

**EUROPEAN MASTERS' DEGREE IN HUMAN RIGHTS AND
DEMOCRATISATION**

Women Domestic Workers in Egypt

A critical analysis on the rights of women domestic workers in Egypt

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Abstract

“Domestic work is one of the oldest and most important occupations for many women in many countries.”¹ It is a deeply-rooted problem in all across the globe and it is present in our society from antiquity. This thesis begins with the brief overview of the Egyptian society and talks about the plight of women domestic workers In Egypt and their available national legal remedies in compliance with the international labor standards for women domestic workers in Egypt. Thesis has highlighted the lack of protections provided to domestic workers all across the globe. This thesis has shown that in absence of legal protections, domestic workers have become quite vulnerable in comparison to other workers. More than 52 million persons are domestic workers worldwide and only 10 % of them have been given the rights at par with other workers. Some of them have been completely left out from the legal remedy and it has exposed them for the exploitation from their employers and the recruiters of domestic workers. The exploitation of domestic workers can be termed as the violation of human rights where human dignity, liberty and the right of equality are grossly compromised. This situation defeats the dream of the UN for larger freedom and it can partly attributed to the gaps and discriminatory legislations in national labor laws. Some states have successfully incorporated the legal protections for women domestic workers in their national legislation such as South Africa and Jordon. Their legal remedy given to women domestic workers is welcome step for the promising and better lives of workers. The best practices of other countries can be replicate in Egypt, too, and there should be focus in strengthening the law enforcement tools of the countries so after adopting of law for women domestic workers, that can be executed too.

¹ILO, Decent work for domestic workers, 2010, p. 5,
http://www.ilo.org/public/libdoc/ilo/2009/109B09_24_engl.pdf, accessed on 07/26/2013.

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Abbreviations

CAMPAS	Central Agency for Public Mobilization and Statistics
ACHR	African Convention on Human Rights
AU	African Union
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CESR	Centre for Economic and Social Rights
CIHRS	Cairo Institute for Human Rights Studies
ECWR	Egyptian Center for Women's Rights
EFITU	Egyptian Federation of Independent Trade Union
EMOMM	Egyptian Ministry of Manpower and Migration
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
ISCO	Interational Standard Classification of Occupation
ITUC	International Trade Union Confedereation
ISSA	International Social Security Association
NGO	Non-governmental Organization
NCHR	National Council for Human Rights
UN	United Nations
WB	World Bank

1. INTRODUCTION

“Domestic work is one of the oldest and most important occupations for many women in many countries.”² It represents a deeply-rooted problem in all across the globe and it is present in our society from antiquity. The slavery and servitude is also the reflection of colonial history, capitalism and human greed.³ Hence slavery can be seen as the manifestation of brutal past, where slaves were treated as commodity and were considered as the product of market. They were deprived from dignity and human rights. The domestic work can be seen as metamorphosis of slavery in modern time. Even today domestic workers are treated badly world wide and mostly uncovered from any legal protection. The issue of exploitation of women and children domestic workers is frequent and regularly reported. There is no doubt that human dignity and equality are internationally agreed to be the most fundamental rights. However, the deprivation of these rights is still wide spread in the world; this is clearly manifested in the powers exercised by employers over domestic workers,⁴ without any limitations and with the absence of any regulation.⁵

In the absence of proper legal assistance and protection still human beings across the globe suffer the fate of exploitation and servitude. The domestic workers have become modern day’s slaves. Domestic workers enter in a dilemma of continuous suffering from the hopeless situation where there is no way out. Furthermore, it is considered that children and women are the most vulnerable in the labour force from being ignored and unprotected by the legislations are being exposed to abuse by a third party, which is represented in the recruitment bureaux. These parties run their business by trading in

² ILO, Decent work for domestic workers, 2010, p. 5,
http://www.ilo.org/public/libdoc/ilo/2009/109B09_24_engl.pdf, accessed on 07/26/2013.

³ Ibidem, p. 5.

⁴ ILO, from domestic work to modern day slavery,
http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_146485/lang--en/index.htm, accessed on 07/26/2013.

⁵Ibidem.

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_146485/lang--en/index.htm, accessed on 07/26/2013.

these victims, publicly with no constraint from any penalisation.⁶ Domestic work, however, is still undervalued. It is looked upon as unskilled because most women have traditionally been considered capable of doing the work, and the skills they are taught by other women in the home are perceived to be innate.⁷

There is significant growth in the demand of domestic workers in Egypt and Middle East and to maintain the equilibrium of demand and supply women and children are trafficked by the placement agencies. The recruitment agencies have started expanding their business and have started promoting their lucrative offers in public areas including train and buses. Most of the time poor women become victim of placement agencies and enters into the vicious cycle of exploitation. Interestingly in the absence of legal protection, has led to severe exploitation women and children which include depriving domestic workers from their entire salary, longer hours of work per day, absence of proper food and living/sleeping condition, forced and total cut off from their family members, bounded labour, sexual exploitation by agent during transit, at the office of agency and at the work place in houses of employers.⁸

In the world, there are nearly 52 millions domestic workers, sharing in the development of the world economy; they contribute in 3.6 % of the world labour force incomes⁹. Domestic work has been considered to be exercised mainly by women; indeed, the

⁶ Domestic workers Welfare and Social Security Act 2010, http://ncw.nic.in/PDFFiles/domestic_worker_welfare_and_social_security_act_2010.pdf, accessed on 07/26/2013.

⁷ ILO, from domestic work to modern day slavery, http://www.ilo.org/global/about-the_ilo/newsroom/news/WCMS_146485/lang--en/index.htm, accessed on 07/26/2013.

⁸ Domestic workers Welfare and Social Security Act 2010, http://ncw.nic.in/PDFFiles/domestic_worker_welfare_and_social_security_act_2010.pdf, accessed on 07/26/2013.

⁹ ILO, Domestic workers across the world: Global and regional statistics and the extent of legal protection International Labour, 2013, P.19, available at: http://www.ilo.org/global/publications/books/WCMS_173363/lang--en/index.htm, accessed on 25/7/2013.

female representation is nearly 83 % among these millions.¹⁰ The International Labour Organisation (ILO) stated that the unofficial estimated value of the domestic workers, globally, can reach up to 100 millions.¹¹ However, these workers do not only contribute with their salaries, but through the services provided to their employers for instance in the household which plays a central role in the quality of work productivity of their employers, and consequently increasing their wages.¹² Despite the vital function that they make in the society, they are the most inadequately waged among the labour force.¹³ In the Middle East, domestic workers comprise 5.6 % of the total domestic workers' labour force in the world. However, women domestic workers contribute in 31.8 % of the total value of the salaries of employed women in the Middle East.¹⁴

In terms of domestic workers employment, Africa ranks at number three all across the globe, considering that Asia is the first and Latin America the second.¹⁵ However, the share of domestic workers in Africa is nearly, 5.2 millions, considering next that 3.8 millions among them are women.¹⁶

1.1 Overview on the Egyptian society

In Egypt and in the majority of developing nations, there is a challenge regarding the deficiency of jobs quality, resulting from the growing economies while labor market foundations are poor and inefficient¹⁷. In 2006, the share of employee in the labour market has enhanced and the labor force participation from nearly 48 % to 53 % while unemployment has been reduced from nearly 14 % to 10 % within the legal ages of

¹⁰Ibidem, p.19.

¹¹Ibidem, p.19.

¹²Ibidem, p. 69.

¹³Ibidem, p. 69.

¹⁴Ibidem, p. 31.

¹⁵ Ibidem, p. 33.

¹⁶ Ibidem, P. 33.

¹⁷ ILO, Global Employment Trends for Youth 2013: A generation at risk, http://www.ilo.org/wcmsp5/groups/public/---dgreports/dcomm/documents/publication/wcms_212423.pdf, accessed on 07/22/2013.

employment which is 15 to 64 years.¹⁸ The national surveys on the value of Domestic workers in Egypt showed that they were 66000 in 2008, amongst 13000 are women.¹⁹

Women Domestic Workers are represented in the lower class of the Egyptian society, given the nature of the community who has lived with the growing gap between the rich and poor people; it is considered to be a shameful job. However, the hard living conditions in the low-middle class, force women to work as Domestic Workers in order to contribute with their spouses in the living making, they are somehow forced to put themselves at the many risks of this job such as unpleasant working circumstances resulting from undetermined working hours and salary amount or non-payment. Moreover, violence, assault and abuse at the work place are quite common incidents facing women domestic workers in Egypt.²⁰

The absence of statistics and the exact figures, represent the segment of intersections for a range of violations, and the critical situation of this labour force (who is also ignored in the indicators of national economic growth), in the almost complete absence of legal protection, contributes in the creation of one of the most marginalized and vulnerable category of labour force, exposed to exploitations.²¹ However, field studies, surveys done by individuals or by the national and international non-profit organisations, through regular reports can be used as an unofficial substitute, in order to fill this gap. While evaluating the reliability of the information provided in such reports, one should

¹⁸ The World Bank, Inequality of Opportunity in the Labor Market, 2012, available at: http://menablog.worldbank.org/files/jan_2013_blog_-_inequality_of_opportunity_in_the_labor_market_report_no_70299.pdf, accessed on 07/22/2013.

¹⁹ ILO, Domestic workers across the world: Global and regional statistics and the extent of legal protection International Labour, 2013, P.19, available at: http://www.ilo.org/global/publications/books/WCMS_173363/lang--en/index.htm, accessed on 25/7/2013.

²⁰ Mona Saad: An Egyptian domestic worker's journey to leadership, October 2012, available at: <http://www.unwomen.org/2012/10/mona-saad-an-egyptian-domestic-workers-journey-to-leadership/>, accessed on 23/5/2013.

²¹ Al Shehab institution for Comprehensive Development, The situation of domestic workers in Egypt, 2010, available at: <http://www.alshehab.m2014.net/auteur1.html>, accessed on: 20/7/2013, Arabic report.

consider the charitable nature of these organisations issuing such reports; these reports may share in saving thousands of neglected and ignored human beings in the society.

Unemployment has a big share in the creation of informal sector in Egypt; considering first that individuals belonging to such category originated from Upper Egypt from where consist the poorer people as well as from some Delta cities and villages. They live in haphazard condition in the districts of two major cities, Cairo and Alexandria. These two cities account for 50 % of Egypt's urban population and 21 % of the total population of country, the population of Cairo is 11.9 million and 4.1 million for Alexandria. These two are the most populated and the largest cities of Egypt.²² The annual estimated population rate of change (2010-2015) is 2.1 percent²³. The creation of these districts was formed by clusters from likely people who moved from North and South by way of internal migrations, to join urban population, escaping wretchedness by looking for work in the big cities, thus considerable growth of urban population.

This paper focuses only on women domestic workers residing in Cairo, from the slum districts such as "Al Haganna", " Al kilo 4,5" (Cairo/Suez road) and others, similarly considered to be the poor quarters not unlikely "Mattareya", "Ein Chams" and "Al kalyoubeya". In addition to those living in the named areas, it is important also to draw attention to a major community of women domestic workers residing in the rich quarters in Cairo, primarily working in building keeping, where all their family members contributes in any work related to the building or to the needs of its inhabitants.

According to the ILO the work of building keeping is also considers as a domestic work; the features of the domestic work consist of serving the residents in carrying their bags, cleaning their cars. Moreover, they serve in doing food shopping and carry it to their flats, taking their laundry from their flats to the laundry place and bring it back when it is ready...etc. Their job consists basically of being available at any time for

²² UN HABITAT, 2008, p.40.

²³ Ibidem, p.40.

obeying any of the orders given by the residents. Those families, although they live in the richest quarters in Egypt, their living conditions are unfortunate; mostly, all the family members of the building keeper live in one room at the entrance of the building. The head of the family, obviously the man, “the worker”, who is employed by the residents of the building or the house, receives one monthly income. As for the “additional” services accomplished by the rest of his family members, it is common that each time they make any of those services the residents, in order to reward them they give them “bakshish” which means tips, and the amount depends upon every resident and on the hardness of the service.

It is appealing to focus on them, because they represent a modern shape of slavery; they face higher moral pressure from watching the extreme welfare of their employers, from the luxurious life style which they have, including good quality of food, cloth, cars...etc. while they live in the same districts even in the same buildings but with a controversial standard of life, where they need to divide the tasks for servicing the higher class, on each member of the family (including children), in order to meet the expected quality of service for the rich residents and owners of the same buildings.

For the sake of a fair evaluation of the category of women domestic workers who is the main focus of this study, on one hand, one should consider the fact that they come from humble families who live in the villages, where the living conditions is underprivileged and where there is no family planning, high rate of illiteracy and where the man is “the bread winner”, whose income cannot afford the needs of his family members. Families in order to face such a problematical circumstances, they decide either to get their daughters married at a young age or to send them to big city as Cairo to work in the informal sector where they can help their families in living making. Moving to such big cities may be harsh for those women from the significant change in the lifestyle, the traditions, the activities, the urbanization and the speed rate of life, and many other aspects which are considerably unlike from the villages and the county side. However,

a sort of adaptability is required. On the other hand the challenges faced by women domestic workers from moving into the city, vis à vis the overwhelming culture of their hometown which discourages free movement for rural women and gender mixing arising from religion and traditions, while they are obliged to work in private place unexposed to public, where a higher probability of abuses improbable to occur because of their indigence, literacy and informal situation. The president of the Trade Union has stated that women domestic workers earn very little in Egypt and they are paid nearly \$ 2.14 for a full day's work and approximately \$ 14.28 to \$ 35.71 as a monthly wage.²⁴

1.2 Aim of the study

This paper focuses on Egyptian women, working in the informal non-agriculture sector, domestic workers, by analyzing the nature of their work from a human rights perspective. Moreover, it explores the legal aspects on the protection of women domestic workers under the domestic Labor Law in Egypt, in the relation to the role of International community and the role of the specialized agencies while considering the numerous human rights challenges facing women while exercising their domestic job as well as the challenges facing the state in a transitional justice improving international labor standard for the Egyptian labor force.

It examines, on one hand, on the national level, the legal aspect of the possibility of including Women Domestic Workers in the Egyptian domestic Law in relation to the articles concerning women in the Egyptian constitution by analyzing the underlined articles. On the other hand, it aims to explore the responsibility of the state as member of the UN for the internationally wrongful acts, resulting from the shortage in the domestic legislations held accountable for violating its international obligation (ECOSOC) protected by International Law as well as by the international treaties and conventions ratified with the specialized agencies such as ILO. On the other hand, the aim of my study is to underline of the legal protection of domestic workers. How can the right to decent work conditions and access to economic and social rights be realized for

²⁴Charbel, 2012, Maids in Egypt: women domestic workers organize, www.egyptindependent.com/news/maid-egypt-domestic-workers-organize, accessed on 07/22/2013.

women, working in the household in Egypt? Which economic and social rights are involved and how they can become justiciable in the national judicial system?

1.3 Research methodology and structure

Many states are challenged by the lack of information, studies and statistics on informal labour market. Therefore, states must consider changing the national methods applied for approaching such deficiency in order to account for the undertakings of the unregulated sector in particular on the activities of women domestic workers in the household. However this can be fulfilled by providing appropriate and academic descriptions and data on the labour force in the urban and rural areas.²⁵

Collecting concrete information on women domestic workers in Egypt has been a challenge, since there is a poor attention given to the informal sector by the Egyptian government; hence, there is a lack of actual and updated indicators. Moreover, the information collected from the reports of different international human rights treaty bodies, provided by government representatives are in question. However this research will explore the different sources which will be subject of discussion. Although Egypt is geographically located in North Africa but the cultural resemblance is quite similar with Arab countries hence the legal system of Egypt has been compared with Jordanian labor law and the Constitution of South Africa has been compared and studied as a model constitution.

This research has been divided into five chapters. First two chapters have been devoted for the overview of the Egyptian society and it talks about different actors involved in domestic work. Chapter 3 and 4 are accounted for the development of the legal

²⁵ILO, 1982, Resolution concerning statistics of the economically active population, employment, unemployment and underemployment, adopted by the Thirteenth International Conference of Labour Statisticians, http://www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS_087481/lang--en/index.htm, accessed on 20/5/2013.

instruments available for the domestic workers at the national level represented in the constitution and the labour law whereas in this regard Chapter 3 focuses on the legal protection of women domestic workers in the Constitution, and Chapter 4 explores the protection of these workers in the Labour Law and also analyses the labour law of Jordan that has been amended for the protection of the domestic workers. Chapter 5 talks about the Convention No 189 and its importance.

Chapter 6 is the conclusion of this research. It comes out with several recommendations for the protection of women domestic workers under national legislation.

2. TYPOLOGY OF DOMESTIC WORKERS AND DEFINITIONS OF LABOUR

2.1 Definitions and legal terms

The occupational category in the labour market labels the kind of financial hazard and powers which employees have at work. This depends on the agreement between the

employer and the worker.²⁶ Hence, in order to be able to understand the different categories of domestic workers, the nature of their activities undertaken at the employers' household, one should have a clear vision on some general aspects deriving from the labour legislations providing rights and obligations for the safeguard of the workers in the formal sector. However, this reflects the consequences of the lack of the legislation with created a character for the current informal scene with different roles played by the man actors in the framework of this job.

This typology serves regionally in the Arab sphere as an example for developing countries which own likely living environment since the region of the Middle East has the highest share of migrant populations in the world.²⁷ Moreover it may be used as potential job activities and description in the potential rectify Egyptian labour law, particularly for domestic women category who suffer from informal job situation since decades and considered as inexistent sector which lack official bodies and human rights attention in the Egyptian Society.

This chapter firstly defines few terms such as: worker's rights, the labour, domestic work and slavery, which should be considered when exploring servants work conditions. This helps in analysing the situation of domestic workers in the informal sector from human rights perspective in particular on their access to economic and social rights protected in the national and international legislations. In addition, it explores the main features of women domestic workers.

2.1.1 Labour force according to the Egyptian Labour Law

The law No.12 to the year 2003 has defined the labor force as the following:

²⁶ILO, Status in employment statistics, <http://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/status-in-employment/lang--en/index.htm>, accessed on 20.5.2013.

²⁷JUREIDINI RAY, UNESCO, International Journal on Multicultural Societies (IJMS) ,Vol. 11, No. 1, 2009, pp. 75-90, available at: <http://unesdoc.unesco.org/images/0018/001838/183859m.pdf>, accessed on (20/6/2013).

“All the individuals which their age range are from 15 (the minimum age of employment according to the Egyptian labor law) to 65 years old (the retirement age) whether they are actually taking part by their physical or mental efforts in an activity related to the production of commodities or services (employed) or the individuals who are capable and willing to perform such activity and searching for work but can't find it (unemployed)”.²⁸

Obviously, as per the definition of employed persons in the labor force, provided by the Egyptian labor law, Women Domestic Workers, belong to the named category of labor force since their activities are relevant to the description of the employed persons in the labor force.

2.1.2 Domestic worker according to the ILO

Martha Chen states that the definition of domestic work throughout the nations is absent.²⁹ But the ILO Convention No. 189, “domestic work” has filled the gap by providing a definition of domestic work as the following:

“The work performed in or for a household or households and domestic worker means any person engaged in domestic work within an employment relationship. The term “domestic work” covers a wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned, as well as the cultural and economic context in which they work.”³⁰

The domestic work include an undetermined variety of responsibilities which changes according to the nature of the society, the age of the worker, nationality, origins and civil status. It also changes according to economic and cultural features. However, the convention based the definitions only on the responsibilities and the risks of this job

²⁸ Book – 1, Official Journal, Issue No.14 [bis], dated 7 April 2003, Law No.12 of the Year 2003, Promulgating Labour Law.

²⁹ Chen Martha Alther, 2011, vol. 23; Recognizing domestic workers, regulating domestic work: conceptual, measurement and regulatory challenges, pp. 176

³⁰ ILO, who are domestic workers, available at: http://www.ilo.org/global/topics/domestic-workers/WCMS_209773/lang-en/index.htm, accessed on 16/6/2013.

when defined initially. It also highlights the common and typical features of the employment conditions of domestic workers and the involvement of third-parties³¹.

2.1.3 Forced or compulsory labour according to the ILO

ILO Convention (No. 29) / 1930 have defined forced and compulsory labour as follows:

“For the purposes of this Convention, the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”³²

The term penalty in this regard can be violent reaction from employer used against the domestic worker, deprivations, abuses or any kind of exploitation. It can also be the non-payment of the salary. However these penalties are usually applied on domestic workers all across the world, and revealed when uncovering their challenges. In such situation when facing any worker, this last, who has access to a complaint mechanism, would immediately file a complaint, while in the case of domestic workers, their only remedy is the mercy of the employer, and hence, they find no other options than obeying. This situation can leads to crimes.³³

2.1.4 Slavery and practices similar to slavery

According to the Economic and Social Council resolution 608(XXI) of 30 April 1956 "Slavery" means, as defined in the Slavery Convention of 1926, the status or condition

³¹ Ibidem.

³² Human Rights Education Associates, ILO Convention on forced or compulsory labour, 1930, available at: http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=2711&category_id=36&category_type=3&group=Human, accessed on 26/7/2013.

³³ Human Rights Watch, the domestic workers convention: turning new global labor standards into change on the ground, p.8, available at: http://www.hrw.org/sites/default/files/related_material/The%20Domestic%20Workers%20Convention%20-%20Turning%20New%20Global%20Labor%20Standards%20into%20Change%20on%20the%20Ground.pdf, accessed on 24/5/2013.

of a person over whom any or all of the powers attaching to the right of ownership are exercised, and "slave" means a person in such condition or status.³⁴

"A person of servile status" means a person in the condition or status resulting from any of the institutions or practices mentioned in article 1 of this Convention.³⁵

"Slave trade" means and includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means of conveyance.³⁶

It is clear that these practices reflect the reality and meet the conditions of the domestic workers' employment and daily routine. The society does not realize that this phenomenon is a modern slavery. For instance, in our societies it is common to exchange domestic workers under certain circumstances, without any consideration to the worker or without her consent. This kind of behavior is in fact a reflection of ignorance of human rights in particular domestic workers' rights due to the rooted discrimination in the world.

2.2 Workers' rights

This chapter firstly defines few terms such as: worker's rights, the labour, domestic work and slavery, which should be considered when exploring servants' work conditions. This helps in analysing the situation of domestic workers in the informal sector from a human rights perspective in particular on their access to economic and social rights protected in the national and international legislations. In addition, it explores the main features of women domestic workers (national and migrants), and their employment conditions, it describes and analyses the main intersected parties in

³⁴ Human Rights Education Associates, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>, accessed on 29/6/2013.

³⁵ Ibidem.

³⁶ Ibidem.

such arena; the women involved and their work activities as domestics, employers and third parties including diversity in each type. This typology serves regionally in the Arab sphere as an example for developing countries which own likely living environment since the region of the Middle East has the highest share of migrant populations in the world.³⁷ Moreover it may be used as potential job activities and description in the potential rectify Egyptian labor law, particularly for domestic women category who suffer from informal job situation since decades and considered as inexistent sector which lack official bodies and human rights attention in the Egyptian Society.

Workers' rights are rights and freedoms entitled to workers who, from exercising activities, consequently, belonged to the labour force which contributes in the economic operation of the state, that should in return guarantee those rights and protect human dignity and wellbeing to individuals through social justice.

Katrina Tomasevski explored the rights and freedoms linked to work. She gave a brief explanation about the work's rights as economic and social rights providing the legal base of those rights and freedom inspired from the international treaties and conventions, dividing them into four subcategories; employment related rights, employment derivative rights, equality of treatment and non-discrimination, and instrumental rights. The first subcategory, "the employment related rights" contains numerous freedoms and rights such as freedom from slavery, freedom from forced and compulsory labour, freedom to work, the right to free employment, the right to protection from employment and finally the right to protection against employment.³⁸

The second subgroup of work related rights, according to the author, is the "derivative rights" which he described as the rights and freedom resulting from the labour relationship such as right to just work conditions, this include the working hours, the paid annual leaves, and the regular break times. Moreover, he added to this subgroup

³⁷ UNESCO, 2009, p. 75,

³⁸ Tomasevski, cited in Eide, Krause, Rosas, 2001, p. 223.

the right to healthy and safe working conditions, the right to a fair remuneration, the right to vocational guidance and trainings and the right to social security. As per the third subgroup it was dedicated to the principle of “equal treatment and non-discrimination” which cannot be ignored as it is based in nearly all the conventions on social rights and other treaties. The fourth and last subcategory divided by the author is on “the rights of instrumental nature”. This subgroup was described as instrumental by the author as it specifies crucial tools for defending the rights at work from being abused. These tools are as such as the right to collective bargaining, the right to strike and the freedom of the workers to migrate.³⁹

Philip Alston brings the attention to the definition of workers’ rights when referring to universal identification; it possibly proposes unspecific series of rights. He adds that certain applicable jurisdictions and guidelines, do not define workers’ rights. Moreover, worker’s right are being referred to a group of rights and freedoms as such, entitled to workers such as the right of association, the collective rights for instance bargaining and organizing, the ban of child and forced labor. The author in addition, underlined the malfunctioning of the international community to specify an average for minimum salary, working hours and working security standards worldwide.⁴⁰ According to the report of ILO, the working hours of domestic workers are amongst the longest and most unpredictable of all groups of workers. It further adds that average a hours of domestic workers, touched to 66 hours per week in Malaysia and between 60 to 65 hours per week in Qatar, Namibia, Tanzania and Saudi Arabia. In addition, long working hours, night working and an irregular patterns of working hours cause greatest negative effect on workers’ health; especially it creates more risk for women during and after pregnancy.⁴¹

For the examination of the development of the work rights, Katrina Tomasevski explored the concept of Asbjorn Eide ‘Dynamics of human rights and the role of the

³⁹ Ibidem, p. 243.

⁴⁰ Alston, 2004, p. 498.

⁴¹ ILO, longest, more unpredictable hours - the plight of the domestic worker, available at: http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_200944/lang--en/index.htm, accessed on 26/7/2013.

educator,⁴² phases circulated at the national levels; she initially explored “the idealization” phases, followed by “the conceptualization” and finally “the positivization” phases which in her opinion are far from reaching jurisdiction.

2.3 Women domestic workers

In Africa, the majority of domestic workers are women whereas in Egypt are 71 % of the total number of domestic workers are men.⁴³ A sample survey have been made in order to try to find real statistics on women domestic workers, their nationalities, their working conditions, payments, and other numerous aspects, it has been conceived that migrant women domestic workers in Egypt, come from the Filipina, Indonesia, Nigeria, Soudan, Ethiopia, and Eritrea. However the surveys show that the share of the national domestic workers in Egypt in comparison to migrants outnumbered.⁴⁴ It should be noted that there is no statistic or approximate value for the share of Egyptian women domestic workers, nonetheless, they are employed at the household through Egyptian agencies some of them belonging to religious institutions.⁴⁵

Considering the restricted operations in measuring domestic workers and the limited official surveys on the population of Egypt challenged the researcher in knowing whether the tested model, is actually illustrative or not. The interviews with domestic workers were conducted in English and Arabic and translated; without a precision of date or location, according to the convenience of the domestic workers who were previously in contact with the examiner.

The Development Research Centre on Migration, Globalisation and Poverty at the University of Sussex, have made a research in 2007 for 633 non-national domestic

⁴² Eide and Thee, *Frontiers of Human Rights Education*, 1983, pp. 105-116, at pp. 107-108; and ‘The Rights of Solidarity as Human Rights: Some Methodological Aspects’, *Mennesker og Rettigheter: Nordic Journal on Human Rights*, No. 4 (1988), pp. 48-50.

⁴³ Schwenken and Heimeshoff, 2011, *Domestic Workers Count: Global Data on an Often Invisible Sector*, p.17, available at: <http://www.uni-kassel.de/upress/online/frei/978-3-86219-050-8.volltext.frei.pdf>, accessed on 30/7/2013.

⁴⁴ Jureidini, 2010, *Social Profile and Human Rights of Domestic Workers in Cairo*, p.3., available at: http://www.migrationdrc.org/publications/research_reports/Jureidini_Domestic_workers.pdf, accessed on 28/7/2013.

⁴⁵ *Ibidem*.

workers which includes workers from Filipinas representing 15 % of the tested sample, from Indonesia 8%, 16 % from Sudan, 16 % from Ethiopia, 15 % from Eritrea, 11 % from Nigeria, and 19 % national domestic workers. The project sought to collect statistics on the population by occupation, sex and nationality which were not available. The average age of women domestic workers in Egypt including non-nationals is between 20 to 40 years old, among them, the Egyptian women domestic workers are the youngest whereas 61 % of them are under 30 years old and 14 % under 20 years old.⁴⁶

Principal activities of domestic woman is household include cooking, cleaning, washing dishes, washing clothes and child care; feeding, accompanying or entertaining them. Moreover, in the presence of elderly or disabled persons in the family, serving them is necessarily added to the activities of the servant. Fulfilling all the household tasks, partially or totally, depends on working hours and domestic engagement with her employers.

Approximately there are hundreds of thousands of women domestic workers employed either as a full time or part time nationwide.⁴⁷ The observation on the employment conditions under which millions of women not only in Egypt or in the middle east but in the majority of the countries, domestic workers have not been given any leagal protection., are accepted in the household, given the nature of the vague and informal working conditions, it is important to classify them under precise categories in order to be able to underline the challenges faced by women domestic workers in the informal sector for organizing the exercised powers over them by their employers as well as for specifying their bargaining powers. However, Chen Martha Alther, 2011, in order to be able to describe them precisely, she has regrouped domestic workers by employment method, dividing their employment conditions into two rubrics; the first one explores the employment of domestic workers by "Arrangement" which and the second by

⁴⁶ Ibidem, p.5.

⁴⁷ Charbel, 2012, Maids in Egypt: women domestic workers organize, www.egyptindependent.com/news/maid-egypt-domestic-workers-organize, accessed on 07/22/2013.

“Status”.⁴⁸ In order to precise the relationship with employer, this paper uses this distinction approaching the situation of women domestic worker in Egypt. The effort made to reveal an outline of the reality of domestic women in Egypt is challenged with the absence of State interest where this category not covered by any national legislation, and by the failure to accuracy in recent study made in this respect, for instance no mentioning about vulnerable Egyptian female employment in the World Bank data.⁴⁹

2.3.1 By arrangement

The arrangement of employing domestic workers in Egypt, are made either between households which means that family members or friends can recommend the servant to each other (from social connections), or by a third-party such as an agency to work at home. Domestic worker may serve a single or multiple employers. The working hours can be settled in agreement with the employer on daily basis, weekly or monthly, depending on the employers and workers convenience; part-time or full time work is consequently decided upon them. One domestic worker may be hired by one or multiple employers; this is decided mainly by the servant based on her financial need as well as her family circumstances.

Another significant factor can impact the number of employers served by the domestic worker and which relates to the “live-in” criteria, in this regard, is the nationality factor; Live-in domestic workers also help obviate this as one can (often informally) subtract the cost of accommodation and food from their wages⁵⁰. In the case of migrant domestic workers in Egypt, whose share in the Egyptian informal labour force is considerable, it is a more common for migrant worker to have one employer as they are mostly living in their home where they work.⁵¹ Chen Martha Alther added another distinction related to the migrants named “tied” which signifies the visa entry clearance which causes in

⁴⁸ Chen Martha Alther, 2011

⁴⁹ ILO, Key Indicators of the Labor Market database. Catalog Sources World Development Indicators. Available at: http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm, accessed on 07/30/2013.

⁵⁰ Anderson, 2001, p. 4.

⁵¹ Charbel, 2012, Maids in Egypt: women domestic workers organize, www.egyptindependent.com/news/maid-egypt-domestic-workers-organize, accessed on 07/22/2013.

some situation, difficulties in leaving at the employer's home as a way of escaping or protecting themselves from the abuses exercises on them from the employer because they are tied by work permit visa, which limits the duration of their stay in Egypt with this regard, the author examined the challenge faced by the migrant domestic workers concerning the official papers.⁵² Given the nature of unprotected working conditions, migrant domestic workers in Egypt face numerous abuses; first from the fact that they are migrants and second from being unprotected by law which is known upon the employers. This will be examined later on in this paper in chapter 3 in the legal protection.

Egyptian women domestic workers, who live in the home of the employer, are highly exposed to domestic violence, sexual abuses and assaults and to unequal working hours, undetermined tasks and non-payments as a result of belonging to the category of workers who is excluded from law and marginalized by the society. Moreover, The relationship between the domestic worker and employer is affected by the work's informal nature, where it is an undetermined work relationship, hence the employer in a position of being "the master" or having power and control over the domestic worker who is in a weak position, as most of them as mentioned above, come from the poor villages, illiterate, and not being entitled of any bargaining power.⁵³ One should not confuse the domestic worker, employed, without violation to the general provision of the labour law providing the official work age in Egypt from 15 to 64 years,⁵⁴ and the child domestic worker who are illegally being employed in the servitude of the household, and forced to leave their families in order to work. However, domestic workers can be divided into two categories: those who go to the home of their employer only for different periods to do the work of the household and leave after accomplishing their tasks, and those who live in the house that employer to work. Both categories can also be classified under the full time and part time method, which can include other

⁵² Chen, 2011, p.167-184.

⁵³ Ibid, p. 167-184.

⁵⁴ The World Bank, Inequality of Opportunity in the Labor Market, 2012, available at: http://menablog.worldbank.org/files/jan_2013_blog_-_inequality_of_opportunity_in_the_labor_market-report_no_70299.pdf, accessed on 07/22/2013.

types of domestic work such as the pretense employment, which includes migrant domestic workers.⁵⁵

The translated word of the Arabic name of women domestic workers is “al khaddamat” which means servants, this term reflects broad tasks of the worker, since serving may fit in under any category; they could be asked to do any task in the home of the employer, as mentioned above it is a challenge to determine the task of the servant; during the working hours, domestic workers are ordered to exercise many jobs in the household; such as cleaning the house, doing the laundry, cooking, looking after children or elderly persons and it is also common in Egypt that while making these jobs, family members keep on making personal orders and requests, in addition their work may be extended to family events and occasions.⁵⁶ This may be described as type of slavery.

2.3.2 By status

In other way to make a classification of the national and migrant women domestic workers by employment status, Chen Martha Alther has found a formal method for characterizing their status as workers; she divided them into 3 different groups; first as being an employee, second as self-employed and the third as member of domestic worker cooperatives.⁵⁷ In the first category she described domestic workers can be self employed or working for multiple clients, and in some cases may be providing their own equipment and negotiating contracts with their employers. The status of second category is being an employee on one hand of private clients or households on the other hand they could be employee of a third party agencies or contractors.⁵⁸

⁵⁵ ILO, Decent Work for Domestic Workers, 2010, available at: http://www.ilo.org/ilc/ILCSessions/100thSession/reports/reports-submitted/WCMS_143337/lang-en/index.htm, accessed on 27/7/2013.

⁵⁶ Human Rights Watch, Decent Work For Domestic Workers: The Case For Global Labor Standards, p.4, http://www.hrw.org/sites/default/files/related_material/HRW_ILO_brochure_lores.pdf, accessed on 07/22/2013.

⁵⁷ Chen, 2011, p.167-184.

⁵⁸ Women in Informal Employment: Globalizing and Organizing, Typology of Domestic Workers, <http://wiego.org/informal-economy/typology-domestic-workers>, accessed on 07/22/2013.

2.4 Employers and third parties

The author distinguished the employers, in principle the division is universal, and hence this paper provides a deeper examination on the employers in Egypt, in application to the general distinction given by the author. Initially, employers of domestic workers mostly belong to the middle and upper middle class households. They are housewives - employees - directors - owner...etc. This sample of served families showed several profiles they consist of couples – or Single mother or father- with children in some cases grandparents. Employers may be a man or women who are in constant travel; thus, employing a live in domestic worker is handy for the child care and household.

Men from the underlined classes, based on the traditions in Egypt, consist of different types from the perspective of degree of openness to gender equality; they may encourage their women to participate in the social or economic life. Another type of men, who one reflects the men stereotype in Egypt, may require from their wives to stay at home for household, especially with children presence. Generally, culture and patriarchal environment are playing a major role for the description of the employers; In MENA region for instance Omani females face socio-cultural challenges because of female stereotype and patriarchal society in which the balancing between household chores, family care and work, play a major role in restraining their development progress.⁵⁹ Moreover, the inhabit conviction of Omani women inferiority; leads them to a lack in advancement.⁶⁰ The culture in Arab Middle East countries and institutions' barriers represent obstacles for women in these countries especially in the participation in the labour market, through institutional structure organisation in the public and private sector. Furthermore, the strict religious interpretations spread in the Arab countries shares in women's disadvantageous position as a result.⁶¹

⁵⁹ Al-Lamky, 2007, p. 49-67.

⁶⁰ El Naggat, 2008, p.280-293.

⁶¹ Metcalfe, 2008, p. 85-100.

In Africa, particularly in Nigeria authors found that women face gender discrimination, thus the national legislations discourage them to participate in economic operations; they are underrepresented in labour force because of self-underestimation.⁶² However, Women entrepreneurs lack career assistance and capital funds. Moreover, women are overloaded with household chores and men's intolerance. In the same direction, Singh and Belwal, found that Gender bias in Addis Ababa against women is significantly remarkable, in addition to Ethiopian women and Entrepreneurship face similar discrimination as Nigerians vis-à-vis their development.⁶³

While analysing the distinctive feature of domestic workers, it is also relevant to understand the thinking of those who employ domestic workers. Consider, first, the households who employ domestic workers. These households can be from any class, may be rich, poor or middle class or any social groups, employer or government. The struggle between capitalist and proletariat is always there in society. Rich people finds a way of repression on poor people by employ them at their place and offering them subhuman condition.⁶⁴

“Although there are some associations of domestic worker employers in Europe, most private employers of domestic workers are not organized. In fact, it is likely that a greater share of domestic workers, than of their employers, are organized or getting organized. And yet private clients and households exercise considerable power over their employees. This reality confounds the standard understanding of the relationship between being organized and having bargaining power”.⁶⁵

⁶² Woldie & Adersua, 2004, p.78-93.

⁶³ Singh & Belwal, 2008, p.120-136.

⁶⁴ Women in informal employee: Globalizing and Organizing, Typology of Domestic workers, <http://wiego.org/informal-economy/typology-domestic-workers>, accessed on 07/25/2013.

⁶⁵ Ibidem.

While considering the “third-party” recruitment offices which employ the domestic workers in the household, there are several domains of these agencies, working in the three sectors: public, private, and non-profit agencies. Consider next the common features of these agencies on their role in the contracts of employment between the domestic worker and the employer, in conceptualising and institutionalising the different types of agreements, whereas the bargaining powers seem not to be simple to be settled in practice in such case.⁶⁶

In certain states of the United States, the recruitment agencies are being assisted by the state in setting up the three parties relations “tri-partite”, which is between: the household services agency “the provider”, the domestic worker who is the client of the provider and “the public sector” who finances the provider. However, the value paid by the public includes the public services fees which are compulsory. The income of the employer determines the charged price. But for the low-income households, public subsidy is given. This is for the purpose of protecting the domestic worker from any deduction from her salary notwithstanding any financial difficulties facing the employer. There is a concern from the side of the government over the part-time contracts of domestic workers issued by the “providers”. However there are ongoing negotiations on the protection of domestic workers rights in this regard.⁶⁷ According to International Labour Organization the labour has been defined as follows:

“The employed population is made up of persons above a specified age who furnish the supply of labour for the production of goods and services. When measured for a short reference period (of one week or one day), it refers to all persons who worked for pay, profit or family gain during that period. It also includes all persons who had a job or enterprise but were absent from that job or enterprise during that period on a temporary basis: persons who during the

⁶⁶ Ibidum.

⁶⁷ Ibidem.

reference period were sick, on vacation, maternity leave, strike or were temporarily laid off.”⁶⁸

Women Domestic workers in Egypt are deprived from paid maternity leave, social and health insurance because of exercising unregistered and unofficial work, although the activities which they exercise are relevant to the definition of labour by the ILO. This creates a certain contradiction between the Egyptian national legislations and the international labour standard expected to be implemented in the states parties of the ILO. This will be examined in more details in chapter 3. The Egyptian Labour Law has defined labour in Law No. 12 of the year 2003 as follows:

“All the individuals which their age range are from 15 (the minimum age of employment according to the Egyptian labour law) to 65 years old (the retirement age) whether they are actually taking part by their physical or mental efforts in an activity related to the production of commodities or services (employed) or the individuals who are capable and willing to perform such activity and searching for work but can’t find it (unemployed)”.⁶⁹

Obviously, as per the definition of employed persons in the labour force, provided by the Egyptian labour law, Women Domestic Workers, belong to the named category of labour force since their activities are relevant to the description of the employed persons in the labour force. Hence in the Egyptian labour code in other provision explicitly exclude domestic workers. This will be explored in Chapter 3. Martha Chen states that the definition of domestic work throughout the nations is absent.⁷⁰ But the ILO Convention No. 189, “domestic work” has filled the gap by providing a definition of domestic work as the following:

⁶⁸ ILO, Employment and unemployment statistics, <http://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/employment-and-unemployment/lang--en/index.htm>, accessed on 20/5/2013.

⁶⁹ Egypt statistical yearbook, 2012, C.A.P.M.A.S., <http://www.capmas.gov.eg>, accessed on 07/22/2013.

⁷⁰ Chen, 2011, p. 176.

“The work performed in or for a household or households and “domestic worker” means any person engaged in domestic work within an employment relationship. The term “domestic work” covers a wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned, as well as the cultural and economic context in which they work”.⁷¹

Domestic Legislations for the legal protection of women domestic workers rights carry meaning only if it can be enforced. In the absence of enforce mechanism rights are just elusive. Therefore, adjudication seems to be the possible mechanism for the enforcement of rights through judicial process. When constitutions incorporate the economic and social rights with a certain degree of legislative specificity then it is appropriate to use the judicial mechanism to enforce one’s rights accordingly.⁷²

Philip Alston says that when social and economic rights like right to shelter, right to food, and right to education or health care are accepted as a right, it becomes unmanageable for the judiciary to ensure these rights with only judicial process. As judiciary intrudes fundamentally into an area where the democratic process ought to prevail, hence for the enforcement of economic and social rights government’s commitment is very important. The role of government is essentially to deal with the question of public safety, development and human rights and all these can be enforced by the allocation of resources. That only government can do not judiciary.⁷³

⁷¹ILO, Domestic workers, <http://www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm>, accessed on 07/22/2013.

⁷²Steiner, Alston, Goodman, 2008, p. 284.

⁷³Ibidem, p. 284.

3. CONSTITUTIONAL PROTECTION FOR WOMEN DOMESTIC WORKERS

This section focuses initially on the Egyptian constitution as the basic national official source of rights and freedoms available for women domestic workers in Egypt. It examines the evolution of the protection of the rights and freedoms concerned for domestic workers in through the implementation of the provisions of International human rights conventions and International labour standards in the challenges faced by the constitution due to the transitional justice. Moreover, it examines the Constitution of South Africa as a comparable model for protecting domestic workers in the Bill of Rights.

The appearance of social rights jurisprudence provides a welcome opportunity to study a range of legal, philosophical and practical issues and it is certainly clear that debate over the justiciability of economic, social and cultural rights had to be adjusted into reality with social rights adjudications. The concern over the courts role in litigation cannot be reasonably seen as self-evident trump card rather it should be a factor for contextually weighing in decision making process. Here the question is not on the justiciability of economic and social rights in the constitution, rather how these rights can be consistently adjudicated with measure of integrity, respecting, the nature of adjudicatory bodies and the call for justice inherent in human rights.⁷⁴ A case of South African court can be relevant to be quoted in this regard. The case *Grootboom v Oostenberg Municipality and other*, Judge Yacoob, has given a decision about the minimum core obligation of the state, emphasising that it is the floor beneath which the conduct of the state must not drop, if there is to be compliance with the obligation. However, for every right there is a “minimum essential level” that should be satisfied by the state parties.⁷⁵ The Court further said that it is the state responsibility to take reasonable legislative measures and adopt constitutional compliance. The formulation of

⁷⁴ Langford, 2008, p. 43.

⁷⁵ Government of the Republic of South Africa and Others v Grootboom and Others (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169 (4 October 2000), <http://www.saflii.org/za/cases/ZACC/2000/19.html> accessed on 05/10/2013, Court has said like this---We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. There is a high level of unemployment, inadequate social security, and many do not have access to clean water or to adequate health services. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order. For as long as these conditions continue to exist that aspiration will have a hollow ring.” In Para 30 and 31 Court said like this –The concept of minimum core obligation was developed by the committee to describe the minimum expected of a state in order to comply with its obligation under the Covenant. It is the floor beneath which the conduct of the state must not drop if there is to be compliance with the obligation. Each right has a “minimum essential level” that must be satisfied by the states parties. The committee developed this concept based on “extensive experience gained by [it]. . . over a period of more than a decade of examining States parties’ reports.” (31)The general comment is based on reports furnished by the reporting states and the general comment is therefore largely descriptive of how the states have complied with their obligations under the Covenant. The committee has also used the general comment “as a means of developing a common understanding of the norms by establishing a prescriptive definition.” Minimum core obligation is determined generally by having regard to the needs of the most vulnerable group that is entitled to the protection of the right in question. It is in this context that the concept of minimum core obligation must be understood in international law.

legislation is the first stage of meeting the state's obligations. However the legislation must also be reasonably implemented.⁷⁶

However, the implementation of litigation successfully is a challenge because the lack of adequate provisions and innovatory procedurals, conservative judiciaries, and the lack of financial and legal resources and the challenge of trying effectively connect claimant communities, social movement and legal oriented human rights advocates and insure decisions are implemented.⁷⁷ At last for ensuring effective and just remedies courts of India, South Africa and Canada have made clear that courts can issue injunctions against governments and monitor continuously through supervisory jurisdiction that governments are complying with the constitution.⁷⁸

A final challenge is to strike the right balance between individual and systematic relief, remedies that attempt to repair the harms of the past violations and aims for the remedies to achieve compliance according to the constitution in future. It can be done by combining individual with systematic relief, by two-track remedial strategies in which judges order interim and immediate remedies by providing more systematic reforms that can be achieved immediately.⁷⁹

These challenges are examined in both the Egyptian constitution on 1971 which has been at the base of workers' rights from 1971 until 2011, and the constitution of 2012 which has followed the revolution of 2011. Moreover, the encounters facing domestic workers' rights are analysed in the declaration of the constitution of 2013.

3.1 The Constitution of the Arab Republic of Egypt 1971

The Egyptian Constitution was issued in September 1971 and amended three times; in 1980, 2005 and 2007, by Mubarak's government. The text of the constitution, in the

⁷⁶ Ibidem.

⁷⁷ Langford, 2008, p. 45.

⁷⁸ Ibidem, p. 58.

⁷⁹ Ibidem, p. 58.

first section, provides a range of economic and social rights under the title of basic components of society. It is established in the provision of the article No. 8, that the State ensures equivalent chances for all the individuals.⁸⁰ It is clear that this provision should include women domestic workers, entailing their right in equal occupational opportunities, equal opportunities for the participation in the national economy and labour market. However this requires the labour legislations to implement this in practice.

The provisions of this constitution, partially relevant to the international human rights protection and labour standards in its provisions, recognising the obligation of the state to protect economic, social and culture rights for individuals and to ensure workers' rights, equality and non-discrimination, and a fair remuneration, which will be examined as the following:

The provisions of article 13, 16 and 17 stipulate the state's responsibility to ensure the right to work for the individuals and prohibit the forced labour. This establishes the state responsibility to recognise the domestic workers right to work, meaning that this right should consequently entail protection under a legislation which is obviously the labour law. The provisions also include the duty of the state to provide health, social and cultural services and social insurance particularly for the villages in order to raise their living standard.⁸¹ This requires more interpretations of the steps to be taken in practice so that the obligation of the state becomes practical for the realisation of the rights for all the citizens including those who are excluded by the legislations such as the domestic workers.

Furthermore, the constitution provides the duty of the state to contribute in improving the condition of living for the people, increasing jobs, increasing work opportunities, in addition it includes the issue on the gap between the prices in the market with the poor

⁸⁰Egypt State Information System, available at:

<http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?CatID=208>, accessed on 29/7/2013.

⁸¹ National Human Rights Committee, available at: http://www.nhrc-qa.org/resources/userfiles/NADWA-11052008-Jaber_Awad.doc , accessed on 22/7/2013.

salaries in accordance to the market prices and living expenses, by setting the minimum and maximum wages, fixing a minimum and a maximum limit for wages article 23. The acknowledgement of these fundamental rights in the constitution is necessary for the compliance with the international labour standard. However, it requires more provisions ensuring the safeguard of these rights through state obligations for providing a monitoring system for the implementation of these rights in the labour law. This will probably offer remedial procedures to the domestic workers.

Finally the article 40 of the Constitution focuses on achieving equality for everyone, in terms of rights and duties declaring, prohibiting discrimination. However, it did not prohibit the discrimination based on gender neither on occupation,⁸² which makes women domestic workers remain in the disadvantageous position exposed to discrimination by the Egyptian legislations.

3.2 The Constitution of November 2012

The respect for human dignity and the improvement of the working conditions and setting minimum wages seemed to be a central claim of the revolution of January 2011. However, in the transitional justice these rights seem to be conditional while drafting a new constitution. In regard to workers' rights, in article 14 of the constitution, the settlement of maximum and minimum wages, was referred to the duty to the national economy without providing a clear obligation upon the state, under the title of the economic principles; It includes settling the revenues of the citizens, by linking wages to production, limiting income difference by setting maximum wage cap and a minimum wage, which guarantees decent lives for citizens. However, this doesn't guarantee an effective remedy or justiciability of these rights. Moreover, workers' rights have been poorly implemented in practice during the mandates of both former presidents. Furthermore, likely to the previous constitution of Mubarak's regime, this constitution, in the provision of article 14 and 64, tends to recognise the right to work, prohibits forced labour, and recognises the obligation of the state to ensure fair

⁸² World Intellectual Property Organisation, available at: <http://www.wipo.int/wipolex/en/details.jsp?id=7140>, accessed on 23/7/2013.

remunerations decent working conditions, leaves, retirement, social insurance, health care, protection against work risks and safety at work locations based on the principle equality, justice and equal opportunities, in accordance to the law organizing that.⁸³

In this regard, obviously, there is a lack of harmony between the underlined provision of the constitution and the labour law which explicitly excludes domestic workers from its protection without providing a reference to any other legislation regulating their work in article 4(b). In order to protect women domestic workers those constitute maximum workforce of domestic workers in Egypt and they have been left out from the national legislation. Furthermore, articles from 66 to 68 include the economic and social rights, the right to shelter, access to clean water...etc., emphasising the recognition of the right of everyone to have access to social security, providing that the state is working on ensuring social services for those working in the informal sector in particular.⁸⁴

Concerning women domestic workers related rights to equality in the Constitution, articles 9 and 10 provide the state responsibility to take measures to guarantee equal opportunities to everyone. In addition, it provides the state is responsible to provide women and children free health, social care and services in order to help women to adjust between her family duties and her work,⁸⁵ which have been highly criticised based on the interference of the state in women's freedom in taking her own decisions, thus, this article may be subject to a discriminatory clause. In above mentioned articles the elimination of the human trafficking has been removed.⁸⁶ Moreover, the state duty, to pay a pension, to women who hold a family, those divorced, widowed or those who are most in need.⁸⁷ This is important for domestic workers based on the significant

⁸³ Egyptian Constitution, 2012, http://egelections-2011.appspot.com/Referendum2012/dostor_masr_final.pdf, accessed on 24/7/2013.

⁸⁴ Ibidem.

⁸⁵ Ibidem.

⁸⁶ Human Rights Watch, 26/11/2012, available at: <http://www.hrw.org/news/2012/11/26/egypt-morsy-decree-undermines-rule-law>, accessed on 14/7/2013.

⁸⁷ Egyptian Constitution, 2012, available at http://egelections-2011.appspot.com/Referendum2012/dostor_masr_final.pdf, accessed on 24/7/2013.

number of women from the lower class, holding their own family in cases of divorce or death of husband; hence, they become the bread winner.

Discrimination based on gender has been removed in the final draft where in the provisions of article 33, provides equality before the law between all the citizens and prohibits discrimination without any precisions of a particular aspect, which put women domestic workers at risk, since the constitution doesn't name the different types of discrimination, as a result, remedial mechanisms have no ground for elaboration or implementation in domestic legislations. Finally, the provision of the constitution, in article 73 prohibits and criminalises any forms of oppression, human exploitation and sex trafficking.⁸⁸

3.3 The Constitutional Declaration of the Arab Republic of Egypt-July 2013

There is no doubt that various factors contributed, in line with the previous constitution, in the failure to protect workers' rights for decent work conditions and minimum wages. However the declaration of the constitution which was published on 8/7/2013,⁸⁹ bares minimum rights, which is considered to be a setback. The articles concerning women domestic workers' rights, provided in the declaration, are the following:

The declaration of the Constitution disregards economic and social rights, in particular for workers, since among all the articles of the Declaration, only one article encloses the right to work. In addition, another article provides that social justice is the origin of the national economy mechanism this is provided in article 3, and providing the duty of the president to protect social justice.⁹⁰ In addition, the provision of article 9 recognises the right to work and prohibits the forced labour.⁹¹ However, it did not guarantee the responsibility undertaken by the state to set minimum or maximum wages according to

⁸⁸ Ibidem.

⁸⁹ Official Gazette, Issue 27bis (a) on 8/7/2013, available at: <http://gate.ahram.org.eg/News/370632.aspx>, accessed on 24/7/2013.

⁹⁰ Egyptian Center for Economic and Social Rights, available at: <http://ecesr.com/en/2013/07/12/constitutional-coup-against-the-principles-of-the-revolution/>, accessed on 19/7/2013.

⁹¹ Official Gazette, Issue 27bis (a) on 8/7/2013, available at: <http://gate.ahram.org.eg/News/370632.aspx>, accessed on 24/7/2013.

the production rates nor to fair remuneration. This keeps domestic workers remained in a disadvantaged position and at the risk of non-payment or considerably low salary. Thus, the declaration repeated the mistakes of previous constitutions, clearing the way for forced labour,⁹² through constitutionalising the absence of setting an obligation on the state to engage measures for outlining the minimum wages and for the implementation of the fair remuneration for equal work value. The Declaration ignored the remaining economic and social rights, such as the right to housing, health, medical treatment, food, water, clothes, insurances, pensions, social security, the minimum and maximum wage, linking wages with prices, and the right to worker representation on corporate boards and in profit sharing, etc.⁹³ Obviously, the requirement for a certain level of the economic and social rights protection expected in the draft is absent. However, this is considered to reflect a miscarriage of the realisation of equality, through absence of the authorities' commitment originated from the constitution.⁹⁴

Regarding equality and non-discrimination, this declaration provides in article 4 the prohibition of discrimination not unlikely the previous constitutions, it has stated the discrimination based on gender, which is considered to be an adding credit on the constitution in regard to the rights of women domestic workers which can be incorporated with the equal opportunities and non-discrimination for the work occupation. Moreover, it provides the state responsibility to guarantee equal opportunities to citizens.

It should be noted that this declaration, provides also in articles 28 and 29 it is established that during the thirty days following the declaration, a committee of experts is formed of ten members, who have the authority to draft amendments to the declared constitution and suggest it to the council of people formed of fifty members,

⁹²Egyptian Center for Economic and Social Rights, available at: <http://ecesr.com/en/2013/07/12/constitutional-coup-against-the-principles-of-the-revolution/> , accessed on 19/7/2013.

⁹³ Ibidem.

⁹⁴ Ibidem.

representing all the people with the different elements and sectors of the society, for the referendum within sixty days. However, the article 29 is particularly interesting for domestic workers, because it provides that among the fifty members, there must be women representation with a minimum number of ten. Moreover, there should be a representation of all the workers' syndicates,⁹⁵ which is considered to be an advantage for the domestic workers after funding the first syndicate in September 2012 which is a step forward in terms of official representation.⁹⁶ This can allow them to participate for the first time in the decision making and consequently, the introduction of amendments to the labour law for their protection will be less challenging.

3.4 Constitutional protection for domestic workers in South Africa

South Africa has improved its jurisdictions, for an effective protection of domestic workers in the amendments to constitution in 2009. South Africa has by fixed minimum wages, dignified work conditions, implementing the unemployment protection and trainings for servants. Moreover it has organized a budget share from the economy for domestic workers benefit.⁹⁷ Therefore, South Africa Bill of Rights is highly considered, as a model which can be used for improving the domestic legislations for protecting domestic workers.

The Bill of Rights of South Africa has been accredited for adding a constitutional judicial power to socio-economic rights,⁹⁸ which transforms them into materials subject to legal complaint mechanism. However, the key element of the structural modification of the domestic judicial authoritarian system from rule of the Council of peoples' to the constitutional power, was the result of the unequal domestic legislations which resulted in creating dissections in the society and spread of discriminatory behaviours. This

⁹⁵ Official Gazette, Issue 27bis (a) on 8/7/2013, available at: <http://gate.ahram.org.eg/News/370632.aspx>, accessed on 24/7/2013.

⁹⁶ UN Women, Mona Saad: An Egyptian domestic worker's journey to leadership, available at: <http://www.unwomen.org/en/news/stories/2012/10/mona-saad-an-egyptian-domestic-worker-s-journey-to-leadership/#sthash.eKG1jnn4.dpuf>, accessed on 07/31/2013.

⁹⁷ UN Women, Domestic workers' rights move closer to becoming reality worldwide, available at: <http://www.unwomen.org/en/news/stories/2013/6/domestic-workers-rights-move-closer-to-becoming-reality-worldwide#sthash.rjNsLvxP.dpuf>, accessed on 24/7/2013.

⁹⁸ South Africa government information, available at: <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#23>, accessed on 29/7/2013.

shifting in the judicial system, contributed in curing the exploitations and abuses developed in the society calling for restoring the violated rights through the national bodies. The Court decided that the principle of “the negative and positive obligation” can be applied in the remedial procedure of economic and social rights, originated from them. The constitution engages the state in a central responsibility; the duty to “Respect, Protect and Fulfil” the rights and freedoms provided by the bill. This is represented in positive and negative obligations in the government.⁹⁹

The constitution of South Africa has established “vertical and horizontal application” of the provisions in the Bill of Rights. This requires on one hand that the domestic legislations and state body system, institutions and legislations must enforce the Bill of Rights. On the other hand, the provisions include the implementation of the bill of rights by a “natural and juristic person” which means that the named persons can be held responsible for the violation of the Bill of Rights, considering the characteristics of both the rights and duties originating from them.¹⁰⁰

As a way of protection of the rights, from the domestic legislations, according to the “horizontal application” method, the effect of the jurisdictions of the common law should be expanded in order to prevent the legislations to tie the rights by any of its provisions. In addition, this mechanism gives the judicial an authority to, as provided by the provision “to promote, support and object” the freedoms and rights of the Bill, during the advancement of the legislations. These stipulations can make economic and social rights binding for private contractors. In order to ease the shifting from unequal to fair application of the rights, competent law and decision makers on economic and social rights must establish a sustainable long term development plan for the enforcement and implementation of these rights at the national level.¹⁰¹

⁹⁹ Aston, *Social Jurisprudences*, p. 76, 77.

¹⁰⁰ *Ibidem*, p.78.

¹⁰¹ *Ibidem*, p.79.

In order to be able to evaluate the progress of the protection of domestic workers' rights in the Constitution of Egypt, one should address the problem of efficiency of the measures taken for the application of the rights provided in its provisions. However, the progress of the Constitution of South Africa establishes a system for making the domestic workers rights justiciable through the amended sections of the constitution. This is represented in a successful hierarchy which gives the constitutional court authority over the national legislations and the state authorities, while considering the nature of the rights.

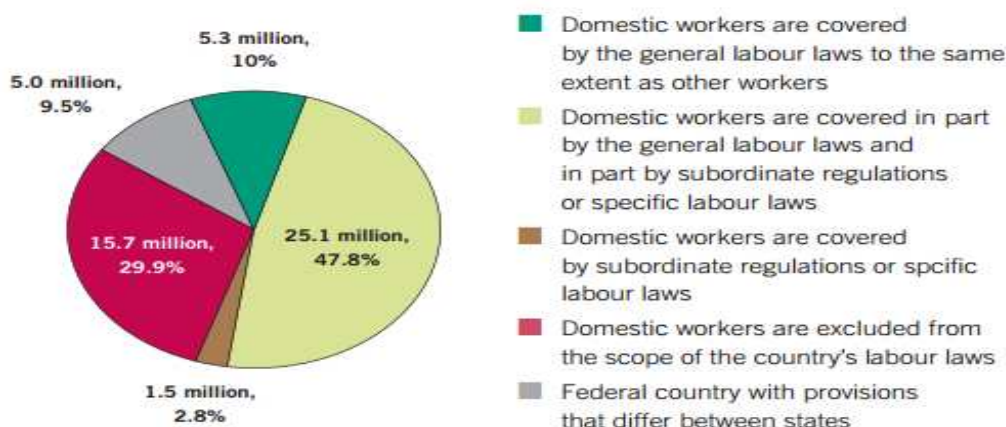
4. THE PROTECTION OF WOMEN DOMESTIC WORKERS IN LABOUR LAW

UN Special Rapporteur on contemporary forms of slavery Gulnara Shahinian has highlighted the importance of legal protection for women and said that in the absence of legal remedy and protection they could be forced into domestic servitude and be subject to physical and psychological abuse. She has also suggested Lebanese government to create more legal protections for more than 200,000 domestic worker in the country and they are forced to work long hours without any remuneration or valid contract; physically and sexually abused; and morally harassed by constantly being insulted, humiliated and belittled.¹⁰² The domestic workers face abusive and exploitative treatment throughout Asia and the Middle East. The Human Rights watch has also observed in its report that several countries throughout the region, including millions of

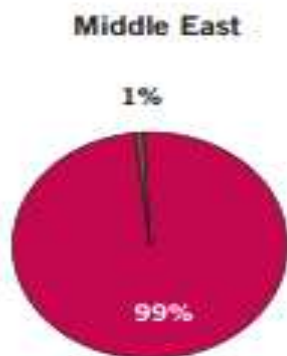
¹⁰²OHCHR, Migrant domestic workers in Lebanon, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11499&LangID=E>, accessed on 07/29/2013.

women, lack access to judicial systems, and often lack appropriate redress even when granted access.¹⁰³ Respecting human rights is not only a legal obligation and a legitimate aspiration of all human beings. It is also a pre-condition for our societies to grow and prosper in peace and security.

Therefore, the countries should take the necessary steps to provide the measures for protecting these millions who suffer, until our present moment from practices similar to slavery. In this regard it is important to examine the legal coverage of domestic workers in the Africa region and in the Middle East region as the following:

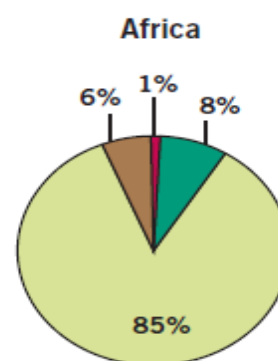


¹⁰³Human Rights Watch, Lebanon: Judiciary Failing to Protect Domestic Workers, <http://www.hrw.org/en/news/2010/09/15/lebanon-judiciary-failing-protect-domestic-workers>, accessed on 07/29/2013.



Source – ILO, Domestic Workers across the World: Global and Regional Statistics and the Extent of Legal Protection International Labour, 2010.¹⁰⁴

Domestic Workers in Africa are not absolutely ignored by country's labour legislations, except those who are in Egypt;¹⁰⁵ this is applicable for both; national and migrant domestic workers. According to the ILO report; in the Middle East only 1% of the states cover domestic workers by its domestic legislations, which is Jordan.



However, this does not keep the domestic workers in absolute disadvantage as some countries issued forms of mandatory agreements to be provided to employers and domestic workers, drawing the general terms and conditions as a subsidiary agreement which can guarantee minimum legal protection for the contractors. This is being proceeded in Lebanon, Kuwait similarly in Bahrain and the Arab Emirates.¹⁰⁶

Moreover, Bahrain, Jordan, Lebanon and other Arab states, have started taking legal measures in their labour legislation. However, they are going toward ending this

¹⁰⁴ ILO, Domestic workers across the world: Global and regional statistics and the extent of legal protection International Labour, 2013, p. 51, available at: http://www.ilo.org/global/publications/books/WCMS_173363/lang--en/index.htm, accessed on 26/7/2013.

¹⁰⁵ Ibidem, P.52.

¹⁰⁶ Ibidem, p.52.

phenomenon of modern slavery. It should be noted in this regard, that the insertion in the labour legislation of an explicit provision prohibiting all forms of discrimination in employment and occupation ensures a more direct and effective application of the Convention. This is shown in the above figures that 1% out of 2, 107, 000 workers enjoy legal protection in the Middle East.¹⁰⁷

This section studies the extent to which women domestic workers are able to protect and defend their rights in Egypt, in particular, at the work place which is the employer's home, by exploring the legal challenges facing them vis a vis the national jurisdictional system. Moreover, this section uses a comparative method to explore the Jordanian Labour Code, for being the only Arab State which amended its law in favour of domestic workers.

Regarding the Protection of the right to social security, the law No.79/1975, in the provision of article 125, which has been amended in 1988, provides that the minister of manpower and migrations has the authority to issue a decree for enabling these workers to benefit from a social security. However, the scope of amendment was limited to certain categories of workers in the unorganised sector such as for those who work in the mines, in the construction and hand crafts integrated workers. However the present legislations are covered by the Act of 1975, which includes the private sector employees in the social security services.¹⁰⁸ Lastly, in 2009, new decree issued by the minister of finance amending the previous provision of decree of the minister of manpower and migration, enlargement of the scope of application of the provisions of the articles, adding more categories of workers of the informal sector. However these amendments to the social security legislation have shown a serious failure due to the absence of an implementing system in the state institutions and employees of the social security

¹⁰⁷ Ibidem, p. 20.

¹⁰⁸ Economic Policy Research Institute, available at: <http://epri.org.za/resources/country-profiles/>, accessed on 27/7/2013.

services who were not informed neither trained on how to provide the services to these workers, instead they have been abusing them while ambiguity played an important part in unidentifying the use of the budget devoted for this project.¹⁰⁹

4.1 The unified Egyptian labour law No. 89 for the year 2003

In Egypt, there are many issues that can be stipulated in this area for the understanding of the availability of jurisdictional system provided for domestic workers in order to regulate their work relation with their employer, which requires a great need of legal interference, especially that their work conditions are highly exposed to violations of their rights, and consequently to national legislations protecting them. Despite this fact, women domestic workers, continue to accomplish their daily duties as servants in the household, without any objection, hopeless, ignoring their rights in order to fill the systematic gap resulting from the absence of access to social services and health care, through the struggle of affording the coast of indispensable needs. The nature of their work conditions seems to be similar to the practices similar to slavery, provided in economic and social rights council's convention and to the forced labour definition provided by the ILO in the its convention as well. In Egypt, and Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates, labour laws exclude domestic workers¹¹⁰.

The Egyptian Law 12/2003 (the Unified Labour Law), does not offer a lawful safeguard for the servants, employed with unidentified customs of hazardous nature. Legislators had actively sought to deprive these categories of legal protection¹¹¹. Indeed, article 4(b) of the Unified Labour Law clearly stipulates that:

“The provisions of the present law shall not apply to domestic service workers and the like.”¹¹² In this regard, it has been explained that such exceptional provision in both the Egyptian and Lebanese legislations, has been based on the personal nature of the

¹⁰⁹Center for Trade Union and Workers' Services, 2013, Arabic Report, available at: <http://ctuws.com/Default.aspx>, accessed on 30/7/2013.

¹¹⁰Jureidini, 2009, Irregular Workers in Egypt: migrant and refugee domestic workers, p.4, available at: http://www.academia.edu/1206697/Irregular_Workers_Egypt_Ray_Jureidini, accessed on 29/7/2013.

¹¹¹Egypt Independent, maids in Egypt, available at: <http://www.egyptindependent.com/news/maid-egypt-domestic-workers-organize>, accessed on 17/7/2013.

¹¹²The Middle East Library for Economic Services, 2003, P.7, available at: <http://www.egyptlaws.com/labour.html>, accessed on 25/7/2013.

relationship between the domestic worker and the employer, which deprives the classification of such activities and unprofessionalism deriving from such relationship under the labour law, arguing that work resulting from a personal relationship cannot be regulated by the provisions of the labour law.¹¹³

In fact, this explicit exclusion resulted of denial of many right of domestic workers, under the country's labour law and eventually complicated consequence, which contributed in harming these women at their work place and the society. The impact on women individually is clearly manifested in the numerous challenges facing them from the unpredictable work conditions at the home of their employers, resulting from the absence of a contractual agreement and complaint mechanism. It should be noted that women domestic workers are particularly discriminated from this exclusion because they are in more need of official guarantees to protect their rights, facing the impact of the patriarchal social behaviour in general, towards women and for ensuring the women worker related rights at work such as maternity leaves. Moreover, this exceptional disadvantaged situation deprives women domestic workers from their economic and social rights, for instance from the right to a fair remuneration and equal value for equal work, also from being enabled to benefit from social security and health care and pensions. In this regard, in order to fairly evaluate the domestic legal protection available for women domestic workers, one should be aware about the efforts of the ministry of manpower and migration in this matter.

However, given the nature of the underlined situation of women domestic workers, considering a relevant case where the Indian Supreme Court judgment in the case of *National Domestic Workers Wel.Trust & Ors v Union of India & ANR*,¹¹⁴ on the introducing amendment in "the Unorganised Sector" workers bill, 2004. The Supreme Court of India ordered the Central Government to include the domestic workers in the Bill of the "Unorganised Sector". This decision was of a great support for domestic

¹¹³ Jureidini, UNESCO, International Journal on Multicultural Societies (IJMS) ,Vol. 11, No. 1, 2009, pp. 75-90, available at: <http://unesdoc.unesco.org/images/0018/001838/183859m.pdf>, accessed on 20/6/2013.

¹¹⁴ Supreme Court of India, Writ Petition (Civil) No(s). 160 of 2003.

worker in terms of the access to social services and security, medical care, safety and welfare for them and for their families. However, it should be noted that above decision shows the interest of the Indian Judiciary to protect domestic workers basic rights.

4.2 Jordan Labour Code, law No. 8 of 1996

In order to efficiently evaluate the strength and limitations in the Egyptian labour law, one should use a comparable study with other countries' improvement in the application of the labour laws in practice through their progressive legislation. This section, examines the Jordanian labour code as a relevant material to be analysed. It is clear that the amendment made to this law, have shown a significant result in terms of safeguard of thousands of women domestic workers in Jordan. However this will be explored as the following:

It should be noted initially that the majority of women domestic workers are non-national workers; they are mainly from Sri Lanka, Indonesia, and the Philippines and from Egypt.¹¹⁵ They are nearly 70,000 women domestic workers in Jordan, sharing in 42.1 % of the population.¹¹⁶ The Jordanian government has established laws and regulations in order to guarantee that domestic workers are treated equally with other workers according to the labour law, in the Jordanian Labour Law No. 90/2009 regarding domestic workers, cooks, gardeners and similar categories of 1 October 2009.¹¹⁷

However, these special regulations issued by the ministry of labour in Jordan, allow them to be applicable to the labour regulations thus to earn a minimum salary amount according the national legislations.¹¹⁸ This can be realised by providing that the

¹¹⁵ UNIFEM, Legal Protection for Migrant Domestic Workers in Asia and the Arab States, p. 89, available at: http://migration-unifem-apas.org/docs/Legal_Protection.pdf, accessed on 30/7/2013.

¹¹⁶ UN Women, Asia Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia, available at: <http://www.migration-unifem-apas.org/jordan/>, accessed on 30/7/2013.

¹¹⁷ ILO, Domestic Work Policy Brief, p.11, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_155654.pdf, accessed on 27/7/2013.

¹¹⁸ Ibidem.

domestic workers contract should be registered in the ministry article 6.¹¹⁹ Hence in case of dispute, the worker can also report a violation to the named authority which in its turn can access the details on the profile of the contractors and contact them to set up an appointment to look in the case. According to article 5 the officials can ask the employers to make examinations at his home in order to check the quality of the work condition of the domestic worker,¹²⁰ but if the employers disagree the ministry has the authority to follow other mechanism called “other appropriate measures”.¹²¹ In addition, section 7 (b) which provides the amendment of article 15 of the original law, it is provided that in case the domestic ignores the language of the contract, which is the Arabic language, the ministry must contribute in providing a translated version, in his/her understandable language.¹²²

In the provision of the labour law of Jordan No.8 of 1996, concerning the wages of domestic workers, it has been established that, minimum wages will be regulated according to the national labour law in Jordan. However, they are applicable on migrant domestic workers¹²³ has been established a new mechanism which provides different values depending on the work or the position occupied. In this regard, as for the compliance with the international labour standard and the protection of domestic workers agreed upon in the convention by Jordan, the ministry is setting up similar system to include domestic workers in it. However, it is stated in the labour law that especial measures can be taken when a disadvantage is revealed, on the underestimation of domestic workers’ salary. These measures can be realised by drawing a territorial division by districts or cities, when setting minimum wages, in order to efficiently

¹¹⁹ Official Gazette No.: 41001, Regulation No. (56) Of the Year 1996, available at: <http://www.mol.gov.jo/Portals/1/regulation56e.pdf>, accessed on 30/7/2013.

¹²⁰ Ibidem.

¹²¹ ILO, Domestic Work Policy Brief, p.8, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_155654.pdf, accessed on 27/7/2013.

¹²² ILO, Natlex, available at: <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/85213/95323/F1112571864/JOR85213.pdf>, accessed on, 27/7/2013.

¹²³ Ministry of Labour the Hashemite Kingdom of Jordan, Labour Law and its Amendments No. 8 of the Year 1996, available at: <http://www.mol.gov.jo/Portals/1/labor%20law%20english.pdf>, accessed on 30/7/2013.

guarantee domestic workers rights for a fair remuneration. However, this can be realised by setting different rates for different categories of domestic work, depending on the nature of the work exercised. This has been implemented in South Africa. Moreover, the value of the wages unit can be counted by hour, day, week or month.¹²⁴

Other factors are also taken into consideration while setting the minimum wages of domestic workers such as the working circumstances which are being agreed upon by the contractors which gives the domestic worker a freedom and space to make a decision and to choose with a free will the working place and conditions. In addition the salary depends also on the leaves of the domestic worker. In addition, the labour law of Jordan provides regulations to ensure the payment on the due dates for domestic workers, by underlining the importance of arranging the imbursement process, the means for counting the worked periods depending on the initial agreement whether it will be counted by hour, day or month. However, Jordanian Law provides that the duty of the employers to retain a proof of the paid salaries documented.¹²⁵ Moreover it provides a complaint mechanism available for domestic workers in at the office of the labour expert called the “Remuneration Authority” which establishes the terms and conditions for workers to meet, for being subject to a violation concerning the payment, to the extent that domestic workers can file a complaint before the competent Court.¹²⁶

In article 10 of the labour law, it is provided that the state is responsible to contribute in the promotion and explanation of the new regulations and the rights and obligations of both parties of the contract. This includes a framework of the ideal relationship between them, and with the ministry and third parties if applicable.¹²⁷

¹²⁴ ILO, Domestic Work Policy Brief , p. 3, available at: http://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158905/lang--en/index.htm, accessed on 28/7/2013.

¹²⁵ Ibidem, p. 7.

¹²⁶ ILO, National Labour Law Profile: Jordan, available at: http://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158905/lang--en/index.htm, accessed on 29/7/2013.

¹²⁷ ILO, Effective Protection for Domestic Workers: A Guide To Designing Labour Laws, 2012, available at: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_173365.pdf, accessed on 27/7/2013.

This also has an impact on the neighbouring states in the Middle East, for instance in Bahrain and Lebanon and most of the Gulf Countries, legislations are going towards adding the informal labour in their national judicial systems. This is clearly a considerable progress; they tend to prepare a draft of law for including the migrant domestic workers in comitant in their domestic legislation.¹²⁸ Although the situation of domestic workers in Lebanon is similar to those in Egypt due to the similarity found in both countries' labour law, the Lebanese government progress in this regard is quite remarkable. Jordan actual measures took place for implementing the labour law, in practice in the institutions, which are responsible for applying and monitoring the efficiency of the application.

Effective steps taken by Jordan, the ministries and government institutions, the establishment of units and the competent committees, most notably: to create a partition of gender in the Ministry of Planning and International Cooperation, Strengthen institutional capacity in the field of gender mainstreaming in development plans, and promote the integration and coordination with government institutions and non-governmental and international organizations working in the field of gender, and conduct studies on the status of women in development and issues related to gender, policy-making and to propose strategies and identify development goals sensitive to gender, which is concerned with the promotion and empowerment of women in the development process. Enforcement of the institutional system for harmonising women economic and social empowerment with adding the gender while considering the advancement plan, and for creating a suitable environment for the empowerment of women, especially in the private sector.

¹²⁸ Migrantrights, available at: <http://www.migrant-rights.org/2013/02/06/migrant-rights-urges-revised-draft-law-on-gcc-domestic-workers/>, accessed on 30/7/2013.

The department of social gender status has organised advocacy sessions and has trained 50 % of the employees of “the Ministry of Planning and International Cooperation”, and a number 50 employees of the governorates of the Kingdom of Jordan, including administrators and assistant governors on the subject of gender. Moreover it has founded a “gender statistics” department, in order to make determinant studies on women participation in the labour market, through surveys made based on these statistics, such age, work, living conditions, income...etc. This is under the national transformation strategy for the empowerment and protection of women.¹²⁹

In 2006, a new department has been established, consisting of the legal and social protection, to achieve the following objectives: to provide social protection for women by making adjustments to systems currently in place under the Employment Act to keep pace with the changes, and educating workers about their rights, and the integration of women in the labour market, to establish a database of women's work and linked to the labour market information, to address gaps in data and statistics, and the development of new business opportunities, provide support for self-employment, and continue to work on the draft National Employment particularly in remote areas. Among the most prominent projects carried out by the Directorate of women: the completion of the study on the establishment of a fund for maternity within the amendments contained the Social Security Act and pending draft which includes women domestic workers. However, it has distinguished between the productivity for the operation of girls in poor areas, and the gender mainstreaming in public life, in cooperation with the Jordanian National Commission for Women Refugees. Besides, the training project aims to raise the efficiency of women to allow them to work and thus reduce poverty and unemployment among women. Moreover, "the National Company for the recruitment and use of domestic workers" and "National Company for recruitment and training of agricultural labour," has contributed by assisting in the study, "survey of women's

¹²⁹ The Centre for Women of the Economic and Social Commission for Western Asia, *Jordan National Report- Beijing +15 (in Arabic)*, 2009, P.82, available at: <http://www.escwa.un.org/divisions/ecw.asp?division=ecw&q=printme>, accessed on 19/7/2013.

participation in the informal sector" and this study has been implemented by the Department of Statistics in 2008, and in the drafting of a special system for domestic workers in general, this includes all the different activities such as the gardeners, cooks, baby sitters, cleaners...etc. However, this took effect after the approval of the inclusion of domestic workers under the umbrella of the Jordanian Labour Law, in implementation of the project to improve the lives of women domestic workers, citizens and non-citizens, in collaboration with the Jordanian National Committee for Women's Affairs.¹³⁰

The labour law of Jordan has provided numerous ways of solving the problems and the challenges facing the domestic workers rustling from being uncovered by any law protecting their rights and dignity. However this comparable study has been made for the purpose of using the analysis on the advanced model of legislation in order to be able to reach the objective of implementing the worker's rights provided in the international organization and by the international labour standard in the Egypt legal system, using similar mechanisms as the neighbouring Arab countries, while considering the differences and common features of both countries at both levels the national and international. The regulations amended to the Jordanian labour law have been supported by special procedures at the institutional level supporting them in order to ensure their efficiency. This is considered to be the key element to be considered and aimed while making any amendment to any legislation. Hence, this transforms the philosophical theories into practice and thus working on the real safeguard of the human being. Such mechanism in Jordan is considered to be successful for offering a remedy to women domestic workers. Moreover it puts them under the umbrella of the labour law which makes them subject to occupational equality, thus the regulations of such law applies to them.

¹³⁰ Ibidem, p.83.

5. INTERNATIONAL LEGAL FRAMEWORK

According to human rights law, States are legally obligated to make social protection systems. This duty is guided by the right to social security, which is articulated in Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹³¹ In General Comment No. 19 on the right to social security, the CESCR talks about the main features of this right and the content of States' obligations.

¹³¹ The right to social security is also enshrined in the Universal Declaration of Human Rights (UDHR), Articles 22 and 25; CeRD, Article 11; CRC, Article 26; and the Convention for the Protection of Migrant Workers and their Families (CMW), Article 27. It also appears in regional human rights instruments (Protocol of San Salvador, Article 9; European Social Charter, Article 12), and in several Conventions of the International Labour Organisation (ILO), in particular Convention No. 102 on Minimum Standards of Social Security. The CRPD explicitly refers to the right to social protection (Article 28).

According to the Committee, the right to social security involves two predominant categories of measures: social insurance schemes, where beneficiaries are requested to contribute financially; and social assistance schemes, those are designed to transfer resources to groups deemed eligible due to vulnerability or deprivation.¹³² One of the major contributions of General Comment No. 19 is the understanding that all States have a minimum core obligation to provide some form of basic social security. As noted by the CESCR, States have the immediate duty

“to ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education. If a State party cannot provide this minimum level for all risks and contingencies within its maximum available resources, the Committee recommends that the State party, after a wide process of consultation, select a core group of social risks and contingencies.”¹³³

In a way, it can be said that a State must immediately meet a minimum standard and then progressively realise an adequate level of benefits over time. In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources, it must demonstrate that every effort has been made to use all resources that are available in an effort to satisfy, as a matter of priority, these minimum obligations.¹³⁴ This general comment 19 shows that it is the responsibility of government to fix the problem of domestic workers and to provide them legal redress. Therefore women domestic workers can also enjoy economic, social and cultural rights enshrined in the various treaties and covenants. For adopting the legal protection and remedy mechanism Egyptian government needs to amend the constitution for incorporating legal rights for domestic workers.

¹³² General Comment No. 19, para 4.

¹³³ Ibidem, para 59.

¹³⁴ Ibidem, para 60.

5.1 Structural and Legal protection to domestic workers

There are various articles in the Universal Declaration of Human Rights that is pertinent for the domestic workers in Egypt. As an instance, the cases against degrading treatment and inhuman treatment (Article 5); the right to freedom of movement (Article 13); the right to join trade unions and work (Article 23); and the right to rest and leisure (Article 24).¹³⁵ The rights of women workers have been inducted in other international treaties and conventions, for example, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 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 Elimination of All Forms of Racial Discrimination (CERD).¹³⁶

The International Covenant on Civil Political Rights carries the notion of non-discrimination and equal protection for all citizens and non-citizens. In accessing social, economic and cultural rights, the ICESCR provides a guideline that there should be no discrimination based on race, religion or gender.¹³⁷ Here the convention, CEDAW needs to be discussed at length because of the nature of the convention since it talks about elimination of discrimination against women.

The CEDAW was adopted by the General Assembly of the United Nations in 1979. This convention has been dedicated for the elimination of extensive discrimination against women that persists even after a number of instruments (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) have been placed to provide equal rights for men and women.¹³⁸ CEDAW is one of the international human rights treaties that have been widely ratified and it has scope and

¹³⁵ Manseau S Gwenann, 2006, p. 41.

¹³⁶ Ibidem, p. 41.

¹³⁷ Ibidem, p. 41.

¹³⁸ Hainsfurther, 2009, p.856.

potential, too, for empowering women domestic workers. Although CEDAW does not mention domestic workers categorically but in article 1 and article 2 it condemns all type of discrimination against women. In article 3, convention obliges governments to take necessary measures to eliminate discrimination against women and it is obligatory for the states that have ratified the conventions. Article 7 to article 16 facilitates women to access various rights, such as participation in public life, health care, economic and social life, education and employment.¹³⁹

These rights are quite important for all the women and particularly for women domestic workers because they have been excluded from the legal protection and have been derived from all legal remedies and redress. But ratifying States agree to take steps for the prohibition and reduction of discrimination against women, and to guarantee the realization of human rights equally with men.¹⁴⁰ The goal of the CEDAW is to advance the condition of women around the world and for achieving it; the convention even allows government to adopt some special measure for a temporary period to treat men and women differently if it helps in accelerating the condition of women and fasten the process of equality between men and women.¹⁴¹

The CEDAW has not explicitly mentioned violence against women in the text but the convention has treated gender-based violence as discrimination against women thus obliging State Parties to take measures to combat violence against women. The Committee recently formulated a general recommendation on women migrant workers.¹⁴² The CEDAW Committee has consistently recognized the applicability of the Convention to domestic women workers. In its concluding comments and recommendations on Egypt the Committee has shown concern on the condition of domestic workers in Egypt and recommended the government to amend the Labour Code so that law can be applicable for domestic workers to and it will provide legal

¹³⁹ Ibidem, p.858.

¹⁴⁰ Ibidem, p.858.

¹⁴¹ Ibidem, p.859.

¹⁴² Ibidem, p. 860.

protection, too, to the women domestic workers. The Committee has also recommends that the State party should take right steps to protect domestic workers, and they should have access to legal mechanisms including the access of authorities where they can file complaints against their employers for offering ill-treatment and abuses. Such cases should be promptly investigated and justice should be inferred fast.¹⁴³

CEDAW also provides a guideline to states parties to disallow discrimination against women and also make sure that women have been effectively protected through tribunals, legislation and associations promoting equality and non-discrimination. In contrast, State must guarantee effective measures to undertake the implementations complying with the standard required in the convention, in order to protect women domestic workers from exploitations which became tolerant by the society and employers. These serious steps could be realized through the issuing of decrees embedded with projects for their implementation.¹⁴⁴

CEDAW is particularly helpful for the domestic workers. However, the convention ensures the protection of fundamental equality and it poses obligation on States to eradicate discrimination within its jurisdiction. The notion of substantive equality beliefs that men and women should be treated equally by constitution without any discrimination and this concept has become quite instrumental in eliminating discrimination against disadvantaged groups and helps them in accessing full and equal social, economic, political, and cultural participation in society.

The model of substantive equality can be illustrated by an example, in the United States 'Family and Medical Leave Act (FMLA) allows all "eligible employees" 3 months leave, unpaid, during one year, for birth of a child, health problems, or for dependent care. It should be noted that this provision did not establish a gender for the entitlement of this leave, which means that it applies to both equally women and men. Also, under

¹⁴³ Cedaw/c/egy/co/7, para. 36.

¹⁴⁴ Ibidem, p. 41.

the FMLA, men and women have an equal statutory right to unpaid leave.¹⁴⁵ The replication of this act will bring farsighted change in the lives of women domestic workers. Those are presently excluded from all the legal protection and social benefits given by governments. The FMLA can be proved as a panacea for improving the condition of Egyptian women domestic workers.

Domestic workers have not been given enough protection in international or national legal systems; it has exposed domestic workers for the exploitation from their employer, government officials and recruiters. One visible reason for not providing legal protection to domestic workers is that it dismisses the government from offering a bigger sum of social security, for instance child care and for the elderly. However these services are done, instead, privately by women domestic workers in the household. At the same time, domestic workers are not protected by labour laws. Lack of protection enhances the chance of organized crime against domestic workers in the non-democratic regimes of Jordan, Egypt and Lebanon. Even if laws are enforced to protect the rights of domestic workers there implementation is very poor.¹⁴⁶

In most of the countries, the international legal instruments have been proved incapable. The United Nation's Migrant Workers Convention has not been ratified by Egypt, nor has it ratified the ILO's Convention on domestic work, that prohibits the discrimination in employment or occupation. In sum, the present dilemma especially is over non inclusion of the occupation and the status of domestic labours in the Egyptian Labour Court and also in not in international conventions that are in force.¹⁴⁷

However, it is argued that the problem of domestic workers in Egypt can be solved with the contract system that is done between employe and employers. If the government

¹⁴⁵ Ibidem, p.862.

¹⁴⁶Ibidem, p. 35.

¹⁴⁷ Ibidem, p. 35.

enforces this contract system well half of the problem can be mitigated because without the intervention of government, contracts cannot be enforced. Some efforts have been made in the direction of the the standardisation of working contracts for domestic workers by Jordan and the United Nations Development Fund for Women. Jordan has made the special working contract for domestic workers and it has been executed since 2003. This process can be replicated in other countries too to provide remedy to domestic workers from the domestic court. This practise cannot be seen as perfect solution but it gives higher clarity that allows governments, non governmental organizations and the workers themselves to improve conditions for domestic workers.¹⁴⁸

The above mentioned treaties are assumed to check the actions of state governments under the human rights obligations. Although, most of the exploitations practiced on the domestic workers are carried out by employers, agents of the home care providers and by the officials of the government, despite this fact, still it is the duty of the government under international human rights law to prevent violations, even the abuses are being done by private actors, because the state is ultimately responsible for executing legislations and monitoring schemes to stop abuses against workers.¹⁴⁹

5.2 The ILO Convention on Domestic Workers

In the 100th session of the International labor Conference the ILO adopted Convention No 189 which was broadly dedicated to domestic workers. It was a landmark moment for domestic workers whose participation was recognized in the labor market first time in a legal way. This convention of ILO emphasizes that right of domestic workers are universal and they are also eligible for legal remedy. The ILO recognized the special challenges faced by the domestic workers all across the globe hence in 2011 in its 110th

¹⁴⁸ Ibidem, p. 36.

¹⁴⁹ Ibidem, p. 41.

session adopted the Convention and made it legally binding for the ratifying states.¹⁵⁰ The ILO has also adopted the Recommendation 201 that is not legally binding but it contains the guidelines that can be used while referring the Convention. The adoption of the Convention shows that ILO wants to regulate the terms and conditions of the domestic labor market and this Convention can be seen as the decent work agendas of ILO that was adopted in 1999.

It has been a strategy of the ILO to promote more soft laws and legislations to make the dream of decent work a reality. The Convention 189 can be seen as the extension of Decent Work Agenda, 1999. It has been a strategy of the ILO to promote more soft laws and legislations to make the dream of decent work a reality. The Convention 189 can be seen as the extension of Decent Work Agenda, 1999. The notion of decent work has four component employment, social protection, workers' rights and social dialogue.¹⁵¹ These four pillars of decent work provide social security and transparent working condition to workers. In the agenda of decent work employment covers all kind of work so the limitations of the decent work are not only limited to workers of formal economy rather it spans to unregulated daily workers, and domestic workers, too. It also talks about adequate opportunities for work, wages, safety and healthy working conditions.¹⁵²

The Convention 189 can be seen as an extension of the Decent Work Agenda 1999. The preamble itself has recognized that domestic work is undervalued and invisible and is primarily carried out by women and girls. To protect the rights of domestic workers the convention has put some guidelines mentioned in articles. This Convention 189 has discussed at length the rights of the domestic workers and the nature of their contract for job. The Convention has defined the term domestic worker in the article 1 as follows:

(a) The term “domestic work” means work performed in or for a household or households;

¹⁵⁰ Albin & Mantouvalou, 2012, P.1.

¹⁵¹ Ghai, 2003, p.1.

¹⁵² Ibidu,p.1.

- (b) The term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.¹⁵³

This Convention is applicable to all the domestic workers of the world but the state should ratify this convention otherwise domestic workers cannot get benefit if their state has not ratified it. It has been said in article 2 about the conditionality of ratification. The Convention in article 3 has suggested all the member states to ensure the protection of human rights for all the domestic workers and also asks states to ensure that there should be freedom of association for the domestic workers. There should be elimination of discrimination in employment and child labor should be abolished.¹⁵⁴ The article 4 of the Convention has talked about standardization of minimum age for domestic workers in conjunction with the international guidelines, ILO Convention of Minimum Age 1973 and according to the Worst Forms of Child Labor Convention, 1999.

Within the Convention special focus has been given for the terms and condition of the jobs so that domestic workers are not duped and exploited. The focus has been given on that the terms and condition should be well drafted and understandable to workers. It should be written in this way as suggested by the Convention:

- (a) The name and address of the employer;
- (b) The type of work to be performed;
- (c) The remuneration, method of calculation and periodicity of payments;
- (d) The normal hours of work;
- (e) The duration of the contract;
- (f) The provision of food and accommodation, if applicable;
- (g) The period of probation or trial period, if applicable;

¹⁵³ ILO, Decent work for Domestic workers, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143337.pdf, accessed on 07/30/2013.

¹⁵⁴ Ibidem, p.13.

- (h) The terms of repatriation, if applicable; and
- (i) Terms and conditions concerning termination of employment.¹⁵⁵

Article 10 has given specific attention to the issue of leisure and rest time especially for the workers those are live-in with employers. Article 14 gives focus on social protection especially during maternity time. The Convention has acknowledged the problem of migrant workers in domestic work. The convention has also addressed the problem of migrant workers. They have not left out or excluded from the convention because their number is significant in total numbers of domestic workers. In article 8, conventions says that when a migrant worker is recruited in another country should be given a written offer of employment or contract containing the terms of the offer, which is enforceable in the country of destination.¹⁵⁶

Article 9(c) categorically says that the travel document should always in the possession of the domestic workers. There are instances that after confiscating the passport of domestic workers, they are exploited by the recruiter and employers. The Convention has put an obligation in article 15, on ratifying states to regulate private employment agencies; those mostly act as a bridge between the employers and domestic workers.¹⁵⁷ The article 16 and 17 primarily speaks about the access to justice and effective complaint mechanism in compliance with legislation. The Convention has further boosted it by saying that workers are some time afraid in approaching authorities and sometime they lack the information of how to access legal mechanism hence, authorities should do random visits at the employers place. There are ten reasons for the domestic workers to campaign for the Convention No. 189.¹⁵⁸

¹⁵⁵ Ibidem, p.13.

¹⁵⁶ Albin & Mantouvalou, 2012, p.7.

¹⁵⁷ Ibidem,p.8.

¹⁵⁸ ILO, Achieving decent work for domestic workers: an organizer's manual to promote, http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf, accessed on 07/31/2013.

1. Inclusion: domestic workers do not benefit from adequate legal protection in most countries, and their isolated working conditions place them among the most vulnerable to exploitation and abuse. Workers' organizations have a duty to protect the most vulnerable workers. The equal treatment principle that all workers should be treated equally is embodied in articles 10 and 14 of the ILO Convention, and should be a central feature in all workers' campaigns.

2. Strength in numbers: Promoting the ratification and application of Convention No. 189 is the best way for unions to signal to domestic workers their intention to protect domestic worker rights.

3. The right to organize: the ratification and application of Convention No. 189 will make it possible to establish the lasting legal framework needed for trade union action in support of domestic workers, including providing them with the legal right to organize.

4. Accountability: once the Convention No. 189 is ratified makes state government accountable to court. Then domestic workers and their organizations can seek legal remedy and redress, too. They can also denounce the policies of government based on the convention.

5. Shaping legislation: campaigning for ratification and application of the ILO Convention is also the primary avenue for unions to have a say in the passing of legislation to protect domestic workers. Some of the Convention's provisions, notably articles 13 on health and safety, and article 14 on social protection, explicitly call for consultation with the social partners. Article 18 further provides that the provisions of the Convention shall be implemented "in consultation with the most representative employers' and workers' organizations, through laws and regulations, as well as through collective agreement."

6. Trade union rights and beyond: freedom of association and the right to collective bargaining are at the core of the machinery provided by Convention No. 189, and the accompanying Recommendation No. 201. But the instruments go further than simply protecting the trade union rights of the workers concerned. They also take in other essential aspects such as basic human rights, the regulation of recruitment agencies, and equal treatment for migrant domestic workers. The Recommendation is also the first international instrument to address the question of domestic workers in diplomatic missions (consulates and embassies). Although it is not binding, the Recommendation provides guidance to member States in handling such cases.¹⁵⁹

7. Protecting migrant workers: ratification of Convention No. 189 enables the countries of origin to effectively protect the rights of their workers abroad. In fact, the Convention could provide the key to the harmonization of different countries' labour legislation, making it easier to maintain the rights of migrant domestic workers through cooperation between the sending and receiving countries.

8. Global solidarity: Higher the number of ratification from countries better the recognition of the domestic workers right globally.

9. Enshrining rights: Governments change and often legislation changes with them. But Conventions are binding on States that ratify them, even if there is a change in government. Ratification of Convention No. 189 could therefore prevent a sudden worsening of working conditions for domestic workers due to a change in government.

10. Domestic worker organizing: launching a campaign for ratification is also the best tool available to workers' organizations for organizing domestic workers and equipping them with the collective means of demanding their rightful place in the world of work. Promoting the ratification and application of this Convention is the clearest signal that the unions can send to domestic workers.¹⁶⁰

¹⁵⁹ Ibidem, p.1.

¹⁶⁰ Ibidem, p.1.

This landmark convention is a *sanctum sanctorum* for the entire fraternity of domestic workers. It has well protected the rights of workers and has given very careful attention towards all the challenges faced by domestic workers. Women constitute half of the workforce of domestic workers hence their rights are also well taken care of. It will be really a great help for the domestic workers of Egypt once this convention will be ratified. Then, they can seek legal remedies and redress from the court.

6. CONCLUSIONS

In this decade, the domestic work remains unofficial all across the globe, characterized by an extensive level of abuses of the rights related to work and of the human rights,

resulting from deprivation and slavery practices.¹⁶¹ Domestic workers are very critical for the world economy. They help families in performing their most basic, physical and social needs for the young and old. They provide care and concern for the babies and old persons, too. While their efforts are mostly go unnoticed and unrecognized. The lives of working couple will be more complex and burdened in the absence of domestic workers. Despite their important role in society, domestic workers are always employed in subhuman conditions. They work behind the doors, for domestic workers personal policies are beyond their reach and even their employment conditions are vague and their lives depends upon the whims of their employers.¹⁶² It is mostly invisible, which made pverty and informal risky situation of work, for domestic workers, becomes affordable. There are many types of employers, some of them are generous but some are quite repressive. They force their domestic workers to work for the longer period of time and even the working condition is made quite abusive for them.

The social isolation of domestic workers is amplified in the absence of legal protections available for the domestic workers. Even when the laws are available, domestic workers do not know how to assert their rights. However, many factors contribute in worsening the domestic workers' work condition starting with the employers' behaviour, the workers themselves and the absence of State acknowledgment and promotion of the domestic workers rights by any means. Considering that Domestic work is largely practiced by women. It carries the long legacy of the devaluation of women's labor in the household.¹⁶³ Considering next that among the total number of migrant workers who are seeking dignified job, women share in more then 50%. However they end up working in the household as domestic workers, without any consideration of the crieteria on their skills, experience or education degree. Besides, being a non-national

¹⁶¹ Most child domestic workers are between 12 and 17 but some are as young as five or six. The ILO estimates that domestic service is the single largest source of employment for girls under 16 around the world - around 90%. ITUC

(2010) Action Guide: Decent work, decent life for domestic workers. http://www.itucsi.org/IMG/pdf/ITUC_dwd_AnglaisWEB.pdf, accessed on 07/30/2013.

¹⁶² Home Economics the Invisible and Unregulated World of Domestic Work, available at: <http://www.domesticworkers.org/pdfs/HomeEconomicsEnglish.pdf>, accessed on 07/30/2013.

¹⁶³ Home Economics the Invisible and Unregulated World of Domestic Work, available at: <http://www.domesticworkers.org/pdfs/HomeEconomicsEnglish.pdf>, accessed on 07/30/2013.

and being a women domestic worker,¹⁶⁴ in a state make them exposed to a dual discrimination and unequal treatment.¹⁶⁵

The exposure of the growing economies to globalisation, which progresses the flexibility of the workers, requires them to employ domestic workers in the household, hence the demand has increased on the domestic workers, this can be clearly reflected in the changing labour force and economy exchanging operations, not only between the region of Asia and the Middle East, but also in Europe where the shifting in the shape of labour force due to female participation and the changing population, pushed to a need of a domestic worker. The Convention of the ILO on domestic workers, guarantees the work related rights to domestic workers and ensures the recognition of their rights equally to all other categories of labour force. Although, the convention has been adopted not a lot of countries have ratified it neither implemented these rights in their national systems.¹⁶⁶ For instance, Egypt has not ratified the Convention of ILO No. 189 on the contrary Jordan has ratified it and amended its Labour law in compliance with the convention. Moreover, Jordan has standardised the working contract of the domestic workers, working in Jordan. It is a welcome step initiated by Jordan. The same practise should be replicated to Egyptian Labor Law, too, for offering legal remedy to domestic workers in the Egypt. This Convention 189 should be definitely ratified by Egypt since it includes both civil, political rights and economic, social and cultural rights. The rights such as access to justice, equality, freedom of association, social rights, minimum age and minimum wage are the combination of both rights. Hence the ratification of ILO 189 ensures the adherence of human rights law, too. In absence of legal protection the domestic workers of Egypt are exposed to exploitation from recruiter and employers both.

¹⁶⁴ SOLIDAR, Domestic Workers: From Modern-Day Slavery to Equal Rights, available at: http://www.solidar.org/IMG/pdf/h_solidar_briefing_domestic_workers.pdf, accessed on 07/30/2013.

¹⁶⁵ ILO (2009) International Migration Paper No.96. Maria Gallotti: The gender dimension of domestic work in Western Europe. <http://www.ilo.org/public/english/protection/migrant/download/imp/imp96.pdf>, accessed on 07/30/2013.

¹⁶⁶Ibidem, p.4.

Numerous institutions and organisations have acknowledged that domestic workers are vulnerable to human rights violations. The case between *Siliadin v France*¹⁶⁷ (App No 73316/01, Judgment of 26 July 2005) of the European Court of Human Rights is a ground breaking case for the domestic workers. France was found guilty for violating article 4 of the European Convention on Human Rights that prohibits slavery, servitude, forced and compulsory labour. There was no effective legislation in France for the working condition of the applicant, which the Court classified as ‘servitude, forced and compulsory labour’. This judgment holds lot of importance worldwide because it raised the awareness about the plight of the domestic workers and provided a guideline to the countries for amendment in their constitutions.¹⁶⁸ Based on above judgement and the ILO Convention 189 has inspired several countries to make some changes in their national legislations. Here some of the instances have been shown of the adoption of laws in the national legislation.

Ghana has passed a new Pension Act to improve the pension benefits in general for workers and in particular for workers of informal economy who have been also included in that scheme. It is like a provident fund that accepts varying contribution from members every day, week, month and season.¹⁶⁹ Another step of the Ghana government that has been taken as a social security scheme for the poor and domestic workers where the National Health Insurance Scheme (NHIS) exempted the premium payment for the poor but their health coverage was continued.¹⁷⁰ The Ghana government has really contributed a lot for the betterment of the lives of domestic workers. In 2003, government has fixed the working hours for the domestic workers and in case of working for extra time, these hours must be given paid, and every worker should have 30 minutes break on a daily basis. The law also provides for daily rest of

¹⁶⁷ *Siliadin v France*, App No 73316/01, Judgment of 26 July 2005, http://www.coe.int/t/dghl/monitoring/trafficking/docs/echr/SILIADIN_v_FR.pdf, accessed on 07/31/2013.

¹⁶⁸ Albin & Mantouvalou, 2012, p.5.

¹⁶⁹ SOLIDAR, *Domestic Workers: From Modern-Day Slavery to Equal Rights*, available at: http://www.solidar.org/IMG/pdf/h_solidar_briefing_domestic_workers.pdf, accessed on 07/30/2013.

¹⁷⁰ *Ibidem*, p.5.

not less than 12 hours (for sleeping and leisure) and a rest period of 48 consecutive hours every 7 days (week-end).¹⁷¹

Similar law has been adopted in Brazil, too. Where law has enshrined 16 new regulations which include the maximum work-day 8 hours or 44 hours a week, overtime needs to be given and 8 % of monthly salary needs to be deposited as contingency funds for domestic workers. These laws are very important for women because 83 % of domestic worker is constituted by women. In the presence of such rights, chances are less for being exploited by their employer.¹⁷² Another Latin American country Uruguay has passed legislation in 2006 that has put all the country's workers together and the formal and informal all of them are equal and hold rights. The Paraguay government has given the health coverage to all the domestic workers of the country including with insurance that covers maternity leave, work accidents, health care, including surgeries and dental follow up and a compensation amount of cash in case of non-payment of salary. Paraguay government is also imparting education to the domestic workers for enhancing their educational skills so that they can get better jobs in future.¹⁷³ Argentina has made a law that anyone who is working six hours or more as domestic workers are eligible for social security schemes.¹⁷⁴

Based on the above incorporations of legislations and schemes for the domestic workers recommended is purposed for Egyptian government. These changes will surely bring better future for domestic workers and it will provide them legal shield, too. The following are recommendations which can be applied to women domestic workers equally with the labour force in Egypt, it is a legal protection which they can use in case

¹⁷¹ Ibidem, p.5.

¹⁷² MDGF, Winning rights for Brazil's domestic workers, <http://www.mdgfund.org/story/winning-rights-brazil-s-domestic-workers>, accessed on 07/31/2013.

¹⁷³ MDGF, "We're learning a lot, and the programme is teaching us to love ourselves", <http://www.mdgfund.org/story/were-learning-lot-and-programme-teaching-us-love-ourselves>, accessed on 07/31/2013.

¹⁷⁴ SOLIDAR, Domestic Workers: From Modern-Day Slavery to Equal Rights, available at: http://www.solidar.org/IMG/pdf/h_solidar_briefing_domestic_workers.pdf, accessed on 07/30/2013.

of any related labour dispute, and this is provided by the new regulations of the Egyptian Labour law No. of 2003.

Basically there should be an education on the complaint mechanism such as on the competent judicial authority responsible for looking into the disputes related to work and on the available ways for trying to solve the dispute. However this authority is a Judicial Committee represented by two judges; president, civil servant, and other two representative members; one of the labour union of the employee (in this case of the domestic workers) and the other of the syndicate of the employer, committee handles the legal actions concerning the employment relationships instead of regular judicial court. The decisions of these committee may lead to the cassation court according to the general rules of Egyptian Law.¹⁷⁵

According to the new Egyptian labour law the articles 32, 33 and 34 establish that the regulations of contracts regulating the work relations between domestic workers and employers, the contract agreement can be compared to the Jordan labour law, consisting of: providing a probation period up to three months for new domestic workers, followed by determined contract period. It also ensures the right of the domestic workers to receive an annual increase of 7% in addition to their basic salary.¹⁷⁶ It limits the working hours per day up to 8 hours or 48 hours per week. It also protects the right of domestic workers to have rest for meal time and overtime hours to be counted separately and providing not less than twenty four hours rest per week. Furthermore, the law establishes regulations for ending the contract of a domestic worker, by providing the cases of violation of the regulations of the labour law represented in the contract.

Besides, the articles 47 to 55 establish the right of domestic workers to be allowed by employers to have annual vacations of twenty one days, after the first working year, and

¹⁷⁵ Legal 500, available at: <http://www.legal500.com/c/egypt/developments/459>, accessed on 25/7/2013.

¹⁷⁶ The Middle East Library for Economic Services, 2003, P.19- 20, available at: <http://www.egyptlaws.com/labour.html>, accessed on 25/7/2013.

thirty days after ten successive years of work and or when reaching fifty years old.¹⁷⁷ Furthermore the labour law provides the right of domestic workers to have sick leaves (under doctor prescription). Domestic worker should be allowed to receive 75% to 85% of their basic pay with 6 months of sick leave per year and overtimes are represented by: 35% of normal pay after the 8 basic working hours and during daylight. However the labour law makes a distinction between the value of the overtime working hours furnished during daylight and night time which is 75% and 100% during days off and holidays such as working in the week-end or the mandatory minimum 24 hours of rest per week.

The dream of MDG can never be achieved till the time proper legal protection is not given to women domestic workers. As women constitute maximum in totality of the workforce of domestic workers, their need should be well taken care of. The MDG 2 says universal education for poor but till the time domestic workers have access of all the safety net and social security, it is difficult that they would send their children for education. For them children can work also in an informal sector and can contribute something for the livelihood of the house. Hence their children should be given better focus by governments that all of them are going to schools. The best practise of Uruguay should be replicated in Egypt. In Uruguay domestic workers are being given education and training for their better future. The MDG 3 goal of gender equality and parity in education cannot be achieved till the time domestic workers are given legal patronage. Since most of the women domestic workers come from a very poor family and in absence of social security schemes they can never achieve parity in education. Similarly other goals of MDG cannot be achieved without the legal protection to domestic workers. The Convention No 189 must be ratified for the betterment of domestic workers.

¹⁷⁷ Ibidem, p.26, 27 and 28.

BIBLIOGRAPHY

International Legal Instruments

1948 Universal Declaration of Human Rights

1966 International Covenant on Economic, Social and Cultural Rights

2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

1966 International Covenant on Civil and Political Rights

Regional Legal Instrument

1949 Statute of the Council of Europe

1950 Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols No. 11 and 14

1961 European Social Charter

1981 African Charter on Human and Peoples' Rights

Domestic Legal Instruments

1971 The Constitution of Arab Republic of Egypt.

2012 The Constitution of Arab Republic of Egypt.

1996 Constitution of South Africa.

Cases

National Domestic Workers Wel.Trust & Ors v Union of India & ANR, Supreme Court of India, Writ Petition (Civil) No(s). 160 of 2003.

Republic of South Africa v. Grootboom. Case No. CCT 11/00. 2000 (11) BCLR 1169, (2000).

Siliadin v France, App No 73316/01, Judgment of 26 July 2005.

Books and articles

Asya Al-Lamky, (2007) "Feminizing leadership in Arab societies: the perspectives of Omani female leaders", *Women in Management Review*, Vol. 22 Iss: 1, pp.49 – 67

Anderson Bridget, 2001, *Reproductive Labour and Migration*, WPTC-02-01, available at:<http://www.transcomm.ox.ac.uk/working%20papers/WPTC-0201%20Anderson.doc.pdf>, accessed on 24/6/2013

Alston, 2004, *Eur J Int Law*, 2004, 457-521., available at:
<http://ejil.oxfordjournals.org/at Abo Akademis bibliotek>, accessed on (20/05/2013).

Chen Martha Alther, 2011, vol. 23; *Recognizing domestic workers, regulating domestic work: conceptual, measurement and regulatory challenges*, pp. 170 – 174.

Elnaggar, A.(2008). *Towards Gender Equal Access to ICT. Information Technology for Development Vol.14 (4)*, 280-293.

Eide and M. Thee (eds.), *Frontiers of Human Rights Education*, 1983, pp. 105-116, at pp. 107-108; and 'The Rights of Solidarity as Human Rights: Some Methodological Aspects', *Mennesker og Rettigheter: Nordic Journal on Human Rights*, No. 4 (1988), pp. 48-50.

Eide Asbjorn, Krause Catrina, Rosas Allan, *Economic, Social and Cultural Rights*. The Hague: Kluwer Law International, 2001.

Ghai Dharam, *International Labour Review*, Vol. 142 (2003), No. 2, available at: <http://www.ilo.org/public/english/revue/download/pdf/ghai.pdf>, accessed on 07/30/2013.

Langford, Malcolm, *Social Rights Jurisprudence Emerging Trends in International and Comparative Law*. United States of America: Cambridge University Press, 2008.

Metcalf, Beverly Dawn (2008). *Women, Management and Globalization in the Middle East*. *Journal of Business Ethics* 83 (85-100).

Manseau. 2006, *Contractual Solutions for Migrant Labourers: The Case of Domestic Workers in the Middle East*, Nottingham University, available at: <http://www.nottingham.ac.uk/hrlc/documents/publications/hrlcommentary2006/migrantlabourers.pdf>, accessed on 07/24/2013.

Singh, G. & Belwal, R. (2008). *Entrepreneurship and SMEs in Ethiopia, evaluating the role, prospects and problems faced by women in this emergent sector*. *Gender in Management*. 23 (2) 120-136.

Schwenken and Heimeshoff, 2011, *Domestic Workers Count: Global Data on an Often Invisible Sector*, p.17, available at: <http://www.uni-kassel.de/upress/online/frei/978-3-86219-050-8.volltext.frei.pdf>, accessed on 30/7/2013.

Woldie, A. & Adersua, A. (2004). *Female entrepreneurs in transitional economy businesswomen in Nigeria*. *International Journal of Social Economics*. 31(1/2), 78-93.

The U.N. Documents and Reports

International Labor Organization, 1982, *Resolution concerning statistics of the economically active population, employment, unemployment and underemployment*, adopted by the Thirteenth International Conference of Labour Statisticians, available at: http://www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS_087481/lang-en/index.htm, accessed on 20/5/2013.

International Labor Organization, *Employment and unemployment statistics*, available at: <http://www.ilo.org/global/statistics-and-databases/statistics-overview-and-topics/employment-and-unemployment/lang-en/index.htm>, accessed on 20/5/2013.

International Labor Organization, Decent work for domestic workers, 2010, p. 5, available at: http://www.ilo.org/public/libdoc/ilo/2009/109B09_24_engl.pdf, accessed on 07/26/2013.

International Labor Organization, from domestic work to modern day slavery, available at: http://www.ilo.org/global/about-theilo/newsroom/news/WCMS_146485/lang--en/index.htm, accessed on 07/26/2013.

International Labor Organization, Domestic workers, available at: <http://www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm>, accessed on 07/22/2013.

International Labor Organization, Achieving decent work for domestic workers: an organizer's manual to promote, http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf, accessed on 07/31/2013.

Office of the High Commissioner for Human Rights, Migrant domestic workers in Lebanon, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11499&LangID=E>, accessed on 07/29/2013.

UN Women, Domestic workers' rights move closer to becoming reality worldwide, available at: <http://www.unwomen.org/en/news/stories/2013/6/domestic-workers-rights-move-closer-to-becoming-reality-worldwide#sthash.rjNsLvXP.dpuf>, accessed on 24/7/2013.

UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 19: The right to social security (Art. 9 of the Covenant)*, 4 February 2008, E/C.12/GC/19, available at: <http://www.refworld.org/docid/47b17b5b39c.html>, accessed 20/6/2013.

UNESCO, 2009, The Human Rights of Migrants, (IJMS) , Vol. 11, No. 1, 2009, p. 75, available at: <http://unesdoc.unesco.org/images/0018/001838/183859m.pdf>, accessed on 20/6/2013.

International Labor Organization, Global Employment Trends for Youth 2013: A generation at risk, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_212423.pdf, accessed on 07/22/2013.

UN HABITAT, 2008, The State of 2008 African Cities, A framework for addressing urban challenges in Africa, www.unhabitat.org/pmss/getElectronicVersion.aspx?nr=2574&alt=1, accessed on 07/22/2013.

The World Bank, Inequality of Opportunity in the Labor Market, 2012, available at: http://menablog.worldbank.org/files/jan_2013_blog_inequality_of_opportunity_in_the_labor_market-_report_no_70299.pdf, accessed on 07/22/2013.

NGOs, Governments and Media report

Charbel, 2012, Maids in Egypt: women domestic workers organize, www.egyptindependent.com/news/maid-egypt-domestic-workers-organize, accessed on 07/22/2013.

Domestic workers Welfare and Social Security Act 2010, http://ncw.nic.in/PDFFiles/domestic_worker_welfare_and_social_security_act_2010.pdf, accessed on 07/26/2013.

Egypt statistical yearbook, 2012, C.A.P.M.A.S., <http://www.capmas.gov.eg>, accessed on 07/22/2013.

Egyptian Constitution, 2012, available at: http://egelections-2011.appspot.com/Referendum2012/dostor_masr_final.pdf, accessed on 24/7/2013.

Egyptian Center for Economic and Social Rights, available at: <http://ecesr.com/en/2013/07/12/constitutional-coup-against-the-principles-of-the-revolution/>, accessed on 19/7/2013.

Egyptian Center for Economic and Social Rights, Constitutional Coup against the Principles of the Revolution, <http://ecesr.com/en/2013/07/12/constitutional-coup-against-the-principles-of-the-revolution/>, accessed on 22/7/2013

Human Rights Watch, Decent Work For Domestic Workers: The Case For Global Labor Standards, p.4, http://www.hrw.org/sites/default/files/related_material/HRW_ILO_brochure_lores.pdf, accessed on 07/22/2013.

Human Rights Watch, Egypt: Morsy Decree Undermines Rule of Law, available at: <http://www.hrw.org/news/2012/11/26/egypt-morsy-decree-undermines-rule-law>, accessed on 15/7/2013.

Human Rights Watch, Lebanon: Judiciary Failing to Protect Domestic Workers, <http://www.hrw.org/en/news/2010/09/15/lebanon-judiciary-failing-protect-domestic-workers>, accessed on 07/29/2013.

Jureidini, 2010, Social Profile and Human Rights of Domestic Workers in Cairo, p.3., available at: http://www.migrationdrc.org/publications/research_reports/Jureidini_Domestic_workers.pdf, accessed on 28/7/2013.

MDGF, "We're learning a lot, and the programme is teaching us to love ourselves", <http://www.mdgfund.org/story/were-learning-lot-and-programme-teaching-us-love-ourselves>, accessed on 07/31/2013

National Human Rights Committee, available at: http://www.nhrc-qa.org/resources/userfiles/NADWA-11052008-Jaber_Awad.doc , accessed on 22/7/2013.

Official Gazette, Issue 27bis (a) on 8/7/2013, available at: <http://gate.ahram.org.eg/News/370632.aspx>, accessed on 24/7/2013.

SOLIDAR, Domestic Workers: From Modern-Day Slavery to Equal Rights, available at: http://www.solidar.org/IMG/pdf/h_solidar_briefing_domestic_workers.pdf, accessed on 07/30/2013.

Slavery in Domestic legislation, Egypt, available at: <http://www.qub.ac.uk/slavery/?page=countries&country=53&category=3#The> Constitution of the Arab Republic of Egypt (After the Amendments Ratified on 22 May 1980 Referendum), accessed on 07/22/2013.

Women in Informal Employment: Globalizing and Organizing, Typology of Domestic Workers, available at: <http://wiego.org/informal-economy/typology-domestic-workers>, accessed on 07/22/2013.

World Intellectual Property Organisation, available at: <http://www.wipo.int/wipolex/en/details.jsp?id=7140>, available at: <http://www.constitutionnet.org/files/Egypt%20Constitution.pdf>, accessed on 23/7/2013.

On Line sources

www.egyptindependent.com.

www.ilo.org.

www.ohchr.prg.

www.wiego.org.

www.undp.org.