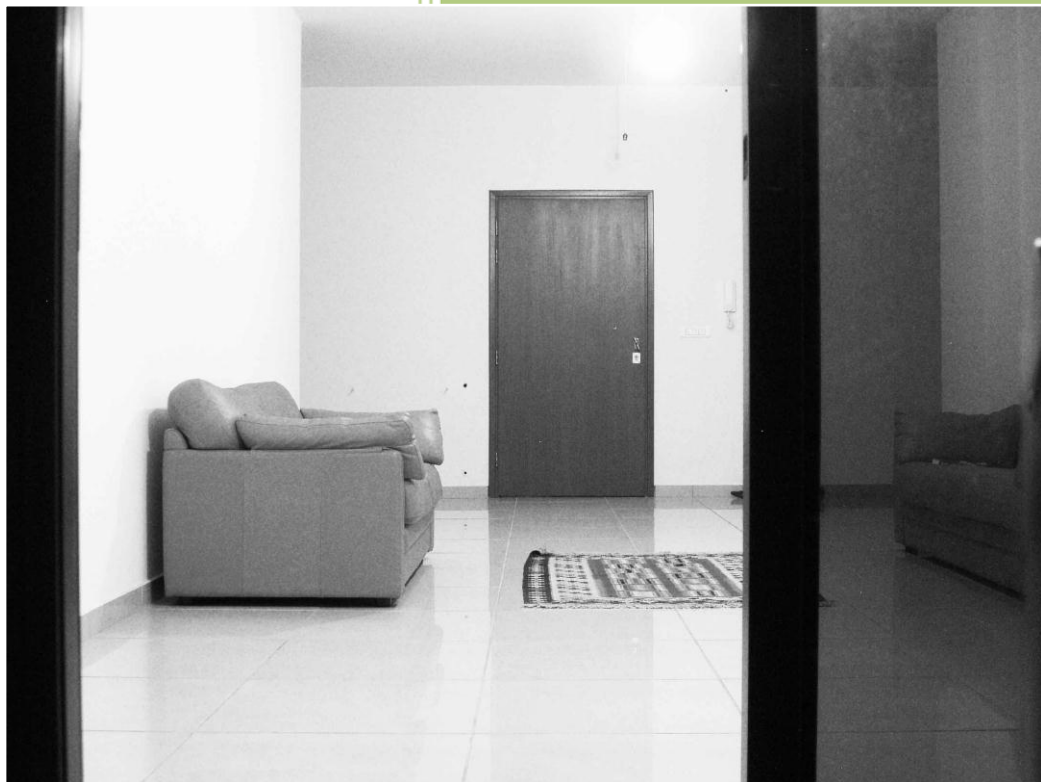


**THE CONSTRAINED CAPABILITIES OF OVERSEAS DOMESTIC WORKERS IN
LEBANON**



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This paper was written as part of a Master's programme in Education, Gender and International Development at The Institute of Education, London.

March 2012
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INTRODUCTION

Migrant workers account for 50 to 100 million labourers worldwide, the vast majority of whom are women and girls (Human Rights Watch, 2011). The conditions for these workers are often comparable to slavery and servitude, as their rights are often abused and individual and government accountability are bypassed (Jureidini & Moukarbel, 2004).

In an expanding global market where vast economic disparities exist, post-industrialised economies opt for cheap imported labour. ODWs are imported from extremely vulnerable situations to work in countries where they are often excluded from national labour laws. This results in limited available protection and increased risk of exploitation and loss of freedom and dignity.

Domestic labour markets reside with women working in conventional and historically devalued roles, such as cleaning, cooking, caring and serving. Delphy highlighted the consistent devaluing and presumptions of women's obligation to fulfil emotional and domestic labour for the family in unpaid work. Such labour has no clear task boundaries or timetable; instead there is a socially constructed assumption of woman's role as wife/mother (Dephy in Ogle, 2000). The unseen, unpaid, devalued roles of women in private homes have been transferred to the paid-market. However, the role maintains its ambiguous, subordinate and submissive positions along with unregulated conditions.

It is important to recognise that some women do have beneficial working experiences as ODWs. By using their agency they go home as success stories; emancipated women with the capital to build financially more stable lives. This essay is limited to live-in¹ ODW in Lebanon who enter the industry at the expense of certain human rights and dignity. The essay explores how the working conditions constrain the capabilities of ODW in Lebanon and how national and international policy is responding to these concerns. It begins with a description of the common conditions that ODW experience, followed by an analysis using

¹ Meaning that they live with the family of employment

the capabilities approach (CA) and policy response, concluding with reflections and suggestions to protect and expand capabilities and agency of ODWs.

OVERSEAS DOMESTIC WORKERS IN LEBANON

In 2009 Sri Lankans formed the largest group of ODW in Lebanon. It was estimated that there were 80,000 to 160,000 Sri Lankans, 30,000 to 40,000 Filipinos, 20,000 Ethiopians², 95% to 98% of whom were female (Moukarbel, 2009). The reason Sri Lankans are the largest category has been opined to the fact employers pay them the lowest wage, typically \$100-\$150 per month, unlike the Filipinos who can receive double, \$200-\$350 per month (Moukarbel, 2009). The labour hierarchy has been justified by employers and agencies stating that Sri Lankans attain less education and possess little to no experience with electrical appliances. In comparison, Filipinos are considered to be cleaner, more efficient and trustworthy because they tend to have had a better education. Moukarbel's interviews and observations of 20 housewives and agencies revealed that Sri Lankans were thought to be more naïve and less demanding, therefore easier to mould and manipulate into submission. This has resulted in Sri Lankans being at the bottom of the hierarchy yet in the highest demand (Moukarbel, 2009).

Education

As mentioned above, ODWs in Lebanon come from impoverished backgrounds where education has normally been deprived or minimal³. ODW's are also denied access to education as adults, due to poor working conditions. A new course was launched in 2011 titled, '*The House Keeper Training Academy*'. The course aimed to educate maids to be better cleaners and inform them of their legal entitlements (Migrant Workers Task Force, 2011). As the course is new, there is no literature on the successes, failures or repercussions. Activist groups in Lebanon responded to the course by establishing a counter

² Exact figures are difficult to determine as official records do not include illegal workers and those whose visas have expired.

³ In the case of Sri Lanka, although there is gender parity on primary enrolment, secondary and higher education are male dominated to the point where only 7% of women have received 12 years of education (Human Rights Watch, 2007)

course and campaign called, *'The Lebanese Madame/Mister Training Academy'*, aimed at training employers on how to treat domestic workers. Advocates of this course emphasised that the solution to reduce abuse of ODWs is to educate the employers and create a social attitudinal change in society (Migrant Workers Task Force, 2011). Unsurprisingly, nobody enrolled in the course and it remains to be a media campaign. It seems that the only new skills available to learn are those related to conventional female traits of cooking, cleaning and serving. This is achieved through pre-departure courses, which are a standard protocol for Filipino women (Meiselas, 2006), joining said courses in Lebanon or varying forms of training whilst working.

Structural constraints and the Law

Structural factors in Lebanon also add to ODW constrictions. Employers who hire ODWs through agencies are able to exchange their worker as many times as desired within the first 3 months of any contract if they not feel satisfied with their work. ODWs often face violent reprimand at the agency as a form of discipline for their behaviour. This is considered part of the agency's worker quality "guarantee" (Jureidini & Moukarbel, 2004). No such privileges are granted for the employees. In fact, for ODWs to change households the employer and authorities need to agree and allow a "release". This is bound into the Lebanese *sponsorship system*⁴ and is thought to be a major structural barrier for ODWs to leave abusive employment situations. The system ties a domestic worker's valid immigration status to one single employer, meaning that if ODWs leave their employer they become illegal immigrants. This prevents ODWs from seeking help without jeopardizing their legal status and aids human trafficking by generating conditions of duty-bound service and forced labour (Hamill, 2011).

When cases favouring or opposing ODWs are brought to court discrepancies over legal rights and representation frequently occur. Nepal's Ministry of Foreign Affairs noted that criminal cases are not investigated properly, for example translation is not requested (Hamill, 2011). Factors identified by Human Rights Watch that result in ODWs not pursuing

⁴ Known as the Kafala

complaints in the judicial system are, lack of legal support, fear of counter charges, being held in detention and restrictive visa policies making it hard for ODWs to stay in Lebanon to see the case through. In 2010 a review of 13 cases where ODW had filed complaints in civil and labour courts for unpaid wages found that on average they took between 21 to 32 months to be processed. On the contrary numerous cases against ODW have been taken to court, in a review of 84 criminal cases, 37 (44%) were found to have inadequate legal representation or no translation despite the fact many do not speak fluent Arabic which is a breach of judicial rights (Human Rights Watch, 2010).

Another structural factor that enables slave-like conditions to continue is that Lebanon's labour law excludes *domestic servants employed in private houses*⁵. Therefore, domestic workers have no legal labour protection. They do not have a legal right to a minimum salary, overtime pay, rest days, annual leave, workers' compensation, social security and fair termination of contracts. Labour law also inhibits any form of workplace inspection even by diplomatic representatives when a complaint has been made (Hamill, 2011). Moreover, their exclusion from labour laws mean that monitoring working conditions in private homes is not permitted or required, automatically increasing risks of maltreatment (Hamill, 2011).

Violence

The main abuser of physical and mental violence is reported to be the *Madam* of the house. In 2009, 90 Sri Lankan housemaids were interviewed, one-third spoke of physical abuse by the *Madam*. Sexual abuse from the man is also experienced, from these interviews, 17% complained of physical abuse from the *Mister*, half of which said the abuse followed their refusal for sexual favours (Moukarbel, 2009).

Physical, symbolic, sexual and psychological abuses are among the risks faced by ODWs (Human Rights Watch, 2011). In 2004 in-depth interviews with 70 Sri Lankan domestic workers in Beirut recorded that one-third said that they did not have enough food to eat. Furthermore many complained of having lost a lot of weight since arriving and most said that they were only given left-overs which often consisted of food scraped off the children's

⁵ See Labour Code, Act of 23 September 1946, Art. 7(1)

plate after they had finished. This treatment contributes to a form of symbolic violence that degrades and humiliates ODWs through emblematic means (Jureidini & Moukarbel, 2004). Another issue faced by ODWs is forced confinement to the house. The spokesperson for the Nepalese community commented that out of the 12,000 Nepalese domestic workers in Lebanon only 300 were allowed to leave the house on their day off (Hamill, 2011).

ODWs are also highly restricted in communicating with each other. The results of Human Rights Watch (2007) survey found that the rationale for restricting communication was attributed to limiting the likelihood of the ODW leaving before completing the contract period. The restrictions on communication vary from not allowing the women to send and receive telephone calls or mail, not allowing radio or newspapers to incarceration in the house. ODWs who do receive a day off⁶ normally gather in social groups, in churches or cafes with their specific community where they can enjoy unrestricted communication (Cassel, 2010). Even though there are no official figures it is estimated that only 20% of maids in Lebanon can leave their house on their day off (Migrant Workers Task Force, 2011).

ODW are often obliged to appear as de-sexualised women. Agencies, employers and training schools regularly force the women to cut their hair very short. Training schools in the Philippines claim this is for reasons of cleanliness, however it has been suggested that it is an attempt to make them look unattractive in order to reduce sexual threats they impose on the 'Madam' of the house (Meiselas, 2006). Human Rights Watch interviewed Sri Lankans who had been administered injectable contraceptives without the consent or knowledge of the woman as a pre departure precaution in Sri Lanka, this bypasses their right to bodily integrity and the right for all individuals to refuse medical treatment (Human Rights Watch, 2007).

Slavery and Debt

The working conditions that many ODWs face in Lebanon are often parallel to what Bales has identified as '*contract slavery*' (2009), that is people entering fictional contracts which conceal the reality of the working conditions, resulting in slavery. The contracts are often in

⁶ If the employer chooses to allow a day off they normally permit one a week or one day every month and the average hours of work is 14 to 17 hours, yet some are on-call for 24-hours (Human Rights Watch, 2007).

Arabic and rarely understood by the ODW, enabling easy manipulation. If there is a contract, many terms are vague and do not specify obligations and responsibilities. Instead it lists conditions that can be interpreted as the employer desires, for example, faithfulness, sincerity, honesty and dutifulness (Jureidini & Moukarbel, 2004).

In addition to *'contract slavery'* agents and subagents extract, and often over-charge, fees for recruitment and placement services⁷, this creates a form of *'debt-bondage slavery'* (Bales, Trodd, & Williamson, 2009). Especially common in the initial 3 to 4 months of arrival where wages can be withheld to repay flights, agency fees and visas (Jureidini & Moukarbel, 2004). This places ODWs at greater risk of exploitation as they become trapped in their employment whilst they struggle to repay debts.

Debt is also commonly used as justification for the employer to withhold passports. In contravention of labour law, they are commonly taken for the duration of the employment as a security measure. In 2005, Caritas conducted 601 telephone interviews with employers, 91% claimed that it was their right to retain the domestic worker's passport⁸ (Human Rights Watch, 2007). This leaves the workers at the mercy of the employer's humanity, a form of disempowerment by rendering them unable to leave and return home.

Ethnic hierarchy

In the Lebanese landscape ODW experience a complex socio-political situation with multiple disadvantages as black, female and foreign (Beydoun, 2006). An ethnic hierarchy is becoming more prevalent as the ethnicity of ODW is clearly a dominant feature, adding to the segregation from Lebanese society. People of Sri Lankan, African or South Asian origins are structurally discriminated against and given a lower subservient status in society due to the servile nature and associated economic position of their work. Moukarbel's interviews with employers revealed that it was a commonly accepted concept that women of particular skin colour and nationality are "more naturally suited" to domestic work (Moukarbel, 2009:

⁷ Research from in-depth interviews of 100 Sri Lankan domestic workers across Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates found that 75% had incurred heavy debt burdens from over-charging by local labour agents and subagents (Human Rights Watch, 2007).

⁸ Lebanese civil regulations prohibit employers and employment agencies from withholding migrant workers' passports. (Human Rights Watch, 2007)

144). These interviews revealed what Rollins termed in 1985 as ‘occupational ghettoization’ as the market is increasingly held my women of an ethnic minority and of a different colour (Rollins in Moukarbel, 2009). The ghettoization has enabled racism to flourish as employers repeated phrases such as *‘I’m against [employing] Sri Lankans, I have a feeling they are dirty’* or *‘You should not be nice with these races’* (Moukarbel, 2009: p144.). This is also typified by Lebanese referring to maids by their nationality for example the term “Sri Lankan” can be used interchangeably with the word maid as national identity is used as a signifier of class, status and power relations (Beydoun, 2006).

Other demeaning practises which exemplify racism and make assumptions that housemaids are “dirty” is segregation. From 90 interviews with ODWs conducted by Moukarbel, none used the term racism. However, the majority complained that the employers displayed a form of “disgust” towards them. Many highlighted that they had to wash their clothes separately, use different cutlery, use a separate bathroom or, if there is only one bathroom, they must disinfect it each time they use it. This behaviour is thought to occur because the ODWs are believed to be “unclean” and employers think there is a risk of “contamination”, (Moukarbel, 2009). This also resonates in symbolic violence through humiliating and belittling treatment.

CAPABILITIES PERSPECTIVE

The Capability Approach (CA) has reshaped thinking of development and social justice. The essence of the approach is about living a life one has reason to live. CA not only looks at the ends but also the means. Capabilities are the opportunities, or freedoms someone has to achieve valued activities, referred to as functionings. Functionings are the *beings and doings* (Sen A. , 1999), meaning the outcomes, or activities of how capabilities are used. Therefore, enabling agency in people to decide, act and bring change. However, being denied capabilities will consequentially affect functionings and agency (Deneulin & Shahani, 2009).

This is an alternative to focusing on the rights that people are entitled to but do not always have access to. Many laws exist against slavery, but the capability and agency needed to

claim ones rights and live a life of dignity can still be unreachable. The agency of an ODW needs to be conceived in terms of the capability they have to carry out activities and this often depends on the resources available (Briones, 2009).

It is the capability set that defines the full scope of one's freedom (Dowding, 2006). Nussbaum created an initial 10-point capability list (Nussaum in Robeyns, 2005) as a guide for communities and actors to ensure a minimum standard of capabilities and to enable everybody to enjoy and then choose their desired functionings. When the list is compared to the capabilities actually enjoyed by ODW, it is clear that they are not given access to Nussbaum's minimum set which would allow them to foster valued activities.

The second point on Nussbaum's list is bodily health. Many ODWs complained of being inadequately nourished, foregoing this capability. The lack of nourishment has not been through choice, an enforced restriction has deprived them of their freedom to obtain the capability. The third point is bodily integrity, which involves being able to move freely with security against violence. The violent punishments and abuse received from agencies and employers, along with the withholding of passports and the *sponsorship system* systematically denies ODWs the capability of movement and safety. Sexual satisfaction also falls under bodily integrity, the capability of which is denied through being incarcerated in the house, forced haircuts and in some cases being given contraception treatment without consent or knowledge. The fourth point on the list is senses, meaning the imagination and freedom of thought and expression. Due to the submissive role of an ODW, the ability to express oneself at work is denied, and if their work consumes their life as it does with live-in positions, especially when there are no rest days, this in turn denies senses, particularly that of self-expression.

The fifth relates to emotions, meaning being able to love, grieve, express longing, justified anger, and not having ones emotional development blighted by fear and anxiety. These emotions can be denied in varying forms, for example most ODW cannot express anger at work without fear of punishment, and many are denied the expressions of love and grieving. For example on Monday 25th 2010, flight ET409 crashed off the coast of Beirut and many Ethiopians domestic workers lost their lives. ODW were not allowed to grieve until the

following Sunday, a week later, where they came together in a church outside of Beirut (Cassel, 2010). For workers that receive no day of rest, no such relief was granted. Another example, revealed in Moukarbel's interviews (2009) is when ODW are not permitted to kiss the baby they are caring for, thus denying them the expression of love.

Point seven on the list is that of affiliation, meaning self-respect and non-humiliating treatment without discrimination. This capability is observed at varying levels for ODWs. Much of the everyday attitude towards ODWs from children and adults were found to be disrespectful, having only left-overs from others plates, needing to scrub bathrooms and wash clothes separately are humiliating and degrading treatment. The discrimination which has developed due to the ethnic hierarchy Lebanon is present in and outside the home on a daily basis. These elements greatly limit the capability to affiliation.

The eighth point, play, is also enjoyed at varying levels depending on time-off granted. There are communities on Sundays where many ODW find the freedom of recreational activities, emotions, senses, respect, and a safe place. These functionings come once a week or for some once a month, but is this sufficient? No frequency of being able to achieve the valued functionings from capabilities has been suggested in Nussbaum's list, yet the frequency of such functionings is crucial to any analysis of the conversion from capabilities to functionings. Moreover, many of these women have backgrounds where their capabilities may have been denied as children and young adult and which has given little scope for developing capabilities into valued functionings and agency.

The last point on the list looks at control over ones environment. This is a contentious issue. It could be argued that ODW make the decision to work in Lebanon using their agency to leave their home country and earn money abroad. However, are these really fair choices and decisions considering the extreme poverty gap and pressures such as that to earn and send remittance or provide school fees and materials for their children? Moreover, if they are experiencing abuse in their home country, as is the case with many Sri Lankans, can the decision to move be attributed to agency or fleeing from a situation? Do all ODWs know that they might be surrendering many valued activities, in terms of rights of capabilities? Interviews with women ready to depart the Philippines highlighted that they knew the risk

of getting a bad home, commenting, especially since dead bodies are flown home every week, but that they prayed that the home they would be sent to would treat them with more dignity, allowing them to be one of the success stories (Meiselas, 2006).

To analyse the limitations that exist on ones capabilities and to understand how much functioning one can achieve out of a good or service, Sen points to conversion factors. Robeyns classifies these into 3 categories,

- *Personal conversion factors*
- *Environmental conversion*
- *Social conversion factors*

However, adaptive preferences⁹ can interfere with the personal conversion factors. Meaning fewer privileges may be needed to satisfy someone, however this leaves space for abuse. If someone has been deprived basic goods and services does this mean that they should continue to be deprived access to them? It could be argued that the lack of education experienced by ODW left them vulnerable to such exploitative employment and the continued lack of access to education retains them in such a position. Has this legitimised the appalling circumstances that are observed today? Are ODWs to some extent happy with meagre services and pay? If so this may facilitate exploitation but cannot justify it.

Social conversion factors appear to be the most restricting for ODW. Policies that exclude ODW from national labour laws mean that the conversion from a capability to a functioning is minimal. It has become so common place to disrespect domestic workers that it has been translated to a social norm which also infiltrates society as racial segregation. Has the fact that they are women and girls doing traditional roles accelerated or eased this slavery, where women in Lebanon are still struggling for equal rights including political representation and rights and economic empowerment?¹⁰

⁹ Adaptive preferences occur when someone has been living in deprived situations for a long period and adaptive preferences are formed, meaning someone can extract the same satisfaction out of lesser freedom or goods (Dowding, 2006).

¹⁰ Lebanon falls 118th place out of 135 countries in the global gender gap index 2011 (Zahidi, Hausmann, & Tyson, 2011).

A newer perspective on the CA and domestic workers has come from what Briones refers to as Capable Agency Approach (CAA) (2009). It is argued that greater justice is not only about rights such as freedom to work and working conditions, but a broader picture where access to resources such as legal status and the capability of accessing relevant resources are considered. Currently, ODW are at the bottom of the hierarchy and are given no recourses for long-term betterment within the society they work in, remaining outside social and economic spheres (Hochschild & Ehrenreich , 2004). CAA focuses on protecting access to livelihood resources therefore creating opportunities, or capabilities for ODWs to use their agency to secure their rights. Drawn from interviews of ODW in various countries, Briones concluded that slavery should not just be viewed in terms of conditions or actual work done, but also in terms of the nation-state as it has an all-encompassing power that regulates migrants. For example, having to wait for years to obtain legal papers and not being in your country enslaves you to withstand unreasonable conditions (Briones, 2009). When a nation decides to treat migrant workers equally, so too will its people; until then, do people simulate state behaviour as has been observed throughout history? As women's suffrage gained momentum in the political arena people attitudes slowly followed suit. In the USA, black and Hispanic women suffered under the tyranny of their mistresses, and also under state-enforced repression, which gave the employers extra bolstering (Hochschild & Ehrenreich , 2004). They were only able to break out of this exploitation and maltreatment when the civil rights movement as it brought strides towards equality. It was the political mobilization and dismantling of state repression that broke the dominance of employers which forced people's attitudes to change, disintegrating ethnic and cultural superiority. Migration, slavery and exploitation of men, women and children is not a new phenomenon, however what is new is the state support of trans-nationalisation of "guest" workers exemplified by the price of labour which has plummeted to a relative all-time low average of \$100 reducing people to such cheap commodities that the labour-life of a slave is shorter than ever (Bales et al 2009).

POLICY RESPONSE

Trafficking is defined by the United Nations (UN) as “*an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them*” (UNODC, 2012). In 2000, the UN trafficking protocol declared that ODW are unskilled female migrants who are vulnerable to slavery and similar practices (Briones, 2009). The anti-trafficking protocol establishes three main focus areas:

1. **an action** (*recruitment, transportation, transfer, harbouring, or receipt of persons*)
2. **a means** (*force, coercion, deception, fraud, abuse of power or of a position of vulnerability, etc.*)
3. **a purpose** (*exploitation*).

However key terminology is not explicitly explained in the protocol itself. For example there is no widely accepted legal definition of the term “*exploitation*” and it is not explained in the protocol, however the meaning is critical to the implementation of provisions and protection (Hamill, 2011). If ODW are accepted as being trafficked, it obliges Lebanon’s jurisdiction to prevent and combat the issue and provide victim assistance. However, this may not be the desired solution as it places the women as victims and then obliges state protection. It is argued that the protection should not be of victims but of citizens bearing rights where labour laws apply equally preventing, abuse of power and demanding respect of all persons (Briones, 2009). Yet, this could risk driving the market to employ local labour as there would be fewer advantages of employing migrant staff, reducing remittance for poorer countries.

In 1990 the International Convention on the protection of the rights of all migrant workers and members of their family was drawn up¹¹. However this has only been “imposed” since 2003 and what is more significant, is that most receiving countries, including Lebanon, have not ratified the convention. Notably, Lebanon is currently revising legislation for ODW (Varia & Becker, 2012).

¹¹ The term migrant worker, defined by the convention, refers to a person who “*is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national*” (United Nations, 1990). The term therefore includes ODW in Lebanon as they are engaged in paid labour yet are not Nationals of Lebanon.

In June 2011 the International Labour Organization's (ILO) Domestic Workers Convention was adopted as a global treaty¹². This establishes fair labour standards and guarantees protection equivalent to those of other workers such as paid time off, over-time, protection against discrimination/harassment, bargaining and negotiating as a group¹³. Employers tried to push for non-binding commitments; however the most contentious areas were agency regulations, provisions on social security, a healthy working environment and how to account for salaries when workers are on-call (Human Rights Watch, 2011). These areas are critical so that ODW's can use their agency to ensure exploitation and slavery does not prevail. In order for these countries to implement their promise wide-spread ratification and enforcement is needed, which will only happen with continued pressure from NGO's, ILO and public opinion (Varia & Becker, 2012).

In 2004, four countries took the bold step of banning deployment of nationals in Lebanon, countries including Philippines, Nepal, Madagascar and Ethiopia¹⁴. The bans are attributed to the lack of labour protection and legal redress in Lebanon and reflect concerns of vulnerability, mistreatment and exploitation of nationals (Hamill, 2011). However, what was initially announced as a 6 year ban from the Philippines is likely to be lifted soon after landmark agreements between countries were signed in February 2012. The agreement, the Memorandum of Understanding (MOU) on Labour Cooperation and the accompanying protocol aims at ensuring better standards of protection and safety for workers (Tubeza, 2012).

The Millennium Development Goals (MDG's) set international targets which have been endorsed by Lebanon. MDG three aims for gender equality and the empowerment of women. Women are still largely under-represented in non-agricultural paid employment and are relegated to more vulnerable forms of employment such as domestic labour (United Nations, 2010). However, more pressure needs to be asserted for Lebanon to take action and reduce the vulnerability of more than 210,000 women it hosts. ODWs need to be

¹² The only government to vote against was Swaziland; whilst 16 members abstained there were 396 who voted for the global standards.

¹³ All groups had representation with a total of 183 members. The International Domestic Workers Network (IDWN) ensured workers voices were represented, bringing domestic workers from around the world to help negotiate.

¹⁴ Remarkably Sri Lanka, which is the largest and most poorly paid group, made no such protocol

recognised as paid employment and therefore receive the security and protection of paid labour.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979. Even after more than 30 years of CEDAW, huge gender-inequalities remain and play out in forms of slavery and exploitation in labour sectors, specifically with domestic work and prostitution. The lack of recognition of domestic labour along with the structured gendered inequality reduces many women to a servitude status on a global scale and allows for policies to view ODW as export-import commodities (Briones, 2009).

Another popular international commitment is Education for All (EFA) which has received great attention since the signing in 1990. Goal 4 is *“to achieve a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults”* (UNESCO, 2010). There is a void in addressing such educational needs for ODW, many of whom, especially the lower paid Sri Lankans, have not completed tertiary education and for whom basic education continues to be inaccessible, they have very limited options and cannot develop their career or move into higher paid and less vulnerable positions.

All these conventions are fruitless for ODWs in Lebanon unless real action is taken on the ground. Raising awareness about the circumstances of ODW will help apply pressure for nation states to redress their protection and create specific global targets and accountability for their implementation.

CONCLUSIONS AND SUGGESTIONS

It is apparent that ODW in Lebanon are frequently being denied basic rights and capabilities which highly restrict valued functionings and agency. Structural barriers such as the sponsorship system and non-inclusion in labour laws help reinforce the socio-political landscape of Lebanon which is demeaning ODWs. An attitudinal change needs to occur to reduce symbolic and physical violence that ODWs sustain, and for this to happen education needs to address issues of racism and respect of others. In addition, education for the ODW

should be provided, not only to help them understand their rights, but also give access to capabilities and opportunities previously denied. Pre-departure seminars in home countries also need to be investigated in order to check they are respecting human rights and not just instructing women to withstand the hostile circumstances in which they may find themselves.

International support to national and regional groups should continue (Varia & Becker, 2012) in terms of policy pressure and interventions such as safe centres and legal assistance to provide invited spaces of power¹⁵ and agency. In conjunction, the education of Lebanese children about ODW should be implemented. Teaching cultural respect and humanising domestic workers will help break cultural misunderstandings and barriers reducing racism. ILO has recently distributed Arabic-language children's books that aim to provide a cultural understanding of domestic workers home countries, these specifically feature a Lebanese girl dreaming of where her ODW is from (Wood, 2011). Such interventions hope to address and even "unlearn" the internalised social power and hierarchy.

Alongside addressing issues of education key International labour laws need to be implemented. To guarantee policy implementation, public awareness needs to be raised regarding the ODW circumstances and key constituencies such as national labour officials, trade unions, employers, media must join together to create governmental pressure (Varia & Becker, 2012).

For Lebanon to adhere to the anti-trafficking and slavery regulations and to implement new international Labour laws the *sponsorship system* needs to be removed. This will help dissolve the hidden power of the employer and unlock control over ODWs from exploitative and abusive employment. Furthermore, all domestic workers in private households need to be included in Lebanon's National Labour Laws.

The ban from sending counties of deployment seems to have forced Lebanon to reassess their labour laws and the MOU should help bring better standards for all domestic workers.

¹⁵ Invited spaces refers to the power cube dimensions coined by Gaventa, 2003

In January 2012, Lebanese Minister of Labour declared unacceptable that the Lebanese continue to hire foreign labour whilst they violate the rights (Migrant Rights, 2012). The recognition seems to be present, the international community should be observant of the steps of action which should enable ODW the ability to choose their basic valued functionings.

Bibliography

- Anderson, B. (2000). *Doing the dirty work?: the global politics of domestic labour*. New York: Zed Books.
- Bales, K., Trodd, Z., & Williamson, A. (2009). *Modern Slavery*. Oxford: Oneworld Publications.
- Beydoun, K. A. (2006). The Trafficking of Ethiopian Domestic Workers into Lebanon. *Berkeley Journal of International Law*;2006, Vol. 24 Issue 3, 250-286.
- Briones, L. (2009). *Empowering migrant women : why agency and rights are not enough*. Farnham: Ashgate.
- Cassel, M. (2010). *Unseen Lives: Migrant Domestic Workers in Lebanon*. Retrieved February 4, 2012, from Justimage: <http://cassel.photoshelter.com/gallery/G0000Cr7ZqO2IO18>
- Deneulin, S., & Shahani, L. (2009). *An Introduction to the Human Development and Capability Approach*. Earthscan: London.
- Dowding, K. (2006). Can a Capabilities Reconcile Freedom and Equality? *The journal of Political Philosophy*, Vol. 14, No. 3, 323-336.
- Hamill, K. (2011). *Trafficking of Migrant Domestic Workers in Lebanon. A Legal Analysis*. Beirut: Kafa.
- Hochschild, R., & Ehrenreich, B. (2004). *Global Women: Nannies, Maids, and Sex Workers in the New Economy*. New York: Holt.
- Human Rights Watch. (2007). *Exported and Exposed, Vol 19, No. 16*. Human Rights Watch.
- Human Rights Watch. (2010). *Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers*. New York: Human Rights Watch.
- Human Rights Watch. (2011). *The Domestic Workers Convention: Turning New Global Labor Standards to Change on the Ground*. Human Rights Watch.
- Jueidini, R. (2002). *Women Migrant Domestic Workers In Lebanon*. Geneva: International Migration Papers.
- Jueidini, R., & Moukarbel, N. (2004). Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery'? *Journal of Ethnic and Migration Studies*, Vol 30, No. 4, 581-607.

- Meiselas, S. (2006, May). *A Costly Dream*. Retrieved February 7, 2012, from Magnum Photos: <http://inmotion.magnumphotos.com/essay/costlydream>
- Migrant Rights. (2012, January 23). *Lebanese Minister of Labor promises to abolish sponsorship "kafala" system*. Retrieved February 27, 2012, from Migrant Rights: <http://www.migrant-rights.org/2012/01/24/lebanese-minister-of-labor-promises-to-abolish-sponsorship-kafala-system-to-subject-domestic-work-to-labor-laws/>
- Migrant Workers Task Force. (2011, July). *Madame and Mister Training Academy*. Retrieved February 2012, 25, from Migrant Workers Task Force: <http://mwtaskforce.wordpress.com/2011/07/>
- Moukarbel, N. (2009). *Sri Lankan Housemaids in Lebanon. A Case of 'Symbolic Violence' and 'Everyday Forms of Resistance'*. Amsterdam: Amsterdam University Press.
- Ogle, G. (2000, June). *Between Statistical Imperatives and Theoretical Obsessions*. Thesis. University of Adelaide.
- Robeyns, I. (2005). The Capability Approach: A theoretical Survey. *Journal of Human Development and Capabilities*, 6: 1, 93-117.
- Sen, A. (1999). *Development as Freedom*. Oxford: Oxford University Press.
- Tubeza, P. C. (2012, February 3). *Lifting of OFW ban in Lebanon seen*. Retrieved February 24, 2012, from Inquirer Global Nation: <http://globalnation.inquirer.net/24841/lifting-of-ofw-ban-in-lebanon-seen>
- UNESCO. (2010). *EFA Global Monitoring Report, Summary, Reaching the marginalized*. Paris: UNESCO.
- United Nations. (1990, December 18). *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Retrieved February 5, 2012, from Office of the High Commission for Human Rights: <http://www2.ohchr.org/english/law/cmw.htm>
- United Nations. (2010). *The Millennium Development Goals Report 2010*. New York: United Nations.
- UNODC. (2012). *Human Trafficking*. Retrieved February 27, 2012, from UNODC: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>
- Varia, N., & Becker, J. (2012). *A Landmark Victory for Domestic Workers: New Convention Establishes First Global Labor Standards for Millions of Women and Girls*. Human Rights Watch.
- Wood, J. (2011, September 28). *Lebanon Begins to Address Abuse of Domestic Workers*. Retrieved February 27, 2012, from New York Times: <http://www.nytimes.com/2011/09/29/world/middleeast/lebanon-begins-to-address-abuse-of-domestic-workers.html?pagewanted=all>
- Zahidi, S., Hausmann, R., & Tyson, L. (2011). *Global Gender Gap Report 2011*. Geneva: World Economic Forum.

