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**The *Kafala* System: A Replica of Lebanon's Violent Sectarian System?**

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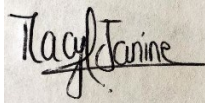
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## **Dedication**

I dedicate this senior study to my fellow Filipinos (*kababayan*) in Lebanon. Most specifically, I dedicate this senior study to Filipino domestic. I salute your hard work and sacrifices as you leave our home country, the Philippines. Your perseverance to help your families is worth praising. Being an OFW in a totally different country is tough, but your ability to manage and adjust with a completely different environment, culture, and language is highly respected.

A special gratitude to my parents, Myrna and Joey Pamaranglas. You've been the main inspiration as to why I wanted to work on this topic diligently. I hope I made you proud. Thank you for your endless love and support! I'm forever grateful.

*Pilipino ako: sa isip, sa salita, at sa gawa! Mabuhay ang Pilipino!*

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## Abstract

Although the relation between the sectarian system and the *kafala* system is not always made, this study will allow us to understand how the violence of the *kafala* system against women replicates that of the sectarian system. The main research question guiding this study is the following: how does the violence of the *kafala* system against female MDWs mirror the violence of the sectarian system against women? A number of other questions consequently emerge. These include: how is Lebanon's sectarian system discriminatory against women through personal status laws? How is the *kafala* system responsible for exacerbating the gender divide in terms of migrant domestic work? This research uses the single case study method, and it involves Filipino MDWs in Lebanon. It will be done by examining the legal infrastructure of the violence of the *kafala* system. Additionally, the gender imbalance in domestic work amplifies this violence against women. The study will mainly refer to secondary sources from credible and relevant institutions such as the International Labor Organization, Amnesty International, and other human rights organizations. It will also involve secondary sources from legal documents and official publications from governmental institutions. This paper analyzes the violence of the *kafala* system via aspects of food inaccessibility, barriers to communication and movement, physical, emotional, and sexual abuse, and suicide. It also compared the structural violence Lebanese women and MDWs face by analyzing the case of citizenship and gender discrimination. The paper was successful in proving the hypothesis, but it also deduced that not all Lebanese women fight for MDW rights since the former tend to be abused by their husbands; women MDWs become scapegoats.

## Table of Contents

<b>1. Introduction</b> .....	p. 8
<b>2. Literature Review</b> .....	p. 10
<b>3. <i>Kafala</i> System and Sectarian System: An Investigation of the Association</b> .....	p. 12
<b>Section A</b>	
3.1 Who are Overseas Filipino Workers?.....	p. 12
3.2 Overseas Filipino Workers in Lebanon.....	p. 13
3.3 <i>Kafala</i> System or Slavery System?.....	p. 15
3.4 The Abuse of the <i>Kafala</i> System: Food Inaccessibility.....	p. 17
3.5 The Abuse of the <i>Kafala</i> System: Barriers to Communication.....	p. 18
3.6 The Abuse of the <i>Kafala</i> System: Physical and Emotional Abuse & Suicide.....	p. 21
3.7 Response of the Philippine Government to Lebanon’s <i>Kafala</i> System.....	p. 23
<b>Section B</b>	
4.1 The <i>Kafala</i> System and Sectarian System: The Issue with Citizenship.....	p. 24
4.2 The <i>Kafala</i> System and Sectarian System: Females are “Second Class Citizens”....	p. 26
<b>5. Conclusion</b> .....	p. 27
<b>6. References</b> .....	p. 29

## **Abbreviations**

**ILO:** International Labour Organization

**MDWs:** Migrant Domestic Workers

**MOL:** Ministry of Labour

**NGOs:** Non-governmental organizations

**POEA:** Philippine Overseas Employment Administration

**PSA:** Philippine Statistics Authority

**OFWs:** Overseas Filipino Workers

**OWWA:** Overseas Workers Welfare Administration



## 1. Introduction

Sectarianism has been entrenched into Lebanon's political system for a significant period of time, and so has the *kafala* system. Both systems are usually thought about as two independent entities. This paper suggests otherwise, however: that the *kafala* system mirrors the violence of the sectarian system. This question can be tackled by comparing the conditions of female MDWs to that of Lebanese women. Conducting this study is necessary considering the significant amount of gender, and even racial discrimination women have been suffering from. Not only does this degrade their value as females, but it also contributes to the hindrance of sustainable development. According to Gran (2019), women play an important role in "supporting their households and communities". Furthermore, they are also considered game changers in the political and economic field; thus, women's participation and engagement in society must be prioritized. In fact, women can "transform a community from a relatively autonomous society to a participant in the national economy" (Gran, 2019). Nonetheless, this objective cannot be fully experienced if women are still being oppressed due to inherent patriarchy. This study then unpacks how the dynamics of the *kafala* system mirror those of the sectarian system. It will also allow us to comprehend the evident structural violence that both systems impose, and how together they lead to the marginalization of both Lebanese women and female MDWs.

### *Research Question*

The main research question guiding this study is the following: how does the violence of the *kafala* system against female MDWs mirror the violence of the sectarian system against women? A number of other questions consequently emerge. These include: how is Lebanon's sectarian system discriminatory against women through personal status laws? How is the *kafala* system responsible for exacerbating the gender divide in terms of migrant domestic work?

The research is undertaken by examining the existent gender inequality which leads to the imbalance of males and females, particularly in terms of Lebanon's socio-political life (discriminatory laws in the context of citizenship, marriage, and divorce) and the gender disparity reflected in migrant domestic work (female domestic workers are the majority). These research questions are vital to establish the intersectionality between the sectarian system and the *kafala* system by showing how the violence of the *kafala* system mirrors the violence of the sectarian system in Lebanon.

### *Methodology*

This study uses the single case method. Due to the fact that there is an absence of a clear association between the sectarian system and the *kafala* system, this study aims to establish a relationship between the two systems in the context of violence against women. This will be done by examining the legal infrastructure of the violence of the *kafala* system and comparing it to that of the sectarian system. Moreover, the imbalance between men and women in migrant domestic work amplifies this violence against women. This allows us to unpack how the violence of the *kafala* system replicates that of the sectarian system.

Jureidini (2014) stated that the number of Filipino MDWs or OFWs in Lebanon was approximately 20,000 by the year 2000. A significant number of OFWs are under the authority of the *kafala* system, and a proportion may even suffer from the system's exploitative conditions. This single case study would allow for a holistic and extensive empirical work as this method enables an in-depth, particular, and qualitative interpretation of the explored subject. However, the study may face some inevitable limitations. The focus is on one group among the many nationalities who work as MDWs such as Ethiopians, Sri Lankans etc. Hence, it may lead to slight differentiation in representation and generalization; thus, undermining the external validity of the

findings. Finally, the research will mainly involve secondary sources such as books, newspaper articles, and official publications.

### *Map of the Essay*

The paper will be divided into four sections. The first section will begin by introducing the problem. The second section is a detailed literature review which includes the various debates and approaches. The third section is an analysis of collected data which will focus on discussing the numerous aspects of the structural violence reflected in the *kafala* system. Furthermore, it will explore how such female-targeted violence is also seen in the case of the Lebanese sectarian system. The fourth and final section will serve to conclude a possibility of a collective patriarchal effort to overpower women in all aspects by referring to the established association between the sectarian system and the *kafala* system.

## **2. Literature Review**

The rationale of the sectarian system in Lebanon does not treat and value its citizens as people who have socio-political rights; rather it reduces its citizens to entities who are recognized only if they officially belong to one of the 18 sects. Lebanon's sectarian system has imposed various forms of violence against both males and females; women are much more prone to such violence than men (Salloukh, 2017), however. Maya Mikdashi (2018) extrapolates on the different aspects of which personal status laws discriminate women. With regards to women's citizenship, Mikdashi (2018) deploys the term "sectarianism", which refers to the state's regulation of sexual and sectarian differences. To be recognized as a Lebanese citizen, one needs to have an assigned membership in a predefined state-recognized personal status law. This is so because "post-colonial Lebanese law states that citizens are born into the jurisdiction of different personal status laws depending on their father" (Mikdashi, 2018: p. 2). This indicates that a sect is "bio-political" and

paternally-inherited. Moreover, Lebanese mothers are not capable of passing their citizenship to their children and foreign spouses, but the case is not applied when roles are reversed (Sharaffedine, 2017). Such prohibition is based on the manufactured fear of changes in the country's demography through the "naturalization of Palestinian and Syrian refugees" (Mikdashi, 2018: p. 10). Simply put, women do not have the right to be acknowledged as equal Lebanese citizens without their male counterparts, as the latter serves as the link between the legal, bureaucratic, and kinship aspects; thus, women's roles and rights as citizens are determined by "communalist views of citizenship" (Joseph, 1996). Unfortunately, women are not only being degraded as female entities, but they also face several injustices with regards to marriage and divorce. However, women are not only discriminated in a gendered-sense vis-à-vis Lebanon's laws and courts, but they are also being treated unfairly based on their different religions. Furthermore, this structural violence has attracted feminists to highly condemn the Family Violence Law since it does not acknowledge violence against women; hence marital rape is not criminalized. Since this law merely governs the "reproductive category" of the family, it is not applicable for foreign domestic workers who come mostly from South-east Asia and Africa (Mikdashi, 2018: p. 27). Hence, Lebanese women are not the only ones who are subordinated since minority groups in the state face a similar kind of structural violence which is imposed by the *kafala* system.

UNODC (2019) focused on the "gendered patterns of migration" and "feminization of women", which essentially refer to the augmented number of females who migrate for the sake of employment. Based on traditional gender roles, men are usually the ones who leave their home countries in search for work, but with the rise of globalization and the increased socio-economic inequalities in the world, "women nowadays do migrate more frequently" (UNODC, 2019) and may even be the breadwinner of the family. This gendered, and now racialized, segregation of

labor has pushed women to work in the domestic field considering that they are “more caring”, “more obedient”, or “more suitable for the job” (UNODC, 2019). Moreover, another inherent aspect in the *kafala* system is the “assumption that workers are considered temporary contract labor” (Migrant Forum in Asia, n.d.: p. 1). The logic of the system is that these workers are not eligible for citizenship rights in the country of employment, and this is mainly due to the fear of the “negative impact on social cohesiveness” (Migrant Forum in Asia, n.d.: p. 1). Interestingly, this replicates the inability of Lebanese women to pass their citizenship to their foreign husbands and children due to demographic anxieties. Additionally, people of the host countries are less likely to stand up for the rights of MDWs considering that fact that they treat them as “second class citizens” (Migrant Forum in Asia, n.d.: p. 7).

Although the existing literature has significant strengths such as successfully analyzing the notion of sectarianism, unraveling the flaws in the Family Violence Law, and so on, it has certain gaps. It tends to focus on women’s participation in society but does not prioritize the primary source of the problem concerning personal status laws and nationality laws (Avis, 2017). Like a domino effect, as women become subordinated in terms of their worth, which is the root of the problem, their lack of participation in society’s development follows. Therefore, it is much more urgent to focus on the former. With regards to the *kafala* system, the scope of the debate about its structural violence is limited to how the structure of the system is abusive in general; it assumes that all MDWs are women, and it does not question how such violence is precisely unfair toward females. Additionally, people tend to think about domestic work in terms of women from developing nations.

The sectarian system and the *kafala* system in Lebanon tend to be treated separately. Interestingly, however, there is a probability that the same women in Lebanon who protest to

abolish sectarianism and the existent discriminatory laws also fight to eradicate the *kafala* system. Thus, this study will strive to prove that there is a strong intersectionality between the violence of the sectarian system vis-à-vis women and the violence of the *kafala* system.

### **3. *Kafala* System and Sectarian System: An Investigation of the Association**

#### **3.1 Who are Overseas Filipino Workers?**

The term “Overseas Filipino Workers” or OFWs, in short, refers to Filipinos who migrate abroad to work for a specific time-frame. This term was coined when Republic Act 8042 of Migrant Workers and Overseas Filipinos Act of 1995 were legislated. It was officially used by the Philippine Government when the Philippine Overseas Employment Administration (POEA) adopted the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers. According to the most recent survey of the Philippine Statistics Authority (PSA), the number of OFWs “who worked abroad at any time during the period April to September 2019 was estimated at 2.2 million” (Philippine Statistics Authority, 2020). It is important to note that females comprise a larger proportion than males, 56% and 44% respectively. Although Filipina migrant workers have more probability of attaining higher education, such as college degrees, they tend to leave their educational achievements and professional skills behind due to numerous socio-economic hindrances in the home country such as lack of employment opportunities, low wages, and rapid population growth. Moreover, due to high “demand for unskilled, low paid domestic work” (Straiton et al., 2017: p. 2) in more developed nations, female OFWs tend to grab these opportunities for the sake of generating income and helping their families financially back in the Philippines. In fact, Lebanon is one of the many destinations for Filipinas to work as MDWs.

### 3.2 Overseas Filipino Workers in Lebanon

In the context of Lebanon, there are approximately 31, 916 OFWs of which “75% of whom reside in Greater Beirut, according to Philippine Foreign Assistant Secretary Ed Meñez” (Abad, 2020). It is essential to note; however, that the number of OFWs has certainly declined due to the repatriation process (Philippine News Agency, 2020). According to the analytical report prepared by the ILO in 2016, 26% of MDWs were “employed in skilled occupations before moving to Lebanon” (ILO, 2016; p. 17). Hence, this shows how more profitable unskilled or domestic work is in Lebanon compared to skilled or professional work in the Philippines. In addition to that, it is essential to understand how Filipinos are different than other MDWs of different nationalities. For instance, “80% of Bangladeshi MDWs earn 200 USD or less” (ILO, 2016: p. 19); whereas, OFWs earn better wages “with 40% of them earning 400 USD or more” (ILO, 2016: p. 19). The latter is proven by the fact that the Philippine government passed a legislation in 2006 “that required all Filipina domestic workers to obtain contracts with minimum of \$400 per month and a maximum of 2 years’ time-frame” (Jureidini, 2019: p. 84).

According to Article 7 of the Lebanese Labor Code, MDWs, including OFWs, are not included in its scope since “the home is a private sphere that cannot be subjected to the same regulations as other workplaces” (Insan, 2014: p. 9). MDWs reside in Lebanon with “no legal protection in case of employment disputes” (ILO, 2016: p. 44). This may be the case because domestic work is seen as a feminine task, and not a job. Essentially, domestic work is underestimated and under-acknowledged. An example to pinpoint the non-intervention of the Lebanese government in terms of domestic work would be the following: most OFWs who earn \$400 or more depends on how long they have worked for their employers. Simply put, for OFWs to “feel entitled to demand that salary” (ILO, 2016: p. 19), it solely depends on the duration of

their employment; the government has no say in such. Therefore, MWDs are governed by the *kafala* system, instead.

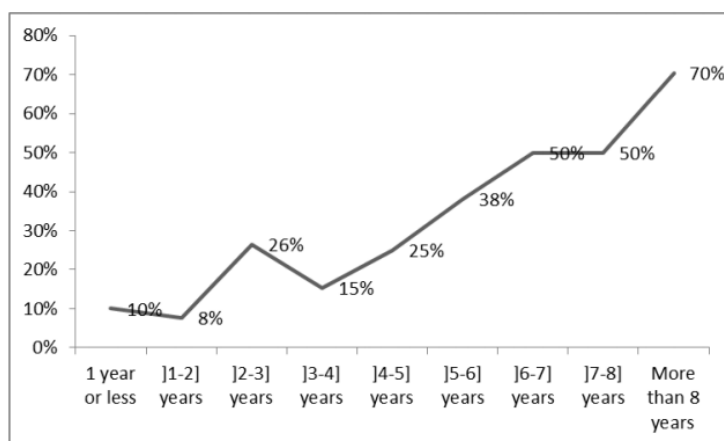


Figure 1 "Distribution of Filipina MDWs earning the mandated 400USD by duration of stay in Lebanon" (ILO, 2016)

### 3.3 *Kafala* System or Slavery System?

The sponsorship system, or most famously known as the *kafala* system, came into existence “in the 1950s to regulate the relationship between employers and migrant workers in West Asia” (Migrant Forum in Asia, n.d.: p. 1). The system’s logic is to legitimately tie a migrant worker’s immigration status to a sponsor for a certain period of time. This implies that a migrant worker cannot freely mobilize without the consent of their employer. Hence, it makes the *kafala* system controlling and dominating, especially because it creates conditions for all kinds of distorted behavior. However, the latter is generally accepted by workers because of their “contractual relationship with their employers” (Amnesty International, 2019: p. 67). As a matter of fact, the ILO (2016) discussed major reasons why MDWs settle for these abusive working conditions; they include: (1) MDWs’ preference to migrate to Lebanon considering the insufficient employment opportunities in their home countries and (2) MWDs’ inadequate awareness of their rights to decent working conditions. However, in the case of OFWs, the latter have more probability to receive better treatment since the Philippines has a “government employment office” which “trains



future MDWs and raises their awareness” with regards to expectations of humane working conditions and other rights (ILO, 2016: p. 44). In fact, OFWs are the most informed with regards to MDW rights (30%) compared to other nationalities such as Bangladeshis and Sri Lankans by having an informed rate of only 8% each.

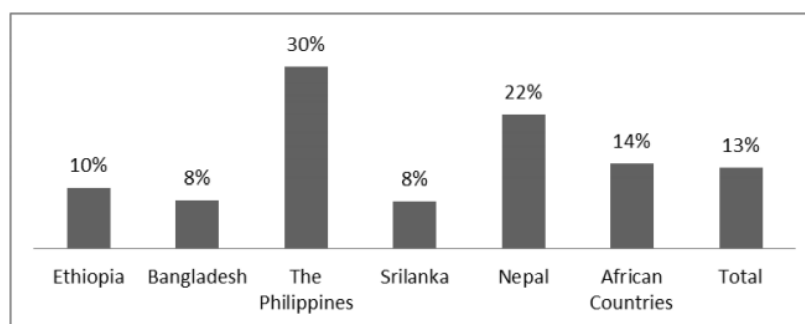


Figure 2 "Receiving information on MDW rights per nationality" (ILO, 2016)

However, despite the awareness of some OFWs in Lebanon, sponsors still have the authority to decide on how to treat their MDWs. Although the mandatory salary of \$400 was legislated in 2006, most OFWs are not earning such amount of money, and may be “signing some form of substitute contract” (ILO, 2016: p. 19). As a matter of fact, if the MDW does not utilize the “standard contract drawn up by their embassy” (Jureidini, 2002: p. 7), then they have no other choice but to sign contract written in Arabic and issued by the notary. For example, OFWs Freda, Maria, and Tess only knew English, Tagalog (Filipino language), and a little Arabic (except Maria). Due to the language barrier and limited services, these OFWs were signing contracts they have no information about. Thus, it may lead to abundant agreement violations. Moreover, it is worth mentioning that the compulsory \$400 law also notes that recruitment agencies in the Philippines are not allowed to charge them any fees. But, this is hardly the case in reality. In fact, Jureidini (2016) explains that “the first two or three month’s wages are not paid”. With this sponsor-based dominance, the *kafala* system has been described as a “contemporary form of slavery” (Migrant Forum in Asia, n.d.: p. 1). Not only does this master-slave or “served-server”

(UNFPA, UNDP, & UN Women, 2018: p. 63) relationship amplify the “power balance dysfunctionality” between the two, but it also heightens workers’ vulnerability to various kinds of “capital exploitation, including minimum wage pay, long working hours, denial of social and health security etc.” (Kobaissy, n.d.: p. 3), which is completely unlawful as they fall under extreme human rights violations. Some workers even suffer from life-threatening maltreatment where they are not even provided basic necessities such as food, accommodation, or they may be physically, sexually, and/or verbally abused. Consequently, a significant number of MDWs “had either experienced suicidal thoughts or attempted suicide” (Amnesty International, 2019: p. 22). These abuses will be further extrapolated in the following sections.

### **3.4 The Abuse of the *Kafala* System: Food Inaccessibility**

Lebanon’s Standard Unified Contract obliges sponsors “to provide proper working conditions for the worker and to cover her food and clothing needs” (KAFA, 2014: p. 47). Despite such requirement, a huge percentage of MDWs mentioned that they do not attain adequate food supplies from their sponsors. For instance, in the case of “Eva”, a 38-year old OFW who changed her name for the sake of security, said the following “They feed me what is left in their plates. If I eat something else, she [employer] beats me” (Amnesty International, 2019: p. 19). Additionally, there are some cases where employers only provide “half a loaf of a bread with a piece of cheese and a cup of tea over a 24-hour period” (KAFA, 2014: p. 47). Another incident of food deprivation would be exemplified by OFW, Tess. She arrived in Lebanon on March 1997, and her monthly salary was \$300. Tess’ work duties include all forms of domestic chores as well child caring. Overall, she used to work for 9 hours a day. Likewise, when it comes to food, Tess explains how the “quantity was not enough” (Jureidini, 2002: p. 31) despite the lavish amount of food in her employer’s house. During lunch time, she had to wait for her sponsors to finish eating. During

dinner time, she was only able to eat sandwiches, which were not satisfactory enough considering the amount of work she had to do. In fact, Tess stated that when she arrived to Lebanon, she weighed 62 kg. But, towards the cessation of her contract, her body weight declined drastically to 47 kg (Jureidini, 2002: p. 31). Furthermore, another OFW named, Freda, also had a dilemma in accessing adequate food supplies. Freda’s employer only gave her “one egg, three spoons of rice and a little salad only once per day” (Jureidini, 2002: p. 28). What makes it even more cruel is that her employer stuck an alarm to the kitchen refrigerator. Whenever the latter was opened, it generated a loud noise; thus, Freda was not able to eat when she was hungry. The only time she could eat was when her sponsor would personally hand her the food (Jureidini, 2002: p. 28). Observing the significant food inaccessibility of these MDWs, their only option is to buy food using their own money, and some may even secretly eat since their employers would complain about the food odor. In accordance to a survey done by ILO (2016), the majority of Filipino domestic workers usually eat their food after their employers’ families have finished (41%), 38% of OFWs cook their own food, and a small percentage eat with the family (19%).

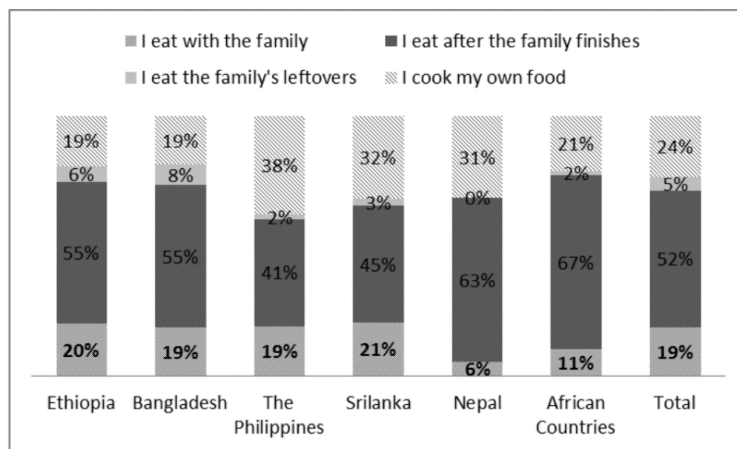


Figure 3 "Eating arrangements by nationality" (ILO, 2016)

It is worth noticing how sponsors deprive their domestic workers from food although they are considered somehow part of the family. These MDWs live in the same household as theirs, but

employers tend to marginalize and exploit their workers as if they own them as slaves. In fact, these distressed OFWs also suffer from repression as they try to communicate with the outside world.

### **3.5 The Abuse of the *Kafala* System: Barriers to Communication**

As MDWs come from different developing countries of Southeast Asia and Africa, language barrier became one of the first hindrances of MDWs. Yet, language is not the mere barrier since MDWs are also constrained from talking to other MDWs who come from the same home countries. There are cases where sponsors restrict them in the literal sense where they are not allowed to leave the house. Amnesty International calls such form of repression as “restriction on movement and communication” (Amnesty International, 2019: p. 19). According to KAFA (2014), isolation of MDWs is observed when the latter are not allowed to communicate outside the scope of the sponsor’s house. There are some instances where the MDW is forcefully placed in desolated places where she cannot have access to any type of transportation. Unfortunately, there are other situations when MDWs are not even allowed to call their families back home since sponsors take away their phones and cut off their access to Wi-Fi etc. But in cases where circumstances are a bit “flexible”, sponsors would allow their MDWs to call for a very limited period of approximately two to three minutes. Filipina domestic worker, “Eva” said in an interview by Amnesty International (2019) “I wasn’t allowed to talk to anyone. If I opened the window and waved to other Filipinas, she [employer] would pull my hair and beat me. For three years she locked me in the house. I never got out.” This inhumane marginalization left her locked up in her sponsor’s house for “three consecutive years” (Amnesty International, 2019: p. 19). When she eventually had the opportunity to escape from such prison, she said that she felt like she was “free” and “flying” (Amnesty International, 2019: p. 19). In addition, MDWs needed to have a valid reason

every time they leave the house such as taking out the trash, going to the local supermarket etc. Otherwise, they are forbidden to go out. This means that MDWs have no rest days, and they consistently work all day and night. As a matter of fact, this is contradiction with the terms and conditions of Lebanon's employment contract. Article 12 of MDWs rights and responsibilities states that MDWs are "entitled to one (1) day off per week for twenty-four (24) continuous hours" (Ministry of Labour Republic of Lebanon, 2012: p. 15). The reasons as to why employers imprison their MDWs are mainly for the sake of "safety and protection". However, sponsors may even reach to an extreme level where they even restrict MDWs' movement within the house. There are instances where MDWs are afraid to move around the house due to set-up "surveillance cameras...in the hallway" (KAFA, 2014: p. 46). According to KAFA (2014), this isolation and limitation of communication and movement immediately applies right when the MDW lands at Rafic Hariri International Airport. Once the MDW arrives in Lebanon, she needs to be "accompanied by her employer" (Amnesty International, 2019: p. 14). Although, the General Security expressed that such accompaniment is not mandated by the Lebanese Labour Law, it became more of a "customary practice that they oversee" (Amnesty International, 2019: p. 14). In fact, confiscating passports conflicts with MDWs' rights as stated in Lebanon's Ministry of Labour "Information Guide for Migrant Domestic Workers in Lebanon". The latter explicitly declared that it is of the MDW's right to keep her "passport and all...legal papers...including an original copy of the contract"; moreover, it pointed out that employers can only "keep a photocopy of... passport and permits" (Ministry of Labour Republic of Lebanon, 2012: p. 11). Unfortunately, these are not exercised consistently in reality knowing that MDWs are under the authority of the *kafala* system.

Jureidini (2002) notes that confinement is one of the most significant types of abuses to Filipina domestic workers.

	No. %
Accusation of stealing	16 (14)
Confinement	14 (12)
Food Withheld	15 (13)
Overwork	3 (3)
Payment Withheld	22 (19)
Physical Abuse	17 (15)
Sexual Abuse	8 (7)
Verbal Abuse	17 (15)

Figure 4 "Types of Abuses of Filipina Domestic Workers" (Jureidini, 2002)

Certainly, not only does this restriction is considered abusive and contradictory to MDW rights and freedom, but it also limits their abilities to go out and seek for help.

### 3.6 The Abuse of the *Kafala* System: Physical and Emotional Abuse & Suicide

Emphasizing on the point where the *kafala* system facilitates the master-slave or “served-server” bond (UNFPA, UNDP, & UN Women, 2018: p. 63), sponsors get to experience the control and authority over their “entities” or “modern slaves”. Adding to the latter, since MDWs essentially come from developing countries, employers’ feeling of power exacerbates. Hence, racist and discriminatory behavior become inevitable as employers look at MDWs as inferiors. In fact, according to Amnesty International (2019), MDWs faced various forms of physical abuse including “slapping, beating or choking them, pulling their hair” and “hitting their head against the wall” (Amnesty International, 2019: p. 21). OFW, “Eva”, said that during her three years of being locked up in her sponsor’s house, she felt as if she won’t be able to see the outside world anymore. She felt like it was a constant cycle of torture as she was being entrapped and isolated from society. She said, “When I called my mother, I was crying. I told her maybe I would die here. You won’t see me anymore... I was dying from [being in] in this house. My head was empty.” (Amnesty International, 2019: p. 22). According to KAFA (2014), employers physically abuse

their MDWs due to strict reasons. Such abuse mainly happens when “she does not understand her orders”, “if she breaks any kitchenware”, “if she completes the task...unsatisfactory by the employer” (KAFA, 2014: p. 50).

MDWs not only suffer from physical violence, but they also fall as victims of emotional abuse and even sexual abuse. According to a study conducted by ILO in 2016, out of 1,541 MDWs, there was an estimate of 29 cases of sexual abuse. The numbers are certainly higher in reality knowing that there are other underreported cases. Unfortunately, instead of convicting the harassers and abusers, the culture of victim-blaming is still highly present. Amnesty International (2019) mentioned how sexually assaulted MDWs were blamed for their misfortunes since they do not report or talk about it. Furthermore, even though MDWs would want to attain justice by reporting to the authorities, they would prefer not to. The latter is such because they know that sponsors have the ability to manipulate the system to their own advantage. For example, they could be falsely accused of theft or any misfortune, which would force their arrest and consequently hindering the ability to get a new job in the future. OFWs might even worry that they would be “thrown back to the Philippines again” (Straiton et al., 2017: p. 6). This indicates how the Lebanese government gives the power to private employers rather than being consistent and applying “Article 2(3)(a) of the International Covenant on Civil and Political Rights”; it states that everyone whose rights and freedoms under the covenant are violated shall have an effective remedy; as well as of Article 2(1) of the International Covenant on Economic, Social and Cultural Rights” (Amnesty International, 2019: p. 28). With the accumulation of numerous distress as well as inhumane working conditions and treatment, suffering from mental health issues and suicidal thoughts become unavoidable. About “46% of MDWs were threatened” (KAFA, 2014: p. 64), and they would receive high numbers of “shouting, insults, or verbal slurs” (KAFA, 2014: p. 64). In

fact, observing the inclining cases of physical and sexual abuse of OFWs, the Philippine government imposed a travel ban to countries where the “protection of the workers” was not guaranteed (Jureidini, 2002). Human Rights Watch (2008) also notes that MDWs in Lebanon were dying at elevating rates weekly, mainly due to suicide. For instance, based on an interview undertaken by Human Rights Watch (2008), an OFW was accused of “stealing a piece of jewelry”. Consequently, she was maltreated as her employers “beat her and locked her inside the house” (Human Rights Watch, 2008). Unfortunately, she committed suicide since she could not handle much more accusations and inhumane treatment. Fortunately, OFWs are not alone since the Philippine government prioritizes the well-being of their “modern day heroes”.

### **3.7 Response of the Philippine Government to Lebanon’s *Kafala* System**

Due to the 2006 war in Lebanon, the Philippine government imposed a “total deployment ban for OFWs... for security and safety considerations...” (Center for Migrant Advocacy — Philippines, 2015: p. 3). It was then amended in 2010 (Republic Act 10022) and limited to new MDWs only. This was implemented since OFWs are vulnerable to the “unmet contract agreements” between Lebanon and the Philippines. Simply put, the exploitation of the *kafala* system in Lebanon enforced the Philippines to impose such law. Jureidini (2019) further extrapolates on this action since Lebanon failed to “pass [the] certification standards set by the amended Migrant Workers and Overseas Filipino Act of 1995” (Jureidini, 2019: p. 84). The Philippines is considered a “low-middle-income country” according to the World Bank (Ireland, 2018: p. 323), but it is also a country with high literacy rates. In fact, Ireland (2018) describes female OFWs “possess more human capital than their peers from other Asian countries”. Most OFWs have a good command of English, and some have graduated with a high school and/or university diploma. It is also worth mentioning that OFWs are considered as “modern-day-heroes”



since they play a vital role in contributing to the boost of the Philippine economy. Therefore, the government of the Philippines prioritizes in carrying out these protection policies to improve the working conditions of OFWs. However, it also acknowledges the fact such efforts would not be of practical improvement if the receiving country, Lebanon, does not do its set of policy actions. Hitherto, OFWs suffer from a number of abuses such as food deprivation, physical, emotional, and sexual abuse, long working hours, restrictive communication and movement as well as inherent sexism and racism. Jureidini (2019) concludes that without the Lebanese government eliminating the “exclusion of domestic workers from the protections of the labour law”, MDWs including OFWs will continue to become inferior and repressed by their delegated sponsors.

#### **4.1 The *Kafala* System and Sectarian System: The Issue with Citizenship**

Maya Mikdashi (2018) discusses how the different facets of personal status laws favor men over women. Considering the issue of citizenship, Mikdashi (2018) deploys the term “sectarianism”, which refers to the state’s regulation of sexual and sectarian differences. In order to be acknowledged as a Lebanese citizen, one needs to have an assigned membership in a predefined state-recognized personal status law. This is so because “post-colonial Lebanese law states that citizens are born into the jurisdiction of different personal status laws depending on their father” (Mikdashi, 2018: p. 2). As a matter of fact, Lebanon’s Nationality Law Act No. 15, Article 1 clearly states that “every person who is born of a Lebanese father” is considered Lebanese (National Legislative Bodies, 1925). But, one of the most evident issues when it comes to the relationship between gender and citizenship is that Lebanese women face a different set of struggles. Lebanese mothers are not capable of passing their citizenship to their children and foreign spouses, but the case is not applied when roles are reversed (Sharaffedine, 2017). Such prohibition is based on the manufactured fear of changes in the country’s demography through the

“naturalization of Palestinian and Syrian refugees” (Mikdashi, 2018: p. 10). In other words, women do not have the right to be recognized as equal Lebanese citizens without their male counterparts, as the latter serves as the link between the legal, bureaucratic, and kinship aspects. Thus, women’s roles and rights as citizens are determined by “communalist views of citizenship” (Joseph, 1996).

Interestingly, however, MDWs also suffer from a similar kind of structural discrimination. MDWs are not eligible for citizenship rights in the country of employment. This is mainly due to the fear of the “negative impact on social cohesiveness” (Migrant Forum in Asia, n.d.: p. 1). Moreover, the “assumption that workers are considered temporary contract labor” (Migrant Forum in Asia, n.d.: p. 1) is entrenched in the *kafala* system. According to Jureidini (2002), “Lebanon has been a member of the advisory committee to the UNHCR since 1964”. Nonetheless, despite its numerous ratifications to certain agreements, the 1951 Geneva Convention related to the acknowledgement of refugee rights as well as the convention associated with MDWs were never signed. As a consequence of such rejection, MDWs have a hard time in attaining “normal rights of citizens” (Jureidini, 2002: p. 12). They do not get any form of support and protection, which isolates them and leaves them at the expense of non-governmental organizations (NGOs), charities, and their respective diplomatic missions. One way to understand why MDWs are not welcomed into Lebanese naturalization is because of the historical racism which began following the Lebanese civil war.

Kuzbari (2018) explains how Lebanese, Syrian, and Palestinian women used to work as domestic workers before the civil war. But, because of the significant political tensions which aroused after the war, “Lebanese households stopped employing local Arab women as maids” (Kuzbari, 2018: p. 6). In addition to that, the oil boom in the Gulf had its impact on the influx of MDWs into the Arab region. The Gulf countries demanded large numbers of migrant workers; this

was later simulated in Lebanon. Since foreign workers were considered “cheaper” to employ, and as they settle for low wages due to socio-economic hardships in their home countries, becoming a domestic worker was “shameful for local Lebanese and Arab women” (Kuzbari, 2018: p. 7). Unfortunately, racist behavior is also evident in some Lebanese employers. Kuzbari notes how MDWs were seen as entities from lower status and unequal to that of Lebanese. Offensive name calling are some examples of racist behavior such as “*abed*”, “*sri lankieh*”, and “*philipinieh*”. Hence, discriminatory conduct among Lebanese is evident since “Lebanon never had any sort of historical connection to most of the countries where MDWs originate” (Kuzbari, 2018: p. 18). OFW Maria said “I think that Lebanese are racists.” (Jureidini, 2002: p. 33) Whereas, OFW Tess compared her previous Lebanese employer to her current foreign employer as she said, “The foreigners are less strict, I have my freedom. I leave Saturday night and come back Sunday evening...” (Jureidini, 2002: p. 32).

#### **4.2 The *Kafala* System and Sectarian System: Females are “Second Class Citizens”**

Bearing in mind the extent of discrimination Lebanese women face in the context of personal status laws, it is unfortunate to say that women are considered as “second class citizens”. The sectarian system treats “them as minor in decisions related to governing their own lives” (Avis, 2017: p. 2). Their roles and rights as citizens are determined by “communalist views of citizenship” (Joseph, 1996). Lebanon’s leaders might argue that gender equality is relatively “progressive” as we compare it to other Arab nations considering the absence of legal boundaries, which would constrain women’s ability to participate in “income-generating activities” (Avis, 2017: p. 8). Moreover, they might refer to Lebanon’s Constitution as it explicitly mentions that the “principle of equality among all citizens” (Avis, 2017: p.8) shall be guaranteed and that all its citizens shall enjoy a set of rights such as “political participation”, “personal freedom”, “access to employment”,

and “freedom of expression” (Avis, 2017: p.8). Unfortunately, this is not observed in reality, which would prove the inconsistency of Lebanon’s legal system and the rigid patriarchal structure. Interestingly, the latter is also entrenched in the *kafala* system. The way people view domestic work is primarily gender-based. Regarding migrant domestic work, women are the majority. According to ILO (2016), “MDWs in Lebanon are overwhelmingly young women”; this is so due to the nature of the tasks. The latter include childcare, cooking, cleaning etc., and these are all referred to as “women’s work” (Jureidini, 2002: p. 10). Additionally, what exacerbates MDWs’ vulnerabilities in Lebanon under the *kafala* system is that Lebanon is “a patriarchal country dominated politically and religiously by men” (Kuzbari, 2018: p. 4). Hence, prioritizing MDWs would not be on the top of their priorities. As a matter of fact, people of the host countries are less likely to stand up for the rights of MDWs considering that they treat them as “second class citizens” (Migrant Forum in Asia, n.d: p. 7). Also, knowing how Lebanese women are categorized in the Lebanese society, MDWs have to shoulder another layer of burden. Indeed, “race, class, and gender play intertwining roles” (Rintakumpu, n.d.). In order to understand the pattern as to which why MDWs are abused by their employers, a psychological study was conducted by Kuzbari (2018). MDWs are abused, precisely by their “madams” because there are some instances where Lebanese women are abused by their husbands (physically and/or verbally). Hence, MDWs are treated as scapegoats where Lebanese women leash out their frustration on them. Although the Lebanese state has “developed” the Family Violence Law, it does not acknowledge violence against women; hence marital rape is not criminalized. The Family Violence Law merely governs the “reproductive category” of the family, and it is not applicable for foreign domestic workers who come mostly from South-east Asia and Africa (Mikdashi, 2018: p. 27). Mikdashi (2018) mentioned how the Lebanese state imposes sectarianism on the “state and parastatal level”, and it

continues to fabricate this “sexual difference, and in this case of foreign domestic labor, racial difference” to maintain the hegemonic, racialized, and “hetero-patriarchal ideological space”.

## 5. Conclusion

This paper has argued and presented how the *kafala* system is entrenched with structural violence, and it has presented how female MDWs, specifically OFWs as vulnerable victims of the system. This repression is illustrated via different aspects of violence such as food inaccessibility, barriers to communication and movement, physical, emotional, and sexual abuse. In addition to that, the paper also discussed how OFWs are different than other MDWs from different nationalities, precisely because of the way the Philippine government responds to the cries of its fellow Filipinos abroad. This is observed in the creation of allocated departments and legislations such as the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA) as well as the Republic Act 8042 of Migrant Workers and Overseas Filipinos Act of 1995 respectively. However, despite the efforts done by the Philippine government to protect their “modern day heroes”, OFWs are still vulnerable for exploitation under the tyrannical *kafala* system. Interestingly, female MDWs are not the only victims of marginalization and oppression in Lebanon since Lebanese women also face a similar type of violence which is imposed by the sectarian system. The paper has extensively compared the similarities between the inability of women to pass their citizenship to their foreign husbands and children to that of the inability of MDWs to attain citizenship via naturalization. This goes back to the notion of demographic anxieties and the need to preserve the Lebanese purity. The paper also worked on comparing how female MDWs are considered as “second class citizens” and that of Lebanese women; this is mainly explained by referring to the gendered aspect. As a matter of fact, it is important to note that although there is a probability that the same women in Lebanon who

protest to abolish sectarianism and the existent discriminatory laws also fight to eradicate the *kafala* system, it may not always be the case. According to the psychological study done by Kuzbari (2018), “madams” tend to be abusers of MDWs since the former may be victims of physical and/or sexual abuse by their husbands. Hence, by concluding this paper, it is evident that patriarchy plays a huge role in Lebanon as it impacts both systems of *kafala* and sectarianism. It can be clearly observed how patriarchy continues to overpower women in all aspects and how it works to maintain their marginalization. With the entrenched patriarchy in both the *kafala* system and the sectarian system, women will always fall as victims of structural violence.

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