



Labour Protection Policy Enforcement and the Welfare of Kenyan Migrant Domestic Workers in Saudi Arabia

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Abstract: Kenyan migrant domestic workers in Saudi Arabia fall largely outside labour-inspection systems. This study examined how their protection is enforced, an area rarely studied from workers' perspective, focusing on inspection frequency, grievance reporting and resolution, the prevalence of rights violations, and the conditions respondents linked to impunity. A convergent mixed-methods design combined a structured survey of 128 migrant domestic workers and returnees with 17 key informant interviews and 8 interviews with family members. Quantitative data were analysed using descriptive statistics and chi-square tests and qualitative data were analysed thematically. Workplace inspection was nearly absent with 85.9 % of respondents said no inspection had ever taken place, and 91.4 % had experienced at least one rights violation, most commonly denial of rest days, passport confiscation and excessive working hours. Fewer than half of affected workers reported their grievances, and only 11.9 % secured full resolution. Respondents linked this enforcement gap to the kafala sponsorship system, the exclusion of private households from inspection, and slow institutional response. The study concludes that weak enforcement, not a lack of formal protections, is the reason human-rights violations against this population continue, and calls for structural reform of inspection systems, complaint mechanisms and bilateral accountability arrangements.

Keywords: Labour, Inspection, Enforcement, Grievance, Impunity, Migration, Kafala.

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1. Introduction

Labour migration from Kenya to Saudi Arabia has expanded rapidly over the past decade. High domestic unemployment, persistent poverty, and sustained demand in the Gulf for low-cost domestic labour drive this growth (Munyua, 2021; Ombaka, 2023). Women constitute the overwhelming majority of migrants in this corridor, most employed as house managers where a smaller proportion of men work as gardeners, drivers, cooks, and security guards. The remittances these workers send home make a

meaningful contribution to household welfare and to Kenya's foreign-exchange earnings, rendering labour export an attractive policy option for the Kenyan state (Central Bank of Kenya, 2023; Yeates, 2012). Reports from this corridor repeatedly describe passport confiscation, unpaid wages, excessive working hours, and physical and sexual abuse (Human Rights Watch, 2021; Amnesty International, 2025).

The concentration of women in this migration stream is not incidental. Domestic work sits within what scholars term as the global care chain, in which women from poorer

countries take up the caregiving and household labour that wealthier households and states no longer perform themselves, often at the cost of their own family responsibilities at home (Hochschild, 2000; Parreñas, 2001; Ehrenreich & Hochschild, 2003). As this work occurs inside a private residence rather than a registered workplace, it is treated in most legal systems as a special category standing outside standard labour codes. This distinction carries consequences well beyond terminology; it places the domestic worker beyond the ordinary reach of labour inspectors, trade unions, and most of the accountability mechanisms available to workers in factories, offices, or construction sites.

In Saudi Arabia and the wider Gulf, this structural invisibility is compounded by the *kafala* (sponsorship) system, which ties a migrant worker's legal residency to a single employer. The employer controls the worker's ability to change jobs, leave the country, or, in practice, leave the house (Pande, 2013; Fernandez, 2020; Mahdavi, 2020). Blaydes (2023) argues that this dependency, rather than any single gap in written law, is what places domestic workers in a position closer to servitude than to employment as ordinarily understood. Passport confiscation, withheld wages, and confinement to the household are not incidental abuses under this system. They are made possible by the legal architecture that binds the worker to the employer in the first place.

Kenyan domestic workers in Saudi Arabia are not alone in facing these conditions. Comparable patterns have been documented among Ethiopian domestic workers across the Middle East and the Gulf (Demissie, 2018) and among Sri Lankan domestic workers in Lebanon, where Jureidini and Moukarbel (2004) described the sponsorship relationship as a form of contract slavery. The recurrence of the same abuses across different sending countries and different Gulf States indicates that the problem is rooted in how domestic work is regulated at the point of destination, not in the particular circumstances of any one migrant population.

Kenya and Saudi Arabia have not been passive in the face of these reports. A bilateral labour agreement was signed in 2017, updated in 2022, and expanded in 2023. Kenya maintains a diplomatic mission and labour attaché function in Riyadh, and Saudi Arabia has introduced the Musaned recruitment platform, the Wage Protection System, and a 2021 Labour Reform Initiative intended to loosen elements of the *kafala* sponsorship system (Kenya Parliament, 2022; Human Rights Watch, 2025). At the international level, the Domestic Workers Convention sets out the specific entitlements this study measures; contract receipt, rest days, timely payment, retention of travel documents, and access to grievance mechanisms, although Saudi Arabia has not ratified it (ILO, 2021). A protective architecture

therefore exists on paper. Whether that architecture is enforced, in the sense of being consistently monitored, complied with, and backed by credible sanction, remains a separate and considerably less studied question.

Domestic oversight bodies in Kenya have reached broadly similar conclusions about the gap between policy and practice. The Commission on Administrative Justice (2022) and the Office of the Ombudsman (2023) both conducted systemic investigations into the welfare of Kenyan migrant workers in Saudi Arabia and documented recurring failures in monitoring, coordination among government agencies, and follow-up on reported cases. These findings indicate that the enforcement problem is acknowledged within Kenya's own institutions, even where it has not yet been examined systematically from the perspective of the workers directly affected.

Most existing accounts of the Kenya-Saudi corridor document the existence of abuse, and comparatively few interrogate the machinery that is supposed to prevent it. Fewer still do so from the standpoint of the workers whom that machinery is meant to protect (Office of the Ombudsman, 2023; Munyua, 2021). This gap matters because enforcement, unlike the existence of a rule on paper, can only be assessed against what happens on the ground: whether an inspection took place, whether a complaint was heard, and whether a violation carried any consequence for the employer. Broader reviews of migration governance make a related point that the distance between a state's formal commitments and workers' lived experience is a recurring theme across migration corridors generally, not an exception of Kenya-Saudi corridor (OHCHR, 2023; Wickramasekara, 2015; Piper, 2019).

It is against this background that this study set out to examine how labour-protection policy for Kenyan migrant domestic workers in Saudi Arabia functions in practice, rather than how it reads on paper. The study asked how often workplace inspection occurs, how grievances are reported and resolved, how commonly rights violations are experienced, and what workers, their families, and the officials responsible for their protection identify as the conditions that allow violations to go unaddressed. In doing so, it shifts the starting point of inquiry from the adequacy of the rules themselves to the question of whether those rules reach the households where Kenyan domestic workers actually live and work.

2. Literature Review

2.1 Empirical Literature

2.1.1 International labour standards on workers' rights

The International Labour Organization (ILO) has identified fundamental Conventions addressing freedom of association and collective bargaining, the elimination of forced and compulsory labour, the abolition of child labour, and non-discrimination in employment as enshrined in the ILO Declaration on Fundamental Principles and Rights at Work (1998). For migrant domestic workers, these rights are especially significant because they address structural vulnerabilities such as exploitation, unequal treatment, and limited access to legal protection in host countries. The Domestic Workers Convention, 2011 (No. 189) extended these guarantees explicitly to domestic work, while the 2014 Protocol to the Forced Labour Convention strengthened commitments to eradicating forced labour, a development directly relevant to a sector in which coercion, trafficking, and debt bondage are common risks (ILO, 2021).

Convention No. 189 is of particular importance for this study. This is because it sets out, for the first time in a binding international instrument, the specific entitlements of domestic workers. These privileges include a written contract in a language the worker understands, limits on working hours with adequate daily and weekly rest, payment of wages directly and at regular intervals, the worker's rights to retain her own travel and identity documents, freedom to leave the household during rest periods, and access to complaint and dispute-resolution mechanisms. These provisions correspond almost item for item to the indicators this study measured. For instance, contract receipt and language, rest days, timely payment, passport retention, mobility, and grievance access. Therefore, this serves as the normative yardstick against which the findings are assessed. The significance of the Convention is, however, tempered by the fact that the major Gulf destination states, including Saudi Arabia, have not ratified it, so its standards function for this passage as an aspirational benchmark rather than an enforceable obligation on the host state, a limitation that runs through the protection gaps the study documents (ILO, 2021; OHCHR, 2023).

At its 110th Session in 2022, the International Labour Conference recognized a safe and healthy working environment as a fundamental principle and right at work. This is mostly relevant to domestic workers, who work in private households where occupational safety is difficult to monitor and enforce. Collectively, these instruments provide a normative benchmark against which national laws, bilateral agreements, and enforcement mechanisms can be assessed. However, significant gaps persist between these standards and the lived realities of migrant domestic workers, highlighting the need for stronger implementation and accountability (ILO, 2022; Piper, 2019).

Beyond the ILO framework, several broader human-rights instruments bear directly on the protection of women migrant domestic workers. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges states to eliminate discrimination against women in employment and has been interpreted, through General Recommendation No. 26 on women migrant workers, to require sending and receiving states to protect women throughout the migration cycle. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) sets out comprehensive protections, although its limited ratification by destination states, Saudi Arabia among them, constrains its practical force.

The Global Compact for Safe, Orderly and Regular Migration (2018), while non-binding articulates objectives directly relevant to this study, including fair and ethical recruitment, access to basic services, and effective consular protection. The persistent gap between this dense normative architecture and conditions on the ground is itself a recurring theme in the literature, and frames the central concern of this study with the distance between policy commitment and worker experience (OHCHR, 2023; Wickramasekara, 2015).

2.1.2 Bilateral labour agreements and regulatory frameworks for Kenyan Migrant Domestic Workers in Saudi Arabia

Bilateral labour agreements (BLAs) are formal mechanisms governing the recruitment, employment, and protection of migrant workers across borders (Otieno, 2021). Effective agreements typically establish minimum standards for working conditions, fair wages, guaranteed rest days, protection against passport confiscation, accessible complaint mechanisms, and pre-departure training (ILO, 2024; Migration Policy Institute, 2024). International guidance further specifies that agreements should cover the entire migration cycle, benefit origin and destination countries equitably, provide gender-responsive reporting and complaint mechanisms with protection from retaliation, and guarantee free legal assistance (United Nations Network on Migration, 2025).

Despite these normative frameworks, the global evidence shows that bilateral agreements frequently fail due to weak monitoring and implementation gaps (Human Rights Watch, 2021; Amnesty International, 2021). In a detailed review of memoranda of understanding negotiated by India with Gulf destination states, Wickramasekara (2015) found no concrete evidence that the agreements had improved migration governance or worker protection, attributing this to a persistent gap between accession to standards and actual compliance.

In the Gulf region, the kafala (sponsorship) system undermines the effectiveness of BLAs by binding workers to individual employers, restricting their mobility, and curtailing their legal autonomy (Pande, 2013; Ombaka, 2023; Fernandez, 2020). As a result, many migrant domestic workers experience conditions resembling modern slavery, including passport confiscation, excessive working hours, wage exploitation, and abuse (Council on Foreign Relations, 2020; Amnesty International, 2025).

In this perspective, Kenya and Saudi Arabia have developed a series of bilateral agreements to regulate labour migration. The 2017 agreement introduced structured pre-departure training, standardized employment contracts, and the deployment of Kenyan labour attachés in Saudi Arabia. It was revised in 2022 to strengthen protections and add dispute-resolution mechanisms in response to persistent reports of abuse, and was expanded in 2023 to diversify migration beyond domestic work (Kenya Parliament, 2022; Munyua, 2021; United Nations Network on Migration, 2025).

The 2013 Saudi Arabia-Philippines agreement is widely regarded as the first destination-origin agreement, especially on domestic work, and has since served as a template for the region. Comparative scholarship cautions, however, that most such agreements take the form of memoranda of understanding that do not meet ILO rights standards (Center for Migrant Advocacy, 2021). Despite these frameworks, Kenyan domestic workers in Saudi Arabia have continued to experience forced labour, exploitation, and abuse, indicating that existing agreements have not translated into effective protection (Human Rights Watch, 2021).

Regarding recruitment regulation, international standards require agencies to operate transparently, charge no fees, and provide clear, enforceable contracts (Migration Policy Institute, 2024). In Saudi Arabia, the Musaned platform regulates domestic worker recruitment through a digital system intended to enforce fee restrictions and contract transparency. Nevertheless, agencies have continued to charge excessive fees and provide misleading information, indicating persistent enforcement gaps and exposing workers to debt-financed migration that deepens their vulnerability on arrival (Business & Human Rights Resource Centre, 2022; Walk Free, 2023).

International guidance distinguishes sharply between legally binding bilateral labour agreements and the looser memoranda of understanding that predominate in the Gulf route. The latter typically set out aspirational commitments without enforceable obligations, monitoring mechanisms, or remedies, and frequently fall short of ILO rights standards (United Nations Network on Migration, 2025). A recurring critique is that such instruments serve a ‘triple

win’ rhetoric, benefitting origin states through remittances, destination states through cheap labour, and migrants through employment, while in practice minimizing the receiving state’s responsibility for worker welfare and leaving the migrants to absorb the risks (Wickramasekara, 2015). Effective agreements, by contrast, embed specific and auditable provisions; standard employment contracts deposited with states, electronic wage payment, a guaranteed weekly rest day, an explicit prohibition on passport retention, zero worker-paid fees, and accessible dispute resolution (Migration Policy Institute, 2024).

Within Kenya, the institutional system for governing this migration has expanded over the past decade. The National Employment Authority licenses and is mandated to monitor private recruitment agencies, the Ministry of Labour and Social Protection has developed a national labour-migration policy and pre-departure training requirements, and the Ministry of Foreign and Diaspora Affairs maintains the consular function in Riyadh (Kenya Parliament, 2022). The literature nevertheless converges on the conclusion that the binding force of this manner is weak. Oversight of agencies is inconsistent, pre-departure training is of uneven quality and reach, and coordination across the responsible ministries is limited (Munyua, 2021; Ombaka, 2023). This study tests these documented institutional weaknesses against the direct experience of the workers the structure is meant to serve.

On the destination side, the regulatory framework most relevant to recruitment is the Musaned platform, through which the Saudi Ministry of Human Resources and Social Development requires domestic-worker contracts to be registered and fees to be regulated. This is complemented by the Wage Protection System for salary compliance. International commentary recognizes these as steps toward transparency but notes that their effect depends on accurate employer entry and on oversight that does not extend inside the home (Saudi Ministry of Human Resources and Social Development, 2020; Human Rights Watch, 2021).

The Kenya-Saudi agreement is intended to merge with this framework by standardizing contracts and channeling recruitment through licensed agencies, yet the literature consistently reports that informal brokerage, fee-charging, and contract substitution persist alongside the formal system (Business & Human Rights Resource Centre, 2022; Walk Free, 2023). The coexistence of an elaborate regulatory apparatus with continued malpractice frames the empirical question these objectives address; not whether rules exist, but whether they reach and bind the actors and practices that determine workers’ conditions.

2.1.3 Government Enforcement Mechanisms

Effective government enforcement is essential for protecting migrant domestic workers' rights (ILO, 2022). International standards call for labour inspections, accessible complaint systems, and meaningful sanctions for violations. Global evidence, however, shows that weak enforcement, legal exclusions, inadequate monitoring capacity, and insufficient penalties allow mistreatment to continue even where protective laws exist (Robinson, K. 2022; Piper, 2019). A central obstacle in the Gulf is the structural exclusion of domestic workers from mainstream labour law. It is because the domestic work takes place inside private homes that the standard instrument of enforcement, the workplace inspection, is rarely, if ever, applied (Pande, 2013; Human Rights Watch, 2021).

In Gulf countries, the kafala system remains a central barrier to enforcement, creating employer dependencies that enable exploitation despite formal regulations (Fernandez, 2020; Mahdavi, 2020). Prohibited practices such as passport confiscation persist, while the principal enforcement responses available to workers, absconding or filing a complaint, are themselves penalized through illegalization and the threat of deportation, which deters reporting and disciplines workers into compliance (Pande, 2013). Within Saudi Arabia's legal framework, domestic workers receive weaker, sector-specific protection than other workers. Although the Wage Protection System mandates electronic payment and the Ministry of Human Resources and Social Development conducts inspections of formal workplaces, the practical reach of these measures into private households remains limited (Human Rights Watch, 2021; Amnesty International, 2021).

In Kenya, enforcement is shared among the Ministry of Labour and Social Protection, the National Employment Authority, and the Ministry of Foreign and Diaspora Affairs, which regulate labour migration, monitor recruitment agencies, and oversee compliance with bilateral agreements and national laws (Kenya Parliament, 2022). Significant coordination gaps, resource constraints, and implementation weaknesses limit their effectiveness (Munyua, 2021). Government responses to documented abuses have been characterized as delayed, unsystematic, and poorly coordinated (Ombaka, 2023), and the Commission on Administrative Justice (2022) and the Office of the Ombudsman (2023) have documented systemic failures in monitoring and accountability. The national nature of violations further complicates enforcement; requiring effective bilateral cooperation that current evidence indicates remains underdeveloped (United Nations Office of the High Commissioner for Human Rights (OHCHR, 2023).

Saudi Arabia has introduced specific instruments intended to strengthen enforcement, the limits of which are instructive for this study. The Wage Protection System requires that wages be paid electronically so that non-payment can be detected, and the Musaned platform digitizes domestic worker-contracts and recruitment in order to make terms transparent and traceable. In principle, these tools create an auditable record. In practice, their reach into the domestic sector is constrained because the system cannot observe what occurs inside the home, the hours actually worked, the rest actually given, or the coercion actually applied (Human Rights Watch, 2021; Amnesty International, 2021).

The 2021 reforms that allowed some workers to change employers or exit without a sponsor's permission likewise offer little to a domestic worker who cannot leave the house to exercise them. This suggests that weak enforcement is not due to a lack of legal tools, but rather the structural invisibility of the domestic workplace. The kafala sponsorship system creates dependency relations that further limit workers' ability to seek redress.

2.2 Theoretical Framework

The study is anchored in the Feminist Political Economy of Migration, a perspective that holds global labour markets to be structured by gender, such that women's work, particularly reproductive and care labour, is systematically undervalued, weakly regulated, and rendered administratively invisible (Yeates, 2012; Piper, 2019). Building on the concept of the global care chain, the framework explains how care labour migrates from poorer to wealthier households and States as women from the global South take up domestic roles abroad (Hochschild, 2000; Parreñas, 2001; Ehrenreich & Hochschild, 2003). Within this arrangement, gender intersects with class, race, nationality, and migration status to shape vulnerability (Silvey, 2006; Lan, 2022).

Concerning enforcement, the framework predicts that institutions responsible for monitoring and sanctioning violations will under-invest in enforcement because the labour being protected is feminised, domestic, and structurally devalued in both sending and receiving states. Kenya benefits from the remittances generated by labour migration and therefore has an incentive to sustain the flow of workers, while investment in the monitoring infrastructure needed to protect them once abroad remains comparatively limited (Munyua, 2021; Yeates, 2012). Saudi Arabia, for its part, relies on a kafala-governed supply of low-cost, racialised domestic labour and therefore has limited incentive to extend inspection into the private household where such labour is performed (Fernandez, 2020; Mahdavi, 2020). Considering this lens, weak enforcement is not best understood as an administrative oversight correctable through minor

technical fixes, but as a structural feature of a labour-migration system organised around the extraction of undervalued female labour.

3. Methodology

3.1 Study Design

The study adopted a convergent mixed-methods design, in which quantitative and qualitative data were collected at the same time, analysed separately, and integrated during interpretation to provide an overall understanding of the enforcement gap surrounding migrant domestic workers' protection (Creswell & Creswell, 2023). Data were collected in Saudi Arabia from current Kenyan migrant domestic workers and in Kenya from returnees and family members, reflecting the transnational nature of the population under study.

3.2 Sample and Sampling

The target population comprised Kenyan migrant domestic workers aged 18 years and above, including current workers and returnees, as well as family members and key informants involved in labour migration. From an estimated population of 511 workers, the study employed proportionate stratified random sampling combined with snowball sampling to reach both officially listed and hard-to-reach participants (Etikan & Bala, 2017; Heckathorn, 2011). The sample size was calculated using Cochran's (1977) formula for proportions, adjusted for a finite population at a 95% confidence level, a population proportion of 0.5, and a margin of error of 8%. This yielded a minimum required sample of 116 workers, which was increased to 129 to allow for an anticipated 10% non-response (Israel, 1992). A total of 128 valid questionnaires were obtained, representing a 99.2% response rate. The qualitative component comprised 25 interviews involving 17 purposively selected key informants from government, diplomatic missions, recruitment agencies, and Non-Governmental Organizations, and 8 family members of migrant domestic workers.

3.3 Data Collection Tools

Quantitative data were collected using structured questionnaires administered in person to returnees in Kenya and online to current workers in Saudi Arabia. Qualitative data were gathered through semi-structured interview guides. Key informants and some family members were interviewed individually in Nairobi County, while others participated through virtual meetings and telephone calls. Both instruments were piloted with respondents outside the main sample to assess their clarity,

relevance, and reliability before the main data collection exercise.

3.4 Validity and Reliability of the Research Instruments

Validity was assessed through content, face, and construct validity. Supervisors reviewed the instruments to ensure that the items adequately reflected the study objectives, and unsuitable items were revised or removed. Face validity was assessed during pilot testing, while Kiswahili translations were back-translated to ensure that the original meaning was retained (Zhao et al., 2019). Construct validity was supported by linking the questionnaire items to the study objectives. Reliability was assessed through internal consistency and test-retest procedures. The instruments were also administered consistently by trained research assistants to promote dependable responses (Mohd Razali et al., 2024; Creswell & Creswell, 2023).

3.5 Ethical Consideration

The study received ethical approval from the National Commission for Science, Technology and Innovation (NACOSTI), Egerton University's Institutional Review Board (EUREC), and relevant government authorities before data collection commenced. All participants gave informed consent after receiving information about the study's purpose, the voluntary nature of participation, and their right to withdraw at any time without consequence. Given the sensitivity of the subject matter, interviews were conducted with care to protect participants' psychological well-being. No personal identifying information was recorded on the research instruments. All data were anonymised and stored in password-protected digital files or locked cabinets, with access limited to academic purposes.

3.6 Data Collection Procedure

Data collection was conducted over a period of one month by trained research assistants. Key informants and some family members were interviewed in person in Nairobi County, while the remaining family members were interviewed at locations that were convenient and accessible to them. Most returnees completed the survey in person in Nairobi County, while others participated virtually using encrypted tools. Current migrant domestic workers in Saudi Arabia completed the survey online through KoboToolbox. This enabled secure data collection from participants who could not be reached in person, including those affected by mobility restrictions under the kafala system.

3.7 Data Analysis

Quantitative data were cleaned, coded, and analysed using SPSS version 25.0. Frequencies and percentages were used to describe the prevalence of violations, the frequency of inspections, and the reporting and resolution of complaints. Qualitative data from key informant and family interviews were transcribed and analysed thematically using NVivo version 14. The analysis involved familiarisation with the transcripts, initial coding, and grouping related codes into main themes and sub-themes. Anonymised extracts were used to illustrate the findings. The quantitative and qualitative findings were compared using a triangulation matrix to identify areas of convergence and divergence between workers' survey responses and the accounts of key

informants and family members (Fetters & Molina-Azorin, 2020).

4. Results and Discussions

This section presents and discusses the enforcement findings under four themes identified from the data: the prevalence of human-rights violations, workplace inspections and gaps in enforcement, the reporting and resolution of complaints, and the factors believed to contribute to impunity.

4.1 Results

4.1.1 Demographic characteristics of respondents

Table: 1 Demographic Characteristics of Respondents

Demographic Characteristics	Category	Frequency(n)	Percent (%)
Sex	Female	108	84.4
	Male	20	15.6
Age	18-24 years	19	14.8
	25-34 years	56	43.8
	35-44 years	37	28.9
	45-60 years	15	11.7
	Above 60 years	1	0.8
Education	Primary	32	26.7
	Secondary	77	64.2
	Tertiary	11	9.2
Migration Status	Returned home	110	85.9
	Currently in Saudi Arabia	18	14.1
Number of trips	Once	93	72.7
	Twice	19	14.8
	Three times	9	7
	More than three times	7	5.5
Occupation	House manager	110	85.9
	Gardener/Shamba boy	5	3.9
	Driver	4	3.1
	Cook/Chef	4	3.1
	Security guard	4	3.1
	Storekeeper	1	0.8

The demographic profile indicates that the respondents were predominantly female (84.4%), reflecting the gendered nature of Kenyan migrant domestic work in Saudi Arabia. Most respondents were aged 25-44 years (72.7%), indicating that migration was concentrated among economically active adults. In terms of education, 64.2% had attained secondary education, 26.7% primary education, and 9.2% tertiary education, although eight respondents did not report their education level. The majority (85.9%) had returned to Kenya, while 14.1% were still working in Saudi Arabia. Most respondents (72.7%)

had travelled to Saudi Arabia once, while 14.8% had travelled twice, 7.0% three times, and 5.5% more than three times. Occupationally, house managers constituted the largest group (85.9%), followed by gardeners, drivers, cooks/chefs, security guards, and storekeepers. Overall, the profile shows a predominantly female, young-to-middle-aged, secondary-educated population, with most being returnees and first-time migrants.

4.1.2 Prevalence of human-rights violations

Table 2: Human-rights violations reported by respondents (multiple response, n = 128)

Violation type	Respondents (n)	% of respondents
No rest days	90	70.3
Passport confiscation	85	66.4
Excessive hours (>14/day)	76	59.4
Delayed payment	64	50.0
Physical abuse	51	39.8
Unpaid salary	49	38.3
Sexual abuse	24	18.8
None of the above	11	8.6

Table 2 shows that 91.4% of respondents had experienced at least one of the listed violations. The most common violation was denial of weekly rest days, reported by 70.3%. This was followed by passport confiscation (66.4%) and working for more than 14 hours a day (59.4%). Half of the respondents (50.0%) reported delayed payment, while 38.3% reported not receiving their salaries. Physical abuse was reported by 39.8% of respondents, and 18.8% reported sexual abuse. Although sexual abuse was less common, it remains a serious concern because of its

severe effects on victims. One key informant noted: *sexual violation is the most frequent yet least addressed abuse, because the enforcement system cannot readily act against intra-household sexual violence when the perpetrator is also the worker's legal custodian of residency status* (KII_Official_013).

4.1.3 Workplace inspection and the structural enforcement deficit

Table 3: Reported frequency of government workplace inspections (n = 128)

Inspection frequency	Frequency (n)	Percent (%)
Every day	0	0.0
Every week	0	0.0
Every month	0	0.0
Every year	2	1.6
Rarely	16	12.5
Never	110	85.9

Table 3 indicates that 85.9% of respondents had never experienced a workplace inspection, while 12.5% said that inspections occurred rarely. No respondent reported having daily, weekly or monthly inspection. As one key informant said: *domestic workers do not enjoy the same legal*

protections as other workers in Kenya and Saudi Arabia, and Kenyan authorities cannot enforce labour protections inside Saudi households (KII_Official_017).

4.1.4 Reporting and resolution of grievances

Table 4: Reporting of concerns and resolution outcomes among migrant domestic workers

Indicator	Frequency (n)	Percent (%)
Reported a concern - Yes	61	48.0
Reported a concern - No	66	52.0
Resolved fully (of those who reported)	8	11.9
Resolved partially (of those who reported)	42	62.7
Not resolved (of those who reported)	17	25.4

Table 4 illustrates that fewer than half of respondents (48.0%) reported a work-related concern through a formal or informal channel, even though 91.4% had experienced at least one violation. Among those who reported a concern, only 11.9% achieved full resolution. A further 62.7% reported partial resolution, while 25.4% received no

resolution. One key official mentioned: *the mission is under-resourced to serve the population it deserves, and that domestic workers in Saudi Arabia fell outside the usual scope of Kenyan labour law* (KII_Official_014).

4.1.5 Perceived drivers of impunity

Table 5: Respondents' perceived drivers of impunity and the inspection deficit (multiple response, n = 128)

Variable	Respondents (n)	% of respondents
Kafala gives employers too much power	103	80.5
No inspections in private homes	82	64.1
Slow/no response from authorities	65	50.8
Fear of retaliation	55	43.0
Lack of knowledge of workers' rights	13	10.2
Rogue recruitment agencies	9	7.0
Cultural differences	7	5.5
Language barrier	4	3.1

Table 5 shows that respondents mainly attributed impunity to structural hitches rather than a lack of knowledge or individual misconduct. The kafala sponsorship system was identified by 80.5% of respondents as giving employers excessive power. This was followed by the absence of inspections in private homes (64.1%), and slow or limited institutional response (50.8%). In comparison, fewer respondents identified a lack of knowledge about workers' rights (10.2%), rogue recruitment agencies (7.0%), cultural differences (5.5%) and language barriers (3.1%) as causes of impunity. One key informant explained: *enforcement was weakened by underreporting, limited access to legal aid, difficulties in collecting evidence, weak embassy support, and the treatment of sexual violence as a private or criminal matter rather than as a labour-rights issue* (KII_Official_010).

4.2 Discussions

The near-total absence of workplace inspection helps explain why the violations identified persist. Where employers do not expect inspection, they can deny rest days, retain a worker's passport, extend working hours, or delay wage payments with little risk of detection. As one key informant put it plainly that, *“Domestic workers do not enjoy the same legal protections as other workers in Kenya and Saudi Arabia, and Kenyan authorities cannot enforce labour protections inside Saudi households”* (KII_Official_017). This condition reveals more than an administrative shortfall, since it is a structural feature that allows enforcement failures to endure. It aligns with prior evidence that domestic workers in the Gulf receive less

protection than workers in other sectors, because their workplace is a private home situated outside routine monitoring mechanisms (Pande, 2013; Human Rights Watch, 2021; Blaydes, 2023). From this study, the finding that 85.9% of respondents had never experienced an inspection confirms it at the individual level. Pande (2013) and Blaydes (2023) describe the systemic exclusion of domestic work from Gulf labour-inspection regimes show what exclusion looks like in a single worker's employment history.

The disparity between the proportion of workers who experienced a violation and the proportion who saw it fully resolved points to two distinct failure points, namely monitoring workplaces and handling complaints once they are lodged. Among the 61 respondents who reported a concern, only 11.9% achieved full resolution, while 62.7% saw partial resolution and 25.4% received nothing at all. A Kenyan diplomatic official interviewed for this study offered a candid explanation, *“since the mission is under-resourced for the population it should serve, and domestic workers in Saudi Arabia fall outside the usual scope of Kenyan labour law”* (KII_Official_014). This shows that existing complaint mechanisms provide incomplete remedies even when workers do come forward, which is consistent with earlier research indicating that workers who leave abusive employers may face immigration-related penalties, including deportation or irregular status, rather than employers facing effective sanctions (Fernandez, 2020; Mahdavi, 2020). The resolution gap is not purely institutional, and it may also reflect workers' withdrawal from the process once informal pressure is

applied by employers or recruitment intermediaries, which is a possibility an under-resourced mission would be poorly placed to detect even where it wished to intervene.

Incidences of sexual abuse lay bare the structural, rather than individual, nature of this enforcement gap more clearly than any other finding. Although reported by only 18.8% of respondents, one family-member informant described it, *“sexual abuse is the most frequent yet least addressed, because the enforcement system cannot readily act against intra-household sexual violence when the perpetrator is also the worker’s legal custodian of residency status (KII_Family_013).* This account captures the very mechanism that 80.5% respondents identified kafala system as the leading driver of impunity in this study.

The reasons respondents cited for impunity challenge the common assumption that improved awareness of workers’ rights constitutes the primary route to enhanced protection. In this study, prior knowledge of the bilateral agreement before departure from Kenya was not strongly associated with whether a worker reported a problem, and only 10.2% of respondents pointed to a lack of knowledge of workers’ rights as a driver of impunity. This is one of the more counter-intuitive results of the study, since so much pre-departure programming in both countries is built on the premise that better-informed workers are better-protected workers. The finding indicates instead that silence was not a knowledge problem, because workers appear to have understood their rights well enough, but faced reporting channels that were unsafe, blocked, or simply unresponsive. This is captured directly by one key informant, who explained that, *“enforcement was weakened by underreporting, limited access to legal aid, difficulties in collecting evidence, weak embassy support, and the treatment of sexual violence as a private or criminal matter rather than as a labour-rights issue (KII_Official_010).*

This finding concurs with the Feminist Political Economy of Migration framework employed in this study, which holds that formal rules carry limited practical weight where states lack a strong commitment to monitoring work that is predominantly performed by women and treated as low-value (Yeates, 2012; Fernandez, 2020). It also agrees with broader research on the Gulf region indicating that partial reforms to the kafala system have often failed to protect domestic workers because they do not address the hidden and dependent character of the work itself (Human Rights Watch, 2025; Amnesty International, 2025).

The results in general point to a single, interconnected enforcement problem rather than four discrete weaknesses. Violations are prevalent because inspections are rare. Inspections are rare because domestic work occurs inside

private homes that lie outside routine monitoring. Respondents’ identification of kafala system as the leading source of employer power indicates that sponsorship related dependency may increase the risks associated with reporting and reduce workers’ willingness to pursue formal remedies. Respondents themselves identified these structural conditions, rather than a lack of personal knowledge, as the principal reason abuse continues without consequence.

Interpreted through the Feminist Political Economy of Migration framework, this pattern is not accidental. Kenya and Saudi Arabia both derive benefits from the current system, because Kenya receives remittances and Saudi Arabia gains access to low-cost domestic labour. Therefore, neither country has a strong incentive to monitor the system closely (Munyua, 2021; Yeates, 2012). This mutual benefit helps explain why enforcement gaps persist despite the existence of a bilateral agreement, the Musaned platform, and the Wage Protection System. These instruments operate within a relationship where neither government bears the direct cost of under-enforcement, while individual workers, and often the most vulnerable among them, bear that cost disproportionately. Closing these enforcement gaps will therefore require more than incremental administrative adjustments. It will require monitoring, complaint-handling, and accountability systems capable of reaching domestic workers within private households, backed by incentives strong enough to offset the structural impediment both governments currently face to enforce existing rules rigorously.

5. Conclusion and Recommendations

5.1 Conclusion

This study examined gaps in the enforcement of labour-protection policies affecting Kenyan migrant domestic workers in Saudi Arabia. The findings indicate that the central issue is not an absence of protective policies, but the weak enforcement of existing instruments. Most workers had never been subject to a workplace inspection, enabling violations such as excessive working hours, delayed or unpaid wages, missing documentation, and occupational safety concerns to persist with minimal risk of detection. Many violations went unreported, and few reported cases were fully resolved. Respondents attributed these problems primarily to the kafala sponsorship system, the exclusion of private households from routine inspection, and the slow or limited response of institutions mandated to provide protection, rather than to workers’ lack of awareness.

Both the Kenyan and Saudi Arabian governments therefore share responsibility for these enforcement gaps. Existing measures, including the bilateral labour agreement, the

Musaned platform, and the Wage Protection System, prove that both countries have undertaken some efforts to protect migrant workers. However, these measures do not adequately reach the location where most violations occur, the private household. This study concludes that Kenyan migrant domestic workers in Saudi Arabia are protected in principle by a relatively developed policy framework, but receive limited protection in practice, owing to the absence of regular inspections, effective complaint-handling mechanisms, and meaningful penalties

5.2 Recommendation

From the findings, the following recommendations were established:

1. The Kenyan government should increase staffing and resources for the Ministry of Labour and Social Protection, the National Employment Authority, and the Ministry of Foreign and Diaspora Affairs. These agencies should also define clear responsibilities and establish a shared system for tracking complaints from the point of reporting through to resolution.
2. The Saudi Ministry of Human Resources and Social Development should introduce a procedure that enables verified complaints to trigger investigations within private households. It should also impose consistent and meaningful penalties for passport confiscation, excessive working hours, and withholding of wages, in coordination with civil society organisations and the Kenyan diplomatic mission.
3. Saudi Arabia should amend the Domestic Workers Law and related regulations so that domestic workers receive protections equivalent to those afforded to other workers. This should include full coverage under the Wage Protection System, enforceable limits on working hours, guaranteed rest days, and access to labour-dispute tribunals that operate independently of the employer.
4. Both governments should establish complaint channels that are accessible, confidential, and gender-sensitive, enabling workers to report violations without necessitating to visit a government office in person. These systems should incorporate safeguards against retaliation to encourage reporting.
5. The Commission for Cooperation established under the bilateral agreement should adopt a dedicated enforcement work programme. This

should include regular joint reviews of inspection and complaint data, clear performance targets, and technical support from the International Labour Organization, so that enforcement is treated as an ongoing, monitored process rather than a one-off outcome of signing an agreement.

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