Replacement migration and governance: Migrant domestic workers in Egypt

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ABSTRACT—The paper examines how migrant domestic workers, children and adults, make their ways to Egypt and secure employment. The paper also analyzes international legal instruments that constitute the international legal framework governing migration and trafficking to draw connections between these legal instruments and the status of Asian migrant domestic workers in Egypt. This paper is based on qualitative research conducted between 2012 and 2013 with 16 child migrant workers and 25 adult migrant workers selected using snowball sampling. This study analyzes the circumstances of child and adult domestic workers. Adult domestic workers are generally freelancers, and usually stay in Egypt without any legal documents, while child domestic workers are live-in workers mostly staying in Egypt with legal documents. The conditions of the majority of live-in child migrant workers are extremely exploitative which stands in sharp contrast to human rights standards regarding minors.

Introduction

According to the International Labor Organization, there are 52.6 million domestic workers worldwide and the majority of those workers (85 percent) are adult women, but there is also a sizable proportion of children between the ages of six and fifteen working as domestic workers (ILO 2012). The ILO estimates that as many as 7.4 million children under the age of fifteen work in domestic service in the developing world. Since they are hidden it is very difficult to conduct research about their experiences (Ullah 2015; Ullah, Hossain and Islam 2015).

In Egypt, there are about 100,000 migrant domestic workers (ILO 2012), however, there is no data available on how many of them are
children and how many are adults. Migrant child domestic workers between the ages of six and fifteen are part of about three million children working as street vendors, domestic, agricultural, factory, and laundry workers (ECWR 2008). Adult domestic workers are part of an estimated two million migrant workers working in the MENA region (Schiefhaler 2013). Ray Jureidini (2009) suggested that there might be around 3,000 migrant domestic workers in Egypt coming from the Philippines and Indonesia alone. While there are no precise statistics regarding the size of child migrant domestic workers, the profiles of many countries in the region suggest that child domestic work is widespread. Morocco for example has an overwhelming number—ranging from 70,000 to 100,000—of domestic workers who are underage (Schiefhaler 2013).

There has been a lot of literature on migrant domestic workers and their vulnerabilities in the Middle East, especially in the Gulf Cooperation Council (GCC) countries. However, what is extremely scarce is empirical research on child and adult domestic workers in Egypt. The purpose of this exploratory paper is to examine the ways migrant domestic workers—both children and adults—get to Egypt and end up in exploitative working conditions. The paper addresses international legal instruments that constitute the international legal framework that governs migration, child labor, and trafficking to draw connections between these legal instruments and the status of underage Asian domestic workers in Egypt. In more specific terms, this paper tries to understand the process through which Egyptian families hire domestic workers; to understand the rationale behind recruiting child domestics; and to analyze the complex working and living conditions of child domestic workers.

The study

This study stems from a surreptitious meeting between one of my Eritrean students who used to work part-time for a government security official in Cairo and a 13-year old Filipino girl who sought help from my student to be able to leave her “captor.” The student took time to get to know the girl’s circumstances and realized that this girl had been kept against her will in her employer’s home for about three years. What was striking to me was that the girl’s employer was a law
enforcement representative and was violating the law he was hired to uphold. In time, I learnt about a few more cases of this kind and was inspired to conduct a study on this issue.

It was challenging to recruit study participants. Using snowball sampling, I recruited 16 child migrants and 25 adult domestic workers as well as several stakeholders, including 5 employers. In addition to interviews, appropriate international and national legal instruments were also analyzed.

The interviews focused on a number of issues: legal status, education, wages, migration journey, and employment conditions. These areas were explored on the basis that they provide the best picture of the experiences of the subjects. They were also the most significant in terms of drawing the connections between international human rights legal instruments and lived experiences of child and adult domestic workers. All interviews were conducted in person. Four child domestic workers were interviewed at their place of employment and the remaining 12 were interviewed in a safe home after they were rescued.

<table>
<thead>
<tr>
<th>Countries of origin</th>
<th>Child domestic workers</th>
<th>Adult domestic workers</th>
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<tbody>
<tr>
<td></td>
<td>number</td>
<td>percent</td>
</tr>
<tr>
<td>Philippines</td>
<td>9</td>
<td>56</td>
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<tr>
<td>Indonesia</td>
<td>6</td>
<td>38</td>
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<tr>
<td>Thailand</td>
<td>1</td>
<td>6</td>
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<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
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Of the child respondents, 5 (17 percent) were between 10 and 12 years old; 9 (30 percent) were between 13 and 15 years old, and the remaining 2 (53 percent) were between 16 and below 18 years. Of the adult domestic workers, 12 (48 percent) were between 20 and 25 years old; 8 (32 percent) were between 25 and 30 years old, and 5 (20 percent) were between 30 and 35 years old.
Migrant domestic workers in Egypt

Legal framework and governance

Migrant domestic workers have become a reality in Egyptian society today, yet their rights are often excluded from policy and, as a result, they lack legal protection and are vulnerable to human rights violations. The lack of legislation on domestic workers has led employers to believe domestic workers do not belong to the category of workers that enjoys legal protection, insurance, social security, and other benefits. Another important factor of vulnerability is their lack of representation and visibility because they are employed in private households where exploitation can easily go unnoticed and unreported.

In this paper I use the concept of global governance as well as three international legal instruments that play a significant role in addressing different issues regarding underage female domestic workers from Asia (Obokata 2010). The International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (ICRMW) was ratified by Egypt in 1993. As an important tool to protect the rights of migrant populations, it addresses irregular migrants and the freedom of movement (Article 39), as well as the prohibition of torture or cruel, inhuman or degrading treatment or punishment (Article 10). The Convention on the Rights of the Child (CRC) is an important tool that is meant to protect the rights of minors under the age of 18. By signing the CRC in 1990, the Egyptian government committed itself to protecting the rights of minors within its territory. The most significant contribution of this convention is the fact that Articles 3 to 7 recognize domestic work as a severe form of child labor (Schiefhaler 2013). Due to the fact that underage domestic workers are typically denied the right to education, their chances of shifting careers or improving their livelihoods are extremely limited, meaning that their life prospects are locked (Friesendorf 2009). Finally, the Convention against Transnational Crime and its Protocol against Trafficking (CTCPT) aims to protect the rights of trafficked victims by promoting cooperation to prevent and combat transnational organized crime effectively. Egypt ratified this convention in 2000. When the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was written to supplement the Convention against Transnational Organized Crime, Egypt signed it on 1 May 2002 and ratified it on 5 May 2004 (Chantal 2010).
Getting to Egypt

Child domestic workers

The entry paths of child domestic workers were different and more difficult to trace compared to those of the adult domestic workers. The interviews, however, provided some details of their journeys, albeit only sketchy ones. Of the 16 child respondents interviewed for this study, three respondents arrived in Egypt with the help of a recruiting agency, five said they were not aware of how they arrived, four said they were brought there by their employers, two said they were brought there by their relatives, and the rest were unsure. Two of the respondents admitted that they knew their real age but were reluctant to disclose it because their own parents specifically instructed them not to tell how old they were. However, the remaining children stated that they did not know their age. Seven of the interviewed children claimed not to possess any travel documents because they had given them to the recruiting agency. Only one of the child domestic workers had access to her passport. She stated that although the passport was in the possession of her employer, she could have it when she wanted.

Many of the children were not told where they were going and were too young to realize the routes and transit points they traversed. Recruiters employ various techniques to avoid law enforcement agencies, though in many cases they facilitate trafficking for bribes. In efforts to ensure the safety of the traffickers themselves, they force the victims to take dangerous routes, sometimes through jungles, mountains, tidal rivers, and third countries (Ullah 2013; 2010). The interviews with employers and children revealed that they had been recruited, transported, and transferred by recruitment agencies with the help of their parents who abused the power they have over their own children.

Table 2 shows the complexity of the journey for the child migrant workers to get to Egypt. The majority of victims were transported by air, through commercial flights, and then transported by sea via big sea vessels, pump boats, speedboats and fishing boats.

My previous research (Ullah 2014) confirms that most African domestic helpers and asylum seekers enter Egyptian territory through the Sinai and Sudanese borders. There is evidence that hundreds of migrants are held for ransom and abused by human traffickers and
army officials recruit us." They are irregular but very expensive because
the demand is high and the supply is limited. In Egypt, there is a
correlation between being an irregular migrant workers and the level
of salary. Egyptians raise their eyebrows if they know that someone has
recruited a full-time domestic worker from the Philippines because
their wages are very high, typically ranging from USD $600 to $1500.
When they are recruited formally in other countries (such as Saudi
Arabia, Lebanon, Singapore, or Hong Kong) their salary ranges are
much lower, from USD $200 to $500.

The Philippines, the main source country for the migrant workers
in Egypt after Sudan, is one of the seven worst countries for child
trafficking in Asia (UNICEF 2009). About a decade ago, only upper-
class Egyptians hired foreign domestic workers at home, and most of
the workers were from the Philippines, whereas middle class house-
holds hired (part-time or full-time) local domestic workers. More
recently, this situation has changed and as a result, many families
have approached maid agencies to recruit a foreign servant. One of
the primary reasons for this is that many women in Egypt, especially
working mothers, believe that they have potentially more "pro-
blems" (such as disobedience, fleeing, frequent visits by their parents
and relatives, etc.) with an Egyptian domestic worker rather than a
domestic worker who is foreign-born. This means that employers
embrace higher risks of exploitation (in many ways, such as sexual,
physical and verbal). Historically, human rights have been neglected
in Egypt and the overall human rights situation within the country has
continued to be aggravated by the political volatility since 2010. In
Egypt, domestic workers are deprived of legal protection via the labor
law, including social insurance, leaving them with weak legal status
and vulnerability to violations of their rights because labor laws do not
consider domestic work as "work" (Christian Aid and Migrant Forum
in Asia 2010; Ullah 2013; Ullah 2010). Many trafficked victims from
the Philippines are sent to different countries. And in Egypt, they are
proffered as child domestic workers who have become a significant
part of the elite class's luxurious lifestyle.

Work experiences of domestic workers

This study revealed two different kinds of ordeal suffered by the two
groups of research participants (child and adult domestic workers).
Adult domestic workers working as freelancers ran the risk of being arrested at any time. However, they were compensated by the fact that they earned much more income than other nationalities. Child domestic workers were not much worried about being arrested because most of their employers were high government officials. Among adult domestic workers, Filipinos enjoyed the highest wages among all migrant domestic workers of all nationalities.

In this particular study, most child domestic worker respondents were kept “confined,” violated sexually, abused verbally and physically, and exploited financially. Some cases reported they were never paid and some said they were paid way less than initially promised. Since there was no contract agreement, there was no specific amount of salary. Their wages were very much dependent on the whim of the employers. The differences in wages among adult domestic workers could be attributed to the fact that there was an informal ranking within Egyptian society in how they regard the nationalities of domestic workers. The Filipinos are considered the highest in the rank and are thus the most prestigious in terms of demand. In second place come the Indonesians. Africans come after Asians, and Egyptian domestic workers are considered the lowest rank. A significant remark on the wages is the fact that some of the child interviewees did not get paid directly, rather the employers paid their parents through Western Union or Moneygram. For a few respondents, the employers paid their parents up front for a few months however, the employers afterwards chose to keep the money with them.

There were no major complaints from the adult domestic workers about their working hours and wages. However, some of them reported having been sexually and verbally abused and as a result had left their employers when they realized the abuse was beyond their tolerance.

For the child domestic workers, when asked about working hours, none of them were able to give a specific answer. They confirmed that they were on call 24 hours a day. Most of them (11) in fact said they were sex slaves of the employers. All the child respondents complained of restriction of movement, saying their employers used to lock the doors of the house or apartment when they were left alone. All employers interviewed confessed that they intentionally restricted the movement of their employees because they believed they would run away if given the chance. As such, freedom has been compromised for
most of the respondents. The majority of the domestic workers were not allowed to go out of the house for at least one year initially. Some of them reported being allowed to go out with the employers only once a year. Their contact with the outside world was very limited; they watched the world through windows and balconies. One respondent said, “I was staying alone in the apartment. Only my employer used to visit me once or twice a week. The apartment was locked from the outside. I realized he has a family who was not aware of me, I guess.”

Almost all of the respondents claimed not to have their travel documents or passports in their own possession. Most of them said that these were taken away immediately upon arrival in Egypt. A few of them said that their passports were never with them; rather agents or employers carried them on their behalf. Many respondents said that their passports had expired but they did not have chance to renew them.

A few of the respondents reported to have requested their employers to release them from captivity. The employers told them that in order to be released, they would need to pay back their debts, including money spent by the employers bringing them to Egypt. Therefore, these respondents were in a situation of debt bondage in which they could not leave, as they wanted. Most of the respondents (67 percent) reported receiving no salaries for the past year. About 12 percent of them said they received partial salaries two months earlier. About 10 percent reported receiving no salaries since they arrived in Egypt. What is telling is that these children never get paid. Of the total respondents, 11 (37 percent) said they were forced to provide sexual services to their employers. These respondents were never asked to perform any work, only to engage in sexual activities. They said they were housed in an isolated apartment equipped with limited utensils, bed, a washroom and a small kitchen. They saw their employers one to three times per week and realized their captors had their own families elsewhere. Those who tried to speak out against their confinement were physically abused, scolded and routinely threatened with law enforcement.

A few of them have learned from their employers to communicate in limited Arabic. In fact, some Indonesians were interviewed in Arabic and the Filipinos were interviewed in English. They came to Egypt with the understanding that they would work for three or four
years and then the employer would be responsible for sending them back to their respective countries of origin. The agreements, if any, were written in Arabic with no translation.

In one of the interviews, an Indonesian domestic worker recalled that she had attempted to travel three times before finally being successful in leaving Indonesia. The unsuccessful attempts were due to the passport containing a false date of birth to enable her to travel before legally turning 18. On three different occasions the airport officials prevented her from travelling because she looked younger than 18. She was in fact around twelve years old when she attempted to travel the first time.

Historically, domestic work has been seen as unproductive labor and thus is excluded from labor laws. This has contributed to the marginalization of domestic workers in Egypt. Although there is legislation that prohibits children under the age of 18 from working in certain occupations, these laws do not cover domestic work. Additionally, domestic workers are a marginalized section in the Labor Law of 2003. Article 4G of the Labor Law explains why domestic work is an exception. According to this article, domestic workers get to know many secrets and personal issues of employers because of the fact that they are employed in the household. The nature of their work results in the formation of a strong relationship between the employee and the employer. First, the law refers to domestic workers as “servants” even though it refers to the family as the “employer.” Second, domestic work is an exception because of the strong relationship between the “servant” and the “employer.” However, the law does not offer an explanation why the nature of this relationship would result in the exclusion of domestic work from labor law. This exclusionary policy has resulted in the structural marginalization and victimization of domestic workers in Egypt regardless of their gender or their age. As a result, many victims of human trafficking are punished because they are viewed as “illegal” migrants rather than legal or documented migrants. Of course, exclusions from legislations and vulnerabilities to abuse of varied forms do not prevent the flow. A number of entry factors are at work. Child domestic labor typically involves migration from an economically vulnerable household.
Discussion and conclusions

The paper sheds light on foreign domestic workers in general and child domestic workers in Egyptian society that are typically “invisible” to the public. Within the category of domestic workers, this study focuses on both adult and child migrant workers. The difference in the journeys and post-migration lives of adult and child domestic workers is that the way child domestic workers were brought to Egypt is tantamount to trafficking, whereas adults (mostly the freelancers) were able to choose their employers, working hours, and place of stay.

Though Egypt is not heavily dependent on domestic workers as in Hong Kong and Singapore, the number of domestic workers is growing. However, there is no movement to reform policy to protect their rights. Therefore, the entitlements (rights to freedom, etc.) of domestic workers are not the same as other workers. This study documents the situation of domestic workers in Egypt who experience a wide range of abuses, including unpaid wages and restrictions on leaving the households where they work. These common circumstances have prompted many adult domestic workers to opt to work as freelancers in Egypt despite the risks of having no job contract and having an irregular or illegal status in the country. This study revealed the unique experiences of child domestic workers, many of whom were brought to Egypt through precarious means and forced to provide sexual services to their employers. Many of them reported having faced psychological, physical, or sexual abuse and being trapped in situations of forced labor. In addition, child live-in domestic workers experience isolation, privacy and limited or nonexistent mobility. This circumstance contributed to their vulnerability to physical and sexual abuse by employers. The research revealed that relationships between domestic workers and their employers are very unequal and hierarchical, thereby contributing to the abuses that the workers endure.

Egypt lacks sufficient legal protection for children. In addition, there is scarcity of systematic research on child labor to inform governments’ policies and programs (United States Department of Labor 2013). While many countries in the world (particularly in Latin America) have improved legal protection for domestic workers, Egypt still excludes domestic workers from their labor laws. The government cannot be legally held responsible for allowing violation of human
rights because it has not ratified the relevant treaties.

In an effort to combat trafficking, the Egyptian parliament has passed legislation criminalizing all forms of trafficking with penalties of up to 15 years imprisonment (Thomas 2010). Government’s protection and assistance for child domestic workers is constrained by the fact that child and labor laws do not recognize domestic labor as productive labor in the first place. Egyptians continue to employ underage girls for the purpose of sexual exploitation under the guise of recruiting domestic workers. In addition, the law on trafficking is not being enforced. As long as officials of law enforcement agencies continue to employ child domestic workers, this is unlikely to change.

Unaccompanied children entering Egypt with tourist visas are supposed to go through rigorous immigration checks in both the origin and destination countries. But in most cases, children are given easy passage through immigration. Though this can be seen by some people as liberal policy for visa, this easy entrance for girls, especially minors, could be considered as an effective endorsement of human trafficking. There are complaints against the embassies and immigration departments of receiving countries that they have not taken active measure to stop such an easy entrance. Interestingly, victims rescued from abusive employers often seek refuge in their embassies yet they do not file legal actions against their employers. This in turn gives impunity to the abusers.

It is often believed that in Egyptian society the household and the idea of family belong to a sacred and very private sphere, and that therefore law-enforcement is averse to getting involved in family affairs. This may be one reason why abusive treatment and exploitation remains hidden. In the Middle East and North Africa, almost all domestic work occurs outside the scope of national labor laws that are designed to protect migrant workers from abuse. While generalization of the findings based on the small sample is difficult, it is believed that Egypt’s long history of an undemocratic political system has contributed to a lack of due respect for the rule of law. As a result the elite still views domestic workers within a master-slave framework. International legal instruments seem to have played little role in combatting human trafficking, child labor and labor exploitation. The problem with the case of Egypt is the fact that the state itself interprets these legal instruments differently. National governance does not in any way
undermine the role or the importance of global governance. Like in other countries, most migrant domestic workers in Egypt were not aware of the existing laws when they arrived. The language barrier is one of the primary factors why their voices are rarely heard. This makes it even easier for employers to take advantage of them.

Notes

1 This research went through an ethical review process. The terms “Underage migrant workers” and “child migrant workers” are used interchangeably throughout this paper.

References


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