perspectives such as the liberal feminist view which is a source of women’s subordination all contribute to the low valuation of domestic work. In the liberal feminist perspective, men and women are socialized into gender roles and norms that are reinforced by agencies of socialization. Much like the goals of liberal feminism which are to achieve individual empowerment and to integrate women into the public sphere, domestic workers may seem to have achieved both objectives by being employed. However, even by

\(^{76}\) Ibid, 9.
WID’s definition of development which is strictly economic, domestic workers remain economically marginalized.

To effect change for domestic workers, the experiences of women who have been domestic workers need to be taken seriously in the policy making process. Although the WCD framework acknowledges the significance of taking into account women’s experiences, it fails to acknowledge that lived experiences are just one aspect, equally important are “ideas, norms and values that also suffuse the concept of environment, development and more specifically science and technology.”77 By putting all these factors into consideration, returnees are in the best position to detail the challenges they face while employed in Gulf Countries, and explain their rationalization in their decision to defy government policies aimed at keeping them safe in their home country. This bottom up approach is more suitable, for it adequately takes into account the fundamental structures of gender inequality.

Although not comprehensive, the WCD framework lays the ground work for evaluating and resolving the plight of domestic workers. In distinguishing women from developing countries and not viewing them as homogenous, WCD explores women’s agency, empowerment and culture. Thus, a Kenyan woman from the Western Province may very well have a very different experience in the Middle East from a woman from coastal Kenya where a majority of the residents are Muslims, as are Middle Easterners. Therefore, cognizance of these nuances and various intersectionalities in the policy making process is crucial, and requires the involvement of migrant domestic workers to represent their interests.

77 Ibid, 14.
2.4 Labor Legislation

The comprehensive solution and the framework that outlines the path to recourse for the types of abuses that domestic workers are subjected can be found in the labor legislation. The ILO defines labor legislation as a country’s “main instrument for granting legal protection to workers.”78 Including domestic work in the labor legislation would give the Kenyan government some leverage while negotiating with governments in the Gulf, urging them to establish higher labor standards for domestic work. The main advantage of standards established by labor legislation is that they are backed by public enforcement measures, including imposition of sanctions for non-compliance.79 Creating a legal pathway for recourse would empower Kenyan women when employed in the Gulf, and most certainly serve as a deterrent to employers who abuse their domestic workers with impunity.

The current situation in the Middle East is precarious for domestic workers. As of 2010, 99% of domestic workers were excluded from the scope of the countries’ labor laws in the Middle East, compared to only one percent in Africa.80 Evidently Kenyan women would be better off seeking similar jobs in the continent where they would be covered in part by general labor laws, despite the fact that they might be subordinate regulations. Likewise, the Kenyan government can seek to protect its citizens through bilateral agreements. Bilateral agreements cannot be seen as the ultimate solution, but can serve as a pathway to having domestic work included in labor legislation.

79 Ibid., 50.
80 Ibid., 51.
Although they provide some protections, bilateral agreements leave a labor sending country like Kenya dependent on the receiving countries to enforce the agreements. As such these agreements can be ineffective if government officials in receiving countries fail to make sufficient effort to enforce them. Although enforcement is not guarantee, Kenya can use bilateral agreements to negotiate a minimum wage, weekly rest, workers’ rights to keep their passports, and so on with Gulf governments. This way, the Kenyan government can easily seek or demand the enforcement of the bilateral agreements, as opposed to leaving workers who are already in a power in balance relationship with their employer to seek recourse on their own.

Despite the exclusion of domestic work in the regions labor laws, domestics in the Middle East are sometimes required to sign mandatory employment contracts. In theory these contracts offer a degree of protection, but in practice they do not because the contract is basically an agreement between two private parties, with domestic workers “often lacking both negotiating power and the capacity to seek enforcement of their contractual rights in court.” Even if the workers had the capacity to enforce these contracts, they are still faced with technical barriers like not knowing the local language and laws. In an effort to protect domestic works, Saudi Arabia’s new law outlines the workers’ rights and duties which include weekly day off, nine-hour daily free time, and performing duties perfectly; likewise it outlines the penalties subjected to both the worker and the employer in case of contract violation. With this in place, sending countries like Kenya can seek enforcement of the law, in order to minimize further abuse.

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Another cause of vulnerability for domestic workers in Gulf countries is the sponsorship system, otherwise known as the *kafala* system. Introduced around that same time that slavery was abolished in a number of Gulf Cooperation Council (GCC) states, the *kafala* system set up by the GCC countries in the 1950’s requires a migrant to be sponsored by a citizen or government agency; this sponsorship is the only way for migrant workers to get an entry visa and residence permit. To ensure that a migrant worker does not leave, employers confiscate the worker’s passport and identification card. Unfortunately, this link between employment and residential status grants the employer too much control over the worker. Even when severely abused, the worker is unable to flee the country because she does not have the necessarily documents to leave the country. Not only is this cruel, it is also a violation of Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR), which states that “no one shall be arbitrarily deprived of the right to enter his own country.” If the receiving governments cannot ensure physical protection of migrant workers, the least that they can do is make sure that workers are not held against their will while they endure prolonged abuse.

Moreover, the *kafala* system does not create a pathway to citizenship or permanent residency for the workers; and since it depends on cheap imported labor, employment is very unstable for the workers and they can be easily expelled out of the country when their services are not needed. This system is very unfavorable to the workers; if they decide to leave their employer (and sponsor), the worker must immediately leave the country. Although the employee needs to leave the country, she must first get the employer to return the passport, but most importantly, the

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84 Murray, *Reform Springs Eternal*, 467.
85 *International Covenant on Civil and Political Rights (ICCPR)*, Art.12 (4).
employer needs to agree to cancel the employment visa. Without meeting these requirements, the migrant worker risks penalties for violating local immigration laws.  

Even if the employer is abusive and is the cause for the domestic worker to leave her employment, she are forced to leave the country not knowing how she will support her family, or pay off any debt that she might have accrued to pay the recruitment agency. The financial burden forces most workers to continue working and endure abuse. For example, a Filipina named Maria explained how she thought of returning to the Philippines after the first time her employer physically hurt her. Maria then remembered that she could not support her family from the Philippines, so she remained in Bahrain, where her “madam” beat her every day. The kafala system thus creates an environment that is conducive to the perpetual abuse of migrant workers, especially since their financial needs and responsibilities force them to remain employed.

Given the intimate nature of domestic work, more migrant workers living with their employers are vulnerable to mistreatment than live-out workers. As Bridget Anderson put it “domestic work is not only a job but a role. The domestic worker, unlike the executive, cannot return home after a difficult day with her employer, but must continually negotiate her relationship with her.” The ability to manage ones relationship with the employer determines the kind of experience the worker will have in her role as a live-in worker. This unique work environment is formalized by the work permit, which prevents domestic workers from changing jobs.

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Though nations in the Gulf maintain the *kafala* system, the situation in Kuwait gives grounds for some hope. The Kuwaiti government is considering a proposal to shift sponsorship from the employer, to one public-private recruitment agency that would serve as the actual employer to the domestic workers, keep track of foreign nationals, and serve as an arbitrator in labor disputes.\(^9\) If this comes into fruition, Kuwait will set a precedent that a country like Kenya can use to negotiate for a similar sponsorship system from other countries in the region. Furthermore, since the public-private partnership would serve as an arbitrator, it is likely to deter employers from being abusive to their domestic workers, because there would be a structure in place to deal with labor related disputes. Most importantly, this new sponsorship entity would comply with Article 17(1) of ILO Convention 189, which obliges nations to establish effective and accessible complaint mechanism.

**CHAPTER THREE**

**Migration Theories**

Migration theories help shed light on why people migrate. Whether intra-national from rural to urban areas, or international with transnational border crossings, people migrate in search of opportunities that will better their economic well being. Individuals tend to seek opportunities in places where they can utilize their skill set to earn more than they do in their country or locality of origin. Wage differential often guides the decision to migrate and where to migrate. In what follows, I discuss several theories of migration that explicate the migration trends of Kenyan women to Gulf Countries.

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3.1 Push-Pull Factors

Push and pull factors are often cited as reasons for migration. According to this model, economic, political, and environmental factors guide the decision to migrate. Virtually all the women I interviewed cited reasons that fall within this model as their reasons for seeking employment abroad. Employment and higher earning potential (pull) were such reasons, while unemployment and low paying jobs (push) were equally cited. The critique of the push-pull model is that it does not clearly establish whether it is the push or the pull factors that are dominant in shaping the decision to migrate. And while poverty (push) in sending countries might be offset by the increase in demand for cheap labor (pull) from peripheral countries, this model does not account for human agency.

Accordingly, the rise of opportunities may be deemed to drive migration regardless of the opportunities or their destinations. Therefore, “There is no reason, of course, why an individual who has already moved once to assist in the search process may not undertake further migration, should the final selected opportunity lie outside of the immediate vicinity designated as a suitable basis for search.”91 On the contrary, for some migrant workers who find that employment prospects that looked promising prior to migration are not rewarding, they do not necessarily continue to search for work abroad. They might find that they lack adequate skills to find other forms of employment, or realize that employment abroad is all together unsuitable for them based upon a myriad of reasons.

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3.2 Neo-classical Immigration Theory

This theory views individuals as rational beings who choose the optimal combination of wages and job security to maximize their earnings. Wage differential is of principal concern when considering international migration, hence this model implicitly suggests that migration will continue until the international wage differential has been equalized. This theory is inadequate in that, if it were true and wage differential is the most important factor, then the poorest people in the sending countries would be first to attempt to migrate. In actuality, this is not what takes place.

Although wage differential is primarily the reason most people are compelled to migrate for employment, it is important to note that wages would respond to the excess in labor supply leading to equilibrium. Unlike speculative migrants who migrate in the hopes of finding suitable employment at their destination, migrant domestic workers are contracted migrants, meaning that migration is “undertaken after having already secured an opportunity at the point of destination.”92 As such, the probability of lack of employment upon migration is eliminated, and it is this process that regulates the labor market equilibrium.

3.3 New Economic of Migration

This model expands upon the neo-classical theory; “it advocated that migration is a collective endeavor enabling rural households to diversify incomes.”93 Decisions to migrate are not made in isolation, rather they are informed by larger units of people such as family who act collectively to maximize income and minimize risk. Therefore, theorist of the new economic of migration

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92 Ian Molho, “Theories of Migration,” 527.
believe that households send members to work abroad to increase income relative to other households and reduce deprivation, rather than to improve the absolute income of the household.\textsuperscript{94} Wage differential is not the most important factor when considering international migration. Individuals’ desire to do slightly better than others (relative deprivation) compels people to migrate internationally, as opposed to those struggling to earn merely to survive. The aspect of agency and freedom to choose is omitted in the push-pull model as well as the neoclassical theory, and one which is critical to acknowledge due to the dynamic nature of life.

Under this model, migration is not necessarily concerned with optimality. So long as migrants do slightly better than others they are able to meet their objective. Besides, as people pursue migration, they often have various possible alternatives that they can choose from, and therefore they cannot equally optimize their possibilities globally. Ultimately migrants “evaluate pay-offs in terms of whether they are satisfactory or not. In this sense, therefore, individuals are seen as sacrificing rather than maximizing agents.”\textsuperscript{95} One family member may have to sacrifice living with her family and raising her kids, in order to move to the destination that will enable her family unit to do marginally better. Due to the lack of technical skills, the earning potential of a domestic worker is limited while abroad, while simultaneously the earnings differential increases her overall income potential relative to non-migrants.

\textsuperscript{94} Unknown, “Theories of Migration”

\textsuperscript{95} Ian Molho, “Theories of Migration,” 530.
Regulations of Migration and Domestic Work

Representing half of the population, women play a vital role in the daily operation of society, yet they are not availed equal rights to those of their male counterparts. Paradoxically, although most governments fail to implement adequate protections to women, some have ratified several of the more than twenty different international legal instruments drafted since 1945, which specifically deal with women.\textsuperscript{96} The international consensus indicates that better treatment of women is required, yet local governments fail to domesticate or implement the very instruments that they have ratified. The prevailing international instruments address in part, or in their entirety, various rights availed to women, however for the purpose of this study, I will list the instruments that address women’s right to life, migrate, labor with fair compensation and protection against trafficking.

\textbf{4.1 International Instruments}

Adopted in 1948 by the United Nations (UN) General Assembly, the Universal Declaration of Human Rights (UDHR) outlines the fundamental human rights availed to everyone, and that are to be protected universally. Article 23 (1,2 &3) of UDHR addresses an individual’s right to work in just and favorable conditions, the right to equal work for equal pay, and favorable remuneration to enable the working individual to have a dignified life.\textsuperscript{97} Migrant domestic workers experience situations that defy this particular article when they are subjected to abusive

\begin{footnotesize}
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\item \textsuperscript{97} Universal Declaration of Human Rights (UDHR), Art.23 (1,2,&3).
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working conditions, paid less for their work, and lead a life that lacks dignity and social protections when abused and expected to eat leftovers for sustenance.

In 1967, the UN General Assembly adopted the Declaration on the Elimination of Discrimination Against Women. This declaration set out the General Assembly’s view on women’s rights, and served as the precursor to the 1979 legally binding Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The convention’s aim is to end sex-based discrimination, work towards gender equality and the abolition of gender hierarchies and discrimination against women. As countries that have ratified this convention, Kenya and Saudi Arabia fail to adequately protect migrant domestic workers, and fall short of meeting the objective of the General Assembly.

Equally important are the 1966 conventions; the International Covenant on Civil and Political Rights (ICCPR) which obligates its parties to value an individual’s right to life, freedom of speech and religion. Likewise, the International Covenant on Economic, Social and Cultural Rights (ICESCR) particularly Article 7 obliges its parties among other things, to extend labor rights, fair wages, safe and healthy working conditions, as well as the right to an adequate living standard to individuals. These are fundamental issues faced by domestic workers, and which if addressed by receiving governments would change the scope of how domestic workers’ issues are dealt with.

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100 Hevener, International Law and the Status of Women, 189-193.
The excessive and abusive working conditions of domestic workers are sometimes more slave-like than employment-like. In the absence of national labor laws that prohibit the cruel treatment of domestics, international law bridges that gap as in the 1956 Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. Article 6 of the said convention specifically criminalizes parties acting as accessories to slavery, and calls for their punishment.\textsuperscript{101}

To the extent that employers pay all expenses pertaining to the migration of the domestic worker, and subsequently mistreat and refuse to compensate the worker can be seen as a form of enslavement, especially because the workers are not allowed to move freely outside of their employers household. Similarly, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime has a similar objective. This protocol’s main objectives are to protect and assist victims of trafficking, and most importantly prevent and combat trafficking in persons.\textsuperscript{102} By acknowledging that there exists some elements of trafficking in the current labor migratory flows, sending and receiving governments can cooperate to meet the objectives of this Palermo Protocol.

Ground breaking support for domestic workers can be found in the ILO Convention 189 and Recommendation 201 both adopted in 2011. Both documents recognize domestic work as decent work, and thus sets out labor standard for domestic workers such as minimum wage, weekly and

\textsuperscript{101} Ibid, 135.
daily rest hours, and the worker’s choice of where to live.\textsuperscript{103,104} This move by the ILO to acknowledge that domestic work is decent work and worthy of labor law protections, has compelled governments to start looking at this labor sector seriously.

4.2 Regional Agreement

Gulf Cooperation Council (GCC) countries have joined efforts to address the plight of domestic workers in that region. In a meeting in Manama, Bahrain in January 2013, the Undersecretaries of the GCC Ministries of Labour agreed on a unified Gulf contract for domestic workers. The draft contract is not yet finalized, and is subject to further discussions by GCC Labour Ministers in their 30th meeting scheduled in 2013. The draft contract outlines rights and responsibilities to the worker, as well as repercussions for breach of contract.

According to the Gulf model contract, workers would be entitled to a weekly day off, and if a large work load keeps the worker from getting her day off, she would be entitled to two days off the following week. Additionally, the worker would maintain the right to keep her passport and is entitled to punctual payment of her monthly salary. The salary would be given to the worker or deposited to the workers banks account, and she would be given a signed receipt. According to the draft law, it requires the employer to provide adequate “accommodation, food, clothes, visa charges and an air ticket” to the worker.\textsuperscript{105} On the other hand, the worker would be subjected to a three month probationary period during which either of the parties can terminate the contract.

\textsuperscript{103} ILO Domestic Workers Convention, 2011 (No. 189)
\textsuperscript{104} ILO Domestic Workers Recommendation, 2011 (No. 201)
\textsuperscript{105} Trade Arabia “Bahrain mulls weekly day off for housemaids” January 22, 2013
because of specific reasons. The contract would renew automatically if neither of the parties object, and can only be terminated at least three days prior to contract expiration.

Restrictions under this proposed law would prevent domestics from working for another person for money, as well as revealing the secrets of the employing family. For any damages caused by the worker, she would be held responsible for it. Furthermore, a recommendation was made to ban “entry to other Gulf countries to any domestic worker who committed violence and ran away from their employer.”106 Currently it is not clear what constitutes as a violent act, but that would likely be clarified when the law is passed and made public. If approved from implementation, this model contract would create a framework that both employers and employees can operate within.

4.3 Domestic Laws

Despite the underwhelming efforts by most governments to implement the international instruments listed above in their entirety, there have been efforts in the recent past towards protecting the rights of domestic workers. Given that the ban has not succeeded in keeping Kenyan’s from seeking domestic work abroad, the country’s high court ruled in December 2012 that domestic workers are subject to Kenya’s employment law. Furthermore, the Employment Act acknowledges the validity of verbal contracts and thus their enforecability, and “the judge ruled that domestic workers are covered by the national minimum wage and other provisions of the employment law.”107 On May 1, 2013, Kenya’s President Uhuru Kenyatta raised the

106 Ibid.
minimum wages of the lowest unskilled laborers which include domestic workers; the 14 percent raise was effective immediately.\textsuperscript{108}

The law now requires domestic workers be availed 48 hours off work each week, overtime compensation and employer contribution to the workers National Social Security Fund (NSSF). Penalty for employers who fail to adhere to these rules are subject to a three month jail time, a Sh50, 000 [$580] fine or both.\textsuperscript{109} Likewise, failure to make contributions to the workers NSSF, the employer risks a fine of up to Sh15, 000 [$ 170].\textsuperscript{110} So even though Kenya has not passed ILO Convention 189 concerning decent work for domestic workers, its domestic law recognizes domestic work as any other work, which is in line with the said ILO convention.

Receiving countries are also doing their part to uphold higher standards for domestic workers coming from developing countries. With a slew of negative reports of domestic workers’ abuse, Saudi Arabia has taken a step to rectify this with its new law. This unnamed law which passed in the second half of 2013 aims to protect the rights of domestic workers. Workers’ rights include nine hours daily free time, weekly day off, one month paid vacation after two years of employment, and medical leave. Furthermore, the worker can “claim a bonus equivalent to one


month’s salary after working for four years with the same sponsor.” Duties imposed on the worker include to respect Islamic teachings, follow Saudi regulations, perform duties perfectly, preserve the employer’s property and family secrets, and obey the employer and his family; however the worker will not have the right to refuse a chore or terminate employment without a genuine reason. On the other hand, penalties imposed on an employer for violation of the employment contract are SR2, 000 [$530] and a one year ban from recruitment, second time offence will lead to a SR5, 000 [$1,330] and a three year ban from recruitment, third time offenders will be fined SR10, 000 [$2,670] and a lifetime ban on recruitment. Offending workers will face a fine of SR2, 000 [$530] and be prevented from working in the kingdom, and they will have to pay for their own journey home.

4.4 Bilateral Agreements

Sending and receiving countries often have opposing priorities when it comes to agreeing on the protection of domestic workers’ rights. Kenya successfully forged a bilateral agreement with a receiving nation in the Gulf, and aims to move forward in the same trajectory. In November 2012, Kenya finalized a bilateral agreement with Qatar which aims to regulate employment. Kenya is currently working on replicating its success with Qatar, by establishing more bilateral agreements with other countries in the region.

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With reportedly 40,000 Kenyans working in the Kingdom, reports of workers’ abuse in Saudi Arabia led Kenya to issue the travel ban on domestic workers.\textsuperscript{113} Hence, Saudi Arabia is an important country which Kenya is trying to establish bilateral relations with. A government official at Kenya’s Ministry of Foreign Affairs explained the challenge thus far in establishing a Kenya-Saudi bilateral agreement: “Kenya wanted a comprehensive agreement that would protect the rights of all Kenyan migrant workers in Saudi Arabia. Saudi Arabia wanted to draw a line between white and blue collar jobs, and draw protection rights for formal jobs leaving domestic workers unprotected. The Kenyan government didn’t find that rationale to be reasonable, and thus chose to take its time to draw up an agreement that both countries can agree on.”\textsuperscript{114}

Undoubtedly there is a consensus that domestic workers deserve comparable protections to workers in the formal sector. The international instruments available establish a minimum standard of what is expected of governments; unfortunately this standard fails to be met time and time again. Even without ratifying these international instruments, domesticating aspects of the documents can go a long way in protecting domestic workers. The failure of governments in question is not just their failure in ratifying or domesticating international instruments, rather it is in their failure to implement the laws. For example, although Kenya’s President declared an immediate 14 percent raise for domestic workers, in actuality they have not received the raise. The house workers’ employers refuse to pay the increase claiming that they are also employed but did not receive a raise from their employers, and thus they lack the extra money needed for the pay raise of domestic workers. Likewise, the new law in Saudi Arabia is just as commendable, but when women are desperate to migrate and are unaware of their rights, they

\textsuperscript{113} Migrant Rights, “Kenyans in Saudi: Modern Day Slavery” September12, 2011 \url{http://www.migrant-rights.org/research/kenyans-in-saudi-modern-day-slavery/}

\textsuperscript{114} Andrew Johnson, interview by Caroline Gikuru, Nairobi, Kenya, August 16, 2013.
tend to settle for the treatment they receive at their destination country. More emphasis on bilateral co-operation would close that gap, where women are unaware of rights that have now been granted to them.

CHAPTER FIVE

Data Findings and Case Studies

For the primary data collection I travelled to Kenya to interview women who had returned to their home country after being employed as domestic workers in Gulf countries. All the women I interviewed had been first time employees in Saudi Arabia and the region, with the exception of one woman with whom I conducted a phone interview. During the time of the phone interview, Monica was employed in Qatar, and like the other interviewees her first time working as a domestic was in Saudi Arabia. Overall the interviewees asserted to have been motivated by financial need to seek employment in the Gulf, and most ended up in Saudi Arabia because it was the most cost-effective in the recruitment process, or the migration process was the quickest.

The interviewees include Julie, a woman who appeared to be between her late 20’s and early 30’s. Formerly employed at a hair salon and mother to a 7th grader, Julie sought employment in Saudi Arabia with the hope that at the end of her two year contract, she would have earned enough to pay for her son’s secondary school education. Julie’s employment in Saudi lasted only 4 months and 3 weeks. Likewise, housewife Diana chose to migrate in order to help pay for her kids education. Due to her husband’s unemployment, the couple decided to take advantage of the opportunity at hand which enabled Diana to migrate to Damman at 40 years of age, where she
maintained her employment for one year. Similarly, Nancy was employed in Saudi Arabia for one year. Seemingly in her late 20’s, Nancy left her job at the Bata Shoe Company to work in Jeddah after she was lured by the higher earning potential abroad. She held her position for 6 months before she ran away, but remained in the country for a total of one year.

Jennifer who is likely in her early 30’s explained that she went to work in Jazan so that she could earn a lot of money and gain the kind of reputation bestowed upon her cousins who live in the West. Unfortunately Jennifer’s work experience caused her to leave her job after one and a half years. Rachel on the other hand was seeking a source of income that would make it easy for her to pay for her kids’ school fees and living expenses following a break up with her husband. The mother of two who appears to be in her early 30’s secured employment in Riyadh, where she was employed for one and a half years. Monica a former hair dresser was recruited in 2010 to work in Saudi Arabia where she was employed for one year and seven months. Just like the other interviewees, Monica’s migration was motivated by higher earning potential. Currently working in Qatar, the 26 year old has been in that position for four months, although she does not see herself working there for long.

The interviews exposed the fact that all the interviewees were subjected to some form of abuse, with the most cited reason being over worked. Although other forms of abuses took place, among them severe sleep deprivation and food deprivation, the interviewees did not seem to consider these as forms of abuses. These and others like them were seen as mistreatment and cruel behavior, however beatings and other encounters that involve physical contact were the only one’s considered as abuse.
My aim in conducting interviews was to get a firsthand account of the workers’ experiences while employed in Gulf countries. There are numerous reports about how workers in that region, and especially in Saudi Arabia are beaten, raped and at times even killed. At the outset, I hoped that interviewees would feel comfortable enough to disclose if they had been beaten or sexually abused. Although this is not what I would wish to have happened to them, it would have helped to compare and verify the authenticity of such claims made by media outlets. Instead, these experiences were recounted as incidents that happened to colleagues, and not the interviewees themselves. It is possible that women were displacing their own experiences on to others, however, it was impossible to verify this completely.

5.1 Research Methodology

To examine the experiences of Kenyan domestic workers in Gulf countries, I have used a qualitative method to analyze the data gathered. For primary data collection, I conducted in depth interviews which include five face-to-face interviews with returnees, one over the phone interview with a current domestic worker in Qatar, and an interview with a recruiter working for about five recruitment agencies simultaneously. Likewise, I interviewed an employee at Kenya’s Ministry of Foreign Affairs - the ministry’s department responsible for handling grievances filed by migrant workers or their family members. The department is also in charge of facilitating bilateral agreements between Kenya and Middle Eastern governments, with the aim of granting domestic workers labor rights. In narratives that follow and throughout this paper, the names of the interviewees have been changed to ensure their safety and privacy.
Utilizing a qualitative method allows me to use narratives to illustrate the treatment that domestic workers were subjected to by their employers; their perception as to whether their race was a factor in how they were treated and what they believe their government’s role is in protecting them while employed abroad. Furthermore, based on the respondents’ narratives, I am able to extrapolate the effects working in the Gulf region might have on the interviewees.

5.2 Limitations of the Study
The primary challenge while gathering primary data was identifying returnees who would be potential interviewees. Most women do not disclose their real occupation to their neighbors, friends and sometimes even family members. Most women claim to work at airports or hotels while in the Middle East, and as a consequence, locating them posed a major challenge. Further, for those returnees who were identified as having been domestic workers in the Gulf region, gaining their consent to be interviewed was difficult. Some women seemed to be perpetually unavailable, others would make appointments to meet for an interview but never show up, and when trying to set up an appointment to meet in person, others would claim to have been treated very well by their employers despite the fact that they returned home before their contract ended.

In addition to these, some women seemed unwilling to speak candidly about their experience in the destination county. Despite positive confirmation from referral that a fellow returnee was mistreated and abused by her employer, one interviewee failed to confirm that she was subjected to abuse of any kind while employed. The fear of stigmatization and culture of discretion made it challenging to ascertain that all responses given were a true reflection of the returnee’s experience. Likewise, some women were initially reluctant to open up about their experiences,
because it was not beneficial for them to share information without getting something in return, plus the added concern for sharing personal information with someone they hardly knew.

Another limitation is that, the sample size of six former domestic workers poses a challenge of representativeness. All respondents came from Kiambu County in Kenya’s Central Province, and they were identified using a snowball sampling method, therefore they are not a true reflection of the entire population being studied. Furthermore, those who made the referral may have sent me to returnees with whom they shared a similar experience, and thus skewing the findings. Time constraints with which to indentify and conduct all the interviews was another limitation to the research process. Despite those obstacles, I was able to gather sufficient information to document the workers’ challenges, which I have detailed below. I was also able to gather in-depth and more rich information from those I was able to interview.

DATA FINDINGS

5.3 Passport Confiscation

Virtually all workers had their passports confiscated upon arrival to their respective receiving countries. Not only does this violate international law by keeping an individual from exercising her right to return to her home country, as is stated in Article 12(4) of the ICCPR; it also opens an opportunity to exploit vulnerable individuals and leaving them without an escape route. Virtually all the interviewees except one, claim to have had their passports confiscated immediately after arrival. The only exception is 40 years old Diana. Diana explained that she
was allowed to keep her passport for four months following her arrival, during which time she waited for her Saudi identification card to be processed. When she got her identification card, her employer asked for the passport “in a very peaceful way,” and in exchange the worker was to retain the identification card.

Additionally, Monica, the only interviewee who had worked in two Gulf countries, first in Saudi Arabia and later in Qatar at the time she was interviewed, claimed that her passport was also confiscated upon arrival in Qatar. All the other interviewees had been to Saudi Arabia and had a similar experience, so Monica’s experience in Qatar reveals that Saudi Arabia is not alone in this practice. Likewise, Jennifer who worked in Jazan explained that her employer took her passport when they were united, and more than that, she was not allowed to call anyone in the first three months of her employment. She was not allowed to have a cell phone, which left her reliant on her employer to give her a phone when she was finally allowed to make phone calls. On the other hand, all the interviewees said that they did not speak Arabic when they migrated to work in Saudi Arabia. Therefore, when their passports were confiscated and the workers were taken into private homes where they were not allowed to leave while unaccompanied or to call for help, they were being held in an environment conducive of all types of abuses.

5.4 Physical Abuse

While interviewing Julie she recounted the experience of a domestic worker in Saudi Arabia who was physically abused by her employer. Apparently, Julie’s friend was constantly mistreated by her employer which made the worker to want to go back to Kenya after working for only two months. At a certain point, the employer refused to let the worker go. After several failed

attempts, Julie’s friend lied to her employer that her child had passed away and needed to go back home, yet her efforts were in vain. In order to be allowed to leave, the employer asked for a letter from a public hospital, a death certificate, and other documents that would support the worker’s claim. The worker spent a lot of money and with the help of her family, they produced fake documents that were necessary, but she was still not allowed to leave.

Frustrated with the mistreatment, the worker decided to run away and go to the police station. At the station, the police called her employer who came and said that she never mistreats her worker, so the worker was handed back her employer. Upon arriving home, the worker was beaten severely. The worker realized that her relationship with her employer would not improve so she ran away again. This time she went to another police station, but the cops there called the employer yet again. When the worker realized this, she ran away from the police station and went to the streets. Along with other runaways, the worker was arrested from the streets and locked up for three months after which she was deported. Having worked for five months, the worker was deported without ever being paid anything, because her employer simply refused to pay her.

**5.5 Sexual Abuse**

Likewise, sexual abuse or sexual advances are not uncommon with domestic workers. For example, Nancy detailed the experience of another Kenyan domestic worker who she met while in jail awaiting deportation. Upon being brought to the jail house in Riyadh, Nancy met a Kenya woman who was also being detained. This woman, from Kilifi, Kenya, had been raped and
impregnated by her employer, she had gone crazy and had been abandoned at the door steps of the jail house by her employer.

Since all women are subjected to three medical checkups, twice in Kenya and once in the destination country, these medical exams screen for the workers health condition, and verification that the worker is not pregnant prior to migration. Therefore, whether the woman in this case got pregnant from consensual relations or from rape, it happened after migration and yet she was abandoned mercilessly. This experience clearly had a psychological effect on that woman, because she would not eat, shower or talk to anyone. Unfortunately the woman was detained for an unusually long time, because when her passport details were entered into the computer, the system produced the photo of a man. Ultimately, she was deported while pregnant and without any ramification to the abuser.

In another occurrence which happened to Jennifer, she detailed how after being employed for only two days, a 12 year old son of her employer begun to tell his mom to pay the interviewee to have sexual relations with him. In a matter of fact way, the boy would openly tell his mother in front of Jennifer “mom why don’t you pay her.” When Jennifer turned down the offer, the mother actually tried to convince her to accept, adding that she would pay Jennifer whatever she wanted. Yet again the worker refused to cooperate which led the boy to heighten his efforts. According to Jennifer, the boy tried to seduce her to engage in sexual relations with him every now and then, sometimes by entering her bedroom naked.

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Likewise, Monica was approached with an indecent proposal. When Monica arrived in Qatar, her employer was living in his mother’s house as he waited the renovation in his house to be completed. There was another domestic worker in that household, who was employed by the mother of Monica’s employer. While there, Monica’s boss proposed having a threesome with both domestic workers, but Monica declined and exited the house. The other worker, a Filipina, remained in the house and stayed for a long time, which led Monica to conclude that the other worker must have complied. Following that incident Monica noticed that the other employee seemed to always have “nice things like a nice phone,” implying that she had been engaging in long term sexual relations with Monica’s employer, and in return he would buy the worker nice things.

5.6 Verbal Abuse

Moving beyond physical abuse, verbal abuse was another allegation that came up more than once in the interviews. Julie cited verbal exchanges as the source of conflict with her employment. Working for a retired couple whose three unmarried daughters still lived with their parents, Julie did not have problems with her employer but she had constant altercations with the last born daughter who was 22 years old. Verbal assaults coming from the 22 year old were frequent and too much for Julie to bear. While talking about her work experience, Julie exclaimed “that place was not good! I was not physically abused,” she said, but she was verbally attacked by the 22 year old on a regularly basis. “She was the worst!” said Julie about the 22 year old, she was very demanding and was verbally abusive. The 22 year old was always dissatisfied with the quality of Julie’s work, no matter what she always complained. One time

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117 Monica, phone interview by Caroline Gikuru, Alameda, California, September 9, 2013.
119 Ibid.
Julie got into a very serious conflict with the young lady, prompting her to tell her employer that she wanted to go back to Kenya.

Similarly, Jennifer explained that her employer would always shout at her. The employer and the family never communicated with Jennifer in a calm manner no matter what, they would always shout even when calling the worker to get the food they served for her. In another case, Rachel who was employed in Riyadh also cited verbal abuse as the reason she left her job. While explaining her daily routine, the interviewee described how after she finished her work downstairs, she would go upstairs to do laundry and iron clothes. She could only do these duties upstairs because that is where the washer and dryer were located, and coincidentally (or not) her bedroom was right next door. Whenever Rachel finished her duties, she would remain in her room to avoid crossing paths with the man of the house. Unfortunately, the man of the house took issue with this. He would complain that Rachel was spending too much time upstairs, and would be verbally abusive towards to the worker. His wife would ask him why he always wants Rachel around, but he would just complain and use derogatory words. Additionally he would insist on having Rachel do something, even when the wife offered to do it instead. The building tensions between the couple due to matters involving Rachel made her uncomfortable and want to quit her job.

5.7 Sleep Deprivation

Another abusive technique used on the workers was sleep deprivation. At least two of the interviewees mentioned their experience with lack of sleep due to a demanding work schedule. A remark that came up from more than one respondent was how Saudi nationals operate during the
night, this is because the heat during the day makes it almost impossible to do anything during day light hours. Much in the same way, Julie’s sleeping cycle was particularly affected during the month of Ramadan. Expected to work all night, she said that “during that month, everyone sleeps at 4 am!”\(^\text{120}\) She was supposed to sleep during the day, but due to the sunlight and the heat she found it torturous and could not manage to get any rest. Whether she had slept or not, Julie was expected to begin working around 4 pm, to begin preparing food for the family to break their fast. From 4 pm and throughout the night, Julie would be wide awake working until early morning hours.

Nancy in Jeddah experienced the most extreme form of sleep deprivation. Expected to work every day without days off, Nancy was allowed to sleep for only two hours a day; from 11 am to 1 pm. She would work all night in the household that she lived in, and when she finished she would be taken to clean other buildings owned by her employer. All of this would happen during the night. To ensure that she was working and not getting any rest, Nancy would be sporadically monitored throughout the night. The interviewee never received extra pay for working outside the household, nor did she get paid time and a half for working more than an eight hour shift. This kind of labor exploitation has the potential to physically and psychologically weaken an individual.

### 5.8 Food Deprivation

In regards to the food available to the workers, this varied depending on the family a woman is employed by. However there are some clear parallels that indicate that the workers were usually not well fed. For example, Julie detailed the challenges she faced as far as food was concerned:

\(^\text{120}\) Ibid.
“When it comes to food, I would cook and take all the food to the dinner table for them [the family] to eat. If something is left over you would eat, if there were no leftovers you wouldn’t eat, sometimes spending up to three days without eating and being sustained only by water. I lost so much weight when I was there.”\footnote{Ibid.} Unfortunately for Julie, if there was no food left over or she did not like the food being eaten, she was not allowed to cook for herself. When I asked her if she could purposely cook a lot of food with the hopes of securing leftovers that she could eat, she said that she could not do that. The 22 year old daughter who always picked fights with Julie would give her specific directions of the exact amount of food to be cooked. When there was food to eat, Julie would eat in the kitchen by herself while the family ate in the dining room. The segregation was not limited to just eating, according to Julie “you can’t share anything with them. Furthermore, when I got there (Saudi Arabia), they gave me my own plate, spoon and cup and you can’t mix them with the other utensils. You can’t share!”\footnote{Ibid.} Clearly the employer creates a distinction that would be hard for the worker to ignore.

Similarly, Nancy would cook and take all the food to the dinner table. Instead of having to wait for leftovers like Julie, the family would serve a plate for the worker and she would be called to come and get her serving. Just like Julie, Nancy would also go to eat all alone in the kitchen. Luckily she was permitted to cook a separate meal if she did not like what the family was eating. This employing family had given Nancy the permission to cook any food in the house for herself, without being asked to buy her own groceries or having her salary deducted. To the contrary, Jennifer was given enough food as long as she was willing to eat what the family was eating. In case she did not like what the family was eating, Jennifer was not given the permission

\footnote{Ibid.}
to cook her own separate meal. Just like Julie and Nancy, Jennifer was also not allowed to eat together with the family.

Echoing a bit of Julie’s experience, Monica in Qatar also ate what the family had left over. If she did not eat what the family was eating, Monica could make herself some noodles or rice. Eating is a problem that Monica communicated more than once during the interview, she made it clear that her host family in Qatar did not seem to care about what she ate or whether she ate. Because Monica was employed in Saudi Arabia before she went to work in Qatar, she said that Saudi Arabia was comparatively better in terms of food. Food was never an issue while she was employed in Saudi Arabia, however it sounded like the principle issue that will cause her to leave her job, that and the fact that her employer just does not seem to care for Monica.

5.9 Labor Exploitation

The single most cited problem by the workers I interviewed all across the board was the issue of being overworked. While some workers like 40 year old Diana dared to stand their ground and refuse to do certain chores, others buckled down and worked more and more as they were required to. Although this middle aged worker was not given any days off, she admits that her employer told her to make sure that she got most of the work done by Wednesdays, so that Thursdays and Fridays she can take it easy. Both of those days Diana would do minor cleaning, because it was common for the family to take her with them as they went to visit their friends. Even without off days, the 40 year old former house wife conceded that she was not overworked, and that she was doing work equivalent to what she does in her own home.
On the other hand, Julie worked a lot more than she was accustomed to. In addition to the verbal abuse by the 22 year old daughter of her employer, she made it a point to give Julie work to do all the time. According to Julie, this last born would do “childish things to ensure I have something to do and not rest.”¹²³ For example, she would cut papers with scissors and drop them on the carpet, and then make Julie clean up. Despite the fact that Julie was not give days off, the last born would complain when Julie displayed tiredness, however the young adult’s father would interject and say Julie is also human and deserves to rest.

Nancy was also not entitled to any days off, and as mentioned above, she was sporadically monitored as she worked throughout the night. She was responsible for cooking, cleaning every corner of each room, windows, walls and so on. When she finished cleaning the house where the family lived, the worker was taken to another building owned by the family to clean, and without earning an extra pay.

In Jazan the situation was just as bad. Jennifer was employed in a 17 room house with a corridor the size of three rooms. This family had 11 kids plus their parents, with most of the kids living in this house. The interviewee would start her day at 6 am and begin by cleaning all the rooms. When the family woke up she would have to clean again, because they would mess up many rooms and keep calling Jennifer to clean up. Jennifer stated that “those women are dirty! It’s like they were torturing me by making a mess and constantly calling me to clean after them.”¹²⁴ In fact cleaning took up most of the interviewee’s time because as she explained, sometimes she would clean the rooms 3 times a day. The work was never ending and so were the complaints:

¹²³ Ibid.
“No matter how clean it is, they have to say it’s not clean.” After a long days work, Jennifer would sleep at 11pm, but sometimes she would sleep later depending on her boss’s demands.

Whether she was sick or not, Jennifer was not entitled to days off work. In addition to the work in her employer’s house, the interviewee also worked in another household. The family from which the man of the house comes from lived nearby, so the interviewee would be taken to that household to attend to domestic chores. Moreover, whenever Jennifer was asked to accompany her employer’s family when going for a visit, she was not received as a guest; rather she was required to attend to the chores of that household, particularly if the household did not have a domestic worker. For the interviewee, the work load became unbearable when one of her employer’s daughters moved back in her parent’s house along with her seven kids. According to Jennifer, those kids would make a mess causing her to work around the clock, and chasing after them to make sure that they do not hurt themselves of break things.

Despite being scared of potential abuse, Monica was motivated by the higher earning potential in Saudi Arabia, so she pursued that prospect. While employed there, she worked in a seven room house with two young kids, where she alleges being overworked as the source of issues in her employment. Monica would work for her employer and while done, she would be taken to the house of her employer’s mother to work some more and without extra compensation. While employed in Qatar in a five bedroom, four bathroom house inhabited by four kids plus their parents, Monica was not given days off, and was expected to remain in the house unless she was sick and going to the hospital. Recounting about her typical work schedule, Monica explained that she would wake up at 7 am and begins cleaning the house. She did a lot of cleaning

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125 Ibid.
everyday which included cleaning the rooms, kitchen, doing laundry and ironing. To cut down on the amount of work she was expected to perform, Monica told her employer that she did not know how to cook, eliminating one task from her daily chores.

While most workers affirm that the work conditions are strenuous, other testify to having better treatment which serves as a ray of hope in a region riddled with stories of horrible work schedules and conditions. Rachel formerly employed in Riyadh informed me that every once in a while she would be asked to go and clean for her employer’s mom. Whenever she did, she would be given extra cash by the boss’s mother, usually around SR50 ($13). Even though the interviewee was not entitled to days off, she would take naps whenever she finished her work or had some down time during the day.

Unlike the other interviewees who had to work for extremely long hours, Rachel would begin her day at 10 am and sometimes work until midnight. It was common to have night time visitors, so when that happened, the interviewee would stay up attending to the guests until they left. Undoubtedly that was tiresome because it would interfere with Rachel’s work the following morning, since she would have to get up and perform her daily chores. Fortunately, Rachel’s employer would cook for her family and prepare her kids to go to school each morning; this left Rachel responsible for cleaning the house, doing laundry and ironing, washing dishes, and making her own meals.
5.10 Movement Restriction

There is enough information about how women in Middle Eastern countries are not permitted to move around unaccompanied by men while outside the household. Therefore, it was not surprising when Diana said that she was not allowed to go out of the household on her own, and even when she needed to go to the bank, she had to be accompanied by the driver. The same case applied to Rachel who said that she was not allowed to go anywhere. However when she said that she was not given a cell phone and that her host family refused to buy her one, it became clear that even with the regions cultural practices, there was an added effort to isolate the worker.

Julie explained how her interaction was limited to other domestic workers who would come with their employers to visit Julie’s host family. In Julie’s case, this was usually the worker of her boss’s daughter because they would visit almost daily. Within the household, Julie’s movements were limited to her bedroom and bathroom, as well as the kitchen. Julie’s bedroom was located on the top floor and in the furthest corner, so even if she was in the kitchen which was located downstairs and needed to use that bathroom, she would have to climb the stairs to relieve herself in her bathroom that was located on the third floor. Similarly, Jennifer was restricted from interacting with others. Even if there were other Kenyans in the neighborhood “they wouldn’t allow us see each other, they say Kenyans are thugs and that we will gang up on them.”\textsuperscript{126} Be that as it may, when the employers were asleep Jennifer would sneak out to the neighbor’s house and hang out with the Kenyan maid working there.

\textsuperscript{126} Jennifer, interview by Caroline Gikuru, Limuru, Kenya, July 23, 2013.
5.11 Imprisonment Prior to Deportation

Along with the limitation of movement outside the household comes the vulnerability to arrest once a woman is caught roaming in the streets alone. The women who dared to run away from their abusive employers took this risk, and ended up in jail. Imprisonment is justified as punishment for breaking the contract, which states that a worker should remain employed to her sponsor for two years. The inadequacy of imprisoning the workers prior to deportation is three fold, first, the workers are automatically assumed to be at fault; second, the employers are not investigated for their role in triggering the worker to run away, third and most importantly, the worker is kept from going back home oftentimes following some form of abuse, because the employer had previously confiscated the worker’s passport.

Nancy took the chance and ran away; since she did not have the means of paying for her return ticket, she along with a friend orchestrated for their arrest. Luckily these women were not abused while arrested, however they were detained for three weeks before they were deported. Likewise, Jennifer ran away and was later arrested. When her employer was called by the police she agreed to return the passport and pay for Jennifer’s return ticket. On the other hand, the employer retained Jennifer’s Kenyan ID as well as her belongings, and told the cops to jail her for 6 months; however Jennifer was jailed for two months. As victims of various forms of abuses, these workers and others like them are subjected to a prolonged time of physical and psychological torture, when they are detained while their abusers are left at large.
5.12 Racism

At least two opposing viewpoints emerged from the interviewees’ perception of race, and whether it contributed to how they were treated by their employers. According to Julie, all maids are treated the same and race does not play a role in how they are treated. All that matters is to get the job done, explained Julie. However she went on to say that “actually, right now Kenyans are not very well liked because they are smart/educated, they [employers] like Indonesians and Filipinas. In Indonesia and the Philippines there’s poverty, but you see for us [Kenyans] we go to earn money but not because of extreme poverty.” Julie explained how although Kenyan women are compelled by financial need to migrate, they do not come from abject poverty and they are educated enough to understand the terms of the contract. Subsequently, they tend to get into disputes with their employers as they challenge any possible labor exploitation.

From her experience, Diana stated that although the family that had employed her was very nice to her, sometimes she felt like she was not being treated well because of her race: she noticed that “they hate very much black people.” Furthermore, as stated above, Jennifer mentioned how her employer’s family thought of Kenyans as thugs, and in a matter of fact way she exclaimed “By the way they hate blacks.”

5.13 Religious Intolerance

Moving from a Christian country to an Islamic nation, there is bound to be some tensions stemming from each person’s belief. One interviewee made a comment about how she was asked by her employer whether she was a Muslim or a kafir or unbeliever. According to the

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interviewee, her host family believed that if one is not a Muslim they are an unbeliever, therefore Christians were essentially viewed as unbelievers. In the case of Monica in Qatar, she was not allowed to go to church, while Jennifer in Jazan was aggressively confronted about her beliefs. Referring to her employing family, Jennifer said that “they don’t like Christians, they tried to convince me to convert and even bought me and English Quran but I wouldn’t touch it.”

5.14 Psychological Abuse

All of the above mentioned abuses have their negative effects on the body, but just as important is how they affect someone psychologically. They can have far reaching effects that can change the way a person view themselves or responds to the world around them. Unlike physical wounds that can heal and allow an individual to move on and forget about the pain once inflicted, psychological abuse can be hard to detect because it differs from person to person, and healing also varies for each person. Without long term research that can follow interviewees and analyze the long term effects of the abuses suffered, I can only hypothesize that these experiences have the potential to change these women in a permanent way.

For example, while interviewing Julie I noticed she is a vibrant woman capable of clearly articulating what she wants. She spoke about how her work environment strictly regulated herself expression. She said she could not show that she was dissatisfied with her employment, because by doing so, “that’s when they will really mistreat you, including beating you and so on.” Because she could not openly say that she wanted to break the contract and go home, Julie lied that her father had passed away and needed to go bury him. This work condition

\[130\text{Ibid.}
131\text{Julie, interview by Caroline Gikuru, Kiroe, Kenya, July 16, 2013.}\]
compelled her to terminate her employment because she could no longer bear the verbal and mental abuse she was enduring. Whatever mental and emotional damage she endured in her five months of employment could have only been exacerbated if Julie completed her two year contract.

Likewise, for Jennifer who arrived in Saudi Arabia and was not picked up from the airport for an entire month, she might have been negatively affected by that incident, the extent to which is not clear. A very confident and articulate young woman, I noticed when I was interviewing her while on her break from work that she keep reassuring her colleague that she was coming back to work. That could just be good work ethic and maybe she was always like that prior to migration, but I cannot dismiss the possibility of how these experiences may have permanently changed the migrants. Undoubtedly the woman who was raped, impregnated and abandoned in front for the jail house displayed clear negative effects of her abuse. She lost her brains capacity to function normally, she would not eat, shower or speak to anyone, there is a good possibility that she never recovered from that episode.

CHAPTER SIX
DISCUSSION AND RECOMMENDATIONS

6.1 Discussion
Exporting women to work in the Middle East as domestic workers has largely been an unregulated activity by the sending and receiving governments. Recruiting agencies entice
women with non-existent jobs, or jobs that subject the worker to inhumane working conditions. The need to provide for one’s family causes women to continue migrating to the Middle East despite the reportedly poor working conditions, causing an increase to the number of Kenyans working in precarious conditions. According to a statement by Muslims for Human Rights (Muhuri) an NGO based in the coastal region of Kenya, “there are more than 30,000 Kenyans working as domestic workers in the Middle East but termed it as trafficking.”

To address the slave-like working conditions, the Kenyan government issued a statement calling for a halt in exporting female labor to the Middle East. Issued by the Political and Diplomatic Secretary in Foreign Affairs Ministry, Patrick Wamoto said:

The Ministry of Foreign Affairs wishes to inform that the Government has temporarily suspended recruitment and export of domestic workers (Housekeepers/maids) to Middle East Countries with immediate effect. The government has noted with concern, the increasing number of Kenyan citizens who have sought employment in the Middle East as domestic workers (Housekeepers/maids) and ended up in distress. The Government wishes to reiterate its commitment to the protection and welfare of all citizens including those outside the country. We are working on a mechanism, including but not limited to, vetting all recruitment agents afresh and signing of Labour frameworks Agreement with various countries to address some of the concerns raised by the distressed Kenyans in the Middle East.

In the interview with Andrew Johnson at Kenya’s Ministry of Foreign Affairs, he explained to me that this ban was mainly directed at Saudi Arabia, the oil rich nation estimated to have a particularly large number of Kenyans; roughly 3,000 as of June 2012 according to the

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133 Ibid
135 The interviewee is referred to by a pseudonym because he did not want his real name to be used.
International Organization of Migration.\textsuperscript{136} Although the decision by the Kenyan government would have negative repercussions on the country’s economy considering the over $800 million in remittances from working Kenyans in the Diaspora as of 2011,\textsuperscript{137} it prioritized human rights and dignity over economic growth. Without a healthy work force, the government cannot tap into the existing human capital to contribute to economic advancement.

Even with the existence of the above statement which has been dubbed as a ban, its shortcoming is that it relies on the migrants to choose not to migrate until there are mechanisms in place to guarantee safety upon migration, or to proceed at ones expense. Mr. Johnson stated that the ban was not meant to forbid people from migrating, it was meant to serve as a caution for migrants, and inform them of potential abuses; essentially, “the Kenyan government is saying to its nationals through the ban to wait and not migrate, until the Kenyan government puts protection structures in place.”\textsuperscript{138} However, given migrants’ financial needs, most have opted for the latter, obliging the Kenyan government to protect them without adequate means, even though workers sought employment after the implementation of the ban.

The sense of urgency to protect migrants that is encapsulated in the ban fails to meet its objective, because of the gap that lies between the ban and its implementation. The government’s efforts to suspend the recruitment and export of domestic workers are ineffective, because most recruitment agencies remain operational despite the efforts to curb domestic labor migration.

Most importantly, the shortcoming can be observed in the recruitment agencies’ ongoing ability


\textsuperscript{137} Ibid

\textsuperscript{138} Andrew Johnson, interview by Caroline Gikuru, Nairobi, Kenya, August 16, 2013.
to applying and be granted work visas on behalf of the migrant workers. Consequently, more and more migrants become susceptible to trafficking.

Trafficking is a sensitive topic and governments do not want to be held liable for aiding and abetting trafficking through inaction. Society has normalized human trafficking largely to refer to forcibly taking a young lady from her native environment and forcing her to work in the sex industry. While this definition captures a bit of what happens in that trade, it leaves out a demographic that is trafficked for other reasons and under different conditions. Dictionary.com defines human trafficking as “the illegal practice of procuring or trading in human beings for the purpose of prostitution, forced labor, or other forms of exploitation.”139 Under this definition, Kenyan women find themselves working in forced labor, while a smaller number end up as prostitutes when they escape from their employers’ abusive homes.

Trafficking is a term that most steer away from because of its negative implications. In fact, in my interview with Mr. Johnson, I asked him whether agencies that send workers to the Middle East in violation of the ban can be considered as traffickers, his response was as follows:

“trafficking is a strong word that carries with it severe punishment. The migrants go willingly, although they are sometimes deceived about the type of work they will be employed to do. Receiving governments are the ones that control who can and cannot enter their country, therefore they allow these women to enter and so they are not trafficked.”140

Deception is critical element to trafficking. Just because the receiving government grants a work visa to the workers, it does not mean that they will be subjected to standard working conditions.

140 Andrew Johnson, interview by Caroline Gikuru, Nairobi, Kenya, August 16, 2013.
Furthermore, trafficking does not require the consent of the trafficked person or the government officials of the territory where trafficking will take place, hence its illegality. Trafficking should be viewed as fourfold, the intention of migration, illegal border crossing, working conditions and compensation. All the women I interviewed were granted a visa by the receiving government so that eliminates that second factor, however when the passport is confiscated and the worker runs away from the employer’s house, their immigration status suddenly becomes questionable. Some migrant women have been deceived about the type of work that they will be employed to do, which implies that if they knew the truth about their prospective employment, they would not be willing to migrate. For the women who are well aware that they will be domestic workers, they certainly do not willingly submit to being abused and overworked, and be deprived of their hard earned salary.

When migrants are deceived, the chances of exploitation are heightened, and oftentimes they result in some form of abuse. For example, a migrant worker in Saudi Arabia was under the impression that she would be employed as a maid, however,

“Through the mother, Madeline immediately learned that she had been employed to serve as a sexual release for the two teenage sons. She informed Madeline that she was to serve Basel and Faris on an every-other-day basis. This information was given without emotion to Madeline’s utter despair.”141

Unfortunately most workers find themselves in similar situations all too often, and an amalgamation of unexpected exploitations. Even for domestics employed by a royal family, they are meagerly compensated142 physically and sexually abused,143 and this happens with the

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142 Ibid, 103.
143 Ibid, 107.
knowledge of adults who sometimes encourage or are indifferent about the abuses.  

Shockingly, as some mothers take no action to reprehend their sons’ behaviors, some fathers including princes’ encourage their son’s sexual deviance by taking them to brothels in Southeast Asia.  

The ease with which such people are able to violate women from and in developing countries, makes it a casual encounter when happening in their home countries in the Gulf.

Trafficking might indeed be a tough allegation to make, but elements of trafficking are present in the current migratory trends of domestic workers. For example, in summer 2013 a Kenyan domestic worker employed in the household of Prince Abdulrahman bin Nasser bin Abdulaziz al Saud, one of the grandsons of Saudi’s King Abdullah, she fled from her employer’s vacation condominium in Orange County California alleging forced labor. The 30 year old Kenyan woman identified herself as a trafficking victim, and was carrying the State Department’s pamphlet warning against human trafficking when she sought refuge by flagging down a bus in Irvine, California. The worker alleged that Princess Meshael Alayban the prince’s wife forced her to work without a break for 16 hours a day, seven days a week. Although the worker was promised a salary of $1,600 a month, she claims to have been paid only $220 a month, and the eight hour work days, five days a week schedule was not honored. The woman told the detectives that she “was not physically restrained or abused” and had access to sufficient food and shelter while living with the royal family. However when the worker told the princess that she wanted to discontinue working and to leave Saudi Arabia, she asked for her passport back which was confiscated immediately upon arrival to the Kingdom, but Princess Alayban allegedly refused to return it.

144 Ibid, 78, 119.
The Kenyan woman who said her child’s medical bills compelled her to seek work abroad told police that she was “forced to move to Irvine with the Saudi family while they were on vacation, during which time she tended to at least eight people in four apartments in the complex, cooking, ironing, washing dishes, and cleaning.”\(^{147}\) As the police arrested Princess Alayban, they found four other Filipino workers, none of whom possessed their passports. The princess now faces 12 years in prison on human trafficking charges, although she maintains that the unnamed worker was free to go at any time, and referred to the incident as a dispute over the terms of employment.

Although Princess Alayban was persecuted for forced labor trafficking under California’s Proposition 35 which defines trafficking as deprivation or violation of an individual’s personal liberty, this definition meets international standards. The deprivation of freedom is a reality for most domestic workers in the Middle East; they are not allowed to go outside the employer’s compound, and this is often accomplished by overworking the domestic so that she has no free time. Most importantly, the workers’ liberty is infringed upon in violation of international law when their passports are confiscated, depriving them of their right to re-enter their own country. Similarly, Prince Saud bin Abdulaziz bin Nasir, also grandson to Saudi’s King Abdullah was jailed in Britain in 2010 for sexually abusing and murdering his male servant from Sudan.\(^{148}\)

Although this paper’s focus is female domestic workers, this murder of the Sudanese worker Bandar Abdulaziz unveils a violent culture in the Kingdom’s royal family. The countless reports and complaints of ill treatment of domestic workers in Saudi Arabia reveal how that society

\(^{147}\) Ibid.  
mirrors what the royal family is guilty of. The royal family is only held accountable for their heinous offenses in foreign countries, however they ought to be held accountable for such abuses even while in their home country.

Ideally laws similar to the above mentioned proposition in California should be enacted in receiving countries, because they have the primary responsibility to protect migrant workers within their border. However, seeing that the ruling family in Saudi Arabia is equally guilty of abusing their domestic workers, implementing such laws would not be beneficial to them, and thus unlikely to be enforced against the royal family. Therefore, the Kenyan government has a greater responsibility to enact laws that would require offending employers to be extradited and tried in Kenya or a regional circuit court, because it is unlikely for the royal family to be tried extensively for their offense as a regular citizen would be. Collaborating with other sending countries in the region like Ethiopia in enforcing this law would give them leverage in seeking the protection of workers’ rights, because sending countries have the same objective of assuring protection of their citizens working in the Diaspora.

Exploitation of a vulnerable group should not be limited to the legality of migration. If the scale of abuse to which domestic workers are subjected cannot be tolerated when subjected to legal migrants holding white collar jobs, nothing less should be expected for domestic workers. Lastly, the fact that some women work without ever getting compensated for their work, or getting paid less than the originally agreed upon amount is problematic. Apparently, since the employer/sponsor spends a significant amount of money upfront to enable the worker to be imported, employers feel justified in withholding wages for the initial three months. If the
worker proves to be a good match and remains employed, she can get paid the withheld wages and get paid for every subsequent month. Some employers pay their workers beginning the very first month of employment; others pay following three months of successful employment, while others withhold wages all together. Absolute nonpayment of wages because of the initial financial investment is equivalent to literally purchasing a human being, and then strategically withholding the worker’s earnings in order to make back the initial investment by forcing the employee to work it off. Women seeking to improve their lives end up being inadvertently disempowered through this kind of indentured servitude.

Receiving governments also have the responsibility to ensure all legal migrants are safe within their territories. Seeing that the availability of relatively well paying jobs plays a significant role in attracting migrant workers, and with thousands of migrants employed in the region from developing countries, Gulf Countries have a duty to establish avenues of redress for all the foreign workers. Likewise, perpetrators of heinous crimes that blatantly violate human rights need to be identified and punished to the fullest extent of the law. Impunity perpetuates the gross violation of human rights in the Gulf, and it is upon the governments in that region to adhere to established international standards, if national law standards fall below minimum requirement for human dignity and human rights.

Seeing that migrant women have now become the main export in developing countries, said governments have a duty to ensure proper regulations that protect their nationals, just like the export of processed goods and raw materials is protected by trade laws and tariffs. By tariffs I mean duties imposed on the receiving government, by the sending government. For instance,
duties such as including domestic work in local laws, and imposing legal ramifications on employers who abuse their workers would be adequate. By no means do I want to commodify human beings, but it is unfortunate that export commodities are availed greater protection than some migrant workers, while workers significantly contribute to the economic growth of their native countries through remittances.

6.2 Recommendations

It is very difficult to curb migration simply by expecting people to refrain from seeking greener employment pastures. In the absence of jobs that can keep women from migrating, the Kenyan government will continue to face challenges that come with the migration of women who violate the ban in search of better opportunities. So long as there is a financial need that is not being adequately met domestically, women will continue to migrate internationally. So instead of hoping that women will exercise better control and refrain from migrating, Here I suggest some recommendations that can be adopted to improve the current migration and labor problem.

Drafting a comprehensive law that is acceptable by all Gulf Countries is virtually impossible for Kenya to do, mainly because each nation would like to have the ability to amend the proposed law to suit its national labor laws. Instead of approaching this task regionally, Kenya would have more success dealing with each nation individually, by entering into bilateral agreements with the nations in question. In so doing, Kenya’s Ministry of Labour would serve as the recruiter, and provide pre-departure orientation to the workers as well as negotiate a minimum wage with the receiving governments or its designated agency or bureau. Even if some independent recruitment agencies would remain operational in Kenya, the Ministry of Labour would be
charged with monitoring and evaluation the recruitment and orientation process to guarantee that workers are well prepared for the positions they have been hired to fill.

In bilateral negotiations, Kenya would call on Gulf governments to introduce intermediary agencies that would serve as the sponsor of domestic workers. Both the worker and employer would be required to register with the intermediary agency, so that as a third party entity answerable to the local government, it can be held accountable for identifying where the worker has been placed to work. This is significant in minimizing the unregulated power currently held by employers. Employers would therefore be banned from confiscating the workers’ passports. Additionally, employers would be required to make the worker’s salary payment to the intermediary agency, and then agency would subsequently pay the worker. In so doing, the agency would be able to identify the employers who fail to make timely payments and take the appropriate steps to rectify it. Additionally, the agency would be designated with the duty to sporadically monitor employees’ work experiences. This would serve as a deterrent to abusive employers, as well as an opportunity for workers to report any abuses.

Bilateral agreements would establish a minimum wage for the migrant domestic workers; however the intermediary agency would in receiving countries would verify that the wage is not set too low, and is enforced during the employer/employee contract signing. Since earning differential motivates most women to seek employment abroad, the agency would also have a duty to ensure that migrant workers are paid the minimum wage or the prevailing wage that would be offered to nationals. Located in the receiving countries, the intermediary agency would be expected to know the wages paid to nationals holding similar positions and seek the same for
migrant workers. Due to the rampant abuse previously subjected to domestic workers and neglect during illnesses, employers are to pay for the workers’ medical and disability insurance.

Unless agreed upon between the employer and the employee, domestics should not be required to live-in, as this opens the opportunity for labor exploitation and other forms of abuses. In case a dispute arises between the worker and her employer, the intermediary agency is to serve as the representative of the worker in court hearings. Should the parties choose to settle their dispute outside of the court system, the agency would be charged to act as an arbitrator. In cases where working conditions forces a worker to bring a dispute against the employer or even flee, the employer is to be barred from hiring a new worker until the ongoing labor dispute with the former employee is resolved. Workers hired by employers with previously reported case of abuse, full disclosure is mandatory by the agency to inform the worker that her prospective employer has a history of abuse. Repeat offenders are to be permanently barred from recruiting workers, subject to the agency’s discretion.

The principal goal is to grant labor rights to migrant domestic workers that are equivalent to those held by nationals employed in similar positions. Without extending such rights to migrant workers, employers will continue abusing their workers with impunity and without requiring the receiving governments to establish structures of recourse, which workers can utilize to seek justice and indemnification. Furthermore, workers who renew their employment contract end up living in the destination countries for many years with conditional work visas. In consideration for long term migrant domestic workers, receiving governments are urged to create a pathway for legal residency. It is recommended that a worker who successfully completes two
employment terms, or four years, be qualified be begin the process of becoming a legal resident of the country where she has been employed.

As a sending country, Kenya has to acknowledge that migrant workers will eventually return to their nation of origin, and they will most likely bring back skills that can be beneficial for Kenya. One such skill that came up repeatedly during the interviews was the acquisition of a foreign language. All the interviewees did not speak Arabic at the time of migration, but they affirmed to have learned to speak the language after only a few months. While they all spoke at different proficiency levels, some were fluent and they certainly acquired a skill that can be utilized. As Kenya continues to strengthen and deepen its relations with governments in the Gulf region, more Arabic speakers will be need to go on diplomatic missions in that region. Instead of letting this influx of Arabic language become forgotten along with the stories of those who bring it back, the Kenyan government can take advantage and commission the returnees as translators working on as-needed basis. Furthermore, the returnees can serve as foreign language instructors in their local primary schools.

**Conclusion**

Domestic work is rarely a highly sought after occupation, but poor women in developing countries have come to see this sector as an opportunity to better themselves. The demand for such low skilled jobs that necessitate migration have come to be seen as development from the bottom, because they create opportunities for women to work and better themselves. Although partially true, this notion of development from below is flawed because it fails to account for non-economic factors that are needed to fully develop the lives of women. For workers who get
compensated for their work, they oftentimes earn very little, and the opportunity cost of being a domestic worker is rarely examined.

Domestic work is an unusual way of earning an income. This occupation is typically filled by young women in their twenties, who oftentimes lack other employment opportunities. They come from cultures that groom them to be mothers and wives, so skills required to be successful at this occupation is almost second nature to the domestics. At a time when the young women should expanding their transferrable skills in the employment sector, these women move in with a strange family to help develop those families and succeed in their careers by freeing the employers time. In the meantime, the domestic worker is expected to love the employer’s kids as if they were her own, while the worker puts on hold starting her own family.

The empirical evidence reveals one crucial challenge faced by domestics; they have to manage their emotions in order to maintain a healthy relationship between work and personal life, yet this is not good for the workers health. Without ever having the ability to leave work in the work place, live-in domestic workers struggle to find a balance in this complicated work and living arrangement. This employment arrangement makes it difficult to draw a line and maintain a professional working relationship.

As a live-in worker, the employee gets restricted from moving freely outside the employer’s dwelling, and she puts her personal life on hold to earn low wages that are not enough to establish a nest egg. For domestics who had kids prior to migration, circumstances force them to leave their kids in the care of another family member, to be employed as a care taker for another
woman’s kids and love them in the same capacity that she loves her own. Being able to entrust someone who starts out as a stranger with one’s kids is truly priceless, yet the price tag that goes along with domestic work can easily be confused with valueless work when evaluating the level of remuneration.

The low valuation and compensation to domestic workers is truly insufficient, and is not adequately justifiable by the fact that live-in workers live and eat at their employer’s house. The employer hardly incurs an extra expense by accommodating a domestic worker. Most domestics are given small living quarters or an extra room that was already available, suitable of the employer’s grand lifestyle. Additionally, because some workers eat the host family’s leftovers, the employer rarely budgets for the consumption of an extra person.

Principally, migrant domestic workers come from financially needy families; therefore the meager compensation they receive goes to take care of expenses their parent’s might have, and if the worker left kids behind, her earnings might be remitted to take care of kids, pay their school fees, and ironically to pay for a domestic worker to care for her kids the same way she is paid to care for her employers kids.

Due to the isolated nature of domestic work, migrant domestic workers hardly gain new transferable skills that they bring back to the countries of origin. The one skill that the interviewees spoke about was the attainment of a foreign language with a command comparable to that of a native speaker. Unfortunately this skill is highly under-utilized upon return, and a sending government like Kenya is not taking advantage of the influx of Arabic.
Migrant women’s economic mobility is tied to their social mobility, as they migrate to improve their relative rather than absolute economic status. Inadvertently it also exposes them to trafficking-like migratory trends that leave them vulnerable to a myriad of abuses. Although Kenyan women amplify their chances of abuse when they defy government warnings, more important is changing the discourse and focus of abuse from the defiant yet weak women who end up abused, to abusers with predatory intentions. Only then can the actions of abusers be adequately reprimanded; what they do is against the law, unlike Kenyan women who merely ignore a warning and end up abused or dead.

The changes needed to improve the working conditions of migrant domestic workers need to be explored with the inclusion of migrant workers. Whether in finding ways to utilize their Arabic language or in policy making, migrant workers’ involvement is critical to ensuring effectiveness, because such policies affect them greatly. The top down approach from the government is not guarantee to address the most pressing issues for migrant women. Returnees, grassroots organizations, and civil society groups representing migrant domestic workers interests are best suited for representing the social, cultural and political interests of the women, by considering the intersection between their productive and reproductive lives, and progressing beyond the simplistic economic agency of women.

Migrant workers who are unable to invest their earnings in a money generating venture when employed, they return home at the end of their employment contract to the very same circumstances that they sought to escape by working abroad. As much as the sending
government has a duty to protect it nationals working abroad, it also has a duty to create employment alternatives domestically for its citizens. Investing in women’s education so that they have the knowledge and skills needed to seek and obtain better paying jobs is one example. That way, women would not have to seek unskilled low waged jobs where they are exposed to precarious working conditions. Failure to invest in women’s educational and financial empowerment, the long term outlook on women will be a sort of a caste system, where poor women and their offspring remain marginalized and at the mercy of globalization, development and patriarchy.

As we have seen, various factors influence the treatment of domestic workers in the Gulf region. An important thing to consider is that the treatment of Kenyan women is intricately linked to the status of Gulf women. They are poorly treated by their male guardians, and yet highly dependent on them. The presence of Kenyan women automatically promotes Gulf women from second class citizens, and they take the positions once held by their husbands. This type of nationalist bourgeois relationship proves that human beings have a natural desire to dominate over others, but most importantly, it reveals that the African origin of Kenyan women is not the sole reason for their subordination in the Gulf. Gulf countries regulate most of what their women can and cannot do, so the only control that these women have is that over their domestic workers. If women particularly in Saudi Arabia are allowed more freedom and meaningful responsibilities, they would less inclined to abuse the power they have over their domestic workers. As important as it is to legislate laws pertaining to domestic workers, it is critical to examine the root cause of the rampant abuse of domestic, by taking the religious, cultural and daily practices of receiving governments into consideration.
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Appendix I

Script for Verbal Informed Consent

My name is Caroline, and I am a graduate student at the University of San Francisco in California. I am here to conduct interviews that will look at the experiences of Kenyan women who have been domestic workers in the Middle East.

Before I begin, I would like to explain why I have requested to interview you, and what I will do with the information that you provide me. Feel free to stop me at anytime if you have any questions. After I tell you about my research project, you can decide whether or not you would like to be interviewed.

I am conducting interviews as part of a research project in the International Studies program at the University of San Francisco. I will be interviewing about 10 women who have been domestic workers in the Middle East. The aim of the interviews is to document the experiences of Kenyan women while they were domestic workers in the Middle East. I would like to know what made you decide to seek domestic work in the Middle East, the process that you underwent to get job placement, how you were treated by your employer, and what made you come back to Kenya. I may use the information you provide me in my thesis, other written materials, as well as academic presentations.

Participation should take about 2 hours or as long as you’re able to. Participation is completely voluntary. During the interview process, I will ask you to talk to me about your experience since you decided to seek employment as a domestic worker in the Middle East. I am interested in knowing how your life has changed since you held that job.

The risk of you being in this study is that someone could find out personal information about what you say to me that you would prefer to remain private. To avoid this risk, I will not share what you tell me with anyone else, and I will carefully guard the tapes and the notes that I take so that no one else will see what you tell me. I will not put your name on any of my tapes or notes, I will not let anyone else hear the tapes or see the notes, and I will never use your name or any identifying information when I talk to my colleagues about our interview.

If at any time or for any reason you would prefer not to answer any questions, please let me know and I will move to the next question. If at any time you would like to stop participating, please let me know. We can take a break, stop and continue another day, or stop all together.

I would like to tape record this interview so as to make sure that I remember exactly what you say. I will keep these tapes locked away, and only I will be able to use them. If you have any questions, feel free to ask me now. If you have questions at a later time, you can contact me at:

Email: cmgikuru@usfca.edu
If you have any questions about your rights as a participant in this research, you can contact the following office at the University of San Francisco:

IRBPHS  
University of San Francisco  
Department of Counseling Psychology  
2130 Fulton Street  
San Francisco, CA 94117-1071

Now that you have heard about the reason why I am doing this research, are you interested in being interviewed?

**Consent to Record Interview**  
May I record this interview?

**Consent to Quote from Interview**  
I may wish to quote from this interview either in written materials or presentations resulting from this research. Do I have your permission to quote from this interview?

**Consent to Use Name**  
You may have reasons why you might prefer that your real name be used in the writings and presentations related to this research.

Would you like your real name to be used in any written documents or oral presentations resulting from this research?
Appendix II

Interview Questions
[Returnees]

1. Tell me about your life before you left to work in the Middle East
2. What kind of work you were doing before you decided to seek domestic work?
3. Tell me why you decided to go to the Middle East for domestic work?
4. Did you know anyone else who was or had gone to that region for domestic work?
5. When was the first time that you went to the Middle East to be a domestic worker?
6. Which country did you go to?
7. How long were you there?
8. How did you end up there, were you recruited?
   a. If recruited:
      i. Did you seek placement with a recruitment agency?
      ii. How did you hear about this agency?
      iii. Did you consider other agencies?
9. Did the agency apply for your passport and visa?
   a. What kind of visa did they apply for you?
10. Did you have a choice at which country you wanted to be placed for work?
    a. Which country did you choose?
    b. Which country were you placed?
11. What did you know about your prospective employer and where you would be working?
12. How much were you told you would be earning?
13. [If recruited] Were you given any information about the country and cultural practices of [country X]?

14. Were you concerned about the language barrier?

15. Tell me what your experience was like when you first arrived in [Country X].
   a. Once you arrived in [Country X], how did you get to the employers house?

16. [If given pre-departure orientation] Was what you were told about your employment match what you were experiencing?

17. Where did you live?
   a. Were you required to live with your employer?
      i. Could you live-out if you wanted?

18. Tell me about your typical work day (start time, work load, end time).

19. How did the family treat you?
   a. Were children punished if they talked back to you?

20. Were you allowed to eat with the family?

21. Did you the same food as the family?

22. Was the family understanding when you showed that you were angry or tired, or were you expected to show that you are always in a good mood?

23. Did the wife treat you differently from how the husband and the kids treated you?
   a. Explain
      i. If talk of abuse comes up:
         1. How long had you been employed when this began?
         2. What [do you think] triggered it?
3. Did you tell anyone about this? (Police/Kenya consulate/family/friends)

4. Did you threaten to leave in the hopes of minimizing abuse?

5. Did you feel like you had the ability to quit your job and go back home?

6. How often were you abused?
   a. What types of abuses?

7. How long did you remain employed while still being abused?

8. Did you run away to escape abuse, or did you wait for your contract to be over?

9. Because of this experience, have you sought any professional help to help you cope with the effects of these abuses?

24. Did you have days off, and what did you do on those days?
   a. Were you allowed to leave the compound?

25. Before going to the Middle East to work, had you heard of experiences of other women who had been domestic workers in that region?
   a. If yes: Good or bad?
      i. Why did you insist on going?

26. Since going to [X Country], have you gone to another Middle Eastern country to do the same kind of work?

27. Would you consider ever going back to the Middle East for domestic work?
   a. If yes:
i. Are you aware of the Kenyan policy that prevents Kenyans from going to the Middle East for domestic work?

1. If yes:
   a. How will you be able to get a visa to return to the Middle East for D.W.?

28. Before migrating to the M.E. did you work as a domestic worker in Kenya?
   a. Would you be willing to do this kind of work in Kenya now?

29. When you were in the M.E. (esp. if subject was there when the ban was implemented), did you feel like you could count on the Kenyan embassy/consulate for help?

30. Were there shelters for abused workers where you could find refuge in [Country X]?

31. Does the Kenyan embassy/consulate in [Country X] have a shelter where women can stay as they await to go back home, or find another job?

32. How do you feel about the ban, is it effective?

33. What more do you think the Kenyan government can do to ensure the safety of its women D.W. in the Middle East?

34. Knowing what you know, what would you say to a woman wanting to go to the M.E. for domestic work?

35. Is there anything else that I did not ask that you would like to share with me?
Appendix III

Interview Questions
[Govt. Employees]

1. Tell me what caused the Kenyan govt. to ban travel to the Middle East for domestic work?
2. Prior to this ban, did Kenya have a policy in place that addressed the rights of migrant domestic workers?
3. What is the Kenyan government currently doing to ensure the protection of migrant domestic workers in the M.E.?
4. Considering the free labor movement within East African countries, are there steps being taken by the Kenyan government to ensure that its citizens will not be recruited by unscrupulous recruitment agents who can easily move their business to neighboring countries?
5. Would you categorize such recruitment as traffickers?
6. Given the free labor movement in East Africa, does Kenya have jurisdiction to prosecute agents who continue to recruit Kenyan women from other E. African countries?
7. Has there been any legal action taken against such recruitment agencies?
8. Compared to the pre-ban time, what expectations are recruitment agencies required to meet in order to remain operational?
9. Are there mechanisms in place to check adherence of those requirements?
10. Are agencies required to be registered with the labor ministry?
   a. If yes,
      i. How many licensed recruitment agencies are currently registered?
11. Prior to departure, does the ministry play a role in ensuring that the women are prepared for their work abroad? i.e. job training, language training and cultural awareness.

12. Have any Middle Eastern governments taken any steps clear their reputation due to this issue, and perhaps made those governments more willing to addressing this issue?

13. What kinds of steps are such governments taking to rectify this issue?

14. I understand the challenge to guarantee the safety of individuals in a foreign nation, in March 2011 Madagascar was faced with a similar challenge chartered a plane, and rescued 86 women employed in what has been described as “slave-maids” in Lebanon. Kenya has not taken a similar step.

   a. What steps is the Kenyan government taking to minimize the risk of the women who remain in the Middle East as domestic workers?

15. Do Kenyan embassies in the region have shelter where women can seek refuge as they await the next step? (deportation, job re-assignment)

16. Are there any programs that are in place to reintegrate returnees in the society, or help them cope with the various forms of abuses that they have endured in the Middle East?

17. Because of the rampant abuse of domestic workers in the Middle East, Indonesia and Nepal have implemented similar bans as the one by Kenya. Has there been any effort by any of those governments to collaborate and push for better labor rights for domestic workers in the Middle East?

18. What is the long term solution to this problem that the government hopes to achieve?

19. What do you believe is the greatest obstacle to achieving this goal?
Appendix IV

Interview Questions
[Recruitment Agencies]

1. How long has this agency been in business?
2. Who owns/founded it?
3. Is this agency registered with the Ministry of Labour?
   a. When did the agency get registered?
4. How long have you worked here?
   a. What is your role in the agency?
5. Does this agency place women for employment only in the Middle East, or does it place domestic workers in other regions (local, abroad)?
6. Does agency strictly deals with women or men as well?
7. Tell me how the agents go about recruiting women to place for work in the Middle East?
8. How much does it cost a prospective employee once they begin the process?
9. Does the agency apply for the women’s passport and visa?
   a. What kind of visa does your agency apply for the women?
10. How long does this entire process take, from the moment a potential employee is identified, to the moment she leaves to her destination country?
11. Do women have a choice at which country they go to?
   a. Do they always get placed in their country of choice?
12. Are there particular requirements that a prospective employee must meet before she is qualified? (Age, education, etc).
13. Once a woman has been qualified for work placement, does the agency provide her with job training?

14. Prior to migrating, how much do the women know about their employer, wage, and living condition?

15. Is there a pre-departure orientation geared towards informing the women about the cultural expectation of their destination country?
   a. How long is the training?
   b. Does it include language training?

16. Upon arrival to the destination country, how does the employee get to the employers house?

17. Are workers that you have placed for employment required to live with their employer?
   a. If not,
      i. Does the agency help the women find housing in destination countries?

18. I’m sure you have heard of the abuse that most domestic workers have been subjected to while working in the Middle East, what do you think is the cause of it?

19. Are the women that have gone through your agency trained on how to deal with such situations? (Where to go to seek help?)

20. If abused, are the women required to fulfill their contract, or is the agency able to place them with another employer?

21. Have any of those women come back due abuse?
   a. If yes:
      i. Does the organization provide them with any resources to cope with the abuse?
ii. Does the agency help these women find similar work locally if they choose not to seek work in the Middle East?

22. With the ban on travel to the Middle East for domestic work, how has this affected your daily business operation?

23. Does the ban provide any kind of protection to the women who remain in the Middle East?

24. What do you think the Kenyan government should focus on to help protect the rights of D.W. in the M.E.?

25. Seeing that domestic workers are availed more rights in Kenya, such as minimum wage and NSSF, do you think this makes migrating to the M.E. for domestic work less attractive?