

Lived Experience Of Migrant Women: Qatar, Bahrain, and Kuwait

Acknowledgements

This research was undertaken with the generous support and guidance of the Global Alliance Against Traffic in Women (GAATW) as a part of the Lived Experience of Women Migrants project.

We are grateful to the research participants for sharing their invaluable time, stories, and recommendations.

Authors and Researchers:

Rima Kalush
Vani Saraswathi
Ali Mohamed
Farwin Fousdeen

Published in 2019 By

Migrant-rights.org
Stichting Mideast Youth,
Beukenlaan 5 3741 BN Baarn,
The Netherlands

© 2019 Migrant-Rights.org All Rights Reserved

Follow us on social media

Facebook: www.facebook.com/migrantrights

Twitter: @MigrantRights

Website: www.migrant-rights.org

E-mail: info@Migrant-rights.org

Terms of use:

For rights of reproduction or translation, application should be made to Migrant-Rights.org, Stichting Mideast Youth, Beukenlaan 5 3741 BN Baarn, The Netherlands (www.migrant-rights.org).

Copyright:

Publications of Migrant-Rights.org hold copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts may be reproduced without authorization on condition that the source is indicated.

Disclaimer:

Nothing contained in the report is intended to be, and must not be taken to be, irreverent, conspiratorial, seditious or otherwise counter to the laws that govern the land where the content may become suspect or considered contrary to national law. Migrant-Rights.org does not take part in, recommend, condone, authorise or endorse any form of violent, hateful, libelous, slanderous or otherwise illegal speech, action or behaviour.

Contents

Prologue: The Women and Their Stories	4	Support and Complaints Mechanisms	27
Whisper Network	5	Country of Destination Government	
Rare Silver Linings	6	Mechanisms & Services	28
Prejudice	6	Government Shelters	29
Unrealistic Expectations	6	Embassy Support	31
Reluctant to Advise	7	Community & Network Support	33
Executive Summary	8	Conclusions	34
Introduction	10	Good Practices and Recommendations	36
Methodology	12	Endnotes	39
Context	14		
Gender Rights	14		
Labour Rights Framework	14		
<i>The Kafala System</i>	16		
<i>Domestic Worker Laws</i>	16		
<i>Cleaning Companies and</i>			
<i>Hospitality Services</i>	17		
Anti-Trafficking Measures	18		
International Conventions	19		
Civil Society Space	19		
Domestic Violence and Sexual Harassment	20		
Common GBV Experiences	21		
Physical and Sexual Assault	21		
Verbal Abuse	21		
Nonpayment of Wages	22		
Overwork	22		
Restricted Access to Communication			
and Mobility	22		
Denial of Food	22		
Racism and Discrimination	23		
Entrapment Under the Kafala System	23		
Employers	24		
Recruitment Agents	25		

Prologue: The Women and Their Stories

The stories of the 24 women who shared their migration experiences in this study are almost repetitive in their narratives of violence and abuse. However, their understanding of what they've been through, their reactions to it, and the support systems at their disposal vary. Ages 23 to 42, these women hail from India, Sri Lanka, the Philippines, Benin, Guinea, Kenya, and Ethiopia.

While the majority had worked for less than two years, one (Rashmi from Sri Lanka) had worked for six to seven years over an 11-year period. Most did not have a clear idea on the work expected of them pre-departure and were forced to perform unfamiliar tasks. The majority came on false promises through recruitment agencies and brokers.

Abigail of the Philippines says: "The agency promised work in 'establishments' i.e. hospitals, schools and companies, but they put me in [a] house." Simone, from Guinea, thought she was going to work in a salon. Angel knew she was going to work in a household before she left the Philippines but was told it was care work, not domestic work. Like Abigail, she also had a TESDA certification, a standardised training and skills qualification program in the Philippines.¹ As these narratives show, even if pre-departure training is completed, contract substitution in destination countries still occurs.

For some women, this was their first stint as a migrant worker. Thanks to the lottery of the kafala, those who had prior experience, positive or negative, did not necessarily have a smoother second migration. Most believed they would not face such exploitation back home.

Rashmi, who now works in Qatar, recounts her experience in the UAE where she first worked: "There was constant verbal abuse...impractical expectations."

Another Filipina who works with a cleaning company says she had to endure sexual abuse from both clients and the company management, excessive working hours, and a long, uncompensated commute. [We are] not being treated like a human."

Twenty-three-year-old Mariel, who was interviewed at a Philippines' embassy shelter, says she was repeatedly raped by "the baba" (a local term for the male employer, father, or male head of the household).

The agents were of no help when she appealed to them, and in fact, actively dissuaded her from filing a complaint. She also says she was betrayed by another worker and does not have any of her documents.

Mariel had to approach the embassy and shelter with the help of a friend, who also took her for a medical examination.

Kay from India, who had no pre-departure training, could not tolerate her employers beyond the first month.

"They didn't give me food, and I had to sleep in the kitchen."

Withholding salaries to discourage “running away” seems to be common practice amongst employers. Both Joyce and Angel from the Philippines recounted similar experiences of not only working without an off-day but also being denied proper food and salary and being locked up in their room.

Bandhini from Sri Lanka faced regular physical abuse from her female employer: “She did not give [me my] salary for five months. The father of the household would constantly tell that he will pay.

They barely gave me food, once a day, sometimes never. And no days off.”

Angel, who has worked as a lab technician in Saudi and caregiver in Macau, found herself in domestic work in Kuwait: “I encountered physical abuse when I came here. I even have a scar [from the abuse]. I was also not allowed to go out or have a day off. And not given enough food. I had a big bruise, and Amala [referring to the domestic workers’ shelter] wanted to file a case, but I just want to go home.”

There seems to be an almost deliberate absence of mechanisms and support systems in place to help workers stay and fight a case. Many like Angel would prefer cutting their losses and going back to their home country. The reluctance of workers to stay in the country to fight a case gives employers impunity.

Whisper Network

For Simone from Guinea, who did not know much about Kuwait, it was the network of other migrants who helped her find a shelter.

This happens often. There is little trust in the official systems, and workers often seek out agents (who rarely help) or compatriots (who often do help, like in Mariel’s case).

Rashmi says that during her first employment in Dubai, as she was entering the house, a Sri Lankan worker walked past her and warned her: “Don’t ever stay in this house...be careful.”

She understood the warning when on her very first day at work, her employer’s 15-year-old son acted strangely towards her: “He approached me several

times to iron just one shirt. It didn’t feel right, and I sensed that the [Sri Lankan] worker may have referred to this. The room did not have a lock, so anyone could walk in. So I did not feel safe.

Rashmi said the mamma did not respond to her complaints. She resorted to hitting the boy one day because she was “going to leave the house anyway.”

I requested to leave on the first day of employment. The mamma was furious. I asked the baba. He made a call to the agency and had me speak the agent and later drove me to the agency himself. When I went back to the agency, the other worker was there.

She said how the boy would approach her at night naked. He approached her another time during a shower [while] naked. He also hit her.”

In the second house she worked in the UAE, Rashmi received crumpled-up letters from the Sri Lankan worker next door about the sexually abusive character of her employer: “She wrote to me saying, ‘Don’t stay here. You will be destroyed.’ She wrote me lengthy letters, saying the previous worker drank Clorox, [a cleaning agent] and that she [the neighbouring worker] helped her escape, that the government banned him [the employer] from employing workers. I worked in this house for almost two months before I ran away to the police station. One can sense these things. I escaped before something happened. I am not a child. When the woman [female employer] was around he would speak to me from a distance, and in her absence, he would come unnecessarily close to speak to me. I could sense his (perverse) nature. There was a Filipina worker who left soon after my arrival. She was vomiting constantly. Nobody knew why she was sent away. This did not [sit] well with me either. Another worker from the neighbourhood also told me about a previous worker who was raped by the man in the bathroom.”

Abuse is not only physical or sexual. All of the workers reported verbal and some level of physical abuse, from both adult employers and their children. Rosa from the Philippines says there was

non-stop verbal abuse, including from the kids, and she had no free time at all:

“I was not allowed to even look out of the window.”

Rare Silver Linings

In a live-in situation, it is the employer who is abusive. Workers who work for cleaning companies also have to deal with sexual harassment and physical abuse from clients.

Ani, who worked for a cleaning company in Qatar, recounted her experience:

“One customer was a Jordanian young man... the first time I go to house I feel not good. When I go inside his eyes looking at me not good. I pay attention, make a distance. It is small room only. He give me four hours. I can finish room in one hour. I (was) thinking why. He was always back of me. When I cleaning he ask – ‘how old are you? You have husband?’ He locked entrance door. I feel nervous first time. That’s why I pay attention. He is a man. I know I am not safe. He said, ‘Can you clean top of refrigerator?’ I get a table to reach the refrigerator. I was not comfortable. I clean with one hand to protect myself. He said, ‘Use that [i.e. the other hand] to clean properly. I have no choice. Then he touched me in my breasts. I stop in my cleaning and go to the door. I told him, ‘Sir, I know what you want. Please sir, I am cleaner.’ Then he start shouting at me, ‘This is not clean. Where is my clothes? I call shirtha [police].’ I start panicking. I took my bag and went inside the bathroom. I open faucet so he won’t hear, and I called the driver and the manager.”

The man was taken in by the police. Both the manager and the police were supportive of her complaint. Though she is satisfied with the complaints process, she was under pressure from the accused’s family: “While he was in jail, his brother calls me and try to convince me to stop. He said, ‘My brother has [a] wife and children.’ I said, ‘Ok [then] what did he do to me?’ He said, ‘I can give you [a] visa for your children to visit you in Qatar.’ He calls me many times.”

Three of her colleagues have faced a similar situation, but Ani was the only one who went to the police: “I spoke to the three ladies. I say be strong and go to police and report. Maybe two ladies go to Philippines. Maybe they paid one lady. I don’t want money in this situation. I will work hard. I decided to go home before it happens again.”

Ani thinks women from the Philippines are harassed sexually more frequently. In her case, it was the response by the police and the company who hired her that gave her comfort and confidence. However, the driver of the company encouraged her to drop the case, as it would be quicker for her to go back to the Philippines.

Prejudice

The women commonly reported racist stereotyping and discrimination, with many feeling that their nationalities were especially prejudiced. Rosa says the female head of the house told her that Filipinos are dirty, and even spat on her.

Nadia from Benin says she was also subject to racial discrimination. Kuwaitis like Filipinos more than Africans, she says, recounting that in one household she was made to do all the cleaning and cooking while the Filipino worker only took care of a baby. “I was okay with that. But sometimes, no one talks to me. They get angry with us [Africans]...Kuwaitis like Filipina too much more than Africa. Because I go to another house, this house she have a Filipina for baby. She take me for cleaning and cooking. I see her with this Filipina she’s okay. But with me sometime she no want to talk to me. I don’t understand why. I don’t have problem for angry [made a hitting gesture] things like that. Have too much ladies here [referring to the shelter] have this problem.”

Unrealistic Expectations

Gee, who was responsible for taking care of a baby, had to steal food from her employers as she was not given enough. “Once the madam beat me on my back because she didn’t like how I was bathing the baby. I just said sorry, my first time. I didn’t know what to do.”

When Gee finally returned to her agency after a series of attempts at resolution, she says she was “sold” again.

“My employer took me to the agency on a Saturday and then Sunday the agency selling me again but I refused to work again. I said don’t let me sell again. They find another employer to buy me and work again in that house. And then I refused to work because I noticed a problem in my body, and I told him I want to go home because I am sick, but the agency did not want me to go because maybe they want money.”

Rashmi says employers’ expectations were impractical, and when she failed to meet them, she was subject to verbal abuse. “In one employment I was expected to be at the gate to open it as soon as the bell was rung. The gate was quite a distance from the home – no matter what I was doing, even taking a shower).”

Some employers use flimsy excuses to “return” workers, she says: “I was returned to the agency because I made salona [a local food dish], and she said it does not have enough gravy.”

Rashmi says employers are inhumane and “do not understand that we are all slaves of God.”

Reluctant to Advise

Despite the whisper network and a sisterhood of support of sorts, the workers that we spoke to were reluctant to give advice and share their experiences with others. Joyce, who is waiting to go back to the Philippines, says others have to experience it on their own: “I don’t want to tell her what my experience is then she will say [that] this is a domestic worker’s story. She has to experience it because she might not get a similar Madam. I think if she worked in a house with a good Madam, then she’ll question why I said everything I did.”

Gee says, “I don’t want to share because it will recall my mind about what happened. If someone wants to work abroad and get hired by my agency, maybe I will let them know that they should not work with that agency.”

Angel says she wants to go back, “forget all about it,” and start a new life. She also says she does not wish her employer any ill will.

Rashmi, who received support and advice from workers while in the UAE, says she would not herself advise potential migrants: “They don’t take the advice of domestic workers highly. I prefer not to talk about it [as] I don’t think there is any point in sharing my experience. They will not understand. Also in my village the number of migrants are few. I had a few people speak to me...but open conversations are [rare] between [returning] migrants.”

Executive Summary

Female migrant workers form a significant share of the labour force in Qatar, Kuwait, and Bahrain, primarily providing critical care and service work. Despite some progress in legislating rights for migrant workers and domestic workers, there remain both protection and enforcement gaps which perpetuate abuse. The obstacles that migrant workers face in lodging complaints, the faulty complaints process itself, and consistently unfair remedies dissuade workers from seeking remedy or support and undercut access to true justice.

Under the Kafala, a rigid employer-tied visa system, all migrant workers risk some degree of exploitation and encounter barriers to redress. Lower-income female migrants, in particular, encounter a range of vulnerabilities. Most female migrants work as domestic workers, whose work is generally not valued as real work and who are often isolated in their employer's homes. They must navigate a system skewed against them in almost every sense because of their migrant status, their gender, their race, and their socioeconomic class. The routine abuse of domestic workers and other female service providers has been well-documented for nearly 20 years, yet the situation largely persists unabated.²

Recent domestic worker laws and efforts to reform the recruitment industry have been implemented in both Kuwait and Qatar. Bahrain extended parts of its labour law to domestic workers in 2012 and recently established a unified tripartite contract. Countries of origin have also advanced recruitment reforms and critical pre-migration interventions over the past decade.

Yet our conversations with migrant women indicate that exploitation remains rife, and even their most basic rights are not safeguarded. Women most commonly report non-payment of wages, over-

work, physical and sexual violence, and restricted communication and mobility. Women are not only ineffectively protected from these abuses, but they also face systematic obstacles to redressing them.

All three countries have established administrative grievance procedures for labour disputes, which are an important step towards reducing the bureaucratic and financial burden associated with court cases. However, these mechanisms remain obscure and inefficient, and are not sufficiently sensitive to the needs of domestic workers and other migrant women. The lengthy time required to obtain any kind of remedy – even a ticket to return home – can result in massive financial and psychological costs. Many women who leave exploitative conditions simply “want to go home” because morale in the system is so low, and its psychological toll is so great.

The Kafala compounds these barriers. The system is so rigid that women confront impossible choices when seeking any kind of remedy. Because their visa and legal residency are tied to their employer, they risk their investments in migration, and often their families' primary source of income, if they challenge abuse. For this reason, women often endure degrees of abuse (such as overwork) as long as they are paid their wages.

Kuwait and Bahrain provide formal government shelters for domestic workers, which can make the decision to complain against an employer slightly easier, but Qatar does not yet have an equivalent facility.

When a migrant worker manages to overcome the barriers to lodging a complaint and is able to see a case through to a resolution or settlement, the “justice” they receive is often not justice at all; for example, financial compensation most often only entails past-due wages and no punitive damages, except in cases of extreme physical abuse. The penalties against errant recruitment agencies and employers are also inconsistent and generally weak. Cases that should be treated as criminal or trafficking offences are instead processed administratively, resulting in fines or closure of offices but few long term consequences for the perpetrators of abuse themselves. Their virtual impunity effectively sanctions and perpetuates abuse, as there are few meaningful deterrents.

Embassies and community groups provide critical support to female migrant workers in the form of legal aid, rescue, and advice among other services. However, their important work can only have limited impact without the commitment of destination countries to enforce and reform their laws. Only destination governments have the jurisdiction and the capacity to prevent violence against the hundreds of thousands of migrant women working in their countries. As the UN Special Rapporteur on the human rights of migrants recently noted in his 2019 report, access to justice without discrimination is the essential obligation of states to all migrants, regardless of their status.³

The goal of this research is to initiate discussion based on women’s experiences. It was produced as part of the Global Alliance Against Traffic In Women (GAATW) project “Power in Migration and Work: Documenting the Lived Experiences of Women Migrant Workers.” Any errors are those of the authors.

Introduction

The term “invisible” is often used to describe domestic workers in the Gulf Cooperation Countries (GCC), despite the fact that they account for a large proportion of the region’s female workforce.⁴

Qatar is home to at least **173,742** documented domestic workers, of whom **107,621** are women.⁵

An estimated **677,000** documented domestic workers live in Kuwait, accounting for **27%** of the total migrant workforce in Kuwait’s private sector.⁶

Overall, female migrants comprise **32%** of Kuwait’s population.⁷

In Bahrain, **75%** of the officially registered **91,852** domestic workers are women, and migrant women account for **65%** of the total female labour force.⁸

The proportion of female migrant workers in all three countries is likely much larger than official statistics indicate, as these figures do not account for the significant undocumented population.

Despite their overwhelming contribution to the labour force, low-income migrant women confront compounded vulnerabilities. Public discourse on women's rights in general is limited, and where it does exist, it most often focuses exclusively on the rights of national women. While domestic worker issues are slowly becoming visible in government agendas and social discourse, these discussions not only fail to capture the experiences of other lower-income migrant women but also marginalise the women themselves from the conversation. Though some civil society organizations are working to make these conversations more inclusive, women rarely are afforded the opportunity to speak for themselves.

By enlisting Feminist Participatory Action Research (FPAR) methodologies, this report hopes to put migrant women's voices at the forefront of the conversation on migrant workers' rights. Through one-to-one interviews and focus groups, female migrant workers in Qatar, Kuwait, and Bahrain recounted their experiences with violence in the workplace, how they responded to this violence, and how they engaged with formal grievance mechanisms and informal support networks. Through their insights and a review of the overall remedial landscape, we aim to provide a better understanding of the status quo and of the kind of interventions needed to prevent and improve responses to gender-based violence (GBV).

We use the term gender-based violence in the world of work to include all forms of violence that women are exposed to during the course of recruitment, employment, and remedy. GBV is not limited to the grotesque forms of physical abuse that so often lead the narratives in the region, but it also includes violations against labour rights and bodily dignity. Non-payment of wages, overwork, isolation, and inadequate nourishment are leading complaints which are no less egregious than physical violence.

This report focuses primarily on access to justice in Qatar, Kuwait, and Bahrain and places it within the broader framework of safe and fair migration.

Women's experiences raise important questions about assumptions underlying existing policy interventions intended to encourage "safe migration." Specifically, our discussions indicate the limitations of pre-departure trainings and awareness-raising in reducing female migrants' vulnerability to gender-based violence.

The experiences of the women we interviewed supports leading critiques of the "safe migration" paradigm:

1. Pre-departure information reaches them too late in the process, when decisions and financial investments have already been made and;
2. That this approach has limited impact when the destination country's migration regime is rigid and "places the onus of change on the migrant themselves, asking little of transforming how labour markets and migrant regimes operate."⁹

These findings bare critical policy implications. While we provide recommendations for improving services and support systems to migrant workers, the situation of migrant women will only meaningfully improve when significant reforms are made to the labour migration and employment regimes in the three destination countries. As the experiences of the women we interviewed indicate, these regimes produce risk and vulnerability regardless of pre-departure interventions and post-arrival embassy support.

Though this research focuses on Qatar, Kuwait, and Bahrain, its findings can be useful to understanding dynamics in the Gulf region at large, given the comparable recruitment and employment processes, as well as similar social and cultural environments.

This report focuses primarily on domestic workers but also includes female migrants engaged in other low-income, service-oriented work, such as cleaning companies and beauty parlours.¹⁰ This paper is limited to the experiences of migrant women working and engaging with justice mechanisms within the three Gulf countries of destination and does not delve deeply into these processes in the countries of origin.

Methodology

Given the marginalisation of migrant women's voices in the region, Feminist Participatory Action Research (FPAR) is a particularly disruptive methodology. Questions were framed to encourage participants to reflect openly about their experiences rather than submit to a pre-formed narrative. Interviews were structured to facilitate a greater understanding of how women responded to abuses: how they thought their actions; how they perceived their power to engage with their employer, refuse work, or lodge a complaint; and how they navigated formal and informal support systems.

The questions asked to participants were arranged in parallel to the journey of a migration cycle, enabling us to identify where the problems start and how they compound over time. Additionally, the guiding questions helped to unravel the complexity of interactions between the worker, employer, agency, embassy, and destination government. Participants revealed how they thought through their actions and responses to issues.

The diversity of nationalities interviewed also allowed for important comparisons in women's preparedness, expectations, and perceptions of their rights. A total of 24 women were interviewed from India (2), Sri Lanka (2), the Philippines (9), Benin (1), Guinea (1), Kenya (6), and Ethiopia (3).

The nationality of the interviewers may have affected how comfortable participants were with sharing their experiences. In Qatar and Kuwait, interviewers consisted of both migrant women and local women; the national interviewers had an intimate knowledge of the local society to guide their questions, but they could also trigger feelings of suspicion, distrust, and fear amongst participants who identified them as being "like the employer." However, based on Migrant-Rights.org's

previous work with domestic workers in similar situations, and based on some of the participants' indications, participants were likely pleasantly surprised with the interest shown in their situation by locals. Additionally, since all the interviewers were women, participants may have been more forthcoming than they otherwise would have been with male interviewers.

In Bahrain, interviews were conducted by a Bahraini male. Most of the interviews were conducted in focus groups for the women's comfort. One-to-one interviews were conducted in relatively public spaces within a shelter, though women still had enough privacy to speak without being overheard. Participants may have been less likely to discuss experiences of sexual abuse with a male interviewer, though the topic did arise briefly amongst a few of the women.

The number of women who participated in our study is relatively large for the region, especially for a report of this nature; access to female migrants is very difficult, as their mobility is often closely policed, if not entirely confined to the home. Interviews with migrant domestic workers from the GCC usually take place only after they have returned to

their home country. Our interviews were conducted in countries of destination and predominantly in shelters, where we could safely access and speak with women. Because of the location of our interviews, most women had experienced some kind of abuse or poor experience with their employer. All interviews in Kuwait were held in the Public Authority for Manpower shelter for domestic workers. All interviews in Bahrain were conducted in a shelter run by the Migrant Workers Protection Society. In Qatar, the interviews were conducted at the Philippines embassy shelter as well as through personal contacts. The interviews with personal contacts were conducted in cafes.

Language barriers did pose an issue for some of the interviews, particularly for more open-ended and conceptual questions. Most of the participants did not elaborate on their situations unless they were prompted with follow-up questions.

The research followed consent and confidentiality guidelines, and Interviewees' names have been anonymised or used with their permission.

Context

This section lays out the prevailing gender, labour, and migrant rights context in Qatar, Bahrain, and Kuwait. Rights advocates note that migrant domestic workers endure intersectional vulnerabilities as both women and migrants. There is also racialised tension amongst female domestic workers, as employers generally prefer migrants from Asian countries to those from African countries.

Gender Rights

Discrimination against women is entrenched in law and culture, and protections against violence are lacking. All women are vulnerable to abuse to some degree, and there are few redressal mechanisms or social allowances in place for complaints of spousal abuse, sexual abuse, workplace discrimination, or the myriad of other gender-based violences against women.¹¹ Low-income migrant women rank lowest in the hierarchy of female social power, which leads with Western female “expat” professionals, followed by national women, non-Western professional women, and finally non-national women in the service, hospitality, and domestic work sectors. Amongst these low-income migrant women, there is again stratification by occupation and race.

The discourse on women’s rights overall has shifted more perceptibly in Bahrain and Kuwait (which ranks highest of all Middle Eastern countries on the UNDP gender-related development index) than in Qatar. But across all three countries, the conversation remains largely exclusive to female nationals; overall, the rights of national women and women in the professional workforce are the only ones which have seen meaningful movement.¹² Issues involving migrant women remain at a far lower-level of discussion; the rights of these women are often only discussed in association with the rights of their em-

ployer. “Freedoms” for domestic workers—whether it be mobility or access to communication—occasionally surface in local media opinion pieces, but most typically on the side of further restriction, not empowerment.¹³

While extreme abuses may receive media attention, most often the focus is on violations committed by domestic workers – such as adultery, abuse of children, theft, or even black magic. Furthermore, the conversation on abuses against domestic workers is often superficial, with little, if any, of the victim’s voice presented, and there is rarely follow-up. The focus on macabre incidents of physical abuse, while important, tends to drown out the preponderance of other, critical rights violations. Non—or delayed—payment of wages, excessive working hours, and restricted mobility and access to communication are normalised and perceived as minor issues in comparison.

Labour Rights Framework

The Kafala System

All migrant workers who enter Kuwait, Qatar, and Bahrain must have a sponsor (*kafeel*), regardless of their income or profession. The Kafala, or sponsorship system, ties a migrant worker’s residency and legal status to their sponsor, who is usually

their employer. This linkage of workers' immigration status to their employers leaves them vulnerable to entrapment and abusive employment situations.

The system makes workers dependent on their employers and curtails their bargaining power. For example, a migrant worker who complains to their employer risks deportation because their employer has the power to cancel their visa for virtually any reason.

Additionally, low-income migrants, especially, face legal and practical restrictions to changing employers before their contract ends.¹⁴ They must obtain permission from their current sponsor to change employers, which is a difficult task, especially if there is a dispute, and lends to further exploitation. For example, while it is illegal for employers to charge domestic workers a fee for agreeing to transfer sponsorship, it is nonetheless an existing practice.¹⁵

In Kuwait, domestic workers can only change employers without their original sponsor's permission upon the completion of their contract. In Qatar, domestic workers must have worked at least one year with their current employer and obtain the permission of their current employer before they can change their employer. In Qatar, domestic workers must also secure permission in the form of an exit permit from their employers to leave the country. Law No. 13 of 2018 relaxed exit permit requirements for most workers covered by the labour law, but the labour law excludes domestic workers.

Bahrain is often mistaken to have abolished the Kafala system, but it has not. Migrants still require a local sponsor, and there remain tight restrictions to changing employers in the first year of employment.¹⁶ Bahrain temporarily expanded the "Flexi-Permit," a scheme which allows some irregular migrants to pay a monthly fee to self-sponsor and freelance, to include domestic workers in November 2018.¹⁷ However, high fees and restrictive criteria prevent most domestic workers from practically accessing the scheme. Additionally, workers with a "Flexi-Visa" are not always covered by the labour law, thereby exchanging one vulnerability for another.¹⁸

Workers who leave their place of employment without their sponsor's permission are charged with absconding, rendering residency status illegal and subjecting them to immediate detention and deportation. Sponsors may threaten to file (false) absconding charges to entrap workers in exploitative labour situations, and prevent them from complaining.

Domestic Worker Laws

Both Kuwait and Qatar recently implemented domestic worker legislation which does not provide workers the same protection as the labour law but which does work towards filling protection gaps;¹⁹ prior to the passage of these laws, domestic work was regulated primarily by standard work contracts, non-binding bilateral agreements, and, more rarely, binding agreements.

Qatar issued Domestic Workers Law No. 15 of 2017 on August 22, 2017, and has committed to its implementation in a technical cooperation agreement signed with the ILO in the same year.²⁰

Kuwait issued Law No. 68 of 2015 on Employment of Domestic Workers on July 26, 2015, and subsequently issued the region's first minimum wage for domestic workers, KD60 (roughly USD200) per month in 2016.^{21,22} In 2018, Kuwait shifted jurisdiction over domestic workers from the Ministry of Interior to the Ministry for the Public Authority of Manpower, which oversees migrant workers covered by the labour law.

Both laws suffer from critical gaps and ambiguities; some entitlements, such as a day off, can be dismissed if the worker consents. Given the disproportionate power employers have in this relationship, workers are unlikely to disagree, or be able to disagree, with their employers' request. Additionally, while both laws provide for breaks during the day, neither indicates that working hours include those hours during which workers may not be "actively" working but are expected to be on call. Given that the maximum working hours in both laws are high – 10 hours (excluding breaks) in Qatar and 12 hours (interspersed with breaks) in Kuwait – this distinc-

tion is important. Domestic workers commonly complain of excessive working hours in violation of these regulations.

In both countries, both parties theoretically have the right to cancel the employment contract but in practice it is much easier for employers to do so. Domestic workers must prove that their sponsor has violated the terms of their contract in order to cancel without penalty (and even then, they do

not have the option of changing employers unless they have completed the contract period), while sponsors can cancel the contract for any reason at any time. In Qatar, employers who cancel contracts are responsible for paying a worker's return airfare and will face a temporary suspension on recruiting workers if they cancel the contract early.²³

Knowledge of these laws, both amongst employers and workers, is limited. In Qatar, Migrant-Rights.org's

Table 1: Key Provisions of Domestic Worker Laws and Regulations in Qatar, Kuwait, and Bahrain

	Qatar	Kuwait	Bahrain
Contract	Contracts must be in Arabic and certified by the Ministry of Administrative Development, Labour and Social Affairs.	Employment contract must be signed in the form prescribed by the Domestic Workers Department (Ministry of Interior) in both English and Arabic.	A Tripartite contract between employer, domestic worker, and recruitment agency must be signed in case of employer recruiting domestic workers via recruitment agencies. In case of direct recruitment by employer, a pledge of the employer's obligations towards the domestic worker is needed.
Minimum wage	QR750 (US200) per month.	KD60 (US200) per month.	No minimum wage.
Working hours	Up to 10 hours per day (excluding rest breaks) but can be longer if both parties agree.	Up to 12 hours per day (including rest breaks).	No maximum working hours, working hours decided as according to contract signed between the parties.
Rest periods	One day per week.	One day per week.	No rest period, decided as according to contract signed between the parties.
Overtime	The Domestic Workers Law allows for overtime, including on weekly rest days if the domestic worker agrees, but does not require overtime pay.	Overtime cannot exceed two hours in a single day. The domestic worker shall be due compensation equal to the wages of half-a-day.	Domestic workers are excluded from Bahrain's labour law article concerning overtime work.
Payment of wages	Wages must be made at the end of the month and no later than the third day of the following month.	Wages must be paid at the end of the month. The domestic worker must receive a receipt. The employer will be charged a penalty of KD10 for every month of delay in payment.	Wages must be paid at least once a month. Employer must pay an annual compensation equivalent to 6% of the wage in case wage is delayed for six months or less as of the date of payment of the wage and up to 12% for each month after six months.
Annual leave	Three weeks per year.	Annual leave is provided in the law but the period is not specifically mentioned.	Domestic workers employed for at least one year are entitled to one month paid annual leave, with an average of two-and-a-half days for each month.
Other requirements	Workers must be given accommodation, food, and healthcare, although no provisions for sick leave.	Provide decent food, clothing, as well as treatment at government hospitals.	Employer must provide the domestic worker with clothes and food and ensure proper living conditions.

interviews with employers of migrant workers and recruitment agents indicated little awareness of the details of the law or even its existence. In Kuwait, research by the Kuwait Society for Human Rights (KSHR) found that 71.59 % of domestic workers themselves are unaware of the law.²⁴

Knowledge of the law amongst employers and domestic workers is especially critical given that proactive enforcement of the law is lax; private households are not regulated, and thus penalties are generally only levied in response to complaints. KSHR's research highlighted a number of issues with the implementation and compliance of the domestic worker law; it found that over 50% of employers did not have a contract for their worker. About 28% did not permit a weekly day off, while only 42% "sometimes" permitted the weekly day off, and 51% denied workers annual leave.

No domestic worker law exists in Bahrain. In 2012, Bahrain extended provisions of its labour law to include domestic workers, the only country in the region to do so thus far.²⁵ However, protections for domestic workers remain amongst the weakest in the Gulf; there are no regulations on maximum working hours, mandatory rest hours, or a weekly day off – regulations which almost all other Gulf countries provide. Bahrain's LMRA announced a new tripartite standard contract in 2017, which requires employers to stipulate working hours, rest days, and days off. However, the employer remains free to determine or interpret these conditions however they choose.²⁶ The standard contract also lacks strong enforcement mechanisms, and widespread non-compliance is evident in data collected by MWPS; only one woman who entered the MWPS shelter in 2018 reported going through the contractual procedures, and field investigations of recruitment agencies revealed that many agencies did not, or only partially, complied with the contract regulations.²⁷

In the eagerness to encourage basic labour rights for domestic workers, one criticism is often absent from the discussion: domestic worker laws, even in their most ideal form, cannot adequately protect workers' rights without an overhaul of the live-in

employment model. Domestic work in private households will always expose women to vulnerability.

There is evidence that the existing legal options for domestic worker do not address labour market demands. There is a thriving secondary labour market for so-called "freelance" workers – workers who work (irregularly) for several employers and do not live in an employer's house.

Cleaning Companies and Hospitality Services

The growing market for hourly cleaning services indicates that the expensive, and often burdensome, live-in model does not fulfill labour market needs.

Cleaning companies have emerged in recent years in response to these demands, providing live-out workers on an hourly, weekly, monthly, or other term basis. Some origin countries have begun to promote sending workers to cleaning companies instead of domestic workers, in part because the live-out model is easier to monitor and because these workers are covered by the labour law. However, as our discussions with cleaning company workers have illustrated, cleaning companies are not a panacea to issues that women in the care and service industry face, and the conditions that these workers experience can oftentimes mirror those of domestic workers.²⁸ For example, though cleaning company workers may seem to have more mobility than domestic living and working in a private home, this mobility is sometimes superficial; even among those subcontracted to work in hotels and companies, cleaning company workers spend the majority of their days working and commuting to work, and once they return to their company, accommodation, they can be prevented from leaving without company permission.

Cleaning companies operate in a relatively grey and under-regulated legal space, as they technically provide domestic work services, or services that approximate domestic work but are not regulated by domestic worker recruitment laws; and though they technically fall under the labour law, cleaning companies are not proactively monitored or inspected.

In fact, some recruitment agencies use cleaning company or hospitality service visas to work-around domestic worker deployment bans.²⁹ One participant from the Philippines told us that she was recruited to work in establishments – like schools, hospitals, and companies – and though she technically worked for a cleaning company, she ended up working in private homes.

Anti-Trafficking Measures

Across the Gulf states, trafficking initiatives have largely focused on cross-border sex trafficking. There is now a growing recognition of trafficking as it pertains to labour exploitation and to domestic workers specifically, in part due to reputational pressure from the United States' "Trafficking in Persons" (TIP) report. However, forced labour and exploitative working conditions generally are still not treated as forced labour or trafficking cases but rather as immigration, labour law, or domestic worker law violations.³⁰

The use of "trafficking" nomenclature as it pertains to issues of forced labour and migrants specifically is disputed amongst advocates and practitioners; this is largely due to conflicts over the politics of the anti-trafficking agenda. In this paper, we consider the recognised conditions of trafficking to be useful for understanding the severity of the situation low-income migrant women face, whereby their passports are withheld, their mobility is severely restricted, and they can be coerced into doing work they would otherwise choose not to do.

Furthermore, cross-border trafficking of women for the purposes of domestic or sex work is a significant issue. Women may be trafficked through intermediary countries because of a deployment ban from their country or to subvert recruitment regulations, among other reasons.³¹

In Qatar, the 2011 anti-trafficking law criminalised sex and labour trafficking and prescribed penalties of up to seven years imprisonment and a fine of up to QR250,000 (\$68,680) for offences involving adult male victims as well as up to 15 years imprisonment and a fine of up to QR300,000 (\$82,420) if the offence involved an adult female or child victim.

Recruitment agencies face up to five years imprisonment and a fine of up to QR200,000 (\$54,950). However, the government did not report prosecuting any Qatari employers or recruitment agencies for forced labour in 2017 nor report on any identification or support of victims of trafficking. Qatar reported the investigation of 149 potential trafficking cases but did not provide details as to the nature of the cases. According to the 2018 TIP report, authorities did not regularly categorise forced labour or exploitative working conditions of domestic workers as human trafficking but rather as criminal assaults, immigration or labour law violations.³²

Kuwait's 2013 anti-trafficking law criminalises sex and labour trafficking and prescribes penalties ranging from 15 years to life imprisonment. In 2017, the public prosecutor's office created a specialised unit to investigate forced labour and trafficking cases. Authorities charged five defendants (in ten cases) with forced labour and seventeen defendants (in seven cases) with sex trafficking. Six sex traffickers were convicted, and the remaining cases were still pending by the close of the TIP reporting period.³³

Bahrain is the only Gulf country ranked Tier 1 in the US TIP report, meaning it maintains the minimum standards for the elimination of trafficking. Bahrain was upgraded to Tier 1 in 2018 largely due to the Flexi-Permit initiative, as well as increased trafficking convictions, a new victim's fund, and an improved National Referral Mechanism. The country's 2008 anti-trafficking law criminalises sex and labour trafficking, with penalties ranging from three to sixteen years of imprisonment, a fine of between BD2,000 - 10,000 (\$5,310-\$26,530), and the cost of repatriation.

However, Bahrain continues to treat indicators of forced labour, such as passport confiscation and unpaid wages, administratively as labour law violations rather than investigating them as potential trafficking cases.³⁴

The LMRA's Expat Protection Unit has digitised its National Referral Mechanism (NRM) procedure used to identify and support victims of trafficking, but the procedure is geared primarily towards

victims of sex trafficking. Last year, Bahrain referred only one forced labour case for prosecution.³⁵ Additionally, the unit only provides meaningful recourse to migrant domestic workers referred by embassies or police.

International Conventions

Kuwait has ratified more ILO conventions than either Bahrain or Qatar. However, neither Kuwait nor any of the GCC countries have ratified the ILO Convention 189 on Domestic Workers, and their domestic workers laws do not meet the standards set by the convention. The GCC states have also not ratified C143 on Migrant Workers Convention, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, nor ILO Convention 181 on Private Employment Agencies.

Qatar very recently ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which lay down rights related to working conditions and freedom from discrimination, which are relevant to migrant workers. However, Qatar reserved the right to ensure that trade unions align with its own labour law, which currently prohibits migrant workers from joining.

Kuwait ratified both the ICCPR and ICESCR in 1996. In 2019, the Kuwait Trade Union Federation (KTUF) relaunched its Migrant Workers Office to support legal cases brought forward by migrant workers, including domestic workers.³⁶ Kuwait did reserve the right not to apply the provisions of the right to strike (Article 8, paragraph 1(d)).

Bahrain ratified the ICCPR and ICESCR in 2006 and 2007, respectively, and Bahrain does allow migrant workers to join trade unions. However, in practice migrant workers' participation in Bahrain's trade unions has been low, and some embassies discourage their citizens from joining. The General Federation of Bahrain Trade Unions (GFBTU) recently signed a Memorandum of Understanding (MoU) with the International Domestic Workers Federation to promote domestic workers rights in the Kingdom. The GFBTU has also initiated various

awareness campaigns and workshops with local communities to promote domestic workers' rights.³⁷

All of the GCC states have ratified the Convention on the Elimination of Discrimination against women (CEDAW), but each has made several reservations that weaken the treaty's potential impact on women's status.³⁸

Civil Society Space

One reason the discourse on migrant women's rights remains muted is that the limited civil society space in these countries restricts how individuals organise, as well as what they can say or do for migrant workers. In all three countries, there are severe penalties against individuals found guilty of sheltering or aiding domestic workers in escaping their employers, but there are also broader restrictions on NGO activity that limit the space to mobilise support for workers. The space for female domestic workers to organise on their own behalf is even slimmer, as most are isolated in the homes of their employers or, in the case of cleaning company workers, restricted to their company accommodation.

There are some important differences to highlight between the three countries. In Bahrain and Kuwait, there is a much stronger civil society presence which does actively campaign on the rights of migrant workers and domestic workers, specifically. These campaigns encourage dialogue with domestic workers, including raising awareness amongst employers and workers of their mutual rights and obligations.³⁹ They do face challenges in securing employer engagement, largely due to fears that an empowered domestic worker will not take direction and will leave the house. At the same time, there is a small but growing community interested in learning what the law entails, who take pride in being "good" employers, and who are changing their attitudes towards workers.

In Qatar, the discourse is more underground; there are efforts, primarily by Migrant-Rights.org, working to challenge perceptions of domestic workers and to raise awareness about their rights. Though there is interest from various parts of Qatari society, including government, the environment does

not allow for overt or disruptive advocacy. The ILO technical cooperation may support greater public discourse and has opened doors for the International Domestic Workers Federation (IDWF) to work in the country.

Domestic Violence and Sexual Harassment

Common complaints from female migrant workers include sexual harassment and abuse at the hands of the employer (male or female) or other members of the household. In all three countries domestic violence and sexual harassment laws are weak, and the enforcement is worse, even for national women. Migrant women reporting rape or sexual harassment face additional burdens, as they can be criminalised for having an illicit relationship. Penal codes in all three countries criminalise extramarital relationships.⁴⁰

Kuwait has no law against domestic violence nor shelter for victims, though a draft law is under review. Article 186 of Kuwaiti Penal Code criminalises rape and sexual assault.⁴¹

Qatar similarly has no law against domestic violence, though its family law prohibits husbands from physically harming their wives.⁴² Qatar does run a shelter for domestic violence victims, but domestic workers are not generally included in its scope.

Bahrain's Law No.17 of 2015 protects against domestic violence but does not explicitly extend coverage to migrant domestic workers. During debates prior to the enactment of the law, some women activists and organisations like Bahrain Women Union pushed for domestic workers to be included in the legislation, but members of the Shura Council dismissed these efforts, stating that domestic workers were already covered by the penal code.⁴³ Domestic workers do occasionally access the government shelter for victims of domestic violence, Dar Al Aman.

Common GBV Experiences

Women reported experiences strikingly similar to one another, despite different migration profiles. All of the women shared common experiences, whether they were young or old, had pre-departure training, or on their first or second migration. Most women experienced more than one form of violence at the same time. The issues that participants reported corresponded with those that have been well-documented by rights groups for years now, including nonpayment of wages, burdensome working hours, isolation, sexual and physical abuse, and unsympathetic interactions with formal complaint mechanisms.

Physical and Sexual Assault

Almost half of the women we spoke to reported physical violence at the hands of their employers. Both male and female employers assaulted workers, often in retribution for “poor work” or in apparently-random outbursts of anger. Gee, a Filipino worker in Kuwait, tried to explain why she thought her employer hit her:

“When I was in the hamam [bathroom], she beat me. I was taking a bath for her baby, maybe she’s not happy about my work. I am doing my best, but her baby is not good. The baby don’t want me to put his clothes on, and she said yalla yalla yalla [let’s go, let’s go, let’s go] it’s a misunderstanding that’s all...”

Not all of the women were comfortable speaking at length on their experience this violence.

Angel, another Filipino worker in Kuwait, said:

“I even encountered physical abuse when I came here. I had a big bruise, and Amala [referring to the domestic workers shelter] wanted to file a case, but I just want to go home. I even have a scar.”

One participant said she did not know she would be giving massages but did not elaborate. Sexual harassment was less commonly reported by participants, which may be due to the interviews taking place in public spaces or to the stigma surrounding sexual abuse. The few experiences discussed align with stories that often come from the region. Simone, a Guinean worker in Kuwait, told us that her “baba,” or male employer, attempted to sexually assault her and then physically assaulted her for refusing.

“My ‘baba’ he slap me. He say he like me because baba wife no make baby. I said no baba. He slap me, this [points at body] all black. I have picture. He say he like me. I say ‘no I married.’ He say ‘he want to [have sex].’ He hit me with belt.”

Verbal Abuse

Many women reported that their employers were easy to anger, and about half reported verbal abuse. The language barrier exacerbated situations, as the women sometimes did not know what triggered their employers’ anger. Some reported they were abused for performing work “wrong,” while others received

abuse for simply “looking out the window,” or doing nothing at all. Other family members in the household, often children, also verbally abused the women.

“The problem started with the 16-year-old daughter. When the parents were not home the children would hit and insult her.”

- Tzion, Bahrain

“Sometimes the kids would abuse you, and the mother wouldn’t care.”

- Virginia, Bahrain

Nonpayment of Wages

Nonpayment or underpayment of wages is often the tipping point for workers, who might otherwise endure other forms of violence. Meribel, a Filipino worker in Kuwait, told us her first house was “good” despite her employer’s verbal abuse because she provided the salary on time each month and adequate food. Similarly, Nadia, a Beninese worker in Kuwait, could manage her employer’s anger but wanted to leave because she did not receive the salary she expected.

Some of the women we spoke to had not been paid for several months, but had stayed on because employers promised that their wages would be paid soon – and because there were no accessible means of filing a complaint. Fanta, an Ethiopian worker in Bahrain, recalled, “I was quiet for 10 months, saying maybe tomorrow he would stop doing this. Finally, I warned him not to hit me. Regarding the salary, I waited based on the promise I will get paid, but finally I went to the police after not getting wages for so long...”

Overwork

Several of the women we spoke to highlighted excessive working hours as an issue, with many receiving a few hours off to sleep. Gee, a Filipino worker, told us: “Maybe the employer not following the contract and what it says. My first employer, not give me food, I sleep one o’clock, I wake up five o’clock. No time for rest, only four to five hours sleep. No rest day.”

Large workloads included working for several families or taking on multiple roles—nanny, cook, and cleaner all in one. Many of the women were not aware of the specific tasks expected of them and reported conditions that differed from their contract.

Additionally, even workers that had prior training often experienced difficulty attempting to meet the expectations of their employers. Meribel, for example, had training as a domestic worker with the Philippines pre-departure program but could not provide care for her employer’s baby on top of the cooking and cleaning she was expected to do.

Overwork was not restricted to domestic workers; cleaning company workers reported the same issues in part due to long commutes between clients and the company accommodation. Ani, a Filipino cleaning company worker, noted that her contracted hours did not reflect how much time she actually spent on the job. “In the contract they put working hours only eight hours. Two hours travel is ok. What if you travel [for] six hours? I am picked up 5:30am and drop back nine, 10pm. ”

Restricted Access to Communication and Mobility

Several participants complained they were prevented from calling their families or leaving the house. One woman was even locked in a room by her employers.

“I wanted to call my son. Wouldn’t allow me to call. Didn’t allow me to charge my phone.”

- Kay, Kuwait

Denial of Food

Several women reported that adequate food was an issue. Some women said they did not receive enough food to energise them for long working days, while others did not receive the kind of food that they are used to (and able to easily digest). Angel, from the Philippines, said “they don’t give food, little sleep, only 4 hours every day and working, working, no day off...Food was a problem. That was difficult. Tea and roti. Once only tea. Didn’t give proper food.”

One important point to emphasise is that while some women may accept certain degrees of abuse so long as they receive their wages, the women do recognise when their rights are being violated. They are fully aware that their mistreatment is an egregious act against their humanity, but they are equally aware of the difficulty in escaping abusive employment conditions and fear risking their migration investments. The women we spoke to reached their ‘tipping point’ at different stages, but all encountered difficulty when they decided to leave an exploitative situation. “Lack of respect” occurs repeatedly in the women’s description of what abuse means to them.

These issues are compounded by the migration management systems in Qatar, Bahrain, and Kuwait, which puts workers at the mercy of their employers and recruitment agencies. While the Kafala system binds workers to their employers, the poorly regulated recruitment system also renders workers dependent on recruitment agencies in the destination country.

Racism and Discrimination

Several of the women we spoke to felt that they were treated particularly badly because of their race or nationality; some Ethiopian and Kenyan women pointed to specific examples of how they were treated worse than an Asian worker in the same household:

“Only because I am Ethiopian and immigrant, in our house we had Indonesian domestic worker, the sponsor would verbally abuse her but they would never hit her like they do me.”
- Fanta, Bahrain

Wages are in large part determined by nationality, with Filipinas and Indonesians fetching the highest rate, followed by other Asians, and then African workers. A common perception in the region is that Filipinas and Indonesians make for better domestic workers because of their language skills, religious affinity, and experience in the region, to the extent that employing these workers is considered a status

symbol. These workers also experience systemic racism, and the Filipina women we interviewed conveyed as such. However, the stereotypes that African workers endure is particularly acute and evident in media coverage.⁴⁴

“...but for Ethiopians, they don’t respect us, only Ethiopians get different salary here...”
- Ajeeba, Bahrain

Entrapment Under the Kafala System

Though female migrants exhibit incredible resilience, there are structural limitations to their ability to navigate out of exploitation and find better work. One reason that women endure varying levels of mistreatment is because of the difficulty in changing employers. Though there is a high demand to employ domestic workers already in the country, workers must obtain permission from their employers to change jobs with certain, limited exceptions that are difficult to realise in practice. This permission comes in the form of a No-Objection Certificate (NOC) signed by the original employer. An abusive employer is unlikely to release a worker, especially without charging the worker a high – though illegal – fee.

It is difficult for workers to legally challenge rejection to a NOC. Most would be unaware of the procedure, and the burden of proof and associated costs are high in what is often a protracted and clunky process. Sometimes workers, or dissatisfied employers, can complain to the recruitment agency in the destination country and obtain a new placement. The fate of these women is largely dependent on the agency; there are numerous cases of agency officials abusing women who report abuse or are perceived as “difficult” to employ. When Mariel complained to her agency, she was locked in a room for three hours. Another participant, Gee, was forced by her agency to go back to work, though she wanted to return home.

With the slim possibility of changing employers, women face a difficult choice: to return home, potentially leaving themselves unable to pay off any

recruitment loans and related debts, to stay in an exploitative situation, or to leave their employer and work irregularly. In either situation, women increase their vulnerability to further GBV.

Employers

For migrant domestic workers in the region, employers are often the single greatest determinant of a positive or negative experience. Both the Kafala system and regulations requiring that domestic workers live with their employer grant employers disproportionate power in the working relationship. Employers, who have almost unchecked control over a worker's immigration status, actively and passively coerce workers to endure undesirable working conditions. Some employers threaten workers overtly, but workers may reasonably fear retaliation from any employer.

Domestic workers, in contrast, have little negotiating power. This does not mean that workers will quietly endure abuse; many participants told us they repeatedly rejected unfair or inappropriate requests from employers or proactively asked for something to change. But, the employer has little compulsion to respect these requests, and their response is almost entirely subject to their own moral compass. Nadia, from Benin, attempted to negotiate payment of her salary and additional help to manage their large house. Her employer not only rejected her requests but would not release her back to her agency:

"It's a big house I make cook, I make cleaning, big house. Every day I tell her 'bring another khadama because my first time for this house.' I told her 'Ok you [bring] another khadama or you complete my salary because I cannot every time make too much work and take a small salary.' She tell 'Ok, no problem you can go' I tell her 'Ok, bring me to the office,' she no want to bring me to office. Now every time I [inaudible] she say no and I say 'please mamma I go out.'"

Women are acutely aware that their experiences depend on their individual employer. Several participants cited 'fortune' or 'fate' as a reason for not sharing their stories with prospective migrants.

They did not want their negative experiences to prevent someone from possibly enjoying a positive experience, since they might be 'lucky' and get a good employer.

While laws guaranteeing domestic workers certain labour rights exist, enforcement of these laws is almost non-existent. Authorities are reluctant to regulate the "private sphere" of the home,⁴⁵ and so these home-based workers are essentially "beyond the reach of legal protection."⁴⁶ Employers of domestic workers are expected to be virtually self-regulatory.

Additionally, the impunity of employers who violate workers' contracts and domestic workers regulations gives employers a wide berth to treat workers however they see fit. Not all employers mistreat workers, and some of the workers we interviewed reported positive experiences with some of their employers. But employers who pay workers on time, provide them breaks, and free time outside of the house do not do so because they are compelled to—they do so because they have the choice, amongst many others, to do as they wish.

The reasons individual employers mistreat workers is beyond the scope of this report. In our discussions with employers in Qatar and Kuwait, the high cost of recruitment is often cited as one reason employers restrict workers' freedoms: they invest money and time to recruit a worker and fear they may run away to another employer—or get in trouble with a man—if they are allowed unmonitored time off.

Additionally, employers express frustration with new arrivals' lack of relevant skills, a feeling which migrant women also echo. Some of the women we spoke to said their training did not prepare them for their job. Together, the high cost of recruitment and mismatched expectations build frustrations into the employer-employee relationship from the very beginning.

Language barriers, cultural differences, racism, and devaluation of care work also contribute

to a hostile environment. Tensions are further intensified when a worker and employer live in the same home.

Whatever an employer's individual motivations, abuses continue to be perpetuated because the system allows for it. Poor enforcement of the law and weak redressal mechanisms facilitate and effectively sanction exploitation.

Recruitment Agents

Recruitment agents are another powerful stakeholder in female migrant workers' migration processes; they are often the first contact for migrants in distress, and have the capacity to support female migrant workers who complain of abuse, to put them at greater risk, or to act as the purveyors of GBV themselves. Women's experiences indicate that the same agency can take on a complex role, sometimes acting in support of the worker and sometimes against them.

Recruitment agencies in both countries of origin and countries of destination greatly impact the trajectory of a migrant worker's experience. Recruitment agencies in countries of origin (CoO) can be the main contact point for female migrants or their families in reporting abuse and escalating the issue to their partner agencies in the CoD or to embassies. They also play a significant role – oftentimes as a defendant – in dispute resolution once migrants return home. They are also a key actor in other aspects of safe migration, particularly in ensuring that women are informed of the scope and conditions of their work before they make a commitment to migrate.

This report focuses on recruitment agencies in countries of destination (CoD), since they generally play a more direct role in access to justice mechanisms in the CoD and were discussed by participants in greater detail. Recruitment agencies in CoD are often the first point of contact for migrant workers in distress. Several of the women we spoke to first turned to their agency when an issue arose with varying experiences. Some agencies supported

workers in changing abusive employers and helped refer their complaints to police.

In destination countries, recruitment agencies often view only the employer as their client and are less committed to ensuring that domestic workers they have placed are content. By law, agencies must provide a 'probation period' during which employers can 'return' workers if they are unsatisfied with their work. Employers are then provided with another worker with no additional recruitment fee.⁴⁷ There is no equivalent probation period for domestic workers. Some agencies will nonetheless facilitate the return of a domestic worker who has complained about their employer usually to avoid a runaway case and recoup recruitment costs. The worker then often deployed to another employer.

“The agency would not help, they would send you back to the employer.”

However, women who return to agents for whatever reason can be at risk of abuse, particularly if they no longer wish to work. These women can be subject to poor living conditions and even physical abuse at the hands of agents. Gee's experience with her recruitment agency is one that is documented time and time again; following an abusive experience, Gee requested that her agency send her home. The agency refused, confiscated her phone, and sent her to another home. Only with her last employer's support was she able to leave the agency and enter Kuwait's shelter for domestic workers.

Recruitment agencies are subject to regulations with only sporadic enforcement and inspection; while local media occasionally report on intensified inspection campaigns, governments generally do not release detailed information on the prosecution of recruitment agencies. For example, in 2017, Qatar reported that 19,000 inspections of recruitment agencies were conducted, with a total of 3,605 warnings, 1,210 violation reports and various penalties, 78 company blacklistings, cancelling nine recruitment licenses but it is unclear how many of these agencies recruited domestic workers, and the revocation of one's license. However, it's unclear

how many of these agencies recruited domestic workers or if any recruitment staff were prosecuted for their violations.⁴⁸

Kuwait's Domestic Labour Department provided slightly more detailed information; in 2017, 86 offices violated the law, 79 licenses of domestic worker recruitment agencies were revoked, and seven offices were temporarily suspended.⁴⁹ Again, it is unclear if any criminal prosecutions were brought against staff in these agencies.

In Bahrain, the LMRA Enforcement and Inspection Department reportedly conducts quarterly visits to each recruitment agency. Two agencies were shut down permanently between April 2018 and April 2019, while the licenses of 14 others were cancelled.⁵⁰

Direct Recruitment of Domestic Workers

Using a recruitment agency to hire domestic workers is not mandatory. Employers can hire workers directly from the country of origin or hire workers looking to change employers locally. Often, a middleman is still involved in this transaction – a broker who connects workers to employers, but who is neither registered nor regulated like agencies. According to the head of the Bahrain Association of Recruitment Agencies, Aqeel Al Mahari, irregular agents control 80% of the domestic workers' market and pose the greatest threat to the regular recruitment agents in Bahrain.⁵¹

Workers hired without recruitment agencies may enter the country on a visit visa, which is later transferred to a domestic workers visa. These migrants would not be required to go through any pre-departure orientations mandated for domestic workers in origin countries.

Domestic workers also hired increasingly through online platforms, which are also not regulated as recruitment agencies. Some of these platforms are formal – such as HelpersChoice and DohaNanny, while others operate on Facebook and Instagram with questionable ethics.

Most countries of origin discourage direct recruitment, as it is more difficult to monitor than recruitment via agencies.

Support and Complaints Mechanisms

“I didn’t complain, I didn’t have the power.”

The interviews uncovered failures in complaints mechanisms that are rooted in both the procedures themselves and the overarching migration management system. Most of the women we spoke to did not believe that lodging an official complaint would yield a worthwhile outcome. They typically preferred to either change employers or return home as quickly as possible, without pursuing a formal grievance against their employer or agency.

Practitioners define access to justice as “the availability of any kind of dispute resolution procedure for conflicts.” This might include negotiation, mediation, arbitration, or adjudication.⁵² These procedures exist to some degree in all three countries, but workers’ access to them is varied and often severely obstructed by the restrictive labour mobility regime. Overall, most women felt that the system does not encourage them to file a complaint. Some underscored that the time investment was not worthwhile, while others noted the obscurity and difficulty of navigating the system. Several Filipino participants expressed similar attitudes on the futility of filing a formal complaint, noting that the end remedy would likely not warrant the time investment.

Gee, who suffered abuse at the hands of her agency, said she wasn’t pursuing a case against them. She said, “There is no point. Because my employer already filed a complaint to my agency. But if I file a complaint I will stay here for [too] long.”

Another woman said, “I think the embassy can help but you will stay for [a] long time and won’t win the fight sometimes. The employer can lie then you go to jail.”

For workers who overcome fear of reprisal and are willing to wait for a resolution, the end result, even when technically in their favour, may be far from justice. Those who are able to obtain their due wages are often owed only that—their unpaid salaries. They are not compensated for the time they spend out of work, fighting to recoup their wages. The outcome is often not worth the frustration and time investment for many women, who instead seek repatriation and leave without their owed wages. Tzion, from Bahrain, recounted, “the sponsor didn’t give me seven months wages, but I got support from the consulate, and the police helped...and the shelter was supportive.”

If employers are penalised, they are most often only penalised administratively – with a fine, or rarely, a prohibition from recruiting more workers.⁵³ They do not face trafficking charges, though withholding of salaries is a recognised form of forced labour. Not only do weak inconsistently applied punitive measures against employers effectively sanction exploitative behaviour, but they also deprive workers of a sense of closure. When asked what justice means to them, most women underlined both their own personal resolution—such as the compensation they are due—and that the employer needs to be held accountable for their actions.

“For the court to listen to both parties and give a fair judgement on what happened. Get my passport and send me back home.”

- Tzion, Bahrain

“My sponsor should be jailed or punished, he should not be able to bring domestic workers back and should give me my seven months wages back.”

- Fanta, Bahrain

Many of the women who ended up in shelters are waiting for their passports to be returned and for their repatriation procedures to be completed. Though all fled from exploitative employers, only a few had settled or were in the process of settling disputes.

Country of Destination Government Mechanisms & Services

Official complaints mechanisms and support services provided by governments in destination countries offer a convoluted picture of access to justice in these countries; on the one hand, court rulings tend to go in favour of the worker. On the other hand, the court procedures are so burdensome and difficult to access that they are futile for many low-income migrants. Most disputes do not go to court but are instead resolved administratively through formal or informal mediation.

One major obstacle to pursuing a dispute against an employer is the expense; even in situations where legal costs such as lawyers, translators, and shelter are born by the government or taken on by civil society organizations, the slowness of the resolution means that women potentially miss out on months of wages needed to support their families back home or pay back recruitments debts.

Angel, a Filipino migrant who experienced physical violence, turned down the Kuwait shelter's offer to pursue a case against her employer. “I just want to go home. If I would file a case against my employer or my agency, it would take time. But if I'm filing a case just to get money no, I want to go home.”

There is often a desire to “move on” from the abuse and avoid getting stuck in a situation where they will only be re-traumatized during the long dispute resolution process.

In Kuwait, formal complaint mechanisms specific to domestic workers exist, but their usage by domestic workers is limited in practice. The Department of Domestic Labour receives complaints from recruitment agencies, employers, and domestic workers and has the authority to settle disputes or refer them to court. According to the law, the case should be settled within one month, and domestic workers are exempted from all judicial fees. Yet, in 2017, the Department of Domestic Labour received only 363 complaints from domestic workers (less than the number of domestic workers who sought shelter), as compared to 1,624 complaints from employers.⁵⁴ None of the workers we interviewed mentioned any interaction with the department. It is likely that many workers are unaware of the department's complaints process, have little accessibility to it, or do not trust them.

“I don't know Kuwait. I don't know Police.”

- Simone, Kuwait

According to research conducted by the Kuwait Society for Human Rights, most domestic workers turn to their embassies, rather than the department, for support. Most of the women we spoke to first turned to their agencies for immediate support (such as changing employers or getting out of an abusive employer's household) and proceeded to seek embassy support only if the agency did not resolve their issue or if they needed additional help.

However, some women did report on positive experiences with official support systems. Diya, an Indian migrant rescued from her agency, said her interaction with authorities marked her only positive experience in Kuwait: “Realised there are also good people here. Police, embassy shelter, they were all so good.”

Kuwait's Domestic Labour Department (DLD), which falls under the Ministry of Interior, investigates and arbitrates complaints against employers and recruitment agencies in response to grievances filed by workers, embassies, and private citizens. In 2017, officials reported conducting 7,560 inspections, referring more than 440 agencies for criminal investigations, black-listing 500 employers, and shutting down 82 recruitment agencies for violating the domestic worker law.

If the DLD is unable to reach a settlement, the case is referred to the court. According to the 2018 TIP report, if the complaint involved a "gross violation," such as assault, the case is transferred directly to the public prosecutor's office. However, "many domestic worker abuse cases were not prosecuted due to lack of evidence or witnesses, or, in many cases, prohibitively expensive legal fees."⁵⁵

The Qatar police are a primary recourse for workers who have been abused or assaulted. Police stations can be daunting spaces for women, even if they are accompanied by a lawyer or a translator, in part as the police are national and male-dominated. One woman, Ani, described her equivocating encounter with the police; while they offered to pursue her case, she felt unsettled in their presence.

In Qatar, officials have begun to include a sticker with the numbers of a complaint hotline and that of the Ministry of Administrative Development, Labour and Social Affairs (MADLSA) in each domestic worker's passport. However, the government did not report how many calls either line received during the reporting year.⁵⁶ Given that many employers confiscate workers' passports, it's unclear how effective this strategy can be.

In Bahrain, migrant domestic workers approach various institutions for recourse, including the police, embassies, migrant community groups and NGOs, the Ministry of Labour, or the LMRA. However, to lodge a complaint against employers, domestic

workers must go to the police, either alone, or with an NGO or embassy representative. In general, police in Bahrain are poorly trained to identify and support victims of abuse and rely on NGOs and embassies to manage complaints.

Women did not report positive interactions with the police in Bahrain. Stella, from Kenya, says that when she reported her agency for abuse, she was told by both the LMRA and the police to return to her agency. Another woman told us, "We hesitate to go to the police station. Employers always right."

Mobility, access to communication, and awareness of support services are necessary for grievance mechanisms to be effective, but they will not help workers if the support services themselves and the overall migration system remains tilted in favour of the employer. When three Kenyan women refused to accept an agency's abuse, they complained to the LMRA but did not find a resolution:

"We all took a taxi and went to the LMRA, we searched the LMRA on the internet and went there for help....we went to the LMRA and we didn't get anything from them, we explained our situation and what happened to us, they made us sit [for] seven hours and then called the sponsor, and they just told us to go back to the agent. We refused with her and that point we didn't have money to go anywhere."

Another woman from the Philippines told us that she was "thrown in jail" for one month for lodging a complaint against her cleaning company manager, who had confiscated her passport and locked her in at night.

Government Shelters

Qatar

No government-run shelter specifically for domestic workers in Qatar currently exists. Though the 2019 TIP report suggested that the Aman Protection and Social Rehabilitation Center provides "basic medical care, social services, psychological treatment, housing, rehabilitation, and reintegration for female workers who fled their sponsors," in practice very few domestic workers have ever been accepted shelter, and only with substantial

pressure from referral parties. The National Committee to Combat Human Trafficking (NCCHT) only recently inaugurated the “Human Care Centre” for trafficked migrant workers.⁵⁷

Kuwait

Kuwait’s Public Authority for Manpower has run a shelter for female migrant domestic workers since 2014. This shelter, where most of our Kuwait interviews were conducted, is perhaps the most accessible in the region for non-government stakeholders. Both media and civil society organizations may request access to visit the shelters, and at least one CSO regularly sends its lawyers to support workers cases. The shelter receives referrals from embassies, NGOs, international organizations, churches, and private citizens, as well as other migrant workers. Most of the women we spoke to were sent to the shelter by their agency, embassy, or employer.

According to the 2018 TIP Report, the shelter housed a total of 3,000 domestic workers in 2017 and 5,000 workers in 2016. Services provided at the shelter include medical and psychological care, repatriation assistance, and legal assistance. Women in the shelter are allowed to change sponsors or return home without sponsor approval, provided there are no criminal cases against them. The average length of time women spend in the shelter is unknown; those who are repatriated often must obtain new identity documents if their sponsor has confiscated them, while those with active legal cases are usually required to stay in the country until the case is complete. Women in the shelter are reportedly allowed to keep their phones and have some freedom of movement.

The Ministry of Interior facilitated the repatriation and provided transition assistance for more than 200 domestic workers identified as trafficking victims during the reporting period. Separately, the DLD provided repatriation assistance for 858 additional domestic workers and recouped approximately KD193,720 (\$643,600) in unpaid wages. The International Organization for Migration (IOM) also has regular access to the shelter and facilitates voluntary repatriations.⁵⁸

It is difficult to evaluate the self-reported veracity or quality of the services said to be provided. Since most of our interviews were conducted in the shelter with staff nearby, women may have been reluctant to share negative experiences. However, participants reported varied experiences through their narratives, which did not always match the standard of service the government officially reports.

Some expressed gratitude for the shelter and its services. Diya, a migrant from India, praised the shelter for supporting her without any prompting.

Bahrain

The Labour Market Regulatory Authority (LMRA) has run a shelter for migrant workers, referred to as the Expatriate Protection Unit (EPU), since 2015. The female shelter has a 120 person capacity, but according to on-ground sources, this capacity is rarely met. The shelter does not accept workers who have on-going labour disputes unless the worker is referred by their embassy or involved in a trafficking or forced labour issue. The shelter also does not accept workers with physical injuries or mental illness, despite reports that medical and mental health professionals work in its facilities.

In 2018, the EPU sheltered 182 women, 12 of whom were identified as trafficking victims. Services provided include clothing, medical care, religious support, psycho-social counselling, rehabilitation, transportation, family reunification, translation assistance, legal counsel, and either repatriation or job placement in Bahrain.⁵⁹

Police and embassies often preferred to refer domestic workers to the shelter run by the Migrant Workers Protection Society, which closed in April 2019. The shelter for domestic workers had been the only legally recognised shelter run by civil society in the region and has housed over 2,000 women since 2005. The volunteer-run shelter provided bedding, food, medical care and legal and financial support for domestic workers while they waited for their cases to be resolved.

Around 200 women entered the MWPS shelter in 2018, 82% of whom were referred by embassies or police. 56% of these women were repatriated, while just over 10% found another job in Bahrain. The remainder left the shelter to be processed by the police, immigration or LMRA departments.⁶⁰

While shelters may provide critical services to workers, their current function has limited justice components; most often, they provide physical shelter for women who have been exploited, but in general, do not proactively seek justice for women except in gross cases of abuse. For example, many women in the shelter require new passports, yet their former employers are not prosecuted for clearly violating the law against confiscating passports. For many women we spoke with, the shelter was a last resort – the place they ended up when nothing else worked.

Additionally, there is no data publicly available on the average length of time women spend in shelters. Several of the women we spoke to had been in the shelter for several months, awaiting documentation or the resolution of cases. Even if they are treated well, they want to return home as quickly as possible.

“I just want to know when I’ll travel. I just think about when will I travel. I have been here [the shelter] for four months.”
– Joyce, Kuwait

Embassy Support

Across the three countries, embassies also run their own shelters for female migrant workers. These shelters technically exist in a legal grey area but with the government’s knowledge and tacit consent. The capacity, conditions, and services offered by these shelters differ greatly depending on the country. The Philippines’ shelters are generally considered the most dependable, and tend to be more public about their services.⁶¹ The existence of embassy shelters, often specifically for domestic workers, reflects the magnitude of the problem.

Embassies play a major role in female migrants experiences, whether positive or negative. The type and quality of services provided by embassies

varies significantly depending on the country of origin and its capacity, as well as the knowledge and attitudes of specific staff employed.

Some participants said that they sought their embassy’s support but did not receive help, or the kind of help they wanted. The reasons embassies may not provide support to women are varied. Firstly, there are jurisdictional limits to an embassy’s intervention. For example, embassy officials cannot help a worker leave their employer’s home, even if abuse is evident. They must either mediate through the agency or employer, or coordinate with local authorities in case rescue needed. Even embassy shelters are not technically considered legal and are subject to closure at the whim of authorities. There are practical limitations to embassy services as well – for example, one common complaint is the time it takes for embassies to repatriate workers. However, embassy staff working to secure exit visas for workers generally confront bureaucratic obstacles that are not possible to bypass. Consequently, there is often a mismatch between workers’ expectations and embassy services.

Embassies may also endeavour to support women in ways that do not necessarily lead to compensatory justice; embassies often warn women that bringing a case against an employer or agency is a long, drawn-out process which can be re-traumatizing and which may not result in meaningful restitution. Embassies may offer repatriation, bearing the cost of the ticket and new document processing, as the more practical solution.

However, embassies may also undervalue women’s complaints and fail to fulfil obligations to protect their citizens. Embassy officials may not meet their mandate to support workers for various reasons, including inefficient or unsympathetic staff, lack of capacity, or lack of funding. For example, some embassy officials harbour disdainful beliefs about female migrants who make complaints – such as that they migrated with the intention of entering an irregular situation – which can affect the advice and quality of service they provide.⁶² Some embassies also have limited knowledge of local procedures, which can prolong resolutions. Additionally, the

manpower and financial capacity of some embassies are limited, particularly those with thousands of workers spread across the country. For example, Nadia's attempt to seek support from the Benin embassy in Kuwait was rebuffed because she did not have the money to fund her own ticket home. The embassy instead brought her to the Kuwait government shelter and later intervened in a dispute with her employer.

There are other barriers to seeking embassy support; some women are not aware that an embassy or consulate exists or have no means of accessing them. Embassies or consulates are often in capital cities, while domestic workers can be spread throughout the country. Others say that they do not attempt to approach the embassy because they believe – often from word of mouth – that the embassy will not support them. Some do not approach the embassy because they migrated to the country irregularly and mistakingly fear reprieve from embassy officials.⁶³ Additionally, women who have “run away” from their employer and want to continue working (irregularly) may only approach the embassy once they have met their financial goals or are otherwise ready to leave the country.

Some origin countries, particularly several African countries, also do not have an embassy or consulate in the country at all. When workers encounter distress, they are either at the mercy of the destination government or must find a way to liaise with the closest embassy in the region.

The Philippines Model?

The Philippines embassy is often pointed to as a standout exception to the general incapacity of embassies. The Philippines embassy has the structure and capacity in place to assist domestic workers, and very often does; in Grace's case, the embassy intervened with both her agency and her employer to secure her release for medical treatment. Shrine also received embassy support in lodging a complaint against her sponsor. Other women noted that the embassy was willing to continue supporting them but that they, themselves, chose not to wait out the long remedy process.

However, women also report disappointing experiences with the Philippines embassy. Grace said she was not satisfied with the frequency of the embassy's visits to her in the shelter. Annie felt the embassy also gave her a cursory review: “Philippines embassy they only said, ‘Ok, send home’. No one talk to me like this—like you and me.”

One Filipino participant observed, “Every nationality or man have the same experience and problems. Even Indians and Sri Lankans, you hear news about them like this too.”

These diverging experiences with the Philippines embassy—regarded as the region's strongest provider of migrant welfare and support—indicate that embassy support is constrained by the destination country's slow dispute resolution system, in addition to limited manpower and financial resources.

It is important to underscore that with all the gaps that do exist in embassy protection, it is first and foremost the responsibility of the destination country to safeguard and defend the rights of workers on its territory.

Destination governments possess the authority to enforce their own laws and to use their systems to hold employees accountable. Even if embassies

could perfect their interventions, the situation of migrant women can only change if destination countries ensure the system respects workers' rights.

Community & Network Support

Migrant community groups—whether they are registered, social clubs and religious groups, or informal and spurious networks—fill critical gaps in support to workers.

More formal networks, such as migrant community groups like the Indian Social Club, also provide critical assistance in many forms. They might provide services at the embassy shelter, help migrants lodge a complaint, find a new employer, or liaise with the embassy to ensure workers get the support they need. More established community groups will often provide assistance to migrants of other nationalities, who may not have a robust community support group. Many of these groups have been in the region for decades and, because of their extensive network and willingness to provide volunteer service, are often an important link between centralised embassies and migrant workers spread across the country.

Newly arrived migrant domestic workers in particular can find it difficult to form communities as their mobility is often restricted to their homes. But women make use of the smallest opportunities to support one another or seek support. For example, a neighbouring domestic worker warned one participant of her employer's reputation with previous workers while throwing out the garbage, prompting her to leave. Women also may get to know other workers while at employers' homes during social gatherings and exchange tips or advice.

In Kuwait, local civil society organizations also provide support to distressed workers. The Kuwait Social Work Society, Humanitarian Foundation for Legal Aid, and the Kuwait Society for Human Rights are registered organizations which send lawyers to the domestic workers shelters and help workers to see cases through their resolution.⁶⁴ These groups also advocate for policy change and conduct public awareness campaigns on migrant and domestic worker laws.

In Bahrain, the Migrant Worker's Protection Society (MWPS) receives complaints from individual workers as well as referrals from embassies, police, ministry of labour officials, and members of the public. Though MWPS no longer runs its shelter, it continues to provide a full spectrum of assistance, including legal services, general support through complaints procedures and cases, translations, and financing of repatriation costs. MWPS also lobbies for policy reform and organises campaigns to raise awareness of workers' rights and conditions.

Still, the isolated nature of domestic work means access to community groups or even formal organizations is limited. For example, while support organizations in Bahrain are arguably the most visible in the region, the women we spoke to were only able to reach their services after a long, hard battle.

“Because we don't know anyone, there's no way to go out of the house, even if they are abusing us, I was very angry, but there's no one around to help.”

- Tzion, Bahrain

While no formal civil society organizations provide regular support to domestic workers in Qatar, there are underground networks and individual advocates which help connect distressed workers to official support services, such as embassies or the police. These advocates are usually tipped-off by individuals who witness or suspect abuse, such as a neighbour, but are themselves unsure of how to report an issue.

Conclusions

On paper, access to justice mechanisms for migrant women in Qatar, Kuwait, and Bahrain may appear rather comprehensive and straightforward. But the realities of the women who have attempted to navigate complaints procedures points to a much more complicated, and much less favourable, picture. Formal complaints mechanisms are often a last resort for women who rely on recruitment agencies, networks, and embassies before engaging with country of destination authorities or government services.

Despite pre-departure interventions and new regulations specific to domestic workers, routine abuse persists and access to justice remains an encumbered, hollow process. The Kafala system restricts how much control a worker has over their own situation by entrenching dependency on their employer, while insufficient grievance mechanisms further preclude migrants from claiming their rights.

Even workers who are informed of their rights during pre-departure orientations have no meaningful way of exercising their rights once in the destination country. The women in this research were resilient and empowered; most had limited tolerance for exploitation, and attempted to resolve issues by negotiating with their employer or recruitment agencies. But there are limits to self-empowerment in an environment where legislation and policy are designed to discourage migrant workers from voicing discontent.

Women relayed a lack of awareness or trust in official complaints mechanisms, which they could often only make use of with the assistance of their embassy, recruitment agencies, or community groups. Complaints procedures are unclear, and not appropriately designed for domestic workers es-

pecially: they require women to have either access to a phone or the mobility to lodge a complaint in person, conditions which are not guaranteed for domestic workers in private homes. Additionally, lodging a complaint in person requires that woman leave her place of employment, which can immediately be considered absconding, an illegal offence. Women rightly fear reprisal from their employers or punishment from authorities.

Language is yet another barrier, as most women do not speak Arabic fluently enough to navigate these processes on their own. The intervention of another party—embassies, agencies, or community groups—is, therefore, a necessity, though not a given; not all workers are connected with a community network, not all agencies will assist workers, and not all embassies can provide sufficient support.

Women who do eventually access official complaints and support mechanisms often receive far less than a meaningful remedy. It is critical to underline that dispute resolution and access to justice are two separate matters; a woman's case is often considered "resolved" if she is repatriated or receives her wages. Many women who experience abuse settle for this, because for fighting for more

often means staying in the country for prolonged, likely re-traumatizing battle with an uncertain outcome. True justice, however, would encompass much more, including punitive damages.

Furthermore, justice requires that employers and recruitment agencies be appropriately penalised. Penalties should not be limited to physical abuses, but to all labour violations including withheld wages and passport confiscation. The laws in each of the three destination countries provide for these penalties, but they are not consistently or transparently applied. Accountability, in addition to proactive enforcement of the law, is a critical deterrent to abuse.

The lack of meaningful progress in the experiences of migrant women is, in part, due to the weak bargaining power of countries of origin. Countries of origin are often reluctant to demand better conditions due to the perceived “replaceability” of migrant workers; if a country demands better treatment, their workers can be easily swapped out for workers from another, more compliant country. Competition amongst countries of origin for jobs in the region is considerable, creating a ‘race to the bottom’ for migrant worker standards. While the reality of this “replaceability” is more complex, these beliefs nonetheless underpin the approaches of both countries of origin and destination to migrant worker issues.

Overcoming the paradigm of “replaceability” involves recognizing migrants as individuals with agency, who should lead the discussions on solutions. When asked what can be done to prevent abuse, many participants underlined the importance of being able to change employers easily, of being taken seriously by the police, and of being well-informed prior to departure.

The reluctance of some women to share their experiences with prospective workers reflects their

acute awareness of the status quo: they know that not everyone will have a bad experience, and they do not want to discourage others from going if there is some chance of getting a good employer, and enjoying a positive outcome.

But the rights of migrant workers should not be left up to chance. Destination countries need to both reform and enforce existing laws, as well as develop efficient complaints procedures and supports mechanisms that are accessible and sensitive to the needs of domestic workers and other migrant women. The recommendations provided in the next section are not intended to be comprehensive but put forward a starting point for change.

Good Practices and Recommendations

These are non-exhaustive recommendations for preventing and responding to abuses against migrant women, based on the issues participants highlighted. Recommendations are geared primarily at countries of destination which were the focus of this research.

Countries of Destination

■ Provide equal protections for domestic workers under the labour law, with meaningful enforcement mechanisms

- Fill protection gaps in existing domestic worker laws and standard contracts
- Expand Wage Protection Systems to include domestic workers, so that bank transfers are mandatory and proof of non-payment can be more easily traced
- Enforce administrative and criminal penalties against errant employers and recruitment/manpower agencies. In particular:
 - *Provide for punitive damages in cases of non-payment of wages*
 - *Uphold penalties against employers who confiscate workers' identity documents*
 - *Prosecute cases of forced labour using anti-trafficking legislation where appropriate*
- Enable domestic workers to more easily change employers without permission
 - *The right to change employers should not be conditional on abuse or proof of abuse*
- Maintain a 'blacklist' for employers and agencies with violation records and prevent them from recruiting new workers
- Develop and make ratings of recruitment agencies publically available to support employers choosing to use ethical agencies

■ Require employers to undergo mandatory orientations ahead of a domestic worker's arrival

- Trainings should not only consist of basic rights (right to communication, right to a day off, right to retain identity documents) but also practical tips to support a positive employer/employee relationship
 - *For example, employers should be aware that their employees might have their own food preferences, and should make arrangements to ensure that workers are receiving both the quantity and kind of food they need, especially in consideration of their often physically heavy task loads*

■ Develop mandatory check-in systems to follow up with workers throughout the duration of their contracts

- A digitised check-in system would help to ensure that workers' rights are not being violated without requiring an in-house inspection, which is often perceived as an invasion of privacy and an obstacle to enforcing the domestic worker's law. The system can also help diffuse potential issues

before they become larger disputes that are more difficult to resolve

- If a worker is not responsive or reports an issue, agencies and offices should have a straightforward means of coordinating with destination countries' authorities to conduct an in-person wellness check
- Cleaning companies and their accommodations should be subject to ordinary labour inspections

■ **Improve complaint and support systems and ensure that they are well-known to workers upon arrival**

- Develop mandatory post-arrival orientations for workers arriving on new contracts to inform them of complaints procedures, their rights, and emergency numbers
- Advertise multi-lingual hotlines that direct workers to complaints mechanisms and services
- Simplify and reduce costs associated with complaints procedures
 - *Increase coherence with labour attachés in origin country embassies*
- Provide gender-sensitive training to police, judges, healthcare personnel, and other agencies who engage with female migrant workers

■ **Increase the number, accessibility, and quality of services of domestic worker shelters.**

These shelters should:

- Provide medical and psychosocial support from qualified practitioners
- Provide open centres, where women have the freedom to enter and leave
 - *Women should have the option of working while their cases are being determined*
- Efficiently process women who want to leave the country
- Allow women unrestricted communication with their friends and family
- Provide more data transparency to enable civil society to promote better practices

■ **Support community centres for workers to socialise, upskill, and obtain access to legal resources**

- Reducing the isolation of workers and encouraging worker communities are critical for quality of life and can help prevent employment conditions from escalating into abuse

■ **Develop public awareness campaigns on the domestic worker rights and on the value of domestic work**

- Employing a domestic worker should not be seen as a right, but rather a privilege that entails duties.
 - *These duties should be communicated in mandatory pre-employment orientation for sponsors.*

- **Ensure that prospective migrants have access to meaningful support systems**
 - Provide training and capacity to diplomatic missions to understand local complaints procedures
 - *Provide gender-sensitive and victim support training to labour attachés*
 - *Provide financial and psychological support to community organizations supporting migrant workers*
- **Support development of accurate, useful, and accessible pre-decision information sessions and pre-departure trainings.**
 - Require women migrating to work as cleaning company workers to undergo similar orientations
 - Trainings should be decentralised, low-cost, and informed by the knowledge of returnees. Topics should include:
 - *Basic language introduction*
 - *Rights and obligations*
 - *Support services available in countries of destination*
 - *Improved financial training including understanding of financial packages during the work contract*
- **Support upon reintegration, including financial training, to help avoid cyclical forced migration**
- **Maintain a 'blacklist' of employers and agencies with records of abuse. Do not permit employers or agencies with pending cases to recruit new workers.**

Endnotes

- 1 See www.tesda.gov.ph
- 2 Visit Migrant-Rights.org for extensive reporting on migrant domestic worker issues in the GCC.
- 3 "A/73/178/Rev.1 - undocs.." <https://undocs.org/A/73/178/Rev.1>. Accessed 8 May. 2019.
- 4 The GCC states consist of Qatar, Kuwait, Saudi Arabia, the UAE, Bahrain, and Oman.
- 5 (2017, November 15). New rights for domestic workers in the GCC : Clyde & Co (en). Retrieved April 4, 2019, from <https://www.clydeco.com/insight/article/legal-rights-for-domestic-workers-in-the-gcc>
- 6 (2018, April 27). Kuwait spends KD 1.02b on domestic workers annually - ARAB TIMES Retrieved April 4, 2019, from <http://www.arabtimesonline.com/news/kuwait-spends-kd-1-02b-on-domestic-workers-annually/> and "the rights of domestic workers between legislative system and" <http://www.kuwaithr.org/library/studies-research.html?download=15:therightsofdomesticworkers>. Accessed 18 Apr. 2019.
- 7 (n.d.). Kuwait Female Migrants Percent Of International Migrant Stock. Retrieved April 6, 2019, from <https://tradingeconomics.com/kuwait/female-migrants-percent-of-international-migrant-stock-wb-data.html>
- 8 (n.d.). Total employment by citizenship, sector. Retrieved July 2, 2019, from <http://blmi.lmra.bh/>
- 9 "Safe migration as an emerging anti-trafficking ... - openDemocracy." 21 May. 2015, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/safe-migration-as-emerging-anti-trafficking-agenda/>. Accessed 6 May. 2019.
- 10 The distinction between a domestic employed by an individual sponsor versus a cleaning company worker performing domestic work is discussed on page 19.
- 11 2017 Kuwait and Qatar CEDAW report
- 12 For example, Bahrain's Supreme Council for Women (SCW), an advisory body to the government, seldom mentions female migrant workers in its reports.
- 13 For example, "Use of smartphone by domestic workers, a concern for sponsors," and "قانون "خدم المنازل.. لا تحمّلوا المواطن تكاليف هروب العامل"
- 14 The specific restrictions on changing employers depends on the visa category, length of the contract, and other conditions.
- 15 Employers must pay a fee to transfer domestic workers visas to their own sponsorship, and it is illegal for employers to charge a fee for submitting a no-objection certificate or to pass this fee down to workers.
- 16 Misleading PR led to the widespread belief that Bahrain abolished the Kafala system in 2012.
- 17 The inclusion of domestic workers owed largely to pressure from the Philippines embassy, which offers a Financial Assistance Program for Filipinos qualified to apply for the visa program. "RecruitmentReform.org | New visa initiative for domestic workers to" Accessed June 25, 2019. <http://mfasia.org/recruitmentreform/?p=10665>.
- 18 Coverage under the labour law depends on the contract signed between parties; flexi-permit holders who hold a contract with a company fall under the labour law, but protections for freelance for many employers are less straightforward.
- 19 Some aspects of domestic worker laws may overlap with the labour law; for example, Qatar's domestic worker law refers to the labour law for dispute resolution.
- 20 (2017, November 15). New rights for domestic workers in the GCC : Clyde & Co (en). Retrieved April 4, 2019, from <https://www.clydeco.com/insight/article/legal-rights-for-domestic-workers-in-the-gcc>

- 21 (n.d.). Kuwait - Ministerial Order No. 2302 OF 2016 On the Rules and ... - ILO. Retrieved April 4, 2019, from https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=106450&p_country=K-WT&p_count=295&p_classification=22.15&p_classcount=4
- 22 (n.d.). Kuwait - Ministerial Order No. 2302 OF 2016 On the Rules and ... - ILO. Retrieved April 4, 2019, from https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=106450&p_country=K-WT&p_count=295&p_classification=22.15&p_classcount=4
- 23 "FAQ - Doha Nanny." <https://dohananny.com/faq/>. Accessed 17 Apr. 2019.
- 24 (2018, December 12). 71.59% of domestic workers are not aware of Law 68/2015 - Arab Times. Retrieved April 4, 2019, from <http://www.arabtimesonline.com/news/71-59-of-domestic-workers-are-not-aware-of-law-68-2015>
- 25 These provisions refer primarily to paid annual leave and access to mediation in case of labour dispute. Domestic workers remain excluded from the majority of labour law regulations. For example, domestic workers are excluded from Article 22, which prohibits contract substitution.
- 26 "Assessing Bahrain's new standard contract for ... - Migrant-Rights.org." Accessed June 25, 2019. <https://www.migrant-rights.org/2018/03/assessing-bahrain-s-new-standard-contract-for-domestic-workers/>.
- 27 Migrant Workers Protection Society 2018 Shepter Report (forthcoming).
- 28 "Cleaning services company: Unequal playing field for migrant" Accessed July 10, 2019. <https://www.migrant-rights.org/2017/07/cleaning-services-company-unequal-playing-field-for-migrant-women/>.
- 29 (2017, September 7). Despite migration ban, Indonesian domestic workers ... - Equal Times. Retrieved April 8, 2019, from <https://www.equaltimes.org/despite-migration-ban-indonesian>
- 30 "2018 Trafficking in Persons Report Country Narrative: Qatar." <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282734.htm>. Accessed 7 May. 2019
- 31 (2018, May 21). How They Did It: Investigating the Trafficking of Girls from Nepal to the Retrieved April 3, 2019, from <https://gijn.org/2018/05/21/investigating-the-trafficking-of-girls-from-nepal-to-kuwait/>
- 32 "2018 Trafficking in Persons Report - Qatar - Refworld." 28 Jun. 2018, <https://www.refworld.org/docid/5b3e0a9e4.html>. Accessed 18 Aprli. 2019.
- 33 (2018, June 28). 2018 Trafficking in Persons Report - Kuwait - Refworld. Retrieved May 31, 2019, from <https://www.refworld.org/docid/5b3e0afea.html>
- 34 "Bahrain - United States Department of State." Accessed June 27, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/>.
- 35 (n.d.). Bahrain - United States Department of State. Retrieved August 1, 2019, from <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/>
- 36 "Kuwait Union Opens Doors to All Migrant Workers | Solidarity Center." Accessed July 1, 2019. <https://www.solidaritycenter.org/kuwait-union-opens-doors-to-all-migrant-workers/>.
- 37 In the past, domestic worker advocates have been active with the union. However, the dynamic is often tense owing to the competition between employers preferences and workers' rights.
- 38 "Challenges facing CEDAW in the Middle East and North Africa" Accessed August 10, 2019. <https://www.tandfonline.com/doi/abs/10.1080/13642987.2011.629096>.
- 39 ""We want people to have dignity." An interview with Bibi Al" Accessed August 1, 2019. <https://www.migrant-rights.org/2018/04/we-want-people-to-have-dignity-an-interview-with-bibi-al-sabah-founder-of-the-social-work-society-of-kuwait/>.

- 40 "Where Pregnancy Is A Prison Sentence - BRIGHT Magazine." Accessed July 1, 2019. <https://brightthemag.com/health-migrant-women-pregnancy-jail-middle-east-qatar-26f247ca51f0>.
- 41 "A Report on Women's Rights in Kuwait Submitted to the Committee on" Accessed July 1, 2019. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KWT/INT_CEDAW_NGO_KWT_21620_E.pdf.
- 42 "World Report 2019: Qatar | Human Rights Watch." Accessed July 1, 2019. <https://www.hrw.org/world-report/2019/country-chapters/qatar>.
- 43 (2015, August 31). انتقادات أهلية لإلغاء مادة ... تتعلق بعقوبات جرائم العنف الأسري | محليات Retrieved August 1, 2019, from <http://www.alwasatnews.com/news/1021539.html>
- 44 See for example, "Beware of African Servants" "Psychological tests not enough for Ethiopian domestic workers"
- 45 This is an oft-repeated statement of officials regarding the sanctity of the home; however, it must be noted that the Gulf regimes intrude on other personal/private matters without the same excuse.
- 46 "Exploited, Undervalued – and Essential: Domestic Workers and the" 29 Jul. 2015, <https://onlinelibrary.wiley.com/doi/10.1111/lasr.12158>. Accessed 24 May. 2019.
- 47 The probation period in Qatar is 3 months. "Qatar: Decision No. 39 of 2018 Specifying the Probation Period for" <https://gulfmigration.org/7253-2/>. Accessed 25 Apr. 2019.
- 48 "2018 Trafficking in Persons Report - Qatar - Refworld." 28 Jun. 2018, <https://www.refworld.org/docid/5b3e0a9e4.html>. Accessed 18 Aprli. 2019.
- 49 "the rights of domestic workers between legislative system and" <http://www.kuwaithr.org/library/studies-research.html?download=15:therightsofdomesticworkers>. Accessed 18 Apr. 2019.
- 50 "Bahrain - United States Department of State." Accessed July 25, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/>.
- 51 (2018, November 15). ألفتا عدد العمالة 90 المنزلية في البحرين - صحيفة الأيام Retrieved August 2, 2019, from <https://www.alayam.com/alayam/local/763967/News.html>
- 52 Vlieger, A.. (2011). Domestic workers in Saudi Arabia and the Emirates: a socio-legal study on conflicts.
- 53 Prohibitions against recruiting more workers do not necessarily serve as a significant deterrent, as employers can easily use a family or friend's sponsorship to recruit workers.
- 54 "the rights of domestic workers between legislative system and" Accessed June 4, 2019. <http://www.kuwaithr.org/library/studies-research.html?download=15:therightsofdomesticworkers>.
- 55 "2018 Trafficking in Persons Report - Kuwait - Refworld." Accessed June 4, 2019. <https://www.refworld.org/docid/5b3e0afea.html>.
- 56 "2018 Trafficking in Persons Report - Qatar - Refworld." 28 Jun. 2018, <https://www.refworld.org/docid/5b3e0a9e4.html>. Accessed 18 Aprli. 2019.
- 57 "'Human Care Centre' launched to protect victims of trafficking - Gulf Times." Accessed July 1, 2019. <https://www.gulf-times.com/story/637897/Human-Care-Centre-launched-to-protect-victims-of-t>.
- 58 "IOM, Social Work Society Celebrate International Domestic" Accessed August 7, 2019. <https://www.iom.int/news/iom-social-work-society-celebrate-international-domestic-workers-day-kuwait>.
- 59 "Bahrain - United States Department of State." Accessed June 26, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/bahrain/>.
- 60 MWPS 2018 Shelter Report (forthcoming).
- 61 "Kuwait, Philippines face diplomatic crisis over domestic" Accessed August 7, 2019. <https://ethicaljournalismnetwork.org/kuwait-philip->

piners-diplomatic-crisis-domestic-worker-abuse.

62 It is true that some workers migrant with the intention of working irregularly and then present themselves to the embassy to be repatriated once they have earned enough to return home. However, this phenomenon is most often observed amongst specific communities.

63 Though embassies may vary in their willingness to provide support to workers who travel irregularly, they will not, themselves, criminalise workers.

64 "Kuwait Social Work Society | Migrant-Rights.org." Accessed July 1, 2019. <https://www.migrant-rights.org/resource/kuwait-social-work-society/>.