

# Irregular Workers in Egypt: Migrant and Refugee Domestic Workers\*

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*Unlike most other countries in the Arab region, Egypt does not have a regular or significant intake of migrant workers who are contracted to perform the domestic chores of Egyptian households. The legal history of domestic work in Egypt is best characterised as one that denies the validity of paid domestic work as an employment relationship and so it is explicitly excluded from local labour law. While most domestic workers are Egyptian, obtaining work visas for migrant domestic workers is difficult, if not impossible. However, many irregular migrants, refugees and asylum seekers are employed as domestic workers. This study looks briefly at the history of legislation and regulation of domestic work in Egypt, including the government's position in relation to its ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. There follows a brief and selective summary of the results of a survey of Egyptian, Eritrean, Ethiopian, Nigerian and Sudanese, as well as Filipina and Indonesian, domestic workers in Cairo. As found in other Arab countries, there are reports of significant rights violations, including racial and sexual abuse.*

Currently, the Middle East region has the highest share of migrant populations in the world, if regular and irregular migration is included as well as refugees and asylum seekers (Baldwin-Edwards 2005). The region is home to some 20 million migrants and is the source of around 20 million migrants. Until around 1990, the oil-producing gulf countries and the Libyan Arab Jamahiriya constituted the third largest migrant receiving region in the world, after the United States and the European Union (Fargues 2007). In addition, the Middle East is the world's largest source and host of refugees, constituting around 42 per cent of the total world refugee population (ibid.). Furthermore, although the number of refugees has increased in the Middle East, partly because of the demographics of the Palestinian

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refugee population and partly because of the US-led invasion of Iraq in 2003 that created the largest single wave of refugees (over 2 million) who, as of mid 2007, fled to the Syrian Arab Republic (1.2 million), Jordan (750,000), Egypt (80–140,000), Iran (54,000), Lebanon (40,000) Turkey (10,000) and various Gulf states (200,000). Only around 14,000 have been accepted by the United States (*ibid.*).

The history of migration movements in the Middle East is indeed complex, particularly in the Gulf states following the fourfold price increase of oil in the aftermath of the October Arab-Israeli war of 1973. The windfall in profits after that oil price increase has resulted in a unique situation in the Gulf States where the migrant workforce outnumbers nationals. As of 2000, for example, the proportion of migrants in the workforce of Bahrain was 60 per cent; Oman, 64 per cent, Saudi Arabia, 74 per cent; Qatar, 82 per cent; Kuwait, 83 per cent and the United Arab Emirates, an extraordinary 88 per cent. By contrast, migrant labour in Jordan was around 39 per cent; Lebanon 18 per cent, Syria 6 per cent and negligible in Egypt (see Jureidini 2002).

Of particular interest is the number of women involved in migration today. Of around 90 million migrant workers internationally, about half are women (Moreno-Fontes Chammartin 2005). Women are migrating as independent individuals rather than appendages of their husbands and are usually the major breadwinners of their families. In the Middle East these women come mainly from Nepal, India, Pakistan, Bangladesh, the Philippines, Sri Lanka and Indonesia – and they are a significant part of the so-called feminisation of international migration. The largest proportion of these women who migrate to the Middle East do so to find jobs as domestic workers in Arab middle-class households.

The worldwide demand for female domestic workers is a phenomenon of middle-class demand, and so it can be found in almost every country, from Amsterdam to Lusaka, from Dubai to New York, Singapore, Hong Kong and Tel Aviv. Middle class families do not want to perform domestic chores but prefer, and can afford, to employ others. Sometimes having someone do the domestic work and care for children enables female employers to enter the workforce at higher salaries; for others it allows them greater freedom to spend time with their children, helping them with their homework; for some it is also a part of social status maintenance.

With 1.2 million migrant domestic workers employed in Saudi Arabia (HRW 2008) and 600,000 in the United Arab Emirates (IRIN 2006) alone, it can be estimated that there are well over 2 million migrant domestic workers in the Middle East. Although the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) has broad coverage that includes the rights of irregular migrants, it has been mainly ratified by migrant-sending countries rather than migrant-receiving countries. Significantly, however, five of the thirty-seven countries which had ratified the Convention as of June 2006, were Arab states. Egypt, the first to ratify in February 1993 was followed by Morocco in June 1993. More recently Libya (June 2004),

Algeria (April 2005) and Syria (June 2005) have also ratified the Convention. There is great pressure on Lebanon to sign also. In addition to the reluctance to provide legal coverage, there are no bilateral agreements between the recipient Arab states and the migrant-sending countries to establish the required protections of migrant workers, although many attempts have been made.

Migrant domestic workers are also a difficult population to address, because they are largely invisible by working and living in the “sacred” realm of the household that law-enforcement agencies are reluctant to intrude upon. They are often quite ignorant of the country and family they are going to work in and rarely speak the language. Thus they are very vulnerable and many get caught up in a set of structural conditions that can be seen as akin to slavery, or labour indenture, with three major elements that violate basic human rights: (a) violence or the threat of violence; (b) restriction of the freedom of movement; and (c) economic or work exploitation (see Jureidini and Moukarbel 2004).

As in all countries, the main sector for employment of migrants who do not have permission to work is the informal sector where standards of conditions, wages and treatment are often poor and exploitative. State protection of irregular workers usually does not exist and labour unions are absent. The circumstances of migrant domestic workers are important not only because many are employed informally, but also because they are rarely protected by labour law. The domestic work that is undertaken by migrant labour is recognised as an increasingly significant global phenomenon, but few countries in the Arab world (and more generally) have sought to address the human rights issues relating to the conditions and treatment of many migrant domestic workers.

The kind of pastoral care that is required for so many migrant domestic workers in and returning from the Middle East has led some governments of sending countries to impose bans on the receiving countries. For example, in January 2008, the Philippines Government banned migration of Filipinas to Jordan because of the excessive abuses being reported. In 2007, some 775 documented and undocumented Filipinas “in distress” required assistance by the Philippine Overseas Labour Office in Amman, including having to pay for medical assistance and repatriation to the Philippines (*Pinoy Abroad* 2008). They were also banned from going to Lebanon following the war in July–August 2006. In addition, earlier in 2006, the Philippines Government introduced the requirement of a minimum salary of US\$400 per month for all Overseas Filipino Workers and for contracts not exceeding two years and banned the payment of wages to placement agencies in the host country for Filipina domestic workers. This was in order to reduce the attractiveness of Filipinas to the Middle East labour market. Similarly, in 2007, the Sri Lankan president Mahinda Rajapaksa stopped Sri Lankan housemaids from going abroad from the end of 2008, arguing that preference should be given to the out-migration of skilled workers such as nurses. Just prior to this ban, the government released a plan to ban the migration of all women with children under 5 years of age. And those with children of 5 and over had to register an explanation

of proper care for their children before they would be allowed to leave the country. Human Rights Watch lodged a serious complaint against this practice, arguing that it was discriminatory against women under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and it was subsequently withdrawn (HRW 2007).

In Egypt, as well as Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates, labour laws exclude domestic workers (HRW 2007). In addition, in Egypt and Lebanon domestic work is not only ignored by labour law, it is explicitly excluded because it is classified as a “personal” relationship, not an employment relationship (see Section 1).

According to employment agents interviewed in Cairo, the most numerous of domestic workers in Egypt are Egyptian women, whether local or from Upper Egypt. Foreign domestic workers are mainly Sudanese (including some men), Ethiopian, Eritrean and Nigerian. In our study of domestic workers in Cairo, most Sudanese, Ethiopians and Eritreans were refugees or asylum seekers, but Nigerians, although without work permits, were “economic migrants”. Those who had been brought into the country under some contractual arrangement, more akin to the systems operating in other Mashriq countries and the Gulf, were only workers from the Philippines and Indonesia.

## **1. Legal position of domestic workers in Egypt**

Egypt differs from most Arab countries hosting organised migrant contract labour. In recent years it has been the repository of many thousands of refugees from sub-Saharan Africa, the most numerous from Sudan, particularly since the recent crisis in Darfur. The number of refugees from Sudan and other sub-Saharan countries is generally unknown, with estimates ranging from tens of thousands to millions. Although Egypt has restricted foreign worker access to local labour markets, particularly for secondary jobs, because of the high levels of poverty and unemployment of its own nationals, there is a general tolerance for refugees and other African residents who are working without permission, notwithstanding recent deportations and *refoulement* of Sudanese and Eritreans from the country (see Amnesty International 2008).

In Egypt, it seems that there was never specific legislation to facilitate the entry of migrant domestic workers into the country. Law No. 91, passed in 1952 following the Nasser revolution, prohibited foreigners from obtaining work permits as long as the labour market had Egyptians to fill the positions. However, the Ministry of Internal Affairs at the time was lenient on this restriction and migrant domestic workers were allowed in as “exceptions”. Many entered on tourist visas. In September 1984, the Ministry of Labour and Immigration issued a decree (not a law) specifically prohibiting foreign maids from entering Egypt. With a lot of pressure, by the late 1980s/early 1990s, the Ministry of Internal Affairs changed its position from one of leniency to one of strict adherence to the restriction of foreign

domestic workers. In 1987 it launched a campaign to arrest those without proper work visas.

Domestic maids were not mentioned in Egyptian law until 2003. Labour Law 2003 (article 28) stipulated that foreign workers must have a work permit *before* entering the country. This applied to all occupations including, it specified, domestic work.<sup>1</sup> This article replaced article 27 of the previous Labour Law of 1981, which stated that a foreigner could work if he or she had the right to live in Egypt, but did not have a specific right to work.<sup>2</sup> Of more interest in the Labour Law of 2003 is article (4G), which states:

**Domestic work is an exception to labour law.** This is because of the strong relations that grow between the servant and the employer which enables the former to know many secrets and personal issues of the employer [emphasis added].

The legislation also stipulates that normal “restrictions on terminating the work contract do not apply to the employer in this case”. What is important about the above clauses is the explicit recognition of the private and personal nature of the relationship within the household. Paid domestic work is not a “proper” form of labour (perhaps it was also not accepted as “productive” labour), so labour law does not apply; nor does the law of contract. In this regard it is worth noting Anderson (2000), who argues:

... [the role of] the paid domestic worker, even when she does the same tasks as the wife/daughter/mother, is differently constructed. The domestic worker is fulfilling a role, and crucial to that role is her reproduction of the female employer’s status (middle class, non-labor and clean) in contrast to herself (worker, degraded and dirty). It is the worker’s personhood, rather than her labor power, which the employer is attempting to buy and that the worker is thereby cast as unequal in the exchange (Anderson 2000: 2).

On refugees’ rights to undertake paid domestic work: Egypt’s reservations to the 1951 Convention relating to the Status of Refugees on articles 22 (elementary education) and 24 (labour legislation) has been generally understood as not granting rights of refugees to employment in Egypt, resulting in refugees being forced to rely on the informal sector and thus easily exploited. However, open to exploration is article 17 of the 1951 Convention, to which Egypt did not enter reservations. Paragraph 1 states:

... the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

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<sup>1</sup> In practice, this requirement was not always adhered to (for Westerners as well as Africans), either because the Egyptian ministries were slow to adopt new rules and/or because the rules were easily circumvented.

<sup>2</sup> I am not sure I understand this distinction.

In other words, on the issue of employment, refugees are to be treated in the same manner as regular labour migrants. Egypt's Labour Law 2003, article 28, concerns the employment of foreigners in Egypt and the conditions required by foreigners for a work permit from the Ministry of Labour. Thus refugees must obtain work permits from the ministry, but in practice they are difficult to obtain.

In 2006 the Egyptian Government placed strict control on the formal entry of foreign domestic workers. Decision (700), article (11) states:

It is prohibited to request a work permit for foreigners for the occupations of house manager or a similar position such as nanny, cook, maid, etc. of any nationality. It can only be obtained in writing from the central administration of labour from the ministry and in cases where humanitarian and social circumstances necessitates and after consulting with the minister.<sup>3</sup>

The latter concession presumably applies to refugees who need to undertake such work to survive and consistent with the Four Freedoms Agreement in 2004 (signed in May, ratified in September) that granted Sudanese in Egypt the freedom of movement, residence, work and property ownership (Egyptian Government 2007). In reality, however, according to many observers, the Four Freedoms Agreement has not been seriously implemented (Azzam 2005) and few, if any, work permits are applied for and granted, as shown by our Cairo survey.

## 2. UN Migrant Workers Convention

Egypt was one of the first countries to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), which came into force in 2003. The government's initial report by the Human Rights Affairs Department of the Ministry of Justice was submitted to the UN Committee on Migrant Workers in August 2006.<sup>4</sup> Generally, it was asserted in the report that all the rights and freedoms of the ICRMW (excluding its reservations) are protected and enforced under the Egyptian Constitution and are a part of Egyptian law where violations will be dealt with by the courts (Egyptian Government 2006: para. 17).<sup>5</sup>

In its explanations of local legal coverage in respect of each article in the Convention, many government responses were confusing. For example, in addressing the issue of slavery, servitude or forced labour (ICRMW, article 11), the

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<sup>3</sup> This is curious because, in its response to article 25 of the UN Migrant Workers Convention, the government stated that: "Under the Labour Code (law No. 12 of 2003), Article 28 of the Code provides that every such person is required to obtain a permit from the Ministry of Labour. Under the Code, these persons have the right to enter the country for the purpose of gainful employment, including employment in domestic service." (Egyptian Government 2006: para. 144)

<sup>4</sup> With two relatively minor reservations on article 4 and article 18, para. 6.

<sup>5</sup> The report also states: "Egypt was one of the 50 States that drafted and signed the Universal Declaration of Human Rights in 1948, and it has become a party to all subsequent international and regional human rights instruments."

government only refers to violations committed by the state or government officials (Egyptian Government 2006: para. 85). On the other hand, it was noted that, under article 375 of the Penal Code,

Every person who directly or indirectly uses force, the threat of violence or the threat of the use of force against another person or his wife or children for the purpose of intimidation in a manner that jeopardizes his security, peace and serenity, puts his life or safety at risk, causes damage to any of his property or assets or detracts from his personal freedom, dignity, good name or free will commits a criminal offence (ibid.).

It is unclear whether this provision would apply to independent female domestic workers, migrant or otherwise as literally, it seems rather gender-specific. However the spirit of the law does include them, for the report goes on to emphasise clearly that:

These legal provisions are of universal validity. Aliens enjoy the same legal protection as citizens under the above-mentioned statutory instruments and other legislation, regardless of the nationality of offenders and victims (Egyptian Government 2006: para. 89).

More direct reference to labour conditions draws upon the Egyptian Labour Code (Law No. 12 of 2003) that relates to “all terms, benefits, safeguards and rights laid down in the Code, together with such matters as the minimum age of employment, wages, permits and occupational safety.” These conditions “are applicable to non-Egyptians employed in all private or governmental establishments, subject to the condition of reciprocity” (Egyptian Government 2006: para. 144). When asked by the Committee on Migrant Workers why the protection of migrant workers by the Labour Code is subject to a reciprocal agreement and not equal with nationals, the government replied:

The principle of reciprocity, which is recognized by many international agreements, grants exemptions to the nationals of the particular states concerned with regard to the legal process for obtaining work or residence permits. These benefits are provided by agreements between states in order to improve the situation of migrant workers in those same states. This condition is applied in the framework of international labour agreements in order to achieve balance and to benefit from improvements in the situation of Egyptians abroad (Egyptian Government 2007: para. 17).

Referring to foreigners employed by the government, public institutions and the civil service, articles 224 to 226 of the Labour Code provide that:

[g]uarantees of equal treatment for migrant workers in an irregular situation with regard, in particular to, remuneration, hours of work, weekly rest, holidays with pay, safety, health and other conditions of work, are implemented by means of inspections of enterprises by the Ministry of Labour, and legal action is taken against employers who breach the law (ibid.).

It would seem, however, that these provisions do not apply to migrant domestic workers employed in private households. Such inspections do not take place

because the Labour Code excludes their recognition as employees and thus their protection.

The Committee on Migrant Workers made specific reference to this:

The Committee notes that article 4(b) of the Labour Code stipulates that the provisions of that law shall not apply to domestic service workers, including foreign domestic workers. It also notes with concern the rising number of migrant domestic workers and the absence of legal protection afforded to them.

The Committee recommends that the Labour Code be amended in order to apply to domestic workers, including migrant domestic workers, or that new legislation be adopted to provide protection to them. It also recommends that the State party should take appropriate measures to protect migrant domestic workers, particularly women domestic workers. It also recommends that migrant workers in domestic service should have access to mechanisms for bringing complaints against employers and that all abuses, including ill-treatment, should be promptly investigated and punished (CMW 2007a: paras 38, 39).

The Egyptian Government's reply to the Committee on Migrant Workers ignored the UN concern and recommendation altogether. However, in the subsequent Geneva meeting between the Committee and government representatives on 24 April 2007, Ms Abdel Hady noted:

Domestic work was not covered by labour law, and labour inspectors were not allowed to enter homes, out of consideration for privacy. In large part because of the low esteem in which domestic workers were held, there was a shortage of Egyptians in that field, and many foreigners were hired to fill the gaps. The Government was looking into ways of modifying the Labour Code to enhance the status of domestic workers, to give them more dignity and to provide a formal framework for such work (CMW 2007b: para. 41).

### **3. Survey of domestic workers in Cairo**

Throughout 2007 a survey of 633 migrant and refugee domestic workers was conducted, funded by the Development Research Center of the University of Sussex. The sample consisted of 116 Filipinas (15 per cent of the sample), 62 Indonesians (8 per cent), 125 Sudanese (16 per cent), 129 Ethiopians (16 per cent), 118 Eritreans (15 per cent) and 82 Nigerians (11 per cent).<sup>6</sup> An additional 149 (19 per cent) Egyptian domestic workers were included as a control group. The aim of the survey was to gather demographic details and ask about their work circumstances and human rights issues.

Only the Philippines, Indonesian and Sri Lankan embassies responded to our request for an estimation of numbers of their nationals working in Egypt. According to the Philippines embassy, as of February 2007, the number of Filipinos in Egypt was around 4,300; those in domestic service was estimated at

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<sup>6</sup> The different numbers were due to the ability to conduct the interviews within the time deadlines of the study.



2,143. Thus the survey sample was around 5.4 per cent of the population of Filipinas in Egypt. We interviewed ten women at the embassy who had run away from their employers, without their passports. Almost all of these domestic workers had been victims of trafficking by an agent in Jordan and entered Egypt without work permits.

According to the Indonesian embassy, the total number of Indonesians in Egypt was 5,808, comprising 4,241 students (mainly at Al Azhar University), 158 skilled workers (in factories, textiles, oil companies and hotels) and 498 domestic workers. Thus the sample was around 12.4 per cent of the population of Indonesians in Egypt. Again, like the Filipinas, there were a number of cases of Indonesians entering Egypt from Jordan.

According to the Sri Lankan embassy, less than 100 of their nationals are employed in Egypt as domestic workers, whether Tamil or Sinhalese. Because there were so few, Sri Lankans were excluded from the survey.

We do not know the populations of Egyptian, Eritrean, Ethiopian, Nigerian or Sudanese domestic workers in Cairo. But for thousands of refugees in Cairo, domestic work is the only type of employment available to them and it has proved to be a crucial source of income for their survival. Indeed, it has typically resulted in more work for women, who have become the main breadwinners for their families. Local agencies in Cairo operate to place migrants, refugees and Egyptians into domestic work. Indeed, almost half of the interviewees in the survey said they were placed into their household by an Egyptian agency. One of these is a programme for refugees and asylum seekers at All Saints Church. Here they not only operate as an agency to place workers, but they also offer a two-week course on domestic work, using various apartments of willing friends to train them (mainly Sudanese and Ethiopians).

### *3.1. On method*

Note that the methodological limitations of surveying domestic workers and the lack of population statistics makes it difficult to determine whether the sample was representative or not. English-speaking interviewees from each of the nationalities surveyed were employed. The sample was drawn with a snowball technique beginning with those known personally to each of the interviewers. The interviewers were trained over two weeks to conduct the interviews for the project in their own language and translated into English. Interviews were conducted whenever and wherever it was most convenient and private, which included the homes of respondents' employers when they were absent. Egyptian workers generally refused to be interviewed at their place of work, so most interviews were conducted with them at public places such as parks and bus stops. Most Filipinas were interviewed at the churches they attended, in the houses where they worked or at their own apartments in the case of freelancers. Indonesians were interviewed at an Indonesian restaurant with the permission of the owner. Ethiopians and

Eritreans were interviewed before or after church services and in their own homes, while Nigerians were mostly interviewed during traditional weekend community gatherings at the home of the principle Nigerian interviewer and others.

### 3.2. *Legal status*

85 per cent of all foreign workers surveyed stated that they were working illegally. Excluding those from the Philippines and Indonesia, 98 per cent said they were working illegally (i.e. Sudanese, Eritrean, Ethiopian and Nigerian). Over half (57 per cent) of the Filipinas, one-third (34 per cent) of Indonesians, six Ethiopians (5 per cent), two Sudanese, one Eritrean and one Nigerian in the survey said they had valid permits to work in Egypt. Thus, only 15 per cent (n = 96) of the 632 foreign domestic workers interviewed had work permits. Further, if they had a work visa, they were more likely to have a work contract. Some Filipinas and Nigerians were residing in the country with tourist visas. Almost all Sudanese, Ethiopians and Eritreans were refugees with either blue cards (UNHCR registered refugees), yellow cards (UNHCR registered asylum seekers), closed files (refugee status denied by UNHCR) or were appealing. The fourteen remaining were allowed to work because they were married to Egyptians.

### 3.3. *Education*

Almost one-quarter (23 per cent) of interviewees had either no formal education, some primary or had just completed primary schooling; 23 per cent had some secondary education; 34 per cent had completed their secondary schooling and one-fifth (20 per cent) had either some post-secondary studies or training or had completed them. Significantly, the Egyptians and Sudanese showed the lowest levels of education – 85 per cent of Egyptians and 66 per cent of Sudanese had not completed high school. This was in contrast to almost half of the Filipinas (47 per cent) and Nigerians (45 per cent) having undertaken some post-secondary studies. One-third of the Sudanese indicated that they could not read or write in their first language.

### 3.4. *Wages*

The lowest paid were Egyptians and Sudanese. 43 per cent of Sudanese and one-third of Egyptians earned US\$100 or less per month. Over 75 per cent of both these groups earned US\$150 or less. By contrast, over 80 per cent of Filipinas, 75 per cent of Indonesians and 51 per cent of Ethiopians earned US\$300 or more per month. While not statistically significant, there is a positive correlation between level of education and wage level. However, there is no evidence to suggest that wage levels are determined according to educational attainment.

### *3.5. Employment status*

Roughly half of the interviewees lived within the households they worked and half were freelance. All the Nigerians in the study were live-ins. Interestingly however – and in direct contrast to the findings of my study in Lebanon – freelance workers in Cairo worked more average hours per day than live-in workers – yet, collectively, they earn less.

### *3.6. Hours of work*

75 per cent of live-in domestic workers, on average, work 12 or more hours per day. 44 per cent work 15 or more hours per day and 17 per cent reported working 18 or more hours per day. 80 per cent of freelance workers work 12 or more hours, 45 per cent work 15 or more hours per day and 22 per cent work 18 or more hours per day. This exceeds the hours worked in the findings of live-in migrant domestic workers in Lebanon and, of course, violates international labour standards for hours of work. In addition, over one-third of respondents worked seven days a week (almost equally between live-in and freelance workers). Most of the others had either 24 hours or less during the week to rest. It was surprising to find such a similarity between live-in and freelance workers. The lack of difference between them in terms of hours of work and abuse may be that, because they are in an irregular situation with little or no income or social protection, they are all vulnerable to abuse and exploitation and dependent on the goodwill of their employers (including Egyptian workers). In Lebanon, freelance workers do not report abuse or such long hours (except in reference to previous employment as live-ins). Despite their irregular status as residents, they seem to be in a better position to withdraw their labour if the conditions are not satisfactory.

### *3.7. Passports*

One of the most common complaints of migrant domestic workers and their advocates in the Middle East is the withholding of passports by employers, which is often seen as constituting a violation of their right to freedom of movement. However, perhaps because of the preponderance of refugee domestic workers in Cairo, the study found that only one-quarter of workers had their passports held by their employer. The study in Lebanon found that over 90 per cent of migrant domestic workers had their passports held by the employer. Not surprisingly, live-in workers were more likely than freelancers to have their passports held by their employer. Interestingly, however, most of those whose passports were held were Filipinas (44 per cent) who are more likely to have a contractual arrangement as in other Arab countries, but also Ethiopians (43 per cent). However, those Ethiopians whose passports were being held were those who had come to Egypt specifically to work and were recruited and placed by agents; the remaining were asylum seekers. Of further interest is that no Nigerians reported having their passports held. The large majority (82 per cent) of Nigerians said they had come to Egypt specifically to work (17 per cent said they had come to join other family members) and half had

used the services of an Egyptian employment agency, but it seems they were all able to keep control over their passports.

It is noteworthy here that, in their response to article 21 of the Convention, the Egyptian Government made it clear:

To destroy identity documents is a criminal offence under Egyptian law. Nor may they be withdrawn or confiscated, except in certain circumstances permitted by law, where there is doubt about their validity. In such cases identity papers may be confiscated by the competent authorities for purposes of investigation, in accordance with the procedures prescribed by law and having regard to the rights of the possessors of the papers in question (Egyptian Government 2006: para. 140).

On other human rights issues, we asked interviewees about abuse by their employers and other members of the household.

### 3.8. Yelling

We asked: “Are you yelled at?” Overall, 59 per cent (n = 445) said “yes”, the most numerous being 82 per cent of the Sudanese and 71 per cent of the Egyptians. Yelling included abuse such as “I’ll cut your tongue out” – “I’ll kill you” and “*Touf a la rasik*” (“I spit on your head”). While yelling may be seen as a normal response by a supervisor to mistakes made in the workplace, if it is a frequent practice with derogatory intent, yelling becomes a serious form of intimidation and thus abuse. It is all the more hurtful when the recipient originates from a culture that frowns upon and actively suppresses yelling – which is the case in the Philippines, Sri Lanka, Indonesia and Sudan. Indonesians were particularly upset by the loud and abusive treatment, given their level of education and the shock that fellow Muslims would treat them so disrespectfully. While it is often difficult to determine how seriously the above statements are invoked, it is clear that they do constitute threats of violence. In 73 per cent of the cases it was the female employer doing the yelling and threatening.

### 3.9. Name calling

We asked: “Are you called names?” Overall, 30 per cent said yes (with no significant differences between nationalities) (n = 233). The most common names were *hmara* (meaning donkey or stupid) and *abed* or *abda* (meaning slave).

There were also racist taunts. For example, Africans were called *Kalb Aswad* (black dog), *Ya Khara* (you shit), *Ya Aswad* (you black one), *Bint al Wiskha* (dirty girl), *Bint al kalb* (daughter of a dog) and *Honga Bonga* (no translation). Egyptians were more likely to be called *sharmouta* (prostitute), *hayawana* (animal), *hashara* (insect), *khanzeera* (pig), *sorsa* (cockroach) or *falaha* (peasant). With name-calling, other members of the household seemed to participate more (female employer; 51 per cent; “all of the family”, 23 per cent; male employer, 14 per cent; other family, 1 per cent).

### *3.10. Hitting*

Respondents were asked whether they were physically abused. 27 per cent said “yes” (n = 211) (which is more than double the incidence found in Lebanon). 63 per cent of Indonesians (but from a small number, n = 62), 35 per cent of Sudanese and 34 per cent of Egyptians said that they were physically abused. The abuse included slapping, hitting with an object, pushing, punching, kicking, hitting with a shoe, pulling ears and burning with a cigarette. Some also indicated they were spat on. Here the main perpetrator was the female employer (70 per cent) and to a lesser extent the male employer (16 per cent).

Consistent with other studies around the world, most yelling, name-calling and hitting was perpetrated by the “madame” of the household.

### *3.11. Sexual harassment*

Interviewees were also asked if they had experienced any kind of sexual harassment where they worked. Overall, 10 per cent of interviewees complained of sexual harassment (in Lebanon it was 7 per cent), with a larger proportion of Indonesians (27 per cent) and Sudanese (15 per cent) reported sexual harassment. This included demanding sex, verbal harassment (asking, commenting), touching, exposing genitals, showing pornographic films and materials, attempted rape, rape and gang-rape (one case of attempted and one of actual gang-rape). Several said they had lost their jobs when they refused sexual favours. Those who were subjected to sexual harassment were threatened with losing their jobs, physical violence, being sent home or being sent to prison to maintain their silence. One interviewee said: “The husband comes to my room every night for sex. I can’t say no because he gives me money and helps me with many things.” Because sexual harassment is typically under-reported because of the particular shame attached, respondents were also asked if they knew of others who were sexually harassed. 18 per cent said “yes”. Typically, the perpetrators of sexual harassment included the male employer (66 per cent), son of the employers (19 per cent), the brother of one of the employers (14 per cent) and in one case, the father of one of the employers. In three cases the sexual abuser was a single male employer (for this reason, it is illegal for a single male to sponsor a migrant domestic worker in Lebanon (Jureidini 2002).

## **4. Conclusion**

There are three elements to slavery-like practices attributed to the conditions of migrant domestic workers in Lebanon, Jordan, the Gulf states and elsewhere:

- Violence, or the threat of violence;
- Restriction of freedom of movement (not allowing workers outside the house, little or no time off and the withholding of travel documents);

- Exploitation (long hours, low pay and poor conditions) (see Jureidini and Moukarbel 2004; Bales 1997).

While some of these elements are present to various degrees in the employment of migrant and refugee domestic workers and Egyptian domestic workers in Cairo, there are some differences that should be noted. First, while most work very long hours which restricts their freedom of movement, there were not the kind of strict regulations by employers that domestic workers were not allowed outside the house or apartment, as found in other Arab countries – ostensibly to safeguard against absconding and losing the upfront costs of procuring a migrant worker from their home country.

Second, we do not find the same incidence of passports or other travel documents being withheld – again, because few employers are paying large amounts to procure a domestic worker. Unlike other countries, there are no costs for work permits, international travel, insurance, contracts, medical examinations and the like. When asked by the Committee on Migrant Workers about statistics and examples of case law relating to the ill-treatment of migrant workers and the seizure of their identity papers (CMW 2007a: para. 14), the Egyptian Government replied that it needed more time “to prepare these statistics and to enable the branches of the Criminal Justice Department and judicial bodies to discover whether or not such measures have been taken” (Egyptian Government 2007: para. 140). Presumably the data will be provided in the government’s second periodic report due 1 July 2009.

Third, the *kafala* system of sponsorship found in most other Arab states does not operate in Egypt. This is a major factor in the non-criminalisation of migrant workers. They can leave their employers and seek employment elsewhere in Egypt without having to leave the country, provided that their work permits remain valid. Importantly also, the government has stipulated that migrant workers are not placed into detention for visa violations.

A migrant worker who contravenes the legal procedures laid down in the Act concerning the Entry and Residence of Foreign Nationals (law No. 89 of 1960 as amended by law No. 88 of 2005) is liable to a monetary fine and required to leave the country. Under the law, he is allowed a period of time in which to leave the country voluntarily, with no restrictions on his freedom and no risk of detention (Egyptian Government 2006: para. 199).

The large majority of domestic workers in the survey did not report abuse or maltreatment, but a significant number did. As has been shown, the information from the survey suggests a need for regulation and legal protection of employees in the domestic sphere. There is no doubt that the lack of protection from the law contributes to making migrant and refugee as well as Egyptian domestic workers vulnerable to exploitation and abuse (and without any legal remedy against such abuse – see Egyptian Initiative for Personal Rights and the International Federation for Human Rights 2007) that violate human rights conventions, the ICRMW in

particular. Among other things, the United Nations Committee on Migrant Workers overseeing the Convention has urged the Egyptian Government to formally recognise domestic work as an employment relation to give workers protection under local labour law, giving it until July 2009 to respond to this request. The formal and contractual nature of this employment relationship needs to be recognised and protected under local labour law, which should also allow freedom of association and self protection through unionisation. Clarification of the regulations relating to refugees' right to work in Egyptian households is urgently needed to account for the de facto circumstances, particularly regarding Sudanese and their rights under the Four Freedoms Agreement.

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