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# MASTER'S DEGREE FINAL DISSERTATION

## Weapons of the Weak: Agency and Resistance of Kenyan Women Migrant Domestic Workers in Saudi Arabia

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## **ABSTRACT**

This thesis investigates the intricate lives of Kenyan women who migrate to Saudi Arabia to work as domestic workers. It analyses their agency and subtle tactics they utilize as a result of power disparities and oppressive working environments by using qualitative case study research technique. This thesis examines their distinctive experiences by reflecting on the ideas of resistance, agency, power, and intersectionality. It also explores the labour protection mechanisms that safeguard them, or lack thereof. This is one of the first studies to show Kenyan domestic migrant workers have agency since most scholars and activist reports have focused on victimhood. This thesis advances our knowledge of their resistance which is hardly documented and its prospective for enhancing Kenya migrant domestic workers' welfare through advocacy and legislative reforms.

KEYWORDS: Non-confrontational Resistance, Agency, Power, Intersectionality, Domestic Labour

## **RESUMEN**

Esta tesis investiga las intrincadas vidas de las mujeres keniatas que emigran a Arabia Saudí para trabajar como empleadas domésticas. Analiza su agencia y las sutiles tácticas de resistencia que utilizan como resultado de las disparidades de poder y del opresivo entorno laboral mediante la técnica de investigación cualitativa de estudio de casos. Esta tesis examina sus experiencias particulares reflexionando sobre las ideas de resistencia, agencia, poder e interseccionalidad. También explora los mecanismos de protección laboral que las amparan, o la falta de ellos. Este es uno de los primeros estudios que demuestra que las trabajadoras domésticas migrantes keniatas tienen agencia, ya que la mayoría de los informes de académicos y activistas se han centrado en el victimismo. Este estudio hace avanzar nuestro conocimiento sobre su resistencia, que apenas está documentada, y de su potencial para mejorar el bienestar de las trabajadoras domésticas inmigrantes de Kenia mediante la defensa de sus derechos y reformas legislativas.

PALABRAS CLAVE: Resistencia no confrontacional, Agencia, Poder, Interseccionalidad, Trabajo Doméstico

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## LIST OF ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COVID-19	Coronavirus disease 2019
DRC	Democratic Republic of the Congo
EHOA	East and Horn of Africa
EU	European Union
GCC	Gulf Cooperation Council
GDP	Global Domestic Product
ICCPR	International Covenant on Civil and Political Rights
IDPs	Internally displaced persons
IGAD	Inter-Governmental Authority on Development
ILC	International Labour Conference
ILM	International Labour Migration
ILO	International Labour Organisation
IOM	International Organization for Migration
KLRC	Kenya Law Reform Commission
KMDW	Kenyan Migrant Domestic Workers
KSA	Kingdom of Saudi Arabia
MDWs	Migrant Domestic Workers
MHRSD	Ministry of Human Resources and Social Development
NCM	National Coordination Mechanism
NELM	New Economics of Labour Migration
OHCHR	The Office of the High Commissioner for Human Rights
PEAs	Private Employment Agencies
RAs	Recruitment Agencies



SMEs	Small and Medium-sized Enterprises
SSA	Sub-Saharan Africa
UDHR	Universal Declaration of Human Rights
UNCTAD	United Nations Conference on Trade and Development

## 1. GENERAL INTRODUCTION

I have chosen a path that is truly meaningful and passionate for me with my thesis topic. It reflects the result of my interest, research, and continuous determination to further our knowledge of the agency and resistance of Kenyan migrant domestic workers. The tales, barriers, and understudied areas in this field have often struck a deep chord with me. My goal is to expand my knowledge while simultaneously bringing attention to important issues, making a meaningful impact, and inspiring change for the better in the context of Kenyan migrant domestic workers' agency and resistance.

Between March 2019 and January 2020, 29,448 Kenyan migrant workers were given approval to work as domestic workers at households in Saudi Arabia (Vinner 2022, 12-15). Among them was Joy Simiyu, a 25-year-old Kenyan, who due to financial strains and her decision to drop out of education left her own country in search of employment as a domestic worker in Saudi Arabia. Simiyu's experience in Saudi Arabia, which had first left her hoping for a better life, quickly devolved into an ordeal of workplace abuse. She was made to work for free in several households, was denied enough food and rest, and her employer withheld some of her pay. Similar to other Kenyan domestic workers, Simiyu was a victim of what she called "modern-day slavery." Simiyu's tale discloses the horrifying exploitation domestic workers in Saudi Arabia endure and emphasises the critical need for better labour rights and support systems (Kimeu and Kireki 2022).

Iscah Achieng, is a Kenyan domestic worker who spent 14 months in Saudi Arabia and was subjected to physical abuse and hunger. She returned to Kenya and is currently actively advocating for the rights of more domestic workers from Asia and Africa who endure similar adversity. The situation of countless migrant labourers who are subjected to forced labour, human trafficking, and

other atrocities in Saudi Arabia was made more apparent by the case of Iscah. Despite the brutality she endured, Iscah's bravery and fortitude finally resulted in her rescue with the assistance of global labour unions. Many other Kenyan migrant domestic workers in Saudi Arabia, on the other hand, are still stranded in difficult circumstances, underscoring the necessity of taking immediate action to safeguard the rights and welfare of migrant domestic workers (Evans 2015).

Due to the Kafala system, which regulates Kenyan migrant domestic workers interactions with employers, domestic workers, like Anne Nyambura, have experienced abuse and exploitation in Saudi Arabia. Nyambura was guaranteed \$800 per month in income, but instead received \$170, significantly less than the agreed upon value. With limited justice for workers, the Kafala system enables employers to mistreat them, take their passports and other travel credentials, deny them meals, and more. Nyambura reportedly faced sexual assault, physical abuse, and mental torment while living in Saudi Arabia. Even if the Kenyan government is making some progress in resolving these problems, obstacles still exist, and migrant domestic workers continue to be vulnerable to abuse (Omuka 2022).

Since the majority of academic research and activist accounts have concentrated on victimisation, this is one of the first studies to demonstrate the agency of Kenyan domestic migrant workers. The question of how these migrant domestic workers, who are in precarious circumstances, assert their agency and exercise everyday forms of resistance in a way that challenges repressive circumstances while yet conforming to societal standards is the driving force behind this study. While Kenyan Migrant Domestic workers (KMDW) were frequently portrayed as victims of repressive institutions, this thesis' findings revealed their ability to gently challenge and reject these structures. This adjustment in perspective shifted the conversation into a space where KMDW were actively disputing their positions under those conditions rather than passively

being subjugated to them. Instead of viewing KMDW as helpless victims of oppression, the research has shown how they strategically navigate repressive circumstances.

### **1.1. Thesis Statement**

The main purpose of this study is to examine, analyse, and understand in great depth the functioning of agency and everyday forms of resistance displayed by Kenyan women migrant domestic workers in Saudi Arabia. This research aims to explore the covert non-confrontational strategies of resistance, regular acts of resistance, and subtle tactics these domestic workers use. It derives influence from James C. Scott's framework of concepts of "Weapons of the Weak." These migrant domestic workers manage their tasks and challenges within a setting characterised by power imbalance, an absence of legal protections, and compliance to cultural norms by finding a delicate line between resistance and the maintenance of social order. This is one of the first studies to show Kenyan domestic migrant workers have agency since most scholars and activist reports have focused on victimhood.

This study is driven by the inquiry regarding how these women, who are in precarious situations, exercise agency and demand their rights in a way that confronts oppressive circumstances while still adhering to social norms. This study aims to shed light on the unspoken aspects of their experiences by using a qualitative case study technique. This research aims to provide insight into the numerous ways that Kenyan Migrant Domestic Workers (KMDW) respond to their situations, adjust to their responsibilities, and negotiate challenging power dynamics. In the end, the research seeks to advance not only the scholarly understanding of resistance but also advocacy and policy initiatives to protect the rights and enhance the employment conditions for KMDW in Saudi Arabia.

## **1.2. Research Objectives**

### **1.2.1. General Objectives**

To examine and analyse the agency and resistance of Kenyan women migrant domestic workers in Saudi Arabia, drawing from James C. Scott concepts of “Weapons of the Weak: everyday forms of resistance.”

### **1.2.2. Specific objectives**

- 1) To identify and analyse the resistance approaches they used to confront unjust environments in their everyday lives.
- 2) To better understand how Kenyan women migrant domestic workers, agency and resistance approaches are impacted by power inequalities in their daily lives and workplace contexts.
- 3) To acknowledge and examine the relevant international, Kenyan, and Saudi Arabian labour legislation framework protecting Kenyan migrant domestic workers in Saudi Arabia or lack thereof.

## **1.3. Contextual Background**

### **1.3.1. Labour Migration**

Migration can be divided into two categories: domestic migration and external (international) migration. Internal migration refers to relocating individuals within a single nation, whereas external (international) migration refers to relocating individuals across nations. The causes of migration have been attributed to a variety of factors, including better living conditions,

career opportunities, healthcare resources, and security. The migration that occurs internationally from Kenya to Saudi Arabia is the subject of this study (Khalid and Urbański 2021,3).

The movement of workers across regions or national borders in search of good employment and higher job opportunities is referred to as labour migration. According to the ILO's Global Estimates on International Migrant Workers published in there are 169 million such workers worldwide, 60% of whom are males and 40% of whom are women. These workers account for 5% of the world's workforce. Due to the high rate of unemployment in many emerging nations, the number of young migrant workers has surged. According to ILO (2018), three sub-regions, namely North America (23%), Northern, Southern, and Western Europe (32%), and the Arab states (13.9%), account for 68.9% of all migrant workers globally.

In recent years, the subject of international migration has received significant interest due to its connections to development. Migration-related issues have been called forth, to be incorporated into national development and poverty reduction initiatives. However, in actual practice, there is a significant disconnect between promise and delivery. Gains from migration and the protection of migrant rights go hand in hand, and when migrant workers have acceptable working circumstances and their basic human and labour rights are protected, they can contribute most effectively to economic and social progress (Wickramasekara 2008, 1249).

Nevertheless, there is very little cause for indifference given the adverse implications of global migration. The obstacles posed by current migration patterns and trends are discussed in the paper, including the widespread exploitation and abuse of migrant workers, theories of migration, the scarcity of opportunities for low-skilled workers to migrate, the inadequate integration of migrants and their families into host societies, the rise of racism and xenophobia, the everyday

forms of resistance and the inadequate ratification of international normative standards. Additionally, Wickramasekara (2008, 1250) argues for the use of terminology like "low-skilled," "irregular migration," and "migrant workers in irregular status" that are more impartial in discussions of international migration. These words are more thorough in reflecting several irregularity dimensions and do not penalize migrants.

### **1.3.2. Migrant Domestic Workers**

According to Article 1(a) of the Convention No. 189 (ILO 2011, 1), "domestic work" is defined as "work performed in or for a household or households." Cooking, cleaning the house, washing, and ironing laundry, regular housework, caring for children, the elderly, or people with disabilities, as well as maintaining the garden, watching over the property outside the house, and operating the family vehicles are all examples of domestic work. In actuality, roles change over time and among states. Considering the variety of duties involved, it was decided that the household was the primary setting for domestic work.

The term was then established by the 20th International Conference of Labour Statisticians, which was approved in 2018 to be more consistent with ILO Convention No. 189's definition. A new endeavour to define the status of all domestic workers more completely and accurately. It encompasses domestic workers who are engaged directly by a household or households as live-in or live-out employees, as well as domestic workers who are employed via or by service providers and domestic workers who provide both direct and indirect care services (Galotti 2015b, 5-7).

Typically employed in private residences, domestic workers undertake an array of household duties including gardening, cleaning, cooking, and providing care for the family, children, and/or the elderly. The majority of domestic workers are who women, who perform this type of gender-

specific labour. When productive and reproductive work were separated, domestic work was designated as a distinct field of employment. After World War II, the classic family model transitioned from having a male head of household, who only earned a single pay to one that consisted of two wage workers.

Albin and Mantouvalou (2012) assert that we can determine an increase in the need for domestic labour as one of the effects of this new family life model's requirement to accommodate new patterns of work and family life. It is challenging to undervalue the benefits of paid domestic work for modern society. It is now obvious that having domestic workers is valuable for family members, employers, and the market overall as a result of changes taking place in the labour market, such as the expansion of the service economy, greater representation for women in the workforce, the sharing of household duties by men, and the acceleration of globalization.

For individuals who are not particularly skilled and may not be easily marketable in other job roles, domestic labour may serve as an ideal employment. However, domestic workers can vary from skilled to low skilled to unskilled; in some instances, individuals migrate to the domestic labour sector to work in order earn an income and to transfer money to their countries of origin. Similar to other forms of employment, domestic labour has its rewards. The employee creates and maintains a personal rapport with the employer that is built on trust, to a greater extent than in other occupations, and may feel extremely valued for the work performed Albin and Mantouvalou (2012).

On the other hand, the distinctive characteristics of domestic labour also present obstacles. A substantial part of the domestic labour force is made up of migrants, who frequently receive preference by employers over residents of the nation, especially when they are live-in domestic



workers. Anderson (2007, 250) explains that the domestic worker often feels more like a member of the family than an employee because of the close nature of their relationship. That said, this perception of personal connection can prove deceptive because the domestic worker and the employer, who is typically a woman, possess a status difference that the latter is usually determined to preserve. Furthermore, because domestic work occurs in the employer's home, it is difficult to track, regulate and monitor because it is concealed from the public. Domestic workers are more at risk of maltreatment by their employers because of their place of work.

Migrant workers are individuals who travel countries in quest of employment opportunities on a global scale. As specified by United Nations (1990), in Article 2 of the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, the term “migrant worker” is defined as “a person who is to be engaged or has been engaged in a remunerated activity in a state where he or she is not a national.” According to the Migration for Employment Convention (C097), migrants’ labourers are people who move from one country to another with the intention of obtaining employment. Depending on their legal status in regard to the immigration regulations of their countries of origin, transit, and destination. Migrant workers fall into one of two categories: regular migrants or irregular migrants. The main motivation for moving abroad is frequently a desire for a suitable job. Even though international labour movement is increasingly common, it has been plagued by exploitation, with recruiters subjecting migrants, particularly women, to abusive working conditions, forced labour, and human trafficking.

There is a substantial and dynamic area of research on migrant domestic work. At both the global and local levels, scholars have emphasized the gendered and racialized aspects of this type of labour. They maintain that the emigration of women has caused a shift in care work from the global south to the global north. Research by Pande (2013,417) examined domestic work as an

area of everyday resistance and bargaining and evaluated the smallest aspects of workers' experiences. In recent years, research has emphasised the state's contribution to migrant domestic workers vulnerability. The experiences of migrant domestic workers in the Gulf region are disproportionately under-researched topic in contrast to the number of studies on those living and working in Europe and North America.

The limited scholarly literature on migrant domestic workers in this area concentrates on the abusive dynamics between the employer and the domestic. The kafala (sponsorship) system, which fosters conditions for an established sequence of violations of the rights of migrant domestic workers, is one area of this research in Kenya and Saudi Arabia migrant discourse. Recent studies have discovered links between sponsorship schemes worldwide and "guest worker" regimes in various other Gulf States. Particularly for migrant domestic workers, the kafala/sponsorship system imposes additional constraints. According to Pande (2013,417), it renders the sponsor or domestic employer legally liable for the migrant and exempts the host government from providing any type of labour protection.

According to Gallotti (2015a), migrant domestic employees comprise of those who are employed by contract as well as those who might be employed or working on an independent basis in more than one household. However, they do not include domestic workers who migrate across borders and are not residents of the state in which they operate. Due to the fact that migrant domestic workers conduct their labour inside of private households, it is a possibility that their job is unofficial in several countries.

Gallotti (2015b) under ILO research study estimates 57.7 million women are employed in the domestic labour sector, globally making up 76.2% of all domestic employees. With the

exception of the Arab States, every country and region comprise more women than men employed as domestic workers, with the Americas possessing the largest percentage at 89%. Men and women in the most common domestic labour occupations are largely divided in the majority of countries where information is provided. Women typically work as housekeepers, helpers, and personal caregivers, while men are more likely to be drivers, cooks, gardeners, construction employees, and security guards.

With the idea and purpose of decent work, ILO (1999) adopted a response to the globalization of labour by advocating for employment and social protection for migrant workers. The term decent work is described as valuable employment performed by both men and women within freedom, equity, security, and human dignity contexts. It entails offering people with opportunities for work that is beneficial and pays a living wage, ensuring social protection and safety at work, providing opportunities for personal growth, and promoting social interaction, allowing people the freedom to voice their reservations, and being involved in decisions that have an impact on their lives. Equality and gender non-discrimination are fundamental elements that promote decent work.

People migrate when they move from one place to another. Essentially, it relates to moving, whether temporarily or permanently. According to Khalid and Urbański (2021,3) interregional and intraregional disparities at the macro level, the lack of availability of employment opportunities, which usually results in poor living standards across various socioeconomic groups at the micro level, are the driving forces for migration. The fertility (reproduction) rate, mortality rate, and migration trend are the three factors that typically have an impact on a region's population.

This study explored the difficulty faced by Kenyan migrant workers in finding decent employment in their host countries, where they are subject to a variety of levels of exploitation, including paying exorbitant recruitment fees, deceitful about contracts, living and working conditions, physical and sexual abuse, verbal and psychological abuse, restrictions on their freedom of movement, seizure of passports and other forms of identification, and recruitment into malicious agencies.

#### **1.4. Justification of the Study**

This study's contribution to addressing a significant knowledge gap regarding the agency and resistance practises of Kenyan women migrant domestic workers in Saudi Arabia renders it relevant and justifiable. In spite of constituting a vital part of the Gulf region's labour force, their perspectives are hardly ever considered when it comes to scholarly discussions and legislative decisions. The capacity of this research to bring attention to the perspectives of a minority that frequently functions on the margins of society highlights the relevance of this study.

The research aims to add to wider conversations on migrant labour, gender disparities, and human rights by exposing the agency and resistance of these women. Additionally, the findings of this study may facilitate actions that are beneficial to policy matters. Recognising how migrant domestic workers negotiate power disparities and oppressive working conditions is essential to developing feasible policies that preserve their general well-being while protecting their rights as long as there is an ongoing demand for migrant domestic workers in Saudi Arabia and globally at large.

## **1.5. Motivation of the Study**

The rights and dignity of Kenyan women migrant domestic workers who work in Saudi Arabia are a major driving force and my personal motivation behind this study. I recognize them and put efforts to comprehend their experiences as reflected in their personal stories. I intend to reveal their unacknowledged commitment in dealing with repressive environments by investigating their agency and techniques for resistance. By giving expression to these workers' experiences, I strive to foster a more just society overall.

This study's inspiration stems from a powerful desire to confront the ongoing oppression of Kenyan women migrant domestic workers in Saudi Arabia. They are frequently faced with demanding working environments, restricted protection under law, and visible power disparities yet are seldom portrayed in academia. My enthusiasm is driven by my dedication to a just society and my firm conviction in the transformational impact of knowledge. Their agency and resistance in the context of challenging circumstances warrant recognition and evaluation in order to understand their approaches and to campaign for labour protection.

## **1.6. Theoretical and Conceptual Framework**

The theoretical framework of this thesis centres on James C. Scott's idea of "weapons of the weak," which examines the agile strategies, agency, and everyday forms of resistance displayed by KMDW in Saudi Arabia. With their frequent use of non-confrontational resistance and everyday acts of resistance, they reveal a power imbalance and have limited autonomy, which is demonstrated by this framework. This perspective illustrates the intricate balance between resistance and societal expectations.

It highlights the necessity for resisting oppressive circumstances without engaging in direct conflict. The conceptual framework used in this research presents an illustrative representation of the fundamental ideas, connections, and contextual elements that influence the agency and everyday types of resistance demonstrated by Kenyan women migrant domestic workers in Saudi Arabia. In an extensive framework, it functions as a navigational tool to direct the investigation and interpretation of the research's findings.

Kenyan women migrant domestic workers have been migrating to Saudi Arabia for the past decade. Scholars have focused primarily on the plight and suffering they face in their place of work which is the employer's household. Reports have also demonstrated how this Kenyan migrant KMDWs flee their abusive employers and move back to Kenya. However, there is not much knowledge on the everyday forms of resistance these women execute in their hostile workplaces.

### **1.7. Methodology**

The study's methodology section articulates the methodical techniques used to collect and analyse the data necessary to respond to the study's research questions and objectives. The technique selected was essential for assuring the research's objectivity, applicability, and ethical concerns. The study's philosophical underpinning was an interpretive paradigm approach. The researcher analysed and interpreted the reality and meaning of how Kenyan migrant domestic workers in Saudi Arabia become individual agents of exercising everyday forms of resistance and surviving vulnerable situations. The researcher investigated their intents, beliefs, drives, and other qualities that are not immediately apparent or perceivable.

The qualitative case study was an integral component of the research design. This method was ideal for examining intricate, context-dependent instances like the agency and everyday forms

of resistance among KMDW. The case study method enabled a detailed examination of the KMDW techniques, difficulties, and motives by diving deeply into what they've experienced within their workplace environment in Saudi Arabia. The data collection method used involved deriving content from interview documentaries and audio-visual material from YouTube and TikTok.

The interview video data were subjected to a thematic analysis where the researcher found reoccurring themes, patterns, and ideas within the data which is achieved systematically. The analysis was led by a James Scott the conceptual framework, enabling the examination of links between agency, resistance methods and power imbalances. A detailed comprehension of the participants experiences is attained through thematic analysis, which makes it possible for researcher to tunnel into the data.

## **1.8. Structure of the Thesis**

Chapter 1 will provide a general introduction, background, and context of the thesis. The major argument or justification of the study is stated here. The research's general and specific goals are provided. General knowledge and context are given on the subject, involving areas like migrant domestic workers, country of origin and destination and labour migration. It provides the justification and the relevance the study by providing illustrations. The motivations that influenced the study will be discussed. The researcher will establish the study's theoretical foundation and conceptual framework. The methodology used is the qualitative case study research technique.

Chapter 2 and Chapter 3 will provide the relevant literature review that sets the foundation of the thesis. Chapter 2 will begin with providing a brief overview of the subject of labour migration and discussing the trends and patterns involved including theories such as Push and Pull.

Furthermore, an intricate chronological procedure of the migration process of Kenyan migrant domestic worker from Kenya to Saudi Arabia will enable the reader to contextualize the background knowledge. Chapter 3 will offer the relevant domestic labour laws and policies in Kenya, Saudi Arabia and globally that serve or fail to protect domestic workers. This will include Kenyan and Saudi Arabian national labour legislation as well as examining the relevant international labour laws that function with the International Labour Organization. Since protection is a shared responsibility, this section will highlight the labour protection bilateral agreements between Kenya and Saudi Arabia.

Chapter 4 will establish the theoretical and conceptual framework by explaining why these concepts are essential for the research. The main concept that will be discussed is the James C. Scott's "Weapons of the Weak: Everyday Forms of Resistance", which is significant for the research and as well as comprehending the thoughts, behaviours and actions of KMDW. These concepts of resistance will be categorized into, non-confrontational resistance, everyday acts of resistance, subtle strategies, power in asymmetry and preservation of social order. Moreover, this section will also discuss agency, power, and intersectionality. This will involve understanding how these ideas applies to KMDW, by discussing power dynamics and counterpower discourses, conceptualizing migrant women's agency, and recognizing how multiple forms of identity and oppression intersect.

Chapter 5 will describe the methodology used which is the qualitative approach and its relevance to the research process. The research question (How did KMDW perform everyday acts of resistance and exercise agency in these oppressive households in Saudi Arabia?) will be examined and discussed, which highlights the main focus of the study. The research design to be employed is the case study research design which will enable a thorough investigation of the



actions, agency, resistance, and obstacles faced by KMDW. Qualitative data analysis will entail a deductive analysis approach where information from the general to the specifics of the agency of Kenyan women migrant domestic workers will be analysed. The researcher will provide a comprehensive description of each case and themes in the case which is known as within-case analysis.

Chapter 6 will examine Kenyan migrant domestic workers' experiences in Saudi Arabia. Data Preparation, Data Description, Thematic Analysis, Non-Confrontational Resistance, Everyday Acts of Resistance, Subtle Strategies, Power is Asymmetry, Preservation of Social Order, Agency, Power, and Intersectionality will be the six components that make up this chapter. The chapter will go through the procedures used to get the data ready, the description of the three KMDW cases, and a thematic analysis of the data. Additionally, it will look at the techniques the domestic workers use to express their autonomy and resist unfair working circumstances. The balance between noncompliance and adhering to accepted standards will also be discussed in this chapter, as well as the power dynamics at work in their experiences. It will also cover how Kenyan migrant domestic workers' labour rights are protected or lack thereof. This section will go through any limitations or obstacles found while conducting the research, presenting a precise assessment of the research's parameters.

Chapter 7 will tie in the research to the literature review and demonstrate how the thesis answered the research gap in agency and resistance of KMDW. The results of the study will be summarized in a thorough synthesis, with an emphasis on the study's contributions to understanding this research area of labour migration and its possible implications for future research, advocacy, and policy. To support the research, the annexes section will offer supplemental resources including interview screenshot visualisations. An extensive list of all

sources used in the thesis, structured in line with the selected citation style, will be provided in the references section, which will come after the annexes.

## **2. CHAPTER ONE: LITERATURE REVIEW**

### **2.1. Introduction**

This chapter provides an overview of the context, actors, migration trends, theories, and processes relevant to understanding the experiences of Kenyan migrant domestic workers in Saudi Arabia. It offers the context of Kenyan Migrant Domestic Workers in Saudi Arabia by providing definition of terms and situating the actors involved. A discussion of Kenyan migrant domestic workers in Saudi Arabia is introduced in this section. It discusses the differences between domestic and international migration and emphasizes the driving forces behind migration, including improved living circumstances, employment possibilities, and access to healthcare.

In defining domestic work and domestic employees, the chapter highlights the variety of tasks carried out within a household. Additionally, it offers information on Kenyan workers in Gulf nations and an explanation of the idea of migrant domestic workers. The chapter examines migration patterns in Africa, Eastern Africa, and Kenya, including regional mobility within this area, as well as the factors that influence migration. The New Economics of Labour Migration and the Push and Pull Theory are two examples of migration theories that are covered.

The migration process and the role of recruiting agencies in labour recruitment services are briefly discussed in this section. Also covered is the pre-departure period for Kenyan domestic employees going to Saudi Arabia, emphasizing how quickly they were hired in comparison to workers from other nations. Insights into the migration procedure, recruitment firms, pre-departure arrangements and the challenges faced by returning domestic workers especially during and post COVID-19 are provided. The focus of this chapter is to examine the factors that lead Kenyan women to leave their homes to Saudi Arabia in search of domestic work.

## 2.2. Migration Trends and Patterns

This section of the research focuses on the trend of migration as well as the social, economic, political, and environmental elements that are discussed in relation to migration. Migration within and outside Africa, as well as across the continent and other nations, has been encouraged and strengthened by historical, economic, ethnic, and political ties. Intra-regional migrant laborers, undocumented migrants, nomads, frontier workers, refugees, and increasingly highly skilled professionals make up the majority of migration in Africa (Adepoju 2000, 380).

The East and Horn of Africa (EHOA) region, hosts to an estimated 331 million people, of which 42% are under the age of 15, they welcomed 6.2 million foreign migrants as of the first half of 2020. Two EHOA countries have continued to endure high levels of internal and cross-border migration, albeit at a slower rate, with over 6.5 million IDPs and over 3.6 million refugees and asylum seekers documented by the end of the year. Internally displaced people (IDPs), migrants, and refugees are all involved in interconnected flows that are significantly impacted by historical and cultural ties between regions, such as the Horn of Africa and the Great Lakes region, and by patterns of labour supply and demand, both locally as well as globally, in the direction of the Gulf countries (Vinner 2022, 12-15).

Increased poverty and unemployment are a result of the labour force's and population's rapid growth, as well as the economy's lacklustre growth rates. Beginning in the 1980s, countries in Sub-Saharan Africa (SSA) witnessed negative economic development rates, with GDP stagnating despite population growth of 3% per year and a 25% decrease in average per capita income (Adepoju 2000, 384).

The pull of opportunity and the push of extreme poverty are the driving forces behind migration, whether it be from a village to a town, from a town to a country's capital city, or from one country to another. Through retirement, retrenchment, and redundancies, African governments were forced to cut the size of the public sector; and the commercial sector did the same. Africans were forced to migrate when political, economic, and environmental conditions fell below an essential mark for them to remain in their countries, severely disrupting their domestic economy as a result of political and economic mismanagement, and civil conflicts (Adepoju 2000, 386).

In Africa, men and young adults make up the majority of economic migrants. The high rates of youth unemployment are reflected in the patterns of economic movement within and outside of Africa, where the median age is 31 years. Young adults are thus inclined to migrate within and outside of their countries for economic possibilities including education and work. At the time of migration, women from Africa are typically younger than their male counterparts. For instance, women migrants from Ethiopia and Uganda are typically between the ages of 18 and 21 (Vinner 2022, 16).

Economic migration to and from Africa is dominated by low-skilled migrants, who work primarily in domestic service, agriculture, and informal trade. A major force behind rural-urban, intra-African (for example, Tanzanian and Ugandan women migrate to Kenya for domestic work), and inter-continental migration, is the demand for domestic workers inside Africa, notably in metropolitan areas and more in other regions of the world. The demand for domestic workers in the Middle East is currently a major factor driving women's migration from Ethiopia, Kenya, and Uganda. Women who migrate to the Middle East from Ethiopia, Kenya, and Uganda may have higher levels of education than other low-skilled migrants (Vinner 2022, 17).

The COVID-19 pandemic has simultaneously spawned new patterns and heightened the vulnerabilities of the most at-risk populations. Approximately three million Kenyans, two and a half million Ethiopians, and one million Somalis reside abroad. Although a significant portion of medium to high-skilled migrant workers took up short-term to long-term employment in the UK, U.S., Canada, and EU countries, the majority of EHOA low-skilled men and women migrant workers were absorbed in both formal and informal labour in the Gulf countries. Saudi Arabia is the most popular Gulf Cooperation Council (GCC) destination nation, with cleaning, domestic work, agriculture, constructing and associated trades, and manufacturing among the top employment opportunities there (Vinner 2022, 18).

Some of EHOA migrant workers also migrate to Jordan, Lebanon, the UAE, Kuwait, and Qatar to work in the clothing sector. A significant portion of the overall number of migrants departing the EHOA region is women. However, the majority of EHOA women migrant workers continue to work as domestic labourers in the GCC. The majority of EHOA migrant workers have poor levels of education and training, their vulnerability increases by the absence of full medical coverage and other advantages afforded by other individuals who live abroad. Vinner (2022, 12-15) explains that they do not possess social safety nets to rely on when their sources of employment or income are disrupted, both in the countries of origin and at their intended destination. Furthermore, in order to secure a job, female domestic workers frequently or infrequently go to a variety of nations, notably those located in the Middle East. Kenya serves as one case where many low-skilled women move to the Middle East to find employment as domestic workers.

The majority of migration from Sub-Saharan Africa is conducted inside the continent, primarily to neighbouring nations. According to statistics from the UN Conference on Trade and Development (UNCTAD 2018, 45), 78.5% of migrants living on the continent were born there.

Although the main economic driver of migration in West and Southern Africa is conflict or political instability, these factors are the main drivers of migration in Eastern Africa, with conflict-affected nations like Somalia, South Sudan, and the Democratic Republic of the Congo (DRC) producing the majority of migrants in the region. With 54% of its people living on less than \$1.25 per day and 77% on less than \$2 per day, East Africa continues to be the region of Africa that is most severely impacted by extreme poverty.

The World Data Atlas estimates that Kenya had a population of 53.9 million people in 2021, with 50.3% female and 49.7% male. There were 31.9% of those without a job overall. Population between the ages of 0 and 14 made up 38.6% of the population, while people aged 15 to 64 made up 59.4%. According to census data from 2020, 38.9% of Kenyans under the age of 35 are unemployed. Due to the nation's high population growth, slow economic growth, and structural rigidities in the labour market, unemployment and underemployment continue to be significant concerns. Kenyans are increasingly looking for employment abroad as a result of these and other difficulties (Vinner 2022, 12-15).

### **2.3. Migration Theories**

Theories of migration provide insight to frameworks and explanations for understanding the phenomenon of human migration. Thus, gaining awareness of underlying factors, trends, patterns, and consequences of migration. Typically, people move in search of opportunities that will improve their social and economic well-being, whether it be intranational from rural to urban areas or internationally. This usually involves looking for opportunities where one can use their ability to earn more income than they do in their country of origin. This section is a discussion of various

migration theories that explain the migration patterns and trends of Kenyan women migrant domestic workers to Saudi Arabia.

According to De Haas (2021,33), while historical-structural theories tend to portray migrants as passive pawns or victims of the forces of global capitalism, neoclassical and other functionalist migration theories implicitly assume that people's preferences and thus life aspirations are unchanged across societies over time and often in flux to the point of maximizing individual income. Thus, traditional migration theories tend to portray migrants as individuals who are "pulled" and "pushed" like atoms by somewhat abstract economic, political, demographic, or environmental causal forces.

De Haas (2021,34) argues that we gain a more meaningful understanding of agency in migration processes by conceptualizing it as a function of migration aspirations and abilities to move within certain perceived opportunity structures. This allows us to overcome dichotomous and simplistic classifications, such as between forced and voluntary migration, and to integrate the analysis of most forms of migration into a single meta-conceptual framework. To understand the dialectic of structure and agency more systematically in migration processes, the distinction between positive and negative freedoms is a useful theoretical tool to create a more structured, systematic, and contextual view of the changing macrostructure.

These processes affect people's aspirations and mobility in complex, non-linear and often counter-intuitive ways. The resulting framework creates significant opportunities for improving theoretical synthesis by bringing together different migration theories under one meta-conceptual umbrella. Rather than being mutually exclusive, according to this alternative view, different theories of migration have different explanatory power to understand different forms of migration



that occur in specific contexts, between specific social groups and classes of immigrants, and at different levels of analysis. This shows the importance of developing conceptual tools to help us gain more nuanced understandings of the interplay of structure and agency in social action De Haas (2021,34).

### **2.3.1. Push and Pull Theory of Migration**

Lee (1966, 49) developed the Push and Pull Theory of Migration to comprehend the driving forces behind skilled and unskilled professionals leaving their home countries or a secondary migration process where expatriates switch from one country, they migrated to for another in search of better working conditions. Push factors include lack of opportunities, instability, poverty, poor living conditions, desertification, famines, droughts, fear of persecution, inadequate healthcare, loss of wealth, and natural disasters. Pull factors involve, better living conditions, proper security, easier access to land for farming and settling, political, religious, ethnic, and gender freedom, better educational opportunities, assisted welfare programs, a less stressful, beautiful environment, improved healthcare, and functional systems in place to deal with natural disasters.

The push and pull factors faced by domestic workers aiming to migrate from Kenya to Saudi Arabia are further categorized into social, economic, environmental, and political factors. The economic push factors from Kenya involve unemployment, low paying jobs, and poverty while the economic pull factors from Saudi Arabia include employment opportunities and higher earning potential. Social welfare inequalities and inadequate health facilities comprise the social push factors from Kenya while social status and satisfaction are some of the pull factors to Saudi Arabia. Insecurity, corruption, and political instability entail the push factors of migrating from Kenya

while the pull factors include political stability and proper security. Environmental push factors consist of extreme weather and natural disasters such as drought, famine, and floods. Pleasant weather and atmosphere involve the pull factors Lee (1966, 49).

Lee (1962, 50) classifies the Theory of Migration into the following factors that affect both the decision to migrate and the actual migration procedure: factors related to the area of origin, factors related to the area of destination, factors related to intervening obstacles, and personal factors. According to Lee, there are reasons for each of the four aspects that either encourage individuals to leave, reside in, or go to a particular location. In addition to push factors in the country where an immigrant desires to relocate from, technological improvements have eased the constraints of distance and transit.

Lee describes the migration process using the terms "plus," "minus," and "zero." "Plus" signifies elements that support migration, "minus" represents elements that discourage it, and "zero" indicates circumstances in which the immigrant has no preference. Lee emphasizes that a factor is merely a push or pull from the personal attributes of the person evaluating the factor, and other factors are regarded as "zeros" in circumstances where some individuals think something is great while others think it is dangerous. According to Lee's analytical framework, there are intermediary barriers that exist between the country of origin and the destination, including inconveniences like high travel expenses, long distance, and health issues. Both in the areas of origin and destination, immigration policy limits on the labour market and wage earnings may function as barriers to entry (Lee 1996, 52).

According to Lee's (1996, 54) model, factors associated to a person's place of origin are more likely to have an impact on their migration decisions than those in their final destination. Kenya is

the origin country and Saudi Arabia is the destination of choice in this study. People relocate abroad in search of better living conditions, employment possibilities, and economic prospects. As noted by Lee's model, factors affecting migration are connected to the country that a person wishes to move to. The main forces for migration, rather than the actual circumstances in the countries of origin and destination, are what people perceive.

The push and pull theory form the basis for further aspects of migration, including return migration and the simultaneous occurrence of migration and emigration from and to the same region. The effects of migration and how they might benefit or hinder the host and home countries are overlooked. According Kanayo, Anjofui, and Stiegler (2019, 225), this model adheres to stereotypes and primarily focuses on external causes, analytically positioning migration as a key component of a larger transformation process. The push and pull theory is a model that is of interest to migrants because it considers variables that affect decision making processes. It is critiqued, nonetheless, for disregarding a person's preference to migrate, particularly the migrant's desires. Prior to moving, migrants assess the benefits and downsides of a particular location based on their knowledge, desires, feelings, and reliability of information about their intended location.

'Neo-classical' theories have a significantly higher relevance to explain the more or less free migration of well-off people, under unrestricted conditions characterized by high levels of positive and negative liberty. Neo-Marxist and other historical-structural theories, on the other hand, may be comparatively more effective in comprehending and interpreting the precarious migration that occurs under severely constrained circumstances, such as migration restrictions or the absence of state protection against abuse and discrimination. Such restrictions weaken the power of migrants, leaving them more open to exploitation by employers, recruiters, government officials, or

smugglers. They also frequently thwart their efforts to advance socioeconomically through education and employment (Kanayo, Anjofui, and Stiegler 2019, 227).

### **2.3.2. New Economics of Labour Migration**

A second theoretical framework that deepens our understanding of who migrates and why is called the new economics of labour migration (NELM). Instead of focusing on individuals, it emphasizes family units and households as the main decision-making entity. With its emphasis on global migration, this theory explains why lower-income households could choose to send a migrant outside the country. By identifying certain persistent selection patterns by age, sex, race/ethnicity, education, and health, as well as significant variance in these associations across regions and forms of migration, migration scholars have shown that migrants are frequently separated from their non-migrant counterparts (Stark and Bloom 1985, 175).

Both domestic and foreign migrants originate from less affluent areas with fewer chances for wage employment. However, gender researchers have criticized the failure to consider gendered norms and uneven power relationships, which have a detrimental effect on women's ability to leave their homes. Hughes (2021, 387) argues that the NELM framework is oversimplified and ignores the complicated interaction between cultural, political, and institutional forces.

### **2.3.3. World Systems Theory**

The macro-structural aspects of international migration are the subject of this text's most significant details. A macroeconomic model called world systems theory can be utilized to comprehend international migration patterns or, at the very least, the variables that motivate it.

Babones and Chase-Dunn (2012) with Wallerstein as the prominent scholar of World Systems Theory, defined nation-states as core, meaning the leading capitalist economy, semi-peripheral, or peripheral, provided the conceptual foundation for this approach. According to world systems theorists, there is a selective migration process in which the underdevelopment of peripheral nations encourages highly educated and competent people to migrate to core nations, thus impeding development in those peripheral countries. As businesses from core nations go to peripheral countries in pursuit of lower wages and more lax laws, the ongoing hunt for new markets also creates conditions that encourage internal migration in developing states.

It has been argued that the emergence of structural adjustment programs in the Global South is an example of core nations supporting underdevelopment and the circumstances that force migration. The emphasis on crop exports, reductions in public services, trade liberalization, elimination of subsidies, and support for free-market reforms were all encouraged by these policies. Investors acquired farms and promoted monoculture techniques, which promoted deforestation, degraded the land, increased vulnerability, and raised the possibility of eviction. Migration is influenced by a variety of political and economic factors, such as governance failure, which can lead to conflict and population redistribution (Hunter and Simon 2022, 15).

## **2.4. Migration Process of Kenyan Domestic Workers**

### **2.4.1. Country of Origin: Kenya**

The Kenyan government estimates that 100,000 Kenyans are employed in the Gulf countries. Low-skilled Kenyan migrant workers in Saudi Arabia usually are uninformed of their legal rights. Kenya has created institutional and legal structures to control the emigration of low-skilled employees, and it has outlawed the use of commercial recruitment agencies to send domestic

workers to Gulf nations. In order to safeguard and enhance the working circumstances of its nationals who are employed in Saudi Arabia, Kenya has also signed bilateral labour migration agreements. In January 2019, Kenya and Saudi Arabia finalized a contract outlining a KSH 40,000 (EUR 400) minimum salary for domestic workers in Saudi Arabia (Njiru and Laiboni 2019, 7).

Nevertheless, Kenyans continue to emigrate illegally via Djibouti and Ethiopia. Due to an absence of regional coordination between state agencies, migrant domestic workers and dodgy recruitment firms are able to bypass national rules by traveling through neighbouring nations. Nairobi, which is the capital city of Kenya, a major regional transportation hub, is frequently utilized to transfer migrants from nearby countries who are trying to avoid following more stringent national restrictions. (Njiru and Laiboni 2019, 9).

Bisong (2021, 8) explains that it is less expensive than using regular channels, thus migrants continue to use irregular routes. Additionally, it is feasible to travel through illegal or unofficial means without a legitimate employment offer. The management of migration is being shaped by ongoing policy changes, and Kenya's strategic position and role in East Africa continues to have an impact on the flow of migrants and the country's migration systems. Between March 2019 and January 2020, 29,448 Kenyan migrant workers were given approval to work as caregivers at households in Saudi Arabia (Vinner 2022, 12-15).

Labour migration across borders is a complicated phenomenon that is influenced by factors, including political, social, and economic factors. According to Kimeu and Kireki (2022), unemployment in Kenya is distressing, with approximately 36% of the twenty-eight million people in the workforce out of jobs. Economic uncertainty and the looming recession have further compounded the dependency burden, leading youths to venture outside the country for

employment. Remittances from Kenyan migrant workers are rising, especially from the Middle East. Gulf remittances have doubled since last year, ranking them third in forms of remittances.

Human rights violations and deaths of Kenyan migrant domestic workers have also been reported, with around 89 Kenyan domestic workers in the region dying between 2020 and 2021 due to violence. Kenyan women typically venture to Saudi Arabia for economic advantages. Kenya ranks among the world's lower-middle income economies, according to the World Bank (2021), with an annual per capita income of around \$1,086. A majority of Kenyan migrant women originate from low-income families and have few employment options at their country of origin. Thus, they have a source of income that can support their families back home by migrating to Saudi Arabia to work as domestic workers.

Social pressure is a further driver in Kenyan women's migration to Saudi Arabia. In Kenyan society, these women have a responsibility to care for their family and make ends meet. Hence, they may experience social expectations to work abroad to provide for their families if there are not enough employment opportunities in Kenya. More people are looking for employment outside of Kenya as a result of the country's economic and unemployment crises. Women are particularly impacted because they are underrepresented in fields of employment, making risky opportunities to Saudi Arabia frequently seem like their only choice. The only source of support for Kenyans living below the poverty line is from employment abroad (Kimeu and Kireki 2022).

Additionally, there are not a lot of opportunities for low-skilled workers, and traditionally in Kenya, employers underpay domestic workers and there is little to no enforcement. As a result, they choose opportunities abroad where they are promised better pay. A further explanation for why Kenyan women migrate to Saudi Arabia is the country's political tensions. The economy and

social welfare of Kenya's population have been weakened as a result of political uncertainty, corruption, and ethnic strife. The scarcity of employment opportunities in the nation is a result of political instability, which makes it challenging for these Kenyan women to provide for their households. The migration of Kenyan women domestic workers to Saudi Arabia is facilitated by recruitment agencies (Kimeu and Kireki 2022).

#### **2.4.2. Country of Destination: Saudi Arabia**

According to Galloti (2015b, 37), an estimated 6.6 million men and women are working as domestic workers in the Gulf nations, accounting for 8.7% of all domestic workers across the globe. In the region, domestic workers comprise 12.3% of all jobs, making it the region with the largest proportion of domestic employees in comparison to all jobs. Additionally, six of the countries in the region are among the ten with the largest percentage of employed domestic workers. Saudi Arabia has the largest percentage of domestic workers in the world; domestic labour accounts for around 28% of all employment there. Having 3.7 million domestic employees, it is also the fourth-highest employer in terms of absolute numbers (Galloti 2015b, 39).

The demand for at home caregivers and domestic labour is associated with several interrelated patterns, alongside variation by region. These trends include: (a) a rise in women's employment and a resulting shift from single to double wage-earning households; (b) accelerated population aging, rising life expectancy, and reduced fertility rates; and (c) rigid fiscal and social policy budgets, crippled public care services, and government distribution of care services to families (Tayah 2016,11).

Given the efforts being made by Saudi Arabia to nationalize their labour forces by expanding female labour force participation among citizens, it is imperative to learn more about the



experiences of migrant domestic workers. Because of their presence, women have been able to withdraw from household duties and seek careers, hence migrant domestic workers are essential to this process. Therefore, if government attempts at nationalization continue, reliance on migrant domestic labour is likely to rise in the near future. Though it is uncertain how these shifts would influence the working conditions of foreign laborers (Tayah 2016,11).

Saudi Arabia is the most popular destination for migrant domestic workers. Some migrant domestic workers and other unskilled temporary workers are not eligible for family reunification or permanent residency. The *kafala* system, which determines the conditions of legal residency for migrant domestic workers, renders them solely guests in their place of employment and only permits them to reside under the sponsorship of their employer as a live-in employee. They cannot leave the nation or change jobs without their sponsor's consent, and they cannot get authorization to leave the country or transfer jobs Blaydes (2023).

As described by Blaydes (2023), the migrant domestic workers in the Gulf states are at risk owing to their reliance on work for example, considering family members depend on their income, debt related to the placement costs for their jobs, the devalued status associated with the feminization of domestic work, the lack of legal recognition that domestic workers are entitled to equal benefits as other categories of workers, and the perception of domestic workers as servants as opposed to employees. Moreover, migrant domestic workers have minimal options for resolving their labour shortcomings.

### **2.4.3. Recruitment Agencies**

According to the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), the word "labour recruiter" means both private and public agencies that provide labour

recruiting services. Private companies can be official (e.g., registered under commercial or other legislation), informal (e.g., unregistered subagents), profit or non-profit-seeking (e.g., fee-charging agencies), or both. Private employment agencies are considered labour recruiters under the above definition. In accordance with ILO Convention 181 on Private Employment Agencies, they are specifically described as a natural or legal person, independent of the public authorities, who provides one or more of the following labour market services: (1) services consisting of matching job offers and applications without the private employment agency becoming a party to any employment relationships that may result from these matches; (2) services involving hiring workers with the intention of making them available to a third party, who may be a natural or legal person, who assigns their tasks and oversees their completion; and (3) other job-seeking services as determined by the private employment agency (ILO 1997, 3).

The main actors that locate, connect, and coordinate opportunities for work between employees and employers in Saudi Arabia are recruitment agencies (RAs) and private employment agencies (PEAs). Any legitimate or natural entity that offers one or more of the following labour market services, independent of the government, is considered a private employment agency. These services include matching job offers and applications, hiring workers with the intention of making them available to a third party, along with other functions related to seeking employment (Otieno 2018).

A recruiting agency serves as a form of broker between an entity or employer wishing to hire someone and the potential employee for employment. Prior to the government being involved in labour recruiting firms, there were roughly 1,050 legal and unlicensed recruitment agencies operating in Kenya. The country is in a difficult situation since fraudulent brokers have moulded to get around the new regulations as a result of the government's evaluation. Without any

professional training and without a means of transportation back home, they promise domestic workers a legitimate visa and passport to Saudi Arabia (Otieno 2018).

Without the need to set up networks of branch offices around the nation, recruitment companies in Kenya rely on networks of brokers, or people who work from offices. The study by Morin, Jones, and Dobrée (2017, 56), discovered evidence of pastors, legislators, and local authorities looking for employment opportunities for their neighbours, relatives, or constituents. Recruitment agencies that focus on finding skilled or semi-skilled workers are less likely to use brokers; instead, they may use advertising to find new hires or simply get in touch with those who have already pre-registered with them to look for work abroad.

Since the late 1990s, Kenya's hiring market has experienced significant expansion. There were just five licensed employment agencies in 1998; by 2013, that number had risen to over 700, and by 2015, it had reached 1,000. Morin, Jones, and Dobrée (2017,50) explain that the majority of candidates are sent to the Gulf Countries. Small and medium-sized enterprises (SMEs), run by a director or founder who is a Kenyan citizen, typically employ between two to nine employees.

Most Kenyans emigrate to the Saudi Arabia in search of short-term employment in low-paying sectors such domestic labour, security, logistics, and retail. This rise is largely explained by Kenya's high unemployment and poverty rates as well as the growing demand for Kenyan labour from firms in Saudi Arabia. The remaining is accounted for by the activities of the foreign recruitment sector, which is progressively sending Kenyans to Saudi Arabia (Morin, Jones, and Dobrée 2017,55).

Through personal recommendations, internet searches, and social media advertisements, Kenyan recruitment firms find placement agencies they can collaborate with in Saudi Arabia. The

extent of persons to be hired, their specific experience and credentials, the commissions that are paid to the Kenyan recruiter, and how the commissions will be transferred are all determined by agreements between the Kenyan recruiting firm and the destination country placement agency. Morin, Jones, and Dobrée (2017,50) illustrate that a "trial basis clause" that outlines the conditions under which the agreement may be dissolved is also frequently included in agreements, as well as a procedure for resolving disputes between the parties.

Although the Kenyan government has taken steps to examine and control private employment agencies, in particular recruiting entities, there continues to be obstacles to putting these regulations into action. The payment of recruitment fees or other fees and levies that must be paid by migrant workers is prohibited under international best practices and national laws. Untrustworthy recruiters sometimes ask workers for hefty fees to find work in Saudi Arabia. Despite the fact that nations have made unilateral steps to harmonize the operations of private employment agencies with global standards, these efforts have not always been fruitful (Morin, Jones, and Dobrée 2017,52).

Bisong (2021,10) explains that, despite the steps taken by the state authorities to limit their operations, there are still a significant number of unregulated recruitment firms and brokers in the majority of African countries of origin. These agents put low-skilled migrants at risk by recruiting candidates through illegal means via social media. Since they are less expensive than traditional recruitment agencies, most migrants prefer informal recruiters.

#### **2.4.4. Pre-Departure to Saudi Arabia**

The end-to-end recruitment process is managed by business entities, and it includes steps like selection and screening, traveling to the destination country, and the organization of necessary

documents. Morin, Jones, and Dobrée (2017,53) explain that Kenyan domestic labourers can be hired far more quickly than domestic workers from other nations, including Bangladesh, with the entire procedure taking two to four weeks to complete. Kenyan recruiters make profits by charging candidates fees and commissions to clients in the countries of destination. Kenyan recruiting agencies maintain profitability by collaborating with recruiting firms in destination nations that discover and manage the client employers, as well as by using independent brokers to find new applicants from rural areas.

Kenyan candidates typically travel to Nairobi City or Mombasa City to meet with recruitment agencies. Some who have been recognized as possible hires may have online interviews with potential companies. Once a candidate is chosen, recruiting agencies arrange for travel to the destination country and the completion of any paperwork that the Kenyan and the destination country authorities may demand. The recruitment agency facilitates the signing of an employment contract before departure (Morin, Jones, and Dobrée 2017, 57).

The entire hiring procedure for skilled/semi-skilled (mostly male) employees takes three months, while hiring women domestic workers is much quicker, typically requiring between two to four weeks. Since there are more women eager to relocate abroad, hiring managers do not need to conduct job interviews or look for certain abilities. Morin, Jones, and Dobrée (2017, 57) explain that Kenyan domestic workers are hired faster than those from other nations, like Bangladesh, where women must complete a six-week residential pre-departure training course.

According to reports, human rights abuses occur often in Saudi Arabia, and the Kenyan government has a difficult time policing the migrant domestic worker's sector. Firms reported frequently utilizing three to twenty brokers, paying between KSH 5000 (EUR 50) and KSH 10000

(EUR 100) each hire (if the candidate lacks a passport) and up to KSH 20000 (EUR 200) per hire (if the candidate has a passport). High recruitment costs that result in debt servitude, aggression, misrepresentation of the job's terms and circumstances, and occasional threats and physical assault are examples of human rights violations (Morin, Jones, and Dobrée 2017, 51).

Nampewo et al. (2022, 34) demonstrates that, although certain national legislation mandates that recruitment firms are in charge of providing migrants with pre-departure training, these are rarely complied with. The Kenyan government agencies are in charge of delivering these trainings and verifying the employment contracts that are granted to recruitment companies in both Kenya and Saudi Arabia. Recruitment agencies are required to stay in touch with migrant workers in Saudi Arabia and, in some exceptional circumstances, plan for the migrant worker's return to their homeland.

These actions are, however, hardly conducted as a result of weak national legislation and a lengthy process that deter migrants from using legal routes for migration and agencies for employment. Recruitment organizations must guarantee that potential migrant employees have valid travel documents and complete a two-week predeparture training program. Potential employees are anticipated to attend orientation sessions about everyday life and customs in Saudi Arabia, including how to use and operate contemporary home appliances, what to wear, what domestic workers are expected to do, and the fundamentals of Arabic language (Nampewo et al. 2022, 35).

#### **2.4.5. Plight of Kenyan Women Migrant Domestic Workers in Saudi Arabia**

Saudi Arabia is known for its devastating record on domestic labour and human rights. Since social media videos showing Saudi Arabia's horrific working conditions went viral for the

past years, reports and videos of mistreatment have triggered a new rage for Kenyans. Between 2020 and 2021, at least 89 Kenyans, the majority of whom were domestic employees, passed away in Saudi Arabia, according to research by Kenya Ministry of Foreign Affairs. Over 2.1 million domestic workers who work across the Gulf Countries are vulnerable to abuse (Kimeu and Kireki 2022).

The investigative reporting of local media outlets and human rights organizations, both of which are inclined to bring attention to situations of grave abuse, has up until now provided the majority of information about the experience of Kenyan female domestic workers who migrate to Saudi Arabia. Despite the fact that media articles and human rights reports are crucial sources of information about the exploitation of migrant domestic workers, extending broader conclusions from these accounts can be challenging due to the biased selection involved. Despite media reports on abuses and violence faced by Kenyan women migrant domestic workers, some experience smooth transition to work and are taken care of according to the laws protecting them in Saudi Arabia (Kimeu and Kireki 2022).

Most domestic workers have their passports seized when they arrive in Saudi Arabia, which is illegal under international law and provides a window for the exploitation of those who are disadvantaged. Research by Gikuru (2013, 52) indicates a few individuals are given permission to keep their passports. However, some passports are confiscated upon arrival. When they move to Saudi Arabia to work, the majority of domestic employees do not understand Arabic. They are removed from the public eye, their passports are taken and held in private residences where they are subjected to a variety of abuses.

The prospect of being overworked was the predominant issue that the domestic workers experienced. Some workers were not allowed vacation days and were instructed to complete huge number of tasks by end of day or even work all night long. Women working as domestic workers are not excluded from Saudi Arabia's prohibition on women traveling unaccompanied when they are not at home. Interactions in some instances was restricted to other domestic workers who visit a different worker's household with their employers. They are only allowed to move around the house in their personal bedrooms, bathrooms, and kitchen. Even if there were other Kenyans in the neighbourhood, some are prohibited from socializing with each other (Gikuru 2013,52).

Some domestic workers identified verbal abuse as a challenge in working in Saudi Arabia. They had extremely demanding jobs and verbally abusive employers. The other abusive methods used on the domestic workers, are sleep deprivation and food starvation. The heat throughout the day prevents them from performing a lot of work during the daylight hours, which contributes to sleep deprivation. Food insecurity occurs by an absence of food available to the workers, which varies depending on the family a domestic labourer works for. Some employees become physically and psychologically weakened as a result of both of these work exploitations (Gikuru 2013,53).

Further research show that domestic servants are frequently the target of sexual assault or advances. Gikuru's (2013, 54) research findings illustrate an experience of a Kenyan domestic worker who was employed, raped, impregnated, and left at the jailhouse door by her employer. The woman's psychological reaction to the incident caused her to stop eating, taking showers, and communicating with others. Unfortunately, the woman was deported while still pregnant and the abuser received no consequences.



In conclusion, as punishment for infringing the contract, which stipulates that a worker should be employed by their sponsor for two years, imprisonment prior to deportation is acceptable. However, there are three reasons why detaining the workers before deporting them is unsatisfactory is because; the workers are automatically held responsible, the employers are not held accountable for their part in the worker's decision to flee, and the worker is frequently prevented from returning home after abuse because the employer had previously seized their passport (Gikuru 2013,55).

#### **2.4.6. Returning and Reintegration Trends**

The COVID-19 pandemic left millions of people overseas and prompted a mass emigration of migrant workers back to their home countries. An incredibly complex policy environment for return, reception, and reintegration was established as a result of the pandemic's combined demands and the worldwide crisis that followed. The Global Compact for Safe, Orderly, and Regular Migration, adopted in December 2018, recognized the necessity for international collaboration on return and reintegration and featured it (Vinner 2022, 14).

However, less than a year later, the coronavirus's spread to other nations led to haphazard border closures and travel restrictions, and many migrants were forced to leave their employment and, at times, the countries in which they were residing. Migrant workers from Kenya who were working in Saudi Arabia have returned since the commencement of the COVID-19-related economic slowdown. Along with migrant workers who travel legally, there are additionally undocumented migrant laborers who found themselves waiting for repatriation from other nations and agencies. Furthermore, those who are incarcerated or await in deportation facilities returned back to Kenya (Vinner 2022, 16).

## **2.5. Conclusion**

In summary, this chapter offered a comprehensive overview of the context surrounding Kenyan migrant domestic workers in Saudi Arabia. It provided a clear understanding of the dynamics of international labour migration and the specific circumstances faced by domestic workers. By defining key terms and outlining the actors involved, the chapter laid a solid foundation for studying this topic. It distinguished between domestic and international migration, emphasizing the reasons that drive individuals to relocate within their own country or across national borders. It focused on the migration flow from Kenya to Saudi Arabia, which has become a prominent destination for Kenyan domestic workers seeking employment opportunities.

The significance of domestic work is highlighted, with a thorough definition provided by the International Labour Organization. The concept of migrant domestic workers is explored, shedding light on individuals who travel abroad in search of employment. The chapter emphasized the scale and importance of Kenyan workers in the Gulf region, along with the efforts made by the Kenyan government to regulate their emigration and protect their rights. Saudi Arabia is identified as a major destination country, with a significant percentage of its workforce engaged in domestic labour. The statistics presented underscore the scale of domestic work in the region and the challenges faced by Kenyan migrant workers.

Overall, this chapter laid a solid foundation for further exploration of the experiences of Kenyan migrant domestic workers in Saudi Arabia. By providing a comprehensive overview of the context, actors, migration trends, theories, and processes involved, this study contributes to a deeper understanding of international labour migration and its implications for both the sending and receiving countries.

### **3. CHAPTER TWO: THEORETICAL AND CONCEPTUAL FRAMEWORK**

#### **3.1. Introduction**

This chapter covers the power, agency and intersectionality frameworks that conceptualize forms of resistance to better understand the agency of Kenyan women migrant domestic workers in Saudi Arabia. The discussion will focus on the theoretical and conceptual frameworks that offer a lens through which to view the agency and everyday forms of resistance expressed by Kenyan women who work as migrant domestic workers in Saudi Arabia.

Passive defiance, tenuous disturbance, elusion, and deception are common examples of everyday acts of resistance. The book "Weapons of the Weak: Everyday Forms of Peasant Resistance" by James C. Scott explores how oppressed or disadvantaged people employ non-confrontational tactics to negotiate or challenge power imbalances. Agency is a vaguely defined, frequently misused, and heavily fetishized term. The focus of this thesis is on Kenyan women who are migrant domestic workers in Saudi Arabia and how they affect change in their own lives. Conceptual frameworks from feminism and migration studies can be used to understand the scope of agency.

James Scott's idea that oppressed people's agency can take the shape of covert resistance, Leah Briones' study of migrating domestic workers, and Emirbayer and Mische's (1998) formulation of three dimensions of agency are just a few examples of how migration academics have improved theories on migrant agency. Four essential elements; structural factors, motivations, aims, and aspirations, as well as social and economic structures, should all be considered in an integrated theory of migration. The subjectivities of migratory women should be incorporated into feminist studies on agency.

### 3.2. Resistance

According to Scott (1985, 28), everyday forms of resistance are simple but constant struggles of peasants and those who seek to exploit them for labour. Everyday forms of resistance are explained by initially studying the forms of rebellion and revolution by peasants during feudal times. Examining this history leads to the encounter of successful revolutions, the outcome is a varied blessing for the peasants. Weapons used regularly by powerless people include concealment, slow labour, false submission, obliviousness, minor damage, or disruption and so on. These individual forms of resistance require little to no coordination or planning and the peasant has no monopoly over the weapons. There is a risk to overromanticize weapons of the weak as it is done to peasant rebellions and revolutions.

This form of resistance can be described as firstly, a combination of petty acts that have no name, no leader, and no organization. It manifests through passive defiance, vague disruption, avoidance, and deception. The final act after resistance when the Kenyan migrant domestic workers flee can be seen by the term called *Kemboi*. *Kemboism*<sup>1</sup> is what Kenyan domestic workers in Saudi Arabia refer to fleeing their abusive place of work which is their employers' home. Everyday resistance unlike other forms of resistance renounces public representation but its nature is informal and focuses on effective advances.

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<sup>1</sup> *Kemboism*: In Kenya, "*kembois*," are domestic workers who have left their legal employers in the Gulf States and are now undocumented. The nickname comes from Kenyan runner Ezekiel *Kemboi*, winner of the 3000-metre steeplechase at four World Championships and two Olympics. *Kemboi* can also be used as a verb, meaning to flee one's employer.

<https://ke.opera.news/ke/en/politics/fdb9e33769ea20a691fae44b88470573>

<https://observers.france24.com/en/africa/20230227-saudi-arabia-kenyan-domestic-dalalas-kemboi-workers-rights>

Secondly, this resistance is not focused on the direct basis of arrogation but on the least mark of resistance in comparative safety. Both the public forms of struggle and the everyday resistance aim to alleviate or reject entitlements by their superiors, in this case the employers. Everyday forms negate public displays of resistance. They are informal processes that are focused on instant results.

In historical mentions, Scott (1985, 26) argues that the peasants are not mentioned for the individual resistance but public displays of revolting. The domestic workers are human agents and should not be omitted from investigation of class affiliation. Rather, they should be the centre of these class relations. However, it should be noted that these peasant politics manage to make their presence felt by changing or narrowing down the policy options of those in the state. Thus, by endeavouring to bring justice to labourers, it is important to reveal and document the everyday forms of resistance used by the Kenyan domestic workers in Saudi Arabia. Ordinarily, history and stories are written and collected by literate individual who omit everyday forms of resistance and are unable to reveal the silent and unidentified class struggles.

Scott (1985, 30) explains that the background of cultural resistance can be observed during slavery, it included foot dragging, feigned adherence, flight, disguised ignorance, tampering and thievery. Despite the fact that these actions rarely, if ever, brought into question the system of slavery as a whole, they nonetheless accomplished much more in an unexpectedly restricted and hostile manner than the few brave and fleeting armed revolts that have been the subject of so much writing. The slaves themselves appear to have understood that, in most cases, hiding their resistance beneath the appearance of public conformity was the only way it could succeed.

First, attitudes about the likelihood and severity of retribution as well as the current frameworks of labour control have a significant impact on the character of resistance. The second

point to note is that resistance is not always focused on the initial place of appropriation. Since the resisters' goal is often to meet such pressing demands as physical protection, land, or income in a safe environment, they are likely to essentially trail the line of least resistance. Whatever the response, we must not overlook the fact that the peasant conduct has thereby altered or limited the state's policy options. The peasants have traditionally asserted their political presence in this manner, rather than through revolts or legitimate political pressure (Scott 1985, 31).

The author approaches peasant resistance as if it were nothing more than a collection of individual acts or behaviours. However, limiting the study to behaviour alone misses the mark. But, in order to grasp the resistance of thinking. One has to notice their consciousness, the meaning they give to their actions. Their behaviour is inextricably linked to the symbols, conventions, and ideological shapes they generate. Focus should be on the experience of behaviour of everyday forms of resistance as well the behaviour itself.

During documentary review and analysis of the case studies about domestic workers, the researcher was attentive and vigilant of this information. As an explanation, it must be examined by the norms of logic, economy, and agreement with other known social realities. Human agents may potentially present inconsistent descriptions of their own conduct, or they may try to conceal their knowledge from the observer or from each other. As a result, the same interpretive requirements apply, despite the fact that the terrain is admittedly dangerous. Regardless of how incomplete or even incorrect the human agents' perceived reality may be, it nonetheless serves as the foundation for their comprehension and behaviour.

### **3.3. Conceptual Framework of Resistance**

The idea of weapons of the weak resides at the core of James C. Scott's book "Weapons of the Weak: Everyday Forms of Peasant Resistance." The concept examines how disadvantaged or oppressed groups, who lack traditional forms of power, use subtle and non-confrontational strategies to negotiate or oppose power disparities in their day-to-day interactions. In the context of Kenyan women migrant domestic workers in Saudi Arabia, the concept of "weapons of the weak" can help us understand how they exercise agency and resist oppressive conditions within the households where they work (Scott 1985, 26).

These women may employ various subtle tactics to negotiate power imbalances, protect their rights, assert their autonomy, or challenge the oppressive aspects of their work environment, all while avoiding direct confrontation. By examining these everyday forms of resistance, we can gain insights into the strategies employed by marginalized individuals to navigate and resist oppressive structures, contributing to a deeper understanding of agency and resistance in the specific context of Kenyan women migrant domestic workers in Saudi Arabia.

#### **3.3.1. Non-confrontational Resistance**

Weapons of the weak are the methods and strategies utilized by oppressed groups or individuals when defying authority without resorting to open, direct, or confrontational defiance. These strategies avoid confrontation head-on and are distinguished by their finesse and evasion of overt opposition. Non-confrontational resistance is a type of protest that avoids open conflict with individuals in positions of authority. It involves symbolic gestures and rituals, covert actions of non-compliance, and covert challenges to power. Examples include avoiding laws or rules, exploiting system flaws, and taking advantage of power structure ambiguities (Scott 1985,35).

Avoidance and evasion tactics are used in non-confrontational resistance to reduce contact with repressive systems or authoritative figures. Scott (1985,36) notes that dissent and narrative challenges can also be spread through covert communication and information sharing. For marginalized people to avoid being directly held accountable or punished, maintaining plausible deniability, and reducing reprisals are equally crucial methods. Understanding non-confrontational resistance can help marginalized people navigate power relationships and assert their agency in environments that are oppressive.

### **3.3.2. Everyday Acts of Resistance**

These acts of resistance that happen every day, Scott argues that various types of resistance are ingrained in daily habits and actions. Ordinary activities that, when combined, may challenge authority, or destabilize power dynamics and are not necessarily great or heroic gestures. Everyday acts of resistance are the discrete, frequently unnoticeable actions and behaviours that marginalized people or groups use as a form of resistance in their daily lives (Scott 1985, 28).

Through these actions, oppressive structures can be contested, agency can be asserted, and a feeling of empowerment may develop. They require undermining or defying social norms and expectations and are frequently overlooked since they are interwoven into daily routines and activities. This has the potential to overthrow repressive regimes and create room for new perspectives. Marginalized people often discover ways to fight and subvert oppressive structures through everyday acts of resistance as a way to exercise their agency and negotiate their situation. (Scott 1985, 30).



### **3.3.3. Subtle Strategies**

Marginalized individuals or organizations can oppose or disrupt power dynamics without bringing attention to themselves by employing subtle tactics. Indirect communication, symbolic actions, and deliberate non-compliance with expectations are all part of them. While symbolic gestures include body language, clothing choices, or symbolic objects, indirect communication uses coded language, metaphorical phrases, or double entendre. Strategic non-compliance can alter power relationships and give people more freedom and influence. Passive resistance, covert sabotage, and deliberate avoidance are all examples of subtle techniques (Scott 1985, 32).

Subtle strategies are actions and habits that involve, non-compliance, inaction, pretending, ignorance, avoidance, sabotage, gossip, or other subversive forms of resistance. These behaviours could appear simple or unimportant on their own, but when used in an ensemble, they have the power to challenge repressive structures. By performing the bare minimum or appearing to comply, those who engage in passive resistance purposefully avoid their work or work slowly. Processes may be slowed down, faults may be introduced, or operations may be interrupted as part of covert sabotage. By purposefully avoiding contacts or settings that exacerbate power disparities or subject them to overt repression, one engages in strategic avoidance. In their attempts to fight and negotiate power disparities, marginalized people have demonstrated inventiveness, tenacity, and persistence (Scott 1985, 32).

### **3.3.4. Power in Asymmetry**

The unequal distribution of authority and power within a specific social, political, or economic setting is known as power asymmetry. It acknowledges that certain people or groups have more power, resources, and control over others, which leads to the development of structural

barriers, discriminatory behaviours, and societal norms that limit resistance and agency. It also includes instances of dominance, in which people in charge have influence over weaker members of society or groups (Scott 1985, 33).

It can be challenging or difficult for marginalized groups to question or disrupt these power dynamics since power in asymmetry is self-reinforcing and self-perpetuating. We can investigate how marginalized people or groups negotiate and challenge power inequalities by having a better understanding of power in asymmetry. Power imbalance is observable in the hierarchical connection between the workers and their employers in the case of Kenyan women migrant domestic workers in Saudi Arabia.

Understanding the institutional elements that influence the agency and resistance tactics of marginalized people or groups requires recognizing power in asymmetry. The idea of "weapons of the weak" acknowledges that power is frequently unequally distributed in society, with marginalized groups frequently experiencing severe disadvantages. According to Scott, these people or groups use these deceptive strategies as a means of coping, self-preservation, and agency within the confines of their situation (Scott 1985, 34).

### **3.3.5. Preservation of Social Order**

Reproduction of power dynamics, legitimization of authority, social control mechanisms, and ideological reinforcement all play a role in maintaining social order. It involves behaviours, standards, structures, and ideologies that support the stability and persistence of the current social order. It is crucial to comprehend the difficulties marginalized people or groups encounter in their quest for agency and resistance. Racism, capitalism, and other ideologies like patriarchy influence

people's beliefs, attitudes, and actions, making it challenging or impossible for oppressed people to question or overthrow the established social order (Scott 1985, 35).

While co-optation and containment allow areas for constrained expression of dissent or opposition, socialization and normalization support the status quo. Scott (1985, 37) emphasises that it is crucial to remember that these kinds of resistance rarely seek to overthrow established structures or usher in sweeping change. Instead, they frequently try to get around repressive situations, maintain some of the social order, and create minimally controlled or autonomous zones. The preservation of social order is seen in the stringent rules, legal structures, and cultural norms that control Kenyan women's employment and movement as migrant domestic workers in Saudi Arabia. Marginalized people can work toward greater social justice, equality, and empowerment by challenging and transforming the maintenance of social order.

### **3.4. Agency**

A group of terms frequently used to describe the purposeful components of agency include aspiration, desire, intention, motivation, free will, action, resistance, and choice. Additionally, the term agency is linked to a number of other concepts, such as preferences, autonomy, independence, subjectivity, capacity, initiative, regular behaviours and creativity. According to Fernandez (2020, 6-10), agency is a notion that is greatly underspecified, frequently misused, and much fetishized these days by social scientists due to the profusion of definitions, associations, and interpretations.

How can people affect social transformation? This is still an ongoing debate in the social sciences, which demonstrates the potent nature of this seemingly straightforward question. Or, more appropriately for this study, how do Kenyan women migrant domestic workers influence change in their own lives? The idea that agency is the exercise of free will or the capacity to act

freely is one that many interpretations of agency. The difficult aspect is striking a balance between identifying people's capacity to act as a means to accomplish their goals and bring about social change, and also recognizing the ways in which social structures influence and restrict these capacities (Ahearn 2001, 115).

This implies that agency must not merely be perceived to be as an act of 'free will' by a rational actor making decisions; rather, the ability to decide does not exist prior to social institutions from an ontological perspective but rather arises from them. The ability to exert some control over the social ties and structures by which one is bound makes one an agent. This in turn suggests that these social ties and structures may be somewhat transformed. The link between "agency and structure" is the subject of a contentious evolving discussion that cannot be explored here. In this thesis, the researcher identifies conceptual frameworks from migration and feminist studies that help make sense of the analysis of extents of Kenyan migrant women's agency (Ahearn 2001, 117).

The "turn to agency" in migration studies over the last decade is partially a result of academics challenging prevailing media and policy opinions on migrants at a time when it is a highly contested political matter. When conceptualizing migrant agency, these dominant viewpoints either covertly or overtly presume a binary and gendered active/passive binary. Male migrants are frequently perceived as posing a threat, as 'dangerous' criminals, potential terrorism suspects, or as 'illegal' border crossers (Strange, Squire, and Lundberg 2017).

Conversely, female migrants are frequently viewed as being fragile and in danger, "passive" victims of human trafficking, or forced migrants and refugees as a result of uncontrollable political circumstances (Strange, Squire, and Lundberg 2017). These gendered stereotypes of migrants as

"victims" or "villains" conceal two crucial points: first, the contribution of states to the establishment of people as "forced migrants" or "irregular migrants" through citizenship and border control policies; and second, the wide range of ways that migrants maintain agency and create opportunities for navigating, even from disadvantaged and limited positions.

### **3.4.1. Conceptualizing Migrant's Agency**

Although migration theories have often tended to elude the issue of structure and agency, migration studies scholars frequently make inductive presumptions regarding migrant agency. Scholarly research on migrant agency has advanced in a few significant theoretical directions during the past two decades, largely as a result of disciplinary constraints. The 'theories of practice' of concept of the 'habitus' are the most frequently used sources by migration specialists in anthropology and sociology (Giddens 1984; Bourdieu 1977).

In two ethnographic studies of migrant domestic workers from Sri Lanka, James Scott's concept of the agency of oppressed people as forms of covert, everyday resistance has been examined. Although visible, organized resistance by oppressed people is uncommon, Scott (1985,28) discovered that it is not the only option to passive compliance. Alternatively, legitimate behaviours and inactions, such as unwillingness or deceptive cooperation, are more frequently used to oppose despots. These types of resistance are especially powerful when violence or the fear of violence is used to maintain authority.

According to Leah Briones' research of Filipino migrant domestic workers, agency refers to the capacity to act, rather than necessarily being. On Emirbayer and Mische's (1998) conceptualization of three aspects of agency; iterational (habitual), projective, and practical-evaluative, a framework for the examination of irregular migrant agency that emphasizes the

irregular migrant as a political subject has been established. Thus, focus on the methods immigrants employ to navigate the subjectification processes as well as the abilities of unauthorized immigrants to act in challenging and oppressive contexts are acknowledged that such conducts by undocumented immigrants may not always result in overt political action to end their status quo.(Strange, Squire, and Lundberg 2017).

The study of the effects and implications of migrant agency is of interest to migration scholars, both in regard to the lives of individual migrants and in terms of wider social transformations. An integrated theory of migration, according to Massey et al. (1998, 282), should consider four key components: an analysis of the structural forces that encourage emigration in areas of origin, an analysis of the structural factors that facilitate immigration in areas of destination, an analysis of the migrants' motivations, goals, and aspirations, and an analysis of the social and economic structures that link areas of external and internal migration. Although migrant agency is essential to this framework, theories of migration that emphasize on one factor alone will be insufficient.

### **3.4.2. Conceptualizing Migrant Women's Agency**

Since women's agency is essential to the revolutionary political aim of challenging women's subordination, feminist studies on agency have been continuously committed to analysing women's capacity for agency. Exploring women's cooperative agency in upholding their own subordination without relating it to their "false consciousness" is at the centre of feminist studies on agency. Feminists, nevertheless, have expressed concern about current discourses on women's "choice," "empowerment," and "autonomy," which are infused with an idealized neoliberal notion of rational individual action (Fernandez 2020).

Kenyan migrant domestic workers women's agency will benefit from feminist analyses that highlight four interconnected components that constitute agency. These involve a complex account of how women's autonomy interacts with age, class, race, and nationality hierarchies as well as aspects and linkages of coercion and injustice. Additionally, Abu-Lughod (1990, 43) cautions against equating agency solely with resistance to subordination. Finally, it is critical to consider how norms shape the subjectivities of migrant women in addition to how they function to either promote or challenge dominance.

Some scholars view "agency as power" and "agency as cultural project" as two independents but connected areas of meaning. Some criticize the equivalence of agency and voice. The concept of "agency as power" and "agency as cultural project" are two separate but linked spheres of meaning for agency. This idea of agency stresses the existence of structural flaws that have the potential to be destabilizing, opening the door for social change, and avoiding the inevitable repetition of the hegemonic social structure (Abu-Lughod 1990, 46).

### **3.5. Power**

The work of Foucault (1982, 778) emphasises that the aim is not to analyse power as a phenomenon but clarifies that it involves objectification. There are three methods of objectification that turn people into objects. These include various modes of inquiry, objectifying the producing subject, and objectifying purely being. The third phase involves "dividing practices," in which the subject is either divided within himself or divided from others, and in which the subject is objectified. Finally, Foucault has attempted to understand how a person makes himself a subject. In order to compile a history of the various ways in which people are made objects, these three modalities of objectification above have been researched.

The two most significant actualities in this article are that Foucault (1982, 780) grew fascinated with the issue of power and that, while economic history and theory offered a useful tool for studying relations of production and signification, there was no comparable tool for studying power relations. If one wanted to employ a concept of power to investigate the objectivizing of the subject, one had to broaden its parameters. It is vital to have a theory of power, but without continual conceptualization and critical thought, it cannot be used as the foundation for analytical work.

### **3.5.1. Power as a Discursive Practice**

Michel Foucault's concept of power as a discursive practice involves using power functions through language, discourses, and the creation of identities. Language and discourses influence the power relations experienced by Kenyan migrant domestic workers in Saudi Arabia by using Foucault's definition of power as a discursive activity. It aids in comprehension of how dominant discourses serve to maintain existing power disparities and how resistance might manifest itself through the subversion and contestation of such discourses. This examination sheds light on the methods used to wield and resist power in everyday life (Foucault 1980, 197).

In identity construction, power is exercised through discourses that create and uphold particular identities. Discourses of superiority, cultural difference, and exoticization are exploited in the situation of Kenyan migrant domestic workers in Saudi Arabia to preserve power disparities. Employers in Saudi Arabia and the greater society create prevailing narratives that cast Kenyan domestic workers as "other" or inferior, reiterating their position of servitude (Foucault 1980, 197).

Understanding language and power results in noting that although language is not neutral, it is essential to the exercise of power. Discourses that are linguistic and intellectual constructs,



mould our perceptions of reality and how we fit into it. Analysing how Kenyan women migrant domestic workers are placed and defined within certain power relations is possible in the framework of this research by looking at how power works through discourses (Foucault 1980, 197).

Power discourses both reinforce and legitimize the power relations that already exist. Power is rationalized, normalized, and accepted in society by investigating the discourses around Kenyan domestic workers. Discourses of cultural superiority, the idea that domestic work is "women's work," or the idea that migrant workers are helpless, and disposable are a few examples of these discourses. Oppressive discourses may be contested and resisted by Kenyan domestic workers by considering power as a discursive activity.

According to Foucault (1980, 199), to challenge the prevailing narratives, recover their (KMDW) identities, and demonstrate their agency, they could participate in counter-discourses. The challenge and subversion of current power dynamics can result from this resistance through counter-discourses. Race, class, and gender are only a few of the intersecting discourses through which power is exercised. The experiences of Kenyan migrant domestic workers are shaped by the complicated power relations that are produced when these discourses converge. Various forms of oppression and privilege interact to produce particular power relations within the setting of domestic work by looking at the intersectionality of discourses.

### **3.5.2. Resistance as a Counterpower**

This thesis examines how Kenyan migrant domestic workers' actions of resistance challenge and overthrow oppressive power structures. Exposing the ways in which migrant domestic workers from Kenya actively oppose and confront oppressive power structures in their daily lives in Saudi

Arabia by exploring resistance as a counterpower. This analysis enables the researcher to shed light on their agency, adaptability, and ability to challenge and alter the power relations in the context of domestic work in Saudi Arabia (Foucault 1980,163).

Through challenging power systems, resistance involves the numerous acts, behaviours, and techniques used by people or organizations to challenge and subvert oppressive power systems. When Kenyan women migrant domestic workers act in defiance, they question authority and upset the balance of power in the households where they work. Undermining power relations by refusing to submit to unreasonable demands or repressive conditions, acts of resistance by Kenyan migrant domestic workers in Saudi Arabia can undermine the established power relations (Foucault 1980,164).

Feigning ignorance, procrastination, covert resistance, or other non-compliance behaviours that diminish the power and authority of employers are a few scenarios. In spite of repressive working conditions, resistance enables Kenyan domestic workers to reclaim their dignity, autonomy, and feeling of self-worth. They defend their right to just treatment, respect, and humanity by refusing to submit.

For Kenyan domestic workers in Saudi Arabia, resistance serves as a source of empowerment by giving them a sense of agency and control over their life. They can change their own circumstances and take on the power structures that support their exploitation by rejecting repressive situations. It is critical to recognize the restrictions and dangers related to resistance. For their actions of resistance, Kenyan women migrant domestic workers risk consequences like dismissal, verbal or physical abuse, or even legal implications. Understanding these concerns

might help one better understand the present power disparities and the extent to which resistance can undermine them (Foucault 1980,167).

### **3.5.3. Power/Knowledge Nexus**

Investigating the power/knowledge nexus in the context of this paper, considers the ways that knowledge is created, used, and applied as a tool of power and control. Foucault (1980, 85) explains that power is exercised through the production and control of knowledge. Analysing the power/knowledge nexus in the context of Kenyan migrant domestic workers requires examining how knowledge is produced about them, who is authorized to produce and disseminate this knowledge, and how it is applied to uphold and reinforce power relations.

Power is frequently wielded through the authority and expertise of specific people or organisations. For instance, employers in Saudi Arabia can assert that they have experience managing domestic workers, whereas governmental entities or recruitment firms might possess in-depth understanding of the laws and rules governing immigration. These knowledge sources have the power to change how domestic workers in Kenya are treated and managed.

The administration and control of populations is referred to as biopolitics, and it intersects with the power/knowledge nexus. In the case of this study, it entails analysing how knowledge-based practices are used by the both the Kenyan and Saudi Arabian government and employers to control the lives and bodies of Kenyan migrant domestic workers. This can involve required training programs that reinforce power imbalances, health examinations, or paperwork procedures. Technologies of Knowledge and Surveillance are used to exercise power. Employers have the right to exercise control over domestic workers and to uphold their domination by using monitoring

systems, norms, and laws. This monitoring includes behaviour, appearance, and compliance to predetermined standards or expectations (Foucault 1980, 125).

Examining the relationship between power and knowledge also entails examining how Kenyan women migrant domestic workers challenge oppressive power structures by creating and disseminating alternative knowledge. This may entail discussing their personal narratives, experiences, and opposing viewpoints to the prevailing theoretical frameworks. They use this to express their own voices and narratives and to sabotage the uneven knowledge relations that underlie the power dynamics.

By comprehending the relationship between power and knowledge, it is possible to examine the ways in which knowledge might empower Kenyan women migrant domestic workers. They can traverse power systems, confront exploitation, and advocate for their own welfare and dignity by learning about information, the law, labour rights, and their own rights and entitlements. Thus, it is necessary to evaluate how knowledge is constructed, managed, and applied in the context of Kenyan migrant domestic workers in Saudi Arabia by examining the power/knowledge nexus (Foucault 1980,126).

### **3.6. Intersectionality**

As noted by Cho, Crenshaw, and McCall (2013, 808), previous scholars have focused on assertions that intersectionality encourages a limited understanding of its central issue and an inaccurate view of diversity. The authors draw attention to the wide range of intersectionality studies and highlights how many approaches are used to put intersectional frameworks and insights into practice. The intention is to encourage more research into the dynamics of intersectionality as a theoretical framework and as a useful tool for social change in a world marked by gross injustices.

The term intersectionality, popularized by the legal scholar Kimberlé Crenshaw, acknowledges the fact that people are subject to overlapping systems of oppression and discrimination based on things like race, gender, and class. This section entails intersections of race, class and gender faced by Kenyan women migrant domestic workers in Saudi Arabia. The approach of intersectionality is particularly important to this thesis because it indicates the various and interconnected types of privilege and oppression that Kenyan women migrant domestic workers may experience in Saudi Arabia (Crenshaw 2017).

### **3.6.1. Multiple Axes of Oppression**

Intersectionality highlights that people experience privilege and oppression along a variety of axes, including race, gender, class, nationality, and more. In the context of Kenyan women domestic workers in Saudi Arabia, they may experience marginalization and discrimination not just as migrants and domestic workers but also as women and people from a particular racial or ethnic background. Understanding how these overlapping identities impact their lives and the power dynamics they traverse requires an analysis of intersectionality (Crenshaw 1989, 145).

People have a variety of social identities, which intersect and influence one another. For instance, a Kenyan woman employed as a domestic labourer in Saudi Arabia can experience discrimination and exploitation because of her gender, race, and immigrant status. Each one of these identities is associated with particular forms of power relations and oppression. Numerous axes of oppression acknowledge that various systems of privilege, discrimination, and power may overlap and interact. Racism, sexism, xenophobia, ableism, and classism are a few examples of these systems. Each system functions independently, however when they come into contact with

one another, their effects can combine and result in unique types of discrimination and setbacks (Crenshaw 1989, 145).

Identifying numerous oppressive axes brings attention to the complexity of people's experiences and the various ways in which power is exercised. It recognizes that some aspects of an individual's identity may be privileged, while other aspects of their identity may be marginalized. A Kenyan woman employed as a domestic worker, for example, can enjoy privilege as a result of her education but still encounter discrimination due to her race and class. Various axes of oppression highlight how people may experience intersecting forms of discrimination, where their marginalization is caused not by a single identity alone but rather by the fusion of several identities. Taking a Kenyan woman domestic worker as an illustration, she might experience xenophobia as a migrant worker, gender discrimination as a woman, and racism as a Black person (Crenshaw 1989, 145).

### **3.6.2. Intersecting Power Structures**

Intersectionality emphasizes the ways that systems of power interact and intersect, resulting in various experiences of bigotry and discrimination. For instance, Kenyan women domestic workers may experience discrimination based on gender, class, and racism all at once. By focusing on the overlapping structure, the researcher understands how these systems interact with one another to produce particular types of oppression and vulnerabilities by looking at the overlapping power structures. Intersecting power structures realize that multiple systems of privilege, oppression, and power are connected to one another and overlap with one another (Crenshaw 1989, 151).

Patriarchy, racism, capitalism, imperialism, heterosexism, ableism, and other tenets are examples of such systems. Each system functions alone, but when they interact, their impacts are amplified, influencing people's opportunities and experiences. When overlapping power systems come together, their impacts are amplified and strengthened, giving rise to various types of marginalization and discrimination. The numerous sources of power and the tactics for challenging and resisting them can be identified by analysing overlapping power hierarchies (Crenshaw 1989, 151).

Strategies for resistance and social change that consider the various forms of oppression experienced by Kenyan women domestic workers might be informed by understanding how various systems of power interact. The various power structures interact and affect the experiences of Kenyan women domestic workers in Saudi Arabia by researching overlapping power structures. This approach aids in illuminating the intricate relationships between privilege and oppression that result from the collision of numerous social identities. It also helps people comprehend how power functions in their daily lives and the avenues open to them for resistance and transformative effect.

### **3.6.3. Unique Experiences and Perspectives**

The idea that people with overlapping identities may have distinctive lived experiences and attitudes that differ from those with singular or dominating identities is what it means to have unique experiences and perspectives. People who have intersecting identities have the capacity to occupy several standpoints, which means they can comprehend and manage the world from multiple social perspectives at once. For instance, a Kenyan woman working as a domestic worker might have perceptions and insights founded in her racial, gender, and migrant identities, offering a comprehensive grasp of power dynamics and social issues (Crenshaw 1989, 157).

Diverse experiences and viewpoints result from the manner in which people's everyday interactions, access to resources, and daily lives are shaped by their intersecting identities. Kenyan women who work as domestic helpers may have unique perspectives on the difficulties they confront as both migrants and domestic helpers, as well as the particular kinds of discrimination and resistance they experience. People with intersecting identities question prevailing narratives and stereotypes that may be based on single or privileged identities through their distinctive experiences and viewpoints. The lived experiences of Kenyan women domestic workers can challenge preconceptions and deepen our comprehension of the intricacies of migration, labour, and power dynamics in Saudi Arabia (Crenshaw 1989, 159).

#### **3.6.4. Collective Solidarity and Resistance**

The significance of collective solidarity and resistance is studied when considering the experiences of Kenyan women domestic workers in Saudi Arabia who fight repressive conditions. Part of fostering collective solidarity is acknowledging the shared struggles and shared experiences of those subjected to comparable types of oppression. To overcome obstacles like racism, classism, and gender-based discrimination, Kenyan women domestic workers in Saudi Arabia might find strength and support by forming relationships with people who share these struggles. A sense of group identity and purpose is fostered by acknowledging their shared experiences (Crenshaw 2017).

Collective resistance empowers people and communities, by confronting oppressive structures collectively rather than individually. Kenyan domestic workers can band together to protest unfair treatment and oppressive conditions by pooling their resources, expertise, and talents. Unity offers a platform for enforcing change and establishing workplaces that are more



secure and fair. In order to confront oppressive structures, collective solidarity and resistance necessitate sharing strategies, tactics, and resources. Kenyan domestic workers may share experiences and insights with one another, drawing on collective knowledge and successful resistance strategies to effectively negotiate and counter oppressive power dynamics.

### **3.7. Conclusion**

The power, agency, and intersectionality are the forms of resistance used by Kenyan women who are migrant domestic workers in Saudi Arabia are discussed in this chapter. The theoretical and philosophical underpinnings that provide a prism through which to view the agency and commonplace kinds of resistance displayed by Kenyan women domestic workers are the main emphasis of this paper. According to Foucault's writings, objectification is a component of power and can take three different forms: objectifying different modalities of inquiry, objectifying the generating subject, and objectifying purely being.

Foucault also tried to comprehend how a subject makes themselves a subject. A theory of power is necessary, but it cannot serve as the basis for analytical activity without ongoing conceptualization and critical thought. The power dynamics that Kenyan migrant domestic workers encounter in Saudi Arabia can be influenced by language, discourses, and the construction of identities. This thesis explored the ways in which repressive power structures are challenged and overturned by Kenyan migrant domestic workers.

The study of intersectionality examines how privilege and oppression are experienced along a few axes, including race, gender, class, nationality, and others. It highlights the way various manifestations of bigotry and discrimination originate from the interaction and intersection of systems of power. For instance, domestic workers from Kenya may face prejudice based on race,

class, and gender simultaneously in Saudi Arabia. Intersectionality highlights the ways that multiple manifestations of bigotry and discrimination originate from the interaction and intersection of systems of power. Multiple systems of privilege, oppression, and power are interconnected and overlay each other, as is recognized by intersecting power structures.

Different types of marginalization and prejudice may result from this. Individual experiences and viewpoints of persons with overlapping identities are distinct from those of those with dominant or single identities. They can simultaneously comprehend and manage the world from a variety of social perspectives and challenge common narratives and prejudices based on particular or privileged identities. We may question assumptions and gain a deeper knowledge of migration, labour, and power relations by studying Kenyan women who work as domestic workers in Saudi Arabia. It is critical for Kenyan domestic workers to build ties with those who understand their struggles through collective resistance and solidarity.

## 4. CHAPTER THREE: METHODOLOGY

*If there were only one truth, you could not paint a hundred canvases on the same theme.*

-Pablo Picasso, 1966

### 4.1. Introduction

The methodology employed by the researcher is the qualitative research approach. The study focused on a case study research design where an investigation of three case studies of everyday forms of resistance and agency exercised by Kenyan women migrant domestic workers in Saudi Arabia was conducted. The fundamental method of qualitative content analysis the researcher used was inductive, which based the study of topics and themes as well as the conclusions made from them on the data. This contributed to the understanding of the research questions under consideration.

This qualitative method of study yielded descriptions of the Kenyan migrant domestic workers and in addition to subject expressions, it illuminated their perspectives on society. In qualitative content analysis, the technique of categorizing or thematically organizing raw data based on reliable inference and interpretation was used. The researcher's precise assessment and ongoing comparison of the data, themes and categories were extracted from it using inductive reasoning.

The researcher used qualitative content analysis where meanings, themes, and patterns that were overt or covert in the documentaries and videos were examined rather than just transcribing or extracting objective information from transcripts (Zhang and Wildemuth 2005, 1). It enabled the researcher to grasp social reality in a flexible but methodical way. The study used an

interpretive paradigm approach. The researcher analysed and interpreted the reality and meaning of how Kenyan migrant domestic workers in Saudi Arabia become individual agents of exercising everyday forms of resistance and surviving vulnerable situations. The researcher investigated their intents, beliefs, drives, and other qualities that are not immediately apparent or perceivable.

## **4.2. Research Question**

The research questions applied a qualitative approach of study and focused on the everyday forms of resistance of KMDW. In the context of this thesis, which centres on examining the everyday forms of resistance and agency exerted by Kenyan women migrant domestic workers in Saudi Arabia, research questions play a crucial role in determining the course and results of a case study research design. It is essential to develop specific and relevant research questions since they not only define the study's scope, technique, and value, but also serve as a roadmap for the researcher's investigation (Yin and Campbell 2018, 67).

The framework of the case study approach is created around the research questions. They ensure that the research is precise and cohesive by giving it the essential structure and purpose. The case study technique, which is distinguished by its in-depth examination of particular instances or cases, necessitates the development of well-designed research questions that are appropriate for the particular setting of the study. In the context of this thesis, the research questions aimed at identifying the underlying processes of resistance and agency that Kenyan women domestic workers adopt in the face of difficult circumstances rather than just describing their experiences (Yin and Campbell 2018, 69).

Research questions in this specific case studies also serve as a link between the conceptual framework and the empirical study. The selected conceptual framework borrows on pre-existing

theories of power dynamics, resistance, and agency. These concepts are implemented via research questions, allowing the researcher to use them in situations that occur in the actual world. The questions helped the researcher find patterns, themes, and cases of resistance in the empirical evidence by establishing a clear link between theory and practise. In order to keep the study centred on the actual experiences of Kenyan women domestic workers while maintaining theoretical accuracy, it is imperative that all of the study's components were in harmony (Yin and Campbell 2018, 67).

The main research question of this study is: How do Kenyan women migrant domestic workers become individual agents of exercising everyday forms of resistance, survival and agency while working in abusive households in Saudi Arabia?

The specific research questions investigated were:

How did Kenyan women migrant domestic workers perform everyday acts of resistance and exercise agency in these oppressive households?

How did they resist towards racism, classism and sexual and gender-based violence in their oppressive working conditions?

How did the Kenyan and/or Saudi Arabian government provide legal labour protection or lack thereof?

### **4.3. Research Design**

Adopting a particular research methodology is an important component of any study, but in this case, it becomes even more vital because it is significant in understanding the challenges that

KMDW in Saudi Arabia encounter, the basis of their agency, and the effects that their decisions and behaviours have. This section will elaborate on the ways in which the chosen research method supports the main objectives of the study and is suitable for examining the everyday forms of agency and resistance demonstrated by Kenyan women migrant domestic workers in Saudi Arabia.

The case study research design is the foundation of this study. This design enabled a thorough investigation of the obstacles faced by KMDW. According to Yin and Campbell (2018, 35), the intentional use of a case study, history, or experiment is more inclined to be the selected research approach since "how" and "why" inquiries are more explanatory. This is due to the fact that these queries go beyond simple resonance or incidence and instead trace operations steps through time.

The case study design fully supports the study's objectives in gaining insight into the difficulties encountered by KMDW, the essence of their agency, and the effects of their conduct. The case study approach made it easier to explore particular scenarios, which was essential for fully comprehending these elements. The researcher explored how KMDW express their agency within the constraints of their jobs and contexts using content analysis and theme analysis. This approach revealed not just the strategies they use but also the possible favourable and adverse implications of their actions (Yin and Campbell 2018, 37).

Case study research is a qualitative method in which the researcher examines one or more contemporary, real-world bounded systems using in-depth data collection from a variety of sources such as observations, interviews, audio-visual material, documents, and reports. Multiple cases or a single case could serve as the unit of analysis in the case study. Finding a specific example to study is the first step in case study research (Creswell 2013, 98). The researcher aimed to gain an in-depth understanding of everyday forms of resistance using multiple cases from respondents

through content analysis of audio-visual material. The data is collected from interview documentaries on YouTube and social media videos from TikTok.

Qualitative research is especially suitable for examining the nuanced aspects of resistance and agency displayed by disenfranchised groups in oppressive contexts because it places a focus on grasping the context and complexity of human realities. The study examined the intersections of racism, classism, and gender-based inequality as they relate to Kenyan women migrant domestic workers. The researcher wanted to understand what happens as these women negotiate and oppose these power systems, and thus a qualitative method was appropriate for this study.

The case study research approach was selected because it facilitated an extensive and in-depth examination of individual cases, enabling a deep assessment of the variations of resistance techniques used by KMDW in Saudi Arabia. According to the Yin and Campbell (2018, 29), a case study is an empirical study that evaluates a current phenomenon as part of its real-life context when the distinctions between phenomenon and context are not explicitly evident. The topic being investigated in this context is the everyday agency and resistance of Kenyan women domestic workers, and the setting involved their social, cultural, and economic circumstances in Saudi Arabia.

A case can be an actual subject, community, relationship, decision-making process, or project. A case study may be developed to explain a specific case or to understand a particular issue, problem, or concern, thus it is crucial to consider the research's objective. The simplest way to approach this is to choose a case or cases that best illustrate the issue (Creswell 2013, 100). The case study method is applied in this study since it provided an in-depth investigation of responses from three case studies where the researcher recognized and documented the agency, resistance,

motivation, and drive of Kenyan migrant workers in Saudi Arabia to resist their hostile workplaces. These steps for conducting a case study entail; assessing whether a case study approach is appropriate for examining the research problem, selecting the case or cases, choosing on the type of case study, and collecting data from various sources.

This technique was used in the study to address issues with the problems faced by Kenyan domestic workers in Saudi Arabia, the essence of their agency, and the consequences of their conduct. The results of this research aimed towards a better understanding of the methods used by KMDW to express their agency and resist obstacles in restrictive environments. The case study research design, content analysis and thematic analysis method used in the selected qualitative research technique made it an appropriate fit for examining the everyday forms of agency and resistance displayed by Kenyan women migrant domestic workers in Saudi Arabia.

#### **4.3.1. Data Collection**

The methods used aimed to provide responses to the research questions. These involved collecting data from multiple reliable sources from documentaries evidence (YouTube) and Social Media videos (TikTok). In-depth information was gathered for case study research by consulting a variety of sources, including interview documentaries, and audio-visual resources. Yin (2014) suggests collecting data from six different sources entails content analysis: documents, archival records, interviews, direct observations, participant observation, and physical artifacts. Research that uses personal or official documents as its information source is known as documentary research. Newspapers, postage stamps, diary entries, charts and maps brochures, directories, paintings, government statistics documents, Gramophone records, visuals, computer data, and recordings are just a few examples of documents.



The examination of information already recorded in media, texts, and physical objects is content analysis, which is comparable to what documentary research entails. Documentary research includes the analysis of data from documentaries and audio-visual materials. This is in line with the idea of content analysis, which is examining and analysing data that has already been recorded in media, texts, and material objects. The method of content analysis involves a systematic study of the resources that are accessible and is fundamental to documentary research (Yin 2014).

As part of this technique, the researcher gathered information from secondary sources, mainly YouTube documentaries and TikTok videos. The conceptual framework of the study guided the comprehensive assessment and examination of these sources. The lived experiences, means of resistance, and agency of Kenyan women working as migrant domestic workers in Saudi Arabia were clearly articulated through this method. The researcher collected data of three KMDW in Saudi Arabia, two YouTube interview documentaries and one TikTok account with numerous videos of the lived experiences of KMDW.

To extract the information and interpret it effectively, documentary researchers must first undertake secondary research to examine the material. The researcher collected data from secondary sources and interpreted the research according to the conceptual framework. The researcher first conducted secondary research to enable the effective collection and evaluation of data. To fully comprehend the elements and their basis, this phase entailed a thorough investigation of them. The remaining phases of the study were crucially framed by this exploratory research, guaranteeing that the gathered data would be applied efficiently within the conceptual framework (Yin 2014).

### **4.3.2. Data Analysis**

Qualitative data analysis entailed a deductive analysis approach where information from the general to the specifics of the agency of Kenyan women migrant domestic workers was analysed. The researcher provided a comprehensive description of each case and themes in the case which is known as within-case analysis. Moreover, the researcher conducted a thematic analysis across the cases referred to as cross-case-analysis, in addition to statements and an interpretation of the case's significance. Finally, a detailed analysis of the cases produced a written case report.

This involved describing, classifying, and interpreting data into themes. In order to classify something, it must be broken down into various categories, themes, or dimensions. Using classification, a common analytical technique, researchers usually pick from five to seven overarching themes. The broad units of information known as themes in qualitative research, also known as categories, are made up of multiple codes combined to form a single, overarching concept. According to Creswell (2013, 199), in qualitative research, interpretation entails abstracting away from codes and themes to the overall significance of the data. It is a process that starts with the creation of the codes, which is followed by the development of the themes from the codes and the grouping of the themes into more substantial abstractions. A social science construct or idea may be used as a framework for interpretation, together with hunches, insights, and intuition. The researcher developed five overarching themes based on the conceptual framework provided in the conceptual framework chapter and one theme on the legal apparatus that served or failed the KMDW as they worked in Saudi Arabia.

An examination of the case studies entailed producing a thorough description of the case and its surroundings. According to Creswell (2013, 101), there are four types of data interpretation and

analysis for case study research. In categorical aggregation, the researcher looks for a number of cases in the data, but in direct interpretation, the researcher only looks at a single case and infers meaning from it. When a researcher examines two or more cases, Yin (2009, 40) proposes a cross-case synthesis as an analytical technique. He argues that data from specific cases can be displayed in a word table using a standard structure. The researcher then uses data analysis to create naturalistic generalizations. The researcher used three cases to interpret the data and applied a cross case analysis to respond to the research questions.

The method selected to conduct the data analysis in a case study will vary depending on the case; for example, some cases will analyse numerous case units while others would report on the entirety of the case. The researcher was keen on understanding that successful case study research entails describing the case as well as identifying themes, issues, or particular scenarios to explore in each case. The themes or issues may be presented as a theoretical model, compared across cases for similarity and difference, or organized chronologically. Case studies frequently conclude with the researcher's interpretation of the cases' overall meaning (Creswell 2013, 200).

The size of the bounded case and the purpose of the case analysis serve to distinguish various qualitative case study types. The single instrumental case study, the collective or multiple case study, and the intrinsic case study are the three varieties that exist in terms of an objective. In a single instrumental case study, the researcher concentrates on an issue or concern before choosing one bounded case to represent that issue. In a collective case study, the same issue is once again identified, but the researcher chooses a number of cases to demonstrate the problem. Because the case provides an exceptional or extraordinary scenario, the case itself is the topic of an intrinsic case study (Creswell 2013, 200).

In conclusion, thematic analysis emphasised how distinct KMDW experiences were while living and working in Saudi Arabia. The research offered insight on how these women negotiated and confronted oppressive power systems while reclaiming their intrinsic worth and dignity via an analysis of intersectional shortcomings, subtle effective ways of resistance, shared solidarity, and agency. These themes showed how KMDW traverse the many interconnections of race, gender, class, and status as immigrants while also demonstrating their tenacity, inventiveness, and capacity for transformation.

#### **4.4. Conclusion**

The development of specific and appropriate research queries is crucial in determining how a case study research design will develop. The pillars that direct the investigation serve as the research questions in the framework of this thesis, which examined the daily forms of resistance and agency of KMDW in Saudi Arabia. These questions define the research process' scope, technique, and importance in as well as serving as its course of action. Additionally, research questions link theory and practice. It established the theoretical ideas derived from concepts of resistance, agency, and power dynamics within the thesis. Research questions facilitated the possibility to integrate theory to empirical study by connecting these presumptions to actual world occurrences. Through this association, the study was bound to uphold theoretical validity while establishing itself in the everyday lives of KMDW.

The methodology used for this study is qualitative method, a meticulously developed combination of several methodological aspects, each of which makes a distinct contribution to addressing the complicated everyday forms of resistance encountered by KMDW in Saudi Arabia, as well as their agency and implications of their acts. In order to comprehend the ramifications of

their actions and to untangle the complex webs of their experiences and oppressive surroundings, it was important to use this research method. The case study research design is at the core of this research methodology. This method offered a lens that allowed the researcher to investigate a particular phenomenon within the context of its surroundings. This design provided the chance for a thorough investigation of the agency and resistance experienced by Kenyan women migrant domestic workers in Saudi Arabia.

Content analysis functioned as a doorway for collecting firsthand narratives of KMDW in Saudi Arabia encountered by examining a variety of documentary evidence and videos from social media such as YouTube and TikTok. In order to understand how KMDW exercised their agency in constrained situations, thematic analysis, a technique well-suited for locating recurrent themes and patterns within qualitative data, was utilised. The researcher recognized themes that shed light on the approaches used by KMDW to deal with their situations by methodically analysing data from a variety of sources, including visual media. The research methodology promoted a comprehensive knowledge of the difficulties, agency, and resistance of KMDW in Saudi Arabia by effortlessly combining the case study research design, content analysis, and theme analysis.

## **5. CHAPTER FOUR: FINDINGS AND DISCUSSION I: LABOUR PROTECTION GAPS IN KENYA AND SAUDI ARABIA**

### **5.1.Introduction**

Since both the legal and policy frameworks of the Kenyan and Saudi Arabian government are involved in the protection of Kenyan Migrant Domestic Workers (KMDW), it thus becomes a complicated matter. This study is required because Kenyan legislation is applicable to KMDW prior to departure to living and working in Saudi Arabia. Understanding Saudi Arabia's legal system and policies on migrant domestic workers' rights and protection or lack thereof is crucial for this research.

Domestic workers can transition from irregular and frequently unclear working relationships to structured employment agreements with the help of labour law. In this context, it is important to have a documented work contract. Legislative frameworks may serve a significant role in defining the rights, benefits, and duties of both parties to the employment agreement, even when there is no present legal requirement for a written contract. Additionally, by mandating that provisions regarding employment be drawn out in writing at the beginning of the job and provided to the employee.

Reviewing these labour laws, frameworks, and policies will aid in unravelling the research problem on how the current national and international labour laws and policies protect or fail to protect Kenyan Migrant Domestic Workers in Saudi Arabia. The Kenyan government is unable to protect its migrant workers abroad. This has subjected them to various forms of human rights abuses and labour violations. The Kenyan Government needs to ensure that they transform these labour laws and policies to protect its citizens abroad.

### **5.1.1. Labour Laws and Policies**

Labour law is described as "the body of rules either deviating from, or supplementary to, the general rules of law, which regulate the rights and duties of persons performing or accepting the work of a subordinate". For the purposes of applying these guidelines to a particular case, the legality of the employment agreement is irrelevant. The performance or acceptance of labour under another person's supervision directly results in the rights and duties of the parties involved. As a result, even though the employment contract is void, it has been acknowledged by some courts that the employee must be paid the wages determined by an agreement between the parties or equivalent legislation (Mankiewicz 1950, 83).

Employee protection is the main goal of labour legislation. Under the terms of their employment contract, employees are personally and economically reliant on their employers. As a result, labour law provides the unique protection that is required. The main goal of labour law is to create a fair balance between the needs of employers and employees. The basic goal of labour law is to safeguard employees against ethical breaches, financial disadvantage, and health dangers associated with employment. Home employees, who are particularly financially reliant on their employers, are additionally protected by labour law, in part under special provisions and in part under general requirements (Mankiewicz 1950, 85).

Domestic workers are a large portion of the informal economy, they are usually underpaid and improperly regulated, which results in bad working conditions. As a result, domestic workers are now more desired in both developed and emerging nations. Domestic work is frequently performed by one person without a written agreement, coworkers, or other employees, and is frequently exempt from labour or employment rules. Legislation and regulatory policy are

essential steps to take to remove the negative consequences of informality in the domestic labour field while keeping opportunities for respectable work and employment (ILO 2012, 2).

As it helps to establish and formalise employment relationships, labour law that governs domestic labour is important for both domestic workers and their employers. The minimal degree of protection for all workers is provided by statutory entitlements, and including domestic workers in labour legislation can help to increase prospects for decent employment and professionalise the domestic labour industry. Incorporating domestic workers into labour law is important for human rights as well as gender equality and equal legal protection. It is an issue of gender equity and equal legal protection to bring domestic workers, who mainly consist of women and immigrants, within the protection of labour laws (ILO 2012, 3).

Given that women make up most domestic employees, any changes to the labour laws that are made to address the lack of decent work in this industry must give special attention to the problems and working circumstances that women domestic workers experience. Protection against abuse, harassment, and assault, gender-based wage discrimination, maternity protection, and steps that make it easier to balance work and family obligations are among issues that need special attention. The ILO urges member States to use modern methods of developing laws that place a strong emphasis on the need for gender-neutral wording in legislation. Setting an example and encouraging the dismissal of discriminatory behaviour and language are crucial from a policy perspective. To maintain equality in the application of the law and access to it, it is also vital to employ gender-neutral language (ILO 2012, 4).



### **5.1.2. International Labour Legislation**

A subsection of international law known as international labour law is relevant to both sovereign governments and enterprises with established international legal identity. It is marked by normative rules that establish standards of conduct and are intended for authoritative interpretation by a separate judicial body and enforcement by outward sanctions. Treaties, international customary law norms, and universal legal standards upheld by developed nations are all examples of the mechanisms used to create international law (ILO 2012, 6).

International law can be universal, regional, or bilateral, with regional law establishing more advanced rules for addressing regional issues, assuring better legal uniformity within a region, or granting larger reciprocal benefits. The terms of admission and employment for citizens of the other contracting country in each of the parties' respective countries are instead set down by bilateral law. International labour law has been the subject of discussion for many years, with proponents claiming that labour-related agreements would prohibit unfair competition and provide a standard for fair competition between nations' businesses. Instead of achieving uniformity in social protection levels to enable fair international competition, the International Labour Organisation seeks to link social progress to the economic progress anticipated because of trade liberalisation and globalisation (ILO 2012, 7).

After World War I, the idea that social inequality threatens peace and that taking action to address it advances peace became widely accepted. Social justice initiatives, like rights for unions, are sure to support democratic regimes, which are more inclined than authoritarian ones to value peace. Because internal conflicts can have an impact outside, social peace within nations may also be tied to international peace. International solidarity is developed and an atmosphere of

cooperation and understanding that transcends racial and national boundaries is fostered by the adoption of international labour standards that are intended to improve the situation of humanity (ILO 2012, 9).

Although social advancement is not always a byproduct of growth in the economy, the inclination to place economic growth over social concerns is common. International labour standards encourage advancement that is both balanced and social. By serving as a safety net against decline, ratification of a Convention that establishes a standard comparable to the current national situation might aid in the consolidation of national labour laws. In some instances, negotiated international agreements have prohibited countries from taking backward steps, particularly in times of crisis (ILO 2012, 10).

According to research by Marchetti, Cherubini, and Geymonat (2021, 51-55), the interaction between national and international actors who have influenced the process is shown by the development of domestic workers' movements for labour rights into a global cause. Prior to now, the rights of domestic workers have obtained little consideration, and the subject of paid domestic employment has emerged as an emerging right on a global scale. Since 1948, a resolution requesting minimum standards for this industry has been on the ILO's agenda. The notion that the modernisation of domestic life would eradicate the conventional figure of the hired domestic worker led to a significant waning of interest in domestic workers during the post-war era. The topic of paid domestic labour was brought back to light by the ILO's push for "decent work" for flexible, informal, and unconventional jobs in the middle of the 1990s.

## **5.2. International Labour Organization**

The International Labour Organisation (ILO), which is founded on its Constitution and various Conventions and Recommendations, is a global instrument of international labour law. The Constitution primarily focuses on how the organisation operates and lays out general concepts that are now considered as authoritative sources of legislation. Conventions are legal documents that, when ratified by a state, impose duties on that state. The General Conference and the Organization's legislative body, oversees amending conventions (ITCILO n.d).

Conventions are ratified by governments after being adopted within an institutional framework and afterwards presented for ratification by those authorities. Flexibility provisions are included in several agreements, allowing nations to decide the scope, length, or other aspects of their commitments at the time of ratification. According to the ITCILO (n.d), the core conventions cover issues including child labour, forced labour, non-discrimination in the workplace, and freedom of association and collective bargaining. These fundamental Conventions were noted and given attention in the 1995 World Summit for Social Development's Concluding Remarks.

In accordance with the 1930 Forced Labour Convention, forced or compulsory labour must be outlawed, except for military duty, prison labour, life-or-death situations, and political compulsion. The Abolition of Forced Labour Convention, established in 1957, forbids the use of forced or compulsory labour as a tool for political coercion or education, employee organising, labour discipline, retaliation for striking, or discrimination. In order to eliminate discrimination in employment, training, and working conditions based on race, colour, sex, religion, political opinion, national extraction, or social origin and to advance equality of opportunity and treatment,

a national policy is required by the Discrimination (Employment and Occupation) Convention of 1958 (ITCILO n.d).

Member states are obligated by the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted by the 86th International Labour Conference in 1998, to uphold, advance, and effectively implement the freedom of association, collective bargaining, the abolition of all forms of forced or compulsory labour, the protection of children from child labour, and the elimination of discrimination in employment and occupation for both employees and employers (Tayah 2016b, 42).

Each State has the autonomy to create its own rules on labour migration. Non-binding guidelines, international labour standards, and other international agreements all contribute to the development of just, efficient, and solid policies. Unless otherwise stated, domestic workers and migrants are covered by the ILO's international labour rules. International labour standards outline fundamental concepts, specify the obligations of employers and employees, set policy goals, and offer instructions on the appropriate means and procedures. They are made to encourage fair employment for all workers, regardless of immigration status (Tayah 2016b, 43).

International labour standards can take the form of: (i) Conventions, which are international treaties with legal effect that Member States may ratify; (ii) Protocols, which are additional tools frequently used to amend or implement previous frameworks; or (iii) Recommendations, which act as non-binding recommendations for the implementation of Conventions. All three, Conventions, Protocols, and Recommendations, are created by government, employers and workers and approved at the International Labour Organization's yearly International Labour Conference. The Domestic Workers Convention, 2011 (No. 189) and its associated

Recommendation 201 are the most significant ILO Conventions pertaining to domestic workers. All domestic employees, especially migrant workers, should have access to proper employment, working, and living conditions (Tayah 2016b, 43).

The Convention urges for the utilisation of written contracts that are legally binding in the host country, the establishment by Members of clear terms under which migrant domestic workers are entitled to repatriation, and the adoption of protections against the abusive practises of PEAs working across borders. Convention No. 189 further encourages sending and receiving nations to work together for the efficient execution of the Convention's regulations (Tayah 2016b, 44).

ILO Domestic Workers Convention, 2011 (No. 189)	
<p style="text-align: center;"><b>Information</b></p> <p>Art. 7: Domestic workers must be informed of their terms and conditions of employment, including their regular workplace, pay, hours of work, and daily and weekly rest periods, in a suitable, verifiable, and easily understandable manner, preferentially through a written contract.</p>	<p style="text-align: center;"><b>Health and Social Security Protection</b></p> <p>Art.13: affirms the right to a safe and healthy workplace, “in accordance with national laws, regulations, and practise.”</p> <p>Art. 14: members are obligated to guarantee that domestic employees have access to social security benefits, including maternity leave, that are not less advantageous than those that apply to workers. These actions must be conducted "in accordance with applicable national laws and regulations" and "with due consideration for the unique characteristics of domestic work".</p>
<p style="text-align: center;"><b>Migrant Domestic Workers</b></p> <p>Art. 8 (1): Members must make sure migrant domestic workers have a written contract that is binding in the country of employment or a written</p>	<p style="text-align: center;"><b>Protection from abuse, harassment, and violence</b></p> <p>Art. 5: mandates that Members take action to guarantee that domestic workers are effectively</p>

<p>offer to work before they travel there (this requirement does not apply to workers who are already on the nation's territory of employment or who have relocated within a regional cooperation area).</p> <p>Art. 8(4): States must outline the circumstances in which domestic workers are entitled to repatriate when their service ends.</p>	<p>protected from all types of abuse, harassment, and violence.</p> <p><b>Freedom of Association</b></p> <p>Art. 3(3): protect the right to freedom of association and the effective acknowledgment of the right to collective bargaining.</p>
<p><b>Live-in Workers</b></p> <p>Art. 6: mandates that States take action to guarantee appropriate living conditions which preserve employees' privacy.</p> <p>Art. 9: includes the freedom to decide with employers whether to live or not in the household, the freedom to leave the household and its members during times of daily and weekly rest or leave, and the freedom to retain one's identity and travel documents.</p>	<p><b>Private Employment Agencies</b></p> <p>Art. 15: Members are required to ensure that there is a mechanism in place for the investigation of complaints made by domestic workers; to adopt measures to adequately protect domestic workers and prevent abuses, such as laws or regulations that outline the roles of the household and the recruitment agency and provide for penalties; to consider concluding bilateral, regional, or multilateral agreements to prevent abuses and fraudulent practises; and to make sure that fees charged by agencies are reasonable.</p>
<p><b>Decent Working Conditions and Non-Discrimination</b></p> <p>Art. 6: guarantees that domestic workers have equitable job conditions.</p> <p>Art. 10(1): stipulates that domestic workers receive the same treatment as other workers in terms of regular work hours, overtime pay, daily and weekly rest periods, and annual paid leave. The</p>	<p><b>Compliance and Enforcement</b></p> <p>Art. 16: ensures that domestic employees shall have efficient access to courts, tribunals, or other conflict resolution processes.</p> <p>Art. 17(2): Members must establish and put into action measures for labour inspection, enforcement, and punishment in conformity with local laws and regulations.</p>

<p>weekly rest period must last for at least 24 straight hours.</p> <p>Art. 11: provides the payment is determined without sex discrimination and protects the minimum wage.</p>	
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*Table 1: ILO Domestic Workers Convention, 2011 (No. 189), (ILO 2011).*

### **5.3. The Gulf Region Labour Legislation**

The Legislation in the Gulf region is rapidly opening up to a small number of benefits from social protection to migrant workers. Even though many dangers are still not covered by the law, there is room to expand on this promising development. Regarding employment injury, migrant workers in Saudi Arabia are legally permitted access to social insurance schemes on an equal basis with citizens. There has been modest improvement, including new legislative measures that acknowledge domestic workers' entitlements to certain fundamental social benefits in five GCC nations, even if the legal protection for people in a variety of employment situations is still incredibly insufficient (ILO 2023, 27).

Due to the legacy of the sponsorship system, the presumption that migration is only temporary, and a dual social protection system that discriminates against both national and migrant workers, de jure social protection provisions for migrant workers in GCC countries continue to show significant gaps. This implies that migrant employees' health insurance is still frequently paid for directly by employers, and that the incorporation of social security entitlements that are not based on an employer-employee association is quite limited. Legal rights typically include paid sick and maternity leave, accessibility to healthcare while in the host country, reimbursement in

the event of an employment injury, and an end-of-service lump-sum gain upon the end of the employment contract for migrants who are employed full-time (ILO 2023, 29).

Therefore, the protections of family members and survivors, as well as the lasting challenges of old age, disability, and access to healthcare upon returning to the country of origin, are usually largely disregarded. As a result, the statutory and unofficial social support networks in the countries of origin are put under a substantial amount of strain. The ILO (2023, 30) further states that the GCC countries' structures and provisions currently limited of international social security standards, particularly those in ILO Conventions pertaining to solidarity in financing, coverage, comprehensiveness, adequacy, predictability, is the duty of the State to ensure effective access. The fundamental concept of fair treatment for both citizens and migrant workers is also frequently violated.

Domestic employees, along with several other groups including members of the armed forces and agricultural labourers, are not covered by the labour laws of any GCC nation. Four GCC nations have enacted distinct employment laws to give domestic employees some protection, giving them a completely independent legal framework. Although the legal framework is unsatisfactory, there is a further contribution to the lack of protection of migrant domestic workers termed as the Kafala system (ILO 2023, 63).

#### **5.4. The Kafala Sponsorship System**

According to ILO (2023, 64), the kafala sponsorship system emphasises that any non-national seeking employment in one of the GCC countries must be endorsed by either a GCC national or an employment company based in that GCC nation. Working for another organisation or person for compensation or in any other capacity prior to approval from the authorities, such as



the Department of Immigration in the Ministry of the Interior and the Ministry of Labour or Human Resources, is against the law and constitutes an immigration violation.

In accordance with this system, the employer is responsible for the employee's immigration status as well as for acquiring and keeping track of the worker's work and residency authorizations. A migrant worker cannot maintain any kind of independent immigration status except from that which is necessary for their job. By effectively requiring the employer to assume some duties on behalf of the State, this system strongly ties the employee to their employer and creates a heavy load on them. Employers must, for instance, keep track of a worker's status, follow recruitment guidelines, and report when a worker's employment ends, even when they are repatriated (ILO 2023, 26).

A worker's right to stay in the country ends when their employment ends, and if they don't cancel their visa, their employer is required to report them. If the worker's sponsorship is not revoked and returned to his or her country of origin after cessation of employment, the employer may be held legally responsible, and the company's general manager may be charged with a crime. If someone files a labour complaint, they can keep their visa for residence during the hearing on their case and until a decision is made. Unfortunately, there is no structure in place to allow the employee to begin working for another employer in a temporary capacity (ILO 2023, 27).

The Kafala sponsorship system was traditionally founded on hospitality norms that controlled how foreign labourers were treated and were protected. The employers, or sponsors in this system, decide what kind of work they need and find it either directly or through middlemen. The employer oversees paying the workers' recruitment expenses, ensuring that they pass medical examinations, and ensuring that they have an identity card. As a result, recruiting a migrant

domestic worker is generally expensive. The entire expense of hiring a live-in domestic worker is approximately two to three times that of hiring a migrant domestic worker (Fernandez 2014, 3-5).

According to research by International Trade Union Confederation (2017, 16), for the duration of their employment contract, migrant workers' immigration situation, which governs their admission, residency, and exit, is based on a specific sponsor. The residence permits are acquired by the employer. The migrant worker is tied to the sponsor by the residence document, which grants the employer the authority to revoke the worker's residency at any time and forbids workers from quitting or switching jobs without permission. The sponsor accomplishes this by seizing the migrant domestic worker's passport. The Kafala system is a useful tool for the state to delegate and shift the role of monitoring. It transfers control of the country's massive immigrant labour force to the citizens. Workers in this system are therefore at the whim of their employers, who misuse this to oppress and abuse them.

Domestic workers have simply two choices when faced with abusive working conditions: to endure them in the hope that the situation will get better or to take a chance and quit. However, when there is neither a structure that values workers' complaints nor sufficient housing amenities for those who choose to flee abusive households. Some migrant workers flee these abusive situations and end up becoming felons while others continue to work in these situations (Zahra 2018, 5).

The Kafala system allows the sponsors to avoid legal accountability for charges by petitioning the government to terminate the workers' residency, which results in their compulsory deportation, before a case is even lodged or tried. Some workers continue to labour in silence because they are desperate for job and are afraid of this retribution. Those who depart without

obtaining the sponsor's signed permission forfeit their right to residency and may be subject to deportation or felony charges due to their illegal immigration status (Migrant Forum in Asia Secretariat 2013,4).

The present-day kafala system in Saudi Arabia acts as an enforced labour system. Saudi Arabia effectively privatises the control of migrant labour by linking the legal immigration record of migrant domestic workers to their sponsors. Among non-Muslim domestic labourers who reside with their employers, this privatisation generates a structure that is highly vulnerable to exploitation. The kafala system has undergone sporadic improvements in Saudi Arabia, although these changes have often been distinctly exempted from migrant domestic workers and have been ineffective. For instance, domestic labourers were expressly left out of new labour rights in the system's most recent reform, which took place in 2021 (Truluck 2023, 177).

Human rights organisations and the International Labour Organisation have demanded a variety of significant reforms owing to the numerous violations of the kafala system in Saudi Arabia. The right to resignation without compromising one's immigration status, the ability to leave the nation without requesting authorization from their employer, and other changes like these include detaching the migrant's work visa from a particular employer. They also incorporate essential modifications like establishing a standard contract and a legal system that complies with basic human rights concepts (ILO 2017, 8).

### **5.5. Country of Destination: Saudi Arabia's Labour Legislation and Framework**

Research conducted by ILO (2023, 25) demonstrates Saudi Arabia's legislation on immigration and labour, that protects migrant domestic workers whose workplace is the home of the employer requires improvements. Domestic labourers in Saudi Arabia do not have the same

labour rights that other foreign workers do according to a 2005 Royal Decree, which is one of the explanations as to why they are in such a precarious condition. An independent ministerial decision made in 2013 alternatively governs domestic employees. The protections provided to migrant workers in private industries and those provided to domestic employees who are employed in private households are in striking contrast to one another.

Migrant domestic employees are more inclined to experience abuse because of a complicated system of different laws governing migrant workers in the private industry as opposed to those employed in households, and they are also less inclined to be eligible to request for support or compensation from the State. Even though migrant domestic employees are guaranteed the right to initiate a lawsuit under the Saudi Basic Law, using this right is highly unlikely. Domestic employees are not only afforded minimal protections within Saudi law, but also additionally bound by contracts in Arabic, a language they may not be familiar with, and are prone to severe repercussions for fleeing (Zahra 2018, 8).

### **5.5.1. Kingdom of Saudi Arabia Labour Law**

This labour law is formally known as the KSA Labour Law (Royal Decree M/51 of 1426, as amended) and Decision of the Minister of Labour and Social Development No. 70273 of 1440 H (the Kingdom of Saudi Arabia) on the Approval of the Implementing Regulation of the Labour Law and its Attachments Issued on 11 Rabi' Al-Thani 1440 H (corresponding to 18/12/2018). The relationship of employment between the employer and employees is governed by this legislation and the accompanying rules, which are applicable to all employees, whether they are Saudi Arabian citizens or foreigners working there. The key clauses cover employee rights and benefits

such maternity leave, annual leave, end-of-service bonuses, and notice periods. The law provides guidelines and criteria for disciplinary actions (Zahra 2018, 10).

### **5.5.2. Residence Law Royal Order**

Residence Law Royal Order No. 17/2/25/1337/1371 states that foreign nationals who arrive or depart Saudi Arabia must abide by this law. No foreign individual may enter Saudi Arabia without a valid passport, an entry visa issued by the government of Saudi Arabia's diplomatic or consular missions overseas, or an entry permit. Foreign nationals must only arrive through authorised ports (by water, air, and land); if not, they must report to the local police upon arrival. The law further stipulates that each foreign individual allowed to the KSA must give the following information: the reason for entry; the amount of cash present at the point of entry; the person who will provide financial support (if the foreigner is unable to do so themselves); the sponsor's information; the sponsor's address; and the destination. The airport will provide an exit visa to the international visitor. A work visa is required for any foreign national who wants to work. This law covers the guidelines for sponsoring family members who are either employed, visiting, or studying in Saudi Arabia. The fine for breaking this legislation is 200 riyals, and/or you could spend up to a month in jail (Zahra 2018, 15).

### **5.5.3. Ministerial Decision No. 310 of 1434, 2013**

Regulation of Domestic Worker Employment, Ministerial Decision No. 310 of 1434, 2013 is the regulatory framework for safeguarding the welfare of domestic employees. Male and female domestic employees, personal chauffeurs, gardeners, and security personnel all fall under the category of domestic workers. The law outlines the parties' and workers' minimum rights and obligations. Domestic workers may switch employers under specific conditions, according to the

legislation. Table 2 and Table 3 below outlines the provisions of this Ministerial Decision (Kingdom of Saudi Arabia Secretary-General of the Council of Ministers 2013).

<b>Regulatory Framework Governing Migrant Domestic Workers in Saudi Arabia</b>	
<b>Legislation</b>	Regulations governing the employment of domestic servants are contained in Ministerial Decision No. 310/1434 (2013).
<b>Recruitment and Working Conditions</b>	
<b>Recruitment Fees</b>	Although it is not expressly forbidden, employers are prohibited from deducting recruitment expenses from their employees' salary when hiring domestic workers.
<b>Passport Confiscation</b>	It is not expressly forbidden for employers to seize a domestic worker's passport.
<b>Employment Contract</b>	In the event of a disagreement, a written employment contract in Arabic is regarded as the official document. Establish appropriate accommodation for employees.
<b>Minimum Wage</b>	-
<b>Working Hours</b>	15 hours maximum a day, excluding breaks. There is no mention of a break time, although a minimum of nine hours should be assigned for rest each day.
<b>Resting Time</b>	1 day per week.
<b>Overtime</b>	Not specified by law.
<b>Wage Payment</b>	<p>Unless otherwise specified in the employment contract, wages must be paid by the last day of the Islamic calendar month.</p> <p>On the employee's request, employers must pay in cash, by cheque, or by depositing the employee's wages into a bank account.</p> <p>Although domestic workers are not covered by the Wage Protection System, all employers are required to sign up for the Household Payroll Card, which allows employees to use an ATM to withdraw their pay.</p>
<b>Sick Leave and Annual Leave</b>	Every two years, there is a 30-day annual leave.

	Upon presentation of a medical report demonstrating the necessity for absence, employees are entitled to 30 days of paid sick leave per year. The employer is required to cover the cost of the employee's medical care.
<b>End of Service Bonus</b>	For every four years of continuous service, one month's pay is awarded.

Table 2: Regulatory Framework Governing Migrant Workers, (Kingdom of Saudi Arabia Secretary-General of the Council of Ministers 2013).

<b>Freedom of Association, Dispute Resolution and Sponsorship</b>	
<b>Trade Unions</b>	These committees are not open to migrant employees.
<b>Filing Complaints and Resolving Disputes</b>	<p>A claim can be submitted to a specialised Committee, that will be directed by Sharia Procedure Law, in the event of a financial dispute between a domestic worker and the employer. In the attendance of both parties (or their representatives), the Committee will review the issue and work to find a cooperative solution. After ten working days have passed since the claim was submitted and there has been no resolution, the Committee will announce its choice.</p> <p>Within ten days of receiving the decision, the party the decision was issued upon may file an appeal with the Labour Court.</p>
<b>Services for Shelter and Protection</b>	The MHRSD runs a shelter in Riyadh to help domestic employees get their pay checks and depart home. Embassy/consulate shelters are also run by several countries of origin.
<b>Sponsorship and a Change of Employers</b>	<p>With the approval of the employer.</p> <p>Anytime.</p>

*Without the employer's approval.*

Following two years of employment with the company. Before two years, domestic servants are permitted to switch employers if:

- The employer refuses to cover the employee's

pay for three successive or irregular months.

- The employer is not present to accept the employee when they enter the country or fails to "pick up" the employee after arriving.

- The employer does not get a residency permit.

or extends an already-expired permission.

- The domestic worker is assigned by the employer to perform labour for unrelated employers.

- The domestic worker is required by the employer to carry out dangerous tasks.

- An "invalid claim" is filed by the employer that the employee has fled the scene.

- The employer misses two meetings where the worker's complaint is being discussed. If a domestic worker leaves their job, the employer is required to notify the local police station.

The sponsor is required to tell the General Directorate of Passports if a domestic worker departs from them or misses work "without information." To confirm that the employee does not have a claim against the employer, the company must also notify the Labour Office. The General Directorate of Passports must be informed by the Labour Office whenever such a situation arises.



<b>Leaving the Country</b>	An exit permit is necessary for domestic employees to leave the nation.
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*Table 3: Freedom of Association, Dispute Resolution and Sponsorship, (ILO Fairway Project 2022).*

## **5.6. Country of Origin: Kenya’s Labour Legislation and Framework**

The Kenyan government addressed the situation with KMDW in Saudi Arabia because of the multiple reports from the media indicating that several Kenyans were being abused. In June 2012, Kenya's government issued its initial travel prohibition to the Middle East. According to the foreign affairs ministry, dishonest brokers and employment agencies deceived Kenyans by promising them non-existent jobs. In November 2013, the government withdrew the ban. This lifting of the prohibition was only temporary, however, as Kenya had barred its citizens on the past from seeking employment in the domestic workers sector in the Gulf in 2014 due to abuses reported then. After reaching a bilateral agreement with Saudi Arabia, the prohibition was put into effect for three years, however there were discussions about repealing it in 2017. The prohibition was eventually lifted by the Kenyan government in 2017 (Mang’era 2018, 2).

The National Diaspora Policy, National Employment Policy and Strategy for Kenya, and Foreign Policy are some of the policy frameworks in Kenya that regulate labour mobility. However, the challenges surrounding labour migration are scattered throughout numerous policy papers and are implemented by multiple organisations. Consequently, the policies have been implemented incoherently. The Kenyan government is essentially creating an extensive National Labour Migration policy aimed towards offering a cohesive framework for the enactment of initiatives on labour migration and to support other current policies (Tum 2019, 5).

According to Tum (2019, 6-7), during the forum presentation by the Principal Secretary of the Kenyan State Department of Labour, stated that the Kenyan Constitution supports fair wages, individual freedom, basic rights, adequate income, worker representation, and social security. The Immigration and Citizenship Act, the Counter-Trafficking in Persons Act, the National Employment Authority Act, the Employment Act, and the Labour Institutions Act are among the legal frameworks aimed at regulating labour migration. The table 4 below illustrates the relevant legal framework protecting Kenyan domestic workers in Saudi Arabia.

<b>Legal Framework Governing and Protecting Domestic Workers in/from Kenya</b>	
<b>National Laws</b>	<b>Regional Laws</b>
<p><b>The Constitution of Kenya, 2010</b></p> <p><b>The Employment Act, 2007</b></p> <p><b>The Legal Aid Act No. 6 of 2016</b></p> <p><b>The Advocate Act CAP 16</b></p> <p><b>The Labour Institutions Act, 2007</b></p>	<p>African Charter on Human and Peoples' Rights (21 ILM 58 African Charter). It was adopted in 1981 and became effective in 1986.</p>
<b>International Laws</b>	
<p><b>Domestic Workers Convention (2955 UNTS). Decent work for domestic workers. It was adopted in 2011 and implemented in 2013.</b></p>	<p>Universal Declaration of Human Rights (UNGA Res 217 A(III) UDHR). It was adopted in 1948.</p>
<p><b>International Covenant on Civil and Political Rights (999 UNTS 171 ICCPR). It was adopted in 1966 and became effective in 1976.</b></p>	<p>International Labour Conference (37 ILM 1233). ILO Declaration of Fundamental Principles and Rights at Work and Annex. It was adopted in 1998.</p>

<p><b>Convention on the Elimination of all Forms of Discrimination Against Women (1249 UNTS 1 CEDAW). It was adopted in 1979 and put into force in 1981.</b></p>	<p>International Convention on the Elimination of all forms of Racial Discrimination (660 UNTS 1). It was adopted 1966 and enforced in 1969.</p>
<p><b>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2220 UNTS 3). It was adopted in 1990 and enforced in 2003.</b></p>	

*Table 4: Legal Framework Governing and Protecting Domestic Workers in/from Kenya, (ILO 2016).*

### **5.6.1. The Constitution of Kenya, 2010**

According to article 21(1) of the Constitution of Kenya, it states that it is the fundamental duty of the State and every State agency to recognise, respect, protect, encourage, and uphold the rights and fundamental freedoms in the Bill of Rights. Thus, the state has a responsibility to safeguard its citizens. The Kenyan Constitution guarantees citizens the protection of their right to work not just while they are within Kenyan territory but also while they are abroad (The Constitution of Kenya 2010, 18).

In the fourth chapter, The Bill of Rights, the fundamental freedom and rights in relation to labour state that: (1) Everyone has a right to honest working conditions; (2) Every employee is entitled to the following rights: (a) fair compensation; (b) decent working conditions; (c) the right to organise, join, or take part in the endeavours and initiatives of a trade union; and (d) the right to strike; (3) Every employer is entitled to: (e) Creating and joining an employer’s union; (f) Participating in the events and activities an employer’s organisation sponsors; (4) Each trade union and employers' association is entitled to the following rights: (a) the right to establish its own

administration, programmes, and activities; (b) the right to mobilise; and (c) the right to create and join a federation (Kenya Law Reform Commission 2010).

### **5.6.2. Employment Act, 2007**

The Employment Act, 2007 determines the basic requirements for employment and regulates the relationship between employers and employees. According to the Employment Act, an employer is required to establish equal opportunity in the workplace, guarantee that workplace rules and behaviours are devoid of discrimination, and offer equal pay for work of similar value. The Employment Act also mandates that the Employment and Labour Relations Court, as well as labour officers (officials appointed by the Cabinet Secretary for Labour and Employment Matters) to oversee and enforce the adherence to labour laws, involving reviewing employment records and working conditions and filing court claims on behalf of employees and against employers, foster equality, and outlaw discrimination for Kenyans in the workforce (Magare and Ngigi 2022).

The Employment Act regulates employees' fundamental rights as well as establishing the essential conditions of employment as one of its goals. In the context of KMDW in Saudi Arabia, a foreign service contract must follow the approved format, have the parties' signatures, and be validated by a labour official. However, this clause does not ensure that a migrant domestic worker's rights are protected. It was evident from the documentary narratives with some returning domestic workers who did not receive employment contracts. As a result, the legislation's provisions were not applicable to them, placing them without protection and outside the scope of the law. When an employer signs a foreign contract of employment and does not live in the nation, it is required by the Employment Act that the employer produce an assurance bond in the

appropriate form that includes two Kenyan sureties. This provision of the Act further states that the purpose of doing so is to guarantee the contract's effective execution (Magare and Ngigi 2022).

The Act renders it illegal to convince someone to travel abroad under an unofficial contract to safeguard the rights of migrant workers. On conviction for this offence, a person faces a maximum fine of Kshs. 200,000, a maximum sentence of 6 months in jail, or both. However, the results of this study showed that the violations experienced by Kenyan migrants occur in the host nation and entail contract modification or replacement after arrival. The issue is not with the rules, but rather with how they are applied and the general impunity with which employment agencies are permitted to operate (Magare and Ngigi 2022).

### **5.6.3. The Labour Institutions Act, 2007**

The National Labour Board, the Commission of Inquiry, the Director of Employment, as well as other employment entities, such as the Wages Council, that conduct inspections and governance of labour relations, are just a few of the authorities that fall under the jurisdiction of the Labour Institutions Act (12/2007), which also governs their establishment (Magare and Ngigi 2022).

The government passed the Labour Institutions Regulations 2016 to control the activities of private employment agencies. For the establishment and operation of a recruitment agency, strict guidelines are established in the regulations. The government imposes strict regulations on hiring agencies to prevent the proliferation of these businesses and, ideally, lessen the hardship of foreign workers. An employment agency must meet the requirements of Regulation 3 to be qualified for registration. The requirements for registration include details on the entity's holdings, the levels of

education of the executives and managers, the actual office place, the director's criminal history, and the financial backing that must be provided if a worker is repatriated (Magare and Ngigi 2022).

Additionally, the registration document is only applicable for a year before being renewed by the recruitment agency, as per regulation 5(2) of the Labour Institutions Regulations. According to the second schedule of the regulations on fees, a private agency that conducts recruiting for the international labour market must pay a company annual renewal charge of KES 25,000. According to the rule, the employment firms must charge their principals, employers that hire Kenyans through them, a service fee for worker job placement, paperwork, and recruitment (Magare and Ngigi 2022).

According to the regulations, the agency or employer in a foreign job contract is obligated to pay for the medical checkup, flight, and visa costs. Additionally, the regulations enable the agent to charge the potential employee appropriate administrative costs for skill exams, vocational assessments, and administrative expenses if such expenses do not go beyond the job applicants required one-month wage. In the documentary analysis, one of the KMDW disclosed that she worked with a quasi-recruitment agent who scammed her off her money which she had borrowed from family members due to the urgent need for her to travel as soon as possible and start making an income in Saudi Arabia (Magare and Ngigi 2022).

The establishment of these restrictions was hastened by the rise in complaints of abuses in cross-border recruiting committed by dishonest Kenyan private organisations and their equivalents in destination countries. While recruiting people for jobs in Saudi Arabia, recruitment agencies continue to perpetuate abuse despite the rapid adoption of the legislation.

#### **5.6.4. Kenya Diaspora Policy of 2014**

The advancement of Kenya's revenue is significantly aided by Kenyans living abroad. According to the policy, Kenyans, both skilled and unskilled, are subjected to unacceptable working circumstances because there is no national framework for labour migration. Since the Kenya Diaspora Policy, 2014 is a declaration of the state's desires, it is crucial to examine it given that Kenya has not yet passed a national migration framework. In the present circumstance, the state's intention is to maximise the potential of Kenyans who reside abroad by promoting Kenya's reform programme while also attending to their necessities and goals through a long-lasting relationship (Republic of Kenya 2014, 10).

The goal of this approach is to provide measures that will improve the protection of Kenyans' abroad. The policy proceeds by highlighting the steps the Kenyan government is going to employ to guarantee the safety of Kenyans living out of the country. It suggests that to do this, the government must strengthen the capability of Kenyan embassies overseas by appointing more employees to missions in nations with a significant population of Kenyans and increasing their diplomatic presence (Republic of Kenya 2014, 15).

Additionally, the government pledges to safeguard its citizens by drafting and ratifying bilateral labour agreements with hiring firms, reviewing the Labour Institutions Act, conducting pre-departure training for migrant workers, raising awareness of migrants' rights by travel cautionary remarks, facilitating Kenyans enrolment via missions abroad, and modernising the present structure of labour recruitment. The government will examine the Labour Institutions Act, 2007, to include protections for Kenyan private employment agencies, which is an additional attempt to improve Kenyans' protection overseas (Republic of Kenya 2014, 17).

### **5.6.5. Proposed National Policy on Labour Migration, 2021**

The Senate Standing Committee on Labour and Social Welfare underlined Kenya's absence of a legislation and policy to regulate the migration process in its report after visiting the Middle East in April 2021. However, the focus appeared to be on improvements Kenya may implement to make it simpler for migrants to find employment. The report urges the finalisation of a labour migration policy and a labour migration management bill, both of which were proposed in 2021. It also emphasises the necessity of tightening up recruitment procedures and agencies in Kenya, streamlining pre-departure training for migrant workers, and strengthening connections between Kenya's corresponding ministries as well as those in the countries of destination (Kibii 2023).

Similar results were reached by the Commission on Administrative Justice (the Ombudsman), which found a few of the articles of the Bilateral Labour Agreement had not been followed by the two governments. It is unknown who, out of the Foreign Affairs and Labour ministries, is ultimately responsible for the failure because departments within the government have a history of transferring the blame onto others. According to information provided to Parliament by the Ministry of Foreign Affairs, the matter was "dire" and a temporary restriction on hiring and exporting domestic employees to Saudi Arabia was recommended in a letter sent to the Ministry of Labour in July 2021 (Kibii 2023).

Many Kenyan migrant workers continue to be in danger in Saudi Arabia, because of the Kenyan government's failure to create an extensive regulatory and legal framework. Approximately 100,000 and 300,000 Kenyan migrants might be living in the Gulf states: estimations on the lower end of the scale. The majority work as unskilled labourers in industries including construction, the hospitality industry, and domestic jobs, and these numbers are likely to



increase given the Gulf region's high demand for accessible, low-cost foreign workers. There are many, persistent, and fatal labour violations in the area (Kibii 2023).

The Kenyan government established rules that make it possible for Kenyans to find job in foreign countries, but it has been far more gradual to take action to safeguard them while they are abroad, apparently more concerned with the remittances they bring home than with their own well-being. There have long been worries about the security of employees, particularly domestic workers, throughout Saudi Arabia and the wider Gulf region. shortly after the deaths of Kenyan employees and allegations of widespread violations in 2014, the Kenyan government halted the movement of employees to that region and revoked the licences of 930 recruitment firms engaged in the business. Following the conclusion of bilateral labour agreements with Saudi Arabia, the prohibition was only lifted in 2017 (Kibii 2023).

But soon after the ban was implemented, the problems that had led to it and the government's inaction before it emerged. At least 93 Kenyans lost their lives while employed in the Middle East between 2019 and 2021, majority of them in Saudi Arabia, the third-biggest sender of remittances, with Kenyans in that country paying KSh22.65 billion in return in just the initial eight months of 2022 (Kibii 2023).

### **5.7. Bilateral Agreement: Protection is a Shared Responsibility**

Kenya has one bilateral agreement with Saudi Arabia which requires to be evaluated because it does not favour Kenyan domestic workers. In 2017, a bilateral agreement was established between Kenya and Saudi Arabia. The agreement on the recruitment of domestic employees between the Kenyan government and the KSA officially entered operation in January 2019. According to the National Coordination Mechanism Secretariat (2020), the bilateral agreement

sets the groundwork for collaboration between the governments of Kenya and Saudi Arabia in defending the rights of migrant domestic workers and those of their employers. The parties to the agreement acknowledged to cooperate jointly on a few issues, particularly those involving the hiring of Kenyan domestic workers, simplifying the hiring process, and guaranteeing that domestic workers are hired by entities, establishments, or businesses that have been granted authorization by their own governments.

Kenya has taken bilateral actions to safeguard low-skilled migrant workers in Gulf states. These procedures, which also include bilateral employment agreements, largely fail to work with registered agencies. Kenya forbids workers from moving to nations with lax international labour laws and norms. By forcing destination states to negotiate better living and working circumstances for migrant workers, these regulations seek to protect residents. Although certain destination jurisdictions have prohibited hiring workers from these nations, migrants are forced to use other migratory channels to find uncertain job opportunities in Saudi Arabia (National Coordination Mechanism Secretariat 2020).

Kenya has enforced multiple bans in the last decade restricting domestic workers from travelling to Saudi Arabia and the GCC in general because of the sporadic cases of abuse of Kenyan domestic workers abroad. Domestic politics, patriarchal customs, and the disparity in power between country of origin and destination country have an impact on nations' judgements and their capacity to bargain for better rights protection. While origin nations can challenge migration restrictions in order to safeguard domestic workers, their desire to continue receiving remittances restrains them from making a strong case for stronger protections of rights in destination countries. These retaliatory measures frequently force the procedure underground and encourage more workers to travel via unsafe borders. Through bilateral labour accords, labour-sending nations have

historically been involved in dispute and understated the rights of migrant workers to recipient nations (Shivakoti, Henderson, and Withers 2021, 15).

The Kenyan government is bound by a few obligations under the agreement, including providing the Saudi Arabian Kingdom with the skilled and physically fit workers that they require in accordance with job requirements and qualifications. It must guarantee that potential employees have no criminal history. Furthermore, training programmes for housework should be available for potential employees. They should be given the appropriate orientation regarding the terms and conditions of the contract, as well as Saudi culture and customs, lifestyle, and cost of living. Additionally, the government should make sure domestic labourers obtain the required employment contracts prior to travelling. The employer, domestic employee, and recruitment agency will all sign this contract, which will be prepared in three different versions, English, Swahili, and Arabic (National Coordination Mechanism Secretariat 2020).

The Kingdom of Saudi Arabia is obligated to take steps to guarantee that the well-being and rights of employers and domestic workers working in the Kingdom of Saudi Arabia are upheld and preserved in accordance with the corresponding legislation. These responsibilities include making certain the recruiting, hiring, and placement of domestic workers under the Agreement will take place in accordance with the appropriate laws, rules, and regulations. The government of Saudi Arabia must take action to verify that the employment agreement between the employer and the domestic worker is followed accordingly (National Coordination Mechanism Secretariat 2020). The table 5 below demonstrates fundamental points of cooperation for Kenya and Saudi Arabia on labour migration.

Fundamental Points of Cooperation	
<b>Encouraging mechanisms of collaboration at the bilateral and global levels to protect migrant workers' rights to welfare and migration for employment.</b>	Developing efficient labour market governance through unified policies and improved migrant worker protection for human rights.
Systematic research into the demands of the labour market and the establishment, application, and assessment of labour migration policy.	<b>Building up referral in partnership with several non-state actors, as well as enhancing the ability of authorities to recognise victims of trafficking.</b>
<b>Conducting research on the demand for labour globally, through organisations that deal with industrial as well as vocational training,</b>	Training prior to departure should be developed, put into practise, reviewed frequently, and improved to give potential migrant workers the necessary abilities, competence, and mindset to meet obstacles in the host nation.
Gathering information about the labour market on a constant basis, as well as creating and maintaining a live Skills Inventory which is available to all stakeholders.	<b>The establishment and execution of projects to assist returning migrants integrate.</b>
<b>To improve accountability among private employment agencies, there should be standardisation in the authorization and oversight of those agencies, sharing of data on those registered entities, and the creation of regional networks.</b>	The creation and acceptance of a structure to rank and accredit semi-skilled and unskilled workers for their labour experiences in cases when they have not obtained certifications during their time working outside the country.

*Table 5: Fundamental points of Cooperation, (Tum 2019, 12-14).*

## 5.8. Conclusion

None of the migratory worker-related conventions drafted by the UN and ILO have been ratified by Saudi Arabia. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on Migration for Employment, and the Convention on Migrant Workers are among these conventions. Even though Kenya ratified the ILO conventions on migration such as, the Migration for Employment and Migrant Workers Convention they cannot be applied to Saudi Arabia because it has not agreed to be covered by these agreements (Almutairi 2017, 51).

Both ILO Convention No. 143 on Migrant Workers and Convention No. 97 on Migration for Employment have been ratified and adopted by Kenya. It also complies with the Inter-Governmental Authority on Development (IGAD) Revised Regional Migration Policy Framework and is a signatory to the East African Community Common Market Protocol. Saudi Arabia, Qatar and the United Arab Emirates are among the Gulf countries that Kenya has signed three bilateral labour agreements to improve the protection of migrant workers. Additionally, Kenya has opened discussions with Jordan, Kuwait, Oman, and Bahrain on bilateral labour agreements. The goal is to reach agreements with all the major GCC destinations for Kenyan migrant workers (Almutairi 2017, 55).

The few sub-Saharan African countries who have signed bilateral labour agreements with a handful of Arab States are making progress, but the main challenges lie in ensuring that the instruments are being implemented as intended in the target nations. Kenya should aim to promote measures to oversee and safeguard migrant domestic workers on contract in both their countries

of origin and destination, exchange information on the patterns of supply and demand in the job market, as well as policies that foster remittance flows (Almutairi 2017, 57).

## **6. CHAPTER FIVE: FINDINGS AND DISCUSSION II: AGENCY AND RESISTANCE**

### **6.1. Data Preparation**

The rigorous approach to gathering and organising the data for the research was part of the data preparation procedure. Instead of undertaking a comprehensive analysis of the full dataset, the researcher used an integral analysis, which involved in-depth investigation of key case elements. This technique made it possible to thoroughly grasp the selected instances while focusing on crucial parts of the cases. The study process began with the gathering of the relevant data on Kenyan women migrant domestic workers. The stories, experiences, and perspectives offered by Nimo Tes, Helen Ndege, and Selestine provided, alongside any additional sources which reinforced the main objectives of the study, are included in this data. Data is gathered from a variety of sources, such as interviews from documentary videos on YouTube and video clips from TikTok.

Each case contains an in-depth overview that provides a thorough account of the background, setting, and timeframe. This entailed outlining each participant's journey, from their choice to move to Saudi Arabia in order to obtain domestic employment throughout their experiences in Saudi Arabia. Crucial experiences, obstacles, and milestones are recorded in a chronological order of events, providing a comprehensive framework for the analysis that follows. A complete analysis of the everyday activities provided information on the KMDW everyday life, challenges, and resistance.

### **6.2. Data Description**

The study centred around three different case studies of Kenyan women who moved to Saudi Arabia to work as migrant domestic workers. These case studies offer in-depth perspectives on the experiences, drives, challenges, and approaches used by these women. Each case study, which conveyed multiple elements of their migration process and job experiences, was generated from interviews and documentary analysis. Helen Ndege, a 29-year-old Kenyan woman who moved to Saudi Arabia in search of domestic

labour, was the subject of the first case study. Helen had spent over ten years in Kenya working as a housemaid, even though she had a child. Her choice to immigrate was driven by the desire for financial security and an opportunity provided by a former employer who was employed in Saudi Arabia. Helen's story offers an insight into the intricate dynamics motivating KMDW's move in spite of knowledge of potential obstacles.

The focus of the second case study is Nimo Tes, a Kenyan domestic worker in Saudi Arabia who uses social media sites like YouTube and TikTok to document her experiences. Her platform intends to inform and inspire future contenders to the KMDW job while providing perspectives on the migration procedure and difficulties encountered. The story of Nimo emphasises how social media and technology are used by the community for support and resistance. In the third case study, Selestine Msavakhwa Kimori, a mother of two, was motivated by the prospect of providing a better future for her children. She was originally planning to travel to Dubai, but a recruiting agent sent her to Saudi Arabia. Selestine's case highlights the significance of comprehending the recruiting process and intermediaries engaged and serves as an example of the vulnerability and hopelessness that can result in human trafficking.

The first documentary analysis is the interview by the YouTube channel Shared Moments with Justus (2022) about Helen Ndenge, who is 29 years old, described her ordeal of why she migrated to Saudi Arabia from Kenya to work as a domestic worker. She worked for two years before fleeing back to Kenya. Helen Ndenge explained why she went to Saudi Arabia despite knowledge of the abuse faced by Kenyan domestic workers there:

*Huku Kenya nilifanya kazi ya househelp for almost ten years, by that time nilikuwa nafanya kazi sikuwa na mtoto so life ilikuwa tu rahisi. Nilikuwa namanage. So in between nikapata ball. Ilikuwa 2016, so huwezi fanya kazi kwa nyumba ya mtu. Ilibidi niende home, ushago, nijifungue kwanza.... Nikakaa five months then nikarudi Nairobi kuhustle...Nikapata kazi ya hoteli for three years. Nilitaka mtoi aanze shule na three years and half. But iyo pesa nilikuwa napata kwa hoteli*



*ni 250 per day, alafu nalipa nyumba, niko na mtoto, mara mtoto ni mgonjwa, unajaribu kusave haikuwa inasavika. Opportunity ya kwenda Saudia ilikuja, huyo mathe nilikuwa nafanyia job kwa hoteli alikuwa Saudia before na akarudi. Alikaa for almost four years and then akarudi na akafungua biashara. So kama two years after ashakuja mdosi wake akampigia tena, akamwambia arudi job, kama anaenza rudi job tena Saudia. Alikuwa ashafungua business yake, of course hangewacha. Na mimi nilikuwa hapo, huyo mama akasema mimi siwezi rudi but naeza kupatia mtu mwenye namjua na namtrust. Akaniambia, Helen, unaeza fanya kazi Saudia? Na hiyo time nilikuwa nimeambiwa unaeza fanya kazi Saudia I felt like hata nachelewa, juu nilikuwa nahitaji pesa the most. Nilikuwa naskia watu wanaenda Saudia, watu wanateswa, watu wanauwawa, watu wanarudi wamechomwa. But inafikanga point haufikiri, huyo mama pia nilikuwa naona alienda na alirudi. So acha mimi pia niende nijaribu bahati yangu (Shared Moments with Justus 2022).*

Translation (EN):

While in Kenya I had worked as a house help for almost 10 years by then it was just me, without a child so I could manage. In between I got a baby. That was in 2016. So, it was not easy to work as a house help while pregnant or with a small child. So, I had to go to the village for some time. Life in the village was not easy especially with a small baby, so five months post-delivery I came back to the city to try and get a job. I managed to get a hotel job where I worked for almost three years. I was earning like \$25 per day and I had managed to plan my life, I was planning to enrol the child to kindergarten the following year. Though it was almost impossible to save for school fees after settling all the bills. So, the opportunity to go to Saudi Arabia came through my then boss. She had worked there before for 4 years, then came back and set up the hotel. So, her former boss called and requested her to go back to work for them, but since she had her business to run, she gave me the opportunity. So, when she asked me if I could work in Saudi Arabia, I celebrated because I was in dire need of finances. I had heard about people suffering in Saudi Arabia

and all other horrible experiences I had heard about. But at that point, all I could see was the possibility of changing my life. Plus, my boss had been there, and her case was different.

Helen like most Kenyan domestic workers, migrate to Saudi Arabia in search of better income to support their families as was the case here. She described her pre-departure and arrival process to Saudi Arabia as follows:

*Within three weeks, passport ilikuwa imekuja, nikaona vitu zinaenda mbio. Nikaenda nikatengeneza good conduct... Nilikuwa ready, so huyu matha akaniconnect na agent mwenye alimpeleka Saudia before na huyu agent alikuwa Mombasa. Nikaenda training for one month Mombasa. Ilikuwa training ya kupika, kupiga pasi, kupika rice, kumop, hizo tu kazi normal zenye watu wanajua, kutumia washing machine ndio sikuwa nimetumia. But the rest nilikuwa najua. Being a firstborn girl, nilikuwa naachiwa hizi responsibilities za nyumba... So kwa training I wish hata wangukuwa wanafundisha Arabic language atleast ni kitu tofauti. After one-month ikaisha nikaenda ofisi zao Mombasa sasa, wakaniambia ningoje one week, visa itakuwa imefika... Within two weeks nikaambiwa ticket iko tayari. Unajua inafika point hata hufikiri, huogopi, opportunity ikikuja mbele yako unasema let me take the risk. Coz nakumbuka tukigrow, tukiwa wadogo, ilifika mahali life ilikuwa ngumu sana. Kukaa njaa ilikuwa normal sana kwetu. Sasa ukikumbuka venye life ilikuwa kitambo na life inataka kukulemea mpaka ukiwa mkubwa unasema no! Wacha tu niende nijaribu. Nikasema afadhali mimi niteseke lakini mtoto wangu wasiteseke, wacha nijaribu. So venye opportunity ya kuenda Saudi ilikuja, sikufiria sana, niliona tu niende. Sikutaka zile mateso zinirudie tena and also nilikuwa na mtoto. Finally, the day came, siku ya kutravel, but before that nilikuwa nimeshaambiwa that contract ni ya two years. Though sikuwa nimepewa any papers ya kusign. Nilimwacha mtoto wangu na aunty yangu. Tukafika Saudia sasa Riyadh... Kuna wenye ukifika Saudia unaenda kwanza kwa ofisi but mimi sikuenda kwa ofisi. Nilikujiwa direct kwa airport na huyo mdosi. He came na bibi yake wakakuja hawa wenyewe wakanichukuwa from the airport.*

*Huyo mzee akadrive hadi kwa nyumba. Tukafika kwa nyumba unakutana na watoto* (Shared Moments with Justus 2022).

Translation (EN):

The passport was processed in three weeks, and I was happy with the speedy process. Then I also got my certificate of good conduct, and I was ready for departure. So, the lady connected me with her former agent, the agent was from Mombasa. So, I had to go to Mombasa for a one-month training on general housekeeping roles like cleaning, ironing, cooking Arabic meals and general house chores which I already knew. As a first-born girl, all the house chores were my responsibility... So, I wished they had trained us on something we didn't know like Arabic. After training I was told to wait for a week for them to process the visa. Within two weeks I was told that the air ticket was ready. I was not thinking of any possible danger. I was just seeing the opportunity before me. I remember how hard life was when we were growing up, staying hungry was the order of the day... So, when I remembered the kind of life I lived as a child, and now there was the risk of raising my child in the same circumstances, I was ready to risk everything to have a better life. I was ready to suffer but give my child a better life... So when this opportunity came, I couldn't even think twice about accepting it because I still had a lot in my mind. And I wanted by all means to evade poverty. Then other than that I had a baby that I needed to give a better life. That is why I immediately jumped into the opportunity. So, the day of the travelling came. I had been told that it will be a two-year contract, though I had not signed any contracts... I left him (my child) in the care of my aunt. We got to Saudi Arabia; Riyadh... I was supposed to go direct to the agency office as it was the norm, but I did not go to the office. My boss to-be had come to pick me at the airport with his wife and he drove straight to his house where I met the family.

The challenges Helen experienced in Saudi Arabia are as follows:

*Wanakuongelesha in Arabic na huelewi... Most of the time nilikuwa nikilala saa kumi asubuhi, by saa tatu nimeamka, na hiyo nikama watoto hawaendi shule. Lakini watoto wakienda shule inabidi nabreak usingizi saa moja, nawaprepere waende shule. So nilikuwa nalala four hours. So ilikuwa naamka saa tatu, unaanza mambo na breakfast, ukimaliza unaanza kufagia, by the time umemaliza ni almost 1:00pm. Alafu kuosha nyumba si kufagia tu, kwanza unavacuum... Unasugua ukuta yote, msee yeyote anafanya kazi Saudi anaelewa, kuna clorex hiyo ni jik yao alafu wanakuambia umix na white vinegar, inakuwa sasa ni acid, and then inakata mkono, ukiinhale hiyo harufu inakuumiza after that huwezi pumua vizuri... But ilifika time nikaona nikama nimesukumwa mpaka mwisho, unasema nitavumilia ilifika point nikasema kama mbaya mbaya. Nilimaliza kama nine months hivi, kijana yake mkubwa akavunja kitu ya mama yake, it was an expensive thing, akavunja ile by mistake. So, I think wanaangalianga hawa wasichana niwakuekelewa tu. Wanakuona wewe ni mtu tu wanaeza kukelelea anything kahauna shida no big deal. Huyu mama akasema atanipunish na punishment ni ilikuwa ufanye kazi, like kusugua ukuta kama double. The following day nikasema mimi ni nani nikufie hapa na kitu sijafanya, nikatoroka (Shared Moments with Justus 2022).*

Translation (EN):

The main challenge was Arabic language... For me most of the time I would sleep at 4 am and wake up at 9:00 am. This happened only when the kids were not going to school, the other days I had to wake up at 7:00 am to prepare them for school. So, I would sleep for a maximum of 4 hours. I'd wake up at 9:00 am, make breakfast and then proceed to other chores, by this time its nearing 1:00 PM. Cleaning the house was not just ordinary cleaning, it had a long process of vacuuming, then dusting, then scrubbing with a soft brush. Then the walls. Anyone who's worked there would tell you about Clorox, which is equivalent to Jik (bleaching liquid), then they demand you mix it with white vinegar. The two mixed forms an acid which would wound our hands. Even the smell of the two was causing nasal blockage... But it got to a point that I felt like I had had

enough, and I was ready to call it quits after nine months. There was an incident where their first born broke his mother's valuable product and I was being blamed for it. To them any mistake would be blamed on me, and it was no big deal to them...So the woman said that she would punish me, their punishment was extra chores. So, the following day I ran off, very early in the morning.

Some Kenyan women domestic workers leverage technology and social media platforms like Facebook, YouTube, Twitter and TikTok as resistance tools and to share their experiences in Saudi Arabia. Nimo Tes uses both YouTube and TikTok to demonstrate her journey to Saudi Arabia, her experience working, and challenges faced. She uses this platform to provide tips and tricks to aspiring women interested in migrating to Saudi Arabia to work as domestic workers. Nimo Tes explained her process of coming to Saudi Arabia from Kenya:

*Mimi nilikuwa ready na passport na good conduct. Yaani, nilikuwa na documents naneed kukuja Saudi. Nimepata agent nimeenda tumeagree and then the process started... akaniambia unaenda shule Naivasha. Let me tell you we covered six units, childcare, house care, pre-departure etc. Shule tulikaa like a month and a half. So, in a nutshell these are the steps that are going to be followed while processing coming to Saudi. Number one umepata agent, number two umepatiana documents zako, number three unaregisteriwa unaenda shule, which will take you maximum one month and a half ama minimum three weeks. After that unafanya exams, mnangojea results zenyu zitokee. They take a week or two. The next thing that follows wanaorganize medical yako, inatake like a week kutoka. The next thing watafanya nikuapply visa yako, it can take another week or two weeks. Ikitoka the next thing they do is book you a flight. After umebuyiwa flight yako unatoka Kenya unakuja Saudi (The Ultimate Gorgeous 2023a).*

Translation (EN):

I was ready with all my documents to come to Saudi Arabia, that is like my Passport and my Certificate of Good Conduct. I found an agent in Kenya, and we agreed to work together. The process started and I was informed to go for training in Naivasha town. Let me tell you we covered six units, childcare, house care, pre-departure etc. We trained for like a month and a half. So, in a nutshell these are the steps that are going to be followed while processing coming to Saudi. Number one find an agent, number two give the agent the necessary documents, register and enrol in a training school which will take a month and a half and minimum three weeks. After that you take an exam and wait for your results which will take a week or two to be ready. After results you undergo a medical test and then the visa application process follows. Then they book a flight for you, and you depart for Saudi Arabia.

She explained that the arrival process varied between different agreements made by the recruitment agents in Kenya and Saudi Arabia.

*Ukifika Saudi kuna watu wanakungojea that is why sometimes ukitoka Kenya unapewa T-Shirt ndio ukifika huko agent wako atajua umevaa aje. Ama unaonanga saa zingine venye ulitoka Nairobi agent wako anakupiga picha anatuma kwa agent or boss wako. Ndio ukifika airport wanajua ni wewe. So that is how you are identified. Ukifika you can go either kwa ofisi or kwa boss wako, depending on the agreement of the two agents working together, the Kenyan one and the one that is here (Saudi). Ukienda kwa boss wako hakuna time ya kulala ama kuambia mwili pole, Wale wanapitia agent kwanza atleast wanapata time yakulala kabla waende kwa boss wao. Wale wanaenda direct kwa boss wao, kufika kuonyeshwa nyumba. Saa zingine unaeza fika saa hizi ndio umeanza kufanya kazi saa hiyo saa hiyo. Hakuna masaa ya kupumzika huku (The Ultimate Gorgeous 2023a).*

Translation (EN):

When you arrive in Saudi Arabia, there are people waiting for you and that is why when you depart from Kenya you are given a T-shirt, so that when you arrive the agent can be able to identify you. Sometimes when you are departing Kenya your Kenyan agent may take a picture and send to the Saudi agent so that they may be able to identify you at the airport. When you arrive in Saudi Arabia you can either go to the office or your employer, depending on the agreement of the two agents working together. When you go directly to your employer, there is no time to sleep or relax after traveling. The ones who pass by the agent's office at least get some time to sleep before going to their employer's home. When you arrive to your employer's home, you are shown the house and sometimes you start working immediately. There is no time to rest here (Saudi Arabia).

The third documentary by Shared Moments with Justus (2023) on YouTube, guest speaker Selestine narrated her process and experience migrating from Kenya to Saudi Arabia to work as a domestic labourer. She was motivated and full of hope when she travelled from Kenya to Saudi Arabia. She merely wished to free her family from the shackles of impoverishment. Hardly did she realize that in her quest for an improved life, her employers would subject her to an ordeal of abuse, torture, and sexual abuse.

*Mimi naitwa Selestine Msavakhwa Kimori, nimezaliwa Chavakali hapo Lusala na mimi ni mama. Niko na watoto wawili msichana na kijana, msichana ako 12 kijana ako 5. Na mimi ni survivor wa human trafficking, nilikuwa nimetraffickiwa kuenda Saudi Arabia. Sikuwa na plan ya kuenda Saudi Arabia mimi, plan yangu ilikuwa kuenda Dubai (UAE). Na ndio nilikuwa nimeanzaa process ya kuenda Dubai. Lakini kulingana na broker, tuseme aligeuza maneno, akatuambia job zenye ziko ni za Saudi Arabia, na kulingana na mimi at that time nilikuwa na watoto na nilikuwa single mum na nilikuwa nataka watoto wangu wasome wakuwe na life poa. Ndio nikaanza hiyo process ya kujipanga na kujitayarisha kuenda Saudi Arabia... Tukaenda kwa ofisi ya agent akatuambia since hatuna pesa zile madeni za wenyewe huyu mama atatusaidia kutupeleka Saudi.*

*Kila kitu atatutengenezwa free, Saudi ni mzuri, utaenda kuearn like 30,000KSH. Juu kulingana na hizo pesa za wenyewe nilishapeana zishapotea na mwenyewe anataka pesa yake niende nilijua nitachukuwa one-month nikishaenda hiyo nitaenda kulipa haraka... Hiyo siku tulimwachia ID, birth certificate sikuwa nayo, ilitengenezwa within siku moja. Within three days hata hazikuwa zimeisha passport ilikuwa imekuja. Tulienda training ya two weeks tukasoma tukafunzwa venye mtu unapika. Nilikuwa nafurahia sana venye kanzu inapigwa pasi...Nilikuwa ready kufanya kazi...Akatupeleka airport, tukapigwa picha hapo nje, hata hatukupewa kitu ya kusign. Tukaharakishwa alafu tukacheck-in ukona na furaha hata hujasign. Unaambiwa usianglie mwenzako wewe kimbia ndege itakuachaa. Yaani ndoto yangu ilikuwa niende uko natakangaa kumake it because mimi sijasoma sana, natakanga kumake it ndio watoto wangu wasikose (Shared Moments with Justus (2023).*

Translation (EN):

My name is Selestine Msavakhwa Kimori, born in Lusala, Chavakali and I am a mother of two. The girl is 12 years old, and the boy is 5 years old. I'm a survivor of human trafficking. I had been trafficked to Saudi Arabia. My plans were to go to Dubai not Saudi Arabia. I had even begun the process but along the way a broker lured us into going to Saudi Arabia. I was desperate at the time as a single mom. I wanted my children to go to school and have a better life and that's how I began the plans to move to Saudi Arabia... We went to another agent that would help us go to Saudi and process our documents. She told us Saudi was okay though the pay was way lower than what we were to get in Dubai. But I was desperate and took the deal. I submitted my Identity Card and she swung to action and within three days my passport was ready. Thereafter, we went for a two week training on matters of domestic work like cooking among other domestic chores...I was ready to work hard... Then she (agent) took us to the airport, and we were processed for travelling. We did not sign any agreements or contracts but were too anxious and excited to think of that. My anxiety and dream to succeed and provide a better life for my children was pushing me.



The arrival procedure to Saudi Arabia of Selestine is like most Kenyan women migrant workers. She described the process as:

*Tukafika Saudi Arabia tukakuja kuchukuliwa na dereva, akachukua passport zetu na documents zetu zote. I think kwa airport wanajuanga tumefika juu tunakuwanga tumevaa t-shirts, tukapata muuarabu alitudirect tukae hapa... Dereva kenye alituambia huku munakuja kufanya kazi kijeshi... na mimi nikamjibu mimi niko ready... Tulifika jioni kwa ofisi, sikukaa sana, boss wangu akanikujia... Boss wangu akakuja na kijana yake wakaniambia wako only watu four kwa nyumba plus mimi tutakuwa five. Rules zenye walikuwa wamenipee kwa ofisi haikuwa kitu ya kunitishia...like hakuna kazi...Hatukuenda mbali na ofisi tukafika. Nilikuwa na furaha sana. Vile nilifika kwa nyumba huyo cucu aliniona alikuwa so happy na msichana wake wakanihug, wakanionyesha nyumba, yaani nilikaribishwa vizuri (Shared Moments with Justus 2023).*

Translation (EN):

When we got to Saudi Arabia, a driver came for us and took our passports and all our documents. We (other Kenyan domestic workers) were all wearing the same t-shirts for identification, and we were directed where to sit and wait for our driver... The driver told us to be ready to work like soldiers, but I told him I was more than ready... We got to our destination in the evening. Shortly after arriving at the agent's office, my boss (employer) came for me. My boss came with his son, he briefed me on the rules and expectations and the number of people in the house which I was okay with. The job description and terms seemed so favourable, so I felt lucky. The house was not very far from the office. The reception from the family was good, I was welcomed and oriented on the house and procedures.

The challenges Selestine encountered in her workplace in Saudi Arabia had aspects of age, class, race, and gender discrimination.

*Mwezi wa kwanza ilikuwa poa, ya pili ikaanza baba kisirani... Changamoto ilikuja kuanza mwezi wa tatu. Yaani ile unaona sasa hakuna kelele... mtu anakuua ndani. Napewa chakula na mama nalala vizuri lakini hii side ingine huyo baba ananipea stress sometimes ananiambia anafeel tu kuniuua, ati mimi siletangi wasichana wa kukaa. Alikuwa ananiambia lazima nikukate, ananipelekanga juu kabisa. Ananionyesha anirushe hivi damu itokee. Namuuliza why anasema anataka kadamu kidogo, sikuwa ninaunderstandingi... Nilikuwa naona hiyo kitu haikuwa serious hivyo, kukuja kukutishia, anataka kunishoot. Ananiekea bunduki hapa kwa kichwa, mama akifungua mlango ama movement ifanyike anastop. Mwezi wanne ikaandelea hiyo wa tano wa sita... Ananiambia hapa ni Saudi Arabia na kulingana na hiyo pesa nimekununua niko na right ya kukuua... Hiyo nyumba mpya nilienda nilipewa masharti mpya... na hakuna food kama nikukula nikule kwa takataka. Ikafika mahali nilikaa two weeks bila chakula nilikuwa nakula tissue... nilikuwa nachapwa nikiwa na mimba (Shared Moments with Justus 2023).*

Translation (EN):

The first month went well then on the second month the man (employer) started having issues with me... On the third month challenges became worse with him. Everyone else was treating me so well. I would sleep and eat well but he kept on threatening to kill me. He told me he had to shed my blood. He was just weird. He would threaten to throw me from the rooftop of the house. Sometimes he would put his gun on my head, then he would stop and act as if nothing was happening when someone appeared. This went on for two more months and got worse on the sixth month of working there... He would tell me that he had the right to kill me because he bought me, and we were in Saudi Arabia... In the new house, there were new rules, I was to sleep for two hours without food, at some point I went for two weeks without eating. I was literally eating tissue papers dissolved in water and I was pregnant at the that time.

### **6.3. Thematic Analysis of the Data**

Thematic analysis was valuable for identifying patterns in qualitative data and analysing them, allowing for a greater comprehension of the everyday agency and resistance shown by Kenyan women migrant domestic workers in Saudi Arabia. Thematic analysis was crucial for the researcher to unlock the numerous dimensions of KMDW experiences, highlighting the tactics they used, and showcasing the results of their decisions.

The researcher recognized relevant themes and issues that occurred from the information that was gathered after laying the groundwork for each case. The concept of resistance, agency, power dynamics, intersectionality, and labour protection, are a few examples of these themes. Finding these patterns was vital for understanding the complexity of the cases and arriving to insightful conclusions. Within each case, the researcher undertook a thorough thematic analysis. In order to gather relevant details about the themes found, this required breaking down the accounts and experiences. The analysis of data was the last part in the data preparation process. The themes' relevance and their consequences for the experiences of KMDW in Saudi Arabia were concluded by the researcher. The researcher examined and contrasted the examples, emphasising similarities and contrasts in the approaches, challenges, and results. This interpretation improved the understanding of how KMDW navigate their circumstances and resisted against violent employers.

#### **6.3.1. Everyday Acts of Resistance**

Small, regular behaviours and practices that confront or negotiate oppressive circumstances and affirm an individual's agency are known as everyday acts of resistance. These actions, which can take many different shapes. It provided these women with a way to deal with their predicament,

voice their disapproval, and defend their rights. These actions support their overall resiliency and the larger movement for empowerment and change within the community of migrant domestic workers. Although Kenyan migrant women employ tactics to improve their situations or survive, the result could be harmful to them.

Helen Ndenge demonstrated how she complied with some requests while finding ways and strategies to resist or negotiate others:

*Nilijuwa nikitoka hapa contract ni ya two years. So hiyo mwaka ya pili nilikuwa nimebakisha kama seven months, two-year iishe. Hiyo time ndio watu walikuwa wakichukuwa vaccine, so mi nikaanza kucalculate. Hapo ndio nikaendea hawa watu nikawaambia kama wanaeza nipeleka hosi. Huyo mama akaniambia kwa nini, nikamwambia nikokaribu kwenda nyumbani, niko karibu kumaliza contract. Akaniambia Helen why do you want to take the vaccine and you still have a long way to go, you came here for three years, actually alikuwa ameniambia four years but kama ukona mtoto utakaa tu three years alafu uende. Nikamwambia no, mimi nikona mtoto nyumbani, utanirelease niende nyumbani and then I will come back. Akaniambia you will go and come back okay, ukienda utaacha half of your salary, so that ujue kama utarudi... After a lot of struggles finally waliniruhusu niende nikuwe vaccinated, so nikajuwa niko poa (Shared Moments with Justus 2022)*

Translation (EN):

When I left Kenya, I knew my contract was for 2 years. I was now getting closer to the end, with just 7 months to the end of my contract. I requested to go for the Covid vaccine. My lady boss could hear none of that! She claimed I still had a long way to go. She claimed that my contract was 4 years, but she reduced it to 3 considering I left a small baby back home. I tried to trick her to let me go see my baby then come back later. She said if I have to go, I only take half of your salary to

assure them I'll be back... After a lot of routine struggles, they finally allowed me to go for vaccination.

The results suggested that these efforts could have unexpected repercussions, despite the autonomy and empowerment connected to daily acts of resistance. According to the sample transcript provided, the employer's answer to Helen Ndenge's request for immunisation may have caused injury, such as keeping half of her pay as a guarantee. This implies that whilst these behaviours operate as systems of resistance, they also put these women at danger and expose them to abuse.

Kenyan migrant domestic workers negotiated or meticulously altered their work schedules to carve out personal or relaxation time. To lessen their workload within the confines of their employment, some, for instance, purposefully took longer breaks, postponed some duties, or found other innovative ways to cope. This gave them some control over their time and energy. Nimo Tes describes some forms of everyday resistance she used to seem hardworking in the eyes of the employer. In The Ultimate Gorgeous (2023b) TikTok video titled “*When Waiguru thinks I’m very hardworking for cleaning the compound at night (laughing emojis) akajua najikeep busy nisipewe mashughulii*” which means that, “When Waiguru (nickname for the employer) thinks I am very hardworking for cleaning the compound at night (laughing emojis) if she knew I am just keeping myself busy so that I don’t get more work.” (See Annex 1)

In the video clip, she is seen holding a broom and cleaning the compound of her employer. She mentions that “*Madam wangu anaona nikiosha nje saa hizi (usiku), anashangaa haka kadem rada, saa tatu usiku. Anasema, mimi wangu nimzuri anafanyanga kazi hadi usiku, niko na the best. (She laughs) Akajua mimi nijua nahepa ndio nisifanye kazi mchana*” This means that “my madam

(my employer) sees me cleaning the compound at nine pm (at night) and wonders what is up with this lady. She will say that my employee is so good at her work, that she even works at night, I have the best. (She laughs) If she only knew I am escaping the sun so that I don't work during the day under the hot sun" (The Ultimate Gorgeous 2023b).

These routine actions of resistance aiding KMDW general resilience is a recurrent theme in the research findings. Particularly in their discretion, these gestures serve as avenues for autonomy. The actions provide KMDW with the ability to deal with their issues on a daily basis, although in subtle ways, and to keep some measure of control over their life and working conditions. In a situation where others would want to limit their agency, KMDW assert themselves by demonstrating their disagreement and upholding their rights. Nimo Tes' TikTok video serves as an illustration of this idea. In spite of their underlying purpose being to avoid more labour, KMDW may cleverly appear to be dedicated to their employer, as seen in the video. This dual character of these behaviours, serving as both survival tactics and perhaps having unfavourable outcomes, underscores the intricate calculations that KMDW make to manage their situation.

Kenyan migrant domestic workers consciously uphold and follow their own cultural customs within the home. Their acts of resistance are an intentional attempt to assert their agency and voice their frustration with unfavourable circumstances. Kenyan migrant domestic workers such as Helen Ndenge exhibit a clear understanding of their agency and the capacity to use it within the limited situations by meekly following specific instructions while coming up with tactics to reject or renegotiate others.

The presented data illustrates the varied character of the everyday actions of resistance carried out by Kenyan migrant domestic workers in Saudi Arabia. These women are able to

negotiate repressive situations while expressing their agency thanks to these behaviours, which represent a careful balance between compliance and negotiation. The results highlight how these actions help KMDW become more resilient and empowered, coinciding with broader efforts for empowerment throughout the migrant worker population. The research also highlights the possibility of negative effects resulting from these efforts. This theme investigation offers insightful understandings into the sophisticated techniques used by KMDW to manoeuvre through their work environment and establish their agency while dealing with the obstacles they experience.

### **6.3.2. Negotiating Oppressive Workplaces**

Non-confrontational resistance, as it relates to Kenyan women who are migrant domestic workers in Saudi Arabia, refers to the covert and deceptive means by which people contest or negotiate oppressive situations and power disparities without resorting to open confrontation or overt acts of defiance. While reducing the likelihood of retaliation or increased marginalization, these modes of resistance enable people to exercise agency and manage their difficult situations.

The findings demonstrates that KMDW use a variety of covert strategies and tactical steps to challenge and negotiate their positions covertly. They can demonstrate their agency while reducing the chance of backlash by using certain techniques, such as acting as though they don't comprehend instructions, taking their time while working, and resource management. These nuanced strategies are demonstrated in the personal accounts of Nimo Tes, Helen Ndege, and Selestine, which show how these women tactically work within restraints to maintain their own well-being.

Evaluation of the material reveals how these subtle methods act as empowering tools. KMDW handle their issues without engaging in open confrontation by disguising their opposition behind acts that appear to be cooperative. Nimo Tes's guidance to other domestic workers to refrain from internalise prejudice serves as an illustration of how such deceptive techniques enable these women to maintain their psychological wellness and sense of empowerment in the face of adversity.

KMDW display their capacity for achieving slight shifts within the limitations they encounter by exhibiting non-confrontational resistance. The stories of Selestine coping with survival in an abusive family and depictions of Nimo Tes instructing domestic workers to be wise in their techniques show how these women systematically confront oppressive situations while minimising the danger of retaliation. These women skilfully use covert and deceitful techniques to challenge, negotiate, and control their situations as a result of power imbalances, intersecting identities, and oppressive conventions.

### **6.3.3. Employing Subtle Strategies**

To exert agency, reject repressive conditions, and avoid notice or reprisal, subtle techniques are tactics that are strategic. With the least amount of danger, these strategies support KMDW in navigating their situations and defending their interests. They work in circumstances that are exploitative, there are little legal protections, and there are power imbalances for Kenyan women who are migrant domestic workers in Saudi Arabia. Long hours in workplaces, unpaid overtime hours, confiscated passports, and other forms of mistreatment are examples of abuse they might endure. These women employ deceptive strategies in order to assert their agency, fight injustice, and safeguard their wellbeing.



Domestic workers may use resource management in a strategic way as a form of resistance. To protect their wellbeing or sense of security, individuals can, for instance, prudently distribute or store resources like food, clothing, or money. This enables them to live somewhat independently, while being in constrained circumstances. Helen Ndenge described how she maintained a sense of security and hope while working in Saudi Arabia and a failed attempt to escape her employer:

*So, the following day mimi nikatoroka asubuhi na mapema. Let me take you back, nikitoka hapa nikiwa airport tulipewa t-shirt. Wasichana wote wenye walikuwa wanasafiri wakienda Saudia walipewa tshirt, and the hiyo tshirt imeandikwa number, ofisi na street name ya huko Saudia nyuma. So hiyo tshirt ndio ilinisave, nikafikiria sina number sina simu, nini nitafanya. So nilichuka hiyo tshirt nikaficha because passport wakonayo na huwezi beba bag. So nikasneak tu kidogo nikama naenda kutupa takataka. Mostly wasichana wanatoka hivyo, huwezi beba bag. Actually, nilikuwa nakimbia nasitaki kuonekana nakimbia, mtu anaebakukushika ati umetoroka. So nilikuwa natembea haraka haraka, nikiona hakuna mtu nakimbia. Mungu akatuma jamaa mwingine hapo, akaona nikama niko in trouble. Akakuja akaniuliza you want taxi? Yes, I want taxi. Nikamwonesha hiyo tshirt akaona hiyo number alafu akapiga, huyo mtu hakuwa msaudi alikuwa megyptian. So akapiga simu akaambiwa pale hiyo ofisi iko alafu akanidrop huko (Shared Moments with Justus 2022).*

Translation (EN):

So, the following day I ran off, very early in the morning. Let me take you back to the time we were travelling to Saudi Arabia from Kenya. All the girls going to work as house helps were given T-shirts with a number at the back, plus the office's contact details including the physical address. That is what saved me. I hid that T-shirt because I couldn't carry a bag and I did not have my passport because they had it. That is what I used to trace the agent's office. I sneaked while taking trash out and that is how most girls escape. I had to increase my pace, but I could not run

because someone might have noticed that I had escaped and raised an alarm on me. Luckily God sent a guy of Egyptian origin who saw me and thought I looked troubled and asked if I wanted a taxi. I quickly jumped in, then I showed him the T-shirt and he helped me call the office and dropped me there.

Kenyan women domestic workers strategically decide when and how to comply with particular requests or instructions from their employers. This practice is known as selective compliance. While seeking strategies to refuse or negotiate some requests, they might cooperate with others. They are able to preserve the appearance of cooperation while setting boundaries and defending their interests by using this strategy. The Ultimate Gorgeous (2023) explained on her TikTok video how she negotiated and survived getting paid on time by her Saudi Arabian employer:

*We know unafaa kulipwa kila mwezi ukifanya any job, lakini ukikuja Saudi usikae tu, unangoja kulipwa, let me tell you, muarabu atakuignore atajifanya hata haelewi, ati unakuja hapa unakaa mwezi ya kwanza hujalipwa, ya pili, ya tatu unarela... There is something that we do here, unasurvive. Lazima tu upange muarabu, if you want a soft life here. Na ukijua kwanza salary yako uliingia hiyo nyumba date 5, ebu umpange umwambie Kenya kumeharibika school fees tunalipa monthly, if you don't have a kid, you have to lie tell them you have two even three kids... After umekaa a few months mwambie madam hii pesa mnanilipa ni kidogo, I have so many needs back at home (The Ultimate Gorgeous 2023).*

Translation (EN):

We know that when you do any job you have to be paid. When you come to Saudi Arabia don't just be naive and wait to be paid. Let me tell you that Saudi employers will ignore you and claim to not understand you. You can't come here and stay one, two or three months without getting

paid. There is something that we do here (Saudi Arabia) called surviving. If you want a decent and comfortable life you must trick and negotiate with your employer. If you know for example you arrived to work on the fifth of the month, make sure that you are paid by the fifth of the next month. You can trick them and claim that the situation back home in Kenya is terrible and you have to pay school fees for your kids every month. Even when you do not have a kid, you have to lie tell them that you have two even three kids. After you have stayed for a few months ask the Madam (employer), this income you pay is little and I have so many needs back home.

Kenyan migrant domestic workers may use resource management in a strategic way as a form of resistance. To protect their wellbeing or sense of security and autonomy, for instance, prudently distribute or store resources like food, clothing, documents, or money from home. This enables them to live somewhat independently, while being in constrained circumstances. Nimo Tes described this in her TikTok video titled, “Some of the Safety measures we should be taking as *kadamas* (nickname for domestic workers) in Saudi Arabia” (The Ultimate Gorgeous 2023c). (See Annex 2)

*Leo tuongelele some of the important things you can do before moving to Saudi Arabia ndio umake sure uko on the safe side. Number one, make sure that you take a photo of your passport, the front page that includes your name and your details and your passport number. Make sure umepiga hiyo page kapicha and then make sure that umepiga your visa kapicha pia because the visa has the information of the person that amekuandika. Also make sure umefungua bank account whereby utakuwa unatumiwa pesa zako coz tumeskia story mingi madem wamecome wanatumia mtu dooh wanatrust alafu huyo msee anawatoka. The other thing that you need to do is to ensure that when you take those photos of your passport, visa and contract and send them to somebody through email... Kama unaweza pata simcard ya Saudi just in case of anything, you can maybe quickly call the embassy or whatever it is and ensure that hiyo simcard umepata inapata karedit.*

*Ensure that before working you and your boss have a meeting and get to understand what they want done and what they don't want done in their house. As well as the conditions of being in the house, so that you can know exactly where to be with time (The Ultimate Gorgeous 2023c).*

Translation (EN):

Today, let us talk about some of the important things you can do before moving to Saudi Arabia so that you sure you are on the safe side. Number one, make sure that you take a photo of your passport, the front page that includes your name, your details, and your passport number. Make sure that you take a photo of that page and even your visa because the visa has the information of the person that has employed you. Also make sure you have opened a bank account whereby you will be sent money because we have heard about a lot of stories where domestic workers come and send back their money home to someone they trust, and the person ends up disappearing with it. The other thing that you need to do is to ensure that when you take those photos of your passport, visa, and contract. send them to somebody through email... If you can get a Sim card from Saudi just in case of anything, you can maybe quickly call the embassy or whatever it is and ensure that that sim card has some credit. Ensure that before working you and your boss have a meeting and get to understand what they want done and what they don't want done in their house. As well as the conditions of being in the house, so that you can know exactly where to be with time.

The research reveals a complex array of resistance tactics used by Kenyan migrant women domestic workers in Saudi Arabia. In spite of the challenging and sometimes oppressive working conditions they encounter, these techniques, which are frequently nuanced and strategic, demonstrate the ingenuity, agency, and tenacity of these women. These strategies provide KMDW with the resources they need to deal with their circumstances, oppose exploitative environments, and demonstrate their agency without drawing attention to themselves. This topic emphasises the fine line these women must walk in order to protect their safety and maintain their rights. This fits

with Scott's idea of "weapons of the weak," in which oppressed communities use sly methods to strike back.

The results provide insight into the empowerment that KMDW go through negotiating and deceitful tactics. These strategies provide them with the ability to protect their rights and wellbeing even in circumstances where those rights might not be freely given. Nimo Tes in her TikTok account, *The Ultimate Gorgeous* provides an example of how KMDW bargain for timely compensation and safeguard their lives. Such tactics demonstrated their ability to exercise agency in confined situations, supporting Scott's claim that ordinary forms of resistance may promote empowerment. These tactics, which are motivated by the need to survive and be empowered, show the nuanced strategies in which these KMDW fought against injustice and tried to protect their well-being. Regardless of the difficulties and unpredictable results, their agency and tenacity are seen in their quest for a better life in the face of hardship. Even while employing subtle tactics and resistance it does not mean that the employers would always respond positively but these efforts and agency from the domestic workers kept them going.

#### **6.3.4. Challenging Power Disparities**

Power dynamics and inequalities in employer-employee interactions, which impact Kenyan women migrant domestic workers in Saudi Arabia, are referred to as power in asymmetry. Due to their dependent economic situation and low bargaining power, these women frequently experience exploitation and abuse. They deal with issues such as limited legal rights, mobility restrictions, hard workdays, low pay, and abuse. Understanding power in asymmetry enables marginalized people to confront power disparities, exercise their agency, and challenge oppressive organizations in constrained settings.

Power imbalance is frequently entwined with dynamics of race and gender. Migrant domestic workers from Kenya encountered multiple types of gender and nationality-based marginalization and discrimination. These forces played a part in the power disparity and unequal treatment they experienced. Helen Ndege's experience working in Saudi Arabia was shaped by her intersecting identities. She faced particular kinds of discrimination based on her racial and gender grounds as a migrant domestic worker, a woman, and a black person. She described below her discrimination and harassment experience:

*Mzee siku moja akapeleka watoto wake kama kawaida, ni kitu normal anawapeleka wanarudi. So hiyo siku akawapeleka akarudi akafunga mlango kama kawaida. Huexpect kitu yoyote and also zile manguo watu wanavaa huko haiwezi kafanya hata mwanaume akuwe attracted to you. Nilikuwa kitchen after time kidogo nikaskia mtu ameingia kitchen...akasongea karibu alafu mwisho akanishika mkono. All of a sudden akaturn tubeast, and then tukaanza kustruggle, mawambia what are you doing? What if madam comes? This is not right. Unajaribu kumwambia hizi vitu zote anakwambia shut up. Alikuwa ameniharass to the highest level, ilikuwa like 30 minutes ya kustruggle. Simu ikalia and then akaenda kushika akaenda bathroom nikaenda pia another bathroom. Niliona nikama ni nightmare, I cried for 30 good minutes (Shared Moments with Justus 2022).*

Translation (EN):

On this particular day, he (the husband) took his wife and kids and shortly came back to the house alone. I didn't suspect anything. In any case, I didn't consider myself attractive to a man given my dress code. He came straight to the kitchen where I was and started moving towards me and held my hand. Suddenly this man turned into a beast. He acted like someone I never knew. I tried to wrestle my way out begging him to let go of me, but he could hear none of that. He really harassed me. It's a phone call from his wife that saved me. Those were the longest 30 minutes of

my life...When the phone rung, he stopped and later went to the bathroom. It was like a nightmare to me. I cried for 30 minutes.

Helen also experienced discrimination based on the intersection of race and class, she described this as:

*Kuna sasa mama wangu alikuwa kama queen. Number one ulikuwa unaweka maji kwa bathtub. After some time akishajiosha atakuita umsugulie mgongo, akimaliza kuoga unarrange nguo ya kuvaa, after that nitaenda nimmassage miguu... Unafanya kazi unaexpect mtu akuonee huruma, kupumzika hata five minutes. The fact that wametoa pesa ndio uende, wanaona nikama wamekununua. Sasa unakuwa property yao, they can use you vile wanataka (Shared Moments with Justus 2022).*

Translation (EN):

The woman of the house. I don't know how others (employees) behave but my boss lady was behaving like a queen. I had to fill the bathtub for her, then call her when it was ready. The after she has bathed for some time, she would call me again to scrub her back. Then I would go and arrange her change of clothes and massage her feet... No matter how much work I was doing, never had they even told me to rest for even five minutes. For them, the fact that they're paying you they feel like they own you to serve them.

Kenyan domestic workers experience discriminatory situations on racial or nationality grounds. Nimo Tes on her TikTok video titled “Try ignore some of this stuff meant to make you feel bad.” explained how she felt discriminated and advised that when discrimination does happen to other domestic workers in Saudi Arabia, it should not affect their wellbeing. She narrated her ordeal:

*It happened one-time hivi wageni walikuja kwa nyumba then walikuwa wanaenda kukula nje... So, madam wangu akanipigia akaniambia nivae abaya nishuke, we are going out to have dinner. Vile nilishuka nikawapata hapo, mmoja wao akanipata hapo akauliza, mbona msichana wako wa kazi amevaa abaya? Anaenda? Nani amemwambia tunaendaga na msichana wa kazi nje. He was literally trying to show them that I don't deserve to be going out to eat with them. Then madam wangu akaniuliza kukona na shida ukikosa kuenda? And I was like no there is no problem. Madam wangu akaniambia wataniletea food. But I wasn't really bothered. I knew whatever they did was not nice. But kuna wenye naskia (from other Kenyan domestic workers in Saudi Arabia), wanakubagua wanakuweka kando, like you don't sit with them in the table in the restaurant... Kaa kama mtu mjanja, when some of these things happen like discrimination and all that, kindly don't let that get into your head (The Ultimate Gorgeous 2023d).*

Translation (EN):

It happened one time there were some of the employer's guests in the house and they wanted to go eat out at a restaurant. So, my madam (employer) called me and requested I wear my abaya (long robe covering a woman's body) and go downstairs because we are going to a restaurant. When I arrived downstairs, one of the guests asked my employer, why is your domestic help wearing an abaya like she is about to go out? Who told her we usually take our domestic helps outside? He was literally trying to show them that I don't deserve to be going out to eat with them. Then madam asked me if there is a problem if I don't go, and I was like no there is no problem. My madam said she will bring food for me. But I wasn't really bothered. I knew whatever they did was not nice. But there are some instances I have heard (from other Kenyan domestic workers in Saudi Arabia), where you are discriminated against by been put aside when, like you don't sit with them in the same table in the restaurant... Be smart and slick, when some of these things happen like discrimination and all that, kindly don't let that get into your head.



Selestine in the YouTube video by Shared Moments with Justus (2023) demonstrated how her conflicting identities impacted her work experience in Saudi Arabia. As a migrant domestic servant, a woman, and a Black person, she experienced certain types of bias based on her racial and gender identity. She characterized her encounter with physical and sexual harassment and abuse as follows:

*Kuna siku nilikuwa ninatoa vitu kwa gari, (mama) akaona (baba) akinislap nyuma, akaniita jikoni akaniambia kama baba anakutaka hapa ni haram lazima nikuue... kama mtapendana na baba, huyu nibwana yangu... nikamwambia labda amenigonga by mistake, akaniambia imeisha basi. Sasa hapo ndio uoga yangu iliningililia, kila kitu ilikuwa infanyika hata anipige hata mama pate ninableed, nilikuwa namwambia tu nimeteleza nikaanguka. (Baba) Ananipiga nikona alama ... hapa ni kisu alikuwa ananidunga... Kuna siku nilikuwa natengeneza sitting room akakuja akaniambia anataka kulala na mimi... Everytime yenye anataka kunirape tulikuwa tunafight na ni mpaka nitoke huko na alama (Shared Moments with Justus 2023).*

Translation (EN):

There is a day the lady (employee) saw her husband spanking me as I was getting stuff out of the car. She called me to the kitchen and warned me that if her husband had any interest in me, she would kill me. So that scared me to even approach her and tell her of her husband's threats and torture. I would lie that I have injured myself when she found me injured. He (employer) would beat me and stab me with a knife and I have these scars... Every time he wanted to rape me, I would fight and I would always end up with an injury.

Selestine described her ordeal on discrimination based on racial grounds by her employers in Saudi Arabia:

*Kurudi nikapata kuna kitu like, chakula kuna mchele amepakua ameeka kando na anarudisha kitu hapa... Akaniambia lazima ukule hii chakula, nikamwambia kwa nini hii mchele nilikuwa nimepika mchele ya white... akaniambia hii ni dawa ya Corona juu sisi watu weusi tunangojekanga sana, sasa sitangojeka... Nimeeka kijiko ya kwanza ya pili, mtoto akaniambia... usikuje kukula hii chakula utakufa, nimakuuliza kwa nini akaniambia hii chakula vile tumeenda huko kwa mama mkubwa, hii chakula ikona sumu... Sikukaa dakika tano tumbo imeanza kuniuma nikaanguka chini (Shared Moments with Justus 2023).*

Translation (EN):

When I came back, I saw her (employer) putting something back in her bra then she had served for me my food and told me I had to eat... So, it was very suspicious of her insisting I eat the food and it had changed colour because I had cooked white rice. She told me it had covid-19 medicine because, you Black people get sick very easily, ... I had just eaten two spoons when her child came and told me not to eat that food, that it had been poisoned. Five minutes later my stomach was in pain, and I passed out.

The subtle dynamics of power imbalance, overlapping identities, and discriminatory conditions endured by Kenyan women migrant domestic workers (KMDW) in Saudi Arabia are shown through thematic analysis of the results presented. These themes in conjunction depict the difficult and repressive context in which these women function as well as their coping mechanisms. The overall subject of power in asymmetry highlights the unequal interactions between employers and employees that KMDW must deal with. The data shows that because of their financial condition and lack of negotiating power, these women frequently find themselves in dependent relationships.

The story of Nimo Tes shows how discrimination had serious repercussions even from an apparently simple act like being left out of a dinner trip. Moreover, the information provided emphasised the racial inequality that KMDW experience by having employers exclude them in events. Selestine's traumatic experience emphasised the detrimental effects of prejudice since she described instances of physical and sexual assault as well as racial profiling, which heightened the severity of the situation.

The intersection of race and gender in KMDW's experiences is explored in the theme analysis. Due to the fact that their marginalisation and discrimination was influenced by a variety of identities, this intersectionality increased their susceptibility. The results showed how racial and gender dynamics are closely related to the power imbalance these women experience. In light of their identities as Black, women and migrant domestic workers, KMDW like Helen Ndege, Nimo Tes, and Selestine experience multiple levels of prejudice.

### **6.3.5. Complying to Societal Norms**

Women are required to comply with societal norms, expectations, and hierarchies in order to maintain social order in their homes and workplaces. In order to preserve harmony and reduce disturbances, Kenyan women migrant domestic workers in Saudi Arabia are under pressure to follow gender, cultural, and religious conventions. When entering households ruled by regional norms, customs, and power structures, these women negotiate a foreign cultural and social setting. To preserve stability, reduce conflicts, and guarantee their employment and well-being, they are expected to abide by these rules.

This subject addressed the complex interactions that these women encountered as they complied with society expectations, conventions, and hierarchies at work. A crucial component of

ensuring their survival and wellbeing in an unfamiliar cultural and social environment develops out to be the maintenance of social order. The maintenance of social order is inextricably linked to the larger subject of power imbalance in the employer-employee relationship. KMDW negotiated the power dynamics associated in their jobs because of their exposed circumstances. They frequently had to accomplish this while adhering to social conventions that supported hierarchical power structures. These culturally and gender-specific conventions were followed by KMDW in order to preserve peace and prevent possible confrontations.

As KMDW utilised various tactics to deal with the pressures of maintaining social order, the subject of coping mechanisms became apparent. The women in each case demonstrated tenacity and adaptation as they moved through unexpected social and cultural contexts. Their tactics entailed striking a delicate balance between adhering to social conventions and safeguarding their personal wellbeing. This supported the idea that while these tactics might not eliminate oppressive structures, they provided KMDW with the ability to function within them.

Finally, the thematic analysis of the data highlights how the experiences of Kenyan women migrant domestic workers in Saudi Arabia highlighted the complex interplay between power dynamics, social norms, and the maintenance of social order. This subject highlighted the challenges these women overcame as they navigated power disparities, managed overlapping identities, and attained a balance between compliance and quiet forms of rebellion. While following the rules is frequently a survival tactic, it does not lack agency. A subtle method used by KMDW to ensure their livelihood and well-being in a foreign culture while exerting their agency within the limitations they encounter was the maintenance of social order.

#### **6.4. Agency, Power, and Intersectionality**

Feminist ideas are essential for comprehending the experiences of female migrant domestic workers via the prisms of agency, power relations, and intersectionality. The stories of Nimo Tes, Helen Ndege, and Selestine serve as illustrative examples of how these principles intersect meticulously, revealing the complex problems these women faced and their varied methods of empowerment. The agency that KMDW had, to forge unique paths and confront oppressive systems is highlighted by feminist ideologies. Guidelines given by Nimo Tes to other KMDW demonstrated a deliberate tactic to express agency while adhering to the limitations of their jobs. In order to guarantee that their rights are protected, her guidance focused on not internalising stereotypes and employing tactful bargaining.

KMDW's experiences were influenced by power relations. The experiences of Helen Ndege serve as an example of how racial and gender dynamics increased power inequities. Her experiences in Saudi Arabia, where she complied with cultural expectations while tacitly defying them, highlighted the gendered power dynamics that KMDW must confront. These stories are in line with the feminist viewpoint, which acknowledges how gender is socially constructed and how power is distributed inequitably as a result. The significance of links between researchers and subjects to prevent objectification was observed.

Selestine's account of sexual harassment demonstrated the value of having empathy. The stories possessed voice and authenticity by integrating the researcher into the study. This is in line with feminist ideals that support transformational research that emphasises the perspectives and experiences of the marginalised. The stories of KMDW in Saudi Arabia clearly showed the issues of agency, power, and intersectionality in their accounts. Nimo Tes, Helen Ndege and Selestine's

experiences were consistent with feminist ideas that emphasised the subtle tactics used by most of these women to combat oppression, negotiate power relationships and forge avenues to empowerment.

### **6.5. Inadequate Labour Protection**

The task of providing Kenyan women migrant domestic workers with adequate labour protection in Saudi Arabia is multifaceted and entails complex legal and regulatory frameworks from both the Kenyan and Saudi Arabian governments. The issues emerged from the interaction between Kenyan laws on pre-departure protection and the practicalities of working in Saudi Arabia under a different legal system. Considering the stories of Nimo Tes, Helen Ndege, and Selestine, this discussion critically analysed this topic and its repercussions. The research highlighted the complex legal mechanisms at work in defending KMDW. The national governments of Kenya and Saudi Arabia took part in defending the rights and welfare of these employees. The Kenyan legal framework differs from the Saudi legal framework in that it provides safeguards to KMDW before their departure.

The risks that Kenyan women migrant domestic workers endured resulting from insufficient protection are highlighted by Selestine's statements of physical and sexual abuse she experienced while working there. This research's thematic examination of KMDW's non-confrontational resistance and agency revealed the difficulties they have when attempting to assert themselves in a situation when the balance of power is unfavourable. These encounters highlighted the flaws in the labour legislative structures of both Kenya and Saudi Arabia, leaving KMDW open to exploitation. The many different levels of oppression experienced by KMDW are shown by the intersectionality approach. They face particular difficulties as migrant labourers, women, and

members of racial minorities. Since the risks experienced by KMDW are made more severe by these intersecting identities, intersectionality emphasised the necessity to consider how these various factors affect labour protection.

Reforms to the justice system are urgently needed in both nations, as demonstrated by the cases and content analyses. The legal advice Nimo Tes provided to other KMDW in Saudi Arabia is an example of how labour laws and regulations require radical reform. Overall, the stories push for a change from basic protections to extensive measures that consider the particular difficulties that KMDW in Saudi Arabia encounter. The subject of labour protection for Kenyan migrant domestic workers in Saudi Arabia is complicated, it is impacted by many legal and legislative frameworks, as well as power relations, intersectionality, and non-confrontational opposition tactics.

These complicated issues are given a personal perspective via the stories of Nimo Tes, Helen Ndege, and Selestine. Despite the fact that both the Kenyan and Saudi governments are involved, the accounts and analyses show that change is essential to protect KMDW's rights and general well-being. They must develop policies that are holistic and context-sensitive because intersectionality highlights the multitude of issues they experience. In the end, the study emphasised the need for legal reform and global cooperation to ensure the workplace protection of KMDW.

## **6.6. Limitations**

While this study provided insightful information about the agency and resistance of Kenyan women who work as migrant domestic workers in Saudi Arabia, there are a number of limitations that should be mentioned. First off, the study mainly used qualitative case studies, which may

restrict how broadly the results may be applied. It is possible that the experiences of the chosen participants do not accurately reflect the range of all KMDW in Saudi Arabia. Secondly, there is the possibility that the data gathering technique, which mostly used online platforms, may exhibit bias. The range of KMDW's experiences may not be fully represented by their stories posted on social media and documentaries, perhaps bypassing individuals without access to such sites or those who prefer not to share their experiences publicly.



## 7. GENERAL CONCLUSION

This thesis embarked on a thorough investigation and analysis in order to attain an in-depth understanding of agency and everyday resistance among Kenyan women migrant domestic workers in Saudi Arabia. The primary objective was to examine the concealed tactics of resistance, regular resistance, and subtle actions used by KMDW. The research explored the complex relationships between power, agency, and resistance. It was grounded in the conceptual framework of James C. Scott's "Weapons of the Weak." The main objective of the study was to reveal the implicit processes by which KMDW assert their agency and demand their rights in the face of stressful situations. These women, entangled in risky workplace environments, possess an amazing capacity to navigate around repressive situations while adhering to social standards. By using non-confrontational techniques, they strike a fine balance between opposing unfair circumstances and maintaining the social order.

The objectives of the thesis were successfully met by bringing knowledge on the KMDW's resistance strategies for dealing with their challenging circumstances. The study demonstrated how these women's agency and resistance techniques are shaped by power relations, emphasising their agility in navigating these dynamics. The thesis also covered the complex legal systems that protect KMDW's rights in Saudi Arabia on both the national and international levels. This study used a qualitative case study method in an effort to highlight the frequently overlooked aspects of KMDW's experiences. The goal of the study was to shed light on the variety of tactics used by these women to address their challenges, take on their duties, and negotiate the complex power relations present in both their everyday lives and workplaces. The investigation went beyond common resistance to include the subtle ways that KMDW construct out options for themselves within their limiting situations.

The foundation of Vincent Martinez Guzman's understanding of peace is the concept of transformational peace, which extends beyond the absence of overt violence to include social justice, fairness, and the abolition of structural violence. In order to build a society that is genuinely peaceful, this idea emphasised on the value of tackling the underlying causes of inequality and conflict (Guzmán 2001, 1–56). With this in mind, Martinez Guzman's idea of peace has a lot in common with the concept on the agency and resistance of Kenyan women who work as migrant domestic workers in Saudi Arabia (KMDW).

In the study of agency and resistance among Kenyan women migrant domestic workers (KMDW) in Saudi Arabia, the integration of theory and literature effectively displayed research gaps and guided the discourse into new pathways. The research contributed to understanding of how power dynamics, cultural norms, and agency intersect in the lives of these women by anchoring the study in James C. Scott's "Weapons of the Weak," pushing the topic into largely unexplored domain. The investigation of agency and resistance among KMDW lacked a thorough lens that could reconcile their marginalised situation with their repressed defiance prior to the appearance of Scott's theoretical framework. The challenge was in comprehending how these women navigated complex webs of power disparity while upholding social norms. The previous literature outlined the difficulties KMDW faced but frequently fell short of expressing their complex resistance tactics. The gap was effectively addressed by Scott's theory, which was based on the dynamics of everyday forms of resistance.

The literature had previously drawn attention to the obstacles and power disparities experienced by KMDW, but Scott's approach offered the researcher a clearer grasp of how power dynamics interacted with these women's daily lives. The theory changed the way KMDW's experiences were described by demonstrating how seemingly powerless individuals exert agency

via the use of covert techniques. This steered the discussion towards examining how power, gender, racism, and class interacted in their stories. In recent years, research emphasised on the state's contribution to migrant domestic workers vulnerability. The experiences of migrant domestic workers in the Gulf region are disproportionately under-researched topic in contrast to the number of studies on those living and working in Europe and North America. The limited scholarly literature on migrant domestic workers in this area concentrated on the abusive dynamics between the employer and the domestic worker.

The findings strayed away from victimisation and towards agency. While KMDW were frequently portrayed as victims of repressive institutions, the findings revealed their ability to gently challenge and reject these structures. This adjustment in perspective shifted the conversation into a space where KMDW were actively disputing their positions under those conditions rather than passively being subjugated to them. Instead of viewing KMDW as helpless victims of oppression, the research has shown how they strategically navigate repressive circumstances. Future studies may now explore the long-term effects of these resistance techniques on their empowerment and well-being. Scholars are encouraged to investigate how these strategies might trigger wider societal change and alter power dynamics in light of the recent focus on subtle resistance.

The study of the everyday forms of resistance and experiences encountered by Kenyan women working as migrant domestic workers in Saudi Arabia has revealed the intricate nature of resistance, agency, power, and intersectionality. Towards understanding the various components of KMDW's migratory journey, everyday acts of resistance, and the power dynamics that influence their lives, this thesis engaged in an in-depth examination of case studies of KMDW and uncovered different relevant themes. The stories of Helen Ndenge, Nimo Tes, and Selestine Msavakhwa

Kimori highlight the key role that economic hardship plays in motivating Kenyan women to seek employment as domestic workers in Saudi Arabia. These women made the decision to migrate to better their financial situations and provide for their families despite being wary of the struggles and violence experienced by other domestic workers in Saudi Arabia. A shortage of potential job possibilities in Kenya, nevertheless, contributed to the choice to move there.

The KMDW's narratives of overcoming harsh working circumstances showed their ingenuity and resiliency. These women participated in multiple forms of concealed methods to manage their circumstances without running risk of greater harm as well as other forms of ordinary resistance. The approach by which Nimo Tes used social media to help and encourage others and spread knowledge illustrated how technology can help build a sense of community and empower individuals. This non-confrontational yet effective style of resistance empowers KMDW to take control of their situation without engaging in direct confrontation.

The themes that emerged from the study included: non-confrontational resistance, everyday acts of resistance, subtle strategies, power is asymmetry and preservation of social order. The case study research demonstrated the underlying power disparities between KMDW and their employers. Several factors, such as race, gender, nationality, and socioeconomic level, had an impact on these inequalities. With regard to how the various types of identity-based oppression had an impact on KMDW's experiences in Saudi Arabia, intersectionality emerged as a critical lens through which to evaluate these relationships.

This thesis emphasized on the importance of effective labour protection measures for KMDW in Saudi Arabia. The administrative and legislative frameworks of Kenya and Saudi Arabia play a significant role in ensuring the rights and welfare of these domestic workers. The

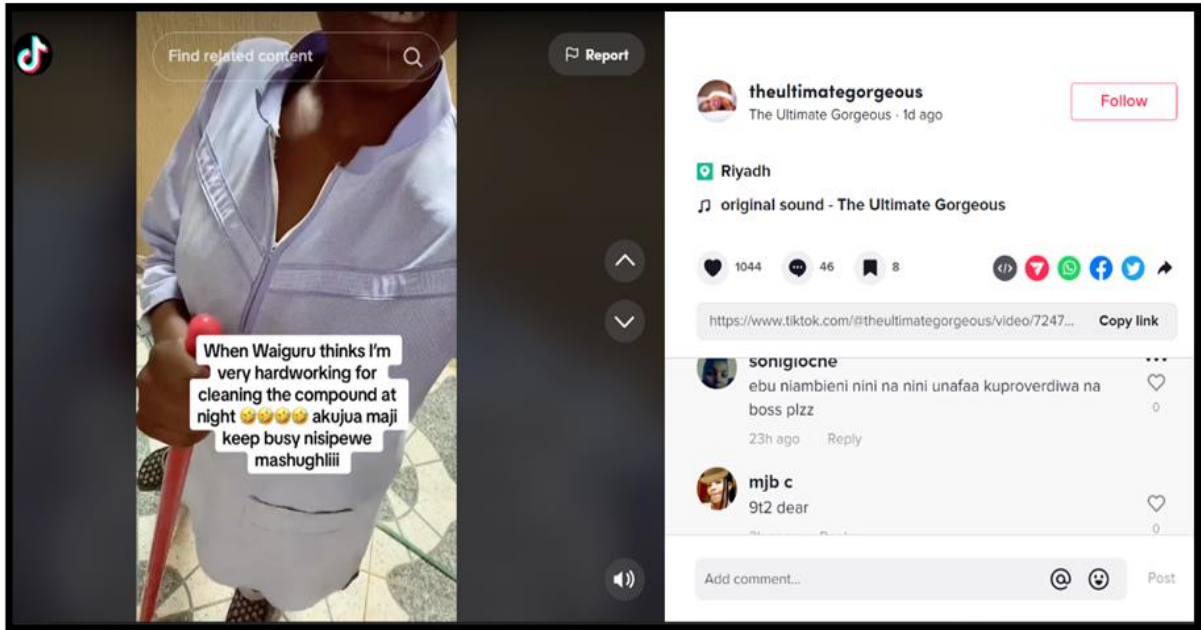
challenge of providing proper protection, considering the involvement of two different administrations, was revealed by the examination of each country's framework. The need for greater implementation and enforcement is demonstrated by the glaring discrepancy between the existent legislative rules and the experiences of KMDW.

The results of this thesis have possibilities for subsequent study, advocacy initiatives, and policy reform. The governments of Kenya and Saudi Arabia must work together and develop labour protection systems to guarantee the rights and welfare of KMDW. To create a more just and fair working environment for all migrant workers, policymaking should prioritise the perspectives and experiences of KMDW. Further study should investigate the long-term impacts of migration on the wellbeing of KMDW, the success of empowerment projects, and strategies for dismantling intersectional forms of oppression.

In conclusion, this thesis demonstrated the agency and everyday forms of resistance of Kenyan women who migrate to Saudi Arabia to work as migrant domestic workers. The research offers the groundwork for activism, policy advancement, and a greater awareness of the complex interactions between agency and oppression by revealing their hidden resistance tactics, regular acts of defiance, and sophisticated approaches to power relations. The thesis' influence is anticipated to spread beyond the academic, advocacy, and policy sectors and contribute to the development of a fairer and just working environment for Kenyan women migrant domestic workers.

# ANNEXES

## Annex 1



## Annex 2



## REFERENCES

- Abu-Lughod, Lila. 1990. "The Romance of Resistance: Tracing Transformations of Power through Bedouin Women." *American Ethnologist* 17 (1): 41–55. <https://doi.org/10.1525/ae.1990.17.1.02a00030>.
- Adepoju, Aderanti. 2000. "Issues and Recent Trends in International Migration in Sub-Saharan Africa." *International Social Science Journal* 52 (165): 383–94. <https://doi.org/10.1111/1468-2451.00267>.
- Ahearn, Laura. 2001. "Language and Agency." *Annual Review of Anthropology* 30 (1): 109–37. <https://doi.org/10.1146/annurev.anthro.30.1.109>.
- Akpomera, Eddy. 2022. "Sub-Sahara Africa – Arab States Labour Migration Corridor: Exploitation Crisis and Emerging Trends of Protection for Migrant Workers." *Ife Social Sciences Review* 30 (1): 51–59. <https://issr.oauife.edu.ng/index.php/issr/article/view/165>.
- Albin, Einat, and Virginia Mantouvalou. 2012. "The ILO Convention on Domestic Workers: From the Shadows to the Light." *Industrial Law Journal* 41 (1): 67–78. <https://doi.org/10.1093/inclaw/dws001>.
- Almutairi, Abdullah. 2017. "The Domestic Application of International Human Rights Conventions in Saudi Arabia and the Need to Ratify Conventions on Migrant Workers." *Middle Eastern Studies* 54 (1): 48–67. <https://doi.org/10.1080/00263206.2017.1361934>.
- Anderson, Bridget. 2007. "A Very Private Business." *European Journal of Women's Studies* 14 (3): 247–264. <https://doi.org/10.1177/1350506807079013>.

- Babones, Salvatore J, and Christopher K Chase-Dunn. 2012. *Routledge Handbook of World-Systems Analysis: Theory and Research*. Abingdon, Oxon; New York, Ny: Routledge.
- Berlin, Isaiah. 1969. *Four Essays on Liberty*. Oxford USA: Oxford University Press.
- Bisong, Amanda. 2021. “Regional Solutions: Regulating Recruitment and Protection of African Migrant Workers in the Gulf and the Middle East.” ECDPM. 2021. <https://ecdpm.org/work/regional-solutions-regulating-recruitment-and-protection-of-african-migrant-workers-in-the-gulf-and-the-middle-east>.
- Blaydes, Lisa. 2023. “Assessing the Labor Conditions of Migrant Domestic Workers in the Arab Gulf States.” *ILR Review* 0 (0): 001979392211474. <https://doi.org/10.1177/00197939221147497>.
- Bourdieu, Pierre. 1977. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.
- Cho, Sumi, Kimberlé Williams Crenshaw, and Leslie McCall. 2013. “Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis.” *Signs: Journal of Women in Culture and Society* 38 (4): 785–810. <https://doi.org/10.1086/669608>.
- Crenshaw, Kimberlé. 1989. “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *University of Chicago Legal Forum* 1989 (1): 139–67. <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=ucf>.
- . 2017. *On Intersectionality: Essential Writings*. New York: New Press.
- Creswell, John. 2013. *Qualitative Inquiry & Research Design: Choosing among Five Approaches*.



3rd ed. Los Angeles: Sage Publications.

Emirbayer, Mustafa, and Ann Mische. 1998. "What Is Agency?" *American Journal of Sociology* 103 (4): 962–1023. <https://doi.org/10.1086/231294>.

Burns, Chris. 2015. "Iscah's Escape from Saudi Arabia: Abused Kenyan Domestic Worker Tells Her Story." *Equal Times*. December 18, 2015. [https://www.equaltimes.org/iscah-s-escape-from-saudi-arabia?lang=en#.VnPyOr\\_LdNU](https://www.equaltimes.org/iscah-s-escape-from-saudi-arabia?lang=en#.VnPyOr_LdNU).

Fernandez, Bina. 2014. "Essential yet Invisible: Migrant Domestic Workers in the GCC." *CADMUS EUI Research Repository* 4 (2014): 1–17. <https://hdl.handle.net/1814/32148>.

———. 2020. *Ethiopian Migrant Domestic Workers: Migrant Agency and Social Change*. Parkville: Palgrave Pivot Cham. <https://doi.org/10.1007/978-3-030-24055-4>.

Foucault, Michel. 1980. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. Edited by Colin Gordon. New York: Pantheon Books.

———. 1982. "The Subject and Power." *Critical Inquiry* 8 (4): 777–95. <http://www.jstor.org/stable/1343197>.

Gallotti, Maria. 2015a. "GLOBAL ACTION PROGRAMME on MIGRANT DOMESTIC WORKERS and THEIR FAMILIES RESEARCH SERIES Migrant Domestic Workers across the World: Global and Regional Estimates Based on the ILO Report on 'Global Estimates on Migrant Workers', 2015." *Www.ilo.org*. Geneva: ILO. <https://associazionedomina.it/wp-content/uploads/2017/05/Migrant-Domestic-Workers-Across-the-World.pdf>.

- . 2015b. “Making Decent Work a Reality for Migrant Domestic Workers.” Geneva: ILO. December 17, 2015. [https://www.ilo.org/global/topics/domestic-workers/publications/WCMS\\_436974/lang--en/index.htm](https://www.ilo.org/global/topics/domestic-workers/publications/WCMS_436974/lang--en/index.htm).
- Giddens, Anthony. 2013. *The Constitution of Society: Outline of the Theory of Structuration*. Oxford: Wiley.
- Gikuru, Caroline Muthoni. 2013. “The Plight of Kenyan Domestic Workers in Gulf Countries.” Masters’ Thesis, The University of San Francisco. <https://core.ac.uk/download/pdf/216980784.pdf>.
- Guzmán, Vicent Martínez. 2001. *Filosofía Para Hacer Las Paces*. Espana: Icaria.
- Haas, Hein de. 2021. “A Theory of Migration: The Aspirations-Capabilities Framework.” *Comparative Migration Studies* 9 (1): 1–35. <https://doi.org/10.1186/s40878-020-00210-4>.
- Hughes, Christina. 2021. “Conditional Cash Transfers and Migration: Reconciling Feminist Theoretical Approaches with the New Economics of Labor Migration.” *Demography* 58 (1): 383–91. <https://doi.org/10.1215/00703370-8928494>.
- Hunter, Lori, and Daniel Simon. 2022. “Time to Mainstream the Environment into Migration Theory?” *International Migration Review* 57 (1): 5–35. <https://doi.org/10.1177/01979183221074343>.
- ILO. 1997. “Convention C181 - Private Employment Agencies Convention, 1997 (No. 181).” 1997. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INST](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INST)

RUMENT\_ID:312326.

- . 1999. “87th Session of the International Labour Conference, 1-17 June 1999 (International Labour Conference (ILC)).” 1999. <https://www.ilo.org/ilc/ILCSessions/previous-sessions/87thSession/lang--en/index.htm>.
- . 2011. “Convention 189 & Recommendation 201 at a Glance.” Www.ilo.org. ILO. December 15, 2011. [https://www.ilo.org/travail/info/publications/WCMS\\_170438/lang--en/index.htm](https://www.ilo.org/travail/info/publications/WCMS_170438/lang--en/index.htm).
- . 2012. *Effective Protection for Domestic Workers: A Guide to Designing Labour Laws*. Geneva: International Labour Office.
- . 2016. “Ensuring Protection and Rights for Domestic Workers in Africa.” March 14, 2016. [https://www.ilo.org/africa/media-centre/pr/WCMS\\_459465/lang--en/index.htm](https://www.ilo.org/africa/media-centre/pr/WCMS_459465/lang--en/index.htm).
- . 2017. “Employer-Migrant Worker Relationships in the Middle East: Exploring Scope for Internal Labour Market Mobility and Fair Migration.” Beirut: International Labour Organization.
- . 2023. *Review of National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries*. Geneva: International Labour Organization.
- ILO Fairway Project. 2022. “Regulatory Framework Governing Migrant Workers in Saudi Arabia.” Geneva: ILO.
- International Labour Organization. 2018. “ILO Global Estimates on International Migrant Workers Results and Methodology.” <https://www.ilo.org/wcmsp5/groups/public/--->

[dgreports/---dcomm/---publ/documents/publication/wcms\\_808935.pdf](https://www.dgreports.com/---dcomm/---publ/documents/publication/wcms_808935.pdf).

International Trade Union Confederation. 2017. “Facilitating Exploitation: A Review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Council Countries.” [https://www.ituc-csi.org/IMG/pdf/migrant\\_domestic\\_workers\\_in\\_gulf\\_final-2.pdf](https://www.ituc-csi.org/IMG/pdf/migrant_domestic_workers_in_gulf_final-2.pdf).

International Training Centre International Labour Migration. 1997. “International Labour Law.” ITCILO. 1997. [https://training.itcilo.org/actrav\\_cdrom1/english/global/law/lablaw.htm](https://training.itcilo.org/actrav_cdrom1/english/global/law/lablaw.htm).

Kanayo, Ogujiuba, Patience Anjofui, and Nancy Stiegler. 2019. “Push and Pull Factors of International Migration: Evidence from Migrants in South Africa.” *Journal of African Union Studies* 8 (2): 219–50. <https://doi.org/10.31920/2050-4306/2019/8n2a12>.

Kenya Law Reform Commission. 2010. “41. Labour Relations - Kenya Law Reform Commission (KLRC).” 2010. <https://www.klrc.go.ke/index.php/constitution-of-kenya/112-chapter-four-the-bill-of-rights/part-2-rights-and-fundamental-freedoms/207-41-labour-relations>.

Khalid, Bilal, and Mariusz Urbański. 2021. “Approaches to Understanding Migration: A Multi-Country Analysis of the Push and Pull Migration Trend.” *Economics & Sociology* 14 (4): 242–67. <https://doi.org/10.14254/2071-789x.2021/14-4/14>.

Kibii, Eliud. 2023. “Worked to Death: Lack of a Policy Framework Fails Kenyan Migrants in the Gulf.” *The Elephant*. January 13, 2023. <https://www.theelephant.info/features/2023/01/13/worked-to-death-lack-of-a-policy-framework-fails-kenyan-migrants-in-the-gulf/>.

Kimeu, Caroline, and Ventura Kireki. 2022. “‘Modern-Day Slavery’: Kenyan Domestic Workers

- Tell of Abuse in Saudi Arabia.” *The Guardian*, September 27, 2022.  
<https://www.theguardian.com/global-development/2022/sep/27/modern-day-slavery-kenyan-domestic-workers-tell-of-abuse-in-saudi-arabia>.
- Kingdom of Saudi Arabia Secretary-General of the Council of Ministers. 2013. “Saudi Arabia - Ministerial Decision No. 310 of 1434H, 2013 Regulating the Employment of Domestic Workers [2013].” 2013.  
[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_isn=111165&p\\_lang=en](https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=111165&p_lang=en).
- Lee, Everett. 1966. “A Theory of Migration.” *Demography* 3 (1): 47–57.  
<https://doi.org/10.2307/2060063>.
- Magare, Matthew, and Purity Ngigi. 2022. “Kenya: Labour and Employment Comparative Guide.” *Www.mondaq.com*. Matthew and Partners Advocates LLP. 2022.  
<https://www.mondaq.com/employment-and-hr/1178884/labour-and-employment-comparative-guide#:~:text=The%20Employment%20Act%20obliges%20an>.
- Mang’era, Annie. 2018. “Fears of Fresh Abuse of Migrants in Middle East as Kenya Set to Lift Ban.” *Reuters*, January 10, 2018, <https://www.reuters.com/article/us-kenya-labour%20trafficking/fears-of-fresh-abuse-of-migrants-in-middle-east-as-kenya-set-to-lift-ban-idUSKBN1EZ0HS>.
- Mankiewicz, René H. 1950. “THE CONCEPT and DEVELOPMENT of LABOUR LAW.” *Bulletin Des Relations Industrielles* 5 (9): 83–87. <https://www.jstor.org/stable/23066107>.
- Marchetti, Sabrina, Daniela Cherubini, and Giulia Geymonat. 2021. *Global Domestic Workers. Library Union Catalog of Bavaria, Berlin, and Brandenburg (B3Kat Repository)*. Bristol:

Bristol University Press. <https://doi.org/10.47674/9781529207903>.

Massey, Douglas. 2006. *Worlds in Motion: Understanding International Migration at the End of the Millenium*. Oxford: Clarendon Press.

Migrant Forum in Asia Secretariat. 2013. “REFORM of the KAFALA (SPONSORSHIP) SYSTEM BACKGROUND.” Philippines: Migrant Forum in Asia Secretariat. <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>.

Morin, Stephanie, Katharine Jones, and Patricio Dobrée. 2017. *The Migrant Recruitment Industry: Profitability and Unethical Business Practices in Nepal, Paraguay, and Kenya*. IOM.

Nampewo, Zahara, Hadijah Namyalo-Ganafa, Edgar Emmanuel Mugarura, and Lavender Mboya. 2022. “The Pursuit of a Livelihood: Women Migrant Workers and Gendered Experiences of Migration from Uganda to the Gulf Countries.” London: EU Trust Fund for Africa (Horn of Africa Window) Research and Evidence Facility. [https://blogs.soas.ac.uk/ref-hornresearch/files/2023/01/The\\_pursuit\\_of\\_livelihood.pdf](https://blogs.soas.ac.uk/ref-hornresearch/files/2023/01/The_pursuit_of_livelihood.pdf).

NATIONAL COORDINATION MECHANISM (NCM) SECRETARIAT. 2020. “REPUBLIC of KENYA MINISTRY of INTERIOR and COORDINATION OF NATIONAL GOVERNMENT KENYA VOLUNTARY COUNTRY REVIEW REPORT on IMPLEMENTATION of the PRINCIPLES and OBJECTIVES of GLOBAL COMPACT on MIGRATION (GCM).” NATIONAL COORDINATION MECHANISM (NCM) SECRETARIAT. [https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/final\\_gcm\\_report\\_final.pdf](https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/final_gcm_report_final.pdf).

- Njiru, Sophia, and Nkirote Laiboni. 2019. “WOMENS’ LABOUR MIGRATION on the AFRICA-MIDDLE EAST CORRIDOR: EXPERIENCES of MIGRANT DOMESTIC WORKERS from KENYA.” [https://gaatw.org/publications/Kenya\\_Country\\_Report.pdf](https://gaatw.org/publications/Kenya_Country_Report.pdf).
- Nussbaum, Martha C. 1999. *Sex and Social Justice*. Oxford: Oxford University Press.
- Omuka, Shadrack. 2022. “Kenyan Women Speak out about Kafala Exploitation in Gulf States.” Toward Freedom. December 1, 2022. <https://towardfreedom.org/story/archives/africa-archives/kenyan-women-speak-out-about-kafala-exploitation-in-gulf-states/>.
- Otieno, Winnie. 2018. “Only 65 Agencies’ Authorized to Place Kenyans on Jobs Abroad, Ministry Says.” Business Daily. NMG. 2018. <https://www.businessdailyafrica.com/economy/Only-65-firms--allowed--to-place-Kenyans-for-jobs-abroad/3946234-4549318-p55mqlz/index.html>.
- Pande, Amrita. 2013. “‘The Paper That You Have in Your Hand Is My Freedom’: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon.” *International Migration Review* 47 (2): 414–41. <https://doi.org/10.1111/imre.12025>.
- Republic of Kenya. 2014. “Kenya Diaspora Policy 2014.” *Kenya Institute for Public Policy Research and Analysis* 106 (2014): 1–27. <https://repository.kippra.or.ke/handle/123456789/600>.
- Scott, James C. 1985. “Normal Exploitation, Normal Resistance.” In *Weapons of the Weak: Everyday Forms of Peasant Resistance*, 28–41. New Haven: Yale University Press.
- Sen, Amartya. 1999. *Development as Freedom*. Oxford: Oxford University Press.

- Shared Moments with Justus. 2023. “I Was Tórtured, Beáten, Poísoned, Ráped & Ímpregnated by My Saudi Boss | Shared Moments with Justus.” Www.youtube.com. June 21, 2023. <https://www.youtube.com/watch?v=RmjIhX5g7e0>.
- Shared Moments with Justus. 2022. I wish I never left Kenya for Saudi Arabia. I regret || Shared Moments with Justus Interview by Helen Ndenge. *Shared Moments with Justus*. <https://www.youtube.com/watch?v=IEQGG7Ka0GE>.
- Shivakoti, Richa, Sophie Henderson, and Matt Withers. 2021. “The Migration Ban Policy Cycle: A Comparative Analysis of Restrictions on the Emigration of Women Domestic Workers.” *Comparative Migration Studies* 9 (1): 1–18. <https://doi.org/10.1186/s40878-021-00250-4>.
- Stark, Oded, and David Bloom. 1985. “The New Economics of Labor Migration.” *The American Economic Review* 75 (2): 173–78.
- Stewart, Abigail. 1994. “Toward a Feminist Strategy for Studying Women’s Lives.” In *Women Creating Lives: Identities, Resilience and Resistance*, 11–35. Boulder: Westview Press.
- Strange, Michael, Vicki Squire, and Anna Lundberg. 2017. “Irregular Migration Struggles and Active Subjects of Trans-Border Politics: New Research Strategies for Interrogating the Agency of the Marginalised.” *Politics* 37 (3): 243–53. <https://doi.org/10.1177/0263395717715856>.
- Tayah, Marie-José. 2016a. “DECENT WORK for MIGRANT DOMESTIC WORKERS: MOVING the AGENDA FORWARD International Labour Office • Geneva.” Geneva: ILO.



Tayah, Marie-José. 2016b. *Decent Work for Migrant Domestic Workers: Moving the Agenda Forward*. Geneva: International Labour Migration.

The Constitution of Kenya. 2010. “THE CONSTITUTION of KENYA, 2010.” [http://www.parliament.go.ke/sites/default/files/2023-03/The\\_Constitution\\_of\\_Kenya\\_2010.pdf](http://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf).

The Ultimate Gorgeous. 2023a. “Make the Best out of Every Situation.” TikTok. May 4, 2023. <https://www.tiktok.com/@theultimategorgeous/video/7229240921508891912>.

———. 2023b. “When Waiguru Thinks I’m Very Hardworking.” TikTok. June 22, 2023. <https://www.tiktok.com/@theultimategorgeous/video/7247208485253926151>.

The Ultimate Gorgeous. 2023c. “Some of the Safety Measures We Should Be Taking as Kadamas in Saudi Arabia.” TikTok. May 30, 2023. [https://www.tiktok.com/@theultimategorgeous/video/7238958022771461383?is\\_from\\_webapp=1&sender\\_device=pc&web\\_id=7248945304253466138](https://www.tiktok.com/@theultimategorgeous/video/7238958022771461383?is_from_webapp=1&sender_device=pc&web_id=7248945304253466138).

———. 2023d. “Try to Ignore Some of This Stuff Meant to Make You Feel Bad .” TikTok. June 19, 2023. [https://www.tiktok.com/@theultimategorgeous/video/7246374247172541704?is\\_from\\_webapp=1&sender\\_device=pc&web\\_id=7248945304253466138](https://www.tiktok.com/@theultimategorgeous/video/7246374247172541704?is_from_webapp=1&sender_device=pc&web_id=7248945304253466138).

Truluck, Emilia. 2023. “Using Islam to Protect the Rights of Migrant Workers: Bringing Kafala into Sharia Compliance in Saudi Arabia.” *UCLA Journal of Islamic and near Eastern Law* 20 (1): 155–77. <https://doi.org/10.5070/n420160505>.

Tum, Peter. 2019. “Kenya Labour Migration: Trends, Challenges, Management and Potential Areas for Cooperation.” In *The Regional Ministerial Forum on Harmonizing Labour Migration Policies in the East and Horn of Africa*, 1–17. Nairobi: State Department for Labour.

UNCTAD. 2018. “Migration for Structural Transformation.” New York: United Nations. [https://unctad.org/en/PublicationsLibrary/aldcafrica2018\\_en.pdf](https://unctad.org/en/PublicationsLibrary/aldcafrica2018_en.pdf).

United Nations. 1990. “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.” OHCHR. 1990. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>.

Vinner, Maya Kraut. 2022. “RAPID ASSESSMENT on the PROTECTION NEEDS, RISKS and VULNERABILITIES of RETURNING MIGRANT WORKERS and MEMBERS of THEIR FAMILIES in KENYA.” Nairobi: IOM Regional Office for East and Horn of Africa. <https://eastandhornofafrica.iom.int/sites/g/files/tmzbd1701/files/documents/RAPID%20ASSESSMENT%20ON%20RETURN%20AND%20REINTERGRATION-KENYA.pdf>.

Wickramasekara, Piyasiri. 2008. “Globalisation, International Labour Migration and the Rights of Migrant Workers.” *Third World Quarterly* 29 (7): 1247–64. <https://doi.org/10.1080/01436590802386278>.

World Bank. 2022. “World Bank Country and Lending Groups.” The World Bank. 2022.

<https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

Yin, Robert. 2014. *Case Study Research: Design and Methods*. 5th ed. Los Angeles: Sage Publications.

Yin, Robert, and Donald Campbell. 2018. *Case Study Research and Applications: Design and Methods*. 6th ed. Thousand Oaks, California: Sage Publications.

Zahra, Maysa. 2018. "Saudi Arabia's Legal Framework of Migration Gulf Labour Markets and Migration." Gulf Labour Market and Migration.  
[https://gulfmigration.grc.net/media/pubs/exno/GLMM\\_EN\\_2018\\_03.pdf](https://gulfmigration.grc.net/media/pubs/exno/GLMM_EN_2018_03.pdf).

Zhang, Yan, and Barbara Wildemuth. 2005. "Qualitative Analysis of Content."  
[https://www.ischool.utexas.edu/~yanz/Content\\_analysis.pdf](https://www.ischool.utexas.edu/~yanz/Content_analysis.pdf).