



‘THEIR HOUSE IS MY PRISON’

EXPLOITATION OF MIGRANT DOMESTIC WORKERS IN LEBANON

AMNESTY
INTERNATIONAL



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1. EXECUTIVE SUMMARY

Lebanon is home to over 250,000 migrant domestic workers, who come from African and Asian countries and work in private households. The vast majority of these workers are women. Migrant domestic workers in Lebanon are trapped in a web woven by the *kafala* system, an inherently abusive migration sponsorship system, which increases their risk of suffering labour exploitation, forced labour and trafficking and leaves them with little prospect of obtaining redress.

All migrant domestic workers are excluded from the Lebanese Labour Law and are governed instead by the *kafala* system, which ties the legal residency of the worker to the contractual relationship with the employer. If this employment relationship ends, even in cases of abuse, the worker loses regular migration status. Moreover, the worker cannot change their employer without the latter's permission. This allows the employer to coerce the worker to accept exploitative working conditions. If a migrant domestic worker refuses such conditions and decides to leave the home of the employer without the latter's consent, the worker risks losing their residency status and consequently detention and deportation.

Amnesty International interviewed 32 women migrant domestic workers in 2018-2019. Their testimonies revealed significant and consistent patterns of abuse. These included employers forcing them to work extreme working hours, denying them rest days, withholding their pay or applying deductions to it, severely restricting their freedom of movement and communication, depriving them of food and proper accommodation, subjecting them to verbal and physical abuse, and denying them health care.

Nineteen of the women interviewed said they were forced by their employers to work more than 10 hours a day and were allowed less than eight continuous hours of rest, while 14 of them said they were denied their weekly day off despite such conditions being breaches of their contract. Among the live-in domestic workers, only five out of the 32 said that they were allowed to keep their passports with them. Ten of the women said their employers did not allow them to leave the home; some even said that their employers went as far as locking them in when they left the home. Many said their employers also controlled who they talked to. Among the live-in domestic workers, only four had their own private rooms.

The majority of women interviewed reported being subjected at least once to humiliating and dehumanizing treatment by their employers and six women reported being subjected to severe physical abuse. Most women interviewed reported that their employers had not provided them with the appropriate medical care when they needed it.

Exploitation and other abuse can have a devastating impact on the mental health of any individual. Amnesty International interviewed six women who either had suicidal thoughts or had attempted suicide as a result of their exploitative living and working conditions, their isolation and the violence to which they were subjected.

Amnesty International documented evidence in eight cases of forced labour and four cases of human trafficking. In the eight cases of forced labour, the women could not leave their jobs and were compelled to work because they feared the consequences of quitting. Some women experiencing abuse asked their employers to return them to the recruitment agencies or to their home countries, but their employers refused. Had they attempted to leave without their employers' consent, they would have lost their legal status in Lebanon and thereby put themselves at risk of detention and deportation. Other women reported being asked by their employers to reimburse the latter for the money spent on their recruitment when they asked to leave.

In the most serious cases of labour exploitation of migrant domestic workers, the organization documented evidence that four workers were victims of human trafficking. Amnesty International interviewed two women who reported being deceived by recruiters about the terms and conditions of work; once they arrived in

Lebanon, they were unable to leave because their employers confined them to the home and withheld their passports. In two other cases, migrant domestic workers reported being confined to a particular location by recruitment agents in Lebanon, who abused their power to subject them to forced labour.

Amnesty International's research has also revealed how the excessive powers of the employer accorded by the *kafala* system impede the worker's ability to access justice and bring abusers to account. None of the women interviewed by the organization had reported their employers to the authorities or tried to take them to court. Amnesty International interviewed eight women who had run away from what they reported as abusive working environments, forced labour or trafficking. Yet, their precarious legal situation prevented them from bringing legal claims before the courts.

Many of Amnesty International's findings are consistent with assessments made by the diplomatic missions of four labour-sending countries that Amnesty International consulted during its research, namely Ethiopia, Kenya, the Philippines and Sri Lanka. Moreover, they are in line with the results of research conducted by other international and local human rights organizations, which have demonstrated how the isolation of live-in domestic workers and the *kafala* system expose workers to exploitation and other abuse.

The *kafala* system is incompatible with domestic laws that safeguard freedoms and human dignity, protect workers' rights and criminalize forced labour and human trafficking. In addition, it is in contradiction with Lebanon's international obligations, under which Lebanon has an obligation to ensure decent working conditions for all workers, including migrant domestic workers, to guarantee that those who suffer human and labour rights abuses and violations are able to access redress mechanisms and to hold those responsible to account.

Amnesty International wrote to the Ministry of Labour and received a response from it containing a breakdown of the number of migrant domestic workers in Lebanon by country of origin, the number of recruitment agencies and the measures in place to ensure compliance with the ministry's regulations. It also wrote to the General Directorate of Internal Security Forces and the General Directorate of General Security. Both agencies responded, the latter providing notably information on the most common reasons for domestic workers leaving their employers and on the administrative measures pertaining to migrant domestic workers having children in Lebanon or living outside their employers' home.

The authorities have taken limited and so far flawed measures to address abuses. In 2015 the Ministry of Labour established a hot line for migrant domestic workers to allow them to report cases of abuse, but Amnesty International's research calls into question whether it is functioning properly. In December 2018, the Ministry of Labour said it had translated the unified standard contract for domestic workers into several unspecified languages, but workers are still signing contracts in Arabic without understanding their content. Overall, the authorities have failed to tackle the appallingly permissive environment for exploitation and other abuse.

In February and March 2019, Lebanon's new Minister of Labour said that he would prioritize modernizing the Labour Law and work to improve the conditions of domestic workers. The statements of intent are welcome, but need to be expanded and translated into substantive legislative and policy measures to ensure that the rights of migrant domestic workers are fully respected.

Amnesty International is calling on the Lebanese authorities to end the *kafala* system and extend labour protections to migrant domestic workers. The Lebanese parliament should amend the Labour Law to include domestic workers under its protection and reform the visa sponsorship system. The Ministry of Labour should revise the current standard unified contract to address the inequalities between the employer and the worker and establish a complaint mechanism specifically designed for migrant domestic workers. The Ministry of Interior should train Internal Security and General Security forces to identify and assist migrant domestic workers who have been subjected to abuse and facilitate their access to medical care and the justice system.

2. METHODOLOGY

Amnesty International conducted 32 in-depth interviews with women working as domestic workers in Lebanon. Except for two interviews which were conducted in Mount Lebanon governorate, all other interviews took place in Beirut governorate. Interviews were conducted in June 2018 and between November 2018 and January 2019. The organization interviewed 12 women from Ethiopia, 11 from Sri Lanka, four from the Philippines, three from Madagascar, and two from Côte d'Ivoire. The interviews were conducted in English, French or Arabic depending on the wishes of the woman concerned. Twenty-four of the women interviewed were still employed at the time of their interview, while eight had left their employers and lost their residency status. Eighteen of the women interviewed had worked for more than one employer during their time in Lebanon and shared information on their different work experiences. All of the women interviewed were live-in domestic workers at some stage of their stay in Lebanon.

For security reasons, the organization has either withheld the surname or changed the name of the interviewees to protect their identity. It refers to the individuals whose names are changed using pseudonyms in quotation marks.

Amnesty International also conducted interviews with officials in the diplomatic missions of four labour-sending countries, namely the consulate of Ethiopia, the consulate of Kenya, the embassy of the Philippines and the embassy of Sri Lanka, as well as migrant activists and migrant community leaders, local and international non-governmental organizations (NGOs) working on the labour and human rights of migrant domestic workers in Lebanon, academic experts and other specialists on migration.

Amnesty International did not talk to the employers of the domestic workers interviewed for the purpose of this report because it was concerned that doing so would jeopardize the safety of the individuals who shared their testimonies. However, it did speak to other employers of migrant domestic workers to understand the degree to which they were aware of their rights and responsibilities towards these workers under the *kafala* system and to gain an insight into how they dealt with disputes that arose with the workers.

Some of the workers interviewed reported being subjected to abuse, forced labour and human trafficking by recruitment agencies. Amnesty International wanted to address its concerns to these agencies, but was unable to speak to them because the workers concerned no longer had their contact details. However, it did interview the president of the syndicate of owners of recruitment agencies to understand what means are used to ensure the agencies' compliance with the law and what the syndicate understood to be the main violations committed by the agencies. In addition, Amnesty International interviewed representatives of four recruitment agencies to collect information on the recruitment process for migrant domestic workers, the agencies' fees, the workers' salaries, the response of agencies when a worker reports an abuse to them and the nature of the most common complaints they receive from workers and employers.

Amnesty International reviewed relevant literature, including research reports by intergovernmental organizations such as the International Labour Organization (ILO) and by local and international human rights organizations on the situation of migrant domestic workers in Lebanon. It also analysed laws, decrees, ministerial decisions and regulations related to or affecting migrant domestic workers in Lebanon, such as the Labour Law of 1946, the 1962 Law regulating the entry of foreigners into Lebanon, their stay and their exit from Lebanon, Law No. 164 of 2011 on Punishment for the Crime of Trafficking in Persons, Decree No. 17561 of 1964 regulating the work of foreigners, Decision No. 136 of 1969 regulating the proof of residence of foreigners in Lebanon, and Decision No. 1/168 of 2015 regulating the work of recruitment agencies for domestic workers, as well as the unified standard contract for migrant domestic workers which the Ministry of Labour adopted in 2009.

Amnesty International wrote to the Ministry of Labour on 19 November 2018, to the General Directorate of Internal Security Forces on 5 January 2019 and to the General Directorate of General Security on 9 January 2019, requesting information on the legal framework that governs migrant domestic workers, the monitoring and enforcement mechanisms in place, complaints received from migrant domestic workers, reports of human trafficking of such workers and other relevant data. The organization received responses from the Ministry of Labour on 11 December 2018, from the General Directorate of Internal Security Forces on 4 February 2019 and from the General Directorate of General Security on 15 February 2019.

The Ministry of Labour provided a breakdown of the number of migrant domestic workers in Lebanon by country of origin, the number of recruitment agencies and the measures in place to ensure compliance with the ministry's regulations. The General Directorate of General Security sent information on the most common reasons for domestic workers leaving their employers and on the administrative measures pertaining to migrant domestic workers having children in Lebanon or living outside their employers' home. The General Directorate of Internal Security Forces shared basic statistics on the number of cases of human trafficking of migrant domestic workers between 2015 and 2018 and the crimes committed by migrant domestic workers between 2015 and 2018.

ACKNOWLEDGEMENTS

Amnesty International is grateful to the women who entrusted it with their detailed testimonies about their work experience in Lebanon and the abuses and violations to which they were subjected. The resilience of these women is a source of inspiration.

Amnesty International would also like to thank all the other individuals who gave interviews to the organization for the purpose of this report. Special thanks are due to the Migrant Community Centre of the Anti-Racism Movement, which provided Amnesty International with the contact details of many of the migrant domestic workers and migrant community leaders interviewed and helped arrange some of the interviews.

3. BACKGROUND

Lebanon, with a population of around six million,¹ is home to over 250,000 migrant domestic workers, who come from African and Asian countries including Ethiopia, the Philippines, Bangladesh, Sri Lanka and Ghana.² The vast majority of migrant domestic workers are women. According to the Ministry of Labour, a total of 186,429 women migrant domestic workers held new or renewed work permits issued to them by the ministry as of November 2018, broken down by nationality in the table below.³ These figures do not account, however, for the thousands of undocumented migrant domestic workers who lack work permits.

WOMEN MIGRANT DOMESTIC WORKERS HOLDING NEW OR RENEWED WORK PERMITS ISSUED TO THEM BY THE MINISTRY OF LABOUR AS OF NOVEMBER 2018

NATIONALITY	NUMBER
ETHIOPIA	144,986
THE PHILIPPINES	17,882
BANGLADESH	10,734
SRI LANKA	4,982
GHANA	1,384
OTHER	6,461
TOTAL	186,429

According to the Ministry of Labour, there are 569 authorized recruitment agencies in Lebanon.⁴ These agencies are regulated by Decision No. 1/168 of 2015, which was issued by the Minister of Labour on 27 November 2015. The decision requires recruitment agencies to refrain from accepting fees from domestic workers; not to humiliate or physically abuse workers; to report disputes between workers and employers to the Ministry of Labour and to file a complaint when needed; and to pay for workers to return to their home countries during the first six months under certain conditions.⁵ It also gives the Minister of Labour the right to revoke the licence of any agency that violates any of its articles or any other applicable law or regulation.⁶

¹ World Bank, "Population, total" (2017), *Lebanon*, data.worldbank.org/country/Lebanon

² International Labour Organization (ILO), *The ILO in Lebanon*, ilo.org/beirut/countries/lebanon/WCMS_52_6989/lang--en/index.htm (accessed on 29 March 2019).

³ Letter from the Ministry of Labour to Amnesty International, 11 December 2018.

⁴ Letter from the Ministry of Labour to Amnesty International, 11 December 2018.

⁵ Article 18 of Decision No. 1/168 of 2015 requires the recruitment agency to pay for the worker to return home if she has a mental illness or a disease that is contagious or obstructive to her work, if there is an "incompatibility" or a "disability" that prevents her from performing her work, if she is found to be pregnant and her pregnancy began before she entered Lebanon or moved to work for a new employer, if she refuses to work without legal justification, or if she leaves the employer's home as a "runaway".

⁶ Article 24 of Decision No. 1/168 of 2015.

Agencies in Lebanon recruit workers through partner agencies in the country of origin of domestic workers or through their own representatives there.⁷ Recruitment agencies collect personal information about workers seeking employment. Prospective employers visit recruitment agencies and choose from a dossier with photographs of migrant domestic workers. The agency fees and the salary of the worker vary depending on the nationality of the domestic worker.⁸ For example, Bangladeshi domestic workers earn US\$200 a month or less while Filipinas earn US\$400 a month because the government of the Philippines mandated a US\$400 minimum wage in 2006.⁹

Concerns about exploitation and the lack of legal protection for migrant domestic workers in Lebanon led a number of sending countries, including Ethiopia, Nepal and the Philippines, to impose a ban on their nationals from travelling to work as domestic workers in Lebanon. The Philippines, for example, issued a deployment ban on Filipina domestic workers in 2006, which is still in force to date. Officials at the embassy of the Philippines explained that once a memorandum of understanding on labour co-operation and a joint liability protocol are signed by both governments, the ban will be lifted.¹⁰ Ethiopia, on the other hand, reinforced in 2018 its deployment ban to press the Lebanese government to sign a bilateral agreement ensuring that migration takes place in accordance with agreed principles and procedures that protect the rights of migrant workers. The Ethiopian consul general told Amnesty International: “Because we cannot wait forever, we banned our citizens from coming to Lebanon because of the huge human rights violations happening to them. If we implement the bilateral agreement, the rights of domestic workers will be respected.”¹¹ Concerns over the treatment of migrant domestic workers in Lebanon led Nepal to issue a deployment ban in 2009 as well.¹² The organization was not able to obtain an official comment from the consulate on whether the ban is still in place.

Despite these bans, workers still come from these countries using indirect routes. Amnesty International interviewed seven domestic workers who came to Lebanon from either Ethiopia or the Philippines after the bans had been imposed. The scarcity of employment opportunities and low-income levels in their countries of origin were the main drivers that pushed these women to seek work still in Lebanon. An employer who recruited a Filipina domestic worker in 2017 told Amnesty International that the woman had to travel from the Philippines to Hong Kong and from there to the United Arab Emirates and then continue her journey to Lebanon in order to circumvent the ban.¹³

The bans increase the cost of recruitment as well as the risks for workers who choose to travel to Lebanon despite their imposition. Diplomats at the Philippines embassy told Amnesty International that all the domestic workers who came from the Philippines after the ban was imposed had either been smuggled or trafficked into Lebanon.¹⁴ Consequently, these workers are not registered with the embassy. According to the embassy officials, they are only made aware of such cases when Filipina workers go to the embassy to report a problem with their recruiters or employers.

One recruitment agency representative interviewed by Amnesty International referred to workers as commodities and explained how recruitment fees increase if there is a ban: “The price depends on the girl; every girl has a price. I mean, every application has its own price. It depends. Sometimes, domestic workers are smuggled from the Philippines. The cost of that is high.”¹⁵

The president of the syndicate of owners of recruitment agencies in Lebanon told Amnesty International that there were several agencies that did not meet the required legal standards: “Agencies are authorized on an arbitrary basis even if they are not qualified. Opening an agency is like opening a grocery shop or a minimarket; the agencies do not stick to the standards of this profession and they do not fear the government.”¹⁶

⁷ While the focus of this report is the treatment of migrant domestic workers after they arrive in Lebanon, it is worth mentioning that some are also exploited by agencies in their own countries. See, for example, Kafa, *Dreams for sale: Exploitation of migrant domestic workers from recruitment in Nepal and Bangladesh to working in Lebanon*, 2014, which details the experiences of Nepalese and Bangladeshi migrant domestic workers from their recruitment in Nepal and Bangladesh to their employment in Lebanon and documents a series of human and labour rights violations to which they are subjected in both places.

⁸ Interviews with representatives of recruitment agencies in January 2019.

⁹ ILO, *A study of working and living conditions of migrant domestic workers in Lebanon: “Intertwined: The workers’ side”*, 2016, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524143.pdf, p. 19.

¹⁰ Interview with diplomats at the Philippines embassy, Baabda, 14 January 2019.

¹¹ Interview with Wahide Belay Abitwe, Ethiopian consul general, Ethiopian consulate, Beirut, 11 January 2019.

¹² *The Daily Star*, “Nepal bans migration to Lebanon amid abuse fears”, 30 November 2009, dailystar.com.lb/News/Lebanon-News/2009/Nov-30/61783-nepal-bans-migration-to-lebanon-amid-abuse-fears.aspx#axzz1KEQm0BIQ

¹³ Interview with employer (identity withheld), Beirut, 13 January 2019.

¹⁴ Interview with diplomats at the Philippines embassy, Baabda, 14 January 2019.

¹⁵ Phone interview with recruitment agency representative (identity withheld), 28 January 2019.

¹⁶ Phone interview with Hisham Al Bourji, president of the syndicate of owners of recruitment agencies in Lebanon, 22 January 2019.

Amnesty International asked the Ministry of Labour for information on how it monitored compliance by recruitment agencies with the ministry's regulations. In its response, the Ministry of Labour stated that the recruitment agencies were regularly monitored by the ministry's inspection unit to ensure their compliance with the ministry's decisions.¹⁷ It also stated that it had revoked the licences of 168 agencies and frozen the licences of 10 others, but did not comment on the reasons behind these decisions or the types of violations committed by the agencies that led to them.

¹⁷ Letter from the Ministry of Labour to Amnesty International, 11 December 2018.

4. EXCLUDED FROM THE LABOUR LAW AND TRAPPED BY THE *KAFALA* SYSTEM

Migrant domestic workers in Lebanon do not enjoy the protection of the Labour Law. The legal framework that governs the entry, residence and work of migrant domestic workers in Lebanon is the *kafala* (sponsorship) system – a collection of laws, decrees, ministerial decisions, regulations and customary practices. These include the 1962 Law regulating the entry of foreigners into Lebanon, their stay and their exit from Lebanon, Decree No. 17561 of 1964 regulating the work of foreigners and Decision no. 136 of 1969 regulating the proof of residence of foreigners in Lebanon.

The *kafala* system is incompatible with domestic laws that safeguard freedoms and human dignity, protect workers' rights and criminalize forced labour and human trafficking. In addition, it is in contradiction with Lebanon's international obligations. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, International Labour Organization (ILO) Convention No. 29 on Forced Labour and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, all of which have been ratified by Lebanon. Under these standards, Lebanon has an obligation to ensure decent working conditions for all workers, including migrant domestic workers, to guarantee that those who suffer human and labour rights abuses and violations are able to access redress mechanisms and to hold those responsible to account.

4.1 UNRECOGNIZED AND UNPROTECTED BY THE LABOUR LAW

The Lebanese Labour Law explicitly excludes domestic workers, denying both Lebanese and migrant domestic workers labour protections enjoyed by other workers such as a minimum wage, overtime pay, compensation for unfair dismissal, social security and parental leave.¹⁸ This exclusion of domestic workers from fundamental labour protections is contrary to Article 7 of the International Covenant on Economic,

¹⁸ Labour Law, Article 7.

Social and Cultural Rights, to which Lebanon has acceded. The article guarantees that all workers should enjoy just and favourable conditions of work without discrimination.¹⁹

Moreover, the Labour Law denies “foreigners” the right to elect or be elected as union representatives.²⁰ On 29 December 2014, six Lebanese workers submitted a request to the Ministry of Labour to form a union for domestic workers; a month later, around 350 domestic workers of various nationalities gathered for the union’s inaugural congress. However, the Ministry of Labour refused to recognize the union.²¹ This restriction on the right of migrant domestic workers to freedom of association and collective bargaining is in violation of the country’s obligations under Article 22 of the International Covenant on Civil and Political Rights, which stipulates that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” It is also in violation of Article 8 of the International Covenant on Economic, Social and Cultural Rights, which guarantees “[t]he right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests.”²²

The main legal document that outlines the rights and obligations of domestic workers and their employers is the unified standard contract, introduced by the Ministry of Labour in 2009.²³ The contract prevents the employer from forcing the worker to work outside the home; restricts the maximum number of working hours to 10 a day, with at least eight continuous hours of rest at night; entitles the worker to a 24-hour weekly rest period, paid sick leave and six days of annual leave; requires the employer to pay the full salary at the end of each month with receipts of payment signed by both parties, to purchase health insurance for the worker and to allow her to receive calls and to cover the cost of one phone call to her parents per month.

Despite setting out these basic rights, the unified standard contract has numerous shortcomings that leave workers at risk of exploitation and other abuse. It states that the worker’s right to leave the home is subject to the employer’s consent.²⁴ It also allows the employer to terminate a contract if the worker “commits a deliberate mistake, act of negligence, assault or threat, or causes any damage to the interests of the employer or a member of his/her family”, but fails to define what constitutes a mistake or act of negligence and does not require any supporting evidence to be presented.²⁵

A domestic worker can only terminate a contract if her employer does not pay her for three consecutive months, if they make her take employment other than domestic work without her consent, or if she is subjected to violence, in which case the burden of proof falls on her; specifically, the worker can terminate a contract if “the employer or a member of his/her family or any resident in his/her home beats, physically assaults, sexually harasses or assaults the worker after evidence of violence perpetrated on the worker is proved through medical reports by a forensic doctor and investigation records of the Judicial Police or the Ministry of Labour.”²⁶ In the event of other contractual breaches by the employer, such as failing to provide adequate accommodation, forbidding the worker from communicating with her family and denying her leave or rest time, the worker cannot terminate the contract.

A long-standing concern has been that the standard unified contract existed only in Arabic even though very few migrant domestic workers are able to read the language. In December 2018, a representative of the Ministry of Labour announced that the ministry had translated the unified standard contract into several unspecified languages and urged public notaries to provide translated copies of the contract to workers before they signed a contract in its Arabic version.²⁷ Amnesty International called five public notaries in the capital, Beirut, by way of checking with a small sample of such professionals whether they were aware of the new initiative; two confirmed they were using contracts translated into languages other than Arabic, while the other three said they had not received such documents.²⁸ While Amnesty International welcomes the initiative to translate the unified standard contract and communicate this to public notaries, it considers that the Ministry of Labour should make it a legal requirement for public notaries to provide migrant domestic

¹⁹ International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 7, together with Article 2(2), which guarantees that the rights enunciated in the Covenant will be exercised without discrimination of any kind.

²⁰ Labour Law, Article 92.

²¹ See Amnesty International et al, *Lebanon: Recognize domestic workers union: Add Labour Law protections for these workers* (Index: MDE 18/1168/2015), 10 March 2015, www.amnesty.org/download/Documents/MDE1811682015ENGLISH.pdf

²² International Covenant on Civil and Political Rights (ICCPR), Article 22, and ICESCR, Article 8.

²³ See the Annex for a copy of the unified standard contract.

²⁴ Unified standard contract, Article 12.

²⁵ Unified standard contract, Article 16.

²⁶ Unified standard contract, Article 17.

²⁷ Lebanese National News Agency, “Bechara in workshop on rights of women domestic workers: adoption of international standards for practising profession of council of public notaries” (in Arabic), 3 December 2018, nna-leb.gov.lb/ar/show-news/378884/?fbclid=IwAR2ZISPY-d52GpxQTLYohkjqnQXgAKF1pohqQ6nAxAlD68aYDRWqtmfKLjY

²⁸ Phone interviews with five public notaries (identities withheld): one on 28 January 2019 and four on 12 February 2019.

workers with translated copies of the unified standard contract and raise awareness of their existence so that those who have already signed copies in Arabic are at least aware of their rights and obligations.

4.2 TRAPPED BY THE *KAFALA* SYSTEM

Migrant domestic workers are trapped in a web woven by the inherently abusive *kafala* system. This includes the immigration policies that govern their entry, residence and work in Lebanon.

To enter the country, every migrant domestic worker must have a sponsor, who must also be her employer. After receiving an authorization to work from the Ministry of Labour, the worker has to obtain an entry visa from the Ministry of Interior through the General Directorate of General Security, which is legally mandated to monitor the entry, residence and exit of all foreigners in Lebanon. Upon arrival in Lebanon, migrant domestic workers are met at the airport by their employers. A worker cannot leave the airport if not accompanied by her employer. This practice is not grounded in law. General Security informed Amnesty International that this is a customary practice that they oversee.²⁹

After the worker's arrival, the sponsor is responsible for issuing and renewing the residence and work permits of the worker, who is legally tied to the same employer throughout her stay. If a worker wants to change her employer, she needs the latter's consent. The employer has to sign a release form before a public notary and the new sponsor then needs to sign a notarized pledge to assume all responsibilities and obligations toward the worker. If a worker wants to resign or terminate her employment, she also needs the consent of her employer. If the worker leaves her employer without permission, she risks losing her regular migration status and facing detention and deportation.

Although the unified standard contract does not require domestic workers to live with their employers, General Security enforces a live-in requirement on migrant domestic workers, describing this requirement as a "precautionary regulatory measure" that protects the workers from "criminal exploitation" since "their salaries do not allow them to live independently".³⁰ In fact, by requiring the migrant domestic worker to reside with her employer, General Security is restricting her right to choose her place of residence, which in turn makes her more isolated and dependent on her employers and at greater risk of exploitation and other abuse. This restriction is in violation of Lebanon's obligations under the International Covenant on Civil and Political Rights, which states that "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence".³¹

In recent years, local and international human rights organizations have reported that dozens of migrant domestic workers with children have been summoned to General Security offices and then detained or denied residency renewals.³² Information obtained by those organizations from General Security suggested that the measures were being taken against these workers for having children in Lebanon.

During its research, migrant domestic workers who had given birth to children in Lebanon explained to Amnesty International that they were in constant fear of being deported as a result of such reports. In response to an inquiry by Amnesty International about its policy regarding migrant domestic workers with children, General Security stated:

"Every foreign child born in Lebanon of non-Lebanese parents is granted residency free of charge. So, if a domestic worker is married to a foreigner and they have children, and they live in the same home and work for their sponsors, they are granted an annual residence permit by virtue of the rules. It is worth noting that, in most of these cases, the couples work for the same sponsor or one of the members of his/her family".³³

The answer indicates that, if a migrant domestic worker has a child with a non-Lebanese spouse and the couple both work for their sponsor or one of his or her relatives and live together at their employer's home, they and the child will be granted residency status. However, it does not clarify how the authorities would treat the couple if they had a child and did not live together, were not employed by the same sponsor or were not married. It is an illustration of the continuing uncertainty around the Lebanese state's policy towards migrant domestic workers with children. The policy should protect the rights of these domestic workers to

²⁹ Letter from the General Directorate of General Security to Amnesty International, 15 February 2019.

³⁰ Letter from the General Directorate of General Security to Amnesty International, 15 February 2019.

³¹ ICCPR, Article 12.

³² See, for example, Human Rights Watch, *Lebanon: Migrant domestic workers with children deported*, 25 April 2017, www.hrw.org/news/2017/04/25/lebanon-migrant-domestic-workers-children-deported

³³ Translated from the Arabic original. Letter from the General Directorate of General Security to Amnesty International, 15 February 2019.

family life and respect Lebanon's obligation under Article 23 of the International Covenant on Civil and Political Rights to respect the rights of men and women of marriageable age to marry and to found a family.³⁴

In 2011, the then Minister of Labour proposed a draft law to regulate the employment conditions of migrant domestic workers, but the project was abandoned due to a change in government. In 2012, the then Minister of Labour announced that he supported abolishing the *kafala* system, but resigned before he could take concrete measures in that regard.³⁵ In 2014, the then Minister of Labour submitted to the Council of Ministers a revised version of the draft law prepared by his predecessor.³⁶ The Council of Ministers never discussed the draft law and no progress towards the legal protection of migrant domestic workers has been made since then.

However, in February 2019, the newly appointed Minister of Labour said that he would prioritize modernizing the Labour Law, announcing at the handover ceremony for his post that his work would focus on "treating foreign workers with respect".³⁷ On 11 March 2019, his media office issued a press release stating that the minister would announce a set of measures to improve the conditions of domestic workers but without setting a timeline.³⁸

³⁴ ICCPR, Article 23.

³⁵ Human Rights Watch, *Lebanon: Stop abuse of domestic workers*, 23 March 2012, www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domestic-workers

³⁶ M. Kostrz, "An ignored but active union", *Executive Magazine*, 30 April 2018, www.executive-magazine.com/economics-policy/domestic-worker-an-ignored-but-active-union

³⁷ *The Daily Star*, "New labor minister recognized among top lawyers in the world", 20 February 2019, www.dailystar.com.lb/News/Lebanon-News/2019/Feb-20/477044-new-labor-minister-recognized-among-top-lawyers-in-the-world.ashx

³⁸ Lebanese National News Agency, "Abousteiman's office: Labour ministry inspectors listen to woman who used phrase 'maid for sale', who then apologizes and makes pledge" (in Arabic), 11 March 2019, nna-leb.gov.lb/ar/show-news/396844/#.XlaXu7R-CU8.twitter

5. EXPLOITATIVE WORKING CONDITIONS

Amnesty International’s research on migrant domestic workers indicates the extent to which they continue to be subjected to exploitation and other abuse. The interviews it has conducted with 32 workers in 2018 and 2019 reveal alarming patterns of abuse, which are detailed in this chapter along with the violations these represent of their contracts, Lebanese and international law.

Many of these findings are in accordance with the assessments made by officials in the diplomatic missions of four labour-sending countries whom the organization met, namely Ethiopia, Kenya, the Philippines and Sri Lanka. An official in the consulate of Ethiopia, for example, told Amnesty International that they received between 10 to 15 complaints every day from Ethiopian domestic workers in Lebanon. The main complaints were long working hours, unpaid salaries and physical and sexual abuse.³⁹ Officials in the embassy of the Philippines told the organization that the most reported complaints from Filipina domestic workers were long working hours, unpaid salaries, not enough food, no day off and sexual abuse.⁴⁰

Lebanon’s General Directorate of General Security told Amnesty International that excessive workload, late payments, verbal and physical abuse, and salary disputes were among the most common reasons for domestic workers leaving their employers.⁴¹ This research is consistent with the findings of reports published over the last 10 years on the situation of migrant domestic workers in Lebanon by intergovernmental organizations such as the ILO and international and national human rights organizations.⁴²

5.1 LONG WORKING HOURS, NO BREAKS, AND NO DAY OFF

“All hours are working hours.”

Tsega, domestic worker from Ethiopia⁴³

Although the unified standard contract restricts the maximum number of working hours to 10 a day and requires at least eight continuous hours of rest at night, the majority of the women interviewed by Amnesty International, 19 of the 32, said they were forced to work more than 10 hours a day and were allowed less than eight continuous hours of rest. Moreover, 14 of them said they were denied their weekly day off.

³⁹ Interview with official at the consulate of Ethiopia, Baabda, 11 January 2019.

⁴⁰ Interview with officials at the embassy of the Philippines, Baabda, 14 January 2019.

⁴¹ Letter from the General Directorate of General Security to Amnesty International, 15 February 2019.

⁴² See, for example, ILO, *Intertwined: A study of employers of migrant domestic workers in Lebanon*, 2016; ILO, *A study of working and living conditions of migrant domestic workers in Lebanon: “Intertwined: The workers’ side”*, 2016; Kafa, *Dreams for sale: Exploitation of migrant domestic workers from recruitment in Nepal and Bangladesh to working in Lebanon*, 2014; and Human Rights Watch, *Without protection: How the Lebanese justice system fails migrant domestic workers*, 2010.

⁴³ Interview with Tsega (surname withheld for security reasons), Beirut, 11 November 2018.

Sebastian, a migrant domestic worker from Côte d'Ivoire, told Amnesty International that she worked for 18 hours every day, seven days a week:

“I worked from 4am until 10pm every day. I was not allowed to rest or take a day off... One day, I washed 16 carpets and I felt very tired. I sat on the couch, but the woman [employer] told me to get off it because I would pass on my bacteria. I said, “When I work I have no bacteria, but when I sit I have bacteria?” If you are afraid that I am contaminating you, send me back to my country.”⁴⁴

“Mary”, an Ethiopian domestic worker, told Amnesty International that she worked for 19 hours every day, seven days a week without a break or a day off: “I worked each day from 5am until midnight. There was a lot of food in that house, but I had no time to eat. I had to wait until 6pm or 7pm each day to have my lunch and I had to eat it quickly.”⁴⁵

Tsega, an Ethiopian domestic worker, said that, for five years, she had to work long hours during the day and then look after a sick family member of her employer at night. The employer denied her a day off and made her work in more than one place:

“I worked day and night. They had a sick old lady who slept during the day when I worked, and woke up at night when it was my rest time. She [employer] used to take me to her sister’s house once every week for me to clean it... All hours are working hours. I was tired. I worked day and night and in more than one place. They didn’t buy me to make me work in their sister’s house or their mother’s house.”

Even though the standard unified contract prevents the employer from forcing the worker to work outside the home, nine women told Amnesty International that they had to work in more than one household or were asked to carry out non-domestic work outside the home. Mollimaret, an Ethiopian domestic worker, told Amnesty International that she worked in her employer’s home during the day and in his bakery at night: “I worked in the house during the day, and at night I prepared the pastry fillings for their bakery. I had no sleep. After seven months of working for them, I got sick because of the workload.”⁴⁶

5.2 NON-PAYMENT, LATE PAYMENTS, AND SALARY DEDUCTIONS

“I did not get paid the first three months. When I asked her [employer] about my salary, she said, ‘What if you run away?’”

Bizu, domestic worker from Ethiopia⁴⁷

The standard unified contract requires the employer to pay the full salary at the end of each month, with a receipt of payment to be signed by both parties. However, seven of the domestic workers interviewed by Amnesty International reported that they were not paid at the end of each month. Bizu, an Ethiopian domestic worker, said, for example, that her employer had withheld her salary, claiming this was meant to prevent her from “running away”. She had to wait six months before she received her salary and, when she did, found out that the first three months of wages had been deducted to pay the recruitment fees.⁴⁸

Five workers told Amnesty International that their employers did not pay them the first two to three months of their salaries in order to recover the amount spent on the recruitment agency’s fees. An employer of a worker not interviewed by Amnesty International admitted that he had engaged in such practice with the first two months of the worker’s salary.⁴⁹ A 2014 study by Kafa (Enough) Violence and Exploitation, a Lebanese

⁴⁴ Interview with Sebastian (surname withheld for security reasons), Qornet Shehwan, 10 November 2018.

⁴⁵ Interview with “Mary” (name changed for security reasons), Beirut, 11 November 2018.

⁴⁶ Interview with Mollimaret (surname withheld for security reasons), Beirut, 11 November 2018.

⁴⁷ Interview with Bizu, (surname withheld for security reasons), Beirut, 18 November 2018.

⁴⁸ Interview with Bizu, Beirut, 18 November 2018.

⁴⁹ Interview with employer (identity withheld), Hadath, 8 December 2018.

feminist NGO that seeks to end gender-based violence and exploitation,⁵⁰ which included 65 interviews with Bangladeshi and Nepali domestic workers in addition to a survey of 100 migrant domestic workers from the same two countries, found that 38% of the participants in the study said that their employers had withheld three months of pay from them.⁵¹

This is in breach of the unified standard contract, which states that the terms of the contract cover the first three months,⁵² as well as the Minister of Labour's Decision No. 1/168 of 2015, which prohibits agencies from taking money directly or indirectly from workers.⁵³

Besides having their wages withheld, or amounts deducted from them, five interviewees reported that they were receiving a salary that was less than the amount agreed to in the contract. According to her contract, Tsega was supposed to receive a monthly salary of US\$150, but, for two years, she was only paid US\$100 per month. "When I showed her [employer] my copy of the contract, she tore it into pieces and threw it in my face," she said. According to Tsega, her employer withheld from her a total of US\$1,200 (US\$50 a month over two years) as a guarantee that she would not "run away". Tsega said she left her employer's home and never received the money owed to her.

As for the payment receipt requirement, only one out of the 32 women interviewed by Amnesty International reported receiving this receipt every month as per the contract.

5.3 PASSPORT CONFISCATION

"[In] the 22 years I have been here, I never ever saw my passport."

"Sarah", domestic worker from Madagascar⁵⁴

Lebanese law does not explicitly prohibit withholding a worker's passport nor does the unified standard contract address this issue. Twenty of the women interviewed by Amnesty International reported that General Security had given their passports directly to their employers upon their arrival in Lebanon. Arrafat, a 25-year-old woman from Ethiopia, told Amnesty International that she was generally satisfied with her working conditions, but complained about the fact that her passport had been confiscated: "The General Security takes our passports at the airport and gives them to the employers. The last time we see our passports is at the airport. But these passports belong to us."⁵⁵

One employer told Amnesty International that this was customary practice, approved by General Security and encouraged by the recruitment agencies: "When she [the domestic worker] arrived at the airport, General Security handed me her passport. I kept it with me. The recruitment agency told me not to give her the passport because she might run away and cause me trouble."⁵⁶

A 2016 ILO study found that, out of 1,200 employers surveyed, 94.3% had withheld the worker's passport and more than half of all employers incorrectly believed that the contract allowed the employer to do so.⁵⁷

Among the live-in domestic workers Amnesty International interviewed, only five out of the 32 said that they were allowed to keep their passports with them. For "Sarah" from Madagascar, the confiscation of her passport was a means to exert control over her: "Why do they keep the passport? They keep the passport to blackmail [us]. They tell you if you don't do this, I will send you back. They treat you like property. You either are for me or I send you back home because I buy you."⁵⁸

⁵⁰ Kafa (Enough) Violence and Exploitation has unit to combat trafficking and exploitation that provides shelter and legal support for migrant domestic workers.

⁵¹ Kafa (Enough) Violence and Exploitation, *Dreams for Sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon*, 2014, www.kafa.org.lb/sites/default/files/2019-01/PR.pdf-78-635554479048554864.pdf, p. 37.

⁵² Unified standard contract, Article 5.

⁵³ Decision No. 1/168 of 2015, Article 19.

⁵⁴ Interview with "Sarah" (name changed for security reasons), 16 November 2018.

⁵⁵ Interview with Arrafat, Beirut, 11 November 2018.

⁵⁶ Interview with employer, Hadath, 8 December 2018.

⁵⁷ ILO, *Intertwined: A study of employers of migrant domestic workers in Lebanon*, 2016, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524149.pdf, p. 36.

⁵⁸ Interview with "Sarah" (name changed for security reasons), Beirut, 16 November 2018.

5.4 RESTRICTION ON MOVEMENT AND COMMUNICATION

“I wasn’t allowed to talk to anyone. If I opened the window and waved to other Filipinas, she [employer] would pull my hair and beat me. For three years she locked me in the house. I never got out.”

“Eva”, domestic worker from the Philippines⁵⁹

A number of interviewees relayed experiences of coerced isolation in which employers prevented them from leaving the home in which they worked or communicating freely with friends and relatives. Ten of the 32 women interviewed by Amnesty International said their former employers did not allow them to leave the home; some even said that their employers went as far as locking them in when they left it. Many said their employers also controlled who they talked to.

“Eva”, a 38-year-old domestic worker from the Philippines, told Amnesty International that she was isolated in her employer’s home for three consecutive years before she managed to escape: “When I escaped, and as I was walking down the street, I felt like I was flying. I was trapped for three years and now I am free.”⁶⁰

“Mary”, a 33-year-old interviewee from Ethiopia, faced similar isolation for an entire year, with an abusive employer: “They treated me like a donkey and locked me in the house... I was not allowed to talk to the neighbours or use the telephone. For one year, I couldn’t contact my family. She [employer] said, ‘*Mamnou’ téléphone* [you’re not allowed to use the phone]’.”⁶¹

Tsega relayed that she was only allowed to leave the home to accompany her then employer, and was not allowed to talk to or even say hello to any fellow Ethiopians they would encounter.

The ILO study of 2016 revealed that 22.5% of all employers surveyed either always or sometimes locked the domestic worker inside the home. It suggested that the percentage may underrepresent the true proportion because of “the social undesirability of disclosing the practice”.⁶²

Such restrictions on movement and communication, besides being inherently discriminatory and in violation of both Lebanese and international law, prevent workers from reporting abuse and from seeking help.

5.5 FOOD DEPRIVATION

“They feed me what is left in their plates. If I eat something else, she [employer] beats me.”

“Eva”, domestic worker from the Philippines⁶³

Many of the domestic workers interviewed by Amnesty International shared accounts of being deprived of adequate food. Bizu, for instance, said she was not allowed to open the refrigerator or prepare her own food; instead her employer would hand her the food that she was allowed to eat. For her, it was not enough: “Sometimes I would get so hungry,” she said. “I used to mix water with sugar when I was hungry and drink it. Bad days, but they are over now.”⁶⁴

⁵⁹ Interview with “Eva” (name changed for security reasons), Beirut, 24 November 2018.

⁶⁰ Interview with “Eva”, Beirut, 24 November 2018.

⁶¹ Interview with “Mary”, Beirut, 11 November 2018.

⁶² ILO, *Intertwined: A study of employers of migrant domestic workers in Lebanon*, 2016, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524149.pdf, p. 33.

⁶³ Interview with “Eva”, Beirut, 24 November 2018.

⁶⁴ Interview with Bizu, Beirut, 18 November 2018.

Tsega's employer controlled the amount of food she was allowed to eat. Bread was among the items rationed. She said that, every 16 days, her employer would give her one packet of Arabic pita bread, allowing her an average of only half a pita each day: "She would count how many pitas were left and, if she found out that I ate more than I was allowed, she would shout at me. I was also forbidden from opening the refrigerator."

According to a 2014 study by Kafa (Enough) Violence and Exploitation, 32% of the workers surveyed said they did not receive sufficient food from the employers. Some said that they had to buy food and cook at their own expense and others reported that they had to eat in secret.⁶⁵

5.6 INADEQUATE ACCOMMODATION AND LACK OF PRIVACY

"I have no room. I sleep on a sofa in the living room. I keep my clothes and personal belongings in my travel suitcase because I don't have a closet."

Nethmi, domestic worker from Sri Lanka⁶⁶

Among the live-in domestic workers interviewed by Amnesty International, only four had their own private rooms. All the others either slept in the living room, in the kitchen, in a storage room or on the balcony. One woman reported sleeping in an attic that not only lacked windows or proper ventilation, but was also so small that she had to bend down in order to enter it and could not stand up straight inside it. Another woman reported that her employer had made her sleep in a toilet room for a whole week until she underwent the standard medical tests that the Ministry of Labour requires all migrant domestic workers to undergo in order to obtain their work permits and was thereby certified not to be carrying any contagious diseases.⁶⁷

Those women who did not have private rooms in the homes where they worked reported that the lack of privacy made them feel exposed and unprotected. Nethmi told Amnesty International that she did not feel safe in her employer's home; she did not have a private room and slept instead on a sofa in the living room: "This is not right. I need my privacy. There is a man in the house who can enter the living room any time he wants."⁶⁸

The ILO study of 2016 surveyed 1,541 migrant domestic workers in Beirut and Mount Lebanon governorates and revealed that around half of them did not have their own sleeping quarters and "suffer from a complete lack of privacy at any time of the day". Those who did not have their own rooms slept in the living room (13%), the kitchen (11%) or a glass-enclosed veranda (11%).⁶⁹

5.7 VERBAL, PHYSICAL, AND SEXUAL ABUSE

The majority of women interviewed reported being subject at least once to humiliating and dehumanizing treatment by their employers. Common verbal abuse included calling the worker derogatory names such as "donkey", "bitch" and "animal." "Mary", an Ethiopian domestic worker, said: "She used to call me hmara [donkey] and I didn't understand what it meant. Now I do."⁷⁰

⁶⁵ Kafa (Enough) Violence and Exploitation, *Dreams for sale: The exploitation of domestic workers from recruitment in Nepal and Bangladesh to working in Lebanon*, 2014, www.kafa.org.lb/sites/default/files/2019-01/PRpdf-78-635554479048554864.pdf, p. 47.

⁶⁶ Interview with Nethmi (surname withheld for security reasons), Beirut, 13 January 2019.

⁶⁷ See Dawlati, "Work permit application for a domestic worker" (in Arabic), www.dawlati.gov.lb/eservices-detail/-/asset_publisher/OiNQGuDwXGZd/content/lab11-02

⁶⁸ Interview with Nethmi, Beirut, 13 January 2019.

⁶⁹ ILO, *A study of working and living conditions of migrant domestic workers in Lebanon: "Intertwined: The workers' side"*, 2016, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524143.pdf, p. 27.

⁷⁰ Interview with "Mary", Beirut, 11 November 2018.

Kanshena, a 39-year-old Sri Lankan woman, reported that she was greeted by her then employer when she first arrived at her home back in 2014 with a list of humiliating and discriminatory house rules. “She [the employer] told me, ‘You keep your plate and cup away from the family’s cutlery. When mister comes, you stay in the kitchen. And you never sit on any couch.’”⁷¹ Kanshena told Amnesty International that her employer had cut her hair against her will and, when she complained about this to her employer, she hit her and locked her in the kitchen.

The isolation of migrant domestic workers, their dependence on their employer and their lack of protection under Lebanese law place them at risk of physical and sexual violence. Six of the 32 women Amnesty International interviewed said they were subjected to physical abuse such as their employer slapping, beating or choking them, pulling their hair and hitting their head against the wall. Underlining the power imbalance between employers and migrant domestic workers, many said they were particularly subjected to such abuse when they tried to challenge their employers.

The ILO study of 2016 that surveyed 1,541 migrant domestic workers in Beirut and Mount Lebanon governorates revealed that around 40% reported being yelled at by their employers, 11% reported physical abuse by their employers and around 2% (29 cases) reported being sexually abused. The report acknowledged that it was likely that the actual number of cases of sexual abuse was much higher since such abuses tend to be underreported.⁷²

Sexual abuse survivors are often blamed for the abuse they suffer and social stigma discourages them from speaking out about it. Among the women Amnesty International interviewed, one said she had been sexually abused by her employer, but found it extremely difficult to recount the experience and preferred not to share her story.

5.8 RESTRICTIONS ON ACCESS TO HEALTH CARE

“I told Madame, ‘I am sick, I want to go to the doctor.’ She said, ‘Take Panadol [a brand of painkiller].”

Nethmi, domestic worker from Sri Lanka⁷³

Although the unified standard contract requires the employer to ensure health insurance coverage for the domestic worker, most women interviewed reported that their employers had, on occasions, not facilitated medical care for them.⁷⁴

Nethmi, a 46-year-old Sri Lankan woman, told Amnesty International that she had to care for her employer’s elderly mother, who could not walk any more. This meant that she often had to carry her, which caused her severe back pain. But when Nethmi asked to undergo a medical check-up, her employer refused to take her and just told her to take painkillers.⁷⁵

“Mary” said that, when she fell ill, her employer at the time refused to take her to the doctor, instead giving her medication that made her condition worse:

“One time I was very sick. I asked her [employer] to take me to the doctor, but she said no. She gave me the wrong medicine and my condition worsened. I started vomiting. Only then she took me to the doctor, but she said, “Don’t tell him that I gave you medicine.” When the doctor asked me questions, she answered him. She didn’t allow me to speak.”

⁷¹ Interview with Kanshena (surname withheld for security reasons), Beirut, 13 January 2019.

⁷² ILO, *A study of working and living conditions of migrant domestic workers in Lebanon: “Intertwined: The workers’ side”, 2016, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524143.pdf, p. 31.*

⁷³ Interview with Nethmi, Beirut, 13 January 2019.

⁷⁴ Unified standard contract, Article 9.

⁷⁵ Interview with Nethmi, Beirut, 13 January 2019.

Kafa (Enough) Violence and Exploitation study found out that domestic workers rarely get to see a doctor and that employers often provide them with pain relief when they get sick. Moreover, medical expenses are often deducted from the worker's salary.⁷⁶

5.9 IMPACT ON MENTAL HEALTH

“I started having suicidal thoughts because of being locked up all the time.”

Sebastian, domestic worker from Côte d'Ivoire⁷⁷

Exploitation and other abuse can have a devastating impact on the mental health of any individual. In the case of domestic workers, especially live-in workers, poor living and working conditions, isolation, threats and intimidation, violence and other abuse are all factors that lead to emotional distress. Amnesty International interviewed six women who had either experienced suicidal thoughts or attempted suicide.

“Eva”, a Filipina domestic worker, was locked up for three years in her employer's home, making her feel trapped and isolated. Her employer would renew her contract at the end of every year against her will. She thought she would never return home: “When I called my mother, I was crying. I told her maybe I would die here. You won't see me any more... I was dying from [being in] this house. My head was empty.”⁷⁸

“Mila”, a domestic worker from the Philippines, was in distress after her workload increased despite her employer having reduced her salary:

“My salary went down, and she took my passport. One day I said enough is enough for me. I told her, ‘Why I am not allowed a day off and where are my papers?’ She said, ‘Oh you want to live like a princess!’ We had a fight. She put me in my room and locked me for three days. I don't deserve to be treated like this... I sent her husband a message. I told him, ‘If you don't send me to the Philippines today, I will jump from the 18th floor.’”⁷⁹

Bizu, an Ethiopian worker, told Amnesty International that she had suicidal thoughts after being mistreated and locked up for six months in her employer's home: “I thought of drinking Dettol [a brand of antiseptic] but I couldn't find any. I thought of throwing myself out of the balcony, then I saw a wedding across the street. It was an Ethiopian bride across the street in Mar Elias refugee camp. I said to myself, ‘Tomorrow I will run away; maybe they can help me.’”⁸⁰

“Mary”, a domestic worker from Ethiopia, was locked in her employer's home for one year. She was overworked, verbally and physically abused. She told Amnesty International that she had attempted suicide three times: “I stayed in this house for one year. I was crying every day. I tried to kill myself three times that year. Their house is my prison... I lost parts of my mind after this. I can't remember many things.”⁸¹

Tsega, an Ethiopian woman, told Amnesty International that her employer had renewed her contract for five years against her will, confined her to the home and restricted her communication with the outside world. She said she felt depressed and had suicidal thoughts: “I thought of throwing myself out of the balcony several times. But then I would come back to my senses. Sometimes I thought of swallowing all of Madame's medications and killing myself.”⁸²

A 2008 study by Human Rights Watch found that migrant domestic workers in Lebanon were dying at a rate of more than one per week from suicide or in botched escapes.⁸³ The key factors behind these incidents were reported as forced confinement, excessive work conditions, employer abuse and financial pressures.

⁷⁶ Kafa (Enough) Violence and Exploitation, *Dreams for sale: The exploitation of domestic workers from recruitment in Nepal and Bangladesh to working in Lebanon*, 2014, www.kafa.org.lb/sites/default/files/2019-01/PRpdf-78-635554479048554864.pdf, p. 48.

⁷⁷ Interview with Sebastian, Qornet Shehwan, 10 November 2018.

⁷⁸ Interview with “Eva”, Beirut, 24 November 2018.

⁷⁹ Interview with “Mila” (name changed for security reasons), 22 November 2018.

⁸⁰ Interview with Bizu, Beirut, 18 November 2018.

⁸¹ Interview with “Mary”, Beirut, 11 November 2018.

⁸² Interview with Tsega, Beirut, 11 November 2018.

⁸³ Human Rights Watch, *Lebanon: Migrant domestic workers dying every week*, 26 August 2008, www.hrw.org/news/2008/08/26/lebanon-migrant-domestic-workers-dying-every-week

To find out whether the situation had changed since that report was published, Amnesty International asked the authorities, specifically the General Directorate of Internal Security Forces, in January 2019 for statistics on the number of suicides of domestic workers between 2015 and 2018 and the reasons behind these suicides. At the time of publication, the authorities had not provided this information.

6. FORCED LABOUR AND HUMAN TRAFFICKING

6.1 FORCED LABOUR

“When I asked her to send me back to my country, she [employer] said, ‘You have to work for the US\$3,000 we paid.’”

Sebastian, domestic worker from Côte d’Ivoire⁸⁴

Labour exploitation is a spectrum of abuse that includes forced labour, one of its most serious forms. Forced or compulsory labour is defined in ILO Convention No. 29 on Forced Labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.⁸⁵ Therefore, the two main elements of forced labour are the threat of penalty and the lack of consent to work.

In other words, if a migrant domestic worker cannot leave her job and is compelled to work because she fears the consequences of quitting, then she is subject to forced labour. There are several indicators that help identify persons who are trapped in a situation of forced labour. They include the “abuse of vulnerability”,⁸⁶ deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime.⁸⁷

Amnesty International documented eight cases of women who reported being subjected to more than one – often several – of these indicators at the same time. Some women who were in situations of abuse wanted to leave and asked their employers to return them to the recruitment agencies or to their home countries, but their employers turned down these requests. These women stayed on against their will, because, had they

⁸⁴ Interview with Sebastian, Qornet Shehwan, 10 November 2018.

⁸⁵ ILO Convention No. 29 on Forced Labour, 1930, Article 2.

⁸⁶ According to the ILO booklet on the indicators of forced labour, the “abuse of vulnerability” is often experienced by “people who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority population”. They “are especially vulnerable to abuse and more often found in forced labour”. ILO, *ILO indicators of forced labour*, 2012, www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

⁸⁷ ILO, *ILO indicators of forced labour*, 2012, www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

attempted to leave without their employers' consent, they would have lost their legal status in Lebanon and therefore risked detention and deportation.

Other women told Amnesty International that, when they asked to leave their employers asked them to reimburse them the money the employers had paid for their recruitment. Sebastian told Amnesty International that she was overworked, mistreated, locked up in the home and not paid for three months. When she told her employer that she wanted to leave, her employer asked her to reimburse the US\$3,000 that had been paid to the recruitment agency.⁸⁸

"Mila", a 48-year-old domestic worker from the Philippines, told Amnesty International that she was dissatisfied with her working conditions. Her employer overworked her, deducted money from her salary and denied her a day off. When she complained and asked to leave, her employer locked her up for three days in a room.⁸⁹

Such situations appear to amount to forced labour and need to be properly investigated and those responsible for this abuse held to account. Although these women clearly did not want to continue to work under these conditions, they were forced to do so under the threat of a penalty. The *kafala* system means that a migrant domestic worker cannot simply resign if her working conditions are abusive. She would need the consent of her employer, who happens to be her abuser in these cases. These cases illustrate how the *kafala* system can facilitate forced labour.

An official at the embassy of Sri Lanka in Lebanon told Amnesty International that forced labour was among the most common forms of abuse reported to the embassy.⁹⁰ Moreover, a 2014 joint research project by the ILO and Caritas Lebanon Migrant Center found that, among the 730 cases of Ethiopian migrant workers recorded in the centre's database, 453 were in a situation of forced labour.⁹¹ The *kafala* system increases the risk of migrant domestic workers being exposed to labour exploitation including forced labour. As such, it is not consistent with Lebanon's obligations to respect, protect and promote the rights of migrant domestic workers, under ILO Convention No. 29 on Forced Labour, which commits it to the elimination of forced labour in all its forms, as well as other relevant international laws and standards.

6.2 HUMAN TRAFFICKING

"For six months, I worked for free. The owner of the recruitment agency was giving me as a gift: once to his son's fiancé's family; another time to his daughter and husband's family."

Banchi, domestic worker from Ethiopia⁹²

In the most serious cases of labour exploitation of migrant domestic workers, human trafficking may also arise. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,⁹³ which has been ratified by Lebanon, human trafficking consists of three constituent elements: an act (the recruitment, transportation, transfer, harbouring or receipt of persons); a means (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits); and a purpose (exploitation, including sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).⁹⁴

⁸⁸ Interview with Sebastian, Qornet Shehwan, 10 November 2018.

⁸⁹ Interview with "Mila", Beirut, 22 November 2018.

⁹⁰ Interview with official at the embassy of Sri Lanka, Baabda, 19 November 2018.

⁹¹ ILO and Caritas Lebanon Migrant Center, *Access to justice for migrant domestic workers in Lebanon*, 2014, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_395802.pdf, p. 16.

⁹² Interview with Banchi (surname withheld for security reasons), Beirut, 19 June 2018.

⁹³ One of the three "Palermo protocols" supplementing the United Nations Convention against Transnational Organized Crime.

⁹⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000, Article 3(a).

If a migrant domestic worker is recruited (the act) by use of deception (the means) to subject her to labour exploitation, including forced labour (the purpose), then she is a victim of human trafficking.

Amnesty International interviewed two women who reported being deceived by recruiters about the terms and conditions of work. They said that, once they arrived in Lebanon, they were unable to leave because their employers confined them to the home and withheld their passports.

Border crossing is not required for human trafficking to occur. The three elements constituting human trafficking can be met within Lebanon. For example, if a migrant domestic worker is recruited by an employer or agent in Lebanon (the act) and was kept by abuse of power or her position of vulnerability (the means) to subject her to labour exploitation, including forced labour (the purpose), then she is a victim of human trafficking.

This was the case with two other women interviewed by Amnesty International.

Banchi, a 31-year-old Ethiopian, came to Lebanon through a recruitment agency in 2011. She told Amnesty International that the owner of the recruitment agency had moved her from one household to another and withheld her passport and salary for several months:

“For six months, I worked for free. The owner of the recruitment agency was giving me as a gift: once to his son’s fiancé’s family; another time to his daughter and husband’s family... It is like living in a prison. You don’t have access to the phone and you are not allowed to communicate with your family.”⁹⁵

Kanshena, a 39-year-old woman from Sri Lanka, told Amnesty International that her employer had taken her to the recruitment agency through which she had been employed after an altercation in which the employer hit her and she then threatened the employer. The agent beat her and locked her up with another worker for 21 days in an empty apartment with no food. During these 21 days, the agent took both workers every day to his home, forced them to work there and then returned them to the apartment at night. They were not paid for their work and they were not fed properly.

Kanshena also reported that the agent physically abused her when she tried to escape:

“I couldn’t stand it any more, so we decided to escape. We jumped from the second floor, but I broke my leg. I told the other worker to run away without me, so she could tell our embassy about us, but she didn’t. She was scared. The agency people came. They heard me screaming from pain. They returned us to the apartment and they hit us badly. The agent stepped more than once on my broken leg to punish me.”⁹⁶

Kanshena said the agent did not release her until he found her a new sponsor.

Lebanon signed and ratified the UN Trafficking Protocol in 2005.⁹⁷ In 2011, it enacted a national anti-trafficking law, Law No. 164 of 2011 on Punishment for the Crime of Trafficking in Persons. Nonetheless, Lebanon’s *kafala* system increases the risk that migrant domestic workers suffer trafficking and therefore is in contradiction with the anti-trafficking law.

If a migrant domestic worker is a victim of trafficking and leaves the sponsor without the latter’s consent, the domestic worker would be in violation of residency laws, decrees and ministerial decisions that would turn the worker from a victim into an offender. The women interviewed by Amnesty International were caught in this limbo. They feared running away from a situation of abuse lest they be subjected to arrest and deportation.

⁹⁵ Interview with Banchi, Beirut, 19 June 2018.

⁹⁶ Interview with Kanshena, Beirut, 13 January 2019.

⁹⁷ The full name of the UN Trafficking Protocol, another of the three “Palermo protocols”, is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

7. BARRIERS TO JUSTICE

“I didn’t report to the police. They scare me. I was afraid they would put me in jail.”

“Eva”, domestic worker from the Philippines⁹⁸

“You cannot get justice for migrant domestic workers in cases of violence in Lebanon... We all know that the perpetrators are not punished for what they do. People who do such things know that they have power and that they are untouchable by the law.”

A recruitment agency representative⁹⁹

The unified standard contract stipulates that, in case of a dispute between a worker and their employer, the two parties can report the matter to the Ministry of Labour with a view to the ministry aiding them to settle the dispute amicably. If an amicable settlement is not reachable, both parties are entitled to seek redress before the Lebanese courts.¹⁰⁰ However, none of the workers interviewed by Amnesty International said that these provisions in the contract, which is written in Arabic, or any other of its terms and conditions, had been explained to them before they signed it.

In 2015 the Ministry of Labour established a hot line for migrant domestic workers to allow them to report cases of mistreatment or other abuse and receive help.¹⁰¹ Amnesty International asked the Ministry of Labour about the number of complaints received on the hot line since its establishment, but did not receive an answer. The organization called the hot line on a total of 12 occasions on four separate dates in December 2018 and February 2019, but there was never a response, raising serious doubts as to whether the hot line was operating at all.¹⁰²

None of the workers interviewed by Amnesty International was aware of this hotline. Those that had sought help had approached either the embassies of their home countries or the recruitment agencies through which they had been employed. Recruitment agencies are required by ministerial Decision No. 1/168 of 2015 to report disputes between workers and employers to the Ministry of Labour and to file a complaint

⁹⁸ Interview with “Eva”, Beirut, 21 November 2018.

⁹⁹ Phone interview with a recruitment agency representative (identity withheld), 28 January 2019.

¹⁰⁰ Unified standard contract, Article 19.

¹⁰¹ ILO, *ILO-funded hotline for women migrant domestic workers launched by Lebanon’s Ministry of Labour*, 22 June 2015, www.ilo.org/beirut/media-centre/news/WCMS_377568/lang-en/index.htm

¹⁰² Amnesty International called the hot line on 3, 4 and 5 December 2018 and on 12 February 2019.

when needed. However, the seven women interviewed by Amnesty International who sought help from recruitment agencies said that their complaints and pleas were ignored. As for the two women interviewed by the organization who sought help from their embassies, one said that the embassy helped solve a dispute over their salary with their employer amicably, while the other said that the embassy could not provide help because she had been charged with theft, a charge she denied.

None of the women interviewed had reported their employers to the authorities or tried to take them to court. While the reasons varied from one case to another, they included fear of arrest, fear of being unable to obtain new employment and fear of being falsely accused of theft and are generally representative of the barriers facing migrant domestic workers' access to justice in Lebanon.

Under the *kafala* system, migrant domestic workers' access to justice is compromised. This is in violation of Lebanon's obligations under Article 2(3)(a) of the International Covenant on Civil and Political Rights, which states that everyone whose rights and freedoms under the covenant are violated shall have an effective remedy, as well as of Article 2(1) of the International Covenant on Economic, Social and Cultural Rights.¹⁰³

7.1 FEAR OF ARREST

One of the major barriers facing migrant domestic workers who consider seeking justice is the fear of arrest. If a migrant domestic worker leaves her employer without the latter's consent, even in a situation of abuse, she risks losing her residency status and therefore detention and deportation.

"Eva", who reported having been trapped for three years in a situation of forced labour, said that, when she did manage to escape the household where she was working, taking advantage one night of her employer having forgotten to lock the front door, she did not think of going to the police because she was afraid they would arrest her: "Since 2014, I am without papers. I work illegally. I have to pay the overstay penalty if I want to go back home, but I don't have the money. I don't feel safe going out because I don't have papers. I am afraid the police would take me to jail."¹⁰⁴

Amnesty International has not been able to obtain details of the number of migrant domestic workers arrested, detained and deported after reporting complaints. However, the eight women it interviewed who had run away from what they reported as abusive working environments, forced labour or trafficking, all said that their precarious legal situation, including the fear of detention or deportation, dissuaded them from bringing legal claims before the courts.

Kafa (Enough) Violence and Exploitation confirmed to Amnesty International that among the major barriers to justice for migrant domestic workers is the fear that, if they report abuse to the police, they might end up detained for lacking regular residency status.¹⁰⁵



THE CASE OF SHAMILA: ASSAULTED, ARRESTED AND THEN DEPORTED

On 17 June 2018, two Kenyan domestic workers, named only as Rose and Shamila, were brutally assaulted in Bourj Hammoud, a north-eastern suburb of Beirut located in Mount Lebanon governorate, in a mob attack. The assault was caught on a video that was posted on social media, causing public outrage and drawing media attention.¹⁰⁶ After the attack, both victims were arrested for lacking legal residency status.

Rose was later released for being married to a Lebanese national while Shamila was deported on 15 July 2018 despite the ongoing trial and the calls by activists and human rights organizations, including Amnesty International, to stop the deportation order and respect Shamila's right to a fair trial and to attend the legal proceedings.¹⁰⁷

¹⁰³ ICCPR, Article 2(3)(a), and ICESCR, Article 2(1), which has been interpreted by the UN Committee on Economic, Social and Cultural Rights to encompass the need for judicial remedies with respect to violations of the ICESCR. See UN CESCR General Comment No. 3 on the Nature of State Parties' Obligations (1990), paras 4 and 5.

¹⁰⁴ Interview with "Eva", Beirut, 21 November 2018.

¹⁰⁵ Interview with Rayan Majed, a spokesperson for Kafa (Enough) Violence and Exploitation, Beirut, 10 March 2019.

¹⁰⁶ *The Guardian*, "Kenyan domestic worker assaulted by mob in Lebanon faces deportation", 5 July 2018, www.theguardian.com/global-development/2018/jul/05/kenyan-domestic-worker-assaulted-by-mob-lebanon-deportation

¹⁰⁷ Reuters, "Lebanon deports migrant worker attacked under 'dehumanizing' system", 16 July 2018, www.reuters.com/article/us-lebanon-migrant-deportation/lebanon-deports-migrant-worker-attacked-under-dehumanizing-system-idUSKBN1K62CD

Shamila's case demonstrates how, under the *kafala* system, a domestic worker who is a victim of a brutal assault can be treated as an offender for being undocumented.

7.2 FEAR OF BEING UNABLE TO OBTAIN NEW EMPLOYMENT

Under the *kafala* system, if a domestic worker wants to change her employer, the latter must consent and sign a release form before a public notary. Amnesty International interviewed domestic workers who had given up certain rights in exchange for these release forms in order to obtain new employment. Instead of bringing legal claims, some of these women found themselves agreeing to out-of-court settlements with employers that left them with unpaid wages and no compensation for the abuse they had suffered.

Rhina, a domestic worker from Madagascar, said she left her employer after not being paid for 10 months. She found a new employer, who agreed to be her sponsor. However, in exchange for her former employer signing a release form, she had to give up any claim on her unpaid wages, which amounted to US\$1,250.¹⁰⁸

Joint research by the ILO and the Caritas Lebanon Migrant Center in 2014 similarly found that migrant domestic workers were reluctant to file complaints against their employers because it would be very difficult to change employer without the latter's consent.¹⁰⁹

7.3 FEAR OF FALSE ACCUSATIONS OF THEFT

Another barrier that migrant domestic workers face is the threat that their employer will falsely accuse them of theft in retaliation for them leaving. Amnesty International interviewed four domestic workers whose former employers accused them of theft after they left. All of them denied the accusations.

Sebastian said that, when she went to the embassy after having managed to escape her employer's home following three months of what she reported as forced labour, she found out that her employer had filed a complaint against her for theft, an accusation she vehemently denied. "I went to the embassy and asked them to help me," she said. "They contacted General Security, who told them that the woman [employer] had filed a complaint against me for theft. She accused me of stealing her son's crutches. I didn't steal the crutches. Why would I?"¹¹⁰

A 2011 legal study by the Caritas Lebanon Migrant Center examined 1,215 cases of lawsuits initiated against migrant domestic workers in Beirut and Baabda. The worker was accused of theft in 11.8% of the cases and, in 95.1% of these, also accused of "running away" from their employer. The study revealed that 77.9% of the 1,215 cases did not reach court and that, among the cases that did, the worker was found to be guilty in 33.3% of the cases.¹¹¹

¹⁰⁸ Interview with Rhina (surname withheld for security reasons), Bourj Hammoud, 17 November 2018.

¹⁰⁹ ILO and Caritas Lebanon Migrant Center, *Access to justice for migrant domestic workers in Lebanon*, 2014, www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_395802.pdf, p. 16.

¹¹⁰ Interview with Sebastian, Qornet Shehwan, 10 November 2018.

¹¹¹ Caritas Lebanon Migrant Center, *False allegations of theft commonly filed by a Lebanese sponsor/employer against "runaway" migrant domestic workers*, 2011, mfasia.org/migrantforumasia/wp-content/uploads/2017/04/Annex-II-MDW_False-Theft-Study_Final-Version.pdf, p. 43.

8. CONCLUSION AND RECOMMENDATIONS

“*Kafala* is slavery. For how many years have we been fighting the *kafala* system? Why is it that until now, they cannot give us our rights?”

A migrant community leader from the Philippines¹¹²

Amnesty International’s findings show how the *kafala* system grants employers almost total control over the lives of migrant domestic workers. The system isolates workers and ensures they are dependent on their employer. The power imbalance and the dependency of the worker on their employer facilitate exploitation and other abuse to occur while at the same time limiting the worker’s access to redress.

The result is a shameful pattern of human rights and labour rights violations impacting migrant domestic workers in Lebanon. Intergovernmental organizations such as the ILO, human rights defenders and organizations have documented these violations extensively over the last 10 years and, along with the migrant community itself, have advocated for the abolition of the *kafala* system and the extension of labour protections to migrant domestic workers.

The authorities have taken limited and so far flawed measures to address abuses. In 2015 the Ministry of Labour established a hot line for migrant domestic workers to allow them to report cases of mistreatment or other abuse and receive help, but Amnesty International’s research calls into question whether it is functioning properly. In December 2018, the Ministry of Labour said it had translated the unified standard contract for domestic workers into several unspecified languages, but Amnesty International’s research indicates that workers are still signing contracts in Arabic without understanding their content. Overall, the authorities have failed to tackle the appallingly permissive environment for exploitation and other abuse.

In February and March 2019, Lebanon’s new Minister of Labour said that he would prioritize modernizing the Labour Law and work to improve the conditions of domestic workers. The statements of intent are welcome, but need to be expanded and translated into substantive legislative and policy measures to ensure that the rights of migrant domestic workers are fully respected.

Amnesty International is calling on the Lebanese authorities to end the *kafala* system and extend labour protections to migrant domestic workers. In particular, the organization makes the following recommendations to the Lebanese authorities:

¹¹² Interview with a migrant community leader from the Philippines, Beirut, 22 November 2018.

TO THE LEBANESE PARLIAMENT

- Amend the Labour Law to include domestic workers under its protection and to allow migrant domestic workers to join, elect and be elected to unions.
- Reform the visa sponsorship system so that:
 - Migrant domestic workers' entry, residence and work permits are not tied to a specific employer and they are responsible for renewing their own visas, work and residence permits;
 - Migrant domestic workers have the right to resign and terminate their employment contract at will, without immediately losing valid immigration status;
 - Migrant domestic workers have the right to change employer without the consent of their current employers, and without losing valid immigration status.
- Make the confiscation of a worker's passport an administrative offence.
- Become a state party to ILO Convention No. 189 on Domestic Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and implement their provisions in law, policy and practice.

TO THE MINISTRY OF LABOUR

- Prepare and present as expeditiously as possible a draft amended Labour Law, paying particular attention to Article 7 of the current law, which excludes migrant domestic workers from the protections of the law.
- Make the use by public notaries of translated versions of the unified standard contract a legal requirement and ensure its enforcement.
- Ensure the ministry's hot line for reporting abuse is fully activated and raise awareness about its existence among migrant domestic workers.
- Revise the current standard unified contract to address the inequalities between the employer and the worker and to allow the domestic worker to leave the household during, rest hours and days off, without having to seek permission from the employer.
- Establish a complaint mechanism specifically designed for migrant domestic workers and ensure that it includes social workers and interpreters to facilitate communication in key languages spoken by the workers and a scheme for awarding compensation.
- Improve the monitoring and inspection of recruitment agencies, assess their compliance with international human rights standards and publish these assessments.
- Hold accountable the recruitment agencies that abuse migrant domestic workers and who fail to take action when workers report to them cases of abuse by employers.
- Actively raise migrant workers' awareness of their rights when they enter the country, such as by promoting leaflets containing such information in relevant languages at Beirut airport.

TO THE MINISTRY OF JUSTICE

- Increase awareness among domestic workers and law enforcement authorities about the national anti-trafficking law and ensure its full implementation.
- Grant migrant domestic workers who have made complaints against their employers temporary visas during court cases and allow them to work for new employers throughout their duration.

TO THE MINISTRY OF INTERIOR AND MUNICIPALITIES

- Train Internal Security and General Security forces to identify and assist migrant domestic workers who have been subjected to violence and other abuse and facilitate their access to medical care and the justice system.

- Ensure a safe and confidential environment for women to report physical and sexual abuse to the police irrespective of their nationality or residence status and hold accountable police officers who fail to deal with complaints appropriately.
- Require General Security forces to return passports to migrant domestic workers upon their arrival in Lebanon.
- Revise relevant policies to allow free-of-charge residency for children of all foreign domestic workers, regardless of their marital or employment status.

9. ANNEX

UNIFIED CONTRACT FROM MINISTRY OF LABOUR

عدد :

عقد عمل خاص بـ العمال / العاملات في الخدمة المنزلية

وقع في ما بين:

الفريق الأول : السيد _____
العنوان _____
الوضع العائلي : _____

الفريق الثاني: العاملة _____ ، من _____
الوضع العائلي: _____
المتخذة محل الإقامة على عنوان : _____

لما كان الفريق الاول يرغب باستخدام من تتمتع بالكفاءة والخبرة والمهارة للعمل لديه بصفة عاملة في الخدمة المنزلية

ولما كان الفريق الثاني يتمتع بالصفات المذكورة اعلاه .

ولما كان الفريقان قد توافقا على أن يجري تنفيذ هذا العقد وفقاً لقيم ومبادئ العائلة اللبنانية .
لذلك وبناء عليه ،

تم الاتفاق بين الفريقين بالرضى والقبول المتبادل على ما يلي :

أولاً :

تعتبر مقدمة هذا العقد جزءاً لا يتجزأ منه .

ثانياً : وافق الفريق الأول على ان يعمل الفريق الثاني لديه بصفة عاملة في الخدمة المنزلية وقيل الفريق الثاني بالصفة المذكورة وفقاً للشروط والاحكام الواردة في هذا العقد .

ثالثاً : يتعهد الفريق الأول بعدم استخدام الفريق الثاني في أي عمل أو مكان آخر يختلف عن محل اقامة الفريق الأول

رابعاً :

حددت مدة هذا العقد بسنة قابلة للتجديد .

خامساً : يسري مفعول هذا العقد من تاريخ ابرامه من الفريقين لدى الكاتب العدل بما فيها فترة التجربة المحددة بثلاثة اشهر .

سادساً : يتعهد الفريق الاول أن يدفع للفريق الثاني بنهاية كل شهر عمل كامل أجره الشهري البالغ مائتي الف ليرة لبنانية لاغير وبدون أي تأخير غير مبرر ، يدفع الاجر نقداً مباشرة للفريق الثاني نفسه وبموجب ايصال خطي موقع من الفريقين أو بموجب تحويل مصرفي بايصال خطي موقع من الفريقين أيضاً .

سابعاً : يتعهد الفريق الثاني بتأدية عمله بكل أمانة وجدية وإخلاص وأن يتقيد بتوجيهات الفريق الأول بما يراعي أصول العمل وأعرافه وأخلاقه وخصوصيات المنزل .

ثامناً : يتعهد الفريق الاول بتأمين شروط وظروف العمل اللائق وتوفير حاجاته من مأكّل وملبس واقامة تحترم فيها كرامة الفريق الثاني وحقه في الخصوصية .

تاسعاً : يتعهد الفريق الاول بضمان استشفاء الفريق الثاني بموجب بوليصة تأمين لدى شركة ضمان معترف بها في لبنان وفق الشروط والحالات المحددة من قبل وزارة العمل .

عاشراً : يتعهد الفريق الأول بالاستحصال على اجازة عمل وبطاقة اقامة للفريق الثاني وفقاً للأصول وذلك على كامل نفقته ، كما يتعهد بتجديدها ما دام الفريق الثاني يعمل لديه .

حادي عشر : يحدد الفريق الاول ساعات العمل للفريق الثاني بمعدل عشر ساعات متهالدة في اليوم ويتأمين فترة راحة لا تقل عن ثماني ساعات متواصلة ليلاً .

ثاني عشر: يتعهد الفريق الأول بمنح الفريق الثاني فترة راحة أسبوعية لا تقل عن أربع وعشرين ساعة متواصلة ، تحدد شروط الاستفادة منها باتفاق الفريقين ، كما يحق للفريق الثاني اجازة سنوية لمدة ستة ايام يحدد توقيتها وشروط الاستفادة منها باتفاق الفريقين .

ثالث عشر: يؤمن الفريق الأول على نفقته تذكرة استقدام عودة الفريق الثاني الى بلده الا في الحالات المتفق عليها في البند السادس عشر من هذا العقد .

رابع عشر: يتعهد الفريق الأول بالسماح للفريق الثاني بتلقي المكالمات الهاتفية والمراسلات الموجهة لهذا الاخير بالإضافة الى السماح للفريق الثاني بالاتصال بأهله مرة كل شهر على نفقة الفريق الأول وما عدا ذلك فيتحمل تكاليفه الفريق الثاني .

خامس عشر: إذا أصيب الفريق الثاني بمرض غير الأمراض الناجمة عن خدمته وحوادث العمل فله الحق في اجازة مرضية بناءً لتقرير طبي تحدد بنصف شهر بأجر ونصف شهر بنصف أجر .

سادس عشر: يحق للفريق الأول فسخ هذا العقد في الحالات التالية :

أ - إذا ارتكب الفريق الثاني خطأ أو إهمالاً أو إعتداءً مقصوداً أو خطأً أو ضرراً لحق بمصالح الفريق الأول أو أحد أفراد عائلته .

ب - إذا ارتكب الفريق الثاني فعلاً يعاقب عليه في القوانين اللبنانية المرعية الاجراء بموجب حكم قضائي . في هذه الحالات يكون لزاماً على الفريق الثاني أن يغادر لبنان وأن يدفع من ماله الخاص ثمن تذكرة السفر للعودة الى بلاده .

سابع عشر: يحق للفريق الثاني فسخ العقد على مسؤولية الفريق الأول في الحالات التالية :

أ - إذا أدخل الفريق الأول بتسديد أجور الفريق الثاني لمدة ثلاث أشهر متعاقبة .

ب - إذا اعتدى الفريق الأول أو أحد أفراد عائلته أو القاطنين في المنزل بالضرب أو الإيذاء ، أو قام أحد هؤلاء بالتحرش أو الإعتداء جنسياً عليه ، وثبت ذلك من خلال تقارير طبية من طبيب شرعي ومحاضر تحقيقات الضابطة العدلية أو وزارة العمل .

ج - إذا قام الفريق الأول بتشغيل الفريق الثاني بغير الصفة التي استقدمه للعمل فيها دون موافقته . في هذه الحالات يكون لزاماً على الفريق الأول أن يعيد الفريق الثاني الى بلاده وأن يدفع له ثمن تذكرة السفر .

ثامن عشر: في حال حصول نزاع بين طرفي هذا العقد يمكن عرضه على وزارة العمل لتسويته وتباً .

تاسع عشر: عند فشل تسوية النزاع وتباً للفريق المتضرر مراجعة المحاكم اللبنانية المختصة .

عشرون: نظم هذا العقد أمام كاتب العدل باللغات العربية ووقع من الطرفين .

الفريق الثاني

الفريق الأول

نظر مني للمصادقة على صحة توقيع السيد -----، من الجنسية اللبنانية، و السيدة -----، من الجنسية -----، الحائزان على الأهلية المدنية والقانونية والموقعان أمامي وفي دائرتي أنا الكاتبة بالعدل في ----- بعد تلاوة هذا السند عليهما علناً وإفهامه مضمونه وموافقتهما عليه بمحض إرادتهما وتوقيعهما أمامي وذلك في يوم

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'THEIR HOUSE IS MY PRISON'

EXPLOITATION OF MIGRANT DOMESTIC WORKERS IN LEBANON

Lebanon is home to over 250,000 migrant domestic workers, who come from African and Asian countries and work in private households. The vast majority are women. All migrant domestic workers are excluded from the Lebanese Labour Law and are governed instead by the *kafala* system, an inherently abusive migration sponsorship system, which ties the legal residency of the worker to the contractual relationship with the employer.

Amnesty International interviewed 32 women migrant domestic workers in 2018-2019. Their testimonies revealed significant and consistent patterns of abuse. These included exploitative working conditions, forced labour and human trafficking, in addition to impeded access to justice. Despite such patterns of human rights and labour rights violations, which have also been extensively documented by local and international human rights organizations over recent years, the Lebanese authorities have taken limited and so far flawed measures to address abuses.

The *kafala* system is incompatible with domestic laws that safeguard freedoms and human dignity, protect workers' rights and criminalize forced labour and human trafficking. In addition, it is in contradiction with Lebanon's international obligations. Amnesty International calls on the Lebanese authorities to take immediate measures towards ending the *kafala* system and extending labour protections to migrant domestic workers.