ASRAAB أسراب

International Labour Organization

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MANY LIVES DEPEND ON AN ETERNALLY LATE SALARY

By: Johaina Khaldieh

No one in the house knows her real name or her full story. She is here to work, and this is what matters most to this family made of six members. They call her Samira while her real name is Somari. She is a 23-year-old Sri Lankan who has been working for this family for more than a year.

Somari loves her work and her employer›s good treatment. She nodded in approval when we asked her if she was happy. “Good! Good! There is money, there is money,” she replies.

The primary concern of this kind young woman who has migrated temporarily to work in Lebanon is to have a steady monthly income to enable her to continue her life and help her family back in her country, which badly depends on what she earns.

Somari›s 4-year-old child, Randy, lives with her husband and her mother in a very small house. “My mother, son and husband rely almost entirely on the $150 I send them each month,” says Somari.

“My mother is too old to work, and my husband collects and sells metals but he does not earn much from this job. So, the money I send puts food on the table, while the small sum left is allocated to add some space to our one-room house barely roofed with metal panels.”

Whenever Somari thinks that after a period of working here she will return to her family and her home; she fears the worst. Each time her employer offers her a plate of food to eat, she thinks of the number of times her family may have slept with no dinner because she sent the money late. Every time she goes to bed, she thinks whether the roof of her house is sealed or leaks badly. When she thinks that she must save some money to enroll Randy in school next year, she keeps silent for a while then sheds a tear over this bitter life.

Somari knows that her job here is the lifeline that provides for four people, and this is what makes her bear the pain of exile and yearning for her son. She says she is well aware that it is her right to get her salary at the end of every month, but her employer has convinced her that giving her $450 every three months instead of $150 each month is better for her because this way she can save some money instead of sending it all to her family back in Sri Lanka. Although Somari objected in the beginning since her mother was constantly demanding money, she opted to submit in order to maintain a positive relationship with her employer.

“I am trying my best to divide the four payments I receive every year to more than ten sums, because this way I guarantee that my family receives money almost every month to buy necessities they cannot live without. This way, my family will not be forced to borrow money and will not be late on settling any payments. Besides, I am afraid that if I send a big amount to my husband, he will desert me and marry another woman,” she concludes, smiling.

In a money transfer office in Beirut, a girl sat waiting for her turn to transfer a sum of money she rolled in her hand and pressed firmly. She smiled when she saw us looking at her, and asked us to go ahead and take her turn if we were in a hurry. We asked her to tell us about the transfer operation she was conducting.

“Quickly, because I don’t want to be late for my work,”

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DECENT WORK ENVIRONMENT FOR DOMESTIC WORKERS

Lebanese Ministry of Labour

Labour migration is a top priority for the International Labour Organization (ILO) due to increased number of migrant workers from across the world. Domestic labour migration has always been a major concern to ILO, in coordination with its member states, aimed at ensuring a decent work environment for migrant workers in general and for migrant domestic workers in particular. The aim is for them to enjoy a dignified life style and proper social behaviour in conformity with the Universal Declaration of Human Rights to enable them to carry out all forms of household duties.

Obviously, this social group is destined to face several difficulties caused by having to deal with different lifestyles, behaviours, customs, traditions, daily practices, living standards, religions, and languages. It was therefore necessary to exert sustainable and combined efforts among stakeholders in both origin and destination countries to establish shared concepts convincing both employers and migrant workers as a step for the latter's proper integration in his/ her new working environment.

After years of hard work, debates and deliberations at the ILO headquarters in Geneva among the ILO tripartite constituents from the member states, the ILO Domestic Workers Convention No. 189 and Domestic Workers Recommendation No. 201 were adopted at the 100th International Labour Conference session held in June 2011. Based on the on-going cooperation between the ILO Regional Office for Arab States (ROAS) in Beirut and the Lebanese Ministry of Labour (MoL), we would like to express our determination to promote the rights and responsibilities of both employers and domestic workers. We will also work hard to ensure their right to international protection within the frame of national laws and the aforementioned convention 189. This of course should go hand in hand with a national protection provided under local laws and regulations enforced by relevant state departments.There has always been high level collaboration between the MoL and its various units and competent authorities on one hand, and the ROAS on the other, coupled with an active participation by civil society organizations (CSOs) concerned with migration and domestic work issues.

As a result of this cooperation, the MoL has set up a national steering committee comprised of all stakeholders of employers, employees, ministries, competent departments and CSOs. The MoL has also drafted a bill for domestic workers’ and developed a unified standard contract for all migrant workers, which took into consideration the international standards and relevant conventions.

In addition, we have published an information guide on the rights of women domestic workers in cooperation with other stakeholders. The guide was translated into domestic workers’ languages. Over and above these efforts, the MoL has also published a number of memos to mandate the labor inspection process covering all complaints filed by employers and domestic workers, alike.

Furthermore, the MoL has appointed a number of social workers to ensure that both parties comply with their rights and responsibilities.

she said while looking around sheepishly.
“My name is Werky. I am from Ethiopia, and I will send this money to my father. It will suffice him for five months. This is not always the case. My employer gives me my salary irregularly,” said the migrant domestic worker.
The sum she was transferring, which amounts to nearly $1,000 constituted over seventy percent of the full amount the employer paid her for the first time in more than eight months. As for the remaining thirty percent, or $600, Werky decided to keep them for herself.
Werky has a sorrowful story. She has never expected to be a domestic worker. “I wanted to be a lawyer,” she explains. She indeed studied law for two years, but when her mother developed breast cancer and became no longer able to run the family's small store with Werky's father, Werky's plans changed. Werky's little brother, Berhan who was 15 then, dropped out of school and started helping his father in the store. Werky too dropped out and migrated to work in Lebanon.

The most important request Werky had – and perhaps the only one was to receive a monthly salary from her employer to support her mother. The employer approved and conformed with her request during the first year only.
“I felt very happy that I was helping my mother in the only way I can,” said Werky. Then, many things changed. The health of Werky's mother deteriorated, and Werky’s salary which the employer began to pay intermittently was no longer enough due to increased costs of her mother's treatment and also because sending money to her family every three to four months instead of monthly made her family borrow money with interest; thus, Werky’s payments had to cover the loan and its interest.
Two years into Werky's work in Lebanon, her mother's health got even worse, and just few weeks ago she stopped the treatment, which somewhat eased some financial burdens; yet, there is a pressing need to provide for the family. Now, Werky only thinks about how to end her years of service then go back to her country to support her mother morally.
“My mother told me: ‹save your money for your studies›,” recalled Werky her last phone call with her mother, with eyes full of tears. “It is her last wish.” Since then, Werky has been trying her best to save money to meet her mother’s wish.

“But doesn’t she have the right to earn her salary on monthly basis?” Sana nodded her head and replied: “Yes, of course, but you know how the situation is in Lebanon...”

In another money transfer office in Hamra Street, there was a large number of workers of different nationalities; Ethiopian, Bangladeshi, Nepalese, Sri Lankan, and others. Each one of them wanted to send money to their families and children, and to attain their expectations back home.
In addition to these, two women were chatting waiting until the clerk finished processing the papers in front of them. When we asked one of them why she was there, Sana, a bank clerk, said she was transferring money on behalf of her Sri Lankan domestic worker.
“I prefer to do it myself, and I then give her the receipt to make sure of the receipt’s number and amount transferred,” said Sana.
When she was asked why, Sana replied: “I prefer not to let her go out alone. She usually accompanies me during particular family visits. I do not think she knows how to transfer money by herself. Besides, what will prove to me that she has transferred the amount, and that she will not claim it again?”
However, both the worker and his/her employer are supposed to have a receipt proving the paid amount, but it seems that Sana does not apply this simple procedure.
When we asked her about the amount she transferred each time, she said: “It depends on the money available each month; sometimes I transfer $375 for three months, and sometimes I send her salary covering six months all at once”.

We asked her again: “But doesn’t she have the right to earn her salary on monthly basis?” Sana nodded her head and replied: “Yes, of course, but you know how the situation is in Lebanon. The exact amount might not be available each month under increasing dues, and sometimes we think that accumulating her salary is for her best interest so her husband wouldn’t spend it while she is labouring here.”

What Sana says is not uncommon; we have heard it from many Lebanese employers. They decide to take decisions on behalf of their domestic workers, because they consider that they know her best interest more than her and they have the right to decide on her behalf.
Sources in Lebanon indicate that the party who might have a problem with the salary is not the employer, but the worker – the weakest link. The Ministry of Labor (MoL) can intervene to urge employers to pay their workers' dues, but it only does so based on complaints that they receive. However, since the majority of domestic workers in Lebanon are unaware of their rights, and many of them are not allowed to move or communicate with others freely, how is it possible to file a complaint with the MoL?

Due to this fact, it is necessary to adopt a mechanism that can be implemented and followed up by the MoL, which is the governmental agency responsible of protecting the rights of all workers. The MoL recruited six social workers to focus on domestic workers’ issues. These social workers however have no authority to practice their role and communicate with employers and workers, or enter houses to monitor workflow and the salary payment process.

A migrant domestic worker’s life hugely depends on the monthly salary for which she has left her family, beloved ones and friends. She only wants to get it on time, like any worker in any sector in Lebanon or in any other country. Although it is a simple right guaranteed by laws, it is underestimated by many employers who do not realize that this little amount of money for them has a fateful value for this human being.

FACTS AND FIGURES

- Nearly a quarter to one third of the Arab world’s estimated 22 million migrant workers are women engaged in domestic work. (ILO, Press Release; “Time for Arabs to live up to their call for social justice by protecting vulnerable workers”, 15 August 2012).
- Many of the women who voluntarily choose to work as migrant domestic workers are then lead through the process to being trafficked into working and living conditions different from what the recruitment agencies had informed them. However they are unable to leave their work due to one or more of these reasons; the Kafala system, having to repay their recruitment dept, withholding of their passports, withholding of wages, or physical/ sexual abuse. (ILO’s report, Tricked and Trapped, Lebanon, 2013)
- Number of domestic workers around the world is; 595,000 - Eastern Europe and CIS, 2,107,000 - Middle East, 3,555,000 - Developed countries, 5,236,000 – Africa, 19,593,000 - Latin America and the Caribbean, 21,467,000 - Asia and the Pacific. (ILO publication: Snapshot ILO in Action-Domestic Workers, Geneva, 2013)
- Did you know that there are 15, 525, 000 children domestic workers between the ages of 15 – 17 years old around the world? (ILO publication; Domestic workers across the world: Global and regional statistics and the extent of legal protection, Geneva, 2013)
- To date, only 10 countries around the world have ratified the ILO’s Domestic Workers Convention - C189 (2011) and Recommendation (No. 201): Uruguay (2012), Philippines (2012), Mauritius (2012), Nicaragua (2013), Italy (2013), Bolivia (2013), Paraguay (2013), South Africa (2013), Germany (2013), and Guyana (2013). (www.ilo.org)

NATIONAL EFFORTS TO DRAFT A LAW TO PROTECT THE RIGHTS OF MIGRANT DOMESTIC WORKERS IN LEBANON

Amel International and its partners the “ Jordanian Women Union” and “The Center for Egyptian Women for legal Aid” (CEWLA), have finally accomplished drafting a special law for the protection of the migrant domestic workers in each of Lebanon, Jordan and Egypt.
A regional workshop was held in the Dead Sea, August 6 till 9, to share and finalize the draft law for each country. A unified model law was also finalized to be submitted to the League of Arab states, as an Arab Charter. This will set guidelines to protect the migrant domestic workers in the region.
The draft law for Lebanon was achieved through a two-year process where efforts by a legal committee built on the draft law of the National Steering Committee of 2009.
The formulation of 2013 draft law took long hours of discussions to meet the international standards as well as being realistic in implementation with the Lebanese context. Some of the articles are: provision of sick leave, rest time, monthly payment of salary, provision of privacy and respect to cultural differences, ensuring adequate living conditions that promote healthy working relationships.
Amel coordination efforts started in 2011, and formed a national network that included the concerned ministries, UN agencies, active non-governmental organizations, governmental organizations and legal experts on the field.
Within the advocacy plan, Amel will invite all organizations working to support migrant domestic workers to join efforts and lobby for the adoption of the law.
Meanwhile Amel Association is providing support to migrant domestic workers in need of legal, psychological, social and health support. Amel is also giving weekly English, computer and capacity building classes in its center in Chiah.

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DAY TRIPS FOR MIGRANT WORKERS BY THE MIGRANT COMMUNITY CENTER (MCC)

"I NEVER KNEW THERE WAS SO MUCH SNOW IN LEBANON!"

Thousands of migrant workers live and work in Beirut. They have lived here for years, if not decades. Many are raising their children here, yet most migrant workers we have spoken to have not seen anything outside the city. Some have rarely seen anything outside the house they work in. Similarly, most people in Lebanon have rarely encountered groups of migrant workers in social settings. It is as though we were not living in the same country.

In an effort to counter these trends, the Migrant Community Center (MCC), run by the Anti-Racism Movement (ARM), began organizing day trips for migrant workers and their families. We started to organize these trips in January 2013. The first trip was to the snowy mountains of Laklouk, where we organized several snow games, and then down to Byblos, where the organizers took us on a walking-tour around the city. We stopped for a traditional Lebanese meal on the way down. Since then, several other trips have been organized, to Jeita grotto, Dream Park, Tannourine and Douma. They have all been hugely successful, with each trip attracting more people than the last. On all the trips, there was a surprising amount of positive interaction between migrant and local communities, though the prevailing first impression of locals was utter confusion. Most people thought that this was a tour group from abroad, because it is so rare to see a large group of migrant workers in public having fun with their friends and families.The goal of this initiative is to expose migrant workers to new parts of the country they are living in, and conversely, to expose the Lebanese public to more migrant workers in social settings. Whereas most Lebanese people seem to directly associate migrant workers with "maids" or "workers", it is hoped that people will eventually come to see them as what they really are: ordinary people who have come to this country to work, just like the millions of Lebanese who migrate for work.

The trips were also organized in order to give community members a chance to meet and interact in a positive atmosphere, to share a fun-filled day, and to find out more about services and assistance offered by MCC and other organizations. This feeds into ARM's larger goal of supporting and strengthening the migrant community networks in Beirut, which is mostly accomplished through MCC. MCC will be organizing another trip next month. For more information, please contact the MCC Coordinator, Lydia (71/410678), or follow MCC's facebook page for updates!

DOMESTIC MIGRANT WORKERS AGREE TO FORM A SOLIDARITY MOVEMENT TO TACKLE THE HARDSHIP OF DETENTION IN LEBANON

On July 21 2013, fifteen female domestic migrant workers from Ethiopia, Sri Lanka, Bangladesh, Madagascar and the Democratic Republic of Congo participated in a roundtable to share their experiences of detention in Lebanon and to develop concrete recommendations for future action plans.

The roundtable was organized by the Lebanese Association, Frontiers Ruwad, and supported by the International Labor Organization (ILO). It was held at the headquarters of the National Federation of Employees and Workers Union – FENASOL in the context of ILO's participatory action research. The roundtable followed a field research conducted by Migreurope (based in Paris) in collaboration with FR about civil society and journalists' right to access migrants in detention places in Lebanon.

The roundtable discussions focused on the problems of detention, the reasons that may lead to the arrest of domestic workers' detention, the harsh detention conditions, and the isolation they face due to lack of visits and racial treatment they face.

The participants stated that the risk of being arrested was of grave and serious. They could be arrested and detained merely for leaving or only sleeping outside their sponsor's place. This highlights the closely link between domestic workers' detention and the sponsor' (Kafala) system. Participants describe the detention conditions as very harsh, particularly at the police station of the General Security under the bridge in Adlieh area such as overcrowding cells, limited access to medical care, and limited or no contact with the outside world.

The participants also mentioned that they face great difficulty to pay visits to their friends or relatives detained in prisons. They do not always obtain permission to take a day off from their employer. In addition, the participants raised the concern about the opacity and secrecy surrounding of whereabouts and legal status of private shelters and safe houses where many female migrants are detained, due to legal status reasons, for months without having the right of access to visits and contacts with the outside world.

A major issue the domestic workers raised is the lack of legal aid as a vulnerable group denies them the right to access to justice.

The meeting concluded with concrete suggestions to deal with the issues related to domestic workers' detention. They agreed to strengthen their solidary and requested training session to build their advocacy capacities (such as detention monitoring mechanism and procedures), and to on finding creative ways to improve their internal solidarity structure and performance. Frontiers Ruwad in collaboration with FENASO offered to organize capacity building sessions in the future.

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LEBANESE JUDGE RULES IN FAVOR OF A DOMESTIC WORKER

It may be difficult to believe good news in a country teaming with exploitative practices and abuse against migrant domestic workers. But it is true, and it is a remarkable breakthrough for the Lebanese justice system towards achieving justice for thousands of women workers in Lebanon.

On July 10, 2013, Judge Nader Mansour sentenced a Lebanese employer, W. Q., to two months imprisonment after she refused to pay the wages she owed to Sri Lankan domestic worker, W. S., who was represented by KAFA (enough) Violence & Exploitation, a non-governmental organization.

W.Q. was also fined LBP 500.000, in addition to being ordered to pay the worker USD 3,750 in unpaid wages, and damages of an estimated LBP 1.5 million.

W.S. worked in the house of W.Q. for three years without ever being paid by her employer on the pretext that the employer would pay her upon her departure. But after some time, the worker could no longer tolerate this situation and so she sought assistance from the Embassy of Sri Lanka, which in turn tried to negotiate with the employer on behalf of the worker. However, the employer was not influenced by the Embassy and she continued to withhold the worker's wages.

Three years later, the employer still refused to pay the worker's full wages, which prompted W.S. to once again seek help from her country's Embassy. This time, the embassy coordinated with KAFA the efforts to have an out-of-court settlement. When the negotiations with W.Q. failed, a lawyer was appointed by KAFA on behalf of the worker. But having heard about the lawsuit filed against her, W. Q. changed her phone number and address, and her current location is unknown.

During the court hearing, Judge Mansour, considered the defendant's act of retaining the worker's wages a 'mistreatment offense' based on Article 671 of the Penal Code.

The significance of this judgment rests in the fact that it sets a precedence of treating cases of unpaid wages of domestic workers as a criminal rather than a civil procedure. Thus, providing this vulnerable group of workers with better protection, and sending a strong message to employers who violate workers' rights. This verdict will hopefully be a model and example for tougher sanctions that would better protect the rights of domestic workers in the future.

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WHY A CODE OF CONDUCT FOR DOMESTIC WORKERS RECRUITMENT AGENCIES IN LEBANON?

The Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL) adopted a code of conduct aimed at upgrading the agencies' performance and ensuring the rights of migrant domestic workers.

In the absence of specific laws that protect migrant domestic workers' rights in Lebanon, the SORAL, in collaboration with the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), have developed a code of conduct that defines the frameworks of recruitment agencies' activities.

Adopted on June 6, 2013, during a conference held at Sagesse University in cooperation with the ILO and Caritas Lebanon Migrant Center, the code of conduct aims to regulate the activities of recruitment agencies in Lebanon in line, though to a minimum extent, with the relevant international and humanitarian standards.

SORAL faces several skeptical questions about the benefits of such a code of conduct and its applicability towards improving the process of recruitment of migrant domestic workers, says Hisham Burji, SORAL's Chairman.

"Our answers to these questions must go beyond oral reactions to positive actions through reversing any abusive practices done by recruitment agencies. Our answers will be directed to those who view things impartially and are far removed from narrow-minded interests or flawed background."

During the conference, the speakers voiced their support for adopting the code of conduct by the SORAL agencies. Burji however warns that there are many illegal or unaffiliated agencies which tarnish the reputation of recruitment agencies in general.

"The absence of legislations that regulate domestic workers' profession as well as our sense of ethical and moral responsibility to protect these workers has prompted us to set a code of conduct for two reasons: first, to distinguish us from illegal and unregulated agencies which fail to commit to the ethics of the recruitment business. Second, because we firmly believe in all the clauses of this code," explains Burji.

SORAL has made this effort out of its belief that protecting domestic workers' and preserving their rights is in fact protecting all the parties associated with them, including Lebanese families and recruitment agencies.

At a national level, the SORAL also seeks to improve the tarnished image of the Lebanese society, resulting from improper behaviors of a number of Lebanese families and recruitment agencies.

The articles of the code of conduct are based on ILO's Convention 189 of 2011 for domestic workers', which was approved by the Lebanese government at that time, pending ratification by the Lebanese Parliament.

Burji expresses his belief in the
effectiveness of the code, stressing that two essential elements are required to appropriately implement it; namely, endorsing the migrant domestic work bill or the so-called 'Boutros Harb Law' and ending the ban imposed on Lebanon by the workers' countries of origin. He explained that this ban is likely to obstruct the implementation of the code and leave the workers coming from these countries under the mercy of mafias which are always ready to exploit this ban for their own benefits."It is better to light a candle than curse the darkness, and this code is the candle lit by our sector represented by the SORAL to illuminate the right path for all those willing to work conscientiously and with a high sense of ethical responsibility towards this sector," says Burji. At the end of the conference, the attending owners of recruitment agencies asked a number of questions and some of them registered their names in special courses designed to enhance their knowledge of the code of conduct and its monitoring mechanism.

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Syndicate Of The Owners Of The Workers Recruitment Agencies In Lebanon

FOREIGN WORKERS IN LEBANON RISE AGAINST SPONSOR´S SYSTEM

One of the most serious problems facing foreign domestic workers in our country today is perhaps the absence of a law that regulates their recruitment and work, especially since the Lebanese labor law has no provisions whatsoever for domestic workers. This has caused them to become unprotected by any legal framework other than the contract signed between them and their employers, although its articles do not deter breach by both parties.

An employer believes, mistakenly, that according to the sponsorship (Kafala) system, s/he is the sole legal person responsible for the worker. This ultimately influences the employers behaviour, including preventing her from having a day off, decent meals, or due salary; taking her personal papers, and even resorting to corporal punishment when it is perceived that the domestic worker has failed to meet the employers demands. All of these practices occur as a result of the Kafala system which renders migrant domestic workers vulnerable to abuse and exploitation given her complete dependence on the sponsor who alone determines working conditions and mechanisms.

In collaboration with other civil society organizations, the legal department at Insan Association, demands quick replacement of this system with another one based on proper working relationships to ensure the rights of both parties. A new system must be implemented to end the unjust circumstances affecting foreign workers in Lebanon. Such an alternative system should comply with International human rights standards. In addition, Insan arranges regular separate meetings with foreign workers of different nationalities, including Madagascar, Ethiopia, Sri Lanka, Philippine, Togo, to inform them about their responsibilities and rights. The sessions inform them about the suitable authority they should refer to in serious situations, in an effort to assist migrant domestic workers to identify a range of options to remedy human rights violations they encounter.

G. B. is a worker from Benin, who left her employer's house after being physically abused by him. She immediately went to Insan, knowing that she did not have a legal status because she "ran away" or quit, without her identification documents. G.B said she was absolutely willing to face any penalty on the condition that she never has to go back to his home. After several contacts with the employer, it was decided to pay him an amount of money in exchange for releasing the worker to another sponsor.

The prevailing circumstances discourage women foreign workers from filing a complaint against their employers because their complaints are often ignored by the police, in addition to their persistent fear of false counter accusations by their employers. Thus, we at Insan, always strive to break the fear barrier and encourage workers to speak out as long as they are right. All the solutions offered by Insan in cooperation with other NGOs, are being examined by official authorities who we urge to take quick and decisive steps to stop such violations against domestic migrant workers

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Insan Association مؤسسة إنسان
Defending Human Rights دفاعًا عن حقوق الإنسان

CELEBRATING THE C189 2ND ANNIVERSARY WITH MIGRANT DOMESTIC WORKERS CLMC SHELTERS' RESIDENTS

Almost 150 migrants, residents at Caritas Lebanon Migrant Center - CLMC shelters, have benefited of 3 sessions, folding around the ratification of the ILO Convention C189 in Lebanon.

For the second year, CLMC celebrated ILO's Convention189 with the women migrant worker residents at its shelters and the Philippines Embassy premises.

The CLMC staff facilitated 3 consecutive sessions starting Saturday June15th based on the rights and responsibilities of Migrant domestic workers according to C189. Two sessions took place at the CLMC shelters and one at the Philippines Embassy in Lebanon.

The participants at those sessions worked in groups to express their understanding of rights and responsibilities in Lebanon and their experience and shared their hopes for a better future, for themselves and the other potential migrant domestic workers in their countries of origin.

Further to the group work, the trainers highlighted the important role that the women domestic worker's play in Lebanon. They provided them with the adequate information about how they could protect themselves in the future and in their country according to international human rights' standards.

The participants were convinced that the ratification of the ILO- C189 is part of a long process that needs all the support it can get. Finally, participating workers signed a huge banner that demanded the ratification of C189 and put their hand marks on it.

"Raise the red sign, to stop violence against migrant domestic workers", were the words of a group of francophone Africa Domestic workers participating.

At the end of the sessions, they were more aware of their rights and responsibilities; in case they wanted to come back and work in Lebanon or another country.

"We are not Machines", were the words of a member of the Philippines group participating.

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LEGAL AGENDA MONITORS LEGAL VERDICTS AGAINST FLEEING DOMESTIC WORKERS

Following are excerpts from an article published in issue 10 of the ‹Legal Agenda› newspaper (July 2013) and released within the partnership with the International Labour Organization (ILO) aimed to monitor court files and judgments rendered in migrant domestic worker cases in Lebanon.
Sixty two sentences issued this year have been monitored describing domestic workers› quitting work as acts of escaping or fleeing. The legal provisions used as basis for lawsuits or taking legal action against domestic workers make no mention of the terms 'absconding' or 'escaping' which induce evocative pictures of 'slaves' fleeing their enslavers' captivity. The use of these two terms reveals the insistence of posing inferior stereotypes of female domestic workers.

Among the articles on which verdicts are based for punishing work leavers are basically Articles 15 and 21 of Decree 17561/1964, which require all foreign workers to obtain prior approval from the Ministry of Labour (MoL) in case they want to change their work category or employer. Based on these Articles, a number of verdicts concluded that the status of workers who left their employer's service should automatically become irregular. However, this has been applied to cases where no evidence about workers having taken new jobs has been established.
A number of other rulings was only based on Article 7 of Decision 136/1969 which states that every foreigner holding an annual residence permit and residing in Lebanon for more than three weeks is under the obligation to contact the General Security within one week after the expiry of this period and make a declaration of his/her status. Therefore, contrary to the common judicial trends based on Article 15, a worker wishing to leave her work according to this regulation could clear herself from criminal prosecution through notifying the General Security Directorate about her new residence address, without the need to obtain prior approval from the MoL or her employer. This will initially allow the separation between the employment contract and residence legality.
Despite this significant difference in principle, the two approaches practically lead to similar results where "absconding" workers are punished since they rarely inform the authorities about changing their residence. That is except in certain cases when they sought refuge in their embassies – either because of their absolute unawareness of such requirements or for fear of arrest and trial for violation, which has become common knowledge to all foreign workers. Furthermore, the standard employment contract does not include any provisions regarding its termination or impact on the worker's legal status.
Strikingly, all the verdicts convict the worker once her "fleeing" is proven without investigating the reasons, such as exposure to physical or psychological abuse, or breach by her employer of the conditions and obligations stated in the contract, primarily non-payment of salary. When addressing the reasons that push a domestic worker to quit working we can better identify whether it has occurred for a force majeure, out of necessity, or in result to being exposed to actions that turn her into a victim of trafficking.
Read more on migrant domestic workers in issue number 11 (issued by the end of September 2013) and issue number 12 (will be issued by the end of November 2013). Issue number 11 tackles the case of a domestic worker who was falsely accused of theft after seven-month detention period and deportation without compensation. This case shows how defected the sponsor›s (Kafala) system is, and how it often results in many grievances caused by employers to their workers, while the judgment that acquits or convicts the worker is a mere opinion without any actual effect on the workers status. Whereas issue number 12 takes this case as a starting point to study how trials in abstentia are set and the role of each actor, especially the General Security and General prosecution in determining the migrant's fate.

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المفكرة القانونية

MY SIDE OF THE STORY

Enough talking... Start acting!

Story of Anna Fernandos - Edited by: Rena Timsah

I am very sad for what is happening to girls like me... I left my family and came to work here to make enough money to cover basic needs back at home. But when I started my work in Lebanon I realized that I have lost everything. My case resembles that of many other girls who work as domestic workers. Sometimes we do not get paid our salary, other times we do not get a decent bed to sleep on. Forget about access to medical care and medication, because that is becoming a fantasy non applicable for people like us! We arrive to this country very young, and as years pass by we realize we have wasted our youth, our best years, desperately working despite the bad conditions. Eventually, we end up with no money, no pension, sometimes bad health, and no future.

I am Anna Fernandos, a Sri Lankan that has been working in Lebanon for the last 15 years. My mother spent most of her life working here, and then it was my turn. I worked for only one employer ever since I arrived, and I was blessed to come across a good family that never hurt me in anyway.
In the last couple of years, I have agreed with my employer to stop working for him and he agreed to remain my sponsor on papers. With this new arrangement, I cover all my expenses including "Ikama", work permit renewal fees, and insurance. I currently work in several houses to make more money, and this way I can send more back home.
The money I make however can barely cover my personal expenses for housing, food and other basic needs in Lebanon! No matter how much time I put, nothing is left by the end of the month. So how am I supposed to save?? The ironic fact is also that I have to pay for a medical insurance that does not grant me any medical services! I suddenly felt the need to do something about it, at least talk about….

My friend Mala, an activist in the Sri Lankan community in Lebanon, was there to listen and to introduce me to a new rising committee. Activists from different nationalities were members of the committee; they are all united migrant domestic workers dedicated to protecting our rights.. Mala urged me to go to one of the meetings that take place every Sunday
There, I met several women from Philippines, Ethiopia, Bangladesh, Nepal and more. They all wanted to work hand in hand to demand better conditions.
During our weekly visits we learned about our rights and, and I soon realized that domestic workers' rights were being abused regardless of the workers' nationalities. Many of us were not aware of the contents of the contracts we sign, the exact role of recruitment agencies in Lebanon, and how true are the promises made to us by agencies back home.

For example, we are told by agencies that we will work only 8 hours every day, have a day off, will be offered regular healthy meals and get paid on monthly basis. The majority end up getting none of these mentioned terms. Some of our unmet expectations can be shocking, and some abused with no one to turn to, make us scared and confused, that is why some of us run away. When a domestic worker decides to flee, just like any young lady of any nationality living in a foreign country, she might lose her way. Sometimes she might also find a better one. The two options are there, but it seems that often she is unable of finding the right one.

When employers take workers' passports and papers, things become worse and they find themselves astray with no protection of any sort.
Now, in the founding committee of the domestic workers union in FENASOL we are addressing these issues and working towards improving the situation of migrant domestic workers in Lebanon. We are sick and tired of "just talking" and we want to start some action. Organized, legal and effective action needs to be done, and it needs to be done quickly. Today I am stronger, because I feel that through the committee I can bring in change.
Proudly, I shared my experience last September during a 3-days ILO/SARTUC workshop in Nepal on promoting trade union cooperation for labour migration in origin and destination countries. I participated together with Castro Abdallah, the Director of FENASOL, who is offering us great support. I was the only domestic worker there representing the entire Arab region. Participants were inspired by my story which I said with tears in my eyes. Today, I feel proud that I came to this country 15 years ago as a domestic worker, and have gotten to the point where I am actually helping our people speak up, and stand up for their rights. We have really had enough with officials saying things they don't do, and conferences producing useless documents. We need to act now!

LEBANESE MINISTRIES TAKE A DEEP LOOK AT ILO'S CONVENTION 189 FOR DOMESTIC WORKERS' RIGHT

Adopting Convention 189 on decent work for domestic workers was an achievement all by itself as it is a global recognition that domestic work is "work" and lays the foundation to make it decent all over the world. An opportunity to understand the convention and the complexity that surrounds domestic work was offered through a one week course in the International Labour Organization - ILO International Training Center in Turin, Italy on 8-12 July 2013.

The course introduces the decent work approach in the context of domestic work and raise awareness of the need to develop adequate mechanisms to actively promote it. Among other issues, it also explores policy and legislative matters and challenges, from a gender perspective in order to engage participants in the development of strategies to tackle exploitation and abuse.

Through the EU funded Project, PROWD (Promoting Rights for Women Domestic Workers), the ILO Regional Office for Arab States invited three key Lebanese ministries to participate in this fellowship. Accordingly, Marlene Atallah, member of the Project Advisory Committee for PROWD, represented the Ministry of Labour - MOL, Judge Rola Sfeir represented the Ministry of Justice, and Lieutenant Adriana Boustani represented the General Security/ Ministry of Interior. They share in this article their experiences.

Atallah considered that the newly drafted labour law which is inspired by C189 would actually help in protecting the rights of domestic workers in Lebanon. She explained that the MoL is working on different articles in the law to match the international standards. However, Atallah confirmed that the convention needs to be ratified by the parliament in order to proceed. She also shed light on an important point; "we should put an effort to raise awareness of the Lebanese society on the issue especially that the convention is based on social frames that we sadly lack."Atallah also admired the Malaysian government experience in how they monitored domestic workers' papers, and do not renew any work permits before a full statement of account is presented, a way that validates that the worker has earned all her fees.

As for Lt. Boustani and Judge Sfeir, they both praised Trinidad and Tobago's experience since the government established a special labour law catered for domestic workers. Judge Sfeir admitted that this was the first time she learned about C189 and it's the first time she sees things from the domestic workers' perspective compared to the common employers' perspective.

"I support all the terms in the convention but we need to create balance between the employers' and the workers' rights," said Sfeir.

"I think it will be very hard for the Lebanese Labour law to be in compliance with C189," she adds.

Nevertheless, Lt. Boustani considered that the Lebanese government is currently conducting numerous actions to protect the rights of domestic workers. For instance, she explained that the General Security denies any work permit request in case it lacks one of the following papers: a house rental contract (stating the space area of the house), the employer's salary statement/ proof of income (not to be less than USD 1000 per month) or a statement of bank account (not to be less than 10 million Lebanese Liras) among other papers.

"The constant increase in suicide rates, escape or abuse incidents of domestic workers in Lebanon intrigue us to adopt stricter measures like this," said Lt. Boustani.

Reflecting on her personal experience with domestic workers Lt. Boustani said; "I used to treat domestic workers well, but I discovered that I can treat them even better".

As for the future steps to follow, Atallah from the MoL insists that ratifying the C189 and monitoring the implementing of the law are still key priorities, and will take a long time.

From her part, Judge Sfeir restated that the Lebanese society should have more awareness on the rights of migrant domestic workers.

"At a legal level, I believe that more lawyers and judges should participate in awareness sessions on the rights of women domestic workers," she suggested.

The ILO will honor to the commitment of the three participants to share the knowledge they have gained in their line ministries, and through the PROWD project will coordinate with them awareness raising activities.

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PROWD

NATIONAL FEDERATION OF WORKERS AND EMPLOYEES UNIONS IN LEBANON TOWARDS ORGANIZING DOMESTIC WORKERS

The ILO Domestic Workers' Convention No. 189 (2011) came into effect on September 5, 2013, and coincided with the announcement made by the National Federation of Workers and Employees Unions in Lebanon (FENASOL) about the establishment of a trade union headquarters for women domestic workers. This union would allow them to enroll as many members and conduct meetings to discuss their affairs and problems, exchange views, document their issues, and search for solutions.

Announcing serious efforts to set up a syndicate for these workers was not ordinary news or a coincidence synchronized with such an international event of this significance. It was rather a consequence of careful and vigorous efforts through which we overcame many obstacles and faced a tremendous amount of criticism. The most difficult part however was our attempts to gain the confidence of domestic workers themselves, persuade them of the viability of our efforts, and make them feel the importance of a trade union as a concept, mission and regulatory framework working to improve workers' conditions without any discrimination.

Without that confidence, we would not have been able to overcome the legal and regulatory problems and the artificial obstacles we faced down the road, which were much larger than what we expected at first, particularly the social problems, society's perception of this group of workers, and its negative reaction towards what we were doing.

In accordance with our bylaws, all workers who have no unions are allowed to join the FENASOL. According to this principle, a syndicate for domestic workers began to shape up based on relevant international conventions and instruments

In accordance with our bylaws, all workers who have no unions are allowed to join the FENASOL. According to this principle, a syndicate for domestic workers began to shape up based on relevant international conventions and instruments, particularly the ILO Freedom of Association and Protection of the Right to Organize Convention No. 87. Ultimately, we initiated a dispute against the Lebanese government through filing a legal action with the ILO on account of the former's prevention of certain working groups from the right to organize, and its exclusion of large labor segments, like domestic workers, which had been until recently marginalized and deprived of their right as citizens to any legal and social guarantees.

Congratulations to domestic workers for their union, and the day will come when the history of the Lebanese working class writes in golden letters: "The first initiative to establish a syndicate for domestic workers was made by female migrant domestic workers. That event opened the door for establishing trade unions for similar groups. It also marked the beginning of a new era in the history of Lebanese trade unions through challenging all legal threats and risks that prevented civil servants from establishing trade unions or joining them."

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FENASOL

INTERVIEW

AN INTERVIEW WITH THE AMBASSADOR OF THE EUROPEAN UNION IN LEBANON: ANGELINA EICHHORST

1) The European Union looks after many projects in different fields; how do you describe your interest in the topic of "migrant domestic workers"?

The treatment of migrant workers in general and of female domestic migrant workers in particular is an area of immediate and urgent concern. The EU continues to address this issue in the framework of our political dialogue with Lebanon but also through financial assistance to organisations that raise awareness about their situation, propose legislation to improve the legal framework as well as case by case support to individuals facing exploitation.

Migrants employed as domestic workers are excluded from Lebanon's labour laws (as they work within the home, excluded under Article 6 of Lebanese Labour Code). They are often subject to discrimination and exploitation and have only limited means to access legal protection.

The European Union has repeatedly called on the Lebanon authorities to ensure that migrant workers, especially domestic migrant workers, fall within the remit of the Lebanese labour laws able to protect their rights as well as to put an end to the de facto sponsorship (kafala) system for migrant domestic workers and to improve access to legal redress mechanisms for migrant workers. EU Member States are also very active on this matter and continue to highlight the need to improve the protection mechanisms and legal framework governing the rights of migrant workers in Lebanon.

2) In recent years, did you notice any progress in the main problems faced by domestic workers, which should be beneficial for the country of origin and the hosting country?

There is definitely more awareness, including in the media about the challenges as such but I wouldn't go so far to say real progress has been made.

The same obstacle that already existed many years ago persist, which is the absence of a legislative framework to protect migrants, impunity of abuses etc.

I also think it is worth highlighting that there are an increasing number of judges developing case law to protect the rights of migrants invoking human rights principles. This is an encouraging signal. Unfortunately however, the political environment in the country and the absence of a government in the current period might have influenced the actual stagnation and the delays in several attempts to move forward toward ensuring basic human rights for migrant workers in the country who came here to work and support their families abroad.

As for the programme currently financed by the EU with ILO, I am pleased to note that one of its main successful activities is the development of a code of conduct by the recruitment agencies. This is considered as a one step further towards improving the legal framework of domestic workers and has it in line with international standards.

3) The European Union finances many programmes and projects which should improve the working conditions of migrant domestic workers in Lebanon. Can you tell us more about the current and future programmes and projects?

The EU is currently finding several initiatives to promote the rights of migrant workers in Lebanon. We are funding the ILO (2 million €) to provide assistance to the various stakeholders on how to increase compliance with international labour standards for migrants. The programme involves policy work, awareness raising, capacity building of service providers (including Ministry of Labour, General Security, NGOs, trade unions, and syndicate of private recruitment agencies), empowerment of more than 100 migrant domestic workers and network building. There will be some good upcoming visits organised by the programmes to disseminate creative awareness raising tools that target children, a media competition, and conduct a survey which will provide for the first time concrete data about living conditions of migrant domestic workers. We are also part of an awareness raising campaign that targets the workers themselves and their employers through the information guide produced through the project in collaboration with the Ministry of Labour.

The EU is also supporting Caritas through various initiatives (amounting to €2.25 million) to raise awareness on the rights of migrants but also providing direct support to migrants in detention or facing exploitation, develop case law protecting the rights of migrants and collaborating with embassies and organisations from the countries of origin.

4) What is the position of the European Union regarding the international standards that expedite change, and are there initiatives to support the signature of agreements on the right of foreign workers to organise in Lebanon for example, or the ILO Convention number 189 on the decent work for domestic workers?

In the framework of our political dialogue we encourage the Lebanese government to ratify all relevant conventions that can increase the protection of human rights in Lebanon including the ILO convention on decent work for domestic workers

But let's bear in mind that ratification of international texts is not enough, their principles need to be effectively incorporated into national legislation and the real challenge comes for the implementation of the obligations embedded in these conventions. The EU Lebanon Action Plan contains specific provisions to reinforce our commitment Improve in order to improve the linkages between migration and development as well as the social integration of migrants. Furthermore there is a specific reference to ensure adherence to and enhance the effective implementation of core labour standards as defined in the ILO Declaration on Fundamental Principles and Rights.

5) What are EU's future plans to generalise the rights of migrant domestic workers?

The EU will continue to ask the Lebanese authorities to ensure adequate legal protection for all migrant workers and to develop and enforce effective policies that ensure the rights of migrant workers at all times.

We will also continue to provide substantial support to help improve the situation of migrant workers in Lebanon, at policy level and through support to civil society organisations involved in promoting and protecting the rights of migrant workers.

6) How does the European Union cooperate and communicate with the other stakeholders on the issue of "migrant domestic workers", i.e. the Ministry of Labour, ILO, and more than 18 NGOs? What is your role in this cooperation: financing, guidance, or exchange of experience?

We have an active dialogue with all concerned stakeholders, Lebanese authorities, encouraging the adoption of relevant legislation and enforcing inspection mechanisms, the international organisations, providing assistance to increase compliance with obligations deriving from international standards, civil society providing them support to implement worthy initiatives but also with migrant workers directly, listening to their concerns and showing our commitment for the protection of their rights, of human rights, as we did for instance during the last marathon for women's rights in Lebanon, where we "ran" together asking for more rights and more protection against abuses.

7) What is the budget allocated by the European Union to each of the relevant programmes?

Currently we have 3 initiatives for a total budget of € 4.2 million but more importantly our continued and constantly renewed commitment to stand firm on the rights of migrant workers.

Recipe

BAKED LUMPIA ROLLS
FROM THE PHILIPPINES

Source: www.food.com

INGREDIENTS

1 lb ground lean pork/ chicken
1 medium carrot, chopped fine
1 medium onion, chopped fine
1 (8 ounce) can water chestnuts, drained and chopped fine
1 (8 ounce) can bamboo shoots, drained and chopped fine
8 garlic cloves
1 teaspoon grated fresh ginger
2 teaspoons soy sauce
1 teaspoon black pepper
wonton wrapper, 1 package
1 large egg

Dipping Sauce

1/4 cup packed brown sugar
1/2 cup distilled white vinegar
1 teaspoon soy sauce
2 teaspoons water
1 teaspoon cornstarch, mixed with the water
2 - 3 teaspoons freshly grated ginger

DIRECTIONS

1- In a large bowl combine the pork/ chicken, carrot, onion, water chestnut, bamboo shoots, garlic, ginger, soy sauce and pepper.
2- Stir mixture until thoroughly combined-at this point you can cover and stick in the fridge over night.
3- Lay out about 10 wrappers at a time, roll the meat mixture into cigar shapes about finger thickness-be reasonable-and the length of the wrapper.
4- Roll, brush ends with beaten egg and finish the roll to seal.
5- Place seam side down on a cookie sheet and repeat until done.
6- Bake in a preheated 450 degree oven, turning once for around 20 minutes.
7- They should be cooked through and the wrappers are golden brown.
8- Serve hot.
9- You can make these ahead of time and keep cooked lumpia in the fridge for up to 3 days, or frozen up to 4 weeks.
10- To reheat (thaw if frozen) bake on baking sheet in a 450 oven for 10 minutes-turn rolls once.

DIPPING SAUCE

12- In a 3 quart saucepan mix together the brown sugar, vinegar and soy sauce.
13- Stir over high heat until sugar dissolves.
14- Mix the cornstarch/water and add to the sugar mixture and stir until mixture boils.
15- Remove from heat and stir in ginger.
16- Makes 2/3 cup and you can double.

Total Time: 35 mins
Prep Time: 15 mins
Cook Time: 20 mins
Origin: Philippines

Events' calendar

	Organization	Event's Name	Contact Details
DECEMBER 2013	Caritas Lebanon Migrant Center	Migrant Workers' day	Noha Roukoss Tel: 01-502550 ext: 157 Mob: 03-083563 Email: nroukoss@eclmc.org
	Migrant Community Center / Anti-Racism Movement	Libumu dinner night; End of year Party Movie night at MCC: Mondays: Dec 9, 16, 23, 30 Game Night at MCC: Wednesdays: Dec 11, 18, 25	Jina Tel: 70-896666
JANUARY 2014	Amel Association	Closing ceremony new year's celebration	Maya Jizzini Tel: 01-317293 Mob: 03-037323 Email: mdw@amel.org.lb Louban Tay Tel: 01-316293 Mob: 76-803334
	Kafa (enough) Violence & Exploitation	Promoting Migrant Domestic Workers' Rights by Addressing the Migration Continuum between Origin Countries and Lebanon – Conference. Book launching: If Not for the System...Migrant Domestic Workers in Lebanon tell their Stories	Rola Abimourched Tel: 01-381245 Email: rola.abimourched@kafa.org.lb Sarah Chreif Tel: 01-381245 Email: sarah.chreif@kafa.org.lb
	Caritas Lebanon Migrant Center	Launching a new campaign on Human Trafficking	Noha Roukoss Tel: 01-502550 ext: 102 Mob: 03-290066 Email: nchahda@eclmc.org
	Migrant Community Center / Anti-Racism Movement	Movie Night at MCC: Mondays Game Night at MCC: Wednesdays Libumu dinner night	Jina Tel: 70-896666

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