

**THE LEBANESE AMERICAN UNIVERSITY**

Revisiting Institutions:  
Intersectional Feminist Institutionalism and the Question  
of Including Women Expatriate (Migrant) Domestic  
Workers in Bahrain's Public Space

By

Abrar Shawqi Abdulla

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*To my beloved parents...*

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# Revisiting Institutions: Intersectional Feminist Institutionalism and the Question of Including Women Expatriate (Migrant) Domestic Workers in Bahrain's Public Space

Abrar Shawqi Abdulla

## **Abstract**

The global capitalist distribution of resources and power allowed racialized and gendered institutions to operate and govern based on the concept of the division of labor. Predicated on this, domestic work became a devalued feminized reproductive form of labor, mostly performed by migrant women and underprivileged individuals for relatively affluent households. The gendered and racialized institutions has made women migrant domestic workers prone to experiencing exploitation because their labor is marginalized as unproductive real job, hidden behind closed doors. Domestic labor became publicly irrelevant labor especially as it is performed in the private sphere. Accordingly, this research will apply the intersectional feminist institutionalism approach to understand how the intersection of gender with different social identities determines the way institutions function, either to include or marginalize women migrant domestic workers. To further emulate this, the research will use the case of women expatriate domestic workers in Bahrain. This research will attempt to answer how have Bahrain's formal and informal institutions interacted to facilitate or impede the inclusion of women migrant domestic workers in the public space. In yet another perspective, it will highlight some of the bottom-up responses that women migrant domestic workers deploy to resist marginalization in Bahrain and will provide an insight into how civil society organizations challenge practices of institutional marginalization.

**Keywords:** Intersectionality, Feminist Institutionalism, Institutions, Gender, Migrants, Domestic Work, Space, Bahrain

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## List of Abbreviations

BLMI	Bahrain's Labor Market Indicator
CRMWF	The International Convention on the Protection of Migrant Workers and Members of their Families
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
GCC	The Gulf Cooperation Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Covenant on Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGO	Intergovernmental Organization
ILO	The International Labor Organization
LMRA	Labor Market Regulatory Authority
MWPS	Migrant Worker Protection Society
NGO	Non-Governmental Organization
SWC	Supreme Council for Women
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UNTOC	UN Convention against Transnational Organized Crime
VCLT	Vienna Convention on the Law of Treaties

# CHAPTER ONE

## Introduction

"What if the margin becomes the center?" – (Al Muftah, Buhazza, & Al Shehabi, 2018).

### 1.1. Research Overview

The International Convention on the Protection of Migrant Workers and Members of their Families (CRMWF) (1990) defines the migrant worker as an individual who performs waged labor on foreign lands, in a state other than that of their nationality; whereas domestic work is a form of low-wage reproductive labor, mostly performed by women within the household (Lutz, 2002; Manseau, 2007; Smith, 2013; Ullah, Hossain & Islam, 2015, Masterson & Hoobler, 2019). Domestic work includes tasks such as, but not limited to, cleaning, cooking, and taking care of the children or the elderly (Lutz, 2002; Manseau, 2007; Smith, 2013; Masterson & Hoobler, 2019). Nonetheless, in several instances, especially in racially divided, classist, and post-colonial contexts, men perform domestic work as "houseboys" (Gaitskelll, Kimble, Maconachie & Unterhalterp, p.88).

Earlier, domestic work used to be performed by women from the same country, often migrating from less-advantaged areas to more developed spaces or for households with a similar socioeconomic background (Silvey, 2006; Ullah et al., 2015). For some women, domestic work has been their escape route from the countryside to urban areas (Sharpless, 2013). Not until the late 20th century, the movement of domestic workers became a transnational movement - an activity performed beyond one's national borders (Silvey, 2006; Ullah et al., 2015). Nowadays, migrant domestic workers travel from underdeveloped states to more developed ones (Ullah et al., 2015). Transnationalism and the advent of globalization have played an integral role in the redefinition of women migrant domestic work. Scholars like Lutz (2002) argue that although domestic work is not a recent phenomenon; however, the meaning of domestic work has changed, ultimately due to globalization and transnationalism.

In 2015, the International Labor Organization (ILO) recorded that in 2015, the numbers of domestic workers around the globe have exceeded 67 million (Masterson & Hoobler, 2019). The released numbers are not necessarily accurate, as they fail to recognize domestic work that occurs through informal networks (ILO, 2013; Schwenken & Heimeshoff, 2011). Instead, the number of migrant domestic workers is higher than what has been noted (Schwenken & Heimeshoff, 2011). The Gulf Cooperation Council (GCC) states, including Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE), have been primary recipients of women migrant domestic workers, where the expansion of the oil industry in the Gulf in the 1970s has created a growing demand for migrant workers, of whom most were men who were engaged in industrial and urban projects (Silvey, 2006; Jarallah, 2009; Manseau, 2007; Pande, 2012; Castles, Haas & Miller, 2013; Ullah et al., 2015). Later, the migration patterns have witnessed a significant shift, with an influx of women migrant workers, who are mostly engaged in the services sector (Lan, 2003; Jarallah, 2009; Manseau, 2007; Pande, 2012; ILO, 2013).

With the rapid development experienced by the Gulf states, there has been a significant shift in the lifestyle of the Gulf families (Strobl, 2009; Fernandez, 2014; Safuta, 2016). As households came to have more than one earner and breadwinner, and as women became more involved in the labor market, household members started requiring help to balance their careers and their presumed household duties (Lutz, 2002; Smith, 2013; Elias, 2013). Women remain the dominant labor force in this sector, performing tasks such as cleaning, cooking, and taking care of children and the elderly, especially that women are essentialized as caring and passive social actors, where the participation of migrant men had been limited to heavy manual labor, due to the gendered division of labor that has been reinforced in the international labor market (Saunders Fiddian-Qasmiyeh & Snyder, 2016). Only a few of the migrating men were hired in domestic services as chauffeurs or gardeners (ILO, 2013).

Since early times, domestic workers are an asset and a feature of the prestige of economically well-off families, and it continues to be so (Lutz, 2002; Ullah et al., 2015). Underprivileged and minority women often provide domestic services for professional or affluent women (Smith, 2013). There is a need for migrant domestic workers to sustain the middle- and upper-class lifestyles (Lutz, 2002; Silvey, 2006).

Having a domestic helper came to resemble the urbanized developed life, a symbol for the high social status (Lutz, 2002; Smith, 2013). In the GCC states, the demand for migrant domestic workers is part of a social contract between the Gulf governments and their populations (Manseau, 2007; Fernandez, 2010). The emerging oil-based economies have allowed for the formation of capitalist welfare systems with subsidized services, which enabled the nationals to generate and accumulate wealth (Malit, Awad, & Alexander, 2018). Therefore, migrant domestic workers came to symbolize the social contract, where the governments will provide a comfortable lifestyle for the people using the oil-revenues in return the governments maintain their authority over their societies (Fernandez, 2010). Migrant domestic workers have been needed to maintain the newly created social order while mirroring the Gulf developmental experience and the elevated social status of its residents (Strobl, 2009; Fernandez, 2104; Safuta, 2016; ILO, 2013; Malit et al., 2018). As a matter of fact, during the 1991 Gulf War, the number of male migrant workers had decreased significantly, but the demand for domestic workers remained unchanged (Manseau, 2007). This reflects the strong dependence of the Gulf societies on migrant domestic laborers (Manseau, 2007). With an increasing number of migrant workers, it became more challenging for states to organize the rapid flow of migrants across borders, which left many of them prone to exploitation, and has resulted in the devaluation of their labor (Jarallah, 2009; Ullah et al., 2015). The problem is exacerbated as the employment of the migrant domestic workers became a normalized practice, deemed invisible and unnoticed (ILO, 2013). Hence, migrant workers are "the silent majority that bolsters the country's economy" (Shah, 2004, p.266).

Even with the growing demand on women migrant domestic workers in the Middle East and the Gulf in specific, the scholarship on migrant domestic workers in the Arab world remains underdeveloped (Pande, 2012; Malit & Ghafoor, 2014). Not all migrating individuals are acknowledged by the international system or of grave concern to migration protagonists (Saunders et al., 2016). Women have always migrated, but the gendered and racialized foundation of international migration studies have allowed for the denial of the women's role in migration (Jarallah, 2009). Women migrant domestic workers have been invisible and underestimated academically and politically (Ullah et al., 2015; Masterson & Hoobler, 2019).

## **1.2. Research Questions and Objective**

Drawing on Bahrain as a case study, this research intends to answer the following question: How have Bahrain's formal and informal institutions interacted to facilitate or impede the inclusion of women migrant domestic workers in the public space? Against this backdrop, the research will also address sub-questions: what are the bottom-up responses to marginalizing institutions, and how the bottom-up responses contribute to the elimination of the marginalization of expatriate domestic workers from the public space? Lastly, the research will probe into the extent to which the intersectional feminist institutionalism approach is insightful in explaining the nexus between the Bahraini institutions and the inclusion of women migrant domestic workers.

The research aims at highlighting the patterns of continuity and change of the Bahraini institutions in relation to global ones. Understanding the continuity between the public and the private sphere allows for gaining an insight into domestic work, not only as a performed labor within private spaces but also as a broader dynamic that pervades public spaces and institutions, thereby governance. The research further aims at explaining how institutional structures and rules are established to favor certain social groups, while they disregard others. It also seeks to contribute to the debate on how marginalized groups may seek to resist marginalizing institutions either through informal responses or through building coalitions with civil society. Finally, this research will allow for future discussions on how states can facilitate safer migration of women migrant domestic workers, and how states and non-state actors can cooperate to improve human security and rights-based governance of migration through intersectional institutionalist approaches.

## **1.3. Research Methodology**

### **1.3.1 Research Design: Bahrain as a Case Study**

For this research, I will be using Bahrain as a theory-driven exemplifying case study. This means that the case study will function as a design to comprehensively explain and evaluate a certain theory (Løkke & Sørensen, 2014). The case study here is not selected "...because [it is] extreme or unusual in some way but because either

[it] epitomize[s] a broader category of cases or [it] will provide a suitable context for certain research questions to be answered” (Bryman, 2012, p.70). The application of Bahrain as a case study will allow for an in-depth contextual explanation of the intersectional feminist institutionalism in understanding institutional marginalization and inclusion of women migrant domestic workers in the public space, especially as they are usually invisible behind closed doors. Before proceeding, for the purposes of contextualizing the research, the term expatriate domestic workers will be used interchangeably with the term migrant domestic workers, especially when discussing the case of Bahrain and the Gulf. The choice of terminology will further be touched upon when exploring the case study.

Bahrain, as part of the Gulf states, has been a key recipient of women migrant domestic workers. Before the oil discovery in the 1930s, wealthy Bahraini households employed local underprivileged women as domestic workers (Al-Najjar, 2002). These domestic workers did not necessarily earn a salary; instead, they were provided with goods to sustain themselves, and sometimes they were even given accommodation (Al-Najjar, 2002). In the 1970s, the employability of Bahraini women as domestic workers had shifted, especially as the country was economic progress with the expansion of the petrochemicals' industry (Al-Najjar, 2002; Silvey, 2006; Manseau, 2007; Pande, 2012; Castles et al., 2013; Ullah et al., 2015). Different factors have contributed to the increase of migrant domestic workers in Bahrain. These factors include “social changes in the family, entry of women to the labor market, social prestige, economic situation in labor exporting countries, and cost-effectiveness” (Al-Najjar, 2002, p.6-8). It is important to note that local women did not necessarily enter the workforce immediately after the expansion of the market, and even if they did, their involvement is limited (Karolak, 2010). Thus, women continue to manage households (Karolak, 2010). Affluent households began employing women from Seychelles and India, which became a symbol of wealth, modern-lifestyle, and prestige. Today, almost all Bahraini households, even lower-class families, have a migrant domestic worker (Strobl, 2009). Domestic work has been limited to migrant workers like that in other Gulf states, mostly performed by women. According to a study by Jarallah (2009) on local Bahraini workers, most of the Bahraini workers are willing to be employed as domestic workers. Still, only a few of the participants would hire a Bahraini domestic worker within their household (Jarallah, 2009). As Jureidini

(2005) states, "in most cases, GCC nationals refuse to accept low-paying manual jobs that require only minimal skills" (p.4). This is because the GCC citizens have been obtaining high levels of educational degrees; thus, they expect to dominate the primary jobs that match their qualifications (Jureidini, 2005). This led to an immense social division between the Bahraini citizens and the foreign workers with few "exceptional spaces" where social interactions between citizens and foreign workers are possible (Gardner, 2010, p.96).

Despite the recent decline in the Bahraini oil reserves, Bahrain maintains its relative economic development, mainly through foreign direct investments, which have further prompted the migration of workers in search of better employment opportunities (De Bel-Air, 2019; Manseau, 2007). This is further maintained by the neoliberal policies that have swept the country (Gardner, 2010). Foreign women domestic workers in Bahrain make up a large number of the foreign population in Bahrain, yet they are "the least visible and the most vulnerable" of all (Gardner, 2010, p.30). To get the issue more visibility, today, Bahrain has been a forerunner in regulating the labor market, with vibrant institutional reforms forwarded by the state and the civil society. These efforts are to be celebrated, especially those concerning the inclusion of women expatriate domestic workers (CEDAW, 2011; Murray, 2013). For example, in 2009, Bahrain moved to abolish its kafala system, which is a sponsorship system that ties the migrant domestic workers to their sponsors for approximately two years, where the sponsor has the leverage to determine the legal status of the worker (Strobl, 2009; Murray, 2013). Bahrain has also sought to create a central authority, the Labor Market Regulatory Authority (LMRA), to manage expatriate workers and their sponsorship (Ullah et al., 2015). The LMRA has several contributions towards the improvement of foreign domestic workers' situation. The LMRA has initiated the "Human Too" award to highlight the expatriate workers' efforts in Bahrain, including that of expatriate domestic workers (Kagan, 2017). Public campaigns may deviate the negative public attitudes towards accepting the inclusion of women expatriate domestic workers, even in private spaces such as that of the household (Kagan, 2017).

However, generally, there has been a lack of rigorous enforcement mechanisms, along with other marginalizing practices performed within the household, which led

to the constant exploitation of migrant domestic workers in abysmal working conditions (Ullah et al., 2015). For instance, in its move to abolish the kafala system, like other Gulf states, the announced 2009 reforms permit the expatriate workers to change their employer without the employer's approval; nonetheless, this provision has not been extended to domestic workers (Schwenken & Heimeshoff, 2011; Murray, 2013). Notwithstanding, despite the promulgation of the labor reform no.15 of 2011, that aims at reducing the number of irregular expatriate workers by allowing them to change their employer upon completing a year of their employment, this amendment was not extended to women expatriate domestic workers (Jureidini, 2005; Murray, 2013; Ullah et al., 2015). This is incompatible with article 13 of the UDHR (1948), which states that "Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country."

The results of the case study will not necessarily be generalizable. Yet, the case study might allow for an analytical generalization only, which means that "the findings of one study can be a guide to what occurs in another situation and include a comparison of the two situations" (Løkke & Sørensen, 2014, p.71).

### **1.3.2 Research Methods**

The research will primarily be based on a qualitative content analysis of secondary data. It will revolve around collecting and synthesizing existing data to gain a broad understanding of the field and to identify key themes at the heart of the research's theoretical framework – the intersectional feminist institutionalism. The textual data collected will be interpreted and organized according to three main themes: formal institutions; informal institutions; bottom-up efforts. Organizing the data in themes will allow for reducing the texts into controllable and meaningful information, in accordance to the research questions and the theoretical framework.

In addition to the review of the rich literature on migrant domestic workers and the institutional practices that govern this area, the study will rely on online published and printed secondary data. This will include a myriad of resources, such as reports by non-governmental organizations (NGOs) and intergovernmental organizations (IGOs), the Bahraini Ministry of Labor's website and blog posts, national and

international legal documents, and local newspaper articles. Each source is important to uncover different angles of the issue. The Bahraini Ministry of Labor's website and blog posts provide details on the subject and the role of the Bahraini government in dealing with expatriate domestic workers. In terms of IGO's reports, they usually contain a vast amount of data and they mirror how global formal institutions, monitored by states, tackle the issue of women migrant domestic workers; whereas NGOs provide shadow reports of the situation on the ground, and it opens the door for women migrant domestic workers to share their narratives and experiences. NGOs engage with the community, operating independently, and sometimes besides governmental agencies, and they represent the public's perspectives in official spaces. Besides that, the use of national and international legal documents, such as Bahrain's Constitution, Bahrain's Labor Law, UDHR, and other authorized sources is to highlight the legal and formal regulatory environment surrounding expatriates' domestic work, and the way legal documents crystallize the institutions governing women expatriate domestic workers. Lastly, local newspapers reflect the institutionalized implicit rules, values, behaviors, and biases as exemplified in the word choice used by journalists and the way they frame the issue. The research will focus on Arabic-written articles that are published within the last decade in currently operating news outlets: Al-Wattan, Al-Ayyam, Al-Bilad, and Akhbar Al-Khaleej newspapers. The reliance on a combination of secondary sources will allow for an in-depth analysis of the case, and it will enable the discovery of discrepancies and the similarities within the findings produced by different sources, and to strengthen the validity of the findings.

It is difficult to assess the ethical considerations and the implicit motives underlying the secondary resources. Yet, the content has been evaluated based on the credibility and authenticity of authorship and the content producer. Conducting interviews would have allowed for further exploration of the informal institutional practices that lead to the marginalization of women migrant domestic workers in private spaces, and it will allow for the uncovering of the grassroots narratives that respond to the marginalization of women migrant domestic workers. Nonetheless, it has been challenging to undertake any field research amidst the COVID 19 pandemic in a limited time. Therefore, the secondary data qualitative analysis became the most

convenient method to access information on institutions and women expatriate domestic workers.

#### **1.4. Research Map**

Following the introduction, the thesis will be divided into five chapters. In this order, the second chapter will present the theoretical framework on the “Intersectional Feminist Institutionalism,” which will be applied to understand the institutional marginalization and inclusion of women migrant domestic workers in the public space. The third chapter on “Institutional Practices of Marginalization & Inclusion” will review the literature on formal and informal institutions and their impact on women migrant domestic workers. The literature review will further highlight the bottom-up responses in resisting marginalizing institutions. The fourth chapter on “Research Groundwork & Findings: Bahrain’s Institutions in Regulating Expatriate Domestic Workers” will probe into the way institutions govern the inclusion of women migrant domestic workers in Bahrain. In yet another perspective, it will highlight some of the informal responses that women migrant domestic workers deploy to resist marginalization in Bahrain and will provide an insight into how civil society organizations challenge practices of institutional marginalization. The fifth chapter, “Analysis & Synthesis,” will synthesize and discuss the findings in light of the theoretical framework on intersectional feminist institutionalism and the literature review. Finally, the sixth chapter, “Concluding Remarks,” will include a summary and evaluation of the research, and how it could contribute to existing knowledge.

## **CHAPTER TWO**

### **Theoretical Framework: The Intersectional Feminist Institutionalism**

This chapter uncovers the conceptual importance of the intersectional feminist institutionalism in studying how formal and informal institutions govern the labor of women migrant domestic workers. The chapter will start with defining institutions, formal and informal ones, followed by an explanation of how institutions construct racialized and gendered limitations, obstructing the inclusion of women migrant domestic workers in the public space. The chapter will further present the intersectional feminist institutionalism approach and its key debates to address the presented limitations. The intersectional feminist institutionalism theory provides thoughtful insights into the politics of inclusion and exclusion in daily life. The intersectional feminist institutionalist approach problematizes the distribution of power among different social actors, in both – the public and the private space, formed by the intersection of a myriad of social identities (Crenshaw, 1991; Goodins, 1998; Mackay, Kenny & Chappell, 2010; Krook & Mackay, 2011; Thomson, 2018).

#### **2.1. Defining Institutions**

Scholars like Goodin (1998), Clemens & Cook (1999), Hodgson (2006), Azari & Smith (2012), Kook & Mackay (2011), and Waylen (2014), define institutions as socially recognized rules and norms, which structure and govern social behaviors and actions. In this regard, the daily life practices and interactions are embedded in the institutions and manifested through them. Besides that, Huntington (1968) describes institutions as “stable, valued, recurring patterns of behavior” (p.12). Also, institutions are the structures of rules that enable opportunities and constrain behaviors (Hodgson, 2006; Clemens & Cook, 1999; Goodin, 1998; Mackay et al., 2010; Krook & Mackay, 2011). They could be structures that allow for coordination and integration, and they could be structures of contention, exemplified in domination and marginalization (Mackay et al., 2010; Krook & Mackay, 2011; Pande, 2012; Boris & Fish, 2014). Institutions are often appropriated by leaders and privileged social forces to achieve dominance (Goodin, 1998; Mackay et al., 2010). Thus, power becomes central to the

discussions on institutions (Clemens & Cook, 1999; Goodin, 1998; Mackay et al., 2010).

There are two types of institutional rules: formal and informal rules. Formal rules refer to the legally overt codified laws, and informal rules refer to the tacit and uncoded norms that are widely acknowledged and accepted (Hodgson, 2006; Waylen, 2014; Azari & Smith, 2012). Informal does not necessarily mean illegal. Informal simply refers to the operations occurring in the shadows (implicitly), but not necessarily unlawful (Hodgson, 2006). Consequently, informal rules are often taken for granted because they are deemed invisible (Waylen, 2014). Nevertheless, researchers concur that formal and informal rules are complementary, and they reinforce each other (Hodgson, 2006; Mackay et al., 2010; Waylen, 2014; Azari & Smith, 2012; Casson, Della Giusta & Kambhampati, 2010). Accordingly, feminist scholars further focus on the interplay of formal and informal institutions in reinforcing gender disparities in everyday life (Mackay et al., 2010; Waylen, 2014; Thomson, 2018).

Formal rules on gender are easier to recognize due to their explicitly and visibility in comparison to informal rules that are implicit (Waylen, 2014). However, quoting Emile Durkheim, "in a contract not everything is contractual," Hodgson (2006) argues, "Whenever a contract exists, there are rules and norms that are not necessarily codified in law." (p.12). Informal rules operate as a coordinating force of different (Azari & Smith, 2012). In turn, formal rules rely on informal rules to be socially acceptable and gain value (Hodgson, 2006; Mackay et al., 2010). Therefore, overlooking the role of informal institutions hinders the functioning of formal institutions, and it limits the possibility of good governance (Waylen, 2014; Azari & Smith, 2012).

On the other hand, rules are characterized by their ability to specify behavior and their capacity to be enforced through the application of sanctions (Azari & Smith, 2012; Ingram & Clay, 2000). In terms of enforcement, some institutions have "self-reinforcing and self-perpetuating" attributes; other institutions need supportive institutions for their enforcement (Hodgson, 2006, p.7). Self-enforcing institutions are those institutions that have a binding effect without the need to apply force or to mobilize the public (Clemens & Cook, 1999). These institutions are often followed

based on convenience, or the voluntary mass acceptance of certain norms and values without resorting to force or violence (Hodgson, 2006; Stoddart, 2007). Consensus induces commitment (Goodin, 1998). Alternatively, some institutions rely on other institutions for enforcement, like the institutions' reliance on the state's enforcement forces (Hodgson, 2006). The state is considered as a "...collection of institutions and contested power relations" (Waylen, 2007, p.12).

Besides that, the researchers Gretchen Helmke and Steven Levitsky describe the formal institutions as rules that are usually enforced by formally recognized mechanisms, mostly by the state, whereas the informal rules are enforced by social sanctions imposed by the public, or by force (Waylen, 2014; Azari & Smith, 2012). Informal rules are collective, but not necessarily coordinated, patterns of behavior that emerge as a response to commonly shared incentives, and they sometimes persist because they become common sense (Azari & Smith, 2012). Although an external authority does not necessarily enforce informal norms; yet, diverting from these norms can cause discomfort due to societal pressure; thus, they have a binding effect (Hodgson, 2006). Norms tend to have a moral enforcement force (Hodgson, 2006).

## **2.2. Institutional Limitations**

### **2.2.1 Racialized Institutional Limitations**

Racialization or racial stereotyping refers to the process where an ethnic group perceives themselves as superiors over the others due to certain perceived historical, cultural, and moral advantages (Paul, 2011). Racial stereotypes and improper judgments could determine the allocation of tasks and the distribution of wages, and it can further limit the access of domestic workers to resources (Lutz, 2002; Sharpless, 2013). Women migrant domestic workers are often selected based on their stereotypical ethnic attributes and characteristics, as these racial (Lutz, 2002). The racially constructed images change depending on the across time and space and time (Lan, 2006).

For example, Asian women migrant domestic workers are portrayed as naturally gentle, caring, and obedient (Smith, 2013). Also, Filipina migrant domestic workers are preferred because it is assumed that they have a satisfactory English language and level of education (Lan, 2003). Language skills and education could further determine

the employability and the wage of the migrant worker (Manseau, 2007). In a study conducted by Lorente (2017), a women migrant domestic worker has informed the researcher that upon employment, she had to sing in English to prove her competency in childcare. The level of education and linguistic skills increases the demand for a migrant domestic worker, especially in affluent households (ILO, 2013).

Although Indonesian domestic workers are viewed similar to Filipina migrant domestic workers as "obedient, loyal, slow and living a simple life"; nonetheless, Indonesian domestic workers receive a lesser wage than their Filipina counterparts due to racial stereotyping and preferences (Paul, 2011, p.1073; Lan, 2006; Lorente, 2017). Filipina domestic workers advanced level of literacy makes them appear to be more civilized than domestic workers from other nationalities (Lan, 2003; Jarallah, 2009; ILO, 2013). Yet, most of the migrant domestic workers have barely any degree when it comes to formal education (ILO, 2013).

In the Gulf, families from higher social classes tend to employ Filipina migrant domestic workers due to their linguistic and educational competency, besides their assumed habits such as high hygiene standards (Fernandez, 2010; Malit et al., 2018). In the Gulf, the Filipina migrant domestic workers receive the highest minimum in comparison to migrant domestic workers from other nationalities. Whereas, Indonesian and Sri Lankan migrant domestic workers come second in the racial hierarchy, and African migrant domestic workers rank the least favored ones (Fernandez, 2010). Racially, since African domestic workers are situated the lowest in the racial employment hierarchy, they are not expected to be paid as much as domestic workers from other nationalities receive. Therefore, due to their low-cost in the labor market, African domestic workers tend to arrive in the region in a sustainable flow (Fernandez, 2010).

### **2.2.2 Gendered Institutional Limitations**

Gendered institutions refer to the structures and rules that embody the experiences, the perceptions, and the practices of a specific gender that impact the distribution of power relations in daily life (Acker, 1992). Institutions could be gendered through various aspects. Some rules focus on gender, other rules are designed by gendered social actors, and different rules might have a gendered impact (Waylen, 2014).

Institutions could also be gendered "nominally and substantively" (Waylen, 2014, p.215). Nominally gendered institutions refer to the processes in which institutions are gendered because they are designed and carried out by men mostly (Waylen, 2007, 2014). In this sense, masculine power becomes natural to the formation of institutions, thus, it goes unchecked, and gendered institutions are reproduced (Waylen, 2007, 2014). Since men have acquired a dominant position, they continue to reproduce institutions that favor them, and that responds to their needs (Waylen, 2007, 2014). Besides that, institutions are gendered substantively as the gendered norms and practices disseminate within the institutions through the process of socialization -i.e., the learning and internalizing the gendered social behaviors (Waylen, 2014).

Institutions are often built to accommodate the preferences and the practices of a "masculine ideal" (Krook & Mackay, 2011, p.6). These existing gendered hierarchies and power distribution are often deemed natural; therefore, institutions remain unquestioned and viewed as gender-neutral (Mackay et al., 2010; Krook & Mackay, 2011; Waylen, 2007, 2014; Sijapati et al., 2019). Men have always excluded women for the institutional-building processes, which makes politics and the public as fields of men (Yuval-Davis, 2004). Whereas women, who are often positioned in the private space, are considered politically irrelevant (Yuval-Davis, 2004). They are treated continuously as vulnerable subjects in masculinist states and institutions, they either require protection, or they are overlooked by the state's intervention measures (Fellmeth, 2000; Elias, 2013). The distinction between the public and the private sphere is a source of power to some individuals over the others (Fellmeth, 2000).

### **2.3. The Intersectional Feminist Institutionalism**

The mainstream institutional studies failed to recognize the unequal power dynamics governing the social relations, nor were they able to explain the how one's identity can influence the formation of the existing social systems (Acker, 1988; Mackay et al., 2010; Waylen, 2014; Thomson, 2018). Therefore, the feminist institutionalism approach emerged as an inclusive approach that accounts for the deficiencies in the mainstream institutional theories. Feminist institutionalism emphasizes the incorporation of gender in institutional analyses on power disparities in public space (Krook & Mackay, 2011). Gender is a socially constructed spectrum of femininity and masculinity, affecting the individual's experiences and behaviors

(Acker, 1992; Mackay et al., 2010; Krook & Mackay, 2011). It is important to view gender from a constructivist lens instead of an essentialist one (Bohan, 1993). Meaning that gender is not a natural and innate characteristic of individuals, but it is a socially constructed identity (Bohan, 1993). According to Acker (1992) and Mackay et al. (2010), gender should be treated as an independent variable, shaping institutions.

Gender creates power; it determines one's access to resources and their allocation (Acker, 1992; Mackay et al., 2010). For feminist institutionalists, most institutions are based on gender-discriminatory premises (Mackay et al., 2010; Thomson, 2018). Institutions are gendered regimes, meaning that they are "gender-based beliefs and images along with gender-based asymmetries in power and rewards mediate relations" (Krook & Mackay, 2011; Smith, 2013; Acker, 1988, p.447). With this being said, gendered institutions refer to the structures and rules that embody the experiences, the perceptions, and the practices of a specific gender, further influencing the distribution of power relations in daily life (Acker, 1992). Whereas gendered institutionalism refers to how organizations and procedures embody, consolidate, and propagate the gendered power inequalities (Mackay et al., 2010). The movement of women domestic workers is about that; it is represented in the "struggle for representation of needs, problems, and identities" (Kulawik, 2009, p.265).

Domestic work is entrenched in historical power contestation related to gender, race, and class (Masterson & Hoobler, 2019). Gender must be studied with historical and cultural studies to understand the evolution of certain gendered perceptions (Acker, 1992). The term intersectionality allows for the contextualizing of gender. Intersectionality denotes the interplay of a myriad of social identities such as gender, race, and class, and how they shape one's experiences, in terms of inclusion and exclusion (Crenshaw, 1991; Davis, 2008). Social identities are socially constructed. They are based on how individuals perceive themselves in relation to others (Shields, 2008). The construction of identity is both an interpersonal and intrapersonal process. These identities, "...mutually constitute, reinforce, and naturalize one another" (Shields, 2008, p. 302). Intersectionality in feminism allows one to acknowledge the complex, multilayered forms of discrimination and marginalization that an individual might face or the privilege that one might attain in light of institutionalized racial and patriarchal social orders (Crenshaw, 1991; Shields, 2008; Saunders, Fiddian-

Qasmiyeh & Snyder, 2016). The intersectional marginalization of individuals results from "... the imposition of one burden that interacts with preexisting vulnerabilities to create yet another dimension of disempowerment" (Crenshaw, 1991, p.1249).

Contextualizing gender allows for developing critical knowledge and de-essentializing the Euro-American, economically privileged, often male-centric produced literature. Acker (1992) claimed that "... the writing of white, middle-class feminists, have illuminated the diversity and historical specificity of women's experiences and gender relations, as well as the impossibility of accounting for the situations of minority women in a role/identity perspective" (p.566). Institutions ought to be contextualized to avoid any generalization and essentialization. It is crucial to account for the various experiences of individuals that are determined by their converging intersectional positions. Overlooking this aspect might create institutions with expectations that do not match reality.

## **2.4. Intersectional Feminist Institutionalism Key Debates**

### **2.4.1 Problematizing Space**

Feminist scholars treat the public and the private space as a continuum rather than a dichotomy (Yuval-Davis, 2004). They assert that one cannot understand the public without knowing the private, because power relations expressed in the private realm are necessary in the maintenance of the sociopolitical order in the public realm (Yuval-Davis, 2004). Conventionally, work performed in public spaces is often dominated by males, while women are usually constrained to performing labor in private and intimate spaces (Lutz, 2002). While politics have always focused on the visible, the public sphere, the issues reproduced in the private sphere have remained unnoticed.

Even if the migration of women domestic workers is a concern of the private space, nonetheless, it is political, and it is public. Since domestic work is performed within the house, then it becomes a place where labor is both produced and consumed (Shah & Seville, 2011). Simultaneously, domestic workers are producers of domestic labor and consumers in the global economy (Silvey, 2006). Although this form of labor is strongly privatized; nevertheless, for domestic workers, the house is not a mere private domain, but rather it is a place where labor is produced, and wage is

accumulated, which makes the house as part of the market and the public (Gaitskell et al., 1983; Elias, 2013).

#### **2.4.2 Institutional Durability & Mutability**

Feminist institutionalism allows for the study of institutional mutability and durability, induced by both endogenous and exogenous actors (Mackay et al., 2010). Earlier studies on institutions emphasized the durability of institutions, mainly formal institutions (Mackay et al., 2010; Krook & Mackay, 2011; Waylen, 2014). Clemens & Cook (1999), and Azari & Smith (2012) problematize the association of institutions with persistence and stability. It stems from the earlier institutionalism premise on the state, where the state has is perceived as a rigid, robust, stable, and relatively autonomous structure that is self-enduring (Clemens & Cook, 1999; Goodin, 1998). The emphasis on institutional durability has hindered the literature from exploring the underlying reasons behind the institutional change, especially that which could be induced by endogenous forces (Azari & Smith, 2012). Not until post World War II, when scholars became more interested in studying institutional change and the emergence of new institutions (Goodin, 1998). With the advent of feminist institutionalism, scholars developed an interest in resistance, reproduction, and obstruction of gender-discriminatory institutions, practices, and norms (Kenny, 2013; Waylen, 2014; Thomson, 2018).

Change in institutions occurs in both formal and informal institutions, and the alteration of one of them can influence the change in the other (Waylen, 2014; Azari & Smith, 2012). If informal institutions are incompatible with formal institutions, institutions are more prone to change (Waylen, 2014). However, when informal rules follow formal rules, the durability of the institutions may increase (Mackay et al., 2010). Institutional mutability could be achieved through the interaction of both, exogenous enforcement of specific rules and practices, and endogenous social agents existing within the institutions (Clemens & Cook, 1999; Ingram & Clay, 2000; Mackay et al., 2010; Waylen 2014). Institutional change can occur through different processes, which are "layering," "conversion," "drift," and "displacement" (Mackay et al., 2010, p.577; Waylen 2014, p.217). Layering refers to the process of gradual change of institutions, where the new institution does not necessarily replace the older institution (Mackay et al., 2010; Waylen, 2014). Instead, it merely exists in addition to the older

one (Mackay et al., 2010; Waylen, 2014). In this case, the social actors challenging the old institution do not have enough power to contend with the former institution's holders (Waylen, 2014). As for conversion, it is when an institutional structure remains the same, and the institution only changes its purpose and objectives (Mackay et al., 2010; Waylen, 2014). In conversion, the challengers attempt to benefit from the gaps within the institutions to achieve their interests (Waylen, 2014). While institutional drifting occurs when the institutions' surroundings are continually shifting, so the institutions are appropriated in the process of change (Mackay et al., 2010; Waylen, 2014). Finally, displacement refers to the replacement of older institutions with newer ones (Mackay et al., 2010; Waylen, 2014). Change, in this case, is prompted by the old institutions' challengers, as they manage to undermine the power of the former institution's holders (Waylen, 2014).

Change in gendered institutions is possible, yet it might be complicated. According to the processes of change, as noted by Mackay et al. (2010) and Waylen (2014), displacement cannot be a successful strategy for change towards gender-considerate institutions, as the intended institution need to challenge an existing weak institution or to fill the gap of an absent one (Waylen, 2014). An institution is considered ineffective if institutions challenged and substituted each other. Gender-considerate actors usually have a small space and less power to replace the gendered reality of institutions (Waylen, 2014). Also, drifting is a weak strategy for change towards gender-considerate institutions as it relies merely on the existence of suitable external conditions for social agents to achieve change (Waylen, 2014). Both displacement and drifting aim at demolishing the old institutions and creating new ones; thus, Waylen (2014) assumes their weakness. In addition, Waylen (2014) proposes that layering and conversion are the most applicable methods in changing the institutions into gender-considerate ones. Change through layering and conversion depends on the endogenous processes occurring within the institutions, and it does not emphasize on the complete replacement of old institutions (Waylen, 2014). Layering and conversion work internally within the old institutions to improve them instead of strictly challenging their existence (Waylen, 2014).

The extent to which change might occur depending on how change is "contained, diffused, or mediated" through social networks, learning, and innovation (Clemens &

Cook, 1999, p.450). Social actors could use their agency to innovate or reproduce institutions by reassessing their old schemes and rules through the process of learning (Clemens & Cook, 1999). Social networks are necessary for securing and legitimizing institutions, while they also allow for the diffusion and the spread of institutions (Clemens & Cook, 1999). On the other hand, through learning, attitudes and rules become socialized and internalized across generations, where the communicated values become "common sense," which allows the institution to persist (Clemens & Cook, 1999; Stoddart, 2007, p.201). As the institutions get naturalized and normalized, they continue to be uncontested and often resilient to change (Stoddart, 2007; Scott, 2008). Therefore laws, and especially constitutions, are upheld by most of the population, and they are endured for generations (Goodin, 1998).

## **2.5. From Theory to Practice**

The racialized and gendered institutional limitations produce gendered global division of labor and inequality, while it further leads to the exclusion of women migrant domestic workers in Bahrain's public space and elsewhere.

### **2.5.1 The Global Gendered Division of Labor**

Domestic tasks such as cleaning, cooking, and child-rearing have always been an essential attribute of women (Gaitskell et al., 1983). Women migrant domestic workers are usually expected to perform the everyday tasks that are attributed to them, including cleaning, cooking, and taking care of others (Lutz, 2002). There are instances where men are employed in domestic labor, especially in some Asian and African states, especially in colonized societies where they are referred to as "boys" (Sarti, & Scrinzi, 2010, p.10). Although for many households hiring a man as a domestic worker makes them feel uncomfortable, whereas for some families, hiring a man domestic worker symbolizes the household's high socioeconomic status (Bartolomei, 2010). Others hire men domestic workers because they fear – in their assumption - women's uncontrollable sexual urges (Bartolomei, 2010). Men usually perform domestic work such as in cleaning and house maintenance, gardening, others are promoted as cooks, but not taking care of children (Bartolomei, 2010; Sarti, & Scrinzi, 2010). Bartolomei (2010) gives an example of domestic work in Kerala, as it is dominated by young migrant men working for economically well-off households. Men decide to undertake

a global feminized profession to fulfill their masculine essentialized role that is to provide for their family (Bartolomei, 2010; Sarti, & Scrinzi, 2010). In addition, men domestic workers do not necessarily perform domestic work in their own homes (Sarti, & Scrinzi, 2010). Accordingly, men maintain the conventional gendered hierarchies, and the gendered division of labor (Sarti, & Scrinzi, 2010).

However, associating domestic work to women solely pressures men performing domestic work as they feel that their masculinity has been threatened (Gaitskell et al., 1983; Sarti, & Scrinzi, 2010). Sarti & Scrinzi (2010) shares the example of Indian domestic workers who perceive themselves as "failed patriarchs" (p.10). Besides that, some male migrant domestic workers feel that their masculinity is threatened because they are policed by the women employer who gives them orders (Sarti, & Scrinzi, 2010). For men, they fear the domination of women because the world has been structured on the hegemony of men. Being a domestic worker gives men domestic workers a sense of inferiority and subordination (Sarti, & Scrinzi, 2010). Men become deprived of the typical privilege and power that they usually enjoy in a patriarchal system (Crenshaw, 1991).

The gendered construction of labor assumes that productive labor is part of the men's lives (Smith, 2013). Men's production of work is often visible in public. At the same time, the women's efforts are treated as relatively unimportant as they are usually performed behind closed doors and directed towards the household and the family (Smith, 2013). The division of the public and the private sphere resulted in the devaluation of the work performed within the home, as it has limited the women's access to the production to the work that is performed outside the home – in public (Smith, 2013). Work that is performed outside the household is marketable and valued. Therefore, women's labor is always less valued than those achieved by men (Shelton & Agger, 1993). Whereas men produced, labor is given more value, which provides them with a justification to "resist efforts to redistribute household responsibilities" (Shelton & Agger, 1993, p.39).

Domestic work is considered as unproductive labor; instead, it is reproductive, demanding little or no skills (Gibson-Graham et al., 2000; Smith, 2013). Reproductive labor is not treated as part of the economy's production (Elias, 2013). Hence, states do not prioritize migrant domestic work in their agenda as much as that of skilled migrant

labor (Lutz & Palenga-Möllenbeck, 2011). This further creates an environment of exploitation and insecurity for migrant domestic workers (Lan, 2003; Castles et al., 2013). It is not valued as much as the work performed outside the house (Smith, 2013). However, domestic work should carry a similar value to productive jobs. First, domestic work requires interpersonal human relationships, which are necessary for physical and emotional well-being (Federici, 2012). Second, domestic work should be valuable because by providing care to the household members, domestic workers allow for the reproduction of workers who will eventually participate in the capitalist economy (Smith, 2013). In other words, the work performed by domestic workers such as cleaning, cooking, and child-rearing, allows for the healthy growth of individuals, who are assumed to be part of the forces of production that are necessary for the construction of the capitalist system. Even if these individuals did not participate in the labor market in the future, domestic work remains essential for the building of generations and the transmission of values (Gaitskell, 1983). Shelton & Agger (1993) agree that domestic labor "produces surplus in that it produces workers," besides other "cultural and ideological functions for capital" (p.37). Hence, care work and especially domestic work is necessary for the reproduction and maintenance of international capitalism and its practices (Ally, 2005; Smith, 2013). The invisibility of domestic labor ensures employers and those of interest that the migrant domestic workers would not be able to unionize and call for their employment rights (Federici, 2012). The feminization and informalization of domestic work have contributed to its absence from international debates (Fernandez, 2014; Castles et al., 2013).

The failure to recognize women migrant domestic work internationally increases the vulnerability of workers. Accordingly, feminist scholars emphasized the inclusion of domestic workers in the labor market and considering it as a real productive job (Shah & Seville, 2011). Other feminists called the state to consider paying for reproductive labor, as it will contribute to equality among women (Federici, 2012). Substantial adjustments are required to alleviate the international division of labor (Federici, 2012).

### **2.5.2 Global Inequality**

The racialized and gendered division of labor produces persistent global inequality (Smith, 2013; Ally, 2005). The less-developed countries are a suitable supplier of

women migrant workers because they will enable the market and the economy to be relatively self-regulatory to improve their global status (Smith, 2013). However, the states' institutionalization of racial and gender discriminatory practices has reinforced a particular image of the domestic work sector as a low-valued job undertaken by migrants (Shah & Seville, 2011). Framing the women migrant domestic workers as poor women who cannot adapt to the modern world makes the workers prone to exploitation and unfair treatment. This makes domestic work to be perceived as a shameful activity, especially among middle and upper classes as it is associated with unprivileged and poor individuals (Chan, 2018).

This inequality is exacerbated by the proliferation of the global neoliberal economy led to an increase in precarious jobs (Smith, 2013). Precarious employment refers to the "employment that is either part-time, contract, involuntary, self-employed, or temporary. These jobs are generally unstable, insecure, and low paying, while offering few, if any, benefits" (Smith, 2013, p.66). Since domestic work is temporary labor, which can also be a form of precarious employment, the temporariness of migrant domestic work makes the workers more vulnerable, and with vulnerability comes subjection and powerlessness (Manseau, 2007). The globalized neoliberal economy has created a hierarchy of women themselves, placing women migrant domestic workers at the bottom of the hierarchy (Federici, 2012, p.95).

### **2.5.3 Towards Inclusion**

The intersectional feminist institutionalism approach attempts to solve the issue of gendered institutions by exploring how institutions can be inclusive of different identities, especially on how there can be gender-sensitive norms and practices. Krook & Mackay (2011) referred to this process of institutional change as "re-gendered" institutions (p.7). However, sometimes the establishment of gendered-considerate institutions is instrumentalized to achieve other interests (Waylen, 2014). Institutions become instrumentalized by leaders or other powerful social forces to achieve dominance and attain their objectives (Goodin, 1998; Mackay et al., 2010). Mackay et al. (2010) reiterate the perspective of the political scientist Kathleen Thelen who argues that institutions remain stagnated and in favor of certain social actors only in the case of constant mobilization by the structure's elites (Mackay et al., 2010). Here, gender-inclusive institutions are not necessarily an end in themselves; instead, they are

a camouflage to fulfill other purposes. Eventually, these institutions reinforce and maintain the gendered status quo, and by this, the gender discriminatory legacy continues to propagate.

## **CHAPTER THREE**

### **A Review of Literature: Institutional Practices of Marginalization & Inclusion**

This chapter surveys mostly ethnographic and descriptive sociological studies and attempts to place them within the previously mentioned framework on institutions. The chapter will highlight the different forms of formal and informal institutional practices in governing transnational domestic work, in a global context and the Gulf countries in specific. Although the marginalization of migrant domestic workers seems to be a prevalent institutional practice, nonetheless, it is continuously challenged and negotiated. Discontented with their positioning as subordinates in the power structure with limited rights, domestic workers attempted to alter or dismantle the institutional structures that confine their activity and silence their voices. This process is known as deinstitutionalization (Pande, 2012; Scott, 2008). Deinstitutionalization refers to the dissatisfaction with the institutional capacity and inefficiency in channeling the demands of the different social forces to meet their interests; this, in turn, pressures institutional rearrangements (Scott, 2008; Waylen, 2014). Accordingly, this chapter will further present the scholarly contributions on the state-based and bottom-up responses in initiating institutional change towards the inclusion of women migrant domestic workers in public life. Finally, in light of the discussed literature, the chapter will present an overview of the literature on women migrant domestic workers in Bahrain.

#### **3.1. Institutional Marginalizing Practices**

##### **3.1.1 Informal Institutional Marginalizing Practices**

There are different forms of informal marginalizing institutional practices mentioned in the literature. First, scholars like Lan (2006), Silvey (2006), Manseau (2007), Johnson (2010), Pande (2012), Smith (2013), Ullah et al. (2015), Begum et al. (2016), Chan (2018), Milet et al. (2018), and Fernandez (2019) suggest that migrant

domestic workers experience marginalization through the early stages of the employment processes, which is often controlled by informal and private recruitment networks. Silvey (2006) and Smith (2013) share that in many cases, migrant domestic workers rely on informal networks to be hired because they cannot afford to pay for state-sanctioned agencies. Lan (2006), Ullah et al. (2015), Chan (2018) and Fernandez (2019) detail that potential migrating domestic workers are directed to local recruiters because they are cheaper than the ones in the city, or they are recruited through family members who are already involved in the business. Lan (2006) further claims that the migrating family tends to trust local recruiters from the same village over recruiters in the city, whom they are not familiar with them. Nonetheless, Lan (2006), Ullah et al. (2015), and Chan (2018) argue that since potential migrating domestic workers are expected to pay their employment fees for informal recruiters, this pushes many of the migrating workers to take high-interest loans to afford their traveling costs; thus, they become indebted to their recruiters and other loaners. Ullah et al. (2015) add that the financial burdens force the migrating domestic workers to agree on terms that are not necessarily in their favor.

Pande (2012), Ullah et al. (2015), and Chan (2018) stress that resorting to informal and irregular recruitment networks puts the migrating domestic worker at a higher risk of undergoing trafficking and other forms of exploitation. The scholars state that traveling through informal and irregular roads makes the workers illegal in the receiving countries. Pande (2012) draws attention to the fact that irregular and illegal workers often fall out of the scope of formal protection, and they have limited access to authorities. Following on that, Milet et al. (2018) state that with minimal governmental intervention in regulating the labor market, private agencies can freely manoeuvre and enforce their regulations.

In terms of signing an employment contract, Manseau (2007), Johnson (2010), Ullah et al. (2015), Malit et al. (2018), and Begum et al. (2016) highlight the experience in the Gulf countries, where domestic workers are usually recruited through private agencies using temporary employment contracts. Those scholars also share that the migrating domestic workers are sometimes allured into signing terms that are not met in daily life. Manseau (2007), and Ullah et al. (2015) add that some migrant domestic workers do not even get to sign a contract, and even if they signed a contract,

they could not obtain a copy of the agreement. Garabiles et al. (2019) further point that literacy becomes a significant barrier to the security of migrant domestic workers. As Ullah et al. (2015) suggest, many migrant domestic workers become unaware of the contracts' content because it is not in their mother tongue. Manseau (2007) agrees and gives an example of Saudi Arabia, where contracts signed by migrant domestic workers are seized and changed to another Arabic-written contract with different terms and conditions.

Second, informal institutional marginalization can occur upon employment within the household. Domestic work transforms the workplace into a space where daily power contestation occurs. Gibson-Graham et al. (2000) suggest that the house becomes a space that leads to the advancement and empowerment of specific individuals at the expense of others, reinforcing inequalities, and injustices. Lutz (2002) agrees by mentioning that for migrant domestic workers, home is a space of vulnerability and exclusion. Gibson-Graham et al. (2000), Lutz (2002), Smith (2013), and Masterson & Hoobler (2019) emphasize that the character of the home as a place of work and as a residence complicates the relationship between the employer and the live-in migrant domestic worker, one that entails attachment and detachment. Safuta & Camargo (2019) elaborate that domestic work becomes based on personalized relationships that are selective forms of familial ties established between the employer and the worker. When you work for someone for a long time, the employer trusts you completely, and you sometimes have the impression that you are part of the family" (Safuta & Camargo, 2019, p.8). Nonetheless, considering the migrant domestic worker as a family member (with reservations) is an informal institutional marginalizing practice. Ally (2005), Smith (2013), Safuta (2016), and Masterson & Hoobler (2019) explain that by treating the migrant domestic worker as a family member, one disregards the status of migrant domestic workers as formal employees while overlooking the existing power disparities between the employers and the employees.

Within the house, the working conditions mainly determined by the employer (Smith, 2013; Masterson & Hoobler. 2019). Manseau (2007), and Ullah et al. (2015) argue that although being a live-in domestic worker might help the migrant worker to save the costs of accommodation and other necessities, such as healthcare; however, this is problematic as the workers become confined to their working space. In

interviews conducted by Safuta (2016), many migrant domestic workers complained about the maltreatment they face at their employers' households, such as "lack of respect, de-humanizing invisibility, and objectification" (p.26). Lutz (2002), Ally (2005), Manseau (2007), Jarallah (2009), Begum et al. (2016), Mehta (2017), Elias (2013), Garabiles et al. (2019), and Masterson & Hoobler (2019) all agree that migrant domestic workers face different kinds of abuse, physical and psychological. For instance, many of the live-in domestic workers are expected to be available 24 hours daily with limited mobility, as they need the approval of their employer to leave the household (Lutz, 2002; Garabiles et al., 2019). Cases of abuse have included instances in where the domestic workers are: prohibited from receiving food; living in poorly-facilitated accommodation; working for long hours without compensation; having their passport confiscated, not receiving their wages regularly; in addition to physical and verbal abuse; rape and sex trafficking; false accusations; and sometimes even murder (Lutz, 2002; Ally, 2005; Manseau, 2007; Jarallah, 2009; Begum et al., 2016; Mehta, 2017; Elias, 2013; Garabiles et al., 2019; Masterson & Hoobler, 2019 ). Some workers are denied any payment by their employers, who claim that the worker was under a trial (Lutz, 2002). Usually, the first three months are considered a trial period, where the employer can end the contract without paying any reparations for the worker (Manseau, 2007).

Lutz (2002), Fernandez (2019), and Garabiles et al. (2019) claim that the private character of the house intensifies the vulnerability of the migrant domestic workers, and it could increase the risk of their exploitation. Yuval-Davis (2004) add that, especially in non-Western societies, the private spaces are only partially surveilled by the state, and they are mostly independent domains. Therefore, as Lutz (2002), and Fernandez (2019) state, in the case of abuse, the harmed domestic workers usually find it difficult to prove the violence inflicted upon them because it occurs in a private hidden place. They further suggest that the privacy of the house and the secrecy attached to the interactions occurring within it makes it difficult to find evidence against the abusive employer. Manseau (2007), Shah & Seville (2011), Smith (2013), Fernandez (2014), Malit & Ghafoor (2014), and Masterson & Hoobler (2019) add that public institutions are denied to interfere in private spaces where the migrant domestic workers perform their labor unless they are requested to do so. Consequently, Manseau (2007), Jarallah (2009), Smith (2013), and Garabiles et al. (2019) stress that in most

cases, the migrant domestic workers cannot report the abuse they endure because they cannot risk losing their jobs, being arrested, deported or even trafficked.

Third, informal marginalizing practices could be witnessed through linguistic expressions. Stoddart (2007) emphasizes the role of language in reinforcing institutional rules. According to Stoddart (2007), language enables the transmission of ideas and human interactions into the institutional structure. Therefore, as Hodgson (2006) states, language becomes an institution per se; that is, it creates opportunities and constraints. Linguistic marginalization is demonstrated in the writings of Gaitskell et al. (1983), Lan (2006), Manseau (2007), Strobl (2009), and Federici (2012). The authors mention that domestic work is framed in a "maid-madam" binary. This means that the migrant domestic workers are advised to refer to their women employer as a *mama* or *madam*, while the term *maid* is often used when referring to a domestic worker. Strobl (2009) and Jarallah (2009) further share the impact of applying certain linguistic expressions in referring to migrant domestic workers in the Gulf states. Migrant domestic workers are named as *khadamma*, which is translated as a servant (Strobl, 2009). On a similar note, since domestic work became attributed to migrant workers only, and because many of the migrant domestic workers come from Sri Lanka, the word "Srilanky" became an alternative expression to the word servant (p.7). The use of the term *maid* denotes slavery and subordination (Strobl, 2009). Lan (2006), and Sarti & Scrinzi (2010) agree and suggest that although women, whether hired domestic workers or the employer, perform relatively the same kind of labor within the household; yet, there is a difference between a *maid* and *madam/ mama*. For Lan (2006) and Sarti & Scrinzi (2010), this binary reflects the unequal power relations between the employer and the employee.

Fourth, some scholars such as Barsted & Pitanguy (1999), Shah (2004), Moors Jureidini, Özbay & Sabban (2009), Jarallah (2009) claim that marginalization of migrant domestic workers could occur through their misrepresentation or lack of representation in media channels. Moors et al. (2009) present that in some shows, domestic workers are presented as an evil character with agency, who marries one of the household's men, whether the employer or his son. Other shows portray domestic workers as victims of systemic exploitation, denied their right to practice agency (Moors et al., 2009). The visibility of the migrant domestic workers remains limited.

As shared by Barsted & Pitanguy (1999), Shah (2004), and Moors et al. (2009), migrant domestic workers in Arab, Turkish, and Brazilian soap operas/novelas can only be seen tidying well-organized mansions or taking care of the family members of affluent households. Barsted & Pitanguy (1999) further assert that domestic work is represented as a sector that is dominated by uneducated individuals with a dark complexion, and where the workers are often submissive to their employer.

### **3.1.2 Formal Institutional Marginalizing Practices**

One of the major concerns for many scholars including Lutz (2002), Shah (2004), Manseau (2007), Johnson (2010), Pande (2012), Murray (2013), Ullah et al. (2015), and Nisrane, Ossewaarde & Need (2019) is the prevalence of the kafala system in some Middle Eastern states, and in the Gulf countries precisely. Castles et al. (2013) and Fernandez (2014) define the kafala system as a sponsorship system, where the state delegates its administrative responsibility to the employer, who should ensure the status of the migrant worker and to police them. Pande (2012) described the kafala system as “contract slavery” (p.385). Lutz (2002) builds on this notion by stating that migrant domestic workers are prone to exploitation in different ways, through legally constraining contracts that bond the workers to their employers. Shah (2004), Manseau (2007), Ullah et al. (2015), and Nisrane et al. (2019) also agree with the mentioned opinion. They suggest that through the kafala system, the status of the woman migrant domestic worker is granted by their recruiter, usually for two contractual years. The employer becomes responsible for paying for the worker's travel costs, such as flight tickets, visas, healthcare, and wages (Shah, 2004; Manseau, 2007; Nisrane et al., 2019). Therefore, Shah (2004), Ullah et al. (2015), Begum (2018), and Nisrane et al. (2019) propose that this relationship puts the migrant domestic workers in a situation of exploitation. The scholars state that in many instances under the kafala system, the workers’ passports might get confiscated by the employer as a form of insurance that the migrant worker will not escape. Some other workers will have their mobility and social interactions restricted (Shah, 2004; Ullah et al., 2015; Begum, 2018; Nisrane et al., 2019). From a legal aspect, Manseau (2007) says that the confiscation of passports implies a sense of enslavement, as it confines the worker's movement, and it denies the worker's rights, as mentioned in the Universal Declaration of Human Rights (UDHR) - in article 5, article 23, and article 4.

Murray (2013) affirms that the kafala system has been part and parcel of the Gulf countries' strategy to control the flow of migrant workers, since the abolishment of slavery in the mid-20<sup>th</sup> century. For Murray (2013), the kafala system allows the Gulf states "... to accept large numbers of temporary workers during an economic boom and to expel them during less prosperous periods" (p.467). Fernandez (2010) and Begum (2018) articles show that the kafala system continues to function in the Gulf states because it enables some of the populations to earn profit by selling sponsorships to those who intend to employ a domestic worker. Begum (2018) further argues that although there have been some reforms introduced to the kafala system in some of the Gulf states; however, there is a lack of serious implementation of the recommendations.

Another form of formal institutional practices of marginalization can be through citizenship and the non-extension of citizenship to the migrant domestic workers. Mantouvalou (2013) shares the political theorist - Hannah Ardent's - notion of citizenship as the "right to have rights" (p.386). Bakan & Stasiulis (1994) explains that the issue of citizenship became of importance to societies, especially with the rise of capitalism and the inequality; "the shrinking privileges of first-world citizenship must be 'protected' from 'aliens'" (p.9). Citizenship became a tool for othering; to define oneself as distinct from the rest. With this being said, Bakan & Stasiulis (1994), and Mantouvalou (2013) assert that citizenship allows for the treatment of women migrant domestic workers as subordinate to their employers; while it gives the employer the legal power, legitimized by the state, to be dominant over the migrant worker. Mantouvalou (2013) adds that without citizenship, migrant domestic workers cannot make demands legitimately or participate in social movements. Bakan & Stasiulis (1994) give the example of Canada in negotiating the extension of citizenship to the migrant domestic workers under certain conditions to solve the issues pertaining to the sector of domestic work. Along those lines, Bakan & Stasiulis (1994) argue that extending citizenship rights to women migrant domestic workers symbolizes the liberalization of immigration policies regardless of gender and race. Nonetheless, there has not been any mention of the possibility of extending citizenship to the migrant domestic workers in the Gulf states, especially with the presence of the kafala system and other migration-related political limitations.

Last but not least, migrant domestic workers can be marginalized from public space through the exclusion of migrant domestic workers from legal institutions. The written literature by the ILO (2013), Elias (2013), and Masterson & Hoobler (2019) concur that most of the migrant domestic workers are absent from the labor laws or governed partially by general labor laws and other specific laws on their sector in the labor-receiving states. The ILO (2013) publication presents that only about 10% of the domestic workers globally are regulated by legal provisions like workers in other sectors. Smith (2013), Schwenken & Heimeshoff (2011), and Ullah et al. (2015) shed light on the inclusion of the migrant domestic workers in the Gulf states. The scholars acknowledge that in the Gulf states, even if the migrant domestic workers are included within special laws, there is a discrepancy between the promulgation of the policies and their implementation. For instance, although the UAE national labor law has set a minimum wage for migrant workers; however, many migrant domestic workers remain underpaid, and they cannot forward an official complaint due to their subordinate status within their employer's household (Schwenken & Heimeshoff, 2011). Lutz (2002), Garabiles et al. (2019), and Masterson & Hoobler (2019) convey that the absence of migrant domestic workers from the legal provisions makes them lack formal protection and employment security. Consequently, Manseau (2007) states that the absence of domestic workers from legal provisions puts the workers in a subordinate position, especially when there is a breach in their employment contract. Therefore, as Manseau (2007), and Smith (2013) present, some migrant domestic workers resort to violating their contracts by escaping their working space instead of having a formal claim against their employer.

### **3.2. Institutional Opportunities & Resistance**

Gibson-Graham et al. (2000) and Ally (2005) suggest that focusing on the global institutional structures and treating the women migrant domestic workers as mere victims might deviate one's attention from the domestic workers' agency in resisting the oppressive conditions. Sijapati, Mak, Zimmerman, & Kiss (2019) adds that this further makes policies focus on the protection of women solely, rather than providing women with the institutional opportunities to practice their agency and feel empowered. With that said, some of the literary works have moved beyond the narratives of victimization of the women migrant domestic workers and attempted to

focus on the state-based institutional opportunities and bottom-up efforts in which the migrant domestic workers can utilize to obtain their rights.

### **3.2.1 State-Based Responses**

Yuval-Davis (2004) and Silvey (2006) argue that the idea of protecting migrant domestic workers stems from the perception of domestic work as a sector that is dominated by women. Since women symbolize the nation, then any abuse they face is considered a transgression of the nation-state (Yuval-Davis, 2004; Silvey, 2006). Through Yuval-Davis' (2004) book and Silvey's (2006) fieldwork in Indonesia, it is apparent that in various cultural contexts, women migrant domestic workers are treated as the bearers of culture and morals. Women are perceived to be responsible for the maintenance of the social order by transmitting and reproducing certain behaviors and actions (Yuval-Davis, 2004; Silvey, 2006). Therefore, labor-sending states and labor-receiving states promulgate serious regulations to manage the migration of migrant domestic workers. However, Kandiyoti (1991) argues that other scholars warn against the instrumentalization of women's issues to achieve certain nationalist goals. Kandiyoti (1991) claims that sometimes states "...mobilize women when they are needed in the labor force or even at the front, only to return them to domesticity or subordinate roles in the public sphere..." (p.429).

Nevertheless, there are still some rigorous state reforms towards the inclusion of migrant domestic workers for the sake of the betterment of human security. One of the ways mentioned by scholars is the formalization and professionalization of domestic work. Gibson-Graham et al. (2000) suggest that for many domestic workers, the formalization and professionalization of domestic work through making it a paid labor have marked the shift in their social status. Safuta & Camargo (2019) agree that the formalization and the professionalization of the domestic work sector mean that the migrant domestic workers will be recognized as laborers in the market; thus, they will have more entitlements. This includes more security for irregular migrant domestic workers in the formal labor market (Safuta & Camargo, 2019). Lutz (2002) asserts that formalization and professionalization will be achieved if domestic workers are provided with the necessary training to be able to respond to the needs of the household abroad. Fernandez (2019), and Nisrane et al. (2019) share the example of the Ethiopian Ministry of Labor and Social Affairs, as they offer their migrating

citizens training sessions. The migrant domestic workers are introduced to their destination countries, their legal entitlements, the expected dress code, and behavior, as well as other hygienic and sanitary expectations. Lutz (2002), Silvey (2006), and Manseau (2007) also give examples of other countries like the Philippines and Indonesia, where they create training programs for their migrating citizens. In contrast, countries like Sri Lanka, Bangladesh, and India lack any migration programs (Lutz, 2002; Silvey, 2006; Manseau, 2007)

Second, some states have ensured the inclusion of domestic workers in their national legislations such as in the case of Indonesia, as mentioned in the literature by Silvey (2006) and Elias (2013), and the case of Sri Lanka as mentioned by Ullah et al. (2015). Similarly, the ILO (2013) research demonstrates that there have been intentions towards the inclusion and protection of migrant domestic workers, under the sector's particularities in the Gulf countries. This is demonstrated in the literature by Ullah et al. (2015), Jarallah (2009), Manseau (2007), Malit et al. (2018), Schwenken & Heimeshoff (2011), and Malit & Ghafour (2014) on Saudi Arabia, UAE, and Kuwait. Gasper, Handmaker, & Bergh (2014), focused on Qatar, while Begum et al. (2016), Begum (2018), and Murray (2013) on Oman. These efforts included the implementation of a standard employment contract to monitor and regulate the migrant domestic workers (Jarallah, 2009; Schwenken & Heimeshoff, 2011; ILO, 2013; Ullah et al., 2015). As maintained by Elias (2013), in the last decade, more states have focused on the protection of women migrant domestic workers in their attempts to adhere to global democratic and human rights tenets.

In addition, Fernandez (2014) focuses on the Gulf countries' efforts in adopting a Standard Unified Contract "to put an end to the multiplicity of contracts used by different agencies and embassies" (p.9). Manseau (2007) adds that the application of a standard contract needs a political and social will to acknowledge the exploitative working conditions that the migrant workers' experience and the determination of recruiters to protect the rights of these workers, as mentioned in the contract. Manseau (2007) further advocates for the execution of a standard employment contract will benefit the migrant domestic workers in different ways, which are:

1. It will give the migrant domestic worker access to resources, including access to courts and the judiciary. Furthermore, having a standard employment contract allows for better observation and management of the workers' situation.
2. It will enable contractors and workers to overcome the issue of language barriers of contracts, as the standard contract will eventually be socialized among workers, and its terms will gain a reputation among the workers.
3. It will allow the migrant domestic workers to call for their rights as they are presented in the contract, which further facilitates the work of advocacy and labor groups in defending the workers' rights.

Third, as mentioned in the literature by Silvey (2006), Jarallah (2009), and Elias (2013), some state-based efforts included the initiation of multilateral and bilateral relations, consolidated through treaties and exemplified through the presence of embassies. On a global scale, Manseau (2007) applauds the international efforts in adopting various treaties to regulate the migration of domestic workers and to protect them from exploitation. These treaties include the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Social, Economic, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Protection of Migrant Workers and Members of their Families, and others (Manseau, 2007). The treaties are enforceable on both citizens and foreigners similarly (Manseau, 2007). Ullah et al. (2015) also add that there are several regional consultative and ministerial processes developed in response to transnational migration, such as the 2003 Colombo Process, which called for the management and protection of cross-border contractual employees. Yet, Fellmeth (2000) argues that since international conventions are constructed by states, in which men dominate the power positions, this makes the international institutions questionable (Fellmeth, 2000). For instance, Fellmeth (2000) inquires, "...why treaties like the International and Cultural Rights provide economic rights to remuneration for production but not for reproduction or housework" (p.670).

In addition, Manseau (2007), Shah & Seville (2011), and Elias (2013) have mentioned that the international community and advocacy groups have also admired the ILO Convention and Recommendation Concerning Decent Work for Domestic Workers, and the ILO Migrant Workers Convention of 1975. However, Manseau (2007) argues that the latter convention fails to account for temporary women migrant domestic workers, especially those migrating through sponsorship programs, like the kafala system that is applied in the Middle East. Manseau (2007) further states that the ILO conventions often tend to overlook the cases of temporary labor and might overlook the instances of individuals from specific races. Manseau (2007), Jarallah (2009), and Elias (2013) contend that the impact of the ILO's conventions and other treaties might not proliferate as expected, given the low number of states' ratification of the treaties or reservations. However, Manseau (2007) brings to attention that even with reservations, countries still have to adhere to international law, as these rules might be part of the *jus cogens* –peremptory international laws that override all international principles, and they are universally binding.

On the other hand, Manseau (2007), Ullah et al. (2015), and Fernandez (2019) present that states can provide institutional opportunities for the migrant domestic workers through establishing bilateral agreements, maintained by the embassies. The scholars state that embassies can operate as shelter, assisting their citizens abroad in case of trouble. As Silvey (2006) shares, embassies in receiving states became more assertive when the narratives of abuse have been circulating the news. However, Manseau (2007) and Ullah et al. (2015) argue that governments and officials can hardly interfere and act. This is because the migrant domestic workers often lack access to the embassies in the first place, and sometimes they must undergo prolonged processes to get their voices heard (Manseau, 2007; Ullah et al., 2015).

At other times, governments of labor-sending states react to the abuses by banning their citizens from migrating to work abroad. Fernandez (2019) highlights the response of the Indonesian and the Philippines governments to the exploitation that their citizens experience in Saudi Arabia. As Fernandez (2019) presents, the Indonesian and the Philippines governments have banned their citizens from migrating to Saudi Arabia due to abuse cases. Nevertheless, Silvey (2006) states that as one country bans its citizens from traveling, other countries seize the opportunity to send their citizens for

employment. Based on Fernandez's (2019) example on Saudi Arabia, as the Indonesian and the Philippines have banned their citizens from migrating to Saudi Arabia following abuse cases; consequently, Saudi Arabia initiated a bilateral agreement with Ethiopia in 2011 to fulfill the demand for labor. Later, between November 2013 and February 2014, Saudi Arabia has deported around thousands of irregular Ethiopian migrants in the country (Fernandez, 2019). In response, the Ethiopian government prohibited its citizens from migrating to the Middle East, and it put the work of the private recruiting agencies on hold until 2017 (Fernandez, 2019).

However, Begum et al. (2016) mention that banning domestic workers from traveling will push them to undertake irregular migration routes, which increases the possibility of their exploitation. Castles et al. (2013), and Fernandez (2014) further highlight that with little formal space to maneuver and limited statutory provisions to protect the migrant domestic workers, some migrant workers are forced to undertake illegal and irregular roads to migrate. However, Elias (2013), Castles et al. (2013), and Fernandez (2014) also point that sometimes irregular employment and illicit migration, happening through a network of corrupt agencies, previous migrants, runaways, and freelancers, become the means to secure a job abroad to improve one's economic well-being in a demanding labor market. As Waylen (2014) proposes, illegal practices can challenge formal institutions and pressure for their change. Fernandez (2019) further remarks that irregular migrants are not inactive actors and merely subordinate to the migration structures; instead, they actively make decisions under extremely state-sanctioned arrangements. Malit et al. (2018) present the example of Filipina migrant domestic workers are banned from working in the UAE. The Emirates manages to employ Filipina migrant domestic workers through a tourist visa and then changing their status upon arrival (Malit et al., 2018).

### **3.2.2 Bottom-up Responses**

#### ***Formal Resistance through Civil Societies***

There have been non-governmental efforts globally, as covered by Gaitskell et al. (1983), Ally (2005), Shah & Seville (2011), Ullah et al. (2015), and Masterson & Hoobler (2019). According to these scholars, in some states where the government is not necessarily active in their response to the migration of domestic workers, civil

society contributes to the protection of the workers. The scholars present that, in some cases, domestic workers organized their efforts with other unions, grassroots movements, and activists to voice their concerns. Shah & Seville (2011) Masterson & Hoobler (2019) elaborate that collective efforts allow for the labor performed to become more visible and enhance the working conditions of the laborers. Gaitskell et al. (1983) and Ally (2005) also agree. They mention that labor unions and organizations form when grievances push workers to group themselves in solidarity with each other. Various examples are noted in the contributions by Gaitskell et al. (1985) on South Africa, Barsted & Pitanguy (1999) on Brazil, Shah & Seville (2011) on the US, and Ullah et al. (2015) on Lebanon. In Colorado, USA, Jane Street, and the Domestic Workers' Industrial Union called for the restructuring of power dynamics between the employer and the domestic workers; while in Lebanon, migrants with legal residency can establish and participate in unions (Shah & Seville, 2011; Ullah et al., 2015). Besides that, in South Africa, the Domestic Workers' Association, the National Domestic Workers' Union, and South African Institute of Race Relations have been formed "to bring about an improvement in the position of domestic workers by helping to create a better understanding between a worker and an employer, by revising working and wage conditions of domestic workers and trying to improve their status and personal image." (Gaitskell et al., 1985, p.103). Finally, in Brazil, the Union of Domestic Workers has demanded a change in the media, especially in terms of domestic workers' portrayal in the novelas (Barsted & Pitanguy, 1999).

Notwithstanding, scholars like Ally (2005), Shah & Seville (2011), Smith (2013), Nisrane et al. (2019), and Masterson & Hoobler (2019) argue that even if domestic workers have attempted to organize and unionize; however, their efforts were not necessarily consistent, nor were they seriously considered for various reasons, as explained below.

1. Nisrane et al. (2019) suggest that some domestic workers cannot form unions due to their exclusion from the labor laws. As a result, they lack an organized formal entity that is dedicated to addressing their grievances.
2. Smith (2013) propose that the crystallization of civil society efforts is strongly dependent on the extent of freedom provided for them to function.

3. Lutz (2002), Ally (2005), and Shah & Seville (2011) agree that a key issue hindering the unionization of domestic workers is that the sector itself is perceived as unorganized and decentralized. This is because domestic workers perform their job individually, in separate entities monitored and sanctioned by the employer (Gaitskell et al., 1983; Shah & Seville, 2011).
4. Ally (2005) and Masterson & Hoobler (2019) concur that many of the civil society groups are not necessarily led by domestic workers themselves, but their allies in their ordeal. According to Ally (2005), this is problematic since the migrant domestic workers are often not included in the organizations' building process. Instead, Lan (2003), Strobl (2009), Pande (2012), and Boris & Fish (2014) add that many of the efforts are maintained through a network of profit-seeking individuals, who are in control of the migration networks, generating inequalities.
5. Not only that, but Ally (2005) propose that many unions and organizations have them have formed hierarchal agendas with priorities, and domestic workers' labor issues were marginal in this case. This is because, historically, labor unions have been founded to unite and organize the shared interests of male laborers, who are mostly involved in the production and industrial fields rather than services (Ally, 2005).
6. Smith (2013) proceeds to state that generally, the labor unions' force has been weakened under the guise of neoliberalism. Workers are expected to rely on themselves if they seek to improve their situation instead of counting on collective apparatuses, such as the state or unions.
7. Finally, Ally (2005) reckons that as organizations focus on migrant domestic work, they tend to reproduce and reinforce gendered and racialized images concerning domestic work while overlooking structural class stratifications and interactions.

Gaspar et al. (2014), and Ullah et al. (2015) provides the example of some Gulf states where migrant domestic workers are prohibited from participating in labor unions and organizing. For instance, the Qatari law stipulates that only Qatari workers can form unions and initiate strikes upon obtaining governmental permission, whereas in Kuwait, among all workers, domestic workers are prohibited from participating in unions (Gaspar et al., 2014; Ullah et al., 2015).

### *Forms of Informal Resistance*

Sometimes formal institutional efforts, such as that by the civil society, are not necessarily enough to challenge the existing institutional gendered and racialized marginalizing practices against women migrant domestic workers. Scott (2008) stresses that when social forces are denied conventional means to express their demands such as diplomatic representation, labor unions, and formal organizations, unconventional ways become efficient in disturbing the repeated patterns of behavior and impelling the re-appropriation of institutions. Therefore, as Ally (2005), and Shah & Seville (2011) conclude, domestic workers have established informal support groups and endeavored for the building of informal associations to mobilize towards obtaining their rights.

On the one hand, scholars like Jureidini (2005), Johnson (2010), and Safuta & Camargo (2019) reflect that, in some cases, race and ethnicity could be used as a method to negotiate power relations between the employers and the migrant domestic worker. Race creates a sense of solidarity between the migrant domestic worker and the employer, and it provides the migrant workers with a space to communicate their experiences with other migrant domestic workers. Pande (2012) gives an interesting example of the case of Lebanon, where African migrant domestic workers use the balconies to communicate with each, challenging with this the unseen chains that confine them to the private space. In terms of negotiating the employer-worker's power relationship, Polish white women are preferred by the Belgian employers, because the similarity in the race can limit the possibilities of antagonism between the employer and the worker (Safuta & Camargo, 2019). Another example is by Johnson (2010), who mentions that not only Saudi nationals hire Filipino migrant domestic workers, but also middle-class Filipino residents of Saudi Arabia get to employ domestic workers at their household. It is assumed that the sense of racial and cultural familiarity created between the Filipina migrant worker the Filipino migrant employers makes the working situation more convenient but not necessarily easy (Johnson, 2010). Some people argue that having a migrant domestic worker from the same race as that of the employer is necessary for better communication between the household members and the worker (Jureidini, 2005).

On the other hand, migrant domestic workers can negotiate their relationship with their employers through religion. The literature by Ismail (2003), Jureidini (2005), Jarallah (2009), Johnson (2010), Saunders, Fiddian-Qasmiyeh, & Snyder (2016), and Chan (2018) underlines how religions could be a method of resistance. Religion could be a performative act that is manifested in both private and public spaces. Migrant workers use religion to gain power or avert it (Saunders et al., 2016). Ismail (2003) presents an example of Muslim households in rural Sri Lanka, where it is not common for women to leave their homes to earn a living; instead, it is the responsibility of the man in the house. With time this has changed as Muslim women feel the urge to migrate out of necessity due to the deteriorating economics (Ismail, 2003). Religion can allow Sri Lankan women to practice their agency and decide for themselves when it comes to migration (Ismail, 2003). Johnson (2010) and Chan (2018) argue that from a moral and a religious perspective, women migrant domestic workers are valued because they sacrifice themselves for the improvement of other's lives, but not when they leave their own families behind.

Some migrant domestic workers travel to achieve self-realization and maintain their piety (Chan, 2018). For example, some Muslim migrants prefer to choose Saudi Arabia as their position for migration as it might allow them to perform the Islamic pilgrimage to Mecca, Saudi Arabia (Silvey, 2006). Building on the same example, Fernandez (2019) suggest that religion sometimes provide migrant domestic workers with an alternative route to migrate. Some migrant domestic workers arrive in Saudi Arabia through a pilgrimage visa to Mecca for a month; then, they overstay and seek irregular employment networks (Fernandez, 2019). Ismail (2003), Jureidini (2005), Silvey (2006), and Jarallah (2009) elaborate that religion becomes a tool that provides the migrant domestic workers with better status in their destination, especially when other identity elements fail to do so. Ismail (2003) demonstrates this through the experience of Sri Lankan Muslim women who prefer to migrate to Islamic-based countries because commonalities generate a perception of safety and comfort. Similarly, many households in the Gulf prefer to hire Muslim women domestic workers (Jarallah, 2009). Jureidini (2005) shares that some people argue that hiring a Muslim migrant domestic worker is beneficial for the children at the household, where the Muslim migrant domestic worker will eventually contribute to the religious learning of the children.

Besides that, Saunders et al. (2016), and Chan (2018) concur that faith in destiny might encourage the migrant domestic workers to bear the hardships of their migration experience. Even if these migrating workers have heard of the dissatisfactory experiences of other migrant domestic workers, they insist on going on the journey out of the belief that they might have a better destiny (Chan, 2018). Simply, prayers become the only way to express oneself and to gain the strength to face the worrying migration conditions (Saunders et al., 2016). Lutz (2002), and Nisrane et al. (2019) also refer to places of worship as spaces where migrant domestic workers seek relief, mainly as some employers restrict the movement of the domestic workers in the house. Migrant domestic workers find relief and a sense of protection as they meet with other migrant domestic workers (Lutz, 2002). Saunders et al. (2016) agree that migrants get attached to religious spaces and institutions to connect with people alike, simply to talk in their native tongue on foreign land, and to exchange similar traditional practices. There is a sense of comfort, accompanied by familiarity. Migrants can use religious settings to voice their stories and to gain the support of others (Saunders et al., 2016).

Last but not least, some migrant domestic workers might consider running away as an option to escape the exploitative working conditions. Silvey (2006), Jarallah (2009), Johnson (2010), and Fernandez (2019) showcase that some migrant domestic workers escape their workplace because of abuse and exploitation, while other migrant domestic workers escape in search of better employment opportunities. However, Johnson (2010) argues that as workers run away, they are usually deprived of their legal documents and working permits, which makes their existence illegal. The absence of legal residency status increases the vulnerability of migrant domestic workers (Johnson, 2010). Jarallah (2009) shares the story of migrant domestic workers in Kuwait, where migrant domestic workers jump from buildings and end up with serious injuries, while Begum et al. (2016) and Begum (2018) highlight the case of runaways in Oman. Begum (2018) reports that the police often accuse the runaway workers with absconding charges, and in other instances, the workers get returned to their employers. Some runaway workers could be sentenced to jail or required to pay a fine while having their residency canceled and later deported (Begum et al., 2016; Begum, 2018). Following that, Johnson (2010) discusses how religion, race, and ethnicity can provide safety for runaway migrant domestic workers. For some

employers, employing irregular migrant domestic workers and providing them with an assumed sanctuary is a sign of kindness and sympathy, especially among Muslim employers, as abusive employers are perceived as impious (Johnson, 2010). Johnson (2010) also states that in the case of a runaway, when the employer is of a similar nationality to that of the runaway migrant worker, hiring the runaway worker becomes a sign of ethnic support.

### **3.3. Women Migrant Domestic Workers in Bahrain**

Bahrain has been mentioned in different studies sporadically. Al-Najjar's (2002) research for the ILO had been a significant contribution to the issue of women migrant domestic workers in Bahrain in specific. Al-Najjar (2002) has conducted questionnaires with women expatriate domestic workers from different nationalities and interviews their women employers, along with officials of relevant embassies. Al-Najjar (2002) expressed limitations in the research exemplified in difficulty to access the private space to meet with the expatriate domestic workers, as some of the workers were suspicious of the research, while others did not feel safe and free to answer the questionnaires under the supervision of their employers. Gardner (2010) faced similar challenges in conducting the study in the book "City of Strangers".

Al-Najjar's (2002) study has shown that there is a discrepancy between the data provided by the embassies and that provided by official labor and migrant regulatory directorates in Bahrain. Even globally, there is always an issue with the numbers produced. Masterson & Hoobler (2019) refer to the ILO's record, where it has been reported that in 2015, the numbers of domestic workers around the globe have exceeded 67 million. However, Schwenken & Heimeshoff (2011) have clarified that the estimated numbers of migrant domestic workers, produced by international governmental organizations such as by the ILO Bureau of Statistics Database and other human rights non-governmental organizations, are often contradictory in each report and sometimes they do not even match official statistics. This could be a result of different For Al-Najjar (2002), the discrepancy in numbers reflect the prevalence of informal and irregular employment networks; while, Schwenken & Heimeshoff, (2011) also argue that the work performed by the domestic workers is not usually conveyed to governmental entities or other public entities.

Al-Najjar (2002) further goes through the recruitment process in Bahrain, formally and informally. Strobl (2009) also calls to attention that some workers are hired informally, as they arrive in Bahrain through a tourist visa or free visa. Al-Najjar (2002) reports that there are certain conditions addressed by the law that the employer must meet to be able to hire a migrant domestic worker. These conditions include a guaranteed family income, number of children, medical certificates, and others (Al-Najjar, 2002). Al-Najjar (2002) also researches the role of recruiting agencies to operate in hiring migrant domestic workers under the supervision of the Ministry of Labor & Social Affairs. The recruiting agencies impose different fees on the migrant domestic workers, based on their nationality and religion (Al-Najjar, 2002). Al-Najjar (2002) found that Bahraini employers prefer to hire non-Muslim migrant domestic workers due to their belief that they are more educated. However, Al-Najjar (2002) proposes that with the increase of Islamic fundamentalism in the country, there might be an increase in the demand for Muslim migrant domestic workers. Besides that, others tend to hire domestic workers based on their literary skills, especially in English; however, Bahrainis are worried that their children will not have adequate Arabic linguistic skills (Karolak, 2010).

Al-Najjar (2002) questions the migrant domestic workers' accessibility to proper working conditions and other rights such as practicing religion, freedom of movement, and how they spend their leisure time. Through the research, Al-Najjar (2002) uncovers various cases of exploitation experienced by women migrant domestic workers. For example, non-Muslim interviewees' in Al-Najjar's (2002) study have expressed that they are not allowed to display their religious symbols publicly. Only domestic workers at upper-class families have been permitted to attend religious institutions (Al-Najjar, 2002). Fernandez, De Regt, & Currie (2014) also states the case of a Christian Ethiopian domestic worker and her Muslim employer in Bahrain. The Ethiopian domestic worker asserts that her employers accommodated her needs, but in terms of religion, they tried to coerce her to convert to Islam, so she left the job (Fernandez et al., 2014). Other cases are related to physical and sexual abuse. In data published by Al-Najjar (2002), cases registered at the police regarding migrant domestic workers include refusal to work, committing suicide, beating, theft, a pregnancy outside of marriage, prostitution, sexual harassment and rape, non-payment of salary, and others. Ullah et al. (2015) have further shared that the Migrant Workers

Protection Society (MWPS) in Bahrain had reported around 20 rape cases of expatriate domestic workers in 2005, yet no condemnations or court cases reported following these crimes.

Strobl (2009) stresses that there is a legal gap hindering the protection of migrant domestic workers in Bahrain. According to Strobl (2009), this is mainly because migrant domestic workers are considered as part of the family; nonetheless, their cases remain excluded from Sharia and civil courts that are concerned with family issues. Nor migrant domestic workers are fully covered by labor laws (Strobl, 2009). On the other hand, the results by Al-Najjar (2002) show that most of the migrant domestic workers do not have access to the present formal channels, including the Ministry of Labor & Social Affairs, the police, and the court. Other workers, according to Al-Najjar (2002), are uninformed of the steps they must take to maintain their rights. In response to their exploitation, as Al-Najjar (2002) mentions many workers runaway. Usually, the picture of the runaway migrant domestic worker is printed in local newspapers, and a police search starts (Al-Najjar, 2002). Those hiding a runaway worker are considered to commit an offense; thus, they are punished. In turn, the runaway worker is first jailed, then deported at the expense of the employer (Al-Najjar, 2002). Correspondingly, Strobl (2009) shares the Migrant Workers Protection Society (MWPS) claims that in some cases, the employer refuses to pay for the worker's deportation, which leaves the worker stuck in prison waiting for their release. Strobl (2009) states that employers are advised and pressured informally to pay for the tickets, and those who refuse to do so are not held accountable by the system. Most of the cases were negotiated pacifically (Al-Najjar, 2002; Strobl, 2009). Strobl (2009) argues that the use of police to resolve labor-related issues emphasizes on the criminalization of the migrant domestic workers, even if their case was not categorized as a criminal offense. Strobl (2009) further states that most of the dispute cases related to migrant domestic workers are handled by policewomen, which reflects the feminization of domestic work. For Strobl (2009), policewomen are used to managing and controlling women migrant domestic workers. However, there is an apparent power disparity; policewomen recognize the migrant domestic workers as the other. Therefore, Strobl (2009) inquires how having policewomen in law enforcement is a celebratory event for the global world in terms of achieving gender equality, while their deployment indirectly contributes to the enforcement of patriarchal laws and norms.

### **3.4. Conclusion and Literature Gap**

There is an abundant amount of research done on domestic work in different regions across the globe, highlighting the experiences of migrant domestic workers since the early stages of their migration until they arrive at their workspace. Migrant domestic workers are always prone to experiencing exploitation due to the global underestimation of the sector as a real productive job, and the absence of a worldwide migration regime to regulate and protect migrants. Some of the marginalizing practices are overtly performed, while others are covertly expressed; the latter often pass unacknowledged. Besides that, there are numerous scholarly contributions on the role of states and grassroots initiatives in countering the institutional marginalization of migrant domestic workers. These institutional opportunities are also practiced formally, thus, visible in the public space, and through close interpersonal interactions practiced in the private space. However, most of the literature failed to clearly explain how gender, intersecting with other socio-economic identities, could exacerbate the marginalization of women migrant domestic workers through gendered and racialized institutions. Therefore, there is a need to apply the intersectional feminist institutionalism approach to deconstruct the institutional rules and practices, and better understand how the gendered and racialized foundation of domestic work leads to the exclusion of women migrant domestic workers. This will further allow for the reprioritization of women migrant domestic workers issues and will enable discussions on how institutions can be re-gendered to facilitate the inclusion of women migrant domestic workers in public life. Not only that but since there is limited research on the grassroots' narratives of women migrant domestic workers, the research will show the importance of bottom-up responses in challenging the marginalizing gendered and racialized institutions, in hopes that the research will pave the way for future research on the grassroots' narratives in responding to institutional marginalization. The following chapters will present the case of Bahrain, as it will explore how institutions can impede or facilitate the inclusion of women migrant domestic workers through an intersectional feminist institutionalism lens, and the bottom-up responses to challenge the marginalizing formal and informal institutions in Bahrain.

## **CHAPTER FOUR**

# **Research Groundwork & Findings: Bahrain's Institutions in Governing the Expatriate Domestic Workers**

This chapter investigates how Bahrain's formal and informal institutions to govern the expatriate domestic workers residing in the country. It posits that a variety of formal and informal institutional practices converge to allow only for a limited inclusion of women migrant domestic workers in the Bahraini society and the labor market. The chapter begins with an overview of the patterns of demand for expatriate domestic workers in Bahrain, followed by a presentation of the capacity of formal institutions to include expatriate domestic workers in the public space. This section will highlight Bahrain's attempts to formalize the recruitment process of expatriate domestic workers, Bahrain's domestic regulatory measures, its commitment to eliminate human trafficking, and its bilateral arrangements with labor-sending countries. Then, the chapter will underline the locals' perceptions and attitudes concerning the expatriate domestic workers, encompassing linguistic considerations, the locals' perspectives on expatriate domestic workers, and instances of exploitation behind closed doors. Finally, the chapter will display the bottom-up responses to the precarity of domestic work and the institutional marginalization of women expatriate domestic workers, whether through the escape of women migrant domestic workers from their workspace as an act of resistance or through the civil society's efforts to eliminate marginalization.

### **4.1. The Demand for Expatriate Domestic Workers**

Records from the Labor Market Regulatory Authority (LMRA) show that by mid-2019, there have been around 86,349 expatriate domestic workers in Bahrain in total, who are employed to perform different tasks such as cleaning, gardening, securing the house, cooking, and as drivers (BLMI, 2020; Al-Shakhouri, 2020). These expatriate domestic workers are mostly women, accounting for 63,203, while 23,146 are men (BLMI, 2020). The number of expatriate domestic workers has decreased in

comparison to mid-2018. The LMRA indicates that in mid-2018, there were around 91,852 domestic workers in Bahrain: 69,374 are women, and 22,478 are men (BLMI, 2020). The decline of demand is linked to the low income of many families, where many of them cannot afford the high cost of employment, which often consumes around half of the employer's monthly income (Bouhaji, 2018). Another reason could be that people have diverted to the hourly-employed expatriate domestic workers, which is irregular and cheaper (Bouhaji, 2018; Al-Shakhouri, 2020). Dealing with an hourly-based domestic worker allows the employers to save the expenses of employment, including accommodation, healthcare, regular wage, a permit, and other emerging costs (Al-Malki, 2020; Kamal Al-Din, 2014). Nonetheless, these numbers fail to account for undocumented and irregular expatriate domestic workers who exist within private spaces and excluded by the formal labor market.

The expatriate domestic workers mostly arrive from India, followed by the Philippines, Ethiopia, Bangladesh, Indonesia, Kenya, and others (BLMI, 2020). Bahrain spends around 80 million Bahraini Dinars (~211 million USD) yearly to hire expatriate domestic workers (Al-Shakouri, 2020). The cost of employment differs based on the expatriate worker's nationality (Al-Shakhouri, 2020). For instance, hiring a domestic worker from the Philippines costs the employer around 1,300 Bahraini Dinars (~3,444 USD), and a wage that is not less than 150 Bahraini Dinar (~397 USD) (Al-Shakhouri, 2020). Also, the employment of an Indonesian worker costs around 1500 Bahraini Dinars (~3,971 USD), who also receive a wage between 110 -130 Bahraini Dinars to (~291 -344 USD) (Al-Shakhouri, 2020). In contrast, it is cheaper to hire a Kenyan as the cost for their employment reaches 600-700 Bahraini Dinars (~1,588 – 1,852 USD), and their wages are like that of Indonesians (Al-Shakhouri, 2020). As presented, the expatriate domestic workers from the Philippines receive higher salaries than expatriate domestic workers from other nationalities due to various factors. There is a relatively high demand for Filipina domestic workers because, as one of the interviewees in Hassan's (2018b) article states, Filipina expatriate workers are perceived as the best in terms of cleanliness, understanding the needs of the household and its members, and their competency with English. Besides that, by virtue of the Philippines' governmental efforts in guaranteeing the rights of their migrating citizens, including setting a minimum wage of 150 Bahraini Dinar (~397 USD), the Filipinos expatriate domestic workers continue to be more valued in the labor market

(Al-Malki, 2020). The rise in the Filipina expatriate domestic workers' employment cost has shifted the interests of employers towards Ethiopian and Kenyan workers, who cost less (Al-Saed, 2018; Al-Malki, 2020). Some Bahrainis prefer hiring Kenyan domestic workers because they cost less, they speak English, and they are clean (Al-Malki, 2020).

Other times the demand for domestic workers from certain nationalities is determined by the diplomatic relationship between Bahrain and the labor-sending state. For instance, in 2018, Bahrain and Ethiopia were arranging a new bilateral agreement to resume the work of Ethiopian domestic workers in Bahrain after being banned for a while (Al-Saed, 2018). The head of the Association of Recruiting Agencies, Al-Mahari, claimed that the Ethiopian ban did not impact the labor market of expatriate domestic workers in Bahrain (Al-Saed, 2018). Al-Mahari suggested that other African countries are ready to establish labor relations with Bahrain, including Uganda, Kenya, Ghana, and Nigeria (Al-Saed, 2018). Al-Mahari further claimed that the only ones who will be impacted by the ban are individual brokers who operate without legal permission (Al-Saed, 2018). Whereas as India banned its expatriate citizens from seeking domestic work in Bahrain, irregular Indian domestic workers still arrived at the country regularly, mostly through informal routes ("The Head of Workers Trade Unions", 2016). The bans usually prompt irregular networks of recruitment to emerge. In 2015, it was reported that Indonesia would ban its migrating domestic workers. It has been further assumed that Indonesia's decision is a response to the deception of some recruiting agencies, where they hire Indonesian domestic workers to be sent to work in Saudi Arabia, despite that they are banned from the latter (Abu-Safi, 2015). This made some individuals express their concern regarding that, especially that Indonesian domestic workers are highly demanded by Bahraini households for various reasons such as religious preferences and their fast ability to learn Arabic (Abu-Safi, 2015).

## **4.2. The Capacity of Formal Institutions**

### **4.2.1 Formalization of the Recruitment Process**

Expatriate domestic workers in Bahrain usually arrive as contract workers, where they are employed temporarily through formal procedures, negotiated between a

contractor or an intermediary agency, and the employer. However, some recruitment agencies claim that their businesses are challenged by irregular networks of employment, such as those workers who are employed through family members, without cooperating with the recruiting agencies (Abbas, 2017). Before operating, the recruiting agencies should be licensed by the LMRA. Article 29 of law no.19 of 2006 on the regulation of the labor market prohibits recruiting agencies from performing any activities without getting an approved license from the LMRA (LMRA, 2018). The recruiting agencies are required, under the new labor regulations, to have a balance of 10,000 Bahraini Dinars (~26,486.5 USD) in their bank accounts to be authorized entities, many recruiting agencies resort to hourly-based employment (Unnikrishnan, 2014). Without this amount, the LMRA will not permit the recruiting agencies to operate (Unnikrishnan, 2014). Hence, some recruiting agencies began to offer domestic services performed by a live-out or an hourly-employed worker (Kagan, 2017). Recruiting agencies hire hourly-employed workers at a low price; in turn, they ensure that their business will be running (Bouhaji, 2018; Al-Malki, 2020). These agencies further expressed their disappointment with the new labor regulatory measures, claiming that it has resulted in substantial financial losses (Abbas, 2017; Abu-Safi, 2015). Nevertheless, Bahrain prohibits the hourly-based employment of domestic workers, and employment agencies providing these services are continually being locked down by authorities (Unnikrishnan, 2014).

On the other hand, if a recruiting agency obtained an official permit, it becomes mandated by the state to sign a standardized tripartite contract with the employer and the worker. The recruiting agency, the domestic worker, and the employer are all equal parties in the contract (Bouhaji, 2018). The LMRA website has created a section on domestic employees and their equivalents, where it sets the definition of domestic labor and its scope. The website introduces the 2017 standard tripartite domestic contract, which is a ten pages document that the recruiting agencies are required to adopt to improve the governance strategy of expatriate domestic work. The LMRA holds a copy of the contract upon its signature by the recruiting agency, the employer, and the worker for future references if needed (US Department of State, 2019). Article 19 of Bahrain's Labor Law (2012) emphasizes the importance of having a written employment contract, but it does not necessarily deny oral contracts. In specific, the article states:

"The labor contract shall be made in writing in the Arabic language in two copies; each party shall receive a copy. If drafted in a foreign language, a translated version shall be attached. If the contract includes references to by-laws, said by-laws shall be attached to the labor contract and signed by the parties and retained as evidence. In case of the inexistence of a written labor contract, the worker may solely prove all of his rights through all means of proof" (Bahrain's Labor Law, 2012).

The tripartite employment contract includes the rights and duties of the workers, and other details to familiarize the worker with the place of employment (Bouhaji, 2018; "Tripartite Domestic Contract", 2020). In terms of the contract, the domestic worker should be under probation for a maximum of 3 months (can be extended based on mutual agreement), while the employer should guarantee the worker's accommodation, food, access to medical care (Bouhaji, 2018). When it comes to the recruiting agencies, they are obliged to ensure that the domestic worker's consent is free and prior informed before even arriving at Bahrain ("Tripartite Domestic Contract", 2020; Bouhaji, 2018). Based on article 23(1) of the UDHR (1948), "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. 2. Everyone, without any discrimination, has the right to equal pay for equal work".

The details in the contract include, but not limited to, how big the house is, the number of rooms, and whether there are a separate room and bathroom for the domestic worker ("Tripartite Domestic Contract", 2020). Other details were in regard of the household members, like how many family members are there, are their children, are there elderly, and whether there is a family member with a special needs, and whether there is another domestic worker in the house ("Tripartite Domestic Contract", 2020). Also, the contract requires the domestic workers to provide information regarding their identity as in age, sex, social and marital status, and additional work-related details like their years of experience, their expertise, and their

language skills ("Tripartite Domestic Contract", 2020). Moreover, the contract contains provisions that require the employer to give the domestic worker a paid annual leave, the end of service reward, and to pay the worker's wage every month (Bouhaji, 2018; US Department of State, 2019). Article 24 of the UDHR (1948) stresses, "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay".

The contract is nullified and revoked when it is found that it has been issued based on false documents, or it has been used for another purpose than that it has been issued for (Al-Mosawi, 2020). In case of a breach of the contract by any party, the LMRA ensures the incorporation of solutions through a complaint mechanism, where labor-sending countries' embassies and recruiting agencies are part of it ("Al-Absi", 2019). Mohammed Ali Al-Ansari, the Assistant Undersecretary of the Ministry of Labor, emphasizes that the worker has the right to leave the job when they desire, where the worker's claim should be forwarded through official and legal channels (Kamal Al-Din, 2014). Albeit, the recruiting agencies are equal parties in the standard tripartite contract; nonetheless, some recruiting agencies renounce their responsibility as soon as they receive the recruitment fees from the employer, and after the worker's three months' probation period ends (Abou-Safi, 2018). Some employers have complained that the recruiting agencies do not abide by their responsibility, as the contract mentions (Mansi, 2020). The recruitment agencies do not want to bear the responsibility of the worker if any form of violation occurs.

The tripartite contract aims at ensuring the transparency and fairness of the employment process ("Al-Absi", 2019). Yet, the contract leaves other specifications to the control of the employer and the recruitment agency, such as the daily working and rest hours, and the worker's wage ("Tripartite Domestic Contract", 2020; Bouhaji, 2018). Even Article 39 of Bahrain's Labor Law (2012) which mentions that "Discrimination in wages based on sex, origin, language, religion or ideology shall be prohibited", it fails to extend its terms to the expatriate domestic workers. Bahrain did not set a minimum wage for the expatriate domestic workers as they want to maintain their competitiveness in the global market by hiring cheap labor (Schwenken & Heimeshoff, 2011; Murray, 2013). Leaving the daily working and rest hours, and the worker's salary for personal preferences creates a legal gap that allows for the

exploitation of the worker. The contract is not free of gaps; however, the LMRA is continuously trying to develop the contract to meet the needs of both the worker and the employer, and most importantly, to regularize the market ("Al-Absi", 2019). Nowadays, the LMRA recommends the employers to obtain insurance that does not exceed 70 Bahraini Dinars (~185 USD) to compensate them in case the worker decided to end their contract and travel back home, or upon the worker's injury or death (Al-Mosawi, 2020).

#### **4.2.2 Bahrain's Domestic Regulatory Measures**

First of all, before the arrival of the expatriate domestic workers to Bahrain, the Bahraini Nationality, Passports & Residence Affairs Authority have required the medical examinations of the potential domestic worker in an authorized medical center in the worker's home country to issue the employment permit ("Nationality & Passports", 2017). Then, upon their arrival to Bahrain, expatriate domestic workers are obliged to have their reproductive and sexual health tested without being counseled about it, and without the worker's consent (Murray, 2013). The objective of these tests is to ensure that the expatriate worker is free from contagious or undesired diseases, but most importantly, to verify the non-pregnancy of the women expatriate domestic worker (Murray, 2013; "Nationality & Passports", 2017).

Second, the LMRA has contributed to the improvement of the regulatory procedures regarding the labor market. For example, the LMRA is responsible for settling labor disputes, even those related to expatriate domestic workers, through its Arbitration and Labor Consultancy Administration; then, the case is referred to the judiciary upon the approval of the concerned parties (Bahrain's Labor Law, 2012). Moreover, the LMRA, with the support of the National Committee to Combat Trafficking in Persons, has established the Migrant Worker Shelter and Services Centre, with a capacity to accommodate around 120 affected expatriate workers from both sexes (CEDAW Committee, 2019). There is a possibility to increase the capacity of the shelter to handle 200 more people if necessary (CEDAW Committee, 2019). Besides providing accommodation, the Center offers various services, including healthcare services, legal and social consultancy services, a hotline call center that operates 24 hours and can speak around eight languages, a rehabilitation facility, and

repatriation or reintegration procedures depending on the worker's demand (CEDAW Committee, 2019; LMRA External Offices, 2020).

On the other hand, Bahrain has considered substantial measures towards the inclusion of expatriate domestic workers in its labor laws, regulating the domestic workers' wages and annual leaves, as well as for settling issues that arise between the employer and the worker (ILO, 2013; Ullah et al., 2015). These efforts have been achieved through the reformation of laws, the creation of flexible permits, and creating a standardized tripartite contract. Not until 2012, when the women foreign domestic workers became incorporated in the labor laws, yet, loosely regulated (Bouhaji, 2018). Article 1 (3-4) of the Bahraini Labor Law (2012) defines the relationship between the worker and the employer as follows. "The Worker: Every natural person working in return for a wage for an employer and under the latter's management and supervision. The Employer: Every natural person or legal entity employing one or more workers in return for a wage" (Bahrain's Labor Law, 2012, art.1). Accordingly, expatriate domestic workers meet the criteria of a worker. However, article 2 (1) of the Bahraini Labor Law (2012) excludes expatriate domestic workers from the law, including "agricultural workers, security house-guards, nannies, drivers, and cooks..". Whereas article 2 (2) extends several articles to domestic workers, as mentioned in the labor law.

Article 20 and article 21 further detail the particularities that should be mentioned in the contract, and the entitlements of the worker. For instance, article 21(a) grants the worker a probation period of a maximum of 3 months if mentioned in the contract (Bahrain's Labor Law, 2012). Article 21 (b) gives the contract parties the right to terminate the contract during the probation period, with a minimum of a one-day notice (Bahrain's Labor Law, 2012). Whereas articles 37, 38, 48, and 49 of Bahrain's Labor Law (2012) regulate the worker's wages, with no specification for minimum wage. Article 40 (b1) mentions the right of the worker to receive their salary monthly (Bahrain's Labor Law, 2012). Article 58 also stresses that the domestic workers are also entitled to have an annual paid leave for at least 30 days, and two and a half days each month (Bahrain's Labor Law, 2012). Along with other provisions on the expiry of the labor contract and labor disputes. These legal documents concerning foreign domestic workers have been translated into nine different languages: English, Hindi,

Bengali, Urdu, Filipino, Indonesian Thai, Sinhala, and Turkish (CEDAW Committee, 2013).

Moreover, to regulate irregular expatriate workers, the LMRA adopted the Flexi-permit strategy in 2017 to provide the expatriate worker with flexibility and freedom. This includes the ability to "work in any non-specialized occupation without a sponsor for a renewable period of one or two years", and to work for more than one employer, only upon the payment of 150 Bahraini Dinar (~400) or 300 Bahraini Dinar (~800 USD) (Kagan, 2017; LMRA, 2020, para.1; US Department of State, 2019). This permit contained work permits, health care coverage, a refundable deposit for travel tickets, an extension of residency timeframes, and it has waived immigration fines incurred while in irregular status (US Department of State, 2019, p.84). However, this permit is not extended to domestic workers (Kagan, 2017). Some activists did not encourage the Flexi-permit strategy because they claim that it leads to more exploitation of expatriate workers as they are often overworked given the costs of the permit (US Department of State, 2019).

The SWC also contributed to providing space for the creating of better regulatory measures concerning domestic workers. For example, in 2019, the SWC met with officials to study and promote the new regulatory measures that have been promulgated in 2018, amending some provisions of the private sector's labor law (Supreme Council for Women, 2019). These amendments included the ban on all forms of discrimination in employment, inclusive of expatriate domestic workers, as well as criminalization of sexual harassment at work (Supreme Council for Women, 2019). Other amendments were concerned with protecting the workers' wages and require the employers to adhere to the national mechanisms and procedures in employment (Supreme Council for Women, 2019).

#### **4.2.3 Adherence to International Conventions**

Besides the Universal Declaration of Human Rights (UDHR), Bahrain ratified the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with reservations on articles that are incompatible with Sharia law, and not bound to submit to the International Court of Justice in case of issues with the treaty

interpretation and implementation (Manseau, 2007). Bahrain is permitted to enter reservations and can modify its state obligation in accordance to article 2 of the Vienna Convention on the Law of Treaties (VCLT) and conjunction with article 28 of CEDAW "unilateral statement, however, phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State" (VCLT, 1969, art.2). Even with the reservations on the ICERD and CEDAW, Bahrain is required to take all the appropriate measures towards the elimination of discrimination against women, regardless of their status and their racial background, upon its ratification of the conventions. Bahrain has also ratified the International Covenant on Civil and Political Rights (ICCPR) (United Nations Treaty Collection, 2020a). Article 2 of the ICCPR (1966) stresses "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status". Accordingly, Bahrain has an international obligation towards the regulation, and the protection of the women expatriate domestic workers on its territory. Also, Bahrain, among other states, has been an observant state in the Colombo Process, a consultative meeting at providing a framework for the protection of transnational employees and enhancing their working conditions and their integration in the formal labor market (Ullah et al., 2015). Notwithstanding, there are fragile compliance and enforcement of the ratified legal provisions (ILO, 2013; Kagan, 2017).

Besides that, Bahrain has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), with a reservation on article 8 regarding the freedom to establish trade unions and the right to strike (United Nations Treaty Collection, 2020b). Trade unions play a vital role in mobilizing the public and authorities towards the inclusion of women expatriate domestic workers in public life. Article 23(4) of the UDHR (1948) states that "Everyone has the right to form and to join trade unions for the protection of his interests"; in conjunction with article 27 of the Bahraini Constitution (2002) that stipulates "the freedom to form associations and unions on national principles, for lawful objectives, and by peaceful means is guaranteed under the rules and conditions laid down by law, provided that the fundamentals of the

religion and public order and not infringed, No one can be forced to join any association or union or to continue as a member". Along with the amended trade unions law, section 8 of Act No.49 of 2006, promulgates "At the level of the Kingdom, in international fora, and collective bargaining with employers and their organizations, the workers of the Kingdom of Bahrain shall be represented by the trade union federation" (Natlex, 2006, p.2). The mention of the word worker only without any specification means that the law should be applied proportionately to both nationals and foreign workers. Bahrain's code on the Workers' Trade Union gives expatriate workers the right to join unions; however, this right is not extended to domestic workers (Murray, 2013; Ullah et al., 2015). Additionally, many expatriate workers will be reluctant to mobilize as they cannot risk being laid-off (Murray, 2013). Other expatriate workers might be unwilling to join labor unions due to language barriers (Murray, 2013).

In addition, like the rest of the GCC states, Bahrain did not ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMWF) (United Nations Treaty Collection, 2020e; Kagan, 2017). Even if Bahrain does not consider the expatriate domestic workers as migrants; nonetheless, article 2(1) of the CRMWF (1990) mentions "the term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national", which is applicable to the situation of expatriate domestic workers in Bahrain. Nor did Bahrain ratify the ILO Convention 189 on Decent Work for Domestic Workers, but still stressed its support to the convention by presenting labor reforms (ILO, 2013; Mehta, 2017).

#### **4.2.4 Commitment to Eliminate Human Trafficking**

Based on the Palermo Protocol on human trafficking is defined as:

"The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall

include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs." (US Department of State, 2019).

Most contract work is performed by underprivileged expatriate workers (Jureidini, 2005; Smith, 2013). These workers are often denied benefits such as job security or health insurance, so they become precarious workers (Smith, 2013). Many of the cases reported in Bahrain regarding trafficking have been forwarded by vulnerable expatriate workers who have labor-related disagreements with their employers (US Department of State, 2019). Bahrain has been a forerunner in the protection ratified the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (UNCTOC) (United Nations Treaty Collection, 2020 c, d).

According to the 2019 US Department of State report on Trafficking in Persons, Bahrain has reached to tier 1 concerning the country's compliance with the minimum standards for the elimination of human trafficking (US Department of State, 2019). The measures undertaken by the government in Bahrain have included: the establishment of a fund to support trafficking victims by providing them with shelters; allowing undocumented expatriate workers to work without sponsorship; and creating a National Referral Mechanism to improve the official management of trafficking cases (US Department of State, 2019). However, the National Referral Mechanism has yet to be extended to expatriate domestic workers and escaped workers (US Department of State, 2019).

Bahrain has also established an Expatriate Protection Unit within the LMRA that provides expatriate workers with "shelter, food, clothing, medical care, religious support, psycho-social counseling, rehabilitation, transportation, familial reunification, translation assistance, legal counsel, and repatriation or job placement in Bahrain" (US Department of State, 2019, p.86). Other efforts by the state are implemented by the Ministry of Interior. The Ministry has been conducting training sessions to recognize abused and trafficked domestic workers and to deal with them properly by directing them to the concerned entities (Bouhaji, 2018). Most of these

complaints have been categorized as a violation of safety, sexual abuse, and rape (Bouhaji, 2011). By February 2020, the LMRA has established new offices to receive labor-related disputes and register them as lawsuits ("New Offices", 2020). These offices will be provided with translators to assist the expatriate workers and facilitate the conversations between the worker and the employer ("New Offices", 2020). These steps are taken in coherence with international provisions, especially the UNCTOC, to eradicate human trafficking and exploitation.

In terms of legal measures, the punishments for trafficking have included the imprisonment of the abuser from 3 to 15 years, a fine that amounts to 2,000 to 10,000 Bahraini Dinar (~5,297 – 26,486 USD) and paying for the repatriation of the victim (US Department of State, 2019). Article 302 of the Bahraini penal code (1976) stipulates that anyone who uses force, threat, or unlawful means to assault or attempt to attack the right of others is punished with imprisonment for a period that does not exceed two years. While article 344 (1) in the Bahraini legal decree no.7 of 1984 of the penal code criminalizes assault against women by stating, "Any person who assaults a woman shall receive a prison sentence" (Bahrain Penal Code, 1976). Anyone who is proven to be an accuser is penalized with a fine, not less than 2,000 Bahraini Dinars and not more than 10,000 Bahraini Dinar (~5,289 – 26,446 USD), and they are imprisoned (CEDAW Committee, 2019). There are several possible mitigating factors, which include if the perpetrator is someone under the age of 15 years old, someone with special needs, and if it is a woman (CEDAW Committee, 2019).

Nonetheless, Bahrain still must look into the circumstances in where passport confiscations, withholding of salaries, and other forms of forced labor, where most of the cases investigated focused on sex trafficking and neglected exploitation resulting from forced labor (US Department of State, 2019). The MWPS has stated that in 2018, they did not receive any physical or sexual abuse cases, somewhat most of the cases were related to forced labor and non-payment of wages (Abou-Safi, 2018). There are no official numbers indicated, too, mainly because Bahrain has emphasized the sanctity of the house. Bahrain has refused to provide records of human trafficking cases of women expatriate domestic workers. In its answer to the CEDAW Committee, Bahrain refused to provide instances on trafficking to protect the privacy of the cases

and the parties involved, as well as in respect of the country's sovereignty (CEDAW Committee, 2013).

Taking into account also, the Bahraini government works closely with civil society in regulating expatriate domestic work. For example, the government has distributed documents to organizations in different languages, containing the necessary information regarding the application of the National Referral Mechanism that is created to identify the victims of human trafficking and guarantee their access to support networks (US Department of State, 2019). The documents have also been distributed among embassies, recruiting agencies, expatriate workers, and even religious centers (Bouhaji, 2018). Also, the government has provided organizations with some financial assistance to carry out their work (US Department of State, 2019). The documents emphasize that domestic workers should keep their passports and other official papers (Bouhaji, 2018). At the same time, it also provided hotline numbers for the workers to reach out to the concerned authority (Bouhaji, 2018).

#### **4.2.5 Bilateral Arrangements with Labor-Sending Countries**

Embassies play a critical role in regulating the expatriate domestic workers, through their diplomatic relations with labor-receiving states. Bahrain has established agreements with several labor-sending countries such as India, Sri Lanka, and Nepal, to ensure the application of protective measures both labor-sending States and Bahrain. These arrangements are also communicated with the Ministry of Labor and Social Development. The embassies' role could be demonstrated in different forms. For example, when there is a lack of specific provisions within the national laws, embassies can introduce measures to fill the gap. For instance, the Indian embassy in Bahrain has set a minimum wage of around 100 Bahraini Dinars (~265 USD) for its migrating domestic workers, which should be deposited monthly in the worker's bank account (Bouhaji, 2011). Also, the Indian embassy requests the employer to present a financial statement to prove their capability to hire a domestic worker (Bouhaji, 2011). However, these regulations are merely words that are reiterate rather than being enforced on employees (Bouhaji, 2011). Likewise, the Philippines embassy has signed a bilateral agreement with Bahrain that stipulates the minimum wage that the Filipino domestic workers should receive in Bahrain, which is 150 Bahraini Dinar (~397 USD) ("Minimum Salary", 2017). However, the Philippines embassy clarified that the

mentioned amount includes other expenses that are provided by the employer ("The Head of Workers Trade Unions", 2016). Therefore, the wage that a Filipina domestic worker might receive could be decreased based on the employer's intuition.

Embassies also contribute to the protection of expatriate domestic workers in cases of abuse. For example, The Philippines' embassy has established an official shelter, since 1987, to assist abused Filipino workers in Bahrain (Bouhaji, 2011). Similarly, The Indonesian embassy opens its doors to receive its expatriate citizens in Bahrain and to help them in filing official complaints ("Sharp drop", 2014). The Indonesian embassy claims that the efforts by the Bahraini government and the embassy are successful ("Sharp drop", 2014). In 2014, the embassy witnessed a significant drop in the number of cases reported ("Sharp drop", 2014). Dias, the head of the MWPS, has mentioned that most of the exploitation complaints that are received by Ethiopian, Kenyan, Sri Lankan, Indian, and Nepalese workers. In contrast, the organization rarely gets any complaints from the Indonesian and Filipino workers ("Migrant Workers Protection," 2014). It is because the first list of nationalities of exploited expatriate workers either do not have representative embassies in Bahrain to resort to them, or they simply lack access to those embassies ("Migrant Workers Protection," 2014). According to Bahrain's Ministry of Foreign Affairs' official website, there are not any officially recognized diplomatic missions for Ethiopia and Kenya in Bahrain.

### **4.3. Locals' Perceptions & Attitudes**

#### **4.3.1 Linguistic Considerations**

Officials in Bahrain have stressed the use of the term expatriate instead of a migrant in referring to foreign domestic workers. Officials claim that each linguistic expression has specific political implications, and each category is entitled to a different set of rights (Al-Maskati, 2009). The term expatriate refers to a worker who leaves their homeland to engage in short-term employment in another land, and where the worker is destined to depart the receiving country with the end of their contract (Al-Maskati, 2009). In contrast, the term migrant is attributed to individuals who leave their homeland to stay in another land, for an extended period (Al-Maskati, 2009). Using the word migrant might lead to the emergence of a set of issues, including the

extension of citizenship to foreign domestic workers (Al-Maskati, 2009). Besides that, according to Bahraini officials, the use of the word migrants do not reflect the modern connotations of migration that have developed with transnationalism, and the conditions of globalization (Al Maskti, 2009).

On the other hand, the Secretary-General of the Federation of Workers Trade Unions in Bahrain, Hassan Al-Halwachi, has emphasized the importance of dealing with expatriate domestic workers as productive workers ("The Workers Trade Unions Break the Taboo," 2018). The General Federation of Workers Trade Unions has stressed that the society must "break the taboo" and treat the expatriate domestic workers as real producers of labor with legit entitlements ("The Workers Trade Unions Break the Taboo," 2018). Hence, society must replace term *khaddam* (maid or servant) with the term worker; the latter denotes the slavery and the submission of the worker ("The Workers Trade Unions Break the Taboo," 2018). In interviews by Hassan (2018b), Bahrainis claim that they became more understanding of the needs of the expatriate domestic workers, and they are aware of the replacement of the term maid with the domestic worker, with exception to few. An interviewee articulated that the term domestic worker is necessary as it alleviates the degradation and the stigma attached to domestic work as inferred through the term maid (Hassan, 2018b). Another interviewee applauded the change in terms of believing that the domestic workers are ought to be recognized as productive workers, as long as the elements of employment are present, including the employer's responsibility to pay the domestic worker a monthly salary with rest days (Hassan, 2018b). However, until today the term *khaddam/khaddama* is widely used, and in fact, normalized. While conducting the research, most of the newspaper articles still apply the term *khaddama* (plural: *khaddam*) when referring to the expatriate domestic workers.

#### **4.3.2 Locals' Perspectives on Expatriate Domestic Workers**

The dominant public narrative of expatriate domestic workers that they are deceitful, unpredictable, and dangerous. This is exemplified in the insights shared by locals in Bahrain. According to some locals, there is psychological discomfort resulting from the dependency relationship of the employer on expatriate domestic, especially when households lack privacy because the expatriate domestic worker becomes part of the family (Ghanim,2017). Along with that, some locals expressed

their fear that as the expatriate domestic worker experience exploitation, the worker could be infuriated to abuse or commit a crime against the household members (Al-Balushi, 2012; Al-Zayd, 2015; Al-Dosari, 2018). An article by Al-Balushi (2012) shares the accounts of Bahraini employers who narrate their negative experiences with foreign domestic workers at their household. Some of these experiences include poisoning the household members; others were related to assaulting the employers' children. The second notable case was that of an expatriate domestic worker who set her employer's house on fire upon being prohibited from calling her family back home (Shakl, 2019). Another case was of a Bahraini complainant who said that the expatriate domestic worker strangled her and threatened to kill her with a knife if the employer did not give her the passport (Ismail, 2018). Before that, the complainant accused the domestic worker of locking her husband and two sons with special needs in another room (Ismail, 2018). Then the domestic worker managed to get her passport, and she escaped the house, stealing passports, mobile phones, and money (Ismail, 2018). Moreover, there have been several narratives in where Bahraini employers suspected that the expatriate domestic workers deal with supernatural evil powers to harm the household members (Al-Zayed, 2015). Regardless of that, some locals assert that they have a moral and religious responsibility towards the other; they ought to treat the expatriate domestic workers with mercy and kindness and to secure their rights in a safe and healthy working environment (Radhi, 2019). Al-Balushi (2012) interviewees also stress that it is crucial to understand the working environment and circumstances that have driven the expatriate domestic worker to perpetrate any assault.

Not to mention, several articles such as that by Al-Dosari (2018), Radhi (2019), Ghanim (2017), and Al-Zayd (2015) warns against the dependency on foreign domestic workers in raising the employer's children. A traditional proverb in Bahrain says, "Fortified is one who is raised by their mother, not a midwife" (Al-Dosari, 2018). This proverb has been used earlier by mothers to compliment the behavior of their children, by showing that good mothering is when a mother raises her children instead of allowing midwives to do so (Al-Dosari, 2018). Earlier midwives play the role as that of today's domestic workers (Al-Dosari, 2018). Al-Dosari (2018) saying that it is "a dangerous phenomenon, threatening the family entity and the upbringing of the future Bahraini generations". Al-Zayd (2015), Ghanim (2017), Al-Dosari (2018), and Radhi (2019) articles highlight the concerns of Bahraini employers in having

expatriate domestic workers raise their children. Some employers were reluctant to allow the expatriate domestic workers to be around their children, assuming that their children might be exposed to what they have called “a cultural invasion”. Some employers said that they fear that their children will have distorted native literary skills, even if that meant that their English language skills would improve. Those employers were concerned that then their children will not be able to read the Quran with a weak Arabic language- the language of the Quran. Some Bahrainis think that by depending on a foreign domestic worker to raise the children, their children’s religious beliefs might be changed. There have been religious leaders who advised employers to hire a Muslim foreign domestic worker with decent manners to be able to intermingle in her workplace. Besides that, some Bahraini employers are apprehensive about their children's health and well-being if they depended on the expatriate domestic workers, where the worker will instead serve fast food and unhealthy food for the children. Not only that, but some employers expressed their distress when their children get attached to the expatriate domestic worker, and they become emotionally affected when the worker must leave upon the end of their contract, especially that for them, the expatriate domestic worker becomes part of the family (Ghanim, 2017; Al-Zayed, 2015).

#### **4.3.3 Instances of Exploitation Behind Closed Doors**

The expatriate domestic workers’ marginalization and exploitation start with the recruitment process until they leave their workplace (Bouhaji, 2011). There are many other untold stories, and struggles are silenced behind sealed doors. Before arriving in Bahrain, some of the expatriate workers are allured to working at hotels or hospitals, but when they arrive in Bahrain, they are asked to sign contracts in an unfamiliar language to them (Abou-Safi, 2017). As the recruiting agencies fake the expatriate workers’ documents, this leads to disputes between the worker and the employer (Al-Sayegh, 2020). Patterns of marginalization of domestic workers continue to be practiced, exacerbated by the lack of governmental assessment of the workplace and the weak enforcement mechanisms that obliges recruiting agencies and employers to comply or perhaps due to the legal gaps in the contract (Bouhaji, 2011).

In some instances, the expatriate domestic workers are over-worked without any compensation or reward. Some employers expect the worker to be available to

work 24/7. Kankahma Lakshmi, a previous Indian domestic worker in Bahrain, recalls, "they did not hesitate to wake me up any time to do anything" (Bouhaji, 2011, para. 21). In 2014, the Indonesian embassy in Bahrain received several complaints regarding domestic workers' overwork, in specific, during the Muslim Holy month of Ramadan ("Sharp drop", 2014). Building on this, an announcement was made by a recruiting agency with the advent of Ramadan, the Holy Islamic month, that upon following their social media account, one can "win an Ethiopian domestic worker", with the condition that the participant should have a permit to employ an expatriate domestic worker before participating (Al-Saeed, 2017). A large segment of Bahrain's social media users have expressed their dissatisfaction with the advertisement and called the LMRA to take serious measures against the recruiting agency whose work has been suspended upon the investigations (Al-Saeed, 2017). In other cases, some expatriate domestic workers are denied payment of their monthly wages and are still expected to perform their tasks sufficiently. The head of the Migrant Workers Protection Society (MWPS), Marietta Dias, says that most of the cases that the organization receives are related to non-payment of wages, where some workers are denied their salaries for seven months (Abou-Safi, 2018). A striking case has been that of an employer who refused to pay the expatriate domestic worker her salary – 80 Bahraini Dinars (~211.5 USD) (Abou-Safi, 2018). The employer claimed that they did not pay the worker to compensate for the loss of a jar of honey, which they bought from abroad, and the worker has forgotten to pack it on their way back home (Abou-Safi, 2018).

Bouhaji (2011) also shares the story of an Indian domestic worker, Salma Bijoum, who has been tortured by her employer's wife (Bouhaji, 2011). Bijoum has been punished for not meeting the household members' expectations, and other times for illogical reasons such as "sitting on the carpet or drinking cold water" (Bouhaji, 2011, para.2). Expatriate domestic workers are prone to experiencing verbal, physical, and sexual assault (Bouhaji, 2011). On the other hand, some expatriate workers have their passports confiscated and other possessions like mobile phones (Bouhaji, 2011). As the workers are prohibited from communicating with people in their home country, this could disturb the workers' ties with their families. For instance, Bouhaji (2011) shares the story of a worker who has been denied communicating with her family back home, which pushed her husband to marry another woman. The Ministry of Labor stresses that not allowing the workers to contact their families is an inhumane practice

(Kamal Al-Din, 2014). The abuses are often compounded with emotional struggles (Bouhaji, 2011).

According to article 5 of the UDHR (1948), "no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." Nonetheless, the social norms concerning the privacy of households obstruct the access of authorities to the home and limit the application of legal rules to hold the abusers accountable for their actions (US Department of State, 2019). These social norms are further crystallized by formal rules, such as in article 2 of Bahrain's Constitution (2002), which stipulates that "dwellings are inviolate. They cannot be entered or searched without the permission of their occupants, exception in cases of maximum necessity as laid down and in the manner provided by law", and in article 12 of the UDHR (1948) that is concerned with the freedom of persons from interference with privacy, family, home and correspondence.

#### **4.4. Bottom-up Responses to Marginalization**

This section will present the findings on the bottom-up responses to the formal and informal marginalizing institutions in Bahrain. First, the section will discuss how women expatriate domestic workers escape their workspace as an act of resistance to the precarity scenarios and marginalizing institutions. Then, the section will outline the efforts at community organizing and civil society unions mobilization, especially NGOs and trade/labor unions, in response to the institutional marginalization of women expatriate domestic workers from the public space.

##### **4.4.1 Expatriate Domestic Workers Escaping their Workspace**

As they become unsatisfied with the working conditions, some workers might commit suicide. There have been few cases of suicide reported by newspaper articles, in comparison to the cases where women migrant domestic workers escape their workplace in search of better opportunities. According to a report by Khamis (2017), most of the escaping domestic workers are Indonesians, Ethiopians, Indians, Filipinos, and Bangladeshis – in the same sequence. Mansi's report in 2020 still shares that Indonesian workers constitute the large percentage of the escaped domestic workers, followed by Ethiopians. It has been reported that in 2018, around 5,300 expatriate domestic workers left their jobs (Al-Saed, 2018). Mohammed Ali Al-Ansari, the

Ministry of Labor's Assistant Undersecretary, has suggested three main reasons that push the expatriate worker to escape (Kamal Al-Din, 2014). It could be that their employer is exploiting the worker, or they escape in search of better employment opportunities, or because of their unwillingness to work; most expatriate workers in Bahrain escape in search of a better job (Kamal Al-Din, 2014). Other expatriate domestic workers escape their job to get married. One of the escaping Filipina domestic workers who have been interviewed by Al-Malki (2020) says that she has escaped her working place because she simply wanted to marry a Bahraini. Besides that, some expatriate domestic workers remain trapped in exploitative working conditions because they either do not have the financial ability to leave or because they lack contacts outside the house (Bouhaji, 2011). Abu-Safi (2017) investigative report questions whether the expatriate domestic workers are always the victims in such situations, especially as they engage in the process of decision making. Dias suggests that it is better to refer to the action as escaping rather than running away because the escaping expatriate domestic worker has the agency to decide to leave work (Abou-Safi, 2017). Abu-Safi (2017) managed to get access to some of the escaped expatriate domestic workers through an informal channel. The sources assert that at times the escaping plan is set before the worker arrives in Bahrain through trafficking networks managed by legal residents in Bahrain.

Returning to the case of Bijoum, first, Bijoum refused to work as a response to the inhumane treatment that she experienced, which resulted in her beating by her employer's wife (Bouhaji, 2011). Therefore, Bijoum decided to escape the household, by the help of a laborers' transport driver, who took her to the police station to file a complaint (Bouhaji, 2011). In turn, Bijoum's employer accused her of theft and absconding the working place (Bouhaji, 2011). When the employer forwards an official complaint, the escaped domestic worker transforms from being a victim to someone guilty; consequently, the worker is trialed and often sentenced to deportation (Bouhaji, 2018). It is important to note that the escaping worker might be reluctant to inform the official channels of the abuse they experienced at their working place (Abou-Safi, 2017; Bouhaji, 2018). The delay in reaching out to the police hinders the process of investigation, as the signs of physical abuse might disappear (Bouhaji, 2011). Hence, some employers will move quickly to report the worker as absconding to avoid their legal accountability when it comes to the worker's absence (Bouhaji,

2018). In fact, in 2010, 43 domestic workers have filed lawsuits against their employers regarding being physically abused and raped, where there are around 1,865 lawsuits presented by employers against domestic workers (Bouhaji, 2011). The reluctance of the exploited expatriate domestic workers to approach authorities to forward a complaint occurs for various reasons. One of the main factors that prevent domestic workers from complaining is lengthy legal procedures. The case goes through the Ministry of Interior, the Ministry of Justice, and the Ministry of Labor (Bouhaji, 2011). Other workers fear to forward an official complaint because they extended their stay beyond what has been specified in their visas, which makes the worker's vulnerable due to their violation of the national immigration laws (US Department of State, 2019).

According to Abu-Safi's (2017) investigative report, many of the escaped expatriate domestic workers live in places like ghettos, dispersed in marginalized alleys based on their nationality. Abu-Safi (2017) states that these workers do not necessarily look for trouble, but they want to live. The workers often resort to human traffickers and other irregular networks to improve their situation. Shakl (2018) shares the incident of a Sri Lankan domestic worker who decided to escape her workplace after one month of work because her employer forced her to work at two different homes. As the worker escaped, she became trapped in a room and abused by human traffickers who forced her into prostitution (Shakl, 2018). Along these lines, another expatriate domestic worker has complained that after she escaped her workplace, she got to meet a Bahraini man who had an adulterous relationship with her, resulting in her pregnancy (Mahfood, 2020). However, she was forced by the man to get an abortion to avoid any problems, especially that they are unmarried, and she is a foreigner (Mahfood, 2020). Therefore, some locals share their concern to allow the expatriate domestic worker to enjoy the freedom of movement, assuming that there are gangs outside who are ready to exploit the workers and use their vulnerability for illicit practices (Hassan, 2018b).

Besides that, the newspaper Akhbar Al-Khaleej has led an investigative report to find that there is a "gang" that encourages and helps expatriate domestic workers to escape (Mansi, 2020). The investigative report has been inspired by a local social media account to track escaping workers (Mansi, 2020). The report has shown that the

gang pays workers who wash cars a certain amount; in return, the car-washing workers must communicate with the escaping domestic workers the plan; other workers are encouraged to escape through social media advertisements (Mansi, 2020). Some escaping expatriate domestic workers end up being set into temporary marriages arranged by gangs, where the gang receives a percentage of the amount paid by individuals who are marrying the escaping worker (Mansi, 2020). Other workers are employed for hourly-based domestic services, with a monthly salary of 150 Bahraini Dinars (~396 USD) (Mansi, 2020; Kamal Al-Din, 2014). The Ministry of Labor warns household members from hiring hourly-based domestic workers due to the risks that might accompany their employment (Kamal Al-Din, 2014). The Ministry of Labor expressed its inability to regulate the market, especially in terms of escaped workers who are hired in households, as they cannot access the houses for inspection due to privacy reasons (Kamal Al-Din, 2014). Under those circumstances, the Ministry of Labor insists that there is an urgent need to introduce legislation that penalizes employers who hire escaped workers (Kamal Al-Din, 2014). In response, the MWPS has expressed its disapproval of the law, claiming that it hinders the expatriate domestic workers' mobility (Unnikrishnan, 2014).

### ***Who Bears Responsibility?***

According to the LMRA, if the escaping worker is arrested, the worker is detained for ten days, then they are deported (Kamal Al-Din, 2014; Abdul-Jalil, 2020). Nevertheless, the LMRA mentions that most of the escaping expatriate workers are low-paid workers without bank accounts (Abdul-Jalil, 2020). Therefore, the LMRA can hardly apply the legal penalties on the escaping workers and force them to pay the costs of their deportation (Abdul-Jalil, 2020). Simultaneously, if the worker is not detained, the LMRA cannot allow the escaping worker to exist in the country without a legal permit (Abdul-Jalil, 2020). In 2009, the Bahraini parliament voted for the adoption of legislation to penalize the escaping worker by paying 500 Bahraini Dinars (~1,329 USD), and by deporting them ("BD 500 Fine", 2009). The Minister of Labor then, Majeed Al Alawi, refuted the decision as it is not compatible with the international agreements that are ratified by Bahrain ("BD 500 Fine", 2009). Al Alawi further elaborated that escaping work should not be considered a crime, according to some provisions set by the ILO ("BD 500 Fine", 2009). For Al Alawi, the only suitable

solution is to deport the escaping worker ("BD 500 Fine", 2009). Al Alawi suggests that perhaps punishments should be imposed on individuals who hire or provide a refuge for an escaping worker, as they are contributing to the presence of irregular expatriates ("BD 500 Fine", 2009). Nonetheless, employers often fail to be punished for the violations they commit, while it is easier to exclude the worker immediately through deportation (Jarallah, 2009).

Recruitment agencies often fail to pay the employer the compensation for the escaped worker - from the insurance fee that is paid upon the signing of the standardized tripartite contract (Mansi, 2020). Only if the worker escaped under the probation period, the recruitment agency provides compensation of 300 Bahraini Dinars (~794 USD), which does not equate to the costs that the employer must bear when hiring a domestic worker (Mansi, 2020). Not only that, but often, the employer must pay for the flight ticket of the escaped worker if the worker is to be deported (Mansi, 2020). Labor law no.19 of 2006 requires the employer to pay all the worker's transportation expenses to their home country upon the expiry or the termination of the worker's contract (LMRA, 2018). The parliament chairman in 2009 has objected, claiming that it is unjust to ask the employer to pay the expenses of the worker as they are not responsible for the worker's escape ("BD 500 Fine", 2009). Abdul-Jalil (2020) shares that the Human Rights Committee disapproves of the rule that the employer bears the responsibility of paying the escaping worker's expenses to be deported once caught. The Committee claims that the worker practices free will when leaving the job, and sometimes the employer and the working conditions are not by any means the reasons behind the worker's escape (Abdul-Jalil, 2020). Since the contract determines the relationship between the employer and the employee, then any party who violates the agreement should bear the costs of their actions (Abdul-Jalil, 2020). Today, the LMRA funds the Expatriate Protection Unit and any arising expenses related to the deportation of abused women expatriate domestic workers (US Department of State, 2019). However, the LMRA could still refer to the employer for reimbursement (LMRA, 2018). Besides that, the Services Committee of the Shura Council in Bahrain stressed that the embassies of labor-sending countries share the responsibility of their citizens in Bahrain (Abdul-Jalil, 2020). The Committee suggests that when the worker violates the rules, the concerned embassy should bear the expenses of the deportation of their citizen based on their legal and diplomatic international responsibility (Abdul-

Jalil, 2020). Consequently, in a report by Al-Shaikh (2019), a previous employer of an expatriate domestic worker shares that some Bahrainis are worried some embassies deport the escaped expatriate domestic workers “like smuggling a wanted criminal” rather than handing them to local authorities to investigate their escape cases. Some labor-sending countries began to take responsibility for their escaped citizens abroad. For example, the Philippines' legislation on labor stipulates that if the worker's employer failed to pay the costs of deportation, the embassy would bear the expenses (Abdul-Jalil, 2020).

#### **4.4.2 The Role of Civil Society**

Non-governmental organizations, such as the MWPS, are critical advocates for the rights of expatriate workers in Bahrain, including expatriate domestic workers. Soman Baby, Young Men's Christian Association (YMCA) President in Bahrain, has stressed that Bahrain has a continuous commitment towards the protection of the expatriate workers' rights (“YMCA-Bahrain”, 2013). Bahrain has been one of the Islamic countries in the region to officially establish an association for expatriate workers to protect their rights, including their freedom of worship as stipulated in article 22 of the Bahraini Constitution (2002) “Freedom of conscience is absolute. The State guarantees the inviolability of worship and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country”. The Migrant Worker Protection Society (MWPS) works closely with ministries to combat human trafficking in its different forms (CEDAW Committee, 2013). According to the organization's website, the organization provides support for expatriates through different services. These include, but not limited to, offering the expatriate workers translation services to file lawsuits and accompanying the expatriate workers to various entities like the police station, courts, recruiting agencies, the Ministry of Labor, the LMRA, embassies, hospitals, and more. The organization also shelters expatriate workers. The organization refers to the cases to Dar Al-Aman, one of the main shelters in Bahrain. Dar Al-Aman was founded in 2007 to provide abused women with refuge, psychological assistance, and legal representation (Bouhaji, 2011; CEDAW Committee, 2013). Many women at Dar Al-Aman are expatriate workers who suffer from abuse (Bouhaji, 2011).

On the other hand, Bahraini-based labor unions, such as the General Federation of Workers Trade Unions, have contributed to the changing of the institutionalized linguistic terms when it comes to referring to domestic workers. The General Federation of Workers Trade Unions created awareness sessions on the replacement of the word *khaddam* (maid or servant) with the term worker ("The Workers Trade Unions Break the Taboo," 2018). Moreover, in the article "The Workers Trade Unions Break the Taboo" (2018), the Federation of Workers Trade Unions has called for transnational cooperation among the world's labor syndicates and unions. The General Federation of Workers Trade Unions has initiated several multilateral discussions on expatriate domestic workers in Bahrain ("Federation of Trade Unions", 2017; Hassan, 2018). The participants of these discussions were representatives from the Bahraini Supreme Council for Women (SWC), international organizations, members of the Bahraini civil society, local recruiting agencies, along with global civil society groups and trade unions ("Federation of Trade Unions", 2017; Hassan, 2018). These discussions have led to mutual learning and expertise cooperation in addressing marginalized issues, such as that of domestic workers. In addition, there have been efforts by civil society, such as that of the General Federation of Bahrain's Workers Trade Unions and the Women's Workers Trade Unions, to encourage the government to ratify the Convention 189 ("The Head of Workers Trade Unions", 2016). These organizations further suggested that regardless of the cultural differences that exist between Bahrain and the West, there are universal international labor standards that ought to be adopted for the improvement of the workers' conditions ("The Head of Workers Trade Unions", 2016).

# CHAPTER FIVE

## Analysis & Synthesis

This chapter will analyze and discuss the findings of this research in accordance with the theoretical framework and the literature review. The first section of the chapter will answer how Bahrain's formal and informal institutions interact to facilitate or impede the inclusion of women migrant domestic workers in the public space. The second section will uncover the women expatriate domestic workers reaction to the scenarios of precarity through escaping their workplace, and the efforts of the civil society in contributing to the inclusion of women migrant domestic workers. The third section will explain the nexus between Bahrain's institutions and the inclusion of women migrant domestic workers through the intersectional feminist institutionalism approach.

### 5.1. Interaction of Formal & Informal Institutions

Formal institutions are legally written rules and publicly recognized structures that govern social behavior. Formal institutions are usually enforced by official authorities such as the state. Formal institutions in Bahrain are represented in national legislations in conjunction with international provisions that Bahrain has signed and ratified. Bahrain has established the LMRA, an officially recognized central authority, to oversee and regulate the enforcement of the formal rules pertaining to the labor market, including expatriate domestic workers, along with the support of formal entities like the SWC and embassies of labor-sending countries. "Whenever a contract exists, there are rules and norms that are not necessarily codified in law." (Hodgson, 2006, p.12). On the contrary, informal institutions are implicit unwritten rules and practices that are commonly accepted and enforced by societal pressure. Informal institutions exist in daily interactions and societal perceptions, and because they become common sense, they often pass unquestioned. Formal and informal institutions are complementary, and they reinforce each other. The change in one influence the change in the other; however, there are other factors that can hinder a smooth change in institutions. The interplay of Bahrain's formal and informal institutions did not fully allow for the inclusion of expatriate domestic workers in the public space because

formal and informal institutions exist in opposition to each other. The interplay of Bahrain's formal and informal institutions is demonstrated through the following scenarios:

### 5.1.1 Linguistic Expressions

Informal institutional practices can be crystallized and communicated through linguistic expressions. Language is a social institution that creates opportunities and constraints (Hodgson, 2006). Formally, Bahrain has stressed on the use of the term expatriate instead of a migrant, and domestic worker instead of *khaddama* (maid) in referring to a foreign domestic worker. Formal institutions, including article 1 (3-4) of the Bahraini Labor Law (2012), defines the relationship between the worker and the employer as follows. "The Worker: Every natural person working in return for a wage for an employer and under the latter's management and supervision. The Employer: Every natural person or legal entity employing one or more workers in return for a wage" (Bahrain's Labor Law, 2012, art.1). Accordingly, expatriate domestic workers meet the criteria of a worker. Yet the term expatriate domestic workers is hardly used, in both formal and informal settings. This has been reflected in the repetitive usage of the term *khaddam/khaddama* in the newspaper articles' and reports' headlines, putting in mind that the journalists should at least be well-informed about the topics they write. Not only that, but locals share in Hassan's (2018b) newspaper interviews that they became aware of the replacement of the term *khaddama* with the domestic worker; however, throughout the articles, the persons voicing their opinions still refer to domestic workers as *khaddam*.

Accordingly, in the case of Bahrain, informal institutional linguistic expressions lead to the marginalization of domestic workers from the public space. The case in Bahrain is relevant to that in other states, and especially in the Gulf countries, through the maid-madam binary – mentioned by Gaitskell et al. (1983), Lan (2006), Manseau (2007), Jarallah (2009), Strobl (2009), and Federici (2012). The used linguistic expressions support the stigmatization of domestic work as an undervalued precarious reproductive job performed by foreign workers for a short amount of time and with minimal security measures. Using the term expatriate domestic workers also emphasizes the power disparity between locals versus expatriates – through citizenship

status, and employers versus domestic workers through a gendered occupational hierarchy, where domestic workers are positioned in the bottom of the regime.

### **5.1.2 Expatriate Domestic Workers as Family Members**

Considering expatriate domestic workers as part of the family threatens expatriate domestic workers in an equal manner or more than it does to employers and their families. For example, through local narratives, local employers feared that when they hire an expatriate domestic worker, and they consider the worker as part of the family, they will be deprived of privacy – a rooted characteristic of Bahraini households. Manseau (2007) also shares that in many situations, "[h]ouse workers are to be treated as part of the family, or else the privacy of the household is desecrated" (p.38). Other households are apprehensive that when considering the expatriate domestic worker as part of the family, they will have to deal with the attachment and detachment consequences that emerge with it. In Bahrain, several interviewees shared their concerns regarding their children's attachment to the expatriate domestic workers and the psychological strain that they could suffer from upon the end of the employment contract. In addition, other employers expressed that they are worried that having an expatriate domestic worker as a family member will threaten their children's moral, religious, and cultural beliefs, as foreign teachings will influence them. To the extent that having an English-speaking expatriate domestic worker will ruin the children's Arabic literary skills.

However, it is essential to acknowledge that expatriate domestic workers may be affected equally by the situation. It does not matter if domestic workers will be humanely treated if they are considered as family members because the implicit gendered and racialized institutional perceptions on expatriate domestic workers supersede any attempts for the inclusion of the expatriate domestic workers in the public space. Considering the expatriate domestic workers as a family member is an informal marginalizing institutional practice that reinforces the confinement of women within the private space – the house - and the essentialization of their role as providers of reproductive labor. This results in their absence from labor laws, as well as from Sharia and civil laws, especially as expatriate domestic workers, can never fully be a family member nor adequately be treated as a worker. Besides that, when taking into account the power discrepancy between the expatriate domestic worker and the local

employers, it becomes apparent that the private character of the employment relationship, symbolized in the treatment of expatriate domestic workers as part of the family, works fully in favor of the employers. Employers can exploit the workers behind closed doors, without having any formal institution interfering in the situation, unless upon formal request. This is further emphasized by formal institutions, wherein article 2 of Bahrain's Constitution (2002), which stipulates that "dwellings are inviolate. They cannot be entered or searched without the permission of their occupants, exception in cases of maximum necessity as laid down and in the manner provided by law". Consequently, it becomes difficult to prove the harm inflicted upon the victims, to hold abusers accountable for their actions, and to offer reparations for the victims of abuse. These patterns of marginalization are not exclusive to Bahrain; instead, they are entrenched in global practices of protecting the sanctity of the house and the family issues as stipulated in article 12 of the UDHR (1948).

### **5.1.3 Recruitment Process**

Due to the robust dependency relationship between employers and the expatriate domestic workers, employing an expatriate domestic worker in every household became perceived more as a necessity instead of a luxurious practice. However, the rising expenses when hiring an expatriate domestic worker has led some families in Bahrain to resort to hourly-employed workers, which is a cheaper form of employment. Hourly-based employees tend to be irregular employees, many of whom are escaped workers, deprived of security at the expense of limited liberty – in terms of the freedom of mobility, and holding onto one's possessions like mobile phones. Hourly-based employment is a form of informal institution, prohibited by Bahrain's authorities because it is coupled with too many risks. Irregular and illegal workers fall out of the scope of formal protection, and they have limited access to authorities if they needed assistance (Pande, 2012). In this situation, the expatriate domestic workers become more prone to exploitation – whether by recruiting agencies, trafficking networks, or employers. The hourly-employment of expatriate domestic workers is neither included in the Flexi-permit program; although the program might have improved the regulation of domestic labor that is performed by expatriates. The Flexi-permit aims at providing expatriate workers with flexibility and freedom in employment health care coverage, a refundable deposit for travel tickets, an extension

of residency timeframes, and it has waived immigration fines incurred while in irregular status (US Department of State, 2019, p.84; Kagan, 2017).

Other formal institutional efforts by Bahrain's authorities are comprised of regulative measures concerning recruiting agencies. Without these measures, private agencies will freely manoeuvre and enforce their regulations that are not necessarily in the interest of employers nor the expatriate domestic workers. The LMRA started requiring the recruitment agencies to have a balance of 10,000 Bahraini Dinars (~26,486.5 USD) in their bank accounts to operate legally, (Unnikrishnan, 2014; Kagan, 2017). As some recruiting agencies could not pay their dues, they have resorted to informal business by hiring hourly-based employees at a low price. This further appeals to households who cannot afford to employ a live-in expatriate domestic worker. There is a lack of official numbers in this regard due to the informality of the practice. Still, since it continues to be mentioned in recent reports, this indicates that there is a high demand for this form of employment in society. Informal institutional practices concerning hourly-based employment of expatriate domestic workers clash with formal institutions. The LMRA constantly challenges the marginalizing practices by informal institutions by locking down recruiting agencies that offer hourly-based employment.

#### **5.1.4 Bahrain's Labor-Related Reforms**

##### ***The Abolishment of the Kafala System.***

With the abolishment of the kafala system in 2009, formally, Bahrain has attempted to limit the privilege that an employer might have over the expatriate domestic worker. Nonetheless, employers still tend to believe that if they are required to pay for the worker's employment fees, flight tickets, and provide them with accommodation, then they have the right to control the liberties of the expatriate domestic workers. The findings on Bahrain presented cases where some employers in Bahrain still uphold the workers' passports, confiscate other possessions like mobile phones, and prevent the workers from communicating with people they know back in their home countries. These informal institutional practices represent a form of enslavement, countering the international provisions on human rights, like article 5, article 4, and article 13 of the UDHR (1948). These articles are designed to secure the

right and liberties of individuals – beyond the legal principle of territoriality. Article 4 and 5 highlight the individuals' freedom from slavery, torture, and degrading treatment, while article 13 covers the right of persons to free movement in and out of the country. If informal institutions are incompatible with formal institutions, institutions are more prone to change; in this case, more towards marginalizing institutions (Waylen, 2014).

### ***The Establishment of a Standard Tripartite Contract***

Bahrain's inclusive formal institutional efforts can be witnessed through the establishment of a written standard tripartite contract. The employment contract is enforced by the LMRA, which holds a copy of the contract, guarantees all parties' compliance with the contract, and regulate any disputes emerging upon the breach of contract. By applying the contract, Bahrain ensures its avoidance of any possibility of inequality of bargaining power between the employers and the workers. Article 19 of Bahrain's labor law of 2012 further stipulates the importance of having a written contract. The standard tripartite contract maintains that the recruiting agencies, the employers, and the expatriate domestic workers are equal parties in the process of employment. Most importantly, the contract protects the workers' rights, such as their monthly wage, annual paid leave, and the end of service reward, as mentioned in article 24 of the UDHR (1948). Nonetheless, the contract has legal gaps that could be exploited by employers and recruitment agencies. These entail the daily working and rest hours, and the worker's wage ("Tripartite Domestic Contract", 2020; Bouhaji, 2018). In terms of wages, article 39 of Bahrain's Labor Law (2012) denounces "discrimination in wages based on sex, origin, language, religion or ideology," but this article is not extended to expatriate domestic workers. Therefore, most of the exploitation cases that are put forward by expatriate domestic workers are related to wage disputes, and overwork without any rewards. Not only that, but Bahrain's Labor Law (2012) did not mention any specification regarding the wage that expatriate workers should receive. Bahrain did not set a minimum wage for the expatriate domestic workers as they want to maintain their competitiveness in the global market by hiring cheap labor (Schwenken & Heimeshoff, 2011; Murray, 2013). This shows that the development of economic institutions prevails over other forms of institutions.

### ***The Application of an Oral Contract, If Needed***

Bahrain labor law formally recognizes that in the absence of a written contract, verbal contracts can rule the relationship between the employer and the worker and determine the terms of the relationship. As inferred by article 19 of Bahrain's labor law (2012), "In case of the inexistence of a written labor contract, the worker may solely prove all of his rights through all means of proof ". Oral contracts seem to be a viable option for illiterate domestic workers or domestic workers who are not familiar with English or Arabic – the languages of the contract. However, as presented in the literature review and the findings, many expatriate domestic workers are pushed into unfavorable situations and allured to sign on terms that are not in their favor, without resorting to oral contracts. Therefore, there is a pressing need to offer translation services for expatriate domestic workers as they sign the contract, or to provide recorded oral contracts services that are legally binding, and unequivocally serves the interests of all parties.

### ***Annulment of the Contract***

All the parties in the contract have the right to annul the contract upon forwarding an official claim through state-sanctioned channels, regardless of the reason. The LMRA protects the worker's right to leave the job, and it will compensate the employer for any financial losses emerging from this. Article 21 (b) gives the contract parties the right to terminate the contract during the probation period, with a minimum of a one-day notice (Bahrain's Labor Law, 2012). These legal documents workers have been translated into nine different languages: English, Hindi, Bengali, Urdu, Filipino, Indonesian Thai, Sinhala, and Turkish, to inform a broader range of expatriate workers (CEDAW Committee, 2013). These formal institutions are challenged by informal institutional practices like when recruiting agencies to renounce their responsibility towards the contract upon receiving the recruitment fees from the employer, and after the worker's official three months' probation period ends (Abou-Safi, 2018).

### ***Labor Disputes' Settlement***

Labor disputes concerning the expatriate domestic workers are usually criminalized even if they are not considered a criminal offense, as stated in Strobl's (2009) scholarly article. The labor dispute cases are first passed by the Ministry of Interior, then by the Ministry of Justice, and finally by the Ministry of Labor (Bouhaji,

2011). To settle labor disputes, the LMRA has founded the Arbitration and Labor Consultancy Administration. The cases forward to this administration are referred to as the judiciary if required. Furthermore, the LMRA has established the Expatriate Protection and Assistance Center in coordination with the Escaped Workers' Department, to accommodate exploited expatriate workers. According to the findings, the center has the capacity to shelter around 120 exploited expatriate workers, which can be increased to handle 200 more (CEDAW Committee, 2019). Besides that, the Center offers various services, including healthcare services, legal and social consultancy services, a hotline call center that operates 24 hours and can speak around eight languages, a rehabilitation facility, and repatriation or reintegration procedures (CEDAW Committee, 2019; LMRA External Offices, 2020).

However, since the mobility of expatriate domestic workers is often restricted, many of the workers cannot forward official complaints. Consequently, informal institutional practices emerge to challenge formal institutions regulating labor disputes. For example, expatriate domestic workers may refer to informal channels to escape their working conditions, or they might commit an offense against the household members to avenge their maltreatment. It is important to note that expatriate domestic workers are not always deprived of agency in deciding their fate, regardless of whether these decisions were rightful or not. It is more important to acknowledge that their agency is often restrained by exploitative institutional structures, formally and informally. As a matter of fact, in 2009, the Bahraini parliament voted for the adoption of legislation to penalize the escaping worker by paying 500 Bahraini Dinars (~1,329 USD), and by deporting them ("BD 500 Fine", 2009). The Minister of Labor then, Majeed Al Alawi, refuted the decision as it is not compatible with the international agreements that are ratified by Bahrain, elaborating that escaping work should not be considered a crime, according to some provisions set by the ILO ("BD 500 Fine", 2009).

### ***Elimination of Human Trafficking***

Bahrain's formal institutions are very considerate towards being inclusive of women expatriate domestic workers in their fight against human trafficking. Since women expatriate domestic work is categorized as a precarious job, then individuals performing this form of labor will always be prone to experiencing human trafficking.

According to Palermo Protocol, human trafficking includes "...at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs." (US Department of State, 2019). This has been demonstrated in the sections "Instances of Exploitation Behind Closed Doors" and "Expatriate Domestic Workers Escaping their Workspace" in the "Research Groundwork & Findings" chapter. Therefore, Bahrain became a forerunner in ratifying the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (UNTOC) (United Nations Treaty Collection, 2020e, f). Also, Bahrain has ensured to take national measures to curtail human trafficking and protect its victims, as detailed in section (c) of "The Capacity of Formal institutions" in the previous chapter. Today, Bahrain is positioned in tier 1 concerning the country's compliance with the minimum standards for the elimination of human trafficking (US Department of State, 2019).

#### **5.1.5 The Role of Bilateral Agreements & Diplomatic Missions**

Bahrain's formal institutional attempts to include domestic workers in the public space is also reflected in Bahrain's bilateral agreements with labor-sending countries. Bahrain arranges talks with the embassies of labor-sending countries to improve the national regulatory measures regarding expatriate domestic work. Through that, Bahrain has given the space for embassies of labor-sending countries to act in favor of their citizens in the country, especially in the case when national provisions are not available. The findings have detailed that the absence of national legislation to determine the wages of the expatriate domestic workers, the Indian embassy in Bahrain has set a minimum wage of around 100 Bahraini Dinars (~265 USD) for the Indians domestic workers, which should be deposited in the worker's bank account every month (Bouhaji, 2011). Similarly, the Philippines embassy as set a wage of is 150 Bahraini Dinar (~397 USD) for the Filipina/o domestic workers in Bahrain ("Minimum Salary", 2017). Since domestic work is considered an undervalued job, the mentioned wages are perceived to be a lot, which in turn limits the employers' demands on domestic workers from the mentioned nationalities. Notwithstanding the foregoing, as the labor market narrows its opportunities for domestic workers from

certain nationalities, it consequently opens its doors for others. In this case, there has been a shift towards employing Ethiopian and Kenyan domestic workers (Al-Saed, 2018; Al-Malki, 2020).

Aside from that, the embassies of labor-sending countries play an essential role in protecting its citizen domestic workers if exploited. For instance, the Indonesian embassy, like the Philippines embassy, have established shelters and provided legal assistance to their exploited expatriate citizens. Reports show that in 2014, the Indonesian embassy witnessed a significant drop in the number of cases filed, which they have considered as a success ("Sharp drop", 2014). Nonetheless, the reduction in number is questionable when considering that some of the expatriate domestic workers might lack the means to reach out to their representative embassy ("Migrant Workers Protection," 2014). In the case of other expatriate domestic workers, like the Kenyans and Ethiopians, they do not have any diplomatic representative missions in Bahrain, which hinders their accessibility for formal institutional assistance and protection when needed.

Moreover, embassies of labor-sending countries have also attempted to influence the institutions in Bahrain by banning their citizens from pursuing domestic work abroad due to the country's marginalizing institutional practice. However, banning individuals from seeking opportunities abroad mostly affects the migrating individuals themselves. Banning domestic workers from traveling will push them to undertake irregular migration routes, increasing the possibility of their exploitation (Begum et al., 2016). As the findings present, the banning of Indian domestic workers from coming to Bahrain did not affect the patterns of employment of Indian domestic workers. They continued to arrive in Bahrain in the same flow through informal channels (The Head of Workers Trade Unions", 2016).

## **5.2. Bottom-up Responses to Institutional Marginalization**

There are many ways to challenge marginalizing institutions and to re-appropriate them to be more inclusive of women expatriate domestic workers. The grassroots efforts are manifested formally, through the civil society, and informally as expatriate domestic workers negotiate their power relations in the governing institutions mainly by escaping their workspace. In the case of Bahrain, the civil society, represented in

non-governmental organizations and trade/labor unions, has been an active social force in providing a public space for women expatriate domestic workers to voice their needs. The civil society in Bahrain operates under the constitution's legal umbrella. Article 27 of the Bahraini Constitution (2002) that stipulates "the freedom to form associations and unions on national principles, for lawful objectives, and by peaceful means is guaranteed under the rules and conditions laid down by law, provided that the fundamentals of the religion and public order and not infringed, No one can be forced to join any association or union or to continue as a member".

One of the non-governmental organizations operating in Bahrain is the YMCA-Bahrain. This Christian non-governmental organization has declared its responsibility and commitment towards the protection of expatriate rights, especially in terms of freedom of religion, upon the surfacing of cases where expatriate domestic workers have faced institutional marginalization against their religious beliefs. Cases in the literature review by Al-Najjar (2002) and other cases mentioned in the "Research Groundwork & Findings" section show that some expatriate domestic workers might be accused of corrupting the employer's children religious beliefs; others are prohibited from expressing their religious beliefs publicly; while some workers are restrained from visiting places of worship to perform prayers. Another major non-governmental organization that works for guaranteeing the rights of expatriate workers is the Migrant Worker Protection Society (MWPS). The MWPS works closely with the official authorities and the expatriate domestic workers to create institutional opportunities for the inclusion of women expatriate domestic workers in the public space. For instance, the MWPS offers exploited expatriate workers, encompassing domestic workers, numerous services. These include but not limited to legal consultation services, legal presentation, psychological consultation sessions, shelters, as well as translation services to facilitate the expatriate workers' communication with officials.

In terms of labor/trade unions, Bahrain's trade/labor unions contributed to the reframing of domestic work as real work, performed by domestic workers rather than maids. They further allowed for the establishment of discussions with international and local agencies, officials, and expertise to improve the labor conditions surrounding domestic work performed by expatriates. This has been presented in the case where

the General Federation of Bahrain's Workers Trade Unions and the Women's Workers Trade Union had lobbied for the ratification of the ILO Convention 189 on Decent Work for Domestic Workers ("The Head of Workers Trade Unions", 2016). Bahrain's trade unions Act No.49 of 2006 extends the right to join labor/trade unions to expatriate workers, with limitations regarding the right to strike – as stipulated in Bahrain's reservation of the ICESCR (United Nations Treaty Collection, 2020b). Section 8 of act no.49 of 2006 promulgates, "At the level of the Kingdom, in international fora, and collective bargaining with employers and their organizations, the workers of the Kingdom of Bahrain shall be represented by the trade union federation" (Natlex, 2006, p.2). The mention of the word worker only without any specification means that the law should be applied proportionately to both nationals and foreign workers. Otherwise, if the term Bahraini or the term foreigner is mentioned, expatriate domestic workers will not be able to make legitimate demands or participate in civil society due to not receiving citizenship.

However, several institutional challenges are hindering the progress of civil society towards the inclusion of women migrant domestic workers in the public space. Mainly, expatriate domestic workers are not covered by Act No.49 of 2006 that allows all workers residing in Bahrain to join labor/trade unions (Murray, 2013; Ullah et al., 2015). Besides that, there are many factors cause a delay in responding to the women expatriate domestic workers' needs. First, as Smith (2013) mentions, the labor unions' force has been weakened under the guise of neoliberalism. Workers are expected to rely on themselves if they seek to improve their situation instead of counting on collectivities like organizations and unions. Second, because women expatriate domestic workers remain absent from the organization's building process, where there are not any organizations led by expatriate domestic workers. This can further be linked to the informal institutional restrictions that govern the liberties of the expatriate domestic workers within the household, as the expatriate domestic worker cannot move or assemble without taking permission from their employer. Besides that, due to their absence from some legal provisions, many expatriate domestic workers cannot risk their employment at the expense of joining a union or an organization. Therefore, civil society is often led by allying local social groups or other international protagonists. Overall, unlike other states such as South Africa, the US, or Lebanon,

Bahrain still must incorporate women expatriate domestic workers in civil society and open the road for them to lead their fight with the support of other social forces.

As women expatriate domestic workers fail to access formal channels to voice their needs, they tend to challenge the marginalizing institutions through informal practices. One of the most used methods is to escape the workplace. Although by escaping the workplace, the woman expatriate domestic worker might earn a better wage and gain relative freedom. Nevertheless, with the persistence of the informal practice of the kafala system, and as employers have hold of almost all the worker's legal documents, the escaping worker could run the risk of being an illegal person in the country. Hence, they are uncovered by statutory laws, which allows the employer to have leverage when reporting the escaped worker to authorities. Other escaped women expatriate domestic workers become exploited by trafficking networks. But why do women expatriate domestic workers take the risk? This form of resistance reflects the intensity and brutality of the exploitation that the women expatriate domestic workers might undergo in their workspace. Not only that, but this form of informal resistance shows that there is a need to improve the formal procedures in reporting exploitation. According to the findings, women expatriate domestic workers often complained about the lengthy court procedures, others simply do not have access to any legal channels due to their unfamiliarity with the channels, or as the employer constrains their access. This is not to say that sometimes expatriate domestic workers escape their workplace not because their employers ill-treat them, but simply, they would like to pursue a better life not confined between walls. Hereby this example, women expatriate domestic workers could also be agents of change, where their escape puts pressure on governments to mandate changes in the institutions regulating women expatriate labor.

### **5.3. The Nexus between Intersectional Feminist Institutionalism & Bahrain's Institutions**

For feminist institutionalists, most institutions are based on gender-discriminatory premises (Mackay et al., 2010; Thomson, 2018). Referring to Waylen (2014), institutions can be gendered if the rules focus on focus on gender, or gendered social actors design them, or they might have a gendered impact. Men enforce institutions. In an official report by Bahrain's supreme council for women, despite the

number of women involved in decision making positions is increasing; nonetheless, men still dominate the decision-making positions. With an exception, the percentage of women filling the position of the Capital Secretariat is like that of men (Supreme Council for Women, 2015). Hence, Bahraini institutions are gendered nominally, meaning that they are designed and carried out by men mostly (Waylen, 2007, 2014). Since men have acquired a dominant position, they continue to reproduce institutions that favor them, and that responds to their needs (Waylen, 2007, 2014). Institutions are gendered substantively as they are internalized and socialized among the public.

The intersectional feminist institutionalism approach focuses on the role of gender, intersecting with other social identities in shaping institutions, and determining the public discourse and societal attitudes. The case study presents how the global gendered and racialized division of labor has influenced the functioning of Bahrain's institutions in an unequal global economy. Under the pretext of capitalist economies and neoliberal policies, the gendered and racialized division of labor has attributed domestic work to women of disadvantaged communities, framing transnational domestic work as an undervalued job taken by migrants/expatriates' women. This is exacerbated by the fact the foreign domestic workers are officially recognized as expatriates rather than migrants; thus, they will remain temporary contractual workers, reinforcing their precariousness. Notwithstanding, framing women migrant domestic workers as poor employees could push people to think that they are incapable of assimilating the modern world, re-emphasizing the racialized narratives of the domestic workers as illiterate and backward. This is also used as a justification by exploiters to continue their abusive behaviors, and it allows social forces to stress on the protection of women migrant domestic workers without accounting for their agency.

In the case of Bahrain, the BLMI (2020) results prove this notion, where out of 86,349 expatriate domestic workers in Bahrain, women constitute the most substantial proportion of expatriate domestic workers, amounting to 63,203 domestic workers in comparison to 69,374 men employed domestic workers (BLMI, 2020). The findings show that women remain the dominant social force in transnational domestic labor due to the global gendered biases attached to this form of labor. The findings also show that there is hardly any local labor force, interested in performing domestic work,

which creates a continuous demand for the expatriate labor force. This is because, as stated by Jureidini (2005), the Gulf nationals refuse to accept low-paying unskilled jobs due to their relatively advanced educational degrees. They would instead dominate the primary jobs that match their qualifications (Jureidini, 2005). As noted Interviews by Jarallah's (2009) interviews on local Bahraini workers added, most of the Bahraini workers are willing to be employed as domestic workers. Still, only a few of the participants would hire a Bahraini domestic worker. Limiting domestic work to expatriates has allowed some locals to maintain their privileges, where citizenship enabled the locals' treatment of women expatriate domestic workers as subordinates. At the same time, it gave the employer the legal power, sanctioned by the state, to be dominant over the expatriate worker.

Not only that, but as Smith (2013) affirms, the racialized and gendered perceptions of domestic work allowed for the maintenance of a dependency trap, where economically developed states become robustly dependent on foreign labor force to perform domestic services while economically impoverished countries sustain their supply of labor force. This has further created a "transnational care hierarchy" (Castles et al., 2013, p.258). The transnational care hierarchy has positioned recruiters and receiving countries at the top of the hierarchy, while domestic workers and their sending countries are positioned as subordinates in this structure (Castles et al., 2013; Lan, 2003). As mentioned, the perpetuation of dependency relations became necessary for the survival of societies, and the maintenance of the existing global order. In the case of Bahrain, the economic advancement experienced by the Gulf countries, pumped by petrochemical revenues, has allowed for the outsourcing of domestic work to other underprivileged states. Locals in Bahrain continue to enjoy a relatively comfortable lifestyle, under a subsidized economy, while the situation of the expatriate domestic workers does not necessarily get any better. Most expatriate domestic workers become trapped in this cycle of employment, and only a few manage to escape it. Expatriate domestic workers who manage to escape the dependency cycle tend to create a care chain. Some previously expatriate domestic workers employ their wages in local projects, while others hire women domestic workers at their place back home – usually from the same nationality (Lutz, 2002; Sarti, & Scrinzi, 2010; Smith, 2013). Thus, global racialized and gendered hierarchies are reproduced and maintained.

On the other hand, gendered perceptions of domestic work could also reduce the demand for women domestic workers. Applying Bartolomel's (2010) idea, sometimes employers fear hiring a woman domestic worker because of the gendered discriminatory perception that women have uncontrollable sexual urges. Therefore, in the case of Bahrain, some employers will rely on hourly-based employment to avoid having a foreign woman living in the house. This gendered perception is further justified by some individuals through the cases of escaped domestic workers, especially those who end up trafficked in prostitution. The results of the case study show that there is public tendency to victim-blame the escaped expatriate domestic worker for leaving the workplace without questioning the environment in the workplace that might have pushed the worker to escape in the first place, and how there are predators outside exploiting escaped workers and pushing them into unwanted situations.

Moreover, the intersectional feminist institutionalism enables the exploration of how racial judgments and stereotypes, along with gendered assumptions, can guide employers to hire women domestic workers from certain nationalities. The racialized and gendered attributions also condition the expatriate domestic workers to expect a specific wage based on their social identity. Globally, African women domestic workers occupy subordinate positions in the racialized and gendered employment hierarchy. African women domestic workers are not expected to receive a treatment offered to women domestic workers from other nationalities. In the case of Bahrain, the report by Al-Shakhouri (2020) show that the employment fees of Kenyan and Ethiopian domestic workers are less than that of Indonesian and Filipina domestic workers. Fernandez (2010) also states that the low-cost of African domestic workers' employment fees has resulted in a rapid flow of African domestic workers in the region in a sustainable.

Ethiopian domestic workers rank the second in terms of how many expatriate domestic workers are officially present in Bahrain, as indicated by BLMI (2020), while Kenyan domestic workers rank the fifth. Besides that, Kenyan domestic workers are favored among Bahrainis, as they are assumed to have advanced English literary skills, and that they are clean. Kenyan domestic workers seem to be a better substitute for Asian domestic workers, who are preferred because they are perceived as educated,

English-literate, and hygienic workers. In Abu-Safi's (2015) article, Bahrainis prefer to hire Indonesian workers because they are Asians, so assumingly they are clean and well-educated, they can learn Arabic quickly, and they are Muslims generally. Racial and gendered preferences become a major consideration in hiring a domestic worker, intersecting with one's economic capabilities. When some Bahraini households could not afford to pay for Filipina domestic workers, they chose the cheaper alternative – Ethiopian domestic workers. Other times, the intersection of religion, race, and gender can determine one's choice of a foreign domestic worker. Through the case findings, employers expressed their preference to hire Muslim women expatriate domestic workers because they want to assure that their children's moral and religious beliefs will not be disrupted by foreign teachings – that they assume to be incompatible with Islam, and their children's Arab/Bahraini identity.

In terms of space and the construction of institutions, the intersectional feminist institutionalism asserts that the private sphere and the interactions occurring in it are part and parcel of the public space. The global positioning of women has allowed for their treatment as politically irrelevant subjects (Yuval-Davis, 2004). When considered, they are treated as vulnerable subjects in masculinist states and institutions, and they either require protection (Fellmeth, 2000; Elias, 2013). In Bahrain, expatriate domestic workers are treated in that manner. Even if there are laws promulgated concerning expatriate workers, they are often not extended to women expatriate domestic workers. Also, even if there are laws pertaining to expatriate domestic workers, they usually focus on the protection of the women expatriate domestic workers rather than enabling their inclusion in the public space. According to the intersectional feminist institutionalism, the private and the public space are to be treated as a continuum, whereby the power relations in one of the spaces is often mirrored in the other space, the presence of expatriate women domestic becomes a political and public concern. In other words, there is no clear demarcation of public and private spaces. The exploitation of women expatriate domestic workers' in the public space perpetuates in the private space. The categorization of domestic work as feminized reproductive labor impacts its image in public. Domestic work performed by women expatriates become perceived as a low-paid form of labor with a minimal worth to the economy; simultaneously, this exacerbates the possibilities of exploitation that women expatriate domestic workers might experience in the private space,

especially under the lack of public regulative measures and protection. In the case of Bahrain, the marginalization of expatriate domestic workers from the public space has aggravated the workers' marginalization in the private space – the household, whereby most of the expatriate domestic workers are women who are not treated as productive workers but rather as a possession in the households that can be controlled and ordered limitlessly. This is further maintained by the informal practices of the kafala system, in the private space. Consequently, as the intersectional feminist institutionalism claims, space can be a source of power to some individuals over the others (Fellmeth, 2000). This is clear in the case where an expatriate domestic worker experience abuse within the household or through informal networks – the latter is invisible and unrecognized by the state as well. Since domestic spaces are inviolable and sacred, most of the exploitation experienced by expatriate domestic workers go unnoticed. The private space gives the employer the privilege and the power to act as they desire. At the same time, the domestic worker cannot report the abuse they endure because they cannot risk losing their jobs, being arrested, deported, or even trafficked (Manseau, 2007; Jarallah, 2009; Smith, 2013; and Garabiles et al., 2019).

Last but not least, the intersectional feminist institutionalism is concerned with institutional durability and mutability. Institutional change can occur through different processes, which are "layering," "conversion," "drift," and "displacement" (Mackay et al., 2010, p.577; Waylen 2014, p.217). Change in institutions depends on the extent to which it can be "contained, diffused, or mediated" through social networks, learning, and innovation (Clemens & Cook, 1999, p.450). As Waylen (2014) also suggests, institutions should be complementary for them to achieve overall institutional durability, while contradictory institutions eventually lead to institutional mutability. In terms of institutional drifting, since Bahrain's institutions are an extension of global ones, and because the global discourse is moving towards the inclusion of marginal issues such as that of women and expatriates' domestic workers; then Bahrain's institutions can achieve change through drifting by being appropriated to meet the emerging global discourse. However, drifting is a weak method to achieve substantial change where the state should mostly rely on external forces to realize any changes. Institutions can also change through conversion, whereby institutional structures remain the same, but their purposes change; or through layering, where there is a gradual change of institutions, and where the new institutions do not replace the older

ones. Layering and conversion are the most applicable methods in changing the institutions because they rely on local forces for change, and they do not have to oppose the older institutions (Waylen, 2014). This exemplified in Bahrain's efforts in reforming its statutory labor laws to be more inclusive of women expatriate domestic workers, yet there are still some formal rules that are in favor of the local employer.

Finally, the institutional change could occur through the disruption of institutions, through the process of displacement. Change, in this case, is prompted by the challengers of the old institution, as they manage to undermine the power of the former institution's holders (Waylen, 2014). Displacement is also a weak strategy to attain change, especially in the face of firmly held institutions, and it is only possible if the institutions-to-be-changed are weak ones (Mackay et al., 2010; Waylen, 2014). This can be witnessed through Bahrain's civil society's efforts to change institutional practices to be more inclusive of women expatriate domestic workers, represented in their attempts to change the societal norms and taboos in referring to domestic workers as *khaddama*. Nonetheless, change through displacement can hardly be achieved, where the challengers of the old institutions – women, activists, and expatriate domestic workers – are considered to relatively weak forces in front of the institution's holders – men, and economically well-off citizens. The latter continue to benefit from the existing institutions. Particularly, being an expatriate instead of a migrant with the thought that the women foreign domestic workers will never be able to settle in the country hinders any possibilities for institutional change. Hence, social actors demanding gender-inclusive institutions usually have a small space and less power to replace the existing gendered institutions (Waylen, 2014). In addition, as institutions get naturalized and normalized, they continue to be uncontested and often resilient to change (Stoddart, 2007; Scott, 2008). This has been portrayed in the informal institutions – the public's attitudes regarding the expatriate domestic workers, who are viewed as dangerous and corrupting forces, if not controlled. This is further solidified by the continuity of informal kafala system practices.

# CHAPTER SIX

## Concluding Remarks

Through applying the intersectional feminist institutionalism approach, this research unpacked how the intersection of social identities, gender in specific with other social identities, determine the underlying dynamics of gendered and racialized institutions, formal and informal ones. The study has used the case of women expatriate domestic workers in Bahrain, an economically developed state, to explain further how gendered and racialized institutions exacerbate the devaluation of domestic work performed by women expatriates, and how it leads to the marginalization of women expatriate domestic workers . The results have shown a variety of formal and informal institutional practices have allowed for the limited inclusion of women expatriate domestic workers in Bahrain. These institutional practices include, but are not limited to: the change of linguistic expressions to refer to the expatriate domestic workers; the amendment of national labor laws; the creation of a standard tripartite employment contract; the establishment of bilateral state agreements to regulate the movement of transnational labor; and the adherence to international laws. Nonetheless, the lack of enforcement of these measures has hindered a full inclusion of the women expatriate domestic workers in Bahrain's public space.

In this research, the intersectional feminist institutionalism has allowed for discussion on the interaction of formal and informal institutions in Bahrain. It has led to a better understanding of how institutions can be altered to facilitate or impede the inclusion of women expatriate domestic workers in the public space. The institutional efforts to include women expatriate domestic workers are hampered by a weak enforcement mechanism rooted in the interaction of formal and informal institutions. Ostensibly, formal institutions in Bahrain have been putting efforts towards the inclusion of women expatriate domestic workers; however, covertly, informal institutional practices and norms regularly obstruct any potential of substantial change. For instance, the slavery connotations, embodied in the vocabulary that is used to refer to expatriate domestic workers – *khaddama* (maid) and other practices such as withholding the passport of the worker, are still manifested; in turn, they challenge the

formal institutions the call for the treatment of expatriate domestic workers as productive laborers (real workers) with specific workers' rights. Only when informal institutions are compatible with inclusive formal institutions, there is more possibility for the durability of inclusive institutions.

Yet, in Bahrain, the incompatibility of the informal institutions with formal ones has hindered the inclusion of women expatriate domestic workers in the public space. Not only that, but the dominance of exogenous global institutional forces exemplified in the global gendered and racialized division of labor poses a more significant challenge for the inclusion of women expatriate domestic workers in Bahrain. Besides that, as article 2 of the VCLT (1969) allows states to legally "exclude or to modify the legal effect" of treaties upon entering reservations, Bahrain has a legal space to maintain any marginalizing institutions that might contradict with the society's and the country's interests; even if it is at the expense of women expatriate domestic workers. At the same time, international conventions can facilitate Bahrain's efforts towards the inclusion of women expatriate workers, primarily upon their ratification or if they were the *jus cogens* rules - universally binding rules.

The marginalization of women expatriate domestic workers from the public space has limited the exploration of the grassroots' narratives that respond to the issue. Further research can be done to examine how expatriate domestic workers themselves initiate actions and create alliances, in the private and public space, to resist the marginalizing institutions, mainly that events occurring the private space pass unnoticeable. As Ingram & Clay (2000) mention, a primary barrier to the study of institutionalism is the absence of practical research on institutions operating in the private space. It is challenging to study institutions operating in the private sphere, especially informal institutions, as they mostly require ethnographic research (Waylen, 2014).

Overall, Bahrain has come a long way in terms of including domestic workers in public spaces. Nonetheless, most of these efforts like those translated through Bahrain's labor regulatory measures, providing shelters for abused workers, and Bahrain's adherence to international laws, have been focusing on protecting the women expatriate domestic workers instead of providing them with the institutional opportunities to practice their agency without constraints. Even the bottom-up

responses to the institutional marginalization of women expatriate domestic workers and the precarity of their job have not necessarily attained substantial inclusion for the expatriate domestic workers. As women expatriate domestic workers escape their workplace seeking for better opportunities in public life, they remain in a subordinate position with the risk of exploitation. Even the civil society's attempts to call for the inclusion of women expatriate domestic workers are usually constrained by strong bureaucratic state institutions. Hereby, the marginal did not fully become the center.

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