

# Migration and State Responsibility: Ethiopian Domestic Workers in Lebanon

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**Abstract-** Lebanon is one of the most popular destinations to Ethiopian Migrant Workers. It has ratified major international human rights and labor standards. Nevertheless, quite a number of migrant workers, migrant domestic workers in particular, face impediments to the full enjoyment of their rights. They have no legal security of employment under the Lebanese labor law. This article analyzes whether Lebanon has the obligation (both negative and positive) to comply with the responsibility to respect, protect and fulfill the rights of Ethiopian Migrant Domestic Workers in its territory even though the State has not yet ratified any convention which distinctively protects migrant workers. The article aims to uphold the benefits of migration to economic growth and development in both the origin and destination countries enhanced through safeguarding the rights of migrant workers by the States involved. To this end, International Human rights and Labor Conventions ratified by Lebanon are analyzed in detail.

**Index Terms-** Migration; Domestic Work; Ethiopia; Lebanon; State Responsibility

## I. INTRODUCTION

In recent years, there appears to be a considerable movement towards accepting the significance of labor migration to economic growth and development in both countries of origin and destination (Eisele, 2012:32). This idea has become an important global agenda in policy formulation and research discussions. Among its six fundamental Principles of Action, the Global Commission on International Migration (GCIM) stated the following;

*The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognized and reinforced” (GCIM, 2005:4)*

The International Labor Organization emphasized that development outcomes from labor migration for the countries involved and the protection of migrant workers are inseparable (ILO, 2009: 3). Migrants can make their contribution when their fundamental rights and freedoms are respected and protected. This primarily requires States’ active enforcement of international human rights and labor standards. In spite of this, migrant workers are facing significant impediments that are unique to their status of being ‘foreigners’ and non-nationals of the country they are working in, or in some cases, undocumented people or illegal migrants (Pécoud, 2009: 334; Satterthwaite, 2005:2 ). “The full enjoyment of their labor rights and their

human rights are often at risk”<sup>1</sup>. The problem is nastiest for domestic workers due to their more vulnerability mainly as woman working in private households.

Migrant Domestic Workers (MDWs) constitute loosely regulated global workforce of some 43.6 million or 83 per cent of the total domestic workers<sup>2</sup>, who are mainly female, largely from developing countries move to other foreign countries for better job opportunities. According to the International Labor Organization (ILO) recent report domestic work constitutes an important source of women’s wage employment and accounts for 7.5 per cent of female employees worldwide (ILO, 2013:2).

Lebanon is one of the most popular destinations, and home for more than 200, 000 migrant domestic workers (Human Rights Watch, 2010; 2012). Some estimated that there are more than 80,000 Sri Lankans, 30,000 Filipinos, and 20,000 Ethiopians, 95% to 98% of whom are females (Moukarbel, 2009:27-28). The tendency is clear, migrant workers need Lebanon and Lebanon also needs migrant workers as well.

However, legal and institutional protections have virtually denied to domestic workers. In 2011 the UN Special Rapporteur Gulnara Shahinian<sup>3</sup> noticed that migrant domestic workers are legally invisible in Lebanon. The State’s labor law doesn’t cover domestic workers. Hence, they have no legal security of employment and recourse to justice when their rights are violated. High incidence of widespread abuse and lack of legal protections has led several States, including Ethiopia for some time, to ban their nationals from working in Lebanon (Human Rights Watch, 2012), assuming that ‘making migration work for development’ without providing State protection is hardly possible.

Undoubtedly, Ethiopia has the responsibility to protect its migrant citizens. The main objective of this article is, however, to analyze whether Lebanon has the obligation (both negative and positive) to comply with the responsibility to protect, respect and fulfill the rights<sup>4</sup> of MDWs of Ethiopian nationality even

<sup>1</sup> The Protection Project (2013) *100 Best Practices in the Protection of Migrant Workers*. The Johns Hopkins University and Paul H. Nitze School of Advanced International Studies

<sup>2</sup> See ILO (2011) Global and regional estimates on domestic workers, Domestic Work Policy Brief No.4 (Geneva) Table 2, fig.1 p.7-8

<sup>3</sup> Gulnara Shahinian, UN Special Rapporteur on Contemporary Forms of Slavery, also added that MDWs are required to live in their employer’s households, faces racial and gender discrimination and deprived of legal protection to safeguard their rights. See UN Human Rights (2011) *Migrant domestic workers in Lebanon are legally invisible – UN expert on contemporary forms of slavery*

<sup>4</sup> The obligation to respect requires States to refrain from interfering with the enjoyment of rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The

though the State has never ratified any international convention deals with migrant workers specifically. The article aims to promote benefits of migration- development nexus through active state responsibility to safeguard the rights of migrant workers. To this end, International Human rights and Labor Conventions ratified by Lebanon are analyzed in detail. Other relevant secondary sources such as legal documents, government and non-government reports and electronic materials are also used exhaustively.

Following this introduction, the second section discusses the situation of Ethiopian MDWs and illustrates how Lebanese *Kafala* system makes migrant workers vulnerable to abuses. The third section briefly reviews International Legal instruments that can be used for the protection of MDWs. The fourth section analyses international human right instruments and international labor standards ratified by Lebanon to uncover the State's role and responsibility in protecting rights of MDWs. The last section sums up the arguments of this article, and points out some implications.

## II. SITUATING ETHIOPIAN MIGRANT DOMESTIC WORKERS UNDER LEBANON'S KAFALA SYSTEM

The term "Migrant worker" has been defined as 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. Some of these workers engaged in domestic service within an employment relationship for a household or households<sup>5</sup> known as Migrant Domestic Workers (MDWs).

Lebanon is a country where the initial surge of Ethiopian migration as a domestic worker has began. It is the most popular destination for Ethiopian domestic workers, but reports of mistreatment have increased as it increases in frequency (HRW, 2012; Beyene, 2005:61). Although it very difficult to estimate the accurate number, 20,000<sup>6</sup> -50,000 Ethiopians are believed to be working in Lebanon households (Firehiwot, 2010:2). The majority are women within 20–30 age groups (Emebet 2009:4-6). Some studies (Hamill, 2011; Ali Fakih, 2013) show that in 2010 Ethiopians constitute the largest group of domestic workers and account for 27% of all MDWs in the country.

In order for a migrant to work in Lebanon, Ethiopians have to secure official sponsorship by a Lebanese agency or individual employer (HRW, 2010:14). The sponsor pays the worker's airfare, all employment visas, work permits, their wages, and airfare home, and provides with two years of work permit for the domestic work. This is commonly known as *Kafala* system. It comprises various customary practices, administrative regulations and legal requirements that tie a migrant worker's residence permit to one specific sponsor, *kafil* (Hamill, 2012:5). In effect, the system binds the MDWs to their employer in a legal as well as financial dependency (Jureidini, 2011:9).

In other words, migrants are institutionally required to have a sponsor who exercises considerable control in practice over their legal status as well as their freedom of movement and employment mobility (Hamill, 2012:11). If their sponsor terminates their contract or if they decide to leave their employer, migrants lose their legal status to stay in Lebanon (HRW, 2010:2). In this sense they are subjected to restrictive immigration rules that put them at risk of exploitation and abuse. Furthermore, migrant domestic workers are excluded from the labor law.

Amrita Pande opines interestingly how the *Kafala* sponsorship system puts MDWs in Lebanese socio-legal system. She states,

*"The kafala system is a reflection of state practices of control and exclusion of migrant labor [...] but also gives employers a misguided sense of possessing the worker. The sponsors perceive the advance payments made to the recruitment agency as an "investment," which gives them a sense of possessing the MDW and her time. This paternalistic relationship between the sponsor and the worker is further reified by the MDW's dependence on the employer for ensuring her legal status in Lebanon as well as financing her return ticket home. Thus, by making the MDW dependent on the employer for her legal and economic existence in the State, the Kafala system creates the bases for much of the abuses"* (Pande, 2012:6)

Thus, *Kafala* makes MDWs vulnerable to compromises their rights; and reinforces dependency and power imbalance between employers and workers. The system also severely compromises their employment mobility (Hamill, 2012:5), by allowing the employer to withhold their passport and other documents in order to prevent them from breaking the contract and working outside for other employers (Abdulrahim, 2010:11). Furthermore, MDWs have very few options even when they face severe human right violations. They cannot change employers unless the employer agrees to sign a release waiver. In addition, the system makes MDWs illegal as soon as they escape from the house of their sponsor, even if it was in response to abuses and human right violations by the employer (Pande, 2012: 6).

In addition to these common legal- institutional abuses, Ethiopian domestic workers have experienced a complex socio-political situation with multiple disadvantages as black, female and foreign. They are structurally discriminated against and given a lower subservient status in society (Beydoun, 2006). They receive the lowest payment among other domestic workers in the country. This makes them highly deserve policy and academic attentions.

## III. MIGRANT DOMESTIC WORKERS (MDWs): INTERNATIONAL LEGAL PERSPECTIVE

The topic of migrant workers' human rights has been the subject of increasing concern throughout the UN system in the recent years. Numerous international legal instruments are established to provide parameters for the protection of human and labor rights that can be applicable to all migrant workers (ILO, 2006:25). These instruments mainly contain explicit provisions for protecting the rights of all human beings, irrespective of their nationality and ethnic background, and hence relevant to migrant workers in general and migrant domestic

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obligation to fulfil means States must take positive action to facilitate the enjoyment of rights. See Sepulveda, M. et'al (2004) Human rights reference handbook, University for Peace: Costa Rica p.16.

<sup>5</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families(1990) Article 1 & 2

<sup>6</sup> Moukabel, 2009:27-28

workers in particular. This section briefly reviews the Human rights law and Labor laws which are the constituents of international legal framework. They generally reinforce each other and use complementary definitions.

### 1. INTERNATIONAL HUMAN RIGHTS LAW

International human rights law serves as the imperative basis of human rights treaty bodies, and contains most basic rights and freedoms of human beings. Grounded upon the idea that all individuals by virtue of being human have fundamental rights,<sup>7</sup> it aims to promote and protect these inherent entitlements. It requires and aims to enforce the treatment of nationals and non-nationals based on equality. Thus, Human rights standards applicable to MDWs can be found in several overlapping instruments which extend protections to individuals simply because they are human beings (Hamill, 2011: 10). These instruments include the Universal Declaration of Human Rights (UDHR, 1948)<sup>8</sup>; International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976); International Covenant on Civil and Political Rights (ICCPR, 1976); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1981); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1969); and The Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984).

These instruments provide many vital guarantees to all human beings in general. Some ensure their extension to women, but they do not explicitly focus upon the situations faced by migrant workers.<sup>9</sup> Nevertheless, States are expected to apply the rights and freedoms specified in human rights laws to migrant workers as to their nationals.

In the past few years the UN has increased its attention towards migrants; in 1990 UN adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).<sup>10</sup> It sets a standard in terms of migrants' fundamental rights which is a relevant objective at a time when the number of migrants is on the rise, and evidence of migration related human rights abuses increases (Pe'coud, 2009:333). Of course, it doesn't provide new sets of rights and freedoms, but instead reaffirms basic ones found in existing treaty bodies and customs. In 1999 the UN appointed the Special Rapporteur of the Commission on Human Rights on the Human Rights of Migrants. The Rapporteur focuses on the Convention on the Protection of Migrant Workers and their Families, and makes request for information from states and non state actors; provide recommendations to prevent violations of human rights; and promote the universal application of international human rights principles<sup>11</sup>. However, States as the ratifying parties to human rights instruments remain the main

actors for the protection of the rights of everyone residing in their jurisdiction (Mattila, 2000:53).

### 2. INTERNATIONAL LABOR LAW

International labor standards in general, ILO Conventions and Recommendations, play an important role in designing labor law for migrant workers. These instruments also provide guidance to States' policy on domestic workers and entail legal obligations (ILO, 2012:4). The Conventions contain a range of provisions to ensure the protection of labor rights of all workers, and therefore are applicable to migrants employed in domestic work (Pavlou, 2011:78-79).

The prime instruments explicitly for the benefit of migrant workers include the Migration for Employment Convention of 1949 (No. 97) and the Migrant Workers Convention of 1975 (No. 143) as well as their accompanying Recommendations. Convention No. 97 focuses on recruitment and working conditions of migrants and their equal treatment with citizens of the state (art. 6). Whereas, the Convention No.143 addresses issues of migrants under abusive conditions and provides specific rights.

The other core ILO Conventions significant to Migrant Workers include; Freedom of Association and Protection of the Right to Organize (No.87, 1948); the Right to Organize and Collective Bargaining (No. 98, 1949); Forced Labor (No. 29, 1930) and the Abolition of Forced Labor (No. 105, 1957); Equal Remuneration (No.100), 1951 and the Discrimination (Employment and Occupation) Conventions (No. 111), 1958; Minimum Age (No. 138, 1973); and the Worst Forms of Child Labor Convention (No. 182, 1999) (ILO, 2012:5). It is widely whispered that these standards are meant to apply to all non-national workers in the same way as they apply to workers who are nationals of the state.

In 1998 the ILO adopted Declaration on Fundamental Principles and Rights at Work which is believed to address the problems that MDWs are confronted. Recognition and protection of rights found in this Declaration for domestic workers is important step to remove them away from exploitation and abusive working environment. The Declaration stipulates,

*all ILO member States, [even if they have not ratified the convention], have an obligation arising from the very fact of membership in the Organization to respect and to promote and to realize in good faith and..., the principles concerning the fundamental rights which are the subject of those conventions" (ILO, 1998)*

In June 2011, the ILO adopted the Domestic Workers Convention (No. 189) and a Recommendation (No. 201) which contain specific minimum protection standards for domestic workers, and recognize all other international labor standards also apply to them, if not provided otherwise. In other words, the Convention provides for universal minimum protection standards for domestic workers, while leaving unaffected more favorable standards, as these may be available to migrants for domestic employment under other international labor conventions (ILO, 2012:5-7).

In sum, regardless of whether States have signed international labor conventions, the fact that they are legally in force implicates the international communities' commitment to apply

<sup>7</sup> UDHR art 2(1)

<sup>8</sup> Most of the UDHR's provisions are accepted as forming part of customary international law.

<sup>9</sup> UN Doc. Ga17/cc16/rep/01 adopted by the seventeenth general assembly in Baku, on 20 June 2001

<sup>10</sup> Adopted by UN General Assembly Resolution 45/158,1990

<sup>11</sup> *Special Rapporteur of the Commission on Human Rights on the Human Rights of Migrants*, Available at <http://www.ohchr.org/english/issues/migration/rapporteur>

basic principles of human rights and labor rights to all migrant workers.

#### IV. LEBANON'S RESPONSIBILITY UNDER INTERNATIONAL LAW

This section examines Conventions in which the Lebanon is a party and how these conventions obligate the State to respect, protect and fulfill migrant domestic workers' rights. In doing so, Ethiopian MDWs Freedom from Forced Labor in light with the specific international legal basis for the protection of this right is analyzed in detail.

##### 1. INTERNATIONAL INSTRUMENTS RATIFIED BY LEBANON

Lebanon has ratified six of the nine major international human right instruments relevant to protection of MDWs. It has signed the UDHR, which is in fact the base of the Lebanese constitution. Several articles of the Declaration can be used for the protection of domestic workers<sup>12</sup>. Lebanon has ratified major binding UN Conventions. These are the ICESCR (ratified in 1972); the ICCPR (ratified in 1972); The CEDAW (ratified in 1997) and The ICERD (ratified in 1971). Lebanon is also a party to the UN Slavery Convention (1929); and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). In principle, these international instruments signed by the State are supposed to take precedence over Lebanese national legislations.

Lebanon is a state party to 49 ILO Conventions on labor standards although it has never ratified any Convention which specifically protects migrant workers. It has signed seven out of eight fundamental principles and rights at work (See Table.1). Those that much relevant to the protection of MDWs, and for this article as well, are: Forced Labor Convention (No. 29) of 1930 (ratified in 1977); Abolition of Forced Labor Convention (No. 105) of 1957 (ratified in 1977); and Discrimination (Employment and Occupation) Convention (No.111) of 1958 (ratified in 1977)

Table I: ILO Conventions ratified by Lebanon<sup>13</sup>

Convention	Date	Status
C029- Forced Labour Convention, 1930 (No.29)	01 Jun 1977	In Force

<sup>12</sup> See UNDHR (1984), Art.5 on freedom from torture, cruel, inhuman or degrading treatment or punishment; Art.13, the right to freedom of movement; Art.23 free choice of employment, just and favourable conditions of work and; Art.24 the right to rest and leisure

<sup>13</sup> The table is formulated by the researcher using the data from: [http://www.ilo.org/dyn/normlex/en/fp=1000:11200:0::NO::P11200\\_COUNTRY\\_ID:103147](http://www.ilo.org/dyn/normlex/en/fp=1000:11200:0::NO::P11200_COUNTRY_ID:103147)

Convention	Date	Status
C098- Right to Organise and Collective Bargaining Convention, 1949 (No.98)	01 Jun 1977	In Force
C100- Equal Remuneration Convention, 1951 (No.100)	01 Jun 1977	In Force
C105- Abolition of Forced Labour Convention, 1957 (No.105)	01 Jun 1977	In Force
C111- Discrimination (Employment and Occupation) Convention, 1958 (No.111)	01 Jun 1977	In Force
C138- Minimum Age Convention, 1973 (No.138) <i>Minimum age specified: 14 years</i>	10 Jun 2003	In Force
C182- Worst Forms of Child Labour Convention, 1999 (No.182)	11 Sep 2001	In Force

By the very fact that Lebanon is a party to these conventions, it assumes obligations to implement compatible domestic instrument and legislation to shoulder its responsibilities for protecting workers in general and migrant workers in particular. International Labor rights and international human rights instruments simultaneously provide the legal basis for upholding the State responsible for protecting, respecting and fulfilling MDWs' freedom from forced labor.

##### 2. LEBANON'S OBLIGATION TOWARDS ETHIOPIAN MIGRANT DOMESTIC WORKERS' FREEDOM FROM FORCED LABOR

Under International Law, States have a broad set of positive and negative obligations to respect, protect and fulfill: while negative obligation requires States not to harm all individuals or interfere from the enjoyment of rights, positive obligation require States to provide the rights and freedoms of all individuals within its territory. This could be described as Lebanon, like other States, is required to take steps to prevent abuses, to punish those who committed, and to provide remedies to individuals who have been ill-treated from the enjoyment of freedom from forced labor.

##### 2.1 FREEDOM FROM FORCED LABOR

The ILO Convention No.29 defined forced labor as all work which is exacted from any individual under the threat of penalty or punishment including loss of rights and privileges and for which that person has not voluntarily offered himself. It includes restrictions on movement, withholding of passport and identity papers, withholding of wages or refusal of payment, threat of physical or sexual violence etc (ILO, 2010; D'Souza, 2010:28-29). These are the prevalent practices in many Lebanese homes which violate fundamental International principles and standards, and therefore, seen as *prima facie* unlawful.

Slavery, servitude and forced labor are absolutely prohibited in human rights and labor rights instruments and 'the prohibition is non-derogable' (Piotrowicz, 2012: 182). The UDHR (art.2) guarantees the right that: "no one shall be held in [forced labor] slavery or servitude; [forced labor] shall be prohibited in all their forms." This is resonated by ICCPR article 8(3) (a) which states,

“no one shall be required to perform forced or compulsory labor.” The right could be extended to MDWs indeed. The ILO Conventions (No.29 and No.105) require states to suppress and prevent the practice of forced labor in all its forms in its territory. It is evident that based on international norms and principles, Lebanon is required to adopt concert measures to respect, protect and fulfill MDWs’ freedom from forced labor.

## 2.2 OBLIGATIONS TO RESPECT, PROTECT AND FULFILL

Despite the law that Lebanon is obliged to undertake effective measures to the immediate abolition of forced labor practices noted under the Convention No.29 (art.2), reports and academic studies (HRW, 2012; HRW, 2011; HRW, 2008; Ali Fakh, 2013: 4; Juredine, 2002:21; Emebet: 2009:13; Firehiwot, 2010:6) reveal that Ethiopian MDWs like others are persistently facing payment below the legal minimum wage, long hours work between eleven and twenty hours a day, confiscation of passports, restriction of movement and threats of deportation. This is not merely State’s tolerance towards forced labor practices but also the failure to perform its obligation to protect MDWs under international law. The ICCPR (art.12)<sup>14</sup> which guarantees freedom of movement and the ICESCR (art.7) which guarantees the right of everyone including domestic workers to the enjoyment of just and favorable work conditions is far from protected. This is much more complicated by the fact that the State has denied respecting and providing equal protection to migrant domestic workers by explicitly excluding them from the national labor law, which contradicts International human rights and labor standards.

The obligation to prevent forced labor and to provide the rights of all working force including MDWs can be legally justified by referencing the ICCPRs (article 2(1)) which holds non-discrimination and equal protection guarantees to all people in the State;

*each party to the present Convention undertakes to respect and to ensure[fulfill and provide]to all individuals within its territory and subject to its jurisdiction the rights recognized within the present Convention, without distinction of any kind ... social origin, property, birth or other status.*

Lebanon remains under ICESCR (art.2 (2)) obligation to take measures to ban discrimination in the enjoyment of the rights in the covenant including the right to just and favorable work condition in particular (art.12 (1)). Furthermore, the ICERD (art.1 (1)) condemns discrimination based on national or ethnic origin which has the purpose or effect of impairing the enjoyment of fundamental rights and freedoms. These would be interpreted as Lebanon has an obligation to take protective measures to eliminate discrimination against all non-nationals regarding working conditions with discriminatory purposes or effects. Therefore, the guarantee of non-discrimination in international law implies a firm legal obligation that can be applicable for MDWs, and therefore requires the Lebanon States to extend the rights within the Conventions, including freedom

from forced or compulsory labor and the right to work to all working class (Satterthwaite, 2005: 22).

In order to protect women domestic workers in a better way, the CEDAW article 3 obligated States to change their labor laws and to adopt legislations for the purpose of guaranteeing them the enjoyment of fundamental rights and freedoms. As a party to the convention, Lebanon has positive legal obligation which may include altering the *Kafala* system and removing all *Kafala* based restrictions on MDWs being tied to a single employer. It might be argued that the State has required to take measures to extend labor protection including minimum wage and working hours to MDWs, and to establish substantive and procedural requirements that should be imposed upon the recruitment agencies to safeguard migrants so that their rights should not be controlled and violated by employers and recruiting agencies. Article 2 of the ICCPRs further requires states to take the necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the Covenant. The failure to revise, reform or revoke national legislations which are explicitly inconsistent with the international obligations could be, therefore, considered as an act of omission.

Indeed, many violations of domestic workers’ rights take place at the hands of private actors. For example, the deprivation of their freedom of movement by withholding their passports by employers (Kerbage and Esim, 2011:5-6; Human Rights Watch: 2008; Jureidini, 2010) which violates the right stated under ICCPR article 12<sup>15</sup>. This affects their right to choose and to find jobs on their will (art. 6) and the right to the enjoyment favorable conditions of work (art.7) stated under ICESCRs. A survey conducted by Kafa with employers shows while 88% believed the employer has the right to confiscate their employee’s passport, 80% do not allow their employee to leave the house on her day off. (Sawsan, 2010: 37-40). State parties to both covenants are, however, under obligation to prevent the third party, in this case employers, from interfering from the enjoyment of rights and freedoms stated under<sup>16</sup>. ICERD (art. 5(e)) may be interpreted as Lebanon is required to ensure that all employers and agencies are aware that it is absolutely prohibited for identity documents and work or residence papers to be confiscated or destroyed, and failure to obey should be investigated and punished.

Article 2 of CEDAW which has a positive dimension requires States to make sure that the essence of rights is provided to everyone in its territory without discrimination. For example, when recruitment agencies consistently mislead migrant workers about their working conditions and wages, the State’s lack of effective monitoring organ and capacity of the practices of the recruitment agencies enable to claim that Lebanon has violated its legal obligation to fulfill the rights of women to free choice of employment and job security stated under CEDAW article 11.

It is certain that Lebanon is obliged to suppress such practices in order to provide a favorable work environment that includes

<sup>14</sup> Article 12 makes clear that freedom of movement may only be restricted in a limited set of circumstances: to protect national security, public order, public health or morals, or the rights and freedoms of others.

<sup>15</sup> ICCPR Article 12 prohibits the arbitrary deprivation of the right of every person to enter his or her own country

<sup>16</sup> Committee on Economic, Social and Cultural Rights, The Right to Work, General Comment No. 18, UN Doc. E/C.12/GC/18 (2006) par.22 p.7

not only changing and adoption of legislation consistent with international standards and creating a genuine public awareness, but to providing appropriate measures to criminalize abuses and providing the necessary legal punishments. The ILO Convention No.29 particularly requires States to ensure the relevant penalties are adequate and legally enforced against those whose committed forced labor practices. Yet, the Human Rights Watch reported that Lebanon has a poor record of punishing abuses and ensuring social justice. In 2010 HRW found that out of 114 judicial proceedings reviewed not one employer faced punishment for confiscating MDWs, passports, locking them inside homes or denying them access to food (HRW, 2012). Jureidin (2011:9-11) also added that there are no actions taken by law enforcement agencies against Lebanese nationals for what may be considered as criminal acts or violations of human rights against MDWs. Furthermore, ICCPR (art.2) gives victims of human right violations the right to effective remedy. Although it is far from fulfilled, Lebanon is still obliged to provide remedy MDWs.

In sum, under international human rights and labor standards Lebanon is obliged to take necessary steps to 'respect, protect and fulfill' the MDWs freedom from forced labor practices. These instruments also require states to submit reports on conditions, measures adopted and progresses made in achieving the realization of fundamental rights and freedoms. Withdrawal of providing and fulfilling domestic workers with the same protections afforded to citizens and other working class implicates Lebanon is breaching its treaty obligations under international law.

## V. CONCLUSION

In this article I have examined more specifically the conditions of Ethiopian migrant domestic workers in Lebanon. Despite a number of vital conventions ratified by the State, to make use the development benefits of international migration, violations to MDWs rights remain quite rampant. But, this doesn't mean all MDWs faced with human right violation with equal intensity. Unequivocally, all MDWs are excluded from Lebanese Labor law; they don't enjoy the equal protection of the law offered to other working classes. They are denied labor standard protections although the international human rights and labor rights entitled to all workers regardless of their status. The *Kafala* sponsorship system which reflects the common practice of control and exclusion of migrant workers is responsible for human rights and labor rights violations, which is the main problem for ensuring that migration enhances socio-economic development in host and origin countries.

I would argue that the rights of migrant workers are parts of human rights; for this reason the observance and implementation of these rights is necessity a universal practice. It doesn't necessary mean States have no some discretion on the enjoyment of some rights, for example the right to vote. It is of the utmost importance that both Ethiopia and Lebanon to share the responsibility to protect migrant domestic workers. However, the prime accountability and obligation resides on Lebanon in whose jurisdiction the human rights violations occurred whether these violations committed by the State apparatus or non-state agents. Therefore, Lebanon has the obligation to take deliberate and concrete measures towards respecting, protecting and fulfilling the rights of MDWs by the fact that it is a party to International

human rights and labor rights laws meant to protect all workers without discrimination. The *Kafala* sponsorship system which contravenes with binding international Conventions has to be reframed based on human rights and labor rights standards. In this regard Lebanon has the duty to identify policy measures needed to reform or change the system in line with international agreements the country has ratified.

Although diplomatic pressure is one mechanism available for Ethiopia, the existing international legal instruments can be used as the a vital ground for formulating claims and complaints against Lebanon of not comply with its obligations for protecting and providing migrants workers rights including the right to have a favorable work environment and freedom from forced labor. This is because Ethiopia has limited diplomatic power given its recent diplomatic presence in the country. The country has had no diplomatic representation to support its nationals in Lebanon till recently. Thus, although diplomatic pressure is highly significant, international obligations have to take precedence. In the end, the benefit of migration-development nexus can be best extracted if Lebanon practically implements international labor policies and protects the rights of migrant workers, and ratifies the recent UN domestic workers convention (No. 189).

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