GENEVA GRADUATE INSTITUTE
INSTITUT DE HAUTES ÉTUDES INTERNATIONALES ET DU DÉVELOPPEMENT
GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES

ARP Team 28
May 2025

Navigating Paradox: Legal Identity as a Tool of Empowerment and Control

The Case of Female Domestic Labor Migrants in Saudi Arabia

TEAM

Anika Karmaker
MINT Migration, Mobilities and Boundaries

Gerardo Dasyel Mendoza Capetillo
MINT Migration, Mobilities and Boundaries

Linda Brunner
MINT Human Rights and Humanitarianisms

Nene Nakamori
MINT Migration, Mobilities and Boundaries

FACULTY LEAD

Delidji Eric Degila
Professor of practice of International Relations
Faculty Associate, Global Migration Centre
Faculty Associate, Centre on Conflict,
Development and Peacebuilding
Faculty Associate, Global Governance Centre

CONTENTS

Glossary

ADHRB:	Americans for Democracy & Human Rights in Bahrain
ATUC:	Arab Trade Union Confederation
BLA:	Bilateral Labor Agreement
BNSK:	Bangladesh Nari Sramik Kendra
BWI:	Building and Wood Workers' International
CSO:	Civil Society Organization
DMW:	Department of Migrant Workers (Philippines)
ESCWA:	United Nations Economic and Social Commission for Western Asia
FDLM:	Female Domestic Labor Migrant
GCC:	Gulf Cooperation Council
ICCPR:	International Covenant on Civil and Political Rights
IDWF:	International Domestic Workers Federation
ILO:	International Labour Organization
IOM:	International Organization for Migration
MFA:	Migrant Forum in Asia
MHRSD:	Ministry of Human Resources and Social Development (Saudi Arabia)
MOHRE:	Ministry of Human Resources & Emiratisation (United Arab Emirates)
MoU:	Memorandum of Understanding
NGO:	Non-Governmental Organization
OHCHR:	Office of the High Commissioner for Human Rights
POEA:	Philippine Overseas Employment Administration
SDG:	Sustainable Development Goal
UDHR:	Universal Declaration of Human Rights
UNLIA:	United Nations Legal Identity Agenda
WPS:	Wage Protection System

EXECUTIVE SUMMARY & RECOMMENDATIONS

01

EXECUTIVE SUMMARY

Legal identity is essential for accessing rights, services, and protections, but for female domestic labor migrants (FDLMs) in Saudi Arabia, it rarely ensures real empowerment or safety. This research paper explores how legal identity frameworks can both reinforce historical injustices and offer opportunities for change for FDLMs in Saudi Arabia.

Drawing on vulnerability theory, postcolonial feminism, and the concept of "global apartheid," the study shows that systems like the Kafala sponsorship regime, restrictive labor laws, and entrenched social hierarchies deepen FDLMs' vulnerability.
The study employs a single-case, multimethod approach, combining policy analysis, semi-structured interviews, and secondary data review. It critically examines the historical and structural injustices embedded in legal identity frameworks and the ways these frameworks can both perpetuate and potentially alleviate the marginalization of FDLMs.

Key findings indicate that despite recent labor reforms in Saudi Arabia, domestic workers remain excluded from many protections. Systemic issues such as passport confiscation, criminalization of "absconding," barriers to unionization, and lack of effective accountability mechanisms continue to expose FDLMs to exploitation and abuse. Current frameworks often reinforce patterns of subordination, echoing legacies of slavery and colonial labor practices. However, legal identity can be transformative if paired with inclusive policies, transparent governance, and strong accountability mechanisms, enabling FDLMs to exercise agency and claim rights.
Closing the gap between legal identity and actual rights requires systemic reform. Recommendations include:

- **Ensure that legal identity functions as a protection of rights**
- **Strengthen and fund civil society partnerships and consular mechanisms**
- **Bolster monitoring and enforcement mechanisms**
- **Demand accountability and justice**

Ultimately, a rights-based, inclusive approach to legal identity is essential for transforming FDLMs from objects of policy into active participants in shaping their migration and labor conditions. The forthcoming recommendations will propose concrete steps for policymakers, civil society, and international stakeholders to advance this agenda.

Policy Recommendations

01 LEGAL FRAMEWORK REFORM

02 LEVERAGE PARTNERSHIPS WITH COUNTRIES OF ORIGIN

03 ENSURE MONITORING AND ENFORCEMENT

04 ENFORCE ACCOUNTABILITY AND DEMAND JUSTICE

Legal Framework Reform

Legal framework reforms are necessary to ensure that legal identity functions as a protection of rights, particularly for marginalized groups who are often excluded despite holding formal documentation.

1 Improve inequalities in legal identity frameworks and ensure legal identity is not used to control migrants but rather as a tool to empower

- Include voices from the most marginalised communities in decision making process;
- Address the ambiguity of the definition of legal identity;
- Increase more global engagement and inclusive in-depth research.

2 Abolish sponsor-tied migration and residency schemes

- Enable migrant workers to obtain residency permits by themselves;
- Make out-of-household living more accessible for domestic workers;
- Abolish the requirement of employers consent for transferring sponsorship for domestic labor migrants;
- Allow migrant workers 60 days grace period when accused of absconding;
- Remove exit visa requirements for labor migrants and ensure freedom of movement.

Legal Framework Reform

Legal framework reforms are necessary to ensure that legal identity functions as a protection of rights, particularly for marginalized groups who are often excluded despite holding formal documentation.

3 Promote international cooperation and leverage influence on authorities

- Include domestic migrant workers in national labor law frameworks;
- Ratify international treaties like the ILO Convention No.189 and the recommendation No.201, as well as the ICMW, 1990;
- Recognize the issue of stateless children of migrants that were born outside of marriage;
- Mandate a fair and universal minimum wage for domestic workers;
- Establish and improve legal procedures to prosecute employers and sponsors who violate the rights of migrants;
- Leverage national and international attention for sporting events to advocate for policy change.

Leverage partnerships with Countries of Origin

Strengthen and fund civil society partnerships and consular mechanisms in both origin and destination countries to ensure migrant domestic workers' rights are protected through inclusive bilateral agreements, accessible complaint systems, and alignment with global labor standards—while grounding interventions in the lived realities of FDLMs by working closely with trusted, locally embedded civil society actors to build long-term resilience and rights awareness.

1 Strengthen and resource civil society partnerships in migrant-sending countries. International organizations should prioritize strategic partnerships with grassroots civil society organisations (CSOs) like IDWF, MFA, and BNSK.

- Scale up pre-employment, pre-departure, and post-arrival orientation programs through investment;
- Establish formal consultation mechanisms that include CSOs in the negotiation and review of bilateral labor agreements and Memorandums of Understanding;
- Enable CSOs to monitor and document rights violations through safe reporting channels with funding and training.

2 Work with Governments of origin- and destination countries on enhancing Bilateral Labour Agreements (BLAs) and Memoranda of Understanding (MoUs) while aligning them with global labour standards.

- Mandate accessible and multi-lingual consular complaint mechanisms for migrant workers by having countries include the specifics of these complaint channels in their BLAs/MoUs;
- Emphasize the duty of embassies to receive and handle complaints, issue and verify identity documents, mediate disputes, and coordinate safe repatriation;
- Ensure that BLAs/MoUs explicitly reference ILO conventions and Global Compact for Migration Objectives 6 & 23;
- Encourage countries of origin to actively advocate for more equitable legal status for their citizens in Saudi Arabia, challenging existing power imbalances and pushing back against structural inequalities embedded in the current migration system.

Ensure Monitoring and Enforcement

Strengthening monitoring and enforcement mechanisms is essential to ensure that legal and policy measures translate into real-life protection for domestic labor migrants

1 Implement all possible monitoring measures and ensure that all steps of the recruitment and employment process are executed in good faith and accordance with all legal requirements

- Conduct random inspections of recruitment agencies and private employees;
- Obtain written and public commitments by all parties involved that they will act in good faith
- Leverage publicity to ensure that the Saudi government, countries of origin and recruitment agencies and private employees fully implement;
- Introduce public data that showcase conditions and any prior human rights violations by recuritment agencies and private employers;
- Put in place strong and effective investigation and prosecution mechanisms to protect migrant workers in case of national law or human rights violations.

2 Strengthen e-governmental platforms like Musaned

- Ensure the access of personal phones for FDLMs through e.g. bi-monthly (video) calls;
- Add multi-lingual complaint mechanism for employees;
- Give access to country of origin governments for decision-making processes regarding monitoring, data collection and complaint handling;
- Enhance accountability mechanisms for recruitment agencies and integrate transparent agency profiles with track records, complaint histories, and mandatory employee reviews.

Enforce Accountability and Demand Justice

Demands for accountability and justice are crucial to ensure that rights violations against marginalized groups do not go unpunished and to prevent and combat systemic abuse.

1 Establishing a Framework for Shared Liability in Recruitment Practices

- Embed shared liability clauses in all agency licensing agreements, making both country of destination and country of origin agencies jointly accountable for violations throughout the recruitment and placement process;
- Ensure that foreign recruitment agencies are not shielded from consequences by establishing bilateral frameworks that enable formal complaints across jurisdictions.

2 Improve Access to Justice through Labor Courts and Legal Aid Mechanisms

- Ensure legal aid access by institutionalizing partnerships with civil society organizations, and origin-country embassies to provide legal aid clinics and trained interpreters that can support FDLMs throughout the complaint process;
- Digitize complaint filings and court summons through e-government platforms, allowing FDLMs to initiate proceedings without the involvement of the employer or requiring the employer's permission to leave the household;
- Protect migrants from retaliation by their employers/sponsors through residency protection, criminalizing contract termination and issuing exit visa during active legal investigations and ensuring safe shelter;
- Publish anonymized case outcomes on public databases to promote transparency and accountability.

INTRODUCTION

02

Legal identity is a key element for one's realization of human rights and the exercise of full citizenship in today's day and age. It is through receiving proof of legal identity that individuals are formally recognized by a state and have access to rights, basic services, protections, and entitlements. But it is more than this recognition by a state and a physical document; it is also a social construct that mirrors an individual's status in society (Honneth 2007). Therefore, it is highly political, it can show who belongs and who does not, who is wanted and who isn't, it effectively shows a hierarchy of human existence in today's nation-state, stretching from the citizen to the legal resident and the irregular.

SDG 16.9

"by 2030 provide legal identity for all including free birth registrations"

Legal identity is recognized by e.g. the 1948 Universal Declaration of Human Rights (UDHR 1948), the 1976 International Covenant on Civil and Political Rights (ICCPR 1966), as well as national laws and the Sustainable Development Goal (SDG) 16.9, which aims to "by 2030 provide legal identity for all including free birth registrations"(United Nations 2015). Yet, legal identity is not merely a technical or administrative tool. However, despite its centrality in today's nation-state system and rights-based frameworks, the relationship between legal identity and the lived experiences of migrants in countries of destination remains underexplored.

This gap is particularly relevant for low-skilled labor migration, as their conditions commonly involve power asymmetries, limited legal protection, and social marginalization, which often leads to exploitation and human rights abuses. The case of female domestic labor migration, which is by many human rights organizations referred to as "modern day slavery" (McQue 2024a; Rak 2020; Human Rights Watch 2024), is a prime example of this.

Diana Chepkemoi, a Kenyan university student who became a domestic worker in Saudi Arabia, exemplifies the realities that legal identification frequently does not safeguard against. Despite possessing a valid passport and following formal migration procedures, she faced exploitation, including passport confiscation and abuse, upon arrival. Her attempts to seek help from her recruitment agent were not responded to. Diana's experience shows that legal identity within labor migration governance, did not ensure her rights or social protection. Her case gained national attention and eventually led to her rescue by the Kenyan embassy. Diana's story is not an anomaly, it represents a systemic pattern where legal identity on paper coexists with profound legal exclusion in practice in the kafala system (Mbithe 2024).

> **It's a very unique occupation. There's none like it. And it's one of the oldest occupations that you can imagine. It goes way back, including to slavery and so on and so forth.**

In one of our interviews, KD describes the importance of looking at the systemic exploitation of domestic work as follows: "It's a very unique occupation. There's none like it. And it's one of the oldest occupations that you can imagine. It goes way back, including to slavery and so on and so forth." The question arises as to how these abuses - which have become an intrinsic part of our legal system - can be explained through today's legal identity frameworks that ought to protect their subjects.

Research Objective

Looking at Saudi Arabia, as part of the Gulf states, it operates within a migration governance model characterized by the Kafala system, a sponsorship-based structure that ties a migrant's legal status directly to their employer. This system, along with general state policies, has led to serious and widespread criticism regarding grave human rights violations, legal accountability, and state responsibility. Therefore, this research paper seeks to explore this crucial dilemma: **How can legal identity frameworks perpetuate historical injustices and simultaneously empower female domestic labor migrants?** To unpack this overarching question, we divide our research into two sub-questions:

1. *How can historical injustices be seen in legal identity frameworks, and what are the effects of these injustices on FDLMs?*

2. *How can legal identity frameworks be used as an empowerment tool for female domestic labor migrants?*

Research Structure

Our research is structured as follows: We start by constructing our Methodology, including the explanation of our case study approach and outline of how we conduct and analyze interviews with key experts. This is followed by a summary of the interviews and emerging themes regarding FDLMs in Saudi Arabia. We then conduct a detailed policy and legal analysis, covering Saudi Arabia's national labor laws and recent reforms, memorandums of understanding (MoUs) and bilateral agreements with countries of origin, as well as the roles of digital platforms such as Musaned. Central issues include the criminalization of "absconding" migrants, passport confiscation, exit visas, statelessness, barriers to unionization, and (non)existing accountability mechanisms.

Our discussion situates these findings in relation to our research questions, followed by a reflection on the limitations of our study. Finally, we draw our conclusion and propose policy recommendations for improving the legal empowerment of FDLMs through inclusive, just, and transparent legal identity frameworks.

Contextual Background

Female Domestic Labor Migration

Female domestic labor migrants (FDLM) constitute a great portion of the global domestic workforce. Among 75.63 million domestic workers in the world, 57.66 million of them are female (76.2%) (ILO 2021). In 2015, 17% of all domestic workers worldwide were migrants (ILO 2015). Arab States, SouthEast Asia, Eastern Asia are the three most preferred countries for female migrants to migrate to (ILO 2015). Domestic labor migrants undertake essential work including cooking, cleaning, childcare, and other work within the households.

75.6M
domestic workers globally

57.6 M
Female domestic workers globally

17%
of domestic workers globally are migrants

Although FDLMs play an important role in the function of households and labor markets, they are oftentimes excluded from protective labor laws, seen strongly in the Gulf countries (Motaparthy 2015), which renders them unable to access basic rights and contributes to their extraordinary vulnerability. ILO (2023) concluded that despite efforts, vulnerability to forced labor has increased throughout the 10 years of their programme. Monticelli and Seiffarth (2018) describe that the efforts by domestic workers' movements to expand labor rights are often hindered by policymakers and legislators, who frequently employ domestic workers themselves, as they show limited initiative in advancing these movement-initiated reforms. Killias (2010) emphasises that domestic worker's rights in theory do not reflect the rights in practice. Whether FDLMs are regular or irregular, migrant's safety is determined by employers in Gulf countries (Shewamene et al. 2022). What might fit for other labour groups might be unobtainable for many migrant domestic workers from a legal or social perspective. Their unique and vulnerable position as in-house domestic workers—subject to the authority of their employers and often isolated from the outside world—complicates protection, mobilization and resistance against exploitation.

The regulation of domestic labor migration involves a complex system of actors, including agencies, employers, NGOs, and states. Despite these structures that potentially protect FDLMs, some still actively choose irregular channels as regular pathways do not ensure their human/labor rights (Shewamene et al. 2022). Even in regular status, recruiters and other intermediaries can be abusive as they prioritize promoting labor exports over protecting FDLMs (Romero 2018). These studies raise critical questions about whether legal identity works to protect FDLMs or accelerate FDLM's structural vulnerability.

Kafala System & Migration Governance

The kafala is a sponsorship system that emerged with the discovery of oil and the following development in the Gulf countries (Azhari 2017). Domestic labour migration is mainly organized and facilitated through temporary work permits and sponsorship systems, meaning that the legal status of the domestic workers is directly linked to their employers (Franck and Anderson 2019; Parreñas and Silvey 2016; Pande 2013). Aarthi and Sahu (2021) claim in this context, that the "privatization of migration governance" leads to the transfer of financial and legal responsibility to the sponsors, which have de facto control over the basic needs of their employees (p. 417). Such sponsorship systems are not unique to the Gulf region, but exist in different shapes and forms across the globe. Romero (2018) and Cobb-Clark and Kossoudji (1999) explore the American context, concluding that recruitment systems differ, but still exclude and devalue FDLMs.

Focusing on Malaysia, Franck and Anderson (2019) conclude that domestic labor can be considered an "expensive commodity" for employers, which often leads to the confiscation of FDLMs passports as collateral to protect their "investment" and conditions of forced labor and abuse. Following Aarthi and Sahu (2021), this "lack of legal redress" of domestic migrant workers further contributes to a gender-based exclusion in the countries of destination. All these examples underscore the importance of questioning the assumption that legality inherently ensures safety for domestic labor migrants and highlight how the inadequacies and exploitative nature of domestic migration schemes - that rely on the good will of employers - may lead to migrants being exploited through regular channels or which my incentives to choose irregular pathways instead.

In order to govern migration flow, digital technologies are increasingly incorporated into migration processes by not only states but also international organisations and private entities (OHCHR 2023). Saudi Arabia has also employed Musaned to regulate all the steps for recruiting domestic workers since 2014 (Ministry of Media 2024), showing increasingly digitising migration governance to achieve Mohammed Bin Salmans Vision 2030.

THEORETICAL FRAMEWORK

03

Theoretical Framework

Legal Identity and Governance

While we assume female domestic labor migrants as a vulnerable group, we see vulnerability - as proposed in the Vulnerability Theory by Matha Fineman and advanced by Kohn (2014) - not as an inherent quality of a person but rather as a condition arising from the interaction between the individual and their environment. By grounding vulnerability as a context-specific, relational attribute imposed by structural conditions rather than a fixed characteristic, this approach tries to prevent the reinforcing of stigmatization and social divisions.

Employing elements of postcolonial feminist theory clarifies these structural forces contributing to FDLMs' marginalization. Scholars such as Cheah (2010) illustrate how global capitalism and labor policies have instrumentalized FDLMs as inexpensive, disposable labor, with countries of destination and employers displacing the social costs of caregiving onto these migrant women. This reliance on low-cost labor leads to the reproduction of inequalities as it maintains the FDLM in a subordinate role, most of the time with limited access to citizenship rights or social integration.

> **subaltern individuals are not only excluded from dialogue but are also spoken for, by state institutions, which cannot, or maybe do not want to, fully address or understand their specific needs or perspectives.**

Therefore, building on Spivak's (2020) concept of the subaltern can help us further understand FDLMs as individuals that are situated within these intersecting structures of marginalization - e.g. Exploitative labor contracts or the confinement to private households - that render them effectively voiceless within socio-political and legal frameworks. As Spivak (2020) argues, subaltern individuals are not only excluded from dialogue but are also spoken *for*, by state institutions, which cannot, or maybe do not want to, fully address or understand their specific needs or perspectives. This can further lead to the paternalization of domestic labor migrants, e.g. anti-trafficking policies that limit the possibilities of regular migration, which will consequently lead to more irregular migration.

Legal Identity and Governance

Seeing the FDLM as a subaltern in a national context, but also the confinements of her workplace, will provide the structural framework for us to critically examine the above-posed research questions.

Sharma (2005) further theorizes the concept of "Global Apartheid", defining it as a system of restrictive immigration and citizenship controls that permit foreigners to only ever enter the respective country on a temporary or "illegal" basis. While conducting the research, we will draw on her approach to grasp the power structures and historically formed inequalities in systems of Legal Identity.

These theories will enable us to examine how Legal Identity documentation and "safe migration" policies can be reformed to grant FDLMs greater agency and visibility, translate their theoretical rights into practice and ultimately transition from being mere objects of policy to active participants in shaping the terms of their migration and labor rights. It will also allow us to examine the structural inequalities that play a key role in the current reality of FDLMs. These perspectives are relevant as they underscore the need for a stable, accessible Legal Identity and inclusive policies that recognize FDLMs' voices and lived experiences within the structures that govern their lives.

METHODOLOGY

04

Methodology

In order to answer the research question, this study explores a single case study using a multi-method approach combining policy analysis, semi-structured interviews, and secondary data research. Through a single case study method we can closely analyse the conditions and empowerment of the case of Female Domestic Labour Migrants (FDLMs). Compared to multiple case studies, a single case study provides a deeper understanding of the subject, as well as the ability to have a more detailed description of the issue at hand. It is especially useful when studying a specific group of people as it enables us to challenge existing theoretical frameworks through a focused examination of the specific case, taking into account the unique historical, cultural, and legal context of that country (Gustafsson, n.d.). The selection of the country was conducted carefully, as we are aware that exploitative structures are not unique to the Saudi Arabian case but are a systemic issue around the world. Yet, Saudi Arabia was chosen for this case study based on the consultation with our project partner.

Given the complex and interdisciplinary nature of the research question and topic, both historical and contemporary perspectives were supported by insights from experts in the field. Law, economic systems, social institutions, religions, and national ideologies in countries are different in each country of destination and are prevailing factors compared to each migrant's individual characteristics (Bloemraad 2013).

We also conduct a policy analysis, in which we examine both the national laws of Saudi Arabia and international agreements between Saudi Arabia and other countries. It provides a thorough understanding of systematic and structural injustice surrounding FDLMs in Saudi Arabia from a legal identity perspective. This includes reviewing the Kafala system including bilateral agreements, memorandum of understanding, national legislation on labor and migration and identity documentation, evaluating implementation gaps between policy and practice, and identifying structural barriers creating or perpetuating access to human rights protection of FDLMs. This analysis will help us understand the systematic factors shaping the conditions of FDLMs in Saudi Arabia and identify potential leverage points for reform.

Semi-structured interviews provide the opportunity to uncover the realities of the link between FDLMs and legal identity, which cannot be revealed solely through an examination of legal and jurisdictional frameworks. Interviews were conducted with academics, researchers, and NGOs, who have offered first-hand knowledge and experiences in the field and perspectives from academia. These include legal, cultural and social nuances shaping the condition of FDLMs, which are beyond what literature provides us. The exact methodology and how our interviewees are referenced can be found in Appendix I and the full transcripts of each interview can be found in Annex I.

Regarding data research, we will analyze existing research, reports, and data sources including academic literature, reports from primarily IOM and ILO, statistical data by the governments and related institutions, cases and legal precedents related to identity documentation in Saudi Arabia, and media coverage of relevant issues by both X and newspaper companies across the world.

Policy Analysis

Analysis of labor law in Saudi Arabia, bilateral agreements, and memorandum of understanding

Semi-Structured Interview

Conducted 7 interviews with 10 interviewees, either in person or online

Secondary Data Research

Analysis of reports from NGOs, IOM, and ILO as well as news articles

Saudi Arabia

Saudi Arabia, the country analyzed in this project, is the third-largest country of destination, with approximately 13 million immigrants (McAuliffe and Triandafyllidou 2021). According to the Labor Market Statistics as of 2024, migrant workers constitute a significant demographic in Saudi Arabia, representing approximately 41.6% of the total population of 35,300,280, equating to over 13.2 million non-Saudi residents (General Authority for Statistics (GASTAT), Kingdom of Saudi Arabia 2025). This workforce primarily originates from countries across Asia (such as Bangladesh, India, Pakistan, Nepal, and the Philippines), neighboring Arab nations (Yemen and Jordan), and African countries (Egypt and Sudan). These migrants predominantly fill positions in essential labor-intensive sectors, including construction and domestic service.

nearly 4 M
domestic labor migrants

As mentioned above, Saudi Arabia still holds a standard regulatory institutional mechanism called the “Kafala System” to manage transnational labour migration, which has been highly criticized by NGOs and scholars around the world for its “privatization of migrant governance” (Aarthi and Sahu 2021). Some humanitarian organizations report the precarious situation in Saudi Arabia characterized by exploitation and human rights violations as the state strips itself of responsibility towards migrant workers (Human Rights Watch 2024; Amnesty International 2025a; Walk Free 2025). In 2022, Saudi Arabia conducted labor reforms (Ministry of Human Resources and Social Development (MHRSD) 2024), yet domestic workers are still excluded from this reform.

Saudi Arabia's prominence as a destination for female domestic labor migrants (FDLMs), coupled with increasing scholarly attention to migrant rights under the Kafala system and recent legal reforms that notably exclude domestic workers, makes it a compelling case study for examining how legal identity intersects with the lived realities of FDLMs.

ANALYSIS

05

Interview Findings

Interview Findings

In this section we will shortly present our main findings from our interviews with a total of ten interviewees, consisting of activists, academics, in-the-field experts, and leaders of NGOs from all over the world. In the interviews, we touched on the themes of Saudi Arabia's new domestic labour laws, the existing protection mechanisms for migrant domestic workers, and the role bilateralism and international community (can) take. These interviews confirmed some of our desk research and gave us access to information that was inaccessible online while also helping us to dive deeper into our original desk research. The experts pointed out new aspects to take into consideration when researching the role of legal identity in the protection of FDLMs. Below are the three most relevant recurring themes touched upon across the seven interviews: the term legal identity, law versus lived reality, and the role of the international community.

Ambiguity around "Legal Identity"

Most notable in our interviews was the ambiguity around what legal identity entails. Its definition is repeatedly questioned in every interview pointing us to the core of this paper. How can one define legal identity? Throughout this paper we will take the UN Legal Identity Agenda definition as the baseline. UNLIA defines the operationalization of legal identity as "the basic characteristics of an individual's identity. e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth" (UN Legal Identity Agenda 2025). In contrast, repeated in almost all interviews is the question: If legal identity is only documents, what happens when you can't use them, or someone else holds them? Herrera described legal identity as "having documents that permit you to be in the country. [However] I wouldn't use the word legal identity or illegal identity because even if you don't have documents, you're still a legal human being"- as is laid out in International Law (LH-4). It forces us to think about who decides what counts as a legal identity, and how a person can obtain it, as well as lose it.

> **Even if you don't have documents, you're still a legal human being**

It also directs us towards evaluating the function of legal identity, and how it can be used both as a tool of emancipation and oppression. In the case of Saudi Arabia, particularly under the Kafala system, Akter commented that one's legal identity is only valid as long as one's employer allows it to be, indicating that documentation alone does not provide protection for migrant workers (FA-57). The ambiguity and discussions surrounding the term "legal identity" signal the multiple agendas at play in its construction. Vitale, for example, referring to legal identity in Saudi Arabia, commented: "I'm really wondering the extent to which the state is distant, but not really absent in this" (LV-14). Each actor constructs a definition of "legal identity" that slightly differs from the next one to reach their own goals.

Gap between law and lived reality

The gap between law and lived reality was also a recurring theme across the seven interviews. The interviewees supported this by different examples. Alon commented that "there are reforms that are happening... I know the Philippines renewed its bilateral agreements and there are a lot of good things on paper. But we think that there should be a stronger monitoring mechanism to ensure that all of these reforms are implemented" (MA-16)." Darwish recalled that, as far back as 15–20 years ago, the Saudi delegate had argued that a law already existed in Saudi Arabia prohibiting the "withholding of passports in Saudi Arabia. Now, that also has been the case in other Arab countries. That doesn't mean that it doesn't happen" (KD-7). They strongly suggest that implementation is lacking, rendering the labour law reforms and claimed diminished control on a migrants' legal identity as simply an empty and rhetorical solution.

> **There should be a stronger monitoring mechanism to ensure that all of these reforms are implemented**

Akter interestingly also commented on the digital platform Musaned, which supposedly can give the migrant worker greater overview and control over one's salary and documents (FA-8). She mentions that through Musaned many good things are promised however in reality it doesn't show. She followed this up by a concrete example: "In the Musaned system, there should be a paid holiday or off day, one off day, or increment and bonus. But [Musaned] is not covering them... Only to 20-30% [of] workers, employers paid this thing" (FA-33). However, regardless of these labour law reforms, the most important change that needs to happen, as strongly highlighted by Shakir, is for domestic labour migrants to be included in national labour law reforms (NS-29). At the moment, migrant workers in the private sector are included in the national labour laws, but domestic migrant workers are explicitly excluded (NS-29).

Opportunities for the international community

Finally, the interviews also touched on opportunities for the international community to take steps to improve the protection of domestic migrant workers, especially relevant in light of the upcoming 2029 Asian Winter Games and the 2034 Saudi Arabia FIFA World Cup. Vitale for example foresees that with the Winter Games "the issue of Kafala will be brought in by NGOs, civil society, grassroots movements, locally, internationally, from Asia, from Europe, from other places. It will happen" (LV-25). Darwish similarly mentioned that these sports events will result in an attempt to educate Saudi authorities, like its police, "with regard to ethical principles and how to treat people, particularly foreigners" (KD-34). This will then hopefully trickle down to the treatment of migrant workers as well.

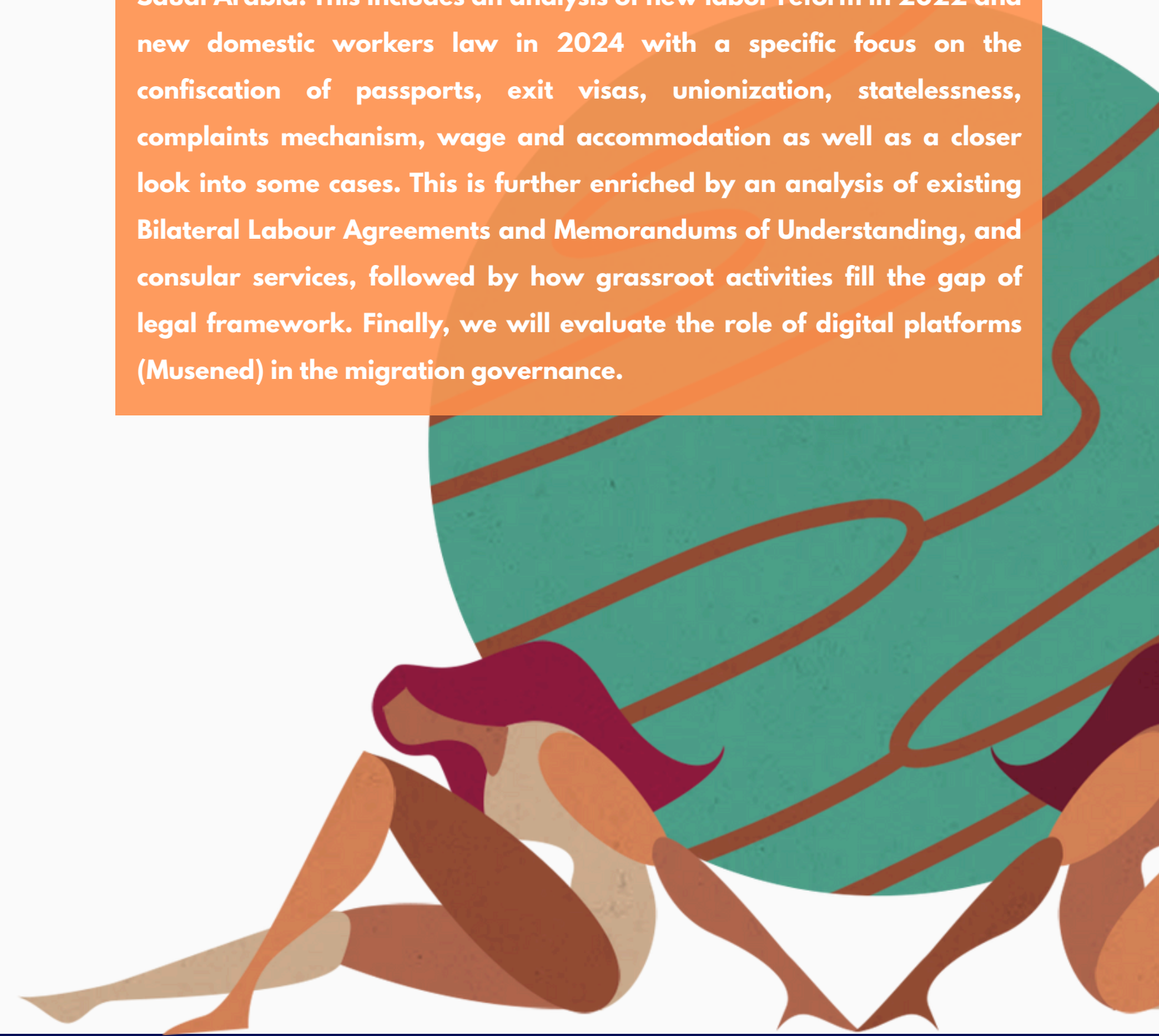
> **The issue of Kafala will be brought in by NGOs, civil society, grassroots movements, locally, internationally, from Asia, from Europe, from other places. It will happen.**

The work of the ILO was also referenced multiple times, as opposed to other IOs such as the IOM, and UN Women,, because "the ILO has its own international standards that guides [them]", compared to other IOs who work closer with governments and are therefore more limited in their approach (NS-72). Considering the limits many IOs face, because of the mandates, the role of origin countries become more important, as also highlighted by several interviewees. Bilateral agreements and memorandums of understanding play an essential role protecting migrant worker's rights, especially of female domestic labour migrants. For FDLMs in particular, it is crucial to establish agreed working conditions before they are confined to the house of their employer which often happens as soon as they enter their country of destination. Interviewees referenced a few organizations, some of which we have further explored in our research below. In particular we focussed on the following: Migrants Forum in Asia, IDWF, SANDIGAN, BNSK, which have achieved significant results and can serve as positive examples for initiating change and effectively fighting for migrants rights.

Besides these three most significant themes, many more recurring themes were discussed. In our discussion section we will combine our interview analysis with our desk research to present the key findings.

Analysis of Key Objects

This section will first discuss the laws and policies affecting FDLMs in Saudi Arabia. This includes an analysis of new labor reform in 2022 and new domestic workers law in 2024 with a specific focus on the confiscation of passports, exit visas, unionization, statelessness, complaints mechanism, wage and accommodation as well as a closer look into some cases. This is further enriched by an analysis of existing Bilateral Labour Agreements and Memorandums of Understanding, and consular services, followed by how grassroot activities fill the gap of legal framework. Finally, we will evaluate the role of digital platforms (Musened) in the migration governance.



Key Issues

01 CONFISCATION OF PASSPORTS

02 EXIT VISAS

03 THE RIGHT TO MARRY, EXTRAMARITAL RELATIONS AND STATELESSNESS

04 COMPLAINT MECHANISMS

05 UNIONIZATION

06 WAGE

07 ACCOMODATION

National Laws

2022 Labor Reform
2024 Domestic Workers Law

In the Middle East Countries, labor laws and policies do not favor a fair labor system. In some cases, it effectively ignores the rights of migrants (Choudhury, Morad, and Dellapuppa 2024). The Saudi Arabian labor law was originally promulgated by Royal Decree No. M/51 dated 23/8/1426 AH (corresponding to September 2005) (International Labour Organization 2005). Over the past few years, Saudi Arabia has introduced a series of labor reforms to offer more freedom of movement to migrant workers. With the current reform, migrant workers were, for the first time, allowed to transfer sponsorship and request exit visas (Shaker 2024).

While the reform was a significant change for migrant workers, it is not applied to domestic workers. Although the Ministry of Human Resources and Social Development (MHRSD) promised that they would perform the law reform for domestic workers in July 2024 to apply the 60 days grace period for workers reported as absconding, this is still yet to be implemented even in 2025 (Shaker 2024). The 60 days grace period, if implemented, plays a significant role in protecting domestic workers as it can prevent them from immediately becoming undocumented allowing time to either transfer sponsorship or leave Saudi Arabia (Migrant-Rights.org 2024b). However, many of the domestic workers in Saudi Arabia do not have access to mobile phones, and this may prevent them receiving notification from the government about absconding cases being filed against them. As a result, they could unknowingly become irregular. Moreover, there is no penalty to sponsors on false case filing, and this can lead to the weaponization of the case filing against workers (Migrant-Rights.org 2024c).

While there are some improvements on paper, the Kafala system keeps preventing an equal power relationship between employers and employees

Domestic workers law, in contrast, offers better protection than the previous one, including the ban on the confiscation of passports or any forms of legal documents, allowing domestic workers to live outside of the employer's house, and setting maximum working hours. However, it fails to address minimum wage issues and lacks enforcement mechanisms (Migrant-Rights.org 2023; Americans for Democracy & Human Rights in Bahrain 2024). While there are some improvements on paper, the Kafala system keeps preventing an equal power relationship between employers and employees (Migrant-Rights.org 2024b).

Below we have identified the most relevant impact of change in the law and remaining issues that need to be addressed, specifically related to the role of legal identity in protecting migrant domestic workers.

Confiscation of Passports

Although the new domestic workers law bans the confiscation of passports and any documents related to legal identity, it does not explicitly prohibit employers from holding a domestic worker's passport (U.S. Department of State 2025) and the cases of passport confiscation in Saudi Arabia for migrant workers still remains (Americans for Democracy & Human Rights in Bahrain 2025). Without legal documents, the freedom of the movement of migrant workers is limited as there are random identity checks on the street (KD-28) or they are unable to seek help from officials, resulting in being trapped within the household (Americans for Democracy & Human Rights in Bahrain 2025). This situation, the confiscation of identity documents, violates Article 13 of the UDHR, which ensures the right of free movement for all (UDHR 1948). Furthermore, (ND-13) mentioned that "the employee himself or herself [...] are not entitled to create their own residency ID. It has to be their employer." Regardless of the law, as long as employers are the only ones to be able to request residence permits at the government office, the confiscation of the passport is justified in reality.

> **Without legal documents, the freedom of the movement of migrant workers is limited as there are random identity checks on the street**

Exit Visa

What many interviewees considered the main issue, is that domestic workers have to request exit visas in case they want to leave Saudi Arabia. For migrant workers, this policy represents a significant form of violation (MA-57). While the 2022 labor reform allowed migrant workers in private sectors to request exit visas by themselves, domestic workers remain fully dependent on their employers for permission to leave the country (Shaker 2024). The exit visa grants employers extensive control over domestic workers, reflecting a reality that employers want "servants" who work for them 24 hours (KD - 26). Moreover, it is also an issue that the exit visa is weaponized by employers as a means to control domestic workers when they attempt to file complaints or escape exploitative conditions (FA-57). Employers can issue exit visas for any reason (Shaker 2024), and this reflects a contradiction in the legal identity framework - while legal identity is expected to protect migrant workers, in practice, they are used to limit their freedoms and rights.

> **For migrant workers, this policy represents a significant form of violatio**

The right to marry, extramarital relations and statelessness

Moreover, aspects of Islamic law can be an obstacle for FDLMs in countries of destination. As a country that implements Islamic law, Saudi Arabia considers sex outside of marriage illegal, and children born out of wedlock are consequently not entitled to birth certificates. Even survivors of rape or sex trafficking are at the risk of persecution because of confession of extramarital sex (McQue 2024b). There has been a case where a Kenyan single mother who formerly worked as a domestic worker in Saudi Arabia, could not leave the country after being denied birth certificates for her children.This subsequently led to a denial of an exit visa for the mother, as the mothers' exit visa could not be processed because of her stateless children (McQue 2024b). Herrera emphasized that in "no circumstances should you be denied basic universal human rights, because you are a human being [...] whether or not you are stateless" (LH-4). This showcases that it is not only the Kafala system, but also other legal, social and gender norms that structurally exclude migrants, specifically female migrants and their children, through utilizing and denying of legal identity.

> **In no circumstances should you be denied basic universal human rights, because you are a human being [...] whether or not you are stateless.**

Unionization

In Saudi Arabia, only Saudi citizens who work in a company with more than 100 workers are allowed to form a workers' community. Due to this regulation, migrant workers are unable to join nor create any worker committees (International Labour Organization 2023a), as well as to participate in collective bargaining or strikes (Human Rights Watch 2024).

Moreover, FDLMs are only granted one day per week as a resting day (International Labour Organization 2023a), yet whether they are able to enjoy this right still remains questionable (KD-28). However, as our interview shows, there is the unique scenario where FDLMs in irregular situations gather at religious sites and build communities to provide collective care to one another despite the regulation, precisely because their irregularity allows them to have more freedom of movement compared to regular FDLMs (NB-35).

> **Their irregularity allows them to have more freedom of movement compared to regular FDLMs**

From 2024 October 3rd, those who want to file a complaint about domestic labor disputes, including from domestic workers, must submit it on the ministry's website called "File a domestic worker lawsuit" service (Migrant-Rights.org 2024b). The ministry then handles the case, but if they cannot solve it, the case will be brought to the court (Brown, Kohja, and Aljohani 2024)

Regardless of the systemic change, accessibility issues remain. Musaned is only available in Arabic and English and domestic workers who want to file complaints worry about the consequences (Migrant-Rights.org 2024b). The majority of employers do not allow migrant domestic workers to have phones and even if they do, the freedom to access the internet is limited - Only 10 or 15% of migrant workers are allowed to have cell phones (FA-31). Moreover, filing a complaint while being with the employer puts domestic workers at the risk of retribution, while leaving the household increases the risk of an absconding report (Migrant-Right org. 2024).

In the third quarter of 2024, there were 222 reports against employers for violations of contract. However, it is unknown whether employers had to pay fines or faced recruitment bans (Migrant-Rights.org 2024b). This lack of enforcement highlights how the authorities prioritise the protection of the employers vis a vis the protection of the domestic migrant workers. This is reflected by a post on platform X during Ramadan by the Ministry of Human Resources & Emiratisation (MOHRE): "Has your domestic worker stopped showing up for work? Don't worry, your rights are protected." (MOHRE 2025). Regardless of the rights officially granted to FDLMs, the current complaint and protection system is not feasible for all, particularly because many migrant domestic workers lack practical access to digital services.

The majority of employers do not allow migrant domestic workers to have phones and even if they do, the freedom to access the internet is limited - Only 10 or 15% of migrant workers are allowed to have cell phones

Has your domestic worker stopped showing up for work? Don't worry, your rights are protected.

Wage

While other Gulf countries, such as Kuwait and Qatar, established minimum wage for domestic workers, Saudi Arabia has not yet implemented such a standard (NS-7). In the new domestic workers law, it only states that domestic worker's wage is determined in the contract and there is no mention of minimum wage (Migrant-Rights.org 2023). The minimum wage differs depending on nationality as each country imposes a different salary for their citizens. While Fillipine set a minimum wage for FDLMs as 400 US dollars, Nepal is approximately 350 US dollars and Ugandans for 200 US dollars (Laiboni 2022; Helper Choice 2025). Though the legal status of these FDLMs are the same, "the wage they pay for the same job depends on your nationality, colour and religion" is "discrimination"(Saidi 2025). Furthermore, some migrant workers go into debt to pay back to recruitment agencies, resulting in forced acceptance of less wage and worse conditions than thay have agreed on (Jureidini 2018).

Although there is no improvement in minimum wage in the current law, the Saudi government extended the Wage Protection System (WPS) to domestic workers in 2024. With this change, payments to domestic workers are now mandated to be done through bank transfers instead of cash through digital platform Musaned. While this is the very first case in Gulf states to mandate the payment through WPS to all domestic workers and increase the transparency of salary payment to some extent, confiscation of mobile phone makes it impossible for FDLMs to check if there is no unfair deduction of wage (Migrant-Rights.org 2024a).

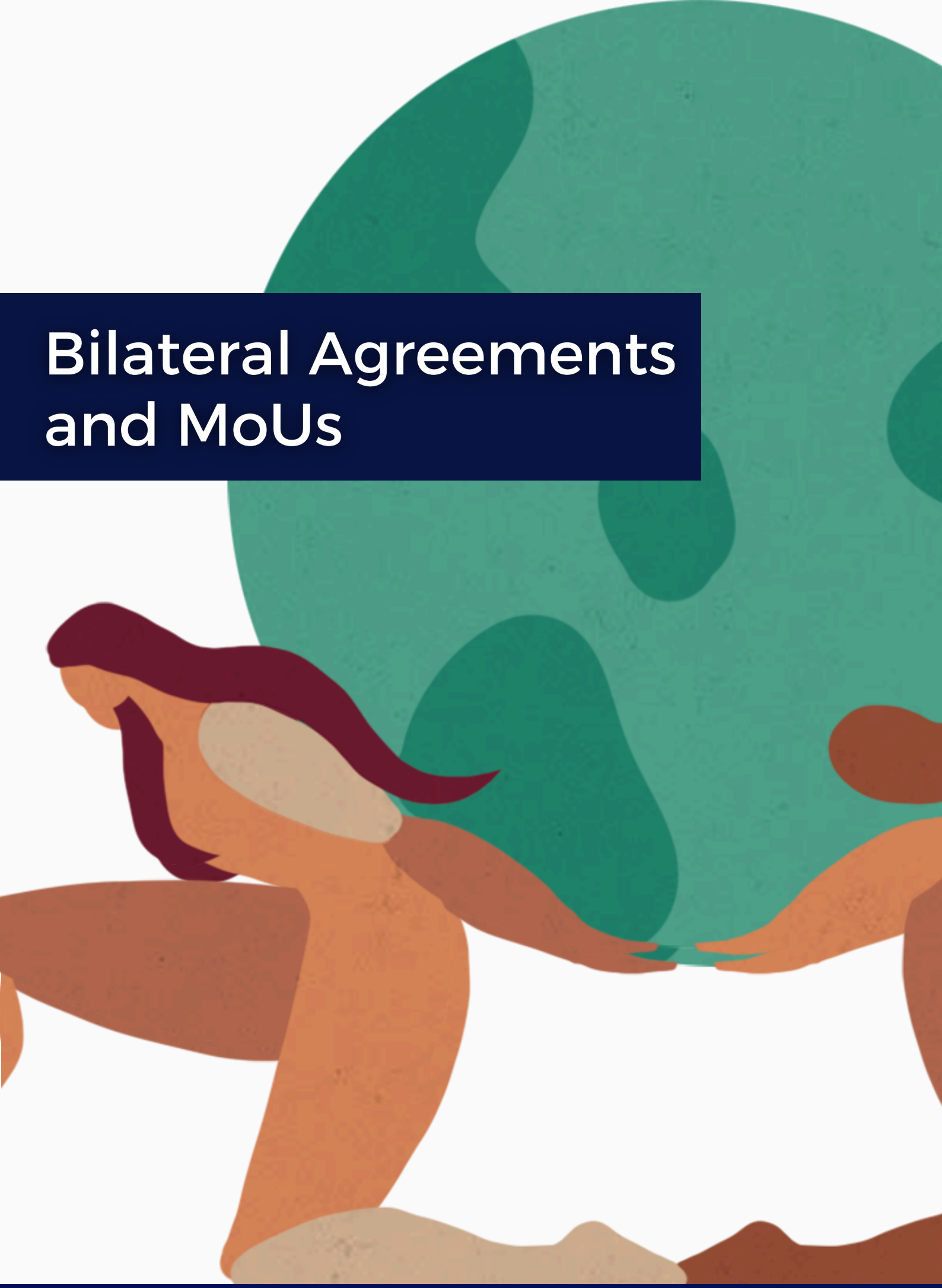
> **While other Gulf countries, such as Kuwait and Qatar, established minimum wage for domestic workers, Saudi Arabia has not yet implemented such a standard**

Accomodation

Under the new domestic workers law, employers are required to provide domestic workers with appropriate housing, whether within or outside of the workplace (Migrant-Rights.org 2023. Darwish noted that employers want to keep the privacy of the house, which motivates them to make housekeeping type domestic workers live within the household (KD-6). However, the same interviewee emphasized the importance of providing accommodation outside of the employer's home to FDLMs as a means of protecting their rights (KD-6). In practice, the option to live outside the workplace is available to male domestic workers who work as a private driver. However, since the regulation applies to all domestic workers, the inclusion of this new update marks a significant legal shift. While its implementation to FDLMs may remain limited in scope, the new law introduces a framework that enables greater protection of legal identity, freedom of movement, and human rights.

> **While other Gulf countries, such as Kuwait and Qatar, established minimum wage for domestic workers, Saudi Arabia has not yet implemented such a standard**

Bilateral Agreements and MoUs



Bilateral Labor Agreements and MoUs

In addition to its domestic labor law, Saudi Arabia actively manages the recruitment and employment conditions and protection of its significant migrant workforce through specific Bilateral Labor Agreements (BLAs) and Memorandums of Understanding (MoUs) with various countries of origin (MA-64).

These multilateral agreements often complement domestic law by addressing recruitment processes, worker protections, and cooperation mechanisms specific to nationals of those countries. However, the intended regulatory function of these BLAs is frequently compromised by systemic challenges. BLAs are embedded in the power relationship between countries (Hennebry et al., n.d.), where Saudi Arabia acts as the "norm-maker party"' and sends states as “norm-takers party"', limiting the capacity to implement agreed terms, making enforcement a critical weakness: “there are a lot of good things on paper”.

Many BLA provisions regarding worker rights, and assistance mechanisms “exist on paper” but are in practice not applied consistently (KD-38). A compelling example of these limitations is the case of Diana Chepkemoi, where her passport was confiscated upon arrival, and she endured physical abuse, forced labor, and starvation. When she reached out to her Kenyan recruitment agent, she was told, “There’s really nothing I can do. My hands are tied” (Chepkemoi 2024). Her eventual rescue came only after photos of her deteriorating condition went viral on social media, prompting diplomatic intervention. Diana’s case starkly demonstrates the reality between bilateral agreement language and the lived realities of migrant domestic workers.

(Wigonies n.d.)

Norm-maker

Norm-takers

BLAs are embedded in the power relationship between countries

Despite these structural limitations, numerous agreements do have an effective role in shaping the protection of FDLMs. The Philippines maintains arguably one of the most detailed agreement frameworks (United Nations Economic and Social Commission for Western Asia (ESCWA) 2017). It particularly concerns domestic workers, stipulating minimum conditions, rest days, communication rights, alongside governmental responsibilities for contract verification and assistance.

India's 2014 agreement similarly focuses on fair recruitment for domestic workers, aligning with broader Saudi labor reform (International Labour Organization 2014). Pakistan's 2021 accord emphasizes legal safeguards and introduces a Skills Verification Program aimed at enhancing migrant employability ("National Vocational and Technical Training Commision Pakistan" 2021).

Following a prior ban, Indonesia resumed sending domestic workers under revised regulations in 2022 (Office of Assistant to the President of the Republic of Indonesia 2025). Sri Lanka's 2014 BLA includes provisions for bank-based salary payments and prohibits passport confiscation (Embassy of Sri Lanka, Riyadh, 2025). While details for Bangladesh's BLA 2018 highlights the importance of international cooperation in the governance of migration processes and the protection of migrant workers (Wickramasekara and Ruhunage 2018).

In Africa, some countries also have well-written BLAs. Notable is Kenya's BLA, which establishes a legal framework for domestic worker recruitment, covering training, rights, cost control, and support systems (Commission on Administrative Justice 2022). Ethiopia's agreement mandates strict recruitment standards (training, health) and outlines shared governmental responsibilities (International Labour Organization 2020). Uganda's 2023 BLA commits Saudi Arabia to uphold worker rights and incorporates welfare monitoring mechanisms in response to concerns about mistreatment and detention (Serugo 2023) .

While these BLAs aim to establish cooperation between countries, they are seen as a way for governments to negotiate and to strengthen support mechanisms for workers through embassies and missions (MA-78). However, their effectiveness is widely questioned.

One expert states "I don't have much confidence in them", viewing BLA as "just paper in many cases" and "feel-good documents" that are negotiated by "careful diplomats" and often do not address serious matters (KD-38) Another scholar highlights that accountability remains a significant challenge, though international organizations can leverage violations to push for reforms while maintaining diplomatic ties, "while aiming not to burn the bridge" (LV-25). These limitations, evident in cases like Diana Chepkemoi's, underscore the gap between BLA commitments and the realities faced by FDLMs.

Consular Services

77

Foreign Embassies

52

Consulates

mainly in Riyadh and Makkah region

Embassies and consular offices from migrants' countries of origin play a critical role in supporting their nationals abroad. These representations offer vital documentation services, such as visa and passport issue and renewal, marriage and birth registration, and civil status certifications. They also facilitate overseas voting registration, legal aid, and community engagement initiatives. According to the Visa HQ, the Saudi Arabian Embassy Worldwide Directory, the country hosts 77 foreign embassies and 52 consulates from various countries (VisaHQ 2025). However, these services are unevenly distributed, with most missions concentrated in the Riyadh Region (Central) and Makkah Province (Western), leaving large labor-receiving areas—such as the Eastern Province (notably Dammam)—relatively underserved.

> **"There are 13 provinces in Saudi Arabia —why not have a representative in each**

This uneven distribution in consular accessibility has profound implications for FDLMs. Multiple interviewees noted that the physical location of embassies and consular offices is often detached from where migrant workers reside and work, limiting their ability to seek timely support (NS-36). As one respondent stated: "Many of the missions and embassies are located in places that are not accessible to workers" (FA-47). Another expert added: "Saudi Arabia is a huge country [...] There's no excuse for Kenya, or the Philippines, or India not to have some sort of presence in each province. There are 13 provinces—why not have a representative in each" (NS-36). These testimonies reveal a growing consensus that consular services must evolve beyond centralized embassies toward a decentralized presence model.

Multiple sources highlighted the Philippines as a leading example in consular support and migrant protection. A representative from a Filipino NGO emphasized that "the Philippine embassy really takes care of their nationals better than any other," reflecting a comparative advantage in responsiveness and service delivery (KD-30). Adding to this, a representative described innovative practices such as embassy "open houses," where Filipino workers can engage in activities, request assistance, and access reintegration programs, including upskilling courses designed to support domestic workers' eventual return and reintegration (MA-80). Similarly another scholar noted that the Philippines maintains a "well-established system for sending people," which includes structured intergovernmental communication channels and the provision of migrant shelters (RW-26). Finally, an expert pointed to the role of the Philippine Overseas Employment Administration (POEA)—now the Department of Migrant Workers (DMW)—in requiring all licensed recruitment agencies to maintain accessible communication platforms, such as Facebook pages (MA-14).

These platforms enable domestic workers abroad to raise concerns, file official complaints, and receive timely updates—tools that help prevent disputes and strengthen accountability throughout the recruitment process. The growing reliance on social media by distressed Filipina domestic workers underscores both the urgency of their situations and the vital role of consular support (Esmat 2018). For instance, a Filipina maid in Jeddah who circulated a video depicting her bruises and pleading for rescue from an abusive employer exemplifies the extreme circumstances compelling workers to seek aid through public channels. This incident, involving detailed accounts of physical abuse and unpaid wages, highlights the critical need for effective and accessible consular services to protect workers and uphold their rights.

In contrast, while the Kenyan Embassy did intervene in 2022 to rescue Diana Chepkemoi, a domestic worker facing severe abuse, this action was largely reactive, occurring only after her emaciated photos went viral on social media. The embassy's subsequent coordination with Saudi authorities to secure her medical treatment and repatriation, highlights a critical deficiency: the embassy acted primarily in response to a public crisis, rather than proactively preventing it. Chepkemoi's own assertion that her case was "just the tip of the iceberg" underscores the urgent need for embassies to implement proactive outreach to reach isolated workers before such crises escalate, suggesting that the Kenyan Embassy's approach was insufficient protection (Chepkemoi 2024).

Grassroots and Union Mobilization

Grassroots and Union Mobilization

While formal mechanisms such as Bilateral Labor Agreements aim to regulate labor migration and protect migrant workers, their limited enforcement capacity underscores the critical role of grassroots movements, unions, and civil society organizations in advocating for migrant rights and holding both countries of origin and destination accountable. Building and Wood Workers' International's (BWI) complaint against Saudi Arabia may be the first of its kind, but represents the importance of unions, grassroots movements, and action of the international community. BWI is a global union federation representing over 12 million workers across 365 affiliated unions in 111 countries (Building and Wood Workers' International 2025)). Based on triangulated evidence of over 21,000 abused and unpaid Nepali, Pakistani, Bangladeshi and Filipino workers, 193 interviewed migrants, and 8 representative cases, with additional reports and research done by other rights groups, unions, civil society organisations and UN bodies, this human rights complaint against Saudi Arabia represents a landmark case (Business & Human Rights Resource Centre 2025). In its survey, 85% of respondents experienced debt bondage, 65% experienced withholding passports and identity documents, 63% experienced restrictions on terminating or leaving contracts, and 46% experienced wage theft (Business & Human Rights Resource Centre 2025).

85%
DEBT BONDAGE

65%
WITHHOLDING OF IDENTITY DOCUMENTS

63%
RESTRICTIONS OF TERMINATING CONTRACTS

46%
WAGE THEFT

This complaint and evidence showcases the "epidemic" of abuse of migrant workers in Saudi Arabia and serves as a wake up call for those who can unionise and act, as those in Saudi Arabia are forbidden to do. Although trade unions for migrants in Saudi Arabia are banned, our interviewees mentioned that "lucky" migrants get-together informally in markets, or spaces they use as churches, or other gatherings (NS-83). It must be noted however that only some migrants are granted the privilege of leaving the house on their day off. Most FDLMs have in-house living conditions and are often prohibited from leaving the house, leaving them amongst the most vulnerable and helpless.

Since unionization in Saudi Arabia is dangerous and can be criminalised, rights groups, unions, and civil society organisations in origin countries serve as the main pillar through which migrants can fight for their rights. As Lina al-Hathloul, head of monitoring and advocacy for ALQST, a not-for-profit organisation defending human rights in Saudi Arabia says: "It is up to the workers to unite before it is too late. As long as the workers abroad can complain, write letters, join a union... they must do so, and not remain silent" (Saidi 2025). In line with this, Hind Ben Ammar, executive secretary of the Arab Trade Union Confederation (ATUC) argued that trade unions in the countries that send their nationals to Saudi Arabia, such as the Philippines, Somalia, and Bangladesh, amongst others, should not accept labour agreements that do not meet the minimum conditions for decent work, and they should not agree to their own nationals going to work in Saudi Arabia without protection (Saidi 2025).

> **It is up to the workers to unite before it is too late. As long as the workers abroad can complain, write letters, join a union... they must do so, and not remain silent**

In November 2024, the ITUC's African regional organisation (ITUC-Africa), filed a complaint with the United Nations against Saudi Arabia's abusive labour practices. Additionally, they wrote to the president of the Confederation of African Football, calling on him to compel FIFA "to respect its commitment to human rights as enshrined in its statutes" (Saidi 2025). Although these efforts are welcomed, Saudi Arabia seemingly does not respond effectively to international pressure. This is why initiatives within origin countries play an even greater role.

As mentioned earlier in our analysis, Bilateral Agreements and Memorandums of Understanding are essential in securing the rights of migrants, but in many cases it is migrant network groups, civil society groups and NGOs that advocate for stronger agreements and fight for their national's rights abroad. Beneath are highlighted some of these initiatives and organizations who serve as pioneers in protecting migrant workers rights.

Migrant Forum Asia - Network

Migrant Forum Asia (MFA) is one of these pioneers. MFA is "a regional network of non-government organizations (NGOs), associations and trade unions of migrant workers, and individual advocates in Asia who are committed to protect and promote the rights and welfare of migrant workers" (Migrant Forum in Asia 2025). MFA does a range of activities. They organise campaigns where they raise awareness at an international level, for example urging countries to ratify conventions (e.g. its "Step It Up!" campaign). They also organize programs for migrant workers and partners in their network (e.g. rights groups in Asia), where they educate them about regulations, with the aim of capacity building, advocacy, or network building.

Three most important components in terms of worker education:

1. **Pre-employment**
2. **Pre-departure**
3. **Post-arrival**

Several of our interviewees highlighted the importance of "pre-employment or the pre-decision orientation" workshops to inform migrants of the risks they might face as well as reassure them of their own rights (MA-39, FA-35, KD-20). One of the interviewees, well informed about MFA activities, outlined the three most important components in terms of worker education: "pre-employment, pre-departure, and post-arrival" (MA-39). The interviewee, who regularly does advocacy work, also emphasized the importance of "not just focussing on one curriculum", but to develop multiple curricula "to be country-specific [and] industry-specific", because "different countries have different culture[s], also [in terms of the] experiences for workers (MA-39). These workshops are important because migrant's rights are in most cases rendered irrelevant as their pre-departure contracts are often ignored when the migrant enters their country of destination (KD-20). They are forced to sign new contracts that undermine the protective clauses made in the original contract (KD-46). Since a signed pre-departure contract is a necessary legal document for a migrant to arrive in the country of destination, the contract becomes part of one's legal identity during their migrant journey. If these pre-departure contracts can be monitored to be respected by employers, these contracts can become a source of empowerment for FDLMs through legal identity. This document protects the conditions under which migrant workers agree to come to the destination country. In turn, through the orientation programs, organisations like the MFA can equip these migrants with tools such as emergency phone numbers, as well as mobile phones, to contact the MFA or their government in case of a violation of their contract (KD-18,48 and FA-26).

Besides educational programs with migrant workers, the MFA also organizes programs for their partners, who can then repeat their approach and develop orientation programs suited to their own national's needs. In 2019 for example, the MFA organised the "South Asia consultation on the implementation of the Global Compact for Safe Orderly and Regular Migration (GCM)", where they informed and updated participants on the Colombo Process, Abu Dhabi Dialogue, and South Asian Association for Regional Cooperation, so that they could develop a matrix of national priority issues, outlining what has been done by civil society organisations and governments, and what still needs to be done in line with the objectives of the GCM (Migrant Forum in Asia 2019). Like this, they have more than 20 programs, organized several campaigns, and published many reports and publications.

International Domestic Workers Federation (IDWF) - Network

IDWF is a global, membership-based organization dedicated to advocating for the rights and recognition of domestic and household workers, representing over 669,000 domestic workers across 69 countries as of December 2023 (International Domestic Workers Federation 2025). They do not necessarily focus on migrant workers but form an important base for protecting the rights of domestic workers anywhere in the world. Similar to MFA, the IDWF organises campaigns, and creates programs, manuals and publications through contact with IOs as well. A year ago, together with the ILO, they published "Decent work for Domestic Workers in Asia and Pacific – Manual for Trainers", which "aims to stimulate reflection and discussion on domestic work and how domestic workers and their allies can work together towards realizing their objectives" ((International Domestic Workers Federation 2025). This organization has gained wider recognition by states, but also by international organizations and other NGOs.

Bangladesh Nari Sramik Kendra (BNSK) - NGO

BNSK has also achieved significant results for its migrant workers in Saudi Arabia and the wider gulf region. BNSK is a non-governmental organization based in Bangladesh that focuses on the rights and welfare of women migrant workers. Since 1991, it engages in policy advocacy, capacity building, and community outreach to empower women and ensure their rights are protected both domestically and abroad. They have also worked closely with international organizations such as IOM, ILO, and UN Women to raise awareness and connect these organizations with testimonies of returning migrants who share their stories. In collaboration with UN Women for example, they have created a video titled "Asma's Story: UN Women brings hope to women migrants returning home to Bangladesh" (Bangladesh Nari Sramik Kendra 2021).

SANDIGAN - NGO

A similar advocacy organization, called SANDIGAN, provides for more evidence of the importance of engaging with grassroots migrants. SANDIGAN "uncovers the multifaceted challenges encountered by Filipino female domestic helpers in the region and highlights the collective empowerment initiatives undertaken by grassroots women migrants" (Asia Pacific Mission for Migrants n.d.).

Recruitment agencies intensify the struggles of domestic workers by dismissing their grievances and coercing them into settling on terms that favor the agencies (Asia Pacific Mission for Migrants n.d.). Complaints are often ignored or met with delayed responses, particularly when migrants seek help from advocacy groups like SANDIGAN (Asia Pacific Mission for Migrants n.d.). Philippine government bodies, such as the Department of Migrant Workers, are criticized for ineffectiveness and performative action (Asia Pacific Mission for Migrants n.d.). According to Rechilda, a returned migrant telling her story through SANDIGAN, returning Overseas Filipino Workers are misled by their agencies into accepting quitclaims via the office of Overseas Workers Welfare Administration, an attached agency of the Department of Migrant Workers—nominally worth PHP 75,000—but they typically receive only PHP 5,000–10,000, forfeiting their right to pursue justice (Asia Pacific Mission for Migrants n.d.).

Despite facing numerous challenges, women migrant workers and their advocates persist with resilience and solidarity. SANDIGAN's efforts highlight the crucial role of empowering women to stand up for their rights and oppose exploitative conditions. Programs like "Know Your Rights" orientations and the creation of local chapters offering services such as counseling and disaster-response support equip women migrants with the knowledge and resources needed to advocate for themselves and support each other (Asia Pacific Mission for Migrants n.d.).

These origin country organisations are essential because they often operate in close contact with returning/grassroots migrants and therefore are most aware of their realities abroad. They have the ability to pinpoint the most pertinent problems and propose the most effective solutions. Together with national governments they can push for standards and regulations for their nationals who move to countries such as Saudi Arabia where human rights are often blatantly violated. These organizations have a huge impact on migrants, as they help migrants reclaim their agency through informing them about their legal identity and holding their employers and recruitment agencies accountable, as well as their embassies situated in their destination countries. They also set rigid standards in the pre-departure contracts, since their contacts with returned/grassroots migrants helps them identify the most important challenges and risks.

Digital Migration Governance

Saudi Arabia and Musaned

What many have heralded as a solution for exploitative migration policies, for accountability, accessibility and the simplification of visa processes, are digital platforms. In theory, these platforms allow all parties to access legal documents, introduce measures and send complaints. They can also lead to the reduction of actors involved in the process, as Ray Jureidini writes: “Online recruitment can also be encouraged to minimize the number of intermediaries involved. The more the number of intermediaries, the more there is a risk of fraudulent practices to the detriment of all” (Jureidini 2016, 25).

In Saudi Arabia, the e-government platform “Musaned” by the Ministry of Human Resources and Social Development was specifically created to manage domestic labour migration. In 2024, it was ranked in the top 10 of government platforms in Saudi Arabia and first place in customer satisfaction with an “outstanding” score of 95.86%, following the Digital Maturity Index issued by the Digital Government Authority (MHRSD 2024).

TOP 10
IN GOVERNMENT PLATFORMS

95.86%
IN CUSTOMER SATISFACTION

To understand the actual scope and effects of those platforms, and if they actually improve the situation of FDLMs, it is important to understand the structures and services they offer.

Khaled Abalkhail, an MHRSD Spokesperson, describes the platform as follows: “the service offers an online platform that is easy to use and displays an array of services provided by an array of recruitment offices and companies. It also showcases all procedures and elements of the contractual process starting from preliminary agreements between employers and service providers to the hiring process, e-payment and arrival of domestic workers to the Kingdom. It comes within the ministry’s keenness to ensure the rights of all involved parties and offer facilitation to them.”(MRHSD 2022).

Saudi Arabia and Musaned

Musaned is available in both English and Arabic and aims to centralize employment and visa procedures to simplify hiring, ensure efficiency, and protect the rights of both employers and workers. As stated on the official website, Musaned aims to "simplify hiring domestic workers by offering all necessary procedures in one place, ensuring efficiency and saving time and effort" (Musaned 2025). Musaned's available services span the entire employment cycle, including the recruitment and hiring process, the contract and visa procedures as well as the managing of the contractual relation during employment.

However, despite the seemingly comprehensive features of the platform and the praises by the MHRSD, in practice there are serious challenges hindering the platform's actual effectiveness for FDLMs.

In our interview, spokesperson from two South Asian NGOs, Marciel Alon and Farhana Akter, highlighted the issues as follows: "It's a good initiative. We're not discounting the benefits. But I think there [have] to be more monitoring mechanism[s] to make sure that it actually works and [increase] the percentage of workers that it reaches" (MA-37).

Even though Musaned is supposed to centralize and bureaucratize the recruitment and employment process, its efficacy is undermined by weak implementation and a lack of compliance from both employers and agencies. Key features of the platform, namely the requirement for pre-departure contracts, paid holidays, or employer-covered expenses, are oftentimes not implemented in real life. Only for 20 - 30% of the Bangladeshi FDLMs do employers actually cover expenses (FA-33). A Qatar-based researcher, Kamal Darwish, further highlights the issue of agencies being located in the origin countries, where they can still charge FDLMs recruitment fees. and "Sometimes they pay incredible amounts of money, which they usually can't afford, but will borrow at high interest rates to pay it". Even when this is correctly implemented, it can give rise to new problems. Having paid recruitment fees upfront, many employers demand reimbursement from the migrant workers themselves, through e.g. the deduction of the fee from their salary: "They [Employers] may decide to recoup at least some of that money by putting deductions on the wages of the domestic worker, which is, strictly speaking, illegal"(KD- 44). Another issue is that employers may develop a sense of ownership over the FDLMs, perceiving the payment as a transaction through which they have "purchased" the worker (KD).

Regarding the requirement of pre-departure contracts, the spokesperson from the Bangladeshi NGO shares that "In [...] Musaned, specifically mentioned, before leaving the country, they should sign the agreement. And one copy should, in their own language, [...] should [be] kept with the workers. They [recruiting agencies] never ever give them. [...] At least you can ensure [that] before the pre-departure or in the pre-departure session, workers can get that agreement copy. So, they can know how much salary they are going to get, what's the benefit and what's that off time and everything. But the Recruiting Agency and middleman, they never provide it" (SA-35).

Darmish further explains that, as a domestic migrant worker, it is common to be given a different contract upon arrival in the country of destination, a contract that replaces the original and offers lower wages and less conditions (KD-44). He emphasizes that this practice amounts to human trafficking, stating, "if they're deceived with regards to their wages or any other conditions of their employment, then you have a situation of human trafficking."

As mentioned above, one of the key features of Musaned is supposed to be the easy accessibility, however, the digital exclusion of FDLMs renders it as inaccessible as previous mechanisms. Akter reports that despite a Bangladeshi policy mandating that female migrant workers own smartphones before departure, surveys reveal that only 10–15% are actually able to carry one (FA-31). Alon adds that devices like passports are also frequently confiscated by employers or intermediaries (MA-37). This digital exclusion directly undermines Musaned's promise of transparency and empowerment.

> **Musaned operates more effectively as a tool for employers than as a mechanism of protection for domestic labor migrants**

Another major gap, which was not previously visible from the desk review, is Musaned's limited jurisdiction over recruitment agencies in sending countries. In Bangladesh, for example, recruiting agencies and middlemen are not covered by Musaned at all (FA-33). All this leads to the conclusion that Musaned operates more effectively as a tool for employers than as a mechanism of protection for domestic labor migrants. Even though a promising initiative, it fails to address issues of digital access, contract enforcement and transparency, as well as recruitment agency and employer accountability.

DISCUSSION

06

Discussion

This study set out to explore how legal identity frameworks affect the lives of migrants, particularly examining the case of FDLMs in Saudi Arabia. To explore the migration governance system, this report drew on policy analysis, expert interviews, and a review of digital migration governance mechanisms such as Musaned. The following discussion aims to synthesise our key findings and will situate them within broader contexts on rights, power structures and the politics of legal identity in labor migration.

Legal identity is not merely a bureaucratic or administrative form of documentation, but should be seen as a deeply political construct that affects an individual's access to rights, protections, and recognition. Although legal identity is supposedly a gateway to legal protection, the translation to real life - especially in the context of migration - is ambivalent and often structures around hierarchical and exclusionary governance structures.

In the Saudi Arabian case, the gulf-wide Kafala system, based on a migration sponsorship structure, has seen recent reforms, but still subordinates migrant workers to their employers control. Looking at Saudi Arabia's international legal obligations, even though it has not ratified the ILO Domestic Workers Convention, it has nonetheless obligations under all the international treaties it is party to, as well as its obligation as member of the UN and ILO, and as state under customary law, to respect and protect its migrant workers and residents and their legal identity. However, this research showed that there is a divide between legal obligations and real-life commitments.

In the case of FDLMs, the confinement to the employer's home further limits the agency of the workers and invisibilizes them to a role of "subaltern" in Saudi society. Many of our interviewees suggested that even though legal identity documents are a prerequisite for domestic labor migrants that came to Saudi Arabia regularly, during their time of employment, it is of no help to the workers, but rather oftentimes used as leverage against them. Shakir further observes that "the system sometimes sees the employer as a "father figure" or "guardian" supervising the worker's access to services" (NS-34), illustrating the infantilization of domestic workers and the underlying assumption that they lack the capacity to exercise their social and legal agency independently. It also underscores, once again, the unique position of domestic workers, who are expected to maintain close, personal relationships with household members, yet are simultaneously viewed with suspicion by families concerned about the potential public disclosure of private information.

Discussion

Therefore, the analysis of the different legal policies and realities for FDLMs in Saudi Arabia indicates a complex relationship between migration and legal identity. Legal identity presents a dual narrative for domestic labor migrants. On the one hand, it acts as a tool that reinforces historical injustices, and further oppresses marginalized communities like migrant workers. This can be seen in the structural exclusion of- and discrimination against domestic workers. Deliberately excluding domestic workers from the labor laws, and "reluctantly" enforcing domestic labor law reforms, go hand in hand with weak, by power asymmetries characterized, bilateral agreements. Failing to honor initial pre-departure contracts, and instead imposing new agreements with poorer conditions, undermines both justice and the principle of fair working conditions. This practice not only exploits migrant workers but also erodes the integrity of the legal frameworks designed to protect them.

On the other hand, legal identity is the cornerstone of a regular migration pathway and can be reasserted through awareness-raising by civil society organizations (CSOs), enforcement and monitoring of employers' compliance with pre-departure contracts, prevention of passport confiscation, and intervention by consulates from migrants' countries of origin. Efforts by countries of origin through e.g. bilateral legal, policy agreements, consular service, as seen by the case of the Philippines have a significant effect on the situation of domestic labor migrants. However, as currently seen, if the countries of origin do not engage unilaterally with countries of destination, this will lead to further exploitation of migrant workers of countries that do not have the same protective measures installed. Since there is no ability to unionize for FDLMs, the work of COSs and grassroots movements in the country of origin becomes all the more necessary and significant.

Most distinctively, our research showed that even if there is written law, or written policy, the lived reality reflects a context of no accountability, serious mass-scale human rights violations, and an industry of labor migration that is highly exploitative of their subjects. The issue of monitoring remains inadequately addressed—whether in relation to private employers, recruitment agencies, state institutions, or digital platforms—resulting in the ongoing exploitation, including forced labor and human trafficking, of domestic migrant workers, regardless of their possession of legal identity documents.

LIMITATIONS

07

Limitations

Similar to any research project in the social sciences, our study is shaped not only by its findings but also by a set of inherent limitations. The scope of this research examines legal identity and FDLM in the Gulf region, specifically highlighting the Kingdom of Saudi Arabia and its enforcement of the Kafala sponsorship system. This focus enables an in-depth exploration of a complex phenomenon; however, it implies that our findings do not represent the entire global landscape of FDLM, nor do they capture the varied experiences in other regional contexts.

The methodological scope of our research was constrained by time and geographic distance. We were unable to perform an ethnographic fieldwork study, so our findings are derived from semi-structured expert interviews, legal and policy analyses, media content, and relevant academic literature. While this method offers a strong foundation, it does not substitute for the depth of understanding that derives from direct engagement with migrant workers and their living realities.

Language barriers also posed a significant challenge. None of the researchers in our team speak Arabic, which affected our ability to engage with primary legal texts, policy documents, or local media in their original language. Although we utilized English-language translations when accessible, our access to official papers and real-time sources was constrained.

Additionally, we were unable to access key digital labor platforms such as Musaned, a critical component of the recruitment cycle, as registration requires a Saudi national identification. Moreover, our efforts to contact Saudi government authorities, embassy personnel, or permanent representatives to the United Nations were futile. The lack of institutional viewpoints from the destination country is a considerable constraint, as it hinders our capacity to triangulate data.

Most importantly, this research lacked direct access to female domestic labor migrants themselves. Although we examined publicly testimonies from FDLMs and received second-hand testimony through our interviews, our lack of direct, ethnographic interviews with migrants under the Kafala system represents a major research gap. Despite these limitations, the scope of our project remains valuable and aims to enhance the wider academic and policy analysis.

CONCLUSION

08

Conclusion

The paradoxical relationship between legal identity framework and the lived experiences of FDLMs is clear, especially in the case of Saudi Arabia. Our policy analysis, secondary data research, and interviews, show that legal identity holds complexity and is deeply political. Although legal identity is central to our research, its concrete definition and role of protection is questionable. While legal identity is indeed a pathway to regular migration and supposed to offer rights and protection, in practice, it often reinforces historical and systematic inequalities and is used as a tool to control FDLMs under exploitative systems like the Kafala system. The Kafala system subordinates FDLMs to their employers, and their vulnerability is exacerbated and invisible as their work is in the private domestic sphere. Structural exclusion in labor laws, weak bilateral agreements, and limited access combined with ineffective control in digital platforms such as Musaned has negatively contributed to the situation. However, legal identity also holds potential to empower FDLMs, by ensuring a legal pathway for them. This gives them access to protection through consulates, and allows them to advocate for better standards through CSO's and pre-departure contracts. Additionally, employers can be held accountable if legal frameworks are respected.

> **The struggle of FDLMs is a global issue - regardless of their location, the sufferings and resistance often remain hidden behind closed doors, where domestic workers are left alone to fight for their rights everyday.**

While our study focused on the case of Saudi Arabia, we acknowledge that the struggle of FDLMs is a global issue. Regardless of their location, the sufferings and resistance often remain hidden behind closed doors, where domestic workers are left alone to fight for their rights everyday. This study is an additional step in bringing visibility to one of the most marginalized groups in the world. To adequately address the challenges FDLMs face, continued attention, global engagement, and broader research is required. With international events such as FIFA 2034, the window for opportunity to raise global awareness on this issue is becoming larger. Legal identity is only one lense to look at improving the lives of FDLMs, but there are many other factors that cause their vulnerability and invisibility. We hope this study contributes to a growing body of research on the power of legal identity in improving the experiences of FDLMs and all migrant workers. We advocate for more inclusive approaches that prioritize the voices and lived experiences of female domestic labor migrants, ensuring their rights are protected within the international community - an essential step toward addressing the root causes of their suffering worldwide.

REFERENCES

09

References

Aarthi, Sundararaj V., and Mrutuyanjaya Sahu. 2021. "Migration Policy in the Gulf Cooperation Council (GCC) States: A Critical Analysis." *Contemporary Review of the Middle East* 8 (4): 410–34. https://doi.org/10.1177/23477989211028748.

Americans for Democracy & Human Rights in Bahrain. 2024. "Assessing Saudi Arabia's New Law on Domestic Workers." *Americans for Democracy & Human Rights in Bahrain* (blog). May 15, 2024. https://www.adhrb.org/2024/05/assessing-saudi-arabias-new-law-on-domestic-workers/.

———. 2025. "Discrimination Against Migrant Domestic Workers in Saudi Arabia: Passport Confiscation and Denial of Citizenship." Americans for Democracy & Human Rights in Bahrain. February 14, 2025. https://www.adhrb.org/2025/02/discrimination-against-migrant-domestic-workers-in-saudi-arabia-passport-confiscation-and-denial-of-citizenship/.

Amnesty International. 2025a. "Saudi Arabia: Migrant Domestic Workers Face Severe Exploitation, Racism and Exclusion from Labour Protection." *Amnesty International* (blog). May 13, 2025. https://www.amnesty.org/en/latest/news/2025/05/saudi-arabia-migrant-domestic-workers-face-severe-exploitation-racism-and-exclusion-from-labour-protections/.

———. 2025b. "The State of the World's Human Rights." https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/saudi-arabia/report-saudi-arabia/.

Asia Pacific Mission for Migrants. 2025. "Filipino Women Migrants in the Middle East: Stories of Struggle and Collective Empowerment." Asia Pacific Mission for Migrants. 2025. https://www.apmigrants.org/apmm/r2dj72melmprbbkyx9jcsf3tl4mak6.

Azhari, Asma. 2017. "The Kafāla 'Sponsorship' System in Saudi Arabia: A Critical Analysis from the Perspective of International Human Rights and Islamic Law." *The SOAS Journal of Postgraduate Research* 10 (2016–2017). https://doi.org/10.25501/SOAS.00024680.

Bangladesh Nari Sramik Kendra. 2021. "BNSK Videos – BNSK – Bangladesh Nari Sramik Kendra." 2021. http://bnsk.org/videos/.

Bloemraad, Irene. 2013. "The Promise and Pitfalls of Comparative Research Design in the Study of Migration." *Migration Studies* 1 (1): 27–46. https://doi.org/10.1093/migration/mns035.

Brown, Ben, Sara Kohja, and Jassar Aljohani. 2024. "Part I: The Labour Dispute Process in the Kingdom of Saudi Arabia." Lexology. August 14, 2024. https://www.lexology.com/library/detail.aspx?g=7228dd41-4355-4c41-9164-afb133959418.

Building and Wood Workers' International. 2025. "BWI - Building and Wood Workers's International." 2025. https://www.bwint.org/.

Business & Human Rights Resource Centre. 2025. "Saudi Arabia: BWI Files ILO Forced Labour Complaint Ahead of 2034 FIFA World Cup Bid amid 'epidemic' of Migrant Worker Abuse." Business & Human Rights Resource Centre. March 18, 2025. https://www.business-humanrights.org/en/latest-news/saudi-arabia-bwi-files-ilo-forced-labour-complaint-ahead-of-2034-fifa-world-cup-bid-amid-epidemic-of-migrant-worker-abuse/.

Chepkemoi, Diana. 2024. "ESCAPING DOMESTIC SLAVERY IN SAUDI ARABIA." *Debunk Quarterly* (blog). February 15, 2024. https://debunk.media/quarterly/escaping-domestic-slavery-in-saudi-arabia/.

Choudhury, Tanzina, Mohammad Morad, and Francesco Dellapuppa. 2024. "Lacerated Minds, Stolen Dreams: Experiences of Bangladeshi Women Migrants in Saudi Arabia." *International Sociology* 39 (1): 50–70. https://doi.org/10.1177/02685809231207035.

Cobb-Clark, Deborah A., and Sherrie A. Kossoudji. 1999. "Did Legalization Matter for Women? Amnesty and the Wage Determinants of Formerly Unauthorized Latina Workers." *Gender Issues* 17 (4): 3–14. https://doi.org/10.1007/s12147-998-0001-5.

Commission on Administrative Justice. 2022. "A Report on Systemic Investigation into the Plight of Kenyan Migrant Domestic Workers in the Kingdom of Saudi Arabia." September 2022. http://library.ombudsman.go.ke:8080/jspui/handle/caj/237.

Embassy of Sri Lanka, Riyadh. 2025. "Sri Lanka – Saudi Arabia Cooperation." Embassy of Sri Lanka – Riyadh. 2025. https://slemb.org.sa/sri-lanka-saudi-arabia-cooperation/.

Esmat, El-Said. 2018. "Maid in Saudi Asks to Be Rescued from Abusive Employer." News. Asia Times. July 15, 2018. https://asiatimes.com/2018/07/maid-in-saudi-asks-to-be-rescued-from-abusive-employer/#.

Franck, Anja Karlsson, and Joseph Trawicki Anderson. 2019. "The Cost of Legality: Navigating Labour Mobility and Exploitation in Malaysia." *International Quarterly for Asian Studies* 50 (1–2): 19–38. https://doi.org/10.11588/iqas.2019.1-2.10288.

General Authority for Statistics. 2025. "Labor Market Statistics." GASTAT. 2025. https://www.stats.gov.sa/statistics-tabs.

Gustafsson, Johanna. 2017. "Single Case Studies vs. Multiple Case Studies: A Comparative Study." https://www.diva-portal.org/smash/get/diva2:1064378/FULLTEXT01.pdf.

Helper Choice. 2025. "Domestic Worker's Salary in Saudi Arabia: A Guide for Employers." HelperChoice. 2025. https://www.helperchoice.com/c/domestic-workers-salary-in-saudi-arabia-a-guide-for-employers.

Hennebry, Jenna L., Nicola Piper, Hari Kc, and Kira Williams. 2022. "Bilateral Labor Agreements as Migration Governance Tools: An Analysis from a Gender Lens." *ResearchGate*. https://doi.org/10.1515/til-2022-0015.

Honneth, Axel. 2007. *Disrespect: The Normative Foundations of Critical Theory*. Polity. https://www.wiley.com/en-us/Disrespect%3A+The+Normative+Foundations+of+Critical+Theory-p-9780745629056.

Human Rights Watch. 2024. "'Die First, and I'll Pay You Later.'" *Human Rights Watch*, December. https://www.hrw.org/report/2024/12/04/die-first-and-ill-pay-you-later/saudi-arabias-giga-projects-built-widespread.

ICCPR. 1966. "International Covenant on Civil and Political Rights." OHCHR. 1966. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

International Domestic Workers Federation. 2025. "About Us." *International Domestic Workers Federation* (blog). 2025. https://idwfed.org/about-us/.

International Labour Organization. 2005. "Labour Law (Royal Decree No. M/51)." International Labour Organization. 2005. https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=74429.

———. 2014. "Agreement on Labour Cooperation for Domestic Service Workers Recruitment between the Ministry of Overseas Indian Affairs of the Republic of India, and Ministry of Labour of the Kingdom of Saudi Arabia." January 2, 2014. https://www.ilo.org/resource/agreement-labour-cooperation-domestic-service-workers-recruitment-between.

———. 2015. *ILO Global Estimates of Migrant Workers: Results and Methodology: Special Focus on Migrant Domestic Workers*. Geneva: ILO. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/documents/publication/wcms_436343.pdf.
———. 2020. "Rights and Responsibilities of Relevant Actors on Labour Migration in Ethiopia - International Labour Organization." 2020. https://researchrepository.ilo.org/esploro/outputs/book/Rights-and-responsibilities-of-relevant-actors/995218805102676.
———. 2021. "Making Decent Work a Reality for Domestic Workers in the Middle East: Progress and Prospects Ten Years after the Adoption of the ILO Domestic Workers Convention, 2011 (No. 189)." Geneva: ILO. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_831916.pdf.
———. 2023a. "Regulatory Framework Governing Migrant Workers." https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_776522.pdf.
———. 2023b. "Summary of Lessons Learned, Work in Freedom Programme | International Labour Organization." April 25, 2023. https://www.ilo.org/publications/summary-lessons-learned-work-freedom-programme.
Jureidini, Ray. 2016. "Ways Forward in Recruitment of 'low-Skilled' Migrant Workers in the Asia-Arab States Corridor." In . Beirut: International Labour Organization, ILO Regional for the Arab States. https://ibir-api.hbku.edu.qa/sites/default/files/2021-03/ILO%20wp.pdf.
———. 2018. "Wage Protection Systems and Programmes in the GCC." *Migration to the Gulf: Policies in Sending and Receiving Countries*, 9.
Killias, Olivia. 2010. "'Illegal' Migration as Resistance: Legality, Morality and Coercion in Indonesian Domestic Worker Migration to Malaysia." *Asian Journal of Social Science* 38 (6): 897–914. https://doi.org/10.1163/156853110X530796.
Kohn, Nina A. 2014. "Vulnerability Theory and the Role of Government." *Yale Journal of Law and Feminism* 26 (1): 1–28.
Lahman, Maria K. E., Rowen Thomas, and Eric D. Teman. 2023. "A Good Name: Pseudonyms in Research." *Qualitative Inquiry* 29 (6): 678–85. https://doi.org/10.1177/10778004221134088.
Laiboni, Nkirote. 2022. "A Job at Any Cost: Experiences of African Women Migrant Domestic Workers in the Middle East." https://idwfed.org/publications/a-job-at-any-cost-experiences-of-african-women-migrant-domestic-workers-in-the-middle-east/.
Mbithe, Easter. 2024. "ESCAPING DOMESTIC SLAVERY IN SAUDI ARABIA." Debunk Quarterly. February 15, 2024. https://debunk.media/quarterly/escaping-domestic-slavery-in-saudi-arabia/.
McAuliffe, Marie, and Anna Triandafyllidou. 2021. *World Migration Report 2022*. Geneva: International Organisation for Migration. https://publications.iom.int/books/world-migration-report-2022.
McQue, Katie. 2024a. "'Every Day I Cry': 50 Women Talk about Life as a Domestic Worker under the Gulf's Kafala System." *The Guardian*, April 25, 2024, sec. Global development. https://www.theguardian.com/global-development/2024/apr/25/kafala-labour-system-gulf-women-talk-about-life-as-a-domestic-worker-in-the-gulf.

———. 2024b. “Kenyan Single Mothers ‘Trapped’ in Saudi Arabia as Exit Visas Denied to Children Born Outside Marriage.” *The Guardian*, December 18, 2024, sec. Global development. https://www.theguardian.com/global-development/2024/dec/18/kenyan-single-mothers-trapped-in-saudi-arabia-as-exit-visas-denied-to-children-born-outside-marriage.
Migrant Forum in Asia. 2019. “South Asia Consultation on the Global Compact for Migration | Migrant Forum in Asia.” 2019. https://mfasia.org/south-asia-consultation-on-the-global-compact-for-migration/.
———. 2025. “About Us | Migrant Forum in Asia.” 2025. https://mfasia.org/about-us/.
Migrant-Rights.org. 2023. “An Overview of Saudi’s New Domestic Workers Law.” *Migrant Rights* (blog). October 17, 2023. https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/.
———. 2024a. “Saudi Arabia Extends Wage Protection System to Domestic Workers.” *Migrant Rights* (blog). May 27, 2024. https://www.migrant-rights.org/2024/05/saudi-arabia-extends-wage-protection-system-to-domestic-workers/.
———. 2024b. “Saudi Arabia Requires Online Submission of Domestic Work Complaints.” Migrant Rights. October 10, 2024. https://www.migrant-rights.org/2024/10/saudi-arabia-requires-online-submission-of-domestic-work-complaints/.
———. 2024c. “Saudi Arabia Revises Its Regulations for Absconding Domestic Workers.” Migrant Rights. April 17, 2024. https://www.migrant-rights.org/2024/04/saudi-arabia-revises-its-regulations-for-absconding-domestic-workers/.
Ministry of Media. 2024. “Musaned Platform.” Saudipedia. August 12, 2024. https://saudipedia.com/en/article/2026/government-and-politics/digital-government/musaned-platform.
MOHRE. 2025. “The Accredited Domestic Workers’ Recruitment Agencies Operate under Strict Legal Regulations and Regulatory Guidelines and Oversight by the Ministry, Ensuring the Legal Rights of All Parties in the Contractual Relationship. If the Recruitment Agency You Dealt with as an Employer.” X (Formerly Twitter). February 22, 2025. https://x.com/MOHRE_UAE/status/1893282855398101416.
Monticelli, Thays, and Marlene Seiffarth. 2018. “Paid Domestic Work In Brazil – An Analysis of the Political and Cultural Conjunctures of Labor Rights.” In . Brazil. https://www.academia.edu/37227763/PAID_DOMESTIC_WORK_IN_BRAZIL_AN_ANALYSIS_OF_THE_POLITICAL_AND_CULTURAL_CONJUNCTURES_OF_LABOR_RIGHTS_1.
Motaparthy, Priyanka. 2015. “Understanding Kafala: An Archaic Law at Cross Purposes with Modern Development.” Migrant Rights. March 11, 2015. https://www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/.
National Vocational and Technical Training Commision Pakistan. 2021. “TAKAMOL - Skill Verification Program.” 2021. https://navttc.gov.pk/takamol/.
Office of Assistant to the President of the Republic of Indonesia. 2025. “Gov’t to Resume Sending Migrant Workers to Saudi.” *Sekretariat Kabinet Republik Indonesia*, March 14, 2025, Online edition, sec. Government News. https://setkab.go.id/en/govt-to-resume-sending-migrant-workers-to-saudi/.
Office of the High Commissioner for Human Rights. 2023. “Digital Border Governance: A Human Rights Based Approach.” OHCHR. September 18, 2023. https://www.ohchr.org/en/documents/tools-and-resources/digital-border-governance-human-rights-based-approach.

Pande, Amrita. 2013. "'The Paper That You Have in Your Hand Is My Freedom': Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon." *The International Migration Review* 47 (2): 414–41.
Parreñas, Rhacel Salazar, and Rachel Silvey. 2016. "Domestic Workers Refusing Neo-Slavery in the UAE." *Contexts* 15 (3): 36–41. https://doi.org/10.1177/1536504216662235.
Rak, Patrick. 2020. "Modern Day Slavery: The Kafala System in Lebanon." Harvard International Review. December 21, 2020. https://hir.harvard.edu/modern-day-slavery-the-kafala-system-in-lebanon/.
Romero, Mary. 2018. "Reflections on Globalized Care Chains and Migrant Women Workers." *Critical Sociology* 44 (7–8): 1179–89. https://doi.org/10.1177/0896920517748497.
Saidi, Sara. 2025. "What Can International Solidarity Do for Migrant Workers' Rights in Saudi Arabia?" Equal Times. March 18, 2025. https://www.equaltimes.org/what-can-international-solidarity.
Serugo, Geoffery. 2023. "Uganda Signs New Bilateral Labour Agreement with Saudi Arabia." *Eagle Online* (blog). March 30, 2023. https://eagle.co.ug/2023/03/30/uganda-signs-new-bilateral-labour-agreement-with-saudi-arabia/.
Shaker, Annas. 2024. "Saudi's Labour Reform Initiative: An Overview." Migrant Rights. November 3, 2024. https://www.migrant-rights.org/2024/11/saudis-labour-reform-initiative-an-overview/.
Shewamene, Zewdneh, Cathy Zimmerman, Eyasu Hailu, Lemi Negeri, Annabel Erulkar, Elizabeth Anderson, Yuki Lo, Orla Jackson, and Joanna Busza. 2022. "Migrant Women's Health and Safety: Why Do Ethiopian Women Choose Irregular Migration to the Middle East for Domestic Work?" *International Journal of Environmental Research and Public Health* 19 (20): 13085-. https://doi.org/10.3390/ijerph192013085.
Spivak, Gayatri Chakravorty. 2020. *Can the Subaltern Speak?: Postkolonialität und subalterne Artikulation*. Wien Berlin: Turia + Kant, Verlag.
UDHR. 1948. "Universal Declaration of Human Rights." United Nations. United Nations. 1948. https://www.un.org/en/about-us/universal-declaration-of-human-rights.
UN Legal Identity Agenda. 2025. "Home — UN Legal Identity Agenda." 2025. https://unstats.un.org/legal-identity-agenda/.
United Nations. 2015. "2030 Agenda for Sustainable Development." https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf?_gl=1*2naoez*_ga*MTkzNzEzODY5Mi4xNzMxNDQ3MzA2*_ga_TK9BQL5X7Z*MTczMTUyNzAwNC4zLjAuMTczMTUyNzAwNS4wLjAuMA.
United Nations Economic and Social Commission for Western Asia (ESCWA). 2017. "Agreement on Labor Cooperation for General Workers Recruitment and Employment between the Philippines and Saudi Arabia." Migration Policies in the Arab Region. April 11, 2017. https://migrationpolicy.unescwa.org/index.php/node/3764.
U.S. Department of State. 2025. "2024 Trafficking in Persons Report: Saudi Arabia." *United States Department of State* (blog). 2025. https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/.
VisaHQ. 2025. "Embassies and Consulates in Saudi Arabia." VisaHQ. May 15, 2025. https://www.visahq.sa/en-sa/embassies/.
Walk Free. 2025. "Migrant Workers in Saudi Arabia Face Systemic Abuse and Exploitation." Walk Free. January 7, 2025. https://www.walkfree.org/news/2025/migrant-workers-in-saudi-arabia-face-systemic-abuse-and-exploitation/.
Wickramasekara, Piyasiri, and L.K. Ruhunage. 2018. *Assessment Guide for Bilateral Agreements and Memoranda of Understanding on Labour Migration,with a Special Focus on Bangladesh*. Dhaka: ILO.

APPENDIX

10

Interview Structure

We carefully selected interviewees based on relevance and some were additionally referred by experts we had interviewed (snowball sampling). The interviews were conducted in English, both in person and online. A total of seven interviews were conducted for this project, with some group interviews resulting in ten interviewees—four with NGOs, three with experts from the academic field, 2 with migrant-networks/activists, and one with a scholar who worked closely with IOs like the ILO.

The interview questions and interview itself are designed with careful consideration of all possible ethical challenges. For a comprehensive understanding and to avoid any misinterpretation, the interviews were recorded with the consent of all interviewees, and questions were structured based on the interviewee's field of focus. Materials and information shared by interviewees are used strictly and solely for internal understandings. Each interview partner is anonymized using pseudonyms and role description considering the sensitivity of our topic, migration governance in Saudi Arabia and Gulf states, and the risk of retaliation for all people involved in the interview.

In selecting pseudonyms, we are aware that names are often deeply personal and reflective of one's culture and identity (Lahman, Thomas, and Teman 2023). While we assign culturally sensitive pseudonyms that can reflect this, we take the utmost care to ensure that no information could lead to the identification of individuals - including names, location, and organizational affiliations.

For brevity purposes, this paper references the information from the interviews in the following way. We assign an acronym to each interview partner to refer to them (e.g., MK refers to Meena Krishnan). Each speaker was assigned a speaker code (e.g., S03 = Meena Krishnan (MK)) during the transcription process. In the main text, we refer to participants by their acronym. Additionally, each response in the transcript is numbered. For example, MK-2 references the response numbered as 2 in the interview done with "Meena Krishanan," or "S03". The list of acronyms can be found below.

7 interviews

10 interviewees

In person/Online

List of Interview Partners (anonymised)

Nr.	Name	Acr.	Organization	position	Interview Location	Date
1	Meena Krishnan	MK	A non-profit initiative dedicated to advocating for the rights and dignity of migrant workers, particularly in the Middle East and surrounding regions	Director of Projects	Online	13/03/2025
	Nadine Barakat	NB		Director		
	Omar Salim	OS		Researcher & Editor		
2	Rachel Whitmore	RW	University in the U.S.A	Professor	Online	19/03/2025
3	Lucia Herrera	LH	University in Switzerland	Professor	Geneva	31/03/2025
4	Lorenzo Vitale	LV	University in Switzerland	Professor	Online	02/04/2025
5	Kamal Darwish	KD	University in Qatar	Professor and Researcher (incl. for the ILO)	Online	08/04/2025
6	Maricel Alon	MA	A regional network committed to advocating for the rights and welfare of migrant workers across Asia.	Migrant Recruitment Advisor and Program Officer	Online	09/04/2025
	Farhana Akter	FA	A women-led organization dedicated to ensuring the rights and enhancing the capacity of Bangladeshi women migrant workers, both domestically and internationally.	Executive Director		
7	Nadim Shakir	NS	Independent	Journalist and Researcher	Online	29/04/2025

ANNEX

11

Interview 1

A non-profit initiative dedicated to advocating for the rights and dignity of migrant workers, particularly in the Middle East and surrounding regions

S00 = Nadine Barakat (NB)

S01 = Omar Salim (OS)

S02 = Nadine Barakat (NB)

S03 = Meena Krishnan (MK)

S04 = Student Researcher

S05 = Student Researcher

1. S05 [00:00:00]: The interview, so we want it to be like a really open structure. Please feel free to add any comments or any insights that you have, even like if they're not specifically targeted to our questions. If you think something is from your expertise, interesting to look at, we are open to anything you have to say. (.)
2. S04 [00:00:19]: Okay. (..) So maybe we already sent some of these questions to Ms. Meena Krishnan. (..) So I suggest we just dive right into it. I think she just gave me the call. (.) Yeah, hi. Hi, nice to meet you. We gave a short introduction to your colleagues. (.) And yeah, also to let you know that we are recording this session, if this is fine for you. (..)
3. S03 [00:00:52]: That's okay. I will have my video on, though. No, that's okay.
4. S04 [00:00:56]: It's just for transcript purposes and for us to get your answers fully. So let's dive right into it. (..) So from your research, do you see legal identity as a protective tool or as something that can be weaponized against migrants? (..)
5. S00 [00:01:19]: So what do you mean by legal identity? Like what definition are you using?
6. S05 [00:01:23]: Oh, yeah. So legal identity, we know there's like different definitions of it. For us, we try to stick with like really like the physical paperwork they have, so passports, also like visa. But what we also want to look at is like how you can access your legal identity when you're a domestic labor migrant in Saudi Arabia. So not even that you have your passport, but can you actually use your legal identity there, like your status, can you actually reach out to social services, to health care, to all of those things. And also the visa process as a bigger concept, yeah. (...)

7. S03 [00:02:05]: How much do you know about the kafala system and how workers are recruited and brought in? (..)

8. S05 [00:02:13]: We've done some research on it when we were preparing for the case study. (.) So we know about the sponsorship system that is really privatized, that it's working mostly over recruiting agencies. (..) Yeah. And please feel free to enlighten us with any more information because we saw that you're really the expert in this. (..)

9. S03 [00:02:43]: So, I mean, my understanding when you're saying legal identity is documented migrants versus those who don't have documents, the ones who are in possession of their passports, who have a valid visa to be there, correct? (.)

10. S05 [00:03:03]: Yes. So that one. And what we also want to look at is that even those with legal identity, with their passports, with the visa, in those settings of in-house living, domestic labor migrants, that a lot of times their passports are getting taken away. Also the issue of exit visas, how that's limiting their ability. (.....)

11. S00 [00:03:31]: Sorry, just so I make sure I understand completely. So when you're talking about domestic migrant workers who are working as domestic workers, what you mean is that to the extent that their identity as a migrant worker on a domestic workers visa is protecting them or not protecting them? (...)

12. S05 [00:03:52]: Yeah, exactly. That they have that migrant worker visa. That is what we're mainly looking at. We're also trying to see if we can open it up to irregular pathways (.) and how domestic labor migrants might be outside of those structures that already exist. But for now, we're focusing on the structures, on the domestic labor migrant visa and the whole pathway there.

13. S00 [00:04:19]: I mean, I guess maybe I can start with a couple of thoughts and then Meena Krishnan can jump in and we might have maybe slightly different views on some things as well. (..) But I guess, I mean, I guess to kind of go back also to this idea of migrant workers who are entering in on valid visas versus those who are entering in through irregular pathways. Like normally you would often see quite a difference between the way that people are treated based on whether they're irregular workers, whether they're workers who have come in on valid visas. Oftentimes we don't see quite as much of a discrepancy in the Gulf states because the kafala system allows legally for so much exploitation to happen because of the employers control over the system. And that's not to say that people who do enter in irregularly or more likely enter in regularly [00:05:20] only to later become irregular workers do face more protection gaps for sure. Because it is more difficult for them to, whether it's to gain non-exploitative forms of

employment or whether if it's something really does go wrong to get support from authorities, it is certainly much more difficult for them. But at the same time, even for workers who have kind of, you know, quote unquote, done everything right, came in on the right paperwork, everything, (.) even for them that's not necessarily a protection per se. Like they will, you know, be able to maybe file a complaint, for example, their embassy might be willing to give them more support, but they are still in a very vulnerable position precisely because of the constraints of the kafala system, of not being able to change employers very easily or without employer permission, of the difficulties in filing complaints as well. (..) [00:06:21] And I guess when you, you know, the second part of your question about weaponizing, I mean, that does come into play quite a bit when people, when sponsors, you know, threaten not to renew workers documents, for example, or never issue them to begin with, or report them as absconding. So that's a way that, again, even as a worker who has all of the documents that they need, that can still be used against them because they're not really fully in control of them. (.....)

14. S03 [00:06:55]: Yeah. And also that the status of your documentation is dependent on the sponsor, but the criminalization is of the worker. So that is a key thing about the kafala, right? And in terms of also what you need to keep in mind is access to services. (.) The services themselves are very limited, if you look at it. And they are often, there's a two tier system where citizens will have better access to certain services. But then if you're looking at, you know, domestic violence or gender-based violence, and whether they can reach out, some of those things are not available for citizen women itself. So you also have to understand that the kind of services being provided is not a comprehensive set, and it's not available for everyone there, whether you're a citizen or not. [00:07:59] But when it comes to women, it tends to be difficult to access the services. And then if you are a migrant domestic worker, then you have other aggravating factors that will make it difficult. (.) Again, when you mean services, maybe you have to be clearer what you mean by that. If it is health care, justice, social protection, because certain things do exist and certain things don't. And very often it is, you know, the response to access to services is digitization, but it's digitization aimed at a group that are probably not literate that way. (...)

15. S05 [00:08:42]: Okay. Thank you so much. That was a good start, I feel. (...) And yeah, with the social services, we want to look at the different parts and see, is there some structures for justice, because it must be so hard to access that and even get accountability if you were exploited. (.) Also, like the health care and what you mentioned as well. What do you think?

16. S04 [00:09:14]: I was thinking of how can international community help. Yeah, so we're also looking at how the international community might help

in this situation. So how do you think that the work of international frameworks such as ILO's Domestic Workers Convention shape the situation of female domestic labor migrants? And what do you think international organizations such as IOM and ILO can do better? And can they even have a role? Or are other actors more important? And in that case, which actors? (.....)

17. S03 [00:09:57]: Omar Salim, do you want to start and then we can join? (...)

18. S01 [00:10:02]: So one thing about the ILO Domestic Workers Convention is that none of the Gulf states have rights by law. (.) However, they do acknowledge it in a sense that if you read Kuwait's domestic workers law, like in the first page it says this is to follow the spirit of the C189 in order to protect domestic workers. And also in international conventions they talk about how their domestic laws follow this convention. But in fact it doesn't. (.) I would say, I don't think that it has done much to put in place serious protection for domestic workers. (...) [00:11:04] And then when it comes to international organizations, I feel like ILO has been working. I can speak of, for example, Bahrain. I don't know what they have done in Saudi so far.

19. S02 [00:11:23]: But they have worked with the unions and other organizations on the ground to kind of push for the rights for domestic workers. However, there's been both pushbacks from the government and the unions. (.)

20. S01 [00:11:48]: For the reason of domestic workers is such a marginalized group that government citizens, they all like. (.....)

21. S02 [00:12:08]: And my colleagues want to add to this. (....)

22. S03 [00:12:16]: So apart from, as Omar Salim mentioned, they haven't ratified that convention on CMW. (...) But ILO is active, very active in Qatar. They have a technical office and they're trying to do something similar in Saudi. But what happens when international organizations attempt to work with states in the Gulf is they have to kind of negotiate the terms of their presence there. And that means that they do compromise on a lot of things. So if you look at Qatar, ILO and Qatar, they've been there for nearly seven years. And they haven't really pushed for Qatar ratifying Convention 189. They haven't really pushed for allowing unionizing either. But they come up with other forms of not collective bargaining, but organizing. [00:13:18] So there's always this, but there are these standards that do exist and they use that language. (...) CEDAW has been used, I would say, to a degree effectively in many ways. You know, submissions to CEDAW by NGOs and submissions to other treaty bodies. At least then the states have to, these are binding commitments. So the states have to respond to any kind of accusations of not meeting their commitments under the treaties. So that level of accountability is there, but it's not much. You also

mentioned IOM. And I'm sorry, I'm very distracted. There's a loud noise, background noise. Do you all hear it? (..)

23. S04 [00:14:11]: Yeah, I think it's from, we can otherwise mute when you're speaking and then we unmute.

24. S03 [00:14:16]: Yeah, yeah, sure. Yeah, because, so now you mentioned IOM. And IOM has an increasing presence across the Gulf states. They have an office in, I think, Bahrain as well, but Kuwait, in Saudi, in Qatar. Now, the issue with IOM is that they do not have, they neither have a human rights mandate nor a labor mandate. So they have no conventions and they have no standards. So they operate within the parameters set by the state itself. So it can be problematic. And it also then becomes, you know, the states co-opting a UN adjacent agency (.) to carry out things that are absolutely against the rights of migrant workers. So when it comes to international thing, the few binding commitments that are there, [00:15:16] those are the ones that we could leverage. And ILO could probably work around certain things. But domestic workers seems to be a taboo subject for many reasons. Even in a state like Qatar that did include them in a lot of the reforms in 2020, they have regressed a bit because the state outsources, you know, the visa regime to individuals, not even companies. And they do it so that they don't have to provide those services for their own citizens. They just make it cheaper for them to cater to those needs. And then that becomes a very, and the nexus between the recruitment agents, the employers and the government is very tight. So a lot of the agencies in the Gulf countries are owned by powerful people who are also the employers. So it's very difficult. And the same is true of origin countries, right? So if you look at Saudi specifically where the workers come from, you had mentioned Musnad system. [00:16:21] Now the agencies, the way it works is origin country agency can have up to five partners in the state. But the Saudi agency can have any number of partners in any country in origin. Okay, so there's this power issue there itself. But both at origin and in Gulf states, agencies are owned by very, very powerful people, you know, big businessmen, politicians, and then it just becomes difficult to break that nexus or to hold them accountable. (...)

25. S01 [00:17:00]: I just want to add something to what Meena Krishnan said about the IOM. (..) There has been a shift in recent years, in my opinion, where Gulf governments have been working more with IOM and less with ILO. (..) And like Meena Krishnan said, they don't have a mandate in terms of labor standards. And what I've seen here that is happening is there's more emphasis on awareness for domestic workers' rights and things like that from their side. Like they work with governments to do awareness campaigns and things like that. They might even talk to migrant community groups. However, there is nothing in there for things like labor organizing, introducing laws, or ratifying the convention, for example. So

there is a big issue. I would also say because of the nature of the domestic work in the Gulf, the live-in nature, where it's very hard to enforce or inspect to make sure laws and things are in order, (..) [00:18:15] ratifying these as important as they are ratifying ILO conventions does not necessarily translate to better rights for domestic workers. (.)

26. S00 [00:18:26]: And I think just jumping off of that, the Gulf states very much do instrumentalize their relationship with the IOM. It's a way of them saying, oh, look, we are doing something on migration. We are doing something on migrating domestic workers, and we're doing it with this international organization that works on migration. Since most people don't realize that the IOM is only a UN-adjacent organization, it doesn't have these standards, as [name] and Omar Salim have mentioned. So for them, it's a way of showing that they're doing something without actually committing to any of these standards. (...) And one other thing that I wanted to mention also was just in terms of how C-189 might shape things in the region is, yes, no one has ratified it within the region, and even very few origin states have ratified it as well. I think the Philippines and Sierra Leone maybe. But it does really influence the advocacy strategies content of worker groups, so the International Domestic Workers Federation, which has an increasing presence in the region, as well as both formal and informal migrant groups in the region. [00:19:37] So more so in Kuwait and Bahrain, where migrant groups have a little bit more freedom to actually meet with each other and meet as groups. But I think even informally, there are so many workers that find ways to come together about these issues, and then they end up internalizing what these standards are, whether that's through outreach from bigger groups like IDWF and other spaces as well. So I do think very broadly, it is shaping the pressure from organizations on the region, but whether that's actually translated into reforms and practices is a bit of a different question.

27. S03 [00:20:22]: And the IOM is also leading one of the most comprehensive largest dialogues on migration now, where states are able to say, which is a global compact on migration. (.) The states are able to say what they want without really being called out for it. And the other issue, they do reach out to domestic workers. They do some projects with them. But the way I look at it is this whole toxic positivity that they tap into. So they have these campaigns that are showing domestic workers doing art, domestic workers doing this, the whole idea of showing them in a good light, where they're co-opting their own experiences, the workers' experiences, to frame it in this very positive thing. And most recently in Qatar, they've done a whole exhibition where there is really no actual recognition that these workers are making the best of a very poor situation. [00:21:34] But they're only framing it as, oh, this is what their life could look like, or this is what their life looks like. So I think, yeah, that's another thing to keep in mind. But I know you guys want to talk about legal identity, so we'll come back to that. (.....)

28. S05 [00:21:53]: No, but yeah, that was really, really helpful for us, because we're also looking at what international organizations are doing in general for migrant workers, specifically domestic labor migrants. So that was really insightful. And I think the other question we had was about, you mentioned it as well already, like unionizing or those workers' organizations, but like grassroots or community-led initiatives, is that possible in Saudi Arabia? Are they there? What are the constraints? As you mentioned as well, the circumstance of in-house living for domestic labor migrants makes it also so much harder, even if it's possible. So yeah, if you have any information on that, that would be really interesting for us. (.....)

29. S04 [00:22:51]: And maybe just also to add to that, if grassroots or community-led initiatives help with any legal identity kind of stuff, helping each other get a legal identity or talking to each other, sharing experiences.

30. S05 [00:23:05]: Working from plating, visas and contracts, and if there's any information on that.

31. S03 [00:23:12]: So one interesting thing, the state that has, I think, really well-organized community groups that reaches out to domestic workers, I think top of that is Kuwait. And it was started by Filipino domestic workers, but now covers a lot of the other nationalities and goes beyond domestic work. Then there is Bahrain, which Omar Salim is very closely involved. And there is Qatar. Qatar happened under more formal terms because when they entered into the MOU with ILO, one of the conditions was there had to be community liaison officers for each union, which included the International Domestic Workers Federation. So that does exist. (..) My colleagues will talk more about what that thing looks like. (.)

32. S00 [00:24:09]: Adi, maybe you want to talk a little bit about Saudi?

33. S01 [00:24:12]: I was just not sure if my mic was working. (..) So the issue in Saudi is that there are no unions. (..) By and large, organizations and things like that are illegal, or migrants can get into trouble in doing that kind of thing. (.) And also, like I mentioned, the nature of domestic work and Saudi being a huge country, it's very hard to organize on those conditions. (....) Also, I think when it comes to this issue of unionization of domestic workers, I can speak of the conditions in Bahrain, but I think it would be the same if Saudi had a union and things like that. [00:25:16] We're asking the same question because there is an issue of the unions here. Unions or workers groups, they're not monolith, right? They all don't have the same interests in a way. On some levels, all workers are united by being workers, but at least here there's a hierarchy. Domestic workers, for many, they're not considered workers. And then there is also this almost like a zero-sum game between the right of the employer and the right of domestic worker that many workers in the unions here think through that mindset. So it's very hard to organize and lead any kind of initiatives within the unions

through that. [00:26:19] So there needs to be an active work towards that to change this kind of condition where it's not a zero-sum game and both workers and employers can benefit. (..) And then the other issue, this makes it usually that it's often migrant community groups, grassroots groups that are taking these initiatives to advocate for migrant rights. Here in Bahrain, there was an initiative to form a domestic workers union, but it got shut down by the government here. And it also created a lot of schism between the main union here as well. So I think in Saudi, it's even more difficult because there is no union and then there is these conversations. (.) [00:27:24] Any kind of conversations about domestic workers' rights are almost mostly virtually always top-down rather than bottom-up. (..) Reema, if you want to add something.

34. S03 [00:27:38]: I just want to add one thing. Sorry. No, go ahead. Yeah. (.) I want to, you know, the power of those who have chosen, made a decision to become irregular in their status, who leave their employers, the kind of organizing they do is really interesting because the community really comes together then. And they understand the system. This is not to say that people have to plan to become irregular, but they see the employment model that works best for them. (.) Documentation of contract doesn't protect their labor rights. It protects their legal residency. So they come up with, and we've seen this in Saudi and in Kuwait, particularly with the Ethiopian community, where they come together, they have their own areas, they go out, work in different households. Of course, they're extremely vulnerable, but so are workers within households. [00:28:40] But the kind of organizing that workers who have lost their documents, the kind of organizing that they do, the kind of leadership that female domestic workers have shown in those things is really interesting. And even within, you know, even within places where it's more formal, like I said, in Qatar, a lot of the members tend to be those who have left their employers who are working in some kind of a gray area within the system, but they've taken an educated risk. And, you know, so then you start questioning like how much of this, them being there legally really protects them because they seem to meet their migration goals, financial goals, easier when they do these things. And they have a plan. I mean, it's a completely different discussion, of course, but just to say that there are ways in which that they organize, which is not a traditional union format of organizing, but they do organize. [00:29:49] And there is a form of collective bargaining that they do where they're educating each other on how to have those conversations. Sorry. (29 seconds pause)

35. S00 [00:30:28]: And what we've seen is, like [name] said, with workers who have left their employers and become irregular or those who are allowed out on those days, often to visit like religious sites, so people who are going to their churches or to their masjids, that tends to be, you know, where they find these moments where they're able to build those communities. And it

might often look a bit more like, you know, providing collective care to one another than providing collective action, I guess, in the way that we would, you know, might traditionally think of a union calling for a strike or bargaining with the government. But that bargaining can also, as [name] said, be on the individual level. It is about giving workers, you know, support if they're in distress, but also the strategies to negotiate. And then I think some of that collective action does, you know, end up going back to countries of origin, which we haven't really touched upon too much, but can also be, you know, a bit of a constraint on workers as well. So many countries of origin, with the exception of perhaps the Philippines, don't really want to hear about, you know, the issues that workers are facing. [00:31:32] They don't want to hear about the complaints. And so even, you know, not even talking about embassies, you know, in the Gulf states, which are going to be facing, you know, obvious sort of constraints, but even, you know, at the point of origin, these negotiations with countries of origin can be very difficult to have and can be very dangerous to have, actually. (...) So yeah, that's just what I wanted to add. (...)

36. S03 [00:31:58]: One example of how irregular workers, workers who were either forced to leave their employers or chose to leave their employers is the Lebanon example. Just before COVID, when, with the recession and all of that that was happening, a lot of the workers from Sierra Leone mainly were thrown out of the households. They organised, they came together through COVID, they supported each other, but they also made it a political issue with their government back home to the extent that the president had to respond directly. He visited Beirut, and then he personally oversaw the repatriation of about 120 workers. And that entire organising of workers and the protests was done by domestic workers who left their employers and were thrown out. So you do have these very interesting examples of how, when you're not, you know, tied down by that one sponsor and that, you know, that visa thing, you kind of are willing to take all kinds of risk for your rights and for others around you. (...)

37. S04 [00:33:15]: I think it's definitely a really interesting insight for us, and like how legal identity can actually even have a negative impact. Like the regular pathway. Yeah, so thank you for that. (...)

38. S05 [00:33:31]: Because we're already, I think, almost reaching our limits of the end of the meeting, but we just wanted to ask you as experts, (..) if there, like, what do you think would be, like, the next realistic steps to improve the system? Or, like, we looked at the new laws from 2024. Are they actually helping? Or is that also just something to present to the international community that they're doing something, but it's not really on the ground benefiting for the domestic labour migrants? Or can the kafala system even become a system that actually respects the domestic labour migrants as human beings? Or if it will it always be? Do you think it can

always only be like an exploitative system with the sponsor involved? (12 seconds pause)

39. S03 [00:34:38]: I think as long as the residents and work visas are tied to one individual, you can rename the kafala system. But if that practice exists and where the individual doesn't have any right to renew their own thing, then it will continue to be exploitative. And this, in addition to not having strong implementation of labour codes, you know, so even if the labour laws are fine, the lack of implementation and lack of proper mechanisms is an issue. And the fact that domestic workers are excluded from labour laws across the Gulf states. Some states have a domestic workers law, but it's basically a glorified contract, standard contract. It's not really, it does not have, like, labour inspections. It does not have the systems that a proper labour law has. So as long as this is the issue, then, because kafala is not one law, right? It's a governance complex. [00:35:38] So all of these other things are important for workers to have. And the other issue also is the predatory nature of recruitment, where if one country pushes back, say, if Nepal or Philippines pushes back and say, we need better salary, better terms, then there are so many newer countries that Gulf states will go and recruit from, you know, because for them, there is enough resources and, you know, they'll keep bringing people in. Um, Jemani? (...)

40. S00 [00:36:12]: Um, I mean, so many of these issues are interlinked, right? Because, you know, one thing that immediately came to mind was, you know, the lack of a minimum wage. And if workers can't live independently on that wage, then eventually they're going to end up being dependent on their employer or the recruiter in any case. Which is why we always make the case that kind of like this, like tinkering with the kafala system doesn't really end up making much of a difference in workers' life because the exploitation, I mean, the control over workers just...

41. S03 [00:36:42]: Yeah, I think... Omar Salim, you want to add anything to rebirth, reconnect? (...)

42. S01 [00:36:50]: Yeah. (..) Sorry, just skip on. I think, like, practical steps that, you know, the Gulf countries can do or Saudi can do, I think, keeping in mind what Meena Krishnan said about, you know, how structures of kafala, you know, puts workers in a position where they can't really do much. I think, you know, there can be made, like, there are laws in Saudi, at least on paper, you know, like in domestic workers' law, even though it's a glorified contract, I feel like there could be a pressure to, like, if there's a way to put pressure on the Saudi government to kind of make sure that, you know, that they can't do much. (1 minute[s] pause) [00:38:46] Unless that kind of link is de-linked, like, it's mostly going to be surface-level cosmetic changes. (.) Nadine Barakat, if you want to...

43. S00 [00:39:01]: Yeah, sorry, I'm not sure where I got disconnected and if, Meena Krishnan, you picked up where I left off or I should just start again.

44. S01 [00:39:10]: You can start with the wages. Okay. (..)

45. S00 [00:39:15]: Yeah, no, so I was saying that, you know, without a minimum wage that people can actually, like, live in, that even if, you know, they're maybe not tied to a single employer, although that would be, you know, a great improvement from now, they would still be in a very vulnerable position. And I think, you know, as Omar Salim said, the lack of enforceability of these reforms continues to be, like, one of the biggest issues. If we're going to look at, you know, improving conditions for migrant and domestic workers in a very limited way, like, enforceability would be the first sort of step into doing that. And the barriers to getting, I mean, I wouldn't even get to getting, not even just, you know, not even just your day off, but to getting your wages are extremely high. I mean, there've been so many cases that Meena Krishnan and Omar Salim have dealt with where, you know, they are deeply involved in the case. So that means that this, you know, worker has a lot more support available to them than most people do when they're filing a complaint. [00:40:17] And it still takes a very long time to see through. And then what they end up with is, you know, nowhere close to being justice. They might end up with some form of remedy. They might end up with the wages that they're due with. But no, you know, no accountability for all of the things that they have gone through. No deterrence for employers to commit future abuses. And I think this is also a part of, you know, the much harder part of the reform is how domestic work has become sort of ingrained in society and is a part of the social contract. Like, to be able to access very cheaply a worker who is basically your 24-7 servant has become the way of life for so many people. So it is a huge disruption for so many parts of society, for social reproduction, for agencies, for, you know, the economy. There are so many things that are involved. (.) [00:41:17] I think maybe what might be useful, I mean, I'm not really sure if you guys are writing a paper or where this is going, but what might be useful is maybe taking a comparative look at other higher income countries that also have a high migrant domestic worker population. Like Singapore, for example, and Hong Kong, which have very different, you know, different histories, different conditions in terms of organizing and things like that. But I think it might still provide some sort of illumination as to the possibilities for reform. (....)

46. S04 [00:41:58]: Do you want to end with the last question? Anything? I think we're kind of at the end of our interview. I don't want to take too much of your time, as we already said at the time. And we just wanted to know maybe something that we didn't ask. If there is anything that you would like to share about female domestic labor migration in the Gulf region or worldwide or in Saudi Arabia specifically, and relating to legal identity, if

there is feel like any important information that would be helpful for the research, maybe something we don't know about. Just a last, if you want to add any last information. (..)

47. S03 [00:42:40]: I think world over the sexualization of domestic work and the lack of value placed on domestic work. So this it becomes even starker in the Gulf, because that leads to controlling their mobility in all ways as a protection. So I think just the lack of value placed on domestic work overall. (.) I would also suggest you have a look at our infographic on domestic work on our website. It'll kind of the framing might be interesting for you. (.)

48. S01 [00:43:19]: And also the idea of like, like this mindset of like, I paid for high recruitment. So I quote unquote, on this domestic worker, which is like, or like, I'm gonna make life hell for this domestic worker. It's like a very transactional way of thinking of other human beings. (.) And it creates a lot of problems as well, between employers and domestic work. (.....)

49. S04 [00:43:55]: Okay, great. We'll definitely take all these insights with us. This was actually really helpful. And this was actually the first interview we had of a few interviews we're going to have. So thank you for wanting to share your information. And that's actually really nice. You came even with three. So that was really nice. And if you would like, I mean, this project will go on until maybe summer ish, like May, April, May. And if you would want, we could always share our final reports or findings with you. (..) Just let us know if you would be interested in that. But mostly, thank you a lot for participating. (.)

50. S00 [00:44:44]: Yeah, please do share your final outputs. Is it going to be published like on the website or? (...)

51. S04 [00:44:53]: Yes, it will be published on the Graduate Institute. And we will. We've been talking to some organizations as well, international organizations, and they might have a read as well. But yeah, but we will also send it to you via email if that's easier. But yeah, it will also be published on the Graduate Institute website.

52. S00 [00:45:17]: Okay, very cool. Okay.

53. S04 [00:45:21]: Good luck. Thanks. Thanks a lot. Have a nice day. //S00: You too. Bye. Bye.

Interview 2

University professor in the USA

S01 = Rachel Whitmore (RW)

S02 = Student Researcher

S03 = Student Researcher

1. S00: Thank you. (.)
2. S03: So the legal identity, we're basically thinking about a passport or visa that shows their legality in the state, in the destination country. (...)
3. S02: Okay, so do they have a V-comma, like a residency permit, or what is the nature of their visa? (.)
4. S00: Yes, but we are also aware that there are more vulnerable migrants that are in the country also irregular, because sometimes there are experiences that they don't even have, you know, life documents, birth certificates. (..)
5. S02: I mean, you guys probably read about this, but there are a lot of stateless people in the Gulf. //S00: Yes.//
6. S01: So these are people with absolutely no documents at all, or they might have some things, but, you know, in Saudi Arabia or in Kuwait or Emirates, they have a lot of stateless as well, and they're very vulnerable. But usually they might be considered like indigenous stateless, so people who just never registered for their people at the time of independence.
7. S02: Or in Saudi, they have a lot of people who went to Hajj, and then they just leave the Hajj and don't have a visa.
8. S01: So then they become stateless in Saudi Arabia and end up working in domestic space or in very low-paid migrant work. So the question about how do you survive in a world of nation states without any citizenship papers is also related, I think, to your issue.
9. S02: So, you know, the people who have a passport at least have the ability to get some support from their embassy.
10. S00: Sure.
11. S01: And so from time to time, they'll cut off relations between different countries if there's an incident. So like in Kuwait, they'll cut off the Filipino workers for some period of time, but then usually they come back. So it doesn't typically last for too long, but it's a way to try to punish this country if a particularly bad incident takes place. (..)

12. S00: Well, thank you for this overlooked aspect of the phenomenon. We prepared some questions. We were super inspired by your academic paper on female migrant domestic workers on your study. Yeah. And that was brilliant, to be sure. So I don't know, Nene, would you like to start with the first question?

13. S03: Yes. Oh, sorry. Before, I forgot to introduce ourselves. //S00: Oh, yes.// Sorry. (..) Sorry, I am Nene Nakamori. (..) And the other one... Hi.

14. S00: And hello, I'm Gerardo Mendoza from Mexico. Hi.

15. S03: Hi. And we, before moving on to the question, how much time do you have for this interview, if we can ask?

16. S02: We don't have a strict schedule today, so we can go to whatever works for you guys today.

17. S03: Okay. Perfect. Because we're aiming for around 45 or an hour. Is that all right?

18. S02: Okay. Well, I mean, it depends on if I have that much to share at school. I don't have enough time to speak about this for an hour.

19. S03: Don't you mind, go ahead. Thank you so much. Thank you so much. So let's move on to the question. First question is, from your research, do you see the legal identity, like a visa, passport, as a protective tool to the domestic labor migrants, or something that can also be weaponized against them? So, which means like taking the passport away, those kinds of thing we saw in your research, also in another research. So, like, how do you see legal identity? (.)

20. S01: So, I think a lot of times we forget that the relationship between the migrant and the sponsor is more like a family relationship.

21. S02: So, sometimes it's like they treat the migrant worker, and I'm talking mostly about the female domestic workers, they treat them almost like their children. So, they'll say, let me just hold your, like, with my own kids, I might keep their passport because I'm afraid they're going to lose it. So, they're almost saying, oh, let me just hold your passport, let me keep it.

22. S01: It's not because I want to stop you from being able to exercise your rights. But it's an important document, and I'll keep it with the other family passports, or something like this. And a lot of times the migrant workers do travel with the families. So, you'll see, they will all travel together to another country, in which case, maybe the male head of household will hold all the passports. So, holding the passport, I don't think always means that this is an attempt to limit the mobility of the migrant worker. And I think, you know, as you saw in the paper I write about the fact that we see the worst cases.

23. S02: But we don't hear about the typical case. And in my experience, the typical case is like a pretty benign case, in the sense that a lot of women continue to go to work in these countries, mostly because they do feel as though they have a good opportunity. And most people are treated okay.

24. S01: And to the extent that these crimes are occurring, I don't want to discount the costs associated with abuse, but many of them are financial crimes. And so, I think that when we say you're not holding your own passport or your papers, we do really want to be careful about what does that mean.

25. S02: Because I think it could mean different things. Now, I think where your legal identity is really important is in terms of, obviously, some passports are more valuable than others. And there's an interesting metric. I can't remember what it's called right now, but it's like the power of your passport. Different country nationalities give you access to more countries, better music conditions. And so, you might think of that as a proxy for the quote-unquote outside option of the migrant worker. Because my sense is like right now, Philippines is actually doing okay.

26. S01: Filipino workers, they have a pretty well-established system for sending people.

27. S02: They do pre-departure training. (.) They have these avenues of communication between governments.

28. S01: And they have shelters set up. But now we're seeing this rise of the African migrant domestic worker in Lebanon, in the Gulf. And it does seem as though the channels of abuse or the channels of remediation for abuse are less established. And as a result, we're seeing more irregularities maybe associated with those particular migratory chains.

29. S02: So, it could be you want to interact the woman's country of origin or the power of her passport with the conditions within the household. (.)

30. S01: And so, here the legal status becomes a little bit more complicated. (.)

31. S00: In your paper, you mentioned that there are certain affinities regarding language and regarding the religion between Filipino and Indonesia. (..) Do you see that as well from African countries like Sri Lanka or Ethiopia? I thought it was mentioned. (...)

32. S02: Well, here's what I know. That in some households, they prefer to have a Muslim. But there is a premium on Filipinos basically all over the Gulf. So, people like that the Filipinos are speaking English well. (.) They're kind of considered like the higher status domestic workers.

33. S01: And obviously, it took a lot of time for them to establish a reputation. But Filipinos in the Gulf also work as nurses. A lot of them have training in

health. So, if you have an elderly family member or somebody who's disabled in the household, it might get someone who's like a nurse slash helper who comes from the Philippines. You have to pay a little bit more for Filipino. (.) Then, usually, the Indian will cost less. So, the other big category is South Asian. At least, this is in the Arab Gulf. I don't know about most of Saudi.

34. S02: Maybe in Saudi, they have more African just proximity-wise. But there are historic connections between the Persian Gulf and India because of the trade ties.

35. S01: So, there's a very strong affinity in places like Qatar, Kuwait, Oman between India (..)

36. S02: and what I would describe as the Eastern Arabian Peninsula.

37. S01: Western Arabian Peninsula, it could be more dominated by connection to Africa. (.)

38. S02: And so, the South Asian, I would say, comes second after the Filipino.

39. S01: They're very common, though, lots of South Asians. (.)

40. S02: And some will be Muslim, but a lot will not be Muslim. (..)

41. S01: And in Qatar, for example, they have something called the Nanny Training Academy where they basically will say, you know, we want women to get into the workforce. How do we get them to be in the workforce? We have to provide them with domestic workers who are meeting the family criteria. And that could be related to, you know, speaking English well or how to cook the food

42. S02: or how to prepare halal or other things.

43. S01: And they will actually train your nanny to meet your family requirements. In order to help boost female labor force participation. But I don't think it always has to be that they're Muslim. I think that's going to be specific and diplomatic. (..)

44. S02: That's really interesting. //S00: Super interesting, yeah. (.)// Yeah, I do have a paper on female labor force participation in Qatar. So, I think this is part of why they want to have so many domestic workers first.

45. S01: It's very, reproductive care is very labor intensive in the Gulf.

46. S02: People have a lot of family responsibilities, especially around the holidays.

47. S01: People have to prepare big meals. They tend to have big houses that require a lot of cleaning.

48. S02: They're expected to be able to provide hospitality at any time.

49. S01: And as a result, the demands on women are very high. But then a lot of countries are trying to also develop higher levels of female labor force participation. With their national vision programs. And so, if you don't have domestic workers, how do you achieve all these objectives? (...)

50. S00: Of course. (..) Well, this gives us insights to the legal pathway, you know, which is the sponsorship system of the Kafala system. That you mentioned is a two-year contract for most migrant workers. And they are able to exercise their legal rights, no? (.)

51. S01: I think the length of the contract can vary. (.) I've met families in the Gulf, they've had their migrant workers with them for like 15, 20 years. I know one family, they had one migrant worker and then they brought her daughter. So she wouldn't be lonely. You know what I mean? So it's like, like I'm saying, a lot of times it feels more like a family situation. Or they'll build like a whole new apartment in their house just for the migrant worker and her daughter. So it can, you know, sometimes it's just transactional. Two years, people come, they work, they go back. But for some people, they might spend most of their life there. (..) And so it really varies, I think, by person, by family. (.) And so it becomes hard to generalize. Of course. (.)

52. S03: So does that mean, so normally Kafala system, they have a certain amount of period that they can work in the Gulf country. But so for those some people spend their life in the Gulf country, they always renew the contract. Yeah. (..)

53. S01: Because they might become close to the family or they don't have a good option going back. Some people leave their kids in the Philippines or India and they need the money to educate them. (..)

54. S02: And so they could end up working in the Gulf for 10, 15 years. (..)

55. S03: Okay. Thank you very much for the insights. (.)

56. S00: Yes, well, more in the Kafala system sponsorship, there are multiple dynamics, meaning there are the need for exit visas. If the contract is ending, there are requirements of financial deposits associated to the worker. What else can we tell us about it?

57. S01: I mean, legally, one of the things that's quite dangerous, I think, is the quote unquote market for maids. Like people will have apps or other things that are not, it doesn't look like they're so strictly legally regulated about how you choose the housekeeper. And so it really is like you can almost deposit a person in a online card and check out. You know what I mean? And so I don't really know how to think about this type of transacting in humans. It feels like countries could probably do more to regulate that. And then, of course, there's a lot of money at stake associated with this. And so, you know, who runs the agencies that recruit the workers? There are

always rumors floating around that it's actually the royal families that benefit from this. You know, it's not always clear. I guess sometimes the people who own the company in name get the concession if they're willing to share the rents with important people. So no one really knows. It's very hard to kind of like pin down. But because the large number of people, there are a lot of rents involved. And so I think we always have to ask the question of who benefits. (.)

58. S00: Of course. (.)

59. S03: Yeah, we also did the research and we found that there are several apps that they can sell maids. And that's also like the black market for the trade. (.) Also, we have a digital platform called MUSANED. I think they're a digital platform for migrants to register themselves. (..) So those online platforms, as you say, they can be black market. But how the protection for the migrants on those online forms is like, or if you know any or policies? I don't know anything.

60. S02: Yeah, I don't know anything about that.

61. S01: Like I'm saying, I think that countries that have been in the business of sending migrant workers for longer have learned some very hard lessons. And as a result, they have more institutionalized avenues for both sending and training and also for dealing with conflict or dispute or problems when they arise. So that's why where Philippines is now is maybe where other countries are going to eventually end up. I don't know too much about what India does. But there are a lot of migrant workers from India. I don't know if you guys are mostly interested in women or men, but I was in Bahrain recently and I guess I was just surprised by how many migrant workers seem to be coming from India. So India is just it's a major sending country, especially as I think Filipino workers get better outside options. I feel India is becoming at least for the eastern Arabian Peninsula. It really is the biggest sending country for workers of all types, male and female. And so I would be curious to know more also about what India is doing to regulate some of this. And do they have things like pre departure training? What are the mechanisms that they have? Because numbers wise, I feel it's huge. (..)

62. S03: OK, thank you so much. (..)

63. S00: Yes, thank you so much. That was like a very good understanding on this on these trends. (..) We are aware that in your academic article you use the data from the ILO. And we do believe that ILO frameworks, the conventions on domestic workers, basically they shape the experience of female labor migrants. Our question is, what do you think like these international organizations such as ILO or IOM, I guess, what they can do better? What kind of role they can have, if we can say more important? (.)

64. S01: I mean, I think the most important role they have is a symbolic to basically set out what the standard is that should apply across countries. They don't have a lot of enforcement ability. So I think all they can really do is say here is how people should be treated based on a common international standard. But even that can be very powerful because I think that having that benchmark then allows other actors to use it as leverage in their negotiation with governments. So I can imagine it helps, for example, any bilateral negotiation that's happening where another country wants to exert influence on Gulf states to improve the situation for migrant workers. They can point to what the IOs are doing or saying as an international benchmark or standard that can be used. I'm not sure that they can do much beyond that, though. (..)

65. S00: Yes, because basically not all countries sign and ratify the agreements, basically.

66. S01: Yeah, but they have no enforcement ability. (..) As far as I know. So it really is about aspiration for how the country should behave. And I think, like I said, to me, that's also very powerful. And so just to have that information and standard available, I think, is important. And I think setting norms and determining what norms are can be an important motivator because countries don't want to be norm deviant with regard to the behaviors of their populations. And so there's an incentive once you establish what that norm is to fall into line according to the international standards. So, like I said, not having enforcement power is a problem, but I think it's actually what they what power they do have is also very important.

67. S00: Yes. And also you kind of hinted in the paper where Qatar basically was doing better, no, because of the work of basically, no.

68. S01: Because the international institutions drew attention, including international media. So to me, the media and the human rights organizations are a bit of a double edged sword because they do draw attention to the worst cases. And those worst cases do lead often to improvement. But on the other hand, like I said, the experience of most people probably is not like that. And so, you know, there should be an attempt also, I think, to draw attention to the more modal situation as well, because sometimes when countries feel as though they're being attacked, they can also go into a defensive crouch. (.) And I don't know if you've seen the work of Rochelle Turman at University of Chicago. (.) She has worked on human rights and backlash. And she's also, you know, she's very interested in Middle Eastern countries. And she says when IOs or the US come out, the EU come out and they're very negative on human rights related behavior in a country, especially these Muslim countries. (.....) Sorry, you kind of double down on existing practices rather than necessarily making a change. And

so she calls it, I think, like blame and shame. It's like if you try to shame countries too much. (...)

69. S00: They close. Can you help us, Professor, repeat the... (..)
70. S03: Professor, I think your mic is very far or we can't hear your voice. Reoptimized. Oh, sorry. Can you guys hear me? Yes. Now we can hear you. But after you say blame and shame, we lost your voice. //S02: Oh, yeah. Oh, sorry.//
71. S01: So what I was going to say is if the goal is to optimize on some welfare, you're not going to always be able to optimize on welfare with a blame and shame strategy. It might require a more diplomatic approach. And so, you know, I would look at her work and think about why that or how... (....)
72. S00: Professor.
73. S03: Professor. Sorry. (...)
74. S01: The mostly male workers, the people who actually built the 2022 stadiums. (..) And I think, you know, she draws a lot of attention to under what conditions do we actually think workers become humanized as a result of their skill level. So it's sort of like there's a treatment of unskilled workers as or, quote, unquote, unskilled workers. She would actually say they have a lot of skills and that the distinction between skilled and unskilled workers. (.....)
75. S00: Professor. Professor, we cannot hear you now. (.) Sorry. Hello.
76. S03: Can you hear us? (...) Excuse us. (....)
77. S01: Sorry, I think my AirPods are losing their charge. (...)
78. S00: I heard that little sad sound. (..) Can you repeat the name of the professor from Chicago? (.)
79. S01: Rochelle Turman is at Chicago and Natasha Iskander is at NYU.
80. S00: Rochelle Turman? (.) Rochelle.
81. S02: Rochelle. (.....)
82. S00: I think the headphones... (..)
83. S03: Yeah, I think headphones are a bad facility. (.....) Hello.
84. S00: Hello, professor. Can you hear us? (.....)
85. S01: Hello? Okay, I'm giving up on the AirPods. (.) I just put them away so hopefully we'll be able to stay connected. Yeah, so check out Natasha Iskander's book. I think it's called The Skill Make Us Human. (...) It's also an excellent read. Okay, thank you so much. (...)

86. S00: In our literature review, we have found you, of course, and we have found Professor Pérez as well. Oh, good. (..) Yes, and she basically... Her idea of servants of globalization, which that was her perspective since the beginning. And we are curious about... We know that ILOs are important for the benchmark, and you mentioned other actors in probably negotiations. You hinted a little bit of human rights organizations. (.) But we are curious if you have found some grassroots community-led initiatives that have successfully claimed, (..) basically for us, the agency of female domestic migrants to improve their labor conditions. And the legal identity is very important. Have you found something related about grassroots initiatives? (10 seconds pause)

87. S01: Yes. ...are critical. And so there are some, but I think they have to operate very, very carefully. (.) The other issue is there are some grassroots organizations of citizens of these countries who want to draw attention to these issues, basically like progressives who care a lot. But unfortunately, one of the challenging things is often the women's organizations are focused more on the rights of citizen women. And so that kind of extension of shared feminist ideology, let's say, or support for women globally may not extend as cleanly to the migrant workers who are seen as a kind of different category. So it's a little bit of, I don't know if you guys have read bell hooks, but kind of this ain't I a woman idea. It's like, does feminism extend to black women? Or how do we think about intersectional gender identity in the context of the Gulf? I think there's a challenge there associated with feminist activism and support for migrant domestic work communities. (..) So I'm not really sure how effective those can be. The last time when I was in Kuwait, I did meet a person at the US embassy who is in charge just of a human rights related file. (.) And so his focus was basically to understand more and work with the Kuwaiti government, for example, to try to improve the situation, the right situation of foreigners. And it wasn't just domestic workers, but all kind of foreigners from a human rights perspective. (.) So there are government to government efforts to try to do this. There definitely are some local grassroots, both foreigners and locals. But ultimately, I think, you know, states and regimes are very powerful in this context. And so as a result, most progressive change happens due to decision at the top. (..) And, you know, I guess I wouldn't underestimate the importance of leadership and political negotiation at the top level. (..) Rather than, you know, just kind of relying on grassroots of vulnerable populations that may not really be well positioned to have their preferences expressed or represented by the states they're living in. (...)

88. S00: Yeah, perfect. Thank you so much. That's very insightful. Because for our research, we were trying to map the experts, the grassroots, the multiple voices, you know, in order for us to understand this phenomenon in that region. (.) Thank you for putting that.

89. S01: I don't know if you guys saw the article. It was in the New York Times a couple of years ago about women using TikTok as a way to bring attention to their situations. I think it was mostly African women in Saudi Arabia who would basically post like small videos to show, you know, examples of what might be happening to them in these homes. And I think, you know, in a way, that's a kind of grassroots attempt to get attention for their circumstances. (..)

90. S00: Thank you for pointing that out. And talking about the cell phones, in your survey, you mentioned, I'm sorry, correct me if I'm wrong, the repercussions that for female domestic migrants that they have bad experience. One of the reasons was also most frequent was that they took the cell phones or they were not allowed to have cell phones. (..) Can you share us more on that topic? (.)

91. S01: Actually, I don't recall much about cell phones coming up in the survey. The biggest issues I found in the survey were related to late payments.

92. S00: Late payments, yeah. (.)

93. S01: Yes. So I think most people do have cell phones. Maybe some don't, but I think it's so hard to survive without a cell phone now. (..) The biggest issues that I asked about, maybe I should have asked about deprivation of cell phone, but were related to reduced salary, late payment. If you were forced inside the house, like if you had the inability to leave, excessive working hours. People work very, very long hours, so they feel as though they don't have any time to rest or recharge. (.) And we know reproductive labor is very emotion demanding, so that came up as a big issue. Some people were denied food, or their food was limited, or they were fed in a way that was very humiliating. Like, okay, you can only eat this food, or you can only eat the leftover food, or this or that. So I think it's really just a question of the type of family, and so that is what came out as like, in the latent class analysis, you know, most respondents, most of the families are going to be low to no abuse. You know, they're going to just be very, 71% of the families are kind of this type where it's like basically there's no real abuse happening. But then we're going to end up with a small percent, about 5%, which are like what I would consider abusive types. (.) And so, you know, we can think about tackling this question from different angles. The laws would be one, and from a legal perspective, if there was a way to just identify this 5% of really like abusive type families and sanctioning them, you kind of leave most of the households untouched, but really focus in on the worst abusers. There's another about 25% of families which are just engaged, or primarily engaged in these financial crimes, or like excessive hours, or things like this. To me, that 25% really requires education, that maybe these are people who don't know what constitutes abuse, or I found that that category was highly correlated with having like a lot of children. So it could be simply those are families where they're overtaxed. (..) They

maybe are overstretched. They can't afford enough migrant workers in the household for the number of tasks that are taking place. And so I think those types of households are also probably redeemable. Like it almost sounds like kind of a circumstantial abuse. But it's really that 5%, the minority of families that are engaged in many abuses simultaneously, I think is where you can have the biggest impact on the experience of the migrant workers. And again, it's a very slim percentage, but if you look at the correlates of it, it tends to be these households where they have maybe multiple wives, maybe a polygamous household. (..) Or where the husband has been divorced, tends to be correlated empirically with Bahraini households. Again, Bahrain is one of the less wealthy countries in the Arab Gulf region. And so if you could just figure out how to identify those households, I think it would make a very, very big positive difference. And then kind of target a different form of policy to the 25% of households that are maybe like these kind of financial crimes or overworked households. I guess what I'm suggesting is like a more focused approach, depending on the reasons for why we're observing the abuse. (.....)

94. S00: It's very interesting, these reasons, yes, for sure. (.)

95. S01: Yeah, because if you think about it, 5% is really, it's a lot of experience, but a lot of people experience that. But if it can be legally, if you can focus legal remedies on those or increase the cost associated with engaging in that type of behavior, I feel it could really reduce the harm. (..)

96. S03: Yes, true. As you said, when we were doing the research, we mainly came across the articles saying that there are so many abuses on the female domestic labor migrants. And not many NGOs or articles are mentioning about those 75% of households.

97. S01: Exactly, exactly. But that makes sense. That's the goal of the human rights group. They need to draw attention. Also for media, they need to draw attention to these issues. (.) But if there was a way to handle this small percentage, I mean, I think honestly a very easy thing would be to simply say you don't get to sponsor a domestic worker if you have a history of abuse against a domestic worker. (.) Or, I mean, if you want to make it more market-oriented, you could simply raise the cost of hiring a domestic worker for people who have that history. (.) And so, they're going to be having to pay a higher price to recruit someone. Right now, essentially, recruitment and distribution of these workers is at random. So the woman goes into the country and she could end up with a wonderful household or she could end up with a terrible household. They all basically pay the same. (.) But if worse people had to pay higher prices, you know, you'd be like, okay, you can go to this household, but they have 10 children and there's only one of you. And then you might say, okay, maybe I need to be paid more for working under those circumstances. Or they have a history of short turnaround on workers in the past. Their previous workers have

absconded. (..) It just seems that the current system doesn't take into account, because there's no ability, there's limited mobility. So it doesn't actually act as a true market. (.)

98. S00: Okay, perfect. And related with labor regulations within Gulf countries, I mean, we know that the situation in a way is improving. And I think, as you mentioned in your academic paper, the ethical notches, you know, that the employers have to educate themselves in order to understand. But at the level of government, do you have more information about how laws are changing in Gulf countries to have better situation for domestic labor migrants?

99. S01: I mean, to be honest, I don't think it's a huge priority for a lot of Gulf countries. Right now, they are trying to manage this hydrocarbon transition. (..) And as a result, most of the energy is being put into programs and projects that are considered more core. And I would say where this intersects with the treatment of migrant domestic workers, like I mentioned, is related to the female labor force participation issue. So that's definitely a priority. But to the extent that those two files can be bundled and maybe like solved simultaneously, I think would be quite interesting. Because that actually is a priority. But I don't know that this is like a top line issue for most of the Gulf countries. (..)

100. S03: That's really interesting. Because like we researched and there is like a new law in 2024 in Saudi Arabia. And like they, before domestic labor migrants were not included into the domestic law in Saudi Arabia, but they changed that a little bit. And they include the words to a word of domestic labor migrants. But we also saw the other newspaper also saying that it doesn't bring much change to the situation of domestic labor migrants.

101. S01: Yeah, I mean, when it comes to domestic violence, implementation is the big challenge. Reporting and implementation. So even if the law changes, if people are not able to report and they don't have any outside option. And this is regarding both the wives and the migrant workers. I don't know how impactful those legal changes can be. I think what we do know is that legal changes send an important signal. (.) And this is the same role the ILOs can play or the IOs can play. They can say what is the acceptable standard. And I think that that role is actually more important and more powerful. Than anything related to implementation. So there's actually a very good paper on Mexico by a scholar named Mala Hatun, H-T-U-N. Which says that when domestic violence laws were changed in Mexico, it wasn't really about implementation that made domestic violence go down. It was just a common understanding of what constitutes domestic violence. And domestic violence was something the state could regulate. (.) So again, I wouldn't underestimate the symbolic importance of that. I do think it matters from a practical implementation side. I don't know if many women are going to actually take up their legal rights in the

way we might expect. Because we know that's even true for citizens in OECD countries. Criminalization of domestic violence doesn't necessarily lead to any change in domestic violence arrests, convictions, or raids. So it's a very complicated dynamic when it comes to reporting violence. (..)

102. S03: Okay, thank you so much. (.) Can we talk a little bit about the type of family and the type of violence that women and men are facing? So you mentioned 5% are in abusive families. But when it comes to legal identity, the possession of legal identity. Because they have sponsorship and they have the right to live there and be supported. Does the legal identity help those? How is the relationship between those 5% of family and the domestic and immigration situation? (.)

103. S01: I didn't ask that or study that. You guys have this concept of legal identity. It's a little bit fuzzy for me still. I don't really understand what you guys mean by legal identity still. The correlates of the worst abusers. Again, there's kind of like the 70% normal families, 25% kind of overworked families, 5% what I would consider intensive abusive families. The correlates, and this surprised me as well, it's polygamous families. I wasn't expecting to find that in the data. But my thinking is that people who are maybe more traditional are more likely to have a polygamous arrangement. Also, maybe people who are less gender egalitarian are more likely to have multiple wives in multiple households. Or it could simply be those people are more financially stressed. It's hard to know. This turns out to be the best and most consistent predictor of whether you're in this category. Again, the other one is number of children. (..) Abuse increases with the number of children. So again, is that because they're traditional households and traditional families have more children? Is it because when you have more children you're more stressed financially and emotionally? It's unclear. So I only have these correlations. I don't have any ability to really say much about what the causes are, but the correlations give us some hints as to what's going on. (.) Your concept of legal identity to me remains too fuzzy to know really how to interpret your question. (.)

104. S03: Thank you so much. //S01: Yes.//

105. S01: So I think you guys can think hard about how to develop that. I think an easy way would be just the country of origin will offer you different types of legal protections and maybe more importantly different types of outside options. There you can rely on existing metrics about passport strength. I can find the citation for you. I'm just blanking on the name right now of the service that ranks these.

106. S03: Yes, I think me and Gerardo had a class on that and there is the index for the passport strength. Henley. Henley passport index.

107. S01: So I think Henley passport index would probably provide a proxy for your legal identity or what I would call outside option. Legal outside option or economic outside option I think would be better. (.) And then those folks are able to have maybe a stronger legacy or stronger ability to migrate to a country that will offer them better protections.

108. S03: Okay, thank you so much. Sorry that we are not...

109. S01: You're very welcome. So good luck guys. I really think it's an important project. I wish you the very best. I'm sure you saw the New York Times article about women getting killed in Africa, African women getting killed in Saudi Arabia. (.) That just ran like yesterday. (.)

110. S00: Yes, sure.

111. S01: Yeah, I mean it's like the international media attention is also very powerful. So we might expect now Saudis are going to do some things to respond to this. And so the front line now becomes these African migrant workers. And so maybe sort of comparing across time what the early years of Philippine experience was can help to generate some lessons for what India or African countries can do to regulate the experiences of their workers as well. (...)

112. S00: Well, thank you so much, Professor. We appreciate it.

113. S03: I hope that this is helpful. Good luck on the project. Thank you so much. Is there anything that you still want to add or any perspective that we...

114. S01: What I would say is, like I said, I don't actually know that much about this. I don't work on this full time. (.) And so there are people for whom this is a primary research agenda. I would seek out those people. They're going to know way more than I do. (..)

115. S03: Yes. But still your perspective is really, really important to our project. And we will still... Those professors that you mentioned, we will definitely try to contact them. Yeah, follow up. Yeah, definitely follow up. That would be very helpful.

116. S00: Okay, good luck, guys. Take care. Thank you. You're so generous with your time. Thank you so much. My pleasure. Bye. Bye-bye.

Interview 3

University professor in Switzerland

S00 = Lucia Herrera (LH)

S01 = Student Researcher

S02 = Student Researcher

1. S02 [00:00:07]: Thank you so much for taking the time. We are doing a project on how LIGA and identity and immigration are related. We are focusing on domestic and federal immigrants in South Korea, especially on the Catholic system. We are looking at whether LIGA and identity can be against the status of feminist domestic and labor migrants, or that they are really protecting them. We are mainly focusing on that. The interview is going to be an open, semi-structured interview, so you can add and we can also recombinate the questions. (..) First, from your policy analysis perspective, how do you view LIGA and identity? When we say LIGA and identity, is it a visa or passport or something that shows that you are legally [00:01:09] there? Legally allowed to reside in the place of residence. Yes. And for the LIGA and identity, is it a tool for protecting migrant rights, or can it also be disadvantaged migrants, (.) particularly in Catholic system, or does it have to be particular but in general? Yes.
2. S00 [00:01:31]: Okay. So first of all, maybe to say, I'm not a human rights lawyer, I'm not a labor rights lawyer. So I come at the topic very much from political science, international relations, looking at migration policy in different countries and that sort of thing, but I'm not a lawyer, so just that caveat. That said, we worked on the global detention project, you know this one? So during my time working there, which now is, when did I finish? I think it was more than ten years ago now that I finished working there, so also my memory is a bit hazy on some things. But there we had to look at the laws, policies and practices of migrants based on their immigration status, like how they're treated based on their immigration status. So we had to look at a lot of the legal stuff, but we also had a, I just saw the words appearing and I realised it's a shared document, and I'm like wow, is this transcribing immediately? At the moment. Yeah, so we had a human rights lawyer, we had a [00:02:33] labor rights lawyer who would look at everything we did and all of that. So please don't quote me on any of the legal, legal stuff, but that said, I have my understanding of, what did
3. S03 [00:02:48]: you call it? Documented? No, regular? Yeah, the legal identity is like a pathway for regular or irregular migration. So in the region of the Gulf area, we have noticed that African migrants and also Southeast Asian Africans, individuals, the female domestic labour is the most

vulnerable group on that. So we want to know from a policy perspective how you

4. S00 [00:03:19]: see it. Yeah, so going back to the question of the legal identity, so for me that is like having documents that permit you to be in the country. I wouldn't use the word legal identity or illegal identity because even if you don't have documents, you're still a legal human being. Like, under no circumstances should you be denied basic universal human rights, because you are a human being, and whether or not you are stateless, whether or not you have documents, and all of that. So I would call it documented or undocumented, regular or irregular, but even there a lot of non-governmental organisations would say don't call it irregular even, because no person is irregular. But it's about having documents that allow you to live, reside, work, whatever it is in the country, whatever it is that you're doing there. That said, you can be an asylum seeker, which if the country you are residing in or you are in has signed the Refugee Convention, then you [00:04:23] are legally okay to be there without documents, and you have to apply for asylum and go through the asylum procedure. So even then, if you don't have documents, you can still be legally in the country applying for asylum. And then in the Gulf region, like really it's not my area of expertise, so the Kafala system and the, you know, like I know a bit of it, I'm trying to remember if I did any of the profiles in the Middle East, it was one of the regions that we hadn't done a lot of back then, a lot of, you know, like I don't know if we had an Arabic speaker on the team or whatever, but I think we did Libya, but that was, yeah. (.) So I don't, like, I mean, yeah. Do you have any specific questions about it? Because what you were saying about the second part of your question. Yes, I mean, the Kafala system,

5. S03 [00:05:22]: since we see female domestic labour migrants as the most vulnerable, the Kafala system allows those labour migrants to apply for sponsorship, through agencies, through, that they help them to certificate their skills, their language, their religion, knowledge to work in the region. So Qatar, Saudi Arabia, we chose Saudi Arabia because of the amount of population, it's around 33 million people in the country and 10% is migrants. So we want to know any experiences under the Kafala systems, have you heard the rights, positive

6. S00 [00:06:12]: outcomes? Yeah, I mean, I'm thinking about a long time ago when I was looking at some of these profiles, but it's, you know, that's where you get a lot of human rights abuses, you get a lot of the passports taken away, people working 24-7, they don't get a day off, these sorts of things. It's very difficult then. So in the report that we did for the Special Rapporteur on the Human Rights of Migrants last year, we looked there at the difficulty of reporting domestic abuses or any kind of abuses from the employers or anything like that, because they don't have the freedom or

mechanisms to be able to report any abuses and they don't have their passports, so they're vulnerable as well, because if they do report something, the employer, who has the right to be able to decide whether they stay in the country or not, can report them to the authorities, say that they're irregular, send [00:07:15] them back home, all of that sort of thing. Yeah, so I'd suggest looking up the Special (.) Rapporteur's report, the one on migrant contributions, that's one of the readings, and there was a specific section there. I think we put together some recommendations as well, I could have looked, but I do believe some work has been done, but I haven't been across all the details of it. If I remember the Global Compact for Migration Negotiations, work was being done to improve the Catala system, but I don't know to what extent it's being implemented.

7. S03 [00:07:45]: I don't know if you remember on the recommendations, like how to protect the workers, what were the, I guess, the most, I guess, strategies or tactics to protect the workers, how would

8. S00 [00:08:02]: you... I'd have to open up the report. Yeah. Let's see. The Special Rapporteur, I can't remember, it was mainly always following the international labour organisation rules, there

9. S03 [00:08:22]: was something specifically on... Actually, one of our questions is about ILO, and let me just read it. How do the work of international frameworks, such as ILO's Domestic Workers Convention, C180 now, shape the situation of female domestic labour migrants? What do you think international organisations such as IOM or ILO can do better, if they have a role, or there are other actors that are important? Yeah, so there's a lot of advocacy.

10. S00 [00:08:59]: The main thing is for states to actually ratify it, otherwise it doesn't apply to them. So that's the big problem. So like the Committee on... What is it? The Convention on Migrant Workers, it's got 45 or something states who have ratified it. So ILO is always advocating for more ratifications, and they succeed sometimes. So you can check, go and look at those conventions, all of the relevant ILO conventions, and you see the year that states have ratified it, and then adopted it, and implemented laws, and all of that sort of stuff. So they're doing a lot. I don't think it's really IOM's role, because they've got a different function. (..) ILO, especially if they're ILO conventions, but what IOM often does do, and what we did with the Special Rapporteur's report, was you refer to all of the existing, and then you constantly recommend that states ratify it, if they haven't ratified it, implement it, if they have ratified it but haven't yet implemented, all of these sorts of things. Civil society obviously plays a big role in advocating for that, but civil society doesn't [00:10:01] always have a big standing, particularly in Gulf countries, so it's also limited. So international NGOs can also do quite a lot. Where's the report? (....)

11. S03 [00:10:20]: Can you repeat the name of the report?
12. S00 [00:10:28]: Yeah, it's the one in the syllabus, the Special Rapporteur on the Human Rights of Migrants, and it's called Revisiting Migrants' Contributions with a Human Rights-Based Approach.
13. S03 [00:10:38]: That was week three, no?
14. S00 [00:10:40]: I think so. (..)
15. S03 [00:10:43]: Human rights, yeah.
16. S00 [00:10:44]: And then, so what did we have in the recommendations? (....) Conclusions, recommendations, ensure the protection of the human and labour rights of migrants irrespective of their status, including by committing to respecting, protecting and fulfilling all human rights in the context of migration, ensuring fundamental principles and rights at work, in the promotion of decent work in the context of labour migration, and then implementing minimum requirements for comprehensive labour migration, so that's different, that's not opening up labour pathways, which could potentially be a solution. (...) And then it was anti-racism legislation, international human rights and labour standards to guarantee migrant workers' rights, international convention on the protection of the rights of all migrant workers and members of their families, which I'm sure you know. (.....) [00:11:51] Yeah, I mean it's a whole bunch of recommendations, but it doesn't say how to implement them. (.) //S03: Sure.// So it's just calling on states to basically uphold their rights. But have a look, there's some other details there, and then I think if I remember correctly, in the footnotes we cited some of the actual conventions. (..) Yeah, so we've cited some of the conventions, so just have a look through the footnotes and the relevant sections. Access to social protections, so I think here we talked about, that's probably a huge issue, whether people who are being sponsored through the kafala system have access to social security and all of these sorts of things. (.) Unlikely, I don't know. (...) So, what was that recommendation? (.)
17. S02 [00:12:47]: Yeah, that's the part, because I think we learned in the class as well, that the people without documentation, they hesitate to go to, like, for support. But what about people with the legal identity, does that, or documents, having documents, does that necessarily mean that they can ask for support?
18. S00 [00:13:08]: Not if they're in a kind of slave-like situation. Yeah. Yeah, which is a big problem, and I think we raise it here in the section, factors that are limiting the contribution of migrants. I can't remember exactly where, but temporary labour migration and other precarious statuses, and there's all these sections in here that, yeah, we basically talk about, they can't access, they can't, like, whether there are abuses and that sort of thing, they can't access the courts, they can't seek redress for any kind of

abuse, but it's also, again, social security, or just basic rights, having any time off, or, you know, having adequate food, sometimes a year of them not being fed properly, and, you know, like, all of these sorts of things. (.) So it's, yeah, I'm trying to see, let me do a search to see if we mentioned the kafala system. (.....)

19. S01 [00:14:08]: Yeah. (.....) Nope. Nope. (.) Okay. (..)
20. S00 [00:14:20]: Is it mentioned in the global compact for migration? (..)
21. S03 [00:14:23]: The kafala system? Hmm. I don't think so, as an objective.
22. S00 [00:14:28]: Not as an objective, but, like, referenced as a... (..) I don't remember, to be honest. (....) It was definitely, probably discussed, definitely it was in the discussions, one of the thematic sessions, maybe in some of the reports there. (18 seconds pause) Did we refer to this?
23. S02 [00:15:10]: I'm sorry? Did we use, I think if there was any mention, I think we used it for literature review, or... (.)
24. S03 [00:15:19]: Yeah, I think we used it for the literature review to put in context the regular pathways that migrants can have, and employment was one of those. Yeah. (.)
25. S02 [00:15:32]: Not sure if they specifically mentioned the kafala system. (.) Whoa, whoa, whoa.
26. S00 [00:15:38]: Have you seen all of the reports from the thematic sessions in the lead up to it? So you can go on this page, it's called compact for migration, refugees and migrants, and then you go on the consultation page. (...) And... (.....) There might be a lot of trouble at home too, I reckon there's something in Geneva together.
27. S02 [00:16:06]: I know that once the train passed by, all the networks stopped for one second. //S00: Really?// Yes, because I'm living in the Pichiotto, and then the train goes and, like... //S01: Oh, that's so frustrating. I know. (..)//
28. S00 [00:16:20]: So, it's really slow.
29. S02 [00:16:22]: The thematic session.
30. S00 [00:16:23]: The thematic sessions or the regional consultations, maybe, as well. (...)
31. S03 [00:16:29]: If you can put us in context on the global compact migration, and how it was built on the negotiation, and all these previous phases, what would you... I mean, because I was not aware of the thematic sessions.
32. S00 [00:16:43]: Yeah, so they had a year-long... They had six different thematic sessions. So there's human rights of all migrants, social inclusion,

cohesion, all forms of discrimination, including racism, xenophobia, intolerance. Then they had drivers of migration, international cooperation and governance of migration, contributions of migrants and diasporas to sustainable development, (.) smuggling of migrants and trafficking in persons, and then irregular migration of regular pathways, decent work, labour and mobility. So particularly in this last one, there might be some things, even in some of the others, but... (.) So basically, what they had was these six sessions throughout 2017, and they got all of these experts and stakeholders and governments, and it was a very open discussion, and they would have panels and then discuss the topics. Then they had a stop-taking meeting in December 2017 in Mexico, in Puerto Vallarta. And then the negotiations started in January 2018, and they went until June. [00:17:46] 2018, and then they adopted it in Marrakech. (.)

33. S03 [00:17:50]: The IOM was responsible for the talks?

34. S00 [00:17:53]: No, they played a role, but it was like a coordinating mechanism from UNGA, I think it was, UN General Assembly, I can't remember. You'd have to go back and look. But IOM was involved. There's the whole UN Network on Migration. I can't remember if that's its new name or its old name, but yeah. Which are worth looking up as well. Do you know the UN Network on Migration? (...)

35. S03 [00:18:17]: I thought it was the same in the Global Compact, but...

36. S00 [00:18:20]: So the Global Compact is the document, but the Network on Migration is the network of all UN agencies working on migration, so its role is to implement the Global Compact. (...) So this one, health and labour mobility, addressing irregular labour migration, migrants without sponsors, so that's not it, human rights for all migrants, recruitment in global labour mobility, skills recognition, access to decent work and protecting the rights of women migrant workers. So that one, let's click on it. So they had a background concept note that was put together by the Swiss, ILO, UN Women. (....) So have a look at that. Have you got the page with all of the links? Yes. Thank you so much. (.)

37. S02 [00:19:15]: And then... There's also one addressing irregular labour migration in GCC. (.) Thank you so much.

38. S00 [00:19:23]: And then the regional ones might have something too, because they often have a lot of civil society contributions. So civil society is probably... they focus a lot on Kavala system, more so than the governments would, I imagine. (...)

39. S02 [00:19:38]: We're also talking about civil society, but also the grassroots, (.) or the unionization of the labour migrants themselves as well. But sometimes, or most of the time, if they are undocumented, the formation of the union is not possible. (.)

40. S00 [00:20:02]: Even if they have documents... Whether they are allowed to join the union or not. So that was, I think, another recommendation we put in the special rapporteurs report, of allowing or permitting unionization.

41. S02 [00:20:13]: But if they can't do the unionization, is there any alternative space for migrants? (.)

42. S00 [00:20:21]: I mean, there's the international mechanisms. You can make individual complaints through the Human Rights Council website. (..)

43. S02 [00:20:32]: But does it have an effect? I don't know. I don't know. Do they ask if they are like regular status or irregular status? Or there's just an individual can all...

44. S00 [00:20:44]: Yeah, I mean, any individual can submit. So if you go to the office, what is it called? Is it Human Rights Council? Or the office of the High Commissioner? Human Rights Council. (..) There's the individual or NGO complaints mechanism. Yeah, complaint procedure. (....)

45. S02 [00:21:06]: I didn't know about it. //S03: Yeah.//

46. S00 [00:21:08]: Thank you so much. And then I can't remember, is it the special rapporteurs on different issues? So when you... To be declared admissible by the Human Rights Council, you have to meet several criteria. Domestic remedies must have already been exhausted. So you have to have already tried at the domestic level. (...) Must be in writing in one of the six UN official languages. Contain a description of the relevant facts, including names of alleged victims, dates, location, other evidence. (...) Must not be met politically motivated or based exclusively on reports disseminated by mass media. (..) Can't contain abusing or inciting language or abusing. (.)

47. S03 [00:21:54]: That's super interesting because the Human Rights Council, (.) it's another actor that we didn't think about it, apart from ILO and IOM. Would you say the Human Rights Council is just like probably the highest, if I can say this, mechanism to give light to this?

48. S00 [00:22:14]: Well, so it's specifically focused on human rights abuses. Of course, of course. So does it incorporate... So it's all of the treaty-based mechanisms, (...) special procedures, complaint mechanism of the special procedures. So you know how they have a special rapporteur on the human rights of migrants, special rapporteur on racism, discrimination, etc. So you can submit complaints that specifically get processed under their offices. (.) Is it the highest? No, it's just one channel. Like it's ILO doesn't... I mean, can you make complaints? I don't think so. Under ILO, it's more the states are implementing it. So the states are the ones who are accountable. (.) How can you challenge that internationally? Go to the International Court of Human Rights? No, the International Criminal Court? I don't know. (..)

49. S03 [00:23:09]: One professor told us something about that, especially with the Arab region. If you use the blame dynamic, they also close their positions as well.

50. S00 [00:23:24]: Exactly. They won't even engage in discussion anymore. (.) No, exactly. But definitely have a look at the United Nations Network on Migration, this one. (.....)

51. S01 [00:23:41]: I'm trying to think. (.....)

52. S00 [00:23:50]: So the regional review is there. (.) Arab states. (...) So they met last year from the 3rd to the 4th of July in Cairo. (...) Expanding regular migration pathways, ensuring that migrants have the right to access basic services. So that would include people within the Kapala system. (.) Protecting and empowering migrant workers and operationalising their role in sustainable development. Human rights of all migrants, especially most vulnerable. So people like the women in the Kapala system. (....) So then just have a look through. They've got different briefs and documents you can click on. They're pretty good these days at making everything public and all of that.

53. S02 [00:24:43]: Thank you so much for sharing your practical information. (..)

54. S03 [00:24:47]: Because we didn't see the network as part of the...

55. S02 [00:24:50]: We were just focusing on... //S03: Two agencies.// Yeah, in one perspective, I think it's really interesting.

56. S03 [00:24:57]: Yeah, it applies to our perspective for sure.

57. S02 [00:25:01]: And we have another question. I think we also discussed this in the class. (.) From your standpoint, how the increased focus on safe migration or the increase of the regular migration. Those policies, does it improve the outcome of the domestic migrants? Or it's like... How do you say it? It's like creating a new, another phase that increases the regular migration. (.)

58. S00 [00:25:33]: So my opinion, based on everything I've read and everything, is that we are heading more and more towards that Kapala sponsorship system in other countries. (.) By focusing on... And this is like nobody else has this opinion. So it's, you know, maybe don't quote me when I say it anonymously. But it's like, you know, I'm saying it quite bluntly now. I'd say it more diplomatically if I was speaking to governments. So right now, the focus on increasing regular migration pathways is all about increasing like skills agreements, bilateral skills agreements. So they identify specific shortages in a labour market. They identify where that gap can be filled, by which particular country, with certain skills, with, you know, and that sort of thing. And then that person is given that job to fill that gap. And, you know, it's heading towards, if we're not careful, [00:26:36] like really tight control

from employers over the employees because it's like filling very specific jobs. You're here to fill that sector, all of that sort of stuff. So in my view, like, I mean, in practice, it sounds great. Let's see where the gaps are. Let's see how we can fill them, open up more regular pathways, including for low income. But in practice, labour markets are changing so rapidly and so fast. (.) And the more control we try to put over, like, for this person filling this specific job, like we're just making it way too complicated. And it takes away, in my view, the agency of the individual migrant as well. That fuelled so much of the entrepreneurship, the small and medium business startups in traditionally immigrant countries. So when I say traditionally immigrant countries, Australia, United States, New Zealand, Canada, those four had welcomed, like, very low income, low skilled, no education migrants for decades. [00:27:37] And there was enormous entrepreneurship that came from that just by giving them an opportunity and all of these sorts of things. So it's like we, by trying to find the solution, in my view, we're kind of like just trying to control, control, control. But we're just creating hundreds more problems for ourselves by doing that. Whereas in my view, a much simpler solution that would keep the agency with migrants is with these, you know, we've been talking about selection criteria of migrants, (.) you know, like that doesn't allow for regular migration these days. Every country can maintain an immigration quota, but within that quota, just make the selection criteria much more flexible. So don't put, you know, how much money, you know, like allow some people without money to come, allow no education, because people, I mean, you know, like my grandparents, great grandparents who were all immigrants, [00:28:37] they, and my very first employer in Australia, who was a Lebanese immigrant who had come with zero money, (.) high school education, he didn't speak English, like none, he wouldn't have been allowed into the country today, like in Australia. And he started this business that was my very first employer. So, you know, like as an Australian born, he employed, and he did that by putting himself through university, working in a factory at night while he was studying, looking around, seeing what was needed. And after five, six years of being in the country, he started up this business that went on to employ 200, 300 people, and then he sold it, and it still continues to employ people and other businesses. So it's like, you know, how much of that entrepreneurship side are we losing as well by trying to really sort of like fill this gap with this particular skill and person, and it's just, (.) it's both unnecessary in my view, and you're just going to create much more administrative hassles, [00:29:40] both for the individual migrants, because visas expire. What happens if that industry no longer needs workers, because everything is changing so rapidly, you know? So it's, yeah, so in my view, all you would need to do is keep an immigration quota. Nobody's saying open borders or anything like that, because that would lead to chaos, just officially. But have much more flexibility within that quota, so that you can allow migrants to come in with a complete freedom to study if they want to study, and look

around and say, what skills do I need, what gaps are there? You know, like we're human beings, we can, we don't need to be told, migrants go where there is work, you know? (.) So it's, yeah, so that's, you know, my opinion. (.)

59. S03 [00:30:25]: Super complex, because you categorise many ideas. I mean, if I can summarise it, I remember the class where we were talking about the paradox of the markets. (.) There are labour needs in the migrant's field. Then the agency part, which is like, migrants have a voice on their...

60. S00 [00:30:47]: Yeah, and not only that, we all reach our potential when we're free to, like, reach our potential. Whereas if I have to, like, imagine if they said, yeah, you can come to Switzerland, but you have to go and work driving the boats on the lake, or, you know, like, it's just, (.) it doesn't allow any of us to fulfil our potential, which is then short-changing the entire society, because we need innovation, we need, you know, like, entrepreneurship, we need small and medium business, which, you know, makes up a huge part of a country's economies. So it's, you know, it's by no means just big business. It's big business who lobbies, and who, like, will lobby for filling this particular labour shortage and all of that sort of thing. But it's not, it's not, in my view, looking at the holistic, it's very short-term, filling, you know, putting a band-aid over a specific need here, but then you end up with, you know, 500 band-aids everywhere. And you've just got this ridiculously complex, [00:31:48] where it's just, let people be free to look around, see where there's work. If they don't find work there, they'll move somewhere else. I mean, it's, yeah. And this would be very controversial to say, (.) but social security is very attractive in some countries. (.) So it's, you know, like, that wasn't available when migrants, you know, my grandparents went to Australia and that sort of thing. But it's, you know, like, I would advocate for more freer migration and less access to social security, if it meant more freer migration, and that would even out the labour markets. And then, let's say, you know, once you've been working for two years, maybe you can access your social security, or, you know, like, thinking about, because then you are, as they used to be, like, they would be reliant on the diaspora communities to help them settle in and support and find jobs. And, you know, like, they would all find jobs immediately. My grandfather was the first person in his family at 12 years old to get work in the family, and they migrated from a very poor area of Scotland. [00:32:51] And it's, you know, like, they, we, we're all migrants too, like, you do what you have to do, right? (.) So in my view, like, place more emphasis on opening up that flexibility in the migration quotas and less on things like make sure a migrant, as soon as they arrive, can access social security straight away. And, you know, like, it's, of course, there's got to be an absolute end backstop so that people aren't sleeping out on the street and all of these sorts of things. But, yeah, I don't know. That would be very controversial to say, though, because social security and all of that is...

61. S03 [00:33:30]: Yes, tax burden, it's many, many stuff from the nationals now, so...

62. S00 [00:33:35]: Yeah, well, it's just more all of the civil society actors, you know, ILO, all of these advocating for social security for migrants, irrespective of status, all of these sorts of things. So it's that, what I said, wouldn't be popular with that side of the thing. But it would be, in my view, it would be preferable to trying to, like, put control on these tiny little aspects of the labour market. And then you've got individuals stuck in these, you know... Yeah. (...)

63. S02 [00:34:06]: Yeah, that's very true, because if they can't live around what if, like, there is, for example, the Catalan system, but, like, those who are, who have the abusive employee, they can't move around. And if they, as you said, if they want to go, it's going to be irregular status. Yes. And, yeah, I think it's really interesting point. (..) Also, what did we want to say? (.) Okay, maybe I forgot, but... No, no, I think there was one thing that I wanted to say. (..) Sorry, move on. No, no, no. (.)

64. S03 [00:34:40]: Yeah, we can move in the way that, okay, since we identified these vulnerable groups, would you say there would be another policies for them specifically? (.) I mean, trying to avoid the precarious situation, you know, like they could be smuggled, they could be trafficked. Like, what would you suggest to these vulnerable groups, especially female domestic labourers? (..) Because at the end of the day, we see in the media a story of a Kenyan girl who was like, was not able to leave the country, (.) from the human rights perspective.

65. S00 [00:35:17]: Yes. (.)

66. S03 [00:35:19]: That's horrible, but I guess other policies that not only depend from the employer, you know? So, any... (.)

67. S00 [00:35:30]: I mean, all of the human rights mechanisms and agreements and the ILO conventions, they're all there. What can be done to enforce them? I mean, the kafala system, ideally, civil society have been saying that for years, like, get rid of it. But, yeah, I don't know, it's hard. Like, if somebody doesn't have their phone, doesn't have their passport or ID, (..) how can you even communicate with them? Of course. How can you even reach them? So, education before they engage in these, like maybe more protection, like what we were looking at with the Philippines and Sri Lanka has introduced, where the governments of origin are protecting more their own citizens abroad, I'm sure. So, maybe that has worked really well for the Philippines. And the Philippines, I don't know if any, if that's a big migration corridor, the Philippines to Gulf states, I imagine it probably would be. That was one of the things. So, maybe look to see what the Philippines are doing for...

68. S03 [00:36:28]: Yeah, one of the experts mentioned that from Southeast Asian perspective, Filipinos and Indonesians are like the most. Filipinos are more valuable, if you can say that, because of the language, English. And Indonesians, they were more valuable because of the religion part. So, like, with the host families. (.)

69. S00 [00:36:52]: But have a look to see what the Philippines is doing for women who have migrated under the Kapala system, under the sponsorship system. They might have some good recommendations. (.....)

70. S03 [00:37:10]: Well, now we're talking about those countries that leave us pause to go to the general laws of Saudi Arabia. I don't know if you're related, (...) understand about the current legal parts of the... Not really. No.

71. S00 [00:37:28]: The only thing I would point you towards, let's see if the Global Detention Project has... Have you seen if they have country profiles? (..)

72. S03 [00:37:37]: Yeah. Yeah, country profiles. (..)

73. S00 [00:37:41]: So, this is the Global Detention Project here. (.) So, they have... (....) What is that? Country profiles. So, you click on country profiles at the top, and then you can click on Middle East over here. And so, you can see the country. So, you said you're looking at Saudi Arabia. //S01: Oh, cool.// So, click on Saudi Arabia. These are places of immigration detention on the map. But what you'll see, policy and practice updates from the Gulf, (...) country report, click on country report. And then usually they'll go into the laws and policies. (.) Laws, policies and practices. It's usually about immigration detention, and maybe in some of the background, they might mention the Kapala. (..) I can do just like a little search.

74. S03 [00:38:31]: Well, that's good for our legal frameworks. Yeah, thank you.

75. S00 [00:38:33]: I don't know if it's... Yeah, so, Kapala is mentioned there. (.) Again, this demographic backdrop. (..)

76. S03 [00:38:41]: Notorious for the sponsorship, yeah. Okay.

77. S00 [00:38:44]: Like all of its Gulf neighbors, notorious for its sponsorship labor system, which ties workers to their employees and places enormous pressure on foreign workers, making them vulnerable to abuses at their places of work, blah, blah, blah. (....) Saudi Arabia is one of the countries that have implemented vigorous policies to reduce dependence on foreign workers and increase the employment of nationals in the economy. (..)

78. S03 [00:39:08]: And would you say, I mean, that you're from Australia, do Australian government has like more integration policy reforms to female domestic laborers? Or would you say it's more restrictive or...?

79. S00 [00:39:25]: To be honest, I don't know with respect to female domestic workers. //S01: Yeah, okay, okay. (....)//

80. S03 [00:39:32]: Because we wanted to contrast there as well.

81. S00 [00:39:35]: Australia's integration policies used to be much better. But it's in recent decade, I'd say since like 2007, 2008, more focus has been placed on border security, more of that security lens, before it used to be much more on integration and all of that. There still are integration policies, (.) but that security focus has kind of taken over. So, yeah, but I don't know about the...

82. S03 [00:39:59]: No, it's okay, it's okay, no worries. (.)

83. S02 [00:40:01]: I remember my question. So you mentioned, I didn't know the word, the employment system is like becoming sort of kafala system. And then I was wondering, now there was a new law changed in Saudi Arabia, actually, to mention the domestic migrants' rights, sort of rights. And then I was wondering, like, those, like, the global trends towards the kafala system, does that, like, will that affect of, like, how to say, (.) supervision or monitoring of Saudi Arabians' human rights or, like, those policies or...

84. S00 [00:40:44]: I don't know about that, I doubt it. But, yeah, and when I say heading to close, like, towards the kafala system, it's definitely not heading to that extreme. //S03: Yeah, of course.// But it's this idea that you're more tied to a specific industry, tied to a specific, I don't know, in some countries, if they tie it to a specific employer. Even here, if you're not part of the EU, (.) you get a work permit contract tied to an employer. So that employer then can let you go, and you can, then you don't have the right to stay in the country. (.) So it's, you know, but at the same time, you'd have a lot more access. (..) I don't know, like, is it just the mentality of exploitation isn't as... But domestic labour here and trafficked women, etc., is a problem as well, so it's not... Yeah. (..)

85. S03 [00:41:42]: Yeah, there was one other approach that we have in mind, like, (..) the legal identity problem for labour migrants is everywhere, not only one particular region. And in that sense, I remember we mentioned something about becoming irregular, (.) because you don't leave the country, because your visa expired. (..) Do you know something related about exit strategies, or how can we put it, like, the exit permits, we call it, or visa?

86. S02 [00:42:18]: I think that the one you mentioned, like, when the domestic migrant in a Gulf country wants to leave the employee, the employee may report to the government, and they're going to be irregular. (.)

87. S03 [00:42:34]: Someone mentioned? Yes, yes, yes, basically, if you know something about employers (..) promoting exit permits or something related.

88. S00 [00:42:45]: No, I mean, I've thought of it, but it's not something I can comment on.

89. S02 [00:42:52]: Good. So? So, I think you also mentioned other countries, I was wondering, like, looking at other countries and comparing, if you can, comparing to the Gulf countries, like, how do legal frameworks or policies differ, like, how did the Saudi Arabia Gulf country be such an extreme example for exploitation or, how do you say, employee-employer contracts? Like, how is it different from other countries? Like, what happened? I don't know if you can mention.

90. S00 [00:43:30]: Yeah, I don't know if it has so much to do with the Gulf countries, but it wasn't that long ago that slavery was a thing in, you know, like, in England. In the United States, in many countries around the world. So it's like, it's got probably more to do with liberalisation in other countries that the Gulf states haven't reached that point. But, I don't know, to be honest, like, it's, yeah, but you don't have to go back that far. I mean, in Australia, the indigenous community were, you know, like, taken from families after the 1970s and, you know, made to work for free (.) on agricultural farms, on, you know, so it's like, it's not that long ago that, and, you know, like, slavery in the United States or in the UK or whatever. So it's, you know, it's not as bad as slavery, although sometimes it is a form of slavery if the person doesn't have their freedom and aren't allowed to have their freedom and all of that. (.) [00:44:33] Yeah, but it'll be interesting to see if things swing back in states that have become more liberalised in the near future because, yeah, migrants are not getting a good name anywhere at the moment. //S02: I know.//

91. S02 [00:44:47]: Yeah, we're also talking about not only the migrants, but the citizens themselves in the Gulf country, maybe, for example, women are already in a vulnerable situation. And when it comes to migrants, they'll be like, in a more vulnerable situation. Yeah, that's what we're also talking about.

92. S00 [00:45:03]: Yeah, so they're also the women, yeah.

93. S02 [00:45:06]: Yeah. (.)

94. S03 [00:45:07]: So we have to be mindful of your time as well. So I'm so sorry. So I guess one last question probably. One last round. (.) The Kefala system allows to have these platforms, websites, where you see, like, (.) the people you want to recruit based on their profile, so on, so on. Have you heard something about these platforms? (.)

95. S00 [00:45:34]: No, what is it, like a recruitment agency? Recruitment agency, yeah.

96. S02 [00:45:38]: Or like online form, or like the recruitment is now going through the website and it's digitalised. Do you know any?

97. S00 [00:45:47]: No, I wonder if that would help protect because there's a digital trail. Don't know. OK, yeah. Or exploits, I don't know how these sites are used. I just know that it's considered problematic in a lot of these international discussions when recruitment agencies, irrespective of whether it's in the Gulf states, charge fees to the actual migrants. //S03: They do. (.)// Yeah, but they talk about it as being problematic, whereas they advocate for charging the employers, because if you charge it in migrant, then you can end up with a debt situation. (..) So it's problematic in that sense.

98. S03 [00:46:31]: Yeah, and also one problem that we have found is like certified agencies and not certified agencies. (.)

99. S00 [00:46:37]: Traffickers posing as recruitment agencies. (.)

100. S02 [00:46:41]: Yeah. OK, I think we got all of the questions, but our questions might not have been through the policy analysis perspective. And we were wondering if there are any things that you would like to ask from your perspective, or that there's something that we forgot to ask, and then you think it's important.

101. S00 [00:47:02]: I don't think so, but do take a look at the Global Deterrention Projects profiles, because you might find, have a look also who they're referencing, because you might find some interesting NGO reports. They're usually really well referenced, so you can see the big long list of references. //S03: Oh, that's perfect.//

102. S02 [00:47:19]: Yeah, and we'll welcome you to that. Thank you so much. (..)

103. S01 [00:47:25]: Perfect.

104. S00 [00:47:26]: Good luck. //S03: Thank you.// Sounds interesting. You can present the findings to our philosophy art. //S03: I'm going to put dogs on the wall.

Interview 4

University professor in Switzerland

S00 = Lorenzo Vitale (LV)

S01 = Student Researcher

S02 = Student Researcher

1. S02 [00:00:00]: a little about what our project is about. (..) And we're not sure if it's specifically your expertise, but we still think it could be helpful to get your perspective as a scholar. It is not.
2. S00 [00:00:15]: So it would be the perspective of the candid or the ignorant. (.) So yeah, I'll be very, very modest. And every time I don't know something, I will let you know. And if I cannot help, I prefer to be very clear rather than mislead you.
3. S02 [00:00:35]: For sure. No, and we also opened the question up a little bit to be more conceptual about my creation and legal identity as a whole, both from a historical perspective. So maybe that will be better for you to answer. (...) Should I introduce the project to you again, or should we just start?
4. S00 [00:00:57]: If you wish, maybe it's helpful for you too. And yeah, let's do this. (.)
5. S02 [00:01:03]: Okay, so broadly we focus, like we research legal identity and how it relates to migration. (.) And what we selected as a case study is the case of Saudi Arabia and domestic labor migrants, specifically the system of the kafala where a sponsor is tied to the migrant itself. And how legal identity in that case is a tool of empowerment or a mechanism of exclusion. Through our research, we think it is more so a mechanism of exclusion or the other interviews we have heard a lot that it doesn't really matter in the case of those migrants. And we try to critically assess this in the product picture of how legal identity interacts with migration as such. (..) And then the first question we just wrote is really, really open as well. It's just how has the concept of legal identity evolved [00:02:04] over time from your perspective? (..)
6. S00 [00:02:08]: It's evolved a lot because probably as you know very well, the invention of the passport is a very new thing. So it's 100, 120 years old, but certainly not longer than that. And also the idea of closing up borders, it's really related with the emergence of the nation state. As we know it, there were forms of closing borders. And of course, also traveling documents existed long before the late 19th century, early 20th century, but of course, everything has changed. So legal identities were interpreted

very, very differently (..) in the last 200, 300 years. We can go back to the Middle Age and we can travel from China [00:03:13] and Japan to Europe for the Middle East and the empires of the Middle East. And then the other thing that you have to bear in mind is that up until the end of World War II, and certainly you could even say up until the end of World War I, (.) a large part of the world were not nation states, but empires. And so the very concept of legal identity was very different. And if you think about the Ottoman Empire, it was not the legal identity that mattered. And I'm bringing up the Ottoman Empire because we're getting closer to Saudi Arabia, (.) at least geographically, and what distinguished categories of humans were not their legal identity, but their religious identity. (.) And so the Ottoman Empire was distinguished in the Muslims [00:04:16] and then the others. And there were technical terms, and I will not expand on that, and there were communities of Christians and of Jews and the others, and they were part to the Ottoman Empire, and this allowed them to travel, to move within the empire. And then we can make other examples, the Austro-Hungarian Empire, the Russian Empire, and even empires in the Nile, like the United States of America. If you think about Cuba or the Philippines or Hawaii even, and how Hawaii was eventually integrated (..) into the United States of America in the mid-19th century, these are extremely interesting examples. So the idea of a single legal identity attached to a single individual emerged at the end of World War I because of refugees, and two categories of refugees in particular, [00:05:19] the Russians and the Armenians. (.) And so this applied to a corner of the planet because, of course, there were many other people that had no legal identity whatsoever, and these were colonial populations, people, communities that were dominated by colonial authorities around the world. I'll stop here, but I can expand if you think it's necessary. (.)

7. S02 [00:05:48]: Yeah, and thank you so much for that. And do you think that that was mainly then a control tool for the nation states to control those populations? (..)

8. S00 [00:06:00]: There was that dimension that was extremely important, especially in the interwar period. And so many nation states that were at the same time also empires, I'm thinking about Great Britain, France, and the United States of America, needed to control the influx of immigrants, Russians and Armenians in particular. So there is this strategy. And of course, waves of immigrations are perceived as a problem already back then, because they're going to disrupt, or there is this perception of a disruption of the economy, the job market, and etc., etc., social security, and xenophobia and racism accompany. And so the legal document becomes a way of discriminating who gets in and who stays out from the nation state, [00:07:02] certain nation states, at least. (..)

9. S02 [00:07:06]: Thank you. The next question we have written is then, how do today's migration patterns relate to legal identity issues? We've seen that there are historical interests to illegal identity, but how does that affect migration today? (...)

10. S00 [00:07:28]: It affects it greatly because you have a system where certain passports are a no-go. Certain legal identities represent a priori a problem. (.) And if you carry with you that particular legal identity, you know that you will not have access to a given country because of your legal identity. (..) So it's a discrimination. And then there are, and we're getting closer to your case study, there are situations in which a given legal document will allow you to enter into a given country in an extremely discriminating way. [00:08:29] There is no way for you to become a full citizen of that country, (.) no matter how many years or decades you will spend in that country. So for instance, individuals that are brought in, and I use this term on purpose, Saudi Arabia with certain legal identities, fall under a regime that, unless I'm completely mistaken, will never allow them to benefit of a full Saudi or Qatari citizenship. (..)

11. S02 [00:09:11]: Yeah, that is true. They're mainly excluded from most services and are also not allowed, for example, to marry and settle down. There are strictly temporary visas that are handed out. And that is the next question I would want to ask is about temporary visas, so a temporary legal identity in a specific country, and how is that affecting the actual situation of those people, how they can access different services, and how the state is responsible towards those temporary visa holders in regards to their normal citizens?

12. S00 [00:09:52]: That's a different question. And I think answers to that question ought to be very granular, because generally speaking, these temporary visas go exactly with the kind of lists of further specifications that you already mentioned. And so the people under this regime have very few rights, for sure. (.) The state provides a minimum kind of services that go with this temporary status. So for sure, this is extremely unpleasant, difficult, for all sorts of reasons, also personal, intimate, because you don't know what is going to happen to you next. But at the same time, this situation should concern people (.) [00:10:53] that are in dire straits to begin with, right? It shouldn't be applied to somebody that migrates from A to B. Even though if we think about the case of Switzerland, this is exactly what happens, because you enter to Switzerland with a specific status, and you have, or your colleagues have, I don't know if you're Swiss or not, but your colleagues have a B permit as students, which is limited. They can only work a certain amount of hours. It's only valid and renewable up until you are finished with your diploma and things that you know way better than I do. This is also a temporary visa, right? Like the US or Canada or the UK or

many other fronts, many other countries have more or less similar rules when it comes to students, for instance. (...)

13. S02 [00:11:55]: Thank you. Yeah, that's really true about a temporary visa. I feel like we all have to go through the whole process here in Switzerland. (...) To tie it a little bit closer to the Gulf countries and Saudi Arabia, the specific system in place that they have in addition to that temporary system is the privatisation of migration, so the link to the sponsor. And there, one author called it a labour cum legal relationship where only through the labour contract with the sponsor, the labour migrants have their legal status in the country. And it's really detached from the state. It is attached to the specific sponsor. What are the issues with tying a legal identity to a private person? (..)

14. S00 [00:12:50]: I know that it's not very fair to do so, but I would have a question to ask back to all of you because I'm really wondering the extent to which the state is distant, but not really absent in this. (..) So whether this is like a transfer of power to the sponsors, wherever they could be, enterprises, we could expand on that. (.) And everything is done with the blessing of the state. (..) So I don't know whether there is an absence of the state or not. Maybe you should investigate this a little bit better. (.) I've got the impression that the state and the authorities of the states control what is done. And this has to be done according to rules. They might be tacit, they might be customary, etc. [00:13:53] that are discussed with the sponsor. (.) And the objectives of the state are never too far away from all that. (..) And of course, there is a convergence of interests of the state with the sponsors and what they decide to do. And the rest of it is exactly as you said. (.) But to go back to your question, if you answer in this way, then you can go farther and then you can reflect on the consequences (.) for those people who have this very limiting legal authority. (.) And they become, you know, (..) their margin of maneuver, to say so, or their rights evaporate immediately. Because they are under a regime, which is the regime of the sponsor, [00:14:54] which happens with the blessing, as I said before, of the state. I would imagine things a little bit more like this. (.) But maybe I'm wrong and you will correct me if I'm wrong. (..)

15. S02 [00:15:07]: No, no, we also analyzed the state relationship with that. And we think it is in line with the state, where the state is just (..) removing itself a little bit from the picture, even like through the whole visa process being in the hands of the sponsor themselves. But yeah, you have a point there for sure. (...)

16. S01 [00:15:30]: I can follow the conversation. Yeah, our... Sorry, I entered the conversation a bit late because I just came after class. But thank you for having an interview with us. I'm not sure exactly, like, because I just came in and I don't understand.

17. S02 [00:15:47]: We just generally talked about legal identity and immigration for now. And about the Saudi Arabia case. Only the last question. (.....)

18. S01 [00:16:01]: We can ask about the international. Yeah. Yeah. So what role do you think, because we're... Oh, I can't say that. So we're looking at different roles of international organizations. And what do you think are the major players in international organizations? And can they have a role or is it more like subdued?

19. S02 [00:16:23]: In ensuring the legal identity.

20. S01 [00:16:24]: In ensuring that the legal identity of migrants is...

21. S00 [00:16:28]: Respected.

22. S01 [00:16:29]: Yeah. (..)

23. S00 [00:16:31]: Well, one of the players is for sure the ILO. If we think about the UN system, the ILO is the first that comes to my mind. And then, of course, all human rights organizations from the council to many others. In certain circumstances, I would even say the HCR. (..) For other reasons that pertain to public health, the WHO. (..) Especially in countries where pilgrimage is important and Saudi Arabia is one. So there is this dimension that should not be forgotten because of epidemics. And traditionally, historically speaking, pilgrimage went with huge public health program. Which were brought in by pilgrim, not by local populations. For all sorts of health-related reasons. So all these UN institutions are involved, not to mention NGOs. The marginal maneuver of NGOs, of course, is very limited. [00:17:33] Because of the contractual nature that they have to have with Saudi Arabia and its authorities. And so there, there is nothing new. We shouldn't be surprised. There is a negotiation that goes on between state authorities and NGOs. And if state authorities don't think that the given NGO is persona grata on their territory. They have all the rights to say, go away. This doesn't apply to Saudi Arabia. This applies to Switzerland. This applies to the USA, France, Canada or Mexico. So there is, we shouldn't point the finger to Saudi authorities. It's something that happens and is the rule of the game. Things are different for UN and UN agencies. Because of course, these are member states. And so the margin of negotiation and discussion is very, very different. Now, how they go about negotiating with Saudi Arabia. [00:18:41] In the case of Saudi Arabia, I don't know very much. But for instance, if you think about Qatar and the World Cup, FIFA World Cup. And you might remember that it was this huge case on Kafala. You should read more on the role of the ILO. Because the ILO went about dealing with these issues in a very shrewd way. Rather than naming a shaming, they put on a very under the radar, very discreet kind of advocacy. And I think it was way more efficient and persuasive. And this was done in

agreement with Qatari authorities. So there are ways to keep this door open. And of course, this was done in the interest of these people that have very diminished legal identities. And that was very little that they could do. And everything that the ILO and others did was precisely to persuade Qatari authorities to improve the regime and living conditions, the working conditions. [00:19:42] A lot was on the working conditions. This is why the ILO comes to mind. And so this is, I think, important with respect to the question that you were asking as I mentioned. So there are things that the UN agencies and the UN in general can do. Probably the way they proceed is not naming a shaming, blaming Saudi authorities for doing this or for doing that. It's not the best way to protect the interests of these people. I think.

24. S01 [00:20:17]: And because we talked with some other people who we also had interviews with, and they were talking about this understanding the agreements. I'm not sure how they named them, but understanding between, for example, the IOM and Saudi Arabia or understanding to ILO and Saudi Arabia. But they said that those understandings are there, but not necessarily held accountable to them all the time. Do you think those agreements still have an influence? (..) Because this Qatari situation was a one time situation.

25. S00 [00:20:49]: Of course, of course. (.) Though the problem is still there. (.) And so many institutions take the opportunity. And as you know, Winter Games will be in Saudi Arabia in three years or so, four years, something like that. They are building this crazy things in the mountains right now to be ready. So this will happen and the issue of Kafala will be brought in by NGOs, civil society, grassroots movements, locally, internationally, from Asia, from Europe, from other places. It will happen. No, I think that the question of accountability is very different. Because if there is a way to show that a given government is not respecting the clauses of an international treaty that that government has signed, the ILO, the IOM and others will always have a chance to report back to these authorities and say, look, under the treaty, blah, blah, blah, article, blah, blah, blah. [00:22:00] You had agreed that you would do this and that and that. And we have hard evidence that you are not doing this. Can we discuss about this? (..) So, no, I think that the question of accountability is very important. (..) But at the same time, I think it has to be understood in a broader diplomatic context where these institutions have an interest in not burning the bridge. With local authorities.

26. S01 [00:22:32]: Yeah. (...) Do you want to ask?

27. S02 [00:22:37]: Yeah, why we're also focusing a lot on international organizations is because in Saudi Arabia itself in the case unionizing in Saudi Arabia and having NGOs that fight for the migrant rights in Saudi Arabia is illegal. Therefore, we need like the foreign institutions to work on

these issues and have the advocacy and the accountability. (..) So thank you for that one. (..)

28. S00 [00:23:06]: And can I can I add something? I don't know if your project is going in that direction, because there is a different kind of advocacy that could take place in Asian countries, which are the countries where the departure of these people is organized. And I'm wondering to what extent there is a work of advocacy, especially concerning legal identities that is done with these populations that are prone to become those that we've been traveling and to inform them about what exactly about what is going to happen to them once they would be in this system in the system. (..)

29. S01 [00:23:49]: Yeah, I didn't want to cut you off. This would be like in your mind. I mean, I'll see you also don't know the answer, maybe. But what were you thinking of a grassroots grassroots movement in those countries then?

30. S00 [00:24:02]: Or it can take an awful lot of different forms, because, of course, it can stem autonomously by local people protesting, organizing or informing. So in this case, it would be a grassroots. It can be a combined grassroots plus foreign kind of joint advocacy, in which case the forms might be a little bit different. And so you will have local people speaking languages, et cetera, or getting the sensitivity of local population and knowing how to talk about these things in an appropriate way, in a respectful way, et cetera. But but these foreign institutions might help out with funding, with other with other aspects of campaigns to get people to know what is going to happen once they enter in this extremely complex system from which is very difficult to extract oneself. (.) [00:25:10] And of course, there is yet another level which is more diplomatic by by bilateral initiatives of given countries, I don't know, Switzerland or other countries, et cetera. (..) That could be a way of imagining what could be done to break the system. If you think that the point of your AARP is to to go as far as that, which I don't know.

31. S01 [00:25:38]: I mean, we are definitely looking at grassroots movement in Saudi Arabia to look for because we've talked about union that the workers unionize against like what is happening with their legal documents being taken. But actually, I didn't think about it like that.

32. S02 [00:25:55]: We will have an interview with an NGO from South Asia, for example, that focus on these issues so that we can bring up those questions as well. But it's also interesting is that we have when we did our research, what is observed is that even though there are some bans by countries for migration to Saudi Arabia because of the exploitative cases and cases of deaths and everything, still the migrants will go through irregular channels. (.) So it is.

33. S00 [00:26:26]: Yeah, but that's interesting. And this goes to a more existential question. (..) Why are these people going, knowing what awaits them? (.) If they are going, maybe the situation for them at home is even worse because people are not stupid. If they are ready to take a risk, which is the risk of being victims of this system, one has to wonder why they do it. Is it because in any case, despite all the suffering and the horrible conditions that they're going to experience, despite everything, this is going to be better because the money that they're going to make are going to be used to support their families back home a little bit more, a little bit better. They're going to have more in any case. (..) These are questions that I have no answer to, but in my view, they are legitimate questions to be asked. (..)

34. S02 [00:27:34]: Yes, exactly. That's why I think we think, or I think at least, that it's not about restricting migration, but improving the situation of the migrants. And yeah, because it's their decision to go. They have the agency to decide. (..) But that's, I think, one of the core things of our ARP to look at how the situation can be improved in places like Saudi Arabia, but also we draw references to another a lot of places as well. For example, Hong Kong, where there is a similar situation as well. And I think what we always fall back to is the temporarity of the migration, the privatization through the sponsor. But also in the case of Saudi Arabia, there's the issue of the exit visa, which means you cannot even leave without the permission of your sponsor. (..) And the question there is, is there a realistic possibility of improving a situation where all these measures are in place? (...)

35. S00 [00:28:41]: Yes, there is, because, for instance, one could imagine a way precisely of negotiating with maybe at the highest level, which is the level of the state, I still think, precisely segmenting the issues. And you made the example of the exit visa. So, one might wonder whether there would be an ouverture from the point of view of Saudi authorities to discuss this, to make sure that the sponsor might change or offer a softer kind of, they could soften the regime when it comes to exit visa. And so this could, as a result, this could improve slightly, maybe a little bit, maybe the conditions and living conditions of the migrants. And so I think that there is something that, but then the question is really related to the nature of the negotiation and who has the authority, internationally speaking, to lead this negotiation with either the sponsors. (.) [00:29:58] But I, as I told you before, I think that the negotiation should happen with the Saudi authorities at the highest level. (....) Is it the Arab League? (.) So a regional organization that should take the lead on this? Is it the UN? If it is the UN, what agency or body of the UN or sets of bodies? Who would be the chief negotiators? For what purposes? It's a very complex issue because you're attaching the sovereignty of the states. And Saudi Arabia could make, you know, very meaningful examples of Western states disrespecting all these rules, especially when it comes to expulsions. I will not name names, but I have

very recent examples in mind of Western states that have been expelling without respecting any law, domestic or international. (..) [00:31:10] There you go. (.)

36. S02 [00:31:12]: Touching upon that, maybe, where do you see the future of legal identity that can protect you in a country where you're a citizen from? Like, is it still a measure, like a protection measure for everyone?

37. S00 [00:31:28]: I honestly think it's indispensable. (..) So doing without legal identity at all would mean entering a realm of, you know, arbitrary, which sounds extremely scary to me. (.) The very little a legal identity can do is still something and better than nothing. Without it, it looks particularly, you know, grim and problematic. (..) That's where I stand. (...)

38. S01 [00:32:13]: So I don't know if you already discussed these questions, but on a more general level, you do feel like legal identity has a big influence on protecting the rights. And like on a policy level, is there anything that can be done that legal identity can become more of a powerful tool?

39. S00 [00:32:36]: I agree with you with the statement that you made. I would do without the adjective big. (...)

40. S01 [00:32:44]: Okay. (.....) Do you want to ask something else? No, I mean, I don't have another question. I don't have internet, so I can't access the questions on Google. (...) So I can't really say anything. Well, I could ask one question. Yeah, just give it to me. (.) So one of the things that has been introduced in Saudi Arabia is the digital platforms through which people can access or make complaints or things like that. But then it comes the question of digital literacy, and then it's only in English and Arabic. (...) What improvements could be made to a system except for the language changes? What other things could a state even do to improve the access to these platforms? Because I feel like digital is already very much personal. It's the closest you can get. But what else can they do to make it more accessible?

41. S00 [00:33:46]: Well, as you said, languages open it up to other languages, probably the languages of the people that come from Asia, that are the major communities. And identifying the number of languages that are spoken by these people shouldn't be so difficult. And probably through artificial intelligence to adapt software to do that wouldn't be impossible. But of course, we fall back also into the question of accountability and the purpose of doing all that. Because you can turn these systems, which are supposed to be very benevolent, into very malevolent actions. If you think about how the Gestapo operated, you get the list of Jews during World War II. All this was done to protect the Jews. (.) But the real reason why they wanted this list was to kill the Jews and to exterminate them in camps. [00:34:50] So, you know, the bureaucratization makes things very good if

accountability is there, very bad if the intentions are bad. Because this system would be a system of controlling in a very, you know, digital, momentum-like version of things, which can be very, very scary. And it would have been the only one, because I think Italian authorities have a system like this for refugees in the Mediterranean. In some of the camps, you should ask two experts. I'm not an expert on these things. But so the digital way is also a biometric way, is also a way of controlling. We do see this in many airports, even when we travel. And of course, with biometric passports, you share an awful lot of information on the person, which is a violation of many other rules, which probably are not the main concern of these people. [00:36:02] Right? We have other things that are way more urgent and vital. (.) And so, you know, knowing all these things and having access, a fair access, which is respectful of their languages, for sure, could be a way of improving a system. (....)

42. S01 [00:36:22]: Okay. Do you have any other questions? Okay. So, yeah, I think we don't want to take too much of your time either. We said 30, 40 minutes. So we really appreciate your time already. Sorry for coming late to the interview. And sorry for having a little bit of a chaotic interview. Yeah, sorry. This is not how it went in the other interviews. (.)
43. S02 [00:36:49]: But yeah, really helpful for us also just to sort our mind. (...)
44. S00 [00:36:57]: I like very much the style of your questions and the spontaneity that goes with them. It's not at all a problem for me and your students after all. And it goes with your creativity and the kind of questions that comes to your mind. So there is no problem whatsoever. (.) And should you need anything else? I know that I'm not an expert, so I cannot help you more than that. (.) But should you need anything else? Just let me know. (.)
45. S02 [00:37:25]: Well, thank you so much.
46. S00 [00:37:26]: Thank you. All of you. I think there was a colleague.
47. S01 [00:37:30]: Yes, we were four here. (.)
48. S00 [00:37:33]: So thank you to the four of you and enjoy the rest of your afternoon. //S02: Thank you so much.//
49. S02 [00:37:37]: Thank you so much. Goodbye.
50. S00 [00:37:39]: Bye. Take care. Bye-bye.

Interview 5

University in Qatar

Professor and Researcher (incl. for the ILO)

S00 = Student Researcher

S01 = Kamal Darwish (KD)

S02 = Student Researcher

1. S00 [00:00:01]: Okay, yes, and, um. As we also wrote in the questions, like, any information you have will be what we will be happy to have it. If there's something that we didn't pick up in the questions, we think is pretty important. We're happy to hear and also if it's for a different context, besides Saudi Arabia also perfectly perfectly fine for us. Yes. Okay. So, I guess we just start with the 1st question and because, yeah, you mentioned in your research as well that. A lot of times domestic workers fall out of the normal protection of labor laws. And so could you elaborate on how this legal exclusion impacts the vulnerability of domestic workers and Saudi Arabia specifically and what regulatory reforms you would consider most urgent? I think we also had the case that there have been some small reforms last year. (...)
2. S01 [00:00:59]: Well, look, yeah, they don't just they didn't just fall out of the labor laws. They were deliberately excluded from the labor laws in all of the Gulf states and in Lebanon, in Egypt, in Jordan. So, the question is why? (.) And that's interesting in the sense that they, at least initially, and I think for many, even today still don't believe that this is a proper employer employee relationship. Right. Because it's with the family and remember that the laws generally state that domestic workers need to live in the household. (.) That's the preference of employers, but that's also what makes them vulnerable and we can talk about that later. By the way, what is this for? (.)
3. S00 [00:01:59]: So, we're doing like this project is basically a research project for the Institute. So we got the topic from them and we are a group of 4 students. We will research it for a year and then we will try to produce. (...) Oh, are you here with us again? (.)
4. S01 [00:02:19]: Yeah, sorry, you cut out. (..)
5. S00 [00:02:22]: Can you hear me? Okay, are we back? Yes. Yeah, I can hear you now. So, basically we're a group of 4 students at the Geneva Credit Institute and we do this project for the Institute for a year and try to produce afterwards like a policy paper with deliverables that could be shown to international organizations on how the situation could be improved for domestic labor migration and also the importance of legal

identity. (.) That's why we chose domestic labor migration because, as you said, in the in-house living, the domestic sphere, does it even matter if they have a legal identity? (.) Can they benefit from it or not? Because it is like this kind of lawless space in a household. So that is

6. S01 [00:03:08]: what we're researching. Yeah. Okay, if I can just make a comment on what you just said, the idea of the lawless space in the household. It's not lawless. There are also moral principles and ethical principles of behavior in the household. The fact that some people do not abide by those principles is another story. And we should also note that not all domestic workers are abused. Okay, let's start with there because that's something that has to be acknowledged. But we focus upon those who are abused because it's a problem and we need to try to rectify the situation that leads to those abuses. (.) I'm sorry, my voice is going up. The weather here is crazy. It's starting in winter, right? (.) [00:04:10] Yes, exactly. Now, the reason why they're excluded from the labor law has been because it's not considered to be a proper employment relationship because it's with the family and there's this assumption that they become part of the family. And this is highly problematic. On the one hand, some domestic workers might like that idea. Others absolutely do not like that idea because that means there are all sorts of responsibilities for a person who's actually a foreigner in the household to have to abide by. So that's an issue for discussion at some point too. So the other thing there is that the domestic worker is also privy to the secrets of the family. (.) And the idea of them going to work for somebody else, a neighbor, and to be revealing what goes [00:05:17] on in your household is highly problematic for the employers. So that's why the restrictions in the past, things are changing, as you suggested. Those things are changing. (.....) Once the contract was finished, they had to leave the country. And people are not happy about them going to work for another household within the same city or country. So that's one of the reasons for the restrictions. You know, there was a, I don't know if you saw it, probably not, but back in 2015, there was a YouTube, a woman posted a YouTube video. She videoed her husband (.) [00:06:20] sexually harassing the domestic worker in the kitchen, because she was fed up with what he was doing and wanted to shame him. And she put it up on YouTube. I just tried to look it up for you, but I'm afraid that video is now gone. But I remember seeing it more than once. And I'm sorry, I don't think I kept a copy of it. But in any case, the issue was that she was the one who was arrested and imprisoned for revealing what her husband was doing. So in other words, that's the secrets of the family being revealed. So that gives you an indicator of what the strength and whose interests are being protected. Let me see. Yeah, so you know, so that's an issue with regard [00:07:29] to laws that cover the protection of migrant domestic workers. What I want to discuss with you perhaps a bit later is that I'm not sure that the new laws are even coming under the labour law. It's really not clear how

effective they can be. Okay, we can certainly talk about the legal identity. But that's one is legal identity and regularization of their presence in a country or in Saudi Arabia, in this case, is it sufficient? I would argue that it's not. Because this is a very complex relationship. There is no other, I think you mentioned it in your question somewhere, it's a very unique occupation. There's none like it. And it's one of the oldest occupations that you can imagine. It goes way back, including to slavery and so on and so forth. So that's my answer, [00:08:33] I think, with regard to why they're excluded. The labour law in Egypt is the one that actually makes explicit why they're excluded, whereas others just excluded them. So if you want to look that up, you can do that. Okay. Yeah. Any follow up questions there?

7. S00 [00:09:03]: The labour law you just mentioned in Egypt, will it be available in English to look at or is there an
8. S01 [00:09:08]: article about it? Yes. What's good about Egypt, in a sense, is that Egypt signed the (....) convention for the protection of all migrant workers and members of their families. And because they signed that convention, Egypt loves to sign conventions, whether it abides by them, that's another story, but they love to sign. So that meant that the UN committee for that convention followed up and therefore all of the correspondence is in English and you can follow that.
9. S00 [00:09:47]: Perfect. Because that would be interesting to look at. And yeah, like you said, we also read that because a lot of the people that actually do laws and policies have domestic labour migrants themselves in their households. So there's also like this power divide of interests. (.) Yes. So yeah, I guess that is also contributing to the same thing. (...)
10. S01 [00:10:14]: To give you an anecdote, when I was doing some research in Beirut, I went to see the head of the General Security Forces who are responsible for all foreigners in the country. And the head, and he said to me that he didn't like all these migrant domestic workers. He said, I don't like these things, these people here. He said, but my wife, she wants to employ somebody in the house. So that's another clue about who also is responsible for the demand for domestic workers and how they're treated. Because the women of the household are the heads of the domestic sphere. And they're the ones who manage the migrant domestic workers. And my survey of migrant [00:11:19] domestic workers in Lebanon showed that the abuse, there's physical, mental, sexual abuse, verbal abuse. Most of that, except for the sexual abuse, most of it is perpetrated by the madame of the
11. S00 [00:11:37]: household. Was there, did you find out the underlying reason for that? (...)

12. S01 [00:11:47]: Oh, well, you know, I tried to answer that question. I don't think I was very successful because people have different answers. And one of the general answers that I got that I was never happy with was that, well, you know, they are in close proximity all day and night, and therefore, there's going to be a tension developed and, you know, she might need to hit her or something or other or, you know, but I've never been satisfied with that. I tried to do a, by the way, I've published many more articles than you read. Yeah. That you mentioned. I don't know if you saw them.

13. S00 [00:12:37]: I saw, we have to read more of them for sure, because they're really like irrelevant to our topic.

14. S01 [00:12:43]: Yeah. Well, I think I've got a list of my publications somewhere and there's about 16 or 17 of them on domestic workers. Yeah. Anyway. So, yes, the reasons or excuses for this abuse, it's just not clear. I think some people are just, I don't know, they just get power hungry. For example, one argument was that if there is domestic violence, for example, if the (.) husband abuses his wife, she's more likely than to abuse the maid. Now, I tried to find out if that was true through the survey that I did, which was about 800 interviews, by the way, in Lebanon. (.) And I didn't find any correlation between the relationship between the husband and wife [00:13:47] and the abuse of the domestic worker. So I couldn't, I didn't find that as a cause. That doesn't mean that it doesn't happen, but there we go. I didn't, I couldn't find out empirically.

15. S00 [00:14:02]: Yeah. Well, thank you. Yeah, that was a really interesting also, because another thing we, I read when I was preparing the literature review was also that combination between empowerment of women, empowerment of the national women and how this leads them to more domestic labor migration, obviously, because then the household work is being left and this dynamic of like how on one hand women are empowered, but on the other hand, more women are getting into this like exploitative relationship. Yes. Yeah, they're quite right.

16. S01 [00:14:40]: And the number of times where women that I was interviewing, Lebanese women, for example, who said domestic worker rights, what are you talking about? We don't have our rights here, you know, as Lebanese women. Right. That's how they responded. (...) But it's not all women who abuse. And I tried to do a study, I tried to explain that in a psychoanalytical way in a paper that I published, but I don't think that was very successful either. But anyway, I gave it a go because I had to explain why is it that some women abuse and others don't? Because the literature and articles in newspapers and so on were always making generalizations as if it's all women, all Lebanese women abuse migrant domestic workers. It's not true. Yeah, definitely. (.)

17. S00 [00:15:33]: OK, maybe we just move on to the next question. And I think, yeah, it's going over to agencies, but I guess also to employers. Your work also references that agencies and employers keep the passports and also withhold wages to domestic labor migrants. On one end, to what extent are such practices still common in Saudi Arabia? Because obviously, there have been these policies and there's attention on it. So there are, I think, they tried to fix that. And what mechanisms exist of any to report or contest these practices from within the household context for domestic

18. S01 [00:16:14]: labor migrants? Yes. Look, Saudi Arabia have argued, I remember maybe 15, 20 years ago, going to a meeting somewhere and the Saudi delegate argued that there is a law against withholding passports in Saudi Arabia. Now, that also has been the case in other Arab countries. That doesn't mean that it doesn't happen. And it's complicated. At one point, I got rather fed up with the concentration on this issue of withholding passports. Why? Because on the one hand, some migrant workers, whether they're domestic workers or not, prefer their employer to hold their passport for safekeeping. And that's what employers say they're doing when they're asked. We're just holding it for them for safekeeping. Well, with regard to the non-domestic [00:17:19] workers in Qatar, we argued that, OK, if that's the case, then why don't you make sure the accommodation that you provide has lockable storage so that they can lock up and keep their passport safe along with them? And in fact, that's what that's what occurred. All new accommodations were gave this lockable storage space. Others argue that they keep their passports for safekeeping, but they will give it and they tell the workers that they can have their passports back on demand. So within 24 hours, they will get their passport back, no questions asked. So here's the problem of (..) issues with the passport. And many workers will say, this is the thing, you interview them, you [00:18:22] say, are you holding, do you have your passport? No, it's with the employer. Do you prefer that? Yes, I prefer that. So what are you going to do? So it's a question of withholding the passport when the worker might want to leave or do something with the passport. That's when it becomes a problem. And that's probably not very often. So, but in principle, withholding the passport is a violation of the freedom of movement for workers. And that can be a problem. (..) Also, it is a way and withholding of wages and the laws with regard to absconding, you know, the so-called escaping, which is a term of slavery, by the way. (.) You know, these are all measures that have been put in place to control the workforce, [00:19:26] to not only control them also, but to keep them. So they've been captured. And this is why the concept of, you know, modern day slavery was coined because of the control over the workforce, over the individuals, not ownership, but control. So, you know, I don't know how prevalent (..) the withholding of passports and so on is, but we need to just question how important it is in the scheme of things, right,

with all the other issues that are involved here. But there's no way, I mean, the thing about domestic workers is how are you going to know whether the passport is being held by the employer and not being given back? Only if the domestic worker leaves the country, leaves the household and goes shopping and somebody sees her and asks her, right? This is the problem. [00:20:30] It's a problem of also conducting research, empirical research with domestic workers. (.) Okay. And it's not with regard to reporting mechanisms. These are very, very important. And Saudi Arabia has followed Qatar in putting these sorts of things into place. And all the reforms that Saudi has been doing has been following from Qatar, that I was involved with when I was working there. Now, but the problem here is when is a domestic worker going to make a complaint? Even if she has access to a website, to a grievance mechanism, (...) what's going to happen? If she makes a complaint and then they will contact the employer [00:21:35] once the complaint has been made, and that's been made clear, there's this time period, I think at least six days or something between taking any action on behalf of the worker to try to reconcile with the employer. And so that's a highly problematic for domestic workers because they're so vulnerable in the household. So the employer suddenly finds that the complaint has been made. What's he or she going to do? The worker can no longer work in that household because of the complaint. How would you expect her to look after your children after this? And so on. How do you expect her to cook for you or prepare the food? You don't know if she's going to poison you or abuse the children or what. So it's a highly problematic situation. (..) So if they make a complaint. So if the worker is being violated, is being abused, [00:22:39] she may decide to take it because she needs that job. Because once she complains, she's out of a job, they will immediately deport her. Yeah. Right. Yeah. And I think there are some statistics somewhere. I had some somewhere showing that since the reforms, there has been a reduction, significant reduction in the number of complaints (..) and for non-domestic workers changing, changing employers because that's not allowed. (..) And then there's the exit visa. I'm not clear about the exit visa in Saudi. I was in Qatar when the exit visa was required. I used to have to get an exit visa every time I left the country. And then they lifted it. But with Saudi, by the way, in Qatar, there have been [00:23:50] pressures to bring back the exit visa for domestic workers, (...) which indicates how much more control they want. They're not happy about the domestic workers having the freedom to leave whenever they want without permission. So, yeah, and you point out there's been no listed cases against employers, but I'm not surprised. When does she do that? (.) Mind you, there is a requirement that all domestic workers should have a mobile phone. Right. Now, that is a mechanism that workers can use because they can hopefully, if they're allowed [00:24:51] to have that phone with them day and night, there may be opportunities for them to make a complaint through website on their phone. But again, the same situation arises. But

where there might be emergency situations, I think that's a very good thing. And I would argue that in the pre-departure orientation seminars that is usually required before the domestic worker gets on the aeroplane and travels, that they are given emergency numbers and numbers of people to contact who are trustworthy in case of emergencies. Yeah, no, I think someone coined the term that it's like a

19. S00 [00:25:47]: labour cum legal relationship between the domestic worker and their sponsor. Like, for their work, they will get their legal status. So, yeah, as you said, like when they complain against their employer through them, they, through which they get their legal status, obviously they lose that status, they will get deported. So that makes a lot of sense what you're saying. And yeah, that's really interesting. Tomorrow we have an interview with an NGO from the Philippines to talk about this like pre-departure orientations and the preparations in the actual countries of destination. So we hope to find out more there about these. (....)

20. S01 [00:26:38]: In one of the other questions, I addressed the issue of, you know, I've participated in those pre-departure orientation seminars and I know what they're like. They're not always, (..) I don't think that the workers are always listening. Why? Because they've already been recruited and they're all excited and ready to go. The recruitment has taken place, they've got their contracts, everything is in order. They just have to do this orientation seminar, which is a legal requirement in most origin countries. So my view is that it doesn't matter what you tell them in these orientation, pre-departure orientation seminars, it's not going to deter them from changing their minds and turning around and going home and not traveling to this job. Yeah. Right. You could tell them all sorts of things and they just, [00:27:43] they'll find a way in their minds to discount it. That's why I recommended later on that the awareness raising programs need to be pre-recruitment. Right. So if you're going to do public awareness raising publicity, then it needs to get to people who have not yet been recruited, but who may be thinking about, you know, taking a job abroad. Right. So it needs to be in the public sphere for anybody and they need to be warned and details given to them and so on and

21. S00 [00:28:30]: so forth. Yeah. Yeah. And then there was also the case about even though some countries would have travel bans to Saudi Arabia, that a lot of migrants still would choose to go on the irregular way. So you can really see that they are a lot of times really aware of the situation, but they still want to think it's a better journey for them than to stay where they are right now.

22. S01 [00:28:55]: Indeed. Exactly right. And that, but being in an irregular situation, of course, makes them even more vulnerable. Right. But they take these risks and, you know, there was an article written by an anthropologist called, why do they keep coming? You know, I mean, how

do you explain with everybody knows about abuses, everybody knows by now, this is not new. It's been going on for decades and decades. Right. So it's their desperation to find work, to get an income, and the motivations of women to go and particularly young women are quite varied. Right. So it's not just the money. And I'm not sure you'll have time to look into the elements of that.

23. S00 [00:29:54]: Yeah. Okay. That's really interesting and important because a lot of times people tend to speak about domestic labor migrants as this like uneducated women who get into those exploitative situations without knowing anything beforehand. And I feel like they have agency. A lot of them choose this. And still, yeah. And why do they choose this? Why do they choose a situation that is really exploitative, really dangerous? Like there's

24. S01 [00:30:25]: reasons for that. Right. Right. There are people who just want the excitement. They want to get away from their families. And they're willing to take incredible risks. If you're young, you're typically geared to risk taking. Anyway, yeah. Shall we move on?

25. S00 [00:30:46]: Yeah. So you already mentioned slightly the exit visa that you have experienced in Qatar. I don't know if you want to add on to that. Maybe the recent performance have changed anything for that? Because I think on paper it was written that now the system should have changed slightly.

26. S01 [00:31:04]: Yes. The biggest problem I think with the exit visa reform in Saudi is that an employer can still nominate an employee to require an exit visa. So if, for example, an employee (...) is having a problem with that employee, they may slap an exit visa requirement on them. Even though most... So that's a problem, I think, with what they've done there. But again, the repeal of the exit visa doesn't apply to domestic workers, I don't think, in Saudi. (.) So they still need permission to leave the country, which is appalling, the amount of control over domestic workers. But we know why. We know why they want that level of control. They want servants. And they want them in the household. They want them there 24 hours

27. S00 [00:32:11]: on call. Yeah. I think that answers it pretty clearly. (...) The next question is about legal identity again, documents. I think maybe we've touched upon this already. Let me see if we can just get the question. Yeah. Yeah. It's the access to services. (..)

28. S01 [00:32:38]: Well, for domestic workers, what... I mean, for example, the services are services of complaints, right? Problematic situation, they need to be able to go. So the point is, how do they get away? Now, they're required to have one day free. Let me say, one day vacation, or one day off

per week, right? Yeah. Now, the question is this, can they leave the household on their own on that day, and do what they wish? Or do they, are they allowed out only accompanied by a family member, which was the case in other countries. But, you know, there's a paper that we wrote about women who are allowed out, and they do what they like, and they congregate in certain places they [00:33:40] go. So restaurants have been developed for them in various places, so that they can socialize, and they have a good time. They set up little, you know, little marketplaces and so on and so forth on their day off. In Lebanon, it's a Sunday. In Qatar, it's a Friday. So it depends what what the domestic worker is allowed to do on that day off. And does she require, I mean, that's when she might require at least the IKAMA, the identity, the residency (.) card or permit, not necessarily the passport. Because there may well be random checks by the police in the streets to see if they are regular or irregular. And therefore, they need to have their residency card more importantly than their passport. But it depends on their circumstances [00:34:52] in accessing services. I really don't know. There is the online services, but then can they actually go to a place and make a personal face-to-face complaint? I don't know. In Saudi, I don't know. (.)

29. S00 [00:35:08]: They can in Qatar, but that's new. Yeah. And I think also, I think it was you or Anika who researched it, that at some point they weren't even allowed to reach out to their own embassies. But now that should have changed, right? Was that Anika who wrote about it? I'm not too sure about it because it wasn't me who researched it, but I think that you weren't even allowed to reach out the embassy of your country to complain. And I think that might have changed now, but I'm not

30. S01 [00:35:38]: too sure about the information. Yeah. Well, with some embassies, it doesn't make any difference. Yeah. Because they just don't do anything. The Ethiopian embassy notoriously is not always very helpful. But of course, the best embassy is the Philippines embassy who do really take care of their nationals as best they can, more than anybody else. For the next question, it's again

31. S00 [00:36:10]: about temporary bans. I think we already touched upon that as well. Yeah. That they don't really work and that they will not really respect the agencies of domestic migrant workers. (..)

32. S01 [00:36:25]: Then the question I have is, yeah, sorry. The bans, it's a feel good thing to ban, you know, because they get so many complaints, so many cases of abuse. Yeah. And they just feel like they have to do something. So they put a ban. But it's very paternalistic as well. Yeah. And in some cases also ageist. And, you know, with these bans, some feminists, for example, have criticized them because they say it's discriminating against women. They should have their own agency to be able to make their own

decision whether they're going to travel for work or not. They shouldn't be prevented

33. S00 [00:37:04]: by the government. Yeah, most definitely. And then the next question is, are there any other measures by countries of destination to protect migrant workers when they go to Saudi Arabia or during

34. S01 [00:37:16]: their time, during their employment? Yeah, well, that's what the reforms are all about. But I believe that in the end, even with the reforms, but where there is a dispute, right? I mean, when there's no problem and there is a good relationship with the household, etc., and she's being paid and etc. and she has time off and to rest, etc. When all the things are fine, it's fine. But when there's a problem, you know, what we find is that if the police get involved, for example, they will immediately send her if she's run away, they'll send her back to the employer, even if the employer is abusive, they won't listen. I've seen this happen more than once where they even if the police are not even Saudi nationals, they might be Akistanis or whatever, [00:38:20] but they still take the position of the employer in the first instance. That's a problem. So (.) the police and or authorities and generally speaking, need to be educated with regard to ethical principles and how to treat people, particularly foreigners, which I believe probably should be happening at some point, particularly in relation to the fact that the World Cup, the one after next is going to be held in Saudi. Yeah. Yeah. And I think the

35. S00 [00:39:00]: Asian Winter Games or something will be there as well in some few years. And we heard that

36. S01 [00:39:04]: could be like a good, good moment for. Oh, yes. No, that's a good moment to agitate and to

37. S00 [00:39:12]: seek reforms. And the next question is about, I think we already touched about the Philippines. Have you found any promising practices or bilateral initiatives between Saudi Arabia and countries of origin that effectively improved the situation of domestic labour migrants? And also maybe why those particular, like, why is the Philippines one so good and why is the Ethiopian one, for example, not so good? And then how is that also impacting? Because I think (..) from an employer situation, they can pick and choose the cheapest option to order. I think on the website, a lot of times the word order, like to order a domestic labour migrant. And is that an impacting how that there's more Ethiopian domestic labour migrants because they're cheaper and less protected than Philippines, for example? Yeah. And also they're close by.

38. S01 [00:40:09]: But the history of Ethiopian workers in Saudi is a long history. And (..) going back, I mean, they've deported them in very large numbers from time to time. (..) But I can't tell you why the Ethiopian

embassies are not as protective as the Philippines. Philippines, but, you know, the Philippines made decisions about the fact that they are a labour exporting country a long time ago, and they passed legislation to make sure that they were monitored (.) and taken care of. And so they were the first ones, I think, to bring in the (....) several, what's called the several liability legislation, joint and several liability (.) [00:41:13] provisions. Now, also, we find you see some, there's some articles about Indonesia lifting their ban for Saudi and they're signing MOUs, Memorandum of Understanding. Well, these bilateral agreements and Memorandum of Understanding, I don't have much confidence in them. I've read many of them, but they're just paper in many cases. And they don't usually really address (.) the serious matters because they're negotiated by diplomats and they're always being so careful and with the language, et cetera. So, you know, again, these are feel-good documents, [00:42:15] and I'm not sure how strong they are. There was, there has been a study, and I'm not sure she's published it, but a colleague of mine in Canada by the name of Jenna (...) Henebry, she's at the Balsillie School of International Affairs at Waterloo, at the Wilfrid Laurier University in Waterloo. It's not far from Toronto. And she's done a study, particularly looking at women and these bilateral relations, bilateral agreements around the world. Yeah. So she might be worth contacting or looking up her work, see what's been published about the bilateral relations. Jenna Henebry, H-E-N-N-E-B-U-R-Y. (..) And it's Jenna, J-E-N-N-A. Okay, perfect. Well, thank you. That's for you. [00:43:19] She's a marvelous, marvelous scholar. So, yeah. Okay, very good. We will reach out to her after. (...)

39. S00 [00:43:29]: Yeah. Okay, perfect. Well, thank you for that on the bilateral agreements. The next question is, again, about what you just said that most domestic workers are women. Obviously, there's a lot of domestic workers that aren't, but it's still like a really light (..) gendered issue. Yes. Are there any gender sensitive approaches in Saudi Arabia or in any other Gulf states to protect the rights of domestic workers? (...)

40. S01 [00:44:02]: I'm not sure, to be honest. (.....) Let me think about this. In Qatar, it's about 50-50 with regard to the category of domestic worker, 50-50 male and female. I'm not quite sure what the proportion is in Saudi. I think it's more males than females. It might be two-thirds, one-third. I don't know. But, you know, I think a lot of the problem lies in the fact that women have to live in the household to work. (.) And there should be at least some provision for a choice for them to make to live outside the household and then go every day and do what needs to be done with a proper number of hours, [00:45:09] daily, hourly work, like eight hours a day or whatever. They'll never accept that. It'll have to be 12 hours, probably, or something like that. But nonetheless, you know, when I did the study in Lebanon, it was very clear that the women that we interviewed who were not living in, who were in fact runaways, so to speak, and had made their

lives independently in Lebanon, quite illegally, but they were managing, the abuse was far, far less, in fact, almost negligible with the women who were not living in the household. Right? And so they were accessible for those bouts of anger or whatever it might be to abuse the women. So I think that that's [00:46:10] something that needs to be provided for. Now, we know that there are companies that employ women to do cleaning and domestic work, but they work for the company. The company provides their accommodation and food, but they then rent them out to households. And that's a far better situation as long as the cleaning company or whatever it is, treats them well. Okay? Because sometimes they don't. So that they need to be looked at. So these are labour supply companies (.) that provide domestic workers. So again, the problem here is monitoring of the treatment of the domestic workers. What are you going to do? I mean, it's the private sphere. It's the household. How are you going to, I mean, does the government, do you think that the government [00:47:15] would have the right or the ability to just walk into anybody's household? And even if they could, what are they going to do when they walk in? Are you treating your domestic worker properly? Yes, we are. Get out. Or are they going to say, we need to talk to your domestic worker? (.) And she's going to say, well, I'm going to be present. And if she's present, is the domestic worker going to tell the truth in front of her employer, etc. Need to think about the actual (.) existential situation with regard to trying to monitor what is going on and how well they're treated. In the end, we can only know when a formal complaint has been made. Or probably the best thing is to do studies of returnees, women who have left and then gone back home, and we interview them then. But then it's too late. So, but at least you get the insights as to how they [00:48:22] were treated. And they're much more likely to be open and honest when they're safe in their home countries. Well, if they're safe in their home countries, I can tell you many stories that

41. S00 [00:48:34]: were whereby they're not. But that's another story. Yeah, I think there's just maybe a week ago, an article by the New York Times that speaks with those returnees about their experiences in Saudi Arabia. Right. Yeah. OK, let's move on because of time. I don't want to hold you for too long,

42. S01 [00:48:57]: even though it's so interesting. My time is free for you. (..)

43. S00 [00:49:04]: Let's move on to another key actor that we slightly touched upon, but not that much yet about the role of recruitment agencies. Because when we look at the whole recruitment process, it's really privatized. The state is not really a big player. They gave the responsibility to those recruitment agencies and employers themselves. And I think you also empathize that role. But (..) how would you assess the current oversight of domestic worker recruitment agencies operating in or with

Saudi Arabia at the moment? Has there been any changes over the last years? Are there any accreditation systems that have proven effective? I know that they use the platform Musanet now, where it's like centralized. Did that have an impact? Because you can rank the recruiting platforms. Yeah. Yeah. This is a big question and it's a very,

44. S01 [00:50:01]: very important one in my view. It's one that I've really put a lot of concentration into over many years and been quite unsuccessful because it's a very difficult process. Now, just to say that the recruitment process is different for migrant domestic workers compared with other migrant workers in the workforce. Because the employer has to pay the agency to bring a domestic worker to their household. And the costs can vary and different nationality of domestic workers have different values in the marketplace, so to speak. And indeed, usually the Filipina women are on top. They command the best. They cost more to recruit and well, they cost more to be placed. (.) [00:51:07] And I don't believe they cost more to recruit. But anyway, and their salaries are higher. (.) So, but here we need to look at the relationship between the agency and the employer in a different way from other other work, other workforce, which I've written extensively about. You cited one of them about the corruption and the kickback bribes. That's different with domestic workers. What we don't know is the extent to which migrant domestic workers pay the recruitment agency to give them the job and how much if they do pay, how much do they pay? And how is this justified by the agency as a commission or what or to pay the recruitment? Because the law says, [00:52:09] the laws in Saudi Arabia and I think almost all of the Gulf states says that workers are not to be charged recruitment fees at all. The problem is that agencies are in the origin countries (.) and they can charge them and the receiving or the destination country can't do anything about that. (.) So, here's where the cost to the employer may be able to be negotiated, but the employer has no control over whether the employee is paying for the job, paying the recruitment agency. (.) And what if she does pay the recruitment agency? Where does that money go? Right. And how much are [00:53:10] they paying? I did look something up. I did get some information about this. Well, see if I can find my notes here. Sometimes they pay incredible amounts of money, which they usually can't afford, but will borrow at high interest rates to pay it. (...) And then you get, I can't immediately put my hand on it, but then you get very bad situations where, let's say the employer pays, I don't know what, $5,000 to bring somebody. They may decide to [00:54:16] recoup at least some of that money by putting deductions on the wages of the domestic worker, which is, strictly speaking, is illegal. And I've seen pay slips that explicitly say a deduction for recruitment fees, but that's no longer the case because now it's very clear that it's not legal. So how do you monitor that? Now, that monitoring should be able to be picked up through the wage protection system that

has been put into place in Saudi. I did a study, well, two studies of the wage protection system in Qatar. One of them was an assessment for the ILO in Qatar. So I know something about the wage protection system. (...) So that should be picked up. The basic wage allowances and deductions should all be detailed [00:55:26] in what's called the salary information file that goes from the employer to the wage protection system or to the bank. So how it works with domestic workers, I'm really not clear because they were exempted from the wage protection system in Qatar. I think that they are still not covered by that in Saudi, but I'm not sure. You need to check up on that because that's a key. The wage protection system can be, if it's used, it's a very powerful tool to monitor the wages, whether they're late, haven't been paid and penalties being imposed upon the employers through a central monitoring mechanism. So, yeah. Does that answer your question?

45. S00 [00:56:26]: I'm sorry. No, no, that was really good. I think, yeah, we try to find out more about the the SmoothNet platform because over there you should have access to your wages and it should be really like accountability mechanism, but we haven't yet found out if that is actually happening.

46. S01 [00:56:51]: Well, I think it's great in the sense that domestic workers can find an employer independently from the agencies. The agencies are often preferred because it's assumed that the agency will protect the workers. It's a place that they can go to or contact, particularly for the families back home, if they suddenly don't hear anything from the domestic worker for some time, they might want to contact somebody. And the agency has often played that role so that they can find them, check up on them, you know, if the embassy won't. And the embassies have very limited resources to do that sort of thing. So, the other thing is that these mechanisms, you know, using the blockchain technology is that the contract that is signed in the country of origin (..) [00:57:58] can't be replaced on arrival in the country of destination. (.) That's what has been widespread is what we call contract substitution. (.) So, you're given a contract with a certain wage at home and then when you arrive, (.) you're given another contract and that other contract is null and void and it's for less pay and less conditions. So, what do you do? There's nothing they can do, particularly if they've paid the agency some money. So, the role, for example, of the Qatar visa centers, which they set up in a number of countries, was to prevent that because the contract just has to be maintained and it's registered with the government immediately in [00:59:00] that pre-departure. And that's important that that doesn't, that contract substitution doesn't occur. (..) Because, you know, if they're deceived with regard to their wages or any other conditions of their employment, then you have a situation of human trafficking. If you look at the definition of trafficking, it's to transport somebody by deceiving them and then exploiting them at the other end. And these situations fit

perfectly into that definition of trafficking. (..) And have you read the TIP report? Do you know what the TIP report is? (..) The Trafficking in Persons Report. It is published yearly by the US State Department (.) [01:00:05] and it covers all countries and they are ranked. There's a three-tier ranking for countries, depending on whether they're doing something about it or not. And you can look up Saudi Arabia, they give you all kinds of statistics on domestic workers as well as others in the TIP report. It's just called TIP report. Do it for 2024, 23, etc. Yeah. Okay, perfect. Thank you. (...)

47. S00 [01:00:35]: Yeah, moving on. Yeah, because coming back to the platform, it was ranked as one of the favorite government platforms in Saudi Arabia. So it is highly popular, at least between employers. (..) Right. I don't know. I mean, it is also, it will make things more accessible, definitely. And it's available in English and Arabic. Do you think that these are like limitations? And also, as you said earlier, like domestic workers should have the right to have a mobile phone, but maybe they don't. So even if you have these digital platforms, what needs to be in place that the workers themselves can access those platforms as well and benefit from them?

48. S01 [01:01:22]: Yes. Well, I think that the reform laws have put into place that they do have to have a mobile phone. And they should anyway, because they may want to send money back home. By the way, the motivation, a huge motivation that you must take into consideration for the countries of origin, are the remittances which migrant workers send back every year. Those remittances that go back, even though they go back to service the daily needs of their families, collectively, they amount to billions of dollars. And the governments can use those foreign currency earnings coming into their country to raise loans, and so on and so forth. So they are very, very important. And that's why, I mean, I believe that, just going back to agencies again, [01:02:32] I believe that governments can play a role. There have been government recruitment agencies, right, in the past in India, and Bangladesh and elsewhere. So there's less likely to be corruption when the government is doing it. I'm saying less likely, I'm not saying it's impossible. But because part of the problem, of course, is government corruption, or the corruption of government officials in origin country states as well as destination. So, you know, the other thing is, I don't know whether, I mean, there were reports of domestic workers being sold, being bought and sold. And I'm not sure whether that was done on this platform or elsewhere through the internet. And there has to be a stop put to that. (...)

49. S00 [01:03:34]: Yeah, what I just saw was that the recruitment platforms themselves had like these options, where they now would plur the face because otherwise, the plur the face of the domestic workers, otherwise it would be considered trafficking. The platform itself, I don't know how, in what ways that would be the case there. But it is problematic if it's only in

two languages. Yeah, yeah, especially when a lot of domestic labour migrants come from places where Arab is not the first language, English neither. And a lot of times they are, (..) the education level is not the highest. So obviously, it's hard languages to learn. (..)

50. S01 [01:04:24]: It's impossible. (.....) As an adult, anyway. I found it very difficult. Anyway.

51. S00 [01:04:40]: No, I understand. I'm trying to learn Japanese and when it's so different to your own writing system, it's a really, really long process. (.) Yes, good luck with that. Thank you. Okay, again, back to the recruitment chains. In your research, you propose joint and shared liability in recruitment chains. Do you see potential in introducing employer accountability frameworks, especially for households? How could this be enforced? Again, taking into account that there's this privacy of the household that there's almost like, how can you be accountable, be held accountable in that system? And with also the power dynamics between sponsors and workers, where it's really clear

52. S01 [01:05:29]: on which side the power lays. Yeah. Yes. Well, the joint and several liability was, I think, first introduced in the Philippines and I think has been pretty successful. And I think Ethiopia also introduced it. I think it's also operating. So I think it's more appropriate and it's more likely to work through the responsibilities of the agencies in countries of origin. Right. So that they have to take responsibility if anything goes wrong with the placement of the domestic worker in Saudi. So something goes wrong, they have to take responsibility. And if they're not paid, they have to, the agency has to make up the pay that was lost. Right. So this is serious legislation. And I think you'll find that [01:06:33] it has actually worked in the Philippines. Yeah. So I'm not sure if that can be done, but it has a relationship with the between the employer and employee. (..) Because they have a responsibility anyway, as a, I mean, this is the whole thing about the kafala system. I'm not sure whether that's now been watered down to what extent in Saudi, as it has been in Qatar, although it's still remnants of it in Qatar, because there's still a sponsorship scheme. But I've written a couple of papers on the kafala system. (.) But the thing is that they have a responsibility as what's called the kafil. It's like a trustee relationship. And there are those responsibilities, whether they take them seriously as Muslims or not, there's another story. But there are the ethical and legal [01:07:41] practices in relation to the kafil that are there. But and if they're violated, they're very serious violations. So, but so there are obligations and responsibilities already there (.) for payment of wages and airfares and so on and so forth, even though they get violated from time

53. S00 [01:08:08]: to time. Yeah. Okay. And yeah, maybe connecting to that, especially with (..) how that situation can change in the household. And you have stressed the importance of shifting cultural expectations around

recruitment fees and recruitment as such. What kinds of awareness campaigns or have there been any efforts would be most impactful in Saudi Arabia to change employers and workers perception of what ethical recruitment should look like?

54. S01 [01:08:41]: Yeah, look, that's really important. And I've been involved in trying to bring about ethical recruitment. And but unfortunately, the number of agencies who are dedicated to ethical recruitment are few and far between. And the ones who exist, they're only small scale. Right. So (..) there have been developments, there is the IOM. Do you know about the IOM, the Iris program? Yeah. So the Iris program with the IOM. There's another one that developed from a small recruitment agency in the Philippines called Fair Hiring. They've morphed into a company called VSEA (..) that's been registered in Australia as a to train corporations in ethical recruitment and [01:09:44] ethical practices with regard to migrant workers. And there's also the Verite organization. Have you heard of Verite? I don't think so. Verite is a not for profit organization that does corporate audits and looks into bad practices, unethical practices and corruption and so on with in large private corporations and governments. And they've, you find them on the website, you'll find some excellent reports and analytical articles with them. And they're also, well, they're connected to the VSEA organization in Australia. I mean, I should be clear that I'm on the board of directors of that organization. Yeah, we will definitely. That's

55. S00 [01:10:53]: good to know. But Verite, you said, right? Verite, yes. You'll find them on the web. (.)

56. S01 [01:11:00]: Perfect. If you can't find them, let me know and I'll get you in touch. Yeah. And you also

57. S00 [01:11:06]: mentioned the IOM Iris program. Do you also work for or have worked with the ILO, you said earlier, right? So, yeah, especially in context like Saudi Arabia, where unionizing for domestic workers in Saudi Arabia is illegal. And I don't think that their grassroots initiatives are a thing. (.) How important are these international organizations in proposing these processes? And yeah, as you said, like they can leverage a lot of the public opinion, especially before like

58. S01 [01:11:47]: sports events. So, yeah, that's a very, very good point. The ILO always advocates for free membership of unions, whether they're domestic workers or not. There was a union that developed in Lebanon, actually, along with the ILO there to cover domestic workers. But I think it came to grief. I don't think it worked. They did have some members that joined up, but it's very difficult to get. First of all, it's always been difficult getting women to join unions unless, you know, you're a nurse or a teacher. And those unions are very strong here in Australia, for example, but not elsewhere. But the ILO, of course, is a tripartite organization. It's a UN

organization [01:12:51] and it has to take into account employers, unions and workers. That's the tripartite nature of it. So they're always consulting those three. But, you know, how are they going to organize? Where women have freedom at least one day a week, where they can congregate, find a place they can rent or whatever and get together. This is what happens in Lebanon, in a number of places. And I've attended those places. But without that, you can't organize them. It's very difficult to organize. And then if you want to take, you know, membership fees from them or these other issues, it's problematic with domestic work. (...) Both just the practicalities as well as the interest of women to join a union.

59. S00 [01:13:58]: Yeah. I think one journalist told us as well in Saudi Arabia, there's a bigger network for irregular migrants that kind of have these spaces because for them it is a little easier

60. S01 [01:14:12]: than for the regular ones. Yeah. And they are well worth attending to. (.....)

61. S00 [01:14:26]: OK, well, thank you so much for all this information. I think we're reaching our last question. And that's, have you come across any successful pilot programs or policy shifts with Saudi Arabia, the Gulf countries or also like worldwide? I mean, we have seen that there's the convention, but that it worked so-so. Has the situation improved for working conditions or recruitment experience of domestic workers? Also, I think in your article, you mentioned a carrot and stick approach that you would suggest to improve the situations where you have incentives and sanctions at the same time. Is that something that is actually employed in Saudi

62. S01 [01:15:11]: Arabia or different contexts? And yeah. Yeah, I'm really sorry. I can't answer that question for Saudi because I just don't know. As I mentioned, those pilot programs, I mean, there's so many people over the years have been involved, got involved in this and not just the ILO, but Human Rights Watch, other human rights organizations. And, you know, there was a, which I used in some of my lectures, there was an awareness raising campaign done in Lebanon (.) by Human Rights Watch. And they put up these posters, they took photographs of Lebanese women, (.) Lebanese women dressed in a maid's uniform. Right. And then they put captions on these posters [01:16:15] saying like, you know, would you work for 16 hours a day for this amount of money and so on and so forth. And there was a whole lot of them. And they put them, put those posters all around the country. But it was really very unsuccessful. Why was it unsuccessful? Because Lebanese women (.) got so angry that they dared to associate them with domestic workers and to put maid uniforms on them. They found that very demeaning. And the campaign really was totally unsuccessful. They didn't think it through properly. They thought that they could shame these women. But they didn't. These women are far stronger

than that. Right. So that was one campaign that was done for domestic workers. It just didn't work. And there was another, [01:17:23] there is a Bangladeshi NGO, research organization, friends of mine there, who did commission, they wanted to get a broader awareness raising (..) program. So they commissioned a script writer to write a script about people wanting to go abroad, young people going abroad to work. And they got the script writer to put these stories into a very well-known soap opera that was watched by millions all around the country. It was a brilliant idea. And so they told stories, I mean, sorry, unfortunately, sad stories and tragic stories that they told through the soap opera to raise awareness. I think it was a very, very good thing [01:18:24] to do. So that's another one. But I think, I'm not sure how successful it was. Typically, they don't build into these things and impact assessment studies, but which is sometimes difficult to do. But so pilot programs is the part of the problem is monitoring. How are you going to find out pre and post programs? How are you going to find out if it has improved the circumstances? Very, very difficult to do empirically. Right. That's the problem. Yeah. (.....)

63. S00 [01:19:10]: Well, thank you so much. I guess now after all this information, is there anything that you would want to add that you would think is really important? Also, like relating it maybe back to legal identity, how important you think to focus on the legal aspect of it all is, or should one also look more into social and cultural aspects? And yeah, how maybe you see (..) this develop in like the next years? Like, do you see big changes or do you think this (.) is a system that will just stay in place for a much longer time? (..)

64. S01 [01:19:58]: Yeah, that's a good question. I am not entirely sure. I think that (....) the issue about legal identity, I don't think can be separated from the social and cultural (...) because people have to live through their lives on a daily basis doing this kind of work. (.) And they're not in a position, in reality, unfortunately, they're not in a position to actually be in control of their workplace. And it's a very difficult thing. And they have to be very careful and very diplomatic and very servile. This is a servile occupation. Right. So they have a low status as an occupation, compared to others. They are serving other people in various ways. [01:21:04] And there are various taboos and all sorts of things in relation to the domestic sphere and how they can operate in the domestic sphere as a foreigner, or as an employee. In the larger households where there are many domestic workers, which there are, those are quite much more common in Saudi, perhaps, than elsewhere, where they have drivers and gardeners and so on and so forth. And then, you know, the domestic workers have relations with the gardeners, which begins to complicate their lives over there. So their legal status and the documentation of their presence there is extremely important. But in the scheme of things, it's how they're treated, and their objectives met with regard to being paid properly, and being able to

support their [01:22:10] families back home, which is the major reason that they're there in the first place. (...) Okay. I'm not sure if I answered that question, but that's about... It's a hard and complicated

65. S00 [01:22:23]: question to answer, but I think we got a lot of input, also a lot we can think about. And I think we learned a lot, and we can use so much from this interview. So thank you so much for taking the time. It was really helpful for us, because at times it is hard for us also to access primary resources in Saudi Arabia, and then the whole issue of, obviously, domestic labor being so private as well. So it's really nice to get insight from you who worked in the field for
66. S01 [01:22:53]: years and years. So yeah. So where are you based? You're based in... In Geneva. Geneva, yeah. Yeah. (...) Can I just... Sorry to interrupt, but there are a couple of other people on this call. (..)
67. S00 [01:23:13]: Are they? Oh, it's just our other group members. They were invited, but we only came... (.) The two of us. There's two other names on the... Yeah, yeah. It's just that we all have it in our calendars
68. S01 [01:23:26]: showing up, so we don't miss it. I wondered why you didn't introduce them. (.)
69. S00 [01:23:34]: Sorry, I didn't know you see the names written there. (..)
70. S01 [01:23:40]: Okay. Okay, well, I hope that was helpful, and I wish you all the best in your research. (.)
71. S00 [01:23:48]: Thank you so much, and enjoy your evening. Yes, thank you very much. Same to you. Bye-bye.

Interview 6

A regional network committed to advocating for the rights and welfare of migrant workers across Asia.

S00 = Student Researcher

S01 = Farhana Akter (FA)

S02 = Student Researcher

S03 = Student Researcher

S04 = Maricel Alon (MA)

1. S05 [00:00:00]: Okay, perfect. (..) Yeah, then maybe the both of you can quickly introduce what you're doing, what you're working on. (..) Yeah. (...)
2. S04 [00:00:15]: Okay, maybe Farhana Akter, I can start. And then you can introduce yourself. So, good morning, good afternoon. I'm Maricel Alon from the [organization]. I'm a Program Coordinator in [organization]. (.) And [organization] is a network of civil society organizations, trade unions working on social justice for migrant workers and members of their families. (.) I'll let Farhana Akter introduce herself. Farhana Akter is a member of Migrant Forum in Asia, and we thought it would be good for her to join the call since they are working on a lot of cases concerning domestic workers from Saudi Arabia. (..)
3. S01 [00:01:01]: Thank you, Tatsy. This is Farhana Akter [organization]. I'm an activist. Last 24 years, we're working for the women migrant workers, especially with migrant workers going to Saudi Arabia and Gulf countries, domestic workers and government workers. And we're a strong member of [organization]. [Organization] is our regional network. With the support of [organization], we develop capacity for the migrant workers, access to justice, there is online case management, and so many things. Thank you. Over to you. (...)
4. S05 [00:01:36]: Okay, perfect. Thank you so much. Just because we don't want to take too much of your time, I think we just immediately start with the questions. (.) Here, we're open to any and all information you have. Also, if it's something that is really important but not related to Saudi Arabia, we are happy to hear it. If there's something outside of the questions you think should be mentioned, feel free. We're happy to hear all of your expertise. (..) So the first question that is in our questionnaire that I sent you was that [organization] has advocated for the abolition of recruitment fees charged to migrant workers and promoting the employer pays model. What specific actions can sending countries take to enforce this model and ensure that

recruitment costs are paid by employers, thereby preventing debt bondage among migrant workers? (...)

5. S04 [00:02:30]: Okay. (...) Farhana Akter, would you like to answer?
6. S01 [00:02:35]: No, no, no. You will testify, then I will. I don't know. Okay.
7. 1 S04 [00:02:41]: From experience, I think this can only be achieved if governments actually negotiate for bilateral or multilateral agreement with the country of destination. If it's Saudi Arabia or any other country to specify these rules or the employer pays model, it can be specified in an MOU or bilateral agreement. One example would be the Philippines, where actually it states in the bilateral agreement that workers are supposed to have minimum wage. Domestic workers are supposed to receive a minimum wage of at least US$300 and that the employer pays for the recruitment of workers. In the Philippines, technically the government calls them household service workers and they don't pay recruitment fees or what the government calls also placement fees if they go to Saudi Arabia or any other country. [00:03:56] Farhana Akter? (..)
8. 1 S01 [00:03:59]: Yes, for employers pay model for migrant workers, especially for the female migrant workers, there's more than 60 to 70% female migrant workers covered by employers pay model. But the problem is the employer, they think this money, they bought this migrant worker. They think that way. And this is a greater bonded labor situation. And employers, both male and female employers, their attitude and behavioral attitude is thinking, I pay money, so I bought it. There is nothing for the human rights issue. Okay, so 24 hours a day, at least 18 to 20 hours can work and they can raise their voice. Bargaining power is very zero and they don't bother their agreement. So employers pay model implementing for the female migrant workers, though the middleman and the agency collect money from the female migrant workers as well. [00:05:08] But the attitude of the employers is very bad. That's the thing.
9. S05 [00:05:12]: Thank you so much. Yeah, we also had an interview yesterday with Kamal Darwishi, who's like a scholar. And he also said that a lot of times the employers will basically take back the money from the domestic labor migrants once they're in Saudi Arabia. So there's all these issues related to recruitment costs. That is really difficult. (..) The next question is the exploitation of migrant workers often begins with unethical practices by recruitment agencies. Recruitment agencies in general is the key, one of the key players in the whole process. So how can sending countries like the Philippines that we see as one of the countries that cares the most for labor migrants strengthen the regulation and monitoring of these agencies to prevent that they have overarching in front of the job placements? And are there successful models or best practices that have been identified in the region, maybe specifically from the Philippines? (...)

10. 2 S04 [00:06:18]: Okay, I'll respond in relation to the Philippines right now. (...) The Philippines has actually very strict recruitment procedures and recruitment policies. So one way to eliminate abuse in the recruitment process for migrants is the elimination of intermediaries or brokers, which is considered illegal in the Philippines. (..) In terms of the regular process, there are already a lot of policies in place and a lot of procedures actually to protect workers. (..) The Philippines is also very unique because it has what we call the joint solidarity liability where the recruitment agencies are similarly as liable as the employers. So if anything happens to the worker, the recruitment agency or recruiter can actually be sued under the government provisions, under government policies. [00:07:25] So this is why recruiters are also more careful in terms of looking at workers' welfare. But I think one of the bigger issues would be for undocumented and irregular recruitment because this happens also a lot and it's difficult even for governments to monitor. So a lot of irregular recruitment, for example, recruitment through relatives, through agencies that are not registered, through intermediaries like brokers, this still happens even with policies in place and even with monitoring of policies in place. So one way to address this would be through information education at the community level to really make workers aware that there are irregular ways to migrate but there are also regular channels for migration. And that on the issue even of recruitment fees that they can actually migrate without paying for fees and costs because some workers actually don't believe that they can find a job without paying for recruitment fees and costs. [00:08:37] So they think it's not a proper job contract if they don't pay for fees, for high fees because from experience a lot of workers are already asked to pay for recruitment fees and costs. So worker education would also be very important and of course having a complaints mechanism that works so workers can report irregular recruiters, illegal recruiters or even issues of trafficking to make it easier for workers to report abuse. (.) Maybe Farhana Akter can add from the context of Bangladesh. (....)

11. 2 S01 [00:09:19]: Should I? Okay. Yes. Okay, thank you. And the thing is for employers, pay model and workers, where's the already middleman policy revisited by government that is not finalized yet. But the government include in the policy and in the law, how they can regulate the middleman. But there is a horrible situation in the ground level, grassroot level, exploitation situation in Bangladesh is really horrible. And more than for male migrant worker, more than hundred per 99% they're paying money and lots of money for recruiting. If you look that recruiting cost of migrant workers, a huge money for female government workers and other service sector, women migrant workers also paying money. So cost of migration is very high rather than the other country like Nepal, Sri Lanka. [00:10:25] So Bangladesh recruitment cost is really high and government trying to monitor and they fixed for migration cost, but that doesn't cover bother by

recruiting agency. And the same time that middleman also. (.) And my CSO trying to network and there is individual organization doing some grassroots level awareness campaign, policy advocacy to reduce the cost of migration. And at the same time, also doing so many several consultation, regional level consultation, the cost of migration, how we can reduce the cost and the policy advocacy with the government country of origin and country of destination. Both end work is going on, but the cost of migration is really high and we're working on it, but it is not reducing the cost of migration what government mentioned. [00:11:34] Thank you. Thank you.

12. S05 [00:11:43]: That was really interesting and I would have a follow up question for both of you. Maybe if you could share some examples in the Philippines about where agents were held accountable for exploitation of domestic labor migrants. If there would be concrete examples, that would be amazing to hear. And the same thing for Bangladesh. You talked about grassroots initiative and how you try to work on those issues. If you would have a concrete example, that would be really, really interesting to us to hear. (....)

13. 3 S04 [00:12:21]: Okay. From the Philippines, actually. Our members have lodged complaints on recruitment agencies and there have been several cases. (..) We don't have an actual report of how many cases through the years, but [organization]

14. members actually submit cases to what we call the Department of Migrant Workers. Previously, the Philippine Overseas Employment Administration. It's a government agency that looks at deployment of workers and also look at complaints against recruitment agencies. The government has been very active in terms of actually filing cases because you can file cases within the Department of Migrant Workers. If you are regularly recruited and there is a violation in your contract, if you're asked to pay for certain fees that is not allowed, [00:13:26] and [organization] members have assisted migrant domestic workers in recovering recruitment fees. Because under the policy of the Philippine government, migrant domestic workers are not allowed to or are exempted from recruitment fees or placement fees. So they can actually file cases within the Department of Migrant Workers. (...) The Department of Migrant Workers also has sub-regional offices that are not just in the capital, but outside of the capital where workers can actually file cases if the recruitment went through a regular channel or regular process. I can't provide specific case studies, but there have been many cases and many workers have been successful in filing cases as well that have been assisted by [organization] members. (..)

15. S02 [00:14:31]: Just a small question, is there any way we could access some information or is this all in Filipino?

16. S04 [00:14:38]: No, no. Actually, you can maybe check the annual report of the Department of Migrant Workers. I can share the website in the link in the chat. I can share their website because sometimes they publish these reports and sometimes they're in the Philippines. We actually have a congressional inquiry. There's a specific committee in Philippine Congress that looks at migrant workers' affairs and sometimes they do conduct inquiries in terms of how many were assisted by the department. So I can share the website.

17. S05 [00:15:18]: That would be amazing. Thank you so much. (10 seconds pause) Maybe, Sumayya, you can give some examples of the work you do with the grassroots. (..)

18. S01 [00:15:38]: At this moment, I can share the first one. The last one I should say first. The thing is, during the COVID time, from [organization], we have done... Do you hear me? (.) //S05: Yes. (.)// Okay. At that time, what we have done for the Waste Tape campaign, we uploaded so many cases online. That was a portal named... It is Hamsa or the Waste Tape. Our case management officer is uploading. There were two or three videos that documents from the Saudi migrant workers. (..) Lots of migrant workers went after COVID time. They cannot get that job. So there was a meeting, regional meeting in Qatar. Saudi minister was there and Qatar and one minister both. [00:16:40] William organized one side event during that meeting. I forget this time, maybe before one year or one and a half years ago. (..) William shows this video that these workers are going to your country, paying huge money, but they are not getting that job. Immediately, the minister asked their ministry, please make them free. At least they can get a job. The minister was saying, I am extremely sorry to see this video documentary. This is true. They are saying after COVID, the economic condition is really horrible. Horrible means the situation is not good. So they just opened one certificate and recruiting agency, very small. They don't have the capacity to recruit any worker, but they are getting their license. Government is bound to give that to the Saudi people. That was a very good initiative from [organization] and from the video. [00:17:43] We sent it to [organization] from Vienna. And immediately, the minister said, sorry, and asked their department, please make this free for migrant workers so they can do their job. So they can at least doing their job. They paid lots of money, but the company, there is no job. So this is one example. Immediate, I can mention to you. There is so many examples we have. Another example I should say, we organized a grievance management committee in the ground level. I think Anika maybe know the panchayat system. We call it union. (.) Lower tier of local government. (.) So there is our grievance management committee, which chairman member and local community leader, where is the rights violation happening? So, they are, there is the body where local people can go there and submit their case. [00:18:48] And in a month, that meeting is going on. And from Bangladesh,

manpower, employment and training with their support. We organize this case management meeting. So, from there, our work also getting this service. This is one thing. And another, we work very closely with our national human rights commission. And there are also [organization] has done one capacity building training with Bangladesh human rights commission and that meeting organized in Nepal. That time was chairperson, Dr. Nomita Halder joined. And she has done two, three very important cases in Saudi Arabia, Bahrain and Oman to get the access to justice. And yes, we submit all documents to human rights commission and ministry. This is some cases at this moment I can remember. Thank you. Over to you. (..)

19. S02 [00:19:49]: I just wanted to ask the question. So, the video, the video is like, wow, you guys did that for any other Saudi, was it the minister who was there as well? I think that's something, a case that we could use. So, the video is online on the website, right? (.) So, we.

20. S01 [00:20:10]: No, the video, they sent by WhatsApp and email. And we never put it on website or any other social media because this is very confidential. And we have information campaign. We every month we do minimum 1000 to 2000 worker. We reach male and female, both female mostly. And there is our hotline number through this number. They send this document to us.

21. S02 [00:20:42]: Okay. Okay. Okay. Okay. So, there is no way we could access the video, right? Because it's very sensitive.

22. S01 [00:20:49]: I will talk to William and talk and we submitted it to. So, if that is. Legal, but. (.) We submitted document to and several times they orient on us local documentation and how to apply. And so many things.

23. S02 [00:21:14]: Okay. I think it would be good. Then if we just send you a follow up email, then if you happen to find, or if you're allowed to send the video. That would be. (.)

24. S01 [00:21:24]: Okay. All goes to. (.)

25. S05 [00:21:26]: Okay. //S01: Perfect.// And use the video for advocacy purposes, right? To send to.

26. S01 [00:21:33]: Okay. Even, you know, our workers, we send, I will send, I can send that hotline number. How that is some tricks. Our woman worker can use because, you know, when our work are going to the, so there'll be or any country, all passport and document confiscated. So, they cannot carry their phone number and anything, but there is a 1 ticket document. We every workers are taking from us. So, with that number, they can contact with us, then they send their audio video photo with that. We do our documentation and we take it to the government and even we take this

document to send this document to sometimes is our country of decision embassy. Like this. Thank you.

27. S05 [00:22:23]: Thank you so much. (..) Yeah, because also 1 of the concerns we look at is the confiscating of passports. And so, as you just mentioned, so that is really interesting how you try to surround to taking away of those things and still be able to share the experience.

28. S01 [00:22:42]: I will send that by email. (.) That tricks we use. Yeah. //S05: Thank you so much.//

29. S05 [00:22:48]: Thank you so much. (.)

30. S04 [00:22:50]: And maybe just to add to what Farhana Akter said. I think Farhana Akter, correct me if I'm wrong. (.) Women migrant workers are required to have smartphones before they leave, right? So, the recruiters provide them with smartphones or is it the employers? I know it's a policy in Bangladesh. (.) Correct me if I'm wrong. Yeah. (..)

31. S01 [00:23:18]: No, no, that is on paper. But practically, workers cannot keep any smartphone with them. Even we have a survey that shows only the 10% or 15% worker only they can carry the smartphone. Otherwise, they cannot carry the smartphone. And in the paper, in the documentation, of course, Ministry and Recruiting Agency, they have decided they should provide the hotline number. (.) Sorry, the smartphone, but they cannot. Practically, that's it. Okay. (...)

32. S05 [00:23:59]: Thank you so much. Maybe then a related question to this because you just mentioned the smartphones. (.) We have also found out that in Saudi Arabia, most of the domestic labor migration goes over an e-governmental platform, Musanet. (..) That should allow domestic labor migrants to access the contracts, the e-visas themselves. But if they do not have a smartphone, as you say, that happens in a lot of cases. (..) Is that actually a helpful platform for domestic labor migrants? Is that actually benefiting and helping? (....)

33. S01 [00:24:37]: My practical experience that I know the Musanet system, that doesn't cover in Bangladesh Recruiting Agency. Because in the Musanet system, there should be a paid holiday or off day, one off day, or increment and bonus. But it is not covering them. Even workers, daily cost should be bear by employer. That doesn't cover in all migrant workers. Only to 20 to 30% workers, employers paid this thing. (.) So, Musanet mentioned that there are so many good things, but it doesn't follow. That is practical experience from Bangladesh. (.)

34. S02 [00:25:22]: Thank you. And about like, do they follow?

35. S01 [00:25:26]: Musanet, just I'd like to add one more thing. In the Musanet, specifically mentioned, before leaving the country, they should sign the

agreement. And one copy should, in their own language, they should keep with the workers. That never ever give them. And we work so many policy advocacy with BIMED and even the last advisor. Please, at least you can ensure before the pre departure or in the pre departure session, workers can get that agreement copy. So, they can know how much salary they are going to get, what's the benefit and what's that off time and everything. But Recruiting Agency and middleman, they never provide it.

36. S05 [00:26:09]: Okay. Thank you so much. Maybe, I guess the Philippines uses the system Musanet as well, I believe. So, maybe if you have a comment on that as well, that would be really helpful. (...)

37. S04 [00:26:25]: Yes, the Philippines also uses the system. But similar to what Farhana Akter has shared, implementation can be problematic. (....) Because passports, smartphones are confiscated. (..) It depends. Some are able to access. It's a good initiative. (.) We're not discounting the benefits. But I think there has to be more monitoring mechanism to make sure that it actually works and the percentage of workers that it reaches.

38. S05 [00:27:01]: Yeah, definitely. Thank you. (....) Maybe I just move on with the next question. And they also mentioned it a little beforehand that the proper preparation of domestic labor migrants is really important. And so there's like these pre-department camps, for example, for migrant workers. (.) So, the question would be what role should sending countries play in providing comprehensive free departure or orientational skills training? How important is that? How important is the information that will be shared there? You also mentioned that the contract should be signed there already with a copy. Are these programs standardized or should they be standardized? And how can they be accessible to all workers? (...)

39. S04 [00:27:53]: I'll share and then Farhana Akter can share on the context of Bangladesh. In the Philippines, actually, there are already very comprehensive pre-departure orientation programs. And we advocated for Philippines, not just in the Philippines, but for all countries. Migrant Forum in Asia has advocated for what we call the pre-employment or the pre-decision orientation as well. (.) And this is actually discussed already extensively in the Abu Dhabi Dialogue. I'm sure you know of the Abu Dhabi Dialogue, the process of coming together of countries of origin and destination. (.) So, they have actually a working group that's looking after the comprehensive information orientation program for migrant workers. And one of them looks at pre-employment, pre-departure, and post-arrival. [00:28:55] So, three components in terms of worker education would be very important. And for us, our advocacy normally focuses on not having just one curriculum. They are standardized, but not just focusing on one curriculum. But for the curriculum to be actually country-specific, industry-specific, because domestic workers will have separate experience compared to construction workers, for example, or service workers in the

hotel industry. So, it should also look at the different work of the migrants and look at different countries because different countries have different culture and in terms of also experiences for workers. [00:29:56] It will be different in different countries. So, we also advocated for the information education to be country-specific. (.) And for [organization], actually, we have been part of developing the pilot programs for certain countries. One of it was looking at service workers going to the UAE, also service workers from Sri Lanka and Philippines going to the UAE, and even drivers going to Saudi Arabia. So, that's part of what we are hoping governments can actually implement. (.) So, maybe, Farhana Akter, if you have anything to add?

40. S01 [00:30:45]: For quality training that can help migrant workers to prepare by themselves, and of course, pre-departure training provided by government. In pre-departure training, CSOs like [organization] are also providing human rights training and legal aid training also for the human migrant workers. We have access and we have MOU with government. But post-arrival training, that is not happening. That is another thing that we can propose and that should be mandatory for all countries, all sending countries that should maintain post-arrival training. And the other thing is strengthening the monitoring mechanism. How are workers doing? Are they in a good condition or they are in a bad condition? What's happening there? (.) What is the situation? Are they getting money or they are not getting money? So, there should be a strong monitoring mechanism from government side. At the same time, I should request how we can work together to train in the capacity CSO in country of destination and origin at the regional network. [00:31:55] Without the strong regional network, policy advocacy has become weak. So, for this thing, I should say that strong regional network and CSO in destination country and strengthening monitoring mechanism. At the same time, capacity building for the migrant workers themselves, post-arrival and pre-departure training. Quality training, not only training. Thank you. Thank you so much.

41. S05 [00:32:30]: You just mentioned it as well, like the post, the coming back and there should be training sessions as well. How can sending countries facilitate reintegration of returning migrants? How can migrants that return then from Saudi Arabia be reintegrated? How can also be there like those accountability mechanisms if they share their experiences of exploitation? Maybe some input on that. (..)

42. S01 [00:33:01]: Darshan, should I start?

43. S04 [00:33:03]: Yes, please. Go ahead, Farhana Akter.

44. S01 [00:33:06]: Okay, thank you. For reintegration, yes, Philippines have more good experience and they are doing well than Bangladesh. But for reintegration, Bangladesh is doing database, Ministry of Expected Welfare

and BNOS are also a part of that. We're doing returning database. Already we have 22,000 returning data within two years. And with this database, we are referring them, we are providing training for them. But as a practitioner, as a [organization], what we are thinking, reintegration plan should start before leaving. When the pre-decision phase is coming, reintegration plan, every worker, female and male, both worker, they should think that phase. (.) What I will come back, what I will do, how to do, where to go, and capacity building and financial support and everything. So at the same time, reintegration package should be borne by the recruiting, sorry, employer also. [00:34:09] So reintegration now, yes, after COVID, we are the people. Reintegration like [organization] have oriented us so many years before. And from grassroot level organization, we are doing before more than 15 to 20 years. But nowadays, it is a one kind of mantra for donor agency, reintegration. Okay, but reintegration should start from the very beginning. Thank you. Over to you. (..)

45. S04 [00:34:37]: If I can just add a little to what Farhana Akter said, part of [organization]'s advocacy is actually to call for the integration to be under the framework of social protection. Because it should not just be limited to economic reintegration. (.) Many migrant workers come home elderly or are unable to find new jobs. And many governments are just focusing on economic reintegration when it should be more holistic and look at social protection and how workers can have end of service benefits or old age benefits. And now social protection can also be portable, especially to facilitate how workers can contribute to social protection in their countries of origin while they are abroad. (...)

46. S05 [00:35:37]: Yes, thank you so much for that. And also one more question regarding the protection system. How can sending countries establish and maintain support systems whilst the migrants are in the country of destination, for example, in Saudi Arabia? Because we know, for example, that in Saudi Arabia, the domestic migrants themselves are not allowed to unionize. They're not allowed to fight themselves for the right in Saudi Arabia. So how can sending countries protect their domestic migrants during their time of their employment? (.....)

47. S04 [00:36:19]: Okay, that's a question that's been grappling government for so many years and very easy to answer. But one way would be through bilateral agreements and MOUs that specify protection. Another would be through improving support mechanisms through the missions and embassies and providing more welfare officers and labor attachés in missions and embassies. For the Philippines, for example, there are a lot of resource constraints also in the embassies and missions. And they have limited welfare officers to address cases of migrant domestic workers. So there is that issue that also they need more resources within missions and embassies. And national governments should be providing more resources

to enable the missions to at least support their nationals abroad. [00:37:22] Information education already mentioned. (..) Also, complaints mechanism, working complaints mechanism. Because sometimes complaints mechanisms are developed without consultation with workers. And it's not really accessible to workers. For example, complaints mechanisms that are not in the local language or which is limited to English. So workers are still having difficulty accessing complaints mechanisms. (..) Also, many of the missions and embassies are located in places that are not accessible to workers. So they should also work with community organizations or at least migrant associations or organizations in countries of destination. Get the professionals in order to reach out to low-income workers such as domestic workers. [00:38:29] So that there is a way to get support from the community and to mobilize the community to support workers, not just from the missions and embassies. (.) Farhana Akter, if you have any questions. (..)

48. S01 [00:38:51]: Now I am starting. For Bangladeshi migrant workers, they are not allowed to go outside the house, from the house. And they cannot join any union or anything. (.) Even, you know, the last movement in July in Bangladesh, that was one revelation almost. And in that time, our workers showed support to the Bangladesh government. Only that prison, already more than 50 workers, they sent back to Bangladesh. (..) So, there are even in some Gulf countries, they don't cover any workers for joining the union, movement or freedom of movement. So, the movement is totally restricted. Freedom of movement, access to justice in Gulf countries, especially in Saudi Arabia, is totally restricted. (...)

49. S05 [00:39:52]: Thank you. Thank you for your insight. (...) Then, the next question we have written is regarding irregular migration. (.) So, what steps can sending countries take to address the root causes of irregular migration? You said that this is still happening and irregular migrants are specifically vulnerable. (..) And provide safe and legal pathways for migration. We have heard that there have been some deployment bans, but they were not really successful. (..) Because, yeah, do these bans, for example, respect the agency of domestic migrant workers? Because if they want to go, why shouldn't they be allowed to go? And what could be other mechanisms that, as you said, you have to integrate migrant workers in the process of those processes. If there's any initiatives. And the Philippines is a good example, I think, where it is working quite well to have these processes in place. (....) [00:41:04] So, yeah, what are processes to fight the root cause of irregular migration? (.....)

50. S04 [00:41:16]: Okay. In terms of addressing irregular migration, as you mentioned, definitely bans don't work. In the Philippines, actually, they've done several bans. (.) Similar, I think, Bangladesh has also done something similar. I think in 2012, it was even through parliament that the ban was

discussed. (.) There was a parliamentary decree even to ban workers to Saudi Arabia because a parliamentarian did a fact-finding mission in Saudi Arabia. And prepared a report for parliament looking at the violations experienced by workers. But then women migrant domestic workers just went through irregular means and irregular channels. So, bans definitely don't work. How to address this is not an easy question, but one that [organization] has advocated for always is for countries of origin not to rely on labor migration. [00:42:21] It's not just about looking at migration governance or looking at sending people outside the country, but also looking at how to address, how to have decent work at home, how to develop the economy. For migration not to be forced upon people, but for migration to actually be a choice for workers. Many people leave the country out of desperation because there are no jobs. So, if you develop the economy, if you provide decent work at home, then workers will no longer be forced to take jobs abroad that violate their rights. Again, we go back to also multilateral negotiations, having platforms where governments of countries of origin can come together to dialogue with countries of destination in terms of protection of workers' rights. [00:43:24] And this has been established in the Asia region with the Colombo process and of course the Abu Dhabi dialogue. But governments are not really taking a strong political stand in terms of workers' protection because they are also afraid to lose the market for their own workers. (.) So, it's a dilemma that they want to provide jobs, they want to have jobs for the workers, but then there shouldn't be this much reliance on labor migration to prop up the economy. So, again, looking at how to strengthen labor governance, labor migration governance in the region, there has been a lot of steps also taken by governments. Even if many actually cite the Philippines as a good practice, there are still issues, [00:44:26] there are still many issues, especially with complaints mechanisms, not really working, (...) addressing issues in the shelters for workers. So, there are still a lot of issues and there is always room for improvement for governments. A lot needs to be done in terms of really addressing the economic issues at the national level. (..)

51. S05 [00:44:58]: Thank you so much. (..)
52. S04 [00:45:01]: Farhana Akter, are you still online?
53. S01 [00:45:17]: Yes, I'm online. For irregular migration, should I mention something? (.) Yes. No.
54. S03 [00:45:24]: No, it's okay. (.....)
55. S01 [00:45:31]: I'm suffering from cold. Okay. (.) For irregular migration, Bangladesh situation is, there's two ways. One is they're going to Libya and Italy, Europe-bound worker, we call it the boat migration, (...) they're not following the regular procedure like BMT, smart card, or by year, or like this. So, for the other thing, irregular migration and trafficking for male migrant

workers is very high. For female, it is less. (.) And irregular migration, if you could talk about the undocumented workers, for the situation of workers, they are not getting their job, or they are changing their employers. In that case, so many migrant workers in an irregular situation. This is the thing. Thank you. (...)

56. S05 [00:46:33]: Thank you so much. (...) The next question would be about the exit visa system that is in place in Saudi Arabia, which has, as you've earlier said, like domestic labor migrants don't really have freedom of movement, freedom of expression, freedom of speech. This exit visa system has also limited the migrant workers' ability to even leave the country and return back to their home country without the employer's permission. (..) So, we heard that there has been policy changes in Saudi Arabia, at least on paper, I think in 2023. So, to what extent does the system still affect domestic workers today? And what are the implications of these exit visas for the autonomy and protection of workers? And are there any reforms? (.)

57. S01 [00:47:31]: Yeah, now I'm starting first, because the exit visa system is a really a violation for migrant workers, (.) especially for the women migrant workers who are coming back with the exit visa system. Even if they don't know, they block their passport, or even if there is nothing on the passport, when they try to go to another country, you know, there is one bar in their eyes, so they cannot get in. Some workers came back from the airport in destination. So, this is really a violation from the employer's side. And the exit visa system means even next five years, these workers cannot get in the other country. (.) Though sometimes we have found out employers have the problem, they are not paying them well, they are not giving them treatment, and there are so many issues. (..) [00:48:38] But when they make a complaint or run away from the employer's house, then they immediately make these workers exit visas. So, they cannot work there. So, this is not good for the migrant workers. And if there is an opportunity and there is a chance to talk, please talk about this. And yes, we have heard that, so they are changing their law and policy, but I think still they are still on paper, not in implementation. Okay, over to you. (.....)

58. S04 [00:49:16]: I think Farhana Akter already gave a comprehensive answer. I have nothing to add. (...)

59. S05 [00:49:22]: Okay, we already covered digital migration governance. (..)

60. S02 [00:49:28]: So, do you have a point? No, I just wanted to clarify. So, the main thing about the new laws which have been proposed in 2023 or adopted, they are all on paper, but the implementation is lacking, right? That is the main thing I got. (..)

61. S05 [00:49:48]: Maybe just in general over the past, let's say, ten years or however long you work in the field, have there been improvements for

domestic labor migrants in Saudi Arabia? Have there been any mentionable big improvements that have happened? (.) Or also in other countries, you have heard that there has been a lot of changes in Qatar, for example. And could that be something that maybe would be able to also implement in Saudi Arabia?

62. 16 S01 [00:50:22]: Yeah, also I can start, because immediately I can remember in that meeting, Tersi was with us or not, I at this moment cannot remember. We have a visit with [organization], organized this visit in Saudi Arabia. Yes, we have visited their government office and their trade union. We have seen their planning to reschedule their policy, their system. (.) And one thing we have, they committed to [organization] members and network that they should provide this salary through the online system. (...) And when William was talking about the way step to, and they were feeling shy and they were saying, oh, don't say this is where step. That is something mismanagement. (.) [00:51:22] We are planning to do it by online so that we can check employers pay or not. At the same time, they were saying that this, they call Khatama for the deal. This Khatama will teach like our worker. I don't know they have followed or not. This is one, two things. And another thing is we have seen nowadays little that before it was so many complaint. And at the same time, one worker should work two, three houses before of big intervention from [organization] and human rights commission and from ground level. There was so many noise in from media and several things. So now already decided one worker cannot work two, three houses. And you know, some of Saudi Arabia, one family members, they have 10 family, one, 10 to 15 children. [00:52:24] So after one work, they take to their another sister house, brother house and this thing. So it little changing, little. We are seeing there is a hope. Thank you.

63. S05 [00:52:35]: Thank you. (..)

64. 16 S04 [00:52:38]: Maybe just to add, actually, we think the wage protection system, the online payment for the worker's salary has helped a lot. As Farhana Akter said, in terms of addressing issues of wage theft. There are reforms that are happening and ongoing negotiations in terms of bilateral agreements. I know the Philippines renewed its bilateral agreements and there are a lot of good things on paper. But we think that there should be stronger monitoring mechanism to ensure that all of these reforms are implemented. And that also that workers rights are protected in Saudi. And again, if the Philippines can negotiate for a minimum wage of 300 US dollars for its workers, [00:53:41] and the Philippines is even thinking of raising this salary for its domestic workers, because it's been the same for domestic workers for many years. And what we heard last was they're thinking of increasing this. And if the Philippines can do this form of negotiation, why not with other countries as well? So if it can be negotiated

through bilateral agreements, multilateral agreements, then there would be stronger protection for workers as well. (..)

65. S05 [00:54:17]: Thank you so much. One question that just came to my mind as well, and we discussed it yesterday as well with the scholar. It was about the issue of the in-house living for domestic labor migrants and how that leads to that there's no accountability mechanism because it's in such a private space. And he mentioned that the people like domestic labor migrants outside of the employer's house have better experience. There's way less abuse happening if they go to their own home at night and then come just back to work. Do you have any insights of that with the issues of the specific in-house living of domestic labor migration? And are there any initiatives to at least give the option to domestic labor migrants to live outside of their work location? (...)

66. S04 [00:55:17]: Farhana Akter, you want to go first? (..)

67. S01 [00:55:21]: Yes. A very small number of migrant workers have access to stay outside and they have a very good experience. But the problem is that it's called an outsourcing system. So, outsourcing system is that way one kind of exploitative system when they're staying in hostel or like this, but the salary going to the company and some workers are saying the full salary they are not getting from the outsourcing company. But the exploitation is a little less because verbally and sexually abused that reduce for migrant workers. But outsourcing company exploit for their salary and wage. (.) Thank you. (..) Thank you. Yeah. One more thing. If there is an opportunity for research to recommendation, yes, try to recommend. [00:56:26] So, workers should not stay in the house, employer's house. They should stay in the dormitory or like this. Yes, there was also another system what we have seen that they are going to plan this make a mega building. So, all workers can stay in the hostel. When we visited Saudi Arabia with the support of [organization] network, there was a sending country members with them. We are maybe 15 to 20 members together.

68. S02 [00:56:58]: Thank you. (..) This plan of the make the mega building. Is it like can we find it on the web like on any website of the Ministry of Saudi Arabia? Or what are these plans still in the making with you guys?

69. S01 [00:57:13]: They were planning. We didn't check that, but they were planning. They have a plan to some workers can stay there. But in that meeting, some traditional leader also saying, but, you know, sister, we like to keep our workers in the home because they are like family members. We love them a lot and we are saying don't love them. Their workers just paid them. That is enough. (...) Yeah. (.) Love them means they were trying to say, they are our family members. So, what we want, they can work for us long time and we love them. So, if we need to pay, pay, not to pay. So, we don't like this type of love. We need money and notice time. That is the thing. (.)

70. S02 [00:58:00]: Yeah. (.) Okay. (..) Yeah. (...)

71. S05 [00:58:07]: That's really. (.....) Maybe I think we're coming to the end of the interview. Maybe if you have any. (.) Yeah, I think to one of our team members is also in the chat. I think you want to say something. (...)

72. S00 [00:58:29]: Good morning. Hello. Thank you so much for your conversation. I have three questions, very particular during the whole conversation. One is about the cost of migration. You mentioned that recruitment agencies charge a fee to the labor migrants. Their salary is around $300, $400 per month. How much, if you guys know, is the recruitment agency charge for the female domestic migrants before? And my second question, same with the agencies. We have found out that there are certified agencies and there are not certified agencies. If we can map where are the certified agencies, if you know. And my third question is regarding female domestic migrants have a free day in Dubai on Fridays and other places on Sundays in Saudi Arabia. [00:59:34] If you guys know when and what do the female domestic migrants do outside work? Thank you so much. (.....)

73. S01 [00:59:47]: Should I start?

74. S04 [00:59:49]: Yes, please. Then I can add.

75. S01 [00:59:51]: For female migrant workers, some cases, not all cases, minimum $30,000. (..) Maybe this is $300 to $400. And sometimes it is $1,000 like this for female migrant workers. But, you know, there is all female migrant workers under the Musana system. (....) Every worker is getting $3,000 to $4,000 for their grooming and training. But this money is going to the recruiting agency and middlemen. But the ground level is workers paying almost all workers. And the ratio is sometimes different, but highest is $1,000 and lowest is $100, $200, $300. This is number one. Number two is the yes, this is a registered recruiting agency. (.) [01:00:59] But the middleman is unregistered. There is the exploitation happening. And from grassroots level, migrant workers are carried by middlemen, not by the recruiting agency. Recruiting agency don't have any substation or office in the ground level. I mean village level. So that is the thing. Thank you. Is there any question I missed? (..)

76. S02 [01:01:25]: I think the last one about what do the female domestic labor migrants do on their day off? (.)

77. S01 [01:01:33]: Oh, there is no day off. (.) In the Musana system, there is a one paid day off. And when the agreement was happening in Bangladesh, in the board, I was there with ministry. And so the people was there, the agency people came. And they mentioned that, okay, if we cannot give them any paid day off, then we'll pay money. At that time, I can remember, maybe this is before eight to 10 years ago, there was $200 for four working

day. (.) They should pay $200. But there is no monitoring system. So workers cannot get getting their day off and even the payment for the day off. (.) That is the reality in Bangladesh, Bangladeshi migrant workers. (...) Okay, over to you.

78. S04 [01:02:31]: If I can add to what Farhana Akter said, first question is on recruitment fees. (..) In the Philippines, there is a policy that states that workers can only be charged one month equivalent to their salary for recruitment fees. It's already a national policy. So all workers, regardless of the kind of work that they are doing, recruitment agencies are only allowed to charge equivalent to one month's salary. For the Philippines, also, there is a specific policy that exempts domestic workers, migrant domestic workers from any recruitment fees and also seafarers. (.) Because we have a lot of sea based workers also, those who work in cruise ships, on cargo ships. So there is exemption for recruitment fees. But this is only for recruitment fees. If you look up the ILO guidelines for recruitment, you will see that it's not only recruitment fees that the migrant workers pay, but also the cost. [01:03:42] So there are costs such as, for example, the pre-departure orientation, the workers have to pay for that. The training that they have to go through, sometimes they are required to buy uniforms, medical exams. So there is a lot of cost for recruitment. And as Farhana Akter has said, it's very high. In Bangladesh, it's very, very high. (.) In the Philippines, in some ways, it is regulated because those who go through the documented channels don't pay any recruitment fees. But the cost, the workers still have to shoulder, like the medical exams, the trainings, if there is training certification. Domestic workers sometimes are required to undergo training before they leave the country. And of course, mandatory medical exams. The pre-departure orientations, they also have to pay. And there is the registration for the Overseas Workers' Welfare Administration. And under the Philippine law, this is supposed to be shouldered by the employer. [01:04:49] It amounts to US$25. (..) In practice, though, it's the workers who actually pay for this, not the employer, even if the law states that the workers should be supported by their employers. Second question on the recruitment agencies. Philippines, actually, within the Department of Migrant Workers, there is a specific, in the government website, they publish who are the accredited agencies. What they put in the chat, which is the, they call it, white list. There's also accredited employers. They also publish the employers. So, both registered, accredited employers and agencies are published publicly in the Philippines. And the Philippines actually publicly posts about bilateral agreements, directives. They're very transparent about this. [01:05:50] It's part of the commitment of the Department of Migrant Workers. So, if you want to look up bilateral agreements, it's also in the same government website. For the Philippines, what was the last question? (.)

79. S00 [01:06:05]: What do they do on their free day? And what day is it?

80. S04 [01:06:11]: On their free day, for Saudi Arabia, normally, they don't have a free day. (...) Especially for domestic workers, whatever day is designated, normally, they don't have a free day. And employers are supposed to be paying them overtime fee for working on their free day. In other countries, actually, where the law, where the culture is not very strict, for example, in Hong Kong, domestic workers are allowed to unionize and organize. So, on their free days, they do their errands, they meet up with other domestic workers. They have a very vibrant community and they organize even cultural events. The same thing is done in Singapore. There are organizations that support them, for example, to do cultural events or specific activities just for migrant domestic workers. (.) In Malaysia, it's the same. [01:07:12] They actually have a union of domestic workers in Malaysia. And they organize trainings for union members, for union leaders, cultural events, cultural activities, and even sports activities, depending on what is available and what support can be provided. In some countries, it's the missions or embassies. They have open houses. They call it open house, where the workers can actually go to the missions or embassies (.) either to ask for assistance or to meet with other workers, sign up for activities. In some countries, the Philippines, as part of its reintegration program, actually offers classes for domestic workers as part of their upskilling for the integration. So domestic workers can learn new skills. (.) [01:08:17] They offer computer classes, other forms of classes as part of the reintegration program so that eventually after the worker leaves the country, finishes the contract, they can be employed somewhere else or find a different job. (..) Thank you.

81. S05 [01:08:38]: Well, thank you so much. (..)

82. S02 [01:08:43]: I just wanted to ask one last question more about access to some more information. (..) Either if you have any other helpful links or documents that we could access to use in our recommendations.

83. S05 [01:08:57]: We already saw you share it a lot in the chat. Yes, thank you. (.)

84. S02 [01:09:02]: And I also wanted to ask about if you have, I don't know, this might be not possible, but any contacts or people that we could talk to that have had experiences in Saudi Arabia. Maybe, I don't know if that's too sensitive or hard, because I know you guys have been working a lot in the field. (...)

85. S04 [01:09:23]: Okay, we wanted to check with you if you've been in touch with the International Domestic Workers Federation. (.) They might have members in Saudi Arabia. It's the trade union of domestic workers. (..) I know domestic workers are not allowed to unionize in Saudi, but they do have partners in Saudi Arabia. They have an Asia secretariat. I'm not sure if

you've been in touch with them, but we can introduce you to them as well. (.)

86. S05 [01:09:54]: We have read about them. We're not yet in touch with them. If you have a contact, that would be amazing, I think. Also, I don't know if you have any of those, but these days we see more like an influx of African countries, domestic labor migration to Saudi Arabia, where the situation is worse than, for example, Philippines. I wonder if there's like an overarching, maybe that's the International Domestic Workers Federation, but like an overarching network of NGOs that work together on those issues. Or is it more like that the Asian region is working together and then the African region is working together? (..)

87. S04 [01:10:37]: For domestic workers, that would be the IDWF, the International Domestic Workers Federation. And they do have affiliates in Africa. (...) And they have partners who support African migrants in the Middle East. So maybe we can just introduce you to them. Because our partners in Africa are also from the unions, from the ITUC and ITWF. So they're in the same network. (.) So better to get in touch with them. But in terms of a global organization, right now, not so much. There used to be the Global Coalition for Migration, but it's not very active anymore. (..) But there are also networks in Africa that are looking at migration issues. (..)

88. S05 [01:11:37]: Well, thank you so much. And thank you both of you for taking the time. I think for us, it was extremely helpful to get your perspective. And hear from people who actually work in the field of domestic labor migrants. And can share the experience. Because as you said, a lot of times what is on paper is not the reality at all. (..) And thank you for all the resources you provided. I think we have a lot to look at and take away from this. I don't know if you want to say anything else.

89. S02 [01:12:08]: No, I just want to say that we have some really great insights. Especially hearing from your personal experiences is really, really great. Because we could never find this online. (.) So yeah, thanks a lot. This will definitely help us for our research. (.) And yeah, as I said before, we'll send a follow-up email. (..) But yeah, mostly I want to say thank you. (..)

90. S03 [01:12:32]: You're welcome. Thank you, Farhana Akter. Thank you for being a part.

91. S01 [01:12:42]: I will send you one workers' documentary from Saudi Arabia and other Gulf countries. (.) What they say about the employers and the situation of workers. I will send. Thank you. (..)

92. S02 [01:13:09]: Thank you so much. I'm not sure if I'm correct. You said you would send it in Bangla. But it's okay. You can send the Bangla documents as well. Then we can translate it. (..)

93. S04 [01:13:22]: Okay. (.) I guess I will forward the documents that Farhana Akter will send. And we'll try to see if there are English versions. (.) But also thank you. And I will check if we can put you in touch with IDWF. And thank you, Farhana Akter. I know you're very busy. You're on the road again. Thank you. (....)
94. S05 [01:13:48]: And we wish you a good rest of the day.
95. S02 [01:13:52]: Good luck with your IOM meeting. (..)
96. S03 [01:13:57]: Thank you. Okay. Bye. (...)
97. S04 [01:14:03]: Thank you.

Interview 7

Independent journalist and researcher

S00 = Student Researcher

S01 = Student Researcher

S02 = Student Researcher

S03 = Nadim Shakir (NS)

1. S03 [00:00:00]: Are you studying law?
2. S01 [00:00:02]: No, I am doing migration studies. Oh, nice. Okay. And all of us, we are a group of four, and all of us are in Masters in International and Development Studies. And the three of us are doing migration studies, and the other one is doing human rights research.
3. S03 [00:00:19]: Got it, got it. Okay, sounds good.
4. S01 [00:00:21]: Thank you so much. And then, for this interview, we are open to any information that you have. And if it's something that's really important but not related to our research, we're really happy to hear your expertise. And then if there is something that we didn't ask, but you think it's important, please also add 3D. (..) And would you like to talk, because I talk a lot about myself, would you like to talk a little bit about yourself?
5. S03 [00:00:53]: Well, I mean, I was just curious about the questions I asked you. Yeah, I'm happy to chat about the topic. I'm happy to share with you what I know. (.) Yeah, yeah.
6. S01 [00:01:05]: Perfect. Thank you so much. And then let's dive into the question number one. It's about a legal exclusion of female domestic labor migrants in Saudi Arabia, particularly. And we look at your article, and you mentioned that domestic workers in Saudi Arabia are still excluded from labor law. It doesn't have to be female domestic labor migrants, but domestic migrant workers. And we know that, we learned that there was a new law reform in 2024. And then could you elaborate on how this legal exclusion impacts the vulnerability of domestic labor migrants in Saudi Arabia in real life? It's a really broad topic.
7. S03 [00:01:50]: Yeah, but just to start, this is not just unique to Saudi Arabia. The exclusion of domestic workers happens even in the US here. (..) And nobody has done any legal analysis or historical analysis of why things that are in the French labor law and the US labor law has made it into these exclusions, have made it into laws in Saudi Arabia. I think the law in Saudi Arabia started, so that one you're referencing, that's just an amendment. They had an earlier law, so it wasn't just the beginning. I think Saudi Arabia

might have been also one of the first countries to have a regulation (..) in the Gulf about domestic workers. The problem with, I mean, it leads to their, just to answer your question, it leads to their exclusion, excuse me, it leads to their exclusion because A, [00:02:55] and simply doesn't have a lot of the protection that the labor law provides. The labor law in general has, in Saudi Arabia, has decent protections. (.) It's not perfect, but it has decent protections. (.) And then just simply strips them, strips these protection away from domestic workers. (..) And then the law itself is not, like, takes the assumption that domestic work is almost 24-7, although it says it shouldn't be. It's kind of like implied within it. (.) I haven't looked at the amendment in a long time or the original law, but I'm not sure if it has inspection, for example. If it doesn't have inspection, then this is something that a person who has worked on domestic work in the Gulf for the past 10 years told me, that, like, we can create the best laws in the world, but as long as we don't have proper labor inspection for domestic work, it doesn't matter. [00:03:58] So that aspect is completely missing. (.) And domestic work itself has a challenging aspect because you work inside the home. So regulating the work at home, this is not unique to Saudi Arabia. (.) Regulating the work at home is just something the law has failed to look into or think of creative ways of doing it. So that adds to the complexity, to the marginalization. Then there's the class dynamics to it. Class dynamics where, you know, if you're working in somebody's house, (.) cleaning their house, for example, or doing these, what people consider low-skill activities, (...) there will be a classist view of that job and the person that's performing that job. [00:05:02] And the law in Saudi Arabia and other places, but the law in Saudi Arabia has failed to address (..) the power dynamics there. (.) I think it also failed to address the racializing of that job. So there's a lot that is missing in that law that the law at the end of the day, any labor law, in my view, should work to destroy, almost destroy any power imbalances. And the law has failed at this in every single corner. (..) It has decent things here and there, but I don't think it's enough. I don't think it even sets a minimum wage, which is something that Saudi Arabia, like Kuwait, for example, has minimum wage. Maybe other countries, maybe Qatar. I think Qatar has a minimum wage. (...) Saudi Arabia doesn't. (..)

8. S01 [00:05:57]: Yeah, we all agree what you have said. And then I have one question on domestic law. I know that there is domestic law in Saudi Arabia, but does that apply to migrants workers as well? Or we got a bit confusing because there is a new law for domestic workers, but we're not sure if that applies to migrants workers as well.

9. S03 [00:06:23]: So domestic workers as in people that work in the house. So that's mainly migrant workers. (.) That's all migrant workers. So if a Saudi is working inside the house of somebody else, it's probably like highly professional and could be like a nurse or something like that. So, yeah, that applies to, I mean, all laws, all labor laws in Saudi Arabia applies to migrants

and non-migrants. There is no exclusion. There is preferential treatment for employing Saudis in the private sector. (.)

10. S02 [00:07:03]: There is that.

11. S03 [00:07:04]: But if it's mentioned anywhere in the law, whether it's labor law or domestic labor law, it applies to everybody that works in that job.

12. S01 [00:07:14]: OK, OK. I ask this question because the new domestic law in Saudi Arabia mentioned the ban of the confiscation of the passport. But in reality, we conducted several other interviews, but in reality, it's still happening. (.) And like and then we wanted to know, like, what role of the sorry, what's the role of law is like apply into the real life. And like, even if there is the mentioning of ban of confiscation of passports, then in reality, the law enforcement is not like effective. And like we wanted to know, like your opinion on those areas. (.)

13. S03 [00:07:59]: Yeah, I mean, there is a cynical aspect of me that think they just put these. (..) They just put that line to appease foreign labor sending countries, countries of origin. I think confiscation of passports is a great issue, but it's a symptom of the sponsorship system. (.) So in my view, talking and focusing, let's say doing a campaign against confiscation of passports is important, but there is no way to remove it without dismantling the system. This is the same. Something I view about wage theft, when people try to talk about wage theft, we can fight the wage theft all we want. (.) The sponsorship system creates huge power imbalances that I mean, that's I mean, by the way, [00:09:01] it's not this sponsorship system is not unique. Any labor relations is has a power imbalance. The employer has more money most of the time. But it's just, yeah, it's just the system has created that power imbalance that makes the confiscation of passports necessary. That's one. Something else I think is important as a sponsorship, as a sponsor, as an employer. Sometimes you need the passport of your employee to go and actually get their residency ID. Oh, for the employee himself or herself. Yes, the employee himself or herself cannot or are not entitled to create their own residency ID. It has to be their employer. (.) So this might might sound like trivial, but actually there is a process where you have to hand off your passport to your employer. (...) [00:10:05] So there are there should be ways to make issuing a national residency ID much easier. Also give the agency to the worker to get it. Because at the end of the day, the worker can also report passport loss, go to their embassy and eventually one way or another find a way. It's not easy. So the passport itself is important, but I see it as a symptom of a bigger issue in Saudi Arabia, especially because you need your employer approval to leave the country as well. Other Gulf countries have removed that. Saudi Arabia has made it a bit easier to do this, but not for domestic workers, because domestic workers are under certain restrictions. (...)

14. S01 [00:11:01]: If the domestic workers want to make the residence permit for ID, can they go to the embassy with the employer? Or is that normally just employer goes to the embassy and make them for them?

15. S03 [00:11:17]: You have to go to the Saudi government offices, the passport, what they call the passport directorate within the Ministry of Interior. (.) I think that's a good question. I think if you are if your employer refused to make you a residency ID, yes, you can apply to one on your own. It's just not an easy process. You have to have your passport. So once you enter the country in Saudi Arabia as a migrant worker, they write like that. The passport control person will give you a stamp, but also will write down your border number. (.) The border number is like the border access number. So they give you an ID because by then, as somebody who just got into Saudi Arabia, you have nothing to identify you with. You didn't have an ID. You have your passport. You didn't have something within the Saudi government's record. So they create this randomly generated passport number, sorry, border number, and they write it down on your passport. [00:12:23] They write actually sometimes in Hindi Arabic numerals, which a lot of people don't know how to read.

16. S01 [00:12:27]: I don't know how to read.

17. S03 [00:12:29]: Yeah, so that becomes a very important number. (.) That's actually where the value of the passport to me, like having the passport itself is not that important in the big schemes of things. It's knowing that number. (...) And because you can use that number, let's say your employer never picked you up from the airport, which happens. (.) And like you found yourself just in the middle of nowhere in Saudi Arabia. You can take that number, that passport number, and go to the government, whether the website, online website, or in person, and tell them, hey, my employer never gave me any ID. I want to issue a temporary residency ID. And they will give you something for three months or something like that. And then you are required to find jobs, a job within that. (.) It's not easy to do this. It's not like it's really, really difficult for most people, especially low-income people, people that don't speak Arabic, to navigate the whole system. [00:13:33] Because you have to, I think you have to get a medical check to get a residency ID. (.) Like there are requirements to get there. (.) So, and for domestic workers, if you think there are like cumbersome requirements for regular workers, workers in the private sector, (..) then there is like double the amount of steps probably needed for domestic workers. (.) Or at least the perception that domestic workers are seen as less, they can make less claims in a sense.

18. S01 [00:14:11]: Yeah, it's really interesting perspective because it reflects the reality that the kafala system or sponsorship system is heavily dependent on employers. And the independency of workers is like also in a system,

systemically also not prioritized. (..) Sorry, sorry for the late introduction. Hello. (.)

19. S00 [00:14:41]: Hello. Good afternoon. Sorry for the late. No problem. Good morning. I know you're in the DC area.

20. S03 [00:14:49]: Yeah, it's 9am here, 9.30am. Nice to meet you.

21. S00 [00:14:52]: Pleased to meet you Shakir and thank you for your work and for all the articles that you have, the story, especially from the platform and looking Saudi Arabia, everything. The recruits, the loss, the domestic labor experience, the tragics as well. So thank you so much for your work. (..)

22. S01 [00:15:17]: Okay. So we, let's continue. Go to the number two questions. Okay, next question. We have the new law reform and especially for the grace period and absconding of the migrant. And I think your latest article was in 2024 and you mentioned, even though domestic workers are now granted six days of grace period, the effects of this new reform is still not yet unclear. And we were wondering, have you, after the article has been published, has there been any recent development or data on how this reform is impacting the workers in practice?

23. S03 [00:16:02]: Domestic workers are not included in that reform yet. The Saudi government promised to do that. So they did it for private sector workers. That's like 10 million workers, give or take. And they promised to extend it to my domestic workers, people that work inside Saudi people's homes. They haven't, as far as I know, they haven't made that effective. They said they will. And by the time I wrote the article was like a few, like a month or two after, actually, maybe three months after it was promised to be released. And as far as I know, unless they change it, as far as I know, they haven't extended to domestic workers. So right now, domestic workers can be subject to absconding reports, the consequences of that. (..)

24. S01 [00:16:57]: Oh, OK. I think we misread the article because we thought new regulation introduced and it's for domestic workers and we thought it's already enforced.

25. S03 [00:17:08]: If it's not included in the article, then there is something missing. But I think we mentioned something like that at the time of the writing, the reform did not extend to domestic workers. It extended to other migrant workers in the country, but not people that work in people's houses. People with that specific type of visa. (.)

26. S00 [00:17:31]: Would it be construction workers then?

27. S03 [00:17:34]: No, construction workers are private sector workers. So anybody that works inside the house, nannies, nurses, drivers, gardeners, it's easier for a Saudi individual to get these visas as opposed to getting somebody who works in a private sector, in a company, in a construction

site. (.) Anything private sector requires is more expensive, as simple as that. More expensive. And you have to hire Saudis to balance that. But for domestic workers working in your house, you have to have just simple access to money and I think you can get up to four domestic workers, male or female. It doesn't matter. It doesn't matter the need as long as you have the money to prove it. To prove that you can afford it.

28. S01 [00:18:28]: Okay. I think I'm glad that I asked this question because we thought it's really important. (.) Okay, perfect. Thank you so much. (..) From your perspective, do you think the Saudi government will soon implement this new law to domestic workers?

29. S03 [00:18:51]: I think so. It seems like they want to. Yeah. If they do that, I mean, just doing that, by the way, for private sector workers, to me, it's the biggest reform that happens in the region for the past 20 years. I would say that it's the biggest attack at the kafala system as we know it. It's bigger than what Qatar did. It's bigger than the ability to transfer workers. (.....) Think of kafala system as this huge structure. (..) The Saudi government took an axe and destroyed one quarter of it or something like that. So that's the way I see it. So if they extend it to domestic workers, that will change the way. (.) But yeah, we'll alter kafala system as we know it. (.)

30. S01 [00:19:50]: Okay, I think. Perfect. Thank you so much. Next question is going to be exit visa system. I think you briefly mentioned on this on the previous questions and Saudi Arabia's exit visa system has strictly limited migrants workers ability to leave the country without employers permissions. We're wondering to what extent does this system still affect the domestic workers today? And what are the implication or their autonomy and protection? (..)

31. S03 [00:20:23]: I mean, they cannot leave the country without their employers approval. And they have to be heavily dependent on the will, the benevolence, the generosity of their employer. (...) So, yeah, I mean, it's something that will continuously affect them and will destroy a lot of their bargaining power. You know, this is in terms of like negotiating with their employer because they can be stuck in these situations for a long, long time. (.) Adding to the mix that they are domestic workers, which means they don't have a lot of money in general. They don't have the money. Like if you are, let's say you work in a construction site, you'll make friends through you make you make connections, right? Because you're outside. A lot of domestic workers are inside the home and they don't have that network, the social capital that do. [00:21:25] And then the law has to protect the weak. And like, of course, so you don't even have to have a network of people to be able to benefit from your right. Right. So the law has failed at doing that. (..) Back to the first question I think you asked. The law does not, the domestic workers law does not mention that aspect of exit visas. And exit visas is seen not as a labor ministry jurisdiction. It's the

Ministry of Interior, the security authorities. It also adds an extra layer of complexity for workers to leave the country. That applies to all the Gulf, by the way, not just not just Saudi Arabia. (..)

32. S01 [00:22:18]: Thank you so much. I would like to ask. (.)

33. S00 [00:22:24]: Yes. Well, let me continue with question number four. (...) So number five, how does withholding of identity documents affect the ability of domestic workers to seek redress or access services? What role should both sending and receiving countries play ensuring workers attain agency over their legal identity throughout the migration process?

34. S03 [00:22:54]: So the first part, accessing service. (...) I mean, hopefully the employer would have issued a residency ID for their domestic worker. (..) And if they have access to their to the residency ID, they'll in general have access to services. Not easy, but they will have access. Let's say they run away from the home for whatever reason and went to a hospital to get checked and checked on. And if they have the money, they're able to benefit from it in general. (..) But as domestic work, like to enjoy for all migrant workers, but for domestic workers, especially to open a bank account, you probably have to have an approval from the lawyer or proof of employment, something like that. You cannot just show up as like an Ethiopian woman who's been in the country for six months with your ID and say, like, hey, I want to open an account. [00:24:00] Most likely the employer has to be imposed. So access to services is limited just because the system still sees the employer as the response. Think of it as a father figure or like a parent. (.) The kafala system in some aspects as a guardian, as a parent who's taking care of a minor. Not all aspects of kafala is like this, but some aspects like this one, access to service sometimes has to be supervised or approved by the father figure or parent figure or the mother figure for that matter. (.) Access to justice. Technically, you should be able to file a case in the Ministry of Labor or now it's called Ministry of Human Resources. But they call it labor offices. I wrote a piece about labor justice system and nothing has changed actually since then or nothing has. Yeah, like nothing. Nothing changed in terms of practice or law, except that it became more online. [00:25:04] Yeah, that's that's. But it still applies. Yeah, you can. I mean, even if you have a technically, even if you didn't have a residency ID, even if you didn't have your passport, you should be able to file a case. But you should be able to tell them who you are. So, like, I worry that if a domestic, especially a woman, a domestic worker, a female domestic worker shows up to labor office and they didn't have her ID, they might just send her to the shelter. (.) And a shelter like government run shelter. (..) And a lot of the time, these shelters are just places to host these domestic workers until they get deported. Some of these women want to transfer to another employer and continue to work. (..) I know in Kuwait, because I worked in Kuwait in the country, these shelters are only places to,

let's say you go and complain, they put you in a shelter and then the only path for you is to be deported, not to transfer to another. [00:26:08] In Saudi Arabia, maybe it's a bit different, but like, but it's still limiting. So, access is justice, even if you don't have your passport or residency ID. (....) But you have to, yeah, you have to kind of show who you are. You have to tell them who you are. (.) And most likely, once you have a case filed in Saudi Arabia, I would say, most likely, especially if it's a payment, you will be, there will be a decision made on your favor as a worker. It might not be the best decision. They might not give you all your money, but like, most likely, as soon as, as long as you were able to file a case, the employer cannot say much, especially about payment. (..) Employer has a lot of time on his hand or her hand, and the worker can go into illegality. [00:27:08] So, it's a lot of their, like, rights. (..) Yeah, the other part of the question now, what was it? The first part was about access to justice and services.

35. S01 [00:27:26]: And the second part was what role should both sending and receiving country play in ensuring workers retain agency over the big identity throughout the migration processes?

36. S03 [00:27:38]: So, I think I, throughout my answers, I mentioned part of what Saudi Arabia has to do. Sending countries have to be involved one way or another in ensuring that they should never ban, but they should do a good job. Because if they ban workers, workers will find a way to make it to that country. (...) They should, they should have one way or another, they should have a presence in the country. Saudi Arabia is a huge country. (..) There's no excuse for Kenya, for example, or Philippines or India not to have a rep, something to do with the citizens in each province. There's 13 provinces in Saudi Arabia. So, why not, like, have somebody, for example, there? And then that's like, just having a diplomatic presence. (.) [00:28:38] But also, there are ways of educating workers on their rights and asserting their rights. (..) And then, of course, like, diplomatic, not a lot of these countries are able to do so. (.) Or some of these countries just simply don't care about their citizens. Or they're not sending people cards. They're not interested in that. There's no support for these countries. They're just not sending money back. So, yeah, there's a lot of diplomatic pressure that they can put, but it's very, then, like, enhancing recruitment. (.) And a huge part of that recruitment process is that a lot of workers get to go and pay a lot of income. (.)

37. S01 [00:29:26]: I'm sorry, but I think your audio is a bit broken right now. And we couldn't hear the last part.

38. S03 [00:29:32]: Oh, I was talking about recruitment. Recruitment fees in countries of origin. Countries of origin. A lot of workers end up paying a lot. So, like, they arrive, Saudi Arabia, with debt. With debt. And then that just puts them in a very tough position. (.) So, making sure that there isn't a lot

of corruption. (.) And making money also for workers. Traveling to the Gulf. So, yeah. Yes.

39. S01 [00:30:08]: Thank you so much. Does the Saudi law prohibit migrants to pay for the recruitment agency? Yeah. (..) //S03: Supposedly.//

40. S03 [00:30:23]: But it's not enforced. (.)

41. S01 [00:30:25]: It's not enforced.

42. S03 [00:30:26]: It's not enforced because, I mean, I haven't seen it enforced. There's no way I can answer with certainty. But in the list of issues that, for example, the Saudi government, they say, like, we can resolve these gross cases. (..) But only recruitment fees. There's a lot of fees that the employer has to pay by the law. (..) Residency, permit, insurance, health check-up, so many other things. (..) Oh, transfer. Transfer to the FAMA. //S02: Yes.// From an employer to another. (..) And his fees are paid by the employer. He requires a watch report in December. (.) And they talk a lot about this, how this would be. The people, these people are paying. [00:31:28] It's either recruitment fees, countries of origin, or transfer fees. (..) Which is. (..)

43. S01 [00:31:38]: Which is illegal. Okay. Thank you so much. I want to ask about the first question, first answer that you made for our questions. And you said, like, employer are responsible for the creation of the residence ID. And, like, in what case don't employers make the residency ID? And then for what purpose? I think the purpose is clear. But just for the record. Yeah.

44. S03 [00:32:09]: I mean, part of it is saving money. Part of it is negligence. Part of it is. (.) I mean, they're punished for that. It's not like this is a crime. Or at least there's an administrative fee. (.) Or fine. (..) If they do this. (..) But it's either they can easily. (...) So sometimes saving money, sometimes negligence, sometimes part of the control. Take control over your. Because you're willing, as an employer, to take the hit of the cost of the fine. Rather than issuing a residency ID. We do not know the degree to which how many were issued. With the person. We do not know how many workers are not issued. (.) [00:33:09] We have no idea how many of those were able to issue a temporary ID on their own. We have no idea how many employers have been punished for issuing a residency ID. So it's hard to know. (.) All we know is just 2% to 7%. We do not know. Maybe it's a big difference. We have anecdotal evidence. (.) People that have got a few reasons. (..) But I would say just. (..) It's more common than one expects.

45. S01 [00:33:44]: Sorry, could you repeat that?

46. S03 [00:33:47]: It's more common than one expects. (.) Without issue, I think.

47. S01 [00:33:52]: Yeah. Thank you so much. (..) For the next question, we would like to ask judicial system in reality. (.) And I think we talk a little bit about

this. But regarding the new level of reforms. There has been almost no improvements. So over 20 years, as you mentioned. Are there any unspoken reasons behind it? Is it because the authorities or the people who are recruiting the domestic workers. Might be in a higher status and they have political influence. And that's why they don't want the reforms. Or any reasons. That's what we thought. (..) And also among these issues that still need to be addressed. What are the urgent, the most important things that you would think? (..)

48. S03 [00:34:53]: Just to be clear, there has been a lot of labor reforms. It hasn't been. I would mention the Kefala specifically. Removing absconding reports. And absconding retaliatory measures by employers. That's a major, major. I would say a reform that happened. (.) Recently. (..) So is your first part of the question. About why can't workers benefit from the channels of justice? I think the part is related to. (....) Kefala system. (..)

49. S01 [00:35:36]: Would you please get closer to the mic?

50. S03 [00:35:40]: Part of it is the Kefala system and the power imbalance it creates. This is as simple as that. And there's other barriers to access to justice. (...) The websites. (.) Sometimes cannot be in a language that you speak. (...) Or you're afraid of. (...) You're afraid of. (.) Finding a case against your employer. (.) And it's not always just due to Kefala. (..) Kefala allows you to control. Kefala does not allow you to abuse. Like hitting your worker. (..) Kefala system allows you to control. So there's like. There are legal retaliatory measures. And there's illegal. I'm sorry. Illegal abuse of measures. And then there is illegal. (..) [00:36:42] So hitting a worker. Or abusing them verbally. (..) Psychologically. That is illegal. (.) But it's not. (.....) Overworking your domestic workers. That's somewhat allowed. (..) Because the law allows it. So this is important to think about. So there is Kefala and non-Kefala related. There are measures that are obstacles to justice. (.) Technology. Not everybody has access to technology. To file a case. Then it's just simply complicated. (..) Knowing the legal. It's not like the workers do not necessarily know. It's just they are not familiar with the system. (.) It's not something. Nobody files a case every day. It's something you have to. (..) The workers are very knowledgeable of what their issue is. It's just that they are not translating it into the language. [00:37:46] Where the justice system. And then the time. It takes forever to file a case. Even though the government promises quick resolution. (..)

51. S02 [00:38:00]: It takes a little bit for you to. (....)

52. S03 [00:38:05]: Once you get to the system. Most likely you will be paid your dues. You might not get compensation for other things. But you will most likely be paid your dues. (..) It's just that idea. (..) The final verdict. (.) Which will take forever. (..)

53. S01 [00:38:26]: I see. For filing a complaint. We also found. (..) Most of the migrant workers. (.) Not many migrant workers. Don't have a cell phone in the house. Is that true?

54. S03 [00:38:45]: If you are doing it online. There is a phone number. I don't know if that helps. (...) Ideally you would file it. (....) But even if you have a laptop. (..) You need to have access to the system. (.....)

55. S01 [00:39:11]: I downloaded the app. On my phone. And then I tried to make a complaint. But first I required my ID. And then I couldn't make it. Just to try. (...) Because we were focusing on the domestic migrant workers. We wanted to focus on the gender aspects. Given that most domestic workers are women. (.) Correct us if it's wrong. I am isolated in a private home. They face unique risks. Are there any gender sensitive approaches. To better monitor. Or protect the rights of domestic workers. Within its national framework.

56. S03 [00:39:53]: I think the number of male domestic workers is higher. (...) I think 2 3rd male. (...) But the number of female domestic workers. Of the women workers. Is huge. (...) Also 25%. At least one quarter of workers. Are domestic workers. (...) Maybe it's 22%. It used to be 25. Now it's 27. Pre pandemic. (...) So the number of women workers. In Saudi Arabia. Is huge. (..) I wouldn't say there is. Specific measures. [00:40:54] That are gender sensitive. Or culturally sensitive. Race sensitive. There is nothing of that. The law protects everybody. (...) That's my first question. How the law does not protect. It's a big differentiator. It fails to take people. (....)

57. S01 [00:41:21]: Sorry I think we lost you.

58. S03 [00:41:24]: I was making a reference to my first answer. Where the law fails to look at class. That's a symptom of everywhere. (..) The law fails to look at class. As a differentiator. So it never takes into account. How to address that. So if there are any gender sensitive stuff. It's probably going to be protectionist. Paternalistic. (...) Trying to protect. The female sanctity. Treat women as special. (.) Creatures. (..) For example, They have to go to the shelter. (.....) So that's one thing. I think. The other thing. [00:42:25] I think. The agencies are required. To have housing. (...) I do not know. (...)

59. S01 [00:42:42]: Interesting. Thank you so much. We are approaching the time. We still have several questions. Is that alright? Thank you so much. (..) Next we would like to talk about. The stateless children and the mobility. (.) We wanted to ask this question. There was a news article. In 2024. Saying that Kenyan women. Were not able to leave Saudi Arabia. Because they had children. Who were born in Saudi Arabia. Because it was outside of marriage. Those children were not recognized. As Saudi citizens. And they became stateless children. And because of the stateless children. Even though mothers had exit visas. They could not leave the country. Do you

know any other cases? Related to this? Or how can these issues be solved? (..)

60. S03 [00:43:45]: That is something I am not familiar with. (.....) I think it can be solved. (..) By case by case basis. (..) As to the acknowledgement. (....) I guess part of it. Is acknowledging the mother. Has the right to continue. (..) But it is something I am not familiar with. (.)

61. S01 [00:44:22]: Thank you so much. Next we would like to ask you. Because you mentioned that you worked in Qatar. Kuwait. (..) And you are familiar with other Gulf states as well. We are wondering. Have you come across any successful program? Similar to the Qatar system. But the policies were good. And domestic workers rights law protects it. And has measurably improved. The working conditions. Or recruitment experiences of domestic workers. (..)

62. S03 [00:45:01]: I have not seen any serious initiative. (.) That does this. (...) Labor law reforms. I think that is something. (..) This was not just done. (....) So that helped workers. For sure. (.....) Digitizing. Labor complaint system. Is a good program. (..) Because it can be used. It used to be extremely difficult. If your employer. //S02: Hired you.// You have to file a case. In the past. (..) So now you just file a case. (..) [00:46:02] That is actually. That is a good system. I saw in Kuwait. They still have to digitize the system. (..) And it creates huge obstacles. (...) Yeah. The wage protection system. (.) That is implemented. In theory is actually helpful. But at the same time. (.) Transparency about it. And full enforcement. There are a lot of. (..)

63. S01 [00:46:40]: Okay. Regarding digitization. We also read your article. I don't know if my pronunciation is correct. (.) But it is official. (.) Recruitment platform for domestic workers. But I think you mentioned. It is too large to regulate comprehensively. Could you elaborate on this? How is it? It is not filling the gap between. Labor policy and migrant rights. (..)

64. S03 [00:47:15]: That article is outdated. Because Mosanit has gone through. So much. I haven't looked into it. (...) If I remember correctly. It doesn't recruit. (.....) When I wrote that piece. You couldn't file a case. (..) Although I think the government. Pretended it is. (.....) The good thing about Mosanit. Unlike hiring somebody. From the private sector. (....) Every domestic worker. Has to go through the system. (...) So at least there is some visibility. (..) To see who is recruiting. (..) [00:48:16] For private sector. I can just call an agency. In Pakistan. And tell them I want five workers. The government does not know about them. Until the workers arrive. So at least Mosanit. Gives the government a better oversight. I believe governments have to be part of the solution. I don't believe in privatizing. (.....) To talk about whether. The government is the proper government. That is a different discussion. At least Mosanit has that. (...)

65. S02 [00:49:00]: So for example.

66. S03 [00:49:02]: If the government wants to know about recruitment fees. For domestic workers. It has the database. (...) Let's say they do inspection. So they know who to ask. (..) For my example. An agency in Pakistan. You have no idea who the agency is. (.....)

67. S01 [00:49:29]: Thank you so much. (.....) I would like to ask. Related to the absconding of migrants. I know it is not yet enforced. (..) But I was reading. Not your articles. But other articles. (..) I think it was your article. I am sorry if I am mixed up. (..) Even if the employers. Filed absconding. (...) Migrants may not be able. To get a notification. From the government. (...) How does this mechanism work?

68. S03 [00:50:17]: They don't have a phone. (.....) Or maybe they don't have. Or there are numbers. Different than the current system. (...) Or maybe they receive it in Arabic. (..) If you have been to the Gulf. You will receive a lot of ads. (..) You will be bombarded. (...) For a migrant worker. (..) You might dismiss it. (..) So the system is not. (..) A lot of work. I think it is important. (...) To not know their numbers. Thank you. (.....)

69. S00 [00:51:14]: Now moving. From the digital platforms. We want to understand. The role of international organizations. (..) Particularly. (.) What more can international organizations. Such as IOM. UN woman. They can do to improve conditions. For domestic workers.

70. S03 [00:51:41]: First of all. I don't think. (.....) In general. (.) Ideally. (....)

71. S00 [00:51:55]: I am sorry. (.)

72. S03 [00:51:58]: I will take IOM out of the picture. (.) They have zero normative. (....) Guidance. They are extremely security focused. (..) They congratulate. The government. (...) They do anything. They are hurting migrant workers. By pretending things are okay. They are heavily dependent on government. (..) //S02: IOM is heavily dependent.// On government donations. (...) If you are the head of IOM. You are. My job is to make money. To make money. (..) I am not a big fan of IOM. (.) I have experience. I have experience seeing how bad. (.) [00:53:01] Immigrants are. (...) This is a question. For the big international. (..) To figure out who does migration. It is a continuous challenge. A battle between IOM and ILO. (....) ILO has its own issues. (.) Problems. ILO has normative guidance. (...) The big example. The ILO. In the Gulf. The system has to be dismantled. The IOM says. (.....) The system has to be dismantled. (..) The IOM says. It has to be. (11 seconds pause) [00:54:12] The ILO has its own. International standards. (...) Mission. (....) Fees should not be taken. (..) They might sugarcoat it. Still. What I can do better. Is to not. (...) Basically. (..) It's standards. (.....) Continuously. Push for. (.) Stronger freedom. (..) Without. (....) Not compromising. (..) A lot of time. (....) Access. (..) [00:55:15] Sticking to. (..) Standards. (...) Then you can argue. Is it better. If you

are not allowed. To work in Saudi Arabia. Or is it better. If you have access. (...) Saudi Arabia. Is doing really good work. Is it benefiting. Workers. (..) I come at this. From the perspective. (...) That businesses should not have. (..) I also. Have my own company. (..) Workers. (....) That's not what everybody. In the ILO believe in. I don't expect that. (.) But at least there are. (..) It should push. (..) [00:56:20] Every time it works. (.) I don't know much about. (..) The human rights council. For example. (.) There are things they can do. (..) For all these countries. They also have to. Try to understand the local context. Not just the US. It's a place. (...) People. They have to understand. That Saudi. (..) One in every seven. (.) So acknowledging. The diversity of these. Governments. Is important. And the UN system sometimes.

73. S01 [00:57:08]: Thank you so much. Moving on. From the international. (.) Organization. I think you also mentioned the human trafficking. By the US government. And we are also thinking. Grassroots in Saudi Arabia. Or any other organizations. (...) How are they doing in Saudi Arabia. Is there any movement in Saudi Arabia. If you know anything. It would be great.

74. S03 [00:57:44]: There might have been something. (..) A chance. To a fifth change. It's impossible. (.....) I'm not familiar. (.) I don't know. Yeah. The power of government. (....) Is staggering. (.) There are some. (...) So many. (....) Disagreements.

75. S01 [00:58:24]: Sorry. (..) I'm sorry I couldn't hear the part. Are you like. (.....) There was a cracking sound. Would you say that again.

76. S03 [00:58:42]: Basically. What I was trying to say. There has been a lot of repression. In the past 10 years. (....) Any forms of dissent. (.) That doesn't mean. That there are individuals. (.....) That's just. (....)

77. S01 [00:59:09]: Yeah. (.) Also this question is related. To the union. And we learned. (..) Unionization. Is only for. (..) And not for the migrants. And have you. But have you observed any informal resistance. (.) Or collective action. Among domestic workers in Saudi Arabia. Domestic workers.

78. S03 [00:59:39]: I would say no. Because they are extremely atomized. (...) So I wouldn't say. (...) Great. (..) If you look up. Sandiga. I don't know. (.) But I was. (..) Feature. (....) Created. Some sort of. (.) Association. (.)

79. S00 [01:00:10]: Can you repeat the name. Sorry. (.....)

80. S01 [01:00:20]: Sandiga. (..) Sandiga.

81. S03 [01:00:24]: It's a Filipino. (.) So this is a group. That is doing. (..)

82. S01 [01:00:34]: In Saudi Arabia. (.)

83. S03 [01:00:37]: Yeah. There might be something. (.) It's probably. I mean at the end of the day. Migrant workers. They go on social media. (.....) They get information. They might not see each other in person. (..) But then there's

also churches. (.....) That they gather at. And they get. And they get. So there might be informal. (..) Sharing. Mutual aid. (....) At least. They are lucky. (....)

84. S02 [01:01:36]: Sorry.

85. S03 [01:01:37]: At least they are lucky ones. (.) Yes. (...)

86. S01 [01:01:45]: For the under the labor law. We think. No domestic workers. I only allowed to leave the house. One day per week. (.) But for example. Confiscation of the passport. Like it might not be easy for them to. Actually leave the house. And we're wondering like how. (.) What's the reality on this? And maybe as you said. Churches markets only the lucky ones can go. (.)

87. S03 [01:02:19]: Yeah. I mean I said churches at least. (..) Like they're not churches are not. (..) But there are more tolerance. (.) Right now in the last 10 years. There's more tolerance. (....) Yeah. Yeah. I mean like at the end of the day. It's like it's each worker. They know their own fear. They balance their own fear. They. (....) Yeah. (.) Technically you can travel around the country. (..) And it's the risk you want to take. I guess you can take a copy of. It doesn't have to be the passport. The passport or more importantly. The residency.

88. S01 [01:03:10]: Yeah. (.....)

89. S03 [01:03:18]: Show it to. (..) The passport control. (..) The authority authorities. And they can look. (..)

90. S02 [01:03:29]: It's. (...)

91. S03 [01:03:32]: Actually also do not know if. (..) The electronic ID system. (..)

92. S01 [01:03:39]: We're not sure. I didn't come across that. So maybe no. (..)

93. S02 [01:03:45]: Okay. (..)

94. S00 [01:03:48]: No, we don't want to abuse of your time. (.) Just to close the interview. (..) Would you like to add something. That you might think it's important for us to. That we missed in the questions. (.)

95. S03 [01:04:05]: No, but look up if you have any questions down the road. Are you doing this for research? (.) Yes, if you have a question, let me know. The thing I will always emphasize. People is just not to exceptionalize. I think it's important to emphasize. That there is a huge amount of abuse. That doesn't make. It might make it unique. In terms of how close it is. And the government is. (..) And the scale. (.) But that use itself happens. (..) Yes. (...) It's not related to cultural aspects. (.) It's a system. It's built exploitation. (..) Benefiting the Saudi Royals. But also international businesses. (...) [01:05:08] The number of cases I received. From workers that are working in. Baskin Robbins, Ikea. (....) And not to mention. The construction. Huge construction

companies. That are having subcontractors. (...) So this is not. It's not like the Saudis are bad. (...) It's a group of incentives. That lead to unfortunate events. Very unfortunate. (..)

96. S01 [01:05:43]: Yes, we also acknowledge. The reason we chose Saudi Arabia. Because of the time constraints. And we thought the single case study. Will deepen our understanding as well. But we also want to expand this case study. To apply to many countries in the world. Even in Europe. And the United States and Canada. Everywhere it's happening. And also one of the reasons is. World Cup in 2028. It's happening and we thought it's going to be a good case study. Do you have any comments on. The World Cup happening in the future? (..)

97. S03 [01:06:27]: Similar to. The country has the right to host the World Cup. But they do not have the right to abuse their workers. (.) But also I think it's silly. We have the US hosting the World Cup next year. And nobody is talking about the immense human rights abuses. That the US government does. In the US or abroad. So the US lives in this different world. But Saudi Arabia lives in this world where human rights watch. Is allowed to ride skating. //S00: And they have the right to do that.// Skating reports against Saudi Arabia. Where is the uproar about the US? (.) The US is not. My government is not. (.) So. (...) It seems like the measure. (..) Or the system. Or the ground. We attack countries. (....)

98. S00 [01:07:31]: Thank you so much.

99. S03 [01:07:34]: Good luck with everything. Yes. (..)

100. S00 [01:07:39]: One quick question. (..) Is the data. In Saudi Arabia. There are 33 million people. 3 million are migrants. And those 3 million. I want to find the country of origin. This person is from the Philippines. This person is from Indonesia, Kenya, Ghana. Have you come across. With some data sets. We can refer in our research. (..)

101. S03 [01:08:12]: General. (..) Statistics. (..) So stats. (.....)

102. S01 [01:08:25]: General. Statistics.

103. S00 [01:08:27]: Thank you. (...)

104. S03 [01:08:31]: And then. They have labor markets. (..) And the private sector. (..)

105. S01 [01:08:45]: Thank you so much. (.)

106. S03 [01:08:48]: Take care. Good luck.

107. S01 [01:08:50]: Thank you so much. Bye. (.) Have a good rest of the day.