



دیپلماتیک سرکردیا/ڈی

# DREAMS FOR SALE



THE EXPLOITATION OF DOMESTIC WORKERS  
FROM RECRUITMENT IN NEPAL AND BANGLADESH  
TO WORKING IN LEBANON





KAFA (enough) Violence & Exploitation is a feminist, secular, Lebanese, non-profit, non-governmental civil society organization seeking to create a society that is free of social, economic and legal patriarchal structures that discriminate against women.

DREAMS FOR SALE: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon, © 2014 All rights reserved, KAFA (enough) Violence & Exploitation

Advocacy for law reform and introduction of new laws and policies; influencing public opinion, practices and mentality; conducting research and training; and empowering women and children victims of violence, and providing them with social, legal, and psychological support.

## Acknowledgements

Research: Saada Allaw

Supervision: Ghada Jabbour, Roula Abimourched, Ghida Frangieh.

Thanks to all those who responded to our questions, mainly migrant domestic workers who took part in the study and the relevant official and non-official stakeholders. We would like as well to express our deepest gratitude to: Ms. Sampreetee Gurung (CESLAM - NEPAL) for conducting and analyzing the field research in Nepal, Ms. Bernadette Daou for the editing, Ms. Juliane Heidler for reviewing the available literature on recruitment and migration, Ms. Helene Khoury for data entry and statistics and analysis, Ms. Sarah Chreif and Ms. Maya El Ammar for conducting the field interviews, and finally Dr. Ray Jureidini for enriching the discussion on the issues tackled in the study. We owe a special thanks to the International Migration Initiative of the Open Society Foundations' support, without which the production of this study would not have been possible.

## ڈیجیٹل سماں

Legal Agenda -Al Muâkkira Al Qanuniyya- is a non-governmental, non-profit organization aiming at lifting the barrier between law and society in Lebanon and the Arab world generally, as to ensure the making of law is not monopolized by those in power and enable average citizens to understand and criticize it.

Therefore, Legal Agenda has several goals; of the most important is the monitoring of law and public policy in Lebanon and -increasingly- the Arab world as to analyze it from a critical and multidisciplinary perspective. To this aim we publish essays and short news articles and conduct academic research projects dealing with socio-legal issues and their current development. We focus primarily on matters relating to marginalized sections of society, including refugees, prisoners, women, homosexuals, the disabled and labourers as well as their basic rights and freedoms.

## **DREAMS FOR SALE:**

### **The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon**

<b>Section Three: Exploitation and Forced Labour in Lebanon</b> .....	<b>42</b>
1. The power imbalance in the relationship between employer and worker.....	42
2. Working conditions in Lebanon: the various indicators of forced labour.....	43
2.1 The imposition of long working hours and denial of weekly time off.....	43
2.2 Withholding wages and delaying payment.....	44
2.3 Restricting freedom and isolation from the outside world.....	45
3. Inadequate living conditions.....	47
3.1 Denial of privacy and the right to a private life.....	47
3.2 Denial of proper food.....	47
3.3 Insufficient medical care.....	48
4. The various types of abuse faced by migrant domestic workers.....	48
4.1 Prejudice and racism of employers towards migrant domestic workers.....	48
4.2 Threats and emotional abuse.....	49
4.3 Physical abuse and violence.....	50
4.4 Sexual abuse.....	51
5. The inability of migrant domestic workers to change their working conditions: “Escape” is the only option.....	51
<b>Section Four: The Difficulty of Accessing Complaint and Compensation Channels for Migrant Domestic Workers</b> .....	<b>53</b>
1. Unofficial channels: the role of placement agencies.....	53
2. Official complaint and compensation channels in Lebanon.....	55
2.1 Lack of complaints filed with the Ministry of Labour in Lebanon.....	56
2.2 Complaints at the General Directorate of General Security: Suppressing the employer's responsibility through deportation of the migrant domestic worker or the surrendering of rights.....	56
2.3 Insufficient support from diplomatic missions in the countries of origin.....	58
2.4 Lack of recourse to the police.....	59
2.5 Resorting to the Lebanese justice system: Entrenching the <i>kafala</i> system and denying the migrant worker justice.....	59
3. Complaint and compensation channels in the countries of origin.....	61
<b>Conclusion and Recommendations</b> .....	<b>63</b>
<b>Section Two: The Cost of Migration: Recruiters' Illegal Profit from Workers' Debts and Employers' Cash</b> .....	<b>33</b>
1. Fees paid from the worker to the recruiters.....	33
2. Debt bondage: the debts of workers to pay for migration and raised interest rates.....	36
3. Wage deduction: the safe passage to illegal profit.....	37
4. Placement agencies' multiplication of profits at the expense of employers.....	39
<b>Appendices</b> .....	<b>69</b>
Appendix #1: Treaties ratified in the three countries of the study.....	69
Appendix #2: List of tables.....	70
Appendix #3: The Standard Unified Contract.....	71
<b>References</b> .....	74

## Introduction

This report examines the processes and practices involved in the recruitment of migrant domestic workers (MDWs) from Nepal and Bangladesh and explores their work and living conditions in Lebanon. MDWs began entering the Lebanese labour market in the mid-1970s, the influx creating a new labour market that was, and still is, managed by private placement agencies. The Lebanese government did not play a major role in the emergence of this lucrative market, nor did it pro-actively regulate it. It was no more than a witness to the expansion and propagation of this sector, and its consent came as merely as a reaction to its development. Private recruitment agencies in countries of origin and placement agencies in countries of destination are in charge of providing the necessary information and providing the matching services which link the requirements of the employer with the profile of the potential migrant worker, while also sorting out logistical arrangements to facilitate the migration process. Within such a context, the rights of the workers in the country of destination depend, to a large extent, on whether there are any deficiencies in the framework regulating the migration process. This is what this report has set out to explore.

The number of MDWs in Lebanon is estimated to be between 200,000 and 250,000,<sup>1</sup> and for this study, two countries with a sizeable number of workers in Lebanon were selected. Nepal, on the one hand, prohibits the migration of female domestic workers to Lebanon, while Bangladesh has not imposed such a restriction. The scope of the report includes an examination of the recruitment and migration processes, their associated costs, as well as the work and living conditions of the workers and the possibilities and access to legal redress and compensation mechanisms. While previous studies have conducted a partial analysis either looking into the conditions of MDWs at the country of origin or the country of destination, this study seeks to conduct a comprehensive overview of the journey from Bangladesh and Nepal to Lebanon.

## Methodology

The report and the findings are based on quantitative and qualitative research that included 65 semi-structured interviews with Bangladeshi and Nepali workers currently employed in Lebanon and others who have returned to their countries of origin. In addition, a survey of 100 MDWs of the same two countries was conducted in Lebanon in 2013. The research also included interviews with representatives of placement agencies, Lebanese employers, as well as public officials.

While qualifying as a relatively small sample, which may not be representative from a statistical point of view, the data and the findings extracted from this study do uncover important and valuable inferences

and trends about migration processes and practices in the recruitment of MDWs, and do enable us to propose legal and policy reforms.

## Main Findings

The report found that the majority of the MDWs interviewed as part of this study are victims of practices that are akin to human trafficking and forced labour. Private agents, particularly non-licensed brokers, recruit workers within the context of a weak regulatory environment in the country of origin, where legal procedures are not properly implemented. The recruitment is often coupled with an abuse of the worker's vulnerability and an absence of free and informed consent, due to lack of sufficient knowledge, concealing information and deceit about work and living conditions. Together with the sponsorship (*kafala*) system that regulates the MDWs' residency and employment in Lebanon, the end result is the multi-faceted exploitation of the migrant domestic worker.

MDWs incur large expenses by paying the recruitment agencies and/or brokers an average of \$745, which is approximately equivalent to the per capita annual income in their country of origin (MDWs from Bangladesh that we interviewed paid an average of \$908, while those from Nepal paid an average of \$581). These fees actually range between \$70 and \$2,500, substantially exceeding the legal ceiling set in the country of origin.<sup>2</sup> The fee depends on the physical distance between the worker and the recruitment agency, and on the number of intermediate brokers – it increases the further the distance and the larger the number of brokers.

Most MDWs cover their recruitment expenses with loans at usurious interest rates. In fact, about 63% of the surveyed workers took out loans, plus interest, ranging between \$100 and \$1,000, with payment schedules spanning between six months and four years.

The incurred expenses paid to recruitment agencies subject the workers to what is known as debt bondage, considerably reducing the bargaining power of MDWs regarding their work and living conditions. If the workers object to these conditions, the employers or placement agencies punish them and coerce them into working using threats or other forms of violence, making it impossible for them to leave the abusive work relationship. Eighty-two percent of the workers who took part in the survey stated that they had felt forced to work.

As mentioned above, MDWs are deceived about their work and living conditions in Lebanon. Important information is either hidden from workers, or brokers and agents provide them with false information. Although 60% of the surveyed workers had signed contracts in countries of origin prior to coming to Lebanon, 60% of those workers claimed they did not understand the provisions of the contract they had signed. Moreover, 6% of those surveyed were deceived about the type of employment, stating they were promised different jobs such as security guards, secretaries, hospital or hotel employees, or freelance workers. And while 81% of the respondents were promised a specific salary, 53% of those received a lower amount. The same approach regarding misinformation, or lack of information, applies to working hours and conditions. About 84% of the surveyed were not informed about their working hours, 78% did not receive any information about weekly days off, while 64% did not possess

<sup>1</sup> According to the General Directorate of General Security's data for residences issued in 2012, the number of female migrant domestic workers in Lebanon is estimated at 158,287. However, general estimations are higher since many work without official documents.

<sup>2</sup> The Bangladeshi government has set the legal ceiling at \$260, while the Nepalese government, under the current ban, has not set a ceiling for migration fees to Lebanon as a destination country.

any information about the employer's household, and 61% did not know whether or not they would be able to communicate with their families.

Most importantly, none of the surveyed workers knew of the existence of the *kafala* system applied in Lebanon, which limits their basic rights and freedoms. Although recruitment agents were sufficiently aware of these conditions, they intentionally hide this information from the workers in order to lure them in and secure their consent. Such practices constitute a violation of the rights of MDWs to fully understand their work conditions and the migration process before departure. Had they known the full reality, 83% of the surveyed workers stated that they would have never taken the decision to migrate to Lebanon.

Clear indications of forced labour are found when examining the work and living conditions in Lebanon. About 77% of those surveyed worked at least 14 hours a day and were denied rest periods during the day. The personal identification documents of 96% were retained by their employers and 90% were prohibited from going out alone, while 91% were denied the right to a day off. Moreover, 50% were locked inside the house, and 43% were not allowed to contact their families. With regard to income, 50% of those surveyed said that their wages were not paid on a monthly basis and 40% stated that their employers deducted the equivalent of an average of three months' wages, a practice carried out by some employers to recover their recruitment fees. And if the worker has already paid a portion of it, the employer is effectively forcing her to pay these fees twice. These deductions can also be considered a safe and easy mechanism to generate illegal profits on the part of the placement agency in Lebanon or the recruitment agency in the country of origin.

In addition to being denied their basic rights at work, MDWs were not provided with decent work conditions. About 60% of the surveyed workers did not have a private place to sleep and keep their belongings and 32% were denied other rights, such as access to medical treatment, permission to take sick leave, and the right to a private life.

Domestic workers are also the victims of emotional, physical, and sexual violence exercised by the employers or the placement agencies. The survey showed that 46% of the MDWs were threatened, including threats of physical violence, denunciation to the police, deportation, in addition to being denied basic rights such as access to food, receiving their due salary or contacting people. About 62% were subjected to verbal abuse by a household member, a relative, or someone from the placement agency. Over half that amount, or 36%, were subjected to physical violence such as beating, pushing, slapping, hair pulling, stick or belt beating, biting and hair cutting. Moreover 8% of the surveyed said they had been victims of sexual violence, from sexual harassment to rape.

The imbalance in the work relationship between the employer and the worker (in favour of the former) opens the door to abusive and exploitative practices by the employer. The legal framework that governs the work and residency of MDWs in Lebanon, better known as the *kafala* system, is a structural driver that reinforces the potential for abuse and exploitation as it binds the residency permit (*ijama*) in Lebanon to the employer, who can deny her the right to change jobs without consent. These factors, in addition to debt bondage, contribute to the worker's isolation while prohibiting her from changing her work conditions. "Escape" i.e. leaving the house and workplace without the consent of the employer, becomes the only available means to putting an end to the abuse. Seldom did the MDWs manage to seek legal redress, either because they did not possess their identification and contractual papers or because they became illegal residents simply by leaving the work place without the employer's consent.

Thus, and in order to avoid being arrested, the workers are forced to forfeit their wages or any other compensations resulting from the harm inflicted upon them.

On the other hand, employers who require foreign (cheap) labour are also the victim of the placement agencies, which exploit them financially by charging large and unreasonable fees. The study found the profit margin of placement agencies to be relatively high and found that it may double when the same fee (e.g., the cost of airfare or a visa) is collected twice from both the MDW and the employer. The cost for completing the migration requirements for a domestic worker from Bangladesh or Nepal is no higher than \$650. Agents in Lebanon, however, charge employers anything between \$1,300 and \$3,000 for the same service. Hence, the profit margin may equal the real cost, or may even reach five-fold the original amount. This wide range in the fees charged by agents point to the fact that they are unilaterally and arbitrarily setting them, without the checks of a regulatory authority.

In conclusion, the laws that govern the migration process are weakly enforced across all three countries that are examined in this study. Regarding Nepal, where women are banned from migrating to Lebanon, the Lebanese government did not respect the ban and kept on issuing pre-approved work permits and pre-approved visas. The imposed ban did not protect the rights of the workers, quite the opposite; it increased their vulnerability, since MDWs had to use illegal channels in order to secure their exit in search for employment. And in Bangladesh, where migration is permitted within specific mechanisms, the recruitment agents were found not to abide by the rules set in place. As a result, workers from both countries ended up being subjected to flagrant human rights violations during the course of their migration. Moreover, the lack of legal protection, the *kafala* system, and weak enforcement of an existing regulatory framework in Lebanon have set and/or reinforced the status of these workers as victims of human trafficking and forced labour.

**Recommendation 1: Reinforce the role of the governments in managing the recruitment and placement of migrant domestic workers**

Lebanon must seriously consider developing a government-to-government arrangement with the countries of origin of MDWs. Such arrangement would *de facto* limit the contribution of private recruitment and placement agencies in the process of migration to a logistical role, and would therefore limit exploitative practices practised by agents and brokers, as well as the debts incurred by MDWs.

For this to happen, bilateral and multilateral agreements should be introduced, detailing the recruitment and placement processes and mechanisms. As a pre-requisite for such agreements, the country in question should have a diplomatic representation in Lebanon. The agreements should clearly specify unlawful practices such as the payment of recruitment and placement fees by MDWs.

**Recommendation 2: Develop standardized contracts for MDWs ensuring their rights at work**

Bilateral and multilateral agreements should contain a standard contract detailing the living and working terms and conditions of the MDW that meet the minimum standards present in the International Labour Organization's (ILO) Convention No. 189 on decent work for domestic workers. The contract should grant the migrant worker the right to earn the minimum wage adopted in Lebanon and the absolute right to termination of the contract (with terms and conditions of termination clearly spelled out). The contract must be drafted in both the languages of the employer and the worker; it must contain information about the identity and place of residency of the broker and/or agent if one is present, and it must be signed in both country of origin and in Lebanon. The contract should also be enforceable by the courts in both countries. It is worth noting that developing and enforcing such agreements might entail activating the National Employment Office in Lebanon to manage and oversee the recruitment and work of the MDWs.

**Recommendation 3: Strengthen and widen the control and scrutiny over recruitment and placement agencies**

The Lebanese, Bangladeshi, and Nepali governments must closely monitor placement and recruitment agencies to curb corruption and bribery and to ensure that they are not dealing with unregistered sub-agents, and that they are respecting the existing regulatory framework. MDWs should not incur any charges or fees for recruitment. Employers in Lebanon should pay all recruitment and placement costs.

Any salary deduction from the salary of MDWs in return for employment in Lebanon should be considered serious violations punishable by law.

The three governments must introduce transparent financial mechanisms for the recruitment and placement agencies, control or impose a reasonable ceiling on their profit margins, and require them to issue financial receipts that detail the amounts received for recruitment and placement of workers. Information should be disseminated to employers and workers regarding the fact that deducting amounts from the monthly salary as a return for recruitment fees is a punishable offense.

**Recommendation 4: Improve the access of MDWs in their country of origin to information about migration to Lebanon**

Countries of origin must ensure that the local authorities in remote and rural areas provide potential migrants with enough information about the process of migration and the related fees. They should make it clear that the Lebanese employer is the party responsible for paying all fees related to migration, including the airplane ticket, pre-departure training, and the fees for the recruitment and placement agencies in both countries. Information about the necessity of registering at the migrant welfare funds should also be disseminated.

Adequate pre-departure training for domestic workers migrating to foreign countries must be implemented – the completion of which should be a prerequisite for granting the worker the right to migrate. Such trainings must be of high quality and must include, at a minimum, clear information about the work and living conditions in Lebanon, the use of basic words in Arabic or English, and information about the basic rights of MDWs in Lebanon and the organizations that provide assistance in case of abuse.

**Recommendation 5:  
Prosecute those who violate the rights of workers in Lebanon**

The Lebanese judiciary must seriously and vigilantly pursue the violations of the rights of workers, especially the violations that relate to human trafficking and forced labour, and must initiate legal proceedings against offenders including employers and placement agencies. The Lebanese government must guarantee the right of the domestic worker to access means of redress and legal compensation in cases where her rights are violated. The MDW should thus be allowed to remain in the country until the judicial case is settled and seek employment during this period. The Lebanese government should provide alternatives to detention of MDWs who do not hold proper residency papers.

## Recommendation 6: Adopt practical policy measures to limit forced labour and trafficking

### Introduction

Until a political decision is made to establish government-to-government agreements to regulate the recruitment and placement processes, cancel the *kafala* system, and grant MDW's full legal protection (including the inclusion of domestic workers under the Labour Code), the Lebanese government must change its policies and take practical, concrete and fast measures to curb violations domestic workers are subject to in Lebanon. Such measures could include the following: 1) the revision of the applied Standard Unified Contract by the Ministry of Labour to include better standards, guaranteeing domestic workers the right to a weekly day off outside the house, and guaranteeing, at a minimum, the right to terminate the contract by the domestic worker in case of abuse; in such cases of termination, the worker should be granted a grace period and the right to seek alternative employment in Lebanon without the requisite release paper from the (violating) employer; 2) the dissemination by the Ministry of Labour of the Standard Unified Contract in the language of the domestic worker; 3) the establishment by the Ministry of Labour of a multilingual and properly-staffed complaint unit to quickly process complaints by MDWs; and 4) the introduction of a new wages payment system via a bank account created for the MDWs upon their arrival to Lebanon – this measure would allow there to be proof of payment, benefiting both the employer and the worker.

With the entry of the migrant labour force, the industry of domestic work came to be regulated – through recruitment mechanisms between states run by private agencies. Yet these agencies are able to carry out practices that increase the exploitation that the worker is exposed to on arrival in the destination country. The Lebanese government did not play a major role in the emergence of this lucrative market, nor did it pro-actively regulate it; it was no more than a witness to the expansion and propagation of this sector, and its consent came as merely as a reaction to its development.

So how is the recruitment of MDWs carried out, and where does their vulnerability and their decision to migrate stem from? To what extent do the methods and mechanisms of recruitment play a part in determining their work and living conditions in Lebanon? Were they able to change these conditions? How do employers and workers fund the process of migration and how much profit is extracted by migration service providers – namely agents and brokers? And to what extent is the whole process of recruitment accompanied by practices akin to human trafficking and forced labour?

To answer these questions, we have examined a migration path from Nepal and Bangladesh. These countries have been selected, in part, owing to the significant similarities that exist between them. Both have large communities in Lebanon, and both governments regulate, and encourage, the process of migration, while neglecting to apply laws which govern this process effectively. Most of the studies carried out regarding the two countries indicate the weakness in the application of, and commitment to, legal mechanisms, and the absence of effective and transparent monitoring mechanisms that ensure adherence to their contents. This is particularly true in relation to the rampant corruption that takes place during the entire recruitment process.<sup>6</sup> Despite the crossover, the two countries differ with regard to the restrictions imposed on the migration of domestic workers, Nepal having placed a ban on women migrating for domestic work in Lebanon, and Bangladeshi having imposed no such restriction.

<sup>3</sup> Jureidini, Ray 2009, "In The Shadows of Family Life: Toward a History of Domestic Service in Lebanon," *Journal of Middle East Women's Studies*, Vol. 5, No. 3, Fall 2009

<sup>4</sup> Ibid.

<sup>5</sup> General Directorate of General Security, op. cit.

<sup>6</sup> For example, see: Rahman, Mizanur 2011, "Recruitment of Labour Migrants for the Gulf States: The Bangladeshi Case," Institute of South Asian Studies, Working Paper No. 132. Amnesty International, 2011, "Nepal, Briefing to the UN Committee on the Elimination of Discrimination Against Women," Jointly submitted by Amnesty International, Kavita Oved and Pourakhi to the 49th session, July 2011.

Nepal and Bangladesh are located in the south of Asia, and they share a number of structural similarities on economic, social and political levels, such as conflict, poverty, high unemployment and environmental destruction. The 2013 Human Development Report classifies both Nepal and Bangladesh as countries of low human development. The monthly average per capita income is roughly the same in both countries – in Nepal it is around \$60, and in Bangladesh around \$70.<sup>7</sup> As for the poverty headcount ratio at national poverty lines, in Nepal this equals 25.2% of the population, while in Bangladesh it amounts to 31.5% of the population.<sup>8</sup>

In 2012, 36,730 women of Bangladeshi nationality and 6,020 women of Nepalese nationality worked in Lebanon, according to the residency regulation for MDWs.<sup>9</sup> Bangladesh is the country from which the second highest number of domestic workers in Lebanon hail, after Ethiopia; Nepal, meanwhile, comes fifth, after the Philippines and Sri Lanka. According to the Bangladeshi embassy, the number of Bangladeshi women working in Lebanon is between 70,000 and 80,000, and the number of those who ended up leaving their employers' houses without their permission ranges between 10% and 15% of the total number of workers.<sup>10</sup> The Consul General of Nepal, meanwhile, said that, in view of the lack of official statistics, estimates indicate the presence of between 8,000 and 10,000 Nepalese female migrant workers in Lebanon.

The current study examines the migration of domestic workers from Nepal and Bangladesh to Lebanon, and their work conditions, looking into violations surrounding the whole process, with a view to compensate the noticeable lack of data surrounding the topic. While previous studies have shed light upon a part of the prevailing situation, treating the conditions of female workers in the country of origin or the country of destination by themselves, this study attempts to provide a comprehensive overview of the current state of affairs. The study looks into the vulnerability of workers that pushes them to migrate, a decision that cannot always be considered one taken entirely of their own volition, either because of the deception they are exposed to at the hands of migration service providers, or because they are pushed into taking this decision by family pressures, or for social or financial reasons. The current study attempts to count the cost of migration, and look into those who pay it and those who profit from it. It documents the work and living conditions of the MDWs based on the extent to which the whole process corresponds with indicators of human trafficking and forced labour. This study, moreover, sheds light on the lack of access to legal redress and compensation mechanisms for migrant women whose rights were violated, whether in Lebanon or in the two countries of origin.

## Methodology

A key part of the research centred on fieldwork, during which qualitative and quantitative methods were applied to gather information; the field work was conducted in the three countries selected for the study – Lebanon, Nepal and Bangladesh – and took place from mid-November 2012 until the end of July 2013.

The field research in Lebanon was focused around 40 semi-structured interviews with 20 female workers from Bangladesh and 20 female workers from Nepal. The interviews applied guidelines made up of questions covering the following eight axes: the personal profile of the female migrant; the conditions that pushed her to migrate to work abroad; the recruitment mechanism that she was put through in the country of origin; the expenses she incurred and the debt she took on as a result and its ensuing interest; her work conditions in Lebanon; her relationship with the placement agency in Lebanon; her capacity to change her working conditions; and her current circumstances.

The semi-structured interviews took place with a sample of workers from areas with a high concentration of MDWs, such as Shatila refugee camp, Ouzai, Sultan Ibrahim, Tarif al-Jadida, Janath, Dora, Burj Hammoud, Zikrit, Antalias and Bikfaya. It was through their relationship networks that connections were made with the remainder of the participants. It became clear that the vast majority left their employers' houses without permission, and worked on a freelance basis without a work permit or legal residency. The semi-structured interviews were conducted in places where the workers lived and worked, and colleagues of theirs from Bangladesh or Nepal who spoke Arabic acted as translators and facilitated the exchange of questions and answers.

The fieldwork was completed using a survey conducted with one hundred MDWs, split between the two nationalities. Sixty-four percent of them resided with their employers. A convenient sample was selected, based on the volunteering of the participants and the ease of reaching them, which facilitated and expedited the process of gathering information and extracting indicators of their experiences within the system of recruitment. A distinguishing characteristic of the sample was the young age of the participants, the average age being 30; it was a valuable sample and helped to shed light on indicators of trafficking and forced labour. These interviews took place on the street, in the areas of Shiyah, Dora, Sabtach, Sabra and Ain el-Rammaneh. The questions in the survey went into personal information about the participant, the recruitment process they went through in order to get to Lebanon, and the money they paid in that pursuit. One section of the survey was devoted to the promises made to them about work and living conditions in Lebanon, with the first employer only, in order to ascertain the extent to which these matched up to reality when employment began.

The field team also carried out interviews with Lebanon's Ministry of Labour, the Bangladeshi embassy's Chargé d'Affaires, and the Honorary Consul of the Nepalese government, and engaged in written correspondence with Lebanon's General Directorate of General Security. The aim of interviewing and corresponding with official Lebanese, Nepalese and Bangladeshi bodies was to understand the legal framework that governs the process of MDWs to Lebanon, and the mandate of each of the bodies in the regulation of their presence in Lebanon and the following up on their circumstances.

The study also designated six semi-structured interviews with heads of placement agencies in Lebanon, as well as the head of their syndicate. These interviews went into general information about the agency, the date of its establishment and its licensing, the manner of its relationship with the countries supplying foreign labour, the recruitment procedures and their cost, and the role of the agency after the arrival of the worker in Lebanon. Interviews were also carried out with a small sample of employers, five of them participating in semi-structured interviews; they were asked questions about the procedures they carried out to recruit a worker from abroad, the costs they incurred throughout the process, the conditions in which their employees worked, and the pathways they utilized to solve problems faced by the workers.

<sup>7</sup> World Bank statistics: <http://data.worldbank.org/country>

<sup>8</sup> World Bank statistics: <http://data.worldbank.org/country>

<sup>9</sup> General Directorate of General Security almanac, statistical table, organized by nationality, of residences issued in 2012 to female workers in domestic service, April 2013.

<sup>10</sup> Interview with Monimol Haq, chargé d'affaires in the Bangladeshi embassy in Beirut, 31-07-2013.

The fieldwork in Nepal was focused around 115 semi-structured interviews with female MDWs after their return from working in Lebanon, while 10 returnees were interviewed in Bangladesh. The questions from the semi-structured interviews with workers in Nepal and Bangladesh corresponded to those asked of workers still in Lebanon, except when alterations needed to be made, for example in order to gather information about workers' conditions after their return from Lebanon. Two researchers, in Bangladesh and Nepal, also interviewed officials in government departments which dealt with migrant labour, as well as brokers and recruitment agency officials.

While qualifying as a relatively small sample, which may not be representative from a statistical point of view, the data and the findings extracted from this study do uncover important and valuable inferences and trends about migration processes and practices in the recruitment of MDWs, and do enable us to propose legal and policy reforms.

Obstacles arose during the field study with regard to reaching the participants, given the practice sometimes carried out of detaining workers inside the house. Then there were others who were not restricted in this way, but did not possess identification papers and were therefore at potential risk of arrest. Language posed a challenge with regard to obtaining information from the participants; the women who translated during interviews were not specialists, and were not necessarily completely proficient in Arabic. As such, some details remained hard to understand from the point of view of the workers. However, the semi-structured interviews that took place with the returnees were carried out in the participants' mother tongue, without a language barrier, by researchers who came from the same country and were also fully proficient in English.

Another obstacle arose in the hesitation of returnees to talk about their experiences, owing to the stigma attached to being classed as victims of human trafficking or sexual exploitation. Many also seemed wary of exposing the secrecy surrounding the entire process of migration, and also as a result of the ban placed by Nepal, and the necessity of a number of them to evade official restrictions and travel via a third country.

Another difficulty was obtaining frank and transparent answers in the interviews with placement agency heads; this was particularly the case in their refusal to reveal details of recruitment costs and specify how much profit they gained from each worker they recruited. Meanwhile, not a single placement agency that was still recruiting female migrants from Nepal agreed to be interviewed, given the ban imposed in the country. As a substitute, we interviewed heads of agencies who had been engaged in the practice when it was still legal. Interviewing official bodies also posed its own challenges, owing to bureaucratic mechanisms and the time taken to obtain permission to gather information.

## Definitions Used

The study relied on both the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified by Lebanon, and the International Labour Organization's (ILO) Forced Labour Convention (No. 29), ratified by all three countries in this study.<sup>11</sup> This was done in order to compare and contrast them with the conditions faced by female migrant workers, and their journey to improve their economic and social circumstances, and was also done in the knowledge that the three governments issued national laws to suppress the crime of human trafficking or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>12</sup>

In this study, we relied on the legal framework stipulated in the Palermo Protocol and the Forced Labour Convention. Forced labour is defined 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.”<sup>13</sup> The study also relied on indicators of forced labour developed by the ILO<sup>14</sup> in order to understand the conditions of female domestic workers in Lebanon, which are summed up as follows:

The first, **Abuse of Vulnerability**, itself comprises a number of indicators that demonstrate the vulnerability of the victim of forced labour; among these are a lack of knowledge of the local language and laws in the destination country; belonging to a minority religious or ethnic group; not having work opportunities in the country of origin and not being able to ensure a decent livelihood there. The existence of difficult conditions such as these does not necessarily indicate forced labour. It is when an employer takes advantage of this situation to force the victim to work excessive hours or work in inappropriate conditions, or to withhold wages, that a case of forced labour arises. Situations of forced labour are also more likely to arise when the victim depends on the employer for housing, food and legal residency.

**Deception** can be summed up as the failure to deliver on promises made to the victim of forced labour about the conditions or nature of the work, wages, accommodation, living conditions, obtaining a work permit and legal residency, workplace, or the identity of the employer. To demonstrate this indicator, the victim must have been given promises either verbally or in writing, and then discover that the work conditions do not match up to them, without them being able to change these conditions or stop working.

As for **Restriction of Movement**, this arises in cases where the victim is detained in their place of work, or is detained while being transported to the destination country, and where restrictions are placed on their freedom of movement. Certain restrictions, however, could be considered reasonable if put in place to ensure their safety, such as those in hazardous work sites, or when departure is conditional

<sup>11</sup> See Appendix 1: Ratified Treaties in the Three Countries of this Study

<sup>12</sup> Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, to supplement the United Nations' Convention against Transnational Organised Crime, \* adopted by the General Assembly of the United Nations on November 15, 2000.

<sup>13</sup> Article 2 of the ILO Forced Labour Convention, 1930 (no. 29), <http://www.ilo.org/ath/events/slaveryabolitionday/pdf/ForcedLabourConvention.pdf>

<sup>14</sup> International Labour Organization, 2012, International Labour Office, ILO Indicators of Forced Labour, Brochure, 1 October 2012, available at:

[http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS\\_293832/lang--en/index.htm](http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/WCMS_293832/lang--en/index.htm)  
See also: International Labour Organization, Human Trafficking and Forced Labour: Guidelines for Legislation and Law Enforcement, Special Action Programme to Combat Forced Labour, 2005

on permission or agreement by the employer; for example. But the lack of freedom to enter or exit the workplace represents a strong indicator of forced labour.

### **Isolation**, and prevention from communicating with the outside world, occurs in cases where the victim

is placed in remote locations, without access to means of transportation; where the worker is kept behind locked doors and is unable to leave; when communication with family and friends is prevented; when email access is taken away or mobile phones confiscated; when the worker does not know the address of their workplace and residence; or when there are no monitoring mechanisms of the workplace (by inspectors or the Ministry of Labour) – or when these mechanisms are ineffective.

**Physical and Sexual Violence** includes beating, abuse, forcing the victim to undertake tasks not under their remit according to their work contract, forcing them to perform sexual acts with the employer or any member of the family, or forcing them to take drugs or alcohol in order to exercise greater control over them. Given that the use of violence is forbidden as a disciplinary measure under any circumstance, it is a very strong indicator of forced labour.

A victim of forced labour may also suffer **Intimidation and Threats** when they complain about their work or living conditions or wish to leave their job. Threats include violence, denunciation to the authorities (in cases where the worker does not hold legal residency<sup>15</sup>), returning them to their home country, withholding wages if they oppose their unfair conditions or try to change them, and taking away their rights. Insults, verbal abuse and humiliation also constitute forms of psychological violence.

The **Retention of Identity Documents** occurs when the employer retains the victim's passport, residency documents or licence, and the victim is unable to retrieve them on demand when necessary. This leaves the victim exposed to arrest and imprisonment by the security forces, and as such they are prevented from asking for help from the police or NGOs, for example, or from changing employers or moving freely.

The **Withholding of Wages** occurs when wages are not paid regularly, or when a portion of them is deducted with the aim of forcing the victim to continue work, or preventing them from changing employers.

**Debt Bondage** is defined as an indicator of forced labour in cases where the indebted party is obliged to provide services – or the services of someone under their authority – as a guarantee on the debt in order to pay it off, where their services are not valued rationally, or where the nature of those services or the period of their provision is not defined. The debt could arise from recruitment costs, transportation to the workplace, daily livelihood costs, or emergency costs such as medical expenses. It is not necessary for the employer to be the creditor; nor for the victim to be the debtor – the victim might be offering services in order to pay off the debts of a family member. The debt could end up binding the worker to the employer for an unspecified period of time.

**Abusive Living and Working Conditions** are conditions that no employee would freely accept; they do not necessarily represent forced labour in and of themselves, but they are an indication of means of coercion that prevent the victim from leaving work. These conditions could be humiliating or degrade the dignity of the victim, could constitute a threat to their physical safety or their life, be in breach of labour laws such as deprivation of appropriate meals or privacy, or could include a failure to provide safety measures in hazardous jobs, such as window cleaning from the outside of a building or cleaning using chemical products.

The final indicator, **Excessive Overtime**, constitutes forced labour in cases where the victim is forced to work longer hours than the maximum legal limit, whether under some form of pressure, or in cases where the worker aims to obtain the minimum living conditions. It takes place in cases where the victim is made to work a lengthy number of hours, isunable to take breaks<sup>16</sup>, does not have a weekly day off outside the house, or is forced to meet the employer's needs at any time of day.

## © SECTION ONE

### Recruiting Female Workers in the Country of Origin: Deception and Abuse of Vulnerability

The recruitment stage in the country of origin impacts the entire experience of migration, and abuses in this regard extend to male and female migrants of all skill sets. However, female migrant domestic workers (MDWs) are impacted to a greater extent, given that they are recruited in a low-paying industry. This first section documents the experiences of MDWs from Nepal and Bangladesh *prior* to their arrival in Lebanon. It puts particular focus on the personal, social and economic contexts of their migration, and the structure upon which the relationship between them and the recruiters is drawn. The aim of this is to explore the foundations upon which the decision to migrate to Lebanon to work is made, and the availability of human trafficking channels in the process of recruiting the worker in her home country.

#### 1. Vulnerability in the country of origin and the reasons behind migration

Understanding the social and economic contexts behind migration helps shed light on the vulnerability of the women involved, something which pushes them to migrate abroad. Estimates indicate that women make up about half of those who leave their country to work abroad.<sup>15</sup> Poverty, unemployment, low wages, violence, environmental destruction and natural disasters are all principle factors that reduce job opportunities and push workers to migrate. For female workers, there are additional motivations, such as escaping the domination of the family and fleeing domestic violence.<sup>16</sup>

The roots of this vulnerability extend back to the period prior to their migration to Lebanon, since the women tend to be the primary female breadwinners of their families and come from poor, rural areas. Our current study found that economic responsibilities and concerns play a fundamental and instinctive role in the decision of women to go and work overseas. All the participants in the study, from both countries, said that 'earning money' was the greatest incentive for migration, and they specified it as a chief and direct reason for their relocation. Our current study also shed light on the other reasons for migration, such as improving social circumstances, finding a good husband, and fleeing domestic violence or marginalization in society.

The survey found that 64% of the participants were married, 4% were divorced, and 6% widowed. The overwhelming majority of them were the primary female breadwinners in their families. Moreover, rural women made up the largest proportion of the group, and they tended to be the least well-educated, the poorest, and lacking their own sources of income such as land or cattle, further depriving them of work opportunities. In addition to this, the male breadwinner may have stopped fulfilling his responsibilities, fallen ill, passed away, or simply stopped working. All these factors prevent women from providing for their families, pushing them to migrate. This was something expressed by Lona, from Nepal:

<sup>15</sup> The United Nations Population Fund, 2005, "International Migration and the Millennium Development Goal," Selected Papers of the UNFPA Expert Group Meeting, Marrakech, Morocco, 11-12 May 2005, 115.

<sup>16</sup> Ibid

*‘My husband was working in Qatar when he developed heart problems. He returned to Nepal and came to require lots of medicine, and I had to keep up with my son’s school fees and provide for my husband.’<sup>17</sup>*

Likewise, frustration at the decline in wages in both Nepal and Bangladesh was a key reason behind the migration of female workers, since the decreased wage levels prevent them from securing a decent living for themselves or their families, as Nita from Nepal explained:

*‘My elder sister saw how hard I was working here in Nepal; I worked in carpet weaving, and I set up my own portable stall selling straw objects in the street. I was trying to do lots of different things, but I continued to face financial difficulties. Then my sister told me she would take care of my children so that I could leave the country. My mother had died, and my father was ill and later also passed away. My husband had been working in Saudi Arabia for nine years; he only visited me once and wasn’t sending any money home. It was for this reason that I decided to go abroad – it was for the sake of my children.’<sup>18</sup>*

Alongside poverty and family responsibilities, one of the participants explained how she looked at migration as a way to improve her social and economic circumstances so that she could buy land, or build a house, with the aim of being able to marry. Fatima explained her reasons for migrating as follows:

*‘I wanted to help my family, save money and buy land or a house, in order to find a good husband. A woman who has money, land or a house is able to find a better husband than a woman who does not – he could be highly educated, and with a good social standing, even if she was neither beautiful nor educated.’<sup>19</sup>*

Another participant in the semi-structured interviews, Rozina, migrated to escape the domination of her violent husband, and to pay off his debts. She said:

*‘I came to pay off a loan to the bank that my husband had gambled away, and to provide for my daughter and my family. I spent a hundred dollars getting the term ‘married’ off my passport, so that my husband couldn’t prevent me from travelling.’<sup>20</sup>*

Sixteen percent of the participants in the survey carried out in Lebanon had migrated when under the age of 17, and had resorted to changing their identities on their passports in order to bypass the legal restriction on minors travelling for work, or because of the restrictions, imposed by both the Nepalese and Bangladeshi governments, on the ages at which female domestic workers are allowed to travel.

Three women who had returned to Nepal said that they had been 19 years of age when they migrated for the first time to Lebanon, while another returnee said she had been 17. It should be noted at this point that this group of young female migrants were the oldest out of their siblings, and that their decision to migrate was partly motivated by the idea of visiting another country, as well as out of a desire to provide money for their families. This was what Daarha, from Nepal, explained:

*‘I took the decision together with my mother. There were problems between my mother and my father so she decided to move with me and my two younger brothers to Kathmandu. I wasn’t educated. In Kathmandu*

*I couldn’t find any work with a monthly wage higher than 1000 or 2000 rupees (approximately 10 – 21 US dollars), and that wasn’t enough for us. So I decided to travel abroad, despite the difficulties involved.’<sup>21</sup>*

It is against this background of restricted choices that women take the decision to migrate abroad to find work, and, by and large, this decision is a collective one taken with the family. The family tends to choose the member of the family most likely to find work abroad because of linguistic or professional skills, or because of the gendered choices available such as domestic work. The importance of the collective decision lies in the fact that the whole extended family is likely to depend on the migrant worker’s expected income. It is important that we realise the inherent imbalance of power on an economic level, since it delineates the course taken to recruit the MDWs. It reflects the vulnerability that impacts the experiences of those women across all stages of the migration process, and it allows those who work in the recruitment of the migrants to use their vulnerability to extract profit.

## 2. The structure of the relationship with the recruitment service providers

Adding to the power imbalance, the recruiters are able to build on the vulnerability of the situation of the potential migrant, and increase their influence and authority in their relationship with her. They are non-governmental bodies disseminating information to those wishing to migrate, directing them to suitable employers, and helping to sort out the logistics of the migration process, such as obtaining a visa and a plane ticket. The recruiters oversee two of the most important parts of the migration process: the point at which the recruitment agency matches up the employer to the potential migrant, and the stage where the terms and conditions of the relationship between the worker and the employer are negotiated. At this point, the imbalance can either lead to a positive relationship between the two parties, or the exploitation of the worker.<sup>22</sup> The recruiters are also equipped with vital information for the potential migrants, such as knowledge of the complicated official immigration mechanisms present in the capital city, and their ability to access the network of contacts with employers.

The kind of work undertaken by the recruiters can vary hugely. It can take the form of individual work, through those known as ‘brokers’ in both the country of origin and the country of destination, or it can be done through a recruitment agency, as it is known in the country of origin, or through a placement agency, as it is called in Lebanon by the Ministry of Labour. According to the results of our survey, 90% of the Bangladeshi MDWs left the country through a broker, while the proportion of those who left Nepal this way was 34%, among whom 22% found work opportunities through friends and relatives, who might themselves be brokers. On the other hand, while most of the Nepalese workers (64%) came to Lebanon through placement agencies, no more than 8% of Bangladeshi workers came to Lebanon this way.

The workings of this sector are legislated upon in the two countries of origin and in Lebanon, particularly in relation to the prior authorization of the abovementioned agencies. Nepal and Bangladesh each restrict the recruitment process to licensed agencies, and Nepal prohibits the work of unregistered fixers and brokers. However, the two countries’ laws do not prevent people from trying to individually ensure their migration to work overseas, even if the Bangladeshi government necessitates that they go through licensed recruitment agencies to get permission to travel.

<sup>17</sup> An interview with a Nepalese worker in Lebanon, conducted in Bikfaya on April 12, 2013

<sup>18</sup> An interview with a returnee to Nepal, conducted in Kathmandu on April 23, 2013

<sup>19</sup> An interview with a Bangladeshi worker, conducted in Jnab on February 6, 2013

<sup>20</sup> An interview with a Bangladeshi worker, conducted in the southern suburb of Beirut on November 27, 2013

According to Bangladesh's Bureau of Manpower, Employment and Training (BMET), there were 852 agencies registered and 84 licenses suspended in 2013.<sup>23</sup> As for Nepal, there were around 934 recruitment agencies licensed by the Department of Foreign Employment – part of the Ministry of Labour and Employment – in 2013,<sup>24</sup> all centred in the capital Kathmandu, some of which have branches in other areas.<sup>25</sup> These agencies work under the umbrella of two organizations – the Nepalese Association of Foreign Employment Agencies (NAFEA, an organization recognized by the government) and the Nepalese Association of Foreign Employment.<sup>26</sup> It is worth pointing out that these numbers are relatively low in relation to the size of the country and its population, given that this sector is prospering hugely at the moment – although the renewal of these agencies' licenses is not necessarily related to their performance.

The recruitment agencies are entirely dependent on networks of brokers through their grassroots contacts in the rural areas and suburbs. They are not necessarily registered, despite the stipulation laid down in the laws governing the process of migration. The current study defines brokers as individuals working in the pay of recruitment agencies in the country of origin, or in Lebanon, or else in their own pay; they are not registered, nor are they covered by the controls usually imposed on recruitment agencies. Normally, they seek to gain the trust of the potential migrant and her family; they might themselves be migrant workers, and they demonstrate expertise in the field and knowledge of the destination country. They might, too, use their religious and cultural authority in rural communities – in both Bangladesh and Nepal – in order to hold sway over the workers and paint migration as the ultimate salvation from their vulnerable situation. They are dubbed 'Dadu' or 'Idam Babshahi' (which, in Bangladesh, literally means human trafficker).<sup>27</sup>

Unlicensed brokers help to arrange the main parts of the migration process, including sorting out the related required transactions, obtaining passports, arranging medical tests and organizing the means of getting to the airport. Moreover, they might help with the monetary aspects of the migration process, such as opening bank accounts, or facilitating the procurement of loans contracted by the workers to pay for their migration expenses.<sup>28</sup>

In March 2010, Nepal stopped issuing work permits to female workers wishing to migrate to Lebanon. This amounted to a *de facto* ban, without this being officially legislated upon.<sup>29</sup> This meant that those wishing to migrate were forced to do so secretly, often leaving them more greatly exposed to exploitation and deception. Despite the fact that the Ministry of Labour and Employment raised the ban completely in October of the same year, it did not rid the *idea* of the ban from people's minds,

meaning that many women continued to use illegal routes to migrate.<sup>30</sup> Because of this ban, and the prevention of Nepalese agencies from sending workers to countries that had not been officially agreed upon by the government,<sup>31</sup> the brokers would complete all the documents that facilitate the worker leaving the country, chief among them being the arrangement of their smuggling route, whether via the airport of another country, or overland towards bordering countries.

These brokers work on a freelance basis and claim commission both from the workers and from the recruitment agencies, despite the fact that the Nepalese government stipulates, in accordance with articles 48 and 74 of the 2007 Overseas Labour Law, that recruitment agencies must register all the brokers that they interact with to the Administration of Overseas Employment. Last year saw a significant increase in the number of registered brokers; for while their number was no greater than 9 in 2012, there came to be 250 registered agents in Nepal in 2013.<sup>32</sup>

The gap between policy and practice is huge, however, and the state's approved monitoring mechanism is not only weak, but also corrupt.<sup>33</sup>

As for Bangladesh, there is no clear legal stipulation that legislates on the work of brokers, or that necessitates their official registration. A complex network of brokers makes up the cornerstone in the migration process of domestic workers, alongside the recruitment and travel agencies,<sup>34</sup> interpreters, immigration lawyers and others who benefit from the lack of regulation. These people, mostly, demand additional fees from those wishing to migrate for their various services.

One of the agents in Nepal described the presence of the network as follows:

*"It works on a number of levels, and each level is connected to the other. For example, a village-level broker, in Lamjung, takes a woman to a city-level broker, in Kathmandu, who works with another broker responsible for moving the women from Kathmandu to Delhi (a cross-country broker)... This cross-country broker is linked to a main agent in Delhi (the crossing agent). This agent (the crossing agent) in Delhi, who is normally Nepalese, is the one who coordinates with the broker in Lebanon. Therefore, when the women travel abroad, there are normally between three and five brokers involved. Moreover, news about potential jobs comes from the top down from Lebanon to Delhi to Kathmandu to the village, while the women are sent from the bottom up."*<sup>35</sup>

The real challenge in the work of the brokers lies in gaining the trust of the workers; Saro described how she heard for the first time about available work in Lebanon:

*"I heard about the possibility of work opportunities in houses in Lebanon through Dadu" [In reference to a female broker] from my mother's village in Latibpur. We weren't connected by a family link, however we both belonged to the same ethnic group – Tamang. She had never travelled out of the country before, but was*

<sup>23</sup> The website of Bangladesh's Bureau of Manpower, Employment and Training, date of visit: May 25, 2013: <http://www.bmet.org.bd/BMET/raHomeAction>

<sup>24</sup> The website of the Department of Foreign Employment, date of visit: May 25, 2013: [www.dofe.gov.np](http://www.dofe.gov.np)

<sup>25</sup> Amnesty International, 2011, "False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers," p. 26

<sup>26</sup> Ibid.

<sup>27</sup> Rahman, Mizanur, 2011, "Recruitment of Labour Migrants for the Gulf States: The Bangladeshi Case," Institute of South Asian Studies, Working Paper No. 132, 12.

<sup>28</sup> Amnesty 2011, op. cit.

<sup>29</sup> Also: Alsat, Rita, 2009, Unraveling the vicious cycle of recruitment: labour migration from Bangladesh to the Gulf States: ILO Working Paper 63, 20.

<sup>30</sup> Anti-Slavery International, May 2014, "Into the Unknown, Exploitation of Nepalese Migrant Domestic Workers in Lebanon," 16

<sup>31</sup> Asfar, 2009 op. cit.

<sup>32</sup> Article 46 of the Nepalese Overseas Labour Law, 2007

<sup>33</sup> The website of the Department of Foreign Employment, date of visit: May 25, 2013: [www.dofe.gov.np](http://www.dofe.gov.np)

<sup>34</sup> Migrant Forum in Asia, Humanitarian Organization for Migration Economics, Women Migrant's Human Rights Center of Korea (WMHCK), Joint Committee with Migrants in Korea (JCMK), Women's Rehabilitation Centre Nepal (WOREC-Nepal), POURAKHI Nepal, Youth Action Nepal, Pravasi Nepal, 2011, "Shadow Report for Nepal, the Republic of Korea and Singapore", Submitted to the Committee on the Elimination of Discrimination Against Women (CEDAW) 49th Session

<sup>35</sup> Siddiqui, Tasneem, 2006, "Protection of Bangladeshi migrants through good governance," Merchants of Labour, Christiane Kupisch, ed., International Labour Office, Geneva, 77

<sup>36</sup> An interview with a broker, conducted in Kathmandu, Nepal, on April 26, 2013

*moving other women all the way to Delhi. However, her two sisters had gone to work in Lebanon and had informed her about jobs available there.*<sup>36</sup><sup>37</sup>

The trust for – and cooperation with – the brokers among the MDWs and their families is strengthened by the fact that they tend to be people affiliated with them in some way, such as neighbours, relatives, residents of the same village or a neighbouring villages, people from the same racial group, or people who have returned from abroad. They are men or women and are generally aware of the worker's family circumstances, and her financial difficulties; as such, they attempt to build on this vulnerability and give the impression that migration is the one solution to the economic problems she is facing.

### 3. Means of deception in recruiting workers: insufficient and false information

Most brokers set about convincing the women through a number of methods, supplying the potential migrant and her family with a whole range of false promises. Specifically, dishonesty relating to contracts, disparity between the promised wages and actual wages, and that of work conditions generally, have all been documented as principle methods of deception. The recruitment process tends to be carried out without supplying documents that lay out the conditions of the process, leaving room for duplicity, and allowing the unregistered brokers to shirk responsibility. These brokers might convince the migrant to maintain secrecy in order to evade documentation of the process and the procurement by the migrant of documents which would reveal their legal responsibility. Likewise, some of them might work with licensed agencies in the capital to complete the transactions, and these could incentivize them to procure a greater number of passports.<sup>37</sup>

Our survey indicates that MDWs did not have sufficient or accurate information about their anticipated work, and that they were duped about one or more of the following conditions: the nature of the work and the work contract, the circumstances of the family they would work for, working hours, holidays, wages and regularity of payment, place of residence, and living conditions generally. The semi-structured interviews also showed that, in the majority of cases, the migrants became aware of the deception at two pivotal moments, the first being directly before departure, by which time they have already obtained their contract, passport, visa and travel ticket, making it impossible to challenge the deception, since the migrant has already taken out loans and paid the fees. The second is the moment at which they arrive at their place of work in Lebanon, by which point the time to present complaints has come and gone.

As well as 'false promises' that the brokers make in the presentation of the recruitment process, the worker taking 'an enlightened choice' about migration could lead to uncertainty, vulnerability and hardship. Prior knowledge of the work set up before travelling abroad is of the utmost importance, yet most of the time this knowledge is scant.<sup>38</sup> The results of the survey confirm that the brokers set about selling the migrant women 'dreams' based on false promises. Meanwhile, one of the brokers who was interviewed stated that, *"If the information available about the process of migration was revealed to any worker she would not migrate abroad."*<sup>39</sup>

**3.1 Providing information about and agreeing on work contracts**

Out of the participants of the survey, 60% signed work contracts in one of the two countries of origin before heading to Lebanon; however, 60% of those did not understand the terms of this contract. According to the testimonies of the participants in the semi-structured interviews, reasons for this include lack of literacy, the fact that the broker did not explain the text of the contract, or the fact that it was written in English. One of the agents in Nepal described how women are kept in the dark with regard to their future job, except for the kind of work it will involve and amount of wages they would receive, both of which are communicated verbally:

*"Even though it is assumed that the details of work will be set down in writing in the contract, the women know no such details. The agents also do not mention any helpers or agreements, and so they do not sign anything. They travel based on nothing more than what they have heard. They are only informed that they will work in a house (...) as a domestic worker. They depart based only on hearsay alone.*

*The one thing they think about is that they are going abroad to work in a house, and that their wages will range between 10,000 and 12,000 Nepalese rupees per month (100 – 120 US dollars).*<sup>40</sup>

In all cases, the contracts signed in the country of origin are exchanged on arrival in Lebanon, where a regulated work contract in Arabic is signed; this contract will tend to include conditions that are different from those laid out in the first contract.

### 3.2 Knowledge about the nature of work

Out of the participants in the survey, 6% did not know the nature of their domestic work chores; they were misled into thinking that they would work in a variety of places, such as hospitals, restaurants, hotels and supermarkets. Others, meanwhile, were promised freelance contracts. The workers do not know they have been deceived about the nature of their work until after their arrival at the family's house in Lebanon. This is what Anita from Nepal explained:

*"I said to the broker that I wanted to go to work in Kuwait, but he told me that Lebanon was better, and offend me work there, including secretary work with a 'Madame' [female employer] in a company in the airport. When he took the money from me, he said that the work was indeed with the Madame, but in her house. He told me I would be more like her guardian than her servants, that the wage would be 200 dollars with Sundays off, and that there would not be a lot of work. He said that if I did not like the Madame then I could go to the agency and change my job. I did not receive the promised wage, and I worked most of the day and night, and, of course, they did not give me a weekly day off."*<sup>41</sup>

### 3.3 Wages and other compensation

The false promises were not limited to the nature of the work and the tasks involved – they also extended to the issue of wages and supplementary compensation (for it does not only involve the monthly allowance that the worker receives, but also housing and food allowances). Of the participants in the survey, 81% were made promises about the amount they would be paid (however for 53% of those, the actual wage did not match up to what they were pledged), while 19% of the total sample had no knowledge of their income.

<sup>36</sup> An interview with a returnee to Nepal, conducted in Kathmandu on March 30, 2013

<sup>37</sup> An interview with a placement agency head conducted in Beirut, on May 19, 2014

<sup>38</sup> Elizabeth Frances, 2014, "Breaking Isolation: Assessing information and media for labour incoming labour to Lebanon and Jordan," Executive Summary, Arab Regional Office and International Initiative for Migration, Open Society Foundations.

<sup>39</sup> An interview with a broker from Bangladesh conducted for the benefit of the study

**Table 1:<sup>42</sup> The difference between monthly wages promised in the country of origin and actual wages in Lebanon**

Difference (USD)	Number of Workers
-130.00	1
-100.00	3
-80.00	1
-50.00	13
-25.00	16
-15.00	2
5.00	1
15.00	1
25.00	2
100.00	1
<b>Total</b>	<b>41</b>

Eighty-four percent of the participants in the survey were not given information by agents about the number of hours they would be working. As for those who obtained this information – that is, 16% of them – what they were promised tended to range between 8 and 12 hours of work a day, but these promises did not match up to reality.

As for the weekly day off, 78% of the participants in the survey did not get any information about it, while 18% were promised one day off, but only 8% of those promised were actually given this holiday.

### 3.4 Working hours and days off

Sixty-one percent of the workers were not given any information about whether they would be able to telephone their families, while 39% of them were promised that they would be able to. Ten percent of those who were promised were not actually able to do so. And while some of the families completely forbade the workers from calling home, others could call their families but for a time-limited period only, normally two to three minutes.

**3.6 The possibility of communication between the workers and their families in the country of origin**

**4. Departure procedures: Getting round government-imposed restrictions**

The process of migration of Nepalese workers abroad comes under the 2007 'Overseas Employment Law' and the 2008 'Overseas Employment Code,' which were put into the legal framework with the aim of ensuring safe migration, protecting the rights of overseas workers and ensuring appropriate work for them. In Bangladesh, the guiding framework for labour migration is governed by the 1982 'Emigration Ordinance.' Alongside this law is a group of codes issued in 2002, among which is the 'Migration Code,' which aims to regulate the migration process and strengthen the overseas workforce, and the 'Code of Conduct and Granting Licenses to Recruitment Agencies,' which sets out directives and regulations in this regard. Bangladesh strengthened these codes when it put in place the 'Policy of Overseas Labour' to safeguard the rights of Bangladeshi workers to freely choose the quality of work, aiming to put a stop to the influx of non-regulated migration abroad.

The worker's travel procedures in Nepal and Bangladesh begin from the moment she accepts the work opportunity offered to her by the broker or the placement agency. After guaranteeing the cost of migration, the procedures begin; these include, of course, the arrangement of a passport, as well as registering with a social welfare fund, medical tests, pre-departure training, and licencing the work from the department of immigration.

### 4.1 Registering with social welfare funds

It is mandatory in both countries for the person intending to work abroad to register with a social welfare fund. However, the testimonies of most of the participants in the semi-structured interviews showed that they were not in fact registered with a security fund or a social welfare fund. They also indicated that they were unaware this procedure was necessary, did not know they could benefit from it, and were not aware of its importance.

According to Nepal's social security system, the MDWs have access to an 'overseas labour welfare fund' for the sum of \$14 (1000 Nepalese rupees). In Bangladesh, migrant workers participate in a 'wage-earners welfare fund' for the cost of approximately \$12 (1000 Bangladeshi taka).<sup>43</sup> These funds were designed specifically to support overseas workers in terms of providing them with [financial] assistance and compensating them in the case they face difficulties during overseas work (for details, see table 2). Recruitment agencies are made to present proof that the subscription fees have been paid on behalf of the migrant worker. Furthermore, it is mandatory for migrants leaving Nepal to obtain insurance before departure.

<sup>42</sup> See Appendix 2: List of tables employed in the study

<sup>43</sup> Martin, Philip, 2009, "Reducing the Cost Burden for Migrant Workers: A Market-based Approach," 18

**Table 2: Migrant welfare funds**

• <b>Country</b>	<b>Subscription fee</b>	<b>Primary contributors</b>	<b>Benefits</b>
Bangladesh: 'Wage Earners' Welfare Fund' <sup>44</sup>	1,000 taka (approximately 12 USD)	<ul style="list-style-type: none"> <li>- Migrant workers' subscription</li> <li>- Interest from recruitment agencies' bonds</li> <li>- The 10% surcharge on fees charged by diplomatic missions abroad</li> <li>- Legal support for overseas workers</li> <li>- A grant for families of deceased workers of up to 200,000 taka (approx. 2,598 USD)</li> <li>- Covering burial costs in cases of death (35,000 taka)</li> </ul>	<ul style="list-style-type: none"> <li>- Return to home country in emergency situations</li> <li>- Return of mortal remains to home country in cases of death</li> </ul>
Nepal: 'Overseas Labour Welfare Fund'	1,000 rupees (approximately 14 USD)	<ul style="list-style-type: none"> <li>- Migrant workers' subscription</li> <li>- Placement agencies' license fees</li> <li>- Training associations' license fees</li> <li>- Compensation to returning migrants</li> <li>- A grant for families of deceased workers, amounting to 100,000 rupees (approx. 1,400 USD)</li> </ul>	<ul style="list-style-type: none"> <li>- Return to home country in cases of emergency and harm</li> <li>- Return of mortal remains to home country in cases of death</li> <li>- Bodily disability insurance</li> </ul>

their home countries, before leaving for Lebanon, and, according to the testimonies of the participants, they cost between 20 and 50 dollars in Bangladesh, and between 30 and 70 dollars in Nepal. The workers undergo the laboratory tests for the following conditions: hepatitis, AIDS, tuberculosis, syphilis and malaria, as well as for pregnancy.<sup>44</sup> It seems, from the kind of tests carried out, that they aim to reassure the employer and prevent the transfer of any disease to them or their family. Likewise, they indicate the attempt to avoid recruiting pregnant workers, since they would be deported at the cost of the placement agency if she arrived at the employer's house pregnant. This constitutes a violation of the fundamental rights of the female migrant if she had taken the decision to work overseas during her pregnancy. The worker is subjected to the same tests on her arrival to Lebanon.<sup>45</sup>

### 4.3 Pre-departure training

Likewise, the two countries make the migrants go through a compulsory training course. In Bangladesh, the women join compulsory training for a period of 21 days and gain a certificate on completing and passing the course. In Nepal, any worker seeking employment overseas must go through compulsory guidance training for a period of two days at a licensed association from the Department of Foreign Employment.<sup>46</sup> But for women who leave Nepal for domestic work, they also have to undergo a 21-day skills training course.<sup>47</sup>

While a sizeable number of workers in Bangladesh undergo pre-departure training (the cost of which ranges between \$10 and \$50), most workers in Nepal do not undergo this training, which there costs around \$25. According to the testimonies of the workers who went on the course, the participants are trained in how to use certain electric tools, are taught basic Arabic words and phrases, and are instructed in the way to behave to sort out certain problems with the employer. Those who underwent training made clear its ineffectiveness, stating that its contents and organization were not taken seriously and that, as a result, they forgot what they had been taught when they arrived in Lebanon. The testimony of Lina, one of the migrants from Nepal, emphasized the disdain held by the agents towards this necessary measure, and towards the kind of the work required of them:

*'I asked my agent about the skills that it was worth having and whether I had to learn anything before travelling. He said 'What – are you going there to work as a doctor? Why would you have to learn anything? You won't be doing anything you don't already know. It's just basic cleaning work, like cleaning the windows and that kind of thing. Don't you know how to do that... how to iron clothes?' But I later found out that domestic work abroad is not like it is in Nepal. It's different.'*<sup>48</sup>

This corresponds with what has been documented in other studies concerning the disregard sometimes shown towards pre-departure training and guidance.<sup>49</sup> But on the other hand, some agencies take the training very seriously, but with the aim of improving the 'quality' of migrants, at the expense of

<sup>44</sup> According to the semi-structured interviews with placement agents in Lebanon

<sup>45</sup> An interview with a placement agency head conducted in Beirut on September 8, 2013

<sup>46</sup> Article 28 of Nepal's Overseas Labour Law, 2007

<sup>47</sup> Sarah Pauletta, Eleanor Taylor-Nicholson, Bandita Sijapati, Bassina Fabenblum, 2014, "Migrant Workers' Access to Justice at Home: Nepal," Open Society Foundations, 58.

<sup>48</sup> An interview with a returnee to Nepal, conducted in Kathmandu on April 4, 2013

<sup>49</sup> Jureidini, Ray, 2014, "Migrant Labour Recruitment to Qatar", Report for Qatar Foundation Migrant Worker Welfare Initiative

'quantity'. The commercial aspect, therefore, of bringing the training into the competitive framework of the agencies seems apparent.<sup>50</sup> There is a third trend that can be witnessed in the recruitment agencies – the way in which they increase the capacity of the MDWs to obey and comply, through altering their nutritional system and getting them used being separated from their families, preventing them from communicating with them throughout the training period.<sup>51</sup> This is a reflection of the practices that the MDWs might be subjected to, alongside her work and living conditions in Lebanon.

#### 4.4 Obtaining an overseas work permit from the Department of Immigration

In both countries, citizens have to get official permission to work abroad so that they can leave the country. This permit is given out by the Department of Labour and Employment in Nepal, and by the Ministry of Expatriates' Welfare and Overseas Employment in Bangladesh.

In Bangladesh, the authorities that issue the travel permit require the employer to sign the work contract with the placement agency, and require this contract to be registered with the Bangladeshi embassy in Lebanon.<sup>52</sup> As for Nepal, in order to grant permission to work overseas, a contract must be drawn up between the licensed agency and the migrant worker; and between the employer and the worker; a contract which lays out conditions of work and pay.<sup>53</sup> Despite the fact that all Nepalese migrant workers have to obtain a work permit from the Department of Foreign Employment in order to work abroad, it turned out that most of the participants in the semi-structured interviews did not know this, and most of them said that they were not sure whether they had obtained a permit or not. Those who had arranged an overseas work permit indicated that it had cost up to 50 dollars.

The unofficial ban placed on the migration of domestic workers to Lebanon by the Nepalese government was the principal reason behind the fact that most of the Nepalese MDWs did not obtain permission to work abroad. In November 2010, it came out in the press that the Nepalese government had banned female domestic workers from going to Lebanon, and that this was a response to the news circulating about Nepalese domestic workers committing suicide in Lebanon.<sup>54</sup> However, while the Nepalese government had not issued any such official announcement, the ban was denounced in Nepalese civil society, as it amounted to prejudice against women, impacted women's freedom of movement, and encouraged migration through illegal channels rather than securing legal protection for the migrants.<sup>55</sup> Despite the lack of any official ban on women migrating to Lebanon, women who applied to work in Lebanon for the first time were prevented from going simply by virtue of overseas work permits not being issued to them. Only those women who had previously gone to work in Lebanon were allowed to go back.<sup>56</sup>

As for Bangladesh, women had begun migrating for domestic work back in the 1980s, and since then, successive governments have placed a partial or total ban on their migration as a protective

measure.<sup>57</sup> But in 2003, the Bangladeshi government lifted the ban completely on the migration of female domestic workers, and in 2006, the government recognized equality between men and women in terms of their right to migrate, in accordance with the 'Policy of Overseas Labour'.<sup>58</sup> Considering the semi-official ban imposed in Nepal on female workers going to Lebanon, some women, particularly those migrating for the first time, do so through illegal channels, without going through the national airport, and without obtaining the agreement of the authorities. Most of the Nepalese migrants who participated in the semi-structured interviews confirmed that they had not obtained permission to leave the country and work abroad, while 28% of the participants in the survey explained that they had migrated to Lebanon via India.

*"The agency told me that I was not allowed to go to Lebanon, and that I had to go via India. There were seven of us. We crossed the border in a bus, but were not accompanied by a member of the agency; and we did not act as a group. We each said that we were going as a tourist to India, or to visit friends or family there. I didn't pay an extra fee to the agency; which paid for the bus fare, food, train ticket, and one night in a hotel."*<sup>59</sup>

One of the agents revealed how the situation at the border was 'settled' by smuggling the women to India. This 'settlement' is nothing more than a euphemism for bribery that is carried out with the border authorities:

*"By 'settlement' I mean the way in which the women are able to cross the border, by giving bribes to the border authorities. The border authorities, such as the police and representatives of different organizations, are there to extract money rather than to help people. If they're paid enough, then they will not ask a group of even 28 or 30 people to get out of the vehicle. But if they're not paid the sufficient amount, then they will take two or three people out of the bus and investigate them. Normally the women get on the bus in the areas of Budha or Siyagambhu ... and from the districts of Dhading, Nuwakot, Rasuwa, Sindhupalchok, and Kavre. What the agents do is make prior arrangements with the authorities stationed at the Thankot checkpoint (during departure from Kathmandu). If the agent is travelling with just two or three women, he claims they are family members. But if the group includes a large number of women – eight to ten – he sends them off beforehand, one by one, and asks them to wait near Jongikhola or Malekha.<sup>60</sup> They stay in a hotel there. The bus heading for Delhi or at-Atiba from Budha or Siyagambhu then picks up these women on the way. This is done in order to avoid the checkpoint in Thankot – there are no other checkpoints on the way to the Nepalese-Indian border. Agents will already be stationed in the border area in Suwalsi, and they will have bribed the authorities two days prior to the journey."*<sup>61</sup>

It also came out in the semi-structured interviews that the migrants, once smuggled, are housed in rented apartments in India while waiting to travel. They could be moved on the day after their arrival to India, or they could be waiting months. One of the respondents described how they were held in the house and not allowed even to go onto the balcony:

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.  
<sup>52</sup> An interview with the Bangladeshi chargé d'affaires, conducted in Beirut on July 31, 2013  
<sup>53</sup> Article 19 of Nepal's Overseas Labour Law, 2007

<sup>54</sup> "15 Nepalese women commit suicide in one year in Lebanon," Nepal News, August 8, 2010, and "Nepal, Lebanon must sign a labour agreement," Kathmandu Post, September 17, 2010

<sup>55</sup> Sarah Paolletti et al., 2014, op. cit.

<sup>56</sup> An interview with a government official in the Department of Foreign Employment, conducted in Kathmandu on May 26, 2013

<sup>57</sup> Info from civil society, MFA members in Bangladesh, CEDAW 48th session/January 2011 Committee on the Elimination of Discrimination against Women, 48th session (Geneva, 17 January - 4 February 2011), 5

<sup>58</sup> Ibid.

<sup>59</sup> An interview with a Nepalese worker in Lebanon, conducted in Dora on April 7, 2013

<sup>60</sup> Located about two hours from the final checkpoint in Kathmandu

<sup>61</sup> An interview with a recruitment agent in Nepal, conducted in Kathmandu on April 26, 2013

*‘Even though the agent told me I would only have to stay for two or three days in Bombay, I ended up having to stay four months. I was staying in an apartment in Bombay. It had had about three rooms, which housed two men and five or six other women, including myself and another woman who had travelled with me. We were all waiting to travel abroad. I did not pay for food or accommodation. However, the ‘Didi’ [in reference to the female broker], took 5000 Nepalese rupees [equivalent to about \$50] at the border to change into Indian currency. I hadn’t taken much money with me, since I thought I was only staying two or three days in India. The agent kept my money with her. She also took the money of the other woman travelling with her and never returned it. After about two months, I said to the Didi, ‘I have been here two months and I cannot travel abroad or call my family. I would rather go back to Dipayi in Nepal.’ She told me not to worry, and that I would get my visa eventually. She told me the delay was down to nothing more than the fact that I was young. She was always giving me an excuse. So I carried on just waiting. At the beginning, I did nothing but cook and watch TV, staying at home all day. I couldn’t even go onto the balcony. The other Didis would say to me, ‘Don’t stand there... You’ll get into trouble if Indians or the police see you. Go back inside.’ But later, perhaps because of how long I had stayed there, I was granted permission to go out by myself to the market to buy vegetables and other products. The Didi or her sister would give me money to buy what we needed.’<sup>62</sup>*

There is no doubt that placement agencies undertake significant work to facilitate opportunities for migrants to find employment abroad. As the recruitment of workers is a standard activity for any employer, it is assumed that he or she will take this on himself; if it was not for employers’ demand, the industry of foreign labour would not exist. Likewise, international labour and human rights standards recognize the sole responsibility of employers in covering the recruitment expenses, and prohibit them from demanding any fees or expenses from the migrant domestic worker (MDW).<sup>63</sup> Despite this, the agencies – and sometimes employers – continue to impose high fees on MDWs in their attempt to find work, which often means that they borrow money in order to fund their passage abroad. Likewise, they continue to pay for their migration even after their arrival in Lebanon through the deduction of wages. There is plenty of documentation showing expenses paid by the least skilled migrants; they pay a larger share of the recruitment industry expenses and are more greatly exposed to exploitation in comparison with those who are more skilled.<sup>64</sup> Likewise, the semi-structured interviews with MDWs all confirm that these practices are widespread and exist on large scale, to the point that they have effectively become routine. In parallel, employers in Lebanon also sustain heavy costs to finance the migration of workers. This points to the multiplication of recruiters’ profits in the two countries of origin, as well as in Lebanon, at the expense of workers and employers alike.

## 1. Fees paid from the worker to the recruiters

The data collected from the participants in the survey indicates that most of the workers, whether from Nepal or Bangladesh, paid a relatively high sum to travel to Lebanon with brokers or with licensed agencies.

**The average amount that the Bangladeshi migrants who participated in the survey had to pay to reach Lebanon was roughly \$908 (with a standard deviation of \$419), as shown in the table below:**

## © SECTION TWO The Cost of Migration: Recruiters’ Illegal Profit from Workers’ Debts and Employers’ Cash

<sup>62</sup> An interview with a returnee to Nepal, conducted in Lamjung on May 14, 2013

<sup>63</sup> Article 7 of International Labour Organization Convention No. 181 related to Private Employment Agencies, 1997  
<sup>64</sup> Agunias, Dovey/Rammeij, 2013, ‘What We Know: Regulating the Recruitment of Migrant Workers,’ Migration Policy Institute, Policy Brief No. 6, September 2013, Migration Policy Institute, Policy Brief No. 6, 2 Martin, Philip, 2006, ‘Regulating private recruiters: The core issues,’ Merchants of Labour, Christiane Kupisch, ed, International Labour Office, Geneva, 15

**Table 3: The fees paid by Bangladeshi migrant domestic workers to recruitment agencies:**

Amount (USD)	Number of Migrants
300 – 1,000	40
1,100 – 2,000	9
2,500	1
<b>Total</b>	<b>50</b>

The average amount that the Nepalese migrants who participated in the survey had to pay to get to Lebanon was roughly \$581 (with a standard deviation of \$1,340), as shown in the table below:

**Table 4: The fees paid by Nepalese migrant domestic workers to recruitment agencies:**

Amount (USD)	Number of Migrants
70 – 500	35
540 – 1,000	10
More than 1,000	2
<b>Total</b>	<b>47*</b>

\*3 workers from the sample did not pay anything

It is worth mentioning that 58% of all the participants in the survey were not in direct contact with the recruitment agencies, but rather relied on the services of brokers – some of whom were unlicensed. For those who did resort to the services of the recruitment agencies, they paid an average of \$745, with the margin of difference between the upper and lower limit being around \$1000, significantly exceeding the legal ceiling.<sup>65</sup>

Yet this goes against the legal framework that oversees the process of domestic workers' migration from Bangladesh. For every potential migrant has to be registered as such on the website of the Bureau of Manpower, Employment and Training.<sup>66</sup> In order to be able to register, the potential migrant has to pay a deposit of 80 taka, equal to 1 US dollar, from Sonali Bank (Bangladesh's national bank) and fill out a form to allow the official at the Bureau's local office to complete the electronic registration process.

Once the potential migrant has completed the organization of her passport, had her profession put on it, and gone through medical tests and 21 days of compulsory training, she can go to one of the 29 placement agencies designated by the government to help with the obtaining of an entry visa to the destination country. Once these arrangements have been completed, the migrant has to send her travel documents to the Bureau in order to obtain a migration permit.

In Nepal, despite the Department of Foreign Employment's announcement of a maximum level for recruitment fees according to certain factors, it does not stipulate particular fees for each destination country in the Middle East, more specifically Lebanon, nor does it do so according to work sector. But recruitment agency employees in Nepal said that the female migrant workers are not made to pay any fees at all, or else they are asked to pay a sum of \$50 (around 5,000 Nepalese rupees) for 'facilitating the process of applying for a work permit and paying insurance costs.'<sup>67</sup> This official policy around recruitment fees – the assumption of it being that migrants, particularly female migrants, are protected – is contradictory, given the actual costs migrants end up paying. These costs greatly exceed the legal ceiling, and amount to a form of illegal commission, or bribe, which further swells the profits of the recruiters from the licensed agencies and unlicensed brokers.

As well as paying these fees to the placement agency or brokers, these workers are also sometimes forced to meet additional and unexpected expenses to fund the various travel procedures to get to Lebanon; the additional cost – as an average rate in Nepal and Bangladesh – amounts to around \$250.

**Table 5: Additional expenses incurred by migrant domestic workers from Nepal and Bangladesh<sup>68</sup>**

Procedure	Cost in Nepal (USD)	Cost in Bangladesh (USD)
Passport	50 – 200	50 – 150
Overseas work permit	50	10
Registering with a migrant welfare fund	10	10
Medical tests	30 – 70	20 – 50
Pre-departure training	25	10 – 50
Airport tax	20 – 70	10 – 20

Likewise, all the participants in the semi-structured interviews said that the agent or broker in the country of origin covered the cost of the plane ticket and the entry visa to Lebanon out of the amount

<sup>65</sup> Two interviews with employees from two recruitment agencies, conducted in Kathmandu on May 20 and 22, 2013

<sup>66</sup> The Bangladeshi government sets the legal ceiling for fees that a migrant domestic worker can be charged at \$260

<sup>67</sup> Bureau of Manpower, Employment and Training, [www.bmet.org.bd](http://www.bmet.org.bd), date of visit May 23, 2013

they paid to the agent or broker, with the knowledge that these expenses are the responsibility of the employer who pays the price of the ticket and visa to the agent in Lebanon.<sup>69</sup>

Given the lack of complete and accurate data, and considering the inconsistency in prices of the recruitment industry's services, these amounts remain an indication of the additional costs covered by women migrating to Lebanon from Nepal and Bangladesh, but they do not indicate the actual cost of migration. If the amounts paid to recruiters in Nepal and Bangladesh is \$745, and the average expenses is roughly \$250, it means that the difference (around \$500) is payment for the agent or broker in the two countries of origin, and therefore, according to local laws, constitutes an illegal profit.

## 2. Debt bondage: the debts of workers to pay for migration and raised interest rates

Migration often leads to an accumulation of debt, which increases the vulnerability of the potential migrants. In order for the MDW to be able to pay the expenses, the majority of workers are forced into borrowing money to ensure the necessary capital. And since it might be hard for them to obtain loans from official or specialized banks with lenient interest rates owing to a lack of sufficient warrants, they often pay for their passage abroad by borrowing from money lenders, sometimes with the facilitation of brokers. The survey shows that 63% of the participants funded their migration through loans, which included those who borrowed from individuals with interest (35%), those who borrowed from individuals without interest (20%), and those who borrow from the bank (8%). Those who did not resort to borrowing paid for their migration using their savings, or the savings of their families, or through selling their possessions, such as jewellery (18%), or their land, house, shop, livestock or timber (8%); this constitutes another form of debt, this time between the migrant and her family.

The borrowed amounts, according to the survey, range between \$100 and \$1,000. If these amounts were compared with the structural economic indicators, such as the average individual yearly income, they would make up about a year's worth of work in the country of origin. Therefore, the MDW spends a significant portion of her work paying off these debts. In fact, a third of those who funded their migration through loans spent a full year of work paying off their debts, while 11% spent four years paying off their debts.

## 3. Wage deduction: the safe passage to illegal profit

The excessive, unlawful fees and the accumulation of the MDWs' debts all help exacerbate their exposure to exploitation and forced labour – particularly since working under debt bondage is considered an indicator of forced labour. Some of the workers articulated this, saying that they felt forced into working: 13% of them put the reason down to the responsibility put upon them by debt and interest, which prevented them leaving their work.

Thirty-eight percent of the participants in the study said that their employers deducted money from their salaries. Overall, an average of three months' pay was withheld. One of the workers indicated that she only received one month's worth of salary over the course of five years' work. The value of withheld salaries ranged between \$100 and \$1,875, with an average of \$344 (standard deviation of \$313), as shown in the following table:

Number of migrants who take out this loan	Loan from Bank (USD)	Loan from individual with interest (USD)	Loan from individual without interest (USD)
Average amount borrowed	606 (standard deviation of 293)	693 (standard deviation of 370)	535 (standard deviation of 267)
Amount borrowed	250 – 1,000	158 – 1,700	103 – 1,000
Interest rate	8	35	19
The time period for paying off the debts ranged from six months to four years			
Average interest rate	Indeterminate	227 (standard deviation of 152)	
Interest rate	Indeterminate	60 – 700	

<sup>69</sup> According to all the semi-structured interviews with placement agency heads and employers in Lebanon

**Table 7: Withheld wages**

Value of withheld wages (USD)	Number of participants in the survey
100 – 150	13
200 – 300	13
375 – 500	6
600 – 810	5
1,875	1
<b>Total</b>	<b>38</b>

The employers justify this, according to information garnered from participants in the survey, with a number of reasons, including the necessity of paying the placement agency in Lebanon (33%), or the recruitment agency in the countries of origin (13%). Others, meanwhile, according to the participants, explained away the deduction of salaries by saying the worker did not have sufficient skills. While 23% of them did not know the real reason, others stated justifications such as damage to items in the house, the completion of their work permit, or medical expenses; this potentially demonstrates the attempt by the employers themselves to compensate themselves, unlawfully, for fees that were in fact their responsibility, in the first place.

Some of the participants in the semi-structured interviews knew that these deductions were going to take place in order to pay off their debts, or to pay off fees to the agent or broker, and they asked their employer about this when the money was transferred. But others were taken aback by this measure and did not receive clear answers when trying to work out where their deducted wages had gone, as this worker explains:

*“They did not pay me for the first three months, saying that they had paid the agency; so I asked to be allowed to go to the agency to ask about my money. They refused. The Madame said that the Beirut agency had taken the money. I didn’t know if she was lying. After three months she gave me two months’ wages, and from each payment she took off 10 dollars as the transfer fee.”<sup>70</sup>*

We were not able to ascertain definitively where the money deducted from salaries went, since it could be used in transactions of bribery or corruption. Moreover, given that, according to the participants in the study, the reasons for withholding part or parts of the salary were manifold, there are necessarily multifarious directions that the deducted money could have gone in. It could have been used to pay off the worker’s debts that she took out in her country of origin to pay for her migration to Lebanon, since the study showed that some of the participants learned this deduction was set to happen as soon as they began working in Lebanon. In this case, a deduction is made in order to pay off the worker’s debt which came about through funding the profit of agents and brokers in the country of origin – something which is essentially illegal. The employers also justify deductions, for example, as a return on certain expenses that are, in fact, ultimately their responsibility, such as organizing the work

permit. Some employers might set about deducting their workers’ wages with the aim of compensating themselves for expenses that they paid to the placement agency in Lebanon, or in order to pay it off in monthly instalments.<sup>71</sup> Some agency heads in Lebanon asked employers to pay a portion of the MDWs’ salaries to them without giving a reason, and without the employers themselves enquiring about it, and they might be led to believe that the fees come under the expenses that the worker has to pay, both to them and to the agency, in the country of origin.<sup>72</sup> Hisham al-Burji, the head of the placement agencies syndicate in Lebanon, acknowledged this violation, while placing it within the practices of ‘the offending agencies, [rather than] an inherent issue in the union’:

*“(...) We have largely done away with the practice [of wage deduction], reducing it from three months to one month, and limiting the nationalities it applies to, so that there is no wage deduction for [workers from] Sri Lanka, Nepal or Vietnam. We are working on getting rid of the practice altogether. Violators, however, do deduct three months from workers’ wages. I also want to say that we are seeing successes with regard to those associated with the union’s activities (...)”<sup>73</sup>*

While it has been documented that placement agencies in Lebanon are forbidden from demanding any financial compensation from MDWs, Burji did not clarify the reason for wage deduction, nor did he say where the money went. As far as he was concerned, the deduction of one month’s wages counts as good practice by the agency heads in his union, even though he is aware of the necessity of removing the practice entirely among female migrants of all backgrounds. In reality, ‘agencies demand to deduct workers’ wages has become a widespread phenomenon, and the money in most cases ends up in the pocket of the agent in Lebanon.<sup>74</sup> This illegal behaviour could indicate the possibility of a cover-up of bribery and other forms of corruption among the recruiters in the two countries of origin and in Lebanon. Evidence has been found of a surge in these bribes, indications of which include the large and illogical disparity in the ‘price’ paid for migration or recruitment between one agency and another, or between one worker and another, and sometimes within the agency itself, although between different nationalities.<sup>75</sup>

#### 4. Placement agencies’ multiplication of profits at the expense of employers

FEs paid by employers to placement agencies in Lebanon for the recruitment of MDWs are not monitored, and there is no legal ceiling with regard to profit. In return for ensuring the arrival of the MDW from Bangladesh, the employers pay the placement agencies a sum ranging from \$1,200 to \$1,400, while the agency is paid anything between \$2,500 and \$3,000 for the placement of workers from Nepal.<sup>76</sup>

In detailing the amounts that the placement agencies claim, it has become clear that some of the agencies cover the fees of certain official procedures, while others cover the price of the travel ticket, and some money is paid as commission to the agent or broker in the country of origin; this might vary from one agency to another, as shown in the following two tables.

<sup>71</sup> An interview with a head of a placement agency, conducted in Beirut on May 19, 2014

<sup>72</sup> Semi-structured interviews with employers in Lebanon

<sup>73</sup> An interview with the head of the placement agency syndicate head Hisham al-Burji, conducted in Beirut on March 15, 2013

<sup>74</sup> An interview with a placement agency head, conducted in Beirut on May 19, 2014

<sup>75</sup> Jureidini, Ray, 2014, op. cit. 3

<sup>76</sup> An interview with a Nepalese worker in Lebanon, conducted in Zikrit on April 9, 2013

**Table 8: Fees charged by placement agencies in Lebanon<sup>77</sup>**

•	The recruitment of a worker from Bangladesh (USD)	The recruitment of a worker from Nepal <sup>•</sup> (USD)
Fees paid by the employer	1,200 – 1,400	2,500 – 3,000
Deduction of migrants' wages when this takes place to the benefit of the agent in Lebanon	0 – 375	0 – 480
Total	1,200 – 1,775	2,500 – 3,480

**Table 9: Costs incurred by placement agencies in Lebanon**

•	The recruitment of a worker from Bangladesh (USD)	The recruitment of a worker from Nepal <sup>•</sup> (USD)
Commission paid to broker/ agent/smuggler	200 – 300	400 – 500
Prior arrangement in the Lebanese Ministry of Labour	26	26
Signing of the contract in the embassy	50	n/a
Travel ticket	450	270 – 370
Total	726 – 826	696 - 896

Based on the above,<sup>78</sup> we can estimate the value of profit secured by the placement agencies in Lebanon to be as follows:

**Table 10: Estimates of the profit margins of the placement agencies**

•	The recruitment of a worker from Bangladesh (USD)	The recruitment of a worker from Nepal <sup>•</sup> (USD)
Sums demanded by the placement agent from the employer and worker	1,200 – 1,775	2,500 – 3,480
The expenses incurred by the placement agents	726 – 826	696 – 896

**Profit estimation**

474 – 949

1,804 – 2,584

We can further estimate that the employer incurs additional costs for three months after the arrival of the worker in Lebanon, costs which could amount to \$1,000. This is without calculating the bank guarantee that they can claim after the departure of the worker; whose value also amounts to \$1,000.<sup>79</sup> The General Directorate of the Lebanese General Security indicated, in this framework, that it has refrained from giving entry visas to foreign workers, in cases where placement agencies, embassies or consulates charge illegal fees.<sup>80</sup> At the end of 2013, the General Directorate of General Security laid down criteria according to which visa applications of female domestic workers are assessed; in general, these seek to establish the financial situation of the person looking to carry out the recruitment of a migrant worker; the ownership certificate, or lease of the place of work, making clear what the accommodation is made up.<sup>80</sup>

<sup>78</sup> The fees paid to General Security are summarized as a fee of 300,000 Lebanese Lira (200 USD) for the residency fees for the first migrant worker, and 600,000 Lira (400 USD) for the residency of the second migrant worker (in addition to 1,300,000 Lira – 867 USD – for the residency of the third migrant worker and beyond). Fees for the vacation are 240,000 Lira (160 USD), paid to the Ministry of Labour. Likewise the employer pays via a notary a sum of 30,000 Lira (20 USD) for the initial pledge of placing a worker before her arrival, and a sum ranging between 100 and 120 thousand Lira to arrange the work contract (67 to 80 USD) three months after her arrival. Meanwhile, the health insurance contract costs between 75 and 100 thousand Lira (50 – 67 USD) and the laboratory tests on the arrival of the worker to Lebanon cost between 50 and 100 thousand Lira (33 to 67 USD).

<sup>77</sup> It is worth noting that the numbers in the table are based on statements from placement agency heads who participated in the semi-structured interviews, and that they are merely estimations, since they differ from one agency to another, and in light of the lack of official statistics.

<sup>79</sup> Website of the Lebanese General Directorate of General Security, legal fees to recruit work and service, available at the following link: <http://www.general-security.gov.lb/housemail-1.aspx>, date of visit: August 11, 2014

<sup>80</sup> Website of the Lebanese General Directorate of General Security, criteria upon which visa applications of female domestic workers are accepted, available at the following link: [http://www.general-security.gov.lb/mads\\_det.aspx?id=12](http://www.general-security.gov.lb/mads_det.aspx?id=12), date of visit: August 11, 2014

When the migrant domestic worker (MDW) discovers upon her arrival to Lebanon that she has been tricked with regards to the basic terms of her employment, she finds herself stuck with working and living conditions that bear many signs of forced labour.

The breaches in the employment agreement tend to relate to the compensation she will receive, the type of work she will be performing and the working hours, and can reach the level of withholding freedom of movement and sexual assault. The migrant is thus subjected to working under threat or abuse and it is often this which starts the chain of slave work conditions.

## 1. The power imbalance in the relationship between employer and worker

According to Article 7 of the Lebanese Labour Law issued in 1946, MDWs do not fall under said Law. Instead, their status is governed by a decree on migrant workers' regulation. The system that governs the recruitment and legal residency of migrant workers is commonly known as the *kafala* or "sponsorship" system despite the lack of an official legal mechanism carrying that label. One of the basic tenets of this sponsorship system is the fact that the migrant worker's legal residence and work permit are directly linked to the employer's sponsorship. Thus, the legal residency status ends with the end of the working relationship, and the worker cannot change her place of employment unless she has the approval of the sponsoring employer.

Since 2010, the relationship between the employer and worker has been based on the "Standard Unified Contract,"<sup>81</sup> which is signed by both parties and notarized. The contract is administered in Arabic, depriving the migrant worker of the ability to read and understand it; as such, as long as she does not read Arabic, she is unable to know her rights. The terms of this contract set the employment duration for one year that can be renewed, the monthly salary, a 12-hour workday with breaks, an 8-hour uninterrupted daily time off, and a 24-hour uninterrupted weekly time off; the contract not specifying how it can be used.

Despite its importance, the unified contract has many flaws. While it sets the daily and weekly mandatory breaks and the annual vacation in an agreement between the two parties, it effectively allows the employer to refuse to give any time off and to prohibit the worker from leaving the house during her time off. The contract allows for cash payment of the salary in exchange for a receipt, which is signed by both parties. This means the worker could be forced to sign the receipt without actually getting paid, and complicates the process of verifying if the payment actually took place. The worker is entitled to sick leave based on a doctor's note, but she is denied that right if the employer does not allow the worker to visit the doctor.

Despite the presence of these terms in the contract, the relationship between the MDW and her employer remains, at the very least, imbalanced. The employer has a significant authority over the worker and ends up making the decisions, as was evident in the majority of the cases that were observed in the current study. "The essence of the work relation." The employers' authority has shown

to include deciding employment terms and general living conditions, extending to the point at which the employers exercise various types of violence against the workers.

Article 15 of the migrant work regulation decree establishes a link between the migrant's work permit and their legal residence to their employer, which is the base of the Lebanese sponsorship system. This prevents any migrant worker from changing work or moving to a different workplace without the prior approval of the Ministry of Labour. The Ministry of Labour and the General Directorate of General Security does not approve the change of employer without written consent from the original sponsor passing his sponsorship to the new employer. The General Directorate of General Security currently limits the change of employer possibilities to two employers; that is, a migrant worker cannot renew her legal residency in Lebanon if she wanted to work for a third employer.

The imbalance of power between the migrant worker and the employer in the Standard Unified Contract is most evident in the termination clause. The worker would face much harder conditions if she were to seek the termination of the contract. The employer can terminate the contract if the worker makes a mistake, commits negligence or intentional assault, or endangers the interests of the employer or their family members. The contract can also be terminated if the employee commits an act punishable by Lebanese law. In these cases, the worker is forced to leave Lebanon and pay for the travel expenses out of her own pocket. As for the worker, she can terminate the contract in the following cases: if the employer breaches the terms of payment for three consecutive months; if the employer, one of their family members, or a resident of the house physically assaults and hurts the worker; if they sexually harass or sexually assault her; and it is proven by medical records and judicial or Ministry of Labour investigations; or if the employer makes the worker perform duties beyond what was agreed upon without her consent. In these cases, the employer has to return the worker to her country and pay for the cost of her plane ticket. It is worth noting that, according to the Standard Unified Contract, the employer does not need any written evidence, official reports, or judicial rulings to prove the worker's wrongdoing and terminate the contract; the worker, on the other hand, will have to file a complaint with the Lebanese authorities in order to prove any wrongdoing by the employer.

## 2. Working conditions in Lebanon: the various indicators of forced labour

When looking into the conditions of migrant workers in Lebanon, indicators of forced labour abound. Eighty-two percent of the workers who participated in a survey on the topic reported feeling forced to withhold their identification documents, isolating them from the outside world, and forbidding them from contacting their families, despite the fact that some of these cases violate the terms of the Standard Unified Contract and are punishable by the Lebanese Penal Code. Many also reported not getting paid either fully or regularly, and not getting their daily and weekly time off, while being subjected to long working hours.

### 2.1 The imposition of long working hours and denial of weekly time off

The Standard Unified Contract sets the daily work hours at 12, in addition to a 24-hour uninterrupted time-off period every week. It is worth noting that the Standard Unified Contract sets the maximum weekly work hours at 72 hours, far surpassing the maximum work hours allowed under the Lebanese Labour Law, where they are set at 48 hours. The Standard Unified Contract thus violates international standards in this regard. Article 10 of the 1899th ILO Convention concerning Decent Work for Domestic Workers states that countries must guarantee equal treatment, through their laws and regulations, between domestic workers and workers in general with regards to regular work hours and compensation for overtime, daily and weekly time off, and annual paid vacations. It should be noted that the Standard

<sup>81</sup> See Appendix 3: A copy of the Standard Unified Contract

Unified Contract was drafted by the National Steering Committee, which included among its members representatives of the ILO, as well as representatives of the justice, social affairs, and interior ministries and civil society organizations.

Despite the contract terms, 77% of workers who participated in our survey said they worked 14 hours or more per day. None of the participants in the semi-structured interviews said that the employer had set her working hours, break schedule, or a set bed time. Most of them stated that they would wake up early in the morning and go to sleep after midnight – more specifically after all family members had gone to sleep and after they had finished all the housework. 77% of the surveyed workers could not take time off to rest during the day, and some of them had to eat their meals standing up, if meals were available. Some also said that they were not able to sleep properly, even in the hours set aside for rest, because they had to attend to the needs of the family, especially members of the family that needed special care during the night.

As for the weekly time off, or weekend break, 91% of those surveyed said they had been denied the weekly time off stated in the Standard Unified Contract, representing a clear violation by the employer. In the following quote, the employer seems to give the worker a choice between her right to get paid and her right to a weekly day off:

*"I never got a day off. I used to know a Nepalese [worker] who worked for a family in the same building. She told me that Sunday was her day off. When I heard that, I asked my employer to give me a day off as I was working hard and I was not getting enough rest... She could tell that she was paying me, and for that reason she could not give me time off."<sup>82</sup>*

In the semi-structured interviews conducted with the employers, we found out that they considered taking the workers with them on their visits and trips the equivalent of giving them time off from work. Yet some participants in the semi-structured interviews confirmed that this practice was carried out so that they could care for the children or do domestic work during trips or picnics.

## 2.2 Withholding wages and delaying payment

The salary is the compensation agreed upon between the two parties upon signing the Standard Unified Contract. With the absence of a minimum wage for MDWs, the workers remain the weaker side in the negotiations over this term of the contract. According to the contract, the employer has to pay the full monthly wage at the end of every month with no delays. The payment should be made directly to the worker, or via a bank transfer in exchange for a written receipt, which must be signed by both parties.

Fifty percent of those surveyed said that they received their wages every month. Twenty percent said they were paid at irregular periods, while another 20% said they did not get their full wages. Then there were those who said the wages they were paid were different to that which they had agreed to. One of the aims of withholding wages could be to force the MDWs to continue working or to renew their contracts. Some workers were thus forced to terminate their work contract of their own volition, which could lead to the loss of their legal resident status. In this way they essentially paid the price for refusing to work for free.

Two participants in the semi-structured interviews stated that they were beaten whenever they asked for their wages. One of the returning workers said that her employer forced her to work an extra year on top of her original two-year contract. The employer had withheld \$1000 from her salary when he allowed her to travel home in order to guarantee that she would be back to work for an extra year. This is according to a statement given by Sumitra who had returned to Nepal:

*"As I had gone to work for two years only, I told my employers that I intended to return to Nepal after the 2 years. But they told me that I could only go to Nepal for one month, and in order to guarantee my return to Lebanon they would keep \$1000 of my salary with them. So I could not leave unless I returned to Lebanon again, or I would have to work for 3 years. I then said, 'I'll finish the 3 years and then leave after that.'"<sup>83</sup>*

## 2.3 Restricting freedom and isolation from the outside world

The question posed to the MDWs about freedom of movement and leaving the house is met with ridicule. "Leave? What are you talking about?" said some of them, laughing at the very idea of it. For the MDW, the restriction on freedom of movement and contact with the outside world starts from the moment they land at Beirut International Airport. It is there where General Security officers hold them in a "tiny room" at the airport until the arrival of the employer. The employer is then handed the worker's passport, meaning that her freedom is held hostage at their authority. Ninety-six percent of the surveyed workers said that the employers kept a hold of their documents – including their passport, work permit and residency papers – from the moment they are 'delivered' at the airport.

None of the interviewed workers said that she was in possession of her passport, identification papers, or her residency papers. All these documents were locked away by the employer in a location unknown to the workers. The workers were thus obliged to work for the employer so as not to lose their documents. All those interviewed said their requests to get their identification documents were denied by their employers. This made them hesitant to leave their job, since they would be without their documents and subject to police arrest. Some workers had to pay up to \$2000 to recover their documents from their employers in cases where they left their work without the employers' approval.

The MDWs all stated that they suffered from restricted freedom when going in and out of their place of work. They were not allowed to leave the house without being accompanied by a member of the household. Many have been locked in the house, particularly during their first year of employment. Even when they were allowed to leave the house, it tended to be to go and buy groceries from the local grocer or to take out the garbage.

When 96% of workers have their identification documents confiscated by their employers, 90% of them are not allowed to leave the house alone, 91% are denied their weekly day off, and 50% of them are locked in their places of work, then we can quite easily classify the situation of MDWs as one of restricted freedoms, enslavement, and isolation.

The fact that the Ministry of Labour inspection mechanism in Lebanon does not allow the ministry inspectors to enter the home of employers for regular inspections only adds to the isolation of the MDWs. Even when a worker decides to confront an abusive employer, leaving the house of employment puts her in violation of the terms of the residency permits that are issued for female MDWs.

The reasons stated by the employers for holding the workers inside the house vary, but the most common reasons are that "she might run away if the doors are not locked", "she might open the door for strangers and they might harm her", "she might bring a man home", and "we need to protect the

<sup>82</sup> An interview with a Nepalese returnee conducted in Kathmandu on April 22, 2013

house.”<sup>84</sup> Employers rationalize their decision to prevent workers from leaving the house and locking them in by saying that it is for their own protection. They paint an unrealistic picture of Lebanese society as being extremely dangerous. At the same time they paint a naïve image of the workers as being easy prey if they stepped outside the house. These views paint the experiences of the workers who participated in the semi-structured interviews. Sultana from Nepal said:

“When I said I wanted time off and I wanted to leave the house, they told me, ‘Why do you need to get out? You could stay home and not work instead. If you want to go out, we can take you, but you can’t go alone.’ They also would say, ‘We don’t know what might happen to you outside so we won’t let you go.’ That’s the reason they never gave me days off and would just take me along on their trips. They would also ask, ‘Who do you know here?’ They would tell me that there were bad people out there and that they would be a negative influence on me. They would be referring to other migrant workers who came to Lebanon to work in houses, but ran away to work on their own. These women would work by the hour for an hour or two during the day and then they live in their own apartments and would have relations with men.”<sup>85</sup>

Most workers stated that not only were they not allowed to leave the house, but they were not even allowed to stand on the balcony unless they were cleaning it:

“The employer wouldn’t let me go anywhere on my own. She would watch me even when I went to throw out the garbage. Even when I was standing on the balcony, she would scold me, and say, ‘What are you looking for? Are you looking for men? You shouldn’t stand there.’”<sup>86</sup>

Restricting freedoms even extends to the domestic worker’s movement within the house. An employer stated during an interview that she had installed surveillance cameras inside the house to monitor the worker’s movement and performance while she herself was absent. Other workers spoke of similar situations, and expressed their fear of constant surveillance by their employers. One of the returning migrant workers said that despite being permitted to open the door when the employers were out of the house, she was terrified of leaving the house because of the surveillance cameras installed in the hallway.

Adding to the workers’ physical and emotional isolation is the renegeing on the promise of letting them communicate with their families. Before migrating, they are tricked into believing that they will be able to communicate with their families as much as they want; this is hugely important to the migrant workers, since providing support to the family is often the reason they migrated in the first place.

Forty-three percent of those surveyed were not allowed to contact their families, while only 57% of the workers were able to do so. Of this latter group, 53% would call their families once a month, while 19% would only be able to communicate with them once every 3 months. 14% communicated with their families once every 2 months, while 5% did so once every 4 months. Five percent were allowed to call but at their own expense. One of the workers stated that she was permitted to call her family on arrival in Lebanon, but was not able to do so again for 4 years.

### 3. Inadequate living conditions

The majority of the MDWs who were interviewed did not have a private place to sleep or to keep their personal belongings. Many of them were not given sufficient food and were denied medical care. Most were subjected to racist behaviour, verbal and physical abuse, while others were victims of sexual abuse.

#### 3.1 Denial of privacy and the right to a private life

Most domestic workers who participated in the study did not have a private space in the house. In the small number of cases where they did, it was often a tiny room fitting nothing more than a small bed or a mattress on the floor. Despite that, most workers said that the small room in the house was better than the alternatives, which include sleeping in the kitchen (19%), the living room (22%), or on the balcony (7%). Some had to share rooms with members of the household (11%) and that included men, who slept in the living room, they had to wait for the entire family to go to sleep before they could do the same. Those who slept in the kitchen would wake up if anyone had to use the bathroom or drink water at night. Most workers kept their belongings in a bag and were not given a closet to keep their private belongings at any point during their stay at the employer’s house.

Some employers act as though they have absolute authority over the appearance of the worker, as if she herself has no opinion about her own appearance. Most workers complained about the employers making them cut their hair as soon as they arrived at the house. Some woke up to the employers cutting their hair against their will. Others were forced to use lice shampoo for a week regardless of whether they suffered from lice or not.

Some workers said that their employers searched their belongings which they had brought from home, not given any new clothes, but were rather given hand-me-downs that belonged to the female members of the household or their relatives. In some cases, personal care and hygiene items such as feminine pads and soap were not provided to the workers and some said that they would bathe with dishwashing detergent.

#### 3.2 Denial of proper food

The Standard Unified Contract obliges the employer to provide proper working conditions for the worker and to cover her food and clothing needs. However, 32% of the workers said they did not receive sufficient food from the employers. Others said they had to eat in secret. In some cases the food provided by the employer was limited to half a loaf of bread with a piece of cheese and cup of tea over a 24-hour period.

“They would all eat out and they wouldn’t give me anything to eat. I used to cook in their absence and hide the food under the table. I used to eat when they were out, and I would open all the doors and windows for the smell to get out so the Madame would not find out. I asked her to let me cook and she refused. That’s why I would cook in her absence. One day she asked me where the food was going, and I told her I didn’t know, and asked her to look how small my stomach was. They would eat all the fruit and give me half a loaf of bread. How can I eat and be full? They used to eat a lot and order in, but never order food for me. I would be hungry and look at them and they would never buy me anything. I used to cry a lot, even when they would go out I would cry because I knew they were eating while I was hungry. I would only cook rice and never

<sup>84</sup> Abdurrahim, Sawan, 2010, “Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers,” KATE (enough) Violence & Exploitation, 17.

<sup>85</sup> An interview with a Nepalese returnee conducted in Kathmandu on April 4, 2013

<sup>86</sup> An interview with a Nepalese returnee conducted in Lamjung on May 15, 2013

*vegetables, because if she smelled the vegetables, she would scream at me, 'What's that smell?' So I would cook rice and eat it with water.<sup>87</sup>*

Due to being denied sufficient food, other workers said they would buy supplies and cook at their own expense, while some had to hide their food and eat it in secret.

### 3.3 Insufficient medical care

The medical coverage provided by the insurance that that employer has to purchase is considered insufficient, since it only covers the costs of certain emergency procedures. The insurance does not cover medical care and medicine for the worker when she gets sick, so care in this case depends on the employer's goodwill. The medical expenses are often deducted from the worker's salary, according to some of the cases we came across, and rarely do they get to see a doctor. When the MDW gets sick, the employer often provides her with some pain relief, and very few of the participants said that they were allowed to rest when they got sick.

Meanwhile some employers were reported not to have covered medical expenses if when the worker had to visit a doctor:

*"The employer used to deduct many things from my salary. One time the Madame took me to hospital. I thought she was going to cover all the costs. Instead she deducted the medical expenses from my salary."<sup>88</sup>*

The basic expenses of MDWs, including housing, clothing and food, are the responsibility of the employer – yet these are among the rights of the workers that are regularly ignored.

## 4. The various types of abuse faced by migrant domestic workers

The majority of MDWs who participated in the study faced a variety of types of abuse. They ranged from financial abuse (withholding and deducting wages), emotional abuse (racist behaviour and threats) and verbal abuse (scolds and insults), to physical abuse (beating) and sexual abuse (including harassment and rape). Most working conditions contained one of these types of abuse faced by MDWs.

### 4.1 Prejudice and racism of employers towards migrant domestic workers

While documenting racist behaviour towards MDWs, there was a striking contradiction in the attitude of the employers: on the one hand, they would ask the workers to perform most of the housework from caring for the children – including infants – cooking food, and washing and ironing clothes, to making coffee and juice and performing other household chores. On the other hand, they felt “repelled and disgusted” by the MDWs.

The majority of the domestic workers experienced blatant racism, a reflection of negative prejudices towards them and their treatment as inferiors. Most workers were prohibited from washing their clothes with the clothes of the employers. Some were assigned a different set of utensils to those used by the employers and their families. Some were even forbidden from sitting on the house furniture. Some of the workers resisted this racism in their own way, despite their limited means:

*"I was forbidden from sitting on their sofa, but I used to sit on their favourite sofa when they were out. They would only allow me to sit on a chair in the kitchen... I would also wash my stuff with their loaf and wash my clothes with theirs when the Madame went to pray. When she asked me I would say I had hand washed them just as she'd wanted me to. I used to watch the Indian channel on TV and then switch it back to Arabic and turn TV off when she came in."<sup>89</sup>*

### 4.2 Threats and emotional abuse

Many MDWs were threatened with physical violence and even death. They were also threatened with incarceration and denunciation to the police in cases where the employers had not processed the proper residency documents for the workers. Some were threatened with deportation to their country of origin, while they needed to continue in order to pay back the debt they had accumulated due to the high migration costs, or in order to support their families, teach their kids, or provide medical care for sick family members with their income. Not only would employers threaten to withhold wages, but some would actually go through with these threats. Many employers would threaten to beat the workers or cut off their communication with their families. Some would actually beat them if they asked for better working conditions.

The survey showed that 46% of the MDWs were threatened with one or more of the following:

- Physical or sexual violence: 67%
- Denunciation to the police: 82%
- Returning them to the placement agency: 62%
- Withholding of wages: 51%
- Deportation back home: 11%
- Denial of food and basic needs: 9%
- Denial of communication with families and days off: 2%
- Other threats, such as locking them in the house and taking back wages that have already been paid: 9%

The workers were threatened by the employers or their employers' family members as well as by the owners and employees of the placement agency. Sixty-two percent of the workers reported being verbally abused by the employer's family members or by placement agency staff. Not one worker was spared shouting, insults, or verbal slurs, which are a type of psychological abuse. The emotional abuse was intended to force the migrant workers to work and to make them pick and choose between their rights, thus subjecting them to the mercy of the employer when asking for their rights.

<sup>87</sup> An interview with a Nepalese migrant worker in Lebanon conducted in Zikrit on April 9, 2013

<sup>88</sup> An interview with a migrant worker after returning to Nepal conducted in Lamjung on May 15, 2013

#### 4.3 Physical abuse and violence

Thirty-six percent of those surveyed were subjected to physical violence such as beating, shoving, slapping, hair pulling, beating with a stick or a belt, biting, and hair cutting. The reasons given for the physical violence vary. An employer might beat a worker if she does not understand her orders, if she breaks any kitchenware, if she fails to calm an infant, if she forgets to do any of the chores to which she has been assigned, or if she completes the task in a way deemed unsatisfactory by the employer. Workers have been beaten if they bought the wrong grocery product.

*“If I wasn’t awake by 6 am the ‘Mister’ would come and slap me. I would start the day by changing the diapers of his disabled mother. I would feed her, give her medicine and water, bathe her, and change her clothes. Afterwards, I would go up to the Mister’s house to clean it after he and the Madame go to work. I would clean the house and iron their clothes. They would give me bread and Picon (spreadable cheese) in the morning. They’d die before they gave me meat or vegetables. I used to eat the bread and some food from the Mister’s brother’s house. But if the Madame saw them give me food, she would scold them. I used to work until midnight, and they would beat me if spoke on the phone or if I said I was sick, or if they called me and I didn’t hear them. They would call me an animal and a slut and everything.”<sup>90</sup>*

One of the workers was even beaten up for saying she was tired and that she needed food, when they wanted her to keep working:

*“After a year working for them, the Madame saw the winter clothes bags were dusty. She told me to take it outside and clean them all. I told her I was very hungry and that I couldn’t work, and that I would work on it tomorrow. She then screamed at me and started beating me very violently. I asked her to take me back to the placement agency and she refused. I stayed with her in these conditions and after that she would beat me all the time and not give me food. I would spend all my time working despite how hungry I was.”<sup>91</sup>*

In another case, a worker asking for her salary was the reason for physical abuse by her employer:

*“My employer and her husband would beat me every time there was an argument with them over my salary. I asked for my salary and I told them I needed it for my son and daughter. Their relatives would just stand and watch them. If we were in Nepal, someone else would have at least intervened to stop the beating ... But in Lebanon it was entertainment for them. They would stand, watch, and laugh. My entire back was covered with bruises because of this beating. They didn’t give me any medicine after that, and my back was covered in scars and bruises.”<sup>92</sup>*

Some workers were even beaten for waking up late, talking on the phone, or complaining about being sick. Physical abuse was used as punishment by employers, accompanied by other forms of punishment such as deprivation of food.

#### 4.4 Sexual abuse

During the semi-structured interviews, few of the MDWs spoke of being subjected to sexual violence. But many did speak of multiple forms of sexual harassment. The sensitivity of the topic, and the difficulty for those participating in the field research to talk about it, should be noted. Eight percent of those surveyed reported being subjected to some form of sexual violence, such as sexual harassment and rape. One of those surveyed reported being beaten by her employer to force her into sex. Another employer attacked a worker with a stick and tried to penetrate her with it. A third worker reported being forced to bathe with her employer.

The abusers did not stop at sexual assault, actually threatening workers with death if they were to report the abuse they had faced:

*“The Madame never beat me, but the Mister sexually harassed me. He was once in bed and asked me to bring him water and massage his body. I was scared and gave him a little massage. Then he grabbed my breast. I think that thing got big [pointing to his penis region]. Then he took hold of me and started rubbing his penis on me, and I cried. At that point, the Madame rang the doorbell. He told me to go open the door and tell her that he was sleeping, and said that if I told her anything he would kill me. He did that to me 4 times and told me he would give me a \$100 bonus. But I refused it and decided to escape. I used to cry a lot every time it happened. He was a big, bald man.”<sup>93</sup>*

The sexual abuse pushed some workers to run away from their employer’s house, risking arrest in the process for violating their residency conditions:

*“The Madame used to travel a lot, and he used to bring women home. One night he didn’t bring a woman home, and I was alone with him in the house. He came out naked from his room and came to my room and wanted to sleep with me. He said ‘come sleep with me in my bedroom and after we’re done with sex you go back to your room’. I refused so he ran after me naked, so I escaped to our Ethiopian neighbour’s house and I stayed there until he left the house. I went back home and then the Madame returned. He threatened me, saying that if I told her he’d kill me. A month later the Madame decided to travel to Syria so I ran away the night she travelled.”<sup>94</sup>*

### 5. The inability of migrant domestic workers to change their working conditions: “Escape” is the only option

The lack of balance in the relationship between the employer and the MDW limits the latter’s ability to find solutions to her work problems through negotiations with the employer and change her living and work conditions. Under these prevailing circumstances, 21% of those surveyed saw “escape” as the only solution to get away from the abuse they were subjected to and the breach of the promises made in the work contract.

All the workers who took part in the semi-structured interviews felt powerless to change their working conditions due to the violent reaction they faced when confronting their employers. Other factors that made the workers feel powerless included the pressure of their debts, fear of arrest and incarceration, and fear of deportation. Others stated that they had no other choice but to continue working, either due to poverty, lack of knowledge of other options, or fear of being beaten and punished at the placement agency. Fear of living alone, the inability to communicate with others due to the language barrier, the fear of getting killed, and the employer’s confiscation of their identification papers were

<sup>90</sup> An interview with a Nepalese migrant worker in Lebanon conducted in Byblos on April 10, 2013

<sup>91</sup> An interview with a Nepalese migrant worker in Lebanon conducted in Zikrit on April 9, 2013

<sup>92</sup> An interview with a Nepalese returnee conducted in Kathmandu on April 17, 2013

<sup>93</sup> An interview with a Nepalese migrant worker in Lebanon conducted in Zikrit on April 9, 2013

<sup>94</sup> An interview with a Nepalese migrant worker in Lebanon conducted in Burj Hammoud on May 6, 2013

other listed reasons that contributed to this feeling of powerlessness. None of those interviewed said that they were able to file a complaint with the Lebanese security and judicial authorities against their employer; this will be detailed later in the report. All those interviewed stated that the only available solution for them was to escape without the agreement of the employer.

Would the migrant workers still have journeyed to Lebanon had they known the reality of their future working conditions? According to the majority of those who participated in the semi-structured

interviews, the short answer is no, they would not have come to the country had they been aware of the tough living and working conditions they would face.

All the MDWs in the study expressed an urge to change their working conditions and wanted to be permitted to work freely outside the employers' homes. Some stated their willingness to work at their employers' homes as long as their rights were fully respected, including their work schedule, days off, and getting their wages paid in full and on time:

*“The Nepalese Didū and I believed if we had had possession of our passports we would have run away ... She was also beaten and would often say, ‘Do our passports say they can beat us? They are not allowed to abuse us. They are taking advantage of the fact that we are poor.’ But we didn’t have our passports. If we were to run away the police would go after us and we might end up killed.”<sup>95</sup>*

It is worth noting that 4% of those who escaped from their place of employment did so after being told that there were better opportunities “outside.” One of the participants in the semi-structured interviews in Lebanon said that she received better income working as freelancer. Despite being without legal status, she would be able to afford to return home much faster than if she had worked with a single employer. There is evidence pointing to the presence of mafias that employ “runaways” with freelance work, or exploit them in prostitution; this was what the head of the placement agency syndicate explained:

*“There’s a specialized mafia and we all know about it. Its members work on getting migrant workers to escape from the homes after they have recruited them to work with their own sponsors. They make them work in homes on a monthly basis, while some brokers exploit them in prostitution on top of the cleaning work. The worst part of it is that some of these agencies get official contracts with government institutions and the workers are employed without legal helpers, after having ‘smuggled’ them from the houses where they used to work. This puts the worker in a precarious situation where she cannot demand her rights for fear of being reported and incarcerated. These workers are also blackmailed and they are tricked and have parts of their salaries deducted. They are also subjected to physical, emotional, and verbal abuse, alongside cases of sexual harassment.”<sup>96</sup>*

A review of complaint and compensation channels for migrant domestic workers (MDWs) reveals the existence of special channels – in Lebanon and in the countries of origin, Nepal and Bangladesh – that enable the workers to demand their rights if violated. The issue lies in the hurdles and obstacles that prevent the worker from accessing these rights. Seeking recourse in the placement agencies, it appears, was the procedure taken by the MDWs to resolve disputes with employers. Yet in most cases, workers ended up being punished for their demands.

## © SECTION FOUR The Difficulty of Accessing Complaint and Compensation Channels for Migrant Domestic Workers

### of employment.

According to the Ministry of Labour's regulation number 1/1, governing the work of placement agencies and issued on 03/01/2011,<sup>97</sup> in order to open a placement agency for MDWs in Lebanon, the owner must get an employment permit from the Ministry of Labour. The person must, moreover, be a Lebanese national with full civil rights, who has not been convicted of a felony, misdemeanour, or violation of public morals, and must have a good ethical performance record. The owner must present a deposit certificate for 50 million Lebanese Liras from the Iskan (housing) Bank. He or she must also have an ownership lien or a lease that proves that the agency offices consist of at least three rooms, one of which is reserved for administrative staff and another to house workers. The total area of the office space must be at least 50 square meters.

The regulation capped the employment permit applications that an agency can apply for annually at 200 applications for MDWs. This cap was applied until it was repealed by the Ministry of Labour's regulation number 15/1/1 issued on 19/10/2012, which lifted the cap and allowed for agencies to have an unlimited number of applications. The regulation prohibits agencies from using fictitious entities to sponsor MDWs who would then work in companies and institutions on a daily or monthly basis at the risk of losing their license. Placement agency owners and staffers are prohibited from verbally or physically attacking the workers. The agencies are also prohibited from charging the workers any fees (direct or indirect) at the risk of losing their license.

This regulation, therefore, limits the role of the agency to the facilitation of the hiring process between the employer and the worker only. In the case of a dispute between any two of these three parties, the placement agency should inform the Ministry of Labour by filing an administrative complaint with the investigation bureau at the ministry, or a judicial lawsuit if necessary.

<sup>95</sup> An interview with a Nepalese returnee conducted in Kathmandu on April 18, 2013

<sup>96</sup> An interview with the head of the placement agencies syndicate, Hisham al-Burji, conducted in Beirut on March 15, 2013.

<sup>97</sup> Note that this decision was not published in the Official Gazette. The Ministry considers that this regulation replaces previous rulings issued in 2003 and 2009. Practically, however, clauses in previous rulings that do not contradict the new ruling are still applied.

If the worker refuses to work or leaves the house of the employer within three months of arriving in Lebanon, the placement agency may incur financial losses. The Lebanese regulations state that the placement agency is responsible for replacing the worker or returning her within three months of her arrival in Lebanon in the following cases: If she does not fit the required specifications, if she is pregnant upon arrival, if she refuses to work, or if she leaves the house of the employer. The agency's responsibility is extended to 6 months in cases where the worker suffers from a contagious disease or a disability that would keep her from performing her job and which did not show in the first 3 months of employment. In these cases, and if the employer rejects the replacement worker, the employer would cover the wages of the worker and part of the employment fees depending on the length of time the worker was at their house. The agency would then reimburse the rest of the hiring fees that the employer has pre-paid. If the placement agency fails to find a proper hire within the time agreed upon, the agency must give the employer a full reimbursement of his or her deposit.

In reality we observe that the role of the placement agency extends to "resolving" disputes between the employer and the worker and thus prevent her "return" during her first 3 months in the country. This role is often translated into "teaching her a lesson" through different forms of abuse that might extend to sexual violence or the threat of being put to work in prostitution, as explained by Rouba from Bangladesh:

*"I stayed at the agency for 18 days. They would give me food only once a day and it was only bread and cheese at night... the Filipino worker would eat while I watched. The head of the agency beat me to make me return to the house of the Madame, but I refused. He threatened to make me sleep with men in the hotel for work [prostitution] so I ran away."*<sup>98</sup>

Despite the presence of official channels to resolve disputes with the employers, migrant workers tend to resort to the placement agencies, as they are the only other place – other than their place of work – with which they are familiar after they arrive in Lebanon. Twenty-two percent of the migrant workers surveyed said they had been given the placement agent's number in Lebanon before leaving their countries. This occurs despite the agency not having any qualifications or authority to resolve the disputes other than the fact that they are responsible for the migrant worker during their first 3 months in the country. Even then, it is not a given that the migrant worker can reach the placement agency as she could be prohibited from using a phone. In most cases they had to depend on the employer to connect them with the placement agency, which would only occur in rare cases. Even when the workers were able to reach the placement agency, they were rarely able to access their rights. In fact, the placement agencies end up being another place where the worker's rights are violated as they are either pressured to return to the employer who they were complaining about or they are placed with a new employer without being able to recover their dues in full from the original employer. On top of that, staffers at the placement agencies have subjected workers to violence, and emotional, physical and sexual abuse to subjugate the migrant worker and force her into returning to her employer. All placement agencies owners who participated in the semi-structured interviews denied any abuse of the workers, but the survey shows that the placement agencies account for 6% of the physical abuse cases reported by the participants.

In contrast to their denial of violence against the migrant workers, many agency owners spoke at length about how other agencies abuse migrant workers who lodge complaints. Some of them told stories about sexual harassment cases that take place in agencies, but not their own. The head of the placement agency syndicate claimed that these violations took place at unlicensed agencies, absolving his syndicate of the responsibility of having to monitor the work of these agencies.<sup>99</sup> He added, "The

syndicate trains its members in non-violent resolution of disputes between the employers and the workers and punishes those who use violence by revoking their license."<sup>100</sup> However, he conceded that the agency head who admitted that he had been "obliged" to occasionally beat the workers was a member of the syndicate.

In some cases the placement agencies' role is limited to treating the migrant worker in cases where she has suffered physical damage from violent behaviour, and finding an amicable resolution to the issue with the employer. This consists of a "promise" by the employer not to repeat the aggression, even though the violence committed is punishable under Lebanese law. One placement agency head relayed a story of how he accompanied an abused worker to the hospital where she received medical care and was returned afterwards to the employer's house, having appealed to the employer not to repeat the incident at the risk of losing the migrant worker to another employer.

There are indications that employers encourage the placement agencies to behave violently towards the migrant workers. Placement agency staffers stated in the semi-structured interviews conducted with them that employers would call the agency and ask them to exercise violence towards the workers; they quoted them as saying, "I will continue to return her to you until you teach her a lesson" and "take her and stomp on her," and they said that the employers would get annoyed if the agency refused to mistreat the migrant workers in that way. On the other hand, the employers said during their interviews that the placement agency heads would advise them to "return" the worker to the agency when there is trouble "in order to teach them a lesson" or "to slap some sense into them" or "to let her know where she stands." Some also said that the owners and staffers of the placement agencies would often advise them not to "spoil" the workers and to be firm with them. They also would hint that they should not give the worker a weekly day off where they could leave the house for fear that "they might come home pregnant."

Some workers reported how they were harassed at the agency, while some spoke of hearing workers scream as they were beaten up at the agency.

*"I wanted to change the house I was working at and I asked the Madame to let me talk to the agency. She took me to the agency and spoke with the owner of the agency while I sat on a chair next to the bathroom in a very dirty room. I didn't have any of my belongings with me. The Madame left and the agency head came and asked me to take my clothes off. I asked him why and told him that I had nothing on me and refused to take my clothes off. But he removed all my clothes including my underwear and socks and left me naked for ten minutes. He didn't touch me. He just sat and stared at me and I said to him, 'Why are you doing this to me?' Why did you take my clothes off? He wouldn't answer and told me to shut my mouth. He then said 'Get dressed, you're leaving.' I spent 4 hours in the agency and went after that to the airport with only the clothes I had on and my passport."*<sup>101</sup>

## 2. Official complaint and compensation channels in Lebanon

None of the participants in the field research resorted to the official complaint channels. The main reason the workers did not resort to the procedural and judicial framework is that, unless they had the support of lawyers or non-governmental organizations, they had no way of knowing these channels existed in the first place. Also, these legal channels were inaccessible to them, owing to the prohibitive costs of filing lawsuits, lawyer fees, translation costs and medical expert expenses. This is not to mention

<sup>98</sup> An interview with a Bangladeshi worker conducted in Beirut on March 10, 2013

<sup>99</sup> An interview with the head of the placement agencies syndicate, Hisham al-Burji, conducted in Beirut on March 15, 2013.

the complicated and slow procedures of the Lebanese justice system.<sup>102</sup> Further to these obstacles, migrant workers are often isolated, have their freedom restricted and have their identification papers confiscated. They also lack the information about the services offered by their countries' diplomatic missions in Lebanon and do not know how to contact them.

## 2.1 Lack of complaints filed with the Ministry of Labour in Lebanon

The Bureau of Investigation and Labour Affairs within the Labour and Professional Relations Authority along with the Ministry of Labour's regional Labour bureaus are in charge of investigating individual disputes that are made up of complaints between employers and workers. They seek to document and mediate a settlement between the parties.<sup>103</sup> The Ministry has established a hotline to receive complaints that involve the failure to pay of wages, a wrongful breach of contract, the employer's failure to secure a work license, illegal child labour, or other violations of migrant workers' rights.<sup>104</sup> However, the Ministry of Labour reported that they had not received a single complaint from MDWs since the launch of this hotline in 2011.<sup>105</sup> Despite the availability of work inspectors that carry out regular inspections at companies and factories to ensure the proper implementation of labour regulations, there is no legal framework that allows the ministry's inspectors to enter the homes of employers to check on the conditions of MDWs in Lebanon.<sup>106</sup> We also were informed that the Ministry of Labour has not even created a blacklist of Lebanese employers that are convicted of wrongdoing against MDWs.<sup>107</sup>

## 2.2 Complaints at the General Directorate of General Security: Suppressing the employer's responsibility through deportation of the migrant domestic worker or the surrendering of rights

The General Directorate of General Security in Lebanon is the authority that issues the entry visas for migrant workers and their yearly residence permit once they arrive in the country. It is also the authority that renews residency permits for the workers and administers deportations. As such, the General Directorate of General Security plays a major role in the implementation of the *kafala* system which lays out the link between the legal residency status of a migrant worker and the employer's will, and how possible it is for a migrant worker to change her place of work. This is particularly marked in the cases where abuse of workers, exploitation or human trafficking was suspected. According to General Security's official records, 1069 Bangladeshi workers and 112 Nepalese workers were detained in 2012 for violating their residency and work status.<sup>108</sup>

Since the migrant worker's residency status is terminated according to employer's will, or in cases where the worker leaves her employer's house without his or her approval, General Security has

become a major reference point for employers in disputes with the workers. The MDWs, meanwhile, rarely turn to General Security for fear of detention and deportation. According to General Security, there were thousands of complaints lodged by employers against MDWs for leaving the employers' homes (so-called "escape").<sup>109</sup> Meanwhile, there were over 150 complaints lodged against employers on the basis of failure to pay wages, beating and mistreatment.<sup>110</sup> Based on these complaints, the General Security investigates both the employer and the worker under the supervision of the general prosecutor, while keeping the door open for an out-of-court settlement; it should be kept in mind that the General Security is not a judicial reference authorized to resolve these disputes. Its role is limited to two areas: First, it is the only official agency authorized to grant or withdraw legal residence for foreigners with all the repercussions that this might entail – the General Director of General Security has the final say on these issues. Second, General Security officers work under the prosecution service as judicial enforcers in the investigation of crimes in these cases. The prosecutor general decides whether to press charges against the accused or not based on the complaint, before referring them to the corresponding judicial branch. According to General Security, administrative procedures are carried out against employers that break the law. These procedures may lead to prohibiting employers who have committed violations from hiring another MDW.<sup>111</sup>

Evidence suggests that these investigations tend to lead to settlements between MDWs and employers that are in favour of the latter. This is mainly because MDWs face the possibility of deportation, which would prevent her from staying in Lebanon to pursue her lawsuit further and obtain her full rights through the proper judicial channels. Instead, they are pushed to partially or fully surrender their rights and to accept whatever solution they are offered in exchange for expediting their travel back home.

All this keeps the MDWs from approaching the specialized judicial channels to demand their rights, especially in the cases of withholding of wages and physical or sexual abuse. Having examined legal cases involving MDWs, it appears that General Security often ends up deporting the migrant workers back to their country of origin without them being able to resort to the justice system to demand the payment of wages or any damages that they might be entitled to as a result of the violation of their rights.<sup>112</sup> A Caritas study on MDWs' access to justice in Lebanon showed that over 65% of the cases that were followed up by the organization ended up being settled outside the courtroom. Some examples of these cases showed that these settlements often favour the employer and that the migrant worker ends up giving up a large part of her wages.<sup>113</sup> This allows employers to evade legal prosecution while the MDWs end up facing deportation. Sidestepping the judicial courts (and the potential victims) enables the employers and the placement agency heads to avoid any major responsibility.

Despite General Security's lack of direct jurisdiction over the placement agencies, the former still receives complaints against the placement agencies from employers over financial disagreements and complaints about mistreatment of migrant workers. General Security can take punitive actions against placement agencies that break the law by issuing warnings, freezing paperwork, blacklisting the agency

<sup>102</sup> Human Rights Watch 2010, "Without Protection, How the Lebanese Justice System Fails Migrant Domestic Workers".

<sup>103</sup> Article 17 of the Ministry of Labour Regulation 835/2 issued on 30-12-1961

<sup>104</sup> The Ministry of Labour's website: [http://www.labour.gov.lb/\\_layouts/MOL\\_Application/LatestNewsDetails.aspx?lang=ar&newsid=27](http://www.labour.gov.lb/_layouts/MOL_Application/LatestNewsDetails.aspx?lang=ar&newsid=27)

<sup>105</sup> An interview with Mrs Marlene Aatallah, the head of the foreigners office at the Lebanese Ministry of Labour, conducted in April 2013

<sup>106</sup> Ibid.

<sup>107</sup> Based on a meeting with a Ministry of Labour employee on July 23, 2014

<sup>108</sup> The General Directorate of General Security, a table of Migrant Domestic Workers that have been detained in 2012 for violating their residence and work status in Lebanon, published in September 2013

<sup>109</sup> According to the General Directorate of General Security, there 950 records titled "runaway worker" while noting the possibility that each record might have multiple names. Some of these cases are still open while others have been resolved.

<sup>110</sup> General Directorate of General Security almanac, op. cit.

<sup>111</sup> Ibid.

<sup>112</sup> Sara Wansa, "Domestic Workers, General Prosecutor, and General Security: Trial in Absentia". Published in the 12<sup>th</sup> Edition of The Legal Agenda in November 2013.

<sup>113</sup> Naïm Alix, Tannous Wissam, 2014, "Accès à la justice des travailleurs domestiques migrants au Liban", Caritas Liban Centre des Migrants, Organisation Internationale du Travail. Sara Wansa, "The Caritas Report on the Legal Help for Migrant Domestic Workers: Unfair Settlements of Problems as a Part of the Sponsorship System", Published in the 20<sup>th</sup> Edition of The Legal Agenda in August 2014.

and preventing them from presenting new requests for workers, asking the Ministry of Labour to rescind the agency's license, closing the agency, or even arresting of the agency heads if there is evidence of criminal offenses.

### 2.3 Insufficient support from diplomatic missions in the countries of origins

None of the MDWs that were interviewed in Lebanon had resorted to the consulate of Nepal or Bangladesh for support. Only one of those interviewed after returning to her country of origin had asked her consulate for help, but received no support. This is one of the realities that make it more difficult for MDWs to access their rights. The diplomatic missions of Nepal and Bangladesh lack the financial and human resources to aid the migrants from their countries or to provide legal representation for them in front of the Lebanese authorities.<sup>114</sup> It is worth noting that, before 2013, the Nepalese and Bangladeshi diplomatic representation in Lebanon was limited to an honorary consulate.<sup>115</sup> This lack of support was confirmed both by the honorary consul of Nepal and by the Chargé d'Affaires at the Embassy of Bangladesh in Lebanon. The diplomatic missions' contribution is generally limited to giving MDWs travel documents in coordination with General Security, and facilitating the repatriation of bodies of those who die in Lebanon.<sup>116</sup> It is worth noting again that the Bangladeshi embassy does not follow up on the contract that it notarizes, in which it is stated that Bangladeshi migrant workers must be respected by their employers.

The assistance that the Bangladeshi embassy provides to the migrant workers is mainly limited to assistance in leaving Lebanon after they leave the home of the employer. The embassy also co-operates with Lebanese General Security on a case-by-case basis despite the absence of an official agreement between the two sides. The Bangladeshi embassy provides the migrant worker who wants to return home a laissez-passer in cases where she is not in possession of her passport. This is issued based on the personal information registered with the embassy before the MDW is brought to Lebanon. In cases where disputes arise between the employer and the MDW with the latter seeking shelter at the embassy, the latter does not file a complaint with the Ministry of Labour or with the judicial system. It also does not provide legal and judicial assistance that is supposed to be covered by the migrant welfare fund.<sup>117</sup> The only assistance that might be provided by the embassy consists of translation services for workers who have been detained for leaving their place of employment, illegal residency status or stealing.<sup>118</sup> In parallel, the embassy, having expanded its operations, has recently sought to draw up a blacklist of placement agencies that have abused the rights of MDWs. By doing so, they can prevent the agencies from bringing workers from Bangladesh by refusing to sign off on any work contract or immigration request that is issued by these agencies.<sup>119</sup> This blacklist is, however, just for show, since Bangladeshi middlemen in Lebanon, who also happen to be MDWs, use bribery to facilitate the paperwork of the agencies being processed with the embassies.<sup>120</sup> Some cases have shown that, "Embassy employees

refuse to process work applications by Lebanese placement agencies unless it is presented through a Bangladeshi middleman. These middlemen charge \$50 extra, which is equal to the official cost of the application."<sup>121</sup>

### 2.4 Lack of recourse to the police

The stance taken by the security forces in most cases is in itself an obstacle for MDWs seeking justice. Many of them end up going to the police to file a complaint about being mistreated only to find themselves detained for not having a legal residency status, or because the employer had filed a complaint against them for stealing.<sup>122</sup> The police often end up returning workers who have sought their protection to the employers whose abuse they were reporting.

### 2.5 Resorting to the Lebanese justice system: Entrenching the kafala system and denying the migrant worker justice

MDWs rarely resort to the Lebanese judicial system to demand their rights or to try to resolve a dispute with their employers. This is because of their isolation in their place of work, away from the outside world, and because of their lack of awareness about the legal procedures in the country. Some of the other major obstacles MDWs face when trying to secure justice include the difficulty of gathering evidence of the violations committed against them, the failure of the judiciary authorities to prosecute the employers when they come upon evidence of abuse against the workers, and the loss of legal residency status by any worker as soon as she walks out of her employer's house.<sup>123</sup>

<sup>114</sup> Human Rights Watch, 2010, op. cit. 30

<sup>115</sup> Bangladesh raised its diplomatic mission in Lebanon to Consulate level and then to Embassy level starting July 2013.

<sup>116</sup> An interview with the Chargé d'Affaires at the Embassy of Bangladesh in Lebanon conducted on July 31, 2013.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> An interview with the owner of a placement agency conducted in Beirut on May 19, 2014.

<sup>121</sup> An interview with the owner of a placement agency conducted in Beirut on May 19, 2014.

<sup>122</sup> An interview with the Honorary Consul of Nepal in Lebanon conducted in June 2013.

<sup>123</sup> Ibid.

<sup>124</sup> Article 68 of Nepalese Overseas Labour Law of 2007

<sup>125</sup> An interview with the Honorary Consul in Nepal, op. cit.

<sup>126</sup> Human Rights Watch, 2010, op. cit.

<sup>127</sup> Nasri Alix et al., op. cit.

The monitoring of legal cases involving MDWs in Lebanese courts by The Legal Agenda has shown that the Lebanese Justice System has reinforced the *kafala* system and failed to provide workers with justice.<sup>128</sup>

It also demonstrates that only a small number of MDWs has been able to file complaints against employers with labour arbitration councils, which are the courts that specialize in resolving legal disputes between MDWs and employers. A large number of migrant workers, meanwhile, have been tried in criminal courts for crimes such as leaving the employer's house without their permission (what is known as "escape") or failing to renew their legal residency in Lebanon.

### **Labour Arbitration Councils**

Despite MDWs not falling under Lebanon's Labour Law, the Labour Arbitration Councils have announced their authority to look into disputes that arise from breaching the work contract between MDWs and employers. A survey of 22 pending cases in the Labour Arbitration Councils of Beirut and Mount Lebanon in 2013 show that, in all cases, the MDW was the party filing the complaint against the employer, over failure to pay wages or over an arbitrary termination of the work contract. There were no lawsuits filed by the employers against MDWs, which indicates that the employers hold a position of power based on their social situation and the perks of the *kafala* (sponsorship) system that ends up being more effective than the work contract. The MDWs were represented in these cases by lawyers, appointed by civil society organizations that they may have reached out to directly or through their country's diplomatic mission. It is unclear in all cases whether the workers who filed the cases were still in Lebanon, but some cases do document the departure of the migrant worker from Lebanon, highlighting their inability to renew their residency status in Lebanon while they are tied to the employer being sued.<sup>129</sup>

### **The Criminal Justice System**

As for the criminal courts, the monitoring of a number of court decisions<sup>130</sup> shows that the majority of the cases resulted from the general prosecutor or the employers pressing charges against the MDWs for violating their legal residency and work status, or for "escaping" from the employer's house.<sup>131</sup>

There are no laws in Lebanon that criminalize "escaping" from a place of employment or, in the case of MDWs, the employer's house. The law only punishes "runaways" from the military service or from prison. Lebanese courts, however, have adapted the legal texts in order to punish MDWs who have fled their employer's house without their approval, based on laws that punish foreigners who do not inform the Lebanese authorities about their change of address in Lebanon,<sup>132</sup> or who do not

get the approval of the Ministry of Labour to change their place of work.<sup>133</sup> It seems, therefore, that the Lebanese authorities have imprinted in a collective consciousness this notion of MDWs being subjected to forced labour (as if she were doing mandatory military service) and the restriction of her freedom (like prisoners).

None of the judges who oversaw "runaway" cases looked at the reasons for "escape", the exploitative relationship behind it, or the violations committed against the workers in general. Instead, they looked at the cases from the angle of the legal link between the migrant worker and her sponsoring employer, and her inability to change the contract, its conditions, or, of course, her employer.

Contrary to the lawsuits filed with the Labour Arbitration Councils, the MDWs were always the party being sued in the criminal courts. In the vast majority of cases, the MDWs were left without a lawyer to defend them and their rights within the criminal court. Worst of all, most of these rulings were handed out *in absentia*, without the worker being able to show up in court to defend herself, since many were deported during the trial. There was also evidence suggesting that MDWs were often automatically and vengefully accused of stealing, especially since police tend to reject complaints from employers against "runaways" just for leaving their work place unless it is accompanied by charges of stealing.

One other major obstacle that impedes MDWs' access to justice is the limited timeframe within which they are allowed to stay in Lebanon after leaving their work. The MDW does not have a legal residency status or the right to work while her legal complaint is being processed. At that point, the "sponsor" ends his or her contractual obligation between the two parties, even when it is the side of the sponsor that breached the contract by not paying the worker's wages or by mistreating them. In this case, the worker faces the risk of arrest and cannot search for a new job. The length of this period does not suit the MDWs' circumstances and conditions in Lebanon, since their families tend to depend on their income, and as such MDWs normally avoid resorting to the judicial process.

### **3. Complaint and compensation channels in the countries of origin**

There are some legal frameworks in Nepal and Bangladesh that allow MDWs to file complaints upon returning home against people or parties that contributed to their rights being violated, in order to get proper compensation. These cases may involve their workers' rights as migrants, conditions similar to human trafficking, and forced labour. However, the obstacles and barriers in the countries of origin are as prohibitive as those in Lebanon and prevent them from obtaining legal redress. These obstacles are greater in cases where MDWs have left their country of origin illegally.

In Nepal, the Department of Foreign Employment has the authority to monitor the employment agencies that operate in the country. As such, it can receive complaints against them, and can fine them or rescind their licenses if they do not adhere to the recruitment procedures imposed by the state, or if it is proved that a worker is subjected to work whose nature and conditions differ from those which are outlined in the work contract registered with the Nepalese authorities. The aforementioned department can also refer cases to a special court that deals with foreign labour disputes and which looks into more serious crimes.<sup>134</sup> In 2012, the Department processed 2300 complaints. 552 of them

<sup>128</sup> The Legal Agenda in Collaboration with the International Labour Organization carry out the project titled: Monitoring Legal Cases concerning Migrant Domestic Workers

<sup>129</sup> Sara Wansa, "The Legal Agenda launches a monitor of Migrant Domestic Workers legal cases: Facing the Labour Arbitration Councils of Beirut and Mount Lebanon" published in the 9<sup>th</sup> Edition of The Legal Agenda in May 2013

<sup>130</sup> About 220 court decisions in 2013

<sup>131</sup> Sara Wansa, "When a Migrant Worker Escapes the Injustice of the Employer: Where's the Crime?", Published in the 10th edition of The Legal Agenda in June 2013

<sup>132</sup> Article 5 of decision 136 issued on 30-9-1969, (Proof of Presence of Foreigners in Lebanon): Foreigners in possession of Annual or Permanent Residence cards from the General Directorate of General Security must inform General Security of any change of address of their residence within a week of the change.

<sup>133</sup> Article 15 of decree 17561 issued on 18-9-1964 (Regulating Foreign Labour): It is prohibited for someone who has prior approval or a work-permit to move another company or change their type of work without the prior approval of the Ministry of Labour and Social Affairs.

<sup>134</sup> Chapter 11 of the Nepalese Labour Law for working abroad of 2007

were resolved, while 178 complaints were referred to the special court.<sup>135</sup> MDWs can seek damages for any wrongdoing they might have faced from those involved in the recruitment and placement process. However, migrating from Nepal without a permit to work abroad limits the worker's ability to resort to the Nepalese authorities if they are exploited. Most complaints seem to deal with contractual breaches, but none of the migrant workers who filed cases have been compensated from government funds.<sup>136</sup> Alongside these other obstacles, it is also difficult for MDWs to prove they have been tricked if there is no work contract to prove the difference between what they were promised and the reality of work in Lebanon.<sup>137</sup> The Nepalese authorities have failed to take decisive action against individuals and organizations involved in the operation of trafficking MDWs and to prevent them from being involved in such activities.<sup>138</sup>

Therefore, many recruiting agencies and brokers exploit MDWs with impunity not fearing any legal repercussion from the authorities.

In Bangladesh, migrant workers returning from any destination may file complaints against employment agencies at the arbitration unit in the Bureau of the Manpower, Employment, and Training. If proven guilty through the arbitration process, employment agencies are fined and have their licenses revoked. Official numbers show that authorities in Bangladesh froze the licenses of 84 employment agencies in 2013.<sup>139</sup>

In 2013, the Bangladeshi government drafted the Manpower Export law, which will replace the 1982 Emigration Ordinance. If passed in parliament, the new law will impose harsher punishment against violations, fraud and counterfeiting by the employment agencies.<sup>140</sup> It also seems that Bangladesh is placing a priority on monitoring the official migration offices more strictly. Newspaper reports in August 2013 said that 15 employees from the final approval division in the Department of Foreign Employment were investigated by "the Commission for Investigation of Abuse of Authority".<sup>141</sup>

Despite all of this, none of the interviewed returnees mentioned taking any official or unofficial procedure to seek compensation. Most of them were not aware of these compensation channels, and, even when they were informed about them, were unmotivated to pursue them. They saw the problems they had faced abroad as already in the past, and felt unable to fix or undo them. Most of them also had not contributed to the migrant welfare funds, which are designed to help when MDWs face problems abroad or in their contractual agreement. They therefore do not have the right to seek assistance from these funds. Another complication they face is that most of the government offices that deal with foreign employment and employment agencies are based in the capital, while most MDWs come from the countryside and remote regions of the country and thus have difficulty commuting to them. Some participants in the semi-structured interviews stated that they were not aware of the presence of government offices that would be able to help them access justice and compensation.

## Conclusion and Recommendations

The report found that most of the MDWs interviewed as part of this study are victims of practices that are akin to human trafficking and forced labour. Private agents, particularly non-licensed brokers, recruit workers within the context of a weak regulatory environment in the country of origin where legal procedures are not properly implemented. The recruitment is often coupled with an abuse of the worker's vulnerability and an absence of free and informed consent due to lack of sufficient knowledge, concealing information and deceit about work and living conditions. Together with the sponsorship (*kgafa*) system that regulates the MDWs' residency and employment in Lebanon, the end result is the multi-faceted exploitation of the migrant domestic worker.

MDWs incur large expenses by paying the recruitment agencies and/or brokers an average of \$745, which is approximately equivalent to the per capita annual income in their country of origin (MDWs from Bangladesh that we interviewed paid an average of \$908, while those from Nepal paid an average of \$581). These fees actually range between \$70 and \$2,500, substantially exceeding the legal ceiling set in the country of origin.<sup>142</sup> The fee depends on the physical distance between the worker and the recruitment agency, and on the number of intermediate brokers. It increases the further the distance and the larger the number of brokers.

Most MDWs cover their recruitment expenses with loans at usurious interest rates. In fact, about 63% of the surveyed workers took loans with an interest ranging between \$100 and \$1,000, with payment schedules spanning between six months and four years.

The incurred expenses paid to recruitment agencies subject the workers to debt bondage, considerably reducing the bargaining power of MDWs regarding their work and living conditions. And if the workers object to these conditions, the employers or placement agencies punish them and coerce them to work by means of threats or by any other means of violence, while making it impossible for them to leave the abusive work relationship. Eighty-two percent of the workers who took part in the survey declared that they had felt forced to work.

As mentioned, MDWs are deceived about their work and living conditions in Lebanon. Important information is either hidden from workers, or brokers and agents provide them with false information. Although 60% of the surveyed workers had signed contracts in countries of origin prior to coming to Lebanon, 60% of these workers claimed they did not understand the provisions of the contract that they signed. Moreover 6% of those surveyed were deceived about the type of employment, stating they were promised different jobs such as security guards, secretaries, hospital or hotel employees, or freelancer workers. And while 81% of the respondents were promised a specific salary, 53% of those received a lower amount. The same approach regarding misinformation or lack of information, applies to working hours and conditions. About 84% of the surveyed were not informed about their working hours, 78% did not receive any information about weekly days off, while 64% did not possess any information about the employer's household, and 61% did not know whether or not they would be able to communicate with their families.

<sup>135</sup> Sarah Paoletti et al., op. cit.

<sup>136</sup> Sarah Paoletti et al., op. cit. 79

<sup>137</sup> Amnesty International, 2011, "Nepal, Briefing to the UN Committee on the Elimination of Discrimination Against Women", Jointly submitted by Amnesty International, KawLa'Over and Pourakhi to the 49th session, July 2011

<sup>138</sup> Ibid.

<sup>139</sup> The Website of the Bureau of Manpower, Employment, and Training in Bangladesh: Visited on May 25, 2013.

<sup>140</sup> "Manpower export law cleared," bdnews24.com: Visited July 24, 2014.

<sup>141</sup> "DofE staffers under CIAA scanner," The Kathmandu Post: Visited on July 24, 2014, <http://www.ekantipur.com/the-kathmandu-post/2013/08/21/top-story/more-dofe-staffers-under-ciaa-scanner/232656.html>

<sup>142</sup> The Bangladeshi government has set the legal ceiling at \$260 while the Nepalese government under the current ban, has not set a ceiling for migration fees to Lebanon as a destination country.

Most importantly, none of the surveyed workers knew of the existence of the *kafala* system applied in Lebanon, which limits their basic rights and freedoms. Although recruitment agents were sufficiently aware of these conditions, they intentionally hide this information from the workers in order to lure them in and secure their consent. Such practices constitute a violation of the rights of MDWs to fully understand their work conditions and the migration process before departure. Had they known the full reality, 83% of the surveyed workers stated that they would have never taken the decision to migrate to Lebanon.

Clear indications of forced labour are found when examining the work and living conditions in Lebanon. About 77% of those surveyed worked at least 14 hours a day and were denied rest periods during the day. The personal identification documents of 96% were retained by their employers and 90% were prohibited from going out alone, while 91% were denied the right to a day off. Moreover, 50% were locked inside the house, and 43% were not allowed to contact their families. With regard to income, 50% of those surveyed said that their wages were not paid on a monthly basis and 40% stated that their employers deducted the equivalent of an average of three months' wages, a practice followed by some employers to recover their recruitment fees. And if the worker has already paid a portion of it, the employer is effectively forcing her to pay these fees twice. These deductions can also be considered a safe and easy mechanism to generate illegal profits by the placement agency in Lebanon or the recruitment agency in the country of origin.

In addition to being denied their basic rights at work, MDWs were not provided with decent work conditions. About 60% of the surveyed workers did not have a private place to sleep and keep their belongings and 32% were also denied other rights, such as access to medical treatment, permission to take sick leave, and the right to a private life.

Domestic workers are also the victims of emotional, physical, and sexual violence exercised by the employers or the placement agencies. The survey showed that 46% of the MDWs were threatened, including threats of physical violence, denunciation to the police, deportation, in addition to being denied basic rights such as access to food, receiving their due salary or contacting people. About 62% were subjected to verbal abuse by a household member, a relative, or someone from the placement agency. Over half that amount, or 36%, were subjected to physical violence such as beating, pushing, slapping, hair pulling, stick or belt beating, biting and hair cutting. Moreover 8% of the surveyed said they had been victims of sexual violence, from sexual harassment to rape.

The imbalance in the work relationship between the employer and the worker (in favour of the former) opens the door to abusive and exploitative practices by the employer. The legal framework that governs the work and residency of MDW in Lebanon, better known as the *kafala* system, is a structural driver that reinforces the potential for abuse and exploitation as it binds the residency permit (*iqama*) in Lebanon to the employer, who can deny her, without her consent, the right to change her work. These factors, in addition to debt bondage, contribute to the worker's isolation while prohibiting her from changing her work conditions. "Escape" i.e. leaving the house and the work place without the consent of the employer, becomes the only available means to put an end to the abuse. Seldom did MDWs manage to seek legal redress, either because they did not possess their identification and contractual papers or because they became illegal residents simply by leaving the work place without the employer's consent. Thus, and in order to avoid being arrested, the workers are forced to forfeit their wages or any other compensations resulting from the harm inflicted upon them.

On the other hand, employers who require foreign (cheap) labour are also the victim of the placement agencies, which exploit them financially by charging large and unreasonable fees. The study found that the profit margin of placement agencies to be relatively high and may double when the same fee (e.g., for airfare or a visa) is collected twice from both the migrant worker and the employer. The cost for completing the migration requirements for a domestic worker from Bangladesh or Nepal does not exceed \$550. Agents in Lebanon, however, charge employers anything between \$1,300 and \$3,000 for the same service. Hence, the profit margin may equal the real cost, or may even reach five-fold the original amount. This wide range in the fees charged by agents point to the fact that they are unilaterally and arbitrarily setting them, without the checks of a regulatory authority.

In conclusion, the laws that govern the migration process are weakly enforced across all three countries that are examined in this study. Regarding Nepal, where women are banned women from migrating to Lebanon, the Lebanese government did not respect the ban and kept on issuing pre-approved work permits and pre-approved visas. The imposed ban did not protect the rights of the workers, quite the opposite; it increased their vulnerability, since MDWs had to use illegal channels in order to secure their exit in search for employment. And in Bangladesh, where migration is allowed within specific mechanisms, the recruitment agents were found not to abide by the rules set in place. As a result, workers from both countries ended up migrating and being subjected to flagrant human rights violations during the course of their migration. Moreover, the lack of legal protection, the *kafala* system, and weak enforcement of an existing regulatory framework in Lebanon have set and/or reinforced the status of these workers as victims of human trafficking and forced labour.

**Recommendation 1: Reinforce the role of the governments in managing the recruitment and placement of migrant domestic workers**

Lebanon must seriously consider developing a government-to-government arrangement with the countries of origin of MDWs. Such arrangement would *de facto* limit the contribution of private recruitment and placement agencies in the process of migration to a logistical role, and would therefore limit exploitative practices practised by agents and brokers, as well as the debts incurred by MDWs.

For this to happen, bilateral and multilateral agreements should be introduced, detailing the recruitment and placement processes and mechanisms. As a pre-requisite for such agreements, the country in question should have a diplomatic representation in Lebanon. The agreements should clearly specify unlawful practices such as the payment of recruitment and placement fees by MDWs.

**Recommendation 2: Develop standardized contracts for MDWs ensuring their rights at work**

Bilateral and multilateral agreements should contain a standard contract detailing the living and working terms and conditions of the MDW that meet the minimum standards present in the International Labour Organization's (ILO) Convention No. 189 on decent work for domestic workers. The contract should grant the migrant worker the right to earn the minimum wage adopted in Lebanon and the absolute right to termination of the contract (with terms and conditions of termination clearly spelled out). The contract must be drafted in both the languages of the employer and the worker; it must contain information about the identity and place of residency of the broker and/or agent if one is present, and it must be signed in both country of origin and in Lebanon. The contract should also be enforceable by the courts in both countries. It is worth noting that developing and enforcing such agreements might entail activating the National Employment Office in Lebanon to manage and oversee the recruitment and work of the MDWs.

**Recommendation 3: Strengthen and widen the control and scrutiny over recruitment and placement agencies**

The Lebanese, Bangladeshi, and Nepali governments must closely monitor placement and recruitment agencies to curb corruption and bribery and to ensure that they are not dealing with unregistered sub-agents, and that they are respecting the existing regulatory framework. MDWs should not incur any charges or fees for recruitment. Employers in Lebanon should pay all recruitment and placement costs.

Any salary deduction from the salary of MDWs in return for employment in Lebanon should be considered serious violations punishable by law.

The three governments must introduce transparent financial mechanisms for the recruitment and placement agencies, control or impose a reasonable ceiling on their profit margins, and require them to issue financial receipts that detail the amounts received for recruitment and placement of workers. Information should be disseminated to employers and workers regarding the fact that deducting amounts from the monthly salary as a return for recruitment fees is a punishable offense.

**Recommendation 4: Improve the access of MDWs in their country of origin to information about migration to Lebanon**

Countries of origin must ensure that the local authorities in remote and rural areas provide potential migrants with enough information about the process of migration and the related fees. They should make it clear that the Lebanese employer is the party responsible for paying all fees related to migration, including the airplane ticket, pre-departure training, and the fees for the recruitment and placement agencies in both countries. Information about the necessity of registering at the migrant welfare funds should also be disseminated.

Adequate pre-departure training for domestic workers migrating to foreign countries must be implemented – the completion of which should be a prerequisite for granting the worker the right to migrate. Such trainings must be of high quality and must include, at a minimum, clear information about the work and living conditions in Lebanon, the use of basic words in Arabic or English, and information about the basic rights of MDWs in Lebanon and the organizations that provide assistance in case of abuse.

**Recommendation 5: Prosecute those who violate the rights of workers in Lebanon**

The Lebanese judiciary must seriously and vigilantly pursue the violations of the rights of workers, especially the violations that relate to human trafficking and forced labour, and must initiate legal proceedings against offenders including employers and placement agencies. The Lebanese government must guarantee the right of the domestic worker to access means of redress and legal compensation in cases where her rights are violated. The MDW should thus be allowed to remain in the country until the judicial case is settled and seek employment during this period. The Lebanese government should provide alternatives to detention of MDWs who do not hold proper residency papers.

## Recommendation 6: Adopt practical policy measures to limit forced labour and trafficking

### Appendices

#### Appendix #1: Treaties ratified in the three countries of the study

Treaty	Lebanon	Bangladesh	Nepal
The Palermo Protocol regarding Human Trafficking	Yes	No	No
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	No	Yes	No
The Convention on the Elimination of All Forms of Discrimination against Women (1979)	Yes	Yes	Yes
Supplementary Convention on the Abolition of Slavery and Practices Similar to Slavery (1956)	No	Yes	Yes
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950)	No	Yes	Yes
The ILO's 29th Convention Concerning Forced or Compulsory Labour (1930)	Yes	Yes	Yes
The ILO's Abolition of Forced Labour Convention #105 (1957)	Yes	Yes	Yes
The ILO's Private Employment Agencies Convention #181 (1997)	No	No	No
The ILO's 189th Convention concerning Decent Work for Domestic Workers (2011)	No	No	No

## Appendix #2: List of tables

Table 1: The difference between monthly wages promised in the country of origin and actual wages in Lebanon

Table 2: Migrant welfare funds

Table 3: The fees paid by Bangladeshi migrant domestic workers to recruitment agencies

Table 4: The fees paid by Nepalese migrant domestic workers to recruitment agencies

Table 5: Additional expenses incurred by migrant domestic workers from Nepal and Bangladesh

Table 6: Types of loans taken out by migrant domestic workers prior to traveling

Table 7: Withheld wages

Table 8: Fees charged by placement agencies in Lebanon

Table 9: Costs incurred by placement agencies in Lebanon

Table 10: Estimates of the profit margins of the placement agencies

## Appendix #3: The Standard Unified Contract

**The Republic of Lebanon**  
**Ministry of Labour**

### WORK CONTRACT FOR MALE / FEMALE MIGRANT DOMESTIC WORKERS

#### Signed between:

The First Party: (Employer) Full Name: ..... Nationality: .....

Born in: ..... Having his/her place of residence at: .....

Family Status: ..... Location of Register: .....

ID, Individual Registration Certificate: .....

Address: ..... Telephone: .....

And

The Second Party: (Employee) Name: ..... Nationality: .....

Passport no.: ..... Date of issue: .....

Born in: ..... Family Status: .....

Having his/her place of residence at address: .....

Whereas the First Party wishes to employ a person who has the competence, experience and skill to work for him/her in the capacity of a male/female domestic worker;

Whereas the Second Party holds the aforementioned characteristics, and

With acknowledgment of the mutual promises, the two parties, intending to be legally bound, hereby agree as follows:

(1) The introduction to this Contract shall be an integral part thereof.

(2) The First Party agrees that the Second Party works for him/her as a worker in his/her house; the Second Party consents to the aforesaid capacity in accordance with the terms and conditions stated under the present Contract.

(3) The duration of this Contract shall be for one year renewable.

(4) This Contract shall enter into force as of the date on which the second party arrives in Lebanon including the probationary period of three months.

(5) The First Party shall pledge to pay to the Second Party by the end of each working month his/her full monthly salary, which is agreed upon in the amount of ..... without any unjustified delay. The salary shall be paid in cash directly to the Second Party, in pursuance of a written receipt to be signed by both Parties or in pursuance of a bank transfer with a written receipt, also to be signed by both Parties.

(6) The Second Party shall pledge to perform his/her work in a serious and sincere manner and to comply with the instructions of the First Party, taking into consideration the rules at work, customs and ethics, and the privacy of the house.

(7) The First Party shall pledge to meet the requirements and conditions of decent work and fulfil the Second Party's needs, including food and clothing.

(8) The First Party shall pledge to guarantee the hospitalization of the Second Party and to obtain an insurance policy from an insurance company recognised in Lebanon in accordance with the conditions prescribed by the Ministry of Labour.

(9) The First Party shall pledge to obtain a work permit and authorization of residence for the Second Party in due form at his/her own and full expense. He/she shall also pledge to renew them so long as the Second Party works for him/her.

(10) The First Party shall fix the working hours for the Second Party at an average of twelve (12) consecutive hours a day at most, including at least eight (8) continuous hours of rest at night.

(11) The First Party shall pledge to grant the Second Party a period of weekly rest of no less than twenty four (24) uninterrupted hours, the conditions of the use of which shall be agreed upon by both Parties.

(12) The First Party shall secure at his/her expense a ticket for the departure of the Second Party and his/her return to his/her country, except in the cases agreed upon in Clause (13) of this contract

(13) The First Party shall be entitled to terminate the present Contract in the following cases:

**First Party**

72

A. In case the Second Party commits a deliberate mistake, neglect, assault or threat, or causes any damage to the interests of the First Party or a member of his/her family.

B. In case the Second Party has committed an act that is punishable by the Lebanese laws in force.

(14) The Second Party shall be entitled to terminate the Contract with the First Party taking full responsibility in the following cases:

A. In case the First Party does not honour the payment of the wages of the Second Party for a period of three consecutive months.

B. In case the First Party or a family member of his/hers or any resident in his/her house beats, assaults, sexually abuses or harasses the Second Party, after such has been established through medical reports given by a forensic physician and investigation records provided by the Judicial Police or the Ministry of Labour.

C. In case the First Party employs the Second Party under a capacity other than that under which he/she had recruited him/her without his/her consent.

In these cases, the First Party shall be obliged to return the Second Party to his/her country and to pay the price of the travel ticket

(15) In the event of a dispute between the Parties to this Contract, it may be lodged to the Ministry of Labour to settle it amicably.

(16) Upon failure of an amicable settlement of the dispute, the aggrieved Party shall be entitled to seek redress at the competent Lebanese Courts.

(17) Each Party shall pledge to implement the provisions and terms of this contract entirely.

(18) This Contract has been drawn up in Arabic and signed by both Parties.

**Second Party**

73

## English Language References:

- 1- Abdulrahim, Sawsan, 2010, “Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers”, KAFA (enough) Violence & Exploitation.
- 2- Afsar, Rita, 2009. Unraveling the vicious cycle of recruitment: labour migration from Bangladesh to the Gulf States. ILO Working Paper 63
- 3- Agunias, DovelynRanneig, 2013, “What We Know: Regulating the Recruitment of Migrant Workers”, Migration Policy Institute, Policy Brief No. 6, September 2013.
- 4- Agunias, DovelynRanneig, 2012. “Regulating private recruitment in the Asia-Middle East labour migration corridor”. Washington: Migration Policy Institute.
- 5- Amnesty International, 2011, “False Promises Exploitation and Forced Labour of Nepalese Migrant Workers”.
- 6- Amnesty International, 2011, “Nepal Briefing to the UN Committee on the Elimination of Discrimination Against Women”. Jointly submitted by Amnesty International, KavLa’Oved and Pourakini to the 49th session, July 2011.
- 7- Anti Slavery International, May 2014, “Into the Unknown, Exploitation of Nepalese migrant domestic workers in Lebanon”.
- 8- Convention concerning Forced or Compulsory Labour, 1930 (No. 29), International Labour Organization.
- 9- Government of Nepal, Foreign Employment Act, published on September 5, 2007.
- 10- Human Rights Watch, 2010, “Without Protection, How the Lebanese Justice System Fails Migrant Domestic Workers”.
- 11- Info from civil society, MFA members in Bangladesh Refugee and Migratory Movements Unit (RMMRU), Warbe-Development Foundation, Ain O Salish Kendra, Association for Community Development, to the Committee on the Elimination of Discrimination Against Women, 48th session, Geneva, 17 January – 4 February 2011.
- 12- International Labour Office, 2012, “ILO Indicators of Forced Labour”.
- 13- International Organization for Migration, 2011, “Labour Migration from Colombo Process: Countries, Good Practices, Challenges and Way Forward”.
- 14- Jureidini, Ray 2009, “In The Shadows of Family Life: Toward a History of Domestic Service in Lebanon”, Journal of Middle East Women’s Studies, Vol. 5, No. 3, Fall 2009.
- 15- Jureidini, Ray, 2014, “Migrant Labour Recruitment to Qatar”, Report for Qatar Foundation, Migrant Worker Welfare Initiative.
- 16- Martin, Philip, 2009, “Reducing the Cost Burden for Migrant Workers: A Market-based Approach”.
- 17- Martin, Philip, 2006, “Regulating private recruiters: The core issues”, Merchants of Labour, Christiane Kupitsch, ed., International Labour Office, Geneva.
- 18- Migrant Forum in Asia, Humanitarian Organization for Migration Economics, Women Migrant’s Human Rights Center of Korea (WMHRC), Joint Committee with Migrants in Korea (JCMK), Women’s Rehabilitation Centre Nepal (WOREC-Nepal), POURAKHI Nepal, Youth Action Nepal, Pravasi Nepal, 2011, “Shadow Report for Nepal, the Republic of Korea and Singapore”, Submitted to the Committee on the Elimination of Discrimination Against Women (CEDAW) 49th Session.
- 19- Nastri Alix, TammoWissam, 2014, “Accès à la justice des travailleurs domestiques migrants au Liban”, Caritas Liban Centre des Migrants, Organisation Internationale du Travail.
- 20- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, United Nations General Assembly, 2000.
- 21- Rahman, Mizanur 2011, “Recruitment of Labour Migrants for the Gulf States: The Bangladeshi Case”, Institute of South Asian Studies, Working Paper No. 132
- 22- SadhuArya, Anupama Roy, 2006, “Poverty, Gender and Migration”, Sage, New Delhi.
- 23- Sarah, Eleanor Taylor-Nicholson, BanditaSijapati, BassinaFarbenblum, 2014, “Migrant Workers’ Access to Justice at Home: Nepal”, Open Society Foundations.
- 24- SiddiquiTasneem, 2006, “Protection of Bangladeshi migrants through good governance”, Merchants of Labour, Christiane Kupitsch, ed., International Labour Office, Geneva.
- 25- The United Nations Population Fund, 2005, “International Migration and the Millennium Development Goals”, Selected Papers of the UNFPA Expert Group Meeting, Marrakech, Morocco, 11-12 May 2005.
- 26- “Manpower export law cleared”, bdnews24.com, published on 12/08/2013 (visited on 24/07/2014) <http://bdnews24.com/bangladesh/2013/08/12/manpower-export-law-cleared>
- 27- “More DoFFE staffers under CIAA scanner”, The Kathmandu Post 21/08/2013 (visited on 24/07/2014), <http://www.kathmandupost.com/the-kathmandu-post/2013/08/21/top-story/more-doffe-staffers-under-ciaa-scanner/252656.html>
- 28- 15 Nepalese domestic workers committed suicide in the Lebanon during 2010: Horn, K., “Suicide in Lebanon”, Nepalese Times, Issue 517, 27 August 2010.

## Arabic Language References

- 1- Website of the General Directorate of General Security, Visa Guidelines for Migrant Domestic Workers
- 2- Ministry of Labour Regulation 8352 issued in Lebanon on 12-30-1961
- 3- Sara Wansa, "The Legal Agenda launches a monitor of Migrant Domestic Workers legal cases: Facing the Labour Arbitration Councils of Beirut and Mount Lebanon" published in the 9th Edition of The Legal Agenda in May 2013.  
<http://www.legal-agenda.com/article.php?id=399&lang=ar#.UyB6UfmSy8A>
- 4- Sara Wansa, "When a Migrant Worker Escapes the Injustice of the Employer: Where's the Crime?", Published in the 10th edition of The Legal Agenda in July 2013.  
<http://www.legal-agenda.com/publications.php?page=2&lang=ar#.UyCBbmSy8A>
- 5- Decision 136 issued on 30-9-1969, "Proof of Presence of Foreigners in Lebanon"
- 6- Decree 17561 issued on 18-9-1964, "Regulating Foreign Labour".