



**WOMEN'S LABOUR MIGRATION ON
THE AFRICA-MIDDLE EAST CORRIDOR:
EXPERIENCES OF MIGRANT DOMESTIC WORKERS FROM KENYA**

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The contents of this report is the responsibility of the authors and not of GAATW.

(KUDHEIHA WORKERS)



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LIST OF ABBREVIATIONS

CSO	Civil Society Organisations
EAC	East Africa Community
GAATW	Global Alliance Against Traffic in Women
IDWF	International Domestic Workers Federation Limited
ILO	International Labour Organisation
KUDHEIHA	Kenya Union of Domestic, Hotels, Education Institution and Hospital Workers
MENA	Middle East & North Africa region
MOU	Memorandum of understanding
NCM	National Coordination Mechanism
NGO	Non-Governmental Organisation
SDC	Swiss Agency for Development Cooperation
UAE	United Arab Emirates

EXECUTIVE SUMMARY

To gain a better understanding of the labour migration processes and trends, and experiences of Kenyan women working as domestic workers in the Middle East, the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) conducted a research in Nairobi and Mombasa counties between November 2018 and June 2019. This research was undertaken in partnership with the Global Alliance Against Traffic in Women (GAATW) and the International Domestic Workers Federation (IDWF), two international organisations that are committed to end the abuse and exploitation of workers at home and abroad.

In Kenya, the research was led by a KUDHEIHA staff member with support from a returnee migrant domestic worker. A total of 31 individuals participated in the research through interviews and focus group discussions. These included a migrant domestic worker currently working in Jordan, returnee migrant domestic workers, prospective migrant domestic workers, recruitment agencies, government and trade union representatives, and non-governmental organisations (NGOs) working with migrant domestic workers.

Seventy percent of the current and returnee migrant domestic workers that were interviewed as part of this research have worked in Saudi Arabia. Other countries of destination included Jordan (9%), Qatar (5%), Lebanon (5%), United Arab Emirates (5%) and Egypt (5%). Participants pointed to the lack of decent jobs and high unemployment, family responsibilities, and influence from friends as the key factors that pushed them to migrate to the Middle East. The findings show that many domestic workers do not fully understand the official migration process as well as their labour rights, and are therefore vulnerable to abuse and exploitation, particularly by brokers and unregistered recruitment agencies operating in Kenya and their employers in the Middle East. Some of the examples of abuse and exploitation included withdrawal of salaries, verbal abuse, long working hours, limited or no rest, sexual abuse, exposure to hazardous materials, such as cleaning products with harsh chemicals, and lack of privacy including lack of own bedrooms.

In recent years the Kenyan government reacted to reports of its citizens' negative experiences in the Middle East by for instance, banning private recruitment agencies from sending domestic workers to the Middle East in 2014. The government lifted this ban in 2017, and by mid-2018, 65 recruitment agencies had been authorised to send migrant workers to the Middle East. The government also made efforts to sign bilateral agreements with key recipients of Kenyan migrant domestic workers in the region: with Saudi Arabia and Qatar in 2017, and with the UAE in 2018. In January 2019 Kenya signed another agreement with Saudi Arabia, specifically to improve the working conditions for migrant domestic workers, for example by specifying a minimum wage of KSH 40,000 (USD 400). Kenya initiated negotiations for bi-lateral labour agreements with Oman, Lebanon and Jordan in 2017. In addition to the bilateral agreements, Kenya recently posted labour attachés to Saudi Arabia, the UAE and Qatar to protect migrant workers' welfare and rights, and to monitor the implementation of bilateral agreements. The National Employment Authority (NEA), a government institution whose role is to promote, increase access to and

manage employment, in January 2019 launched the ‘Kenya Migrant Worker’ website, an online platform that provides detailed safe migration information to migrant workers in the Gulf.¹

Despite the above-mentioned reforms, the government has been criticised for not doing enough to protect its citizens working in the Middle East. For instance, while bilateral agreements include protections for migrant domestic workers, full implementation of these agreements is still lacking. There are also calls for a comprehensive labour migration policy. Additionally, public awareness of legislation, policy and protection interventions related to labour migration is largely lacking. For example, none of the prospective migrant domestic workers interviewed under this research was aware of the bilateral agreements with Gulf countries or of the requirement for prospective migrant domestic workers to undertake pre-departure trainings. None of the returnees were offered pre-departure training, and some argued that while the introduction of labour attachés was a welcome intervention, some labour attachés are hesitant to help citizens who migrate outside the official means or who overstay their visas.

To address the challenges and leverage the opportunities identified by this research, the researchers make several recommendations to relevant actors. These include for the government to ratify and implement the ILO Domestic Workers Convention, 2011 (No. 189) in order to promote decent work and protect the rights of domestic workers, and finalise efforts to develop a national labour migration policy. In addition, the government should increase the number of labour attachés in the Middle East and ensure that they are well-trained and have the resources to undertake their duties. In partnership with trade unions, civil society and other stakeholders, the government should create public awareness on new labour migration policy reforms and the rights and responsibilities of Kenyan migrant workers. Awareness creation on safe migration and the realities of labour migration is especially required in rural schools, colleges and universities and this is a role that both trade unions and civil society organisations could play. The importance of organising among migrant domestic workers both in Kenya and in countries of destination is a key point: trade unions should come up with more strategies of organising domestic workers so as to educate and sensitise them about their labour rights and empower them with negotiating skills. Current and returnee migrant domestic workers are also encouraged to form informal groups or associations, as a way of sharing experiences, and accessing information, opportunities and resources. Finally, the researchers recommend closer collaborations and information-sharing among actors operating in the labour migration sector including the national and county governments, trade unions, civil society, migrant workers themselves, and the general public.

¹ See: <https://kenyamigrantworker.org/>

01 BACKGROUND



Image 1: FGD with returnees in Mombasa

Kenya, as well as the neighbouring Uganda, Tanzania, Rwanda, Burundi and South Sudan, are members of the East African Community (EAC) regional economic bloc and make up a sub-region that is commonly referred to as East Africa. The country covers 580,367 km² and as of 2011, had an estimated population of 42 million.² As East Africa's economic powerhouse and regional hub, Kenya has historically been better developed and politically stable, and enjoyed better infrastructure than its neighbours. The country has for many years served as the largest host of displaced, irregular and labour migrants from the region and beyond, and has therefore established migrant communities and extensive smuggling networks. These factors make the country a major transit and destination hub for irregular migrants from countries in Eastern Africa including Ethiopia, Somalia, South Sudan, Eritrea, Sudan, the Democratic Republic of Congo (DRC) and Rwanda.³ Besides irregular migrants, Kenya attracts labour and education migrants particularly to urban areas. On the other hand, Kenyan migrants are usually skilled workers seeking better economic opportunities abroad, who travel with documents and visas, which they sometimes fail to renew and become irregular as a consequence. Main countries of destination in Africa for Kenyan migrants include Tanzania, Uganda, South Africa, Lesotho, Botswana and Nigeria.⁴ Large numbers of Kenyans also migrate to Western Europe, United States of America (USA), Canada, and Australia.⁵ Countries in the Middle East are key destinations for low-skilled Kenyan labour migrants.

The government estimates that 100,000 Kenyans work in the Gulf region but this contradicts other sources. According to a 2015 article by the Thomson Reuters Foundation on domestic workers' abuse, the Saudi government reported that 80,000 Kenyans lived in its territory. Trace Kenya, an NGO that works with trafficked persons and other vulnerable migrants, estimates the

² National Council for Population and Development, 2013

³ Regional Mixed Migration Secretariat, 2016

⁴ IOM, 2015; Regional Mixed Migration Secretariat, 2016

⁵ Ibid.

total number of Kenyan migrant workers throughout the Gulf to be closer to 300,000. What various stakeholders confirmed during this research though, is that the number of Kenyans migrating to the Middle East for work is on the rise.

While historically economic migration from Kenya and other African countries has been male- and youth-dominated, the United Nations Conference on Trade and Development (UNCTAD) reports that the number of women migrants in Africa increased in 2017, with women making up 47% of migrants. At 50% of the total of migrants in Eastern Africa, the number of women moving out of Eastern Africa was higher compared to other regions on the continent. In Ethiopia especially, female migrants are the majority among international migrants from the country (FAO, 2017). The rising number of women migrants within and outside the continent is partly influenced by increased job opportunities within Africa as well as in the Middle East and Eastern Asia particularly in care work, domestic work and in the health sector. The demand for domestic workers in the Middle East is today a significant driver of women's migration from Kenya as well as from Ethiopia and Uganda.

There have been increasing media reports of abuse of Kenyan migrant domestic workers in the Middle East as was the case of two domestic workers who were assaulted by a group of people in Lebanon as reported by the Guardian on 5 July 2018. In an attempt to address such risks and challenges, the Kenyan government imposed a ban on labour migration to the Middle East in 2014 and began efforts to improve the labour migration regulatory framework. This followed the revocation of all migrant recruitment firms' licenses in 2012. The government also formed a task force to review labour migration management and governance in Kenya and to write a report with recommendations on how it could address challenges in the sector. Some of these recommendations included: the establishment of an inter-ministerial committee to vet recruitment agencies, the payment of bonds by all registered recruitment agencies in protection of migrant workers, and provision of mandatory pre-departure training as well as pre-departure verification of employment contracts for Kenyan migrant workers by the Ministry of Labour and Social Protection.

However, even after the revocation of the recruitment agencies' licenses in 2012, some agencies continued to operate and to facilitate Kenyans' labour migration to the Middle East.⁶ In addition, Kenyan domestic workers who were already in the Middle East at the time when the ban was issued in 2014 continued to work and to face risks and restrictions of their rights. The ban was lifted in 2016, and soon after, the Kenyan government signed bi-lateral labour agreements with Saudi Arabia and UAE. The country had also previously signed an agreement with Qatar in 2012. Even with these efforts in place, some recruitment agencies and their brokers continue to operate outside the law, exposing Kenyan migrant domestic workers at risk of extreme forms of exploitation.

ABOUT THIS RESEARCH

To better understand the experiences of Kenyan migrant domestic workers, KUDHEIHA, in collaboration with the Global Alliance Against Traffic in Women and the International Domestic

⁶ Atieno, W. (2014)

Workers Federation, carried out a qualitative research in Nairobi and Mombasa between November 2018 and June 2019. This was part of a multi-country research in six locations in East and West Africa (Kenya, Uganda, Tanzania-Mainland, Tanzania-Zanzibar, Ethiopia and Ghana) that sought to better understand the processes, trends, challenges and opportunities around labour migration from select African countries to the Middle East for domestic work. This report presents the findings of the research in Kenya, and is organised in the following chapters: background of the study, context, legal and institutional framework, methodology, findings and conclusion and recommendations.

ABOUT KUDHEIHA, GAATW AND IDWF

An affiliate of IDWF and Kenya's first domestic workers' association, KUDHEIHA is a registered trade union that represents the interests of workers in the domestic services, hospitality, medical and educational sectors. IDWF is a global, membership-based organisation of domestic and household workers whose current five-year strategic goals include organising of migrant domestic workers and alliance building among migrant domestic workers' organisations, trade unions, CSOs and other stakeholders in Middle East and North Africa region. GAATW is a global network of 84 non-government organisations that promote and defend the human rights of migrants and trafficked persons.

02 CONTEXT

According to IOM's Kenya Country Profile (2015), Kenya is a critical hub for mixed migration movements that include refugees, trafficked persons, and irregular and economic migrants from other African countries particularly from its neighbours including South-Central Somalia, Ethiopia, South Sudan, Tanzania and Uganda. Kenya is a source, transit and destination country for many migrant workers. The World Bank in 2013 estimated the number of Kenyan emigrants to be approximately 476,000 which represented one percent of the total population. Top destinations are the United Kingdom (UK), United States of America (USA), Middle East and the Gulf Region, and other African countries.

The push and pull factors that influence migration in Kenya differ from some of its East African neighbours such as Somalia, South Sudan and DRC which have all experienced forced displacement due to conflict. Kenya's migration trends are largely characterised by the search for economic opportunities and improved livelihoods. According to Kenya's National Bureau of Statistics, the unemployment rate in the country was 11.5% in 2017. A majority of Kenyan migrant workers, especially those working on the Continent, are well educated and highly skilled. They seek opportunities abroad as a result of unemployment or under-employment at home. However, Kenyan migrant domestic workers in the Middle East and Gulf region are largely low skilled, often with education up to primary or secondary school and limited knowledge of their fundamental rights.

The Middle East and Gulf Region was estimated to have 100,000 Kenyan migrant workers in 2014. Danish Refugee Council (2016) indicates that migrant workers constitute an important proportion of vulnerable workers worldwide. Prospective migrant domestic workers are often recruited by brokers and agencies with a promise of better pay in the Middle East. This, however, changes upon arrival when the workers find themselves exposed to jobs with inferior terms. In most cases, the workers' passports and travel documents are confiscated. They are also often subjected to serious human rights violations such as sexual harassment, violence, torture, starvation and other cruel and degrading treatment. Many migrant domestic workers from Kenya lack the skills as well as the information and networks necessary to highlight and report breaches netted on them at work.

LEGAL AND INSTITUTIONAL FRAMEWORK: LABOUR MIGRATION

Kenya has developed and is implementing a number of laws, policies and regulations related to migration and labour. The country also has a number of institutional frameworks aimed at coordinating and harnessing opportunities presented by the migration of its citizens, including the protection of the rights of migrant workers.

Kenya's overall migration policy falls under the responsibility of the Department of Immigration Services at the Ministry of Interior and Coordination of National Government. Various laws and policies address migration and related issues, including the rights of migrants. The Constitution of Kenya, 2010 in Chapter Three describes the rules for acquisition and retention of citizenship, and the conditions under which citizenship may be revoked, and allows for dual citizenship. Article 39 of the Constitution recognises freedom of movement and residence, and accords every person the right to freely move within, leave, enter, remain in, and reside anywhere in Kenya. The Kenya Citizenship and Immigration Act regulates matters relating to citizenship and the issuance of travel and immigration documents, and is implemented by the Department of Immigration Services. Like the Constitution, the Citizenship and Immigration Act recognises the right to movement and residence for Kenyan citizens. The Act also authorises Immigration officials to confiscate passports or travel documents of individuals who are suspected to be engaged in human trafficking and smuggling, and defines non-citizens who are engaged in human trafficking and smuggling as 'prohibited immigrants'.

Kenya does not currently have a comprehensive labour migration policy. The government developed a draft National Labour Migration Policy in 2010 but it was not adopted. However, some cite the launch of the National Coordination Mechanism (NCM), an inter-agency migration coordination body, in 2016 as a positive step towards finalising an all-inclusive labour migration policy. Housed by the Department of Immigration, the NCM brings together relevant government ministries and departments and non-State actors such as the United Nations International Organisation for Migration (IOM) and the Kenya National Commission on Human Rights (KNCHR). The NCM is currently developing a comprehensive migration policy that covers labour migration and other migration-related issues, and that is informed by international, regional and national migration frameworks.

Enacted in 2010 and revised in 2012, the Counter-Trafficking in Persons Act establishes human trafficking and related offenses as crimes, specifies punishments for those involved in such

crimes, establishes protection and assistance measures for trafficked persons, and provides for the establishment of a National Assistance Trust Fund for Victims of Trafficking in Persons. Other migration-related laws and policies include the Refugee Act of 2006, which provides for the recognition, management and protection of refugees and asylum seekers and the Kenya Diaspora Policy of 2015 which aims to implement strategies that engage Kenyans abroad in national development strategies, develop measures to enhance protection of Kenyans abroad, safeguard the basic rights and living standards of Kenyans in the diaspora, and establish institutions for coordination and administration of issues affecting Kenyans abroad.

Kenya's labour laws and policies include the Employment Policy and Strategy, which was launched in 2016 to promote productive and sustainable employment opportunities, streamline foreign employment, promote effective coordination, sourcing for foreign jobs and protection of Kenya's workers abroad, and institutionalise foreign employment orientation and re-entry programmes. The policy advocates for posting of employment attachés to key and strategic missions abroad to facilitate sourcing for foreign employment for Kenyans. It also provides for a mechanism to prepare and sensitise Kenyans on the nature of jobs abroad as well as their rights, obligations and remedies in case of violations. The policy also provides for pre-departure preparations for prospective migrant workers.

The Employment Act (2007) protects employees who seek employment abroad by regulating foreign contracts of service. It provides that: a foreign contract of service must be in a prescribed form, signed by the employer and the employee, and attested by a labour officer (Section 83). The attestation process is aimed at addressing the abuse of foreign employment contracts. It involves the review of a foreign employment contract by a labour officer in the presence of a prospective migrant worker, thereby confirming that the employee consented to work outside the country and ensuring that he or she understands the employment terms and conditions. To ensure that the rights of migrant workers are protected, the Employment Act in Section 85(1) provides for employers involved in foreign contracts of service to give security by bond with one or more sureties resident in Kenya. Either the employer or the sureties can be held liable in case of violation of the contract.

Under the Labor Institutions (General) Regulations (2014), all private employment agencies are required to be accredited by the office of the Director of Employment. Certificates of accreditation have to be renewed annually. Employment agencies are required to charge employers (not job seekers) a service fee to cover services rendered in the recruitment, documentation and placement of workers. It is therefore the responsibility of an employer or recruitment agency to pay for a migrant worker's visa fee, airfare and surety bond. However, the Regulations recognise that job seekers may pay reasonable administrative fees to cover costs of trade or occupational tests and medical examinations. Any such administrative fees to be paid by job seekers should not exceed 25% of their proposed one month's salary.

In addition to its national laws and policies, Kenya has signed and ratified a number of international treaties and United Nations (UN) Conventions. While the country has not ratified the Convention on the Protection of Rights of All Migrant Workers and Members of their Families (1990) and the Domestic Workers Convention of 2011 (C189), it has ratified ILO's Migration for Employment Convention of 1949 (C097) and Migrant Workers' (Supplementary Provisions)

Convention (C143). This latter one provides for various protections for migrant workers, including the requirement of States to respect the human rights of migrant workers, and the prohibition against regarding migrant workers as illegal or irregular by the mere fact of the loss of employment.

Kenya has several bilateral agreements and Memorandums of Understanding (MOUs) with foreign governments on labour migration related issues. For instance, Kenya and Germany signed two MOUs in 2017, one of which addresses skills development for Kenyan youth to meet job market requirements in Germany. Kenya has signed bilateral labour agreements with the Kingdom of Saudi Arabia, Qatar and United Arab Emirates (UAE) to enhance the protection of migrant workers from Kenya. However it should be noted that the 2017 bi-lateral agreement with Saudi Arabia is specific to migrant domestic workers while the 2012 bi-lateral agreement with Qatar is more general and applies to all categories of migrant workers.⁷ In a bid to further protect migrant domestic workers and enhance professionalism within the labour migration sector, the Ministry of Labour and Social Protection in collaboration with IOM and other stakeholders launched the Homecare Management Curriculum on 17 October 2018. The curriculum is offered as part of the pre-departure orientation in seven accredited training institutions: East Africa College of Tourism and Hospitality Management, East African Institute of Home Care Management, National Industrial Training Authority (NITA), Youth Enterprise Development Fund (YDF), Pace International, Kenya Institute of Curriculum Development and Apsolid Vocational Training Institute Mombasa.

A number of public, private and civil society institutions work on labour and migration issues including the Ministry of Interior and Coordination of National Government, Ministry of Foreign Affairs and International Trade, Ministry of Public Service, Youth and Gender Affairs, Ministry of East African Community, Labour and Social Protection, International Organization for Migration, International Labour Organization, migrant and diaspora associations, local and international NGOs such as ActionAid International and Trace Kenya, trade unions, Private Employment Agencies, professional associations and the Federation of Kenya Employers.

⁷ See the Kenya-Qatar bilateral labour agreement on <http://www.nea.go.ke/web/wp-content/uploads/2019/01/BILLATERAL-LABOUR-Agreement-QATAR.pdf> and the Kenya-Saudi agreement on <http://www.nea.go.ke/web/wp-content/uploads/2019/01/Saudi-Arabia-Agreement.pdf>



Image 2: FGD with returnees in Nairobi

03 RESEARCH METHODOLOGY

This research was conducted, with technical support from GAATW, by IDWF partner organisations in six locations in East and West Africa (Kenya, Uganda, Tanzania-Mainland, Tanzania-Zanzibar, Ethiopia and Ghana). To gain an in-depth understanding of labour migration trends and patterns as well as the experiences of African women migrant domestic workers in the Middle East, the study applied a qualitative feminist participatory action research (FPAR) methodology in all the six locations.

Participatory Action Research (PAR) is carried out under the premise that ‘when people are directly involved in an analysis of their situation, they are often stimulated to find answers to these problems’⁸. PAR therefore aims both to produce an analytical description of a complex issue and to radically change it. The researcher is involved in the social setting being studied as both observer and participant and works together with research participants not only to analyse and interpret their social reality but to transform this reality with rather than for them. The research process is made more powerful when the researchers are individuals directly affected by or working to address the social issue under study. For this research, the lead researcher in Kenya was a trade unionist working with KUDHEIHA and her co-researcher was a returnee migrant domestic worker and a member of KUDHEIHA, while the primary research participants were women migrant domestic workers. The researchers were appointed to carry out the study due to their grasp of the issue under investigation through their lived experiences and their work. Due to this experience, the researchers, following the provision of research methodology training

⁸ Boesveld, M. and Boontinand, J. ‘Practicing Feminist Participatory Action Research Methodologies’. GAATW Newsletter, January 1999, pp14-17

and technical support by GAATW, were well-placed to refine research questions, mobilise research participants, undertake field research, and work with migrant domestic workers and other stakeholders to identify solutions that would bring about change.

Following the preparatory phase in November and December 2018, the country researchers carried out the field research between January and March 2019. Data was collected using the following qualitative research methods: document analysis, observation, focus group discussions (FGDs), and in-depth key informant interviews. The field work involved 31 participants, 30 of whom were selected from Nairobi and Mombasa counties with support from the co-researcher and KUDHEIHA's staff and partners in both locations. In addition to these 30 individuals, the researchers interviewed one migrant domestic migrant currently working in Jordan. Out of the 30 participants in Nairobi and Mombasa, 20 were returnee migrant domestic workers (all women), one was a prospective migrant domestic worker, two were family members of migrant domestic workers, two were government representatives (one Labour Officer in Nairobi and one local chief in Mombasa), two were representatives from local NGOs,⁹ two were trade union officers, and one representative from a private recruitment agency. Interviews and FGDs with migrant domestic workers were conducted in Kiswahili language, and discussions were recorded on digital voice recorders with consent from the research participants. Key informant interviews with labour migration stakeholders were conducted in English, and were recorded too. Prior to undertaking each interview and FGD, the researchers provided the research participants with information about the objective of the research. The researchers also obtained consent from research participants, not only to record the interviews and FGDs and take photographs during the discussions, but also to publicise the information collected.

Data analysis and report-writing was undertaken between March and June 2019, following a data analysis workshop with all six country teams in March 2019. The report-writing process was a collaborative effort between the lead researcher and GAATW. Following the field research, the Kenyan researchers with support from GAATW organised workshops in Nairobi and Mombasa in May 2019 during which they shared the research findings with migrant domestic workers and representatives of trade unions, civil society and private recruitment agencies. These workshops provided an opportunity to validate research findings and for stakeholders to jointly identify solutions and strategies.

⁹ Trace Kenya and Haki Kenya in Mombasa

04 KEY FINDINGS

Labour Migration Patterns and Trends

Interviewees pointed to Saudi Arabia as the main country of destination in the Middle East for female migrant domestic workers from Kenya. An interview with a senior staff member of an accredited private recruitment agency and a member of an association of private recruitment agencies in Mombasa revealed Saudi Arabia, Qatar, UAE (Dubai) and Bahrain to be the most popular countries of destination in the Middle East for both male and female migrant workers from Kenya. According to the Assistant Labour Commissioner at the Ministry of Labour and Social Protection in Nairobi, whose duties include the attestation of foreign recruitment contracts, while the government does not have definitive figures as to the exact number of female migrant domestic workers in the Middle East, Saudi Arabia and Qatar are major countries of destination. This was verified by the returnee migrant domestic workers: a majority of them had worked in Saudi Arabia, specifically in the two biggest cities, Riyadh and Jeddah. Out of the 20 returnees, 16 had worked in Saudi Arabia. Of the remaining interviewees, two had worked in Jordan, one in Dubai, one in Qatar, one in Lebanon and one in Egypt. All had migrated between 2002 and 2017, and some of them had the experience of working as domestic workers in more than one country in the Middle East.

Most of the returnees had no work experience as domestic workers prior to migrating to the Middle East. In fact, only four had worked locally as domestic workers. The rest had worked in various sectors including in the service industry as hairdressers, in the garment industry, in sales and as small-scale entrepreneurs. Several pull and push factors were stated, with the majority indicating the reason for migration as the search for improved economic opportunities. Some mentioned influence from friends, social networks and extended family responsibilities. While most of the interviewed domestic workers had a source of livelihood prior to making the decision to migrate, all of them were underemployed. They indicated that the wages that they had earned in Kenya were very low compared to salaries promised in the Middle East. Both the official from the MLSP and the Chief agreed that the demand for cheap labour in the Middle East attracted many unemployed and underemployed Kenyan youths.

I was earning KSH 3,000 (\$30) [a month] as a [local] domestic worker for seven years. Yet I had to pay rent, feed my children and also budget for other daily needs. An agency informed me that in Saudi Arabia I would get KSH 25,000 [a month].

- Former Migrant Domestic Worker, Mombasa

As the interest in job opportunities in the Middle East increases, some recruitment agencies are targeting Kenyan women who have little or no information about their labour rights, the migration process or indeed the realities of the life of a migrant worker in the region. According to the staff of the recruitment agency, most domestic workers in Mombasa and Nairobi are recruited through media advertisements, announcements in churches and mosques, and

referrals from other domestic workers. Oftentimes, however, the recruitment of migrant domestic workers occurs through brokers who represent recruitment agencies and are paid on commission. While under the new legal requirements private recruitment agencies who facilitate employment for migrant workers must be accredited by the MLSP annually in order to operate,¹⁰ the researchers found that there are still unregistered and unaccredited recruitment agencies in operation.

Brokers and unregistered employment agencies in Kenya promise job-seekers better-paying opportunities in the Middle East, but as was confirmed by the returnees, sometimes there is a mismatch between what was promised and the actual jobs and the country of destination that migrant domestic workers eventually find themselves in. One woman, for instance, left the county with the understanding that she would be earning KSH 60,000 (\$600) a month job working as a sales person in a boutique in Qatar but instead ended up as a domestic worker with a salary of KSH 25,000 (\$250). Even the registered and accredited recruitment agencies sometimes act in contravention to legal regulations. For instance, some of the returnees stated that they had paid money to recruitment agencies, in contravention to the Labor Institutions (General) Regulations which requires agencies to charge recruitment-related expenses to the foreign employers. One woman was charged KSH 5,000 (\$50) for visa processing, while another admitted to paying a whopping KSH 30,000 (\$300) to the recruitment agency that facilitated her travel.

As East Africa's economic hub and home to the regional headquarters for various foreign companies and international organisations, Kenya has historically attracted forced and voluntary migrants primarily from the sub-region but increasingly also from other parts of Sub-Saharan Africa and beyond. Kenya is therefore a major transit and destination point for labour migrants from East and Horn of Africa. It is likely that prospective migrant workers to the Middle East and other parts of the world travel from neighbouring countries and use the services of agencies and brokers in Kenya. Discussions among returnee migrant domestic workers and trade union, recruitment agency and civil society representatives at the June 2019 workshop revealed that there were migrant workers from rural Kenya and countries such as Burundi, Tanzania and Uganda travelling to Nairobi and Mombasa in pursuit of opportunities in foreign countries.

Profile of Kenyan Migrant Domestic Workers

As indicated in Table 1 below, the majority of the 20 returnee migrant domestic workers that participated in the research were in their 20s, an indication that most women migrating to work as domestic workers in the Middle East are young. The marital status of the returnees varied from single, separated or divorced and married. The age at which the women got married ranged from of 16 to 30 years.

Interviewees spoke of family responsibilities as a key driving force in their search of improved livelihoods in the Middle East. The migrant worker who has been working in Jordan since 2014, for instance, is separated from her husband and is responsible for the well-being of her four

¹⁰ The list of the 125 accredited recruitment agencies can be found on the website of the National Employment Agency. See: <http://www.nea.go.ke/web/wp-content/uploads/2019/06/List-of-Accredited-Recruitment-Agencies-13.06.2019.pdf>

children. Wangari,¹¹ a 42-year old single mother of three who currently works as a porridge-vendor in Nairobi, heard about the opportunity to migrate to the Middle East from her friend and neighbour, also a single mother. She hopes to find a job as a domestic worker in Jordan, Bahrain or Dubai. Some of the interviewees were not only financially responsible for their own children but also for siblings, parents and spouses.

A majority of the interviewees had completed primary school at the time of migration. Of note is that most of those who reside in or near Mombasa had only completed primary education while most participants in Nairobi had completed secondary education. Two returnees had completed tertiary education: one was a university graduate from Mombasa while the second was a college graduate from Nairobi. At the point of departure to the Middle East, all the returnees were fluent in both Swahili and English, and a few, particularly in Mombasa, had basic knowledge of Arabic. With the exception of the returnee from Mombasa who had been a student prior to her migration, all the migrant domestic workers were either employed or running micro-enterprises and earning incomes that ranged between KSH 2,500 (\$25) and 20,000 (\$200) a month.

Table 1: Profile of Returnee Migrant Domestic Workers Participating in Study

Id	Location	Age	Religion	Language	Level of education	Country of destination	Duration
1	Mombasa	35	Muslim	Swahili, English	Primary	Saudi Arabia	2015 - 2016
2	Mombasa	27	Muslim	Swahili, English	Primary	Saudi Arabia	2012 - 2014, 2014 - 2016
3	Mombasa	39	Muslim	Swahili, English	Primary	Saudi Arabia	2014
4	Mombasa	37	Muslim	Arabic, English, Swahili	Primary	Saudi Arabia, Jordan	2011-2013, 2013 - 2016
5	Mombasa	40	Muslim	Swahili, English	Primary	Saudi Arabia	2002 - 2006
6	Mombasa	34	Protestant	Swahili, English	Secondary	Saudi Arabia	2012 - 2015
7	Mombasa	28	Muslim	Swahili, English	Primary	Saudi Arabia	2011 - 2013, 2013 - 2016
8	Mombasa	23	Muslim	Swahili, English	Secondary	Saudi Arabia	2017
9	Mombasa	28	Muslim	Swahili, English	Primary	Saudi Arabia, Dubai	2011 – 2013, 2013 - 2016
10	Mombasa	32	Protestant	Swahili, English	University	Lebanon	2015 - 2017
11	Mombasa	30	Muslim	Swahili, English	Primary	Saudi Arabia	2014
12	Nairobi	26	Muslim	Swahili, English	Secondary	Qatar	2014 - 2015
13	Nairobi	26	Muslim	Swahili, English	Secondary	Jordan	2015 - 2018
14	Nairobi	31	Muslim	Arabic, Nubian, English, Swahili	Secondary	Saudi Arabia	2011 - 2012
15	Nairobi	32	Muslim	English, Nubian, Swahili	College	Saudi Arabia, Egypt	2010 - 2012, 2012 - 2014
16	Nairobi	31	Muslim	Swahili, English	College	Saudi Arabia	2010 - 2012
17	Nairobi	36	Protestant	Swahili, English	Secondary	Saudi Arabia	2013 - 2015
18	Nairobi	26	Protestant	Swahili, English	Secondary	Saudi Arabia	2014 - 2015
19	Nairobi	40	Muslim	Swahili, English	Secondary	Saudi Arabia	2011 – 2014, 2014 - 2017
20	Nairobi	25	Muslim	Swahili, English	Primary	Saudi Arabia	2014 - 2016

¹¹ Not her real name

Two of the returnees were members of the Nubian community, a minority group whose members mainly reside in Nairobi's Kibera slum. The community has long been discriminated against and denied citizenship and property rights by colonial and consecutive governments. The Nubians were brought to Kenya from Sudan by the British during the colonial period, and since then, have had to endure poverty and government-led harassment due to their Statelessness. It can therefore be concluded that low levels of education, limited access to well-paying jobs, family responsibilities as well as belonging to marginalised communities are the primary factors that influence Kenyan women to seek low-skilled employment opportunities in the Middle East, and which might also make them vulnerable to exploitation and abuse.

Experiences of Kenyan Migrant Domestic Workers in the Middle East

Migration Process

As was illustrated during discussions with research participants, migrant domestic workers from



Kenya expect that their lives will greatly improve following their labour migration to the Middle East. Additionally, research participants spoke of having expectations that their employment conditions would be better than the terms and conditions available to local domestic workers. However, this was not always the case.

The interviewees noted that their travel was facilitated by brokers or recruitment agencies, although there was a lack of clarity on the migrants' part whether these officials were brokers or unregistered employment agencies, or staff of accredited recruitment agencies. It was, however, established that in Mombasa and surrounding counties (Kilifi, Kwale) where door-to-door recruitment of prospective migrant domestic workers is common, recruitment agents use community members

including neighbours and relatives as brokers. Prior to this research, most of the current and returnee migrant domestic workers were not aware of the government requirement that

recruitment agencies be registered and accredited, and that a list of accredited recruitment agencies is available to the public.

The researcher tried to keep in mind that it was not her role to advise the prospective migrants not to seek employment in the Gulf countries but she instead used the chance during the interviews to create awareness on the safe channel of migration. In the focus group discussion in Nairobi, one participant justified the presence of unregistered and unaccredited private recruitment agencies. In her opinion, the unaccredited agencies do this because of the lack of decent opportunities in the country. It was also noted that sometimes recruitment agencies influence the abuse of women migrants. One participant from Mombasa said that an agent in Saudi Arabia sexually harassed her by demanding a massage, which she declined. The agent then said that he was always given the service in Nairobi every time he visited. One of the returnees said that an agent in Nairobi was advising her before leaving to Saudi Arabia that she should never decline to sleep with her employer if he asked because this would earn her more money.

None of the returnee or current migrant domestic workers received pre-departure training, or were even aware at the time of travel, that this training is an official requirement of the Kenyan government and something that foreign employers expect. In 2018 the Ministry of Labour launched a comprehensive training syllabus for 'homecare' workers within which it embedded a pre-departure curriculum for migrant workers, and authorised seven institutions to offer this pre-departure training. However, trade unions and civil society organisations working with migrant domestic workers argue that there still remains a lack of clarity regarding pre-departure training requirements, procedures and responsibilities. Research participants also noted that in addition to the labour migration procedures, processes and labour rights, the pre-departure training should cover the destination countries' geography, culture and language. It should be noted that the pre-departure curriculum provides information on geography and culture of countries of destination but no language training is offered under the syllabus.¹²

A friend of mine referred me to a recruitment agency and within three days [of visiting the agency], I had received my visa. I was handed an agreement to read and sign and that was it. No, there was no pre-departure training.

Joyce, migrant domestic worker in Jordan

Research participants confirmed that they had signed employment contracts in Kenya and/or in countries of destination. With the exception of two women who signed Arabic-language contracts with their employers upon arrival in Saudi Arabia and Egypt, all the returnees had signed their contracts in Kenya. These contracts were offered to them by recruitment agencies in Nairobi or Mombasa, sometimes hours before their departure to the Middle East, and their

¹² See pages 38 – 53 of the Homecare Management Course Syllabus and Regulations for the Pre-departure Training Syllabus : <http://www.nea.go.ke/web/wp-content/uploads/2019/02/Home-Care-Managent-Syllabus.pdf>

terms and conditions were in Arabic and English. With the exception of a returnee who had worked in Jordan, none of the research participants retained copies of their employment contracts or indeed, had them attested by a Ministry of Labour official. In fact, none of the participants were aware of the contract attestation services offered by the government. Given that research participants, particularly those from Mombasa, had low levels of literacy and limited English and Arabic language skills, the lack of attestation placed these migrant domestic workers in a vulnerable position as they were largely ignorant of the employment terms and conditions as well as their rights and ways to seek redress in situations of rights violations.

Working Conditions

Prior to their departure to the Middle East, research participants – at least those who were not deceived about the nature of their new jobs – expected that their duties would be similar to those of a local domestic worker in Kenya. Some, such as a returnee currently residing in Nairobi, expected to perform ordinary housework, similar to what they performed in their own homes. On a day-to-day basis, however, migrant domestic workers performed the following duties: cleaning, food preparation and cooking, laundry, caring for children, the elderly, and pets. In addition to childcare, some returnees were tasked with teaching the children under their care English. For some, cleaning sometimes involved lifting heavy furniture and using products with harmful chemicals. A research participant in Mombasa noted that moving heavy furniture on a regular basis caused her persistent pain in her ribs, particularly as she had faced prolonged domestic abuse from her husband in Kenya. A participant in Nairobi recalled an incidence when she was locked up in a bathroom containing a harsh cleaning detergent, leading to a nose bleed.

Employers' households in the Middle East as described by the returnees are mostly three to five-storey houses comprising many rooms. Some households, particularly those in which extended family members lived, employed more than one domestic worker. Other nationalities that research participants mentioned included Filipinos, Ethiopians and Indonesians. With the exception of three returnees who worked in only one household, research participants regularly worked in at least two households. In addition to their employers' homes, they had to work in homes belonging to their employer's relatives, neighbours or even friends. In some situations, the employers' relatives would bring over clothes for laundry whenever they would visit, in contradiction to the migrant workers' expectations. Discussions with returnees revealed that hosting guests and holding parties was a common occurrence in their employers' households, meaning that in addition to their daily duties, they had to work additional hours at least twice a week. As a result of the size of their employers' households as well as the additional duties in other households, the migrant domestic workers worked long hours, with a majority working between 17 and 20 hours a day. None of the 20 returnees was given a weekly day off, although one woman shared that her employer compensated her in lieu of a rest day. Conversely, the woman who is currently working in Jordan stated that all the domestic workers in her employers' household are entitled to a day off every week.

Income

A majority of the returnees received a monthly wage in the range of KSH 15,000 (\$150) to KSH 25,000 (\$250), which was only slightly higher than the wages that some of them were earning in

Kenya prior to their travel to the Middle East. Only three returnees earned a salary of more than KSH 30,000 (\$300) a month, and this was as a result of their negotiating with their employers due to added duties. Among these three was a returnee who had worked in Egypt and received a salary of approximately KSH 60,000 (\$600), which was the highest wage among the 20 returnees.

Some of the research participants did not receive any wages from their employers. Returnees who received their full wages in a timely manner were successful in sending some money home. This money was used by their families in Kenya to pay for daily and large expenses such as rent and utilities, school fees and medical care. A small percentage of the returnees invested some of their savings in property, including land and rental houses, while still in the Middle East. Such investments have proved to be a major economic boost for these women upon their return.

Many said they preferred to send money to their mothers and sisters and not their husbands or partners, mainly because they feared that their partners would misuse the money. In some cases however, money that was sent to parents and siblings was still put into bad use and did not meet the migrant workers' intention. Quite often, the returnees did not have bank accounts in Kenya prior to their departure and they used international money transfer companies, primarily Western Union, to send money to Kenya. The task of sending this money to Kenya was often assumed by the employers, leaving the interviewees vulnerable to exploitation. Some of the returnees stated that they were not sure whether the full amount that was owed to them was sent to Kenya as their employers did not produce receipts of the money transfer transactions. One returnee from Mombasa stated that her employer sent money to the recruitment agency in Kenya and not directly to her family members. During the pre-departure stage, the agency had informed her that the total salary for her initial three-month employment period would be given to the agency as repayment for her travel expenses, implying that some recruitment agencies charge such expenses to both the foreign employers and the migrant workers, in contravention of legislation. The agency deducted approximately KSH 60,000 (\$600) from her salary and sent the rest to her family. Some employers enforced a two to three-month probationary period, during which they did not pay the migrant domestic workers their salaries. For some migrant workers, even after the probation period, they either did not receive their money at all or in some cases they received a lower amount than was indicated on their contracts in subsequent months. This was the case of a 22-year old returnee from Mombasa whose employer in Saudi Arabia did not pay her for the first two months of work, then later paid her half the salary during the subsequent two months, leading her to quit her job during her fifth month in Saudi and return to Kenya.

"I was paid KSH 20,000 (\$200) a month but my employer kept on borrowing [money] from me and never refunding."

- Returnee Domestic Worker, Mombasa

According to the contracts signed by the returnees, the employer was required to provide necessities and personal items such as soaps, sanitary items and detergents, and cover hospital bills if a domestic worker fell ill while on duty. Contrary to the agreements, some of the domestic

workers were not provided with these necessities, forcing them to use their wages. This limited their ability to save much money.

Living Conditions

All research participants lived with their employers, and while a majority had their own bedrooms, some shared these rooms with other domestic workers or with children. Eight of the participants did not have their own rooms and were forced to sleep in living rooms or pantries, meaning that their privacy was limited. One returnee's employer had installed CCTV cameras in her bedroom and would sometimes switch off the air conditioner in her room while she slept. Another research participant also noted the presence of CCTV cameras not only in corridors but also in the bathrooms used by the domestic workers.

Besides this lack of privacy and its related psychological impact, migrant domestic workers also experienced harassment and sometimes physical and sexual violence. One common form of harassment meted by employers and their friends and relatives was bullying and threats, including regular insults due to the migrant workers' race and religious beliefs. Some employers would threaten to call the police and falsely accuse the domestic workers of stealing the employers' money or worse, threaten physical violence and murder.

[My employer told me:] "You wanted to come and work. I will show you that Saudi is not a school. If you do not work I will kill you."

Many of our research participants also reported experiencing sexual harassment. One of the returnees stated that her employer's son regularly walked naked around the house as she performed her cleaning duties. She also added that the previous migrant domestic worker had informed her that the employer's son had attempted to rape her. During the interviews and the focus group discussions, the lead researcher observed a reluctance among most research participants to talk about sexual violence. This being a very personal and uncomfortable subject to address particularly in a group discussion with strangers, a decision was made not to probe further.

Most of the domestic workers experienced culture shock especially getting used to the food but also the weather, and the language barrier. To cope with these changes, some tried to be observant and keen to learn some Arabic from their employers. One of the participants in Mombasa said that after her arrival, she was paid less than the agreed amount but she could not demand her promised wage due to the language barrier. However, after the end of her contract she was able to request the rest her money. Another participant said that she shaved her hair because she could not access a hair salon.

Some participants initially felt discriminated against as they were given separate utensils for their meals and allowed to eat only after the rest of the family had eaten. They later came to learn that it was their employers' culture to let the male members of the family eat first, and for the workers to eat what was left over after all the family members had finished eating. This practice was a major source of culture shock to most of the women. In addition to eating last, some were allowed as little as five minutes to finish their meals.



Image 3: A plate of ugali and fish, a popular dish in Kenya

The domestic workers were also required to wear a uniform which reflected the Muslim culture and their occupation. One of the returnees who worked in Egypt, however, asserted that there was no dress code imposed there, unlike in Saudi Arabia where she had previously worked.

Isolation was a common experience among the returnees, who rarely got an opportunity to leave their employers' premises. Whenever the domestic workers left their employers' homes, it was in the company of the employer and mainly in order to clean the homes of employers' relatives or other places. Although they would have liked to, the migrant domestic workers were not allowed to socialise or to exercise their right to religious freedom by attending church or mosque services. Only one returnee was able to go to the Mosque with her employer.

To cope with this isolation and loneliness, some of the women had joined migrant workers' social media groups although participation in discussions in these groups was limited by the fact that employers would either confiscate their mobile phones or limit phone-based communication. Some participants who did get out of the house observed that male workers had more freedom and therefore the domestic workers often asked for favours from the male drivers and gardeners, such as quickly stopping at the supermarkets after taking the children to school. This was one of the ways to buy personal necessities.

“I was always locked in the house all day long when my employer left for work except for when we visited her relatives or when she took me to clean her office.”

Returnees shared that women in Gulf countries are disadvantaged given the socio-cultural limitations imposed on them. They expressed surprise that, as far as they could tell, women in these countries are only allowed to work in some professions, such as nurses, hairdressers and teachers. They argued that the culture in the Middle East is not friendly to women as they are neither allowed to pursue certain professions and interests nor given decision-making power.

As is demonstrated in the case study on the next page, migrant domestic workers from Kenya agreed that while the working conditions in the Middle East were often unfavourable, there were those for whom salaries were much higher than what they had previously earned in Kenya. At least three of the returnees who were paid in a timely manner were able to save between KSH 100,000 (\$1,000) and 400,000 (\$4,000). Additionally, some of the returnees shared that their experience of working in foreign countries exposed them to new cultures and ways of life and offered an opportunity for self-learning.

“My employers treated me like one of their own. They were like my family so if I was not comfortable with something I would freely tell them. I was therefore able to negotiate for my salary increment when there was additional workload. The children loved me so much and my employer also gave me gifts such as clothes and jewels. My friends could visit me and I was compensated for working on my off-days with an extra 100 riyals. A goodbye party was held before I went back to Kenya during which I was given lots of gifts including a pair of golden earrings.”

CASE STUDY

Joyce is 37 years old and hails from Kisii County. She dropped out of school in Form One. She later married and had four children, following which she separated from her husband and became solely responsible for the children. After struggling to find employment in Kenya, she decided to migrate to the Middle East in 2014. Through a private recruitment agency in Nairobi, Joyce went to Jordan to work as a domestic worker. Her expectation was that she would be able to get more money and provide for her children. She had observed her friends working in Jordan and Saudi Arabia and earning better than in Kenya. She signed a two-year contract which was later extended for an additional two years. The employer assisted her to get a work permit once her initial contract ended.

She works in a five-storey house together with two other Kenyans. Her duties are mostly in the kitchen. On arrival she underwent a four-day orientation in the house before starting to work. After some months, her employer also took her to a catering course in a restaurant for three months to learn how to cook local Jordanian dishes. Her daily work starts around 6.50 a.m. She works until 3.00 p.m. and most days goes to sleep around 9 p.m. Each domestic worker in the household has a day off every week: Joyce's day is Tuesday. Her starting salary was around Ksh25,000 (\$250) a month, an amount that was increased to Ksh 27,000 (\$270) following her catering course. Joyce now earns Ksh30,000 (\$300) a month. She also willingly works for her employer's sister twice a month and receives an additional \$100 dollars for it.

Joyce has never experienced any exploitation from her employer. However, her observation is that her employer dislikes overweight people. Over time, Joyce said that she gained a lot of weight because her body never adapted to food in Jordan, and this led to her employer's negative comments. Her employer always caters for her hospital bill and she does not work when sick. The last time she was admitted to hospital was in April 2018 with pneumonia.

Due to her hard work and loyalty, Joyce has negotiated with her employer on several occasions. She got a loan from her employer twice. The first loan was for six months and the second one was for seven months. This enabled her to build a house and buy a 3-acre piece of land in her home county. Her children are enrolled in private boarding schools although the youngest one stays with her mother. Her oldest daughter is now in her final year of secondary school (form four) and is performing well. Joyce sends money to her mother for the family needs and she says she is happy. Since the employer works closely with the Kenyan government, she is able to send goodies to her family in Kenya. Joyce has now employed three domestic staff in Kenya to take care of her investments. She has also referred other Kenyans to some employers in Jordan and they are comfortable. She says she is very happy and feels lucky that she has never experienced any exploitation.

Return and Reintegration

At least ten of the research participants returned after completing their two-year contracts. Several were deported after the premature termination of their contracts. One returnee from Nairobi stated that she could not put up with the poor working conditions in Saudi Arabia and resigned after four months of work. She was in detention for four months until her family had gathered enough money to cover her travel expenses back to Kenya.

For a majority of the returnees, their travel back to Kenya was processed by their employers. In some cases, employers were hesitant to release the domestic workers at the end of their contracts and other people had to intervene. For example, one returnee's parents collaborated with the recruitment agency in Kenya to facilitate her return. Another said that her cousin who was working in Saudi helped her to return. However, sometimes the domestic workers had to lie that they would return as they had observed that the employers would be hesitant to pay for their flights back to Kenya.

“When my contract period ended, my employer pretended not to remember. When I reminded her she asked me if I would return after the holiday and I lied that I would. I had observed that when an Ethiopian domestic worker said that she would not return, they withdrew her last month's salary.”

“When I said that I wanted to return home and would not return, I was not paid the last month's salary.”

Prior to their return, research participants claimed that their employers inspected their bags and in some cases, claimed to own and confiscated some of the workers' goods and personal items. Some of the women's privacy was violated, as was the case of one returnee who stated that on the day of her departure for Kenya, her employer called a police officer to the house to inspect the domestic worker. The domestic worker was forced to strip naked, even though she was on her period.

The returnees had a feeling that the government is not doing enough to help the migrants abroad as Kenyan embassies in the Gulf were not of much help. One of the participants who had sought help from the Kenyan embassy in Saudi Arabia was informed that the embassy could not offer her assistance since she had 'migrated illegally'. Some of the interviewees observed that migrant domestic workers from the Philippines were well protected by their government and that their wages were higher than those paid to the Kenyans.

Many of the returnees faced a lot of challenges back home. Some were victims of malicious gossip instigated by relatives and other members of their community, and this was especially the case for returnees who had faced abuse in the Middle East, came back home with health problems or who had saved little to no money. Such social pressure was based on expectations that the migrant workers be successful, and oftentimes, that they share this success with friends, which often led to isolation. For instance, one returnee said that she had to stay home for two months before being able to openly interact with other people in her community.

Migrant domestic workers who had worked away from Kenya for at least two consecutive years noted, upon return, various socio-economic changes in the country that they had to grapple with. For instance, the cost of goods and services had gone up and those returnees that had saved little to no money had to rely financially on their family members. One felt disappointed since she is yet to find stable employment, many years after her return, claiming that there is a huge gap on her CV following her employment in Saudi Arabia, which she believes limits her chances of employment. A participant from Nairobi recounted how upon her return, her young daughter could not recognise her and thought that she was a neighbour. Two participants had lost their parents while working abroad and the employers denied them permission to return for their parents' funerals: their return was therefore sad and emotional. Out of the 20 returnees, nine stated that they would again work as migrant domestic workers in the Middle East.

The researcher noted that there is a gap in the reintegration support provided to returnees especially those that are victims of abuse. Due to the lack of government reintegration programmes, some of the returnees received help from non-governmental organisations who offered services such as counselling sessions, funds and even jobs. Some of the domestic workers were referred by KUDHEIHA to organisations that offer counselling and psycho-social services.

Interventions by and Role of Different Labour Migration Actors

The Ministry of Labour official who participated in this research asserted that the government is making efforts to sign bilateral agreements with more countries in the Middle East as a way of protecting Kenyan migrant workers. However, it did not appear that the official had accessed or indeed reviewed the existing bilateral labour agreements. Discussions with representatives from trade unions, civil society and recruitment agencies also revealed that other stakeholders knew of the existence of these agreements but had never actually seen them. However, as has been noted elsewhere on this report, the researchers were able to obtain copies of two of the agreements from the website of the National Employment Agency. Besides promoting and protecting the rights of migrant workers through bilateral agreements and other interventions, the government of Kenya has the responsibility of tracking the number of its citizens working not only in the Middle East but also in other regions. However, it appears that they do not have the exact number of migrant workers abroad. An interview with the Ministry of Labour proved that even with the introduction of compulsory attestation of migrant workers' employment contracts, the government has no knowledge of the number of domestic workers living in the Middle East. The Ministry of Labour officer was also not sure of the exact number of the reported cases of abuse from the Gulf countries. According to her, sometimes the media exaggerates the occurrences of abuse of the domestic workers. The local chief from Mombasa, however, stated that there has been a reduction in the reported cases of abuse in the Gulf countries compared to previous years.

Besides the national and county governments, other actors have a key role to play in protecting the rights and interests of Kenyan labour migrants. Research indicates that trade unions have a strong role to play in protecting migrant workers, and that Kenya's trade unions like KUDHEIHA have been proactive in fighting for the improvement of migrant workers' working conditions,

compared to unions in other East African countries.¹³ KUDHEIHA has been making ‘concerted efforts to work directly with migrant populations’.¹⁴ An interview with two KUDHEIHA officers revealed that there have been efforts by the trade union to advocate for safe migration through campaigns, trainings and workshops. The union also conducts monthly meetings in Nairobi for the local domestic workers where they share different information. KUDHEIHA is currently working to equip domestic workers with negotiation skills and create awareness and more room for social dialogue with other stakeholders, and to manage a resource centre for prospective migrant domestic workers. While these interventions by KUDHEIHA and its partners have made an impact, the fact remains that trade unions can only help workers who are unionised and to-date, few Kenyan migrants are unionised.

Civil society organisations (CSOs) and international organisations have for years been involved in providing support and humanitarian assistance to displaced migrants in Kenya including internally displaced persons (IDPs), asylum seekers and refugees. Kenya’s refugee sector, for instance, is one of the most robust sector the civil society, with tens of international organisations and local NGOs operating in it. The United Nations High Commissioner for Refugee lists 52 organisations including local and international NGOs and other UN agencies as its implementing and operational partners serving refugees and asylum seekers in Kenya.¹⁵ Conversely, perhaps due to a lack of donor prioritisation of labour migration, few CSOs in Kenya are working on labour migration issues, and specifically providing support to prospective, current and returnee migrant workers.

That said, Mombasa County has a more vibrant and networked civil society working on labour migration compared to Nairobi. Haki Africa and Trace Kenya, two NGOs working with migrant workers in Mombasa, have been collaborating with other stakeholders such as KUDHEIHA, hospitals and the government in an effort to reintegrate returnees. Trace Kenya for example tracks reported cases of abuse mostly from migrant workers in the Middle East and in Mombasa and surrounding counties, and helps these migrants to return to their home countries. Like most NGOs, both Haki Africa and Trace Kenya are heavily reliant on donor funding. They are therefore limited in the type of services they can offer, such as long-term psychosocial support and counselling to returnees. They therefore mostly refer the victims to various organisations and follow up on the progress where they cannot offer direct assistance. While increasingly such CSOs are delving into labour migration issues, the researchers believe that unless they increase their knowledge through research and information-sharing, develop programmes that are relevant and impactful to migrant workers, and collaborate with trade unions, other CSOs, government institutions and private agencies to influence policy and practice, their efforts will not have a long-term impact on the lives of migrant workers.

¹³ OSISA-OSIEA (2018). *Migration Studies East Africa*. P. 22

¹⁴ Ibid.

¹⁵ UNHCR (2016)

RECOMMENDATIONS

Based on the findings of the study and the views of the participants, several gaps were identified and together with migrant domestic workers and their advocates, the researchers propose the following interventions as ways to address these gaps:

To the government:

- Ratify and implement the ILO Domestic Work Convention, 2011 (No. 189) to enhance the promotion of decent work and protection of the rights of Kenyan domestic workers.
- Prioritise the completion of a comprehensive national labour migration policy, and in particular, finalise and pass the labour migration management Bill which has been in draft form for years.
- When signing bilateral agreements, Kenyan and Middle Eastern governments should come up with a mechanism framework to monitor and review the implementation of the bilateral agreements. This would ensure compliance and respect for migrant workers' rights by all States regardless of the economic interests involved.
- Involve stakeholders such as trade unions and CSOs when drafting and negotiating bilateral agreements with Middle Eastern countries to ensure that the interests of migrant domestic workers are represented.
- Introduce and maintain a database on labour migration trends, patterns and protection indicators, in order to keep up to date with labour migration trends, to access and facilitate support to migrant workers as required, and to ensure evidence-based policy-making.
- Increase the number of labour attaches in the Middle Eastern countries and ensure that they are well-trained and resourced to enhance their effectiveness.
- Together with other stakeholders, create public awareness on the new labour migration reforms including the requirements for pre-departure trainings, attestation of employment contracts by the Ministry of Labour, and accreditation of private recruitment agencies. Awareness creation on resources available to migrant workers such as the newly-launched online information platforms is also key.
- Establish and coordinate a strong labour migration advisory committee to provide awareness on trends or developments that arise.
- Provide legal and practical assistance to migrant workers in the Middle East, including those who are irregular, so they are not sent to detention. The modalities of assistance provided by the Kenyan government to its migrant workers in countries of destination should be outlined in all bilateral agreements that the government signs with governments in the Middle East.

To trade unions and their affiliates:

- Devise new strategies of organising domestic workers so as to educate and sensitise them on labour rights and empower them with leadership and negotiating skills.

- Network and collaborate with labour migration stakeholders including public, private and civil society organisations and form a forum for information and service provision to migrant domestic workers.
- Create more awareness on the realities of labour migration and safe migration, especially in rural schools, colleges and universities.
- Form informal groups e.g. WhatsApp groups for migrant domestic workers to share stories and experiences.

To migrant domestic workers:

- Join trade unions and organisations that can provide support through trainings and the necessary information on migration.
- Avoid illegal brokers and agencies and seek information from the local government offices such as chiefs and village elders.

To civil society organisations:

- Create more awareness on safe migration and support each other in lobbying the government for effective migration policies and their implementation.
- Come up with sustainable programmes that are aimed at sharing and learning from each other on the issues of migration.

To international organisations and donors:

- Provide continuous support to organisations such as trade unions in projects that are aimed at empowering migrant workers with information, skills development and labour rights awareness.

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