



What is She Worth?

An urgent call for the protection of the rights of Nepali migrant domestic workers in Lebanon

Anti-Slavery International
June 2012



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Acknowledgements

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KAFA (enough) Violence & Exploitation was established in 2005 and is a Lebanese non-profit, non-confessional civil society organisation committed to the achievement of gender equality and non-discrimination, and the advancement of the human rights of women and children. KAFA works on: violence against women, exploitation and trafficking in women, and socio-legal counselling to victims of violence. For more information see: www.kafa.org.lb



Anti-Slavery International was established in 1839 and works to eradicate all contemporary forms of slavery: bonded labour, forced labour, human trafficking, descent based slavery, the worst forms of child labour, and forced marriage. For more information see: www.antislavery.org

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¹ Ganesh Gurung, *Personal Cost, An analysis of the policies and practices affecting Nepalese migrant domestic workers travelling to Lebanon*, Anti-Slavery International, London: 2012, Sawsan Abdulrahim, *Servant, Daughter or Employee? A pilot study on the attitudes of Lebanese Employers toward migrant domestic workers*, KAFA (enough) Violence and Exploitation, Beirut: 2010; Kathleen Hamill, *Policy Paper on Reforming the "Sponsorship System" for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon*, KAFA (enough) Violence and Exploitation, Beirut: 2012; Gurung, London: 2012

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Introduction

“I was very afraid, but had no other option than to stay at my workplace. The house where I was sent as a housemaid was occupied by a large family. I was forced to work both in the house and in a shop. I had to work for 18 hours a day, seven days a week. None of the people in the home were supportive, and I was tortured on many occasions and in different ways... At the end of my stay in Lebanon, the last day was terrible. My mistress was out until late at night, and I was again attacked by a family member in her absence... I shouted as loud as I could but he did not stop beating me. They even closed the door and did not let me go out. Afterwards, in severe pain, I could not contain myself and opened the door and shouted from the balcony. A neighbour heard me screaming. She ran to the house and asked the house owner to stop beating me. The neighbouring lady took me into her home, where I stayed for two days. Thereafter I was left at the agent’s office, where several times the house owner came to take me back but I refused to go with them. All I wanted was my life.” Maya aged 32²

In 2012, Anti-Slavery International conducted research in Lebanon, Nepal and India which aimed to investigate Nepal's migration policies, practices and legislations with particular reference to their impact on migrant domestic workers travelling to Lebanon. Domestic workers provide a significant contribution to the Lebanese society and economy with an estimated 200,000 migrant domestic workers currently in the country, the majority of who are women from African and Asian countries. However, research points to the ongoing and widespread abuse and exploitation of domestic workers in Lebanon, including situations of forced labour.³

Migrant domestic workers are particularly vulnerable to abuse and exploitation, due to the unique and specific circumstances of the work inside a private household, combined with a lack of legal protection and regulation, and their vulnerability as migrants living in a foreign country. Many are trafficked for forced labour, with some employers forbidding them from leaving the house, confiscating their passports, and using violence or threats of violence to control and force them to work, often without pay. Others fall into bonded labour as a result of the transportation and recruitment costs, as well as the commission fees charged by the agent

² Female Nepali domestic worker (name changed) interviewed as part of the research for Ganesh Gurung, Personal Cost, An analysis of the policies and practices affecting Nepalese migrant domestic workers travelling to Lebanon, Anti-Slavery International, London: 2012

³ Sawsan Abdulrahim, Servant, *Daughter or Employee? A pilot study on the attitudes of Lebanese Employers toward migrant domestic workers*, KAFA (enough) Violence & Exploitation, Beirut: 2010; Kathleen Hamill, *Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon*, KAFA (enough) Violence & Exploitation, Beirut: 2012; Gurung, London: 2012



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and/or broker incurred in taking up a job abroad.

Anti-Slavery International and KAFA (enough) Violence & Exploitation urges the government of Lebanon to make a sustained commitment to the protection of all migrant domestic workers from violence and exploitation by raising the standards of current policies and legislation to be inline with international standards. Anti-Slavery International and KAFA also call for greater collaboration between countries of origin and destination to ensure a safe and transparent migration process for domestic workers.

A survey with over 102 Lebanese employers of Migrant Domestic Workers showed:

88% believed the employer has the right to confiscate their employee's passport

31% lock their domestic worker in the house when they go out

80% do not allow their employee to leave the house on her day off⁴

⁴ Date collected by KAFA from interviews with 102 male and female Lebanese employees, Abdulrahim, Beirut: 2010 (p 37-40)

Key Concerns

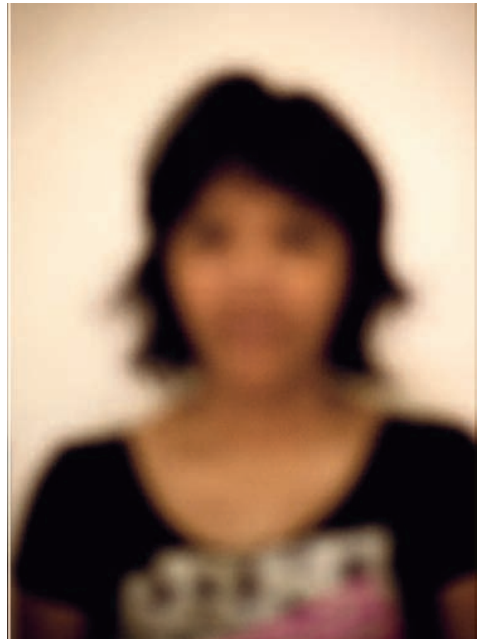
While the Government in Lebanon is in the process of adapting some of its legislation and policies to better meet the needs of migrant domestic workers, Anti-Slavery International and KAFA have the following concerns related to the laws, legislations and common practices affecting migrant domestic workers living in Lebanon.

“I did not even get enough food. Sometimes I only had bread and tea. I worked all day, with only bread and tea. One day, I asked for my full salary and I told madam not to send me to work at the houses of her friends and relatives, and I said that, “If you don’t give me my salary I will not work at all”. After saying this, I was beaten right away. She even used shoes to beat me. My right hand was broken and there were bruises all over my body. I was only taken to hospital 10 days later. But madam told me that if I was asked by a doctor or anyone else about what happened to me, I should not tell them that I was beaten. She told me to say that, “It happened because I fell down while I was working”.”⁵

Amrita

Abuse, exploitation and forced labour of migrant domestic workers in Lebanon.

Since abuse and exploitation of migrant domestic workers is widespread, some countries of origin, such as Nepal along with several others (including Ethiopia, the Philippines and Madagascar) have banned their nationals from travelling to Lebanon for domestic work. Returnee and current domestic workers in Lebanon report poor working conditions, long hours, no days off, being locked in the house, non payment of wages, physical and sexual abuse, threats and feelings of isolation and lack of access to support and protection mechanisms. Migrant domestic workers also reported having experienced a situation of forced labour, servitude, or slavery at some point during



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⁵ Female Nepali domestic worker (name changed) interviewed as part of the research for KAFA, *Stop the Exploitation of Migrant Domestic Workers: Newsletter*, issue #2, Beirut: 2010, (p.7)



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their stay in Lebanon.⁶ These types of abuse have led to a high number of domestic workers committing suicide. According to the Nepali Times, 15 Nepali domestic workers committed suicide in 2010 but it is believed that many more go undocumented.⁷

Employers actively choose vulnerable migrant domestic workers.

According to a study by KAFA, there is a preference amongst employers in Lebanon for Nepali and Bangladeshi women.⁸ This preference is based on the belief that, more desperate for employment and with low levels of literacy and knowledge about the migration and employment process, they are more compliant than migrants from other countries and, out of desperation, willing to accept lower wages and poor working conditions.

She [the domestic worker] is under my name. I am responsible for her in everything. So, I would feel worried if she goes out or if she sleeps outside my house. I would be scared that she might do something wrong...I would be responsible for that.⁹

Lebanese Employer

Increased vulnerability caused by the Sponsorship System (kafala in Arabic).

The Sponsorship System is one of the major factors contributing to the vulnerability of migrant domestic workers in Lebanon and in many cases contributes to slavery-like conditions and situations of trafficking. This system is a set of regulations and practices that tie a worker for the duration of her contract to a single employer. Since employers are legally

⁶ Hamill, Beirut: 2011

⁷ Hom Karki, *Suicide in Lebanon*, Nepali Times: issue #517, 27 August 2010 Nepali Times

⁸ Abdulrahim, Beirut: 2010 (p 15)

⁹ Abdulrahim, Beirut: 2010 (p 17)

responsible for the worker during her stay in Lebanon, sponsorship encourages restrictions on freedom of movement and communication, thus leaving them vulnerable to abuse. In addition, the right to change employer is a fundamental safeguard; a right not fully enjoyed by migrant domestic workers in Lebanon. Many migrant domestic workers continue to suffer abuse and exploitation rather than lose their livelihood, accommodation and permission to stay in Lebanon. The practice of tying migrant workers to a particular employer has been identified by anti-trafficking experts as one of the key factors contributing to trafficking, and can lead to victims 'running away' from their employers thus losing their regular status and leaving them at risk of arrest, detention and deportation, whilst the perpetrators of abuse largely go unpunished.

Non inclusion of domestic workers under the Labour Law.

Domestic workers are not included in the Lebanese Labour Law, this denies them all rights given to workers in other sectors such as minimum wage, annual and sick leave, maximum hours of work,

the right to form associations and organize, and the right to resign with proper notification.

Limitations of the Standard Unified Contract (2009) to protect the rights of migrant domestic workers.

Introduced to provide a common set of standards for migrant domestic workers, this contract must be signed by a worker within the first three months of her arrival in Lebanon. Whilst it contains clauses outlining three possible reasons for the domestic worker to terminate the contract (non payment of salary for three consecutive months, physical or sexual abuse and forced work in places or occupations not specified in the contract), these violations are very difficult to prove and the contract does not guarantee the right of workers to withdraw their labour and find new employment. The contract also contains ambiguous language and does not clearly define the responsibilities and boundaries in the employer and employee relationship. Currently, it is only available in Arabic, which makes it completely incomprehensible to most migrant domestic workers.



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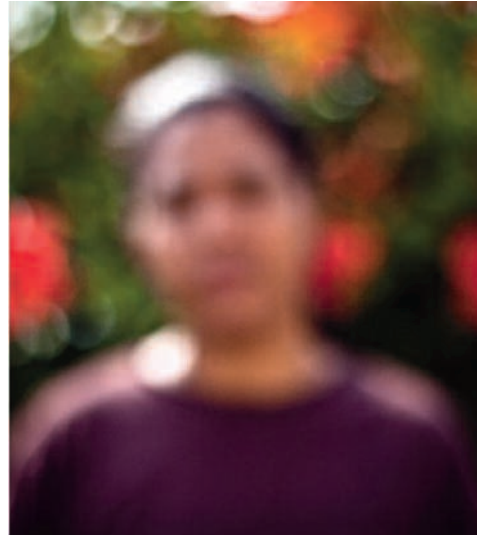
Failure to uphold full or partial bans on travel to Lebanon set by sending countries.

Almost two thirds of migrant domestic workers in Lebanon are nationals of countries with full or partial bans in place on migration for domestic work in Lebanon. According to the Lebanese Ministry of Labour's statistics, in 2010, 65% of the migrant domestic work permits issued were for nationals of countries that have bans in place.¹⁰ By issuing residence permits for citizens of countries that have imposed a ban, the Lebanese Government is facilitating unofficial migration, which allows recruiters, agents and employers to circumvent country regulations. This leaves migrant domestic workers vulnerable to abuse, exploitation, trafficking and forced labour with little recourse to support or legal protection and redress.

Lack of regulation of recruitment agencies.

High fees imposed by the agencies and/or brokers, both in the origin and destination countries, leave domestic workers with debts and make them more

“I was forcibly made to sign an extension letter of contract though I didn't want to stay any longer. I was helpless and could not seek help from any organisation. I knew that the Honorary Council was in Lebanon but I did not know how to contact them.”
Asha, 29 years old¹³



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vulnerable to exploitation. Agents and/or brokers are at times the perpetrators of abuse, deceiving workers about living and working conditions and physically and sexually abusing them. The absence of effective monitoring bodies and regulation means that abuse often go undetected and unpunished.

Failure of the legal system to provide adequate / timely redress to victims of abuse:

A Human Rights Watch report found that Criminal and Civil Tribunals take on average 24 months for criminal cases to be resolved and between 21 and 54 months to resolve civil complaints against employers, including non-payment of wages and denying domestic workers food.¹¹ In all cases, sentences were found to be very lenient compared to the offense.¹²

¹⁰ K.Hamill, *Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis*, KAFA (enough) Violence & Exploitation, Beirut 2011 (p.24)

¹¹ Human Rights Watch, *Without Protection: How the Lebanese justice system fails migrant workers*, 2010

¹² Ibid

¹³ Female Nepali domestic worker (name changed) interviewed as part of the research for Personal Cost, Gurung, London: 2012

International Legal Framework

Whilst they do not themselves prevent or stop abuses, international laws are essential to setting standards for national law and practice. Lebanon is a state party to the following international instruments, which prohibit contemporary forms of slavery and forced labour, including:

1926 UN Slavery Convention;

1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

ILO Conventions No.29 and No.105 on Forced or Compulsory Labour;

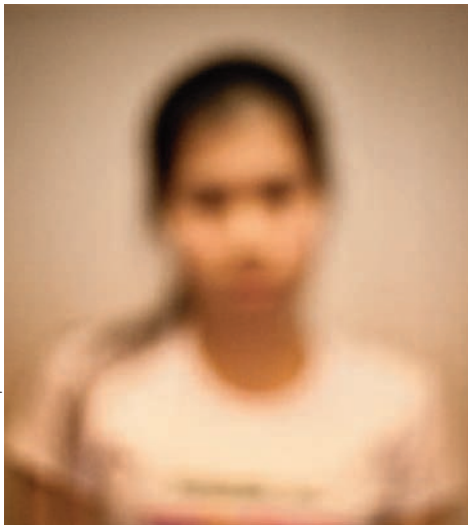
Lebanon is also a state party to the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

We request the Government of Lebanon to live up to its international obligations by making these standards a reality.



Conclusions and Recommendations

Women migrate to Lebanon from poor countries where education levels are low and knowledge about migration for domestic work is lacking. They are frequently the most vulnerable members of their own societies, which makes them susceptible to unscrupulous agents and/or brokers who may deceive them about conditions of work or contribute to their exploitation. This



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vulnerability is further compounded by the isolation and lack of support and protection for these women upon their arrival in Lebanon. Types of abuse reported by migrant domestic workers include confiscation of passports, non-payment of wages, restrictions of freedom of movement and physical, sexual and mental abusive. All these are indicators of forced labour and prohibited under international law.

The roots of such systemic discrimination and rights violations can be found in the

low value attributed to domestic work as an unskilled, informal and under paid sector. Whilst domestic workers are very common in Lebanese homes and provide significant support to the fabric of the Lebanese society and economy, there is a real lack of public awareness and a legal gap in relation to matching the urgent needs of migrant domestic workers and ending abuse and exploitation.

It is of the utmost importance, therefore, that the Lebanese government works to establish effective prevention, protection and rehabilitation mechanisms through which migrant domestic workers can access support.

The Government of Lebanon is called upon to adopt the following recommendations as a matter of urgency:

Abolish the sponsorship system

and provide employment-based visas and residency permits that are not linked to employers. Introduce reforms that would grant migrant domestic workers a grace period and visa extension in order to find new employment.

Extend the protections of the Labour Law to domestic workers.

The Government should also introduce additional protections to address the specific vulnerabilities of domestic workers, including, safeguards to protect workers' basic freedoms, allowing domestic workers the right to reside inside or outside the employing household, and the right to form associations and organise.



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Improve recruitment processes

through better regulation and monitoring private recruitment agencies and consider establishing a national institution centralizing government functions concerning migrant domestic workers.

Expedite the process of court cases:

disputes must be settled within a timeframe that matches the duration of the migrant domestic worker's residence permit and the Government must enforce protections and redress for victims of forced labour and physical and sexual abuse.

Implement Memorandum of Understanding (MOU) agreements

with countries of origin to coordinate matters such as pre-departure preparations, recruitment processes and the protection of the rights of migrant domestic workers in Lebanon.

Ratify ILO Convention No.189 on Domestic Workers.

Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention).