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# In Service of Those Who Serve Us?

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The Impact of  
Immigration Policy on  
Discrimination against  
Foreign Female  
Domestic Workers in  
Kuwait

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## Introductio

According to data estimates at the World Bank, approximately 74 million -nearly half- of all migrants departing from the developing world settle and reside in other developing countries (Ratha and Shaw 2007). A prominent and significant example of such a South-South migration includes South-Asian workers migrating to the oil-rich states of the Persian Gulf, such as Kuwait (Kapiszewski 1996). While migration to the Gulf has become increasingly differentiated, the vast majority of South Asian migrants remain in low-skilled positions, with foreign female domestic workers “constituting one-third of total expatriate workforce” (Motaparthy 2010, 22).

In 2009, embassies of labour-sending countries in Kuwait received more than 10,000 complaints of ‘modern day slavery’ from domestic workers employed in the country. Like Sawla, these workers were subjected to a number of human rights violations, which included the nonpayment of wages, excessively long working hours with no rest, passport confiscation, and physical, sexual and psychological abuse. Although many more likely remain unreported, the sheer number of complaints shines light on what has become a very serious problem in Kuwait. The issue of maltreatment of foreign, female, domestic workers is receiving considerable media exposure and is a serious concern of NGOs and human rights organizations worldwide, as evident by the recent Human Rights Watch report entitled “*Walls at Every Turn*” by Priyanka Motaparthy (Motaparthy 2010).

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*“I am treated like a stranger, even after working for them for 8 years; I still feel I am a maid. We are vulnerable in their houses because we are poor” (Sabban 2004, 94)*

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*“Mama [my employer] would close the fridge; we were not allowed to take any food. She also beat me if there was anything wrong, like a tiny speck of dust. I worked from 6 a.m. until 1 a.m. I wanted to leave, but she would not allow me. I call[ed] the agency ... they told me not to come to them. [Now] I want to go home, but my passport is still with Mama. She threatens to go to the police if [I] bother her again.” —Sawla T., Ethiopian domestic worker, Kuwait, November 17, 2009 (Motaparthy 2010, 2)*

Much of this abuse and exploitation is blamed on the Kuwaiti government's immigration policies, arguably designed in such ways to favour the local, Kuwaiti population over the expatriate community. Kuwait's *kafala*<sup>1</sup> system is heavily to blame for what is occurring today. Set forth by the Aliens' Residence Law of 1959, this system requires employers to act as "sponsors" of migrant worker's legal residency and employment in Kuwait. With this type of control, sponsors are given the power to abuse their workers with full impunity, and they often do especially with regards to foreign female domestic workers. In addition, these workers are excluded from the labour laws that protect other workers and guarantee protections. Although there have been promises to abolish this exploitative system by February 2011, there is much scepticism about the potential effectiveness of this ban on alleviating the abuse and suffering of female domestic workers in Kuwait.

In this paper, I hope to analyze the extent to which migration policy in Kuwait affects the working and living conditions of low-skilled, foreign female domestic workers, and to discuss whether a shift in migration policy would significantly improve their quality of life. More specifically, **would a movement away from the restrictive and xenophobic immigration policies, towards more integrative policies be more conducive to these workers?** To do this, I plan on examining the background and history behind immigration patterns and policies in Kuwait, and discuss the implications that these policies have had on foreign female domestic workers. In addition, I plan to briefly compare the domestic workers situation in Kuwait to findings from Hong Kong and Canada (states who arguably have more integrative immigration policies than Kuwait), to determine how much of an impact a policy shift would have in the Kuwait context. I will also discuss other factors impacting the exploitation of domestic workers in Kuwait, particularly xenophobic attitudes, status perception and gender biases which will help improve our understanding of labour dynamics in Kuwait.

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<sup>1</sup> Sponsorship system in Kuwait, requiring employers to act as sponsors for foreign workers. Although this system applies to all expatriate workers, low-skilled domestic workers are particularly vulnerable to its abuses.

For this paper, I have chosen to use the case of foreign female domestic workers due to the fact that they are often under-looked in national and international research and policy making, despite their marginalization, exploitation and abuse. In addition, there is significantly more research on domestic workers in Kuwait, relative to other migrant and occupational groups. For the most part, I will be using research from Kuwait, with some reference to other GCC<sup>2</sup> countries. Due to the limited scope of this paper, I will not be looking at the effects of these migration patterns on labour-sending countries.

## **General Immigration Trends in Kuwait**

According to Anh Nha Longva, the GCC states are unique because of their “skewed demographic profile” (Longva 1999, 20). As figures 1 and 2 in the appendix illustrate, expatriate workers make up more than 50% of the total population in Kuwait. Of these foreign workers, approximately 295,000 are from India, 157,000 are from Bangladesh, 101,000 from Pakistan and 100,000 are from Sri Lanka (Jureidini 2003, 4).

The discovery of oil in the Persian Gulf states has allowed them to transform and modernize their economy; this process would not have been made possible without the employment of a large numbers of foreign workers. After the oil boom of October 1973, the major oil exporting countries of the Persian Gulf had to deal with a complicated dilemma: “what to do with the extremely vast revenues from oil exports?” (Winckler 1997, 480). The Gulf countries were faced with grand development plans, and the funds to pay for them, but with a totally inadequate workforce. According to Winckler these investment projects “required an extensive work force of a quality and quantity which could not be supplied by local sources” (Winckler 1997, 480), in part due to the small national population sizes, and

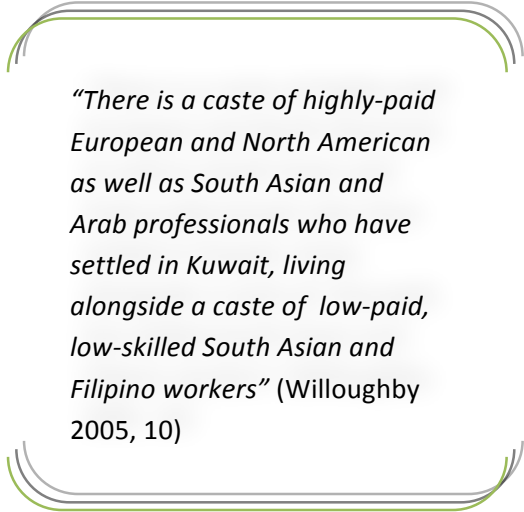
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<sup>2</sup> GCC stands for the Gulf Cooperation Council, whose membership includes: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (Willoughby 2005, 5)

the reported low rates of labour force participation. These trends forced the GCC countries to substantially increase the number of foreign workers in their countries, to allow them to meet the labour demands set by a growing economy. The population growth during the years 1975-1985 was the highest that the Gulf area had ever experienced, in fact, “one of the highest in the entire world for that period” (Winckler 1997, 481). From figures 1 and 2 in the appendix, we can see that labour immigration played a large role in achieving this rapid population growth experienced in Kuwait.

Simultaneously, governments in the labour exporting countries realized the benefits that could be reaped from labour movement, in terms of workers’ remittances. Indeed, the substantial amount of workers’ remittances eased the “chronic balance of trade deficits and foreign exchange shortages in the labour exporting countries, and also financed industrial, agricultural, and housing projects” (Winckler 1997, 481).

The Iraqi invasion of Kuwait in August 1990 brought with it dramatic demographic changes. Almost overnight “90% of the foreigners left Kuwait” (Winckler 1997, 482), with the assistance of their embassies. However, following the liberation of Kuwait, reconstruction programmes required a large number of workers, resulting in increased immigration flows, which together with the return of nationals who fled the invasion resulted in a rapid increase in population growth from the second half of 1991 onwards.



*“There is a caste of highly-paid European and North American as well as South Asian and Arab professionals who have settled in Kuwait, living alongside a caste of low-paid, low-skilled South Asian and Filipino workers” (Willoughby 2005, 10)*

Currently, some 2.35 million foreigners live in Kuwait (almost two-thirds of the population). It is important to note, however, that a lesser percentage of foreigners in these statistics hold professional and even governmental jobs (Essaid 2010), as illustrated in figures 5 and 6 in the

appendix. As Willoughby elaborate discrepancies exist even within the expatriate community, on occupational and racial lines. Of these foreign workers, about 1.7 million are low-paid, low-skilled workers, including 650,000 domestic workers (Arab Times Online 2010) with roughly one third from India and another one third from Sri Lanka (Jureidini 2003, 4). In Kuwait, in 2000 roughly 43% of the foreign population were women (Jarallah 2009, 5), the majority of whom work in the service or labour sector (90% as illustrated in figure 6 in the appendix). With regards to Asian female migration, it is estimated that “around 90% of all Asian migrant women are primarily employed as domestic workers in the service sector” (Jarallah 2009, 6). Because of increases in household incomes, shifting family dynamics increasingly towards nuclear families, as well as the increased labour force participation of national women, the demand for female foreign domestic workers has risen sharply (Willoughby 2005, 30).

## **Immigration Policies in Kuwait**

### **Historical**

Initially, given the economic and demographic reality, Winckler argues that all conditions pointed towards “liberalizing entry conditions for foreign workers, giving greater priority to the needs of the labour force” (Winckler 1997, 483) as opposed to migration restriction based around notions security and political issues over the growth of foreign population. During this time, the proportion of foreign workers grew to about 53% in the early 70s.

However, towards the end of the 1970s, and increasingly after 1982, the immigration policies of the GCC countries underwent a substantial change, with authorities exercising greater control over the admission of foreign workers. This was brought upon by several reasons. Economic slowdown caused by

the fall in oil prices played a part, as well as the high cost of subsidizing foreign workers. This diminished the economic attractiveness of foreign labour, but perhaps more significantly, there was increased pressure from the national community to restrict immigration due to increases in unemployment within the local work forces as well as the increased fears of “unwanted social and cultural changes” (Winckler 1997, 483). These changing economic and political realities encouraged local authorities to take greater interest in domestic security policies.

## **Contemporary**

### **Preferential Policies**

To address the growing concerns about national unemployment, low labour force participation and to address fears of immigrant encroachment, the Kuwaiti government has attempted to nationalize the workforce i.e. reducing the number and percentage of foreign workers within the total work force. This has been done (at rather, attempted) by indirectly influencing the private sector to employ citizens. At present, the majority of the national workforce tends to be concentrated in the public sector, “where salaries and benefits are higher than in the private sector” (Jureidini 2003, 4); as a result, over 90% of nationals work in the public sector, where they account for 97.3% of public workforce (Winckler 1997, 489). Inversely, in the Kuwaiti private sector, nationals account for only “1.8% of the workforce” (Kapiszewski 1996, 5). In recent years the public sector has become increasingly saturated, whilst simultaneously, the private sector has become increasingly competitive, thus putting greater pressure on the Kuwaiti government to intervene in the labour markets, in favour of their national citizens (Kapiszewski 1996). Key measures that have been introduced in attempt to nationalize the workforce, include some professions have been reserved for nationals only, employment quotas regarding the

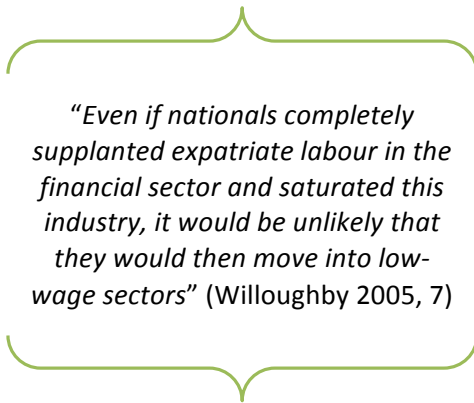


numbers and proportions of nationals and expatriates in certain professions, as well as subsidies in the private sector to encourage the employment of nationals. (Kapiszewski 1996).

To further appease nationals, national citizens now “receive subsidized supplies of energy, free medical care, free higher education, and free land; in addition, many families receive substantial cash transfers through programmes such as the marriage fund during key stages of their life” (Willoughby 2005, 8).

For the most part, attempts to nationalize, or at the very least Arab-ize the workforce, have failed in Kuwait. As shown in figure 3 in the appendix, the Arab share of the total population in Kuwait has dropped significantly, from 80% in 1975 to 30% in 2002/2004. It is important to consider that wage differences exist, and for the most part, it is far costlier for private sector employers to hire Kuwaiti nationals over foreign workers; Willoughby notes that a “disproportionately high compensation” (Willoughby 2005, 8) is requested by Kuwaiti nationals in the private sector. It is also important to consider that there are significant variations in education and skill levels between Kuwaiti and non-Kuwaiti professionals (Willoughby 2005).

However, in reference to domestic work, how important are nationalization policies and education levels, given the low-skilled nature of this type work? As Willoughby contends, these preferential policies have little impact on domestic workers per se, but they can act as an obstacle preventing upward economic and occupational mobility among low-wage workers, including domestic workers who may often be over-qualified.



*“Even if nationals completely supplanted expatriate labour in the financial sector and saturated this industry, it would be unlikely that they would then move into low-wage sectors” (Willoughby 2005, 7)*


## **Restrictive Policies**

Restrictions have been placed on foreigners and expatriates with regards to property and asset ownership. Non-Kuwaitis have been banned from owning immovable property, and are barred from entering into a commercial venture without a national partner “in order to ensure that nationals were involved in new projects that were being undertaken in various economic fields” (Winckler 1997, 484). This did not however create the anticipated result (creating a new entrepreneurial class), but did succeed in creating a system known as ‘silent partnerships’ where the local partners were unfairly and unjustly entitled to 51% of the revenues, despite the minor role played by them.

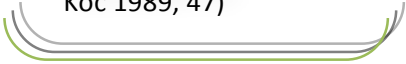
There have also been attempts to limit the number of accompanying family members allowed to each foreign worker; the Kuwaiti Ministry of Labour and Social affairs announced in March of 1985 that any non-Kuwaiti applying for a visa for his family, must provide a “statement to the effect that he has a minimum income of KD 450 per month if employed by the government, or KD 600 if employed in the private sector” (Winckler 1997, 483).

But perhaps the most significant restriction on immigration is the fact that “migrants are always contract workers” (Longva 1999, 20) and labour migration to the Gulf rarely leads to permanent settlement or naturalization, “no matter how long a worker has been living and working in a host country” (Longva 1999, 20). As Jureidini and Longva explain all expatriates know that eventually the contract will expire, and as such there are no expectations for permanent settlement or citizenship rights (Jureidini 2003, 3) (Longva 1999, 20). This applies to foreign professionals, as well as low-skilled migrant workers and foreign female domestic workers, with very few exceptions.

In that sense, the immigration policy of Kuwait operates much in the same way as guest-worker schemes. According to Nasra Shah, a professor at Kuwait University, “the country has no program for the integration of migrants since it views them as temporary workers who are in the country on



*“Behind the term ‘guest-worker’ is a belief that such workers are like replaceable parts; for every part that breaks down, there is a seemingly endless supply of replacements” (Arat-Koc 1989, 47)*



renewable contracts that are awarded generally for about 2 years at a time” (N. Shah 2006, 2). Because their immigrant status is on a contractual basis, these workers are “terminated from the possibility of ever properly assimilating into a host country” (Holroyd, Molassiotis and Taylor-Pilliae 2001, 185), and this is holds true in the case of foreign female domestic workers.

With regards to the popular opinions on immigration levels and policies, surveys show that

residents of Kuwait “considered the immigration levels to their countries to be too high and expressed a desire to lower it” (N. Shah 2006, 2), as figure 8 in the appendix details.

## **The *Kafala* System**

The sponsorship system in the oil states of the GCC is one of the most unique systems developed affecting migrant labour. It was designed with the interests of the native population in mind, “who perceived themselves as being under siege” (Longva 1999, 22). The great majority of those impacted by this system are foreigners performing menial labor jobs (Essaid 2010), particularly including foreign female domestic workers. In Kuwait, migrant workers receive an entry visa and a residence permit “only if a GCC citizen or institution employs them” (Longva 1999, 20), and employs full economic and legal responsibility of them. The employer thus serves as a *kafeel*<sup>3</sup>. Legally, once a foreign, female

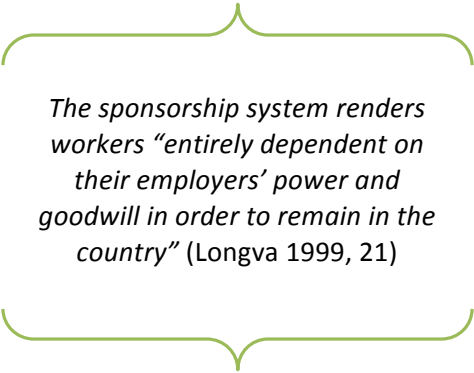
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<sup>3</sup> A local who obtains the entry visa and the work permit for a foreign worker in exchange for payment (Winckler 1997, 483)

domestic worker enters her employer's house she is "totally under his/her control, since the employer is usually her visa sponsor through the *kafala* system" (Sabban 2004, 92)

The sponsorship system has become an opportunity "for nationals to make easy money out of foreign labour and sponsorship" (Sabban 2004, 100).

Restrictions in work permits have resulted in a "market in permits and sponsorships" whereby "workers compete against each other for the papers necessary to obtain a



*The sponsorship system renders workers "entirely dependent on their employers' power and goodwill in order to remain in the country" (Longva 1999, 21)*

visa, allowing the seller of such certificates to extract rents through discriminatory pricing for agent services" (Willoughby 2005, 19). As Willoughby contends, "these transaction costs can also be considered a rental payment" (Willoughby 2005, 19) and the benefits of these payments are shared amongst labour recruitment agencies, and the Kuwaiti sponsors of the workers. On average, an Indian worker will pay Rs. 77,268 (approximately \$1,650) in order to obtain the necessary documents to legally work in the GCC, and of this the total rent extracted is roughly \$1370 (Willoughby 2005, 23). This process is best demonstrated in the flow chart depicted in figure 7 in the appendix.

Under the *kafala*, there is no formal engagement in legal binding contracts which would set out "protections, rights, responsibilities, terms of reference to their situation, earnings, hours or work, relationship to the employer or other aspects" (Sabban 2004, 98). Furthermore, as a report from Human Rights Watch contends, the regulations of the *kafala* "prohibit domestic workers from changing jobs without their sponsoring employer's consent, leaving them dependent on individual employers for their livelihood" (Human Rights Watch 2010, 10). These extra controls tie workers more tightly to particular jobs and create a modern form of "indentured servitude" (Willoughby 2005, 26), which are consistent with Bales' 'concept of contract slavery' which contains three elements, namely violence or threat of

violence, restriction of physical movement, and economic exploitation (Bales 1999). The implications of these policies and problems of worker abuse are most severe for female migrant workers, who are largely employed in the field of domestic service, adding a gendered dimension to the Gulf migration experience.

## **Implications for Foreign Female Domestic Workers**

Although abuse doesn't only affect domestic workers the implications discussed in this paper refer to their experiences. Much abuse and exploitation also occurs with regards to other low-skilled migrant workers such as men who perform heavy-labor construction work. In particular, non-payment and delayed payment of wages affects these workers, who are forced to live "crowded camps under intense heat without food or basic utilities let alone necessary air conditioning" (Essaid 2010)

### **Violence or Threat of Violence**

It is believed that Gulf Arab patriarchal and chauvinistic attitudes towards domestic labourers creates a hostile work environment (Willoughby 2005, 32), with multiple reports circulating about verbal, physical and sexual abuse.

Complaints of verbal have been made by both male and female servants, who are "vulnerable to harsh, derogatory criticisms" (Willoughby 2005, 32). As Jureidini shows, employees may be belittled on a daily basis, such as with "name calling- *hmarā*<sup>4</sup> being the most common term used" (Jureidini 2003, 6).

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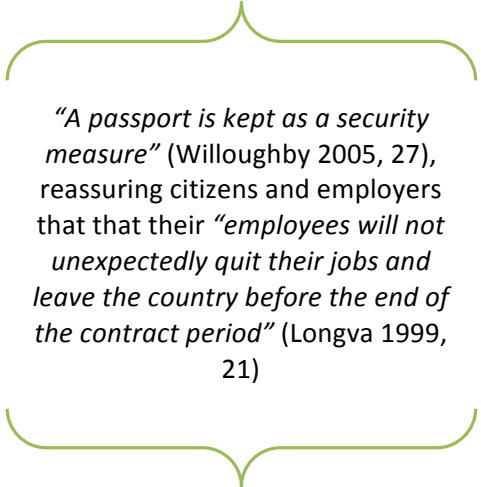
<sup>4</sup> Donkey

News reports show women suffering from “beatings, slapping, burns from boiling coffee, broken ribs, scars, and bruises and sometimes even hospitalization” (Jureidini 2003, 7), including the murder of Kikim Komalasari (allegedly slashed across the neck by her employers) and the attack of V.R. Lechchmi (who had fourteen nails inserted into her body, and was then subsequently sent back to her native Sri Lanka without having them removed prior) (Essaid 2010). Psychiatric studies in Kuwait show that the morbidity of female domestic workers in Kuwait is at least five times higher than the natural rate for a national Kuwaiti female (Jarallah 2009, 8).

In addition, female servants often suffer from sexual harassment from both their male and female employers.

### **Restriction of Physical Movement**

It is a common practice throughout the GCC that sponsors require expatriate workers under



*“A passport is kept as a security measure” (Willoughby 2005, 27), reassuring citizens and employers that their “employees will not unexpectedly quit their jobs and leave the country before the end of the contract period” (Longva 1999, 21)*

their responsibility to surrender their passports (Longva 1999, 21); these passports remain in their possession throughout the duration of the contract. This practice is not required by law, nor endorsed by it, but it remains a fairly common practice in Kuwait. The local authorities and citizens justify this on security grounds, “reasoning that the expatriate population is larger than the native population and emphasizing that the expatriate workers are entrusted with jobs at all levels”

(Longva 1999, 21).

Under this practice, it is impossible for a servant to leave the household on her own, without threat of arrest or deportation. Since a domestic worker cannot terminate the *kafala* without her

employers consent, running away is the only option (Longva 1999) and one cannot do so without breaking national law. To add to the fear, “there is a tacit expectation that being detained by security forces will likely be accompanied by some form of physical or even sexual abuse” (Jureidini 2003, 7).

It is important to note however, that this practice varies according to class of profession; higher-skilled, higher-paid professionals are unlikely to see their passports being withheld from them in the same way low-skilled, low-paid workers are, further illustrating the segmentation class and occupation of migrants. Of migrant labourers, it is reported that only “20 percent of workers in Kuwait admitted to keeping passports in their possession” (Garcia 2010).

### **Economic Exploitation**

Under Kuwaiti labour law, domestic service is the only occupation where employees are not obligated a day-off per week. Foreign female domestic workers often work between 78 and 100 hours per week. According to Willoughby, “the only free time such workers have is when they are sleeping, and they receive at most 1 day off a month” (Willoughby 2005, 32).

In addition, there are no minimum wage obligations with regards to domestic workers, and thus wages vary according to ethnic background and “not based on their education or previous skills” (Sabban 2004, 95). On average, these wages come up to about US 130-200\$ per month. Another frequent complaint relates to non-payment of wages, due to the lack of expatriate power (Willoughby 2005, 28).

### **Comparative Case Studies**

Given the unique historical, economic, social and demographic characteristics of the region, it is difficult to adequately compare the experiences of domestic workers in the GCC to those of domestic workers elsewhere globally. Despite this, comparisons with Hong Kong and Canada show some similar patterns with regards to exploitation and [relatively ] restrictive immigration policies, as well as some slight similarities in patterns of abuse, even though they have relatively relaxed immigration regimes, promoting integration to a greater extent than Kuwait. This suggests that immigration policy might not be as significant a factor as previously assumed, with regards to the discrimination of foreign female domestics, and that perhaps we should look at alternative explanations to understand the continuation and universality of abuse.

## **Hong Kong**

Over the decades, the number of foreign domestic workers has increased dramatically in Hong Kong, “from a few hundred workers in the 1970s to 150,000 in late 1995” (Constable 1997, 541). Similar to Kuwait, over 90% of those workers are women, with the vast majority coming from the Philippines. Also similar to Kuwait, foreign domestics are considered guest-workers, expected to stay in Hong Kong for less than 4 years, and as such are “restricted by most Hong Kong immigration policies from bringing their families with them” (Constable 1997, 541).

Unlike Kuwait however, these workers are protected under the Employment Ordinance and the Standard Contract for the Employment of a Foreign Domestic Helper. Under these legal specifications, domestics are not allowed or required to take up any other employment with any other employer during the effective period of the contract, they are entitled to protection of privacy and to one "rest day" every week, with the rest day being a continuous period of not less than 24 hours (Hong Kong Immigration Department 2010). In addition, an employer convicted of paying below the "minimum



allowable wage" is liable to a maximum fine of HK\$350,000 and three years' imprisonment (Hong Kong Immigration Department 2010).

Cheung and Mok's study of Filipina maids in Hong Kong concluded that "Filipina domestic workers were generally satisfied with their work conditions and situation" (Cheung and Mok 1998, 174), but also reported some slightly similar problems of verbal and sexual abuse, non-payment or delayed payment of wages, long hours with no concept of over time. In addition, different problems were identified including loneliness, and difficulty in communication (Cheung and Mok 1998), expression of sexuality (Constable 1997), ambiguous conditions of sick leave, and higher than average levels of psychiatric ill health (Holroyd, Molassiotis and Taylor-Pilliae 2001).

## Canada

In Canada, domestic workers are permitted immigration "with temporary status" (Arat-Koc 1989, 36) under the Live-in-Caregiver Program, which ties domestic workers, their work permit applications and immigration status directly to an employer, theoretically in a similar way to the *kafala* system.

Unlike Kuwait however, eventually these workers can be eligible for landed immigrant status after 2 years of working as a domestic worker under the Live-in-Caregiver Program.

*"While Canada may appear rosy compared to some countries in the Middle East, there is a lot more Canada can do to ensure the protection of rights and well being of domestic workers within its borders"* (Grande and Kerr 1998, 11)

The implicit message delivered by Canadian immigration policies and practices is that domestic workers are *"good enough to work, but not good enough to stay"* (Arat-Koc 1989, 50)

However, as Grande and Kerr deduce, there is much more that needs to be done with regards to domestic workers rights in Canada. First of all, it's important to note that domestic workers are one of the few occupational groups in Canada "to whom temporary work permits apply on a permanent basis" (Arat-Koc 1989, 47). It is also rare for domestic workers to be able to meet several of the requirements on the point system, specifically the potential for self sufficiency- especially given the fact that they are often paid below minimum wage and that their credentials are not recognized. In addition "given societal norms about domestic labour skills, these women get very low points for the specific vocational preparation category" (Arat-Koc 1989, 49). Furthermore, the Employment Standards Act on worker entitlements does not apply to domestic workers, and as such there are no standardized wages, benefits or working hours for domestic workers in Canada (Grande and Kerr 1998)- again, we see striking parallels between the Kuwaiti and Canadian contexts.

Because their immigration status is tied to their employer (much in the same way as Kuwait), domestic servants in Canada have very often been restricted in changing employers, and as such "have not been free to change jobs, or to decide whether or not to sell their labour power" (Arat-Koc 1989, 39). This serves to act as a barrier to occupational and upward mobility, much in the same way it has in Kuwait.

In addition, foreign female domestic workers in Canada face some slightly similar problems to their Kuwaiti counterparts, particularly with regards to verbal and sexual abuse and lack of privacy, as well as different problems, regarding difficulty drawing lines between work and time-off (Grande and Kerr 1998).

## **Alternative Explanations**

The comparative case studies of Hong Kong and Canada show that despite relatively integrated immigration policies, specific policies targeting domestic workers are surprisingly restrictive in all three countries. Despite these restrictive policies, abuse and exploitation in Kuwait appears to be more severe and troublesome than those in Hong Kong in Canada, where most of the workers report relatively satisfactory conditions. In this section, I will explore some alternative explanations that can help account for the abuse and discrimination seen in Kuwait: xenophobic attitudes, status perception and gender biases. In this way, we will be analyzing the socio-demographic profile of immigrants in Kuwait by their foreign, female and domestic worker identities.

## Xenophobic Attitudes

Xenophobia refers to “hostility that is based upon beliefs around cultural differences” (Jureidini 2003, 1) or towards foreigners. According to Jureidini, stemming from fear of strangers, social groupings or cultures, xenophobia involves “groupings based upon similarities, values and beliefs that determine the binding forces of individual and societal identity to the exclusion of the other” (Jureidini 2003, 1).

According to his framework, the xenophobic dimension has three aspects; two of these refer to



*“Domestic work is locally perceived as a foreigner’s job and since many domestic workers come from Sri Lanka, the word ‘Sri Lanky’ has entered the spoken Arabic Language to mean ‘servant’” (Jarallah 2009,*

preference of temporary contract labour, excluding possibilities of citizenship and preferential treatment given to nationals (Jureidini 2003, 12), which have been detailed in previous sections of this paper. The other aspect involves attitude of disdain “towards those who are visibly different -particularly Asians” (Jureidini

2003, 5), which will be explored in this section. In this case, it might not necessarily be immigration policy and power dynamics that affects labour abuse, but more so the very fact that they are **foreign** female domestic workers.

According to various scholars, there exists a racist dimension towards the treatment of Asian domestic workers in the Middle East, both historically and contemporarily (Arat-Koc 1989, 47; Jureidini 2003, 5; Kapiszewski 1996). In the GCC, African and Asian migrants are visible minorities, often looked upon “as inferior, or simply ignored or dismissed” (Jureidini 2003, 1). As Lutz contends, “the maid issue has evolved from one of class to one of ethnicity and nationality” (Lutz 2002, 91) emphasizing the links between their ethnicity and servility, so much so that their presence is often associated with their occupation- as Jarallah illustrates in the quote above. This is not just the case in Kuwait, but globally as well- where the links between international migration and domestic service have become increasingly intimate. As Jose Moya’s findings indicate, “migrants- both international and rural- comprise a large majority of domestic servants in just about every other major city” (Moya 2007, 568), and that “immigrants are over-represented in the domestic service in other countries of immigration” (Moya 2007, 569). This unfortunate predicament has led to Asian migrants in Kuwait, and workers specifically, being “considered outcasts in a country that largely depends on them for its functioning” (Jarallah 2009, 6).

As Kapiszewski ironically laments, “strangely enough, the authorities seem to be less worried about the overwhelming presence of Western material civilization, media and consumption patterns, probably the most threatening factors for the local culture and identity of the nationals” (Kapiszewski 1996, 12).

## **Status Perception**

Dirty, dangerous and difficult jobs have become increasingly associated with foreign, migrant (mostly Asian) workers. As Jureidini explains, “in most cases, GCC nationals refuse to accept low-paying manual jobs that require only minimal skills... more and more nationals have acquired the education and skills needed for the better paying jobs” (Jureidini 2003, 4), leaving secondary sector jobs for the foreigners. In this case, it might not necessarily be immigration or immigrant status that affects labour abuse, but more so their low-skilled worker status, and issues related to the nature of work; namely, perceptions related to the **domestic worker occupation**, as Jureidini contends.

As mentioned by Jose Moya, the surge in demand for domestic workers in recent decades can be explained by “the shift from upper-class employment to middle-class and bourgeoisie employment” (Moya 2007, 566). Shifts in class structure, made possible by industrialization, and in the case of the Middle East rapid export-lead growth facilitated by the discovery of oil, can help us understand the class dynamics behind the growth of the domestic services. In the Kuwait context, Kuwaiti nationals got ‘rich fast’ so to speak, greatly exacerbating existing differences in social hierarchy, and with the high levels of inequality present in Kuwait society today (particularly between Kuwaitis and non-Kuwaitis) these differences are even more pronounced. Nowhere more so, than within the household.

Domestic work usually involves the undertaking of general housekeeping chores, and can include tasks such as cooking, doing laundry and ironing, food shopping, and providing care for children and elderly dependents. While these chores are not degrading on their own, the situation becomes more complex when power dynamics and status hierarchies are taken into consideration, as well as the inherently servile nature of domestic work (Jureidini 2003, 12). Because of these notions and processes, “the conditions of domestic service in general, and live-in service in particular, are so

*“Layers of repression and oppression take their toll on the lower orders in the status hierarchy” (Jureidini 2003, 12)*

undesirable” (Arat-Koc 1989, 36) that it is very difficult (if not impossible) to find nationals willing to do the job, and Asian workers are more willing to accept these conditions “including low wages, unlike Arabs.” (Garcia 2010). These negative status perceptions have often manifested itself regarding the way employers (and, frequently, their children) treat the foreign female domestic workers under their sponsorship. (Sabban 2004, 91)

As demonstrated by the cases of Hong Kong and Canada, as well as by Lutz’ study of global domestic workers (Lutz 2002), the social status of domestics remains low universally. That being said, there is some indication of gradual changes in attitudes of national workers towards jobs they had come to perceive as the work of expatriates, and Shah reports that some Saudis are entering the workforce as “butchers, bakers, grocery baggers, work that would’ve been unthinkable years ago” (Shah 2006, 12). However, as an immigration officer reported to Sabban, “if the status for domestics develops worldwide, we will surely follow, and once the concept of domestic work becomes valued worldwide, the status of domestics in the GCC will also improve” (Sabban 2004, 91)- emphasizing the importance of a universal approach towards the status improvement of domestic workers.

## **Gender Biases**

Domestic service is generally identified nowadays as a predominantly female sector, and as it is organized, it is not just about migrant and labour rights but also women’s oppression and liberation. The issue of domestic workers brings up feminist questions and notions primarily “because it is so clearly linked with the privatized nature of domestic labour in our society” (Arat-Koc 1989, 50). The feminization of domestic labour is not restricted to North America, the West or the Middle East; the

*“Domestic workers are doubly marginalized by virtue of their gender and social position”*  
(Holroyd, Molassiotis and Taylor-Pilliae 2001, 184)

same phenomenon has occurred in much of Sub-Saharan Africa, South Asia and Latin America “where women consistently accounted for more than 90% of domestics” (Moya 2007, 562). Perhaps it is not the policies surrounding their immigration, nor their race or occupation, but the feminine gender that explains the reason why foreign

**female** domestic workers are being abused in Kuwait?

The position, status and rights of females in Kuwait is particularly interesting to look at, keeping in mind the lower educational attainment rates, and labour and political participation rates of females in Kuwait (national and foreign) (N. M. Shah 2007). Despite the fact that Kuwait is considered one of the most emancipated countries in the GCC with regards to women’s rights, the feminist movement has only recently, slowly began picking up pace in Kuwait. It may take awhile for these rights improvements to trickle down to migrant domestic workers.

## **Policy Recommendations**

On September 28<sup>th</sup>, 2010, the Kuwaiti government announced that it would abolish this employer-based sponsorship system in favour of a self-sponsorship system by February 2011. This has been praised by the local and international media as a “significant step to address a major source of labour abuse” (Al Jazeera 2010). As Garcia argues, this step “will drastically improve the situation of migrant workers in Kuwait, and GCC countries in general, but will not guarantee workers’ complete protection” (Garcia 2010). The government has further noted that it will “set a number of conditions and will identify groups, who will come under this scheme... giving priority to expatriates with high

academic and technical qualifications” (Arab Times Online 2010). It is not clear whether this change will apply to the lower-skilled migrant workers, or domestic workers who are not covered by any labour law protections (Human Rights Watch 2010). In which case, it is also unclear whether this legislative change will have any effect on eliminating- or even decreasing- human rights abuses against migrant workers in Kuwait. Furthermore, the removal of the *kafala* alone will not determine rights access to the domestic workers, especially if the issue of inclusion under labour law is not affected. This abolishment does not guarantee domestic workers access to labour laws, and the way things stand “labour laws do not recognize at least one category of migrant workers- domestics- as part of the labour force (Sabban 2004, 92) (Longva 1999) (Jureidini 2003, 3). Therefore, it is argued that domestics should be moved to the category of worker, and there should be a strong implementation of a legally binding contract between both employer and employees. The Human Rights Watch urges Kuwait, and other countries notorious for exploitation of migrant labour rights, to “reform labour laws in order to extend comprehensive labour protections in migrant-dominated sectors.” (Human Rights Watch 2010, 6) The successful example of Hong Kong where domestic workers have the right to a minimum wage, a weekly day of rest, public holidays and maternity leave can be looked at as a suggestion.

In addition, efforts should be made to regulate and more effectively control sponsors’ behaviour, perhaps by “introducing a tax on foreign workers” (Jureidini 2003, 4) or the “introduction of a fair minimum wage be considered” (Garcia 2010). Efforts should be made to shift power away from exploitative sponsors, and more into the hands of the workers. In order to do this, there will be a need to reform, or at least significantly improve the effectiveness of enforcement mechanisms, perhaps by the creation of an expedited labour court. As noted, “long waits, poor information about their rights and options, and slim chances of achieving justice mean that many workers give up on redress” (Human Rights Watch 2010, 11), and there is a long standing belief that the government’s ability and willingness



to prevent abuse is close to zero. This should not be the case, and policies should be designed to counter this unfortunate situation.

In order to target xenophobic notions, education channels need to be reformed as well, with the intention to “alleviate or eliminate forms of racism in the Middle East” (Jureidini 2003, 5). Similar campaigns can be extended to include education with

regards to women’s rights and occupational biases.

Education campaigns and seminars should also be provided to incoming workers- particularly domestic workers- educating them on their rights and providing them with basic legal literacy. As Garcia notes, “80% of the surveyed workers in both the UAE and Kuwait

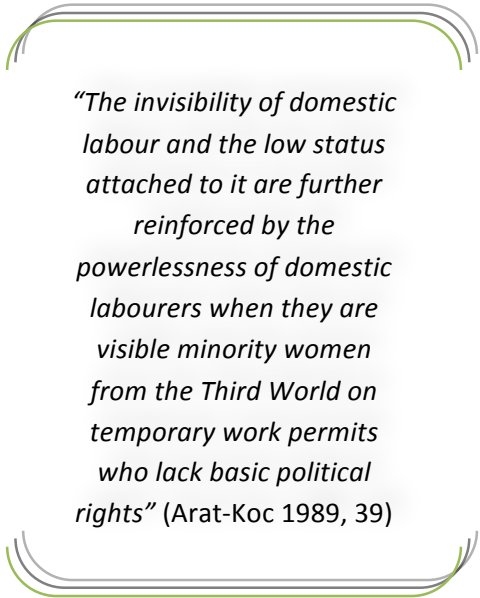
*“Educational programmes should be created to address the prejudiced attitudes held towards domestic workers, and to educate employees in regards to cultural sensitivities, communication skills and workers’ rights” (Sabban 2004, 104)*

are not aware of the general procedures to be followed” (Garcia 2010), and many more are not aware of the stipulated terms and language used in their contracts.

International bodies, such as the ILO should “increase their level of research into domestic migrant workers” (Sabban 2004, 105). In addition, Kuwait should be urged to sign and ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families “and take steps to align national law policies with their international human rights obligations” (Human Rights Watch 2010, 6). This recommendation should be extended to all nations, since- as of 2009- there were only 20 signatories, and no significant effort to increase its ratification and enforcement.

## **Conclusion**

To sum up, the immigration policies currently implemented in Kuwait are restrictive by nature, and do not encourage the integration of migrants into the Kuwaiti society, whether on the demand (preferential policies) or supply side (costs of family reunion, difficulties in obtaining citizenship, *kafala*, or deportation). Because of underlying societal discrimination- not just because of immigrant status, but also because of notions of race, gender and occupational status- a shift in immigration policy alone is not expected to effectively ensure rights for domestic workers. The issue of domestic workers in Kuwait “will remain politically a very sensitive issue and will cause further tensions between the profit-driven



*“The invisibility of domestic labour and the low status attached to it are further reinforced by the powerlessness of domestic labourers when they are visible minority women from the Third World on temporary work permits who lack basic political rights” (Arat-Koc 1989, 39)*

concerns of the private sector, the indigenization efforts of the states and the national security conditions” (Kapiszewski 1996, 14). We must try to understand the national and global inequalities that have helped foster this discriminatory environment towards domestics in Kuwait before rushing into any policy recommendations..

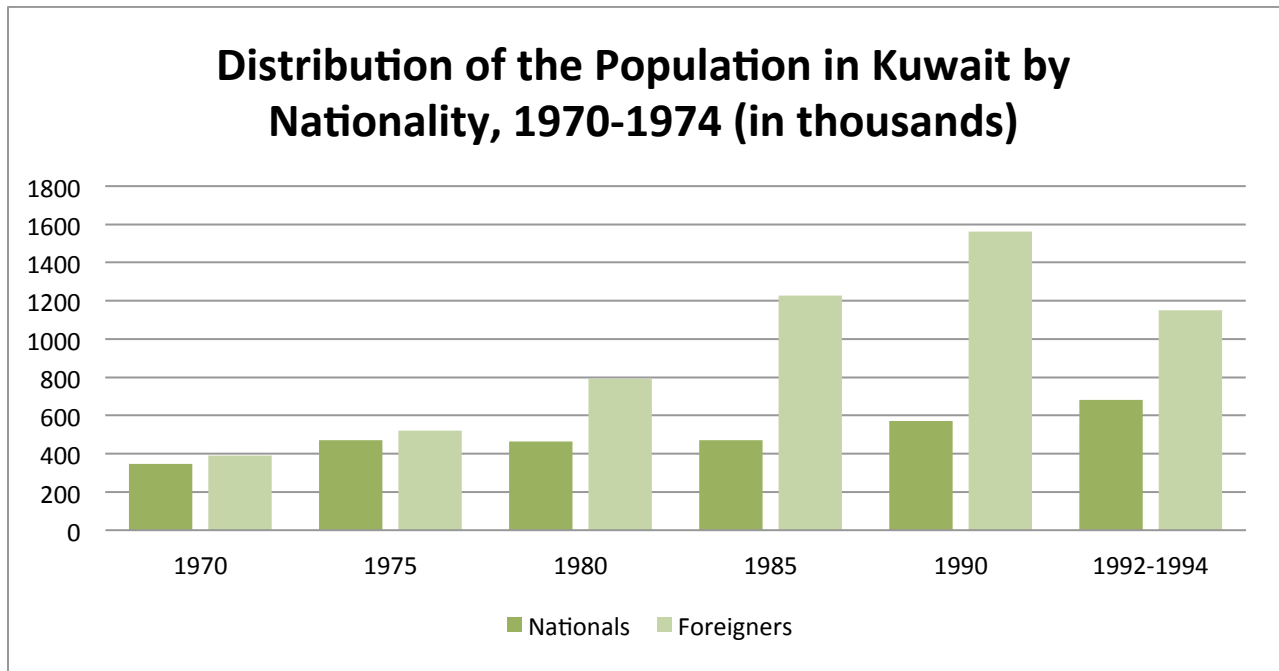
The case of Kuwait, and the use of case studies in Hong Kong and Canada have illustrated the invisibility of domestic worker migrants in almost universal manner. The plight and conditions of domestic workers have been poorly documented from a sociological, rights-based , feminist or an immigration perspective. With immigration flows expected to continue as they are- in Kuwait at least- efforts need to be undertaken to improve the lifestyle and conditions of these workers from a rights based perspective.

That being said, it is also important to note the difficulties in obtaining accurate, reliable and unbiased information regarding the treatment of migrants in the GCC. As Sabban notes, “statistics on

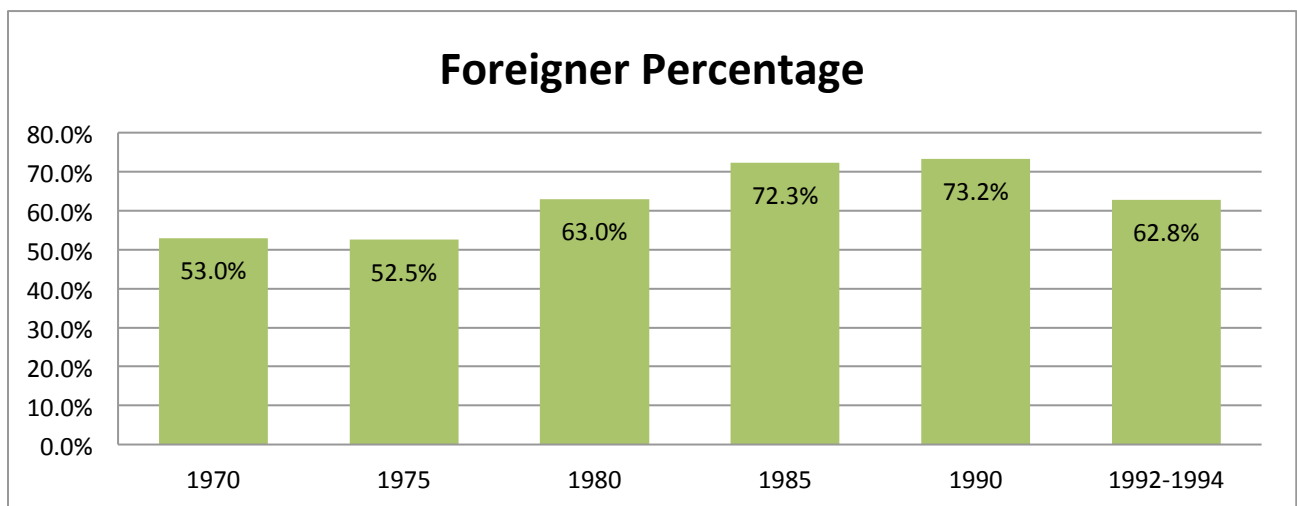
foreign female domestic workers suffer from accuracy, accessibility and transparency issues and there is a lack of recent statistics” (Sabban 2004, 88), and even when such statistics do exist their subjectivity is often questionable (Jarallah 2009, 9).

## Appendix

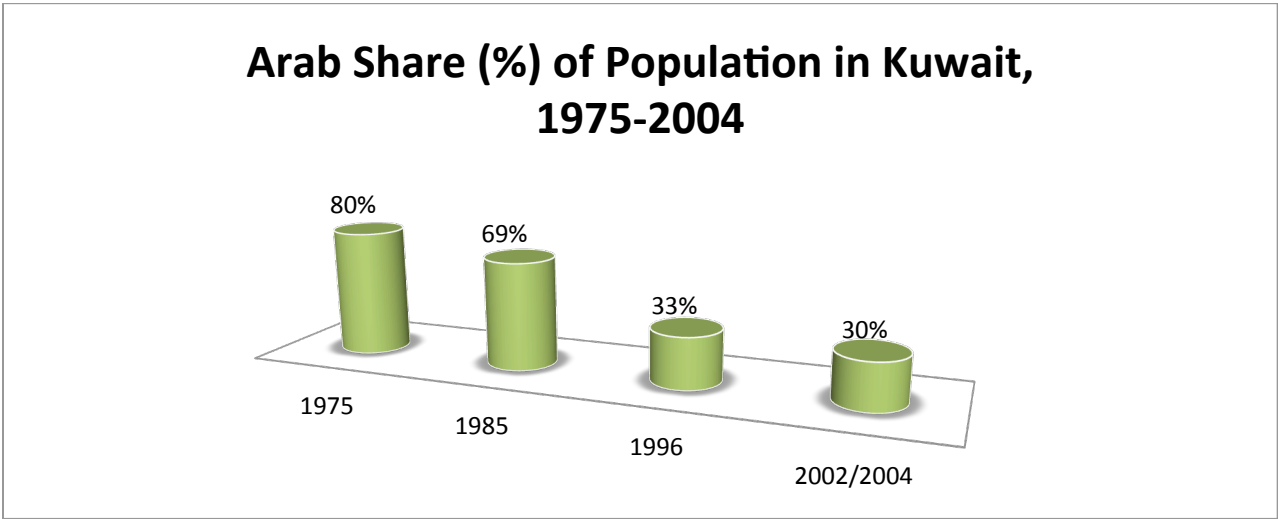
**Figure 1: Distribution of the Population in Kuwait by Nationality, 1970-1974 (in thousands)** (Winckler 1997, 489)



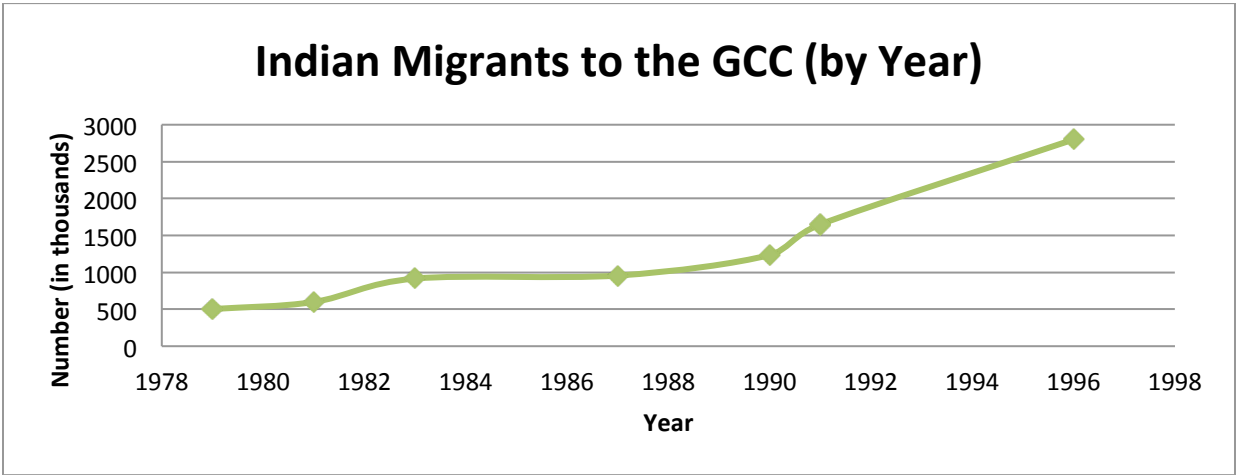
**Figure 2: Percentage of Foreigners in Kuwait (relative to total population), 1970-1974** (Winckler 1997, 489)



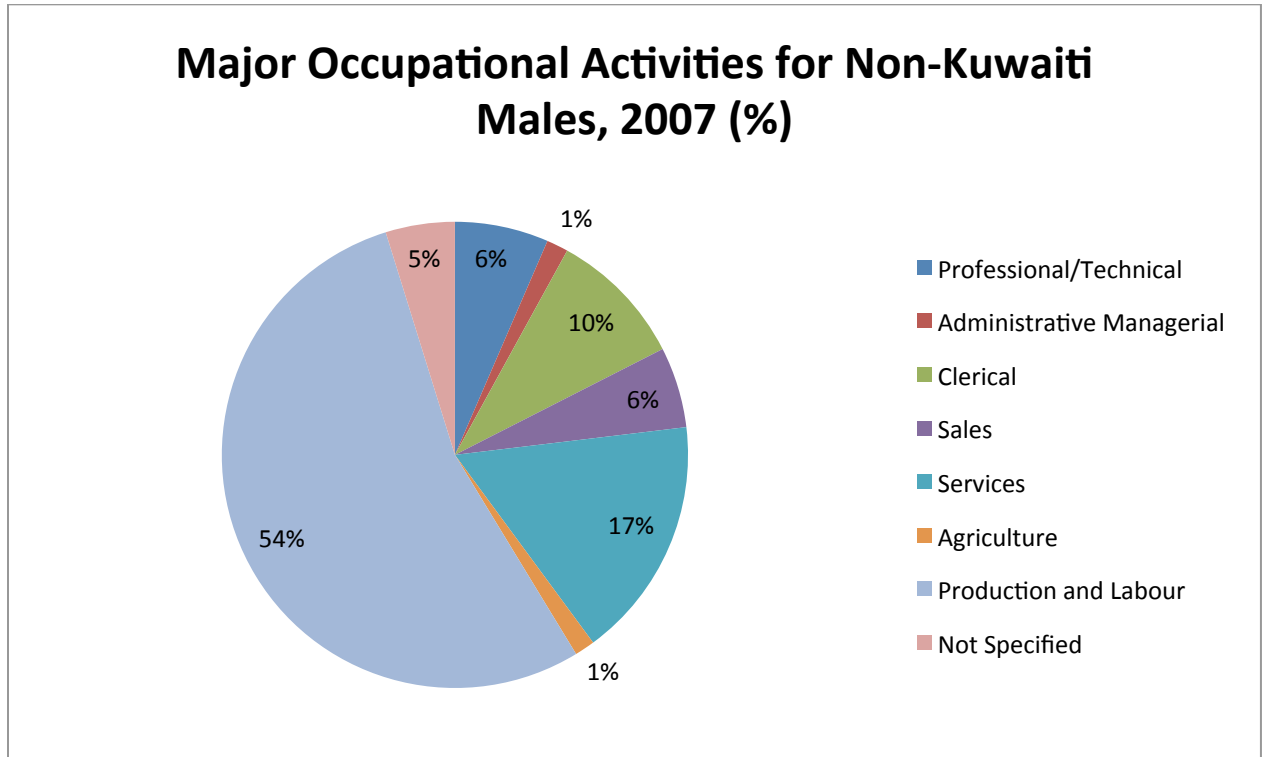
**Figure 3: Arab Share (%) of Population in Kuwait, 1975-2004** (Kapiszewski 1996, 9)



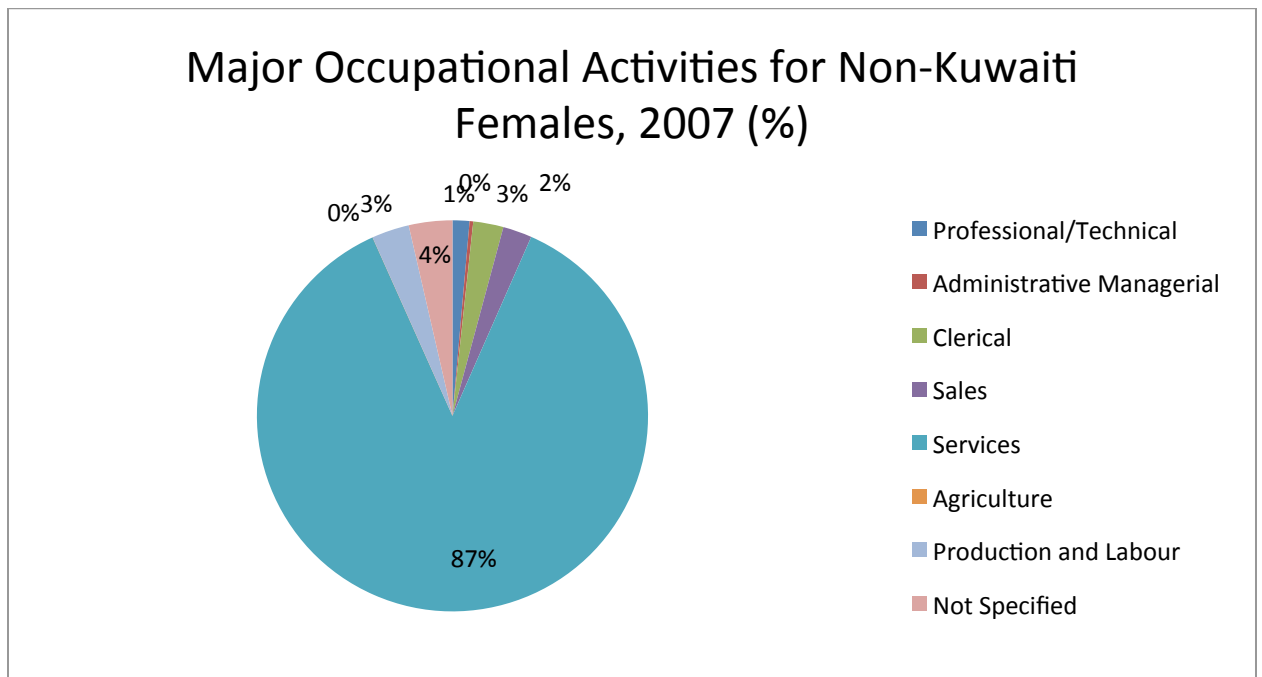
**Figure 4: Indian Migrants to the GCC (by year)** (Willoughby 2005, 12)



**Figure 5: Major Occupational Activities for Non-Kuwaiti Males, 2007 (%)** (N. M. Shah 2007, 16)



**Figure 6: Major Occupational Activities for Non-Kuwaiti Females, 2007 (%)** (N. M. Shah 2007, 16)



**Figure 7: Gaining Entry to the Gulf Labour Market, Through the Sponsorship System** (Willoughby 2005, 21)

Here, agents refer to “licensed labour recruitment agencies, unlicensed agents, or private individuals” (Willoughby 2005, 21)



**Figure 8: Table Showing the Prevalent Attitudes in Kuwait in 2003, Regarding Immigration Policies** (N. Shah 2006, 15-16)

Issue Pertinent to Immigration	Prevalent Attitude
Immigration Levels	Too High
Policy	Decrease immigration Levels
Permanent Settlement	Decrease Levels
Migrant Workers	Decrease Levels
Dependents of Migrant Workers	Decrease Levels
Integration of Non-Nationals	No

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