

AFRICAN REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS IN
EGYPT: WORKING CONDITIONS, VULNERABILITIES, AND PROTECTION
STRATEGIES

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THIS THESIS IS DEDICATED

TO THE FOND MEMORY OF

MY FATHER DR. ABDEL GHAFAR MAHRAN MANSOUR

WHO HAD ALWAYS BEEN A SOURCE OF INSPIRATION, COURAGE, AND RESILIENCE

A MAN WHO TAUGHT ME THAT THE WORLD CAN BE MUCH BETTER WITH

EMPATHY, KINDNESS, AND PASSION.

ABSTRACT

In a restrictive context where refugees and asylum seekers in Egypt face difficulties to access the labour market, they are pushed to pursue employment in the informal sector of domestic work. With the increasing demand on foreign domestic workers in Egypt, particularly from African countries, African female refugees and asylum seekers find domestic work as a good opportunity to secure a decent living. They engage with increasing numbers in domestic work to be able to support themselves and their families. With the absence of any policy that regulates domestic work in Egypt; African refugee and asylum seeker domestic workers find themselves subject to exploitation and abuse. Therefore, this thesis seeks to explore the working conditions of African refugee and asylum seeker domestic workers as well as their vulnerabilities. It also investigates how the existing legal frameworks are impeding their access to protection. Additionally, the thesis explores the protection strategies that the African refugee and asylum seeker domestic workers develop to pursue protection. This is done through the self-governance approach and the strategies approach in connection to Bourdieu's notion of capitals. A separate analysis for African Refugee and Asylum Seeker domestic workers is justified in this thesis since they are faced with additional layer of vulnerabilities and discrimination due to their legal and social status. While Migrant domestic workers in the Gulf countries and Lebanon under the Kafala system has attracted the attention of academics, policy makers, and NGOs over the past years; the experiences of African migrant – especially refugees and asylum seekers - domestic workers in Egypt have been greatly neglected.

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CHAPTER ONE: BACKGROUND INFORMATION

1.1 INTRODUCTION

Domestic workers are generally excluded from the national social and legal protection in more than half of the world (Global Action Programme on Migrant Domestic Workers and Their Families - Project Report, 2016). On the international level, the ILO had also for so long purposefully excluded domestic workers from its labor regulations. It was not until 2011 that the ILO had issued a convention which put a clear framework for the regulation and protection of domestic workers as well as migrant domestic workers (Domestic Workers Convention of 189, 2011) due to the increasing transnationalization of domestic work and the increasing advocacy efforts. Even though the convention has been ratified by 27 countries, it has not been ratified by a single Arab state where domestic work constitute 7.7% of the whole work force and represents around 18% of the migrant workers in the Arab region (Gallotti, 2015). Similar to all the Arab states, Egypt has not ratified the ILO Convention of Domestic Work. Moreover, the Egyptian labor code explicitly exclude domestic workers and members of their families from its provisions (Egypt: Protection of the Rights of All Migrant Workers, 2007). This exclusion prevents domestic workers in general as well as migrant domestic workers from access to legal and social protection as they are not recognized as workers with entitled rights. Given the context in Egypt where refugees and asylum seekers face difficulties to access the formal labour market as elaborated in the coming chapters, they are pushed to pursue employment in the informal sector of domestic work. African female refugees and asylum seekers in particular are engaged with great numbers in domestic work in Egypt. With the absence of any written contract that regulates the relationship between the domestic workers and their employers, domestic workers find themselves denied any rights or benefits and are highly subjected to extremely vulnerable positions. This vulnerability is consolidated to a great extent by the existing policy setting as well as societal discrimination which put them in a marginalized position.

1.2 COUNTRY CONTEXT

Egypt is a main destination as well as transit country for refugee movements from approximately 58 different countries of origin due to its geographic location between East Africa, the Middle East and Europe (UNHCR, 2019). According to the UNHCR national report of Egypt, the number of registered refugees and asylum seekers has reached 280,000 persons in 2019 (UNHCR, 2019). As of December 2017, of the total registered people, Syrians have accounted for 58% and is considered the largest nationality group. Due to the continuing conflict in Syria, it is expected that the influx of Syrian refugees into Egypt is likely to increase and may reach 145,000 by the end of 2020. The number of registered non-Syrian refugees and asylum seekers with UNHCR has reached around 92,524 by the end of 2017 predominantly coming from Eritrea, Ethiopia, South Sudan, Sudan, Iraq and Yemen (UNHCR, 2019).

Given the lack of any prospects for political solutions to persistent conflicts in main countries of origin such as South Sudan, Somalia and Yemen, and continued human rights violations in others such as Eritrea, the UNHCR assumes that the number of asylum-seekers and refugees from these countries will further increase in the coming years and reach 155,000 by end of 2020. UNHCR therefore estimates the total population registered with UNHCR to reach close to 300,000 by the end of 2020. (UNHCR, 2019). In Egypt, the vast majority of registered refugees and asylum seekers live in urban areas alongside the local communities. This includes 75% living in Greater Cairo, 11% in Alexandria and around 4% in Damietta (UNHCR, 2019). Generally, a main aspect of the refugee crisis; is its urban nature. While in camps, refugees may have access to basic needs such as accommodation, food, and healthcare (Sak, G., Kaymaz, T., Kadkoy, O., Kenanoglu, M., 2018). Urban refugees find themselves responsible for providing for themselves. This necessitates their access to labor market; which is considered the main politically charged and most challenged aspect of socio-economic integration of refugees into their host communities especially in low and middle income developing countries (Soliman, 2016). The most impeding factor to the integration of refugees into the labor market in Egypt is the lack of formal employment opportunities (Soliman, 2016). This is due to the high unemployment rate in general in Egypt; which puts even further restrictions on refugees and asylum seekers employment to protect the local labour (Soliman, 2016). Despite the fact that

Egypt has no national legalization or specific procedures for the regulation of asylum seekers and refugees in Egypt, it is a signing party to the 1951 Refugee Convention which acts through a presidential decree as the national regulation guiding asylum seekers and refugees affairs in Egypt as well as its 1967 Protocol, which guarantee the refugees and asylum seekers the right to residence, freedom of movement, and freedom of religions (Abdel-Baki, 2018). Egypt has also ratified the 1969 Organization of African Unity convention which further preserves the rights of asylum seekers and refugees in asylum countries (Soliman, 2016). Furthermore, Refugees and Asylum seekers are also granted the right of non-refoulement, which prevents the forcible return of refugees to their countries of origin in addition to rights of safety, security and basic human rights (Soliman, 2016). Through the support of state-run, religious, local as well as international non-governmental organizations, and community based organizations and charity organizations, refugees and asylum seekers may also have access to basic health care, education, and legal advice (Soliman, 2016). Furthermore, The United Nations High Commissioner for Refugees (UNHCR) is considered the responsible entity in Egypt for refugees and asylum seekers' affairs as per the signed Memorandum of Understanding (MoU) between UNHCR and the Egyptian government in 1954 (Abdel-Baki, 2018).

Even though Egypt is a signatory to the above mentioned conventions, this doesn't mean that refugees have equal rights as nationals to public services and social security. This is due to the reservations that Egypt has made on 5 articles of the Refugees' Convention of 1951 - which provide refugees and asylum seekers entitlement to basic public services and equal treatment with nationals (Abdel Baki, 2018) - in order to prevent any legal obligations on Egypt to these articles. This also reflects the Egyptian government's position which is unwilling to allow for the local integration of refugees in Egypt and considers Egypt as only of a transit position (Abdel-Baki, 2018). Such reservations represent legal barriers that prevent the refugees' access to services and rights such as education, and social security which also impede their integration. Moreover, even though Egypt has not made any reservations on the articles of the Refugees' Convention related to the access of refugees and asylum seekers to the labour market and the right to work, - except for article 24 related to social security- most of them find it extremely hard to obtain working permits and licenses to access the formal labour market or have their own

businesses (Abdel Baki, 2018). Consequently, this has a negative effect on the livelihoods of refugees and asylum seekers and their ability to access the labor market. Moreover, this also results in the prevalence of informal employment among refugees and asylum seekers which expose them to the risk of exploitation and abuse (lower payment, longer working hours, exploitation by employers and hazardous working conditions) (Zette, Ruaudel, 2016). At a more disadvantaged position are African refugees and asylum seekers who face further discrimination, abuse, and exploitation in Egypt (Soliman, 2016).

1.3 OVERVIEW OF REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS IN EGYPT

A general problem in most of low and middle income hosting societies is the lack of policy frameworks that allow for the employment of refugees and facilitating their work permits (Sak, et. al, 2018). While refugees in Egypt are legally allowed to obtain work permits as mentioned above, on practice this is a long and complicated process that necessitates the existence of an employer sponsor and that there is no competition with similarly qualified Egyptian candidates (Buscher & Heller, 2010). Moreover, Egypt has made a reservation to article 24 of the refugee's convention which is addressing labour legislation and social security of refugees. Through this article, refugees are granted similar treatment and privileges granted to nationals “...*Lawful refugees should have the same treatment as is accorded to nationals...*” (Abdel-Baki, 2018). Based on this article, refugees are supposed to have the same labour and security benefits as nationals including “*remuneration, paid holidays, maternity, sickness, disability, old age, death, and unemployment – amongst other things*” (Abdel-Baki, 2018) Accordingly, even though the Egyptian government offer refugees and asylum seekers with similar chances to access the labour market as those given to other non-nationals living in Egypt, it has not agreed to providing them with any special treatment or privileges as those provided to its nationals (Abdel-Baki, 2018). It is worth noting here that non-nationals are allowed a quota of 10% of the labour market in Egypt, which means that refugees and asylum seekers are placed in a competing position with the non-nationals in an already limited field (Abdel-Baki, 2018). Therefore, the main available sector of employment for refugees and asylum seekers who are unable to secure work permits in Egypt is the informal sector (Jureidini, 2009). Working conditions, payments,

and standards are often exploitative and poor in this sector and workers in this sector often lack state protection and labour representation through unions (Jureidini, 2009). For thousands of refugees and asylum seekers in this sector; domestic work is the only employment option available and has been considered a main source of income for their survival. However, domestic work is explicitly excluded from the labour law in Egypt as it is considered a “personal” relationship rather than a “professional” one (Jureidini, 2009). The employment limitation on refugees and asylum seekers has resulted in more work opportunities for female refugees and asylum seekers in the domestic work sector who have become the main breadwinners for their families (Jureidini, 2009). Even though the majority of domestic workers in Egypt are local Egyptian women coming from poor districts and from Upper Egypt; in the study of (Jureidini, 2009), it was found that there were also foreign domestic workers in Cairo. Most of these foreign domestic workers were Sudanese, Ethiopian, Eritrean, Kenyan, and Nigerian. The majority of Sudanese, Eritrean and Ethiopians were refugees and asylum seekers, while Nigerians and Kenyan were mainly economic migrants – even though without working permits- who came to Egypt for work through obtaining short-term tourist visas (Jureidini, 2009). The number of those refugees from Sub-Saharan African countries is generally unknown ranging from thousands to millions (Jureidini, 2009). It is worth noting that among foreign domestic workers operating in Egypt, only Indonesians and Philippines were brought through some contractual agreements similar to those in the Gulf and Middle East (Jureidini, 2009). Domestic workers whether migrants, refugees, or locals are placed into their employers’ households through local agencies, brokers, or through referrals of relatives and friends of other employers (Jureidini, 2009). One of the known institutions working in this sector in Cairo is “All Saints Church” which provides job placement for refugee and asylum seekers domestic workers. Additionally it provide a two-weeks training programme on domestic work “*using various apartments of willing friends to train them*” (Jureidini, 2009). Throughout its history, Egypt has never had any legislation facilitating the entry of migrant domestic workers into the country. However, the government was often flexible in this regard and foreign domestic workers were working on tourist visa until the 1984 when the Ministry of Labour and Immigration issued a decree explicitly prohibiting the entry of foreign maids into the country and a campaign was launched by 1987 to arrest those working as domestic workers without papers (Jureidini, 2009). By 2003, domestic workers were

mentioned for the first time in an Egyptian law where they were explicitly excluded from the labour law (Jureidini, 2009).

1.4 PROBLEM STATEMENT

In a restrictive context where refugees and asylum seekers in Egypt face difficulties to access the labour market, they are pushed to pursue employment in the informal sector of domestic work. African female refugees and asylum seekers in particular are engaged with great numbers in domestic work in Egypt. Therefore, a separate analysis for African Refugees and Asylum Seekers domestic workers is justified since they are faced with additional layer of vulnerabilities and discrimination due to their legal and social status. While Migrant domestic workers in the Gulf countries and Lebanon under the Kafala system has attracted the attention of academics, policy makers, and NGOs over the past years; the experiences of migrant – especially refugees and asylum seekers - domestic workers in Egypt have been greatly neglected.

1.5 RESEARCH QUESTION(S)

Based on the introduction and problem statement, the main research question of this paper is divided into two parts as follows:

To what extent do the existing legal frameworks in Egypt offer African refugee and asylum seeker domestic workers protection? And, if the existing frameworks are insufficient, what are the strategies that African refugee and asylum seeker domestic workers deploy to access protection?

In order to answer the research question, the following sub-questions have been formulated:

- 1 What are the current relevant legal frameworks for the protection of refugees and asylum seekers domestic workers in Egypt?
- 2 What are the working conditions of African refugees and asylum seekers domestic workers in Cairo?
- 3 What are the vulnerabilities faced by African refugee and asylum seeker domestic workers in Cairo?

- 4 In what ways does the current policy setting facilitate/hinder the African refugee and asylum seeker domestic workers' access to protection?
- 5 What kind of strategies do African refugee and asylum seeker domestic worker use to access legal and social protection?

1.6 AIM OF THE STUDY

The thesis has a fivefold objective as follows:

- 1) Investigate the existing legal frameworks that govern the protection of African refugee and asylum seeker domestic workers in Egypt.
- 2) Discuss the working conditions of African refugees and asylum seekers domestic workers in Egypt.
- 3) Address the vulnerabilities experienced by African refugees and asylum seekers domestic workers in Egypt.
- 4) Explore the strategies African refugee and asylum seeker domestic workers pursue to access protection and investigate how the current policy setting in Egypt impact the African refugee and asylum seeker domestic workers' access to protection.
- 5) Provide policy recommendations for policymakers, NGOs, and International Organizations who are working with African refugees and asylum seekers in Egypt to improve their access to protection.

1.7 SOCIAL AND SCIENTIFIC RELEVANCE

This thesis has a twofold relevance. First, the scientific/academic relevance as it aims to add to the knowledge and discussion on migrant domestic work. With the increasing demand in Egypt on African domestic workers, and the increasing supply of labour from the African refugees and asylum seekers community in Egypt, the thesis explores how African refugee and asylum seeker domestic workers in Egypt seek protection. It aims to do so by exploring the current policy setting in Egypt and how it affects their access to protection. Unlike the Gulf States, or the European Countries, Egypt has no Kafala (Sponsorship) system or any other legal framework that organizes the work of migrant or local domestic workers, therefore this paper aims to shed

the light on such a situation where domestic workers in general are working within a policy gap. Through the paper, a better understanding of the working conditions and protection strategies of African refugees and asylum seekers domestic workers is pursued. The paper also explains how the current policy setting is affecting their access to protection, and how it is influencing the type of protection strategies they develop. Such understanding shall contribute to the gap in the public administration literature that doesn't sufficiently cover how domestic workers seek protection in a context of a policy gap. Moreover, unlike the experiences of migrant domestic workers under the Kafala system in the Gulf and Lebanon, experiences of African refugee and asylum seeker domestic workers in Egypt have not attracted the same attention of scholars, therefore this thesis provides new insights on this regard to fill in the gap in the literature on migrant domestic workers. Finally, it adds to the literature on governance of migration by investigating the policy setting that is governing the protection of refugee and asylum seeker domestic workers in Egypt.

The second relevance of the paper is the social one. The paper aims to raise awareness about the challenges that African refugee and asylum seeker domestic workers face in Egypt. Moreover, it aims to change the societal perception of them as vulnerable victims with no agency. This shall be achieved through exploring the strategies they use to pursue protection through employing the self-governance approach as explained below. The aim is also to help relevant stakeholders to better understand the situation in order to push for creating policies that address this situation. Furthermore, in the context of the current legal international and national obligations of Egypt, the paper provides policy recommendations in relation to the labour rights of migrant domestic workers in an attempt to change the current policies regarding the protection of migrant domestic workers.

CHAPTER TWO: THEORETICAL FRAMEWORK

2.1 LITERATURE REVIEW AND RESEARCH GAPS

The topic of Migrant Domestic Workers has grabbed the attention of numerous scholars and researchers; therefore there is a great amount of literature and research data on this topic. It has been discussed from several different perspectives including the economic and development impact of migrant domestic work and of their remittances (Bhadra, 2007, Nojiri, 2017), the

socio-cultural and economic impact and resulting changes on migrant domestic workers and their families (Ukwatta, 2010, Leela, 1997, Jayasuriya & Opekin, 2015), migration trajectories of domestic workers (Suwandi, 2015, Ketema, 2014), regulating systems and infrastructures of migrant domestic workers (Zeegers, 2019, Ignacio & Mejia, 2008, Saravanamuttu, 2018), exploitation and abuse of migrant domestic workers (Ullah, 2015), legal rights and protection of migrant domestic workers (Salih, 2015, Loveband, 2009, Tyc, 2017, Niriella, 2014) and organization and unionization of migrant domestic workers (Johnstone, 2013, Kok, 2013, Bakan & Stasiulis, 1994, Schwenken, 2003). The current literature in this regard provides a basis for understanding the employment conditions of migrant domestic workers and the existing infrastructures regulating foreign domestic work such as the Kafala system in the Gulf States, Lebanon and Jordan (Saravanamuttu, 2018, Abou Jaoudeh, 2017). It also explores the international legal and protection frameworks that are relevant to migrant domestic workers (Johnstone, 2013, Salih, 2015). Furthermore, it discusses the role of NGOs, and unions on organizing domestic workers (Kok, 2013, Abdallah, 2015). However, most of the existing literature focuses on migrant domestic workers in European countries (Salih, 2015, Magalhães, 2017), the Gulf States (Sayed, 2017, Saravanamuttu, 2018, Gikuru, 2013), Lebanon (Hendow & Mansour, 2018, Tabar, 2014), Jordan (Tal, 2015, Lundqvist, 2012, Dai, 2017), Taiwan (Loveband, 2009) and Hong Kong (Zeegers, 2019, Frection, 2017, Ignacio & Mejia, 2008). The emphasize is on migrant domestic workers coming mainly from South East Asian countries, especially from Thailand, Philippines and Sri Lanka (Gebre, 2012). Other movements have been covered but have not grabbed the same attention. This could be due to the large movement of migrant domestic workers from this region, and the huge media attention resulting from the horrible cases of abuse and exploitation such as under the Kafala system (Gebre, 2012). On the other hand, the mobilization of rights and advocacy groups for the rights of migrant domestic workers especially in Latin America and Europe could have also contributed to the increased interest in studying this area (Gebre, 2012). Migrant domestic workers in, from and within Africa have not received the same coverage in literature (Gebre, 2012). This is mainly because African domestic workers don't have similar rights movements as those from South East Asia, and they are also less visible in the media (Gebre, 2012). Therefore, this thesis aims to contributing to this research gap by providing new insights about African domestic workers in an African Country;

Egypt; especially that Egypt is witnessing an increasing demand on African domestic workers. In my search on the current literature discussing African domestic workers in Egypt, it is worth mentioning that only a limited number of papers are discussing this topic. For example, one of the papers is discussing it from a global and economic perspective (Thomas, 2010), and the other is looking at how migrant domestic workers are navigating through the labour market and trying to secure their positions despite their irregular situation (Lilleby, S., 2015). Another literature gap that is apparent, is the lack of literature on the refugee and asylum seeker domestic workers as a specific group of domestic workers who face a double layer of vulnerability because of their legal and social status in the host country. While migrant domestic workers (illegal or legal) face vulnerabilities related to the nature of their job, they usually come relatively prepared to the host country as they often have prior connections with brokers, friends, or relatives who facilitate their employment (Edward, J., 2007). Refugees and asylum seekers come to the country, with the main purpose of seeking protection, usually without any documents, no connections, and are pushed to seek jobs in the domestic work sector to sustain their lives which expose them to further exploitation (Edward, J., 2007). There is an additional literature gap regarding the protection strategies that domestic workers develop themselves, especially in a context where there is no legal framework to regulate their work. Most of the literature, especially the one on the Middle East, is focusing on discussing the vulnerabilities and violations that migrant domestic workers face by deploying a victim approach which usually portrait domestic workers as helpless actors (Dai, 2017). There is a relative gap in the literature on discussing experiences of migrant domestic workers who are able to develop their own protection strategies, especially in a context of a policy gap. The thesis therefore seeks to investigate this perspective and to explore what kind of strategies do African refugee and asylum seeker domestic workers develop to access protection, and why do they develop these specific strategies and how does the existing policy setting influence their access to protection.

2.2 RELEVANT CONCEPTS AND THEORIES

For the purpose of this thesis, this chapter will focus on specific relevant theories, literature and concepts which are more suited to this paper than others. It should act as a basis for the analysis of the collected data during the fieldwork. First, a definition of “refugees, asylum seekers and

migrants” is discussed and the concept of “urban refugees” is briefly highlighted. This is followed by a conceptualization of “domestic work and migrant domestic workers” and the “feminization of domestic work”. Then, “the vulnerabilities faced by migrant domestic workers” is addressed. To investigate the protection strategies developed by the target group of the paper, the theory of “Self-Governance” and “Survival Strategies Approach” will also be illustrated and finally the “Social Construction Framework” will be presented to explain why domestic work is such a neglected and absent topic from the policy agenda in Egypt.

Finally, the analytical framework that guides this thesis is presented which is based on three main approaches (labour rights based approach and self-governance approach in connection to the strategies approach based on Bourdieu notion of capital and finally the social construction framework).

2.2.1 REFUGEES, ASYLUM SEEKERS AND MIGRANTS

For the purpose of this paper, two terms are extremely essential to define; refugees and asylum seekers. However, first the term migrant, is explained briefly as it is also relevant. It is used generally to describe all people who moved from their country of origin to another country either voluntarily or by necessity, for short, long term or permanently, and with or without documents (Samers & Collyer, 2017). Even though this reflects a broad group of people who have moved for a wide variety of reasons, the mainstream political debate usually puts them under the same category where they are perceived as a homogeneous group who move voluntarily seeking new opportunities (Jordan, 2017). This may be true for some, but for other groups, such as refugees, this is not the case. Refugees and asylum seekers, don’t move at first in an attempt to improve their lives like other migrants, instead they move in attempt to pursue protection from conflict or persecution (Jordan, 2017). This could be elaborated from the 1951 Refugee convention which define a refugee as follows:

“any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his

former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (1951 Refugee Convention).

This “Geneva Convention refugee status” usually gives refugees rights to permanent settlement in the host country (Fasani, Frattini, & Minale, 2018). However, more temporary forms of refugee protection can also be pursued within the EU through subsidiary and humanitarian protection (Dustmann et al., 2016). So, what about asylum seekers? From a practical standpoint, there is no difference between asylum seekers and refugees as people, except in terms of their legal status and all the protections and benefits that come with this legality. The term asylum seeker applies to any forced migrant who has been denied or not yet legally declared to be a refugee in the host country, according to the laws set forth by the Refugee Convention or the country of relocation (Dustmann et al., 2016). This means asylum seekers are still waiting for their case to be decided.

2.2.2 URBAN REFUGEES

When discussing the topics related to “refugees”, people usually imagine a camp where a group of vulnerable and poor people are situated depending on international and humanitarian assistance (Perdo, 2015). This picture may be partially correct, but it is definitely not the full picture. According to UNHCR estimates for 2001, 26% refugees live in camps, while 18% are self-settled in urban areas and 56% live in rural areas and other locations (Perdo, 2015).

Accordingly, urban refugees have received increased attention in the literature. Urban refugees could be defined as self-settled refugees living in urban areas whether they are; asylum seekers, recognized refugees, refugees with temporary protection, or those who are not recognized as refugees but fit the definition given above. (Perdo, 2015). This concept of Urban Refugees is particularly essential in the Egyptian case as all refugees and asylum seekers in Egypt are urban refugees since there are no refugees’ camps. Being an urban refugee puts additional pressure on refugees to work, develop skills and make a living to be able to survive independently outside a camp setting (Abdel Aziz & Lotayef, 2017). Given the Egyptian context, where the host population are already suffering with the weak economy, refugees find themselves often competing with the local community in the informal job sector. This expose them to exploitative

conditions and abuse. Moreover, they have limited or no access to health care services, especially those without proper documentation, and also to education services (Abdel Aziz & Lotayef, 2017). Even though Egypt doesn't consider the local integration of refugees as part of its refugees' strategy and rather focus on repatriation and resettlement, less than 2% of the refugees living in Egypt in 2017 have been resettled (Abdel Baki, 2018). This means that the majority have no other option but to stay and find a job in order to secure their living, *“however, even if refugees were to find work prospects in the private sector within the narrow 10% allocation; acquiring work permits is a complicated process due to confusion around refugees and asylum seekers' right to work, lengthy and bureaucratic procedures for obtaining work permits for all foreigners, and the subsequent high costs for employers”* (Abdel Baki, 2018).

2.2.3 DOMESTIC WORK, AND REFUGEE & MIGRANT DOMESTIC WORKERS

There is no one clear definition for what constitutes domestic work. According to the ILO convention of 189 on domestic workers, domestic work includes four main categories as follows (Gebre, 2012):

- 1- Housekeepers and related workers
- 2- Child care workers
- 3- Domestic helpers and cleaners
- 4- Homebased personal care workers

Based on these four categories, domestic workers could be cleaners, cooks, maids, babysitters, personal drivers, caretakers, gatekeepers, and so on (Chen 2011).

It is worth mentioning that domestic work doesn't only include manual and physical aspects, but also mental and emotional aspects that the associated care work necessitate (Gebre, 2012).

Moreover, a domestic worker could be a local resident or could be working in a different country where he/she is not a national citizen (Gebre, 2012).

Generally speaking, domestic workers are greatly excluded from the legal protection given to other workers in almost half of the world (Global Action Programme on Migrant Domestic

Workers and Their Families – Project Report, 2016). Their work is usually perceived as a low-status job. They work usually for long hours with little pay compared to other jobs with similar working hours, and most of the time have no access to social protection. Given the social, cultural and physical context they work and live in; they are often vulnerable to several challenges including sexual and gender based violence (Global Action Programme on Migrant Domestic Workers and Their Families – Project Report, 2016). Migrant domestic workers are also exposed to an additional layer of abuse given the fact that they are not fully aware of the national context and lack the needed support and information who the local have. This is due to a various number of intersecting factors including their dependence on recruiting agencies and brokers who may exploit them, their lack of credible information on migratory procedures, their restricted ability to change employers, lack of written agreements and contracts, retention of their salaries, and travel and identity documents in some occasions, and their lack of access to protection and justice mechanisms (Global Action Programme on Migrant Domestic Workers and Their Families – Project Report, 2016). Their vulnerability is even more exacerbated when they are in an irregular migration situation (Global Action Programme on Migrant Domestic Workers and Their Families – Project Report, 2016).

Domestic workers may be perceived as a homogeneous group due to their common situation and characteristics (low status, lack of protection, exploitation..etc). However, there are many differences in their working and living conditions that should be taken into consideration.

According to the ILO convention no. 189, some working conditions of the domestic workers were defined as follows:

“A domestic worker may work on full-time or part-time basis; may be employed by a single household or by multiple employers; may be residing in the household of the employer (live-in worker) or may be living in his or her own residence (live-out)”.

Another main difference is related to their legal status, as being national domestic workers or migrant (regular/irregular) domestic workers (Gebre, 2012). Other aspect is related to their employment arrangement; as some workers rely on recruiting agencies and brokers for their employment while others are employed directly by private households. Some domestic workers

specialize in specific tasks and others work various tasks for their employers (Gebre, 2012). Accordingly, *“while recognizing the distinctive features of domestic work sector and the challenges most domestic workers face in common, we need to recognize the special needs that some domestic workers may have emanating from the work condition they are in”*(Chen, 2011).

For the purpose of this thesis, it is important also to distinguish between migrant domestic workers and refugee and asylum seekers domestic workers. On the one hand, migrant domestic workers are defined in other literatures as those who leave their home countries with a clear purpose of working as domestic workers (Edward, J., 2007). Workers in this category usually secure their work before leaving their countries either through informal networks (relatives and friends) or through agencies, brokers, and church communities...etc. On the other hand, the refugee and asylum seekers domestic workers are those who traveled to the host country for the main purpose of seeking protection, and ended up in domestic work due to their need to work for survival and the restrictions on their access to work in the formal labour sector (Edward, J., 2007). In the Egyptian case, a great proportion of African domestic workers belong to the second category of refugees and asylum seekers domestic workers (Edward, J., 2007).

2.2.4 GLOBAL PERSPECTIVE: FEMINIZATION OF DOMESTIC WORK AND OF MIGRATION

Domestic work is discussed conceptually from various perspectives including the global perspective (Lowe, 2018). In this perspective domestic work is perceived as a global phenomenon. Based on this perception, a global conceptualization of domestic work has been formulated, called the feminization of labour and the global care chains (Lowe, 2018).

Feminization of labour indicate that particular occupations are greatly feminized (Gutiérrez - Rodriquez 2014). Domestic work is one of these occupation where it is perceived in many societies and cultures as women’s work. However, it is important to understand that domestic workers have not always been exclusively women. In many studies, it was indicated that the work was actually dominated by men in many European countries (Gebre, 2012). With the urbanization and industrialization of western countries, domestic work became feminized due to the “transformation of rural servants” -who were mainly females – “into urban domestic

workers” (Gebre, 2012). Another related notion here is the global care chain. A concept which was first introduced by Hochschild (2000), where he argued that domestic work includes emotional support and not only practical support which generates personal links between individuals of the domestic work. For example, domestic workers play the role of surrogate mothers to the children of their employers (Gebre, 2012). Moreover, global care chains include winners and losers (Yeates, 2004). On one hand, winners are those employers who are able to have more time for their career growth by employing domestic workers. On the other hand, domestic workers are considered losers in this equation as they don’t have much space for growth in their career. The problem with this perception is that it perceives domestic work as a burden on women and with negative connotation for those involved in it and therefore ignores the potential positive and empowering aspects of it as well as the agency of those involved (Gebre, 2012). Other scholars have argued domestic work can benefit not only the households but the whole society through decreasing the publicly funded care services which are provided by the domestic workers (Gebre, 2012). Another related notion is the feminization of migration. There is a huge increase in female migratory movement and labour force around the world. Women are no longer travelling only to join their husbands and fathers, instead they became their own families’ breadwinners. (Lowe, 2018). Female migrants contribute massively today to the global migration population with around 50% of the cross border movement resulting from female migrants where they are contributing also massively to the world labour force (Lowe, 2018).

2.2.5 VULNERABILITY OF DOMESTIC WORKERS

Domestic workers in general are considered to be one of the most vulnerable workers in the world (Gebre, 2012). This vulnerability is attributed to the nature of relationship that they have with their employers as it is perceived as an intimate relationship where domestic workers are treated as family members rather than workers. However, Mantouvalou (2012) argues that this “*sense of intimacy is false*” as this relationship between the employer and the workers intersects with “*status difference*” which the employer often try to maintain (Mantouvalou, 2012). This status difference is also related to a cultural aspect in which cultures of domestic workers act as a base for creating status variance between employers and workers (Gebre, 2012). For example,

the way domestic workers from rural areas or from other nationalities; dress, walk, and talk could be considered as *“epitomes of backwardness and lack of civilization by the urbanite-elite employers”* (Getachew, 2006). Another source of vulnerability associated with domestic work is *“the invisible site of work”* (Gebre, 2012). Domestic workers are more prone to exploitation and abuse by their employers due to the privacy of their working locations inside the houses of their employers (Gebre, 2012). Since accessing the households is considered a penetration of privacy; it is mostly difficult to supervise domestic work. Accordingly, live-in domestic workers are the most vulnerable group among domestic workers as they may be subject to control by their employers over their personal privacy, autonomy and mobility (Gebre, 2012). Another set of vulnerabilities are the associated health risks resulting from their working conditions including the excessive working hours of physical activities such as ironing, cooking, manual clothes washing, and cleaning toilets without proper sanitary utensils (Gebre, 2012). Furthermore, domestic workers may face other vulnerabilities related to human rights violations such as emotional and physical violence, sexual harassment and sexual violence which have been reported in several human rights reports and studies (Gebre, 2012). Even though many women in the world may face sexual harassment and violence, domestic workers remain among the most affected as they *“spend their time hidden in private homes, are at inferior position and are mostly women”* (Anderson, 2000).

2.2.6 REFUGEES’ AND ASYLUM SEEKERS’ PROTECTION STRATEGIES: THEORY 1 - SELF GOVERNANCE AS A MODE OF GOVERNANCE.

Governance in general refers to the various processes of governing including those taken by a government, network, or a market over a formal or informal entity, family, group, or a territory, using various forms such as laws, values, languages and power (Bouwma, Gerritsen, Kamphorst, Kistenkas, 2012). The governance literature in this sense refers to the logic where governing is based on a co- public private governing perspective rather than a “go it alone” government approach (Kooiman, 2000). Accordingly there is a shift in the understanding of governance in the literature from perceiving the governing process as a “one way stream” from those governing towards those governed into a “two ways model” in which the various aspects of those who are governing and those who are governed such as their interests, opportunities, powers and

problems are considered (Kooiman, 2000). Kooiman identifies this perception of governance as “Social – Political Governance” where there are wide-ranging interactions and dynamics between the governing and the governed whether they are “public-public” or “public-private” interactions (Kooiman, 2000). Another related notion here is the “Modes of Governance” notion which refers to the coordinative principles and logic that underlay the governing practices (Bouwma, et. al, 2012). Based on this, modes of governance as a concept is not about the dominant actor that is leading the governing process but about the coordinative principles that are deployed in the governing process between the actors (Bouwma, et. al, 2012). For the purpose of discussing the strategies deployed by African refugee and asylum seeker domestic workers to seek protection, the self-governance mode is of relevance here. This mode of governance is considered to be the most chaotic and fluid form of governance (Bouwma, et. al, 2012). Kooiman has defined self-governance as the ability of societal units to independently govern themselves (Kooiman, 2000). In such mode of governance, self-governing actors may engage in voluntary agreements (Bouwma, et. al, 2012). Other scholars referred to self-governance as a form of governance through which the government depends on the capabilities of societal or market actors to govern themselves (Bouwma, et. al, 2012). Additionally, scholars explain self-governance as a mode of governance where the market or societal actors themselves “*claim an issue which they want to solve themselves and which government does not meddle in*” (Bouwma, et. al, 2012). Based on this approach, self-governance is perceived mainly as governing by societal communities. For example, literature discussing this approach emphasizes self-governance by local groups who share natural resources or common pool resources (Woodward & Castello, 2015). In their study, Woodward and Castello use the self-governance approach to describe how the local fishers in a small village in Mexico depended on their own local community to coordinate their fishing activities where there was weak regulation on the national and local government level due to the lack of resources and personnel to monitor and enforce the existing policies “*Based on informal agreements, each cooperative has an area to fish and every fisher is knowledgeable of these limits. Some level of cooperation is evident in the region; the fishers help each other with actions like sharing their boats and some fishing equipment, and they informally monitor the lake to prevent the entrance of fishers from outside the communities*”.(Woodward & Castello, 2015). It is worth noting that there are no adequate

literature on how the external environment influences the practices and behaviors of the self-governing actors, or how it influences the way they develop their own governing strategies. This is due to the wide-range claim among the self-governance theorists of the closed nature of the self-governance system. Some theorists such as Luhmann has argued about the impossibility of the self-governance system to be governed from outside, while others claim that there are some opportunities for indirect external governing and coordination (Kooiman & Vliet 2000). Moreover, most of the literature is focused on self-governance as a mode of governance in developed societies where the state is giving more autonomy to its societal actors with lack of attention towards the experiences of underdeveloped countries whose local societal actors are pushed to this choice due to the absence of regulation or resources.

The most suitable definition for self-governance that will be adopted in this thesis is the one which has been developed by Kooiman and Vliet in their article on the various approaches of self-governance as follows “*Self-Governance points at ways in which actors-in-interaction, differentiated societal groups or even sectors of societies develop problem solving or opportunity-creating procedures and institutional arrangements to do so on their own and by themselves*” (Kooiman & Vliet, 2000). This understanding of self-governance is consistent with another approach which is concerned with investigating how refugees seek survival and protection and which is also employed in this thesis. This approach is the “strategies approach in connection to Bourdieu’s notion of capitals”. The strategies approach generally was first developed in the migration studies as “survival strategies” in an attempt to understand how marginalized people handle their resources in an inventive ways to cope with their difficulties (Günther, 2018). “*These strategies interconnect in various and multiple ways as a result of internal and external household circumstances, geography and wider economic conditions*” (Datta, et, al., 2007). In developing these strategies, people are influenced by several sociological variables including their gender, class, age and professional mores (Günther, 2018). Based on this understanding of strategies as influenced by individual and social variables such as gender, race, class, etc, the notion of capitals which was developed by Bourdieu is specifically of interest here. Bourdieu has defined capital based on 3 different elements which are; cultural capital which refers to variables such as education, language competencies “*as resources of*

communication with the host society” (Gunther, 2018), and knowledge of the local culture (how to deal with the employers, how to seek support and protection in case of troubles). The second is the economic capital which refers to monetary resources and third is social capital which refers to the set of capitals that the person can mobilize through his/her social relations and social networks (Günther, 2018) “*Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.*” (Bourdieu, 2011). The UNHCR discussed in its policy report about “Refugees Livelihoods” the importance of social capital for refugees as basis to their developed survival strategy to improve their livelihoods (De Vriese, 2006). UNHCR explained that since most developing countries - who host large numbers of refugees- have no functional social welfare systems for refugees, refugees usually depend on their social networks abroad and inside their host country to improve their livelihoods (De Vriese, 2006). This includes for instance the development of “inter-household economic and social networks” that provide refugees and asylum seekers a safety net based on the notion of solidarity and mutual aid to deal with instable and insufficient income generating opportunities and limited social protection (De Vriese, 2006). For instance; “*refugees frequently share small apartments. This pooling of resources contributes to economic survival and securing livelihoods*”. (De Vriese, 2006)

2.2.7 THEORY 2 - SOCIAL CONSTRUCTION OF TARGET POPULATION AND POLICY DESIGN: WHY IS DOMESTIC WORK SUCH A NEGLECTED POLICY PROBLEM?

Policies and laws don’t exist on a vacuum. They are intertwined with social relations, underlying power dynamics, social and cultural stereotypes, beliefs, and traditions that impact the design of each policy, the selection of its instruments and its goals as well as its position on the policy agenda. This has been theorized as “Social Construction of Target Population Framework” which helps explain why certain groups are privileged more than others and how policy designs strengthen or alter such privileges (Schneider & Ingram, 1993). Schneider and Ingram define social construction of target populations as “*the cultural characterization or popular images of*

the persons or groups whose behavior and well-being are affected by public policy” (Schneider & Ingram, 1993). They explained that such characterizations are subjective as they attribute negative or positive images to the specific target groups through using a value loaded language, metaphors or stories (Schneider & Ingram, 1993). Accordingly, the main argument of this theory is based on two notions as follows:

- 1- The social construction of target populations plays an essential role in the policy agenda and its actual design through influencing the perceptions of policy makers (Schneider & Ingram, 1993).
- 2- Policy agenda and design influence also the “*participation pattern and political orientation of target populations*” (Schneider & Ingram, 1993).

To link the two notions, they explain that social construction is embedded in the policy through the messages that the policy send to the citizens. Such socially constructed messages influence people’s perceptions regarding what the government is supposed to do, which group is deserving what, and how this group should politically engage (Schneider & Ingram, 1993). This means that different groups receive different messages. For example, policies that exclude certain groups, or neglect solving certain problems for specific groups, produce citizens who are not willing to seek policy change since the messages they receive encourage “*withdrawal or passivity*” (Schneider & Ingram, 1993). While other groups receive messages that encourage them to combat policies that are detrimental to them through various political avenues (Schneider & Ingram, 1993). It is also important to note that social construction is based on stereotypes that are developed and reinforced about specific groups of people through political, cultural, social, and historical factors. This means that social construction is not only about the position and power of the target population itself and their reaction to the policy but also about how others will “approve or disapprove” how the policy is directed to this target group (Schneider & Ingram, 1993). Besides, the same group could be socially constructed differently by different public officials and policy makers. For example, refugees as a group could be socially constructed by some as vulnerable groups in need of help and aid, while for others they could be constructed as a burden on the economy of the country and as underserving of support (Schneider & Ingram, 1993).

Accordingly, Schneider and Ingram have identified four types of target populations based on the combination of those two factors; their political power and their social constructions in the society as follows:

		Social constructions	
		Positive	Negative
Political power	Strong	The advantaged Business Medical establishment Lawyers Experts Property developers	Contenders The rich Big unions Catholic right Senior civil servants High-ranking politicians
	Weak	Dependants Older people Children People with disabilities Single mothers	Deviants Unemployed Organised criminals Drug addicts Refugees Travellers

Source: (Schneider & Ingram, 1993)

In general, policy makers find it to their favor to make policies that are beneficial for those who are in an advantaged position (positively constructed as deserving and have strong political power) since they do not only respond favorably but also others approve such policies, especially that policy makers depend on values that are widely held and shared among their citizens in their categorization of deservedness (Schneider & Ingram, 1993). On the other hand, therefore, those who are negatively socially constructed as undeserving and who have weak or no political power are at the worst position (Schneider & Ingram, 1993). Moreover, policy makers are able to provide any logic to the policies they make based on their various interests regarding the target populations, therefore, in any policy they are able to direct the benefits to the “advantaged” target populations in terms of policy effectiveness and representativeness and the burdens to the “deviant” groups (Schneider & Ingram, 1993). Furthermore, the “deviant” group often fails to mobilize to counter such distribution of benefits and burdens. This is mainly because of how they are portrayed and stigmatized in the society in a way that convinces them that their problems are not important to the public, and that their interests are not public interests. They also don’t perceive themselves as legitimate enough or effective in the public field and therefore they don’t perceive the government or the policies as remedies for their struggles. Adapting this theory to

the case of African refugee and asylum seeker domestic workers in Egypt, helps explaining the legal exclusion of domestic workers from the labour policy as well as the lack of public pressure to change such a policy. This is elaborated further in chapter six (discussion) of the thesis.

2.3 ANALYTICAL FRAMEWORK AND OPERATIONALIZATION

Due to the continuous efforts and pressure of the Human and Labour Rights Organizations and migrant domestic workers movements; the legal and social protection of migrant domestic workers has been recognized by the ILO through the Domestic Workers Convention no. 189, 2003 (Gebre, 2012). The main aim of the convention is to recognize domestic workers as employees who should be provided legal and social protection like any other workers (Gebre, 2012). Accordingly, the convention attempts to provide governments with a framework to provide domestic workers with a decent working conditions. Therefore, in order to fulfill the aim of the study and explore to which extent to do the existing frameworks in Egypt provide African refugee and asylum seeker domestic workers with protection and investigate their general access to social and legal protection; this thesis follows first a human/ labour rights based approach to investigate the protection and working conditions of domestic workers in the study area (Gebre, 2012). Based on this approach, protection here is not concerned with “*describing situations based on human needs, or areas of development, but in terms of the obligation to respond to the rights of individuals. This empowers people to demand justice as a right, not as a charity.*” (de Alwis, 2008). Protection in this sense can be operationalized in the framework of the ILO Domestic Work Convention no. 189 which focus on: (Formation and Termination of Contract, Working Hours and Time Off, Remuneration, Freedom of Movement, and Working Conditions) (Gerbe, 2012). This convention is the most suitable framework provided for governments to secure a decent work for domestic workers which is considered as part of their human rights as promoted by the ILO (Gebre, 2012). “*The Convention is intended as a human rights instrument with an explicit claim of decent work is a human right for the domestic workers.*” (Gebre, 2012).

Secondly, in order to explain the logic behind the exclusion of domestic workers from the existing policy framework in Egypt, and the absence of a policy change in this regard, the

“Social Construction of Target Population” theory is deployed to account for how African refugees and asylum seeker domestic workers are constructed in the society in a way that maintain their marginalization and how this influences the policy makers’ perceptions and impact the policy agenda and design.

Finally, to investigate what kind of strategies that African refugee and asylum seeker domestic workers develop to access protection, the self-governance approach is employed in connection to the survival strategies theory and Bourdieu’s notion of capital. The operationalization of strategies in this sense will depend on the three types of capitals as explained above; social capital in terms of social and personal networks and connections, economic capital in terms of resources and income, and cultural capital in terms of local knowledge and language.

CHAPTER THREE: METHODOLOGY

3.1 EXPECTATIONS

Based on the Egyptian context and situation of African refugee and asylum seeker domestic workers that is discussed in the first chapter, and the Theoretical Framework of the thesis in this chapter, there are a number of expectations that can be developed as follows:

- 1- The current legal framework in Egypt is not sufficient to provide protection to African refugee and asylum seeker domestic workers.
- 2- The existing policies are contributing to the marginalization and vulnerability of African refugee and asylum seeker domestic workers due to the negative social construction of African refugee and asylum seeker domestic workers.
- 3- Migrants - including refugee and asylum seekers- in general rely greatly on their interpersonal networks to pursue protection where such networks acts as safety nets to support them against uncertainties and facilitate their settlement into their host communities (Bilecen , B., 2019). Accordingly, African refugees and asylum seekers who are engaged in the domestic work in Egypt depend on personal and collective strategies based on their social, economic, and cultural capital and their interpersonal networks to

pursue protection. These strategies (the independent variable) are expected to influence to some extent their access to protection (the dependent variable).

3.2 RESEARCH APPROACH AND CASE SELECTION

The methodology for this thesis follows a qualitative study method, using both primary data sources as well as secondary data sources as follows:

3.2.1 IN DEPTH -SEMI STRUCTURED INTERVIEWS:

In migration studies, specifically when researching vulnerable groups, the interview method has proved significantly successful to explore the vast and fast-growing care- and domestic labour market in Europe (Zapata-Barrero & Yalaz, 2018). In their book on qualitative research on migration studies, Zapata Barrero & Yalaz (2018) describe this as follows:

“The interview method helps not only to access migrant populations (mostly women) working in the shadows of private homes and closed care-institutions, but also, importantly, helps to untangle the meaning and practice of “love and caring mix with power and agency in the labour-for-money exchange” ...that characterizes this job sector, one that is usually hidden from the public gaze” (Zapata-Barerro & Yalaz, 2018).

Moreover, when studying refugees and asylum seekers domestic workers, it is extremely difficult to follow a direct observation method in their workplace or to conduct focused groups or surveys due to the sensitivity of the issues discussed. Therefore, the in depth interview becomes the most suitable tool that allows the target group to openly express their views flexibly at a convenient time and neutral territory (Zapata-Barrero & Yalaz, 2018). The researcher has specifically selected the semi structured interview method as it ensures that the interviewees are close to the topic but is also a flexible tool that guarantee the respondents enough space to open up the discussion and introduce other relevant topics which facilitate more knowledge production and explanation to the topic of interest (Zapata-Barrero & Yalaz, 2018).

3.2.1.1 CASE SELECTION

In the interviews, since the domestic work market in Egypt is dominated by female workers, the researcher focused only on female African Refugees and Asylum seekers who are employed or have been employed as domestic workers or care givers in households in Cairo. The interviewees have worked either as live-ins where they lived with their employers in their households or live-outs where they went either on demand basis or regularly to carry out specific tasks of cleaning, cooking, or/and babysitting. Additionally, employers of migrant domestic workers, brokers and case workers from organizations that support African refugees and asylum seekers were interviewed to collect primary data that helps to understand the experiences, working conditions of the domestic workers, their vulnerabilities and their strategies to access social and legal protection. In total, 7 refugees and asylum seeker domestic workers from South Sudan, Ethiopia, and Eritria were interviewed. 2 irregular migrant domestic workers and 1 regular migrant from Kenya were also interviewed to provide additional insights. Additionally, 1 broker, and 1 case worker were also interviewed. A snowball method was followed to get contacts from the interviewees for others who can participate in the paper. As a start, the researcher has contacted a famous Facebook Page in Egypt which connects the domestic workers with the households and brokers. Through the page, the researcher managed to interview a broker who connected her with 2 Kenyan irregular, and 1 regular domestic workers. Furthermore, she has reached out for several NGOs that provide refugees and asylum seekers with legal as well as social services. Only 1 NGO allowed the researcher to conduct an interview with their caseworker who helped to connect with 6 refugee and asylum seekers domestic workers. Additionally, the researcher has depended on her personal network to reach the 7th refugee domestic worker who works for her friend's family. Names of the interviewees as well as the NGO are changed in this thesis as per their request. The interviews took place in several locations, including the houses of the broker and a refugee as well as the NGO's office.

3.2.1.2 DATA COLLECTION AND ANALYSIS

Interviews were recorded and transcribed, and notes and observations were taken down. The results were analysed using atlas.ti. Transcription of the interviews have been coded and

categorized in a manner that helps informing a structured analysis. The codes that were used are as follows:

- Recruitment, Negotiation and Contract Formation
- Working Hours and Rest Time
- Remuneration
- Privacy
- Accommodation, Food, and Medical Coverage
- Abuse
- Smuggling
- Trafficking
- Irregular Status
- Legal Framework
- Mobility
- Conflict Resolution with Employers
- Economic Capital
- Social Capital
- Cultural Capital

These codes were then grouped into three main code groups as follows:

- Working Conditions
- Vulnerabilities and Challenges
- Protection Strategies

Most of the interviews were conducted in Arabic, and English as preferred by the interviewees. However, 5 interviews were conducted in Oromo language which was the native language of the interviewees and an interpreter was present to translate to English to the researcher. Data were collected from Greater Cairo governorate only as it was hard to access other respondents from other governorates given the time limit. The field work was conducted in two phases. In April, the first round of interviews was conducted with the case worker, the broker, 1 refugee domestic worker, 2 irregular migrants' domestic workers and 1 regular migrant. In June the researcher

came to Cairo where the second round of interviews was conducted with the remaining 6 refugee and asylum seekers domestic workers.

3.2.2 SECONDARY DESKTOP RESEARCH:

Secondary desktop research is a main component of this thesis especially in order to discuss the legal, social, cultural and economic context in Egypt that influence the working conditions of African refugees and asylum seekers domestic workers. In addition to the conducted interviews, the researcher used existing literature also to explore the vulnerabilities of migrant domestic workers. Furthermore, secondary desk research was used to explore the current international and national relevant legal frameworks in Egypt supporting the protection of refugees and asylum seekers domestic workers. Secondary data were derived from various sources including news articles, NGOs reports, official statistics, policy papers and reports of international and governmental institutions as well as previous academic research. Data collected from desktop research was analysed in the literature review section and the hypothesis resulting from these data was tested in the interview phase.

3.3 ETHICAL CONSIDERATIONS

As this is a qualitative research, it is essential that the researcher position herself in the project through considering what she adds to the enquiry in terms of her background, values, political leanings and biases (Jordan, 2018). In this context, it is important to mention that the researcher positions herself, her ideas and perceptions based on a moral code which values diversity and empowerment. Being an experienced development practitioner, and an enthusiastic activist and researcher in the field of human rights and migration, the researcher feels strongly about the importance of the empowerment of refugees and asylum seekers. She believes in the agency and capabilities of refugees and asylum seekers in general and the need to stop the stigmatization of them as incapable victims but at the same time the need to provide them the required protection opportunities to enable them the best use of their capacities. Obviously, as someone who holds such perspective on the agency of refugees and asylum seekers may have an influence, even unconsciously, over the decisions made in this research project. Moreover, being an Egyptian female who comes from the middle class in Cairo may have a certain influence on the way

interviewees (African female domestic workers) perceive the researcher and create certain biases as she resembles the employers who they work for. This may pose certain barriers to the needed trust building process for the transparency and accuracy of data collection. On the other hand, the researcher may herself has some presumptions about the living and working conditions of domestic workers in Egypt based on her own personal experiences of someone who used the services of domestic workers before.

3.4 RESEARCH LIMITATIONS AND CHALLENGES

It should be noted that the absence of updated statistics and figures on the current numbers of domestic workers especially among refugees and asylum seekers make it hard to guarantee that the sample in the research is a representative sample. Besides, given the restricted political context in Egypt, data collection and research is not always possible as people and organizations are sometimes reluctant to providing data or discuss openly certain topics especially when it comes to rights and freedoms. This was experienced by the reluctance of the many different NGOs that were approached by the researcher to provide any data. Also, given the fact that migrant domestic work is greatly an informal sector in Egypt, some brokers, and domestic workers – especially due to their vulnerable status as refugees and asylum seekers – were not comfortable in being open about their work. Additionally, it was planned to interview employers in order to understand the working conditions of domestic workers better from the perspective of employers but all approached employers except one who was not in Egypt either ignored the researcher requests or claimed they had no time for the interview. This could be attributed to the fact that the researcher either didn't know them personally and only approached them through the Facebook group that connects employers with domestic workers and brokers so there was no enough trust or knew them very well as part of her social network which created some sensitivity to discuss the issue. In the interviews conducted in neither English nor Arabic, male interpreters were present during the interviews. In some of these interviews, the researcher sensed that the interviewees were not very comfortable in discussing their experiences openly especially when they are related to sexual abuses and rape incidents. One of the main challenges that the researcher faced during some of the interviews was dealing with such cases of rape and sexual abuse as the interviewees experienced psychological break down and the researcher had to end

the interviews twice earlier than planned in order to avoid causing them more traumas. However, in order to make sure the interviewees were comfortable, the researcher explained by the beginning of each interview that the participant may avoid any question that is not comfortable or to end the interview at any time.

CHAPTER FOUR: THE EXISTING POLICY SETTING

4.1 RELEVANT LEGAL FRAMEWORKS FOR THE PROTECTION OF AFRICAN REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS IN EGYPT

Although refugees and asylum seekers domestic workers lack protection due to their exclusion from the labour codes and policies in Egypt, their relative ability to secure their position and their “bargaining power” could be greatly determined by other relevant regulations pertaining to their status in Egypt and their right to work (Thomas, 2010). Egypt has committed to several international treaties concerning the rights of migrants in general to work legally in the country which potentially could apply to migrant domestic workers including refugees and asylum seekers. Despite the fact that such treaties have been ratified and are enforced and considered part of Egypt legal framework, however -in reality- their implementation somehow “*mirror the regulatory exclusion in the Egyptian labour code*” (Thomas, 2010). This means that they end up strengthening the vigorous informality that define domestic workers situations. African refugees and asylum seekers domestic workers in Egypt are affected by several international treaties in addition to regional treaties as explained below.

According to the Egyptian law, most of these treaties are directly enforced upon ratification and publication by the Egyptian government (Thomas, 2010). However, that doesn’t mean that they are automatically applied. Their implementation comprise a complex bargaining process between the different Egyptian judicial and executive branches and the national laws. In several instances, the judiciary has applied directly the provisions of international human rights agreements which challenged the executive branch politically (Thomas, 2010). On the other hand, the executive branch in Egypt has in many occasions tried to undermine the role of the judicial branch and the constitutional protections through various tactical including amending

the Egyptian constitution to limit the judiciary's authority (Thomas, 2010). This has been achieved through the approval of the parliament which has been often dominated by a majority of supporters of the successive Egyptian presidents. Accordingly, despite the fact that the constitution still guarantees the direct enforcement of treaties in Egypt, the amendments of the Egyptian constitution limit the automatic application of these provisions that provide protection through disrupting the balance of power between the judicial and executive branches of the government (Thomas, 2010).

Therefore, the enjoyment of protection and of specific rights in Egypt are greatly dependent on various institutional, political as well as societal elements. In addition to the limitation on the impact of these treaties in Egypt, there are other limitations related to hindering the effect of other *“special legal frameworks granted by particular instruments. These limitations, de jure and de facto, have the overall result of lessening labor protections that would extend to the migrant domestic workers in Egypt”* (Thomas, 2010). This could be further explained through analyzing the following legal instruments and their limitations.

- 1 The 1951 International Convention for Refugees and its 1967 Protocol, according to which refugees in Egypt are granted similar rights to work as granted for non-nationals. However, there are various obstacles including social, political and economic factors that limit this right. As explained previously, issuing a working permit for foreigners including refugees is a lengthy, costly and complicated process which make it easier for refugees to move to the informal sector. Moreover, the right to work is limited only to recognized refugees and not to asylum seekers who constitute the majority of this group in Egypt. *“For example, though the total number of Sudanese nationals in Egypt is estimated at between two and five million, only about thirteen thousand are officially recognized as refugees.”* (Thomas, 2010) .This is due to the lengthy process of status determination by the UNHCR as they are overloaded with claims and understaffed and are the only official entity responsible for processing refugees and asylum seekers claims in Egypt (Thomas,2010). Furthermore the UNHCR in Egypt has been criticized for its improper limited interpretation of the refugee convention which sometimes *“under-recognize refugee status claims”*. (Thomas, 2010). Such limitation of refugee status determination is greatly influenced also by the political context in Egypt

where the government doesn't recognize its accountability to the refugees and asylum seekers and gives the full responsibility to the UNHCR. On the other hand, the UNHCR is limited by its situation as both "*a guest of the Egyptian government*" and representative of the interests of the international refugee convention and of the international community (Thomas, 2010). Furthermore, since refugees' integration in Egypt is not a recognized policy, resettlement is the only option second to repatriation. In this case resettlement is greatly controlled by the wealthy countries that greatly resist – for their own interests- the refugees' recognition and resettlement (Thomas, 2010).

- 2 The UN Convention on Migrant Workers and their Families. The convention doesn't recognize refugees as migrant workers and therefore emphasize the dichotomy between forced migrants for political reasons and voluntary migrants for economic reasons. However, Asylum seekers who haven't been granted refugees status yet, are included under the protection of the convention. Irregular migrants in general are included in the Convention through its general non-discrimination principle of protection which is accorded to all migrant workers regardless their documentary status. The convention grant all migrant workers regardless their documentary status a limited right to join and participate in associations as well as the freedom of expression. However it doesn't grant them the right to form associations as this right is only limited to regular migrant workers. Since freedom of association and assembly is considered an essential right for all workers including migrant domestic workers, therefore such limitation "*could be read as intentionally allowing for lesser protection of those freedoms as exercised by undocumented migrant workers*" (Thomas, 2010). Additionally, even though the convention was ratified by Egypt in 2003, the continuous state of emergency that Egypt upholds – which allows the police to ask any individual for identification at any time- has been criticized by many international organizations for undermining the protection granted under the convention for all migrant workers regardless their documentation status. In a report published by amnesty International in 2017, cases of arbitrary detention, torture, and harassments have been reported several times for refugees, asylum seekers, and irregular migrant workers who failed to show identification documents. Furthermore, cases of deportations have increased significantly during the past years due to pressures from developed countries especially the Southern

European ones and Israel to stem migration of African asylum seekers through Egypt to these countries (Amnesty International, 2017). *“Immigration officials deported at least 50 asylum-seekers from Eritrea, Ethiopia and Sudan, including young children, to their countries of origin without giving them access to legal representation or to UNHCR”* (Amnesty International, 2017).

- 3 The Four Freedoms Agreement, which was signed between Egypt and Sudan in 2004. It supposedly guarantees both Sudanese and Egyptian citizens; freedom of entry, residency, movement and work in both countries. Accordingly, Sudanese migrants in Egypt are supposed to enjoy full equal rights with Egyptians according to this agreement. However, the application of the agreement has been limited on the ground. For example, Sudanese are still required to obtain an entry visa to Egypt due to governmental concerns over the security situation in Egypt if borders are open which may result in influxes of refugees from Darfour which may include terroristic groups. Therefore, Egypt and Sudan have agreed on 2017 to regulate the visa procedures between the 2 countries where females under the age of sixteen and over the age of fifty were exempted from obtaining visa and all other Sudanese are exempted from registration measures, as well as visa and residency fees. Also, Sudanese living in Egypt before 1995 will be treated as Egyptian citizens. Additionally, Sudanese nationals who don't have identification documents are not recognized by the agreement. Accordingly, Sudanese refugees and asylum seekers who usually escape their country out of fear of persecution and conflict and who often lack these documents and are afraid to secure them from their government's consulate in Egypt; are excluded from the rights granted in this agreement. Therefore, instead of expanding the protections under this agreement to migrants' workers, the agreement has put Sudanese refugees and asylum seekers in a “legal limbo” where due to their status they are unable to enjoy these rights promised by the agreement or other protections offered by other treaties in Egypt. Moreover, with the civil war and split between North and South Sudan, large number of South Sudanese have fled to Egypt, however, they are not recognized under this agreement, even with their identification documents.
- 4 The Egyptian Constitution, which is considered the ultimate source of law in Egypt. Even though Egypt doesn't have a specific law for the protection of refugees and asylum seekers,

the Egyptian constitution addresses the right to work of all individuals residing in Egypt regardless their nationality of documentary status (Abdel-Baki, 2018). Furthermore, it guarantees protection for all workers in Egypt as it doesn't specify nationals only with such protection. Accordingly, the constitution can be used as a relevant document for the basic protection of African refugees and asylum seekers domestic workers (Abdel-Baki, 2018).

4.2 UNHCR SELF-RELIANCE AND FINANCIAL ASSISTANCE POLICY

The UNHCR is considered to be the leading responsible entity in Egypt for refugees and asylum seekers as per the Memorandum of Understanding that has been signed by the Egyptian government and the UNHCR in 1954. The MOU regulates the relationship between the UNHCR and the Egyptian government and stipulates that the “Refugee Status Determination (RSD)” and the refugees’ assistance and protection are the main responsibilities of the UNHCR in Egypt. In order to carry out its mandate, the UNHCR has designed a number of policies which have been criticized by scholars for impeding the refugees and asylum seekers’ access to protection and support (Roshdy, 2019). In her study on Black Female Refugees in Egypt, Roshdy has argued that some of the UNHCR policies and practices have rather consolidated the vulnerability of refugees and asylum seekers in Egypt. This includes the UNHCR Self Reliance Policy (Roshdy, 2019). As of 1997, due to funding limitation, UNHCR has shifted its global policy towards refugees in urban areas, including megacities such as Cairo in Egypt, from services dependency to self-reliance (Roshdy, 2019). Based on this policy, only a specific group of refugees and for a specific time is entitled to financial assistance and support (Roshdy, 2019). This group includes new comers, and special vulnerable cases such as victims of torture and of sexual and gender based violence, unaccompanied children and people with disabilities (Roshdy, 2019). Even though the aim of this policy is to encourage the independence of refugees and their integration into their local community rather than depending on UNHCR all the time, however, given the restrictive context in Egypt where refugees’ access to basic rights such as education and health care as well as to the labour market is greatly limited, denying financial assistance to refugees rather pushes them to a more vulnerable situation and exposes them to exploitation in an attempt to fulfill their basic needs (Roshdy, 2019). Even though the UNHCR self-reliance policy in Egypt has been reviewed and changed in 2001, in reality, this didn't make a big difference to the

situation of refugees. This is mainly due to the limited budget of UNHCR which limits the financial assistance provided to refugees and asylum seekers in Egypt coupled with the increasing number of refugees (Roshdy, 2019). Such limited resources were manifested in the inconsistency of the UNHCR financial assistance to the entitled refugees and asylum seekers. For example, those who have been eligible to and depending on UNHCR's financial assistance reported that the monthly assistance usually remains for few months and then is cut off suddenly without any change to their vulnerable situation or in other times are delayed for couple of months (Roshdy, 2019).

4.3 THE INTERPLAY BETWEEN THE VARIOUS POLICY LEVELS– MULTILEVEL GOVERNANCE

In order to understand the interplay between these various levels of policies (international, regional and national); the notion of multi-level governance is of relevance here. Multi-level governance as a concept was first developed in 1993 by Marks to explain the governance dynamics within the European Union and its member states, then the term became widely utilized to explain how governance takes place “*both within and between local, regional, national and international tiers*” (Eckersley, 2016). Accordingly, migration as an issue in general can no longer be perceived as a policy problem confined to the territory of the state, but rather to the dynamics between the various levels of governance. This could be best illustrated through referring to concepts such as “externalization of border control” and the “migration development nexus” which are being increasingly used to describe how migration has become an essential element of the Euro-African governance structure, at the bilateral, regional and inter-regional levels (Gabrielli, 2016). In this regard, scholars talked about what they call “a multilayered system” where various actors at various levels take different actions throughout this new immigration governance structure. As Gabrielli describe it, the simplest form is at the bilateral level where national actors form bilateral agreements for example between a single EU country and an African Country. Another example at the multilateral level, is when national actors or supranational actors such as the EU form agreements with other countries. This could be when an EU country make an agreement with several non-EU countries (example: EU-Barcelona process) or when the EU as a whole forms an agreement with a single non-EU country

(example: European Neighborhood Policy) This could also be at the inter-regional level with the participation of different regional blocs, for example between the EU and the African Union through the Khartoum Process. On another level, the international organizations such as the International Organization for Migration (IOM) and the UNHCR carry out initiatives at the national level in several African countries. Such initiatives could be in many cases under the supervision of, or in coordination with, EU actors. Lavenex (2015) explained how international organizations such as IOM and UNHC have 3 strategies of institutional interplay with states which he referred to as counterweight, subcontracting and rule transmission (Lavenex, 2015). He explained that these organizations are responsible for the implementation and management of many return programs in sending and transit countries on behalf of the EU through their role as subcontractors (Lavenex, 2015). They also facilitate dialogues and less formal meetings with the non EU countries as part of their transmitters' role (Lavenex, 2015). As for the role of counterweight, Lavenex explained that such organizations consolidate the current power imbalance in the European-African relationship through supporting the interests of the receiving countries and promoting their agenda. This is mainly done through promoting the European views and discourses on migration in African countries. This is exemplified in *“the normalization of the use of the term ‘illegal migration’ by African countries, the idea of migration as a ‘shared concern’, or the research of ‘win-win solutions’ between others.”* (Lavenex, 2015).

Based on what is discussed above, the researcher argues that migration as a policy problem is no longer an issue to be addressed only by one government. Rather, underneath all these migration policies and measures, exist a multilevel governance structure where different actors at the various levels interact to affect how these policies are formulated and their impact in reality. Applying this to the case in Egypt, the implications of such multilateral governance dynamics is prevalent in the recent increasing intensification of border control measures to counter the flow of African refugees and asylum seekers who pass through Egypt in an attempt to cross to the European countries and Israel. This has been reflected as mentioned earlier in the increasing cases of deportations, and detention of illegal African migrants due to the pressure on Egypt to stem their flow into the European countries. Such restrictive context put African illegal migrants

in general including asylum seekers in a position where they are perceived as an unlawful group which makes it hard for them to ask for protection or report violations as they are always worried of being detained or deported. In her study on Black African Female Refugees in Egypt, Roshdy explained how the African refugees and asylum seekers are reluctant to report violations or discriminatory attitudes they face in Egypt to the police as they fear retaliation and further abuse by the Egyptian officials since they are always perceived as unlawful. Moreover, the increasing spending of the western countries on issues of anti-trafficking, return programs and border control is not met by similar increase of resources for the resettlement programs (Gabrielli, 2016). This puts pressure on the African refugees and asylum seekers who are in Egypt to cope with all these restriction measures and accept precarious working conditions since they don't have other option but to survive their situation and wait for resettlement.

CHAPTER FIVE: FINDINGS AND ANALYSIS

5.1 BACKGROUND INFORMATION ON THE INTERVIEWEES

As explained in the methodology chapter, this thesis follows a qualitative approach where the main tool used to collect primary data is semi-structured interviews. Information on the participants in these interviews are elaborated in the below table.

Code Name	Nationality	Age	Legal Status / Position	Marital Status	Beginning of their Domestic Work in Egypt	Highest Level of Educational
Bont	Ethiopia	20	Refugee	Married	2016	10 th Grade
Sara	-		Broker	-	-	Uni. Graduate
Candice	Kenya	29	Irregular Migrant	Single	March 2019	Uni. Graduate
Rose	Kenya	32	Regular Migrant	Married	July 2018	-
Irene	Kenya	26	Irregular Migrant	Married	December 2018	Uni. Graduate
Froune	Eretria	27	Asylum Seeker	Married	June 2017	12 th Grade
Kemya	Ethiopia	33	Asylum Seeker	Married	2016	Illiterate
Nagat	South Sudan	48	Refugee	Married	2005	-

Rahel	Eretria	32	Refugee	Married	February 2017	10 th Grade
Salam	Ereteria	26	Refugee	Married	2016	10 th Grade
Rom	Ethiopia	47	Refugee	Married	2014	Illiterate
Dan	-	-	Caseworker	-	-	-

Table 1: Socio-demographic characteristics of interviewees.

As per the above table, the majority of the interviewed domestic workers have low educational level with only two of them with university degree. Their legal status differs from one another. Some of them are asylum seekers, refugees, irregular migrants, and one is a regular migrant who came through a tourism visa and married a resident in Egypt and therefore managed to secure a residency permit. The refugees and asylum seekers who were interviewed explained that they used the services of smugglers to enter Egypt while the irregular migrants came using a tourist visa secured by their relatives or by brokers and when the visa expired they stayed illegally in Egypt. All of the interviewed domestic workers are married and are the main breadwinners for their families. They arrived to Egypt with their kids without their husbands; only two of them were joined with their husbands later. They have all been married before coming to Egypt; only “Bont” arrived to Egypt when she was 17 years old and met her husband in Egypt (Interview with Bont, Domestic Worker, 17 June 2019), as well as Irene who married her husband only to get the residency permit as will be elaborated throughout the thesis (Interview with Irene, domestic Worker, 05 May 2019).

5.2 WORKING CONDITIONS OF THE AFRICAN REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS IN EGYPT

The main legal document regulating the working conditions of domestic workers worldwide is the ILO convention on domestic works no.189. The convention lays down the minimal standards that guarantee decent working conditions for the domestic workers. The main principles of this document are reflected upon in this section in conjunction with the findings and realities in the Egyptian context.

5.2.1 RECRUITMENT AND CONTRACT FORMATION

The ILO Domestic Works convention acknowledges the importance of contracts as a basis for rights claiming. Therefore it emphasizes the significance of establishing formal contracts that guarantee that domestic workers are aware of their employment conditions in an understandable and verifiable manner preferably through a written agreement in accordance with the national legal framework (Gebre, 2012). Such contracts should allow domestic workers to be aware of their employment terms including their working tasks, hours, sleeping and food arrangements in case of stay in workers, as well as the contract duration and termination conditions.

In Egypt, such arrangement is nearly non-existing. Recruiting domestic workers is mainly done through brokers or personal recommendations of relatives and friends of the families and the workers. When the domestic worker is recruited through the broker or directly through the family they discuss the working arrangements and have an oral agreement mainly regarding the salary and the tasks to be performed (babysitting, cleaning, cooking...etc). Of all the interviewed domestic workers only one confirmed that she had a written contract. However, she wasn't part of this contract as it was mainly signed by the broker and the employer. Moreover, all the 10 interviewed domestic workers as well as the broker confirmed that in most cases the families enforce the domestic workers to perform additional tasks that were not part of the agreement. In other cases, domestic workers are brought by brokers without further explanation on what to expect regarding their tasks or working conditions. They are only informed about the salary.

“The problem is that when the broker gets you the maid, they don't inform the maid about your demands. She has no idea about what to expect. She comes and then is surprised of what she has to do. Therefore when I became a broker I decided to do it differently. Before sending her to the employer, I tell her all the details; the apartment space, the number of kids, if there are pets, the salary, the assigned tasks, and her holidays. If she agrees then I send her, if not then I find her another employer so that I don't waste my time and her time in arguing.” (Interview with Sara, Broker, 05 May 2019).

Given the informal nature of domestic work in Egypt, contracts are not common practice, therefore the domestic workers don't expect them and employers don't ask for them.

Furthermore, the oral agreement is never binding to the employers who usually have the final say on what to be done and when.

“At the beginning they agree with you on the salary, the working hours from this to this and these are your tasks, but when you start working with them they change their mind and they make you work extra hours and do extra tasks and you can’t say anything or you will be kicked out” (Interview with Rahel, Domestic Worker, 17 June 2019).

5.2.2 WORKING HOURS AND REST TIME

As per the ILO convention, working hours are supposed to be specified in the agreement when hiring a domestic worker. States should ensure equal treatment for domestic workers with other workers in regard to the working hours, paid annual leaves, regular daily and weekly time off and overtime payment in accordance with the national laws. (Gebre, 2012).

In reality, this is not the case. Domestic workers work for very long hours with no specific times. Particularly live-in workers explained in the interviews that they are always on call and have no specific working and rest hours. Their working hours depends on the preferences and demands of their employers, where some of them have to work for almost 18 hours a day (Interview with Rahel, Domestic Worker, 17 June 2019)

“People here really lack humanity. They try to get the maid to do everything with nothing in return. For example the Madame has guests staying at her place until 03:00 AM, and she wants the maid to stay serving them until 03:00 AM and then wakes up the next morning at 06:00 AM with the kids to get them ready for school. How is she supposed to do this? If this is one night, I swallow it, but if it is every night then this is not fair. Therefore I try to fight for the maid to have some of her basic rights. At least to get a break to eat and to sleep for 8 hours” (Interview with Sara, Broker, 05 May 2019).

One of the participant elaborated that sometimes even when she finished her tasks she was taken to do other tasks for her employer’s mother with no overtime payment.

“There were several times where I finished my work and I wanted to take rest but the Madam took me with her to clean her mother’s house..... I ask the Madam to pay me extra but she replied to me “why you are coming here, you are here to work, so if you finish here you have to work there”. (Interview with Rahel, Domestic Worker, 17 June 2019).

However, participants explained that holidays are agreed on from the beginning. For live-in domestic workers they are commonly taken either four days by the end of the month or two days each two weeks. For live-out domestic workers they either take two days each week if they work regularly for the same family throughout the week or they work for specific days a week on demand basis. In these days they are allowed to leave the house and go to their families.

5.2.3 REMUNERATION

The ILO convention states that domestic workers should be covered with a minimum wage which is paid regularly at least monthly.

In the Egyptian case, when asked about how salaries are agreed on, the broker explained that salaries are greatly determined by the market price where various factors influence it.

“It depends on the tasks required and the demanded nationality according to the market price. Because the market has different prices for different nationalities with regard to live-in domestic workers. For example, Sudanese get the lowest salary. Egyptians get even lower. For Sudanese they get around 4000 – 4500 EGP. Most other Africans get (5500 – 6000 EGP..... It is the system of the country, and the market demand. For example when an Ethiopian comes to the country and she doesn’t speak Arabic or English and has no experience so they sell her with 4000 EGP. She works for a while until she gains experience and learns the language then she gets other jobs for 5500 - 6000 EGP which is the market price for Ethiopians. For Nigerians, they take also 5500 to 6000 EGP. Kenyans they take 6000 EGP and upwards.”(Interview with Sara, Broker, 05 May 2019).

However, during the interviews with the refugee and asylum seekers domestic workers they all explained that they accepted jobs several times with lower salaries than the market price due to their dire need for the job which prevent them from the ability to negotiate the salary. Moreover,

in many cases salary cuts were used to punish the worker as explained by Kemya who is one of the interviewed domestic workers.

“When I started working for the first house as a replacement for my friend, I agreed with the Madame I will take 2000 EGP. I worked for 15 days and by then the Madam’s daughter saw my missing fingertips that were removed by the Ethiopian government. The girl cried to her mother and told her she doesn’t want to eat from the food I prepare as she is afraid of transferring “diseases” to them. By the end of the month, the mother came, asked me to show my hand so I showed her my left hand, she told me no the other hand, so I showed her my other hand with the missing fingertips. She told me “now we have a problem, if I saw your hand before I would have refused hiring you, you cheated me”. She gave me only 800 EGP and refused to give me the rest of the agreed amount. When I asked why, she told me this is enough for you because you cheated me and didn’t tell me about your hand.” (Interview with Kemya, Domestic Worker, 17 June 2019).

In other cases employers didn’t keep their promises regarding the agreed salary even if the job was done as agreed. Additionally, domestic workers get stuck sometimes between the brokers and the employers especially when the domestic worker has no experience. Bont who is the youngest interviewed domestic worker explained that when she came to Egypt she was 17 years old and had her first job as a live-in domestic worker. She got her job through a broker where he agreed on the salary with the family. After four months Bont wanted to quit her job as she had an injury during her work and was overloaded physically but failed to get her full salary. She was even threatened by her employer of being accused of theft if she came back to the house.

Given that there is no legal protection for the workers and no written contracts, there is no guarantee that the employer pays the domestic worker her money. All the participants agreed that it is completely up to the employer to give or withdraw the money in most cases.

5.2.4 ACCOMMODATION, FOOD, AND MEDICAL COVERAGE

In all the interviews with the domestic workers and with the broker, unhuman and discriminatory practices with regard to food and accommodation were reported.

“The main problem for me is the food. Sometimes they punish me by not providing me with food or only with one sandwich a day. It is also not allowed for me to drink cold water from the fridge like them even in summer, I am allowed only the tap water.” (Interview with Rahel , Domestic Worker, 17 June 2019).

In most cases domestic workers are not given enough food even though their work is physically demanding.

“It depends on the person. Some Madams for example provide me food twice a day; mainly half bread with tea only as a meal” (Interview with Kemya, Domestic Worker, 17 June 2019).

In some cases, the domestic workers themselves don't inform their employers that they are hungry or that they need food especially if they don't speak the same language.

“I eat one bread in the morning with a piece of cheese and then I take lunch at 5 PM if available. They usually eat out so I don't eat much because there is no food at home...I don't really speak proper Arabic so I usually don't know how to ask them for food.” (Interview with Bont, Domestic Worker, 17 June 2019).

As for sleeping arrangement for the live-in workers, all the interviewed workers who worked as live-in explained that they didn't have their own rooms and that they were given a mattress to sleep either in the kitchen, kids play room, or the salon. The broker clarified that sometimes employers provide private rooms for their workers, it varies from a family to another.

“I ask if the maid will have a private room or not, some maids don't accept to be sleeping in the kids room so I have to inform her before going if she will have a private room or not”(Interview with Sara, Broker, 05 May 2019).

Another essential aspect related to the working conditions of the domestic workers is providing medical coverage when needed as well as an enabling working environment since their job is physically demanding. In the interview with the broker she explained that when a domestic worker becomes sick for several days, usually the families she worked with start asking for a replacement rather than trying to provide medical support. She also referred in this case in

particular to when the domestic worker is of illegal status which make it hard for them to admit her to any hospital in fear of legal responsibility.

Furthermore, interviewed Domestic Workers explained that when they get sick they don't usually ask for medical support from their employers, and they rather call the brokers asking for help. Moreover, since the job is physically demanding, when the worker becomes pregnant there is a high risk of losing her job.

“If she will keep the baby, then she tries to hide it for the first few months so that she is able to keep her job. If the Madame notices – this happened before- and wants the girl to leave then I can't do anything for the girl. This kind of work is physically demanding so I can't also request the Madame to keep the maid if she is not able to do her job properly because she is pregnant. It is not the Madame's problem” (Interview with Sara, Broker, 05 May 2019).

5.3 ENCOUNTERED VULNERABILITIES AND CHALLENGES

As explained in the theoretical framework, domestic workers are among the most vulnerable groups in the world due to the nature of their work in private households. This make them more prone to exploitation and abuse (Gebre, 2012). Moreover, refugee and asylum seeker domestic workers experience an additional layer of vulnerability due to their position in the society; especially if they lack a sufficient knowledge of the local culture and the language which make it harder for them to be able to seek protection when needed (Edward, J., 2007). Based on the conducted interviews, refugee and asylum seeker domestic workers face various forms of vulnerabilities including violence, exploitation, threats related to their status as workers, and other practices associated with their position in the society as foreigners.

5.3.1 PHYSICAL, VERBAL, PSYCHOLOGICAL AND SEXUAL VIOLENCE

In their discussion about domestic violence in Ethiopia; Yigzaw, Yibric and Kebede defined violence as “a pattern of behavior employed by one person in a relationship to control the other”. (Yigzaw, Yibric, Kebede, 2005). In this sense, violence can take various forms such as:

- 6 Physical abuse which refers to acts of violence that may lead to physical harm including hitting with an object, slapping, strangling, twisting the arm...etc. (Gebre, 2012)

- 7 Verbal or psychological abuse which refers to acts such as threats of harm, verbal and physical intimidation, insults and shouting, as well as humiliating treatment. (Gebre, 2012)
- 8 Sexual abuse which indicates any acts or attempts of forced sex or sexual acts without the consent of the other person.

Even though domestic violence is the most known form of human rights violation in the world, the focus of most studies is on the violence against family members. Violence against non-family members who are residing in the same household with family members such as domestic workers is greatly neglected from studies and analysis (Getachew, 2006). In reality, domestic workers are more prone to abuses and violations given their lower status within the household (Gebre, 2012).

Every domestic worker who has been interviewed in this thesis experienced at least once a form of verbal, physical, psychological or sexual abuse. Verbal abuse was among the most common form of abuse against domestic workers. Verbal insults and yelling are among everyday practices by the Madams against the domestic worerks.

“They always insult you, always shouting at you...I don’t usually understand, she says in Arabic Motkhalif (Idiot) , and stupid” (Interview with Rahel, Domestic Worker, 17 June 2019).

Another form of abuse that was also reported frequently is the psychological abuse including intimidating and threats of imprisoning the domestic worker.

“She made me clean, cook, and serve her guests all day. I was very tired by the end of the day, I was shaking and my legs were hurting, I wanted to take rest but she refused and told me I am lazy and not good. She deducted from my salary and kicked me out and I insisted to take my salary and told her no I am good and I worked so hard all day. She shouted at me because I talked back and told me you are all dirty, you ruined our country, my brother is a police officer , If you don’t leave I can make him put you in prison for coming to our country, I had to leave”
(Interview with Salam, Domestic Worker, 17 June 2019).

“I was cleaning one day, I broke a vase accidently, she hit me and told me this vase costs 10,000 EGP, I will deduct it from your salary each month. My salary was 3000 EGP, every month for 10

months she deducted 1000 EGP. Every time I wanted to leave, she threatened me with her dog saying that if I try to leave the house she will let him eat me, she also told me I know where you live and I can put you in prison, you kids will never see you again”(Interview with Rom, Domestic Worker, 17 June 2019).

Moreover, physical abuse was also reported in several occasions. Acts of physical violence included hitting the worker with the cleaning mob, and pushing her to the wall and throwing clothes and other objects in her face when she made a mistake.

In the interview with the caseworker, he explained that one of the most common complaints of domestic workers is related to threats by their employers of putting them in prison or deporting them back to their country. Even though these threats may not be realistic, due to the lack of awareness among domestic workers they always believe them and consequently consent to the employers demands.

“Another one (risk) would be if they don't speak Arabic properly. That's another layer (of vulnerability), right? Because they don't know where to go or if they're worried about their residency permit. From what I understand, employers will threaten to go to the police if they (migrant domestic workers) demand rights. So saying, “You know, you don't have the right to work here. What are you going to do? I'm going to take you to the police and you'll get deported.” They won't get deported if they are asylum seekers or refugees, but there is that threat. The threat is dangerous to them” (Interview with Dan, Caseworker, 07 May 2019)

When asked about whether they were the male or female employers mostly the committers of these abuses, surprisingly, domestic workers reported that it was mostly the female employers. This contradicts with the wide spread assumption that it is usually men who are the abusers and women are the victims (Getachew, 2006). However, that was explained by the domestic workers by the fact that they are mainly in contact with the Madams who are responsible for their work and for giving the orders and not the husbands. Abuses were reported to be used by the employers in order to punish the workers either for a mistake they made while doing their tasks, talking back, or not following the instructions.

An additional frequent form of abuse is sexual violence. Four domestic workers out of the twelve interviewed reported cases of rape. All the interviewed domestic workers reported cases of verbal and physical sexual harassment either by their employers or by others.

“When I first worked as a domestic worker I worked in Sheraton with someone called Madame Nahla....(Nagat pauses, She burst into tears , she keeps crying for almost 4 minutes)...I worked for her for a whole month and was promised to be given the salary by the end of the month. By the end of the month, every day I go and work and she tells me I will give you your money tomorrow. One day I insisted to take my money. She told me there is no money, she locked me in a room in the house, and told me “I will teach you a lesson you will never forget”, she made a phone call where later two men arrived and came into the room and raped me..(Nagat breaks down again and we end the interview). (Interview with Nagat, Domestic Worker, 09 May 2019).

Incidents of violence and abuse remain unreported because the domestic workers are threatened by the employers of being accused of theft and consequently of detention by the police. Besides, African refugees and asylum seekers reported in previous studies their inability to access police services (Roshdy, 2019). In many cases where they attempted to report violations or seek help, their requests to file reports were rejected by the police (Roshdy, 2019). Similarly, this was confirmed by Nagat who tried to report the rape incident to the police, the request was rejected and she was dismissed from the police station.

“I went to the police station but the officer didn’t make me a report, He told me “So you want to come to our country and make a complain on our people!” I tried to make a report but they refused” (Interview with Nagat, Domestic Worker, 09 May 2019)

Such violations against African refugees and asylum seeker domestic workers are not something new. In a research published in 2007 by the Centre for Migration and Refugee Studies, it was reported that not less than 59% of foreign domestic workers in Cairo have experienced verbal abuse in their workplace, while 10% were subject to sexual assault, attempted rape and gang rape and 27% were physically violated (Hell in the Household for Domestic Workers in Egypt, 2015).

Discussing these incidents of abuse and violence against refugee and asylum seekers domestic workers cannot be separated from analyzing the wider discrimination and violence reported against African refugees and asylum seekers in Egypt. In her Master thesis on Black Women Refugees in Egypt, Menna Roshdy discussed how African black refugees face frequent discrimination and assaults related to their skin color where they are always perceived as inferior. (Roshdy, 2019). Roshdy discussed the various forms of verbal abuse that African refugees face in Egypt such as calling them names randomly in the streets like “Samara” (black), or “Dalma” (blackness), and Chokolata. In other incidents, they are also physically attacked by Egyptian children and youth by throwing rocks on them (Roshdy, 2019). Moreover, black African women in particular face further abuse due to the stereotyping of them by the people in Cairo as easy women who are willing to have sex with anyone or as prostitutes (Roshdy, 2019). Roshdy also referred to several incidents where black African women faced sexual assaults ranging from touching their bodies to experiencing sexual violence and rape on frequent basis as “*Sexual attacks in Cairo streets became part of refugee women’s daily routine*” (Roshdy, 2019). Furthermore, African domestic workers face racist verbal abuse such as calling them racist names like “*abda (meaning Slave), Kalba Sawda (black dog), Ya Khara (you shit), Ya Sawda (you black one)*” (Roshdy, 2019).

It is worth noting that violence and abuse against African domestic workers is not limited only to employers or strangers but also to family members. This is greatly attributed to the change in the family dynamics resulting from the shift in the gender roles where African female domestic workers become the main breadwinners of their families. Due to restrictions on access of refugees and asylum seekers to the labour market in Egypt, many female refugees find it easier than men to access the informal sector through working as domestic workers (Roshdy, 2019). This puts pressure on the husbands of these women who feel threatened by such change in the gender roles where women are given more control over the resources. Consequently, some men restore to violence against the women as an attempt to compensate for their feelings of insecurity and weakness (Roshdy, 2019). Their violence is an announcement that they are still in control even if the women are the breadwinners (Roshdy, 2019). This was expressed also during the

interview with the caseworker who explained that the African female refugees' and asylum seekers' work as domestic workers have an impact on their families dynamics.

“Because from my work with refugees communities. It (domestic works) does have a big effect (on families' relations) in terms of: one, you know, traditionally the men are supposed to be the Breadwinners. However, they are not able to, and then two, if the women are going out into other people's homes, and if they are raped or something that can also have an effect”

(Interview with Dan, Caseworker, 07 May 2019).

5.3.2 LIMITED MOBILITY AND EXPLOITATION

Being one of the most vulnerable working groups, domestic workers are prone to exploitation by different actors. In addition to employers, it was discussed throughout the interviews that they get exploited in many ways by smugglers who facilitate their entry to the country as well as brokers as discussed below.

In order to run away from torture and fears of persecution in their countries, all the interviewed refugees and asylum seekers have reported using the services of smugglers to get into Egypt. Even though exploitation of domestic workers is more often associated with cases of trafficking than with smuggling, however, due to the specific situation of African refugees and asylum seekers who mostly enter Egypt illegally to pursue refuge, they often end up controlled by smugglers. In order to be able to enter Egypt and run away from threats and persecution in their home countries, African refugees and asylum seekers hire smugglers who facilitate their journey to Egypt until they reach Cairo where they are dropped off at areas with high concentration of African migrants who then try to help the new comers with food, accommodation and navigating through the asylum seeking process in Egypt. Based on the interviews, it was explained that in most cases smugglers get paid after the completion of the journey and when the migrant reach Cairo safely. Even though asylum seekers hire smugglers voluntarily in this case as they need their services, coercion may still be present in the equation. This happens when the asylum seekers are not able to pay the smugglers their fees, and are forced to work as much as possible to pay them back. Three of the ten interviewed domestic workers explained that they had to work as domestic workers and accept the hard working conditions and exploitation as they needed the

money to pay back for the smugglers. The three cases explained that they are worried about their safety as they are threatened by the smugglers to hurt them if they don't pay what they agreed on with the smugglers. In many cases this fear from the smugglers limit the mobility of refugees and asylum seekers as they always want to hide from the smugglers to avoid their threats and harassment.

“I left my home in Maadi, and went to Ard El Lowa, so that the smuggler doesn't find me. Because he knows where Ethiopians live in Maadi, he always comes after me and tells me you either pay me or you will not live in Egypt. I became so scared and decided to work as a domestic worker to be able to pay for him. He (the smuggler) broke into my house once, I went to the police station to report the incident. They told me to change my place of residency, they promised they will look for him. I had to change my house 3 times. I had to drop out of school and leave my house and to start working as a domestic worker to be able to pay for him.”

(Interview with Bont, Domestic Worker, 17 June 2019)

In other cases, the fear of smugglers also limit the refugees and asylum seekers ability to seek protection in cases of violations or abuses.

“I didn't tell anyone about the incident (rape incident), I was very afraid then from the smugglers who brought me to Egypt as I didn't pay them their money....Protection is absent, for example if I want to talk about myself, I am afraid from smugglers so I am always hiding.”

(Interview with Froune, Domestic Worker, 17 June 2019)

In addition to the smugglers, brokers also exploit and control domestic workers in many instances either by confiscating their passports and limiting their mobility or by controlling their salaries, even though it was found out during the interviews that brokers in many cases are considered by domestic workers as the main go-to person in case of troubles with employers. As explained by some interviewees, brokers in some cases confiscate the domestic worker's passport in order to have a full control over her and to make sure she doesn't run away from employers.

“Yes, they (brokers) are worried that we run away, so they take the card (UNHCR status card) until I leave the family and they give me the card back then” (Interview with Bont, Domestic Worker, 17 June 2019)

“Some of the girls are able to run away from the agents but this puts them also at risk of losing their passports because he (broker) keeps the passport with him. So some of the girls no only that they don’t have legal residency but also not a passport” (Interview with Sara, Broker, 05 May 2019)

In this case, the worker is not able to leave the job without the consent of the broker who sometimes even agree with the employer on different terms that the worker is not even aware of.

“No. The broker told me you will work as a cleaner and do the ironing. He didn’t inform me about babysitting the kids. But when I went to the Madam, she told me you have to do everything, this is your job..... So I told her I want my money for the 4 months so that I can leave. She told me she agreed with the broker that I will work for a full year. I was not informed about this” (Interview with Bont, Domestic Worker, 17 June 2019)

Moreover, as explained by Sara, the interviewed broker, some brokers facilitate the entry of the domestic workers into Egypt; specifically those who are not refugees and asylum seekers but rather illegal migrants. Their role in this sense intersects with traffickers as they deceive the workers by giving them false promises regarding their expected salaries.

“Others come through brokers who convince them that he has a good job for her in Egypt, that she will earn around 500\$ - which is not true it is only 350\$- and he pays for her travelling expenses around 700\$. But then when she comes, she finds out the salary is around 350\$ only and the broker takes triple or even more than the money he paid to get her into Egypt. He may take around 3000\$ not only 700\$. He makes her work for a year and takes most of her salary.” (Interview with Sara, Broker, 05 May 2019).

Domestic workers in this scenario find themselves under the full control of brokers; especially that they lack legal residency which make them more vulnerable to exploitation without being able to seek protection out of fear of deportation or harm by brokers.

“Sometimes they just are agents who try to seek girls from abroad and bring them in. And most of these agents are horrible, they may even kill her if the girl tries to run away. He keeps hunting her until he gets all the money he can” (Interview with Sara, Broker, 05 May 2019)

Another interesting finding that was discovered during the interviews was that there is another type of brokers who facilitate marriage arrangements in order to help illegal migrant domestic workers to obtain a residency permit. Rose, the only legal migrant domestic worker that was interviewed in this study, explained that in order for her to secure a legal status in Egypt; she had to marry a student from her country who is legally staying in Egypt as he is studying in the Islamic Azahr University. She pays the student 500 EGP annually as part of the agreement where in return she managed to secure a residency permit as his wife even though they don't even live together (Interview with Rose, Domestic Worker, 05 May 2019).

5.4 CONTEXTUALIZING THE VULNERABILITY OF AFRICAN REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS IN EGYPT

In her study about migrant domestic workers in Egypt, Thomas argues that the vulnerability of migrant domestic workers- including refugees and asylum seekers- is greatly caused by what she referred to as the *“informal labour environment which is constructed by law both in its explicit content and its application”* (Thomas, 2010). Thomas explains that there are three main factors that interact and consolidate this informal labour environment as follows:

- 1- Legal exceptionalism for domestic workers from the Egyptian labour codes. The justification of this exclusion from the policies is based on several arguments including the difficulty of administering the domestic work due to its “small scale” as well as the personal nature of the relationship between the domestic workers and the employers as explained earlier in the paper (Thomas, 2010). Despite the allegedly objectiveness of these reasons, they are also based on *“conscious or unconscious legacies of slavery and servitude”* which position domestic workers as inferior to their employers (Thomas, 2010). Such exclusion from the labour law puts migrant domestic workers in a vulnerable position where they are exposed to exploitation as there is no formal regulation that guarantees their rights as workers or allow their access to social protection.

- 2- Irregularity in migration. A lot of migrant domestic workers enter the host countries – Egypt included- without the proper documentation. In general, according to the current international legal frameworks, undocumented migrants have been distinguished into two separate groups. The first group refers to those who arrive to the host country without the proper documentation as they are seeking asylum and are compelled by political persecution; this is referred to as “forced migrants” (Thomas, 2010). In case they are accepted, these asylum seekers become granted a refugee status and are resettled. On the contrary, the other group is referred to as “labour migrants” which concerns those who leave their country for economic reasons (Thomas, 2010). However, in reality it is hard to differentiate between the two groups, and therefore this dichotomy has been challenged by several scholars. Instead, migration scholars and experts called for the usage of the term “irregular migration” which groups the two categories together or at a continuum with each other (Thomas, 2010). This argument is based on the fact that both forced and labour migration are connected mutually in the sending and receiving countries. In the sending countries, both economic deprivation and political persecution contribute to the same problematic environment that push people to leave. Furthermore, forced and labour migrants also experience similar challenging circumstances in the receiving country. Therefore, their survival strategies “become indistinguishable” (Thomas, 2010). Due to the lack of proper documentation, they both find it difficult to access the formal labour market and accordingly the informal sector becomes their natural access point. Such interconnection between informality and irregularity is more prevalent in the low skilled and less profitable sectors (Thomas, 2010). Among these sectors is the domestic work which attracts several irregular migrants, and irregular migrant women in particular. Consequently, the informal economy in this way attracts and is further increased by the existence of irregular migrants. In this sense, domestic work becomes a “major draw for migrant women with irregular status seeking livelihoods” as it constitute a major part of the informal economy (Thomas, 2010).
- 3- The economics of the developmental state. Even though, the focus of the public debate in migration issues is about the movement from the south to the north, in reality, the majority of migrants move from a developing country to another rather than to a developed one (Thomas,2010). The proximity of the developing countries to each other encourage such

movement. Besides, these countries are relatively easily accessible than the developed countries either because they don't have adequate *“administrative and policing border control capacity”* or for deliberate reasons such as *“political solidarity”* (Thomas, 2010). In Egypt, for example, Egypt's constitution welcome asylum seekers and Egypt has allowed until recently its southern borders relatively loose (Thomas, 2010). In addition, the informal economy in developing countries acts as an essential *“pull factor”* for this movement (Thomas, 2010). Such increasing informality in developing countries is a manifestation of underlying features including the increasing *“deregulatory trend in the global economy in general, the adoption of neoliberal economic policies under debt arrangements, established by international financial institutions; and the decay of bureaucratic infrastructure.”* (Thomas, 2010). Such increasing informality was argued necessary by policy makers in developing countries to modify *“the overly rigid and statist economic strategies”* (Thomas, 2010).

Additionally, it was argued that this informality in the labour sector helps to create what is referred to as *“labour flexibilization”* (Thomas, 2010). However, such *“labour flexibilizations”* has been criticized in developing countries for creating precarious working conditions including low payments, lack of protection for workers, and employees control by the employers (Thomas, 2010). This labour flexibilization and economic informality are important features of the context within which domestic work take place in developing countries in general; Egypt included (Thomas, 2010). Such conditions curb the domestic workers' ability to ask for better working conditions, neither as individuals nor as a group which further their vulnerability.

5.5 VULNERABILITY OF MIGRANT DOMESTIC WORKERS UNDER THE KAFALA SYSTEM

It is worth noting that such vulnerabilities encountered by the African refugee and asylum seeker domestic workers in Egypt differ to some extent from those encountered by other migrant domestic workers in other countries in the same region, such as in the Gulf countries, Lebanon and Jordan under the Kafala (Sponsorship) system. This is greatly due to the legal framework that governs the work of migrant domestic workers in these countries. Migrant domestic workers

under the Kafala system are extremely dependent on their employers who facilitate their entry into the country and are responsible for their economic and legal needs. Under the Kafala system, migrant domestic workers are obliged to work for their own sponsors (employers) and stay in their households without the ability to change their employers. Moreover, cases of passport withdrawal are very common under this system, since their employers sponsor their entry to the country, they are able to confiscate their passports immediately. In his study on migrant and refugee domestic workers in Egypt, Jureidini found that only one quarter of the domestic workers reported that they had their passports confiscated in Cairo, while in Lebanon over 90% of migrant domestic workers reported that they had their passports confiscated by their employers (Jureidini, 2009). Of the one quarter in Egypt, around 44% were Filipinas, who came to Egypt to work as domestic workers through some sort of a contractual agreement as the one used in the other Arab countries under the Kafala system. Moreover, 43% were Ethiopians who also came to Egypt as illegal migrants to work as domestic workers and were brought through brokers, while the remaining were asylum seekers (Jureidini, 2009).

Such high dependency on the employers under the Kafala system, put the migrant domestic workers in a greater vulnerable position as they are neither able to go back to their country with their passports confiscated by their employers, nor able to change employers due to the prohibition of the countries' policies like in Jordan to shift between employers. In Egypt, the case was relatively different, as the interviewed domestic workers expressed that they have more freedom to change between employers, or even work for several employers at the same time (stay-out domestic workers). Also cases of passport confiscations were not very common compared to the countries under the Kafala system, this could be due to the specific situation of refugee and asylum seeker domestic workers who already lost their passports during their journey to Egypt. However, in her paper about migrant domestic workers in the Arab World, Briggs explained that the relative convenience of the sponsorship system in terms of its simple recruitment and visa administration process, and the absence of immediate recruitment fees, made it appealing to many migrant domestic workers to travel to countries under this system despite the known hard working conditions and violations (Briggs, 2014).

CHAPTER SIX: DISCUSSION

6.1 ABSENCE OF A POLICY FRAMEWORK

As discussed in the previous part, African female refugee and asylum seeker domestic workers both experience similar exploitative working conditions and similar challenges because of their vulnerable situation in Egypt as refugees and asylum seekers. This situation is influenced by variable factors including the restrictive context that pushes them to the informal labour sector, the social and cultural stigmatization which exposes them to discrimination and abuse as well as the absence of a policy that regulates their work as domestic workers which reinforces their vulnerability. The lack of a regulatory framework in particular exposes them and other foreign domestic workers (ex: irregular migrants) to violations and abuse by different actors including the employers, brokers, smugglers and traffickers. During the interviews, it was expressed by the different actors that the lack of a legal framework contributes greatly to the lack of protection to this group of workers as well as to other involved actors.

“I will tell you what the main problem is. First of all, there is no regulating legal framework for the work of foreign domestic workers... there is a scary increasing demand on them, this is why it is so weird how the government doesn't see this and try to regulate it. If we have 100 houses in Egypt, at least 20% of them has a foreign maid. So you can't keep it not legalized. And the salaries in Egypt is much higher than other countries....Am not talking about legalizing it to reduce the salaries; but am talking about legalizing to reduce the risks, and reduce the incidents of robbery or incidents of abuse. This legalization protect the household, the employer and the maid” (Interview with Sara, Broker, 05 May 2019).

Throughout the interviews, it was expressed that there is a general fear of insecurity and instability because of the absence of a legal framework that guarantees protection for the refugee and asylum seeker domestic workers. This leads them to not being able to defend their rights or seek legal support in case of violations.

“I don't understand why Egypt doesn't have a system for migrant domestic workers because it's even better for the employers. It's also better for the employees to have like a system at least to regulate their work. Maybe Egypt needs to have a system but maybe not like the Kafala , but it's

really interesting that nothing exists...there needs to be something at least because you cannot just be like having your rights taken away from you. And because you don't think that you are secure enough in the country, so you just let it go” (Interview with Dan, Caseworker, 07 May 2019).

As explained in the theoretical framework, the way policies are designed is greatly connected to the social construction of the target populations and the way they are portrayed in the society as deserving or underserving. Therefore, such an absence of a policy to regulate the work of domestic workers – especially migrant domestic workers including refugees and asylum seekers in Egypt cannot be explained without analyzing; first the Egyptian policy makers’ perception of domestic work and second the country’s stance toward refugees and asylum seekers as well as migrant domestic workers.

6.1.1 EXCLUSION OF DOMESTIC WORK FROM THE LABOUR POLICIES

There are a number of policy justifications for the absence of a regulation for domestic work and its exclusion from the labour law in Egypt. Some of these justifications are related to the nature of domestic work itself, while others are related to how the policy makers perceive domestic work based on their cultural, societal and historical dispositions (Thomas, 2010). The factors related to the nature of domestic work that are arguably impeding the regularization of it include the difficulty to administer the work due to its “small scale as well as the specificity of its conditions, and the “personal” nature of the relationship between domestic workers and their employers where domestic workers are perceived as “part of the family”, therefore any legal intervention will threaten the privacy of the family sphere (Thomas, 2010). Additionally, legislators argue that since domestic workers work in confined workplaces inside the private houses it is impossible to monitor their working conditions (Thomas, 2010). Beside these seemingly neutral and logical reasons, however, there are other “conscious or unconscious legacies of slavery and servitude” which identify domestic workers, including migrants, as inferior to their employers and therefore not worthy of getting into contractual relationship with the employers (Thomas, 2010). This can be better understood by briefly analyzing the “domestic slavery” institution that existed until the end of the 19th century both in Egypt and Sudan and which affects the present

relationship between African domestic workers and their Egyptian female employers (Edward, 2007). During the 19th century, slave trade flourished and slaves were exported to Egypt from Sudan, Ethiopia, and other Sub Sahar African Countries especially during the invasion of Sudan by Mohamed Ali Pasha, the ruler of Egypt during the Ottoman Empire (Edward, 2007). Prices and tasks performed by these female slaves were greatly influenced by their race, ethnicity and other features. For example, skin color determined which female slaves were higher in prices and demand. Lighter skin colored slaves were highly demanded and priced while darker skin colored were less demanded and cheaper (Edward, 2007). This is still prevalent today in the domestic worker's Egyptian market as explained previously about the distinction in prices between domestic workers based on their ethnicities. In her study on female slaves in Egypt during the 19th century, Judith Tucker identified 4 types of female slaves who were present in the Egyptian court records at that time including the white (Baida), brown (Samra), light colored (Habashiya), and black (Souda) (Tucker, 2009). Tucker found from the court records that the darker skinned female slaves (black) always came at the bottom of the hierarchy where they were most often employed as domestic workers in the houses of middle and upper classes families (Tucker, 2009). Such distinction based on skin color as well as other racial and cultural characteristics is still prevalent in Egypt today. For example, Northern Sudanese women who usually have lighter skin color, and wear traditional dress "tobe" are referred to by Egyptians in the street as "Sudaniya", while Southern Sudanese women who have darker skin color and wear African dresses similar to sub Saharan African traditional wear are referred to by Egyptians as "Afrikiya" or "Souda", "Samara" (black) (Tucker, 2009). Similarly, due to the economic disparities, it is more common to find Southern Sudanese women working as domestic workers in Egypt than Northern Sudanese who are relatively economically better off (Tucker, 2009). Consequently and as Edward puts it "*Represented as conquered people, coupled with the history of slavery that existed between the two nations, Egypt and Egyptians have come to view Sudan and Sudanese- particularly Southern Sudanese who are different culturally, linguistically, religiously- as inferiors both racially and culturally. This view is clearly reflected in the way Egyptian people of all classes view and treat Southern Sudanese refugees in present day Cairo*" (Edward, 2007).

This conception is also connected to what Anderson explained regarding the construction of the domestic worker's role (Anderson, 2000). Anderson argues that paid domestic worker, even though, performs the same assignments of the female members of the family (mother, wife, daughter..etc), she is not perceived as equal to the family female members. *“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 labour power, which the employer is attempting to buy and that the worker is thereby cast as unequal in the exchange.* (Anderson, 2000). Living and working conditions of paid domestic workers are greatly influenced by the intersection of various social factors including class, refugee status, race, age as well as power and authority issues (Edward, 2007). This is reflected in how female employers have to a great extent full control on deciding the living and working conditions of their domestic workers, including deciding their salaries, working hours, tasks, sleeping and food arrangements, rest time and days off. Domestic worker in this context is placed in an inferior position to her employer where she doesn't have adequate bargaining power.

Furthermore, the exclusion of domestic workers from the labour law is also related to the legislators' perception of paid domestic work as not a “proper form of labour” or not “productive labour” (Jureidini, 2009). Since domestic work is similar to work performed by women in their private homes, domestic work is conceived from a patriarchal perspective which consider women as the housekeepers whose unpaid care work is innate to their nature and being and requires no skills while men as the breadwinners whose work contribute to the economy. This notions contradicts with the fact that domestic workers are in most cases the breadwinners of their families (ILO, 2011).

6.1.2 RESTRICTIONS ON MIGRANT DOMESTIC WORKERS

There were never any policies in Egypt to facilitate the entry of foreign domestic workers into the country (Jureidini, 2009). However, despite Law no. 91 of 1952 which prohibited foreigners from acquiring work permits in Egypt if Egyptians could fulfil these working positions, the Ministry of Internal Affairs allowed migrant domestic workers into the country as exception to

such restriction at that time (Jureidini, 2009). Consequently, migrant domestic workers were used to get into the country through tourist visas due to this flexibility towards them. However, things changed by the end of the 1980s, as there was a shift in the Internal Affairs Ministry's stance, where migrant domestic workers access became restricted (Jureidini, 2009). The ministry at that time led a campaign and arrested those domestic workers without proper work permits. This was mainly after the issuance of a decree by the Labor and Immigration Ministry which prohibited migrant domestic workers in particular from entering the country (Jureidini, 2009). Moreover, in 2003, the labour law that was issued required that migrant workers including domestic workers in specific must obtain work permits before coming to Egypt. *"This article replaced Article 27 of the previous labor law of 1981 that 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."* (Jureidini, 2009)

This restrictive position against migrant domestic workers is arguably concerned with securing working opportunities for the sake of the poor local domestic workers (Jureidini, 2009). Such restriction against migrant domestic workers is still prevalent today and is not adopted only by the Egyptian policy makers and the government but also by other stakeholders. For example, in 2012 after the 25th of January Egyptian Revolution of 2011, the first independent labour union for domestic workers was established in Egypt (Charbel, 2012) even though it was not recognized by the state dominated Trade Union Federation. Migrant domestic workers were not allowed to join the union. Founders of the Union argued that *"many of these (foreign) maids have contracts with their employers, and/or some kind of protection from their embassies. Yet this isn't the case with Egyptian house maids, who have no legal protection whatsoever, and are often subjected to the most cruel and inhumane treatment."* (Charbel, 2012). Moreover, it is worth noting that Egypt's labour and union policies in general exclude migrant workers from participating in professional syndicates or trade unions. (Jureidini, 2009). This stance towards migrant workers in general is related to the economic situation of Egypt where unemployment rates are already high among the national citizens, therefore, migrant workers are always perceived both by the policy makers and the public as competing over the already scarce resources and therefore restrictions on their work is always deemed necessary to protect the interests of the Egyptian citizens (Jureidini, 2009).

6.1.3 RESTRICTIONS ON REFUGEES AND ASYLUM SEEKERS

According to the International Refugee Law and the UNHCR mandate, there are “*three durable solutions for the situation of refugees, namely; voluntarily repatriation to the country of origin, local integration in the country of asylum, and resettlement to a third country.*” (Roshdy, 2019). Voluntarily repatriation is applicable when refugees want to go back to their countries of origin, which happens mainly when the conflicts in their countries have ended and stability is restored (Roshdy, 2019). Such solution therefore may not be achieved or may take many years based on the situation in the country of origin (Roshdy, 2019). In some cases, refugees may find it impossible to get back to their country even after the wars have ended in their countries. This leave them with only choices of local integration or resettlement based on the policies and circumstances of the hosting country. Many refugees in fact find themselves as permanent asylums in the country of origin, and therefore local integration becomes the only chance for them to rebuild their future and end their loss as refugees. However, for many developing countries, Egypt included, local integration is not a preferred solution due to their limited economic capabilities and security concerns. Most of these developing countries, mainly in the MENA region and Africa are in fact the bearer of the burden of the refugee crisis due to their proximity from other developing and under developed countries where refugees come from (Roshdy, 2019). In Egypt, local integration is not perceived as a viable option by the government as it claims it doesn’t have the capacity for such solution (Roshdy, 2019). This stance was explicitly expressed in the 1954 memorandum of understanding between Egypt and the UNHCR in contradiction with the UN Convention on Refugees in which Egypt hasn’t made any reservation on the local integration of refugees’ article (Roshdy, 2019). This official position against the integration of refugees and asylum seekers was also consolidated by other reservations that Egypt has made on the UN Refugee Convention as explained in the introductory chapter. These restrictions reflect the government’s strategy to treat refugees and asylum seekers as temporary residents to prevent their permanent stay in the country. Again, such restrictive position is not limited to the policy makers and the government but also adopted by the society which puts obstacles in front of the social integration of refugees and asylum seekers (Roshdy, 2019). In her study on livelihood of black refugees women in Cairo, Roshdy explained that the Egyptian society perceive refugees and asylum seekers, especially from

African countries, as illiterate, unskilled, and a burden on their country. She explains “*Some Egyptians think that if they “are too nice to” refugees, “they will never leave.” Refugees are seen as a burden on the Egyptian economy and competitors to the low-income Egyptians. Violence, following this logic, is a message some Egyptians send to African refugees to let them know that they are not welcomed and if they stayed, their stay should be temporary and they need to behave according to the way Egyptians imagine them. They should stay invisible in the city, causing no troubles and asking for no rights”*. (Roshdy,2019).

These societal as well as policy obstacles to local integration, leave the refugees and asylum seekers with the only option (hope) of resettlement. However, as resettlement is only a viable solution for holders of the refugee status, this means that asylum seekers are excluded from this option. Since in Egypt, only 20% of the refugees and asylum seekers community are allowed this option while the rest (80%) are asylum seekers, they are left without any solution. Moreover, since resettlement is a voluntarily option, only a limited number of states offer resettlement opportunities. For example in Egypt, out of the registered 211,104 refugees and asylum seekers with UNHCR by 2017, only 1083 refugees managed to be resettled during that year (Roshdy, 2019). Such limited resettlement opportunities as well as associated lengthy processes also reflect how the developed countries are not really bearing the refugees responsibility and are only using resettlement programs to promote their image as care states while in reality the underdeveloped and developing neighboring countries are the ones dealing with this burden (Roshdy, 2019). This explains the hostile societal and governmental position of these developing countries towards refugees and asylum seekers.

6.2 IMPLICATIONS ON THE POLICY DESIGN

In order to understand why the topic of refugee and asylum seeker domestic workers, and domestic work in general, is such an ignored topic in Egypt and is absent from the policy agenda; it is important to refer back to what was explained in the theoretical framework as the “Social Construction of Target Population” and Policy Design.

As explained above, the way domestic workers in general, and migrants in particular including refugees and asylum seekers, are socially constructed have a direct connection to the kind of

policies designed for them, or the absence of a designed policy to be accurate. Domestic work in general is a gendered work and is often connected specifically with women's roles inside the household (Dai, 2017). Moreover it is a class-based issue as domestic workers in Egypt are mostly coming from low socio-economic backgrounds. Therefore, arguments to acknowledge the economic and social value of domestic work and the protection of domestic workers challenge the current societal beliefs towards this group of people and the existing class structure (Dai, 2017). Putting them in an equal position with their employers who come from middle and high income families in a contractual relationship undermines this class structure. Additionally, the case of African refugee and asylum seeker domestic workers in specific has further value loaded stereotypes towards on one hand African people, particularly females, and the other hand refugees and asylum seekers. Such stereotypes are consolidated by historical, social, cultural, economic and political aspects in the Egyptian society which portray this specific group in an inferior and undeserving position as explained above. Accordingly, African refugee and asylum seeker domestic workers are generally negatively constructed in the society as a burden on the economy, unwelcomed guests, and lazy and therefore undeserving of social support. They are also perceived as a group that lacks the political power which puts them in a disadvantaged position vis-a-vie their employers who usually come from higher classes which make them more positively constructed and with higher political power. In Egypt, like anywhere else, policy makers have their policy agendas full of policy problems, therefore only problems that grab the attention of the public, the media, and the policy makers are able to make it to the policy agenda. In a context, where African refugee and asylum seeker domestic workers are marginalized, invisible in their private workplaces, negatively perceived as unwanted burden on the economy, and prevented from collective organization in unions, it is extremely hard for them to push for their problem to reach the policy agenda as they don't even see their interests as public interests or the policies as suitable remedies (Schneider & Ingram, 1993). Moreover, the political restrictions on the various stakeholders including NGOs and the media make it even harder to raise the public attention to the problem. Consequently, the issue of domestic work remains a publicly neglected topic and an absent topic from the policy agenda.

6.3 PROTECTION STRATEGIES OF REFUGEE AND ASYLUM SEEKER DOMESTIC WORKERS

6.3.1 SELF-GOVERNANCE; SOCIAL AND PERSONAL NETWORKS AS KEY TO PROTECTION

Despite the absence of a legal framework to regulate domestic work in Egypt, it is worth noting that African refugee and asylum seeker domestic workers have developed what is referred to in the migration studies as “survival strategies” to cope with their difficulties (Günther, 2018). In developing these strategies, they are influenced by various social and personal variables as explained in the analytical framework. Based on this understanding of strategies; the notion of capitals which was developed by Bourdieu is specifically of interest here. Capitals as defined by Bourdieu include cultural capital, social capital and economic capital. Throughout the interviews with the domestic workers, it was apparent that African refugee and asylum seeker domestic workers’ access to protection (which is defined here based on the labour rights approach as explained in the analytical framework) is greatly influenced by these capitals. Despite the limited monetary resources and poor economic conditions of African refugee and asylum seeker domestic workers, they are able to compensate for their limited economic capital through depending on their social capital which allows them a relative access to protection. Interviewed domestic workers explained that in order to pursue protection and to get over their challenging situation, they greatly depend on their social and personal network for support. This network basically consists of their “community” which mainly refers to people who share the same nationality as them in Egypt, and sometimes include friends, relatives, and even brokers. The social capital in this sense is the essential source of strength of the three capitals discussed in this thesis. All the interviewed refugee and asylum seeker domestic workers explained that from the moment they arrive to Egypt, they are dropped by smugglers in the “communities” which are residential areas that have large concentrations of different African nationalities. When they arrive to the “community”, the people volunteer and try to offer help to the new comers through sharing their houses with them, providing food, helping in the asylum seeking process, and with finding a job.

“I got my first job through the Sudanese relatives and friends I met when I first came to Egypt. I used to go with them to be trained in the houses they work for but I didn’t receive any salary then. Then the Madames they work for, started to recommend me to other Madames who are their friends where I started to work and earn salaries.” (Interview with Nagat, Domestic Workers, 09 May 2019)

“I approached 2 brokers from my community, they were very helpful and tried to help me find a job. The problem is that the Egyptian families when they see my hand they refuse to give me a job” (Interview with Kemya, Domestic Worker, 17 June 2019)

As explained in the analytical framework, the social capital refers to the set of capitals that the person can mobilize through his/her social relations and social networks (Günther, 2018). Based on this definition, it is clear that refugee and asylum seeker domestic workers’ ability to access protection is greatly dependent on their personal and collective ability to mobilize resources and exchange knowledge through their social networks.

“We depend on our social circle. For example my neighbor is Sudanese, if I get sick, she collects money from other Sudanese friends to cover for my expenses and I do the same to her”
(Interview with Nagat, Domestic Workers, 09 May 2019)

“In order to avoid exploitation and abuse by employers, I and six of my friends decided to make a group to share recommendations on good brokers and good Madams, we have English speakers and Arabic speakers among us and they are responsible for receiving and processing job requests, we also hired a trusted taxi driver who is a decent old guy to drive us to our work to avoid rape incidents by taxi drivers” (Interview with Rom, Domestic Worker, 17 June 2019)

It is also worth noting that these social networks sometimes also include brokers and employers as explained below.

“To my knowledge....It (protection) is completely based on charity and individual efforts. For example some maids were detained because they were staying illegally in Egypt. We as families had to collect money for them to get them deported to their countries instead of remaining in

detention. Otherwise they will remain in detention for a very long period.” (Interview with Sara, Broker, 05 May 2019).

However, the participants also explained that their ability to secure protection is to a great extent limited to certain issues. For example in cases of sexual harassment and rape, the interviewed domestic workers expressed that they were hesitant to seek their community’s support or protection. Moreover, the limited economic capital of African refugee and asylum seeker domestic workers sometimes make it hard for them to secure protection for each other or for themselves.

“I stay with friends at their house for a month or 2 but then they become upset with me because I have no money so they ask me to leave and I have to look for another place.” (Interview with Nagat, Domestic Worker, 09 May 2019)

“Even if I go to the police to report it (rape incident), they will need money from me to get a lawyer. I was paid only 2000 EGP, 1000 for my rent, and the rest expenses for me and my daughter.” (Interview with Kemya , Domestic Worker, 17 June 2019)

When asked about their relation with the NGOs and to which extent do they consider them as reliable entities for protection, the interviewed domestic workers confirmed that they only seek their help when it comes to medical coverage and trying to find a job. In cases of violations or conflicts with their employers they rather seek the brokers’ support -if possible- or they rather accept the situation as it is.

Their reluctance to seek the NGO’s help is greatly influenced by the limited resources of the available NGOs who are active in the field of migration in Egypt. Furthermore, with the absence of any governmental entity that is responsible for refugees and asylum seekers, the UNHCR is the only available entity that is responsible for processing refugees’ and asylum seekers’ files. Such situation creates an overload on UNHCR and limits its ability to meet the expectations of the refugees and asylum seekers and therefore influence their credibility as a reliable entity.

“I went to them (UNHCR) when I arrived to Egypt in May 2005, and was given an appointment to open a file for my case by May 2006. When I opened my file there I was then referred to

CARITAS to receive some aid but they give you the aid for some months and then they stop it. Until now I get aid on and off. I stopped getting any aid from CARITAS and UNHCR for the past 4 or 5 years now. When I go to UNCHR to ask about my status they tell me we are still processing it. I have been under processing since 2006. Therefore, whenever I meet people coming from Sudan, I always advise them to forget about the resettlement option with the UNHCR because it takes ages to be settled, I advise them to start looking for a job and providing for themselves.” (Interview with Nagat, Domestic Workers, 09 May 2019).

As for the cultural capital, it was noted from the interviews that the refugee and asylum seeker domestic workers’ knowledge of the language and of the local culture influence their ability to negotiate better working conditions and secure better salary.

“....She works for a while until she gains experience and learns the language then she gets other jobs for higher salary such as 5500 - 6000 EGP” (Interview with Sara, Broker, 05 May 2019).

6.3.2 HOW DOES THE CURRENT POLICY SETTING INFLUENCE REFUGEES’ AND ASYLUM SEEKERS’ PROTECTION STRATEGIES?

As explained in the preceding part, refugee and asylum seeker domestic workers depend to a great extent on their social and personal networks for protection. During the interviews, they explained that they depend mainly on their community including their friends and relatives in the first place, while surprisingly, UNHCR comes as the last resort. This could be illustrated in connection to the UNHCR “self-reliance” policy that was mentioned earlier in chapter four, the absence of a policy to regulate the work of migrant domestic workers in Egypt, and the inconsistency of financial assistance which leaves the African refugee and asylum seekers domestic workers with no other option but to accept the above described abusive working conditions since there are no other alternatives. For example the instability of financial assistance explains the low credibility of the UNHCR in the eyes of the interviewed refugees and asylum seekers and why they don’t usually depend on UNHCR for assistance and protection.

Accordingly, in an attempt to seek protection, refugees and asylum seekers rather seek their community’s and friends’ support rather than the UNHCR. Furthermore, the UNHCR doesn’t only fail to provide protection to refugees and asylum seekers but rather consolidate their

vulnerable position instead of improving it (Roshdy, 2019). For example, the UNHCR fails to hold the Egyptian government accountable to its responsibility regarding the integration of refugees in the country since Egypt has made no reservation on the local integration article of the UN Refugees Convention. The UNHCR should request the Egyptian government to amend the MOU which denies local integration as a durable solution to avoid contradiction with the convention (Roshdy, 2019). Furthermore, the UNHCR doesn't have a "holistic integration policy" that targets the Egyptian nationals which aims at eliminating and mitigating the discrimination against refugees, especially Africans (Roshdy, 2019). As Roshdy explains in her study, *"Egyptians have no clue about who refugees are, what they are doing, why they left their countries or what the refugee rights in the state of asylum/refuge are. The gap between refugees, especially African refugees, and Egyptians is mainly due to the misinformation the Egyptians have about refugees' role in Egypt."* (Roshdy, 2019).

The lack of UNHCR efforts to spread awareness is not only related to the Egyptian nationals but also to the refugees and asylum seekers, including those who work as domestic workers, who don't have adequate information about their rights, how to seek protection, and who to go to in case of abuse (Roshdy, 2019). It is important to note that such limitation of the UNHCR are greatly attributed to its lack of enough global resources and funding which negatively affect its local ability to provide protection and assistance to refugees and asylum seekers (Roshdy, 2019).

"UNHCR depends mostly on "voluntary contributions" made by (received from) fourteen governments and the European Commission to fund its operations with only 2% of the budget covered by UN regular budget. The fund that UNHCR received in 2018 covered only 55% of the UNHCR budget." (Roshdy, 2019)

Besides, the UNHCR is unable to provide adequate protection to the refugees and asylum seekers due to its limited mandate in the UN Refugee Convention of 1951. According to the convention, the UNHCR has no "supervisory role" over the states' legal responsibility towards the protection of refugees (Roshdy, 2019). The element of accountability is missing in this governance structure where the UNHCR is not accountable for the protection of refugees, instead it is only responsible to provide protection services (Roshdy, 2019). Moreover, under the

international law, refugees' and asylum seekers' rights are not implemented as expressed in the international relevant conventions due to the lack of enforcement mechanisms under the international law (Roshdy, 2019). As Roshdy explains, the international law articulates some rights for the refugees and duties on the member states of any international treaty, however, it lacks the ability to hold the states accountable to hold these duties. Furthermore, the international governance structure of refugees' lacks any monitoring and evaluation mechanisms to monitor the states performance regarding the refugees' and asylum seekers' protection (Roshdy, 2019). Based on this governance structure and by reflecting on the Egyptian case in specific, the UNHCR is not held accountable for the refugees' and asylum seekers' protection despite the absence of any national institution or policy for the protection of refugees and asylum seekers. Consequently, with such a deficiency in the refugees' and asylum seekers' protection governance structure in the country, limitations on the protection and assistance offered by the UNHCR, and the lack of a political will to facilitate their integration as well as the societal discrimination against them; African refugees and asylum seekers, including domestic workers, find themselves obliged to develop their own self-governance tactics and depend on their own social capital, their social and personal networks within their communities in specific, as well as their relative cultural capital to seek protection. Such confined access to protection exposes them to further vulnerabilities as they have no other option but to cope with these abusive and exploitative working conditions they end up facing.

CHAPTER SEVEN: CONCLUSION AND POLICY RECOMMENDATIONS

3.1 CONCLUSION

This thesis concludes that there are a number of policy, institutional, and societal factors that aggravate the vulnerability of African refugee and asylum seeker domestic workers in Egypt. For example; the lack of a policy framework for the regulation and protection of domestic workers in Egypt in general and migrant domestic workers in particular is putting African refugee and asylum seeker domestic workers in a weak position where they are not able to negotiate decent working conditions and fair payment due to their perceived weak legal stance. Another factors is concerned with the limited resources of both the UNHCR as well as the NGOs coupled with the increasing number of refugees and asylum seekers, which push the refugees and asylum seeker

domestic workers to accept precarious working conditions in an attempt to secure their livelihoods since the aid from these organizations is not enough. Moreover, the lack of a political will to legalize the work of domestic workers as well as the societal discrimination against African refugees and asylum seekers in general are also consolidating their vulnerability. Finally, the weak governance structure of migration in Egypt is also contributing to this vulnerability. This is reflected for example in the contradiction between the 1951 Refugee Convention which is ratified by Egypt and the 1954 Memorandum of Understanding (MOU) between the Egyptian government and the UNHCR which denies the local integration as a durable solution for refugees in contradiction to the Refugee Convention in which Egypt has not made any reservation on the local integration article. Such contradiction is reflecting the weakness in the governance structure of refugees where the Egyptian government is not held accountable to implement its international obligation as stated in the Refugees Convention of 1951 which it has ratified.

The above mentioned policy and governance failures are to a great extent related to how refugees and asylum seekers in particular are socially constructed in the society in a way that portray them as an undeserving, powerless group and unwanted burden due to the local limited social and economic capacities in Egypt. This construction consolidates their marginalization and exclusion on one hand and send them a message that they are unable to mobilize and have no impact on the public arena on the other hand which explains the lack of any mobilizations on the public level to change their situation.

In order to cope with such challenging situation, African refugee and asylum seeker domestic workers try to develop their own strategies to enhance their access to protection. However, protection in this sense is limited to basic rights such as finding a job, accessing medical care and arranging their lives when they first arrive to Egypt. They depend essentially on their social and personal networks as sources of social capital as well as their relative knowledge of the local culture and language to gain relative access to protection. However their limited economic capital is considered most of the time an obstacle to securing protection as they end up accepting hard working conditions and abusive situations due to their low economic position.

These above mentioned aspects reflect a clear lack of coherence between the policy and the practice levels. For example even though there is an increasing local market demand on African domestic workers which is met with increasing supply from the refugee and asylum seekers community, there is no policy to regulate that situation. Moreover, there is an apparent weakness in the protection governance structure of refugees and asylum seekers as discussed in the earlier chapter as it fails to hold the UNHCR accountable to the protection of refugees and asylum seekers in Egypt despite the absence of a national entity or policy to guarantee their protection.

It is important to note that underlying the above mentioned governance and policy weaknesses are various cultural, social and political customs and beliefs about the unpaid care work, and role of women in the society, in addition to stereotypes about African refugees and asylum seekers in Egypt. Such values and norms impact how and if policies are placed on the policy agenda or not, and also shapes the individual and societal behaviors and attitudes towards refugees and asylum seekers in general and African domestic workers in particular (ILO, 2015). The domestic workers' ability to seek protection is also usually hindered by their weak cultural capital of knowledge of the local culture and the language which obstruct their access to information about the justice system in Egypt and how to seek help and report violations and abuse.

The thesis finally aims to fill the gap in the migration literature by focusing on a specific group of migrant domestic workers who are exposed to a double layer of vulnerability by being both domestic workers and refugees and asylum seekers at the same time. Most of the literature in the field focuses only on migrant domestic workers who come to the host country with the purpose of working as domestic workers either through regular employment schemes such as the Kafala (sponsorship) system in the Gulf or through irregular channels (illegal migrants). Even though this group also experiences difficulties and violations, the refugee and asylum seekers domestic workers who come to the country in fear of persecution asking for refuge and end up working as domestic workers to be able to sustain their livelihoods especially in urban context, are worth special focus. Especially that they come without any preparation, or connections in the country which puts them in a more vulnerable situation. Moreover, one of the main objectives of the thesis is to add to the literature on governance of migration by discussing the issue of migrant domestic workers from a different perspective than the one usually used by other scholars when

discussing domestic workers in the Middle East which usually focuses on domestic workers as victims who face violations rather than on their own protection and survival strategies and on investigating why do they develop these specific strategies. It aims to do so by exploring what kind of protection strategies do they seek and how the lack of a policy framework to govern their work affect the kind of strategies developed. This approach of the thesis is especially important to counteract the widespread narrative on refugees and asylum seekers especially females of being helpless and powerless by illustrating how they develop their own strategies to survive hardships in the hosting community.

On another side, it should be noted that the thesis has some limitations and that there is still other issues that were not covered in the paper and that should be discussed by other studies to fill the gap and help understand the situation. For example the thesis didn't discuss the perspective of the local employees who use the services of African refugee and asylum seeker domestic workers and how they perceive them, what kind of challenges do they face due to the lack of a policy to regulate the work of the domestic workers with them, and how do they secure protection to their workers in case of troubles. Also the situation of African irregular migrant domestic workers was not adequately discussed in the thesis even though some of the participants were irregular migrants. It is essential to explore this specific group especially with the increasing demands in Egypt on African domestic workers coupled with the expansion of this business where other intersecting migratory issues are prevalent including smuggling, and trafficking. Another limitation to this research is the lack of enough data and statistics in Egypt on the number of African refugee and asylum seeker domestic workers to be able to see to which extent the sample of the thesis is representative of the population. Furthermore, given the limited time and resources as well as the restrictive political situation, it was not easy to reach policy makers and representatives from the government and from important relevant organizations such as the UNHCR and the ILO to explore their perspective on the issue and on the obstacles to having a policy and their explanation for the clear weakness in the governance structure for the protection of refugees and asylum seekers in general and for domestic workers in particular. All these limitations represent at the same time opportunities for future research which will add to the literature on governance of migration and public administration.

3.2 POLICY RECOMMENDATIONS

With the increasing demand on the services of African domestic workers in the Egyptian society, and the increasing supply from the community of African refugees and asylum seekers who need to secure a decent living, the regularization of domestic worker is considered an essential need in the society which will serve both ends of the equation; the employees and employers. Moreover, the legal exclusion from the local labour law is the most impeding factor for the access to protection by refugee and asylum seeker domestic workers. When the policies are discriminatory, the group which is already vulnerable due to its characteristics becomes more so. Therefore, the Egyptian government, by regularizing the work and protection of refugee and asylum seeker domestic workers, it expresses its commitment to its international obligations and improves its international reputation as a state that respects and safeguards the human rights of its residents. In this sense, there are a number of policy recommendations for the Egyptian government as well as well as the other relevant stakeholders including the UNHCR, and the local and international NGOs to strengthen the protection of African refugee and asylum seeker domestic workers in Egypt as follows:

- Signing and ratifying the “ILO Convention No. 183 of Domestic Works” which shall serve as the main framework for the regularization and protection of domestic workers.
- The inclusion of domestic workers, including migrant domestic workers in the Egyptian national labour policy.
- Developing a recruitment scheme for domestic workers in general where contractual agreements are deployed for the protection of both the employers and domestic workers rights and where the brokers are held accountable for their services.
- Ensuring better collaboration mechanisms between the UNHCR, the relevant NGOs and the Egyptian police to provide protection for refugees and asylum seekers who are engaged in domestic work to ensure better response to violations and awareness among the workers of their rights and how to seek help.
- Allowing for the unionization and association of migrant -including refugees and asylum seekers- domestic workers to allow them a better bargaining position.

- Raising the public awareness against racism and discrimination in the society and about the rights of refugees and asylum seekers.

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APPENDICES

APPENDIX 1: INTERVIEW GUIDE - DOMESTIC WORKER

Background Information

- Name, Age, Nationality, and professional/academic background?
- When did you come to Egypt? How?
- Why did you come to Egypt?
- Is domestic work your first job in Egypt? If yes, please describe the process from when you left your country until you became a domestic worker? If no, what did you use to do before this?
- How long have you been working as a domestic worker?
- How did you get this job?
- How many households you worked for so far?

Recruitment negotiation

- Do you have a written contract? A verbal contract?
- How do you agree with your employer on your working conditions (Do you get to negotiate the (salary, working hours, living and working arrangements, days off, how to spend your leisure time? What happens to your documents?
- Do you use services of brokers? Are commissions deducted from your salary?

Working Conditions

- How many hours a day are you working?
- What are your tasks? Do you do additional tasks? Do you get paid extra for this?
- Where do you live? In my employers (have my own room or with others?) I have my own place?
- Do you keep your documents or it should be hold by your employer / brokers
- How do you describe your working condition (probe food, accommodation, privacy, working hours, rest). Are you obliged to remain in the household during your time of rest/ time off?

- How do you describe the amount of pay you get?

Protection

- As a person working for another household, what do you think are your rights?
- If you get in conflict with your employer, how do you solve it? Who do you turn to?
- In case of conflict and you have to leave, do you get your salary for the worked days?
- In case you get ill, how do you seek medical help? Who pays for your medical treatment?
Do you get sick leaves/days off?
- If you get pregnant, do you get to keep your job? Are you allowed to get a maternity leave?
- Do you have a weekly/monthly days off? Are you allowed to leave the house in these days –in case of live-in domestic workers- ?

Awareness of domestic workers rights

- To your knowledge, what are your rights as a migrant domestic worker?
- How did you learn about your rights? (Friends /Friends , Church , NGOs , UNHCR, Other)

Vulnerabilities – and Protection Strategies

- What kind of challenges that face you in your work?
- From your experience and experiences of your colleagues working as domestic workers; If you were asked to summarize the problems faced by African domestic workers in Cairo, how do you answer that question?
- What is a situation you faced that was challenging or you felt no protection?
- How did you deal with it?
- How do you deal with your employer breaching the contract or the agreement? (Doesn't allow for you to have days off, make you work over-hours with no remuneration, deduct your salary, no leisure time...etc)
- Who do you turn to for support?

- What is your relationship with other domestic workers? Organizations? Brokers? Do you seek their help in case of troubles with your employer?
- When you have problems with your employers how do you handle this?
- In case of abuses, how do you react? Who do you turn to? What about the Police?

APPENDIX 2 INTERVIEW GUIDE – BROKER

Background Information

- Name, Age, Nationality, and professional/academic background?
- How long have you been working as a broker?
- How did you get into this field?
- How many workers do you manage?

Recruitment negotiation

- How do you recruit your workers?
- How do you place the worker into the household?
- Do you make a written contract? A verbal contract?
- How do you agree with the employer on the working conditions (Do you get to negotiate the (salary, working hours, living and working arrangements, days off, how to spend leisure time? What happens to the worker's documents?
- What is the role of the worker in the recruitment process?
- From where do you get your commissions – Employer or Worker -?

Vulnerabilities

- As a person working in this field, what do you think the rights of the domestic workers?
- If the worker got in conflict with the employer and reached out for you, how you handle it?
- In case of conflict and the worker had to leave and the salary was withhold, what would you do?

- In case your workers got ill, does the employer provide medical help/pays for it? Are the workers allowed for sick days as part of the agreement?
- If the worker got pregnant, what happens then?
- Do the workers get to have weekly/monthly days off? Are they allowed to leave the house in these days –in case of live-in domestic workers- ?
- In case of abuse reported by the domestic workers, do you reach out for the police? How do you handle it ?

Awareness of domestic workers rights

- To your knowledge, what are the rights of migrant domestic workers?
- How did you learn about these rights? (Friends /Friends , Church , NGOs , UNHCR, Other)

Protection Strategies

- What kind of challenges that face you in your work?
- From your experience and experiences of the domestic workers using your service; If you were asked to summarize the problems faced by African domestic workers in Cairo, how do you answer that question?
- What is a situation you faced concerning the safety domestic workers and that was challenging or you felt you couldn't provide any solution/ protection?
- How did you deal with it?
- How do you deal with the employers breaching the contract or the agreement? (Doesn't allow the worker to have days off, make the worker work over-hours with no remuneration, deduct the salary, no leisure time...etc)
- What is your relationship with domestic workers? Employers? other Brokers?
- In case of abuses, how do you react? Who do you turn to? What about the Police?

APPENDIX 3 INTERVIEW GUIDE – CASEWORKER

Background Information

- Name, Age, Nationality, and professional/academic background?
- How long have you been working in the organization?
- What is your role in the organization? Do you/the organization work directly with refugee and asylum seeker domestic workers?

Domestic Workers' Working Conditions

- What are the main challenges that African Refugee and Asylum seekers face in Egypt?
- How do you describe the working conditions of refugee and asylum seeker domestic workers in Egypt?
- Based in you experience with them, what are the main problems they face in their work as domestic workers?
- What are common violations do you hear from them?
- Do you provide job matching services for domestic workers? Are you aware of other institutions that provide this service? If yes, can you describe the recruitment and contracting process

Vulnerabilities

- As a person working in this field, what do you think necessary for the protection of refugee and asylum seeker domestic workers?
- If the worker got in conflict with the employer and reached out for you as an organization, are you able to provide support?
- In case of conflict and the worker had to leave and the salary was withhold, is the legal unit here able to provide advice/support?
- Based on your experience with refugee and asylum seeker domestic workers' community, in case a worker got ill, does the employer provide medical help/pays for it? Are the workers allowed for sick days as part of the agreement?
- If the worker got pregnant, what happens then?

- Do the workers get to have weekly/monthly days off? Are they allowed to leave the house in these days –in case of live-in domestic workers- ?
- In case of abuse by employers, brokers or others, do the workers report them to the organization?

Awareness of domestic workers rights

- To your knowledge, do you think the refugees and asylum seekers are aware of their rights as domestic workers?
- Are refugee and asylum seeker domestic workers able to organize and unionize to defend their rights?
- Do you (the organization) provide awareness raising activities to the workers regarding their rights?

Protection Strategies

- What kind of challenges that face you in your work with refugee and asylum seeker domestic workers?
- From your experience and experiences of the domestic workers you meet; if you were asked to summarize the problems faced by African domestic workers in Cairo, how do you answer that question?
- What is a situation you faced concerning the safety of domestic workers and that was challenging or you felt you/the organization couldn't provide any solution/ protection?
- How did you deal with it?
- How do you deal with refugees/ asylum seeker domestic workers seeking the organization support in case of violations by their employers? (Doesn't allow the worker to have days off, make the worker work over-hours with no remuneration, deduct the salary, no leisure time, sexual harassment, rape, abuse...etc)
- How do you describe the organization collaboration with the UNHCR?
- What are obstacles that faces the organization in providing protection to refugee and asylum seeker domestic workers?