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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Anti-Slavery International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organizations.

Servile marriage – a global problem, and domestic servitude in Lebanon**

Introduction

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

Anti-Slavery International welcomes the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms Gulnara Shahinian. We are grateful for the Special Rapporteur's continued efforts towards the eradication of contemporary forms of slavery and the promotion of the rights of those affected by this grave human rights violation.

On the occasion of the 21st session of the Human Rights Council, Anti-Slavery International draws particular attention to the Special Rapporteur's thematic report on servile marriage, and the findings of her mission to Lebanon, focusing on domestic servitude.

Servile marriage

Anti-Slavery International welcomes the Special Rapporteur's thematic report on servile marriage. While there are no accurate figures on the numbers affected, it is clear that forced and early marriage is a widespread, global problem. Anti-Slavery International recognises forced marriage as a form of slavery, and that slavery is also often prevalent in early marriage. The Special Rapporteur's emphasis on slavery in marriage is extremely timely and important given the probable massive scale of the problem, and we endorse the conclusion of the Special Rapporteur that, "the idea that forced and early marriages are forms of slavery and, therefore, servile marriage, has been lost."

We hope that the Special Rapporteur's focus on slavery in marriage will raise the profile of this problem amongst the international community and generate comprehensive action to address it. We therefore echo the recommendations of the Special Rapporteur for the Human Rights Council to develop a more comprehensive approach to the issue of servile marriage and that States enact legislation to prevent servile marriage, provide support to victims, and launch campaigns to raise awareness of servile marriage and its negative impact.

Domestic servitude in Lebanon

Anti-Slavery International appreciates the focus of the Special Rapporteur, throughout the course of her mandate, on the plight of domestic workers, recognising their unique vulnerability to contemporary forms of slavery. We welcome the findings and recommendations of the Special Rapporteur's report on domestic servitude in Lebanon.

Migrant domestic workers in Lebanon – abuse, exploitation, forced labour and trafficking

Globally, domestic workers are particularly vulnerable to abuse and exploitation, including forced labour, due to the unique and specific circumstances of the work inside a private household, combined with the lack of legal protection and regulation. Migrant domestic

** KAFA (enough) Violence and Exploitation, an NGO without consultative status, also shares the views expressed in this statement.

workers, often living as well as working in their employers' home, are at a heightened risk of exploitation, and many are trafficked for forced labour. Others fall into bonded labour as a result of the transportation and recruitment costs incurred in taking up a job abroad.

In 2012, Anti-Slavery International conducted research in Lebanon, Nepal and India which aimed to investigate Nepal's migration policies, practices and legislations with particular reference to their impact on migrant domestic workers travelling to Lebanon.¹ Domestic workers provide a significant support to the Lebanese society and economy with around 200,000 migrant domestic workers currently in the country. Despite this, abuse and exploitation of migrant domestic workers in Lebanon is widespread, including situations of forced labour. Migrant domestic workers report poor working conditions, long hours, no days off, being locked in the house, having their passports withheld, low wages and non-payment of wages, physical and sexual abuse, threats of violence, and feelings of isolation. These abuses have led to a disproportionately high number of migrant domestic workers committing suicide.²

According to a recent study by KAFA (enough) Violence and Exploitation, Lebanese employers actively choose vulnerable migrant domestic workers. There is a preference for Nepali and Bangladeshi women based on the belief that, more desperate for employment and with low levels of literacy and knowledge about the migration and employment process, they are more compliant than migrants from other countries and willing to accept lower wages.³

Domestic workers in Lebanon are specifically excluded from the protections of the Labour Law. There is also a lack of advocates within the country who work to protect the rights of migrant domestic workers. The embassies and consulates of the various nationalities are often regarded as key actors in the perpetuation of abusive relations because they do not always act in the interests of domestic workers; and do not have the resources or the political influence to take preventative or legal action to stop incidences of abuse. There is a serious lack of cooperation between the foreign missions and governments, and the Lebanese government to ensure better conditions of work.

The Special Rapporteur observed that "many migrant domestic workers are not seen as equals to the Lebanese with the same rights, but as commodities, thereby further entrenching the idea that Lebanese employers own and have full control over their workers". The roots of such systematic discrimination can be found in the low value attributed to domestic work as an unskilled informal and unpaid sector. As concluded by the Special Rapporteur, "...this work is not perceived as genuine work. Consequently those who are employed to perform domestic chores do not receive remuneration or recognition for their work and have no rights as workers because their duties are not considered to be genuine work and are not covered by the Labour Code."

¹ Ganesh Gurung and Gemma Ferguson, 'Personal Cost, An analysis of the policies and practices affecting Nepalese migrant domestic workers travelling to Lebanon', Anti-Slavery International, London, 2012.

² Ibid, and Human Rights Watch, 'Lebanon: Migrant Domestic Workers Dying Every Week', August 2008
<http://www.hrw.org/en/news/2008/08/24/lebanon-migrant-domestic-workers-dying-every-week>.

³ Sawsan Abdulrahim, 'Servant, Daughter or Employee? A pilot study in the attitudes of Lebanese Employers towards migrant domestic workers', KAFA (enough) Violence and Exploitation, Beirut, 2010.

Root causes of the abuse and exploitation of migrant domestic workers

The Special Rapporteur identified a number of root causes behind domestic servitude in Lebanon, including the absence of effective domestic legislation, the sponsorship/kafala system, and travel bans by origin countries:

1. An absence of protection in law

Domestic workers are specifically excluded from the protections of the Labour Law in Lebanon and are not entitled to employment protections enjoyed by workers in other sectors such as minimum wage, annual and sick leave, maximum hours of work, the right to form associations and organize, and the right to resign with proper notification.

The Standard Unified Contract was introduced in 2009 to provide a common set of standards for domestic workers. It must be signed by a migrant domestic worker on arrival in Lebanon. However, although it contains clauses outlining three possible reasons for the domestic worker to terminate the contract, these violations are very difficult to prove. It contains ambiguous language and does not clearly define the responsibilities and boundaries in the employer and employee relationship. It is only available in Arabic, which makes it completely incomprehensible to most migrant domestic workers.

Given the location of the work in a private household, and a lack of monitoring bodies and regulation, abuses against migrant domestic workers often go undetected and unpunished. According to Human Rights Watch, Criminal and Civil Tribunals take on average 24 months for criminal cases to be resolved and between 21 and 54 months to resolve civil complaints against employers, including crimes such as non-payment of wages and denying domestic workers food.⁴ In all cases, sentences were found to be very lenient compared to the offense.⁵ The Special Rapporteur found that when migrant domestic workers fleeing an abusive employer were arrested, there was no investigation into any abuses that may have caused the worker to flee. Conversely, the Internal Security Forces do investigate charges of theft brought against migrant domestic workers, which is punishable with up to three years imprisonment if convicted. Migrant domestic workers accused of theft have no legal representation or interpretation in the courts.

2. The Kafala sponsorship system

The Kafala system ties the residency permit of a migrant domestic worker to a specific employer or sponsor. This system gives the employer almost complete control over the domestic worker and leaves the worker with no right to withdraw her labour. The right to change employer is a fundamental safeguard. With no other option, many migrant domestic workers will continue to suffer abuse and exploitation rather than lose their livelihood, accommodation and residency in Lebanon. A migrant domestic worker who flees an abusive employer is immediately classified as an irregular migrant and subject to arrest, detention and deportation. As noted by the Special Rapporteur, “migrant domestic workers in domestic servitude are therefore trapped. Their rights are violated by their employer but, if they seek to escape, they are treated as criminals rather than as victims.” The practice of tying migrant workers to a particular employer has been identified by anti-trafficking experts as one of the key factors contributing to trafficking.

3. Travel bans

In response to the widespread abuse and exploitation of migrant domestic workers in Lebanon, a number of countries of origin, such as Nepal, have banned their nationals from

⁴ Human Rights Watch, ‘Without Protection: How the Lebanese justice system fails migrant workers’, 2010.

⁵ Ibid.

travelling to Lebanon to find domestic work. However, migrant domestic workers find alternative means to enter the country. According to the Lebanese Ministry of Labour, in 2010, 65% of the migrant domestic work permits issued were for nationals of countries that have full or partial bans in place on migration for domestic work in Lebanon. By issuing work and residence permits for citizens of countries that have imposed a ban, the Lebanese Government is facilitating an unofficial migration route which allows recruiters, agents and employers to circumvent country regulations. This leaves migrant domestic workers open to abuse, exploitation forced labour with no recourse to support or legal protections and redress.

Recommendations

Anti-Slavery International urges the Government of Lebanon to:

- Abolish the sponsorship/kafala system and provide employment-based visas and residency permits that are not linked to employers.
- Extend the protections of the Labour Law to domestic workers. The Government should also introduce additional protections to address the specific nature of domestic work, including working hours, accommodation, food provision, and the right to form associations and organise.
- Improve recruitment processes by better regulating and monitoring private recruitment agencies and consider establishing a national institution centralizing government functions concerning migrant domestic workers.

We urge the Governments of origin countries to:

- Consider lifting any employment permit bans on travel to Lebanon and work with potential migrant domestic workers to obtain work permits legally.
- Instate official representation in Lebanon, and implement Memorandum of Understanding (MOU) agreements with the Lebanese Government overseeing the pre-departure preparations, the recruitment processes and the protection of the rights of migrant domestic workers.

We urge all governments to:

- Promptly sign, ratify and domesticate ILO Convention No.189 on Decent Work for Domestic Workers.
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