

The Trafficking of Ethiopian Domestic Workers into Lebanon: Navigating Through a Novel Passage of the International Maid Trade

By
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I.

INTRODUCTION: THE EMERGENCE OF NEW CHANNELS OF MODERN-DAY SLAVERY

Almost daily a steady stream of young girls queue at the check in of Addis Ababa international airport – destined for the Middle East. Smartly dressed, wearing makeup as they laugh and joke with each other, all long for a new life abroad with promises of high wages and a good job. Yet for most that dream becomes a nightmare as they are forced into prostitution or a slave-like existence as housemaids working 20 hours a day without pay.¹

In today's sociopolitical lexicon, the word slavery connotes archaic generalizations of African slaves being sold and shipped to the New World and

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1. *Ethiopia: Focus on Trafficking in Women*, Oct. 14, 2002, United Nations Integrated Regional Information Networks (IRIN News), http://www.irinnews.org/report.asp?ReportID=30386&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA [hereinafter *Focus on Trafficking in Women*].

Europe. Oftentimes, the historical representation and icons of “classical” (or chattel) slavery monopolize one’s understanding of this ever more robust and fluid industry, which effectively extinguishes our belief that it still exists.² This limited conception of slavery excludes the many contemporary institutions and practices that are fundamentally akin to the classical form.³ Shackles and whips have been replaced by more inventive designs to dehumanize, suppress, and subsequently enslave persons for economic or sexual purposes. Nevertheless, slaves are more readily available and sometimes still *chattel* like before, but today’s slaves and abolitionists must also cope with new paradigms:

Slaves are now less expensive than at any point in recorded history. This cheapness is a boon to criminals, and has also altered the way that slaves are treated and used. These changes mean that while slavery remains a criminal activity, both the law and researchers are forced to confront new manifestations of slavery.⁴

Today, human trafficking has emerged as the imperceptible vehicle for enslavement. From the perspective of the trafficker, like that of the slave-trader, trafficked persons *remain* merely a commodity open for sale and apt for servitude or other forms of exploitation.

This piece presents an inconspicuous, but burgeoning, channel of the “international maid trade.”⁵ The trafficking of Ethiopian domestic workers into Lebanon has proliferated since 1989, and neither government nor influential transnational human rights actors have instituted any meaningful measures to prevent it. Furthermore, research and scholarship has also failed this class of victims, with little attention being paid to their plight in the pages of law journals, human rights reports, and the like— institutional mechanisms which traditionally launch more formal policy interventions into such crises. Perhaps this piece is nothing more than an academic plea, urging a heightened level of

2. DEVELOPMENT AND PEACE & ANTI-SLAVERY INTERNATIONAL, DEBT BONDAGE: SLAVERY AROUND THE WORLD 2 (1999) [hereinafter SLAVERY AROUND THE WORLD]:

To most people slavery conveys images of the Atlantic slave trade of the eighteenth century with all its horrors. They consequently consider slavery to be simply an anachronism from a barbaric past. . . . Yet slavery still occurs. It has simply taken on other forms. . . . Some contemporary slaves still work in the fields, but they also provide manual labor in many other industries, in urban as well as rural settings. These contemporary forms of slavery are in fact as old as traditional ‘chattel’ slavery and attempts to eradicate them have so far been much less successful than last century’s campaigns against the traditional slave-trade.

3. Ann Gearan, *U.S.: 14 Nations Not Stopping Trafficking*, ASSOCIATED PRESS, June 3, 2005 (“‘Trafficking in human beings is nothing less than a modern form of slavery,’” Secretary of State Condoleezza Rice said.”).

4. Kevin Bales, *International Labor Standards: Quality of Information and Measures of Progress in Combating Forced Labor*, 24 COMP. LAB. L. & POL’Y J. 321, 322 (2003).

5. *Note*: the bulk of this piece was composed before October 2005, the date when Lebanon ratified the Trafficking Protocol. Although Lebanon formally acceded to the Protocol, it must functionally implement concrete programs, supplementary policies, and revise other areas of law that impact the experience of exploited domestic workers; namely, the Lebanese Labor Law. In addition, coupled with policy or legal reform, comes the more difficult cultural and social reform that must take place if the rights of these victims are to be truly respected and observed by, a largely, unsympathetic Lebanese judicial and legal system.

alarm, and action, on the part of the international human rights community.

The international community regards the trafficking of persons, namely children and women, as “a human rights violation that is considered a contemporary form of slavery.”⁶ Thus, to keep abreast of contemporary mutations of slavery, the international community codified “human trafficking,” side-by-side with “slavery;” the former a legal term of art that effectively encompasses non-traditional forms of enslavement. Here, my focus is on trafficking alone (as opposed to *smuggling*,⁷ wherein the subjects are fully aware, and not coerced or defrauded, into migrating). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter “Trafficking Protocol”)⁸ offers the most comprehensive and universally relied-upon definition of trafficking:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.⁹

A common denominator shared by the contemporary trafficking networks and classical international slave trades is the geographic origins of the enslaved: customarily the globe’s most underdeveloped and destitute regions. Today, however, the potential destinations and solicitors of trafficked persons have expanded to include the wealthy bastions that are Europe and the United States, and less developed regions including Latin America, Asia, and the Middle East. Trafficking into the latter less-developed regions, unsurprisingly, is more precarious for the trafficked because inter-cultural exposure and exchange, education, and wealth are all scant. The United States Department of State, in its *2005 Trafficking in Persons Report*, approximates that 600,000 to 800,000 persons are trafficked each year across international borders, roughly 80% of

6. Mohamed Y. Mattar, *Trafficking in Persons, Especially Women and Children, in Countries of the Middle East: The Scope of the Problem and the Appropriate Legislative Responses*, 26 FORDHAM INT’L L.J. 721, 721 (2003).

7. See INTERNATIONAL LABOUR ORGANIZATION, PREVENTING DISCRIMINATION, EXPLOITATION AND ABUSE OF WOMEN MIGRANT WORKERS: AN INFORMATION GUIDE – BOOKLET 3, RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD 54, available at <http://www.ilo.org/public/english/employment/gems/download/mbook3.pdf> [hereinafter RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD] (“*Smuggling* is when you knowingly pay someone to help you to illegally cross borders – when you put yourself in the hands of smugglers, not only do you expose yourself to a dangerous journey, you are also very likely to be subject to exploitation and abuse.”).

8. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 55/25, U.N. Doc. A/55/383 (Nov. 15, 2000), available at <http://www.ohchr.org/english/law/protocoltraffic.htm> [hereinafter TRAFFICKING PROTOCOL].

9. *Id.* art. 3(a).

whom are women.¹⁰ The United Nations (hereinafter “UN”) observes a much more staggering number: “The [UN] estimates that four million people are trafficked throughout the world each year either because of choice, or coercion due to violence or the threat of violence, abuse of authority, or deception.”¹¹ The disparity in numbers is a result of the inability to properly identify victims of trafficking and contemporary “slavery,”¹² and also, divergent definitions of “trafficking.” The latter UN number is more inclusive of distinctive manifestations of trafficking in its estimation, while the US’s definition focuses more on servitude, or the result of trafficking.¹³ Nevertheless, there is no single metric for assessing whether an act qualifies as full-fledged “trafficking,” and the US’s definition, as put forward in the Trafficking Victims Protection Act (TVPA),¹⁴ overlooks many of the novel crimes and tactics used by traffickers to lure and exploit victims. Furthermore, trafficking has several “links,” and therefore, can take on different manifestations depending on which link it employs as its vehicle:

Trafficking does not occur in a vacuum. It is a crime as a result of various and combined social situations and circumstances, legal systems, people and their needs. Trafficking is not one event, but a series of constitutive acts and circumstances implicating a wide range of actors. When seeking a solution, extracting one aspect of the equation would be futile (for example restricting migration) since the combined forces would continue to act (people’s need, social situations, poverty, violence, demand, and criminal intent) even with the elimination of one of its links.¹⁵

Curiously, the United States signed (December 13, 2000) but has yet to ratify the Trafficking Protocol.¹⁶ Nevertheless, the Trafficking Protocol offers a more fluid and comprehensive definition of trafficking, namely because the TVPA¹⁷ primarily focuses on the “state of servitude” and considers essential

10. See U.S. DEP’T OF STATE, 2005 TRAFFICKING IN PERSONS REPORT 6, 6 (2004), available at <http://www.state.gov/g/tip/rls/tiprpt/2005> [hereinafter 2005 TIP REPORT].

11. D. Scharie Tavcer, *From Poverty to the Trafficking of Women for Sexual Exploitation: A Study of Causal Factors of Trafficked Women from Moldova 1*, Presented at Gender and Power in the New Europe, The 5th European Feminist Research Conference at Lund University, Sweden (Aug. 20-24, 2003).

12. See Bales, *supra* note 4, at 322 (“The criminalization of slavery leads to a number of problems in measuring slavery or other abusive labor practices. The first is the basic fact that criminals conceal their activities. . . . Second, . . . societies (as well as social scientists) have been slow to clearly define what now constitutes slavery.”).

13. See 2005 TIP REPORT, *supra* note 10, at 9-10. [T]he TVPA [Trafficking Victims Protection Act] was intended to define and expand the anti-slavery laws that would apply in trafficking situations, in order to reflect modern understanding of victimization. By more broadly encompassing the subtle means of coercion that traffickers use to bind their victims, these new criminal statutes make good on the promise made in the 13th Amendment of the Constitution: that no person shall suffer slavery or involuntary servitude on American soil.

14. 22 USC § 7102.

15. Tavcer, *supra* note 11, at 4.

16. See Signatories to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, available at http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html [hereinafter Protocol Signatories].

17. See TVPA, *supra* note 14, § 7103(b), where trafficking is defined as, “the recruitment,

factors, including recruitment, deception, and coercion, as “secondary.”¹⁸

Frequently, research in the area of human trafficking makes the trafficker the centerpiece and principal subject of the work, and therefore marginalizes the victim’s experience. A portion of these shortcomings must be attributed to the typical focus on the state of servitude (echoing the TVPA’s rationale), which frequently comes at the expense of a consideration of the state of the victim prior or subsequent to the actual enslavement. Extending D. Scharie Tavcer’s sentiments,¹⁹ every component of trafficking must be examined in order to act preventatively or prescriptively – and this includes consideration of the trafficked person’s vantage point and experience, *in toto*. Moreover, the circumstantial and idiosyncratic characteristics of a particular case must be methodically considered when assessing whether it meets the elements of the crime. In other words, the subjectivity of the act must be duly balanced with the objectivity of the law. If this balance is not achieved, the subject will be doubly victimized – first by the trafficker, and second by the law.²⁰

A thorough examination of a trafficked person’s experience must begin with the query: *What conditions facilitate the influx of traffickers, and subsequently, the proliferation²¹ of trafficking?* Poverty, the lack of economic opportunity at home,²² and demand abroad²³ create fertile ground for traffickers to exploit persons in dire need of income, particularly women.²⁴ Ultimately, work abroad as a domestic-worker – far from family and familiarity, in a foreign land and culture – is too often the lone option for categorically marginalized and destitute women, “[T]he feminization of poverty; declining public health; new

harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

18. See 2005 TIP REPORT, *supra* note 10, at 9-10 (“The means by which people are subjected to servitude – their recruitment and the deception and coercion that may cause movement – are important factors but factors that are secondary to their compelled service. It is the state of servitude that is the key to defining trafficking.”).

19. See Tavcer, *supra* note 11, at 4.

20. My intent here is not to equate the gravity of the experience of being trafficked with the law’s dismissal of “marginal” acts of trafficking, but to illustrate the subject’s concomitant victimization.

21. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 12 (“There has been a proliferation of illegal or unlicensed recruiters, which can be attributed to the often very restrictive, complicated, time-consuming or very costly procedures involved in legal migration.”).

22. See SLAVERY AROUND THE WORLD, *supra* note 2, at 3 (“Slavery always victimizes the most vulnerable element of society, the poorest of the poor.”).

23. See AMERICAN BAR ASSOCIATION-CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE, *Introduction to THE HUMAN TRAFFICKING ASSESSMENT TOOL: AN ASSESSMENT TOOL BASED ON THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME 2* (2005), [hereinafter ABA-CEELI TRAFFICKING ASSESSMENT TOOL] (“women are overwhelmingly susceptible to trafficking given their unequal status in many countries, the demand for cheap and unprotected labor, and the increase in sex tourism.”).

24. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 11, 18.

forms of organized crime have all increased the number of women and girls being victims of prostitution and trafficking.”²⁵ The acutely gendered landscape that is poverty, and, even more so, trafficking, is also met with a greater degree of violence experienced by women.²⁶ Intersecting with poverty are the prevailing patriarchal systems that subordinate women, and thus, squarely compound their indigence and circumscribe employment options.²⁷ Furthermore, women trafficked to work as domestic-workers are overwhelmingly uneducated, unexposed to divergent cultural and normative systems, and most importantly, have had no formal educational or vocational training. Domestic work is theoretically an extension of work they perform at home:

“It is important, first of all, to recognise that although women are increasingly part of the labor force, much of the work they do is unpaid (housekeeping, housewifery, child care, elder care). . . . And stereotypical of certain societies, husbands are still perceived as the family’s breadwinners and women as the housekeepers and child minders; . . . some societies are hesitant in accepting new forms of gender roles and therefore the cyclical nature of the feminization of poverty continues.”²⁸

Trafficked to equally patriarchal, and oftentimes xenophobic, destinations (such as Lebanon,), the victim’s geographic and cultural transition²⁹ is too often met with another more arduous transition: that from trafficked-in-domestic worker, to slave.

This piece surveys the germane bodies of law which address the trafficking

25. Tavcer, *supra* note 11, at 6. See also RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 18:

Women tend to be more likely than men to make use of illegal recruitment and migration channels because of: Their limited access to accurate and reliable information; Their lack of time to search for legal channels; very restrictive, complicated, time-consuming or very costly procedures involved in legal migration. Some countries may attempt to ‘protect’ women and girls by banning or restricting their employment abroad. However, restrictive migration policies often have the consequence of pushing women and girls into seeking illegal recruitment channels and making them more vulnerable to entrapment by traffickers; Their lack of financial resources to pay the legal recruitment fees; The nature of the work and the forms of migration open to women often force them to rely on fraudulent and dubious recruiters and agents; Illegal, unscrupulous recruiters may also actively seek out women as being more gullible than men.

26. Joan Fitzpatrick & Katrina R. Kelly, *Gendered Aspects of Migration: Law and the Female Migrant*, 22 HASTINGS INT’L & COMP. L. REV. 47, 59 (1998) (“In astonishingly large numbers, women migrate great distances across international boundaries to engage in poorly remunerated labor. This labor isolates them in a subordinate position within a private realm and exposes them to acute risks of physical or psychological violence and expropriation of their economics gains.”).

27. See generally Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991).

28. Tavcer, *supra* note 11, at 7-8.

29. See EMEBET KEBEDE, INT’L LABOUR OFFICE, ETHIOPIA: AN ASSESSMENT OF THE INTERNATIONAL LABOUR MIGRATION SITUATION, THE CASE OF FEMALE LABOUR MIGRANTS 7 (2001), available at www.ilo.org/public/english/employment/gems/download/swmeth.pdf (“In countries where they do not speak the language, do not have much understanding of the culture and in situations where they are illegal migrants, trafficked women are subjected to severe abuses of human rights.”).

of domestic-workers (for purposes of forced servitude), but also seeks to integrate a particular strand of the illegal “maid trade” into mainstream human rights and rule of law discourse: namely, the experience of Ethiopian domestic-workers trafficked into Lebanon. The Middle East is not only a destination for trafficked domestic-workers, but also for prostitutes, child laborers, and camel jockeys,³⁰ who are similarly relegated to slave-like conditions and status. Academic reviews or policy assessments either generically or over-comprehensively examine this area, resulting in research that departs too far from the on-the-ground experience of illegally trafficked domestic-workers. My objective is to humanize a particular community of illegally trafficked domestic-workers —Ethiopian women trafficked into Lebanon³¹—and by doing so, to expose the personal sacrifice, human rights abuses, and legal shortcomings that are universally and collectively experienced by the entire class of trafficked servants (not withstanding country of origin or transit destination). In conclusion, this piece will also examine potential prescriptions, many of which are already underway or being examined, which seek to blockade this particular channel of the maid trade.

The reader may question: *what makes the experience of Ethiopian domestic-workers trafficked to Lebanon comparatively unique so as to merit exclusive attention?* First, a comprehensive examination of trafficked domestic-workers *in toto* would undermine the primary aim of this piece – namely, the aspiration to present the narrative, and articulate the oft-silenced voice, of a particular class of domestic-workers. Expanding the number of different subjects minimizes the acuity of presenting this narrative and voice. Second, the influx of Ethiopian women into Lebanon is increasing at an unprecedented rate; faster than the increase among domestic-workers of other nationalities entering Lebanon, namely Sri Lankan,³² Filipino or Indonesian maids. The national governments of the latter groups have drastically improved protection and monitoring efforts,³³ while the same cannot be said of Ethiopia because the

30. See Mattar, *supra* note 6, at 729 (“Children, however, are trafficked to countries of the Middle East to serve as camel jockeys, and often placed into situations of compulsory or forced labor in slave-like conditions, which are frequently accompanied by physical abuse. Reports indicate that children as young as three are either sold by their parents in exchange for as little as US \$500, or kidnapped.”). See also 2005 TIP REPORT, *supra* note 10, at 12. The trafficking and exploitation of South Asian and African children as camel jockeys has burgeoned in the Gulf states, which, with the discovery of oil and the associated surge in wealth, transformed camel racing from a traditional Bedouin sports pastime to a multi-million dollar activity. Today, thousands of children, some as young as three or four years of age, are trafficked from Bangladesh, Pakistan, and countries in East Africa, and sold into slavery to serve as camel jockeys.

31. See HUMAN RIGHTS WATCH, WORLD REPORT 2003, at 413 (2003) (“The [International Confederation of Free Trade Unions] ICFTU also highlighted Lebanon, where it said domestic workers, especially women from Ethiopia, ‘suffer[ed] badly from their lack of legal protection,’ with many of them ‘held in conditions of near slavery.’”).

32. See SLAVERY AROUND THE WORLD, *supra* note 2, at 7 (“There are approximately 60,000 Sri Lankan domestic servants in Lebanon.”).

33. See INTERNATIONAL LABOUR ORGANIZATION, PREVENTING DISCRIMINATION, EXPLOITATION AND ABUSE OF WOMEN MIGRANT WORKERS: AN INFORMATION GUIDE – BOOKLET 2, DECISION-MAKING AND PREPARING FOR EMPLOYMENT ABROAD 37, available at

trafficking of Ethiopians into Lebanon is, relatively, in its embryonic stages. This proliferation, combined with the lack of legal safeguards provided by the Lebanese and Ethiopian governments, makes Lebanon a most precarious destination:

“Few women migrate to the Middle East through legal channels. Most women migrate through traffickers/illegal agents and data certainly does not take into account the number of women migrant workers who are trafficked out of the country. For example, according to the 1999 Report of the Pastoral Commission on Afro-Asian Migrants, 14,000 Ethiopian women are domestic-workers in Beirut. In its November 4, 1999 issue, the *Al-Hayat* newspaper stated that the number of Ethiopian migrant women in Lebanon reached 17,000 in the year 1999, at the rate of 1,000 girls arriving each month.”³⁴

More recent reports confirm an increase in migration.³⁵ Third, Lebanon is comparatively far less wealthy, and economically stable, than other Arab Gulf States (particularly the oil-rich states) where trafficking and servitude are prominent.³⁶ As a result, living quarters are smaller and frequently more modest, and remuneration is substantially less as well. These conditions arguably make for a higher frequency of violence and abuse.

The final reason is a personal one – as an Arab of partially Lebanese descent, I witnessed first hand the abusive treatment and dehumanization routinely endured by these women.³⁷ The disturbing images remain stark in my mind and have fueled the process of preparing this article.³⁸

II.

FROM ADDIS ABABA TO BEIRUT: A NEW PASSAGE IN THE MAID TRADE

*As far as Ethiopian migrants are concerned Beirut is not really the dazzling capital of Lebanon; it is the city of untold misery and despair, of endless stories of ignominious horror and injustice. For your Ethiopian girls who end up there looking for a future, some future, Beirut is the Embassy of hell on earth.*³⁹

<http://www.ilo.org/public/english/employment/gems/download/mbook3.pdf> [hereinafter DECISION-MAKING AND PREPARING FOR EMPLOYMENT ABROAD] (“The nature of the procedures and clearances migrant workers have to go through differ from country to country. Some countries of origin, such as the Philippines, Indonesia, and Sri Lanka, have adopted comprehensive rules and regulations covering labour migration of their nationals.”).

34. KEBEDE, *supra* note 29, at 3.

35. See *Focus on Trafficking in Women*, *supra* note 1 (“In Lebanon alone there are about 25,000 Ethiopians working there. In Beirut it is estimated that a 1,000 [sic] Ethiopian girls are recruited monthly.”).

36. Including Saudi Arabia, Kuwait, or Bahrain, for instance. For a comparative study of the economic wealth of Arab states, please refer to Imad Limam, A Socio-economic Taxonomy of Arab Countries, <http://www.arab-api.org/wps9801.pdf>.

37. See 2005 TIP REPORT, *supra* note 10, at 42 (Lebanon is ranked as a “Tier 2” human trafficking destination state).

38. My most recent travels to Lebanon were during the summer of 2004, when I lived in Beirut for several months.

39. *Ethiopian Domestic in Beirut*, THE ETHIOPIAN REPORTER, Sep. 29, 1999.

Lebanon, the Arab World's entertainment and tourist hub, has also become the region's capital of prostitution,⁴⁰ sex tourism,⁴¹ and unrestrained adventure. Throngs of tourists from the region, and the remainder of the world, converge in Beirut to enjoy sunny beaches, glamorous night life, and liberal fancies that are either taboo or outlawed in more conservative, neighboring states. Fueled by the vision (and private investments) of former Prime Minister Rafiq Hariri,⁴² after the end of Civil War⁴³ (which spanned two decades) and the ratification of the *Taif* Accord,⁴⁴ Beirut reclaimed its post as the "Riviera" of the Arab World, and sought to restructure its economy by revitalizing its once robust tourism industry. While tourists escaped to Lebanon for leisure and adventure, the Lebanese reinvested their liras⁴⁵ into inexpensive "domestic servants," many of whom today are trafficked from Ethiopia.⁴⁶ Intersecting with the maid trade is the ripe culture of racism in Lebanon,⁴⁷ which makes for a most brutal landscape for generally brown and black domestics. "Lebanese commonly refer to Africans using the derogatory term 'abid.'⁴⁸ Householders in Lebanon refer to their foreign maids by their nationalities. They do not say, 'my maid,' but rather 'my Sri Lankan' [or 'my Ethiopian']. National identity has thus become reduced to a signifier of class, status and power relations."⁴⁹ In other words, Lebanon's divided racial and sectarian landscape, combined with its political instability, makes it a most troubling destination for Ethiopian domestic-workers. Alarming, these workers exist at an extremely dangerous sociopolitical intersection in Lebanese society, as black, female, foreign and illegal.

Roughly 1,700 miles southwest of, and worlds away from, Beirut's Mediterranean beaches and extravagantly refurbished downtown centers are the

40. Prostitution is legal in specially zoned sections of Beirut's *al-Hanra* (or Red) District. Prostitution is legal in Lebanon. Women in prostitution must be registered and must undergo medical examinations (*See* National Law of February 6, 1931).

41. *See* 2005 TIP REPORT, *supra* note 10, at 8 ("Sex tourism draws men from wealthy countries to less developed countries where they can take advantage of economically vulnerable women and children and weak criminal justice systems.")

42. Scott Wilson, *Blast Kills Ex-Premier in Lebanon*, WASH. POST, Feb. 15, 2005, at A1 (Hariri was a Lebanese-Saudi businessman, and later politician, recognized for refurbishing and restructuring downtown Beirut. He was assassinated in February of 2005 "when a powerful car bomb exploded on Beirut's fashionable waterfront.")

43. For a descriptive and comprehensive study on the Lebanese Civil War, *see* ROBERT FISK, *PITY THE NATION: THE ABDUCTION OF LEBANON* 77 (1990).

44. *Id.* at 638-39.

45. The official currency of Lebanon.

46. A sizeable number of domestics also come from Sri Lanka, the Philippines, and less so today, Indonesia.

47. *See generally* Mark Perry, *Perceptions of Race in the Middle East*, in PERCEPTIONS OF BLACKNESS AND WHITENESS IN THE MIDDLE EAST 1, 19 (2002) [hereinafter "Mark Perry"], available at <http://inhouse.lau.edu.lb/bima/papers/Perry.pdf>. The race, and particularly the phenotype, of the domestics is efficient for their employers because, "[a]s in the slave society of America, the recruitment of foreign workers with darker skin color is a practical advantage for Lebanese employers because it allows the easy identification and control of the work force." *Id.*

48. Which literally translates as "slave."

49. Perry, *supra* note 47, at 17.

old-world thoroughfares and deserts of Ethiopia. Ethiopia is a poor and underdeveloped state. With an area of over 1.1 million km and a population of 65 million inhabitants, it ranks as the second most populated area in Sub-Saharan Africa.⁵⁰ The Ethiopian economy is based on smallholder agriculture, with more than 85 percent of the population living in rural areas in very basic conditions.⁵¹ Women and children constitute about three-quarters of the population, and the country is plagued by a high birth rate and widespread poverty.⁵² Addis Ababa, the capital, is the only modern center in Ethiopia. Furthermore, since education⁵³ and income levels⁵⁴ are very low, especially among women, the only employment opportunity open to women is usually back-breaking, physical labor, or domestic work abroad. Moreover, entrenched patriarchal norms significantly limit the education and training opportunities for women (particularly in rural areas).⁵⁵ As a result, women's access to employment is much more tenuous than men's.⁵⁶ Roughly 85 percent of Ethiopian women live in remote or rural areas, and work in small-scale agriculture.⁵⁷ It has been observed that, "given their lack of skills and training, the only viable source of income outside the household for most Ethiopian women is the informal labour market. Complicated procedures of licensing and allocation of marketplaces constrain women from moving into more formal labour markets."⁵⁸

Poverty, a lack of viable employment alternatives, and desperation establish fertile ground for traffickers' exploitation of despondent Ethiopian women.⁵⁹ Once the birthplace of mankind, Ethiopia today serves as a cradle for traffickers pursuing profit and Lebanese nationals seeking cheap labor - a virtual one-stop shop for inexpensive and convenient servitude: "[Y]oung Ethiopian women are trafficked to Djibouti and the Middle East, particularly Lebanon . . . for involuntary domestic labor. A small percentage are trafficked for sexual exploitation, with some women reportedly trafficked onward from Lebanon to Europe."⁶⁰ As a result, "[T]rafficking has become an important political issue in Ethiopia, largely due [sic] pressure by EWLA [Ethiopian Women's Legal Association, an Ethiopian Lawyer's Network/NGO] and extensive media attention on the plight of abused migrant domestic-workers. . . . [N]ewspaper

50. See KEBEDE, *supra* note 29, at 1.

51. *Id.*

52. *Id.*

53. See U.S. DEP'T OF STATE, BUREAU OF AFRICAN AFFAIRS – BACKGROUND NOTE: ETHIOPIA (Jan. 2006), available at <http://www.state.gov/r/pa/ei/bgn/2859.htm>. (stating a 35% literacy rate).

54. *Id.* (per capita income for 2004 is \$116).

55. See KEBEDE, *supra* note 29, at 1.

56. *Id.*

57. *Id.*

58. *Id.* at 2.

59. *Id.* at 5 ("Feminization of poverty, lack of access to resources and the growing rates of unemployment and insecurity have expanded the pool of recruits for trafficking.")

60. 2005 TIP REPORT, *supra* note 10, at 103 (Ethiopia is classified by the Report as a "Tier 2" source country).

headlines have cited 67 cases of ‘suicide’ of Ethiopian women working in Lebanon between 1997-1999.”⁶¹

Although the economic benefit for Ethiopia⁶² and the demand in Lebanon have long muted the official response on both sides, burgeoning media attention combined with the concern of human rights and women’s groups are making both governments more accountable. After years of nonfeasance, the Lebanese government finally ratified the Trafficking Protocol in October of 2005.⁶³ However, with the international human rights community and law enforcement devoting more effort and resources to anti-trafficking, traffickers themselves have become more vigilant and inventive in seeking avenues to circumvent the law. Perpetrators are creative, employing fluid and deceptive tactics to beat the law. Attorneys and advocates representing culprits sometimes attend trafficking seminars, organized by governments and NGOs, in order to keep informed of the law so that they can find loopholes.⁶⁴ In order to keep pace with traffickers and their agents, innovative legal and programmatic efforts must be strengthened: first, at the country of origin level (Ethiopia) to prevent and curb trafficking; and second, at the destination-state level (Lebanon) to effectively monitor trafficking and human rights abuses, and subsequently, prosecute traffickers and their criminal networks. Furthermore, customary reform within Lebanese households must simultaneously take place to lessen the illegal demand for trafficked domestic workers.

III.

THE EVOLUTION OF ANTI-TRAFFICKING LAW AND THE CURRENT INTERNATIONAL LEGAL REGIME

The international human rights movement provides the legal basis to mobilize the campaign to abolish slavery and human trafficking. The evolution of international law governing human trafficking was initiated in 1904 with the International Agreement for the Suppression of the White Slave Traffic.⁶⁵ The agreement, however, only protected the trafficking of white slaves, thus condoning the trade in “slaves of color” for another seventeen years. “In 1921, the International Convention for the Suppression of the Traffic in Women and Children [hereinafter “ICSTWC”] extended the protections delineated in previous treaties to minors of either sex as well as to all women and children regardless of race.”⁶⁶ Following World War I and during the height of

61. ELAINE PEARSON, SECTOR PROJECT AGAINST TRAFFICKING IN WOMEN, STUDY ON TRAFFICKING IN WOMEN IN EAST AFRICA 21 (2003), available at <http://www.antislavery.org/homepage/trafficnews/EastAfrica.pdf>.

62. Ethiopian families often rely on the remittances sent back by those employed abroad.

63. See Signatories of the Trafficking Protocol, http://www.unodc.org/unodc/crime_cicp_signatures_trafficking.html.

64. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 2.

65. International Agreement for the Suppression of the “White Slave Traffic,” Mar. 18, 1904, 35 Stat. 1979, 1 L.N.T.S. 83.

66. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 5 (citing International

European colonialism in Africa and the Middle East, the ICSTWC did not prevent the scrambling European states from exploiting the natives “of color” in their newly claimed colonies and mandates, particularly in Africa. In 1933, the International Convention for the Suppression of the Traffic in Women of All Ages criminalized the acts of “procur[ing], entic[ing], or le[ading] away” of adult women for “immoral purposes” to a foreign country.⁶⁷ The law was extended by the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which also mandated specific administrative, social and enforcement measures directed at aiding trafficked persons.⁶⁸ Critics argued that the 1949 Convention on Traffic in Persons was too vague and thus, ineffectual. “[T]he 1949 Convention did not provide a clear definition of the specific crime of trafficking, adequate enforcement mechanisms, or protective measures for the victims of trafficking.” Thus, trafficked persons remained exposed to the threat of deportation.⁶⁹ In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “CEDAW”), the centerpiece body of international law governing women’s rights, was signed. CEDAW also addresses trafficking in persons but does not comprehensively provide combative, prescriptive or preventative measures in this area.⁷⁰ However, CEDAW’s foremost influence is its mobilization of state-sponsored campaigns, as well as non-governmental efforts, championing the universal equality and progress of women. The movement has not yet fully engaged itself in the defense of trafficked domestic-workers in the Middle East. Nevertheless, CEDAW has been immeasurably successful in creating forums where trafficking, especially the trafficking of women, has been addressed and brought to the attention of influential transnational actors and governments.

The centerpiece of today’s legal regime governing human trafficking is the Trafficking Protocol,⁷¹ which supplements the United Nations Convention against Transnational Organized Crime⁷² (hereinafter “Transnational Organized

Convention for the Suppression of the Traffic in Women and Children art. 2, Sept. 30, 1921, 9 L.N.T.S. 416).

67. International Convention for the Suppression of the Traffic in Women of Full Age, art. 1, Oct. 11, 1933, 150 L.N.T.S. 431.

68. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Dec. 29, 1949, 96 U.N.T.S. 271, *available at* <http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/4df04302c3a58508c1256966004b3691?Opendocument>.

69. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 5.

70. Convention on the Elimination of All Forms of Discrimination Against Women, art. 6, Dec. 18, 1979, 1249 U.N.T.S. 13, *available at* <https://www.unchr.ch/html/menu3/b/e1cedaw.htm>.

71. *See generally* TRAFFICKING PROTOCOL, *supra* note 8.

72. *See generally* United Nations Convention against Transnational Organized Crime, G.A. Res. 55/25, U.N. Doc. A/Res/55/25 (Jan. 8, 2001), *available at* http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf. It has been signed by 147 states, 118 of which have ratified it. The Transnational Organized Crime Convention came into force on September 29, 2003. *See* Signatories to the UN Convention against Transnational Crime and its Protocols, *available at* https://www.unodc.org/unodc/en/crime_cicp_signatures.html [hereinafter Transnational Organized Crime Signatories].

Crime Convention”). The Trafficking Protocol defines “trafficking” as follows: “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁷³ Furthermore, departing from its legal progeny, the Trafficking Protocol also calls upon its State-Parties to criminalize trafficking, prosecute the act, protect and aid those who were trafficked, and implement preventive measures against trafficking.⁷⁴

The Trafficking Protocol is unique in that it requires its State-Parties to follow this three-tiered approach (prosecution, protection, and prevention) *at a minimum*, and encourages them to pay heed to other elements of the international anti-trafficking regime that are incorporated within the Protocol and within its host Convention. Evident from its title, the Protocol borrows certain key provisions from the Transnational Organized Crime Convention in order to ensure the implementation of its commitments. . . . [To date,] 117 nations have signed the Trafficking Protocol and 95 of them have become States Parties by depositing ratification instruments and passing domestic legislation mirroring the Protocol’s obligations. The Protocol entered into force on December 25, 2003.⁷⁵

Only states that ratify the Convention qualify to ratify the Trafficking Protocol.⁷⁶ Moreover, it is crucial for states that ratify the Convention and the Protocol to observe the obligations of both instruments and to jointly construct the language of the two since they are, substantively and functionally, part and parcel of one another.⁷⁷

Lebanon is a signatory to, and has ratified,⁷⁸ the Transnational Organized Crime Convention⁷⁹ and the Trafficking Protocol.⁸⁰ Ethiopia is only a signatory to the Transnational Organized Crime Convention,⁸¹ and has yet to

73. See TRAFFICKING PROTOCOL, *supra* note 8, art. 3(a).

74. *Id.* arts. 5-6, 9.

75. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 5-6 (citing James Puleo, Senior Adviser on Migration Policies and Migration Management, Address at the MIDSA Workshop on Extra-Regional Irregular Migration and Migrant Smuggling to, Through, and From the SADC Region in Johannesburg, South Africa (June 25-27), in PRELIMINARY REPORT AND RECOMMENDATIONS TO THE MIDSA WORKSHOP ON EXTRA-REGIONAL IRREGULAR MIGRATION AND MIGRANT SMUGGLING TO, THROUGH, AND FROM THE SADC REGION, available at <http://www.sarpn.org.za/documents/d0000735/index.php>).

76. See UNITED NATIONS OFFICE ON DRUGS AND CRIME, SUMMARY OF THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, available at http://www.unodc.org/unodc/en/trafficking_convention.html (“Each country is required to become a party to the Convention in order to become a party to the [Trafficking] Protocol.”).

77. “The Protocol is not a stand-alone instrument. It must be read and applied together with the parent Convention, and each country is required to become a party to the Convention in order to become party to the Protocol.” *Id.* See also TRAFFICKING PROTOCOL, art. 1 (“This Protocol supplements the United Nations’ Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.”).

78. *Id.*

79. Lebanon signed the Convention on December 18, 2001, and ratified it on October 5, 2005. See Transnational Organized Crime Signatories, *supra* note 72.

80. Lebanon signed the Protocol on December 9, 2002, and ratified it on October 5, 2005. See Protocol Signatories, *supra* note 16.

81. Ethiopia signed the Convention on December 14, 2000. See Transnational Organized Crime Signatories, *supra* note 72.

ratify it. Ethiopia has also failed to either sign or ratify the Trafficking Protocol.⁸² Both governments must now take the necessary measures to implement the Protocol into their domestic law, and subsequently take formal steps in other areas of the law to protect these victims. The Ethiopian government's nonfeasance regarding both instruments fundamentally turns a knowing, but blind eye, to traffickers looking to exploit its citizenry.

The collective international legal regime that governs trafficking, however, will do little to stop trafficking and assist victims if its signatories fail to incorporate it into their domestic laws and policies. Furthermore, Lebanon's failure to integrate international measures against trafficking—coupled with Lebanese constitutional, criminal and labor regimes that deny protection to illegally trafficked persons—maintains a circumstance ripe for their exploitation and abuse.

IV.

EXAMINING THE EXPERIENCE OF TRAFFICKING FROM THE VANTAGE-POINT OF THE TRAFFICKED DOMESTIC-WORKER

*The need for state intervention to protect migrant workers arises not only when they encounter problems in countries of employment. In many countries it already exists at the recruitment stage, where fraudulent practices are very common. Jobseekers often fall victim to swindlers, who may offer in exchange for considerable sums of money non-existent jobs abroad, false job contracts that would not otherwise be accepted, or fake travel documents and visas. There are various unscrupulous schemes for obtaining money from jobseekers, such as requiring all applicants to make advance deposits or overcharging them for air tickets, medicals tests and the like.*⁸³

In search of inexpensive domestic labor to meet their clients' needs, traffickers and their agents descend into Ethiopia to court young, poor, and largely uneducated women whom they bring back to Lebanon.⁸⁴ Young Ethiopian females who are "recruited" to be trafficked into Lebanon are often unaware of what their commitment entails, and the imminent risks and hazards they will likely endure during migration and "employment:"

The recruitment process can involve a number of dangers and risks for migrants, especially for women who lack access to reliable and timely information. The dangers and risks they face include: overcharging of fees; debt bondage; falsification of documents; deception with regard to the nature and conditions of employment, including contract substitution and the mail-order bride trade; exploitation and abuse while waiting for the job to materialize or to be sent

82. See Protocol Signatories, *supra* note 16.

83. RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 8, at 17 (quoting M.I. Abella, *Sending Workers Abroad: A Manual for Low- and Middle-Income Countries* (Geneva, ILO, 1997), p. 75).

84. *Id.*

abroad; lack of preparation for employment abroad, including lack of pre-departure training; forced/coerced recruitment, including being kidnapped or sold to illegal recruiters or traffickers; hazardous journey to the country of destination.⁸⁵

Conversely, traffickers are only concerned with making profits, even at a mortal cost. With high Lebanese demand for cheap labor, legal channels for procuring a maid (conducted generally through Sri Lankan or Filipino, and less so today, Indonesian, agencies) have become too costly.⁸⁶ As a result, unskilled, trafficked women from Ethiopia have become the most accessible and affordable for patrons, and most lucrative for traffickers. Illegal trafficking from Ethiopia is nothing short of big business. Culprits that look to exploit Ethiopian girls and women can expect to earn seven thousand Ethiopian Birr (More than US \$800) for each subject they send to Lebanon, the most popular destination.⁸⁷ As a result of the rapid influx of these victims being sent to Lebanon, Ethiopia opened a consulate in the nation's capital, Beirut, to address the problem and create a domestic presence.⁸⁸ The International Organization of Migration (hereinafter "IOM") reports that girls between the age range of 18 and 25 are the primary targets of traffickers, who recruit at colleges, poor villages and urban areas.⁸⁹ However, children are not always spared.⁹⁰ Traffickers generally employ deception and fraud, and leverage their positions of power, to exploit vulnerable Ethiopian women, tactics criminalized by the Trafficking Protocol.⁹¹ Traffickers employ a broad arsenal of strategies to "recruit," and subsequently traffic, Ethiopian women – including advertising, approaching them directly⁹² or employing an agent (as I discuss below)⁹³— shaping their recruitment approach according to the targeted subject: "Criminals are inventive! Criminals work in a context of intense competition, they must be flexible, and they must adapt quickly or (at times literally) die. . . . They have already mounted large-scale operations to traffic and enslave people utilizing the attributes of the newly globalized world economy."⁹⁴ In addition, recruiters effectively *sell* the job but remain vague as to its precise description, requirements and expectations in order to lure women abroad.⁹⁵ Furthermore, traffickers often recruit women to

85. *Id.*

86. *Id.*

87. *Focus on Trafficking in Women, supra* note 1.

88. *Id.*

89. *Id.*

90. *Id.* The youngest girl targeted by traffickers to be shipped to Lebanon was just 14 years old.

91. *See* TRAFFICKING PROTOCOL, *supra* note 8, arts. 3(a), 5(1).

92. *See* RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 22 ("The recruiters advertise these jobs in the local media or they may approach the women or their families directly with attractive job offers.").

93. *See* PEARSON, *supra* note 61, at 18-19 ("Trafficked women are usually introduced to agents through a friend or relative, or agents may approach women directly themselves. . . . According to an IOM study, the recruitment fee for illegal agents may range from 1,000-7,000 birr [roughly \$117-819 USD]. EWLA state the fee may be as high as 10,000 birr.").

94. *See* Bales, *supra* note 4, at 323.

95. *See* RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 22:

work as maids, but later force them into prostitution. Given the absence of legal protection available for trafficked women, the former institution often collapses into the latter,⁹⁶ and many domestic-workers are forced to wear both hats.

In order to strengthen their efforts, traffickers routinely hire repatriated domestic-workers to work as their liaisons, who reaffirm the grandiose, but false, promises made by traffickers:

Large numbers of Ethiopian women have become victims of trafficking, lured by false promises of good jobs, high salaries and a comfortable life. Most of these women end up as modern day slaves. The process of recruitment for most victims of trafficking is similar. The women are first introduced to traffickers through friends, neighbours and relatives or are approached by the traffickers themselves. Traffickers typically own travel agencies, import-export businesses, have contacts in the Middle East or who travel to this region regularly for various reasons. Trafficked women themselves have been instrumental in recruiting other migrants through the help of their families who act as the agents at this end.⁹⁷

Capitalizing on the testimony of formerly trafficked domestic-workers, which affirm the traffickers' guarantees of quality work and pay, young women are successfully lured into Lebanon not only because they come to believe in the string of fraudulent promises and misrepresentations, but also because of the familiarity and empathy shown by their countrywomen employed as agents of traffickers.⁹⁸ Foreign, usually Lebanese, agents' tall sales pitches may be spurned by prospective Ethiopian domestic-workers, yet are more likely to be entertained, and later accepted, when delivered by their countrywomen.⁹⁹ Such women misrepresent their own experiences abroad and their identities, lying in order to deceive prospective domestic-workers.

Women are often bought, trafficked, and then sold upon arrival to Lebanon. This arrangement is nothing short of full-fledged slavery. According to Article 3(a) of the Trafficking Protocol, "another type of illicit means used by traffickers is the giving or receiving of payments or benefits to achieve the

Recruiters may not provide potential migrant workers with a clear picture of the job they will actually be doing. They paint a rosy picture of good earnings and relatively easy working and living conditions. The women are lured by these job offers. Many are already seeking a chance to migrate when they are enticed with false promises of well-paid jobs in foreign countries. . . . They are not given detailed information about: the actual duties involved in the job; the working hours and rest periods; the method of payment and the deductions for various expenses; whether there is a bonus and overtime for extra hours of work; medical/accident/life insurance benefits; leave entitlement and paid holidays; the procedures for leaving a job; and the amount of debt to be paid back to the recruiter or employer and the terms of the debt.

96. See PEARSON, *supra* note 61, at 17 ("All those interviewed agreed trafficking for prostitution also occurs. . . . The [EWLA] and IOM both state that most women ending up in prostitution in Gulf countries are either trafficked and deceived as to the work they will do [sic]. More often, women who escape abusive situations of domestic labour end up in prostitution due to a lack of alternatives.").

97. KEBEDE, *supra* note 29, at 6.

98. See PEARSON, *supra* note 61, at 8 ("Traffickers in East Africa that recruit women and girls are frequently women. Such traffickers in many cases may have previously been trafficked themselves or are currently sex workers.").

99. *Id.* at 9.

consent of a person having control over another person.”¹⁰⁰ That is, “[a] trafficker can subjugate victims by offering financial or other compensation to persons who have control over such potential victims. Parents, other family members, and boyfriends essentially end up ‘selling’ their sons, daughters, and loved ones to the traffickers.”¹⁰¹ Again, because traffickers only target the most destitute subjects, the “purchasing” of persons is oftentimes the only avenue for families to earn income in Ethiopia, and “[M]any impoverished rural families are willing to send their daughters away to work without regard for the risks and consequences.”¹⁰² Either selflessly looking to provide their families with much needed income¹⁰³ or smitten by the opportunities and promise of riches abroad,¹⁰⁴ Ethiopian women are sometimes easily lured into the transaction (although consent on the part of the victim is immaterial pursuant to Article 3 of the Protocol)¹⁰⁵ because of their difficult and destitute standards of living.

In addition to these factors, an entrenched normative basis exists which (in part) explains this phenomenon,

It is a long-standing African tradition for parents of poorer rural families to send their children to go live (and work) with wealthier families, often in urban centres. This was once a kind of ‘fostering’ arrangement. Today, that practice has been exploited by traffickers so that many such children are in fact child domestic workers with no access to education, no freedom of movement and working long hours in poor conditions for little or no pay.¹⁰⁶

Collectively, destitution and the lack of opportunity at home, the assurances of good work abroad, and the tradition of poor families sending their children away for work, makes the horror stories of work abroad a risk worth chancing. Women are not only trafficked, *per se*, from their home countries – that may only be the first phase in a longer string of trafficking and re-trafficking. Trafficked women usually experience a subsequent or secondary trafficking (and sometimes, subsequent phases as well) from the original destination country (Lebanon in this case):

There is also second stage trafficking, where women may migrate legally or illegally, but to escape an abusive employer, may use another broker or agent to find a job. There are reportedly more than 200 agents recruiting Ethiopian women in this way to Lebanon. In such cases, women are more vulnerable to trafficking and abuse at the hands of the second employer, due to their illegal status.¹⁰⁷

With and without the aid of traffickers, women have capitalized on

100. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 38 (quoting TRAFFICKING PROTOCOL, *supra* note 8, art. 3(a)).

101. *Id.*

102. PEARSON, *supra* note 61, at 7.

103. See SLAVERY AROUND THE WORLD, *supra* note 2, at 4 (“Among adults (especially women) the hope of earning enough money to help their families survive economically is the driving force behind a growing phenomenon of mass migration in search of work.”).

104. See Fitzpatrick & Kelly, *supra* note 26, at 61.

105. TRAFFICKING PROTOCOL, *supra* note 8, art. 3(b).

106. PEARSON, *supra* note 61, at 3.

107. *Id.* at 17.

religious pilgrimages as a medium en route to their final destinations. In addition to leaving Ethiopia with illegal traffickers, women also use the *Oumra* and *Hagi* (Moslem pilgrimages) as a pretext to go to Saudi Arabia and then to other Arab countries, where they are set to work, “[A]ccording to a statement issued by the Saudi Arabian Consulate in Addis Ababa, 11,000 people got visas for Saudi Arabia to go to the year 2000 Oumra and Hagi. . . . As women are not allowed to travel alone on such a pilgrimage, they pay men who are traveling there to pose as their husbands and process visas for them.”¹⁰⁸ Clearly, this is an option open only to Muslim women. However, women of other faiths (primarily Orthodox Christianity) have converted to exploit the Islamic pilgrimages as a vehicle for reaching their ultimate destination, Lebanon.¹⁰⁹ It is not uncommon for traffickers to facilitate, and even encourage, sham conversions for the purpose of trafficking, but also to better market domestic-workers to Muslim patrons in Lebanon.¹¹⁰

Lebanon’s Code of Labor excludes trafficked “domestic servants” from legal protection.¹¹¹ In fact, the Lebanese government only ratified the Trafficking Protocol in October 2005, approximately three years after the instrument was signed.¹¹² In order to legally work in Lebanon, foreigners must obtain a permit from the Ministry of Labor. However, the Ministry does not have the resources or the manpower to effectively implement this measure, and personnel are often bribed into allowing trafficked women past the point of entry.¹¹³ The Lebanese Code of Labor extends foreign workers who come in legally and successfully obtain a work permit full social rights.¹¹⁴ However, the law is malleable and enables employers to circumvent it and not register their maids with social security or health insurance.¹¹⁵ In addition, the falsification of documents, including the work permit, passports, visa, medical reports, and a residence permit, is also prevalent.¹¹⁶ Oftentimes, the victim is unaware that her documents were fraudulently procured. Yet, the victim alone is punished if the authorities seize falsified documents.¹¹⁷ Therefore, when a traveling

108. See KEBEDE, *supra* note 29, at 4.

109. *Id.*

110. Many Lebanese, and more so Gulf-state, nationals explicitly request a Muslim domestic. For the patron, cultural affinity is a primary reason for the request, but it is also considered a sign of prestige as well.

111. See Labour Code of 23 September 1946, art. 7(1) [hereinafter Lebanese Labour Code] (“Are exempted from the present law: domestic servants employed in private houses.”).

112. Transnational Organized Crime Signatories, *supra* note 72; Protocol Signatories, *supra* note 16.

113. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 21 (“Women, particularly those from rural areas, may rely on the recruitment agent to arrange for the various documents needed. The danger is that some of these documents may be inappropriate, falsified or stolen. . . . The forging of travel documents is big business.”).

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.* at 21-22 (“The women may not even be aware that their documents – for which they have been charged and often overcharged – are forged, and when they arrive in the destination country, they are caught by the authorities. And since their documents are forged, they are deported

domestic-worker is seized at the airport, or later by police, they are generally completely unaware of the illegality of their documents. The trafficker is sometimes content with only making the money charged to the subject for “travel” and “document” fees, and is fully aware of the probability that the trafficked women will not get past the point of entry.¹¹⁸ Either way, the trafficker will come away with a healthy profit. Lebanon’s refusal to legally acknowledge domestic-workers in Lebanon has exacerbated both their trafficking and their mistreatment. Culprits and conspirators engage in trafficking free from the possibility of penalty or imprisonment, despite the formal language of the recently ratified protocol: “[A]rticle 5 of the Trafficking Protocol outlines the obligations of its State Parties to adopt legislation and to implement other necessary measures in order to criminalize trafficking in persons and other related activities.”¹¹⁹ In October 2005, Lebanon took a major first step by ratifying the Trafficking Protocol, but must next develop supplementary domestic legislation and programs to combat the influx of illegally trafficked Ethiopian women, and laborers at large.¹²⁰

A. *Employment Contract of Counterfeit?*

*[The agent] made a contract with [the maid] under which she agreed to give the agency the entire first three months’ salary from her job, and then from the fourth month onwards, 50% of [the maid’s] wage would go to the agency. [The maid] had to give her passport to [the agent], who kept it the entire time she was working.*¹²¹

An employment contract, like any contract, must be executed with a “meeting of the minds,” and be free of fraud and adhesive material terms. These are universally agreed upon elements of a legitimate contract.¹²² In other

back to their home countries and may even face jail sentences in the destination or home countries.”).

118. *Id.* at 23.

119. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 53. *See also*: TRAFFICKING PROTOCOL, *supra* note 8, art. 5, which states the following:

1) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of this Protocol, when committed intentionally. (2) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences: (a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article; (b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; (c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

120. *See* ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 62 (“States should enact domestic provisions that would enable them to confiscate the assets of traffickers . . . and, where applicable, repeal conflicting legislation.”).

121. PEARSON, *supra* note 61, at 18.

122. *See generally* UNIDROIT Principles 2004 (serving as the most prominent code of international contracting and dealing), particularly Chapters I-III, *available at* <http://www.unidroit.org/english/principles/contracts/principles2004/blackletter2004.pdf>

words, no party to a contract, particularly the more vulnerable party, need abide by a contract that is only actualized because of a material misrepresentation, coercion, or intimidation—the choice methods for securing the contracted labor of Ethiopian domestic-workers.

The Lebanese government has done little¹²³ to prevent their nationals from engaging in deceptive contracts, and excludes trafficked Ethiopian women from legal protection. Consequently, illegal contracts are not only rampant but also used as instruments to intimidate and compel trafficked domestic-workers into servitude. By definition, Article 2 of the Lebanese Code of Labor encompasses domestic-workers, defining a “worker” as “any man, woman or adolescent who works for consideration of a wage or salary in an employer’s premises.”¹²⁴ A reform in Lebanese law, expressly extending protection to trafficked domestic-workers, will significantly diminish illegal contracting and human rights abuses, but it will cause a tremendous sociopolitical quandary. In undertaking such reforms the Lebanese government will be challenging an engrained social norm under which relegation of such women is customary and widespread. As a result, Lebanese would have to hire Ethiopian domestic-workers through legal means, which is far more expensive and “inconvenient.”

Providing some cause for optimism, the Ministry of Labor has been successful in combating deceptive labor practices, mistreatment of domestic-workers, and fraudulent contracts for victims hired through legal means (many of whom are South Asian or Filipino). Between 2003 and 2004, the Ministry of Labor closed eleven employment agencies for fraudulent practices or mistreatment of workers and took administrative actions against another eighteen. In addition, it adjudicated thirty-five contract disputes, twenty-three in favor of the workers. However, trafficked domestic-workers from Ethiopia (who lack legal status) are not afforded the same rights as their legal counterparts, and thus are routinely and regularly exploited through sham contract schemes.¹²⁵

Article 12 of the Lebanese Code¹²⁶ of Labor mandates that an employment contract must be either written or orally agreed upon, with the latter being a source of prospective calamity for the domestic-worker.¹²⁷ Furthermore, the

123. See generally International Service for Human Rights, Working Group on Contemporary Forms of Slavery, 29th Session (Geneva Jun. 28 – Jul. 2, 2004), available at <http://www.ishr.ch/About%20UN/Reports%20and%20Analysis/subwg/WGCFS/WGCFS29thsession.pdf> (“Franciscans International spoke of the plight of migrant workers in Lebanon who often find themselves in slavery-like conditions when their contracts are altered on arrival. The representative from Lebanon responded to the statement by stating that the Government condemns such ‘despicable’ behaviour and is acting to help the victims of slavery in Lebanon. He reported that Lebanon had signed agreements of understanding on slavery with Sri Lanka and the Philippines,” but not Ethiopia.)

124. See Lebanese Labour Code, *supra* note 112, art. 2.

125. See 2005 US TIP REPORT, *supra* note 9, Lebanon Country Narrative, “Prosecution” section.

126. See Lebanese Labour Code, *supra* note 112, art. 12.

127. Given the starkly asymmetrical relationship of the parties.

Code ambiguously holds that a contract “may” be translated into the native language of the party(s).¹²⁸ Even domestic-workers legally working in Lebanon are not guaranteed a translation of the contract into their language. The “may” language of Article 12 furnishes the employer with the power to either include or refuse inclusion of a translation of the contract into the national’s native language.¹²⁹ There is no negotiation between the trafficker and the prospective domestic-workers, and the former has complete control over the terms and arrangement of the contract. Hence, the probability of a trafficker issuing an accurate translation of the contract to a prospective migrant is slim to none.¹³⁰ The overwhelming majority of trafficked women never see a translation of the fine print before leaving for Lebanon, much less engage in a comprehensive agreement before departure:

In many cases, migrant women do not sign employment contracts before departure. The only information the migrants have is that they will work as housemaids and will earn monthly salaries between USD 100-125. The agents paint a picture of relatively easy working and living. Once they reach their destination, some are made to sign contracts in languages they do not understand, thereby unknowingly forfeiting their rights. They sign contracts based on what their agent tells them are included, quite often, not the real terms of the contract. For example, an employment contract that was found in a travel agency that had been conducting labour trafficking from Ethiopia clearly stated that the worker was not allowed to leave the house of employment for the entire duration.¹³¹

It is also quite common for trafficked domestic-workers not to be paid for the first three months because their employers insist that they will have to determine whether or not they are suitable for the post before paying them their salaries, a practice that contravenes Lebanese law.¹³² In addition to violating Lebanese labor law, this practice violates countless human rights instruments by contracting away freedom of movement, postponing pay, and engaging in a contract based on the false translation of a biased, if not conspiring, third party. Moreover, “[T]here are also reports that employees do not necessarily sign a contract of employment upon arrival at the country of destination, but, rather,

128. See Lebanese Labour Code, *supra* note 112, art. 12 (“The work contract may be either written or oral. In both cases it is submitted to the authority of Common Law. The written contract is to be worded in Arabic; it may however be translated into a foreign language if the foreign employer or wage-earner or salary-earner does not know Arabic.”).

129. See Lebanese Labour Code, *supra* note 112, art. 12.

130. See DECISION-MAKING AND PREPARING FOR EMPLOYMENT ABROAD, *supra* note 33, at 26 (“There is often non-payment or unauthorized deductions from the wages that the women migrants are supposed to receive. There are also cases where the women migrants receive much lower salaries than promised by the recruiter.”).

131. KEBEDE, *supra* note 29, at 6-7.

132. See Lebanese Labour Code, *supra* note 112, art. 47:

The pay, if it is not in kind, must be paid out in official money notwithstanding any clause to the contrary. It is to be paid at least once a month to employees and twice a month to workers. For all piece work the execution of which is to last more than fifteen clear days, the date of payment may be fixed by mutual agreement, but the worker must receive down payments on account every fifteen days and be fully paid up within the fortnight following delivery of the piece of work. Payment is to be effected on work days and in the work premises.

that the deal is made between the employer and the agent.”¹³³ Contract substitution,¹³⁴ or switching, has also been documented and is widespread.

The monthly salaries of domestic-workers are well below the legal minimum wage,¹³⁵ and the work hours tolled weekly grossly exceed the legally mandated workweek.¹³⁶ A ten, twelve, or fifteen hour workday,¹³⁷ typical for most domestic-workers, is another gross violation of the Lebanese Code of Labor,¹³⁸ as is the absence of a “weekend” or extended week-break.¹³⁹ This Code, however, does not cover illegally trafficked domestic workers.

Abuse is facilitated by the Lebanese Labor Code, which fails to put forth legally viable contract guidelines that are based on consensual agreement, universal contract principles and human rights standards. The International Labor Organization recommends that a model domestic-employer contract should be appended to all labor agreements and should be translated into language that all parties—including the domestic worker — can understand.¹⁴⁰ In order to monitor and mandate fair contracting, governments of sending countries should establish strict standards “so that prospective migrant workers can use them to assess the adequacy of the terms of employment they have been offered by the recruitment agent or employer.”¹⁴¹

Domestic-workers are often stripped of their freedom of movement. Many victims are virtually imprisoned in their employer’s homes. Lebanese employers limit the movement of the victim, often locking them indoors for fear of their fleeing. In one instance, a maid was reportedly imprisoned in the house of her employer for three consecutive years until she managed to escape.¹⁴² Another trafficking victim testified to being confined to her employer’s house for three years, working eighteen-hour days without a break.¹⁴³ To prevent

133. KEBEDE, *supra* note 29, at 7.

134. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 23 (“This is the practice whereby, despite having signed an authorized contract prior to departure, upon arrival in the country of employment, the worker is issued with a new contract specifying lower conditions of work, pay or clauses prejudicial to her.”).

135. See FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS (LEBANON), THE STATE OF HUMAN RIGHTS IN LEBANON - 2002, available at <http://freelebanon.org/articles/a317.htm> (“The government sets a legal minimum wage, which was raised in April 1996 to 300,000 L. (about \$200 US), per month.”).

136. See Lebanese Labour Code, *supra* note 112, art. 31 (“Forty-eight hours is the maximum duration of work per week.”).

137. KEBEDE, *supra* note 29, at 9.

138. See Lebanese Labour Code, *supra* note 112, art. 34 (“A rest-time of unbroken nine hours is to be allowed wage-earners and salary-earners every twenty four hours, except in cases where the circumstances of work compel otherwise.”).

139. *Id.* art. 36 (“All wage-earners and salary-earners are to be granted a weekly rest which must not be under thirty-six unbroken hours. The employer is to select the day of this rest or distribute it among the wage-earners and salary-earners in sympathy with the requirements of the work.”).

140. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 30.

141. *Id.* at 32.

142. *Focus on Trafficking in Women*, *supra* note 1.

143. See IRIN *Focus on Trafficking*, Feb. 28, 2001, United Nations Integrated Regional Information Networks (IRIN News), available at www.hartford-hwp.com/archives/33/084.html

escape, it has become common practice for employers to seize the domestic-worker's legal documents, threaten her with various punishments, and work her to physical exhaustion.¹⁴⁴ Furthermore, a standard \$3,000 (USD) penalty is levied if the domestic-worker leaves the position before the life of contract expires, or if she returns to Ethiopia.¹⁴⁵ Hence, a well-orchestrated system is in place to curtail a victim's ability to flee or "break" the contract, and in turn to scare and tire her into submission.

The physical and professional dynamics between, and the lexicon related to, the employer-domestic-worker relationship more closely resembles a relationship of enslavement than one of conventional employment:

Colloquial language in Lebanon refers not to a foreign worker's employer but rather his or her 'owner' (*sahbu*).¹⁴⁶ One hears the question, 'Who is her owner?' This linguistic construction prevents the worker from being understood as a worker. . . Such language reinforces the relationship between foreign worker and employer not as one not contracted freely in an open labor market, but rather as an arrangement between a powerful individual and a feudal vassal, indentured servant or slave.¹⁴⁷

Trafficked domestic-workers are functionally slaves and generally perceived as such in Lebanese society – stripped of their humanity through action, words, and perception. Regardless of whether the domestic-worker is secured through a legitimate contract or purchased, their social status is one and the same.

B. The Work Experience and its Discontents

Human rights violations and abuses during the employment phase are the most horrific and thus most documented experiences suffered by the domestic-worker. Trafficking is one component of the string of subsequent offenses endured by the domestic-worker, most of which are experienced under custody of the employer. Such abuses have been documented as including: threats; physical violence; sexual violence; mental abuse; involuntary detention; working without pay; confiscation of travel documents; and forced abortions.¹⁴⁸ As discussed earlier, trafficked women may further experience a "second," or subsequent, trafficking once in the destination country. Although it cannot be said that all cases of trafficked women working in Lebanon rise to "slavery-like" proportions, numerous accounts expose cases that merit, if not supersede, that

[hereinafter *IRIN Focus on Trafficking*].

144. KEBEDE, *supra* note 29, at 7.

145. See *IRIN Focus on Trafficking*, *supra* note 143 ("But the report [2001 IOM Report] highlights the fact that many women have to sign a document stating they will pay a penalty of US \$3,000 if they leave the job or return to Ethiopia.").

146. Arabic.

147. See Perry, *supra* note 47, at 17.

148. ABA-CEELI TRAFFICKING ASSESSMENT TOOL, *supra* note 23, at 56; ANGELIKA KARTUSCH, REFERENCE GUIDE FOR ANTI-TRAFFICKING LEGISLATIVE REVIEW: WITH PARTICULAR EMPHASIS ON SOUTH EASTERN EUROPE 48 (2001), available at http://www/osce.org/odhr/?page=publications&div=intro&subdiv=at_refguide.

label.¹⁴⁹ Furthermore, considering the institutionalized inequality against women in Lebanon that places even Lebanese women at a high risk of violence,¹⁵⁰ the incidence of violence against Ethiopian domestic workers is amplified within this context.¹⁵¹

Since the trafficking of Ethiopian women is a “black market activity,” it is likewise impossible to precisely track the influx, rate, proportion and gross number of Ethiopian women, and other undocumented nationals, who are employed as domestic-workers in Lebanon.¹⁵² The IOM has reported that, “[I]t is almost impossible to tell how many girls are shipped overseas. Most become difficult to trace because once they land they have to change their Christian names to Muslim names.”¹⁵³ As a result, this makes it difficult to monitor and evaluate curative efforts. Likewise, unless they are also operators of a legitimate business (e.g. a travel agency) the identity and whereabouts of traffickers are generally unknown to the victims.¹⁵⁴ Considering the undetectable character of trafficking, the culprits and victims of which fly below the radar screen, research cannot provide a full illustration of the reality that takes shape inside the private walls of abusive Lebanese households. Every horrific tale that garners press attention is likely coupled with tens of similar experiences that are left concealed due to the illegal status of these all but invisible women. This “invisibility” equips both their traffickers and employers with the means to exploit them at will, leaving foreign domestic-workers defenseless and alone.

Exploitation and abuse of a domestic-worker is often carried out not only by the principal employer, but often the entire family. Generally, the principal employer, often the patriarch, but sometimes the family’s matriarch, establishes the tone of how the domestic-worker will be treated by the extended family – the latter will follow the former’s suit.¹⁵⁵ Yet, this is not a bright line rule. It is not uncommon to find households where family members are kind and professional toward the domestic-worker, while others take the opposite approach.¹⁵⁶ This

149. See *IRIN Focus on Trafficking*, *supra* note 143 (“The report of the IOM findings noted that at least 67 women migrants died whilst working in the Arab countries from 1997-1999. The study was based on extensive interviews with 26 female returnees from Beirut to Bahrain.”).

150. See IRIN, *Lebanon: Lack of Protection for Women’s Rights Fuels Sex Trade*, *Says Women’s Group*, REUTERS, March 13, 2004, at 2.

151. *Id.* at 1-2.

152. Mariam Karouny, *Lebanon’s Foreign Maids Face Beatings, Abuse*, DAILY TIMES (Pakistan), at 4, available at www.dailytimes.com.pk/default.asp?page=story_1-10-2002_pg4_10 (“Lebanese Labour Ministry Statistics show that in 2000, more than 54,000 foreign workers were registered in the country. Unofficial estimates put the figure closer to 150,000 workers, 80 percent of whom hail from Sri Lanka, the Philippines and Ethiopia, and most of whom work as domestic maids.”).

153. See *Focus on Trafficking in Women*, *supra* note 1.

154. KEBEDE, *supra* note 29, at 6.

155. See Samih Farsoun, *Family Structure and Society in Modern Lebanon*, pages 257-307 in Louise Sweet (ed.), *PEOPLES AND CULTURES OF THE MIDDLE EAST II* 257-301 (Louise Sweet, ed. 1970) (This position varies depending on the composition of a particular Lebanese household. Lebanese family structures vary, and it is not uncommon for grandparents to live with the larger family. In many instances, the eldest male or female hold the most authority in the family).

156. *Id.* at 261.

makes it more difficult to objectively assess the living and working conditions of some domestic-workers. Scenarios involving sexual violence or rape tend to be the most complex. Generally, the patriarch or his son is the culprit, and less frequently, an external member of the family such as a cousin or uncle.¹⁵⁷ Even if the abuse or the rape is discovered by another family member, the employer may order or bribe the domestic-workers into suppressing news of the incident for fear of shaming the family; not only because she is a domestic-worker, but perhaps more importantly, because she is black.¹⁵⁸ However, it is often the case that the victim is condemned and accused of “enticing” or “seducing” the family member, is labeled a “whore” and subsequently fired.¹⁵⁹ As noted above, there have been cases where the rape results in the victim’s pregnancy – and is followed by a forced abortion.¹⁶⁰ Yet, the incidence of sexual violence and abuse, namely rape and forced abortion, is cast behind several impenetrable shadows, including employer suppression and sometimes the victim’s decision to keep quiet.¹⁶¹ More critically, silence flourishes upon the undetectable terrain that surrounds the illegal trafficking of domestic-workers in Lebanon. When the government handles crimes like sexual abuse and murder in trafficking cases, the culprits are seldom punished.¹⁶² As a result, victims have little confidence in the Lebanese authorities and seldom report to them when they are in trouble.¹⁶³

The workday for an Ethiopian domestic-worker in Lebanon ultimately hinges on the disposition of the employer. To assert that the majority of Lebanese employing trafficked Ethiopian domestic-workers utterly dehumanize, rape or enslave them would be gross hyperbole. Rather, the work and life of a trafficked domestic-worker can span from horrific to normal. Given the lack of accurate empirical research pertaining to Ethiopian domestic-workers, examining the anecdotal accounts taken from interviews with domestic-workers in Lebanon are the only readily available barometer of the situation. For example, the Kanlungan Centre Foundation, Inc.’s “Destination: Middle East, A Handbook for Filipino Women Domestic Workers,” provides testimony that a worker’s typical day requires, on average, nineteen hours of work.¹⁶⁴ The

157. See 2005 TIP REPORT, *supra* note 10, at 143.

158. See generally Mark Perry, *supra* note 48. Again, Blacks in Lebanon, and the Arab World at large, are often referred to as ‘*abid*’ (see *supra* note 49), a derogatory term which in Arabic means “slave.”

159. See “Work is Torture for Sri Lankan [and other] Maids,” available at http://news.bbc.co.uk/2/hi/south_asia/3204297.stm

160. *Id.*

161. *See id.*

162. *Id.* (“Similarly, the government has not investigated reports of suspicious deaths of Philippine and Ethiopian domestic workers. The government has not prosecuted or punished any abusive employers, despite evidence of physical and sexual abuse of domestic workers.”)

163. KEBEDE, *supra* note 29, at 10. See also Nahla Atiyah, *The Discrete Charms of the Domestic Workers*, THE DAILY STAR, November 14, 2005 (“That one of out every three Lebanese employers beat his or her domestic worker who then remains without adequate protection from the authorities.”)

164. See DECISION-MAKING AND PREPARING FOR EMPLOYMENT ABROAD, *supra* note 33, at

workday for a trafficked Ethiopian domestic-worker in Lebanon, at best, is nineteen hours.¹⁶⁵ The fraudulent contracts that bind trafficked domestic-workers enable the employers, for all practical purposes, to enslave the domestic-worker.

C. Debt Bondage: Forcing Labor Through Intimidation, Fear and Sham Debts

"[Bonded laborers] are non-beings, exiles of Civilisation, living a life worse than that of animals, for the animals are at least free to roam about as they like," explained a former Chief Justice of a nation¹⁶⁶ where debt-bondage is still prominent.¹⁶⁷

Debt bondage, widely prevalent in Lebanon, is a strategy premised on the accumulation of primarily sham debts, placing the debtor/domestic-worker into the position of forced labor without remuneration.¹⁶⁸ It is a crime that is often part and parcel of trafficking. Often, the victim and sometimes her family will borrow money from the trafficker/recruiter in order to pay for the preparation and travel expenses. Such debt is generally expected to be settled monetarily, but generally comes in the form of compelled servitude since oftentimes the victim is unable to pay:

A person enters debt bondage when their labour is demanded as a means of repayment of a loan, or of money given in advance. Usually, people are tricked or trapped into working for no pay or very little pay (in return for such a loan), in conditions which violate their human rights. Invariably, the value of the work done by a bonded labourer is greater than the original sum of money borrowed or advanced.¹⁶⁹

Women often work, without pay, until the *balance* of their debt is completely paid off; a process which usually takes several years, if not more.¹⁷⁰

30:

5 a.m. – Wake up, prepare breakfast for children, and prepare clothes and school bags for children; 6 a.m. – Escort children to school bus and wash/clean employer's car (unless there is a driver); 7 a.m. – Clear breakfast table, wash dishes, and make the beds, clean children's room; 8 a.m. – Do the laundry, clean the toilets and bathrooms, clean the house, and clean the carport/garage; 11 a.m. – Assist employer/cook prepare lunch; 1 p.m. – Serve lunch; wash dishes, pots and pans; clean the kitchen; and eat own lunch (sometimes at same time as employers or much later, at 4 p.m.); 3 p.m. – If guests arrive, serve tea or coffee and light meal and clean up and wash the dishes; 6 p.m. – Iron the clothes; 9 p.m. – Assist in preparing supper; 10 p.m. – Serve supper/eat supper; 11 p.m. – Wash the dishes, pots and pans, clean the kitchen and continue ironing clothes; Midnight – Sleep.

165. See *supra* note 127.

166. Justice PN Bhagwati of the Indian Supreme Court.

167. See SLAVERY AROUND THE WORLD, *supra* note 2, at 2.

168. See AMY O'NEILL RICHARD, CTR. FOR THE STUDY OF INTELLIGENCE, INTERNATIONAL TRAFFICKING IN WOMEN TO THE UNITED STATES: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME 5 (1999), available at <http://www.cia.gov/csi/monograph/women/trafficking.pdf>.

169. See SLAVERY AROUND THE WORLD, *supra* note 2, at 4.

170. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 21 ("There are also situations where women and girls are 'sold' or surrendered to traffickers because

However, the accumulation of debt does not only take place during the migration phase, but also continues to toll during her employment as well.¹⁷¹ This practice significantly diminishes, if not altogether eliminates, her pay and her ability to send money home to her family.¹⁷² Again, the inflated migration costs are considerable, thus placing the domestic-worker in bondage for months, if not years.¹⁷³

Moreover, domestic-workers must routinely pass a “trial period” of approximately three-months in order to merit long term employment and/or payment of wages.¹⁷⁴ Migrants endure abusive working conditions so that they can earn money to repay family debts. Repatriated victims reported that their employers held the right to send them back to their agents during their three months of work, if they were not content with their services. Furthermore, it is usual for domestic workers to go unremunerated during this “three month trial period.”¹⁷⁵

Employers also generally hold the right to terminate the contract whenever they please, but the converse is not true. If a domestic-worker chooses to leave, a \$3,000 fine will be levied.¹⁷⁶ Firings are usually arbitrarily executed with no rational justification, oftentimes leaving the domestic-worker unemployed, far from home, with incurred debts that cannot be paid off.¹⁷⁷ Going back home is not an option; these victims cannot go home, for their considerable debts bind them to their agents. Repayment of the debt can take several years or more, and the debt amount is often arbitrarily structured to bind the victim in long-term servitude. After the traffickers subtract their “commissions” and the victims pay for necessities and send money back to their families in Ethiopia, there is often no money left.¹⁷⁸ Again, researchers from aid organizations and the media have little access to reliable information about the lives of, and the abuses endured by, trafficked domestic-workers. What has been documented provides a small window into the nature of human rights violations suffered by Ethiopian women

their families are in debt to them.”).

171. See Martina Vandenberg, *Complicity, Corruption, and Human Rights: Trafficking in Human Beings*, 34 CASE W. RES. J. INT'L L. 323, 331 (2002).

172. See DECISION-MAKING AND PREPARING FOR EMPLOYMENT ABROAD, *supra* note 33, at 26 (“By the time the women migrants send remittances home, pay for their own personal expenses (many report that their employers do not provide them even basic amenities and they have to pay for their own toiletries, etc.), they have hardly nothing left to save.”).

173. *Id.* at 25:

Recruitment fees are (exorbitantly) high, especially when charged by private recruitment agents. . . . Travel costs, charges for passports, visas and other travel and employment documents are often not included in cost calculations made by the potential migrant. Yet the amounts can be substantial. . . . It usually takes the migrant at least four to twelve months (or even longer) to pay off the debts of costs incurred during the processing of an overseas employment contract—during which time she may not receive any wages.

174. KEBEDE, *supra* note 29, at 8.

175. *Id.*

176. *Id.* at 10.

177. *Id.* at 9.

178. *Id.* at 8-9.

in Lebanon. Foreign and local organizations must be proactive to generate pressure in Lebanon for employers to act more responsibly.

V.

SUSTAINED, OR BAND-AID, REFORM? ABOLITION EFFORTS OUTSIDE THE INTERNATIONAL TREATY FRAMEWORK

The failure of Ethiopia and Lebanon to implement formal and enforceable legal injunctions prohibiting trafficking has undermined the likelihood of the de facto abolition of this channel of human trafficking. The considerable economic value for elements on both fronts of human trafficking has suppressed efforts to combat the trafficking of domestic-workers in Ethiopia and especially Lebanon. As a result, there are too few campaigns addressing the trafficking of Ethiopian domestic-workers in Lebanon, and those that do exist are disjointed and poorly coordinated. In addition, international human rights organizations and foreign governments have paid relatively little attention to this type of human trafficking, dedicating their energy and resources instead to the trafficking of prostitutes and children. In a political landscape devoid of legal protection for these victims, where the governments at issue do little to promote change, grassroots and civil society campaigns must be the catalyst for building a truly full-scale, multi-sector movement.

A. Toward a More Proactive Regime for the Protection of Exploited Ethiopian Domestic-Workers in Lebanon

Although Lebanon finally ratified the Trafficking Protocol in October 2005, the failure of the Labor Code to include a rights regime specific to the needs of domestic-workers offers no formal improvement in the assistance available to trafficking victims. Supplementary domestic programs assisting victims are virtually non-existent. Although Lebanon has taken a formal first step in ratifying the Protocol, it must add substance to its position. The 2005 US State Department TIP Report observes, “Lebanon does not have specific legislation criminalizing trafficking. . . The Ministry of Justice and the Office of the State Prosecutor lag behind in acknowledging and actively combating trafficking.”¹⁷⁹ Optimism remains that with the ratification of the Trafficking Protocol and the observance of Article 6, Lebanon will implement a comprehensive system to assist victims of trafficking. However, the Lebanese government will have to genuinely tackle the entrenched sociopolitical taboos, and forgo the economic benefits gained from trafficking.

In Article 6, the Trafficking Protocol puts forth critical measures for achieving an effective decline in the number of women trafficked. For example, Article 6(2) of the Protocol holds that, “[E]ach State Party shall ensure that its domestic legal or administrative systems contain measures that provide

179. 2005 TIP REPORT, *supra* note 10, at 143.

assistance to victims of trafficking in persons.” Thus, the logical next step for Lebanon is the re-drafting of the Lebanese Labor Code to provide such protection. In its current iteration, neither legal nor administrative assistance would be available to a legally unacknowledged class of people.

Although Article 6 will meet political and social resistance, the Lebanese government is now under an international legal obligation to implement laws that assist victims of trafficking in more than just rhetorical terms. Arguably, the most pivotal reform required by Article 6(6) would provide victims of trafficking with the opportunity for judicial redress. The courts would provide an ideal forum for victims, and anti-trafficking activists, to expose and raise awareness about the horrors endured by these victims.¹⁸⁰ Equipping domestic-workers and their allies with this kind of platform, however, would bring unwelcome attention to the Lebanese government’s failure to respond to the problem.

In the face of Lebanon’s inaction, the Ethiopian government initiated efforts in the late 1990’s by way of drafting new laws, opening a consulate in Beirut, and implementing new programs to combat trafficking of its nationals.¹⁸¹ The government further commissioned a task force to focus squarely on preventing the trafficking of its nationals:

In 2004, the government formed an inter-agency anti-trafficking task force that began developing a national plan for combating trafficking. The task force also formed three subcommittees for legal issues, data collection, and public awareness that analyzed existing studies on the issue and publicized relevant messages through local media.¹⁸²

However, more vigilant efforts are needed because the task force’s influence is still small, and the new consulate in Beirut works in isolation. Trafficked women are particularly vulnerable where their own governments fail to adequately protect them.¹⁸³ However, the 2005 TIP Report claims that “[P]rotective services for victims greatly increased over the last year” primarily because “staff of Ethiopia’s consulate in Beirut increased from two to six persons,” with all the new staff “primarily devoted to supporting Ethiopians trafficked to Lebanon.”¹⁸⁴ Nevertheless, a staff of six can hardly be expected to serve the needs of thousands of victims. The consulate is still in its infancy, however, and is likely to expand in number and influence. Many advocate for direct government handling and overseeing of maid recruitment and referrals, which would drastically circumscribe fraud and exploitation:

In general, it could be expected that where the State directly organizes

180. However, the courts would have to provide witness protection measures to properly protect the identities of victims who came forward and testified.

181. See *Focus on Trafficking in Women*, *supra* note 1 (“The Ethiopian government has tried to combat the problem by introducing laws in 1998 to create private migrations firms which could regulate the flow. The law also introduced stiff penalties for recruiters and set up a committee to address the problem.”).

182. See 2005 TIP REPORT, *supra* note 10, Country Narratives: Ethiopia.

183. See KEBEDE, *supra* note 29, at 8.

184. 2005 TIP REPORT, *supra* note 10, at 104.

recruitment of its nationals for employment abroad, there would be little risk of fraud or abuses – as compared to recruitment through private intermediaries. . . . The State can be directly involved in recruitment through its foreign employment offices or via public employment offices that undertake recruitment, introduction and placement activities. The State should, of course, work closely with employers' and workers' organizations to ensure an efficient and transparent migration system.¹⁸⁵

B. Repatriation for Domestic-Workers

*"In Ethiopia, the need is not for more research, but for reintegration assistance for trafficked women who return to Ethiopia, especially in terms of skills training and employment opportunities."*¹⁸⁶

The victim/hero narrative is the paradigm in which the media generally illustrates the "rescue" of the abused domestic-worker, typically portraying her as the former and her "rescuers" the latter. However, a more thorough understanding of this experience would naturally reveal that *her* (here, I am using "her" in the collective sense) status as hero is more fitting and more deserved.

[Rescue] often means having a television camera thrust into your face, as those who conduct the raids prepare to garner publicity and additional funding. And in the most corrupt countries, 'rescue' can mean being handed back to your traffickers for a fee. The language of 'rescue' is dangerous in this particular context. Not only does it strip trafficking victims of agency – they do not 'escape,' but are 'rescued' by others – but it fails to acknowledge that the risk does not vanish once a victim has left the trafficker's immediate control.¹⁸⁷

The portrayal of the escaping domestic-worker as "the rescued" is also detrimental because victims exist in a political vacuum where governmental assistance and protection was never extended.

In addition, returning domestic-workers generally receive no assistance from their parent government. Although Ethiopia is fully aware that its nationals are working abroad under terrible circumstances, and often flee because their lives are endangered, there is no established governmental program to assist returnees.

Returnees have no support from the Government or any other organization upon their return to rehabilitate them back to Ethiopian society. Most return unemployed. They bring little back because most leave their employment under poor circumstances. Those who come back with psychological trauma have no access to counseling unless their families can afford to pay for such services. They are not organized to create jobs for themselves or to help each other reintegrate in the community.¹⁸⁸

As a result of so few opportunities, many of the returnees either go back to

185. See RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 10.

186. PEARSON, *supra* note 61, at 14.

187. Vandenberg, *supra* note 171, at 332.

188. KEBEDE, *supra* note 29, at 11.

Lebanon (i.e., the process of “recycling,” or re-trafficking) or else travel to other Arab states (generally Gulf countries) or Europe, hoping that conditions there will be more agreeable. In addition, as discussed in Section III A, *supra*, repatriated domestic-workers often find employment as recruiting agents for traffickers.

C. *Orienting Prospective Domestic-Workers for Employment in Lebanon*

Orientation courses¹⁸⁹ aimed at training prospective domestics have been established in other source countries for legal domestics.¹⁹⁰ The Philippines, for instance, has a comprehensive program (“Orientation Course for Filipino Migrant Workers”), conducted by *Unlad Kubayan* (also known as “Migrant Services Foundation, Inc.”), geared at familiarizing women with the nature of the work, the cultural and social climate in which they will work, and the potential hazards that might arise. The orientation program thoroughly exposes the women to each phase of the migration and work process before they depart, including: recruitment, pre-departure, the journey, arrival and placement, work, termination, and re-entry.¹⁹¹ Such training would be of tremendous value to Ethiopian women traveling to Lebanon. The only registered agency in Ethiopia, *Meskerem*, obliges its employees to undertake a comprehensive orientation program before leaving for Lebanon, but it is the exception.

A comprehensive and candid illustration of the migration process and domestic work in Lebanon would not only provide prospective domestic-workers with an objective portrayal of domestic work in Lebanon, but a more accurate account that counteracts the lofty marketing pitches sold by traffickers and recruiters. Generally, women make their determination to travel to Lebanon based on the information they receive from traffickers, or agents of traffickers. The absence of neutral information outlets and legal advice, for potential victims arms traffickers with a virtual intelligence monopoly on portrayals and accounts of domestic work in Lebanon. Therefore, government-provided data will, likely, make women think twice before embarking to Lebanon. Many repatriated victims stated that they would never have left for Lebanon if they had accurate information about the working experience before leaving. However, other migrants planning to work in Lebanon stated that, regardless of the dire situation they might experience in Lebanon or any other destination country, the lack of opportunity at home left them no choice but to travel abroad and, if you will, press their luck.¹⁹² In addition to providing information to potential migrants, it

189. Courses such as the one offered by *Meskerem*, the lone legal private agency for Ethiopian domestic workers in Lebanon, should be made standard. See KEBEDE, *supra* note 30, at 32.

190. States home to a large pool, or market, of migrant domestics.

191. *Id.* at 18 (“Information on the migration process should explain to potential female migrant workers the specific characteristics of regular (or documented) and irregular (undocumented) migration for employment and draw their attention to the kinds of irregularities that can occur in the migration process.”).

192. KEBEDE, *supra* note 29, at 8.

would also be of benefit to have similar courses for their families, spouses and children.

Entry into a foreign culture, without training or sensitization, is frequently highlighted as the most arduous part of trafficked women's experience.¹⁹³ Lebanon's religious and sectarian breadth is one of the most diverse in the region, and exposure to not only Islamic and Lebanese culture but other prominent traditions would be of significant value to prospective migrants working in a setting drastically foreign to the one to which they are accustomed (the overwhelming majority of whom will be traveling outside of Ethiopia for the first time).

Lack of a basic understanding of the language and culture is a problem for migrant women once they reach their destination. . . . According to returnees, cultural and religious differences contribute to the creation of tensions between migrant workers and their employers. For example, returnees stated that they found it difficult to wear the traditional long (Islamic) robes required by some of their employers. . . . They had no idea that the culture in some of the receiving countries dictates a certain dress code. Migrants express a need for cultural awareness training before departure to help their integration into the new society.¹⁹⁴

Considering that the majority of Ethiopian domestic-workers are Christian (Orthodox), cultural difficulties generally arise in Muslim households. Therefore, exposure to Islamic culture, custom and holidays, together with universal Arab practices, is essential background knowledge every prospective domestic-worker should be versed in before departure.¹⁹⁵

The Ethiopian government, in conjunction with civil society organizations, should also hold trainings informing prospective migrants of their legal rights prior to departure. Many of the abuses experienced by women are facilitated by a lack of awareness of international protections and fundamental human rights. Prospective migrants desire to be educated about their rights, and have them protected, before embarking on the journey to Lebanon.¹⁹⁶ Their legal and cultural ignorance greatly magnifies the horror of the abuse they experience. Again rape, sexual exploitation, prostitution, and constrained freedom of movement were among the most common manifestations of abuse.¹⁹⁷ For many surveyed victims, contacting police was futile because they were unable to communicate in Arabic, or to contact someone in a position to intercede on their

193. *See generally* RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7.

194. *Id.* at 9.

195. This also holds true for domestics hired to work in Christian households, since they will be living in a society where Islamic culture is ubiquitous.

196. *See* RECRUITMENT AND THE JOURNEY FOR EMPLOYMENT ABROAD, *supra* note 7, at 4.

197. *See* "Afrol News: Ethiopia Profile," http://www.afrol.com/html/Categories/Women/ethiopia_women, 4 ("Lebanon is the most popular destination [for Ethiopian domestic workers]. . . . There were credible reports that hundreds of the approximately 15,000 Ethiopian domestic workers in Lebanon were subjected to abusive conditions, including sexual exploitation. . . . Pictures appeared in the local press [Lebanese-English newspaper, "The Daily Star"] of workers returning bruised and beaten.").

behalf.¹⁹⁸ Moreover, many women do not trust the police because they believe that the police will protect the interests of their countrymen over those of foreign workers.¹⁹⁹

Orientation programs regarding health issues are another demand frequently made by returnees. Besides health concerns related to violence or abuse, exposure to chemicals or other harmful materials while performing routine (or unconventional) domestic tasks is a serious issue.

One returnee said that she was on the same flight as an Ethiopian woman sent home because she had become blind after using a cleaning chemical. Returnees, as well as migrant women about to leave, express the importance of receiving orientation on health issues to enable them to protect themselves from health risks they might be exposed to in the course of their employment abroad.²⁰⁰

Trafficked domestic-workers do not have health insurance and therefore, sick women are either forced to work through their ailment, or are summarily sent home if too ill and unable to work. "Sick days" or vacation time is not an option for the majority of domestic-workers, since the Lebanese Labor Code does not govern their work. Hence, it is not uncommon for women to be completely unaware of an affliction or, if aware, to hide the fact that they are sick, fearing dismissal or some form of punishment, which only exacerbates their condition.²⁰¹ The former can be substantially alleviated by health-oriented orientation programs, while the latter is a far more difficult challenge, requiring large-scale legal and structural reform in Ethiopia, but more so in Lebanon.

The IOM, with funding from the United States, has initiated a prevention program aimed primarily at young Ethiopian schoolgirls.²⁰² Ethiopia is helping initiate a formal program to warn grown women of the risks and dangers of pursuing work abroad, which is being run by IOM with Ethiopia's Ministry of Labor and Social Affairs, and the Women's Affairs Office. The program advises prospective domestic-workers to pursue work abroad in an informed way and to use legal channels for locating such work. In addition, the program also seeks to give practical information about how to prepare for the departure experience, and who to contact if an emergency arises.²⁰³ This and similar programs are vital because they are proactive and forward thinking, and create an awareness among the potential victims at an early age. Ultimately, such programs may eventually permeate Ethiopian culture so that families will urge caution, rather than encourage their daughters to travel abroad for work.

198. KEBEDE, *supra* note 29, at 10.

199. *Id.*

200. *Id.*

201. *Id.*

202. *Focus on Trafficking in Women*, *supra* note 1, at 1-2 ("It is now targeting young schoolgirls—through a US government funded programme—to warn of the potential dangers. Through radio and the media they target the girls at school, particularly girls aged around 16 who face difficulties in the job market. . . . These are the susceptible ones.")

203. LISA SCHLEIN, CHORA-ETHIOPIAN CENTER FOR EDUCATION INFORMATION, ETHIOPIAN WOMEN WARNED OF DANGERS WHEN WORKING ABROAD (2002), <http://chora.virtualalve.net/women-migration.htm>.

D. Abolishing the Trafficking of Ethiopian Domestic-Workers into Lebanon from the Ground Up

Grassroots and indigenous civil society campaigns, not governments or transnational NGO's, have spearheaded the movement to abolish the trafficking of Ethiopian domestic-workers in Lebanon. There have been a handful of instances where the Lebanese government has cooperated with and assisted the efforts of NGOs to combat human trafficking in Lebanon. "[The Lebanese government] signed a Memorandum of Understanding with international NGO's 'CARITAS' and 'International Catholic Migration Commission' for the opening of a safe house for trafficking victims."²⁰⁴ However, efforts on the ground in Lebanon need to be invigorated, and government programs aimed at assisting legal domestics must be expanded to achieve real impact while legal protections are extended to trafficked victims as well.

Institutions and activists combating the trafficking and abuse of Ethiopian victims in Lebanon should replicate successful programs used in other regions where trafficking is prevalent. One such program is a hotline, counseling and shelter network—composed of NGO's committed to anti-trafficking. *La Strada*, a collective of Eastern European organizations, is an exemplary model of such a network:

In Eastern Europe and the former Soviet Union, anti-trafficking activists established a network of organizations, the La Strada network. La Strada, with organizations in Ukraine, Bulgaria, Bosnia and Herzegovina, Moldova, the Czech Republic, Poland, and Macedonia, provides services for victims of trafficking, including psychological counseling, hotlines, medical care, and shelter. . . . La Strada has a hotline in each of these countries and has received hundreds of calls from women trapped in slavery-like conditions in the Balkans, in Eastern Europe, [and] in the Middle East.²⁰⁵

Currently, only employees of *Meskerem* have ready access to counseling and a hotline service, and these employees comprise only a fraction of the total number of domestic-workers in Lebanon. The vast majority of Ethiopian domestic-workers in Lebanon are trafficked into the country illegally, and therefore do not have access to these services because they do not exist. However, *La Strada* offers a model that can be replicated to assist trafficked domestic-workers in Lebanon. The proximity of the new Ethiopian Consulate in Beirut presents an ideal center to implement an emergency hotline for those in need. With the assistance of Ethiopian and Lebanese NGO's focusing on trafficking, a universally accessible emergency hotline will drastically improve the working and living conditions of domestic-workers in Lebanon. Furthermore, it can function as a collector of data that can subsequently be used in a preventative and educational capacity. The lack of a civil society presence in Lebanon addressing this issue, requires an Ethiopian, or transnational organizational catalyst to engender more awareness and support amongst

204. 2005 TIP REPORT, *supra* note 10, at 143.

205. Vandenberg, *supra* note 171, at 332.

sympathetic Lebanese actors. A bilateral Lebanese and Ethiopian civil society campaign would be most effective in spreading both national and international awareness.

Moldova, an origin country for victims of trafficking, provides a useful example of comprehensive NGO intervention in the absence of government action:

[The Center for the Prevention of Trafficking of Women (hereinafter "CPTW")] specializes in victim representation in trafficking cases. They publish and distribute monthly bulletins, preventative materials regarding the dangers of trafficking and the type of information one should know before agreeing to work overseas, emergency contact information in case persons are trafficked, as well as pamphlets delineating the legal rights of victims. Every victim who is referred to CPTW receives this information and lawyers specialized in trafficking issues aid them in several ways. CPTW offers general representation for the purposes of identifying the status of the victim, assistance in obtaining documents that a victim may need in order to be integrated in society, and representation in court when a victim testifies against his/her trafficker, seeks damages, or is a defendant in criminal proceedings.²⁰⁶

Combative and preventive efforts in Ethiopia have modestly increased, but no indigenous organizations offer the comprehensive range of services that CPTW extends to its Moldovan victims. Ethiopian organizations are limited by their resources and the government's moderate commitment to human trafficking, and thus, only specialize in one (i.e., public education), or at best a few areas to combat trafficking.

Preventive public education efforts by indigenous Ethiopian NGO's, namely the EWLA, have initiated a culture of awareness in Ethiopia. For example,

The Ethiopian Women Lawyers Association (EWLA) has launched campaigns related to illegal recruitment practices. The exploitative situation of trafficked Ethiopian women in the Arab countries came to the attention of the EWLA through cases reported to its legal aid clinic around the end of 1996. EWLA uses the media as well as forums such as workshops to publicize cases of trafficking and to drive home the point that trafficking is a serious problem in Ethiopia. It also works closely with the police by referring cases involving trafficking for further investigation.²⁰⁷

The EWLA's work has encouraged other NGO's, both internationally and domestically based, to act as watchdogs and monitor wrongdoing. Their work has publicized the dangers and atrocities of work in Lebanon to prospective migrants who otherwise would not have been privy to this much-needed information.²⁰⁸ Moreover, the EWLA's work has pressured the Ethiopian government to act more proactively and responsibly, and the organization must be partially credited for the government's opening of a consulate in Beirut.

206. See AMERICAN BAR ASSOCIATION-CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE, THE HUMAN TRAFFICKING ASSESSMENT TOOL REPORT: MOLDOVA 81 (2005), available at http://www.abanet.org/ceeli/publications/htat/mol_ht_assessment_2005_eng.pdf.

207. See RECRUITMENT AND JOURNEY FOR THE EMPLOYMENT ABROAD, *supra* note 7, at 50.

208. *Id.* at 50-51.

Nonetheless, the EWLA's work is centered within Ethiopia, and thus their work functions almost exclusively in a preventative and educational capacity. Increased work has to be done inside of Lebanon to assist those domestic-workers currently working, either from organizations based in, or international organizations having a significant presence in, Lebanon.

Unilateral efforts by countries of origin for trafficking victims, like Ethiopia, however, will achieve only limited success because they merely preempt trafficking, but do little for those already in Lebanon or those who are trafficked despite prevention efforts. In order to effectively combat trafficking, and monitor and prevent abuse abroad, destination countries like Lebanon must work closely with source countries. Both governments must make human trafficking a priority by implementing policies and programs to combat it on their respective terrain.

VI.

CONCLUSION

*"Outside the UN, when facts about debt bondage are revealed, diplomats representing countries which give high priority to human rights in their foreign policy have been conspicuously quiet when it comes to criticizing the abuses or insisting on remedial action. Perhaps this is not because they condone this form of slavery, but because the global economy depends on endless supplies of cheap labor to keep it going. Richer, importing countries are loath to cast the first stone, and poorer, exporting countries are unwilling to take any action which might reduce their competitiveness."*²⁰⁹

Macroeconomic factors largely explain the proliferation of trafficking and contemporary forms of slavery, but political decisions (or indecision) play a key role as well. In a globalized world, where the exchange of goods and ideas and international travel are becoming more fluid, the outlook for trafficked persons is growing dimmer. Slavery has migrated into every point of the globe's ever-porous borders, even in nations where anti-trafficking and anti-slavery efforts are extremely vigilant and the mere notion of slavery is considered absurd by its citizenry.²¹⁰

The images of one typical July night in the *al-Dahia*²¹¹ district of Beirut are forever etched in my mind. Two Ethiopian maids were catering to the needs of my grandmother, an eighty-six year old Lebanese matriarch, bedridden and

209. See SLAVERY AROUND THE WORLD, *supra* note 2, at 18.

210. Melissa Trujillo, *Indictment: Saudi Pair in Colorado Kept Slave*, ASSOCIATED PRESS, June 10, 2005 ("A Saudi Arabian couple was in custody Friday, accused of turning a young Indonesian woman into a virtual slave. . . . The woman was controlled by a climate of fear and intimidation that included sexual abuse and the belief that she would suffer serious harm if she did not perform her tasks. . . . Authorities said the couple owed the woman nearly \$93,000 in unpaid wages.")

211. A prominent Shi'ite enclave in west Beirut.

senile, on the cusp of taking her last breath. It was the first time I had seen my ailing grandmother since 1988 - the year my family fled Beirut and the war. I sat next to her bed, along with my uncle Ahmed, who summoned the "Ethiopian" and "Sri Lankan" to gather some food and water for my grandmother. The two women obediently entered the room, dressed meagerly and visibly underfed, and it appeared after a mutually excruciating exchange with my uncle that neither of the women spoke, nor understood, Arabic. Yet, they understood his aggressive hand gestures and projected voice—the common form of exchange between maids and their masters, I came to learn. One woman, very likely from a poor village in Sri Lanka who could not have been more than twenty years old, and the other, an Ethiopian teenager, perhaps a schoolgirl misled or defrauded by a Lebanese trafficker outside of Addis Ababa, traveled from distant points of the globe only to meet in this cramped, old apartment. The former was the more senior domestic-worker, and thus the latter's superior. The more senior Sri Lankan maid was likely legal, and maybe even hired through an agency, which was very clearly not the case for the younger, disheveled Ethiopian girl. After leaving my grandmother's bedside, I approached the Ethiopian maid and tried to engage her – simply seeking to understand her story at the most basic level. Attempts to communicate in basic Arabic, and then English, failed—perhaps this disconnect was a fitting commentary on the state of information-exchange and research in this area of human rights law? Or perhaps it was simply fear? Both interpretations highlight the acuity of this and likeminded endeavors. The acuity needed, however, will only be achieved through a demonstrated commitment by both the Ethiopian and Lebanese governments, and the continued, but galvanized, efforts by civil society and non-government actors. Only a concerted movement will prove successful in making this passage of slavery, like its more universally recognizable predecessors, a dark chapter in human history.