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The vulnerable

case of domestic workers in the Lebanese context

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Abstract

L'intento di questo studio è di esporre le difficili condizioni di lavoro e di vita delle lavoratrici domestiche in Libano, un paese con delle caratteristiche tali da renderlo unico in Medio Oriente.

Oltre ad ospitare una vasta popolazione di rifugiati principalmente di nazionalità palestinese e siriane, il Libano ospita circa 200.000 lavoratrici domestiche, che provengono principalmente da Etiopia, Sri Lanka, Bangladesh e Filippine, e che formano una categoria di "migrante" particolare, in un paese come il Libano, che ha una lunghissima tradizione migratoria, ma allo stesso tempo, una situazione politica estremamente delicata.

Infatti, il Libano è sistema di governo multiconfessionale, le cui funzioni vengono ripartite sulla base della confessione religiosa. Il sistema è così fragile, che le reali proporzioni demografiche del paese rimangono tuttora un enigma, non essendo stato condotto nessun censimento pubblico dal 1932. L'equilibrio fra gruppi religiosi è uno delle principali preoccupazioni del governo libanese, ed anche il processo di immigrazione viene regolato di conseguenza. Per esempio, l'arrivo dei rifugiati palestinesi avrebbe potuto sconvolgere la struttura demografica del paese e minacciare il bilanciamento dei poteri, in quanto essi sono prevalentemente di religione sunnita.

Spesso si parla del Libano come il paese che ospita più rifugiati al mondo in proporzioni al numero di abitanti, dal momento che lo scoppio

della guerra civile in Siria ha causato un afflusso imponente di persone scappate dal conflitto. Nonostante l'incertezza delle cifre, si stima che vi siano circa un milione e mezzo di profughi siriani in Libano, circa uno ogni quattro persone di nazionalità libanese.

Il Libano, tuttavia, non è solo una terra per rifugiati in quanto ha una lunga tradizione migratoria, come dimostrano le diverse ondate di emigrazione cominciate nella seconda parte del diciannovesimo secolo e che continuano ancora al giorno d'oggi. Inoltre, verso gli anni Settanta cominciò un processo di immigrazione di manodopera straniera, proveniente anche da paesi non arabi, sulla scia di nuove politiche economiche. Questi anni assistettero anche ad una femminilizzazione dell'immigrazione, in quanto il Libano cominciò ad essere la meta di molte lavoratrici domestiche.

La prima parte della tesi si occupa del Libano, in quanto paese con una lunga storia di emigrazione, ma allo stesso tempo anche come paese di immigrazione, un fenomeno che è stato avviato all'inizio degli anni '70 quando il paese ha iniziato ad accogliere una forza lavoro straniera proveniente da entrambi gli arabi e paesi non arabi. La crescente presenza di lavoratori stranieri in Libano si è sviluppata in diverse ondate migratorie mentre, allo stesso tempo, i cambiamenti socioeconomici hanno colpito in modo profondo il sistema di immigrazione in Libano.

Dalla fine della guerra civile, il paese ha fatto ricorso alla forza lavoro asiatica. Naturalmente, il bisogno di lavoratori era considerevole in quanto il conflitto che ebbe luogo tra il 1975 e il 1990 fu distruttivo.

Inoltre, la svolta neoliberale sperimentata dall'economia libanese post-civile degli anni '90 ha imposto un modello economico in cui si richiedeva una forza lavoro straniera a basso reddito che non rappresentasse un onere per il capitale. Allo stesso tempo, ancor prima della guerra civile, la forza lavoro libanese è stata incoraggiata a migrare nei paesi del Golfo che stavano assistendo a un boom dei prezzi del petrolio, garantendo un flusso continuo di rimesse finanziarie, fondamentali per l'economia libanese.

La seconda parte del primo capitolo affronta il processo di immigrazione più dettagliatamente: dapprima viene analizzata la situazione palestinese e di come essa influenzi la politica generale in fatto di immigrazione. Si discute, inoltre, della situazione dei lavoratori siriani (prima e dopo la guerra civile) per comprendere appieno le conseguenze dell'immigrazione sul mercato del lavoro libanese, concentrandosi in particolare sulla concentrazione degli immigrati in determinati settori, un processo che può essere definito come "etnicizzazione" del lavoro. Infatti, il mercato del lavoro libanese è caratterizzato da una carenza di manodopera nei mestieri non qualificati, che gli stranieri vengono a ricoprire. Sul mercato del lavoro, l'origine determina spesso il lavoro svolto. Mentre le migranti dallo Sri Lanka, dall'Etiopia o dalle Filippine

sono principalmente lavoratrici domestiche, i siriani, gli egiziani e gli indiani spesso trovano occupazioni nell'ambito della costruzione, in agricoltura o nell'industria.

Dopo aver delineato le caratteristiche principali del mercato del lavoro libanese, la tesi procede ad esaminare il concetto di migrazione femminile. Nell'ambito delle lavoratrici domestiche, si concentra sulle cause che hanno portato all'evoluzione di questo particolare fenomeno migratorio. In primo luogo, il fenomeno della migrazione femminile sarà brevemente illustrato in maniera generale al fine di capire in che modo esso differisce dalla migrazione maschile. Infatti, in alcuni paesi, il numero di migranti donne eccede il numero di uomini.

In secondo luogo, lo specifico caso delle lavoratrici domestiche viene preso in esame: inizialmente si parte da un punto di vista generale interrogandosi sui motivi che spingono questo trasferimento dei servizi tradizionali delle donne dalle regioni povere a quelle ricche del mondo. Le donne nei paesi occidentali hanno cominciato ad assumere lavori retribuiti, e di conseguenza si è sentita la necessità di persone che ricoprissero i compiti di assistenza per bambini ed anziani. Per quanto riguarda le lavoratrici domestiche, la povertà relativa e assoluta le donne nei paesi poveri costituiscono un forte incentivo alla migrazione.

Nel caso del Libano, le lavoratrici domestiche forniscono una funzione critica di assistenza alle famiglie in Libano, in quanto i cambiamenti demografici hanno portato ad un crescente bisogno di

servizi, che lo stato non fornisce. Per quanto riguarda la nazionalità di provenienza delle lavoratrici, esse provengono principalmente da Etiopia, Sri Lanka e Filippine: la fine della guerra civile libanese e le tensioni religiose che ne sono conseguite, hanno, difatti, sancito il rimpiazzamento delle lavoratrici domestiche, che, dapprima, erano siriane e curde.

Dopo aver esposto il contesto storico del lavoro domestico in Libano, la situazione dei paesi "esportatori" di lavoratrici domestiche è presentata al fine di capire i fattori che spingono le donne a partire per lavorare nei servizi domestici rischiando di finire in potenziali situazioni di sfruttamento. Nel caso dell'Etiopia, le frequenti carestie, la difficile situazione politica che sfocia spesso in conflitti, e gli alti tassi di disoccupazione soprattutto femminile, sono le cause che spingono molte donne a partire per il Medio Oriente per cercare lavoro. Per quanto riguarda lo Sri Lanka, è lo stesso governo ad incoraggiare l'emigrazione, in quanto il potere delle rimesse finanziarie è fondamentale per l'economia del paese.

Dopo aver introdotto l'argomento da un punto di vista generale nei primi due capitoli, il terzo capitolo esaminerà la vulnerabilità di tutte le lavoratrici domestiche in relazione al concetto di traffico umano. Il capitolo esaminerà attentamente i fattori strutturali che possono portare a situazioni di abuso, in particolare il sistema di sponsorizzazione o "kafala", il processo di reclutamento e la mancanza di protezione legale.

Innanzitutto, l'ambiente creato dal sistema di sponsorizzazione è un ambiente in cui tutti le lavoratrici domestiche corrono il rischio di venire sfruttate: infatti, quando queste ultime si trovano in situazioni di sfruttamento, il sistema di sponsorizzazione in genere impedisce loro di cercare e ottenere aiuto senza mettere a repentaglio il loro stato legale nella nazione.

In secondo luogo, il processo di reclutamento è un altro fattore che aumenta la vulnerabilità delle lavoratrici al traffico umano, dal momento che i lavoratori domestici possono essere indotti in errore o ingannati sulle condizioni che li attendono in Libano, come spesso accade.

In terzo luogo, la mancanza di protezione del lavoro legale può essere un altro fattore che aumenta la loro debolezza. Basato su interviste condotte da organizzazioni per i diritti umani con diverse collaboratrici domestiche, il capitolo fornisce una revisione delle condizioni di vita e di lavoro, esaminando alcune delle numerose questioni che devono affrontare quotidianamente (rimunerazione, restrizione dei movimenti, confisca del passaporto) e che violano costantemente i diritti umani. L'ultima sezione del capitolo affronterà infine la capacità dei lavoratori domestici di ottenere giustizia in Libano, in particolare nei casi di mancata remunerazione.

Dopo aver evidenziato le barriere legali, sociali e culturali esistenti che contribuiscono all'isolamento spaziale delle lavoratrici domestiche straniere, l'ultima parte dello studio si concentra sulla cooperazione che

nasce in queste condizioni fra le stesse lavoratrici. Nonostante la loro costante esclusione dalla società, esse non accettano passivamente la loro condizione isolata e mettono in pratica atti di resistenza strategica. Nello specifico, saranno esplorate tre tipologie di queste attività resistive, vale a dire le alleanze strategiche forgiate attraverso i balconi delle lavoratrici che subiscono più restrizioni, i piccoli collettivi formati al di fuori delle chiese etniche, e i collettivi di lavoratori più grandi organizzati in appartamenti in affitto occupati da lavoratrici che sono diventati free-lancer o che sono scappate dal loro datore di lavoro.

Introduction

The purpose of this study is to explore the dynamics of domestic work in the Lebanese context, a country that presents several characteristics that make it unique if compared to other countries in the region.

Indeed, in addition to hosting a large population of refugees mainly composed of Palestinian and Syrians, Lebanon is home to an estimated 200,000 to 300,000 migrant domestic workers. Under Lebanese law, domestic workers fall under the kafala, or sponsorship, system.

The first chapter will recapitulate the development of Lebanon as a sending country with a long history of emigration, but also as a receiving country, a process that was initiated at the beginning of 1970s when the country started to welcome a foreign workforce coming from both Arabic and non-Arabic countries. The increased presence of foreign workers in Lebanon unfolded in different migratory waves whereas, at the same time, socio-economic changes have affected in depth immigration to Lebanon.

Since the end of the civil war, the country has resorted to the Asian workforce. Naturally, the need for workers was considerable as the conflict that took place between 1975 and 1990 was destructive.

Furthermore, the neoliberalization experienced by the post-civil war Lebanese economy of the 1990s enforced a rent economic model that demanded a low-paid foreign working force that would not constitute a

burden on capital. At the same time, beginning even before the civil war, it encouraged the Lebanese labor force to migrate to the neighboring Gulf countries that were witnessing a boom in oil prices, ensuring a continuous flow of financial remittances, .

The second part of the first chapter will address the process of immigration, by analyzing the Palestinian experience in relation to the immigration policies. The situation of the Syrian workers (before and after the civil war) will be discussed to fully understand the consequences of immigration on the Lebanese labor market, focusing particularly on the concentration of immigrant workers in certain branches.

The first part of the second chapter will attempt to answer few questions: first, why the female migration differs from the male migration? Secondly, why there is the need for domestic workers?

In the second part of the chapter, after a brief review of the history of domestic service in Lebanon, the background of the exporting countries (namely Sri Lanka, Ethiopia and Philippines) will be presented to understand what are the factors that drive women to migrate to work as a domestic worker.

After introducing the topic from a general point of view in the first two chapters, the third chapter will investigate the vulnerability of all migrant domestic workers and its link to human trafficking. The chapter will scrutinize the structural factors that can lead to situations of abuse

and human trafficking, namely the sponsorship or “kafala” system, the recruitment process, and the lack of labor protection and legal redress.

First, the sponsorship system creates an environment where all migrant domestic workers have the potential to become entrapped and exploited: indeed, when domestic workers do find themselves in situations of exploitation, then the sponsorship system typically prevents them from seeking and obtaining help without jeopardizing their legal status in the country.

Secondly, the recruitment process is another factor that increases vulnerability of migrant domestic workers to trafficking, as domestic workers may be misled or deceived about the conditions that await them in Lebanon.

Third, lack of labor protection and legal redress can be another factor that increases their weakness. Based on interviews conducted by human rights organizations with several domestic workers, the chapter will provide a review of the living and working conditions, by investigating some of the many issues that they must face daily (renumeration, restriction of movement, confiscation of the passport etc.). The last section of the chapter will finally address the ability of domestic workers to obtain justice in Lebanon.

After highlighting the existing legal, social, and cultural barriers contributing to the spatial isolation of migrant domestic workers, the last chapter will finally argue that migrant domestic workers, despite this

exclusion, constantly challenge this situation, by putting into practice strategic acts of resistance. Specifically, three kinds of these resistive activities will be explored, namely the “strategic dyads” forged across balconies by the most restricted live-in workers, the small collectives formed outside ethnic churches by other live-in workers, and much larger worker collectives in rental apartments occupied by illegal freelancers and runaways.

Chapter 1: The labour market in a country of emigration and immigration

The Republic of Lebanon is situated on the eastern shores of the Mediterranean and it is a small rectangle of 10 452 square kilometers, most of it mountainous. Currently, the population is estimated to be 6 million because of the large influx of Syrian refugees that started to arrive after the onset of the Syrian crisis, which resulted in annual population growth of 3,6% (World Bank Data, 2018). However, these statistics are incomplete and even contradictory, due to a general lack of official data. After recalling that emigration has had a consistent role in the Lebanese society since the nineteenth century by its numerical importance in relation to the population, the first part of the chapter will emphasize that in the last two decades Lebanon has been marked by a relatively large stable immigration (namely the Palestinians) and by transit migrations, mainly of Syrians.

This dual process dates back to the early 1970s, when the country began to host a foreign labour force, both Arab and non-Arab. The increased presence of foreign workers in Lebanon has taken place in different waves of migration while, at the same time, social and economic changes and events have profoundly affected immigration to Lebanon.

In addition, since the end of the civil war, the country has resorted to Asian labour as the need for workers was considerable because of the material

destruction provoked by the conflict and the large Lebanese emigration that took place during this period (the so-called “brain drain”).

The second part will explore the consequences of immigration on the Lebanese labour market. After an overview of the organization of the labour in Lebanon, it will deal with the connection between the impact of the migration phenomenon on the organization of the labour market, the concentration of immigrant workers in certain branches and the evolution of the professional activities of immigrants. This part also includes a series of analyses concerning measures relating to the status of foreign workers in Lebanon. In particular, the features of the labour market in Lebanon will be examined to prove that there is a certain degree of ethnicization in the distribution of jobs. Indeed, as it will be seen, the Lebanese labour market is characterized by a shortage of labour in the unskilled trades that foreigners come to mitigate. In the labour market of immigrants, origin often determines the job they perform.

The information of the first part of the chapter, which investigates the main patterns of migration in Lebanon, are mainly extracted by the research study of Paul Tabar, the director of the Institute for Migration Studies and Associate Professor of Sociology/Anthropology at the Lebanese American University and by several reports, namely the International Organization of Migration report.

1.1. The enigma of Lebanese population

As often asserted by scholars and experts, the size and structure of Lebanon's resident population is a real mystery (Verdeil, E. and Dewailly, B.,2016).

Of all the uncertainties surrounding the statistics in Lebanon, the one affecting the Lebanese population is undoubtedly one of the most sensitive: even the evaluations of the official institutions differ, as it can be seen from the divergence of the estimations of the United Nations that asserted that the total population was standing at almost 6 million, and that the refugees accounted for "one in five people in the country" or "one in four" according to other evaluations (De Bel-Air, 2017: 1).

The contradictions in the numbers of the Lebanese population found their reasons in the absence of official data, because of the sensitivity of the subject: the political functions in Lebanon are indeed assigned according to "sectarian affiliation" (De Bel-Air, 2017: 1), which implies that political and administrative functions must be distributed "according to the proportional size of each confessional sect as rendered in the census" (Maktabi, 2012: 220).

The National Pact of 1943 established the sectarian balance of the country by granting the Presidency of the Republic and the Command of the Army to Maronites. Sunnis, meanwhile, were given the Presidency of

the Council of Ministers; Shi'ites, the Parliament's Presidency; and the Greek Orthodox, the Parliament's Vice-Presidency¹.

Therefore, the huge political implications behind the demographic structure of Lebanon that would affect the power-sharing arrangements (De Bel – Air, 2017: 1) explain also why one of the main apprehensions of the Lebanese government is to resolve any matters that could threaten the established power structure, including that of refugees and migrants (Tabar, 2010: 9-10 and IOM, 2010: 96), who, as it will be seen in the context of domestic workers, are often treated as a security issue.

The delicate situation also explains the treatment of the Palestinian refugees, who have been residing in camps since the “Nabka” (catastrophe) of 1948. Even though Palestinians have been residing in Lebanon for generations, they have not been yet “naturalized”, as this would threaten the delicate balance of the country, as Palestinian refugees are predominantly Sunni Muslims (Tabar: 2010: 10). The perception of the Palestinians as a threat to the demographic structure of the power resulted in immigration policies that exclude all migrants from the labour force's legal framework. As Tabar (2010: 10) states “immigration policies that are designed for Palestinians but applied to all migrants frustrate the entire system”.

¹ For more information, see: Corm, G. *Le Liban contemporain. Histoire et société*, Paris : La Découverte, 2005.

Equally important, there is a controversial debate on the Lebanese diaspora, which is currently estimated at between four and thirteen million, since many political actors argue on the criteria that should be employed for the selection of those qualifying for the Lebanese citizenship, among all foreign citizens of Lebanese descent worldwide, (De Bel-Air: 2017, 2).

All these factors can explain why Lebanon has not arranged any population census since the one conducted in 1932, which defined the numerical domination of Christians (and among them the Christian Maronites) over Muslims. The formula lasted until the Taif agreement that put an end to the civil war that outbroke in 1975 and lasted for fifteen years. The constitutional amendments enacted by the agreement diminished the dominance of the Christians by altering the representation to a fifty-fifty political parity between Muslim and Christian representatives in the government and parliament (Maktabi, 1999: 220). Moreover, the Central Administration of Statistics (CAS) is a public administration within the Council of Ministers, set up to “produce relevant and accurate statistics that are comparable over time”, the most recent demographic surveys were conducted in 2009, 2007, and 2004. Due to their political implications, statistical data on religious-sectarian affiliations are not collected by the CAS (IOM, 2010).

Therefore, the most recent statistical information on Lebanon are mainly extrapolated from the surveys and analyses that are provided by official international agencies such as the UN, the International Labour

Organizations as well as papers published by universities (namely the American University of Beirut, the Lebanese American University, the University of Saint Joseph, the American University in Cairo) and by organizations at local and national levels.

However, as pointed out by the same agencies and organizations concerned with vulnerable populations, such as refugees, migrant workers, and asylum seekers, can slightly vary in reports and factsheets by the same agency or across different organizations within the same timeframe.

To sum up, Lebanon's demographic changes remain an 'enigma' like quoted by De Bel-Air (2017) and numbers are, at best, 'educated guesses' (De Bel-Air, 2017), as they are generally not available, outdated, incomplete, or even contradictory. As a result, the numbers used, herein, remain mere indications and do not consider illegality and informality.

1.2. A sending country

Characterized by highly fluctuating migration rates, Lebanon is the Arab country with the longest history of migration, as it experienced several waves of migration inflow, outflow, and circulation for centuries.

In this chapter, a brief historical overview of the pattern of emigration will be given to prove that Lebanon is a "very diverse sending country, which witnessed a progressive switch after the Lebanese Civil War, when substantial brain drains occurred, and, at the same time, replacement

migration resulted in flows of migrants from neighboring countries to Lebanon, especially to work” (IOM, 2010:96).

Despite a long tradition of emigration, Lebanese people did not share the same trails or the same reasons for moving throughout history, as these tended to change in accordance with the socio-economic situation in Lebanon (IOM, 2010:96).

From the seventeenth century until the middle of the nineteenth century, the geographical Syrian area, which included Lebanon, saw not only regional and international conflicts, but it was also characterized by “communal and social strife” (IOM,2010: 96). Therefore, these waves of emigration, prior to the 1870s, were largely caused by “a combination of lopsided economic development and undemocratic communal politics” (Tabar, 2010: 2).

The first waves of emigration (1880-1914) are composed by a small number of people that came from Mount Lebanon. These migrants were mainly Christians sent abroad by “the Maronite Catholic Church to study in Rome in order to return and serve as the clergy” (Tabar, 2010: 2). Another reason for these waves of emigration came as a result of the emancipation of the peasants in 1860 and the integration of the local economy into the European capitalist market (Tabar, 2010). Moreover, this phase was characterized by major growth in the population, as reported by Issawi (1992) and quoted by Tabar (2010). It is important to note that these first waves of migration contributed to a social and

economic development as “churchmen who had left for Rome returned with knowledge acquired in Europe and played a key role in building schools and educating the population, alongside nuns and other foreign missionaries” (Tabar: 2010). Nevertheless, by the late nineteenth century the collapse of the silk industry forced many Lebanese people to seek better economic opportunities abroad. Due to structural weakness, the silk industry could not withstand competition from Japan and China, and later, the introduction of artificial fabrics. In addition, many historians argue that the increasing urbanization of Mount Lebanon, the emergence of a middle class, and the fear of conscription into the Ottoman army led many Christians to emigrate (Tabar, 2010).

These movements of the population, before World War I, had an impact on the political and economic development of the Lebanese country. In addition to the money coming in from remittances, and its significance on the local economy, it is estimated that a third of the migrants returned to Lebanon (Khater, 2001, quoted in Tabar,2010). These return migrants greatly contributed to the formation of a middle class, which played a major role in the development of the tertiary sector (i.e. tourism, trading, and construction) and the building of the modern Lebanese state. As they returned, they brought with them the necessary economic and cultural capital used to spread middle class culture. A very dynamic – and mostly Christian – middle class was created, which became the driving force behind the creation of modern Lebanon in 1920.

Due to the severe depression that hit the world economy in 1929, Lebanese emigration decreased. However, it resumed after 1945, increased considerably in the 1960s, and picked up even more after the outbreak of the Arab-Israeli war in June 1967.

The period starting in 1945 and ending in April 1975 witnessed a third wave of emigration from Lebanon. Despite the achieved independence in 1943, which reduced emigration at first, the trend did not prevail as several factors pushed people to move. From the point of view of employment and opportunities, there was a strong demand for skilled labour in the Gulf States, whose revenue increased sharply as a result of the oil industry's expansion. At the same time, on a domestic level, the Lebanese economy was greatly affected by the outbreak of the 1967 war with Israel, and Israel's daily raids in South Lebanon to crush Palestinian guerrillas attack in northern Israel. Moreover, the 1956 Suez crisis, political persecution, discrimination following the unsuccessful coup attempt by the Syrian Social Nationalist Party were all factors that, combined, spurred Lebanese to migrate (Fersan: 2010).

During the Lebanese Civil War (1975-1989), it is estimated that 990,000 people left the country, accounting for 40% of the total population (Tabar: 2010: 5). The fighting that ravaged Lebanon for fourteen years resulted in whole scale destruction of the economy and rendered large sectors of the economy inoperative. Hundreds of thousands of people were forced out of their homes, villages, and towns. Many civilians "lost

their resources and became homeless without income or health, social, housing and educational services” (Tabar: 2010: 5)

The events that occurred between 1975 and 1990 – the civil war, Arab-Israeli conflicts, Israeli invasions of Lebanon in 1978 and 1982, the war against Israeli occupation of Southern Lebanon, inter- and intra-communal wars, and so on – created an internal displacement of people, a complete disruption of economic activities, and feelings of insecurity. As a result, many people from all Lebanese communities, coming from various economic backgrounds emigrated. This is reflected in the composition of immigrants who arrived in many countries including Australia, Canada, USA, France, Germany and the Gulf States (Tabar:2010:5).

1.2.1. Emigration post-1990: the “brain drain”

The end of the civil war in 1990 marked a transformation in the nature of the Lebanese emigrants, as the people who were leaving were increasingly skilled and educated (Tabar, 2010). Nowadays, Lebanese migration is mainly a process of “brain drain” whereby the most educated men and women seek better jobs and opportunities abroad.

From a geopolitical perspective, the decades that followed the end of the civil war were marked by increasing hostilities with Israel, which eventually culminated with the war of July 2006, and by a period of

political instability “punctuated by a number of political assassinations and civil strife” (Tabar, 2010: 6).

In economic terms, the post–civil war Lebanese economy of the 1990s experienced a pronounced free-market neoliberalization coupled with labor deregulation (Picard, 2013). “The rent economic model that was enforced demanded a low-paid foreign working force that would not constitute a burden on capital” (Kobaissy, 2016). At the same time, even before the beginning of the civil war, a strong emigration to the neighboring Gulf countries was encouraged since these were witnessing a boom in oil prices, guaranteeing a continuous flow of financial remittances.

The economic activities started to focus only on certain tertiary sectors, especially tourism, banking and finance and services. On the other hand, growth in productive activities, such as agriculture and manufacturing, was very slow. The high prevalence of informal employment and, most importantly, the limited size of Lebanon’s labour market compelled many young people to leave the country for job opportunities (Tabar,2010:6).

In addition to the challenges of a limited labour market, the repeated tensions between Hezbollah², the armed party of Lebanon, and Israel resulted in continuous political and security unrest, as mentioned

² The militant group and political party that first emerged as a faction in Lebanon following the Israeli invasion of that country in 1982.

above. The most recent conflict, which occurred in 2006, “sowed doubt among young men and women that a safe and prosperous Lebanon was achievable” (Fersan, 2010).

In her latest field survey, Choghig Kasparian (2009, quoted in Fersan,2010) found out that obtaining work motivates 52.4% of those who decide to migrate, education 8.8%, family reasons 25.4%, and other factors, including security and politics 13.4%. The proportion of men who have migrated (22.9%) is slightly more than double that of women (11.5%), which is widening the demographic gap between the sexes.

1.3. The impact of remittances

In terms of international economy, one of the most relevant effect of the increased number of migrants comes from the phenomenon of remittances, that is to say, “the portion of migrant income that is sent back to the country of origin to support families and friends on the micro level, and the country on the macro level” (Tabar,2010:14).

It is well established that remittances had and still have a fundamental role in the life of Lebanon and its population. Lebanon ranked 18th on the list of countries with the largest amounts of remittances received in 2008, immediately behind Indonesia, Morocco, and Pakistan. The World Bank estimated remittances to Lebanon in 2007 were equal to 24.4 percent of the GDP in 2007, the fifth highest such ratio in the world behind Honduras, Lesotho, Moldova, and Tajikistan, and the

highest in the MENA region (Tabar,2010:15). This financial contribution is vital in maintaining the economic stability of the country, especially during times of war, civil strife, and political insecurity.

In its research paper *Remittances: The New Development Mantra*, Kapur (2004: 3) states that

remittances have emerged as the least unstable source of financial flows for countries afflicted by shocks and constitute the single most important source of insurance for many poor countries.

The advantage is that they are more stable than private capital flows (Kapur,2004: 6), and therefore, they act as an insurance mechanism, also because the system is strengthened “by the low risk correlation between the country of residence and the country of origin” (2004: 7) and is especially important for poor countries since (much like poor people) they find it difficult to get insurance. It is therefore not surprising that remittances have emerged as a critical insurance mechanism for residents of countries afflicted by economic and political crisis. Kapur (2004: 7) mentions few example such as Lebanon during its civil war, Haiti, those hit by natural disasters (such as Central America in the aftermath of Hurricane Mitch), or pressured by international sanctions (such as Cuba), or where state authority has crumbled (so called failed states such as Somalia).

In Lebanon, this was seen in the war of July 2006, when remittances increased as emigrants feared for the safety and security of family and friends back home. According to a study conducted on migrant families abroad, one fifth of the emigrant's diaspora claimed they notably increased their remittances to family and friends in Lebanon. Furthermore, slightly more than one-third of Lebanese residing in Lebanon (34.9 percent) claimed that they noticed an increase in the amount of remittances that they had ordinarily received (Hourani & Dabbous, 2007: quoted in Tabar:2010:17).

What are the reasons that caused a large influx of remittances in Lebanon?

According to Guita Hourani (2005):

Lebanese remit enormous amounts because Lebanon allows free flow of capital and hard currency and encourages and facilitates the inflow of migrants' remittances through formal and informal channels.

Emigrants remit because Lebanon, as explained by Ghobril (2004, quoted in Hourani, 2005:21)

has a stable exchange rate, a very developed banking system with one branch per 5000 inhabitants, with international standards, a tradition of banking secrecy and competitive interest rates. Furthermore, Lebanon has 557 money transfer outlets, of which 437 are Western Union branches, and 120 Money Gram.

Furthermore, the Lebanese diaspora plays a large role in influencing economic growth and development in Lebanon. Not only do remittances significantly enhance the economic status of many Lebanese who have family members in the diaspora, but they also play a key role in promoting and maintaining stability in the Lebanese economy.

Remittances are transferred through both formal and informal channels. However, the past few years have seen a vast increase in the number of remittances arriving in Lebanon through the informal cash carry and hawala systems (Tabar, 2010:16), a system that has been explained (Hertlein and Vadean, 2006:1):

In this system, middlemen, so-called Hawaladars, residing in both source and recipient countries use a code to communicate a sum of money, which is then given to the payee in the country of origin, without the money being transferred. Instead of payments being made between both Hawaladars, the account is usually settled through other means of compensation. For migrants and their relatives back home, this method is advantageous for two reasons. First, it allows for an immediate transfer of funds to the home country without having to register the transaction officially. Unregistered channels are often pursued, either because undocumented immigrants generally do not have access to banks, or because many developing countries lack nationwide banking networks, making it difficult to transfer money to outlying areas.

Despite the flows of remittances can be useful to a developing country, there is also some criticism towards them. Researchers claim that that the

actual benefit of remittances is questionable, since most goes towards household consumption rather than solid investment. This is confirmed by a study conducted by Ghobril (2004, quoted in Tabar, 2010:17) that asserts that “remittances make up a large percentage of household savings, a massive 88 percent, and almost 22 percent of household income”. In the private sphere, “the majority are used on a personal level - for goods, education, health care – a significantly smaller part is set aside for investments, and an even smaller part for savings, bonds, and job creation” (2010:17).

Moreover, increased income from remittances decreases willingness to participate in labor force and to save as individuals with migrant relatives could easily change their spending habits, moving from low-income to a middle-income status. This income distribution may provide a sense of unfairness to other families, giving rise to more migration. The danger of dependency on remittances comes into play here. If a family becomes dependent on a large flow of remittances, it is quite possible that the low-paying jobs offered in the country of origin would not appeal to citizens anymore, causing chaos in the labor market of the internal economy (Hertlein and Vadean: 2006). This partly explains why many Lebanese abstain from performing menial jobs, and Arab and Asian migrant workers are predominantly found in this sector of the economy.

In conclusion, despite the lack of studies about remittances in Lebanon, the volume of emigration outflow and remittances inflow clearly played a

fundamental role in the development of the country. Besides, the regional and international situation of Lebanon is a “pull” factor that continues to “polarize” the Lebanese, especially the young and educated.

1.4. A receiving country

As seen in the previous section, the political as well as economic instability of Lebanon generated a strong emigration. Nevertheless, as the war ended, the country witnessed a strong immigration as well, becoming a country with “a special migration pattern” (ESCWA, 2007, quoted in Tabar, 2010:9).

Before 1990, Armenian and Palestinian refugees, but also migrants from a variety of ethnic minorities in the neighboring countries (mainly Syria and Iraq), came to Lebanon in considerable numbers.

After the end of the civil war, the country of cedars started to accept substantial flows of migrants that were both from Arab countries and non-Arab countries. Tabar (2010:9) claims that “migrants and refugees from countries such as Iraq, Syria, Sri Lanka, the Philippines and Ethiopia have come to Lebanon in substantial numbers, causing what the Lebanese government usually considers a ‘burden’ on the labor market”.

To understand the place of migrants in the labour market, it must be remembered that Lebanon is a multi-confessional republic, characterized by a power-sharing sectarian structure determining the political system,

all parties, sects and that communities are represented in order to maintain the stability of Lebanon's fragile sectarian balance.

The inflow of migrants into Lebanon, therefore, must be seen in line with the concerns of the Lebanese government and public opinion to maintain a balance between all the different religious, social and political groups.

One of the recurrent issues in Lebanese politics is the absorption of the Palestinian population, who if naturalized, would alter the sectarian make-up of the country. As a result, policies applied to Palestinians, including restricting their access to the labour market, in turn apply to other migrants in Lebanon. Therefore, the process through which one must analyze the treatment of migrants in the country of cedars, starts with studying the Palestinian experience, affecting nation-building, demographics, the sectarian balance, and consequently the legal framework concerning migrant groups.

1.4.1. Legal and political aspects of migration in Lebanon

Considering the evolution of Lebanon from a sending to a receiving country, it is important to examine Lebanon's general legal framework regarding migrants.

First, it should be remembered that Lebanon has not ratified the Geneva Convention relating to the Status of Refugees of 1951 or its Protocol of 1967. In addition, it has not been adopted any domestic legislation that would clarify the status of refugees or of asylum seekers.

The reasons behind the refusal of ratifying the Refugee Convention can be identified into the “unresolved issue of finding a long-term solution for Palestinian refugees, public opposition to the integration of refugees and what Lebanon deems ‘a lack of resources’” (IOM, 2010: 102)

Second, Lebanon is no party to the International Convention on the Rights of Migrant Workers. The reason is uncertain, but according to several scholars (IOM, 2010), Lebanon emphasizes its peculiarity of being a “transit country” for migrants and refugees who will then be resettled elsewhere (IOM, 2010). Since it did not ratify the Convention, Lebanon has no obligations in reporting to any international body its treatment of migrant workers.

Still, although Lebanon is a non-party to the 1951 Convention and its 1967 protocol, its constitution clearly states that it is “committed to provide basic temporary protection to individuals with well-founded fears of persecution” (Jagarnathsingh, 2018:18).

The preamble of the Lebanese constitution describes Lebanon as “a founding and active member of the United Nations Organization” that abides by the 1948 Universal Declaration of Human Rights, that states in the 14th Article that ‘everyone has the right to seek and to enjoy in other countries asylum from persecution’.

Furthermore, “Lebanon is bound by international treaties to which it is a party to provide basic temporary protection to asylum seekers and

refugees, notably without imposed time limits or discriminations based on nationality or ethnicity” (Jagarnathsingh, 2018:19).

There are no legal texts or specific laws related to and addressing the protection of the rights of migrant workers in Lebanon. However, there are some provisions in the constitution and civil and labour laws which – in principle – apply to migrant workers such as due process rights, freedom of religion, conscience and expression, free education and property ownership (Hilal et al., 2008). The Labour Code of 1946, the main labour law of Lebanon, does not exclude nonnationals.

Jagarnathsingh (2018, 25) reports that decree no. 17561 regulates foreign labour in Lebanon and that “it adopts three principles restricting foreigners’ right to work in Lebanon” (2018: 25).

First, the Lebanese government adopts the principle of preference of nationals, allowing foreigners to work in those professions that are not eligible for Lebanese, proving the existence of a degree of ethnicization in the labour market, as mentioned in the introduction. For example, Syrians generally are constrained to work in three sectors: construction, agriculture, and environment (Jagarnathsingh, 2018: 25).

The second principle concerns the need of foreigners to obtain a work permit: in other words, foreign workers that require to enter Lebanon must “obtain pre-approval from the Ministry of Labour before entering the Lebanese territories, allowing for a temporary residency permit (2018,25).

Third, it “incorporates the principle of reciprocity, mutually allowing foreigners and locals from two respective states to enjoy the same rights and privileges in each other’s country” (2018, 25).

However, it must be said that in the case of domestic workers, who are predominantly composed by foreign workers, the Lebanese Labour Law exclude them, and therefore they do not enjoy protection.

For them, Lebanon, as well as many Middle East countries, operates versions of the kafala (‘sponsorship’) system, which “is comprised of various customary practices, administrative regulations, and legal requirements” (KAFA, 2012) and is implemented by the General Directorate for General Security.

The system of kafala, which will be further explored in the third chapter in relation to the vulnerability of these workers, stipulates that any employer who desires to hire foreign labour in Lebanon is required to pay, per foreign employee, a one-time \$ 1,000 bond as a “registration of sponsorship” to the Central Housing Loan Bank. This leaves migrant workers highly dependent on their employers, with potentially negative repercussions for the migrant workers themselves.

1.4.2. The Palestinian case and its consequences

According to an ILO report (2015: 30) that quotes registration data conducted by the UNRWA, in 2010, it was estimated that there were a total Palestinian refugee population in Lebanon of 453,840 , but these

numbers exclude significant emigration of Palestinians from the country, especially in the 1980s and 1990s. Therefore, the actual Palestinian refugee population in the country can be evaluated of 280,000 in 2010 corresponding to the 6.4 per cent of Lebanon's population, of whom an estimated 206,360 were of working age (ILO, 2015a: 30).

The overall profile of the Palestinian labour force in Lebanon is generally like that of the Lebanese. Still, there are key features that distinguish Palestinians in the Lebanese labour market and the International Labour Organization describes them in its report.

First, Palestinians are geographically concentrated with around 60 per cent living in 12 camps in and around major cities and the remaining 40 per cent residing in urban locations near refugee camps for the most part (ILO,2015a: 32-33).

Secondly, education among Palestinians is lower than among the Lebanese. Moreover, Palestinians tend to start work at a younger age, earlier than their Lebanese counterparts, perhaps as a result of higher rates of poverty.

Not surprisingly, women tend to participate less in the labour market, due to cultural biases as well as family responsibilities (ILO, 2015a: 32-33).

In terms of ethnicization, while about half of employed Palestinians are concentrated in commerce and construction, about half of the Lebanese workforce is involved in services (including transportation and financial services) and about 30 per cent in commerce. In other words,

there is a certain degree of activity segregation of Palestinians in the private sector and almost none employed in the public sector (ILO, 2015a: 32-33).

Like most employment in Lebanon, the Palestinian one is strongly informal: less than 6 per cent benefit from health insurance; only about 26 per cent receive paid sick leave; 1.6 per cent receive pension benefits and 1.1 per cent receive end of service indemnity.

Palestinians have been and remain subject to restrictions and discrimination. Despite some improvement in 2010 when a large number of restrictions was removed, still they cannot perform several professions – for instance, medicine, engineering and law- legislation in 2010 largely removed restrictions on employment in many areas of the economy previously prohibited (ILO, 2015: 32-33). Moreover, the consequences of the tension between the two population are still visible: the wages are lower and a lack of benefits and social security remains.

1.4.5. The Syrian workers

Besides the Palestinian issue, Lebanon's geographical location at the border with Syria determined a significant and unregulated immigration of mainly low-skilled Syrian workers into the Lebanese labour market over the past several decades.

Even before the onset of the civil war in Syria, it was believed that there were around 300,000 Syrian workers, the majority of which were

employed in the agriculture sector, in the construction one and in the services.

Furthermore, after the beginning of the Syrian civil strife, there has been added a deluge of Syrian refugees fleeing the civil war since 2011. The United Nations High Commission for Refugees (UNHCR) had, by mid-2014, registered more than 1 million Syrian refugees in Lebanon, with tens of thousands of others awaiting registration (ILO, 2015a: 34). Indeed, Lebanon is characterized by the highest concentration of refugees per capita in the world, with a refugee every four or five people, an impressive number that weighs on the economy and infrastructure of the country. This unprecedented number of refugees, combined with internal political and economic challenges, has contributed to increased instability. Refugees are competing with Lebanese for jobs, access to public services and infrastructure and this situation threatens the country's delicate sectarian balance, political stability, and regional peace and security.

Despite the evolution of the recent events, Lebanon and Syria have always shared historical, social and political relations, economic and cultural issues and, even today, there are clear signs of the effects that the Syrian crisis is having in the country of the cedars.

The very birth of Lebanon is the result of a resulting process from its separation from the "Great Syria" (Bilād As-Shām) in 1926.

Other international agreements, notably between Syria and Lebanon, rationalizing an open border policy between the two countries after the end of the Lebanese Civil War, include three bilateral treaties facilitating the free movement of goods and people, the freedom to reside, work, and practice economic activity, and the right for nationals from both countries to enjoy the other state's treatment, rights, and obligations in compliance with prevailing national laws and regulations.

Until 2015, these bilateral agreements³ governed Syrian nationals' presence, as well as their access to the labour market in Lebanon, facilitating a long history of migration and circulation, characterized by an 'uncharacteristically free' labour market between Syria and Lebanon (Chalcraft, 2009).

This was the case until 2015 as explained by Kobaissy (2016: 33):

With the growing number of Syrian refugees and workers, both right- and left-wing trade unions called on the Lebanese government and the Ministry of Labor to intervene in order to put an end to the 'competition' between Lebanese and foreign workers and to protect the Lebanese workers. This anti-migration discourse represents a strategy for governing labor and shapes the nationalist premise of the labor unions. In 2015, the government imposed visa requirements on Syrian nationals for the first time in Lebanon–Syria history, which drastically limited the Syrian inflow migration. This policy was preceded by

³ Together with the 1992 Treaty of Brotherhood, Cooperation and Coordination governing foreign policy between Lebanon and Syria and the 1993 Agreement for Economic and Social Cooperation and Coordination, that was developed to regulate Lebanese-Syrian relations during the period of Syrian occupation

a Ministry of Labor decree that limited the work that can be done by Syrians to three sectors: agriculture, cleaning, and construction.

1.5. The characteristics of the labour market in Lebanon

This section aims to describe the characteristics of the Lebanese labour market to fully assess the background of the domestic workers.

The absence of “decent work” is not a recent phenomenon in Lebanon, as already before the Syrian crisis, labour market conditions were already difficult as high unemployment rates coexisted with skills mismatch in the labour market and a strong prevalence of low-quality and low-productivity jobs. The massive addition of hundreds of thousands of largely low-skilled Syrian workers is exacerbating an already delicate situation.

From a macroeconomic point of view, the ILO report (2015) analyzes the Lebanese economy prior to the Syrian crisis and the impact that this had on it.

The World Bank indicators demonstrate that the decade after the civil war saw rather “rapid growth in domestic output”, because of the process of reconstruction (ILO, 2015a: 8). After 2010, “the estimated macroeconomic growth is considerably slower than the average for the two post-war decades”, as “once the process of reconstruction was well under way, growth rates began to recede” (2015a, 10).

The ILO report implies that the reconstruction phase of the Lebanese development process was characterized by the fact that “output rose

faster than employment” (ILO, 2015: 11) and it was like this until the beginning of the new millennium, which marked a change in worker productivity as it turned negative, that is to say that “output grew more slowly than the level of employment”⁴ (2015a, 11).

In other terms, the Lebanese economy has been growing but without creating enough jobs, particularly for women and youth. The absence of a development plan for the economy, which fosters the economic activities needed to create value-added jobs, is the reason for Lebanon’s poor economic performance. An UNDP (2013) report estimates that the new jobs that are created every year were 5000, while the number of new entrants to the labour market reached 32000 in 2013.

Besides the low levels of job creation, the labour market is also affected by a large size of the informal sector, which is largely invisible. The World Bank (2011) estimates the level of informality to be 36,4%.

The high rate of labour migration also affects the market. Most of the immigrant workers are unskilled, working in low-productivity economic activities as house – maids, construction workers, car repair staff or fuel station attendants.

The informality of the labour market as well as inadequate regulatory frameworks for migrants led significant numbers and portions of each population to face working conditions characterized by low wages,

⁴ This trend temporarily reversed after the war of 2006 against Israel, but average productivity growth once again turned negative after 2010.

relatively long working hours, irregularity of work availability (seasonality), no formal contracts, no health, retirement or other benefits and, too often, hazardous job conditions. Even before the Syrian refugee crisis one of the main issues facing the Lebanese labour market was the low quality of work, itself a result of the laissez faire approach to immigration and labour market management on the part of the Government.

Chapter 2: An overview of domestic workers

2.1. Features of female migration: the case of domestic workers

“The experience of female migrants differs from that of men from the moment they decide to migrate” (Global Migration Group, 2010).

For centuries, the duty of providing for themselves and their families was associated to men as they were considered the “breadwinners”. Therefore, also migration has always been considered a “male phenomenon” and few studies have been made on the role of women, as migration theories in the 1960s and in the 1970s assumed that “most migrants were male, and that women were merely wives and dependents who followed their husbands” (Caritas International, 2008: 1). Even though women were always present in the migration flows (as wives, daughters or dependents), since the 1980s, there has been an increasing number of women who migrate autonomously, as the role of “breadwinner” no longer just applies to men, as “in both rich and poor countries fewer families can solely rely on a male breadwinner” (2008, 2).

In this scenario, the term “feminization of migration” has become commonly used to indicate the difference between the female migration of the earlier period that saw women migrating to join their husbands or other male family members abroad, and the current female migration when women’s purpose is to seek jobs of their own, either to provide for themselves or their families.

The criteria by which women migrated are examined by Ehrenreich and Hochschild (2003).

First, they outlined the role of globalization in what they called a “worldwide gender revolution”. Since the end of World War II, in both wealthy and poor countries, there have been fewer and fewer households, who were able to depend on just one “male breadwinner”, so women have started to emerge to fill the difference, leaving an open question: who is going to be responsible for the caring of the children, the sick and the elderly? Who will make dinner and clean house? Women in poor countries, then, have an incentive to migrate and replace first world women in their domestic role. Ehrenreich and Hochschild called this process ‘care deficit’, which has emerged in wealthier countries as more women entered the workforce.

Patterns of international migration vary from region to region, but it has been noticed that in many countries women migrants outnumber men, and sometimes even by a wide margin, as it can be seen in the case of Filipino migrants composed for over a half by women or the women percentage (84%) that constitutes the number of Sri Lankan in the Middle East (Ehrenreich, & Hochschild, 2003).

Indeed, by 1993 statistics, Sri Lankan women vastly outnumbered Sri Lankan men as migrant workers who had left for Saudi Arabia, Kuwait, Lebanon, Oman, Bahrain, Jordan, and Qatar, as well as to all countries of the Far East, Africa, and Asia.

About half of the migrants leaving Mexico, India, Korea, Malaysia, Cyprus, and Swaziland to work elsewhere are also women. Throughout the 1990s women outnumbered men among migrants to the United States, Canada, Sweden, the United Kingdom, Argentina, and Israel.

Most women, like men, migrate from the south to the north and from poor countries to rich ones. Typically, migrants go to the nearest comparatively rich country, preferably one whose language they speak or whose religion and culture they share. There are four regional or cross-regional flows that stand out.

One goes from Southeast Asia to the oil-rich Middle and Far East—from Bangladesh, Indonesia, the Philippines, and Sri Lanka to Lebanon, Bahrain, Oman, Kuwait, Saudi Arabia, Hong Kong, Malaysia, and Singapore.

Another stream of migration goes from the former Soviet bloc to western Europe—from Russia, Romania, Bulgaria, and Albania to Scandinavia, Germany, France, Spain, Portugal, and England.

A third goes from south to north in the Americas, including the stream from Mexico to the United States, which scholars say is the longest-running labor migration in the world. A fourth stream moves from Africa to various parts of Europe. France receives many female migrants from Morocco, Tunisia, and Algeria. Italy receives female workers from Ethiopia, Eritrea, and Cape Verde.

2.1.1. Migrant domestic workers

Migrant domestic workers have recently received more attention in terms of migration theories, but even the media have started to focus on them to denounce their treatment in many countries.

This group of migrants is particularly interesting as they “lie at the intersection of two larger groups: ‘migrant workers’, who are persons engaged in a remunerated activity outside the State of their nationality; and ‘domestic workers’, who are persons who perform work within an employment relationship in other people’s private homes. A typical migrant domestic worker is usually a woman, who migrates from her country of nationality to work in a private house.

Credible estimates by the International Labour Organization (ILO), based on data from 117 countries, suggest that the size of the domestic work sector is large and growing: estimations suggest that there are at least 52.6 million men and women employed as domestic workers across the world in 2010, accounting for 3.6 percent of global wage employment, as reported by scholars (Jayasuria and Opeskin, 2015: 104). This indicates that, not only a consistent increase on the number of domestic workers, but also that there is “a growing share of domestic workers as a percentage of total employment” (2015:104).

2.1.2. The need for domestic workers

First, in many countries around the world, Lebanon included, the absence of resources as well as of certain facilities, for example, decent day care centers for children and respectable retirement homes for the elderly, creates a demand for domestic workers (ILO, 2016: 8).

Second, the governments of some sending countries actively encourage women to migrate in search of domestic jobs, reasoning that migrant women are more likely than their male counterparts to send their hard-earned wages to their families rather than spending the money on themselves (Denissen, 2015: 56). In general, women send home from half to nearly all of what they earn. These remittances have a significant impact on the lives of children, parents, siblings, and wider networks of kin.

Why does this transfer of women's traditional services from poor to rich parts of the world take place? Women in Western countries have increasingly taken on paid work, and hence need others—paid domestics and caretakers for children and elderly people—to replace them. For their part, women in poor countries have an obvious incentive to migrate: relative and absolute poverty.

Domestic workers provide a critical caregiving function for families in Lebanon. Demographic shifts and changes in gender roles and working patterns in Lebanon have brought about an increasing need for quality, accessible and affordable homecare.

Rapid declines in fertility, mortality and morbidity have resulted in a sharp growth in the working-age population and a rise in the population of persons aged 65 and above. At the same time, there is an overall rise in labour force participation, including women, in the country, meaning many more families have two working parents.

In the absence of comprehensive, integrated social care and welfare systems, women migrant domestic workers play a critical role in supplementing the care needs of many households in Lebanon, especially those with young children, the elderly, the sick and disabled (ILO, 2016 and IOM, 2018).

The survey findings conducted by the ILO confirm that one of the main reasons to hire a domestic worker is because family members work full-time (31.4 per cent). When examining this finding by gender, 31.7 per cent of the 1,019 female participants reported that they hire a full-time worker because they work full-time, whereas a quarter (24.9 per cent) of the 181 male participants reported that they do so because their spouse works full-time. Further, the findings confirm the increasing trend of hiring migrant domestic workers to provide skilled help to an aging or ill member in a Lebanese family. One fifth of respondents (20.3 per cent) reported that they hire a live-in worker to take care of an elderly person in the house and one-fifth (19.5 per cent) reported doing so to take care of a family member with an illness or disability.

Most women who decide to migrate are professionals and committed career-oriented women in their home countries. Due to the lack of opportunities in their country of origin, they choose to devalue their qualifications, out of necessity, in order to enter the labour force and migrate. The reality is that by doing so, they often lose the opportunity to improve their own lives, whether it be through further education or career paths; a phenomenon known by many authors as brain drain (Caritas, 2008, 9; Ehrenreich and Hochschild, 2003)

In addition to this, another phenomenon that occurs is care drain; where women who normally care for the young, the old, and the sick in their own poor countries end up moving to care for the young, the old, and the sick in rich countries (Ehrenreich and Hochschild, 2003)

2.2. A Brief History of Domestic Service in the Region

As specified in the first chapter, Lebanon is host to a large migrant population including refugees, asylum-seekers, as well as both legal and illegal workers. This section will provide a brief description of the pre-civil war context and the domestic work within the region, with reference to Lebanon. Drawing mainly on Jureidini's work, the role of the civil war and

the effects it had on patterns of domestic work within the country will be discussed.

Before the civil war, women from other nationalities worked as domestic workers, such as Syrians or Kurdish, Palestinians, who often came from the refugee camps within Lebanon, and Egyptians (Jureidini, 2009).

The outbreak of the war transformed dramatically the status quo, as many Egyptians left, Palestinians were reluctant to work, and Lebanese were unwilling to employ locals. It was thought that bringing Arab women into their households after such a period of hostility was an enormous and unnecessary risk (Pande, 2013).

In addition, the increasing disinclination of Lebanese women to undertake certain jobs culminated in the entrance of Asians in the labour market mainly from Ethiopia, Sri Lanka and the Philippines (Jureidini, 2011).

Meanwhile in the Gulf countries, the sudden oil boom led to an increase in the hiring of foreign workers, which was later replicated in Lebanon. According to Jureidini and Moukarbel (2004, quoted in Kuzbari, 2018: 6-7), the combination of the civil war in Lebanon and the sudden oil boom in the neighboring Gulf led to an increase in demand for domestic workers from abroad, which was gradual at first but increased drastically after hostilities ceased in 1990.

Moreover, the cheaper price and the fact that they usually work for longer hours marked the permanent switch to domestic workers from African and Asian countries (Jureidini, 2011). Eventually, it became shameful for local Lebanese and Arab women to work as maids (even those who might be classified as poor), as it became associated with the notion that a woman would never find a husband and marry if she were employed as one (Jureidini, 2009 quoted in Kuzbari, 2018: 7).

2.3. The background of the exporting countries

The results of an ILO report of 2016 show that the largest proportion of migrant domestic workers, the 42,1 per cent, come from Ethiopia, even though the Ethiopian government has placed a ban prohibiting its citizens from travelling to work in Lebanon. Following the Ethiopians, the largest groups are from Bangladesh⁵ (26.8 per cent), and Philippines (11,5), another country that has placed a ban to prevent its citizens from travelling to Lebanon for work. Only a small proportion of migrant domestic workers are from Sri Lanka (5.2 per cent), Nepal (3.1 per cent), and Indonesia (1.2 per cent). Migrant workers in the other nationality category are from African countries, mainly Kenya, Togo, and Ghana. Most domestic workers hired in Lebanese households (76.4 per cent) are young women in their twenties.

⁵ Studies suggest that many Lebanese employers choose to recruit Bangladeshi workers as they are the least expensive to recruit and work for the lowest monthly salary.

2.4.1. The Ethiopian case

The influx of Ethiopian domestic workers in Lebanon can be dated back to 1989 (Beydoun,2006), but in the past years it has been increasing at “unprecedented rate” as outlined by Beydoun (2006:1), who reported that “almost daily a steady stream of young girls queue at the check in of Addis Ababa international airport - destined for the Middle East”.

According to the data of the World Bank, Ethiopia is one of the poorest and most underdeveloped country of the world. The country covers an area of over 1.1 million km and its population is estimated to be of 65 million inhabitants, the second largest population of the Sub - Saharan Africa. It is also estimated that more than 85% of the population, composed mainly by women and children, lives in rural areas in very basic conditions (Beydoun,2006: 10).

In this scenario, Fernandez (2010) pointed out that migration is “an important strategy to cope with the multiple crises of recurrent famines, conflicts with neighboring states, political repression, and high unemployment that many Ethiopians have experienced over the past few decades”.

Since Ethiopian population is currently already experiencing a series of economic difficulties, it is evident that the low level of income and education, especially among women, make these difficulties even worse for them (Beydoun,2006: 10).

Moreover, because of a historical and deep-rooted unequal status and patriarchal structure of the Ethiopian society, women have been overwhelmingly susceptible to cheap and unprotected labor. The result is an unparalleled interest and practice of seeking jobs in nearby Middle East countries through both legal and illegal means.

In terms of the issue of trafficking, Beydoun (2006) identifies in poverty, a lack of viable employment alternatives, and desperation the reasons for the establishment of “a fertile ground for traffickers' exploitation of despondent Ethiopian women”.

As mentioned above, Ethiopian domestic workers compose only a portion of the different nationalities that come to Lebanon to work in the sector.

For those who follow a scale of preference for nationalities of domestic workers, it is an unfortunate opinion that Ethiopian women are not the first choice, because they are considered less clean and less intelligent than women from other nationalities (De Regt 2009).

As Beydoun (2006) states:

Lebanon's divided racial and sectarian landscape, combined with its political instability, makes it a most troubling destination for Ethiopian domestic workers...these workers exist at an extremely dangerous sociopolitical intersection in Lebanese society, as black, female, foreign and illegal.

As a result of the perception of “blackness”, Ethiopian domestic workers face more discrimination and consequent mistreatment when being employed as domestic workers in Lebanon.

The Ethiopian government has begun to take greater efforts to stop the mistreatment of their women after the media and human rights organizations brought these issues to global attention, despite staying silent for so long due to the economic gain exporting human labor brings (Beydoun 2006:1019).

2.4.2. The Sri- Lankan case

In the previous section, the history of domestic service in Lebanon was presented, underlining the progressive switch of Lebanese households that used to employ local and foreign Arab women. It was not mentioned, however, that it was mostly the Kurdish refugee women that worked as domestic workers from the 1920s so that the term “Kurdiyeh” (a Kurdish woman) became a euphemism for ‘domestic worker’. This term was recently substituted by the term Sirilankiyeh (a Sri Lankan woman), as most of the domestic workers in Lebanon are, indeed, from Sri Lanka (Jureidini,2006).

The Sri-Lankan case is unique under different aspects. First, compared to other Asian countries and as previously mentioned, Sri Lanka is the only country in which there is a highest share of female who leave for overseas employment.

Second, since most Sri Lankan contract workers are engaged in unskilled and low paid jobs, their average yearly remittances are by far the lowest of all labour exporting countries in Asia. Although the remittance calculated as a percentage of the total of export goods is not as important in Sri Lanka as in Bangladesh or Pakistan, it should be noted that after the remittances, foreign labor has become the country's second most important source of foreign currency.

Despite the strong lack of evidence and documentation on domestic service in Lebanon, it is estimated that the major influx began in the late 1970, because of the deterioration of the economy and a crisis in security, which “encouraged Arab domestic workers (mostly from Syria and Egypt) to leave Lebanon, thus creating a gap which was rapidly filled by cheaper Asian migrant labour, particularly from Sri Lanka” (Abu Habib, 1998).

Sri Lankan women, and to a much lesser extent Sri Lankan men, were the first to come through illegal or semi- legal channels, typically involving employment agencies in Lebanon and Sri Lanka, brokers, and middlemen, including government officials.

This migration was tacitly encouraged by the government of Sri Lanka; as for most 'sending' countries, migrant labour plays a significant role in the economy, including offsetting the external debt-service payment, because of foreign exchange remittances.

In fact, migration simultaneously produces dependence for both the sending state and for the individual involved. Many people's food,

education, health care, and even lives back home depend on the hard work of these migrant women. An overwhelming majority are married and have left their children in the care of their immediate families, in-laws, or other relatives. A wide circle of relatives often depends on the remittances of the domestic workers.

2.4.3. The experience of the Philippines

In recent decades, the Philippines has become a major source of labor migrants for many countries around the world and, perhaps, the country represents “the prototype of a labor exporting nation” (Semyonov & Gorodzeisky, 2004: 6). Labor migration from the Philippines can be understood, in the first place, as a result of high unemployment and poor economic conditions coupled with high fertility rates, an unstable political situation, and slow economic and industrial development (Go, 1998, quoted in Semyonov & Gorodzeisky, 2004: 9).

The first official policy that the government enacted to combat the severe domestic unemployment dated back to 1974. The export of Filipino migrant labor was – and still is- beneficial not only from the social utility because it reduces poverty, but also because it was a source of foreign currency (Abrera – Mangahas, 1998, quoted in Semyonov & Gorodzeisky, 2004: 9). Several studies demonstrate that overseas workers have become an important source of financial support to the families in the Philippines and to the Filipino economy.

Throughout the decades, the number of overseas contract workers from the Philippines has grown rapidly. According to Go (quoted in Semyonov & Gorodzeisky, 2004: 9), “during the 1979 - 1985 period, the number of overseas Filipino contract workers was estimated to be 380,000 per sons” and it was mostly a male phenomenon, as in 1975 the women constituted only the 10 percent of the migrant workers recorded⁶. “In the 1990 - 1995 period, the estimate reached 3.8 million persons and the upward trend continues. In fact, it has been argued that in the two decades between 1975 and 1995, about 8 million Filipinos found employment in more than 100 different countries”.

In this period female migration grew considerably:

by 1987, the women constituted the 47 percent of the overseas workers, and in 1995 more than half of the Filipino overseas workers were, in fact, women. Most of the migrant women are employed as domestic helpers, caretakers, and entertainers. Most of the men find employment in manual as well as service occupations (Go, 1998 quoted in Semyonov & Gorodzeisky, 2004).

The variety of the jobs that most Filipino workers can undertake depends mostly on the demand of the country of destination. To make some example, the period of the oil boom during the 1970 saw a growth of the demand for manual – both skilled and unskilled – jobs in the oil-producing

⁶ Men migrated mostly to the oil – producing countries of the Middle East, where they worked as manual workers as well as skilled technicians (Semyonov & Gorodzeisky: 2004)

countries of the Middle East. On the other hand, North America has provided opportunities for workers in domestic services, caretaking and nursing. In Hong Kong, demand is mostly for female domestic help, and, in Japan, most Filipino workers are employed as (female) entertainers (Mani, 1996; Go, 1998; Tyner, 1994 quoted in Semyonov & Gorodzeisky, 2004: 9). Despite the variety of jobs held by Filipino overseas contract workers, some have suggested that, in general, labor migrants from the Philippines are relegated to what they call "3D jobs": Dirty, Dangerous, and Demanding. That is, Filipino labor migrants are used in the host society to fill low-paying, undesirable jobs and occupations which the local population is unwilling to take.

2.5. Categories of domestic workers in Lebanon

Foreign female domestic workers in Lebanon can be distinguished into three different categories with different living and working conditions, namely: "live-ins", "freelancers" and "runaways".

First, live-in workers normally reside within the sponsors/employer's household, for a period of three years and they are usually brought through an agency or by a sponsor directly. The sponsor oversees all the financial costs (for instance, working papers, health insurance, clothing and food, as well as the airfare to return to her home country upon completion of the employment).

According to Jureidini (2004), live-in workers face the most difficult conditions as they are “on call 24 hours a day, and conflicts can arise more frequently when living like this.”

The employer can (and usually does, as proved by several studies) “control and limit her freedom of movement her contact with others, including her family, the quantity and quality of her food, her hours of sleep and so on” (Jureidini,2004)

Moreover, one of the main burdens that domestic workers have to confront is the withdrawal of their passport and other papers, which make impossible for the women to leave the country. The employer is responsible for renewing the work and residency papers as well as her medical insurance each year. If the permits expire, they would be staying in Lebanon illegally and, if caught by General Security or the police, can be imprisoned (‘detained’) and deported at a later stage.

Domestic workers are not allowed to change employers, unless the employer agrees, and the Lebanese authorities allow for a "release" to take place. Transfer of employers is illegal and can only take place now under special ‘amnesties. She is also obliged to finish her contract even if she no longer desires to work. Confiscation of the passport and withholding of wages are means to ensure this. The employer who has acquired the services of an agency has the luxury of changing his mind and changing maids within the first three months of the contract. This is the agency's "guarantee". Theoretically, the maid can request a change

as well, but according to interviews with domestic workers and agencies this rarely occurs.

Another category of domestic workers is composed by the so-called "freelancers", whose living and working conditions, according to Jureidini (2004) are much less controlled.

The main difference is that they live on their own (either renting or staying in a room in exchange for services rendered) and work on an hourly basis (around \$4-5 per hour) for various employers. They have the freedom to withdraw their services as they wish.

Some freelancers entered Lebanon on live-in contracts. However, at the end of their contracts, they decided to remain in Lebanon and to be in control of their own labor. Others came initially to work as freelancers, using the name of a sponsor who had agreed in return for a fee not to be their employer.

To remain within the law, the freelancer must have a sponsor. Some Lebanese men have taken advantage of this as a prosperous business, charging up to US\$1,200 to act as sponsor for an individual migrant worker. There have been several cases where this sponsorship money has been taken, but no papers arranged, and the passport not returned. According to Jureidini (2004), none of these men has been prosecuted. It is important to note that in most cases, the freelancer cannot prove that she had given money to get her papers regularized as these "acting sponsors" rarely give receipts. In such cases, the migrant is

usually too scared to go to the police because of her illegal status and the risk of arrest and deportation. Moreover, they generally do not have access to legal representation.

The last category is composed by the "runaways", who are former live-ins who have decided for various reasons - mainly abuse and the withholding of payment - to leave the house of their employer. They take refuge in embassies, NGOs or with compatriots who are living independently. Lebanon does have a law on Codes and Obligations of Contracts. As soon as she leaves her sponsor, the domestic worker is automatically rendered an illegal alien. The employer usually notifies General Security immediately because he/she is responsible for the employee if her yearly residency and work permits are valid. The runaway is left with two choices: she either returns home or finds a new sponsor. In the first option, she must succeed in retrieving her passport from her employer (who sometimes "sells" it to her) or she must get a laissez-passer from her embassy to leave the country. In the second option, a release to work for someone else needs to be purchased.

It may be said that live-in and runaway migrant workers are "unfree labour" in the sense that they do not have the right to choose an employer without express permission from the state authorities. Nor do they have the right to withdraw their labour from their sponsor/employer without being rendered illegal and thus liable to arrest, imprisonment and deportation. By contrast, while freelancers are bonded to a formal

sponsor, they may be considered more as free labour and so are much less vulnerable to abuse and exploitation by employers and agencies.

Being formally tied to a sponsor/employer is a standard condition of temporary foreign labour in most countries. It applies to both skilled and unskilled labour. Thus, temporary foreign labour is perhaps by definition "unfree" in terms of the local labour markets of receiving countries.

Chapter 3: The vulnerability of domestic workers

The purpose of this chapter is to explore the link between human trafficking and migrant domestic labour in the context of Lebanon, by describing the system of sponsorship that controls the labour migration of domestic workers.

It has recently been noticed that there might be a pattern of human trafficking in the migration of domestic service in Lebanon as several reports from organization confirm: for example, in 2010, Human Rights Watch (2010) recognized that migrant domestic workers in Lebanon may be victims of trafficking. The Pastoral Committee on Pastoral Care of Afro-Asian Migrant Workers (PCAAM) reported that private employment agencies were trafficking in domestic workers. In 2008, the UN Committee on the Elimination of Discrimination Against Women (the CEDAW Committee) expressed concern that women have been trafficked for the purpose of forced domestic labor in Lebanon, and in 2008 the CEDAW Committee encouraged Lebanon's government to prosecute such traffickers. In 2006, Sigma Huda, the UN Special Rapporteur on Trafficking concluded that Lebanon has a significant problem of trafficking in persons that affects foreign women recruited as domestic workers. In 2004, Caritas Migrant Center in Lebanon established a special unit dedicated to trafficking in its legal department that primarily serves migrant domestic workers (Hamill, 2011: 8).

Despite the recognition of a possible pattern of human trafficking by these organization, experts prefer not to address the situation of domestic workers in Lebanon through this perspective.

First, the definition of trafficking does not apply to all the cases of labor exploitation and abuse of migrant domestic workers fall under the definition of trafficking. Besides, some experts “contend that trafficking places undue emphasis on the recruitment process as opposed to the exploitation suffered on the receiving end” (Hamill, 2011: 9).

The purpose of this chapter is to understand if Lebanon can be considered as a destination country for human trafficking. In international law, in case of conflict between the domestic law and international treaties, the latter should supersede, and Lebanon signed and ratified the UN Trafficking Protocol in 2005 as well as other relevant international labor and human rights treaties. Even if it has not ratified the ILO Convention No. 189, Lebanese is still obliged to refrain from actions, that might conduct to human rights violations.

In turn, relevant international legal obligations are supposed to determine Lebanon’s duties relating to the treatment of migrant domestic workers. Even with improved labor protections, however, migrant domestic workers will remain vulnerable to trafficking throughout the course of the work and migration cycle in Lebanon

3.1. Definition of forced labour and trafficking

The ILO Convention concerning Forced or Compulsory Labour (1930) defines in its second article “forced labour” as “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” (ILO Convention No. 29 on forced labour, 1930).

The different elements that can lead to situation of forced labour include restrictions of movement and or confinement to the workplace or to a limited area; retention of passport and identity papers so that the worker cannot leave or prove her identity and status; withholding of wages or refusal of payment; bonded labour; threat of physical or sexual violence, threat of denunciation to the authorities (ILO, 2005: 20).

The primary source of international law on human trafficking is the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children of 2000.

The concept of trafficking is explained in the Article 3 of the Protocol:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of

sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

In other words, human trafficking occurs when a perpetrator, often referred to as a trafficker, takes any one of the enumerated actions (recruitment, transportation, transfer, harboring, or receipt of persons), and then employs the means of force, fraud, coercion, deception, abuse of power or of a position of vulnerability for the purpose of exploiting the victim to provide commercial sex acts or labor or services.

These elements illustrate why the terms trafficking and forced labour can apply to the domestic workers' situation in Lebanon, as it will be seen in the following section.

3.2. The sponsorship system

Migrant domestic workers in Lebanon fall under the sponsorship system, also known as "Kafala". This system finds its roots in the Bedouin principle of hospitality, which sets obligations and rules in the treatment and protection of foreign guests (Hegg quoted in Harroff-Tavel and Khan, 2011: 294). Despite the initial nobility of the principle, today, this system is denounced for being "a system of structural dependence" (Harroff-Tavel and Khan, 2011: 294) between the employer and the employee and the primary reason for the vulnerability of this category of workers.

Although originally considered a customary norm, “the de facto application of kafala gave it in time the strength of an enforceable law” (Haddad, 2015 quoted in Hendow and Mansour, 2018: 451). As pointed out also by the human rights lawyer, Kathleen Hamill, who conducted interviews with several legal experts “the sponsorship system is not a legal system rooted in one specific law” (2011: 25). Indeed, some of these legal provisions may be found in the 1962 Foreigner’s Law (for instance, article 36 prohibits anyone from living in Lebanon with an expired residence visa unless there is an acceptable excuse), the 1949 Labor Law, the 1932 General Contractual Obligations Law, and the Lebanese Penal Code.

As exercised in Lebanon, the sponsorship system links the legal status of domestic workers to that of her employer. In this way, the “kafala” allows the government to delegate its authority and its responsibility for matters related to the presence of foreigners in the country (Hamill, 2011: 27) to an individual, who, consequently, becomes a supervisor of the migrant’s residence.

On the ground that domestic workers are perceived as “workers in the private sphere” more than in the public one, it is not the Ministry of Labour responsible for managing their employment, but the Ministry of Internal Affairs. Thus, domestic workers are excluded from national labour law (Harroff-Tavel and Khan, 2011: 297). Thereby, the system achieves two objectives: first, it meets the demand for labour and, secondly, it ensures

that these workers remain only as temporary residents in the country (2011: 297), in line with Lebanese migration policies.

It should not come as a surprise, therefore, that the structure of this system has a consisting role in the increase of the risk for domestic workers of getting caught up in potential situations of abuse, as it strongly restricts the domestic workers' freedom of movement, their channels of communication, their independence and freedoms.

For example, when a migrant domestic worker wishes to end her contract and move to another employer for any reasons that includes a better opportunity in terms of wage and living conditions, but, more importantly, in cases of abuse and exploitation, she must always receive the approval of her current employer, who paradoxically may even be the responsible of the abusive conditions. If she escapes, she would potentially jeopardize her legal status in the country, because by losing the official sponsor, then she would also lose her legal status, and, therefore, she would risk the arrest, the detention and the deportation (Hendow and Mansour, 2018: 451).

Hence, the perception of the domestic work as a private matter is resolved as Kafala gives the employer the primary power and authority over the status of migrant workers, without involving the state. (2018: 451).

When a foreign worker first applies for employment in Lebanon, she must take several steps. The process of migration begins with

Lebanon's Ministry of Labor, which must deliver a preliminary work authorization to potential migrant domestic workers.

After receiving this preliminary approval, the Lebanon's Interior Ministry the Lebanon's Interior General Directorate for General Security ("General Security"), the government agency responsible for monitoring the entry, residence, and departure of all foreigners, including foreign workers regulates the assignment of the entry visas (Hamill, 2012: 11). According to Kathleen Hamill (2011: 27), this explains why problems relating to migrant domestic workers are often perceived by authorities through a security framework: migrant domestic workers are not treated and recognized as potential victim of human trafficking, human rights or labor rights abuses and in many cases, they are more likely to be considered as "security threats".

As in most countries throughout the world, there is a close link in Lebanon between government authorization for "purposes of employment" and government authorization for "purposes of residence". The interrelation is, therefore, not surprising as it is not possible for a migrant domestic worker to enter the country without a valid employment permission. Likewise, workers are not allowed to work in the country without a valid residence permission (Hamill, 2012: 12). This interrelation is not generally problematic, but as noted by Hamill "employer-tied residence permits pose problems in the context of Lebanon, because the

government is turning a blind eye to routine and widespread abuse” (2012:13).

As indicated before, the sponsorship system has a specific role in the creation of situation of abuse and exploitation because it creates a very high level of dependency. For instance, there are societal norms, which are commonly accepted, despite their violation of human rights: these include keeping workers’ passports, confining them to the household, or withholding wages as an insurance measure for the money spent in the recruiting (2012: 15).

Indeed, as it will be explained in the next section, the sponsorship system is linked to the recruitment process, which despite being a lucrative business, also includes considerable costs (such as transportation, visas, government processing fees, etc). The recruitment process and the kafala system are, under this perspective, interrelated because the expensive fees payed by many employers may be the underlying motivation for them to take drastic actions to ensure that the worker does not become a “runaway”.

By the same token, the system creates a situation of power imbalance. Migrant domestic workers have very little negotiating power, when they raise requests related to their working and living condition (Hamill, 2012: 18). Common complaints by migrant domestic workers include delayed or non-payment of salaries, excess workload, overtime expectations, untreated medical and dental needs, limitations on free

movement, restrictions on communications with friends and family, confiscation of passports, and violence. Domestic workers can resign from their jobs under the three extreme circumstances mentioned in the Standard Unified Contract (Article 16): nonpayment of wages for three consecutive months or more; physical or sexual abuse if medically certified; and/or 3) employment in a capacity other than domestic work without consent (2012: 16). Yet, these circumstances are difficult to prove, and many workers feel trapped.

The combination of dependency and power imbalance can potentially lead to situations that can be compared to slavery. There has been a growing recognition that immigration sponsorship systems in the region contribute to domestic servitude, slavery-like conditions, and human trafficking. In 2010, Human Rights Watch, for example, warned, “governments in the Middle East should reform the current sponsorship system”. When employers have near-total control over migrants' ability to change jobs, and sometimes to leave the country, workers can get trapped in exploitative situations in which they are forced to work without wages, get beaten or face other abuses.”

3.3. The process of recruitment

The treatment of migrant domestic workers and the sponsorship system in Lebanon are heavily influenced by the recruitment agencies

that play a significant role in the creation of a situation of vulnerability for these workers.

As Pande (2013: 422) observes, a “migration under a sponsorship system inherently builds in a relationship of dependency between the migrant worker and her sponsor”.

This relationship starts in the country of origin, where the women are recruited by formal recruitment agencies or formal brokers. Countries with a long tradition of labour migration, namely Ethiopia, Sri Lanka and Philippines, employ local agencies that take care of all the process. Many private agencies allow the employer “to choose a worker based on nothing more than a photograph and a brief description, such as age, marital status, and nationality” (Moukarbel: 2009).

According to Hamill (2011: 33), the recruitment process represents the first step of deception and it occurs at various stages.

First, local recruiters do not tell migrant domestic workers about the concrete consequences of having their immigration status tied to one individual employer in Lebanon. During the recruitment phase of the migration cycle, domestic workers are rarely informed about the extent of the vulnerabilities that the sponsorship system can create for them in practice. In addition, recruiters do not inform migrant workers about common employment practices in Lebanon such as the confiscation of their passports and identity documents, the restriction on their

communications, and the lack of credible and accessible redress in case of maltreatment or abuse.

Second, the deception includes the actual living and working conditions. According to a survey conducted by KAFA in 2013 and 2014 and in which they interviewed 100 women in the first one and 65 in the second one (in both cases, the women were from Nepal and Bangladesh), these women are deceived in many circumstances: for example, 6% of those surveyed believed they would have performed another job. This is probably a consequence of the fact that most of them did not understand the contract at all. The majority also declared the wage that were promised were higher. The same approach of misinformation, or the lack of it, applies to working hours and conditions.

The mentioned surveys and the conducted by Kathleen Hamill (2011: 34) also focus on the general lack of information about the working hours and conditions. About 84% of the surveyed were not informed about the working hours, 78% did not receive any information about weekly days off, while 64% did not possess any information about the employer's household composition, and 61% did not know whether they would be able to communicate with their families (KAFA, 2014: 2).

Moreover, another problem that migrant women must face is the sum of money that she has to pay to the agency in the sending country (depending on the country, the amount goes from \$ 1000 to \$ 3000). If they cannot pay the agency fee, they have "sign away the first 3 month's

salary or both”. Moreover, as Pande (2013: 422) remarks, “whatever be the form of intermediary, migrant women always end up paying a substantial amount of money as recruitment fee”.

3.3.1. Main features of labour recruiting in Lebanon

To prevent abuse practices, understanding the business model that pushes private sector firms to engage in forced labour practices can have become a common approach.

According to an ILO report of 2015 that studied the industry model in Jordan and Lebanon, the labour recruitment is characterized by five features that shape the way labour recruiters commonly operate in Lebanon.

First, the recruitment business is mainly developed in recruiting domestic workers. Based on some of the interviews conducted by the ILO, even if it is mentioned that recruiters work even for other sectors, including hospitality, and construction, it is undeniable that domestic work recruitment “constitutes the bulk of the industry in these countries” (2015b: 15).

Secondly, it has been noticed that these enterprises tend to be small, with no more than five members, while “the major multinational recruitment agencies are not present in the domestic work recruitment sector” (2015b: 15).

Third, recruiters are specialized in the international recruitment and placement of migrant domestic workers in private households. Indeed, the study conducted by the International Labour Organization (2015b:15) does not report any recruitment of a Lebanese for a domestic work position.

Fourth, most employers prefer to use the paid services of a recruiter when seeking to employ migrant domestic workers, rather than doing so independently (2015b: 15).

Fifth, migrant domestic workers recruited by labour recruiters are employed by the householder and not by the recruiter. This is because recruiters cannot legally act as a Kafala sponsor; instead recruiters receive a temporary power of attorney from the employer, which enables them to recruit migrant domestic workers (2015b: 15).

3.3.2. Competitive strategies for recruiting

The first competitive strategy employed by recruiters involves the selection of origin countries from which to recruit domestic workers. Lebanese recruiters focused on a wide range of origin countries including Bangladesh, Nepal, Sri Lanka (Asia), and from Burkina Faso, Cameroon, Ethiopia, Ghana, Kenya, Madagascar, and Togo (Africa) (ILO, 2015b: 16). There are some explanations that need to be highlighted in terms of this strategy.

First, selecting a country of origin gives recruiters access to a labour supply of potential domestic workers. In order to attract clients, recruiters must have available a large and attractive selection of candidates from which clients can make their selection. In Lebanon, the imposition of 'recruitment bans' by many countries of origin has left recruiters with a large shortfall in satisfying client demands for domestic workers. Several studies have shown that the bans do not prevent the recruitment from those countries as migrant domestic workers come to Lebanon through "indirect and often circuitous routes" (Hamill, 2011: 35). However, it can slow down the process as organizing recruitment becomes more difficult and expensive. Hamill reports (2011:35) that the per-capita recruitment costs have nearly tripled for some countries as a result of the bans.

Secondly, according to some recruiters interviewed, householders often prefer hiring domestic workers of specific nationalities.

Third, the choice of origin country also influences the cost of recruitment, which is correlated with the level of fees that recruiters in Lebanon charge their clients. What they charge employers for recruitment in turn influences their ability to attract new clients. In other words, if fees are too expensive by potential clients, recruiters are likely to lose business; being able to offer cheap fees to employers is a competitive advantage. Employer fees and recruitment costs vary for a variety of reasons including the cost of flights and the fees charged by 'counterpart'

recruiters in the country of origin. For example, according to the ILO report (2015b: 17), in Lebanon, for a domestic worker from Philippines, the fee charged to the employer is between 2500 dollars and 4000 dollars; for a domestic worker from Sri Lanka, the fee is of 3000 dollars; for an Ethiopian worker, the fee is between 1900 and 2300 dollars.

Lebanese women differ in their preferences when choosing an appropriate housemaid so the profile must be detailed and include name, age, marital status and prior overseas and domestic employment experience. For example, on one side young women are preferred by many madams because they are easier to “be taught from scratch”, while on the other side, there are madams who “prefer the maid to be old and unattractive, hence able to control her sexual desires” (Kuzbari: 2018, 12). Others still prefer women who already have children of their own since that means they will be tender with their children as well.

Recruiters also ask clients if she/he prefers a nationality, age, or marital status, for a woman from a rural or urban area, and whether the client would prefer their domestic worker to have received any formal education. As said in the second chapter, Filipinas are deemed to be better educated, are literate in English, and have more prestige in the domestic service sector (Jureidini, 2002: 5).

Recruiters also reported discussing domestic worker nationalities at some length with their clients; presenting their knowledge about attributes that, according to them, are associated with nationalities.

Recruiters advise their clients which nationalities are likely to be able to learn Arabic, be obedient, run away or steal, and which nationalities are the most reliable and honest.

Recruiters also advise their clients about which nationality of domestic worker to hire based on what the client can afford. As a Lebanese respondent put it: “If they have financial constraints, it will have to be a Bangladeshi domestic worker” (ILO, 2015b: 17). In other words, if a recruiter perceives that the client does not have much money, they will advise her/him to recruit their domestic worker from Bangladesh which costs less than recruiting from other countries.

3.4. Is Lebanon a destination country for human trafficking?

The following section will address several issues that live-in workers must face in their experience as domestic workers in Lebanon.

3.4.1. Contractual and non-contractual employment relations

In terms of contractual security, there is a legal demand for employers and employees to “sign some type of contract when work and residency permits are applied for” (Jureidini, 2002: 7), however, “it is unclear whether the existence or non-existence of a contract makes any difference to actual work conditions” (2002: 7).

In a study on the conditions of Sri Lankan women in Lebanon, Jureidini found out that 71 per cent of them “did not sign a contract in Sri

Lanka or in Lebanon” (Jureidini and Moukarbel, 2004: 584). As already mentioned, there is an obligation of signing a contract drawn up by a Lebanese notary public, when registering the employment of a foreign domestic employee for work and residency permits in Lebanon. Yet, the problem of these contracts is that they are only written in Arabic and, even if translated (usually in English and not in the native language of the workers), women are unlikely to understand the details and few employees would concern themselves with the details of the contracts.

According to Jureidini, in many cases, the workers are even unaware that they are signing a contract. In terms of the content of this contract, the obligations and the duties of the employer are not specified, while the responsibilities of the employee are well indicated (2004: 584).

The length of contracts varies between one year and a maximum of three years. By law, at the end of the contract, the employer is obliged to furnish the employee with an airline ticket to her home country.

Although there is no clear estimation of numbers, many women work illegally without a contract and valid work and residency permits. There are cases in which a “live-in” worker is rendered illegal, because the employer does not renew the papers and pay the taxes required. In these cases, Jureidini (2002: 7) reports that “employers have been known to falsely accuse the employee of theft in order to relinquish responsibility for the employee as well as the back taxes and the airline ticket home”. However, it must be noted that, in recent times, “the Lebanese

government instituted a \$1000 bond on registration of sponsorship, with the intent of cover such contingencies” (2002: 7).

Despite the efforts made by several human rights lawyers to convince the foreign workers to seek justice for the violations of the contracts, most of the workers have refused, because of their unawareness of their rights or because they believe that their cases would be difficult to prove (2002: 7). Instead, according to Jureidini (2002), “they choose to either leave the country to put their traumatic experiences behind them or risk the possibilities of finding other employment to recoup their losses before eventually returning home”.

3.4.2. Remuneration

In Lebanon, there is a status hierarchy in the labour market for foreign domestic workers. On one side, as pointed out before in terms of recruitment, Filipinas are deemed superior, because of their better education and ability of speaking in English. Moreover, they are believed to be “cleaner, more efficient and more trustworthy” (Jureidini and Moukarbel, 2004: 590). On the other side, Sri Lankan women usually come from “poor rural areas and have little or no education or experience with items such as household electrical appliance” (2004:590). Therefore, depending on the country of origin, domestic workers receive different wages, so, it is not possible to indicate a standard monthly rate: Filipinas tend to gain between US\$ 200 and US\$ 350, if they live in the household,

while Sri Lankans and Ethiopians tend to gain between US\$ 100 and US\$ 150 (Jureidini, 2002: 8).

Freelancers are the major earners, as they can reach also \$500 per month or more. Nevertheless, they face two disadvantages: first, if they do not want to risk working illegally, they must pay the cost of the annual work permit and, secondly, they must pay for their own accommodation and living expenses (2002: 8).

Non-payment of wages is one of the most frequent complaints reported by Sri Lankan domestic workers (Human Rights Watch, 2007: 44). Most of the domestic workers with whom Human Rights Watch spoke were paid monthly salaries that were between US\$17 and \$107 lower than the agreed-upon wages, receiving wages that were as much as 50 percent lower than the contracted wage. Domestic workers reported that their employers in Lebanon paid US\$100 per month instead of their stipulated salary of US\$125-150.

3.4.3. Hours of work and free time

According to Human Rights Watch (2007), a typical day of a domestic worker is usually characterized by work without the possibility of a break as her duties include “sweeping, vacuuming, mopping, dusting, cleaning multiple bathrooms, washing the exterior of the house, cleaning the yard, and washing windows; cooking three meals a day; preparing snacks for family members on demand; washing and ironing the entire

household's laundry; caring for multiple children, including providing care for infants, escorting children to and from school, feeding them, bathing them, and putting them to sleep; caring for elderly, sick, or disabled family members; and washing family cars" (2007: 61-62).

Both the Human Rights Watch report and Jureidini's survey of 70 Sri Lankan women document that women typically work between the 16 and 18 hours per day, seven days a week without any day off or possibility of resting. In addition, it was noted that many are "on-call" for 24 hours per day. For example, some women must cook and clean late at night when visitors are over, or nurse children and assist elderly people throughout the night. One of the consequences of the long hours of work is the sleep deprivation, as often domestic workers "worked without a single day of rest, sometimes for years at a time" (2007: 62). In the Human Rights Watch report, a woman, who worked in Lebanon for one and a half years, declared that she had no day off the whole time.

In addition to the lack of holidays, many domestic workers must work all day without time to rest. In the Human Rights Watch report, a woman denounced that her employers did not even allow her to sit as she was supposed to stand all the time (2007: 63).

3.4.4. Treatment by employers

While many foreign workers testify to have received decent respectful treatment and have grown to like their employers, there are

those women who report such problems as wages being withheld; verbal, physical and sexual abuse; confinement to the household and food restriction (Jureidini, 2002: 9). Accurate numbers are not easily obtainable because of the employee's fear of repercussions for discussing such issues, the desire by the employer to maintain privacy within the home, and the agency's wish to avoid problems with the authorities.

In a survey of 500 domestic workers conducted in Sri Lanka by the University of Colombo, twenty-four women reported being sexually abused while working abroad. According to Nilmalka Fernando, President of the International Movement Against all Forms of Discrimination and Racism in Sri Lanka, it is especially difficult for Sri Lankan women to speak openly about sexual abuse due to the fear that their husbands, families, and wider community will blame them for such abuse (2004). Yet, many scholars suggest that although severe cases of physical abuse have been reported in the press, overall there is probably less abuse than commonly thought. In fact, the most serious abuse reported seems to have come from recruitment agency staff, rather than the employers.

Jureidini (2002: 9) notes that most of the physical abuses seem to occur during the first months of initial employment, due to the madam's attitude that wants to train the employee so that there will be no misunderstanding later.

To prove this point Jureidini quotes the example of a Sri Lankan woman around 30 years of age arrived to take up her position in a lower middle-

class household. As reported by the study, “the madam took two days leave from her full-time job to train her. Among other things, the madam put her into a bathtub and insisted on scrubbing her all over. The madam even trimmed her underarm hairs” (2002: 9-10).

3.4.5. Freedom of movement: confiscation of passports, forced confinement and restricted communication

Restriction of freedom of movement and communication with others is among the forms of control and domination that these women must face.

In both the surveys conducted by Human Rights Watch and by Ray Jureidini, all workers reported that their passports were confiscated the moment they arrive in the country and withheld until their departure from the country. In the Human Rights Watch’s report, a woman that worked for three different employers in Lebanon testified that all the employers took her passport and stated that “it is a system, not only for me. As soon as we arrive at the airport, the passport is taken by the employer and we do not see the passport again until the day we leave” (2007: 69).

Although the practice of confiscating is against all international convention, it is a standard normative procedure “condoned even by the foreign diplomats [...] as well as human rights lawyers, priests and the like” (Human Rights Watch, 2007: 69) as it is “generally accepted that the initial investment of the employer justifies this until such time that trust has

been established and there is a sense that the risk that the employee will abscond has been minimized” (2007: 69).

The Human Rights Watch’s report quotes two surveys that were conducted by the Caritas Lebanon Migrants Center and the American University in Cairo who demonstrate that Lebanese employers believe that it is their right to sequester the passports of the domestic workers. The confiscation of the passport is a practice not allowed by the Convention of the Protection of the Rights of All Migrant Workers and Members of their Families, as it states in the 21st article:

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

Lebanon, as well as Saudi Arabia, Kuwait, and United Arab Emirates, is not a party to the mentioned Convention. Yet, it is illegal to confiscate the passport “because generally a passport is the property of the issuing government (Sri Lanka, the Philippines, for example) and so it is not up to a Lebanese to confiscate it” (Human Rights Watch, 2007: 70), as stated by Joseph Aoun, a lawyer that works for Caritas Lebanon Migrants Center.

The confiscation of passport is not the only mean by which employers restrict the freedom of domestic workers. As recorded by the report of Human Rights Watch, many domestic workers were not allowed to “leave the household in which they worked for any reason other than to take out the trash” (2007: 70).

In the same report, women testified that they could not leave the house unless escorted by the employer or the driver. In several cases, the domestic workers were even locked inside when the employers went out. The report recorded even extreme cases in which the domestic workers were not able to open a window or a door. A woman interviewed for the report and who worked in Lebanon, Saudi Arabia and Kuwait declared that “[In Lebanon], I had no freedom to leave; day or night, when they went out, they locked the house and took the key with them, and I had to stay inside. Saudi Arabia was also similar. Kuwait, they did not lock the [the doors] because someone was always in the house if someone went out” (2007: 70).

Another form of control and domination is the restriction of the communication with family members, other domestic workers, labor agents, and their embassies (2007: 72). Based on interviews with many domestic workers, Human Rights Watch denounced that many of them were not able of making and receiving telephone calls or of writing and receiving letters. There are cases in which women could not contact their families even for the most serious reason, such as the Indian Ocean

tsunami in December 2004, when they wanted to learn whether their relatives had survived. In extreme cases, domestic workers reported that they did not have the permission to read newspapers, listen to the radio, or watch television. Some employers monitored and censored the mail that domestic workers sent or received (2007: 73).

The reason behind such an abuse is that, by restricting the possibility of communication, employers would limit the likelihood of their leaving before they had completed their two- to three-year contract period.

3.4.6. Denial of returning home: the 2006 war

Domestic workers are subjected even to another abuse: the prohibition of returning home, which, in most cases, is the consequence of a combination of several abuse, from the forced confinement to the confiscation of passports. Human Rights Watch interviewed several Sri Lankan domestic workers that were unable to leave not only after the disastrous tsunami of 2004, but even during the armed conflict in Lebanon in 2006, a prohibition that had severe consequences as proved by several interviews.

Since many employers refused to return their passport or allow them to return to their countries to escape the war of July 2006, many domestic workers were forced to run away from their employers without their passport, without money or personal possessions. As documented by the Human Rights Watch report, the International Organization for

Migration (IOM) helped to evacuate 5,381 Sri Lankan migrants over 93 percent of whom were women migrant workers (2007: 73). In a press briefing held on the 8th of August 2006, the IOM declared that “at least half of those being helped are escaping without their papers or salaries from employers who don't want to let them go. Many more are still trying to get away” (IOM, 2006).

3.5. Access to justice

The right of access to justice in Lebanon is recognized to any person, whether Lebanese or of another nationality. Therefore, a foreign domestic worker, victim of a violation of Lebanese law may file a complaint before the prosecutor, the judge in offense-related matters or to the police in cases of flagrante delicto (ILO, 2014: 46).

Article 7 of the Lebanese Codes of Criminal and Civil Procedure recognizes to any person, natural or legal, Lebanese or foreign, the right of access to justice regardless of race, origin or nationality. This is in line with Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, which guarantees the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the right to equal treatment before and all other organs administering justice.

One of the key elements in terms of access to justice is the right to fair trial. This trial must be framed by principles, which apply without

discrimination based on nationality and that establish some basic rules that must prevent “the proceedings from becoming arbitrary, especially in cases involving a foreign worker against a Lebanese employer” (ILO, 2014:47).

The first guiding rule is that “both parties must be heard so that nobody may be judged without having been heard or summoned, and that the parties should notify each other in a timely manner of the facts on which they base their allegations” (2014:48).

The second guiding principle is the right to defense. The parties may defend themselves, except in cases where representation is compulsory, or choose their lawyer (2014: 48).

The third principle focuses on the judge’s impartiality. In civil proceedings, “the judge has the power to order the legally admissible investigative measures and the parties have an obligation to cooperate. The criminal judge has the obligation to examine the prosecution and the defense” (2014:48).

The analysis of Lebanese justice system reveals that every worker in Lebanon, whether legal or illegal, has the unconditional right to resort to the court. In the case of domestic workers, however, this principle of equitable justice is weakened because there are several gaps in the laws for the protection of this category, namely the exclusion of the domestic workers from the “scope of application” of Article 7 of the Lebanese Labour Code.

The exclusion does not mean that they cannot resort to civil courts for settling disputes related to the employment contract. However, according to an analysis of cases conducted by the Caritas Lebanese Migrant Center and the organization of Human Rights Watch, the ability of seeking and obtaining justice in the civil courts is limited (ILO, 2014 and Human Rights Watch, 2010).

In 2009, it was introduced by the Lebanese Ministry of Labor a compulsory standard contract that delineates some of the terms and conditions that every employer must sign and agree with the domestic worker. The introduction of the contract represents an important step towards the protection of these workers as it outlines the responsibilities of the employers and of the workers: the payment of salary on a monthly basis with receipts of payment, the provision of a day of rest each week, the acquisition of health insurance for employees, the restriction of the maximum number of daily working hours (Human Rights Watch, 2010: 17).

Despite this “improvement” in the legislation for domestic workers, the Lebanese authorities have so far not put in place any mechanism to enforce the contract, as denounced by Human Rights Watch (2010: 17) who conducted an interview with officials at the Philippines embassy in 2010, finding out that the complaints sent to the Ministry of Labor about violations to the contract remain unanswered. In addition to the inability of the Lebanese government to enforce the contract, there are some unclear

issues in the same contract, which are outlined in the Human Rights Watch report (2010: 17):

for example, while it recognizes the MDW's right to a weekly day of rest, as well as annual holidays, the MDW's right to leave the house on her days off remains subject to employer consent. The standard contract also fails to address the issue of an employer confiscating MDWs' passports.

Moreover, one of the recurring issues for a domestic worker in Lebanon concerns the conditions under which a contract can be broken, which are extremely favorable for the employer, because of the sponsorship system. On one side, article 16 states that an employer can break the contract if the domestic worker "commits a mistake, acts negligently, commits an act of aggression against the employer, or endangers or harms the employer's interest or one of his family members." The article fails to provide a broader definition of what it may constitute a mistake or a reliant act. On the other side, article 17 outlines the conditions on which a migrant domestic worker can break a contract without being penalized, which includes violence, sexual harassment. These acts must be proved by medical reports or by police investigative reports. As it will be explored in the following section, one of the problems faced by domestic workers is the isolation (especially those who are sexually harassed) and they lack the possibility of denouncing the violence to a forensic doctor. Furthermore, the standard contract does not

allow a domestic worker to break the contract in the event of other types of mistreatment by her employer, such as food deprivation, verbal abuse, a workload that exceeds limits set in the contract, or sexual harassment that does not amount to physical assault.

3.5.1. Abuses against domestic workers

The previous section investigated the different abuses faced by domestic workers in Lebanon. In this part, it will be examined how the Lebanese legal and regulatory system handles allegations of abuse from domestic workers.

One of the most common problems faced by the migrant domestic workers in Lebanon is the non – payment or delayed payment of wages. According to an interview conducted by Human Rights Watch to a Malagasy domestic worker, who is also an activist, “eighty percent of problems are salary-related” (2010: 20). This is confirmed also by officials at the Ethiopian consulate and the Philippines embassy. As documented by Nayla Moukarbel’s research study, when asking to “ran away” the reason behind their decision to escape the employer, the lack of salary is mentioned in 73% of the interviews (2009: 182).

In the report conducted by the ILO in collaboration with the Caritas Lebanon Migrants Center, 141 involved workers (out of 730 interviewed for the study) claimed that they were victims of nonpayment of wages (ILO, 2014: 50).

Human Rights Watch interviewed officials at embassies to understand why employers withhold the wages of migrant domestic workers and the most common justification was that employers feared that the “worker will leave them to seek other opportunities if they pay their salary on time” (2010:21).

There are several obstacles that make difficult for a domestic worker to claim the unpaid wage.

First, Lebanon lacks not only an institution that offers mediation services but also a national code of conduct for mediators (ILO, 2014: 50).

Secondly, under the kafala system (which implies that a domestic worker who fled the home of his employer may be subject to administrative detention), the strong power given to the employer allows him to be in a better position to negotiate and reduce the rights of the worker. The high percentage of cases settled amicably, not only in cases of non-payment of wages, but also in cases of physical abuse, suggests that domestic workers are quickly discouraged from filing a legal complaint.

Under Lebanon’s code of civil procedure, the domestic workers, who want to file a claim for unpaid wages, must hire a lawyer and pay court fees, both of which are expensive, especially if considered that the amounts of money claimed by the workers are generally very low (Human Rights Watch, 2010: 33). Because of the required costs, it is very rare that migrant workers file a complaint, as documented by Human Rights Watch, which reported that only one out of the 114 cases they reviewed, saw a

migrant domestic worker filing a claim against the employer before the First Instance Civil Court. Yet, as specified in the report, it was an exceptional case as the worker was claiming \$ 7000, an exceptional amount considered the very low wages.

For these reasons, lawyers started to file complaints to the Labour Court, which is more convenient as “there are no court or filing fees”. Despite not being covered by the Labour Code, a law of 1980 expands the Labour Court’s jurisdiction “to any conflict that emanates from a relationship that fits the definition of work” (Human Rights Watch, 2010: 33-34), included domestic workers’ situations. Yet, as reported by the Caritas (quoted in Human Rights Watch, 2010: 34), there are cases in which the labour courts declare that they do not have any jurisdiction on the cases filed by domestic workers.

To obtain compensation in cases of non-payment of wages, activist and lawyers argue “that there was a breach of trust on the part of the employer, who intentionally withheld or misappropriated the workers’ salaries” (ILO, 2014: 52) and fill a claim before a criminal court, who is deemed to be convenient because “migrant domestic workers can obtain damages, and employers are likely to be more responsive to a case where they could face a prison sentence” (Human Rights Watch, 2010: 36). Despite Lebanese criminal courts often declare that a violation such as the non-payment of wages is only subject to civil law and thus cannot be qualified as a breach of trust, this argument was successful in some

cases. For example, in the case of Jamila Berro vs. A.K. et D.R., it was stated that, by virtue of Articles 670-673 of the Criminal Code, the employer had committed a breach of trust regarding the payment of wages of the domestic worker recruited, as stated on the contract of employment; the judge ordered the employer to pay an amount corresponding to the unpaid wages of 22 months in addition to 9% on the total amount of such wages as compensation to the domestic worker.

Since 2005, Caritas Migrants, which provides free legal representation, has won at least four cases before the criminal court when migrant domestic workers claimed unpaid wages based on article 670.

Chapter 4: Cooperating out of isolation

The past two decades saw the emergence of two broad themes in the literature on migrant domestic work.

The first one focuses on the “gendered and racialized dimensions of the migration of women and the transfer of care from the global south to the global north”, (Pande, 2012: 385) as explained in the second chapter. In the Arab world, scholarship on migrant domestic work is still an “understudied topic”, which concentrates mainly on the vulnerability of the workers in terms of working and living conditions, which were the focus of the previous chapter. Migrant domestic workers gain more attention in Lebanon because of the terrible situation that workers face daily, as documented by the media, reports by NGOs like Human Rights Watch, Caritas, the ILO, and other national organizations.

In her research study, Pande does not deny the usefulness of the approach taken by many scholars (Jureidini, 2002, 2004, 2009; Hamill, 2011, 2012), who draw the attention on the slavery conditions and the violation of human rights, but she also criticizes the disadvantages of “placing the issue” only in these terms. Indeed, as she affirms, “the demand for the extension of human rights to MDWs on the basis of their overarching vulnerability delimits the political potential of workers to resist exploitation and abuses, form alliances, and fight for their own rights” (Pande, 2012: 385). In other words, concentrating only on the vulnerability

of these workers and on their claim for more rights can undermine and conceal the efforts made by the workers themselves.

The second broad theme in the literature of migrant domestic workers has highlighted the “everyday coping mechanisms, like foot dragging, chicanery, mockery, and cajolery, deployed by women in their negotiations with their (mostly female) employers” (Adams 2000; Gamburd 2000; Gill 1994; Lan 2000, 2003a, 2003b; Palmer 1989; Parreñas 2001; Rollins 1985 quoted in Mansour-Ille and Hindow, 2018). The usual conclusion of these studies on individual acts of resistances is that these acts, albeit powerful, seldom transform structures of subordination.

A more recent scholarship on domestic workers’ collective organizations explored the “efforts and triumphs of domestic workers’ unions in making collective and organized demands for improved working and living conditions”. Nevertheless, these studies focus on the United Kingdom, Europe, and North America, and/or on countries with a long history of organized, collective action by workers. In general, the most visible migrant worker NGOs tend to be Filipina migrant worker groups, which is not surprising given the Philippines’ long history as a sending country as well as having a strong record of trade unionism (Lyons, 2007 quoted in Mansour-Ille and Hindow, 2018). Despite these nascent efforts to build domestic workers’ unions, organizing women working in fragmented

workplaces, with few avenues for interaction with each other, remains a daunting task for most countries.

Despite the lack of studies in Lebanon on the subject, recent years saw an increasing connection between domestic workers, which also appear in literature, which defines the different forms and levels of resistance of workers in Lebanon, including what Pande (2012: 5) referred to as “illegal collectives” constituting a “meso-level resistance” or “strategic acts that cannot be classified as either private and individual or as organized collective action.”

Based on fieldwork conducted in Lebanon between 2008 and 2010 by Amrita Pande (2012) and the one conducted in 2016 by Dina Mansour-Ille and Maegan Hendow, this chapter argues that migrant domestic workers have evolved from a state of spatial, legal, and social exclusion to one of individual resistance characterized by dyadic or sporadic forms of resistance into a semi-organized collective publicly and actively calling for change and resistance.

The previous chapter explored the traumatic experiences and consequences of domestic workers during the 2006 war against Israel. After having conducted several interviews with activist workers, Mansour-Ille and Hendow (2018: 459) argue that, due to these experiences, “the 2006 war as a sort of wake-up call regarding their shared vulnerability and common causes”.

The workers, indeed, realized that “they could have died, and no one would have ever known” as “no NGO, agency, embassy, or anyone helped us during the war” (2018: 459). Therefore, the need for connection and communication arose from these experiences as it demonstrated their vulnerability and isolation, especially in an extreme situation, but also their shared concerns and power as a community, pushed domestic workers in Lebanon to connect and engage with each other, beyond the confines of balconies, in the years following the crisis.

4.1. From marginal places to places of resistance

In the previous chapter, it was noticed that one of the first issue of domestic workers is the restricted mobility. The reasons for this restriction will be explored in the following paragraphs.

As several scholars argue (Moors et al, 2009: 182), “the limited freedom of movement of migrant domestic workers needs to be seen within established patterns of gendered access to public space in some Gulf states”. Yet, it would be inaccurate to reduce this issue by simply motivating it with local norms of gender segregation, especially in Lebanon.

The main reason for preventing domestic workers to leave the household is that it would endanger the employers’ control over them. For example, they may encounter “unknown others” (that is, unknown to employers), who may influence their domestic workers. Moreover, “they

fear that the latter may be attracted to, or fall prey to ‘the wrong company’, who may tempt or force them to engage in sexual relations or to allow them into the house in their employers’ absence” ((Moors et al, 2009: 182). Some employers consider any contacts domestics have outside of the family of employment as potentially threatening because these can be a source of knowledge (about wage levels, other forms of employment and so on) and may function as support networks that ultimately encourage and enable them either to ask for more pay and other benefits or to leave their jobs altogether.

The limited freedom of movement cannot be attributed only to employers’ decision, as it would be “misleading”. In Lebanon, these workers must deal even with “increased and unusually aggressive harassment because of their race, nationality, and presumed vulnerability as transient workers with little support structure” (Pande, 2012: 391). Moreover, domestic workers are denied access to several places, as, for example, even some cafés and restaurants allow the entrance of them only when accompanied by their employers. In addition to these forbidden places, they are not allowed to swim in the resort pools and encouraged to not venture near the pool area (North, 2009, quoted in Pande, 2012: 391).

In general, there’s a systemic tendency to assign marginal public places to domestic workers. In Pande’s fieldwork study (2012), which focused on the two main city of Lebanon – namely Beirut and Tripoli –

she found out that “even the leisure activity deemed appropriate by employers—the act of attending Sunday service—is assigned to churches reserved for non-Lebanese ethnic groups” (2012: 391). To prove this point, she considers the difference between two churches in a neighborhood of Beirut: while Lebanese attend Mass in the Catholic Church for Lebanese, which is set in a magnificent sixteenth-century building, the Pentecostal church for Ethiopians is housed in the dirty basement (2012: 391). Likewise, Tripoli present a similar pattern: a small room behind a massive Catholic Church has been assigned to Filipina church-goers.

The reaction of migrant domestic workers to the social exclusion is particularly interesting as it creates a pattern in which the workers refuse to take “these marginal spaces as a disciplining and exclusionary tactic”, and, furthermore, they “challenge such spatial exclusion by using the exact spaces that they are excluded from as the bases for different levels of resistive activities” (2012: 391).

Several forms of resistance are developed within these spaces. the strategic dyads forged across balconies by the most restricted live-in workers, the small collectives formed outside ethnic churches by other live-in workers, and, finally, much larger worker collectives (that often-cross national borders) in rental apartments occupied by illegal freelancers and runaways.

4.1.1. Balcony talks

The kafala sponsorship system in Lebanon and in the Middle East, combined with their condition of “live-in” workers, determines a pattern of isolation, which makes their situation different compared to domestic workers in another region. Despite this, there are several enabling factors that facilitates their organization such as “geographical proximity, shared racial and cultural backgrounds, and the involvement of trade unions and NGOs acting as “incubators” for domestic worker organizations” (ILO, 2015c: 13).

Since parameters for interaction are restrictive, the importance of geographic proximity becomes particularly pertinent.

Balcony talks between domestic workers in Beirut represent the first step for migrant domestic workers to form a community as well as to identify the support structures, especially in case of extreme confinement (Hendow and Mansour-Ille, 2018: 454; Pande, 2012: 394).

First, as explained in the previous chapter, the recruitment agencies tend to give very little and inaccurate information about the country of destination, living conditions, job duties, and, most importantly, their rights. In this scenario, it is not surprising the importance that these women attribute to the “balcony talk” as it becomes a “critical source of information sharing” (Pande, 2012: 392).

Secondly, it “helps migrant domestic workers negotiate with employers by enabling them to share their experiences about issues such as days off,

contract terms and so on” (ILO, 2015c: 14). For example, in an interview conducted by Pande to an Ethiopian domestic worker, the latter explained how the balcony talks helped her negotiate two hours off every Sunday (Pande, 2012: 393):

I have a Srilanki friend, in the same building. She is not really my friend, but she is also on contract. We see each other on the balcony but we never got time to talk too long. She told me when she goes out to throw the bag (trash) and, yalla, I will too. So, we go out together and she says, “Your madam is not bad. Tell her you want to go on Sunday. Tell her you want to go for Ethiopian service.” In Addis I went to church but not too much. But Madam does not know that. I told Madam I need to go to church every Sunday, and she said ok!

Moreover, Pande’s interviews with domestic workers reveal that they perceive “balconies” as their own private space, from which they could converse with other workers living in apartments in adjacent buildings or with women walking on the streets below. For instance, Pande quotes the experience of Imee from the Philippines that created her own space where she can get more privacy and escape the surveillance of her employers (Pande, 2012: 392):

Whenever I get very mad at her [the employer] and want to hit back or shout back at her, I tell myself, get away from the kitchen. I slowly walk away to the balcony. She has also learnt this: When I walk to the balcony, she knows I am angry. She lets me alone for some time at least. Now when I am tired after a

day's work, she sometimes says kindly, "Why not take your tea and go out to your balcony?"

In extreme cases, balconies represent also the place of liberation. Indeed, it can be the place, where women arrange their escape, as proven by Pande's interview with two workers from the Philippines (2012: 393):

We used to talk, talk, talk over the wall. "How it is for you?" "How it is for you?" But it was not good, no phone, no Sunday off, not even salary every month. It is not right! So we started talking slowly. We lived not far from the embassy and that day we decided to leave. It was a Friday. We were on the second floor. She climbed out of her window and I from the balcony. We climbed out of the house with bed sheets. We climbed from the second to the first floor. From the first floor we jumped. On the street we met an African man and he helped us to get to the embassy. We left our papers, passport, everything behind. But we were out!

Another extreme case occurs when women commit suicide, and the balcony becomes the place of "last resort" (Hendow and Mansour-Ille, 2018: 455).

Suicides have been observed since June 2005, with numbers reaching a peak in 2010 (see HRW, 2008). Whether or not suicides evolved out of resistance and were meant as acts of last resort or desperation, they nonetheless have had a collective impact on attracting significant attention to the plight of migrant domestic workers in Lebanon. Some local NGOs noted to us that the rise of suicides among domestic

workers in Lebanon is predominately what motivated them to dedicate efforts and resources to their plight. As noted by the local NGO Kafa: “The main issue that prompted us to adopt the focus on migrant domestic workers in 2010 is the fact that 2010 was a year of a lot of suicide stories. Suicides were happening before, but for some reason they weren’t as visible prior to 2010.”

4.1.2. The role of churches

Apart from these private initiatives of resistance, domestic workers in Lebanon were able to self-organize and coordinate themselves to constitute “spaces of their own as forms of semi-private and public collective resistance” (Hendow and Mansour-Ille, 2018: 455).

Several scholars identify the church as one of the most popular sites where domestics gather, even if they have different religious backgrounds (Moors et al, 2009: 188). The importance of the churches for domestic workers can be deduced from the experience of Pande (2012), who attended the Service at the Pentecostal Church for Ethiopians.

First, she noticed that many women come to the church outside even one hour before the beginning of the service, and the atmosphere is described as a “carnival” one (Pande, 2012: 394):

Women are dressed up in boots, tight jeans, and colorful attire—finally able to shed their dowdy “maid” clothes or

uniforms. They gather in groups of three or four, talking and sharing ethnic food. Many use the service as an excuse to get some time off, and women can be seen walking off in pairs to shop, get their hair braided or simply unwind with their colleagues.

Secondly, the service, which is conducted by a former domestic worker called Vanessa, is a “moral lesson”, in which women are encouraged to be tolerant and respect their employers and avoid becoming illegal. At the same time, workers’ rights are explained and empathized, and Pastor Vanessa strengthens the importance of confronting any abuse instantly. These services have a significant role in the life of the workers, who often come from different cities, countries and backgrounds, but who shared the work status of domestic workers.

As the mentioned experience of the Ethiopian worker demonstrates, domestic maids can pretend to be religious to join meetings and gatherings in churches. Indeed, despite Pande’s remark that “these faith-based communities, albeit powerful, have one drawback— non-Christian MDWs often suffer because of the lack of such communities” (Pande, 2012: 395), according to Moors and other scholars these “meeting grounds for domestics churches are highly inclusive” (2009: 187):

For instance, at the al-Wardiye Church in Beirut, Buddhist women gather, some to touch the statues in the small grotto constructed in the courtyard outside. In the much larger

St. Frances Church on Hamra Street, Filipinas gather not only to celebrate Mass but also, at the back, to trade in small items such as clothing and homemade food, and to provide services such as manicures. In the front and to the side of this church Sri Lankan women gather and male photographers from West Africa offer their services. Other churches cater specifically to migrant domestic workers, such as the Ethiopian Orthodox church in Badaro, while Pentecostals, a group toward which some Ethiopian women seem to be turning, gather in a small church in Naba'a, where a Lebanese pastor leads the service with simultaneous translation into Amharic.

4.1.3. The دورية neighborhood

For irregular freelance workers, many of whom have run away from exploitative or abusive employers, the Dora neighborhood of Beirut also serves as an important hub for self-organization. Here domestic workers live and organize meetings in shared apartments, which, according to Pande (2012) resemble “formal unions.” Some of those collectives are even recognized by their respective consulates for their social work.

Such arrangements have been referred to by Kobaissy (2016) as spaces for “organizing the unorganized.” Meetings are often organized and led by domestic workers who have been in the country the longest and have a better understanding of the legal and social context. They also have practical knowledge of labor and deportation laws in Lebanon and have a wider and more established network. This knowledge is especially vital to irregular workers or those domestic workers contemplating running

away from abusive employers. In the context of our study, we refer to such domestic workers as community leaders and activist migrant domestic workers.

These activist workers soon became the focal points and the “go-to” persons for domestic workers belonging to the same ethnicity, nationality, and/or religion, creating hubs of informal gatherings aimed at resistance.

4.2. The role of NGOs in the self-organization of domestic workers

The role of NGOs in the self-organization of domestic workers in Lebanon cannot be ignored. Moors et al. (2009) explained that, since the 1980s, Lebanon has witnessed the evolution of church-related NGOs established to cater to the needs of domestic workers. These might have been the first enabling factors for the evolution of migrant domestic workers' resistance beyond the individual and private sphere of “balcony talks.” For example, as far back as 1987, the Afro- Asian Migrant Centre was started by a Filipina nun engaged in activism. From that point on, the center became the meeting point for a large constituency of Filipino workers. In 1997, the Pastoral Committee of Asian-African Migrants, under the direction of the Bishop of the Ecclesiastic Council of Lebanon, was formally established to provide social, religious, and legal assistance to migrant workers. The involvement of churches in providing safe

havens, support, and meeting spaces for workers and the evolution of local NGOs or informal communities out of such spaces, is at the heart of the evolution of public forms of migrant domestic worker activism in Lebanon.

As local NGOs became more involved in the plight of domestic workers in Lebanon, especially after 2010, they developed alternative spaces bridging the religious and cultural boundaries between workers of different nationalities and religions. Kafa and the Migrant Community Centre (MCC) are two such examples. The MCC, which was established by the Anti-Racism Movement (ARM) in Beirut in 2011, aims to provide a safe space for domestic workers to meet, learn skills, work together, access information and support, and provide each other with information and support. Moors et al. (2009, p. 188) added that “the presence of such NGOs supporting the rights of migrant domestic workers blurs the boundaries between being present in public space and participating in the public sphere, for they do not only function as a subaltern public space for workers but are also involved in public advocacy work.” This kind of cooperative work and support, together with the links established among domestic workers, paved the way for another step: the formation of a Domestic Worker’s Union, the first of its kind in the Middle East.

Conclusion

Labor migration in Lebanon has had an increasingly significant impact on the economic and social developments in this country, especially since the end of the civil war.

After an examination of the Lebanese labour market, several issues emerged from a political and socio-economic point of view. As previously explained, Lebanon has a low productive economy and most of the jobs that are created are in low productive sectors. In addition, high rates of informality affect the labour market negatively.

The current situation enforces a vicious cycle of migration: the prevailing economic model encourages a skilled migration because of remittances' inflow, which are consumed by daily household consumption rather than direct investment. Moreover, remittances fuel real estate and services investments, increasing the demand for unskilled migrant workers.

Besides, the fragile situation of Lebanon as a multi-confessional country explains the immigration policies that are designed for Palestinians but applied to all migrants. The religious tensions explain also how the labour market of domestic workers mutated. Before the civil war, maids were mainly Syrians or Kurdish, but since its end, they have been replaced from household helpers from East Asia and Africa.

Despite the massive influx of Syrian refugees since 2011 (which is currently estimated at one million and a half), domestic work is still a

domain for women primarily from Sri Lanka, the Philippines, and Ethiopia, as they will work for wages lower than the minimum wage, and they are easily exploitable because of the sponsorship system.

There are numerous causes that lead to the exploitation of domestic workers, but the sponsorship system, or Kafala, is one of the main ones, as it puts the foundation for the establishment of possible situations of abuse and exploitation.

From a legal standpoint, the kafala system is primarily to blame for the exploitative practices, because it is responsible for the lack of protection of these workers, who depend entirely on their employer. Yet the abolishment of the kafala system itself would not mean that the bad practices and attitudes would end entirely, because, as documented by human rights organization, there are certain practices – for instance, the confiscation of the passport - are commonly accepted. Besides, as several interviews with domestic workers, the kafala system exasperates an already complicated situation that started in the recruitment process, the first step of deception and misinformation.

In addition, the relationship between the employer and the domestic worker needs to be “humanized”: the mentioned behaviors and attitudes, indeed, should have not become so internalized. But it is the state should persecute these violations of human rights, by including the category of domestic worker in the article 7 of the Lebanese Labour Code, because

the numerous legal barriers faced by these workers daily, make it difficult for them to seek legal advice.

Numerous actions should be taken at an international level to protect, and the Lebanese government should also start to prevent the violations of their basic human rights. However, these workers do not accept passively their situation of exploitation, and they create ways to constantly challenge their exclusion from the society. Especially the live-ins that face the hardest conditions, resort to informal support systems such as balcony talks, who allow them to discover information about the country they are working in.

The places in which they are confined (such as the balcony) become spaces of resistance that vary according to the working status: while live-ins use the balconies and ethnic churches, the illegal population of runaways and freelancers form larger and more organized communities, from which the first trade union emerged in 2015 (but still it is not recognized by the Lebanese government).

As civil society and numerous NGOs are increasingly concerned with the matter, the government should also recognize these collectives of resistance, and give them the support needed to advocate their rights, as they represent the small minority of workers, who are more effectively able to protest.

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