GJK

Global Justice Kenya

INPUT FOR THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN.

Prepared by

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Global Justice Kenya (GJK) is an independent, women-led NGO dedicated to upholding human rights by advancing the Right to a Remedy for victims of gross human rights violations and international crimes. We recognize that crime is profit-driven and that holding the profiteers of such crimes financially accountable to the victims is critical to increasing the cost of human suffering and exploitation and to rebuilding survivors' lives.

We believe that without legal recourse, rights remain merely theoretical. To address this, we support survivors in their pursuit of justice through rigorous research to establish liability, meticulous case documentation, and access to legal representation. Operating across East Africa, we strive to dismantle economic, geographic, and social barriers to justice, catalyzing adequate legal representation and enhancing legal awareness.

Recognizing the structural vulnerabilities faced by women, we provide tailored, gender-sensitive services that empower them to seek justice, break the cycle of exploitation, and begin healing. Our trauma-informed approach includes legal education and safe reporting mechanisms.

As part of the fight against human trafficking and modern slavery, GJK is addressing the systemic exploitation of African migrant domestic workers in Arab countries, all of whom are women, as cultural norms prevent men from being employed in domestic roles within Arab households. The Kafala and Male Guardianship systems expose these women to slavery-like practices, leading to countless injuries and deaths. In Kenya, forced labor violations, injuries, and deaths are alarmingly high; at least 371 Kenyan women domestic workers died in Saudi Arabia between 2020 and April 2024.

Our program involves intensive and rigorous evidence collection through document analysis and interviews with survivors and victims' families to support legal claims and advocacy for policy reform. To date, we have documented over 289 cases, facilitated several repatriations, and are actively supporting at least 21 urgent cases.

In conclusion, Global Justice Kenya (GJK) grounds its submissions to the UN Special Rapporteur for Human Trafficking and Modern Slavery in this database of evidence. Our documented cases reveal a concerning trend: all the Kenyan women migrant domestic workers we have assisted traveled legally to the Gulf countries, yet their experiences align with the criteria for human trafficking. This reality underscores how formal migration channels, intended to provide safe and regulated pathways for employment, have instead become enabling environments for exploitation and abuse. We aim to shed light on this systemic failure and push for urgent reforms to protect vulnerable women from falling prey to modern slavery under the guise of legal labor migration.

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IN RESPONSE TO THE CALL FOR INPUT FROM THE SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

MIGRANT DOMESTIC WORKERS AND TRAFFICKING IN PERSON: PREVENTION, RIGHTS PROTECTION AND ACCESS TO JUSTICE

KEY QUESTIONS ADDRESSED AND RELATED INPUTS/COMMENTS

1. National efforts to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and good practices in implementation of national legislation, programs and policies

In Kenya, domestic workers are often excluded from national labor legislation, leaving them vulnerable to exploitation, abuse, and harsh working conditions. This exclusion translates into excessively long working hours, lack of rest periods, low wages, and exposure to abuse, violence, and harassment. The International Labour Organization (ILO) estimates that globally, 36.1% of domestic workers are excluded from national labor laws, while 81.2% are informally employed, meaning they lack access to vital social protections.

Domestic work in Kenya, as in many countries, is heavily gendered. The Committee on Economic, Social, and Cultural Rights has emphasized that most domestic workers are women who are disproportionately susceptible to exploitation, harassment, and abuse. Despite the critical role these women play in supporting families and contributing to the economy, domestic work remains among the lowest-paid occupations. This undervaluation stems from societal biases that fail to recognize the skills required for domestic work, perpetuating the cycle of inequality and marginalization.

Despite being on the political agenda for a long time, Kenya has yet to ratify ILO Convention No. 189 on domestic workers and ILO Convention No. 190 on violence and harassment, even though doing so would not conflict with any constitutional provisions or impose new obligations on the country. Ratification would send a strong signal of commitment to promoting decent work and protecting the rights of all workers, including those in undervalued sectors such as domestic work.

The reluctance to ratify these conventions raises a critical question: How can Kenya truly recognize the contributions of women migrant domestic workers and protect their rights if even domestic workers within the country remain undervalued and excluded from essential legal safeguards? Recognizing domestic workers' contributions requires not only legislative reforms but also comprehensive implementation of national policies and programs that promote decent work, fair wages, social protection, and freedom from violence and harassment.

Ratifying ILO Conventions No. 189 and No. 190 would not only align Kenya with international labor standards but also enhance national policies and programs aimed at protecting domestic workers, both locally and abroad. It would bridge the gap between legislative intent and practical reality, ensuring that domestic workers—whether in Kenya or as migrants—are recognized, valued, and protected under the law. Good practices, such as promoting written contracts, establishing grievance mechanisms, and providing legal aid to domestic workers, could significantly improve working conditions and set the groundwork for the effective implementation of ILO standards.

2. Labor migration: Good practices in preventing trafficking in persons of migrant domestic workers

Raising public awareness about the risks associated with temporary migration schemes for women domestic workers to Middle Eastern countries is critical in preventing trafficking in persons. An effective awareness campaign should provide clear and accessible information not only about the dangers of deceptive recruitment practices and modern slavery but also about viable alternative opportunities available both within Kenya and abroad.

A key strategy involves amplifying the voices of survivors and families of victims. Those with lived experiences of abuse and exploitation bring authenticity and urgency to the message, which can resonate powerfully with individuals considering migration. By sharing their stories, survivors can offer practical insights into the risks involved and highlight red flags in recruitment processes. Their testimonies can serve as a vital deterrent against falling prey to traffickers and unscrupulous recruiters.

Engaging survivors as active participants in awareness campaigns also enhances the credibility of the messaging. When those who have endured exploitation lead the conversation, they not only educate others but also reclaim their agency, turning their experiences into powerful tools for prevention. Moreover, survivor-led initiatives foster trust among the target audience, as potential migrant workers may feel more inclined to listen to peers who have walked a similar path.

3. Good practices in protecting migrant domestic workers and ensuring effective rights protection

Global Justice Group evidence collation and research has revealed a significant gap in rights protection in the process of recruitment of women migrant workers to the Gulf, where nearly 99% of the women faced recruitment-related abuses before they even departed for work in the destination country. The most common abuses involve the use of coercion to get a worker to enter an employment relationship, threats to force departure of the worker and deliberate concealment or deception about the nature and characteristics of the job.

Coercive departure of Kenyan women is often the result of debt bondage connected to costs sustained by the recruitment agencies for essential items, such as securing visas, air-tickets, travel documents, medical tests, and job trainings. Charges for these legitimate items often far exceed their true cost, and the surplus profit is retained by the recruitment agencies. Also, women -with respect in counter distinction to men- are specifically targeted by agencies operating through unfair recruitment practices because they have restricted access to education, training, and migration-related information, which puts them at heightened risk of vulnerability to deception and abuse.

Many of the women returnees interviewed by GJK revealed that all their travel documents, including their passports, were received only once they had reached the airport, and that they were given their contracts in closed envelopes not to be opened until reaching the destination countries. Most of them consequently changed their minds about the migration process, yet they were either told that it was too late to reverse their decision or felt compelled to travel. This data confirms that the airport is a strategic environment and the highest public setting where human trafficking cases can be identified, intercepted, and reported.

Good practices identified:

1. To avail an informed, gender balanced, and well-rounded One-Stop Labour Migration Information Desk at the main airports, adequately capable of pre-departure screening and advise for migrant women domestic workers on the move. A labor migration desk is currently available at Jomo Kenyatta Airport; however, it is not a mandatory checkpoint for departing migrants. Many returnees interviewed by Global Justice Kenya reported that they were either unaware of its existence or unable to locate it. The information desk should be easily identifiable and engaged toward a proactive and informed approach in identifying and dealing with forced departures of migrant workers travelling abroad, particularly to the Middle East. Kenya could introduce a policy requiring all individuals traveling on a work visa or a 90-day visa (commonly used for probationary periods in the Middle East) to first report to the Labour Migration Desk before departure. At this desk, the workers' contract would be thoroughly reviewed, and their rights, as well as the contact details of the relevant Embassy representative in the destination country, would be clearly explained. Importantly, this process should mandate that the migration officer meets privately with the traveler, without the presence of any recruitment agents, to ensure unbiased guidance and support. To enforce compliance, airlines could be held liable for transporting any person who has not obtained the required clearance certificate from the Labour Migration Desk. Should a woman return to Kenya injured or be subjected to extortion, such as being forced to pay for exit permissions or "damages" to their employer, the Kenyan government could hold the airline financially responsible for these costs.

Additionally, incorporating a "right of private action" into the law could allow victims to sue airlines for damages if they failed to verify the clearance certificate before boarding. This measure would create a strong deterrent against negligence and contribute to a safer, more accountable migration process.

2. To strengthen survivors' advocacy and lobbying capabilities so that they can engage in important policy discussions and decisions, pushing for enhancement of their protections, as well as of economic policies toward the provision of alternative opportunities to migration. Kenya has created hundreds of thousands of opportunities for Kenyans in Saudi Arabia (350,000 in 2024 only). More broadly, the President of Kenya, H.E. William Ruto, in his government's development agenda has strongly propounded the labour export narrative, engaging in a multitude of multilateral and bilateral talks, especially with Middle Eastern nations. The Central Bank of Kenya has reported that the Kingdom has surpassed the UK to become the second largest source of remittances after the US, contributing 62.3 per cent of the US$91.79 million growth in total inflows. Kenyans working in Saudi Arabia sent home remittances from Saudi Arabia for US$246 million in the first eight months of 2023, compared to US$188.8 million in the same period the previous year. Saudi Arabia is the fastest-growing source of remittances to Kenya, with payments having doubled over the last two years. The Value Added Tax (VAT) on all goods and services in Kenya (at 16%) means the Kenyan government directly receives 16% of all remittances (assuming the remittances are used to purchase goods or services. Given the growing macro-economic importance of remittances from Saudi Arabia, the Kenyan labor export is deemed to increase. The meaningful engagement of survivors in dialogues about the re-negotiation of the Bilateral Labour Agreements between Kenya and Saudi Arabia, toward ensuring the crafting of safe and fair migration policies based on the insight of lived experiences, is absent so far.
3. To establish robust pre-departure remedial mechanisms that effectively address and mitigate situations of severe debt bondage, which often lead to coercive departures, forced labor, and modern slavery-like conditions. These mechanisms should include strict accountability measures for recruitment agencies to ensure compliance with ethical recruitment practices, transparent employment contracts, and fair treatment of migrant domestic workers, including remedies for victims of damages, before a specialized administrative body to receive and enforce claims, or within the national court system.
4. Strengthening oversight and establishing accessible complaint and redress mechanisms will help safeguard migrants from abuse and ensure that recruitment agencies are held accountable for any violations. A good example of how these redress mechanisms can be drawn comes from the US Equal Employment Opportunity Commission (EEOC)[1], which does not only take enforcement actions but also issues official reports on its findings. These reports state whether there is no evidence to support a claim or if a violation has occurred. When the EEOC issues a finding of a violation, it significantly strengthens the victim's position. Lawyers

[1] https://www.eeoc.gov/overview

are often eager to take such cases to court, as the letter of findings provides strong legal backing. This typically leads to favorable outcomes for the victim, with courts likely to award substantial damages. As a result, employers often prefer to settle the case to avoid litigation.

3. Migrant worker visa regimes; gaps, challenges and proposals for reform

90 days travel visa: a precursor for modern slavery?

The Kingdom of Saudi Arabia issues Kenyan Migrant Domestic Workers with 90-day travel visas to facilitate the labour force's entry into the Kingdom. Official statistics released in 2023 by the Labour CS indicate that there are approximately 151,687 Kenyans working in the domestic sector in Saudi Arabia. Evidence documentation of returnee migrant domestic workers has revealed that they all travelled to work in Saudi Arabia on a 90-Day Travel visa issued to them. The paradox is "labour migration on a tourist visa", which constitutes an affront to fair and safe migration practices. The Labour CS, Florence Bore seems to agree where before the National Assembly, she elaborated: "*…to be able to manage some of these recruitment agencies that are doing rogue activities. Some of these workers who go to Saudi Arabia do not do so through the right channels. Some of them go through visitor's visas. And when they arrive in the Kingdom of Saudi Arabia and the visitor's visa of three months expires, they now start looking for jobs."* MUSANED, the electronic visa application system for household workers in the Kingdom of Saudi Arabia, adopts stringent accountability measures which propel for safe and fair recruitment processes and aim to enrich the level of protection of rights for all parties. There are three domain areas of the foreign domestic labour sector: pre-arrival of labour, the contractual process and after the arrival of labour. The platform sits in the middle of this ecosystem, automating particularly the visa procurement and contractual processes. The system then pushes the employer to submit the relevant documentation including the 90-day Visa to either the Saudi Ministry of Labour and Social Protection or the Ministry of Interior as necessary. It is therefore standard practice that employers of the migrant domestic workers "regularize" their stay through procurement of their residence permit referred to as an *Iqama* within 90 days of their arrival in Saudi Arabia. The *Iqama* facilitates legal residence, mobility, and access to a wide range of services such as health insurance, social security and financial transactions. Despite the rules and regulations on the *Iqama* mandate that it remains in the custody of the migrant worker, nearly all domestic workers in Saudi Arabia have never seen or received this essential document. This enables a future of confinement, close surveillance, a lack of access to crucial social amenities and most significantly, being at the will and mercy of a "master" ("employer"). In short, Modern-Day Slavery. It's about time that travel and visa regulations are reviewed, entrenched and protected by the Bilateral Labour Agreements that the Kingdom of Saudi Arabia develops with countries such as Kenya.

4. Role of recruitment agencies and challenges, and good practices in monitoring recruitment agencies

Recruitment agencies play a critical role in the labor migration process, and weak regulation often exposes migrant domestic workers to severe exploitation and abuse.

Global Justice Kenya is deeply concerned about the recent decision (May 2024) by the Ministry of Labour and Social Protection to authorize Private Recruiting Agencies (PRAs) to conduct pre-departure training for Kenyans seeking employment in Gulf countries. This policy shift removes the National Industrial Training Authority (NITA) as the sole institution responsible for delivering this essential training, introducing a clear conflict of interest for recruitment agents. By allowing PRAs to provide pre-departure training, there is a significant risk that these agencies prioritize profit over protection, offering incomplete or biased information to migrant workers. Many returnees have reported to Global Justice Kenya that their pre-departure training focused primarily on skills enhancement while neglecting critical topics such as employment contracts, legal rights, obligations under the kafala system, and available support mechanisms in host countries. This lack of comprehensive education leaves migrant domestic workers vulnerable to deception, exploitation, and abuse. Recruitment agencies must not be allowed to influence this process without independent supervision to prevent conflicts of interest and ensure that migrant workers are fully prepared for their rights and responsibilities abroad.

Moreover, the recent announcement by Cabinet Secretary for Labour and Social Protection, Dr. Alfred Mutua, on reforms in the recruitment and deployment process for Kenyans seeking employment abroad raises significant concerns for the safety of prospective migrant workers. While the reforms, presented at a meeting with private recruitment agencies and home care training institutions at the Kenyatta International Convention Centre (KICC), which GJK attended, aim to streamline labor migration, they may instead inadvertently increase the risk of exploitation and abuse.

A key change is the introduction of a new registration system for employment agencies, with a Ksh 500,000 fee for an initial one-year certificate and a Ksh 500,000 renewal fee for two years (or Ksh 250,000 per year). While this could reduce the number of agencies entering the market, it also risks enabling profiting from human misery. Agencies may seek to recover high licensing costs through exploitative practices, such as charging excessive recruitment fees to workers, leading to debt bondage and forced labor. Without robust monitoring and accountability mechanisms, unscrupulous recruitment agencies could continue to operate under the radar. There is a risk that the focus on administrative efficiency could overshadow the need for stringent vetting of agencies, transparency in recruitment practices, and the protection of workers' rights.

Another key change also announced by Dr. Alfred Mutua is the intention to reduce the training period from 26 to 14 days. Our evidence collected from returnee interviews reveals that pre-departure education has already been insufficient, particularly in covering critical aspects such as contractual obligations, the legal framework in host countries, workers' rights, available safeguards and remedies in case of abuse or exploitation. The new structure allocates just 4 days for pre-departure orientation, with the rest focused on homecare management. For other skilled workers, this is further reduced to a mere 2 days. Such a compressed timeline risks leaving prospective migrant workers ill-prepared for the realities abroad, lacking essential knowledge about their rights and mechanisms for support. The assessment criteria—65% for practicals, 25% for continuous assessment, and only 10% for pre-departure theory—reflects a troubling imbalance, prioritizing technical skills while allocating insufficient time and resources for critical legal and civic education. Without a robust emphasis on pre-departure education, these reforms may inadvertently increase the vulnerability of migrant workers to exploitation, undermining the very goal of safer labor migration pathways.

In Global Justice Kenya's view, it is also crucial to establish regular monitoring, and compliance checks to safeguard migrant domestic workers from exploitation. Government agencies should conduct routine inspections of recruitment agencies to prevent fraudulent practices and ensure strict adherence to ethical labor standards. Such oversight would help identify and address potential violations early, promoting transparency and accountability within the recruitment process. Additionally, all recruitment agents must undergo regular, mandatory training on human rights, fair labor practices, and the legal rights of migrant workers. This training would not only enhance their understanding of international labor standards but also equip them to provide accurate and comprehensive information to prospective migrant workers.

5. Roles of consular services, embassies and missions in assistance and protection services

Kenya should prioritize strengthening its consular services to provide more robust support to migrant workers in distress, particularly in countries like Saudi Arabia, where exploitation and abuse are prevalent. Establishing a dedicated office within the embassy and each consulate could significantly improve assistance by focusing on handling worker complaints, facilitating safe and dignified repatriation, and offering legal assistance when needed. The Kenyan-Saudi bilateral treaty should provide the ability for visitation by Counsel officials to Kenyan migrant domestic workers at their places of employment/residence, in coordination with counterpart Saudia officials (and through them, with employers).

With 416,548 Kenyans currently living and working in the Gulf, Saudi Arabia hosts the largest population at 310,266, followed by Qatar with 66,025. Of those in Saudi Arabia, 70% are low-skilled and domestic workers, while only 30% are semi-skilled, skilled, or professionals. This demographic distribution highlights the urgent need for targeted support for the most vulnerable workers—primarily women in domestic roles—who often face the greatest risks of abuse and exploitation.

Currently, Kenya's consular services face numerous challenges that undermine their ability to effectively support migrant workers. The Labour Attaché, who is often the primary point of contact for Kenyan workers in distress, is severely under-resourced. With only one Labour Attaché responsible for a vast country covering over two million square kilometers, effective supervision and service delivery are highly constrained. This shortage of staff is compounded by inadequate funding, the absence of safe houses for Kenyans in crisis, and a lack of comprehensive complaints handling and dispute resolution mechanisms. Additionally, there is no clear legal framework to address issues involving rogue migrant workers, leaving the embassy with limited tools to provide meaningful assistance.

The Kenyan Embassy in Riyadh also faces significant operational challenges, including irregular transfers of sponsorship, a lack of shelter and safe houses, poor accessibility to authorities for domestic migrant workers, and the vast geographical expanse of the Kingdom. These challenges are exacerbated by the presence of rogue recruitment agencies and employers who exploit legal and procedural gaps to the detriment of Kenyan workers.

One critical area for improvement lies in the existing Bilateral Labour Agreement between Kenya and Saudi Arabia. Gaps in this agreement include disparities in wages, with Kenyan workers often earning less than their counterparts from other countries for the same work, unequal timelines for notice of termination of employment, and the absence of a clear and effective complaints resolution mechanism. These gaps not only expose Kenyan workers to exploitation but also limit their access to justice and redress.

To address these issues, Global Justice Kenya (GJK) recommends a multifaceted approach:

1. Enhanced Consular Capacity: The government should allocate more resources to its consular services, including increasing the number of staff at embassies and consulates in key countries like Saudi Arabia. Additional funding is needed to establish safe houses, improve service delivery, and ensure a 24/7 helpline for emergency support.
2. Dedicated Support Office: Establishing a specialized office within the embassy focused on migrant worker issues would streamline support services, provide a clear point of contact, and enhance the efficiency of handling complaints and repatriation processes.
3. Legal Assistance and Safe Houses: The embassy should facilitate legal aid for workers pursuing justice and establish safe houses to provide temporary refuge to those fleeing abuse or exploitation.
4. Reform of the Bilateral Labour Agreement: Survivors of abuse should be included in the discussions on renegotiating bilateral agreements. Their lived experiences and insights could guide the development of more effective protections and accountability measures. GJK also proposes the inclusion of a 'Reparation Clause' in the agreement, modeled after the renegotiated Bilateral Labour Agreement between the Philippines and Saudi Arabia. Such a clause would offer a compensation package for unpaid

wages and damages to migrant workers, acknowledging and addressing the harm they have endured over the years.

5. Clear Complaint Resolution Mechanisms: It is crucial to establish transparent and accessible mechanisms for lodging and resolving complaints, both in the host country and through consular support.
6. Establishment of either a Kenyan Commission to initiate -upon complaints' receipt- mandatory mediation or arbitration, or alternatively, legislation establishing private civil rights of action for workers and victims of human rights abuses.

6. Good practices in ensuring effective remedies, including compensation, for victims.

According to Kenyan law, Kenyan migrant workers have a right to fair contractual terms and protection from abuse and exploitation while outside the country. This is supported by the requirement that foreign contracts of service are authenticated by attestation by the Department of Labour and completion of a bond form signed by employers to cover liability in the event of breach of contract. Our follow-ups with the National Assembly on the bond amounts paid as security for each migrant domestic worker found that the amounts have largely failed to serve their intended purpose. This failure is largely due to the fact that these bonds are paid directly into the national treasury rather than being allocated to a dedicated fund. Such allocation would enable the use of these resources for repatriation and to cover entitlements owed to migrant domestic workers in cases where private employment agencies or employers default on their obligations. Allocation to a dedicated fund, for example the existing National Trust Fund for victims of trafficking, would not only ensure greater accountability but also provide a critical safety net for vulnerable workers facing exploitation and abuse abroad.

Additionally, under the Employment Act, 2010 and the Counter-Trafficking in Persons Act, 2010 victims can institute civil proceedings against perpetrators and aiders and abettors for damages. However, the government did not report any civil suits filed up to 2023, a likely attestation to the inaccessibility of redressal mechanisms for survivors. The Counter-Trafficking in Persons Act has also set up a National Assistance Trust Fund (NATF) to assist victims of trafficking, including supporting repatriation to Kenya, resettlement, re-integration, provision of appropriate shelter and other basic needs, psychosocial support, appropriate medical assistance, legal assistance or legal information including information and any other necessary assistance and payment of balance of damages awarded to a victim by a court of law. So far, the NATF has been severely underfunded, with very limited impact on the reparative efforts for victims of trafficking. In addition to chronic underfunding, the National Assistance Trust Fund (NATF) lacks an accessible online platform, making it difficult for victims and supporting organizations to access information and apply for assistance. Furthermore, the screening procedure outlined in the trust fund guidelines involves numerous complex forms that are challenging to navigate for individuals without a legal background. This administrative burden creates significant barriers to accessing the support needed, ultimately limiting the fund's effectiveness in delivering reparative justice and essential services to victims of trafficking.

Regarding potential remedies in recipient countries, Global Justice Kenya has conducted an in-depth analysis of the remedial mechanisms available in Saudi Arabia, including the Saudi National Committee to Combat Human Trafficking, the Saudi Human Rights Commission, and the Commission for Settlement of Domestic Workers Labour under the Ministry of Human Resources and Social Development, which facilitate amicable settlements for domestic labor disputes through an online process. Workers must first submit their claims through the ministry's website, and if a resolution is not achieved through conciliation, cases are escalated to the labor courts for adjudication. However, many domestic workers face considerable barriers to accessing these mechanisms. The primary obstacle is the lack of access to communication devices, and even those with devices often struggle with limited internet access, language barriers, a lack of awareness of available resources, and the complexities of navigating websites—most of which are only available in Arabic and English. Consequently, many domestic workers are unable to independently file complaints against their employers. Furthermore, the primary channel for filing complaints, the Musaned platform, is not directly accessible to domestic workers. To register on Musaned, a domestic worker typically needs to go through a recruitment agency that is registered on the platform. The agency is responsible for completing the registration process on the worker's behalf, including submitting personal details, documents, and qualifications. This dependency on recruitment agencies further limits migrant domestic workers' ability to seek redress and access justice independently.

7. Challenges and good practices in identifying victims of trafficking in persons in the domestic sector and access to protection.

A significant challenge in identifying victims of trafficking in the domestic sector is the isolation many workers experience due to the confiscation of their phones by employers. This practice cuts off workers from their families, consular support, and any external avenues to report abuse or seek help. Without access to communication, many victims remain trapped in exploitative situations with no means to alert authorities or support networks to their distress. To address this, it is imperative that bilateral agreements between Kenya and host countries explicitly prohibit the confiscation of migrant workers' phones. Such a measure would restore a critical lifeline for migrant domestic workers, enabling them to maintain contact with their families and access help when needed.

In addition, consular services must adopt a proactive approach to safeguarding migrant workers. Establishing and maintaining a comprehensive database of all Kenyan migrant workers in the host country is essential. This database should include information on their employment status, location, and the identity of their employers.

Consular staff should conduct regular check-ins with these workers—whether through direct communication, scheduled home visits, or virtual consultations—as part of routine work inspections.

8. Good practices in long term integration of survivors of trafficking in persons in domestic work

Evidence gathered by Global Justice Kenya reveals that 99% of returnee trafficked migrants come back home in extreme poverty, often in worse conditions than before migrating to Gulf countries. Our research also indicates that the needs of human trafficking survivors extend beyond legal redress for the abuse endured during employment.

For effective long-term reintegration, it is crucial that survivors receive psychological support tailored to their specific needs, as well as employment reintegration. As mentioned above, the government should facilitate easier access to the National Assistance Trust Fund for Victims of Trafficking in Persons. Although this fund exists, our research has found that 99% of victims are unaware of it and do not know how to apply for assistance. Raising awareness and streamlining the application process are essential steps to ensure that victims receive the immediate support they need.

10. Gender dimension of trafficking in persons in the domestic sector, risks to sexual exploitation and particular associated challenges to gender dimension in prevention and protection of persons at risk of trafficking or victims of trafficking in persons

Global Justice Kenya's research has revealed that slavery-like conditions are widespread among Kenyan women employed in the Gulf region. Our study involving 289 women who previously worked in the Gulf found that all participants (100%) experienced restrictions on their freedom of movement, 53.02% endured physical or sexual violence, 92.62% were threatened with violence or death, and 95.64% were subjected to deceptive, unfair, and unsafe working environments. Additionally, 79.87% of these women were unable to escape abusive workplaces due to prohibitive costs, illustrating the severe financial and systemic barriers to freedom.

Moreover, a hidden but substantial (at least 104) population of Kenyan women remains trapped in the Kingdom of Saudi Arabia, living in constant fear and uncertainty. These women, along with their undocumented children, are caught in a web of legal and systemic loopholes that deny them basic rights and hinder their chances of safe return to Kenya. Resolving their plight requires robust political will and coordinated action from Kenyan authorities to ensure their protection, recognition, and repatriation. Under Saudi law, women—including foreign migrants—can face the death penalty for having children out of wedlock. This legal threat creates an insurmountable barrier to registering births or establishing a child's nationality. Moreover, Saudi nationality law fails to recognize children born to non-Saudi mothers and unknown fathers. The law only considers individuals born to a Saudi father, a Saudi mother with an unknown father, or those found abandoned in the Kingdom as Saudi nationals. As a result, children born to Kenyan domestic workers under such circumstances are rendered stateless, denied fundamental rights such as healthcare, education, and legal protections. Their precarious status makes them extremely vulnerable to exploitation, including child labor, sex and organ trafficking, illegal adoption, and other forms of abuse. For the mothers, the choices are equally grim. They must either surrender to the authorities, leaving their children behind to initiate their own deportation process, or continue living in the shadows with their children, risking detention, abuse, and further exploitation.