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## Arab Civil Society Actors and their Quest to Influence Policy-Making

Case Study #4

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### LEBANESE CIVIL SOCIETY ORGANIZATIONS AND THE CASE OF FEMALE MIGRANT DOMESTIC WORKERS

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The involvement, strategies and challenges of Lebanese civil society organizations in improving the standing of female migrant domestic workers in Lebanon governed under the kafala system

#### INTRODUCTION

Since the late 1980s, Lebanese civil society organizations (CSOs) have actively worked towards improving the legal rights and living conditions of migrant domestic workers (MDWs) communities in Lebanon. Lebanese civil society has employed various methods and strategies over the years and its work has significantly raised awareness about the abuse and exploitation MDWs may withstand in Lebanon. In particular, CSOs have identified kafala, Lebanon's traditional sponsorship system as the central issue as it severely compromises migrant workers' rights, rendering them highly vulnerable to exploitation (Hamill 4, 2012). The work of NGOs has gradually shifted from providing charitable aid to MDWs to advocacy and empowerment projects. The protection of MDWs extends beyond the realm of NGO-based advocacy networks and has increasingly become a concern for other civil society actors such as Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon). With the active support of the International Labour Organization (ILO), NGOs, FENASOL and empowered MDW communities continue to challenge the kafala system while subsequently redefining the organization and strategies of civil society. However, Lebanese civil society has struggled to reform the sponsorship system and kafala continues to constitute an important mechanism. MDWs thus remain at risk of exploitation and abuse at the hands of their employers and recruiting agencies.

#### BACKGROUND TO THE CASE OF MDWS IN LEBANON

Lebanon accommodates over 200,000 MDWs (Abdulrahim ,2010 5; ILO 2016, vi, Tayah 49 ,2012). MDWs are defined as "workers who have migrated to other cities or villages, either internationally or within their own countries' borders to find employment" (Guichon 2 ,2014). They are typically tasked with household duties such as cooking and cleaning. Since the nature of these tasks is culturally ordered along gender norms, MDWs in Lebanon are overwhelmingly young women (ILO 5 ,2016). Furthermore, after the Lebanese civil war, the ethnic makeup of MDWs grew more diverse in Lebanon. While domestic workers traditionally came from Lebanese families of lower socio-economic strata, nearly all workers today migrate from lower-income countries in Asia and Africa. In particular, Ethiopia, Bangladesh and the Philippines act as the largest providers of the domestic workforce to Lebanon (ILO 7 ,2016). Given the MDWs' profile as overwhelmingly female and economically marginalized, the case of MDWs presents an intersectional policy issue, where race, class and gender play intertwining roles.

Within the framework of kafala, MDWs are locked in a constant state of exploitation at the hands of their employers and private employment agencies. While many factors contribute to the vulnerability of MDWs, researchers and international and regional NGOs have widely recognized the traditional sponsorship system, kafala, as the main source of these vulnerabilities (Hamill 2012; Abdulrahim 2010; ILO 2016; Guichon 2014, interview data). Popular across the Middle East, the kafala system is used to regulate the relationship between migrant workers and employers. While kafala is a collection of customary practices and not a law, it has much precedence over governing the treatment and employment of MDWs.

In Lebanon, MDWs are excluded from the Labor Law (Hamill ,2012 12). The kafala system thus forms the legal basis for migrant work in Lebanon. MDWs are unable to enter the Lebanese labor market as free economic agents and they need to secure an employment offer before being able to enter the country (Hamill 12 ,2012). Migrants' work and resident permits, issued by the General Directorate for General Security ("General Security"), are bound to a specific sponsor, whose name features on both required permits, as well as on the entry visa. The sponsorship requirement leads to a situation where "sponsors are expected to assume financial and legal responsibility for migrant domestic workers while they are present in the country" (Hamill 11 ,2012). Consequently, the employee is in no position of power to bargain for her rights and protections having all her legal authorizations bound to a specific sponsor. In short, kafala creates a system of direct dependency between the MDW and the employer (Abdulrahim 11 ,2010).

Civil society and international organizations have documented widespread neglect and exploitation of MDWs under kafala in Lebanon. Employers are widely reported to violate MDWs' rights as workers and as individuals. An extensive ILO study, tracking views and practices of 1,200 Lebanese employers towards MDWs, finds that 73.8 percent of MDWs never receive a copy of their employment contract and that half of the Lebanese employers expects MDWs to work seven days a week. These examples suggest that employers are failing to meet conditions stated in a Standard Unified Contract, which is a contract designed to alleviate the hardship of MDWs in Lebanon (ILO 31 ,23 ,2016). Limiting of the personal freedoms of the MDWs is also reportedly rampant. The ILO study finds that 13.9 percent of employers always lock the MDW inside the house and 94.3 percent of surveyed employers are found to retain MDWs' identity documents upon their arrival (ILO 36 ,2016). Anti-Slavery International conducted interviews with Nepalese MDWs in Lebanon to highlight the exploitation they face on a daily basis. For example, one interviewee explained that her employer locked her in a small room without any means of outside communication and resorted to physical violence whenever she would request her salary (Anti-Slavery International 9 ,2014). The interviewee referred to her employer as her master, confirming that the work of MDWs in Lebanon is reminiscent of slave labor. In the light of these alarming findings, it seems evident that MDWs are particularly vulnerable to abuse and exploitation under the kafala system and in the absence of enforced rights and protections frameworks.

### CIVIL SOCIETY INVOLVEMENT: STRATEGIES AND TACTICS

CSOs have employed advocacy strategies to promote the rights of MDWs since the late 1980s. An ILO-commissioned mapping of NGO services for MDWs suggests that, from the late 1980s till 2005, the issue of MDWs mostly constituted a concern for faith-based organizations, prompting them to focus on providing services, such as pastoral care, legal aid, shelter and counseling to MDWs (Tayah 14 ,2012). The most important early actors engaged in this form of activism included Pastoral Care for Afro Asian Migrants (PCAAM) and Caritas International, which established the Caritas Lebanon Migrant Center in 1994. These organizations have provided charitable help and support to MDWs and have raised awareness about the abuses MDW communities face. However, these types of awareness campaigns, albeit influential, are embedded in a limited strategy of advocacy that have struggle to translate into policy change. Indeed, the abuses MDWs face are the result of the complex interplay between various stakeholders such



as employers, recruitment agencies and governmental institutions that actively maintains a power structure which undermines MDWs.

Civil society actors paved the way for MDWs to gain own political agency and autonomy early 2000s. CSOs begun to emphasize advocacy activities that fostered the empowerment of MDW communities. Many humanitarian organizations, such as Insan Association and Frontiers Ruwad Association (FRA), joined faith-based groups in their efforts to improve the societal standing of MDWs. These humanitarian groups emphasized the empowerment of MDWs and subsequently diversified the service-provision approach NGOs characteristically adopted (Tayah 14 ,2012). They began to organize new types of activities for migrant workers, such as informational workshops to educate migrant workers on their rights, and talent-based classes to empower them through new skill sets. These activities were steered towards empowering individual MDWs through increasing their competences and knowledge, as well as improving their living conditions through medical, humanitarian and legal assistance (Tayah 17 ,14 ,2012).

More recently, a variety of human rights and feminist organizations, such as the Amal Foundation, KAFA (Enough) for Violence and Exploitation and the Anti-Racism Movement engaged with MDWs to diversify their civil society activism. For instance, in 2011, the Anti-Racism Movement in Lebanon founded a Migrant Community Center (MCC) as a meeting space for MDWs, which today continues to offer a wide array of activities ranging from grassroots advocacy to informational workshops. These organizations and initiatives emphasize community and network-building efforts, advocacy campaigns and action-based research projects, which are steered to engage larger communities of the Lebanese public and MDWs

into civil society activism allowing the issue to gain a broader societal scope.

The collaboration between Lebanese NGOs has significantly paved the way for the empowerment of MDW communities. While NGOs formerly monopolized the issue of MDWs in their advocacy, they now recognize MDWs as civil society actors in their own right. Interviews with NGOs such as KAFA, MCC and Amal underscore their close cooperation with MDWs. A representative from KAFA mentioned that NGOs uphold a communicative network with MDWs, which enables them to hold monthly meetings with them and agree on a common advocacy agenda. That MDWs themselves constitute primary actors in NGO campaigns attests to their newfound political agency within the sphere of civil society. These initiatives are primarily funded by international actors such as the ILO, highlighting the lack of internal financial support in Lebanon for the cause of MDWs.

The work of NGOs highlights a significant shift from charity-based aid to self-organizing activism. Through advocacy and awareness-raising, CSOs promote the empowerment of MDWs in a bid to circumvent the authority of kafala. Over the past few years, some migrant communities have organized into informal groups to demand better treatment and rights through street demonstrations and awareness-raising campaigns. Many MDW groups have successfully integrated the ever-widening terrain of civil society as evidenced by the prominence of NARI (Group of Nepalese Feminists in Lebanon). NARI is the result of KAFA's efforts to establish an autonomous group of Nepalese migrant domestic workers to defend their interests. Through KAFA's support and mentorship, NARI is now able to vocalize its own group interests and shed light on the abuse its members face. Despite their increased political agency and social capital, MDW groups are still unable to effectively connect with Lebanese policy-makers. Their exclusion from the national narrative limits their capabilities to alter the policies that affect their communities. The self-organizing tactics MDWs employ can thus only utilize informal venues to sensitize the Lebanese public and decrease the rates of violence they endure.

While the cooperation between CSOs and governmental institutions is critical within the framework of MDW activism, the Lebanese state is ambivalent towards the self-organizing of MDWs. On the one hand, CSOs have often interacted with the government within the MDWs subfield, namely in November 2005 when the CLMC, ILO, Ministry of Labor (MoL), Office of the High Commissioner for Human Rights (OHCHR) and UNIFEM organized a workshop on the situation of MDWs in Lebanon. As a result of

the workshop, a government commissioned National Steering Committee (NSC) was set up in 2006, in order to follow up on the recommendations made in the workshop (Tayah 9,2012). The establishment of the NSC prompted civil society engagement by opening doors to a wider set of organizations, broadening the forms of activism used. The NSC has neglected to utilize its resources to implement policy change, opting to focus on MDWs' right of access to information. This attests to the limits of activism based on awareness-raising insofar as it relegates policy change to the margins of the issue.

On the other hand, official institutions, such as the MoL, condemn any attempt to challenge the status quo. For instance, the MoL reprimanded the formation of a domestic workers' union under the authority of the Lebanese trade union FENASOL. Since MDWs are excluded from the national Labor Law, the government perceives any active negotiation of power as illegal activity. This strips MDWs from a significant degree of political agency and limits the types of activism they can engage in. That the government condemns the workers' union – rather than grassroots advocacy groups – attests to the difficulties in implementing community empowerment. Indeed, MDW advocacy groups are organized along the lines of ethnicity and race whereas a full-fledged workers' union would trump national divides and organize domestic workers in accordance to their common economic identity. It can be inferred that the government is more accepting of civil society activism which treats the case of MDWs as a human rights issue rather than a socio-economic one. Nonetheless, the collaboration between NGOs and FENASOL has provided civil society with a comprehensive set of tools to advocate for both the socio-economic rights of MDWs and their human dignity. This includes impactful initiatives such as the publicized participation of MDWs in national Labor Day marches and civil society engagement in the global movement for the protection of MDWs. The collaboration is thus able to pave the way for a fusion of both theoretical and empirical civil society tactics, namely the research-based advocacy of NGOs and the union endorsement of MDWs to create a lasting impact on the cause.

#### **CIVIL SOCIETY INVOLVEMENT: OUTCOME**

Today, most organizations working with MDWs engage in at least two to four different types of activism, instead of limiting themselves to one approach. Organizations are also increasingly cooperating with each other and with the migrant communities



themselves in order to execute larger campaigns and projects. For instance, organizations have coordinated joint protests for the International Domestic Workers Day for nine consecutive years. It is also noteworthy that representatives of the aforementioned organizations meet on a monthly basis to coordinate joint activism (interview data).

The International Labour Organization and the Lebanese press have also been instrumental in drawing public attention to the MDWs' situation by making the issue increasingly political. (Abdulrahim 6 ,2010; Human Rights Watch 2008; Kafa 2010). News and research articles covering MDWs have pointed towards inadequate policies in protecting migrant workers, showcased employer abuse, and discussed social isolation of migrants (Abdulrahim 6 ,2010). These publications have helped organizations in their advocacy and awareness raising work. For instance, two interviewees contacted for this paper named an article by Human Rights Watch (2008) on migrant workers' suicides as a "turning point" in their efforts to raise public awareness about the rights of MDWs in Lebanon.

At times, outreach efforts have been successful to influence the closure of private employment agencies caught for misconduct. Organizations have also helped to raise the public awareness of the issue. One interviewee noted that compared to 2010, when only few people would have known about the existence of kafala, the information is now widely available. Growing civil society activism has also helped to attract more international funding from embassies and international organizations to the issue, helping the Lebanese organizations to continue their important work.

Regardless of these efforts, CSOs have not succeeded in pressuring the Lebanese government to abolish the kafala system. Indeed, it has been suggested that civil society actors remain somewhat powerless to advocate change for the kafala within the prevailing political system (Jureidini 16 ,2002, interview data). Indeed, as one of the interviewees notes, the lack of real alternatives to kafala constitutes a key issue to the work of CSOs. Past research has also suggested that initiatives, networks and programs engaging with the MDWs subfield have, at times, been disadvantageous to the migrant community and to the credibility of the MDWs movement due to their low-impact and ad hoc nature (Tayah 9 ,2012). Indeed, it has been estimated that in 2012 that were around 250 individuals working in the MDWs subfield (Tayah ,2012 49). Given the limited number of individuals, the capacities of organizations working on the subfield is considered very limited (Tayah 49 ,2012). In addition, it has been noted that the rapidly increasing number of CSOs responding to the needs of MDWs have excused the Lebanese government from taking responsibility for the issue (Tayah 13 ,2012). Thus there is no serious commitment by government officials to solve the issues around MDWs. The government's superficial attempts to aid MDWs continue to enable it to deflect responsibility on this issue. For instance, the official contract designed for MDWs clearly stipulates that complaints must be lodged to the MoL. However, the ministry does not enforce this rule, enabling private recruitment agencies to act as mediators in favor of employers rather than MDWs. The government's overall indifferent attitude towards the abusive treatment of MDWs thus thwarts any civil society effort to implement change in the long-run.

## CONCLUSIONS AND LESSONS LEARNED

This paper aimed to provide an overview of the involvement, strategies and challenges of the Lebanese CSOs in order to improve the standing of MDWs living and working under the kafala system. Civil society engagement in the MDWs subfield started as low-intensity activism offering caring and service provision by a handful of faith-based organizations. The activism has, however, intensified and diversified over the years to include empowerment and rights-based approaches that target social structures and culture around treatment of MDWs in Lebanon. Civil society activism has been somewhat successful in raising awareness of the MDWs subfield and building capacities and skills within the migrant communities. It is also interesting to note that the issue of MDW abuse serves as a priority for both NGOs and FENASOL, a labor union. While NGOs undoubtedly have more experience helping and interacting with MDWs, the joint efforts by FENASOL and ILO to incorporate MDWs in the economic fabric of Lebanon have increased the empowerment of these workers.

However, despite the many efforts by CSOs to improve the standing of the MDWs, the kafala system has not been abolished. Critical voices have pointed out the limited ability of the Lebanese CSOs to enforce real structural change due to the complicated political system in Lebanon and low-impact interventions by many organizations. Nevertheless, the civil society activism in Lebanon continues to offer a ray of hope to MDWs, who remain in a rights and protections vacuum.

Lessons learned:

CSOs need to devise and enforce a shared vision of how kafala should be reformed. Currently, organizations do not have shared strategies of reforming kafala, which significantly weakens their power to create a real change.

The resources of organizations working in MDWs subfield is very limited taking into account the growing population of migrant workers in Lebanon. A serious effort needs to be made to increase cooperation between diverse organizations to better pool the available resources.

Beyond the provision of services for MDWs, civil society actors must prioritize behavioral change within Lebanese society in an attempt to humanize MDWs and improve their standing with employers.

Because civil society actors do not have enough funding to implement policy change, they must act as a mediator between MDWs and Lebanese policy-makers to improve public services.

The self-organizing of MDWs requires more resources to increase the capacity to participate in union activity.

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## BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.








## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

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