



**Domestic Servants.. Continuous Suffering**

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**"Domestic Servants.. Continuous Suffering"**

**Egyptian Coalition for Human Rights and Development**

It is an initiative launched by Forum for Development and Human Rights Dialogue Foundation, and consists of 500 development associations and organizations in 9 Governorates, in order to promote Human Rights conditions in Egypt, strengthen partnerships, and exchange experience.

The NGOs and institutions participating in the initiative were distributed in 9 governorates: Cairo, Gharbia, Beheira, Alexandria, Beni Suef, Sohag, Luxor, Qena and Aswan.

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❖ **Introduction:**

Human trafficking is considered one of the forms of slavery in the modern era, and it is a flagrant violation of human rights and fundamental freedoms. However, the crime of human trafficking is an international phenomenon, not limited to a specific country, as its forms and patterns vary from one country to another, according to the state's view of the concept of human trafficking, and the extent to which it respects human rights. Among forms of human trafficking, for example, are trafficking in women and children, for the purposes of prostitution, sexual exploitation, sale of human organs, forced labor, and exploitation of domestic servants, sale of children for adoption, forced marriage, sex tourism, exploitation of children in armed conflict, exploitation of children in begging, abuse of illegal migrants and exploitation of street children.

With the launch of the women's liberation movement in the modern era, calls for defending their rights and entity, which led to the achievement of a Feminism's renaissance, one of the most important manifestations of which were women going out to receive education, and participation in social life. In addition to calls for equality between women and men in the enjoyment of private and public rights, Foremost among them was the right to work. This coincided with the growth of one of the areas of women working, which had a degree of privacy, which is domestic work that has attracted a large sector of women, globally, where the phenomenon of Domestic servants in Egypt and Arab countries remarkably. This phenomenon is increasing due to the low economic conditions of some countries, which in turn reflected in the standard of living of many individuals, who have no choice but to work in domestic service within their home countries or join it in countries that have the appropriate attractive factors to work in that profession.

Domestic workers are more vulnerable to forms of exploitation from other jobs, as the profession of domestic servants includes several forms of human trafficking. It has a special character because their work is carried out within the walls of homes and they are exposed to many forms of violation that no one sees and does not feel. Among the most important problems, that they are exposed to harassment Sexual harassment, illegal labor, forced labor, and inappropriate remuneration, which are a clear example of modern slavery and exploitation. Sometimes we find that domestic servants are children and minors, and they can be in the service of a family with young children.

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Therefore, we find child servants serving the children, which is an insult and a clear violation of human rights.

**Through this report, we will review some points related to the relationship between Domestic Servants and Human Trafficking, through the following points:**

1. Definition of Human Trafficking
2. Forms of Human Trafficking
3. Reasons for the prevalence of the phenomenon of women's work in domestic service
4. Violations against domestic servants
5. Examples of Violations against domestic servants
6. International and Egyptian efforts to eliminate Human Trafficking

### **1) Definition of Human Trafficking**

Human trafficking is defined as the recruitment, transportation, transfer, harboring, or receipt of persons through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or abuse of a situation of vulnerability. In addition, the giving or receiving of payments or benefits to obtain the consent of a person having control over another person for minimal exploitation, exploitation of the prostitution of others, or other forms of sexual exploitation, forced labor or service, or slavery or practices similar to slavery, servitude or removal of organs.

**According to the Egyptian legislation in Law No. (64) on combating human trafficking of 2010, Human Trafficking means:**

"any person is committed with the crime of human trafficking when he deals in any way with a natural person, including selling, offering, purchasing, promising, using, transporting, delivering, harboring, receiving or delivering them, whether within the country or across its national borders. If this is done by the use or threat of force or violence, or through abduction, fraud or deception, abuse of power or abuse of a situation of vulnerability or need, or the promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic in another person over whom he has control - all - if the transaction is for exploitation in any form, including exploitation in prostitution and other forms of sexual exploitation, child pornography, forced labor or service, slavery or slavery-like practices enslavement, begging or excision of human organs or tissues or part thereof".

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In addition to issuing Law No. 5 of 2010 regulating human organ transplantation and its executive regulations, and amending some of its provisions by Law No. 142 of 2017, to confront the crime of trafficking in human organs as one of the types and forms of human trafficking, which also regulated the process of transferring and transplanting human organs legally. Moreover, it closes the doors for the mafia of organized crime gangs to deal with human beings as commodities that are traded in a manner that insults human dignity and is inconsistent with recognized human rights principles.

### **2) Forms of Human Trafficking**

#### **a. Forced labor:**

Forced labor, also referred to as labor trafficking, includes a range of activities involving a person's use of force, fraud, or coercion to obtain another person's work or services. The element of acts in forced labor is satisfied when the store recruits, harbors, transports, provides or acquires a person for work or services. The means component of forced labor includes the trafficker's use of force, fraud, or coercion. The coercive plan can include threats of force, debt manipulation, wage withholding, confiscation of identity documents, psychological coercion, reputational harm, manipulation of substance abuse, threats to other persons, or other forms of coercion.

The purpose component focuses on the offender's goal of securing work or services. There is no limit to the location or type of industry. Traffickers can commit this crime in any sector or place, whether legal or illegal, including but not limited to agricultural fields, factories, restaurants, hotels, massage centers, retail shops, fishing vessels, mines, private homes, or drug trafficking operations. All three elements are essential to the formation of the crime of forced labor.

**Certain types of forced labor are often marked for emphasis or because they are widespread:**

#### **• Domestic servitude:**

Domestic servitude is a form of forced labor in which traffickers require the victim to perform work in a private residence. These circumstances create unique vulnerabilities. Domestic workers are often isolated and may work alone in a home. Employers often control their access to food, transportation, and housing. What happens in the private place of residence is hidden from the world, including from law enforcement and labor inspectors, creating barriers to the identification of victims. Foreign domestic workers are particularly vulnerable to abuse due to language and cultural barriers, as well as a lack of community ties. Some perpetrators use these types of conditions

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as part of their coercive schemes to force domestic workers to work without fear of being exposed.

- **Forced child labor:**

The term-forced child labor describes forced labor schemes in which traffickers force children to work. Traffickers often target children because they are more vulnerable. Although some children may legally engage in some forms of work or forcing children to work remains illegal.

Forms of slavery or slavery-like practices continue to exist, including the sale of children, forced child labor, debt bondage and child slavery, despite legal prohibitions and widespread condemnation.

Some indicators of forced child labor include situations where the child appears to be in the custody of a non-family member, and the child's labor benefits financially from a person outside the child's family.

- **Sex trafficking:**

Sex trafficking encompasses the range of activities involved when a trafficker uses force, fraud, or coercion to force another person to engage in commercial sex work or to induce a child into a commercial sex business. The crime of sex trafficking can also be understood through the framework of acts, means, and purpose. All three of these elements are required to prove the crime of sex trafficking (except in the case of child sex trafficking when the means are irrelevant).

The element of acts in sex trafficking is met when the trafficker recruits, harbors, transports, obtains, or solicits another person for commercial sex. The means component of sex trafficking occurs when the trafficker uses force, fraud, or coercion in the case of sex trafficking encompasses a wide range of non-violent means listed in the definition of forced labor. This can include serious harm, psychosocial and social harm, reputational damage, threats to others, and debt manipulation. The element of purpose in each case of sex trafficking is the same: engaging in a commercial sexual act. Sex trafficking can occur in private homes, massage centers, hotels, or brothels, among other locations, as well as on the Internet.

- **Children Trafficking for sexual purposes:**

In cases where an individual engages in any of the specific acts with a child (under 18 years of age), the element or type of means is irrelevant regardless of whether there is evidence of coercion, fraud, or coercion. Law in the United States and most countries around the world prohibits the use of children for commercial sex.

**b. Child Marriage:**

A Child is defined as a girl who has not reached the age of marriage, which is eighteen years, while a Child is socially defined as a girl who has not reached the age of responsibility, as she is still in childhood as her physical, psychological and mental maturity has not been completed.

Underage marriage is one of the crimes of human trafficking, and it is not a new subject, but its modernity appears from its emergence in a new way (for tourist marriage). This pattern is widespread in countries that oppose immoral acts, where forbidden relationships are wrapped in customary or official marriage contracts that would show the sexual relationship in a legitimate form.

This type of women trafficking is constantly increasing because it wears the guise of legality, as the number of underage women who fall victim to it is constantly increasing around the world.

For example, a report by the United Nations Children's Fund indicates that about 70 million girls between the ages of 20 and 24 were married before the age of 18, almost 1 in 3 girls, and 23 million of them were married before the age of 15.

**c. Human Organ Trafficking:**

One of the most important patterns of modern slavery is the pattern of trafficking in human organs, this pattern affected human nature and made human organs spare parts traded on black markets, and the spread and prosperity of this pattern established gangs that carry out acts that degrade the human conscience.

This pattern differs from other patterns of human trafficking, and this difference is not in terms of victims of human trafficking. They all come from a poor economic and social background. However, the difference lies in terms of human traffickers, the perpetrators of human organ trafficking include, in addition to intermediaries, a sect that society trusts. They are supposed to be among the people who denounce this phenomenon, such as doctors and other practitioners in the field of medical care. It can be said that human organ trafficking is the collection of individual or group victims of children and women without their consent, by fraud, coercion, kidnapping, or exploitation of their poverty, where the organs of these victims are removed and sold as a commodity to obtain financial profits. Therefore, the main goal of human organ trafficking is not health or preserving the lives of people in need, but rather to make a profit.

**d. Child recruitment:**

The use of child soldiers is a unique and cruel manifestation of human trafficking. The illegal recruitment of children is carried out through force,

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fraud, or coercion to exploit them for labor or to use women of sex in conflict zones.

Government forces, semi-governmental organizations, and rebel groups can perpetrate such practices. In 2010, UNICEF estimated that more than 300,000 children under the age of 18 are currently exploited in more than 30 armed conflicts worldwide.

### **3) Reasons for the prevalence of the phenomenon of women's work in domestic services**

Despite the heavy burden placed on women as mothers, wives, and housewives, and despite their need to spend a long time with their families, life conditions have led them to pursue this profession as one of the few alternatives available to them to live and help their families who suffer from poverty and need.

Perhaps one of the most important reasons that led to the predominance of women in the field of domestic work over other men and children is: the lack of interest in women's education, which narrows their job opportunities and limits them to work that depends on their physical effort only in exchange for pay, of which domestic work is the first form. Unlike men who have multiple opportunities to complete their education, which qualifies them to join multiple and varied job opportunities.

Perhaps the increase in unemployment and the lack of job opportunities that have become a phenomenon that all societies suffer from in the current era, as well as the low value of wages, have been a reason for women, even educated women, to enter the field of domestic work under many common names such as nanny, or babysitter.

Also, educated foreign women who hold certificates are accepted in the field of domestic service, as a result of the deception of recruitment agencies about the nature of the proposed job in light of their inability to return to their country at their own expense. Furthermore, the fact that many of them resort to this profession as an alternative and temporary solution in the hope of obtaining a better job opportunity.

Women are the predominant category of foreign workers in the field of domestic work especially in the Gulf countries, given the special considerations of those countries. On the other hand, many countries other than India, the Philippines, and Bangladesh are reluctant to send women to domestic work.



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However, national statistics and labor legislation still ignore that fact, which has negatively affected the rights of women domestic workers, especially with regard to decent wages, good working conditions, and social security.

Legislators in all countries have given women special attention and distinguished them with many privileges in labor laws, for humanitarian and family considerations. The legislator has prohibited their employment in certain professions because they are not commensurate with the structure of women on the one hand and fear for their reproductive health on the other.

The legislator has also established times when women may not be employed, which are, of course, night hours due to the damage and negative effects resulting from working during those periods. It also allocated many special holidays to them due to their nature. However, women do not benefit from it in the field of domestic work because this category is not subject to the provisions of the Labor Law.

Most of the domestic laws of the countries, in which foreign women work in the field of domestic service, whether in Egypt or the Arab Gulf States, are concerned with the administrative organization of their work. However, this organization was limited to the administrative aspect without paying attention to setting rules to protect them from serious violations of their material and human rights

#### **4) Violations against domestic servants**

Domestic workers have many problems with their employers, the most important of which is the lack of a minimum level of treatment that respects the most basic level of human rights. There are no minimum limits for working hours or wages, which vary greatly from one case to another. Many cases mention models and forms of deprivation, whether in food, clothing, sleep, freedom of entry and exit, or visiting family.

Abuse takes many forms including psychological and physical abuse, sometimes reaching in their seriousness the need of those who are subjected to this assault to the need for rehabilitation, or psychological and organic treatment.

Domestic workers suffer abuse and ill-treatment not only from employers but also from their families, and they see their relationship with families as neglect and exploitation, some of which fall within the concept of human trafficking. They also believe that there is a problem with the absence of protection and reporting mechanisms when violations occur, or when seeking help, and fear of oppression of the employers, and their reactions that may

reach the fabrication of charges that throw them in prisons. **These violations can be divided into:**

**a. Sexual assault:**

Gender-based violence, including sexual violence, is a global problem facing domestic workers, due to the isolated environment in which they live within their employers' homes. The Committee on the Elimination of All Forms of Discrimination against Women stated that, globally, domestic workers are particularly vulnerable to physical violence, sexual abuse/assault, food and sleep deprivation, and cruelty by their employers.

In 2014, the Committee on the Elimination of All Forms of Discrimination against Women expressed deep concern about the high prevalence of domestic and sexual violence against women and girls. Females are exposed to harassment and sexual violence within the walls of homes, on public transport, in alleyways, at the entrances to buildings, and in shops. The high proportion of women migrant workers who have experienced sexual harassment and violence suggests that there is leniency on the part of perpetrators.

**b. Maid inhumane abuse:**

Revealing the practical reality of the exposure of domestic maids to a kind of inhumane treatment, which affects the maid's dignity, as some detain them in inappropriate places, as well as constant exposure to permanent physical beatings by the employers and their families. The maid is treated in many homes in an unjust manner that does not preserve her humanity. So, she is not given time to rest, rather, she must be ready to serve all the time, as she wakes up late at night to do some home chores, in addition to being exposed to psychological abuses like verbal torture.

One of the psychological consultants believes that the complaint of verbal torture to which maids are subjected comes in more cases from women than men as a result of the moral violence to which these women are subjected by their husbands, which pushes them to practice this violence on the maid. Others explain the verbal violence, to which the housewife subjects maids that the space between the maid and the housewife is closer than the space between the head of the family and the rest of its members.

**c. Assault on the maid's right to believe:**

Maids are also subjected to some violations that affect one of the basic human rights, which is freedom of belief, where the employer or his family members impose restrictions that prevent the maid from enjoying this right, under the pretext of preserving working time and the authority of the homeowner to determine the religious environment that prevails in his home.

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We agree with some jurists in saying that freedom of belief is one of the most basic rights that must be provided to the maid, which has a direct impact on the vocabulary of the maid's life and revives her moral conscience, which makes her a normal individual who provides benefit to society.

**d. Violating the maid's right to communicate with her relatives:**

Some employers impose restrictions on maids that prevent them from communicating or contacting their relatives or leaving the house except in the narrowest limits, including resident workers who visit their families once a month, and some of them pass the year without a single visit to their families, or perhaps a visit from their parents.

A phenomenon has also spread in Gulf society, which has been the subject of severe criticism, as the employer, when contracting with the maid, obtains and seizes her passport, under the pretext of ensuring her respect for the contract and preventing her from stealing the house and trying to escape, which threatens the right of servants to move or return to their relatives, and leads them to commit many crimes of stealing their papers or forge identity and papers.

**e. Lack of satisfaction of the domestic service contract:**

The maid often falls prey to intermediaries and recruitment agents, as the maid provides incorrect satisfaction marred by injustice and fraud from recruitment agency owners. So, they recruit the maid without signing a clear contract or signing a written contract in a language that the maid does not understand, to find herself facing forced work that she would not have been satisfied with if she had known its truth from the beginning.

**f. Violating the maid's right to fair wages:**

The practical reality and the complaints submitted by many maids have resulted in the exposure of many maids to several violations regarding their right to wages. These violations include depriving them of wage in whole or in part, delaying payment from its due date, unjustified deduction, and unfairness and low percentage compared to the great effort provided by the maid in the field of domestic work.

**g. Lack of respecting the maid's right to organize working hours:**

Despite the keenness of international conventions and labor laws to regulate working hours and set a maximum limit for daily and weekly working hours, the maximum daily working hours were set at eight hours while the maximum weekly working hours were forty-eight hours. However, many employers and their families exploit maids for periods that exceed those limits without stopping and additional pay.

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Also, homeowners do not often take into account and do not acknowledge the maid's right to weekly vacation. On the contrary, the maid works on weekends double as she also does on ordinary days, which represents a psychological burden and heavy physical effort that the maid may not find a solution to except escape or suicide.

The number of working hours ranges between 5-8 hours per day for female temporary residents, while the largest percentage of resident workers (59%) work between 9-12 hours a day, and some of them work more than 12 hours. Some of the female residents have a temporary residence that ends with the end of working hours, even if such work extends to late hours of the night.

### **h. Depriving the maid's rights to privacy:**

The employer may rely on his legitimate right to inspect the maid's belongings and purposes in order to ensure their legality, and not to acquire things that harm the public health of his family members, in addition to his right to search her clothes and personal belongings in case of the loss or disappearance of any belongings related to the house's owner or his family.

The employer also monitors and often eavesdrops on the maid's communications to find out who she communicates with and the nature of her relationship with them.

The employer often abuses his or her search and surveillance power to the extent that it may be described as arbitrary, ultimately depriving the maid of any aspect of privacy while working in her employer's home.

### **5) Examples of Violations against domestic servants**

#### **➤ In 2023:**

- Egyptian security services and bystanders saved **a girl from suicide after she tried to jump from the fourth floor in northern Gharbia**. The authorities received a report that a girl tried to jump from the fourth floor of an apartment in a residential property in the city of Tanta. The girl turned out to be in her thirties and worked as a maid, as she was trying to escape from the apartment where she worked. Facebook users circulated a video of the girl when she tried to escape from the apartment.
- **Hagar, from Suez Governorate**, used to work for homeowners, she fled the villa she worked for at 3 AM after the homeowner tried to sexually assault her. She went out wearing half of her clothes and one of the drivers helped her by delivering her, and in the morning a report was written with the Fifth Settlement police, where she was working, but soon waived after she was offered 50,000 pounds as compensation.
- For nearly 7 years, **Karima** has been working as a resident worker in the house of a family **in Greater Cairo**, where she carries out arrangement,

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organization, cleaning, cooking and caring for an elderly family member at the same time.

**She explained that** her salary from this hard work helps her pay off some of the accumulated debts. She said: "I live with them in a way that pleases God, when I started working; I needed money and eating bread bitter". Since she started working in 2011, Karima has not received any increases in her monthly salary, despite the change in economic conditions and high prices. Despite doing the same practical tasks, she considers that her wage bears an indication of a lack of appreciation for the work she does. However, she replaces it with what she earns at home from good treatment by family members, despite the difficulty of work, noting that her colleagues are exposed to ill-treatment at work and are forced to be patient.

**Karima said that** she does not enjoy any insurance to cover and guarantee the expenses of the monthly treatment for her illness, but the excessive amount of work exhausted her, which forced her to leave work later this year: "I am a patient of pressure and heart, but I want to cover my debt".

### ➤ In 2021:

– **Fatima said:** "I have been working in this profession since I was 19 years old. At first, I used to go to apartments as a daily cleaner, then I got married and had four children. So, I looked for a steady job that would provide me with a monthly income that would help me and my husband with the costs of living".

**Fatima talked about her time working in the house of a doctor with twin children:** "The agreement between us was to take care of the children, not cleaning the house or cooking. However, I was surprised that the homeowner asked me to do everything related to the house without any salary increase, and when I refused to do so, she insulted me. It didn't stop there. After four months of working and enduring her humiliating treatment, her brother, who used to come to her house harassed me a lot. When I complained to the homeowner, she accused me of seducing him and forced me to remain silent or finish my work in her house, so I had to shut up.

**She continued:** "Such harassment remained for months until her brother tried to rape me. So, I screamed and resorted to the neighbors and the doorman, and went to the police station to make a report of trying to rape me and beat me. So, the doctor accused me of theft and traded her lawsuit for waiving the report and I waived because I knew very well that I would not be able to prove my right, and that there are no legal rights for me and all workers in this profession".

➤ In 2020:

- **The employer and his Moroccan wife when she served in their home in Giza subjected the 9-year-old girl, Omnia Ibrahim Fathy, to a heinous torture incident.** They burned her, poured chlorine and hot water on her face, and cut her hair and part of her ear, which caused deformities in her face and in multiple places on her body, which aroused public opinion.

Two years after the father and mother separated, the mother agreed with a broker to employ the child as a maid for a family. When the employer and his wife injured the child, he asked the broker to receive the child and she refused, as her mother refused. So, the accused was forced to communicate with the father to hand it over to him. The surprise occurred when the child's father discovered that the child was injured.

**Ibrahim Fathy, the father of the child Omnia, the author of the torture case, confirmed that** he did not know about his child's work as a maid, with the family, because he was separated from his wife two years ago. When he received a phone call from him to hand over his child, he agreed immediately, but he was shocked when he saw the signs of torture that his child was subjected to and cut part of her ear.

**The child's father said:** The accused wanted me to sign a paper proving that he handed me, my daughter, without injuries, and when I refused to offer money in exchange for silence, he threatened me. When he did not find any benefit and I contacted the police to edit a report of the incident, accused me of exposure to him, but the prosecution released me for the invalidity of the incident.

- **Um Amr** and other domestic workers in Egypt experienced a real tragedy after the imposition of the coronavirus, and the interruption of their usual monthly income with homeowners preventing them from entering their homes for fear of infection. At that time, um Amr and her three children relied on subsidies, due to the temporary nature of work, which does not oblige the employer to secure a salary or bonus that enables them to live a decent life in times of crisis or case of termination of service. However, these subsidies are not sufficient for the needs of the family in the absence of the usual basic income.

**Um Amr has been working in domestic service for 25 years, and confirmed that** she turned to this profession to help her husband, who worked as a property guard, but the work doubled after his death 18 years ago, so it became obligatory for her to spend most of the day outside the house in search of a livelihood. The daily system was the most appropriate for her to stay in a house to be able to carry out her domestic tasks and take care of her children.

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**She said:** "I get 150 or 250 pounds a day at most, and to reap more, you must work long hours that may reach 14 hours a day, or dispense with weekly rest. Regarding the Corona crisis".

**She added:** "People prevented us from entering homes for fear of infection, and income was completely cut off so that we live great suffering under this situation".

- **Siham Mahmoud** was forced to work secretly in domestic service after the death of her husband, and initially faced strong opposition from her two university sons, explaining that domestic work is socially stigmatized and considered by some to be an unfair profession.

**Siham, 40 years old, explained that** she, like others, does not work under humanitarian conditions and her blood is sucked to the last drop, as she has been working for almost 10 years without rest, which affected her health, as she suffers from a herniated disc and sporadic body pain.

- More than 15 years ago, **Souad Al-Masriya** left her preparatory studies to work in homes with a small wage that is not equal at all to the effort expended at work. Society's view of the profession of domestic workers does not concern Souad at all, as all she cares about is finding an opportunity to rest and live in dignity under less harsh working conditions, pointing to the risks she is exposed to when cleaning windows or slipping on the ground and other work injuries.

### ➤ In 2019:

- **Asma Gharib talked about** her profession, saying "I am a mother of five children and my husband left me without any reasons with a heavy legacy of responsibility. So, I am forced daily to secure their daily livelihood and school expenses, I worked as a saleswoman in one of the markets until one of the customers asked me to serve her in her home and indeed I found the financial return rewarding and I continued to work for her for about a year.

On one occasion a problem occurred between me and the owner of the house was the result that she refrained from giving me my monthly salary despite my continuous attempts with her to get money for my children. However, she refused to give her and not only that, but she also beat me, and she always called me the word maid as if it was an insult until she made me hate this word".

- In a tone of sadness and tears, **Afaf Attia narrated her crisis while working in a house**, saying: "I will not forget what happened to me and my sister, as we got to know a lady who needed workers, so we offered to work for her and she agreed. However, we decided after a while to leave her because of her mistreatment and her daughter, as she always used

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obscene words and other times of violence until she injured me on one occasion and miraculously escaped from her hands and my sister".

- **Um Hussein**, like hundreds of women who work to try to provide a living and the requirements of a decent life for her and her family, is ashamed when talking about her work as she hides the nature of her work from her children for fear of their feelings in front of their colleagues.

Um Hussein has been working in domestic service for 10 years after the death of her husband, who was working as a daily wage earner and left her, their eldest son, and his infant brother.

One of her neighbors offered Um Hussein to work for a lady who needs a maid in her house. Since then she has been working for them, cleaning rooms and arranging items, in addition to buying and preparing food, and stressed that the maid's profession in itself is tiring, and you need to be active and fast in your movements to meet all the requirements of individuals Home.

**She added** that although the return of her work is sufficient for her to provide her children's simple requirements. However, she has multiple disadvantages, she does not enjoy health or social insurance, and she does not have vacations even when sick, in addition to the lack of a legal framework that protects her if injustice or verbal or physical abuse by the owners of the house occurs.

- **Mona stressed about her story with working inside homes:** "No one of my family knows that I work in homes, as I started working more than 6 years ago because of the accumulation of debts on my husband after he was expelled from the shop in which he worked".

**She continued:** "We became surrounded by obligations, pressures and expenses of our children, and instead of my husband being thrown in prison because of his debts, I decided to stand by him to protect my family from loss and decided to work in homes".

**She said** "I spoke to my sister, who practiced this profession several years ago, and asked her to look for me for a family that I work for. She stipulated that she should not tell anyone from the family or neighbors because the majority look at this profession as a low job and do not look at the reasons that prompted us to resort to it. Indeed, I worked for many families and the reason I left most of them was because of the bad treatment between hurtful words and treatment and sometimes violence that may reach beating. It is very difficult to rest with a family and make a decision to continue working for them".

- **W.A'. said that** she was exposed to a financial crisis years after marriage, and she had two children, her husband was chronically ill and retired from work, which forced her to work to support her family. So, she went to the maid's office and left her data, and a week later the office called her to go



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to a couple's house for 3,000 pounds a month, and she agreed on the condition that she go in the morning and return home at night.

**She added that** she was surprised as soon as she joined the work by the presence of the owner of the house and that he offered her to practice vice in exchange for a sum of money. So, she strongly refused, but he threatened to report her and claim that she stole it and that the broker of the servants would witness her, so she felt afraid and surrendered to his vile desires for fear of being accused of perjury".

- **W.A. said:** "Due to my circumstances as a divorced woman and having a child, I suffered a lot and worked as a maid. After two months of work, the employer told me that I was his right-hand property and I did not know what right-hand property was surprised me. He convinced me that he had the right to make a relationship with me in a way that was not considered a sin or crime, and he tried with me. However, the divine power saved me before something happened between us, as he came to an important contact and left me to meet again. Here I asked about the right-hand property, and I found that his words were not true and that we were not in the pre-Islamic era, I realized that he wanted to trap me in haram. So, I left work after I refused to have a relationship with him without marriage.
- **One of the Children said:** "I did not complete my education because of the bad conditions of my family, as I am the eldest of my brothers, and my mother arranged for me a job as a maid. I found the owner of the house harassing me, while my family was only interested in obtaining money, and this had become my case with the owner of the house and I sometimes delude myself that I did not do anything haram".
- **Nour, a domestic worker in Egypt, recounted her suffering, saying:** "First, we do not have health or social insurance, and if anything happens to us, no hospital will accept us, and on the ID card, the professions write housewife".

**Nour, who is married with a child, added:** "If I retire, I have nothing to eat. There is no other solution, she said, noting that she must work to support her husband, who has started working as a property guard".

**Nour continued that** she and her husband practiced these professions because they did not complete their education.

**Nour started** working at home as a babysitter in 2011, due to the circumstances of her mother, who was suffering from the consequences of an accident at the time and said: "We are trying to find enough for our daily livelihood because the world is expensive now. Nour's monthly income does not exceed one thousand and two hundred pounds, for cleaning houses for three days a week".

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**The Egyptian woman pointed out that** the rights of the owners of this profession are lost, added that they are more vulnerable to humiliation than ever, and explained: "If a landlady gets angry with us once, she can accuse us of theft and in front of the government we are at fault".

**Nour recounted** a situation that happened to her when she was working in a family's house: "I used to work for a woman and go to her house three days a week for more than two years. One day, I fell over the woman with a glass window of a closet in the house, and she called me and scolded me, even insulting me.

**Nour said** about society's view of the profession of domestic workers: Some women treat them well and some look at them inferiorly.

### ➤ In 2018:

- **A maid in her thirties tried** to commit suicide by jumping from the fourth floor of a property in Heliopolis, to escape the torture of her employer, who tortured her by taking off her nails, cutting her hair, and beating her. She was injured after jumping from the fourth floor with a cut wound on the scalp scattered bruises on her body and dissections under the eyes. It turned out to take off her nails, cut her hair, and raise a bite with her right hand. She was working as a maid for a housewife who constantly beat and tortured her. On the night of the incident, she assaulted her and detained her inside the apartment, As soon as the housewife returned, she jumped out of the window for fear of being assaulted again. The housewife was arrested and confessed to torturing the victim and beating her under the pretext of teaching her how to take care of hygiene.
- **Um Hassan, an Egyptian maid,** said that she suffered from the inferior view that she is exposed to because of her profession.

She added: "I got an opportunity to work in a public hospital as a cleaner, and when I said this to my daughter, I slapped her cheeks for fear that some of her colleagues who know that I am her mother will see me".

- **Um Hamza said:** "I succeeded in covering myself and not extending my hand." I provide for my children by working daily in the home of a well-to-do family. Like her co-workers, Um Hamza complains about society's perception of the domestic worker, saying she agrees to work for a stranger and not for well-off relatives.
- **Samiha. M, 32 years old, from Fayoum Governorate,** set foot on the land of Cairo since she was ten years old. Her father forced her to leave her studies after his friend, who works as a janitor in one of the buildings, in Nasr City, told him about the existence of a job opportunity for her as a maid in the house of a fifty-year-old lady.

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**She said:** "In less than two days, my father took me to the homeowner who told him about me she was small and would tire me. However, they preferred to circumvent her to occupy me and promised her that I would obey her all the time. Before my father left me, he told me to be prepared I would not come to the village again except for a visit".

Despite subjecting Samiha to insults and beatings from the owner of the house, she was forced to continue working with her, justifying this because her father was waiting for her at the end of each month for the salary she gets from her lady.

**She added:** "I have 3 younger sisters than me, and my father told me that you must help raise them, and even once I did not sell the money that I was taking, he used to call me to rush me to send the money immediately".

Samiha continued to work with that lady until she completed her 15th year and then decided to look for another profession to compensate her for what she saw during these years. Nevertheless, after a search trip that lasted for more than a month, she only found work in another house in Faisal.

**She stressed:** "All customers deal with us arrogantly because in their eyes we are servants, they do not know that we are struggling to live, and if we did not need the money, no one would have worked in homes".

– **Um Mustafa, 36 years old,** did not find a job that enabled her to spend on her family after her husband's illness except to work in homes. The thirtieth lady went out daily from her home in Marg heading to her workplace, which differs in most times from the before because she prefers to work daily.

**She said:** "I work every day in a different house, and some days pass without work, or I have the opportunity to work with people full-time, but I refuse because I have children to raise".

The wage obtained by the thirtieth lady varies according to the place where she works, besides the nature of her work in it. She is sometimes asked to sit with children only for a certain number of hours, and other times she is asked to clean the house while cooking food for its owner.

**She continued:** "When I tidy up the apartment if its area is large, I earn about 150 pounds, and if I cook, I obtain 50 pounds more. However, if I take care of the children, I take 100 pounds because the effort is less, and there are customers I go to for them 3 days a week, and I agree with them that I take my salary per month. So, according to the place where I work, I determine the wage".

**Um Mustafa, who came with her husband from Minya Governorate 10 years ago to work in Cairo, added:** "When my husband was working daily, he refused to let me work, but I started working after he suffered from

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backache and he couldn't move. I worked for many people, some treated me well, and some of them shouted and insulted me".

- **Wafa. A, who works with service offices at times, and with brokers at other times, sees** the need to put domestic workers under the umbrella of a law that protects them, and to have a pension and insurance that enables them to live a decent life if one of them is infected with the disease, especially since their profession is arduous.

She explained: "Many accusations are leveled at the Egyptian maid, including theft, non-punctuality, and interference in the affairs of the house in which she works, which provokes my anger".

**She confirmed** that most of the maids go out to search for a job: All the time they complain about the Egyptian maids, however, they leave their homes and strive to work to earn money. Most of them are either divorced or widowed or a student to complete their education and to overcome their harsh circumstances".

**Wafa added in an angry tone:** "Why do they blame us, there are many women with whom we work as they have no mercy and look at the servant/maid as if she were one who has no dignity or because the money will bear any need".

**She pointed out that** some of the women with whom she worked during the past 5 years were complaining to her about the misfortune of foreign maids and that they were robbed because of them. In addition to that their eating system is completely different from ours, and despite that, their salaries are still the highest in the Egyptian market".

**Wafa narrated some of the situations that she went through during her work period, saying:** "There are women with whom I disagree on the wage because the apartment is large, and at the same time they want to pay a small amount. Some people are not comfortable that I live with them, so I have to work and go home". She said: "About a year ago I worked at a woman and I went to her every two days. Once she asked me to go to her mother to tidy up her apartment, and when I agreed, she kept taking me then to her mother or her mother-in-law after I finished my work at her home. When I told her that I was tired, she told me that this a normal work, and she did not want to increase my salary, although I tidied up two apartments, then I decided to leave her".

### ➤ In 2016:

- **Um Mohamed, a paid maid from the countryside of Fayoum Governorate,** came with her husband to work as a janitor, and because she had five children, she was forced to work in homes for one hundred pounds

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a day for cleaning and cooking. However, she was insulted and harassed by the owners of the houses.

**She added:** "There is no one to complain to and protects our rights, as we have no choice but to work according to the circumstances, no insurance or pension, and our work is done based on acquaintances, their relatives, and the reputation of the service that we do. I refuse to work permanently for a house in order not to be exposed to the problems of insult and harassment doubly, and I have my children and my husband refuses. So, all I wish is that there is insurance and pension for us because health is our capital, but when we grow up, who will take over us?!".

– **Rehab Mohammed, a house manager**, rejected the accusations against the maids, saying: "I work through advertisements and put my CV, my work experiences and the phone number to communicate with me, despite obtaining a high qualification. I took that profession as a way of livelihood because there are no job opportunities, so, as not to be subject to blackmail and theft of the owners of service offices, they receive two months' salary with each new customer and do not provide us with any parallel services.

**She added:** "I have already been subjected to a case of harassment, and the official of the service office responds that it is normal and I should maintain my work and overlook. For this, I decided to communicate with customers on my own via the Internet, I often fall into the trap of fraud or contrary acts, but I avoid all these things. It is illogical to constantly attack maids, they are a large segment of the community. Moreover, university graduates accept to work as maids, house managers, and babysitters for children and the elderly, and despite that, no law regulates or protects our rights. Service companies seek to fraud maids and get their wages and huge commissions, as well as do not provide them with safety or their rights in case of theft, insult, or harassment. All that matters to the owner of the office is the commission, brokerage, and comfort of the client, the salary does not exceed two thousand pounds per month, and he wants to get a monthly commission and a month's commission in advance".

### **6) International and Egyptian efforts to eliminate Human Trafficking**

#### **➤ At International Level:**

**Article (1) of the Universal Declaration of Human Rights** stipulates that "all human beings are born free and equal in dignity and rights", and **Article (4) affirms** the right of everyone to liberty by stipulating that "no one shall be held in slavery or servitude, and slavery and the slave trade shall be prohibited in all their forms", which **Article (8) of the International Covenant on Civil and Political Rights** also stipulate.

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It is clear that the set of international conventions adopted over the past years contains provisions dealing with the problem of human trafficking and constitutes an obligation on the part of States to combat this violation of human rights. **They include:**

- a. **The 1949 Convention on the Prohibition of Trafficking in Persons and the Exploitation of the Prostitution of Others**, which requires States Parties to undertake to take the necessary measures to combat trafficking in persons of both sexes for prostitution (**Article 17**).
- b. **The 1979 Convention on the Elimination of Forms of Discrimination against Women**, calls upon States parties to take all appropriate measures, including legislation, to combat all forms of trafficking in women and exploitation of women's prostitution (**Article 6**).
- c. **The 1989 Convention on the Rights of the Child**, states: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form" (**Article 35**).
- d. **The International Convention on the Protection of the Rights of Migrants and Members of Their Families (General Assembly resolution 45/158 of 18/12/1990)**, states that "no migrant worker or any member of his family shall be subjected to slavery or servitude". In addition, "the migrant worker or any member of his or her family shall not be obliged to perform forced or compulsory labor (**Article 3**).
- e. **Declaration on the Elimination of Violence against Women in December 1993**, where the expression "violence against women" was defined in **Article (1)** as: "Any violent act motivated by gender bias that results in, or is likely to result, in harm or suffering to women, whether physically, sexually or psychologically, including threats of such acts, coercion or arbitrary deprivation of liberty, whether this occurs in public or private life". Moreover, such violations include (Article 2 (b)) rape, Sexual abuse, sexual harassment and intimidation in the workplace, educational institutions, and elsewhere, trafficking, and forced prostitution of women.
- f. **The 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption**, which prohibits intercountry adoption in cases where parental consent has been obtained as a result of payment or compensation. It states, "No person shall derive financial or other gain from any activity connected with the adoption of a child between one country and another" (**Article 32**).
- g. **The 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**, which states

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that "States Parties shall ensure that persons under the age of eighteen are not subject to compulsory recruitment into their armed forces" (**Article 2**).

- h. **The 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography**, states that "States Parties shall take all necessary steps to strengthen international cooperation through bilateral, multilateral and regional arrangements to prevent, detect, investigate, prosecute and punish those responsible for acts involving the sale of children, child prostitution, child pornography, and sex tourism".
- i. **The 1999 Worst Forms of Child Labor Convention (ILO Convention No. 182) prohibits** the "worst forms of child labor".

### ➤ At Regional Level:

- a. **American Convention on Human Rights of 1969** (Article 6 - Prohibition of Slavery and Servitude Paragraphs A, B)
- b. **The African Charter on Human and Peoples' Rights** in 1981.
- c. **The 2002 South Asian Association for Regional Cooperation Convention (SAARC) on Preventing and Combating Trafficking in Women** of 2002.
- d. **The 2003 Protocol on the Rights of Women in Africa issued in 2003 and annexed to the African Charter on Human and Peoples' Rights**, which instructs States parties to take appropriate and effective measures "to prevent, denounce and punish trafficking in women and to protect women who are most at risk" (Article 4-g).
- e. The **Revised Arab Charter on Human Rights** was issued in 2004.
- f. **The European Council Convention of 2005 on Action against Human Trafficking**, seeks to ensure the greatest protection and assistance to victims of trafficking, is without prejudice to the rights and obligations derived from other international instruments to which the parties are or will also become parties, and contains provisions on matters governed by this Convention (Article 40, paragraph 1).

In 2012, according to the United Nations Office on Drugs and Crime, 134 States criminalized trafficking in their national laws, as defined broadly in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

### ➤ At Egyptian Level:

- a. Egypt ratified **the United Nations Convention against Transnational Organized Crime and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children** under Presidential Decree No. 294 of 2003, under Article 151 of

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the 1971 Constitution – which was in force at the time of accession to the Convention. The Decree stipulated, "International treaties shall have the force of law after their conclusion, ratification, and publication under the established conditions". This Convention has also been ratified by many Arab countries such as "the United Arab Emirates, Mauritania, Bahrain, Djibouti, Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia and Yemen."

- b. Egypt has taken all necessary steps to combat trafficking in human beings, convinced that women and children are the groups most affected by such trafficking, poverty, ignorance and the lack of equal development opportunities are all factors that make individuals more vulnerable to becoming victims of trafficking.

Paying attention to the issue within the framework of its multilateral activities and contributing positively to the formulation of international standards to address new issues facing the international community, including the multiple forms of transnational organized crime, including trafficking in human beings, as well as seeking to deal decisively and effectively with them at the national level.

Egypt established **the National Coordinating Committee for Combating and Preventing Human Trafficking** in 2007 under the Prime Minister's Decree No. 1584 of 2007 to evaluate and follow up on cases of human trafficking. It was merged with **the National Coordinating Committee for Preventing and Combating Illegal Migration under the issuance of Law No. 82 of 2016 on combating illegal immigration**. To implement the law, the Prime Minister's Decision No. 192 of 2017 reconstituted it on 23 January 2017. The Committee is affiliated to the Presidency of the Council of Ministers and is responsible for coordinating at the national and international levels between policies, plans, and programs developed to combat and prevent human trafficking and illegal migration within the framework of international obligations arising from bilateral or multilateral international agreements in force in the Arab Republic of Egypt.

The Committee serves as a follow-up and evaluation mechanism to formulate and implement the national action plan aimed at combating and eliminating the problem through a three-pronged approach, namely prevention and prosecution. In addition to the adoption of the national strategy to combat human trafficking, the establishment of specialized criminal chambers to look into such crimes and the provision of a safe place for girls and women victims of human trafficking.



**c. Ways to combat human trafficking in Egyptian law:**

Egypt is one of the first Arab countries to confront the phenomenon of human trafficking by issuing Law 64 of 2010 to combat and prevent human trafficking and its executive regulations. In addition to issuing Law No. 5 of 2010 regarding the organization of human organ transplantation and its executive regulations and amending some of its provisions by Law No. 142 of 2017, to address the crime of trafficking in human organs as one of the patterns and forms of human trafficking, which also regulated the process of transferring and transplanting human organs legally. Also, this Law seeks to confront the mafia of organized crime gangs to deal with human beings as commodities that are traded in a manner that degrades human dignity and is inconsistent with recognized human rights principles. On the other hand, the Egyptian national laws included strict penalties for crimes related to the multiple types of trafficking crime, as the Egyptian legislator adopted a comprehensive approach to confront human trafficking crimes, under the Palermo Protocol to Prevent and Suppress Trafficking in Persons. So, the legal structure for these crimes becomes appropriate to confront and combat human trafficking crimes.

**d. Human Trafficking in the Egyptian Constitution:**

The constitutional document issued in 2014 included the general rules under which it addresses human trafficking crimes, as it was keen to give constitutional and criminal protection concerning the prohibition and criminalization of human trafficking.

**Among the articles that dealt with this subject are the texts of:**

- **Articles (51) and (61)**, thereof on how to donate human organs to confront the crime of human organ trafficking, which is a form of human trafficking.
- **Articles (63) and (89)** prohibited "all forms of slavery, slavery, oppression, exploitation, forced human trafficking, sex trafficking, and other forms of human trafficking, all of which are criminalized by law."
- **Article (60)** also prohibits human organ trafficking as a form of human trafficking, stipulating that: "The human body is inviolable, and assaulting, or mutilating it is a crime punishable by law. Organ Trafficking shall be prohibited, and no medical or scientific experiment may be conducted against it without its free and documented consent and under established principles in the field of medical sciences, as regulated by law."
- **Article (80)** also establishes special protection for children from sexual and commercial exploitation – as two forms of human trafficking – by stating: "The State is obligated to care for the child and protect him from all forms of violence, abuse, and sexual and commercial exploitation."

**e. International conventions and covenants relevant to human trafficking crimes that Egypt has acceded to and ratified:**

Realizing the seriousness of the human trafficking crime and its repercussions, the Egyptian state has worked to build a comprehensive system to prevent and combat human trafficking and protect victims from its dangerous repercussions.

In this context, **Presidential Decree No. 294 of 2003** approved Egypt's accession to the United Nations Convention against Transnational Organized Crime, and **Presidential Decree No. 297 of 2004** approved accession to the Additional Protocol supplementing the Convention against the smuggling of migrants by land, sea, and air was issued.

**According to Article 151 of the 1971 Constitution** – which was in force at the time of accession to the Convention and the Protocol – international treaties shall have the force of law after their conclusion, ratification, and publication under the established conditions.

**The 2014 Constitution also affirmed** that the state adheres to all international conventions and treaties it has ratified in the field of combating human trafficking crime as it is among the binding legislation under Article 93 of the Egyptian Constitution.

Egypt has joined the international community in its efforts to combat human trafficking crimes, as it has ratified and acceded to many international conventions, charters, and protocols containing provisions and measures related to combating the exploitation of persons, especially women and children.

❖ **Conclusion:**

One of the most prominent forms of inadequate-based relationships, which can lead to many violations, is the field of domestic service. Today, they constitute a large proportion of the labor force, especially in developing countries, and their number is constantly increasing even in the industrialized world.

Despite the increasing demand for the employment of domestic workers, this group is still deprived of a set of basic rights, including labor rights, which resulted in the call for the enactment of special legislation to protect the rights of domestic workers as long as the labor law and its provisions do not apply to them. For different types of material and moral violations, poverty and poor economic and social conditions are the main reasons behind women's involvement in domestic service, the exclusion of domestic workers from the labor law, and the lack of a social and health umbrella and legal protection for them.

❖ **Recommendations:**

- Addressing legislative deficiencies, and accommodating this group either in the general labor law or in a private law that takes into account the specificity of their situation.
- Stipulating in the law the mechanisms of protection and social insurance, which include life insurance, health insurance, accident insurance, pensions, and unemployment insurance system.
- Including in the provisions of the law what regulates wages, working hours, and vacations in a manner that allows obtaining these rights within a framework of flexibility that takes into account the interests of all parties, and the nature of the task that the worker is assigned to perform.
- Developing a contract form to be concluded between the worker or his representative and the employer, and to be documented until he has an official capacity.
- Establishing mechanisms for protection in case of exposure to risks represented in shelters equipped with qualified personnel to provide this type of care, hotlines to meet urgent needs, or to provide appropriate advice and guidance.
- Educating domestic workers about their rights and duties, and urging them to demand the existence of an organization that defends their rights, which is represented in a union for them, insurance, and pension systems.
- Raising community awareness, managing informed discussions that address domestic labor issues, whether through the media or civil society institutions, and declaring all aspects of this topic. Civil society can play the largest role in such mechanisms protecting this worker category. So, they are responsible for hotlines, shelters, and receiving complaints, and may be the most suitable authorities to train and develop the skills of domestic workers in various fields of work.