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Chapter 4

Vagaries in the Management of Migrant Domestic Workers from the Philippines: A Case Study from Lebanon

Ray Jureidini

Abstract: The chapter provides a brief overview of labour migration of women from the Philippines to Lebanon, beginning with nurses in the 1980s (during the civil war), followed by live-in domestic workers from the 1990s (post-civil war) and their evacuation during the Israeli invasion of Lebanon in 2006. The importance of labour emigration for the Philippines economy and the particularly entrepreneurial policy of maximizing labour remittances is shown as a countervailing pressure against periods of restrictions and bans on deploying Filipinas to Lebanon and other Middle Eastern countries due to abuse and exploitation. The role of the government of the Philippines in regulating the deployment of Overseas Filipino workers (OFWs) is given more prominence in this analysis compared with other accounts of the topic. Of particular importance are the ways in which the stringent protective regulations in the recruitment of domestic workers, such as the minimum wage requirement, are circumvented. The chapter concludes with an account of the unresolved deaths of four domestic workers from the Philippines in 2004 that involved the Philippines embassy in Beirut and resulted in the recalling of their ambassador back to Manila.

Keywords: International migration; domestic workers; the Philippines; Lebanon

Introduction

As of December 2013, the number of Filipinos working and living abroad was over 10 million. Non-official estimates suggest 15 million (Reyes & Torres, 2015). Of these, 48 percent were permanent emigrants, 41 percent temporary and 11 percent classified as irregular. Around 60 percent are female and around 50 percent in the 25-34 years age group. In 2014, known remittances of Filipino migrant workers was around US\$28 billion, constituting 10 percent of GDP. By comparison, the number of migrant workers in Lebanon, over 90 percent female, has been relatively small – estimated at around 30,000 since the late 1990s. According to the Commission of Filipinos Overseas (2014), in December 2013, there were 1,573 permanent, 24,640 temporary and 2,900 irregular nationals in Lebanon.

Middle East countries comprise the second largest source of personal remittances and cash remittances (though bank transfers) from Filipinos working abroad. In 2014, around US\$5.3 billion was remitted from the Middle East compared with US\$11.1 billion from the United States and US\$3.7 billion from Europe (Bangko Sentralng Pilipinas, 2015).

In 2012-13, the official number of migrant domestic workers in Lebanon was 255,813, the largest number from Ethiopia (119,640; 47%), Bangladesh (56,508;

22%), Philippines (42,056; 16%), Sri Lanka (18,101; 7%), Nepal (8,663; 3%), Africa (10,845; 4%) (CIR, forthcoming). The demand for domestic workers to live in with Lebanese families and perform most of the household duties and care for children has always existed in the middle and upper classes. Prior to the Lebanese civil war (1975-1990), Lebanese households employed young Lebanese females, mainly from poor families in rural areas as well as from Syria and Palestinian refugees (Jureidini, 2009). Traditionally, maids would often be placed into a household anywhere from the age of 10 and leave when it was time to be married. Parents of the maid would visit sometimes as rarely as once a year to collect her salary.

Following the civil war and throughout the 1990s, Lebanon allowed the entry of large numbers of female domestic workers, primarily from Sri Lanka, but also from the Philippines, Ethiopia and to a much lesser extent African Francophone countries. In contrast to the Gulf States, the attraction of Asian female domestic maids in Lebanon was due to the aftermath of the sectarian conflict that created a distrustful reluctance to employ anyone from different Muslim sects, as well as Syrians and Palestinians. By the year 2000, the number of MDWs in Lebanon was estimated to be around 150,000, mostly Sri Lankans, with around 20,000 from the Philippines (Jureidini, 2014). Both during and since the war, domestic work came to be seen by Lebanese women as degrading and unacceptable. Indeed, as has occurred in many countries, the provision of domestic services has now become so racialized that nationals are unwilling to undertake such work that is relegated almost exclusively to foreigners.

The presence of women from the Philippines in Lebanon can be traced to nursing services from the late 1980s, most of who were trained by Sister Amelia, a nun from the Roman Catholic 'Daughters of Charity' who arrived in 1987 and was instrumental along with Jesuits, Bishop Paul Bassim and Father Martin McDermott, in establishing the first NGO to cater for the needs of MDWs, the Afro-Asian Migrant Center (AAMC). The Catholic International aid agency, Caritas, later established the Caritas Migrant Center that is now the largest organization assisting MDWs in distress, with full time lawyers, mobile medical clinics, a safe house and access to prisons and detention centers. In the past decade or so, other local NGOs have been funded to assist MDWs, including Kafa (enough violence), Insan Association, Amel Association, Nassawiya, Dar El Amal, and more recently the Migrant Workers' Task Force, largely run by domestic workers themselves and local volunteer activists. The International Labour Organization also has been very active in funding research and activating a Ministerial committee to draft legislation specifically for the protection of domestic workers. All of these organizations, as well as Human Rights Watch have been actively involved in human rights awareness raising campaigns for domestic workers, including public demonstrations and rallies. The Ministry of Labour has generally been cautiously sympathetic and in June 2015 announced the establishment of a hotline for abused domestic workers. However, over the past 15 years or so, attempts at legislative reform for domestic workers in Lebanon have been wholly unsuccessful (Human Rights Watch, 2015).

Similar to the Gulf States, migrant domestic workers in Lebanon are excluded from the protections of the local labour law (Article 7). In Egypt, the exclusion of domestic workers from the labour law makes it explicit that the relationship of the domestic worker and employer in the household is to be recognized as a 'personal' relationship, where the employing family needs protection from the domestic worker because she is privy to the secrets of the family. Thus, the sponsorship system for migrant

domestic workers, known generally as the *Kafala* system, does not allow domestic workers to change employers without the permission of her employer/sponsor, or *kafeel*. If a domestic worker leaves her employer because of abuse or some breach of contract, she is considered to be an illegal resident because of a 1964 decree that foreign workers cannot change their type of work (and by inference, change employers) without the employer's permission (Saghieh, in Kostrz, 2015).

Hierarchically, Filipina domestic workers have developed a reputation as being the most revered of other nationalities in engaged in domestic work, largely because of their higher levels of education and their command over English as the intermediary language of communication in the Middle East. A 2006 survey of around 600 migrant domestic workers in Lebanon showed 44 percent of those from the Philippines with a university degree and 45 percent having completed secondary school (Jureidini, 2014). A more recent 2014 survey of 1,541 MDWs in Lebanon similarly showed Filipinas to have the highest level of education of other migrant domestic workers in Lebanon, 29 percent with university degrees and 49 percent having completed high school (CRI, forthcoming). The 2014 study also showed that 63 percent had jobs in the Philippines before leaving for Lebanon, indicating lower salaries for highly skilled women in the Philippines than domestic worker salaries in Lebanon. The average salary of Filipinas (US\$260) is higher than any other nationality for MDWs. With an average age of 29 years, around 55 percent are married with dependent children and are there primarily to support their families back home.

From 1955 to 1996, the Philippines government was represented in Lebanon by a series of 5 local honorary consuls. In 1996 the Republic of the Philippines opened an embassy and consulate in Beirut. In 2000, a resident Labour Attaché, who heads the Philippine Overseas Labour Office (POLO) was assigned to Lebanon. The POLO office also housed the Overseas Workers Welfare Administration (OWWA) that included a training center to upgrade the skills of overseas Filipinos. Both of these were established through the Philippines Overseas Employment Administration (POEA) within the government's Department of Labour and Employment. The embassy has played an important and stressful role in its attempts to assist its nationals in Lebanon, while maintaining positive diplomatic relations. It established a safe house for abused Filipina domestic workers and those who were seeking repatriation without their passports (routinely held by employers).

The human and labour rights issues pertaining to MDWs in Lebanon have been adequately documented and analyzed elsewhere by this author and others (see Abu-Habib, 1998, Young, 1999; Jureidini, 2003, 2004, 2006, 2009, 2014; Moors, et. al., 2009). In this chapter, I will focus more upon the role of the government of the Philippines in regulating the deployment of overseas Filipino workers (OFWs), the recruitment of MDWs in the Philippines and a case study of the deaths of 4 domestic workers from the Philippines in 2004 that involved the Philippines embassy in Beirut.

Management of migration in the Philippines

It might be noted that the Philippines government takes a particularly entrepreneurial approach to the Overseas Filipino Workers (OFWs) as the country relies heavily upon their annual remittances as shown above. Thus, globalization and the business of migrant labour exports are significant for the Philippines as a part of its economic development strategy (Parrenas, 2001). The institutionalization of migration began in

with the Labour Code of the Philippines under the Marcos government in 1974 in the context of the oil price crisis, low economic development, political instability, high population growth, high unemployment and low wages (Asis, 2006). The Overseas Employment Development Board and the National Seamen Board that were housed within the Ministry of Labour and Employment developed the POEA, which is now the government agency responsible for processing workers' contracts and pre-deployment checks, as well as for licensing, regulating, and monitoring private recruitment agencies (Asis, 2006).

Some years prior to the POEA it was largely recognized that recruitment agencies in the Philippines and in the destination countries were largely responsible for the vulnerabilities of migrant workers, particularly women deployed as domestic workers. They charged exorbitant fees, engaged in contract substitution (see below) and placed workers in risky working and living conditions with non-payment or delayed wages. In 1995, the Migrant Workers and Overseas Filipinos Act (also known as Republic Act or RA8042) was passed to provide a legislative framework for protecting overseas Filipino workers. Among other provisions, it promised direct assistance to workers abroad, penalties for illegal recruiters, legal assistance, reintegration services and the establishment of resources centers in countries of destination. The watershed for the 1995 legislation was the national furor in 1995 over the execution of Flor Contemplación, a domestic worker in Singapore, who many Filipinos believed was innocent despite her conviction for the deaths of her Singaporean ward and another Filipino domestic worker' (Asis, 2006).

In the late 1980s, in an effort to encourage labour emigration, the government created a nationalistic branding or label for workers going abroad -*mgabagongbayani* – 'the new heroes' sometimes referred to as 'modern-day heroes' which is contrast to the common critical reference to migrant labour particularly in the Arab states of the Middle east, namely 'modern-day slavery' (see Gibson, et. al., 2010). On an annual basis the Bagong Bayani Foundation Incorporated (BBFI), in coordination with the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA), receives nominations for Bagong Bayani Awards. The awards are given to the country's outstanding and exemplary Overseas Filipino Workers (OFWs), that 'pay tribute to our OFWs for their significant efforts in fostering goodwill among peoples of the world, enhancing and promoting the image of the Filipino as a competent, responsible and dignified worker, and for greatly contributing to the socio-economic development of their communities and our country as a whole' (POEA, <http://www.poea.gov.ph/>).

In further efforts to prepare outgoing migrant workers, the Philippines government requires them to undertake a training and orientation program under the auspices of TESDA (Technical Education and Skills Development Authority). These are often conducted in crowded spaces and special attention is given to not only cleaning and tidying, but also to table setting and cooking, with spices typically used in Arabic cuisine. Pamphlets on rights and obligations are given during these seminars and advice about remittances and household financial management that can include spouses of the migrant workers.

Another entrepreneurial move was to establish in Beirut, as elsewhere, a training center to assist in skills development and skills upgrading for their nationals in Lebanon on the assumption that adding human capital value within a neoliberal

economic environment will increase foreign currency earnings back home. Towards the end of 2004, the Philippines embassy in Lebanon issued an Employer's Handbook that was developed in consultation with government officials and NGOs interested in the welfare of migrant domestic workers. The handbook was designed to impress upon Lebanese employers that they have certain obligations towards domestic employees and it details their needs, albeit in carefully worded terms, to impress upon employers that if they treat the Overseas Filipino Worker well, they will be rewarded with higher productivity. While a worthy exercise, the handbook does, however, read more like an instruction booklet for a new household appliance, concluding the first section with: 'The embassy wishes you a pleasant and happy relationship with your Overseas Filipino Worker'.

2006 Israeli invasion of Lebanon

In July-August 2006, the Israeli invasion of Lebanon significantly reduced the number of MDWs, particularly the number of Sri Lankans, but also Filipinas. There is some confusion regarding the evacuation of Filipinas from Lebanon during that time. On the one hand, the European Union (EU) gave an immediate grant to the International Organization for Migration (IOM) of some US\$11 million to evacuate foreigners from non-developed states back to their home countries (at least partly to prevent them from seeking safety in Europe). As the more developed countries provided their own evacuation plans that included many ships, including war ships clambering into the port of Beirut to collect their nationals, it was assumed that countries like Sri Lanka, Ethiopia and the Philippines were unable to. The IOM partnered with the Caritas Lebanon Migrant Center that arranged travel documents and hired buses to take them to Damascus, where they took IOM chartered flights to Colombo, Addis Ababa and Manila (see Jureidini, 2011).

On the other hand, it was reported that the Philippines government under president Arroyo had also allocated an US\$11 million budget for the evacuation of its nationals (Romero, 2006). It is not clear if this was the same money given to the IOM or an additional amount for Filipinos. The government acknowledged using IOM chartered flights. Perhaps they reimbursed them for the repatriation of between 5000-7,000 Philippine nationals out of a total of the 30,000 at that time. Some 2000 were working in Southern Lebanon, the main target area against Hezbollah. In reality, the initial response of the Philippines government was to do nothing, because it did not want to develop any tension with the United States government that was supporting the Israeli invasion.

For weeks, the Philippine government, despite mounting concerns from workers' relatives and families, refused to issue an evacuation order. The administration insisted that Filipinos were not at risk in most of the country. On July 23, Vice President Noli de Castro declared that Israeli 'specific precision bombings' meant civilians were not in imminent danger (Pastrana, 2006).

A few weeks after the invasion, an explicit directive was made for all Filipino nationals to evacuate, but the vast majority either chose to remain, or were not given permission from their employers to leave, despite appeals to the Lebanese government. Out of 30,000, only around 7,000 were evacuated (Pastrana, 2006; Aning, 2008). Caritas, again in association with the IOM and the Philippines embassy

in Beirut, arranged the evacuation to Lebanon of over 300 Filipina domestic workers from Syria who became refugees during the civil war (Caritas, 2013).

A subsequent ban on Lebanon was issued by the Philippines government in 2006 because of the conflict, but exempted domestic workers who had left and wanted to return to their same employer. Also in 2006, the Philippines government passed legislation that required all Filipina domestic workers to obtain contracts with a minimum of US\$400 per month and a maximum 2 years timeframe. This stipulation came after many years of ‘problems’ their embassies had to face with cases of abuse, non-payment of salaries, excessive working hours and restrictions on freedom of movement. The minimum wage was designed in fact to reduce the market demand for Filipina workers in the Middle East. Of course such restrictions, including bans on deploying workers to certain countries created a moral hazard in that workers who were determined to travel to those countries found irregular means to be deployed, mostly with the assistance of recruitment agents who found the business lucrative. Thus, travelling to non-banned countries in transit, such as Dubai and then to Lebanon, these practices increased the vulnerability of domestic workers, because they could be trafficked to countries other than their planned destination and subject to poorer working conditions and salary and possibly forced into prostitution.

In November 2011, the Philippines government announced a ban on deploying Philippines nationals to 41 countries, including Lebanon, arguing that these countries had failed to pass certification standards set by the amended Migrant Workers and Overseas Filipinos Act of 1995 and ongoing incidents of abuse. The ban, however, was rescinded only two days later and the following month, the ban on Lebanon that had been in place since the Israeli invasion of 2006 was officially lifted.

Recruitment and substitute contracts

There are over 1,000 government-licensed recruitment (land-based) and manning (for seafarers) agencies in the Philippines and an unknown number of unlicensed agents (Asis, 2006). In Lebanon, there are over 600 licensed agencies, although not all are active with official offices, and around 200 illegal agencies (Kostrz, 2015).

A specific requirement in the deployment of domestic workers from the Philippines is that recruitment agencies are not to charge them any fees. There must also be a contracted placement agency in the country of destination. The onus is on the employer in the destination country to cover the recruitment costs. In reality, agencies in the Philippines do secretly charge MDWs. In the 2006 survey of domestic workers in Lebanon it was revealed that 66 percent of interviewees paid their recruitment agency in Manila with 26 percent paying both the Philippines and Lebanese agencies (Jureidini, 2014).

In an interview with an agency in the Philippines in 2012 (by this author), it was widely publicized on the premises that everything was free, and included the promise that the agency will even pay the cost of procuring their passports. During the discussions, however, it was pointed out that the government’s requirement of a contract for a minimum US\$400 monthly salary were merely a bureaucratic hurdle that agencies and the workers themselves could circumvent. If no payment is made to the home country agency, arrangements would be made with the employer and the placement agency in Lebanon to deduct up to the first 3 month’s salary for reimbursement, despite the employer also paying the costs. The practice quickly

became a standard expectation that workers themselves, once in Lebanon and in the employer's house could do nothing about. As another agent in Manila explained:

I cannot tell my client that the worker cannot deploy because of money, so I will arrange to take care of the problem here, not to burden them. But they can help me to collect the money. Even the workers will be happy to have their salaries deducted for those costs. They are eager to work. The problem is only the money. So, there is a visa and the employer is waiting for the worker, so I will not let them travel because of money. No, I will let them travel. (Jureidini, 2014: 35)

In an interview with another recruitment agent in Manila in 2012, it was explained that she draws up a replacement (or substitute) contract, or agreement, to replace the mandatory contract that specifies a minimum of \$400 per month for domestic workers. She explained: 'in order not to deceive them, I tell them that their employer is not prepared to pay the \$400, but only \$270. So sign here.' She does not give them a copy of this contract, because it is illegal and she would be liable to prosecution. Recruitment agents are careful not to provide evidence of contract substitution, or recruitment charges foisted on domestic workers.

Because of the illegality and thus the secrecy of this practice, it is very difficult to obtain proof of substitute contracts. However, on 25 October 2013, the Philippine Overseas Employment Administration (POEA) cancelled the license of a recruitment agency (Allskills Manpower Services) because of contract substitution in the case of seven Filipina women deployed to Saudi Arabia. One contract was used for processing their exit clearance at the POEA, but they were given another 'grossly disadvantageous' substitute contract on arrival in Saudi Arabia. Items in the first contract such as salary, transportation allowance, food allowance, and lodging were either reduced or totally omitted in the new contract (POEA, 2013). The agency had also taken excessive recruitment fees from the workers and did not issue receipts for the amounts paid. These all violated the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers and the agency was ordered to refund the workers the excess charges they had paid.

The Philippines is one of the few countries where national legislation forces recruitment agencies to be financially liable for any wage discrepancies between what was promised to the migrant worker and what was actually paid, although few migrant workers have the confidence to bring a law suit against an agency. The law provides administrative liability for the possible suspension or termination of the license of a recruitment agency, as well as criminal liability of managers and other staff members of recruitment agency. This system of 'joint and solidary liability' holds that, because the employer is beyond the jurisdiction of Philippine courts, responsibility lies with the recruitment agency (see Labour Code of the Philippines Presidential Decree No. 442, Art. 109, 'Solidary Liability'). In principle, this is to deter recruitment agencies from dealing with unscrupulous employers (Lawyers Beyond Borders, 2011). But it is also one of the reasons why agencies that practice contract substitution normally keep the document under lock and key, so there is no documentary proof. In the case cited above, something went wrong - the workers were given a copy of the substitute contract in Saudi Arabia and the agent was subsequently prosecuted.

Agency: freelance work and unionization

Because of their ability to speak English and higher levels of education, Filipina domestic workers command higher recruitment charges to employers in Lebanon. However, over the past decade or so, many Filipina women contract to work as domestic workers, but plan to leave after a short time to go freelance. There is a demand by hotels, restaurants and other places for their services as undocumented workers. If their papers are regularized, the workers will be required to pay the annual visa and work permit costs and they will most likely have to pay for their airfare home when they decide to return. Interviews with a number of Filipinas in Beirut suggest that in the end, while the salaries may be higher (US\$600-800) their costs (food, clothing, accommodation, residency and work visas, etc.) may mean they are not making a particularly high net financial gain, but they do have much larger freedom and leisure time. Those working in restaurants (particularly Chinese and Japanese) and bars do work late hours. ‘Lebanese businessmen consider them to be hard-working and honest. Some female OFWs have also married their Lebanese boyfriends to remain as permanent residents’ (Aning, 2008).

Freelance workers are of three types: those who have entered the country with a nominal sponsor who allows them to continue freelancing by signing their renewal papers annually; those who have completed their contracts and changed to nominal sponsors, enabling them to work freely; and those who are former live-ins, but who at some stage have run away from their original sponsors and are freelancing illegally. Freelancers (as well as some live-ins) rent rooms either alone or in shared accommodation and work on hourly basis (around \$4 per hour) for different employers. They have the freedom to withdraw their services as they wish. Some Lebanese have taken advantage of this, charging up to US\$1200 to act as sponsor for an MDW. There have been a number of cases where this sponsorship money has been taken, but no papers arranged and the passport not returned. In such cases, the domestic worker is usually too frightened to go to the police because of her illegal status and the risk of arrest and deportation. Thus, many remain and work as best they can for many years, until they hand themselves in to the authorities, pay the required fines and be deported.

It is not known how many freelance domestic workers live and work in Lebanon. Over the years, however, they have been increasingly visible in the public sphere (Moors, et. al., 2009). Those who are allowed free time off as well as freelancers are most often seen on Sundays the traditional day of rest and prayer. Live-in workers may have the full day off or just a few hours to attend church services. It is a day also for shopping at low price stores and eating at cafes and restaurants they can afford. Telephone shops are also frequented for cheap calls to their families at home. Dowra, in the Armenian quarter, just outside of central Beirut is particularly popular with MDWs that has restaurants with Philippines, Sri Lankan and Ethiopian cuisines as well as hair dressing salons and cafes that cater for MDWs.

Sunday is also the day when informal meetings may take place before and after church services at St Francis Catholic Church in Hamra Street – the one where most Filipinas congregate and where they have established a flea market out the back to buy and sell second hand goods. These are opportunities for contact with other Philippines nationals and for community development. There have been a number of attempts to organize Filipinas in Lebanon, but they have not been sustainable because of the isolation of most live-in MDWs most of the week. However, most Filipinas are technology savvy both with smart phones and the internet. Indeed, a Facebook page

'Filipina Women in Lebanon' began sometime in 2010, but entries ceased in December 2013. Most of the entries between 2012-13 were warnings of sexual relations in Lebanon (with rather smutty remarks and comments) and information about the repatriation of over 2000 Filipinos from the conflict in Syria and assistance for 'calamity victims' from the Philippines Urban Development Coordinating Council's Home Development Mutual Fund.

The most recent action in Lebanon was the introduction in January 2015 of a union for migrant domestic workers. From an ILO initiative in 2011 under the Action Program for Protecting the Rights of Women Migrant Domestic Workers in Lebanon (PROWD) the discussions and consultations toward a union was developed in 2012 with the Participative Action Research (PAR) group, including the National Federation of Employees and Workers Unions in Lebanon (FENASOL). By mid-2015, FENASOL claimed to have around 350 members, mainly women from the Philippines, Sri Lanka, Ethiopia and Nepal. However, the Lebanese authorities have denied the application for registration. Despite its illegality, there is a determination to continue their activities (see Kostrz, 2015).

Case study: Filipina deaths in 2004

A Human Rights Watch (HRW) report in 2008 revealed that between January 2007 and August 2008, around 98 MDWs died in Lebanon. 40 were classified as suicides and 24 were described as having fallen from apartment buildings while trying to escape their employers. 14 died from diseases and other health issues; 18 were killed in car accidents or suffocation from carbon monoxide poisoning from improper heating; and two were murdered (Human rights Watch, 2010). HRW estimated that at least one MDW was dying each week in Lebanon. What follows is an exposé of 4 deaths of domestic workers from the Philippines in 2004, the involvement of the Philippines embassy in Beirut and the Philippines government response.

It is not clear how many female domestic workers left the Philippines illegally in 2003 to other countries, but it is curious that three of these suffered tragic fates in Lebanon, early in 2004. None of these deaths were adequately resolved, although inquiries by officials of the Philippines have been conducted into at least two of them. Officials at the embassy noted that in 2003 there was an increase of maids not sufficiently fluent in English and, when they encountered problems, their first response was to try to leave. The embassy view was that more skilled workers with English proficiency are more likely to be 'less emotional, more tolerant and non-confrontative.' They advised workers to overlook the verbal abuse, including shouting which is considered as a cultural norm in Lebanon.

In the first half of 2004, three Filipina domestic workers fell to their deaths, allegedly while attempting to escape from the high-rise apartments in which they were working - on 24 February, Louela Susan Montenegro; on 4 May, Catherine Bautista (22 years); on 16 May, Luz Paraz Bacuan ('Liza').

On 24 August 2004, Hera Olandres also died in a similar manner, but this fourth case was not reported at all in the Lebanese media, presumably because of the prior sexual abuse of the victim. The *Manila Times* reported that she 'jumped to her death [from the 6th floor of an apartment building] after she was allegedly raped and sodomized by an owner of a Lebanese agency in Beirut' (Corpuz, 2004). In fact there was no doubt about the assault: 'Postmortem medical examinations revealed that the deceased

showed vaginal and anal lacerations and other bodily injuries consistent with sexual assault' (Corpuz, 2004). Although the police had taken into custody the husband of the recruitment agency and their 15-year-old son, they were released soon afterwards. The inquiry into the case was never resolved and no charges were laid.

The Philippines media published accusations of negligence against officials at the embassy in Beirut for not protecting the three workers. The labour organization, Migrante International (Philippines), referred to the incidents as a 'spate of 'murders'...[as]...it's likely they were driven to their deaths by very abusive employers' (www.december18.net; see also Rivera, 2004).

The deaths were raised in the Philippines parliament and concluded with a statement by the president and a call for a team of inquiry to travel to Lebanon and report on the case. On 12 May 2004, President Gloria Macapagal-Arroyo announced she would call for the 'maximum penalty' for whoever was deemed responsible for Bautista's death (Ager, 2004).

The Undersecretary of Labour, Manuel Imson also directed the POEA (Philippines Overseas Employment Agency) to investigate the recruitment agencies that had deployed the workers to Lebanon. In May 2004, Philippines Foreign Affairs Secretary, Delia Albert, sent a team of inquiry to Lebanon to investigate the three deaths. There were apparent similarities in that all 3 had fallen from their apartments; all three had left the Philippines illegally; and all three had entered Lebanon on tourist visas; the same agent recruited all three.

The circumstances surrounding the death of Catherine Bautista had particularly serious repercussions, partly because she had apparently contacted her family back home asking for money 'to pay her employer so she could leave' (Rivera, 2004). This is explained by the fact that Lebanese employers who hold the passports of migrant domestic workers (the vast majority) often require their employees to pay them for the return of their passports. The practice is designed to recoup some of their expenses in sponsoring a migrant worker to Lebanon and as an insurance policy against their absconding before completing their contract. As reported, her employer Mr Nabil Atiyeh was demanding \$1,700 as repayment for the cost he incurred to bring her to Lebanon (Sotelo-Fuertes, 2004). A news report by Aning (2004) alleged that Bautista had also accused her employers of 'maltreating her' and 'had also reportedly expressed her concern about her personal safety to embassy officials.' The fact that she had been in direct contact with her embassy in Beirut was deemed sufficient reason to assert that embassy officials were negligent in allowing her (one report alleged that they had instructed her) to return to her employer's house. Migrante International went as far as to accuse Philippine Ambassador Ramoncito Marino, Labour Attache Alicia Santos and Welfare Officer Manuel Pena as having 'failed to protect the three workers' (in Aning, 2004) although Dr Alicia Santos claimed she had been transferred as Labour Attaché to Rome in January 2004, prior to the three deaths.

Embassy officials relate a somewhat different story. They argued that on Friday 30 April, Catherine Bautista's *madame* had arrived to the embassy's Training Center near the embassy, where the Labour Attaché resides. Accompanied by Bautista, her employer told officials at the training center that she was taking her children, separating from her husband forthwith and that she was leaving Bautista in the

custody of the embassy. She instructed the embassy not to have Bautista returned to her husband as he was now alone in the house. The embassy contacted an agent with whom they had had dealings in the past and who they thought they could trust. They also drew up a formal document that was signed by the agent and an embassy official that under no circumstances was she to be returned to her male employer. Embassy officials cannot explain why, under those circumstances, Bautista returned to the house that weekend. It seems she did not have access to independent accommodation, nor a 'safe house'; and perhaps for some reason she simply did not want to remain with the agent and preferred to return to her own room in the apartment, taking a risk that became fatal.

According to the regulations of the Philippines government, Catherine Bautista, (as were the other three Filipina women noted above), was 'illegal' in the sense that she had not registered as an overseas worker with the Philippine Overseas Employment Administration, a government requirement. When Bautista's sister, Derish, sought assistance from that department in Manila on 26 April, she was told to contact the Department of Foreign Affairs because they had no record of her (Sotelo-Fuertes, 2004). It seems that they did not take the matter seriously when requested by her family to take steps to repatriate Catherine home. On 3 May, the family wired the money through Western Union, but they had 'instructed Catherine to tell her employer to bring her to the Philippine Embassy before we would turn over the (money transfer's) control number' (Sotelo-Fuertes, 2004). The employer refused to take her and her body was found the next day in a ravine below her room in the apartment with some sheets hanging from her window.

Although the police report on the incident was swift and short, the Chief Public Prosecutor was prepared to reopen the case after requests from the Philippines government (Raad, 2004). On 26 May, a team of lawyers from the Department of Foreign Affairs arrived in Lebanon and subsequently recommended the recall of the ambassador, Ramoncito Marino, who returned to Manila the next day, having served only one year of his appointment in Lebanon.

On 3 June 2004, Migrante International organized a protest rally outside the Department of Foreign Affairs in Manila, questioning the independence of the department's team sent to Lebanon to investigate the three deaths. The same day, Ambassador Marino tendered his resignation. The final report of the inquiry on the three deaths conducted by the team sent from the Philippines was not publicly released. In September 2004, Senator Manuel B. Villar made a call for a commission of inquiry into the deaths but there is no record of such an inquiry having been carried out. In the end, all four deaths were deemed to be mysterious suicides with no witnesses prepared to give evidence and a lack of willingness by the Lebanese authorities to take them seriously.

At the very least, the Philippines government did take the issue seriously. In June 2000, President Arroyo appointed Reynaldo Jaylo, former taskforce head of the Drug Enforcement Agency, as director of the Presidential Taskforce Against Illegal Recruitment (PTFAIR) following complaints by women in provincial areas that the jobs they were promised in Lebanon and other Middle Eastern countries were not what they were promised and some had been trafficked into forced prostitution. On 21 July in Manila, PTFAIR arrested Teresa Maganda who was alleged to have trafficked all three women who had died in Lebanon earlier in the year (Balasa, 2004). Five other

migrant domestic workers who had brought the complaints against her were allowed to confront Maganda, saying ‘they were deprived of food and made to work long hours without any days off in Lebanon’ (Infante, 2004).

Motivated by the controversies over the deaths in 2004, two Memoranda of Understanding were signed on 10 September 2004 between the Lebanese and Philippines Foreign Affairs ministries. The understandings related primarily to ongoing consultations on political, economic and cultural cooperation, with the view to develop bilateral relations in the future. During discussions the issue of workers contravening the Philippines Labour law was discussed and there were promises of cooperation by the Lebanese foreign minister.

In a somewhat rare move of support from the Lebanese government through the then head of General Security, Jamil al-Sayyed, a formal and public Memorandum of Understanding was signed between the International Catholic Migration Mission (ICMC), Caritas International and General Security on 12 January 2005 to establish a safe house for migrant women. The agreement was a long time in coming as the opening of the safe house was the culmination of a three-year long Caritas project, funded with over \$1 million by the European Initiative for Democracy and Human Rights. But it also comes with a substantial history of actions by Caritas and the Catholic missions in Lebanon dealing with migrant worker victims of abuse. This included a financial partnership in the construction of General Security’s detention center in Adliyah with a Caritas office that monitors provisions and treatment within the center and medical assistance for inmates. This was a cooperative venture that helped establish positive relations with General Security and overcame initial concern and criticism. The migrant center project included the employment of full-time lawyers to carry out prosecutions against abusive employers, seminars for asylum-seekers to assist them in avoiding abuse exploitation and detention, as well as to lobby government to improve the status and treatment of migrant workers in Lebanon.

Conclusion

Attempts by sending country governments to regulate and protect MDWs in their destination countries have not been particularly successful. There is no empirical evidence that the establishment of blacklists of employers, recruitment and placement agencies has made any difference, particularly since no impact assessments have been undertaken. It is the luck of the draw, whether they are placed in decent households that treat them well. The surveys conducted in Lebanon show that abuse of various kinds is relatively small, but the long hours of work and lack of freedom and leisure is standard for all but the freelance workers, but who live with the constant fear of being apprehended.

It is generally accepted that the Philippines government has introduced more regulations for the protection of overseas Filipino workers than any other labour sending country, while at the same time seeking to maximize the outflow of its nationals into global labour markets. Education and skills, reliability and intelligence of Filipino workers are marketed to attract employers abroad.

The vagaries of the international labour market, particularly for Filipina and other migrant domestic workers, show that protective laws in sending countries may not make a difference in the employment conditions and treatment in the receiving countries. Indeed, restrictive policies and regulations can sometimes mean placing

migrant workers at greater risk as their determination to seek work abroad for higher wages forces them to take irregular routes that makes them more vulnerable to abuse and exploitation.

In the case of Lebanon, we have seen at least in the past 15 years or so a plethora of activities to improve the conditions of MDWs. A key conceptualization of what is required to bring about change to improve human rights has been the notion of stakeholder and population ‘awareness-raising’. To this end, all of the organizations in Lebanon mentioned who are involved in advocacy on behalf of MDWs have mounted various types of campaigns to raise awareness of their human and labour rights. There has been a proliferation of posters, pamphlets, booklets and flyers highlighting the kinds of abuses meted out to MDWs, their rights under national and international law, work obligations on the part of the employee as well as responsibilities of the employer and the placement agencies, language phrase booklets, safety measures with contact details of embassies, ministries, NGOs and so on. These have targeted domestic workers themselves, their employers, recruitment agencies, government officials, the judiciary, the media and the general public.

The extent to which these campaigns, as well as street demonstrations, have actually improved the conditions and treatment of domestic workers in Lebanon is not clear, partly because it is difficult to assess such change. There is no doubt that thousands of individual cases have been assisted by Lebanese NGOs gaining compensation, conciliation and in a few cases prosecutions of violators. There is also evidence of government tolerance for irregular workers who find employment in the services sectors. However, the structural conditions under the sponsorship system for MDWs remains essentially the same with continuing reports of restrictions of freedom of movement, confiscation of passports, safety and well-being issues such as verbal, emotional, physical and sexual abuse. Complaints of lack of privacy, poor and insecure sleeping arrangements, inadequate food, non-payment of wages, wages less than promised, inadequate rest, inadequate contact with families at home, inadequate health care coverage, no control over residency status and general demeaning and racist attitudes and treatment. Until the Lebanese government repeals the exclusion of domestic workers from the protections of the labour law, bans the withholding of passports and allows their unionization, their vulnerability to abuse and exploitation will continue.

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