

LEBANESE AMERICAN UNIVERSITY

Ethiopian Migrant Workers; Strategic Indifference and The Cycle of Inequality

by

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A thesis Submitted in partial fulfillment of the requirements for the degree of Master of
Arts in Migration Studies

School of Arts and Sciences
July 2022

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Program: _____ **Master of Arts in Migration Studies** _____

Department: _____ **Social Sciences** _____

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Dedication Page

To my loving family and friends

ACKNOWLEDGMENT

This project would not have been possible without the support of many people.

Many thanks to my advisor, Dr. Jasmine Lillian Diab, who read numerous revisions and helped lead me towards this final product. Also, thanks to my committee members, Dr. Jennifer Skulte Oueiss and Dr. Sami Baroudi, who offered guidance and support.

And finally, thanks to my parents, partner and friends who endured this long process with me, always offering support and love

Ethiopian Migrant Workers; Strategic Indifference and The Cycle of Inequality

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ABSTRACT

Ethiopian migrant workers have been identified to be one of the most vulnerable populations in Lebanon especially after a series of crises, starting in October 2019 at the onset of popular uprising, to a devastating explosion in the port of Beirut, as well as detrimental economic and political crises, and the global pandemic COVID-19. Migrant workers have furthermore succumbed to severe financial losses after either losing their jobs, suffered severe financial losses, or found themselves stuck in the loop of modern slavery under the restrictive system of Kafala. Sights of hundreds of Ethiopian women could be seen gathered in front of the Ethiopian consulate, under harsh conditions of homelessness and excruciating legal standing. Thus this thesis aims to find out the extent which strategic indifference to the Kafala system impacted the working conditions and legal standing of Ethiopian migrant workers. With this the roles of organizations as well as civic action has played a role in appeasing these realities, adding to the recommendations set forth.

Keywords: Strategic Indifference, Crises, Abuse, Kafala, Vulnerability, Migrant Workers.

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Chapter I

Introduction and Topic

Migrant workers are “all international migrants who are employed or unemployed and seeking employment in their present country of residence” (ILO, 2022). Migrant work constitutes a variety of fields, one of which is migrant domestic work (MDW). This field of work is known to be highly feminized, representing the employment relationship between constituents of a household, and the migrant. Ethiopian migrant domestic workers constitute a majority provider of domestic work services in Lebanon – a country which hosted more than 250,000 migrants succumbing to this reality, where more than 100,000 of them are Ethiopians (Kanso, 2018). From there, a variety of issues stand in the way of rightful and protected migrant labor in Lebanon, where reports of maltreatment have been on an exponential increase (HRW, 2018). As of 2019, 144,986 Ethiopian migrant workers have been given resident permits (Amnesty International, 2019). The great majority of them are MDWs, female, and across the 20–30-year-old age range.

Ethiopian migrant workers have been identified to be one of the most vulnerable populations in Lebanon. After a series of crises, starting in October 2019 at the onset of popular uprising, to a devastating explosion in the port of Beirut, as well as detrimental economic and political crises, and the global pandemic COVID-19, migrant workers’ agency is found operating under the restrictive system of Kafala (Abdel Jawad, 2021). Migrant workers have furthermore succumbed to severe financial losses after either losing

their jobs, suffered severe financial losses, or found themselves stuck in the loop of modern slavery. Sights of hundreds of Ethiopian women could be seen gathered in front of the Ethiopian consulate, under harsh conditions of homelessness and excruciating legal standing (Majzoub, 2020). The study of Kafala has long uncovered the absence of a comprehensive legal system to protect migrant domestic workers in Lebanon. However, new patterns of vulnerabilities have been substantial. What has been an interesting variable, is the complete absence of official public institutions in any sort of intervention. This lack of intervention is highly correlated to the jurisdiction of the Kafala system, and in other words, the complete individual control of employers over MDWs (Rak, 2021).

In terms of the scope, this research will investigate the role of the state in Ethiopian migrant worker issues and delving into the perpetuated indifference. Thus, the extent of vulnerability which Ethiopian MDWs are victims of are related to the Kafala system's standing, but very much so, the strategic indifference projected by the state in labor related issues¹. Thus, while many of the patterns uncovered, as well as the conclusions set forth, can mirror Ethiopian migrant worker conditions under the Kafala system, they also touch on the realities of Ethiopian MDWs within a system where they are fundamentally marginalized. It will investigate the state strategic indifference through the specific tangible trends arising especially after the economic crisis post 2019. Furthermore, it will evaluate the basis of the Kafala system, and the extent to which it has diverted responsibility and accountability of the Lebanese government.

¹ Kelsey Normal (2019) defines, "Under strategic indifference, states deliberately choose not to formally grant residency permits, access to employment, or services; but they tolerate informal labor-market participation, while declining to enforce residency rules and allowing NGOs and international agencies to provide basic services".

This research aims to investigate the question: to what extent has strategic indifference to the Kafala system impacted the working conditions and legal standing of Ethiopian migrant workers?

Both working conditions and legal standing have been vast literature topics at the onset of migrant domestic flow into Lebanon. However, addressing them is now more important than ever, as Lebanon experiences unprecedented circumstances at economic, social, and political levels. Thus, examining the relationship between these variables will now more than ever highlight the gaps in the governing system, as poverty rates are exponentially increasing, and minorities are increasingly marginalized. This research will aim to understand how state strategic indifference has added both to the burdens of its subjects, as well as to the state.

As already outlined, the existing literature on the question at hand is governed by 3 main themes, the reality of migrant domestic workers in Lebanon, their legal provisions, as well as the MDWs in light of government strategic indifference.

1.1- Overview of Migrant Domestic Workers in Lebanon

Migrant Domestic workers employment process is done by an official sponsorship of workers by either a recruitment agency in Lebanon, or an individual employer. This is known as the Kafala system, which is governed by a series of “customary practices, administrative regulations and legal requirements” which eventually create a tightly knit relationship between the worker and the sponsor, or Kafil (Gutema, 2019). Naturally, this then creates a system dependency for the migrant worker (Jureidini, 2011), restricting the range of financial, legal, and cultural agency. Furthermore, the institutional obligation of

a sponsor is then the legal supervisor on fundamental freedoms like that of movement and opportunity. In other words, any termination of contract between employed and employer would result in a loss of legal status in Lebanon (Hamill, 2012). Not only do these measures place migrant workers at a risk of losing their legal status at any time the contract has been terminated, but they are also subjected to the compounding restrictions that place them at risk of exploitative and abusive conditions (Nasrabadi, 2020). With the practiced exclusion of migrant workers under the umbrella of the Kafala system, a sense of possession is instilled in the migrant worker, and the services they provide. Specifically, abuse, has taken physical, psychological, economic and sexual connotations. This sense of possession is projected through practice of employers withholding the passport and other legal documents from MDW, preempting a breaking of contract and employment mobility (Pande, 2012). From a gender lens, the relationship between the recruitment bureau, the employer and the migrant worker is then bound under an exploitative and paternalistic nature. towards migrant workers, uncovering shortcomings and gaps.

According to the available literature, less than half of Lebanese employers give the domestic worker at home her contractual day off weekly. Furthermore, only 50% of those allow the MDW to leave the house alone. This is not short of the highly restrictive rules inflicted on the worker such as locking her indoors, irregular payment of salary, as well as unfair termination of contract. Working hours reach up to 18 hours a day, a phenomenon that has been highly witnessed during the lockdowns since 2019. Worrying rates of suicide attempts have also been recorded in 2017; 2 MDWs died each week due to ether suicide, murder, or unsuccessful attempt of escaping the workplace. Along with

legal-institutional abuses, discrimination from a demographic lens also exists; Ethiopians being foreign, female, and black disallows any analysis away from inter-sectional, and feminist narratives (Kassamali, 2021). Looking at the compounding obstacles of migrant workers, the umbrella of Kafala, and responsibility of the state, it is important to delve into the legal provisions and state responsibility.

1.2- Legal provisions for Ethiopian migrant workers

With regards to protection towards migrant labor in Lebanon, specifically that of domestic nature, Lebanon is indeed a party to the fundamental human rights conventions, most importantly, the Universal Declaration of Human Rights. This declaration posits the right for everyone to rest and leisure, which includes comprehensive work hours, holidays, and most importantly, duly remuneration of labor to ensure human dignity (UDHR, 1948). This has also been outlined in the covenant which Lebanon acceded, the International Covenant on Economic, Social and Cultural rights (ICESCR) of 1966 in 1972. Lebanon has ratified conventions by the ILO in 1977 on Migrant worker protection; the first is the Forced Labor Convention No.29, Convention No. 105, which posits the Abolition of Forced Labor. Furthermore, it has ratified Convention No.111 on the Discrimination in Respect to Employment and Occupation, which is on Discrimination in Respect to Employment and Occupation, which prevents discrimination based on sex with respect to equality of opportunity and just conditions of employment. However, Lebanon has not been a signatory on any Convention which directly protects migrants. For instance, it has abstained from signing on the UN Convention on the Protection of All Migrant Workers and Members of Their Families, as well as the certain ILO conventions; “Migration for Employment, Convention No. 97; the Migrant Workers (Supplemental

Provisions) Convention No. 143 and ILO Domestic Workers Convention, 2011 (No. 189)” (KAFA, 2014). This is problematic seeing that the sponsorship system is distinctive for the Middle East, especially in Lebanon, the significance of these conventions remains obsolete in those countries.

The institutional procedure of recruitment under the Kafala System is significant to comprehend the conditions of employment of migrant workers. The request goes through the Ministry of Labor, which is then responsible for issuing authorizations and paperwork in the case when all prerequisite conditions apply. After which resident permits are issued through the GSO. This is a significant party for the recruitment process as the GSO is the government agency which monitors the entry, residence, and repatriation of all foreigners, including migrant workers as per the parliamentary decree No. 61 which was agreed upon since 1953. As per this system with institutionalized migrant worker processes, Lebanon continues to disregard stipulated protections which ensure safe and proper labor on its land. A significant shortcoming is the exclusion of domestic work from the provisions of the Lebanese Labor Code, which was enacted in 1946. This directly bestows the absence of protection of certain rights observed by other workers such as minimum wage, maximum working hours, and vacation days. This also implies a lack of compensation or any leverage in case employment is terminated (Bel-Air, 2017). The Lebanese regulations mark MDWs as fourth category workers, which also means the cheapest of labor force, with a work permit and residence permit costing 160 and 200 USD respectively.

Of note, almost 90% of migrant domestic workers are employed through private recruitment agencies, who work with partner agencies and representatives in the country of origin (ILO, 2019). The process and business model has been uncovered as manifesting

in different forms of abuse to migrants. The agencies often charged high fees (reaching 3,000\$) as recruitment fees, often held contracts with the recruited without translation mediation, or completely failed to mention terms of agreement with regards to fees covered and the nature of the work. After the Labor Minister's decision to adopt a new unified contract for migrant domestic workers in 2020, it was annulled by Shura Council as a complaint was sent by The Syndicate of the Owners of Recruitment Agencies (Amnesty International, 2019). They argued that as migrant domestic workers are excluded from the Labor Law, their status remains under the discretion of employers under the Law of Obligations and Contracts (Amnesty International, 2019). Migrant workers have been succumbing to a cycle of layered and compounded abuses due to the strategic indifference of both the Ethiopian and Lebanese governments.

1.3- Ethiopian MDWs in light of Strategic Indifference

The Kafala related regulations fail to ensure the protection of migrants' communities in the face of abuse from both employers and from local authorities. This "vulnerability to exploitation" (Nasri, Tannous, 2014) has been a topic of attraction of human rights activists and NGOs in efforts to uncover the governing abuses. Furthermore, it has been a path of aid intervention, all while observing regulatory frameworks in Lebanon.

Looking at the system in place for protection, strategic indifference shows up in a variety of sectors. Firstly, there is a general lack of accessible complaint mechanisms, which in turn dissuades MDWs from pursuing legal counseling or guidance in the cases of malpractice. This is coupled with the lengthy and indefinite judicial procedures which have been found to either be obsolete or inflict minimal consequences to perpetrators. Furthermore, the restrictive visa policies often place MDWs in that space of vulnerability

where pursuit of rights would backlash (Degu Belay, 2014). Furthermore, due to the framework governing MDWs, authorities often disregard or minimally act on cases viewed as crimes. This adds to the circular structure of indifference where the phenomena of pretrial detention of migrant domestic workers under investigation of alleged petty crimes, is widespread. Indifference has reached its peak in materialization at the onset of the economic crisis in Lebanon. Such indifferences materialized in minimal state intervention as MDWs were abandoned at the doors of the Ethiopian consulate leaving hundreds homeless (Zelalem, 2021).

A concrete example of long delegated responsibility to handling MDW issues is the formation of a national steering committee in 2005, where the stakeholders were MoL, MoJ, GSO, ISF, Union of Recruitment Agencies, ILO, IOM, Caritas-Liban, KAFA (OHCHR, 2011). These indeed represent the fusing of state and private agencies. This committee, as well as other advocate groups have come to clear results, i.e., isolation rooms where MDWs would wait for their employers. However, such committees, although play a huge role in moving forward, are still restricted as they cannot replace strong national jurisdiction. Another example can be seen through the establishment of Code of Conduct, which provides guidance to recruiting agencies on promoting and protecting the rights of migrant domestic workers in the country (OHCHR, 2013). This was in consultation amongst the OHCHR and ILO, in partnership with the MoL, SORAL, and Caritas Lebanon's Migrant Center. This code of conduct has identified several points such as "transparency in business operations; the provision of full information to the worker about conditions of employment in Lebanon; the verification of the worker's qualification and no placement of underage workers" (OHCHR, 2013). However, the

main concerns remain on the identification of accountability mechanisms, and the process of instilling disciplinary action.

Furthermore, during a global pandemic, and due to the exclusion of MDWs from the labor law, policies set in place for the containment of consequences disregarded MDWs. Amidst the COVID-19 pandemic, migrant workers faced compounding obstacles for prevention against the virus. Abuse, those physical, emotional, and financial had increased. These abuses include forced labor without pay or at arbitrarily reduced salaries, longer working hours as they stay at home during lockdowns, as well as the many reports of sexual abuse. against migrant domestic workers has increased amid Lebanon's economic crisis and the Covid-19 pandemic, including employers forcing domestic workers to work without pay or at highly reduced salaries, confining them to the household, to work long hours without rest or a day off, and verbal, physical and sexual abuse (UNWomen, 2020) Vaccine distribution criteria was underrated for the benefit of circulating networks and connections. This has placed marginalized groups, atop which are migrant domestic workers, far from attaining the vaccine (ARM, 2021). Furthermore, vaccine distribution was hindered by some fears of Migrant domestic workers towards the government. These sprout from the failure of the state to provide safe environments for undocumented migrants to both apply, and seek the vaccine (ILO, 2021).

Many were deprived of their "livelihoods and lack the financial and legal support to leave Lebanon" (IOM, 2020). This has gotten MDWs to live amidst a system. This indifference can be regarded as a state led policy where responsibility towards MDWs is ambiguous. The system thus tolerates MDWs presence, however, depends on private enterprises, the humanitarian system, even more so, recruitment agencies, to supply the safety nets the

government is legally not responsible for, specifically due to the deliberate ambiguity of responsibility (Norman, 2020). As per Heba Morayef, Amnesty International MENA Regional Director, “The ongoing economic crisis in Lebanon has exacerbated the situation for migrant workers. Many have reported that the value of their salaries has decreased by around a third because of the currency crash.” As such, no tangible policies were set in place on government agendas with that regard, with the state completely reliant on the humanitarian field for relief, rather than concrete steps towards alleviation.

1.4- Gaps in the Existing Literature

Previous literature is rich on migrant workers, especially Ethiopian MDWs. The abundant topics included analysis under the Kafala system. The literature also touched on the realities of MDWs, modalities of employment and the responsibility of the state. This research will aim to operationalize the concept of strategic indifference, a contested term rarely discussed in light of MDWs, bringing it together with the consequences it has on them. This research is also unique in that it employs recent data collected amidst unprecedented circumstances on the individual, state, and international level. While this research is timely, it is also challenging as there are compounding crises interplaying along with the studied variable; a historic explosion in the port of Lebanon, one of the worst economic crises in history (World bank, 2021), a global pandemic, and a communal uprising. While literature includes discourse on the exclusion of MDWs from social safety nets, specifically considering Covid-19 policies and procedures excluding a whole community, it lacks concrete numbers and statistics on real-time experiences and statistics. These events bring to the research substantial indicators of resilience, livelihood, protection, and uncovers in its rawest forms, the priorities of the government,

last of which appears to be the subjects of the topic at hand. Previous literature has also failed in presenting new practical recommendations moving forward, within the given contexts, which this research will deeply analyze.

1.5- Methodology

This research works at empirically investigating the relationship amongst three main variables: Strategic indifference, Legal Standing, and working conditions. Strategic indifference refers to the legislation process as well as national agendas which maintain the gap between stakeholders, in this case Migrant domestic workers, and the state. This allows for the continued efforts of the informal sector, as well as the efforts of international and local organizations. With that, and in light of legal provision, laws are found either ambiguous, not adhered to, or not ratified, pushing further the lack of accountability processes. This has manifested greatly in the realities of Ethiopian migrant workers, their working conditions, and overall vulnerability. With that, this research has the concepts of legal standing and working conditions under investigation as dependent variables. It shall operationalize the concept of strategic indifference as an independent variable. Thus, it argues that strategic indifference is rather a practiced strategy within the Lebanese government under the Kafala system and has detrimental impacts. This conclusion shall be reached by the series of indicators which shall showcase complete disregard of rights to migrant workers, especially after 2019. It is worth posing as it argues a topic often disregarded from the priorities of the state, especially after the worrying numbers of incidents amidst deteriorating social and economic realities. Thus, it does so through the study of the following set of hypotheses:

Hypothesis 1: The Lebanese state practices of strategic indifference towards MDWs has restricted legal provision under the Kafala system.

Hypothesis 2: The Lebanese state's strategic indifference with regards to Ethiopian migrant workers has resulted in more adverse working conditions.

The argument is highly dependent on the concept of strategic indifference. In that, states choose to neither repress nor to integrate with immigration processes. Alternatively, their approach is Strategic indifference, where they actively choose informal ways in order to stay away from the need of granting legal rights. Such legal rights include state granted residency permits, employment mobility, and services (Norman, 2020). In that, the state deliberately tolerates the informal sector, leaving a large gap for NGOs and private aid to handle the situation and provide the alternative of the basic level of social security. Norman (2020) states, Indifference leaves migrants and refugees in a precarious and informal position, subject to rapidly changing security environments and absent important legal protections. Furthermore, indifference maintains the status of the state in economic and social flexibility with the detrimental realities of the subjects of indifference in completely different dimensions to state policy.

To investigate the research questions at hand, and test the proposed hypotheses, this study will make use of a mixed methods approach. It will employ quantitative and qualitative data accumulated, based on two sources of data. The first explores conventions, treaties, official texts and previous literature on Ethiopian migrant workers in Lebanon. It heavily relies on the substantial literature available on MDWs in Lebanon, along with patterns and trends analyzed about Ethiopians in the country. Secondly, it will investigate primary data that have been accumulated over the months of March to June 2022. The interviews

took place within the shelter established for Ethiopian migrant workers, which was established after the economic crisis. This was done in the presence of translators of two different Amharic dialects to ensure complete transmission of information, as well as creating a safe environment of comprehension between the interviewer and interviewee. Those subjected to interviews come from different regions across Lebanon, who have made their way to the shelter either by leaving their place of work or were subjected to forced release by their employers and left at the doors of the shelter. Most of the women have been subjects of extreme living conditions, a concept that will be further explored in this paper. Of note, the interviews were exclusively conducted within the walls of the shelter, by liaising with the Ethiopian Embassy, due to mobility restrictions placed on the beneficiaries once they reach their destination into the shelter. After the qualitative interviews, the data will be subject to thematic coding, which will identify the indicators of the dependent variables of vulnerability, legal standing, and safe repatriation.

In terms of analysis, the data will be quantified according to the extracted themes, creating substantial grounds to valuing the correlation between strategic indifference and culture of impunity with Ethiopian migrant worker living conditions in Lebanon, their consequences on legal standing, as well as possible paths to repatriation if any. Along with the data accumulated through specific and targeted assessments, this research will also consolidate a list of Key informant interviews from key stakeholders. These will give insight on experienced recommendations. Furthermore, they shall employ the scattered data on Covid-19, women within shelters, and those repatriated through further delineation of legal and institutional processes and obstacles.

Overall, this mixed methods approach will serve to look at several complimentary issues. Firstly, it will identify the residing Kafala system and its standing effects. After which, It will present existing legal provisions, both through national legislation, or international ratification. This will allow us to contextualize current realities and vulnerability existing for Ethiopian MDWs. Understanding how the government has been indifferent to MDWs in Lebanon, specifically after 2019, will then draw forth a series of next steps and recommendations as to, how the government has been shortcoming, and the steps that ought to be taken in that regard.

Chapter II

The Kafala System and the Context of Lebanon

2.1- A Deep-Dive into Kafala

The phenomenon of Lebanese families hiring women and girls from Africa and Asia to work in households has been widespread since the 1970s. This is specifically applicable to households of middle and higher classes. There are now about 250,000 domestic workers in Lebanon surviving the residing system (Harvard International Review, 2020). Along the development of this phenomenon, systems of coercion became more ingrained in the Lebanese system, and even culture. These domestic workers coming from poor areas then reach Lebanon, only to find themselves excluded from the Lebanese Labor Law, with the Kafala system overseeing their labor (Amnesty International, 2021). The Kafala system is the governing regulator of work conditions of migrant domestic workers in Lebanon. It entails that the state hands employers, or specific private companies the sponsorship responsibility of employment of foreign workers and employees. What this has historically done is give complete control to the kafeel or sponsor, and binds the migrant worker's legal status to the contract presented by the employer. Of note, although the Kafala system was initiated to present flexible means of immigration and opportunities to the workforce, its experience has shifted the notion altogether (Khan and Harroff-Travel, 2011). While the restrictions and setbacks are in multitudes, of note, if a worker wants to change their employer, they must first complete 2 years with the current

employer, after which they can shift, supposedly, uncontested by the Kafael. Furthermore, if the worker wants to resign from their job, or leave the country, they can only do so with the permission of the Kafael. This has shown that a local citizen has been handed significant power over the determination and future of a foreign worker's legal and professional status, positioning them under different forms of abuses and exploitations (Council Foreign Relations, 2021). Discussions of the Kafala system have exclusively shown reports of labor rights and opportunity restrictions as well as limited vertical social mobility. This has also resulted in a diverse portfolio of abuse reports, including sexual and physical assault, and exploitation of employees (HRW, 2008). Furthermore, the Kafala system has crippled reporting mechanisms from the migrant workers, where employers can cancel their workers' visas under the excuse of absconding behavior (Business-Human Rights Resource Center, 2020). This then makes up a whole system fundamentally built on cheap and vulnerable labor, governed by exploitation and abuse (Fernandez, 2021).

The Kafala system is still the functioning mechanism for migrant work, especially domestic migrant workers. Lebanon has received compounded criticisms from the international system, taking into account what is contested as human trafficking and modern-day slavery practices (Amnesty International, 2021). Explanations of the Kafala system have also identified the multi-dimensional factors of failure, as they spoke of concepts of racial stratifications, coercion, and most importantly, state enforcement (Fernandez, 2021).

2.2- Prominent realities under Kafala

Reflecting on the Kafala system would be correlational with the reflection on concepts of modern slavery, which can fundamentally take up different forms. Modern slavery thus does not refer to concepts traditionally used (Shahadat and Uddin, 2021). While different definitions exist, common elements include restrictions on mobility and free will, the withholding of wages and no compensation for labor, as well as the threat to violence in the workplace with fear of losing employment and confiscation of identity papers (Kara, 2012). This can also be explained through looking at coercive contracts as weapons against the powerless (Davidson, 2010). This maintains the cycle of inequality, where the employee is forced to work for several years on rational choice solely. Such slavery forms are widespread when domestic work is observed. As workers are usually employed from low-income developing countries, to then work in a relatively higher income country. These slavery forms are common in developing countries, especially in the case of domestic work. Seeing that domestic workers are usually recruited from lower-income countries (Hernandez and Rudolph, 2015) this would result in an innate power differential on several layers. This is to say that this type of work, with its sensitivities, is mainly dealt with by the informal sector, with mediocre and even nonexistent policies and regulations (LeBaron and Rühmkorf, 2017). While some have coined that lack of responsibility as strategic indifference, others believe it is due to the lack of government capacity to regulate and monitor it.

Literature on this issue mainly looks at domestic worker conditions in different contexts around the world. A prominent trend touches on the degrading working conditions, brought about by abusive behaviorisms of citizens (Fernandez, 2021). This is sometimes

brought about in light of the concept of culture of impunity, and the absence of accountability. This is not to say, however, that organizational and legal frameworks governing migrant work are not important factors to the existing harsh conditions.

While some international regimes have taken strong stances to fight modern slavery practices, others obviously fall behind in incentive as well as actionable programs. We look at the Government in Brazil as an example of positive forward action. In 2005, Brazil, in coordination with the ILO, launched their initiative called the National Pact for the Eradication of Slave Labour (Gold et al. 2015). In direct contrast Lebanon lags with regards to controlling and restricting modern slavery behaviorisms. The reason for that is the overlaying lack of initiative and seriousness from the government in tackling such issues and implementing clear regulations on modern day slavery practices. This results in direct This is due to the lack of seriousness in applying and implementing effective modern slavery-related regulations, which endures the presence of modern slavery practices in these contexts. Ergo, a lack of rules against such practices creates a suitable environment for their existence, and even more importantly, formulates a chronic culture of impunity where accountability is absent.

2.3- The concept of accountability

A major theme when studying Kafala and the forms of abuse it has historically taken, the concept of accountability is drawn. This refers to violations and abuses perpetrated towards MDWs by employers and recruitment agencies. Along with previous literature discussing the concepts of abuse, human trafficking and modern-day slavery, it touched on the concept of accountability within a given context. Chuang looks at accountability and the entrenched reasons behind the resistance to the setting of accountability measures

where violations against MDW are made. Furthermore, in the cases where such regulations do exist, LeBaron and Rühmkorf (2011) discuss how these are deemed ineffective in countering such violations and protecting MDWs. They argue that actors in the corporate markets behave in ways in which such gaps and loopholes are existent in maintaining and even exacerbating labor abuses.

With that, these existing issues require effective and clear-cut standards which should be tangible to hold different stakeholders accountable for actions such as modern-day slavery practices, forced labor, or any type of abuse. Here, Ebrahim (2003) argues that functional accountability – a concept which looks at “financial and short-term measures” where the stakeholders are power or resource holders, is not effective in this context. What this form of accountability does is it brings upon external and superior oversight, which then encourages “rationalizations of action” (Roberts, 2001), and can be manipulated by the system. Furthermore Roberts (2001) argues that such forms of accountability can bring on further anxiety and pressure on the already vulnerable and weak actors, who will continuously need to defend their rights within that structure. With that, when long-term goals are ignored, such perspectives often lose sight of matters regarding macro-scale development, and grand-scale structural changes. Contrary to this view, it is rather important to look at accountability from a lens which includes multiple acting institutions to make sense in real time, in which it is a diverse system inclusive of varying socioeconomic and political vantage points, as well as constituencies. In that sense, the context of migrant domestic workers within a given system holds several stakeholders, most importantly those most vulnerable and underrepresented groups: the migrants themselves. With that, the system set in place does not simply monitor as an external

entity, in fact it then is able to set evaluation and assessment systems, which then links different constituencies together and establishes causal relationships (O'Dwyer and Unerman, 2008). With that, it can be established that impacts and ripple effects of government policies and actions can impact the behavior of perpetrators of human rights. This is crucial in order to sustain the evaluation systems in place, and deeply comprehend the impact of policies towards vulnerable groups (Edwards and Hulme, 2002).

2.4- Kafala, Lebanon, and the International System

The Kafala system in itself is a concept of high discussion and criticism across the world, specifically amongst international human rights organizations and activists. This system in place has been referred to be representative of human trafficking and modern-day slavery. As per the UN protocol to “prevent, suppress and punish trafficking in persons”, and referring to article 3(a),

"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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs;" (A/RES/22/25)

This article is representative of the regular employment and working situations of Ethiopian migrant workers in Lebanon specifically, as well as in the GCC countries and

Jordan generally. Many times the recruitment of workers involves overlapping paths of deception, where the information presented before recruitment has been reported to be false, which includes modalities of work, work hours, and rights within the country of destination. While this is not adhered to all recruitment processes, they do indeed form a trend that is flagged as historically repetitive. While the purpose of exploitation is a pillar to categorize migrant workers in light of trafficking, the reality of domestic servitude fits the elements including low or unpaid salaries, nonexistent days off, restrictions on movement, and most prominently, physical and psychological violence (OSCE, 2010). Nevertheless, while others agree with the inhumane breaches in human rights and customary labor laws, they argue that these realities cannot be categorized as human trafficking, as they distinguish between forced labor and exploitative working conditions.

According to the ILO, forced labor is distinct from forms of exploitation in labor. There are several factors that can be used to understand when a situation leads to forced labor, such as “restrictions on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape” (ILO, 2021). This topic specifically has been highly contested in literature, especially pertaining to the idea of consent. Since domestic workers are recruited by rational decisions of workers to sign contracts, and willingly relocate to the country of destination.

With regards to the international human rights documents and conventions, the Universal Declaration of Human Rights 1948 (UDHR) draws the paths for most of the internationally recognized human rights. The principles introduced include values of equality and the complete freedom of movement, as well as a basis of nondiscrimination

ought to be adhered to. These have not necessarily been respected under the Kafala system. These concepts in the UDHR are, however, not binding in ratified countries. Of note, some other documents are substantial when discussing the bases for human rights protection, which also, do not have binding effects. These include the International Covenant on Civil and Political Rights 1996 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1996 (ICESCR) (Malaeb, 2015). These documents combine ideals of prohibition of slavery and forced labor, as well as concepts like free will, equality in opportunity, trade and labor union formation, and the security in enjoying reasonable and a standard decent condition of work. There are other international human rights treaties that have specifically tackled migrant domestic workers pertaining to the concepts of discrimination against race and gender. These are the Convention against Racial Discrimination 1965 and the Convention on the Elimination of All Forms of Discrimination against Women 1979. These documents have been attested to by Lebanon. However, the nature of Kafala holds overlaying lenses with different dimensions of discrimination that go beyond the discrimination against national identity or race. These include the discrimination of migrant workers from a gender, as well as a class perspective. Furthermore, there are documents that have specifically worked on the rights of migrant workers much like the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 (A/RES/45/158, 1990). This convention tackles the specificities of migrant worker realities and establishes a common ground to migrant worker rights and duties, much like temporary workers, working periods, and discrimination practices within residences. This convention is substantial since migrant workers are neither included in national labor laws, nor in labor protection mechanisms. This convention has unfortunately not been ratified by Lebanon,

which leaves migrant domestic workers in a grey area of protection spaces. In that regard, looking at this convention would be looking at completely contrasting views with the fundamentals of the Kafala system; protecting the culture and national identity would therefore call for dispensability and assimilation, instead of permanence and integration. Another substantial convention is that dealing with Migration for Employment of 1949, which have generally not been adhered to by the Kafala system. This convention holds two articles discussing the responsibility of providing accurate information about migration processes, using suitable modalities, as well as countering any possible misunderstandings or general false information. Furthermore, looking at article-6 of this convention represents migrants within host communities and their rights to exist lawfully on the territory, with no distinction in terms of working hours, social security and protection schemes... this convention is also not ratified by Lebanon.

The convention on Migrant workers of 1975 speaks of the agencies of employment and reiterates the importance of working to fight illegal labor calls that do not follow clear paths. This refers to the importance of having clear and official labor agencies of recruitment and employment (ILO, 1975). The effectiveness of this document can delineate responsibilities and duties of recruitment agencies functioning under the Kafala system. Not only can it limit the irregular usage of free visas, which has multiple ripple effects on the migrant upon arrival to the country of destination. This document has also not been ratified by any of the countries governed by the Kafala system, including Lebanon. Perhaps one of the most important documents is the ILO convention which highlights domestic workers' decent work conditions. This is inclusive of ensuring that workers are informed of their terms of reference and conditions. It furthermore delves

into details like repatriation schemes, and end of contract rights. While this convention has been set forth specifically to delineate rights and form a baseline of protection in light of systems like Kafala, none of the countries ratified it (ILO C189).

While these conventions are set in place in order to ensure the protection of migrants, not ratifying these conventions would therefore allow for action opposing the bases of protection they call forth. However, Lebanon, as previously stated, has ratified several conventions which it has failed to adhere to. Furthermore, Lebanon is a member of the ILO, which automatically places responsibility to ensure protection of all workers within its borders. While one cannot make the conclusion that countries which have not ratified those conventions do not adhere to human rights or labor standards, not ratifying internationally established human rights and labor standards, allows for infinitesimal gaps within the system.

Chapter III

Migrant Domestic Workers post-2019 in Lebanon

3.1- Lebanon's Collapse

October 17, 2019, played as a turning point for the Lebanese people when they reclaimed the streets of Lebanon across all of its regions in denunciation of the country's declining economic status, the existing status quo and political system, and the entrenched system incapacitated by crony capitalism and lack of governance. This period, referred to as the October revolution, is the largest form of political mobilization in the last 15 years, which sprouted from the people, away from mainstream political parties. On October 17th 2019, mass protests erupted where people regained public areas and expressed their socio-political and economic demands. Consequently, one of the existing tipping points was the implementation and increase in taxes, most distinctively, a discussed tax on the messaging application Whatsapp, Tobacco, and fuel. These taxes inflicted on the citizens were in the government's efforts to deal with inflation, and limit losses. The end goal of those demonstrations was initially to denounce the deeply entrenched corruption, as well as call for the end of a failed sectarian-controlled system.

Unlike popular belief, the October revolution was not spontaneously inflicted, rather it was the threshold of accumulating economic drawbacks dating back to 2009, where GDP rated 10.1%, exponentially declining since then to reach a mere 0.2% in 2019 (Blominvest Bank, 2019). This was simultaneous with the crippling political gridlock, and widespread

decreasing social stability. Looking back to the post-civil war economic and political consequences would clarify the scene today, when the economy was not only paralyzed, but the country held leading numbers of emigration, death rates and disappearances. This is coupled by the aggravating ranking in quality of electricity supply, infrastructure, and service provision (World Economic Forum Report, 2017-2018). Looking beyond the existing economic and political challenges, this country hosts the highest number of refugees from the spillover of the war in Syria, with the Government estimation of 1.5 M Syrian refugees along with the residing 13,715 refugees of other nationalities (UNHCR, 2022).

The accumulating pressures have impacted all residents in the country, and increased pressures on the incapacitated service provision sector. Overall, after the start of the Syrian war, unemployment rates skyrocketed due to bad governance and an almost absent functional crisis response on a state level. Notwithstanding Lebanon's economic structure that is highly cash-oriented, hinged on banking and tourism, two sectors highly dependent on general social stability and security (Awdeh, 2012).

To understand the current deteriorations, a look back at financial engineering schemes dating since 1997 is in place. The exchange rate then was fixed at 1 dollar for 1,507 Lebanese Pounds. Since 2019, the Lebanese currency has lost more than 95% of its market value (Lorient le Jour, 2022). The Lebanese population under the national poverty line has also risen by 9.1 pp (Percentage Points) as of December 2021 (World Bank, 2022). This deterioration can be tangible through many indicators, one of which is the steep decrease in the existence of a middle class, which is now delving into poverty due to set

banking policies like restrictions on withdrawal, informal capital control schemes, as well as a drastic loss in monetary values.

Furthermore, this deterioration has had numerous detrimental effects to different aspects of the country. The desperation and general discontent towards the system continued to grow, affecting socio economic behaviorisms. The phenomenon of community insecurity became a worrying trend, with a drastic increase in theft and armed clashes. This can be seen on both intra and intercommunal levels (ARK/UNDP, 2022). This of course can be traced back to exponential socio-economic deterioration. As of May 2022, food inflation has been valued at 364% according to the inflation index. According to a joint survey by the UN and Lebanese state, Lebanon's unemployment rates have risen from 11.4% in 2019 to 29.6% as of January 2022 (CAS, 2022). Such state economic hardship has also resulted in a critical fuel shortage, and a region wide limited electricity provision.

The Covid-19 pandemic has also drastically affected the socioeconomic context of the country. In mid-March 2020, the country went into a state of emergency which rippled many effects afterwards. This included a complete halt of the market due to strict quarantine periods which lasted intermittently for two years. This has taken its heavy toll on local stores and markets with their closure for long periods of time¹²². General fears have sprouted during that time including extreme poverty and even famine¹²³. These fears fully materialized on August 4th, when Beirut witnessed the biggest non nuclear explosion in history, which killed 90 people and left more than 6,500 people injured. Some of the other direct effects is the phenomenon of homelessness, with more than 300,000 people leaving their homes. Furthermore, the port played a crucial role in the entry of 90% of food, and especially the preservation of wheat in the silos.

This has directly impacted migrant domestic workers as they were faced with further vulnerabilities with the deterioration of the situation. free-lancers struggled to find jobs, while contracted domestic workers faced a series of abuses, manipulations and shortcomings with the continued economic collapse.¹²⁶ many employers were no longer able to sustain the financial needs of their employees and were found either letting their workers leave the job or dropping them off themselves at the doors of the embassy. This was met with extremely unaffordable repatriation packages, with MDWs finding themselves stuck in a static system with no out. Furthermore, increased perceptions of aid as biased was witnessed in Lebanon, where aid of organizations was seen through the lens of relative deprivation from the Lebanese. This has increased views on Xenophobia with migrants in the most vulnerable state they have historically been in.

3.2- COVID-19 and MDW

It is evident that the situation for female migrant workers has exacerbated at the onset of the Covid-19 pandemic beyond the health realm. With the Lebanese government's efforts to contain COVID-19 spread, Lebanon had set policies with extreme social distancing measures (Goldstein, E. and Braunschweiger, A., 2020). Lebanon was aggressive with its approach towards the virus with its implementation of several lockdowns and curfews. While the effect of those measures is a contested topic, the grave effects on MDWs is certain. These policies have placed MDWs on a pedestal of exposure to Gender based violence and abusive working environments, with no regard to protection and security of those groups.

Such restrictions do not only have effects on the local level but have had consequences on the international realm subjecting MDWs to increased work demands and caretaking

responsibilities. Restrictions on movement have trapped migrant workers in host countries, removing the option of repatriation to countries of origin. As MDWs often live with their employers, they are responsible for a list of chores such as cooking, cleaning, child or elderly caretaking. Due to the fundamental lack of protection under Kafala, they are subjected to indefinite working hours, lack of sick leaves or absences, and the concept of maternity or maternity leaves is completely disregarded (Begum, R. 2020). If the MDW was already subject to working and other abuses, they will experience amplified pressures. These include disinfecting materials, increased cleaning, as well as extra duties due to the residing of families in the house during lockdowns and isolation in case an employer member contracted the virus. In some cases, MDW were asked to leave the workplace with no protection whatsoever as employers were decreasing the number of staff.

For those MDWs who do not reside with their employers, they resorted to unsafe conditions of transportation and living. It was seen that they lived in crowded areas, which created a direct threat to their health, and increased their chances of contracting the virus. Other reasons for heightened contraction of the virus are the nature of the work in close contact with members of the family. While migrant domestic workers were in a majority living with their employers, they witnessed extreme movement restrictions, getting out of the house in the cases of doing chores, such as going to the supermarket or walking the dog, which increased their risk (Amnesty International, 2020).

Yet, seeing these increased risks, data shows that MDWs were low on the priority list for Personal Protective Equipment (PPE), medical services in case of contraction, and later with the vaccine distribution. Furthermore, exercising free will with social distancing

measures was nonexistent, depending solely on the employer families distancing measures and precautions. Furthermore, this also applies if the family employers were essential workers with high risk of contraction, like nurses and doctors. There are also risks on MDWs in the case they contracted COVID-19. Employers may choose to release the MDW without insurance of where to live, reducing their salaries, as well as the risk of losing their job. Simultaneous with the global pandemic, Lebanon witnessed an unprecedented economic crisis which caused many female MDW to lose the value of their already meager wages, which impacted the number of remittances sent back to Ethiopia. This has substantially affected the workers' psychological and emotional wellbeing, as well as severely impacted the objective of working abroad; with the decrease in wages and the many presented risks, workers would have wanted to opt out of working in Lebanon (Inman, 2020). In the cases where migrant workers decided to stay in Lebanon, adding to these issues, the layer of risks of deportation existed for both documented and undocumented migrants (Getachew, S., 2020).

A grave risk on MDWs at the onset of COVID-19 is the increase in Gender based violence at the household level. As families would previously spend some time out of the household, the GBV was less. Seeing that more time is spent at home, abusive employers have more access to the MDWs, which increases the frequency of abuse (ARM, 2020). Abuse has increased exponentially on emotional, physical, economic, and sexual levels, as well the unprecedented load of work. It is estimated that the number of deaths, resulting from both suicide and domestic violence, has almost doubled since the beginning of 2020. Of note, increased economic vulnerability has shown to place MDW at a higher risk of sexual exploitation by either the landlord if the MDW lives apart from place of work, or

by employers within the household. This perpetuates limited ability for the MDW to leave due to fears of eviction or unemployment (Qiblawi, T. 2020).

Access to services during COVID-19 played a big role in entrenching the existent structural inequalities. Due to the nature of MDW work, they are frequently isolated socially, preventing any possibility of accessing community groups. (Amnesty International, 2020). As it has gravely affected many opportunities, language played a big barrier to accessing information, be it with regards to their rights and duties under the Kafala system. It has been seen that misinformation or a lack thereof has been a leading cause of minimal or absence of reporting or asking for help, which further ingrains communal isolation (Anti-Slavery, 2012). Other factors include the lack of access to technology such as a phone or the internet. This has restricted communication with family abroad or seeking and receiving information from organizations.

Migrant domestic workers face a plethora of access issues, and at the onset of the pandemic, this was especially tangible with restricted access to healthcare. Much like their general realities, access to healthcare service is highly dependent on the character of the employer. Domestic workers who have confined spaces within the home have very limited access to different services; much like in a Covid-19 work environment where restrictions were felt in the minimal access to testing and treatments. More importantly, on a state level, MDWs were not included in protection and medical schemes (Amnesty International, 2020). This was especially true for female migrants who are undocumented. In the healthcare sector specifically, lack of documentation in most cases means the lack of insurance; health insurance, as well as the insurance of provided care. In that sense, hospitals and practitioners have had the chance to turn down those undocumented migrant

workers. This also applies to treatment and follow-up in the cases when they contracted Covid-19. During the first phases of the Covid-19 breakout, reports showed that migrant workers were denied testing even if they clearly presented symptoms (Azhari,T, 2020).

As for the Gender Based Violence schemes in place, these were prominently set by local civil society as well as international organizations. These assistants were mainly in the form of shelter provision for survivors of GBV within the household. Furthermore, the services also included case management as well as legal support. What was witnessed in this period is that seeing the high pressure and need, funding of those services were shortcoming. Shelters were functioning at full capacity, as well as aid was thinly distributed (Parvaz, 2015). In general, services witness chronic incapacitation and limited reach to beneficiaries.

Chapter IV

Data Presentation

4.1 Ethical Considerations

There are many ethical considerations to tackling this topic on several levels: narrative, outcomes, and primary data generation. With regards to the narrative, this topic is subject to much criticism and sensitivity across communities in Lebanon. Due to the presentation of vulnerable populations across the world, presentation of Ethiopian migrant workers as victims would only ricket the concept of individual agency. This is dangerous as it leaves migrant workers within the cycle of impunity as constantly labeled in light of other variables rather than distinct workers within the labor force, including victims of the system, beneficiaries of civil society, and burdens on the state.

Furthermore, the nature of the outcomes of this study will be of highly sensitive nature which will present migrant workers worldwide. Accounts of abuse, sexual harassment, sexism, modern day slavery, trafficking, xenophobia, and experiences of dehumanization are all personal unique stories. In other words, these concepts ought not be regarded as an umbrella of collective experiences, rather they are isolated events which gravely and probably chronically affect Ethiopian migrant women. For that, as certain trends will be identified, this thesis will highlight the grave impact they have had on livelihoods, psychological and physical wellbeing, as well as work mobility. Thus, presenting such

data will not be employed merely for highlighting the reality, but for constructing a solid basis of argumentation and placing accountability when possible.

As for the considerations during the interview process, there are important points to note. Firstly, the shelter holds up to 130 women at a time as they prepare for repatriation. In light of COVID-19, the interview process ought to have been in a safe environment, especially to prevent an outbreak within the shelter, which jeopardizes events such as date of repatriation, as well as the shelter's sustainability. Secondly, given the abusive histories of some of the women interviewed, and the presence of many under significant psychological tolls, the interviews used an open-ended scheme asking neutral scientific questions which do not place interviewees in a place of justification or discomfort. Rather, it was more of a studied conversation, with the interviewees leading. Surely, issues of the language barrier for many and the need for a translator was already an added stressor to the conversation.

4.2 Emerging themes from Data Collection

To understand the residing hardship during the studied period, a qualitative deep dive into accounts made by Ethiopian migrant workers is in place. As the women interviewed resided in the shelter, certain trends can be extracted from their open-ended accounts. Of note, the shelter was provided by the Ethiopian Consulate in Lebanon and maintained by local civil society actors as well as international organizations. This was one of two official shelters opened at the onset of the phenomenon of widespread homelessness, and steep deterioration of economic stability. The MDWs in the shelter were called in where they met with field officers and social workers in private, with translators of different dialects. The women had to sign a consent form, as these assessments, along with the

open-ended questions, were to be used at a later stage to aid women wishing to leave back to Ethiopia, in the repatriation process. Almost all women interviewed have expressed their interest to repatriate, but their financial situation disallows them to do so. Their accounts fed into specific concepts only to identify a total absence of official institutions and the government in general, as well as decreased coordination between the consulate of Ethiopia in Lebanon and the Lebanese state. Such trends have been identified by the majority of accounts, where a presentation of the hardships experienced are delineated amongst Ethiopian migrant domestic workers. These accounts were then fed into the assessment form which aided in a local initiative for the repatriation of MDWs back to their countries. In this section, we will look at the trends identified from the data and set on to contextualize them within the general environment of state indifference.

A. Leaving the household either willingly or forcibly:

The women interviewed all had a single thing in common; they have left their place of employment. Accounts ranged from poor working conditions, all the way to daily abuse across its types. Migrant domestic workers also expressed their lack of knowledge of services or destinations existent which they can seek. One MDW even mentioned that she “stood in the street with her small plastic bag which had her clothes and waited for cars to pass by to ask them if they could drop [her]”. This “escape” is often abrupt and based on overlapping factors of abuse, employer exploitation, low standard of living, and excruciating circumstances. Seeing that the process of moving out is often against the will of the employers, the women often had little with them, with their ID papers and documentation still in the hands of the employers, as they had been previously confiscated in the majority of the cases. The women knew of the consulate as it was sometimes the

only institution they have been in during the term of their contract, which explains the rising phenomenon of camping in front of the consulate in Beirut.

The majority of women mentioned their leaving due to specific issues that exist throughout interviews, which will be delineated in the coming trends. In brief, for a migrant domestic worker to choose an irregular status as she leaves the household, over the dire conditions within the households' points to the rational trade-off made in a very impulsive manner. Working conditions can fit in the argument of modern-day slavery, where the MDW worked several months on end without being remunerated. Of note, some of the women who left the household were forced to by the employer, who can no longer provide the sufficient finances for their employees. A trend witnessed as well is that several women repeated that the working conditions were somewhat okay, and their employers were good to them, but then shifted at the onset of the economic crisis, as the burdens increased. This goes to show how fragile the system is, where high dependence on the rational choice of the employers governs the well-being of a whole sector. Places of destination ranged from those who went directly to the consulate, to those who resided in local churches and friends' houses before moving into the shelter. This materializes the theory through practice; a lack of solid protections within the household of the employer would therefore increase that space of violence which in turn increases violations against MDWs. The lack of support that MDWs have, isolation schemes they are bound under, and the lack of any reporting mechanisms have placed MDWs in a place when leaving the household all alone, and being met with all legal consequences, would be a rational trade-off to staying in that workplace. This is also indicative of all the cases that do not make it out and are still isolated within their employers' households. Working under the

residing system will oftentimes mean exclusion from any party outside of the household, due to fears from the employers that the MDW would “run-away”, but also for several other reasons.

B. The excruciating living conditions in the employer’s household.

The women interviewed expressed their livelihoods within the household as excruciating, and even described as “torture”. When speaking of acceptable working conditions for migrant domestic workers one would be referring to access to healthcare and products, fair working hours during the day, freedom of movement, as well as access to nutrition. Since it was an open-ended response, a deep dive into the categorization of work conditions is not applicable, however some trends are highlighted and extremely worrying. Most prominently, the women were overworked with no clear working hours set. At any point in time, as interviewees described, they “had to answer no matter what time it is”. This was even justified by the interviewee to have been due to the sensitivity of their work with the elderly or childcare. The MDWs also stressed on healthcare, and how sick leaves were almost impossible. One respondent reported feeling symptoms of Covid-19 which she described by “having a sore throat and a very strong headache”, and not being given a day off. The employer family then turned out to test positive, as she continued with her chores business as usual. Another trend is restricted mobility. Respondents described their experiences where they were oftentimes locked inside of the house. At the onset of the economic crisis, one MDW asked her employer repetitively for money, his reaction was to lock her in the bathroom for several days, providing her with 1 meal a day. This was not the only account of its kind, where several women reported experiencing the same thing, with employers locking them out on the balconies and

bedrooms. One respondent even reported that the employer's family once left for a weekend vacation, leaving her locked in the house with just enough to last the couple of days. Many women also reported working even during days when they felt ill and reported it. One respondent shared her story; "I kept fainting several times during the day and she [the employer] refused to take me to a hospital. Only when I fainted for several minutes and could not get up after several weeks of fainting, she took me to a pharmacy nearby where they gave me Iron pills." This issue was present in the majority of cases, where medical worries are often disregarded by the employer. Such standards can be studied through different lenses. Firstly, the psychosocial dimension, which has brought upon concepts of possession of the MDW. This can be explained through the power differential which the MDW is placed in the household. Such power differential makes space for impunity, where abusive families are not accountable to their actions. The employer families were reported to live in middle to lower class neighborhoods, which would behaviorally explain certain power complexes projected on the weaker link in the household. Looking at the state, the chronic lack of any monitoring system within households, especially on issues of standards of living, go in contrast with the government's adherence to its own national laws, as well its ratification of many international conventions. In that regard, action and policy from the government is null, as whether existent or not, no actions are being taken in that regard.

C. Violation in Contract with regards to Work

Along with the overdue and unclear working hours, migrant domestic workers often found themselves working several households, with very unclear terms of reference. "I was working at her house and her mother in law's house every day. I finish cleaning before

lunch and then go upstairs and help her mother-in-law and her husband with the house chores since they are old.” Another respondent said that she was once made fun of by the employer when she resisted going to the other house to clean. During the Covid-19 pandemic lockdowns, the migrant worker found herself working night and day in several households in the case of contraction. This not only defies the work contract in working for 1 household, but also allows for extended working hours, two things of which fit in the exploitation schemes. The women expressed that oftentimes their employers might not be as abusive, but they experienced abuse in their relatives or friends as they were forced to care for their household as well, unpaid. This of course stands as an obstacle even if there are standard guidelines and an amelioration of the system, as the general culture of impunity of this categorizes under forced labor, and brings forth characteristics of exploitation.

D. Financial remuneration and the lack thereof:

One of the most rising trends as a result of the economic collapse, and even before, is the limited and lack of payment of salaries to migrant domestic workers. As the women expressed, the lack of payment of salaries ranged across different reasons. The duration periods ranged from 5 months to 2 years. This shows the extremely volatile depreciation of the lira, and the economic inability of some to cater for the economic needs of the MDW. This brought upon a series of trends, much like the rise in abuse in the times the worker asked for her salary, increase in restrictions on mobility by the employer, as well as giving the worker a small percentage of her salary. One of the most prominent trends was the adherence of employers to certain exchange rates to the dollar. A respondent expressed, “He kept giving me 200,000 L.L, even when it was no longer 150 dollars. I

used to get paid 150 dollars. He owes a lot of money for the work.” Another respondent stated, “I have not been paid for the last 8 months, and I worked at their house for 2 years. They were great at the beginning, but then became very mean. When they could not pay me, they hit me and told me I had to do my job.” This can also be reflected in another respondent’s claim, “I was afraid of being homeless. They made me afraid. Every time I told them I needed my money, they said I was lucky to live under their roof because there are a lot of homeless people now.” A lot of the respondents are still owed money but find themselves lacking any ability to reach their employers. This is important as a lot of them have already contacted their agencies through migrant networks, neighbors, and friends, but to no avail. We would see that a lot of the abuse perpetrated onto MDWs was related to financial matters. This comes with the heightened pressures on the employer families, which in turn are negatively projected onto the MDW. The Kafala system places total responsibility on the employer family once she is home, and so the system places MDWs under complete control of her Kafeel. In the absence of any measures that would force families to pay their dues, it is only natural to see employers try to get away with it. Furthermore, while abusive behavior is in no way justifiable, the resistance of families to laying off the worker comes with high fees and bureaucratic procedures, ones which the families were not willing to take. Instead of the freedom for the MDW to practice self-determination in the fate of her employment and be able to transfer jobs, at least within the Kafala system, she is then forced to remain static in her mobility, with the employer family not willing or unable to maintain their responsibility as employers.

E. Abuse and indifference from recruitment agencies:

Recruitment agencies are the most important point d'appui for a migrant worker, as they are the initial contact for the women. As seen, their actions were sometimes even more abusive than the household itself. The trend shows that recruitment agencies fell under two categories; the first one is the indifferent, and the second is the abusive. "After 2 years, I got his number and went to him in secret. He kept telling me that he would solve it and he was very sure that my story would be a successful one at the end. He gave me a bit of hope. After, he asked me for sexual favors and called me to sit on his lap. I was 18 years old then, and did not know what to do, so I ran back to the house," a respondent shared. Another woman had the recruitment agency reach out to the household to be given her things; "My money pouch, along with all my stuff, are still stuck at the house. I want my money pouch. I called the agency and apparently, he got my bag which my employers dropped off when I escaped the house. But now, he will not give it to me." Surely the trend of sexual harassment and abuse was seen amongst recruitment agencies. A general sense of indifference was also seen, where agencies chose not to interfere whatsoever in the matters of the migrants once they were employed. Initially, at the beginning of their contract, many mentioned that the agencies took a huge sum of money as insurance, which they promised to return back after 1 year of residence in Lebanon. Several women also expressed that the recruitment agencies still have a hold of all their documents, but the offices either closed down, or are not answering. Recruitment agencies were also seen to refuse relocation of workers, even when they presented solid proof. This is to show that recruitment agencies also have a responsibility, both legal and ethical, in the recruitment of MDWs. As previously mentioned, there is rarely any transparency with regards to

information transmission to MDWs. Furthermore, MDWs are often left with no connection to the recruitment agency whatsoever after their employment, which places the MDW with no formal institution to back her. Furthermore, although specific steps have been taken in order to limit and blacklist recruitment agencies that show violations, reporting by the MDW is almost negligent. This can be attributed to the lack of awareness of such mechanisms in place, but also the sustainability of such processes are often short lived or not taken seriously. Recruitment agencies are a main stakeholder in the propagation of migrant domestic work, and naturally, would have a higher responsibility towards recruited women. Notwithstanding, the lack of regulation and increased corruption of agencies rarely face any consequences, even when there are regulatory policies in place.

F. Sexual and gender-based violence:

The experience with sexual or gender-based violence is one of most prominence in the shelter, with the women having very unique stories. Such abuse was perpetrated by the men in the household, either the employer, or the husband of the employer. One thing they all have in common in the inability to pursue any action in the matter. Such sexual and gender-based violence either came in the form of assault, verbal sexual harassment, and manipulation. Two women noted that they experienced gender-based violence from the women of the household, under the pretense of jealousy, or false accusations. “I woke up one night scared to see him in my room. He kept suggesting taking my clothes off and told me he just wants to touch me in some places. I did not know what to do so I told his wife the next morning. She hit me, locked me in the room and told me I was lying and that I wanted this affair. She remained abusive for the whole of my employment until I

escaped. He never stopped harassing me.” Such violence also showed up multiple times in the context of manipulation. Women expressed that both employers and recruitment agencies have asked them for sexual favors in return for their salary. “The employer kept harassing me and telling me he will use a condom, so I do not need to worry about pregnancy. He beat me every day for refusing and kept reminding me that he is the reason that I have a good life. I have two children and a husband in Ethiopia, and I just want to go to them.” Reporting schemes were non-existent for these women, where oftentimes they were stuck in a loop of abuse and did not have a way out. From a gender lens, abuse perpetrated from the women of the household was reported. In some cases, the women found ways to reach their recruitment agencies in order to request repatriation, which brought about sexual harassment as well. Such violence ranged from the man in the house, women, children and recruitment agents. Physical abuse reached life-threatening situations for some, where the MDW had to get into a hospital. “Every time he is angry with his job or on the phone, I know he will hit me after. But after that, he becomes extremely nice”. This is one of several who have reported extreme physical abuse and living in a consistent cycle of physical, sexual, and psychological abuse. One woman bravely shared her experience “he would carve my hand with a knife every time I asked for my salary so I can count the times I was nagging”. Even in the cases where physical abuse could be seen and proven, often these women found that nothing could be done. Exclusively all of the respondents have witnessed some form of SGBV in the duration of their work. Gender based violence, looking through a gender lens, can be seen through many levels of analysis. From the side of the employer, SGBV is never a stand alone issue. It is usually presented with a series of violations as well as different forms of abuse within the household. The power difference between employer and MDW, through the

system in place, would place MDW in a position of possession, where all perpetration against them is permitted, with no punishment or consequence. The examples on sexual harassment and assault is also a gendered construct of race, where black women are perceived as submissive, or less-that, the superior white man. The government has made it clear through its cultural collective views, that the private realm, completely integrated with the workplace, is not the business of neither the public, nor the state.

G. Minimal presence of official institutions.

Another prominent trend is the complete absence of official institutions. This was witnessed in a majority due to a lack of awareness of any protection or reporting schemes existent. None of the women reported reaching out to formal security forces. However, seeing that the Ethiopian consulate is the focal point for many of these women, it was their initial destination upon escape from the household. When they did so, they often found themselves waiting in long queues, with repeated inconsistent processes. In the cases of travel, workers often found themselves unnotified of flagged missing documents and certain obstacles in their way. The consulate itself was providing shelter for migrant workers, but it was shown that any form of expansion or capacitation was resisted. Food, cleaning, and sanitary products, as well as medical care were provided by NGOs and international organizations. No action from any official institution was taken, either towards perpetrators of violence, or to implement emergency changes when drastic effects were presented. This can be attributed to several factors. Firstly, the government has placed itself as a secondary stakeholder with matters regarding protection. MDWs would think of the humanitarian sector and shelters. Rarely any of the women spoke about legal action taken either by the employer or themselves. The track of justice is highly barriered,

with minimal systemic procedures taking place. Even security forces, much like the ISF or municipal police have shown minimal intervention in the cases of abuse, assault, or unjustified ending of contracts. Migrant networks and social groups are shown to have been on an increase during that time, especially with the decreased protection spaces.

4.3 Discussion

In brief, as the Kafala is a system in place to regulate foreign workers, it reduces the role of the government which in turn decreases responsibility. This then would place responsibility on the Kafeel or sponsor who then would take charge on matters like maintaining rights and ensuring paperwork and residency of their employees. This, however, does not mean that the government is free of any role towards MDWs. Of note, Lebanon has included However, it does not mean that the government does not have a role at all. The government of Lebanon has involved the Ministry of Interior in managing and mediating foreign worker affairs. In their exclusion of the Ministry of Labor, Lebanon exempts itself from guaranteeing rights inscribed in national labor laws to migrant workers, which in turn excludes them from all agreed upon rights, duties and protections. With that, we look at the main attributes of Kafala which has been subject of much criticism in their approaches to action and programmatic development with time (A. Khan & H. Harroff-Travel, 2011). As for the specific case of Lebanon, there were several steps that could have been taken, either post 2019, or in general, that would push for reform; in that sense, we look at what those reforms are and why they were not successful in materializing.

Chapter V

Possibilities of Reform

Reforming the standard operation of Kafala does not only mean looking at the system from a human rights lens, but also from a socioeconomic one, in its effects on the labor market, and local markets in general. Looking at the effect of reforms on labor, adapting certain frameworks to the system would directly benefit labor market mobility, as well as the ability of workers to move up the social ladder. This in turn would be a direct support the local labor market would hinge on, strengthening national employment strategies as the wage gap decreases between nationals and migrants, along with the rights gap. In retrospect, this would create attractive jobs for the national market. Furthermore, this change would play a key role in expanding businesses as the international system would then shift its perceptions of that country with the elimination of abusive labor standards.

Not only would these changes work towards ameliorating the realities of migrants, but also those of employers, where their needs are covered by the state, which in turn decreases the pressures off the employers to handle huge costs of relocation and employment. Of note, the last couple of years has witnessed governments discussing reforms and even complete abolishment of the system. This is in light of the national and international economic advancements that would come about if Kafala was absolved (ILO, 2017).

However, governments have not put in place structural and developmental work plans towards abolishing kafala, rather changes have been isolated, minute ones which work to

incrementally improve migrants' standard of living. These remind us of the initiatives against restrictive opportunities within the labor markets as well as the gaps that allow for abuse and exploitation (ILO, 2017). Taking a look at some countries' actions would give a clearer view to the direction of reforms Kafala is taking. It would then give precedence to certain reforms that have been taken up in the region in order to facilitate or alleviate hardship.

5.1 The Case of Lebanon

Lebanon's actions can be seen as minimal with regards to Kafala reform. It has shown a general disinterest and chronic indifference towards efforts of changing the standing structure. As human rights activists and international organizations have defended migrant workers in Lebanon, with antagonism against the standing system. Specifically, Lebanon has shown minimal effort with regards to claim of the system involved with characteristics of modern-day slavery and human trafficking in the trends of abuses recorded (US department of State, 2010). Of note, of the prominent criticisms to the system is that of the US, where it has categorized Lebanon on the Tier 2 watch list for human trafficking as of year 2000. The international system has oftentimes warned migrant domestic workers making their way towards Lebanon of the forced labor, restrictive measure, and conditions of abuse (US Department of State, 2010). Of the persisting situations migrant workers go through, is their loss of legal status in the case they leave their initial employers. This is not the case only in the times it is pre-arranged with the General security, the official party for the entry, residency, and repatriation.

With the existing critiques came multiple suggestions including general ones like enacting the extension of Labor laws to foreign workers. Furthermore, it is in place to enforce

specific and direct laws against employers' confiscation of passports as well as pushing for the formation of bilateral partnerships and information supervision. This would allow for the sourcing of working migrants, which would push forth protection against abusive perpetration and limit overdue administrative detention. Most importantly, the unified employment contract should be provided, with translations in the native language of the MDW. Unfortunately, while these topics have been heavily discussed, especially in the last couple of years, no actions have been taken by the Lebanese state. Through looking at collected qualitative data, even though the confiscation of passports is illegal, the practice is still very widespread, even pushed for by recruitment agencies. This economic crisis, seeing the toll that it has inflicted on migrant workers, has called for exceptional and unprecedented action from government agencies as well as managers of migrant affairs, i.e. recruitment agencies and the ministry of interior. These challenges have also worked on shifting rational choice decisions, and flipping pull factors into Lebanon, to push factors back the country of origin. Overlaying obstacles presented themselves in the face of free-will of employment in Lebanon, including the closure of airports, as well as international restrictions at the onset of Covid-19. Here we discuss the possibilities of bilateral partnerships and migrant specific foreign policies in that period, which could have alleviated the critical situation. This situation includes the phenomenon of homelessness of stranded or laid-off migrants who were left to figure their livelihoods on their own, in a system that was not adapted for them to do so. It is important to stress however that even though the system affects all vulnerable populations, especially those of whom are migrants, Migrant domestic workers have been placed at unprecedented levels of vulnerability especially in the last period.

Forming case specific policies is rather a hefty endeavor for the Lebanese government, seeing that the residing system of Kafala has excluded MDWs from regular labor policies. This has then brought upon chronic indifference, sprouting from both, strategic and capacitation indifferences. This can also be explained by the general cultural predisposition that domestic work lies in the realm of the private space within households.

What can be seen is the lens of viewing migrant workers as part of the household in order to maintain and respect private matters. This is a substantial study through an interdisciplinary lens which entraps MDWs within a system that brings upon both, sexualization as well as fostering of the women. The ultimate paradox is then faced by the migrant domestic worker as per existing abusive trends, between her space as a sexualized woman, as well as a child in need of persisting care, with blurred determination. This has in effect given employers a huge role in ensuring the protection of their workers, and disallowed public institutions from intervening. Noting that, through that, MDWs are not regarded as employees, rather hold a space of their own in both legislation and the public space. In retrospect, the household being privatized loses its status as a workplace, further deepening the gaps of protection spaces.

It is then seen that workers' exclusion from labor laws plays as one of the most important factors to vulnerabilities. At the same time, there are no alternative systems or policies in place which grant such missing protections. In fact, the protections that Kafala ought to provide are the driving forces of perversions and violations against MDWs. This is materialized in expanding the gaps existent in the power dynamics between Kafeel and worker 166. With regards to legal provision, domestic workers' exclusion for such labor

laws goes against article 7 in the ICESCR, which Lebanon has ratified. These provisions are as follows:

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays” (ICESCR, 1976).

With that, implementing a Standard Unified Contract for domestic workers was suggested, which would stand as the only mediator between employer and MDW affairs in Lebanon. Supposedly, this contract is supposed to maintain certain protections which have fallen short in the Labor laws. However, this contract was not successful in setting forth international standards to workers. In light of that, reformation of market mobility laws which have had precedence of economic benefits to countries that implement it was not enough for Lebanon. In the case of transfer of employment, the process still requires an employer’s authorization (ILO, 2020).

Regardless, looking at the current crisis, it has brought upon unprecedented challenges. Firstly, due to the dollar shortage and the crippling economic collapse, the migrant worker

sector altogether has shrunk, leaving an existent system to suffer amidst its realities. Furthermore, seeing that Lebanon has previously been an attraction to foreign workers, and has pulled thousands of workers every year, the market in place is no longer able to absorb such demands, with Kafalees unable to withstand the toll of the recruitment and employment processes.

Some have discussed the possibility of this crisis to play a crucial role in allowing for reform of the current system (L'Orient Today, 2020). This would include the extension of the coverage of the Lebanese labor law to all migrant workers, and even abolishing Kafala. This however is a longshot and will only materialize in the theoretical realm. Lebanon is very dependent on the Kafala system fundamentally for the regulation of migrant domestic workers, and a corruptive and networked government would benefit from this lack of action (Harvard International Review, 2020).

5.2 Humanitarian organization roles in Lebanon

Humanitarian organizations have had a substantial function in Lebanon with regards to Migrant Domestic Workers. This is in fact due to the quasi-absent form of governance which propagates different types of protections to these vulnerable groups. Especially after 2019, these organizations played a fundamental role in mitigating risks and lowering impact, within the range of capacities of course. According to the ILO (2012) the work of international and national NGOs with regards to MDWs in Lebanon can be grouped under four categories, identified as per their theories of change. The first is the programs and services which are given to MDW beneficiaries on the personal level. The second involves the alleviation of living and working conditions broadly. Thirdly, these organizations look to change socio economic structures from their fundamentals which are deemed

problematic to MDWs. Fourthly and lastly, they work to impact MDWs and the Lebanese public's perceptions on different concepts. Young (2000) identified organizations working on MDWs in Lebanon as per their type, categorizing them across "national and professional associations, religious entities, Lebanese organizations, and embassies of the countries of origin." The role of these organizations has been seen as not only important, but critical in the handling and provision of different types of assistance; legal, medical, social, psychological... Such action drew on the incapacitation and lack of government action. This in turn has brought forth increased pressures on said organizations to aid across the different fields, even more than their capacities (Jureidini, 2017).

The roles humanitarian organizations have taken are diverse. In the complete absence of social protection and safety nets, their role was to provide the minimal framework in order to efficiently function across all sectors. This has gotten organizations to increasingly coordinate across the years to create effective referral systems. In March 2012, the Danish Refugee Council (DRC) created a consortium of NGOs to efficiently and effectively coordinate assistance to MDWs. These members are "CLMC, Insan Association (AI), Kafa (Enough) Violence & Exploitation (Kafa), the Anti Racism Movement (ARM), and Amel Association International (AAI)" (ILO, 2012). Their role was to develop a data management tool for that regard. Through the test along the years, gaps were identified within the service delivery systems and the mechanisms under which they function; some of which include the lack of effective coordination, no unified target audience, different delivery mechanisms, and ultimately, assessment fatigue. These gaps however, cannot be highly criticized, as their fundamentals of formation functions within a system with

various challenges. These include government instability, lack of support and inaction, and well as the limited capacities due to limited funds.

Along with local organization activities, international efforts are worth noting as well. They have not only worked on alleviating the rising needs of Migrant Domestic Workers, but in fact coordinated with local authorities to push forth certain developmental actions. The International Labor Organization recognizes the need to enhance migration and labor laws, as well as formulate coherences between them. It has set on its project Protecting the Rights of Migrant Women Domestic Workers in Lebanon, with the launch of the project, created several legal instruments, as well as advocacy spaces into its programmatic functions. The pilot phase in fact included Lebanon's Ministry of Labour (MoL) which was leading within a created national steering committee. Those included in this committee were the ILO, other UN agencies, government institutions and non-governmental organizations (NGOs). This steering committee has succeeded in developing larger national capacitation and implementation plans with regards to MDWs. Of its activities was building capacities within the MoL, providing technical assistance to legal processes, pushing for amending legislation, building the capacities of SORAL, as well as pushing forth certain standards much like those of gender and race (ILO, 2020).

Similarly, the OHCHR has coordinated with the ILO as well as the MoL and SORAL, to conduct the consultations of a Code of Conduct. This effort was launched in June 2013, which pushed recruitment agencies to adhere to the promotion of rights and protections of MDW in Lebanon. This Code of Conduct has three major stakeholders, the government, MDWs and the interest of recruitment agencies, where it found a common ground. The code also delineated recruitment agencies' responsibilities to protect and

ensure workers' work standards away from all forms of discrimination, exploitation, and abuse. It worked to implement accountability measures, where recruitment agencies would be blacklisted in case they did not adhere to the code's provisions (OHCHR, 2013).

5.3 The Standard Unified Contract

Seeing the negative impacts of the economic crisis on MDWs, collective efforts by international and national actors have become especially challenging. Looking back to April 2019, the Lebanese Ministry of Labor in coordination with the ILO worked on forming a Working Group with the goals of reformation of the Kafala system. A main recurring recommendation is the adoption of the Standard Unified Contract which would first conceptualize certain terms and practices, address the gaps in the previous version, which then would result in decreasing risks of forced labor (ILO, 2020). The initial date to adopt this new Contract was expected to take place in September 2020. It was supposed to create the most suitable environment, which still adheres to the Kafala system under the Ministry of Labor's restriction to maintain its dependence on it; however, it nevertheless creates a more comprehensive and respectable labor rights which align with international standards. Of the ameliorations that the SUC presents is the scope of the domestic workers' clearly highlighted rights and duties, especially with regards to the worker working several households (HRW, 2020). Furthermore, it delineates the working conditions within the household for the MDW, where it allows for increased privacies where workers are ensured a private room within the household. The contract furthermore stresses on the mobility rights, where restrictions can be substantially reduced through the marking of holidays and leave days (Legal Agenda, 2020). Seeing that one of the most recurring problems with recruitment is the lack of transparency and contractual

agreement, the SUC sets forth the right of the MDW to own a copy of her contract in her first language.

From the MDWs perspective, the SUC provisions bring forth more efficient reporting in the cases of abuse. This is because the contract identifies specific metrics which should be adhered to by the employer, one of the most important being a minimum wage. Not only does this protect the MDW in the cases of breaches, it also diminishes the gaps between migrant and national workers. Seeing that discussions on this SUC were made at a time when the Lira rate was 1,500 LBP against the dollar, the minimum wage reached 472,500 LBP with deductions of up to 30% for in-kind benefits. Surely, this wage is no longer representative of the current standing economy, and the collapse of the Lira. In that case, the Ministry of Labor would cater for these changes with dollarizing wages and adhering to the changing exchange rates in the market (Legal Agenda, 2020).

Other points on the Standard Unified Contract are the establishment of a set number of working hours per day, which not only reflect those in the national labor law, but also stand to mirror international labor standards (Legal Agenda, 2020). With that, working hours ought to run at a maximum of eight hours a day, or can exceptionally run at twelve hours, but with a higher wage differential. At the end of the week, which has run for a maximum of 48 working hours, the MDW is to be granted a break of at least 24 hours (KAFA, 2020).

Another crucial point is the improvement of the migrant worker conditions in the case where the contract is terminated. Legally, the contract allows the employee to terminate the contract unilaterally with the employer, where the Kafeel is still supposed to provide

travel costs and legal procedures. This has been discussed to substantially decrease the widespread hostage phenomenon of MDW, where the employer regards the employment process as an investment, where they must protect it. Through the discussion process with the Ministry of Labor, of course the protection of the rights of the Kafael was on the table. With that, certain formulas were set in order to ensure a just process to employers. In the cases when the MDW wishes to transfer to another employer, the previous and new kafeels must split the costs proportionally with the service provided. As for the workers that wish to repatriate back to their country of origin, the recruitment agencies will have to supply part of that cost. Such points will not only prevent employers from resisting the MDW demands to change of work, but will also legally facilitate processes and responsibilities. With the greater autonomy given to the MDW, the phenomenon of passport confiscation would theoretically decrease, where this was stated as a rightful cause to call for termination of contract.

Such provisions were set with the incentive of decreasing the irregular space, as well as restricting the phenomenon of running away from the place of employment. With the seriousness of passport confiscation, the irregular market space would decrease, which would then pull with it the number of migrants without documentation. Much like international conventions as well as national labor laws, the SUC condemns all forms of abuse against workers, intimidation, and exploitation. It also sets forth a standard of suitable working conditions (KAFA, 2020).

While the SUC highlights programmatic and actionable points to better MDW realities, it is meant to play as a temporary short-term solution. It still works around the standing Kafala system, with minimal efforts to abolish the system altogether. Such provisions still

indeed mirror the discriminatory kafala system, with the employer and employee at different power levels, with the employer holding a higher power over the MDW. Another worry that has been recurrent, either in the SUC or in general discussions, is the vague language used within written records, which would still allow for loopholes and spaces of practice (KAFA, 2020). While the Ministry of Labor is the direct stakeholder in the drafting of this contract, such improvements are deemed negligent without allocating a specific body to monitor and guarantee provisions. With the current residing system, such capacities do not exist, along with their functional mechanisms. These mechanisms withstand information transparency at the time of recruitment by agencies, checking the adherence to a translated contract. Furthermore, there should be monitoring schemes for monthly salaries, as well as reporting mechanisms to ensure compliance with the agreed upon working conditions. An example of the residing discrimination in these proposed changes is the fact that the employer can still terminate the contract, with no guarantee of wages owed, repatriation schemes, compensations, or guarantees from recruitment agencies (The Legal Agenda, 2020). This further sustains vulnerability with no protection schemes in place whatsoever. Seeing the positive trends, the standard unified contract brings forth, there are no guarantees that they will be adhered to. In the case of violation, reporting and actionable consequences remain vague and not implementable within the written provisions as well. This is not a new contract, and so one ought not forget that in 2009, the SUC was established with a set of rights and duties delineated which were not only disregarded, but also disrespected. With the challenges regarding the confiscation of passports, the government has a responsibility to ensure that such practices are not encouraged by both recruitment agencies, and the General security, two institutions the government holds leverage over. As for the salaries, while efforts have pushed towards

setting a minimum wage, the economic crisis has set forth a series of challenges to firstly, adhere to such provisions, and secondly, to advocate for efficient accountability within the residing culture of impunity amongst households.

The fate of the SUC was to enter into force by September 2020, which was regarded as a success amongst advocates and civil rights organizations. However, this contract was short-lived. A month later, the Syndicate of the Owners of the Recruitment Agencies in Lebanon (SORAL) filed an appeal to the Shura Council against this new standing SUC, under the pretense that it highly clashes with the standing national labor laws. SORAL ended up halting all processes related to SUC with the claims that putting this contract into effect will have extremely negative effects on the worker recruitment sector (L'Orient Today, 2020). The SUC which was approved in 2009 is the one still functional to this day. The SUC did not touch the standing Kafala system, and did not bring forth any major structural changes, and it faced such a harsh level of antagonism. This is just to see the rigidity existent against any type of reform, especially in solidifying accountability practices towards institutions and recruitment agencies in their current form.

5.4 Ways Forward

What is promising is that the world is now at an upward activism trend, at the onset of international collective causes such as black lives matter, interdisciplinary gender rights, as well as post Covid-19 business continuity programming. This can play a role in pushing for changes in the international arena, where pressures surpass the dimensions of borders. The Standard Unified contract played as an act of hope for migrants in Lebanon as a step forward towards the abolishment of Kafala as it is known. However, with its failure, it left behind it a series of introspections about the inefficacy of short-term solutions to

chronic problems, while the real issue resides. Other such solutions have been active in Lebanon which have brought about short-term small solutions for labor rights and women. In 2005, the National Steering Committee on Women Migrant Domestic Workers was established which brought together a group of national and international organizations. These included the Ministry of Labor, some stakeholder UN agencies, local NGOs as well as governmental institutions (Legal Agenda, 2020). This committee has presented some small-scale achievements like working on fairer recruitment processes. In 2013, they catered a code of conduct for recruitment agencies to delineate fair and just processes with the goal of promoting human rights. De facto, recruitment agencies are one of the most prominent parties which have shown abusive and exploitative trends. The Ministry of Labor was also included to create a list of employers and recruiters not abiding by human rights standards. While this was an important step, the information it gathered was not made public, and no actionable steps were taken in that regard (HRW, 2015). However, in the most critical times at the onset of Covid-19, some reports have shown that employers who dropped their workers at the embassies and in the streets, abandoning them as the economic toll became larger, were blacklisted (LAW, 2020). As the system is full of gaps, there were always ways for employers to go around this blacklist.

Another important act that may serve the greater goal of equal rights and protection is the formation of labor unions. Seeing those migrant domestic workers, and all migrant workers in Lebanon are not included in the Lebanese National Labor law, they then are not allowed to form, create or vote in workers' unions. This once again is a breach in the rights and duties that Lebanon is bound to in its ratification of the International Covenant on Civil and Political Rights.

Migrant networks have shown to be a very important aspect of shifting migrants from a class in themselves, to become a class for themselves. This includes informal organized migrant groups which have shown great importance in the times of challenges. This includes the identification of most vulnerable groups for aid provision, especially food and shelter, as well as in the referral of cases to stakeholder organizations. This was especially important to identify missing individuals post the August 4th port explosions. The right to association, or union, means employing migrant workers' agency to solidify needs and interest, and create units which then play as actors in the amelioration of existing realities (KAFSA, 2021).

An important act from the General Security was adopted in February 2021. This decision stipulated migrant domestic workers will not be labeled as Runaways anymore, which in turn de-criminalizes escaping their workplace. In fact, migrants who have escaped the workplace, which often is reported to be abusive across different indicators, will not be prosecuted as was the case previously.

While this decision is a small step, the words Runaways or Escapees have derogatory connotations, which will not be used anymore. Furthermore, this decision can shift perceptions on migrant domestic workers who will not be treated as criminals seeing their now irregular status once they leave the workplace.

Chapter VI

Conclusion

With that, the Kafala system remains the governing system under which migrant domestic workers function. It not only identifies the relationship between employers and migrant workers, but also creates the framework under which residency permits are secured for those migrants. This has tangibly created a cycle of dependence of migrant domestic workers to their employers and falls at the core of international criticism of labor standards. With that, the system is fundamentally based on a power differential between employer and employee; this has then propagated structural exercise of power over the determination of those workers. This continuous practice of imbalance of power, has created an umbrella system of abuse and exploitation, as well as uncovered those trends of injustice that extremely contrast with international labor standards. This is not to say, however, that Kafala is not institutionalized and practiced on a public formal level. In fact, the practice of this system formally has also been a key driver of injustice. These formal processes include residency permits, payment of salaries, legal documentation, all of which depend on the employer. This, however, has also been paralleled with increasing vulnerabilities post 2019.

Strategic indifference, which is a concept coined and discussed in this paper, can be placed at a pedestal of increasing vulnerabilities at the time of decreasing protection spaces, increasing daily pressures, the exponential crash of the Lebanese currency, a global pandemic, detrimental port explosions that obliterated Beirut and left behind it hundreds

dead and hundreds of thousands homeless and vulnerable. The situation is thus highly tangible amongst Ethiopian migrant workers, who found themselves stuck within the system of already existent inequality, with no formal means to obtain any of their rights. The qualitative trends uncovered how women migrant domestic workers, in the wrath of a residing culture of impunity, were left alone, with the government completely absent in its responsibility. This has been left to international and national organizations, both historically, and at the onset of 2019, with aid services distributed, provision of shelters, basic assistance, and repatriation packages. In many of the cases, the Ethiopian consulate had minimum intervention as well, providing a single oversaturated shelter for all Ethiopian MDWs left homeless or in a situation of extreme vulnerability. MDWs not only found themselves vulnerable and in need of aid, but they were also legally regarded as irregular migrants, in which they can face legal consequences for leaving their place of employment, seeking vaccinations, or even reporting abuses or perpetrations. In many of the cases, the women had to adhere to their excruciating living conditions in an ultimatum that they would be worse off if they leave.

From the state level, even though the Lebanese government has historically taken some action in the regard of seeking better working standards, under the Kafala system, minimal actionable processes have been put in place. The exceptional role the government had to play to secure the rights of migrants amidst the compounding crises. Of course, the MDWs have revealed in their accounts the extreme chronic distrust they have towards abusive formal institutions that are deemed as the main perpetrators of violence. The Ethiopian government on the other hand, had previously set a foreign policy restriction of MDW work in Lebanon. This, however, was seen to have been met with increased irregular

recruitment processes, smuggling of workers, and increased trafficking (Jureidini, 2002) MDW are constantly bombarded with disinformation and a lack of clarity in the paths they are going to take towards the country of destination. This places culpability on many parties during the processes of recruitment. This also places responsibility on exceptional times, much like the Lebanese political and economic crises.

This brings us to the next point, integration, and accountability. Existent obstacles which are deemed deliberately so, have propagated increasing vulnerabilities in situations when appeasement was easy. Although the obstacles are clear, and the Lebanese society, with its tensions against the government, have become much more vocal on issues of Migrant domestic workers. Looking at the data, the implementation of the Standard Unified Contract which reached its preliminary implementation steps, would have created a minimal basis for setting a labor standard under Kafala. With regards to monitoring of those standards, this is where the government will have also fallen short. Noting, the Lebanese state has a duty as indeed a signatory to several conventions, which adhere to a basic standard of labor, human and gender rights. In the long run, it would make sense that the state would leave those irregulated sectors as is, where organizations in their capacities are forming the reactive social protection and answering to the needs of MDW, while the private realm would remain in the private sector, with the government only managing its interests.

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