



Генеральная Ассамблея

Distr.: General
4 July 2012
Russian
Original: English

Совет по правам человека

Двадцать первая сессия

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав, включая
право на развитие**

Доклад Специального докладчика по вопросу о современных формах рабства, включая его причины и последствия, Гульнары Шагинян

Добавление

Миссия* ** в Ливан

Резюме

В настоящем докладе содержатся выводы Специального докладчика по вопросу о современных формах рабства, включая его причины и последствия, Гульнары Шагинян, по результатам ее официальной поездки в Ливан 10–17 октября 2011 года. В докладе приводится информация о существующих стратегиях, программах, планах и мероприятиях, направленных на борьбу с подневольным трудом в домашнем хозяйстве, и обращается внимание на принятые позитивные меры. Специальный докладчик также обращает внимание на серьезные вызовы и формулирует рекомендации, направленные на устранение пробелов в законодательстве, укрепление правопорядка и институционального потенциала, активизацию мер по защите прав домашних работников-мигрантов, а также предупреждение случаев подневольного труда в домашнем хозяйстве и предоставление жертвам эффективных средств правовой защиты.

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на языке представления и на французском языке.

** Представлено с опозданием.

Annex

[English and French only]

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to Lebanon (10–17 October 2011)

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	3
II. Background.....	5–13	3
III. Normative and institutional framework.....	14–31	5
A. International and regional legal framework	14–20	5
B. National legal framework	21–29	6
C. Institutional structure	30–31	7
IV. Domestic servitude.....	32–78	7
A. Reasons for the recruitment of migrant domestic workers.....	32–34	7
B. Method of recruitment	35–43	7
C. Root causes of domestic servitude.....	44–71	8
D. Manifestations of domestic servitude	72–78	12
V. Measures to combat domestic servitude	79–122	13
A. Policies.....	79–100	13
B. Programmes.....	101–122	16
VI. Distinctive challenges	123–133	19
A. Recruitment agencies	123	19
B. Children of migrant domestic workers	124–129	19
C. Access to justice	130–133	20
VII. Conclusions and recommendations	134–147	20
A. Legislation.....	136–137	21
B. Programmes.....	138–141	22
C. Awareness-raising and orientation.....	142–144	22
D. Debt bondage	145	23
E. Sending countries	146–147	23

I. Introduction

1. Pursuant to the mandate accorded by the Human Rights Council in its resolution 15/2, and at the invitation of the Government of Lebanon, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Gulnara Shahinian, conducted an official mission to Lebanon from 10 to 17 October 2011. The main objective was to constructively examine the programmes implemented by the Government to address domestic servitude. To this end, the Special Rapporteur sought to review legislation relating to domestic work and to address the causes and consequences of domestic servitude. In this context, she focused on the issue of migrant domestic workers.¹ During her mission, she held extensive consultations with senior Government representatives, civil society organizations, academic institutions, the United Nations country team and embassies of countries from which most migrant domestic workers originate.

2. The Special Rapporteur obtained the views of victims of domestic servitude in Beirut through consultations, personal interviews and open discussion forums.

3. The Special Rapporteur takes this opportunity to thank the Government of Lebanon for its invitation, assistance and cooperation before and during her mission. She greatly appreciates the assistance of the victims of domestic servitude who shared their accounts with her, the numerous civil society organizations and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Lebanon.

4. The Special Rapporteur underscores her desire and intention to continue her dialogue with the Government, having highly valued its openness and cooperation.

II. Background

5. Historically, Lebanese women and girls from poor areas were brought to live in urban areas with wealthier families who became their benefactors. It was believed that employment as domestic workers would stand them in good stead for their married life. According to information received, domestic workers were not allowed to leave the house for fear that they would meet men who would entice them away from their employment. Consequently, the notion of ownership has always been attached to domestic workers in Lebanon. Lebanese families also employed women of Egyptian, Kurdish, Palestinian and Syrian origin for domestic work, some of whom were subjected to physical abuse (as a form of punishment) or sexual abuse.

6. After the Lebanese civil war, which took place from 1975 to 1990, domestic work became the main source of employment for women migrating to Lebanon. The first group of migrant domestic workers to arrive were Ethiopian, Filipino and Sri Lankan. Sri Lankans soon became the majority, leading to the coining of the term “Srilankiye” to refer to a migrant domestic worker. Domestic work began to be perceived as low-paid work and became racialized, regarded as work performed by migrants. Because of society’s perception of domestic work as lowly, dirty work, Lebanese women refused to take such employment as to do so was deemed shameful and would ruin their chances of marriage. Today, the few Lebanese employed as domestic workers earn four times more than their migrant counterparts, who are seen as

¹ It should be noted that, unless otherwise stated, references herein to migrant domestic workers refer to female migrant domestic workers, who account for the vast majority of the migrant domestic worker population in Lebanon.

second-class citizens. They either work for extremely wealthy families or as cleaners, paid by the hour and do not live in their place of work.

7. Consequently, 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. Over the years, there have been reports of domestic servitude in Lebanon, whereby migrant domestic workers are economically, sexually and/or physically exploited, left totally dependent on others and unable to end the employer-employee relationship of their own volition. The victims continue to work under the threat of violence, or even experiencing violence, and may have restrictions placed on their freedom of movement and communication. The Special Rapporteur wishes to note, however, that not all migrant domestic workers in Lebanon are in servitude. Some work in decent conditions and regularly return to Lebanon to take up new employment. The present report deals only with those in servitude.

8. Information gathered shows that Filipino migrant domestic workers most often report violations to non-governmental organizations, followed by Ethiopians, Sri Lankans, Nepalese, Bangladeshis (who are on the rise following a ban, described below, on Filipino and Sri Lankan workers), Malagasy and a small percentage of nationalities from countries such as Botswana, Cameroon, Côte d'Ivoire and India.

9. According to Caritas Lebanon, over the period 2003-2010, the overwhelming majority of complaints pertained to physical abuse, a category encompassing physical suffering caused by working a minimum of 18 hours per day and physical assault. This was followed by (in order of the highest number of complaints) non-payment of wages, sexual abuse, moral harassment, food deprivation,² sexual harassment, forced labour (e.g. renewal of employment contract without consent), physical threats, forced prostitution, non-renewal of papers and employment of minors.

10. The Special Rapporteur was informed that the passports and identity papers of migrant domestic workers were often confiscated by their employers and restrictions placed on their freedom of movement. In defending the practice, employers argued that they did not wish to lose their investment, fearing that the workers would meet members of organized crime syndicates who would influence them to run away to receive better pay and end up in prostitution. It is unclear how many migrant domestic workers are forced into prostitution. Such restrictions of liberty contribute to the idea that employers own migrant domestic workers.

11. While many migrant domestic workers reported that restrictions of movement were commonplace, they also noted that most had a day off and were seen in public every Sunday. The Special Rapporteur received no information from either the Internal Security Forces or General Security with regard to any investigation into or prosecution of employers restricting movement.

12. In the face of increasing reports of domestic servitude and of some migrant domestic workers being left locked in houses while their employers and family fled the 2006 war, the Governments of the Philippines and Sri Lanka banned their nationals from accepting employment as migrant domestic workers in Lebanon. The Government of Lebanon had previously banned Ethiopian migrant domestic workers as many ended up in prostitution. After the 2006 war, the Government lifted the ban and brought in new workers from elsewhere.

² In most cases, this means that the workers do not receive the food to which they are culturally accustomed. For example, the Special Rapporteur was told by Filipino migrant domestic workers that if they had not eaten rice, they felt that they had not eaten at all.

13. There are no reliable statistics on the overall number of migrant domestic workers currently present in Lebanon. Approximate figures show that the largest group of migrant domestic workers are Sri Lankans (80,000-120,000), followed by Ethiopians (20,000-30,000) and Filipinos (20,000-25,000). Recently, migrant domestic workers have begun to arrive from Bangladesh, Burundi, Ghana, India, Indonesia, Madagascar, Nepal, Nigeria, Senegal and Viet Nam. The Special Rapporteur was informed that migrant domestic workers comprise 25 per cent of the Lebanese workforce.

III. Normative and institutional framework

A. International and regional legal framework

14. Lebanon has ratified six of the nine major international human rights treaties,³ and signed the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

15. Lebanon is a State party to the 1926 Slavery Convention but has not signed the Protocol amending the Slavery Convention or the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

16. In 2011, Lebanon ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

17. Lebanon has ratified a number of International Labour Organization (ILO) conventions relevant to the prevention of contemporary forms of slavery, including the Convention concerning Forced or Compulsory Labour (Convention No. 29), the Convention concerning the Abolition of Forced Labour (Convention No. 105) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182).

18. Lebanon has ratified the 2008 Arab Charter on Human Rights, which prohibits all forms of slavery, including human trafficking and forced labour.

19. In 2005, the Committee on Economic, Social and Cultural Rights issued general comment No. 18 on the right to work (E/C.12/GC/18), in which it reaffirmed the need for States parties to abolish, forbid and counter all forms of forced labour and for domestic work to be properly regulated by national legislation so that domestic workers enjoyed the same level of protection as other workers.

20. In 2008, in its concluding comments, the Committee on the Elimination of Discrimination against Women recommended that Lebanon should speedily enact the draft law regulating the employment of domestic workers and supervise its compliance by employment agencies and employers. It also recommended that Lebanon should establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers. It called upon Lebanon to provide domestic workers with viable avenues of redress against abuse

³ The International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child.

by employers, and to undertake efforts to ensure that domestic workers were aware of their rights and legal protections and had access to legal aid (CEDAW/C/LBN/CO/3).

B. National legal framework

21. Article 7 (1) of the 1946 Labour Code specifically excludes domestic workers from its provisions. Consequently, Lebanese and migrant domestic workers do not benefit from the protections and rights enjoyed by other workers, such as daily and weekly rest breaks, a minimum wage (\$500 per month), annual paid leave, family leave and paid holidays.

22. The Code of Obligations and Contracts applies to all labour contracts, including those of migrant domestic workers.

23. The Act Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country, which entered into force on 10 July 1962, provides that any foreigner wishing to enter Lebanon to work must obtain prior approval from the Ministry of Labour and a visa from the Directorate General of Public Security, which falls under the Ministry of the Interior. Every foreign worker must sign a contract of employment with his or her employer, who is also required to arrange for the necessary medical examinations, provide mandatory health insurance, deposit a bank guarantee and undertake to provide a ticket for the employee's return to his or her home country.

24. Order No. 5 of the Ministry of Labour dated 17 January 2003 was introduced to regulate the work of agencies that recruit migrant domestic workers. Pursuant to article 15 of the order, agency owners are required to present a contract signed by the sponsor (the employer) that includes the duration of the employment and the salary that the employee will be paid, and undertakings by the sponsor to ensure that the employee receives clothing, medical care and an acceptable space in which to sleep and rest; to pay the employee a monthly salary at the end of each month; to provide the employee, at his or her request, with the help that he or she needs to remit his or her salary abroad; to give him or her adequate rest breaks; and to refrain from ill-treating or beating him or her, under penalty of law.

25. Pursuant to article 16 of the order, recruitment agencies are required to maintain lists of temporary contracts between sponsors (employers) and female employees who work in their homes to ensure that such employees perform effectively, are well-treated and enjoy all their rights. The agency must notify the Ministry of Labour of cases necessitating the filing of a complaint against the employee or the sponsor.

26. Pursuant to article 14 of the order, the Ministry of Labour has one week to decide upon the complaints submitted to it. The Ministry may invoke the order to suspend the permits of recruitment agencies found to have violated its terms, in particular with regard to ill-treatment of female employees and the use of fictitious sponsors to bring employees into Lebanon. A special office was to be established at the Ministry of Labour to receive and deal with complaints in accordance with the laws in force and with the terms of employment contracts.

27. The Ministry of Labour requires the employer to draw up a written employment contract with the migrant domestic worker, which must be authenticated by a notary.

28. Order No. 142/1 of the Ministry of Labour dated 20 November 2003 makes it illegal for employers to confiscate workers' passports.

29. Legislation to combat trafficking in persons was adopted in 2011.

C. Institutional structure

30. Two Government bodies are primarily responsible for the protection of migrant domestic workers: General Security and the Ministry of Labour. General Security is responsible for controlling the entry, stay and departure of all foreigners, including migrant domestic workers in Lebanon, and the Ministry of Labour for regulating and monitoring the rights of all workers, including migrants. The Division of Inspection, Prevention and Safety and the Division of Investigation and Labour Matters investigate all labour violations.

31. A workshop to consider the rights of migrant domestic workers was convened in November 2005 by the Ministry of Labour, the migration centre operated by Caritas Lebanon, ILO, the United Nations Development Fund for Women and OHCHR. Participants included representatives of relevant ministries, United Nations agencies, civil society organizations and embassies of major labour-exporting countries. Following a recommendation made during the workshop, a national steering committee was created in January 2006 to review national labour law, elaborate a unified contract for domestic workers and produce a booklet on rights and responsibilities for that category of workers. It began work in April 2007, comprising representatives of the Directorate General of Public Security, the Ministry of Social Affairs, the Ministry of Labour, civil society, ILO, the OHCHR Regional Office in Beirut and embassies of major labour-exporting countries.

IV. Domestic servitude

A. Reasons for the recruitment of migrant domestic workers

32. The demand for migrant domestic workers has risen because more women are seeking employment outside the home, even though the necessary social services are not in place to enable women to work and look after the household, where responsibilities have traditionally included caring for children and elderly relatives. The Special Rapporteur was informed that current social services are insufficient, unregulated, expensive and poorly managed. In addition, it is uncommon in Lebanese culture to send elderly relatives to care homes. Lebanese families therefore opt to employ migrant domestic workers, who are considered less expensive than social institutions and Lebanese domestic workers.

33. The employment of a migrant domestic worker is a sign of financial success and higher social status. For most wealthy and middle-class Lebanese families, it has become indispensable to employ a live-in migrant domestic worker.

34. Migrant domestic workers are motivated to remain in their jobs with a view to improving their financial situation and that of their families by sending remittances. Remittances are a significant source of income for the families and home countries of migrant domestic workers.

B. Method of recruitment

35. Many women approach recruitment agencies directly to request jobs as domestic workers abroad. Others, however, are deceived by agencies about the nature of the work. Agencies act as intermediaries between potential employers and em-

ployees, often with an office in the potential employee's country of origin and another in Lebanon.

36. After the potential employer has selected a worker, the recruitment agency in the sending country organizes a medical examination and a three-month visa for the worker, in addition to making the travel arrangements. Although the agency signs a contract with the worker that outlines the terms of employment, the contract is not recognized in Lebanon. Migrant domestic workers must be covered by a health insurance policy.

37. The cost of the trip and the additional expenses incurred impose an initial and sizeable financial burden that is perceived by the employer as an investment. In addition, the worker (or her family) may have taken out a loan to pay for her trip, which is often extremely costly, meaning that she will endure many abuses in order to recover the outlay. From the outset, the employment relationship becomes one of financial debt recovery rather than a working relationship.

38. Upon arrival in Lebanon, the employer must go in person to the airport to collect the worker, who is otherwise not permitted to leave the airport. An uncollected worker is taken to a shelter maintained by Caritas Lebanon, where she will await either her employer or repatriation.

39. The employer is required to apply for a longer-term visa within the first three months of the worker's arrival in Lebanon and must deposit \$1,000 with the Housing Bank, a Government-owned bank, as a guarantee for unpaid wages or a return ticket if the worker is deported or repatriated. The employer must take a copy of a notarized employment contract to General Security, who will then provide the worker with a visa for the duration of her employment in Lebanon (normally two or three years). General Security has criteria for selecting employers before issuing visas for migrant domestic workers. It is unclear, however, whether this is a policy that is systematically applied or whether the existence of these criteria is public knowledge.

40. Migrant domestic workers are registered with the Employment Bureau within the Ministry of Labour. The Ministry deals with administrative contract breaches and General Security with criminal and administrative offences related to migrant domestic workers.

41. Freelances are migrant domestic workers who are commonly recognized in Lebanon as those who enter the country with a valid work permit from an employer or sponsor, but who in practice freelance for multiple employers and are not subject to a live-in requirement. Around 40 per cent of the some 200,000 migrant domestic workers in Lebanon are freelances.

42. Freelances often command better salaries than live-in migrant domestic workers. Migrant domestic workers must pay their Lebanese sponsors between \$500 and \$1,000 per year for facilitating their residency permits.

43. Irregular freelances are those who do not have a valid work permit either because they have fled from their employers and are without their identity documents or because they have overstayed their visas. Some have been in Lebanon without papers for more than 10 years.

C. Root causes of domestic servitude

44. Set out below are the root causes of domestic servitude in Lebanon.

1. Absence of effective domestic legislation

45. Lebanese labour law specifically excludes domestic workers (whether Lebanese or migrants) from benefiting from safeguards implemented to protect workers. This has resulted in policies being put in place by Government bodies without holistic and specific consideration of the safeguards required to adequately protect the rights of migrant domestic workers.

46. The Special Rapporteur received information about how existing legislation can be used to exploit migrant domestic workers. For example, in 2002, the building regulations, which once required that all bedrooms had windows, were changed. A potential employer now therefore need not show that there is a separate bedroom allocated to a migrant domestic worker. Consequently, workers can be lodged in a room without windows, such as the kitchen or living room, or even in a corridor or closet. These spaces, which are used for social interaction, make it difficult for them to rest adequately because they must either wait until the other members of the household are resting or have their sleep interrupted, which is an infringement of the right to privacy and adequate rest. Sleeping in open space also makes them more vulnerable to physical and sexual abuse.

2. Travel bans

47. Sending countries have issued travel bans to prevent migrant domestic workers from taking employment in Lebanon, where they are likely to be victims of servitude. Workers find alternative means to enter the country, however, increasing their vulnerability to domestic servitude.

48. The Government of Lebanon has confirmed that Filipino migrant domestic workers are continuing to enter the country, the ban issued in 2007 notwithstanding. Some travel indirectly via Dubai or Doha as tourists and remain to work. The Embassy of the Philippines in Lebanon repatriates (using its own funds) between 300 and 500 migrant domestic workers every year, most of whom claim that they received no wages and were suffering from illness or physical exhaustion owing to the long hours of work with little sleep.

49. The Embassy of the Philippines recognizes that recruitment agencies in the Philippines are corrupt because they have bypassed the ban and continue to send migrant domestic workers to Lebanon for a cost of between \$3,000 and \$5,000. It recognizes that, although some migrant domestic workers are not suited to domestic work, no evaluation is performed by the recruitment agencies, which are based in the Philippines. The Government of the Philippines is proposing new legislation to hold agencies accountable. The Embassy maintains a shelter for up to 60 people and does not send employees who have fled their employment back to employers or agencies. The Embassy has a hotline and lawyer to support the Filipino migrant community, and community leaders help to provide food and entertainment for detained Filipinos. The Governments of Lebanon and the Philippines are negotiating a memorandum of understanding on migrant domestic workers, which will be a first step in lifting the ban.

50. The Special Rapporteur received reports that the number of Ethiopian women entering Lebanon through the Sudan or Yemen was on the rise, a ban on their employment as migrant domestic workers notwithstanding.

51. Nepalese women cross the border into India and travel to Lebanon. Many are Dalits, from rural Nepal, who arrive in Lebanon speaking only Nepali. They hold two-year contracts with an agreed salary, but are expected to work for three years for a lower salary.

52. The Consulate of Bangladesh believes that there are between 15,000 and 20,000 Bangladeshi migrant domestic workers in Lebanon. Although Bangladesh does not permit anyone aged under 25 years to leave the country to work as a migrant domestic worker, there are cases of migrant domestic workers travelling on false passports.

3. Migration policy

53. The *Kafala* (sponsorship) system was established by a decree of the Ministry of Labour, according to which the residency permits of migrant workers (such as doctors, teachers, street cleaners and domestic workers) are valid only while the workers remain employed by their employers or sponsors, until the employees leave the country. The sponsors or employers are legally responsible for their employees. In rare cases, migrant domestic workers can transfer their permits to another employer but only with the express consent of the former employer.

54. The Special Rapporteur was informed that the *Kafala* system exists to ensure that there is someone who is legally responsible for the worker during her stay in Lebanon and that the worker will leave Lebanon upon the expiration of her contract and visa.

55. Migrant domestic workers who escape from their employers usually do not possess their identity papers and residency cards (which show their place of work, employer's name and the duration of their visa). As a result of the *Kafala* system, a migrant domestic worker who leaves her employment without permission from both her employer and the Government, for whatever reason, is immediately classified as an irregular migrant and is subject to arrest, detention and deportation. The migrant domestic worker cannot end her contract and is legally tied to her employer.

56. Once the migrant domestic worker leaves the household, she is in violation of an administrative regulation connected to her residency permit. Migrant domestic workers found without their passports or who have overstayed their visas are arrested and detained in a General Security detention centre for migrants and refugees.⁴ There have been reports of migrant domestic workers being detained for years in the detention centre.

57. 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.

58. The Special Rapporteur was informed that, once a migrant domestic worker flees, an employer may place an advertisement in the press stating that the employee is missing and warning others against employing her. Such a practice also serves to further victimize the worker. The Special Rapporteur was also informed that, when a migrant domestic worker is arrested, there is no investigation into the reason for her flight. No investigations are carried out into any abuses that may have caused the worker to flee.

59. The Internal Security Forces do, however, investigate charges of theft pressed against migrant domestic workers, who, if convicted, may be imprisoned for up to three years. In many cases, migrant domestic workers are imprisoned for one year. The Special Rapporteur was informed that theft charges accounted for half of the to-

⁴ Article 32 of the Act Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country states that criminal sentences for unauthorized entry and stay in Lebanon range from imprisonment for between one and three months, and include a fine and deportation.

tal number of arrests of migrant domestic workers by the Internal Security Forces each month.

60. Migrant domestic workers accused of theft have no legal representation or interpretation in the courts and, if tried, have a 90 per cent chance of being convicted. The Special Rapporteur was informed that employers are advised that the best way to ensure the return of a migrant domestic worker is to allege theft.

61. Migrant domestic workers charged with criminal offences such as theft are held in the detention centre pending trial.⁵ After serving their sentence, they remain in administrative detention pending deportation.⁶

62. Between 300 and 350 migrant domestic workers are held in the detention centre each month, mainly Ethiopians and Filipinos. The duration of detention depends on whether the worker is charged with a criminal offence. According to the Code of Criminal Procedure, however, detention prior to a hearing before a magistrate should not exceed 48 hours, renewable once. Nevertheless, judicial proceedings in Lebanon are lengthy, on occasion taking up to three years for a case to be tried. Sometimes, General Security may resolve the cases through mediation or repatriation, without them coming to court.

4. Live-in employment

63. Migrant domestic workers may be unwelcome witnesses to difficult family relations or to domestic violence. The wife and/or children may take out their frustrations on the worker, in the form of threats or physical violence. The family may also be keen to ensure that the worker does not inform others about what she has seen or heard and so restricts her communication with others and her movements. The Special Rapporteur was informed that, in the overwhelming majority of cases, it was the female members of the employer's family who abused the workers (except in cases of rape).

64. The conditions of live-in migrant domestic workers are further complicated by the lack of a common language to facilitate communication and cultural understanding between them and their employers. Misunderstandings build up over time, resulting in abuses.

5. Discrimination

65. The Special Rapporteur heard generalizations about the characteristics of workers based on their nationalities. For example, Bangladeshis were considered to be inexpensive and troublemakers, Ethiopians good learners and Sri Lankans good workers because they did not answer back.

66. The Special Rapporteur was informed that racial discrimination had publicly manifested itself in the form of segregated beaches and swimming pools, at which migrant domestic workers were not permitted to enter the water. If waiting to be served in shops, they would often be served last. The stereotype of a migrant domestic worker being dirty is demonstrated by the fact that in many cases migrant domes-

⁵ Article 17 of the Act Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country stipulates that the State can detain foreigners to establish their identity before they are brought before a court.

⁶ Article 18 of the Act Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country states that the Director General of General Security is authorized to detain a foreigner administratively with approval of the Public Prosecutor until his or her deportation.

tic workers have their own bathroom even if they do not have a private room and, if they share a bathroom with the family, they are forced to clean it after every use.

67. There is also a perception that all migrant domestic workers steal from homes and must be watched closely and not permitted to leave the house, lest they meet others who influence them to organize a burglary.

(a) *Gender discrimination*

68. Gender stereotyping, according to which domestic chores are assigned to the female members of the household, is often brought into the professional sphere. The women of the household perform domestic chores, are always available and work without remuneration or recognition. More importantly, this work is not perceived as genuine work. Consequently, those who are employed to perform domestic chores do not receive due 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.

69. Male migrant domestic workers normally work as cooks or gardeners. It is rare to find a man in servitude because men are generally not treated in the same way as women. Men have no restrictions placed on their freedom of movement and are not forced to be live-in employees, factors that play a crucial role in causing and perpetuating servitude.

70. The Special Rapporteur also received information that there is a perception that a foreign woman cannot live alone in Lebanon and requires a man to protect her.

(b) *Discrimination based on nationality, race or skin colour*

71. The Special Rapporteur received reports about the salary discrimination that migrant domestic workers experience because of their ethnicity. Filipino migrant domestic workers command a higher salary (\$400 per month) than those of other nationalities, such as Nepalese (\$150 per month), because they are considered more professional and more educated. It therefore follows that, the lighter the domestic worker's skin colour, the higher the employer's prestige: Filipino migrant domestic workers are of a lighter skin colour and are more expensive than Nepalese migrant domestic workers, who are of a darker skin colour.

D. Manifestations of domestic servitude

72. Migrant domestic workers can find themselves in domestic servitude as a result of debt bondage and trafficking.

1. Debt bondage

73. As described above, in some instances, a migrant domestic worker will pay a recruitment agency to organize her recruitment, visa and travel arrangements. She or her family has to take out considerable loans to pay the agency, meaning that she is under pressure to pay off the loan and is vulnerable to exploitation.

74. Alternatively, the agency will finance the worker's expenses and then expect her to work off her debt by deducting money from her salary every month, sometimes with interest. The wages paid are normally so low that the worker will find herself in a situation of debt bondage. With irregular payment of salaries or salaries being as low as \$125 per month, migrant domestic workers remain bonded to their employers until their debt is paid, which can take a long time. In addition, some

workers are not paid for the first three months of their employment because the recruitment agency or employer needs to recoup the cost of her journey to Lebanon.

2. Trafficking in women

75. The Special Rapporteur met migrant domestic workers who were aware of the nature of the work that they were to perform and their salaries, but ended up in forced labour. Others, however, believed that they were going to Lebanon to be employed as teachers or nurses or that they were going to another country, only to end up in Lebanon. She also heard that, upon arrival in Lebanon, migrant domestic workers were offered a lower salary than had been agreed beforehand.

76. Recruitment agencies perpetuate trafficking when they deliberately deceive migrant domestic workers about working conditions or engage in illegal practices, such as debt bondage and trafficking, to exploit migrant domestic workers.

77. There are also cases of girls with false identity papers, most of whom are Ethiopian and Bangladeshi, who have been trafficked into domestic servitude.

78. The Special Rapporteur was not informed of the number of migrant domestic workers in Lebanon who were victims of trafficking.

V. Measures to combat domestic servitude

A. Policies

1. Standard contract for migrant domestic workers

79. The national steering committee to improve the protection of the human and legal rights of migrant domestic workers developed a standard contract, which was established by decree and entered into force on 1 April 2009.

80. The contract was introduced as an interim measure to ensure that the rights and duties of both employers and employees were clearly laid out, while discussions with regard to new legislation for migrant domestic workers took place. It also removed the existence of two contracts: the contract signed by the migrant domestic worker before arriving in Lebanon and the contract signed upon arrival.

81. The contract states that the employer is responsible for covering expenses relating to the migrant domestic worker's food, clothing, health insurance, return ticket and the issuance and renewal of her work permit. It also limits work to 60 inconsecutive hours per week, with a minimum of eight continuous hours' rest per night, and six days of annual leave per year. It guarantees that migrant domestic workers receive a monthly wage in cash or via bank transfer accompanied by a written receipt signed by both parties; paid sick leave; and privacy. It explicitly permits migrant domestic workers to communicate with their family and to call them once per month at the employer's expense.

82. Migrant domestic workers can terminate their contract if they receive no payment for three consecutive months; are sexually or physical abused (substantiated by a forensic doctor); or are requested to perform tasks other than those for which they were recruited, such as working in other homes, offices, in prostitution or in massage parlours.

83. General Security is responsible for enforcing the contract and all other laws relating to migrant domestic workers. Employers refusing to cooperate with General

Security are referred to the arbitration bureau within the Ministry of Labour. The Ministry has up to 15 days to find a civil solution to contract disputes.

Challenges

84. The provisions concerning breaks and leave state that they can be taken only by mutual consent. Consequently, the employer can deny a migrant domestic worker her right to rest. Furthermore, the contract does not stipulate whether the day off can be taken outside the home, meaning that the employer can force the worker to remain in the house. For migrant domestic workers, the home is their workplace and may not be a place where they can relax.

85. The contract states that migrant domestic workers are to receive a monthly wage, but makes no mention of a minimum wage. Moreover, a receipt is not proof of payment as the worker may be compelled to sign it.

86. In addition, employers are permitted to terminate the contract if a worker makes an intentional mistake, is wilfully neglectful, commits assault or makes threats. As there is no clear definition of these terms, employers can terminate the contract on a whim. Furthermore, the contract states that a migrant domestic worker can terminate her contract only if she must have forensic evidence to demonstrate that she suffered physical or sexual abuse. Obtaining such evidence is costly and can be done only within 24 hours of the abuse. In many cases, migrant domestic workers are unable to leave the house and find a forensic doctor within 24 hours. Once the contract is terminated, the worker can file a complaint in court, but it usually takes a lengthy period for a case to be settled and for the worker to receive compensation.

87. The contract also increased the period of employment from 26 months to 36, thereby prolonging the period during which a migrant domestic worker must work with the same employer without the possibility of renegotiation.

88. The contract is usually available in Arabic and not always in a language that the migrant domestic worker understands, meaning that workers sign their contracts unaware of what they actually entail.

89. The Special Rapporteur was informed that work permits are not issued if the contract is not signed and approved by a notary. She also received information, however, that some notaries do not support the single contract as they would prefer for there to be freedom to develop other types of contracts. In practice, various types of contracts continue to be signed and visas granted upon the production of a contract of any nature.

90. Enforcement remains weak. Labour inspectors are usually male and therefore not authorized to visit Lebanese homes to monitor a migrant domestic worker's employment conditions without a special permit. As interviews take place in the employer's house, it is unlikely that a worker will feel at liberty to disclose information about her working conditions. The Special Rapporteur received no information with regard to prosecutions conducted as a result of such monitoring. In addition, she heard concerns about the limited capacity available for the Ministry of Labour to manage the process of monitoring the implementation of the contract.

91. Lastly, the contract can be renegotiated, which means that the rights guaranteed therein can be completely eroded if the employer pressurizes the migrant domestic worker to amend the contract.

2. Draft legislation for migrant domestic workers

92. The national steering committee has developed draft legislation to safeguard the rights of migrant domestic workers. The draft law proposes, among other things, that migrant domestic workers have a day off and are not used for any other type of work, such as working in shops. It provides for regulation of agencies by requiring that they receive no payment from the worker's salary. There are specific provisions to prevent employers from withholding the worker's passport and to ensure that workers work a maximum of 10 hours per day and have nine hours of rest. It is unclear, however, whether this refers to nine consecutive hours. It also provides for female social workers to visit Lebanese homes to monitor the implementation of the contract.

Challenges

93. The Special Rapporteur noted some gaps with regard to the proposed draft law such as the continued existence of the *Kafala* system, which has not been replaced by another visa system in line with international accepted standards for migrant domestic workers.

94. Freedom of movement is not guaranteed. It is unclear whether a domestic worker can leave the house unconditionally or has to seek permission from the employer before doing so. In addition, although provision is made for a day off, it is unclear whether the day off can take place outside the house.

95. Although it requires that the migrant domestic worker has a private, safe space that has light and is comfortable, the bill makes no mention of the separate room that would ensure her right to privacy and rest.

96. No minimum wage is established. Monthly wages currently range from \$125 to \$400, as the minimum monthly wage of \$500 does not apply to migrant domestic workers.

97. Regarding the monitoring of migrant domestic workers' employment conditions by female social workers, migrant domestic workers are unlikely to express themselves freely during interviews carried out in the homes where they work because they would fear being heard by their employers and becoming victims of further abuses.

3. Awareness-raising

98. In the absence of legislation to protect the rights of migrant domestic workers and to supplement the contract, General Security has introduced policies and regulations to provide workers with safeguards. It has set up meetings with recruitment agencies to raise awareness of these policies and regulations.

99. General Security has produced leaflets translated into languages spoken by migrant domestic workers, which will be distributed at Beirut airport. In addition, posters with the telephone numbers of a Government hotline will be put up in the airport reception room. During her mission, the Special Rapporteur viewed that room, which allows migrant domestic workers to stay more comfortably at the airport while awaiting their employers.

4. Code of conduct for domestic workers

100. OHCHR, with ILO input, drafted a code of conduct for United Nations staff employing domestic workers in their households. The code was adopted in June 2011, one week after ILO adopted international standards to protect the rights of

domestic workers. The code applies to both Lebanese and migrant domestic workers. It requires all United Nations staff based in Lebanon to adhere to international human rights standards by treating domestic workers with dignity, respect and without any form of discrimination. The American University of Beirut has also developed a similar code of conduct.

B. Programmes

1. Government

101. The Government has worked with other organizations to safeguard the rights of migrant domestic workers. For example, it has worked with ILO to produce leaflets highlighting the rights of migrant domestic workers and with Caritas Lebanon in the areas described below.

(a) Detention centre

102. Caritas Lebanon has been involved in training law enforcement officials at the detention centre in how to handle detained migrant domestic workers. It pays for some meals and medical care if a detainee has to go to hospital. Its social workers work on site and provide recreational activities and a washing machine for the detainees.

103. The work of Caritas Lebanon notwithstanding, the detention centre is located underground and is airless, overcrowded and without natural light. It is a difficult environment for the detainees and the Government officials, who work an average of 12 hours per day underground. Water is provided once per day and has an unpleasant taste. Sanitary and refuse facilities require improvement.

104. There are reports of discrimination based on nationality within the detention centre, with Ethiopians and Filipinos being treated better than other nationalities. Migrant domestic workers are kept in segregated cells because of cultural differences, according to General Security. The Special Rapporteur found Filipinos in one cell, a mixture of South-East Asians in another and Africans in a third. She was informed about sexual relations between guards and detained migrant domestic workers, in addition to physical abuse.

105. The Special Rapporteur received information that General Security hopes to build a new detention centre.

(b) Airport

106. Caritas Lebanon has also been involved in training immigration officials in how to receive migrant domestic workers and inform them of their rights, in addition to detecting vulnerable people and falsified documents of minors. It has published leaflets in the local languages of the migrant domestic workers to be circulated by Government officials at the airport.

(c) Safe house

107. A safe house was opened in 2005. Caritas Lebanon signed a memorandum of understanding with General Security in which the parties agreed to work together in providing a safe house for victims of sexual and violent physical abuse. Migrant domestic workers who are raped and subsequently give birth also stay there with their children. The safe house is based near a police station in case of problems. Although Caritas Lebanon considers all migrant domestic workers that live in the safe house to

be victims of trafficking, the Special Rapporteur concluded, after investigations, that some were victims of other forms of slavery, such as debt bondage and forced labour.

108. The number of female migrant domestic workers in the safe house usually varies from 31 to 35, aged between 18 and 27 years. They often stay from two to seven months, with most opting to return to their home countries while Caritas Lebanon continues to follow their cases. Although employers on occasion offer financial incentives to drop the cases, many workers, especially those who have been sexually abused, refuse to accept the money.

109. According to information received, most migrant domestic workers are referred to the safe house by embassies and members of the migrant community (e.g. neighbours or community leaders). Few are referred there by General Security.

110. When migrant domestic workers seek help from Caritas Lebanon, they are interviewed by a social worker with the help of an interpreter. The social worker then meets a lawyer. If physical or sexual abuse has occurred, the social worker will call a forensic doctor. Caritas Lebanon lawyers are present during the investigation. All those staying at the safe house have had their cases presented to General Security.

111. In situations in which a migrant domestic worker does not wish to return home with her baby who was conceived through rape, preferring to abandon the baby in Lebanon, Caritas Lebanon works with non-governmental organizations in the worker's country of origin, which collect the worker from the airport and ensure that she and her baby receive the necessary health care.

2. Programmes implemented by civil society organizations

112. The Special Rapporteur found that civil society organizations had stepped in where the Government had been unable to protect migrant domestic workers. Below are examples of ways in which civil society organizations have been instrumental in ensuring that migrant domestic workers' rights are protected.

(a) Legal assistance

113. KAFA (enough) Violence & Exploitation, the Caritas Lebanon migration centre, Pastoral Care of Afro-Asian Migrants and the Anti-Racism Movement all provide legal support to migrant domestic workers and help them to obtain forensic evidence.

(b) Shelter

114. Caritas Lebanon has two shelters in Beirut. The migrant domestic workers who stay there (often victims of unpaid wages, ill-treatment, miscommunication and physical or sexual abuse) can, in some cases, remain for up to two years pending the regularization of their papers, a change of employer, a court case or money to return to their country of origin.

115. In the larger shelter, Caritas Lebanon provides humanitarian support (clothes, food), psychological support (group and individual), medical care (for adults, children and babies), education (such as language, computer, tailoring and sewing classes), legal support, recreation (gym) and spiritual services. When the Special Rapporteur visited, there were 73 women, 24 children (aged between 2 and 17 years) and six babies in the shelter. Most there were Filipino, Bangladeshi, Ethiopian and Malagasy, although workers from Burkina Faso, Kenya, Nepal and Sri Lanka were also present. When migrant domestic workers return to their countries of origin, Caritas Internationalis arranges, through its partners, to remain in contact. KAFA

(enough) Violence & Exploitation and Pastoral Care of Afro-Asian Migrants also operate shelters for migrant domestic workers.

(c) *Communication*

116. To assist communications between migrant domestic workers and their employers, KAFA (enough) Violence & Exploitation, Pastoral Care of Afro-Asian Migrants, the Anti-Racism Movement and Caritas Lebanon all provide basic French and Arabic interpretation.

117. Pastoral Care of Afro-Asian Migrants and Caritas Lebanon also provide migrant domestic workers with basic Arabic classes to help them to communicate in Lebanon.

(d) *Hotline*

118. In 2005, Caritas Lebanon established a toll-free, 24-hour hotline that offers services in the various languages spoken by migrant domestic workers. The Special Rapporteur spoke to victims who had used the hotline to seek assistance. Once a call is received, Caritas Lebanon informs the police and accompanies officers to the house where the migrant domestic worker is employed. Owing to the length of time required to obtain legal permission to go to a migrant domestic worker's place of residence, it can take up to two days before the worker receives assistance.

(e) *Awareness-raising*

119. Where possible, Caritas Lebanon has worked with sending countries to give pre-departure training to migrant domestic workers with regard to their rights, where to go if they need help and Lebanese culture.

3. Programmes implemented by embassies

120. The Special Rapporteur was informed of programmes provided by sending countries, such as Sri Lanka, focusing on essential skills training for migrant domestic workers, information about Lebanese culture and basic language skills. The Embassy of Sri Lanka provides the children of Sri Lankan migrant domestic workers with citizenship and has a Sunday school to teach them Sri Lankan language and culture. It also has a temple for religious ceremonies.

121. If migrant domestic workers contact an embassy to report abuse, the embassy contacts the recruitment agency, the employer or Caritas Lebanon to address the alleged violations. On occasion, an embassy will employ a Lebanese lawyer to present the worker's case and will provide interpretation.

Challenges

122. The Special Rapporteur was informed that, on occasion, embassy staff have been found to be profiting from the hiring of migrant domestic workers to work in servitude. There are also reports of embassies keeping migrant domestic workers in domestic servitude. In other cases, they have been slow to assist workers to obtain new documents to return to their home countries. Some have also been known not to register the children of workers born as a result of abuse or consensual relationships.

VI. Distinctive challenges

A. Recruitment agencies

123. There are more than 400 recruitment agencies in Lebanon and their regulation is weak. The Special Rapporteur was informed that General Security will close recruitment agencies for one year if they are found to be physically assaulting migrant domestic workers. It is unclear, however, whether such closure is provided for in law and how many agencies have been blacklisted.

B. Children of migrant domestic workers

124. An administrative decision by General Security forbids migrant domestic workers from having children and/or marrying.

125. Migrant domestic workers have children as a result of rape or consensual relationships. Most migrant domestic workers who marry and have children in Lebanon are Filipino and Sri Lankan. In many cases, children of migrant domestic workers will live with either parent or neither parent. Those who do not live with either parent end up living in the streets or in orphanages. Male migrants come from Egypt, India, the Sudan and the Syrian Arab Republic, and females from Nepal, the Philippines and Sri Lanka. The children are therefore a mix of two of these nationalities and cultures.

126. Pregnant live-in migrant domestic workers will lose their jobs, although pregnant freelancers are able to keep them. Irregular migrant domestic workers cannot give birth in local hospitals and often have to request their regularized colleagues to loan them their papers. Consequently, the name of the mother that appears on a child's birth certificate may not be that of the biological mother. The Special Rapporteur was informed of a case in which an irregular migrant domestic worker had given birth to three children. Two had been registered under the name of one regular worker and one under the name of another. The biological mother was later able to obtain her travel documents and wished to return to her country of origin, but problems arose when one "mother" refused to let her "child" leave. After a DNA test, the biological mother was able to claim her child and travel to her country of origin.

127. Each child born in Lebanon normally receives a birth certificate as proof of birth, which is kept by the local or community elder. Without the certificate, the child remains stateless. Children of migrant domestic workers have no automatic right to Lebanese citizenship. Children of irregular migrants lack the necessary documents to enrol in public schools as birth certificates are sometimes not issued. They can, however, attend private schools, which usually are more expensive and which few migrants are able to afford. Even in such cases, however, a child can be educated only up to the age of 15 years. Consequently, many children end up living and/or working on the streets. The Special Rapporteur was informed that the Insan Association assists migrant families to educate their children in private schools. It also works to regularize the children, although the process is difficult if they are more than 1 year old.

128. On two occasions, the Special Rapporteur met babies. In one case, the baby had been rejected by her mother, who had been raped by her Lebanese employer, and in the other, the baby's mother, a migrant domestic worker, had died and her father, a migrant, could not take care of her. If a Lebanese man recognizes a baby as his own, the baby can obtain identification documents.

129. Once deported or returned to their home country, it is often not easy for migrant domestic workers and their children to be accepted by the community, in particular as the children may be discriminated against because they appear different, do not speak the local language and are born out of wedlock. The Special Rapporteur was informed that 70 per cent of migrant domestic workers returning to their countries did not want to take their children with them, preferring to leave them in Lebanon. Some children end up cleaning the streets and have no papers. Others end up with Caritas Lebanon, which refers them to non-governmental organizations that work with children.

C. Access to justice

130. The Special Rapporteur was informed that the Internal Security Forces had insufficient knowledge and understanding of how to deal with cases of migrant domestic workers. Many deaths of migrant domestic workers are classed as suicide by the Internal Security Forces, without carrying out a proper investigation into the cause of death or the contributing factors.

131. Most domestic servitude cases reported do not make it to court. The Special Rapporteur received no official data with regard to the number of employers prosecuted for domestic servitude. Consequently, she concluded that, in most, if not all, cases of domestic servitude reported, the employer was not prosecuted. The Special Rapporteur received reports that investigations of domestic servitude are sometimes carried out and the matter settled out of court. The settlement is negotiated either by the embassy, Caritas Lebanon or General Security. The negotiation includes the return of the migrant domestic worker's travel documents and personal items. In some cases, the employer is obliged to pay for the worker's return ticket and in others General Security, Caritas or the worker's embassy will do so.

132. The slow judicial process means that some stakeholders prefer not to go to court as it could take from two to three years for the courts to settle the case, during which time the migrant domestic worker would be detained.

133. In addition, employers prosecuted for domestic servitude will usually file a counter-claim accusing the migrant domestic worker of theft. The worker, who may have suffered abuse, cannot leave the country until the case has been heard and will be held in the detention centre. Consequently, the worker, already a victim of servitude, is made a criminal and imprisoned.

VII. Conclusions and recommendations

134. The Special Rapporteur notes that General Security has been working decisively to put in place policies and programmes to help to safeguard the rights of migrant domestic workers. These efforts notwithstanding, there is a serious lack of political will to effectively address domestic servitude through legislation and effective implementation.

135. There is a need for an overarching framework to bring together all policies, laws, procedures and programmes for domestic workers. There is a general lack of coordination to tackle domestic servitude within Lebanese stakeholders. Accordingly, non-governmental organizations, United Nations agencies, Government institutions (the Ministry of Labour, the Ministry of the Interior and the Ministry of Justice) are less effective and duplicate efforts to further their own work rather than furthering the protection of migrant domestic workers.

The Special Rapporteur recommends that the national steering committee be formalized as a Government institution to coordinate all activities related to migrant domestic workers.

A. Legislation

136. The Special Rapporteur recommends that Lebanon adopt a law that deals with the specificities of migrant domestic workers. She believes that developing specific legislation, enforcing it and monitoring its implementation is one way of safeguarding the rights of migrant domestic workers. The law should take into consideration current international human rights standards. In this regard, Lebanon should sign and ratify the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention concerning Freedom of Association and Protection of the Right to Organise (Convention No. 87) and the Convention concerning Decent Work for Domestic Workers (Convention No. 189).

137. Among other things, the law should:

(a) Criminalize domestic servitude and provide clear provisions for the punishment of perpetrators and compensation of victims who have suffered physical and psychological abuses;

(b) Abolish the *Kafala* system and provide work permits that are not linked to employers;

(c) Develop a salary threshold not lower than the minimum national salary, which is paid into a bank account, and guarantee a migrant domestic worker's freedom of movement and right to keep her identification documents. It should also include a maximum of 10 working hours per day, nine continuous hours of rest and a non-negotiable weekly day off outside the workplace;

(d) Recognize migrant domestic workers' right to freely choose where they reside and abolish any live-in requirements. If a migrant domestic worker chooses to live at her place of work, the law should require that separate private accommodation that includes proper heating and ventilation is provided;

(e) Require that migrant domestic workers see a female social worker outside their place of employment once per month. An interpreter should be available. Wherever possible, the social worker should help to resolve misunderstandings between employers and employees;

(f) Provide the relevant authorities with the necessary legal powers, expertise and resources to carry out on-site inspections, based on a judicial order, in cases of credible allegations of serious violations of labour standards;

(g) Explicitly state the way in which both employers and migrant domestic workers can terminate a contract of employment. Such a provision should not place the onus on a forensic report that in many cases cannot be provided owing to the cost and the time that it takes migrant domestic workers to report their cases;

(h) Clearly stipulate the rights and obligations of employers and employees, in addition to the sanctions for violations of those rights and obligations;

(i) Establish a labour tribunal that resolves cases swiftly, in particular because most disputes (some 80 per cent) are about unpaid wages;

(j) Include well-defined and transparent criteria for selection of employers, which includes financial means-testing to ensure that they are financially capable of employing migrant domestic workers;

(k) Provide for a transparent blacklisting process that results in a public list that blocks listed employers and recruitment agencies for at least five years. Blacklists should also be carefully monitored to ensure that blacklisted employers do not use their relatives to circumvent the blacklist and hire migrant domestic workers;

(l) Provide for facilities for the rehabilitation of victims of domestic servitude, including physical and psychological health care. The \$1,000 deposited in the Housing Bank and interest accruing thereon can be used for this purpose;

(m) Permit migrant domestic workers who substantiate allegations of serious abuse or exploitation by employers to remain temporarily in Lebanon. Wherever possible, migrant domestic workers should be allowed to work while awaiting a court decision, especially in situations in which the cases take several years;

(n) Guarantee migrant domestic workers' right to social security;

(o) Ensure that recruitment agencies provide swift compensation to migrant domestic workers and employers in cases in which the relationship between the worker and employer has deteriorated. In addition, it should ensure that the agency provides alternative employers or workers;

(p) Ensure that the children of migrant domestic workers enjoy access to basic rights such as identity, health care and education;

(q) Include provisions to protect people defending migrant domestic workers.

B. Programmes

138. The Lebanese Bar Association should consider providing free legal services to assist migrant domestic workers.

139. The detention centre should be relocated immediately. The Government staff in the centre should also include women as currently all are men.

140. The Government should set up a functioning, 24-hour, free hotline to provide assistance in multiple languages.

141. The airport reception room should be stocked with leaflets to be given to migrant domestic workers to explain their rights. Briefings should also be provided, as should basic services such as food and water at no cost.

C. Awareness-raising and orientation

142. National awareness-raising campaigns through the use of television and other media should be established to encourage behavioural change with regard to the importance of domestic work and the rights of migrant domestic workers, and to give such workers a sense of value and dignity.

143. General Security, the Internal Security Forces, the Ministry of Labour, judges, lawyers, social workers, non-governmental organizations and agencies should be trained in the new laws or policies affecting migrant domestic workers, such as trafficking and forced labour.

144. All migrant domestic workers and their employers should receive mandatory orientation to help to understand one another's culture, work expectations and language, which would help to facilitate communication and reduce misunderstandings that over time lead to conflict.

D. Debt bondage

145. Lebanon should criminalize debt bondage, duly prosecute and punish perpetrators and curtail practices that reinforce dependency, including by prohibiting employment agencies from charging fees to domestic workers (rather than employers), prohibiting payment in kind and prohibiting advance or deferred payment schemes designed to create dependence.

E. Sending countries

146. The Special Rapporteur is of the opinion that banning migrant domestic workers from travelling to work in Lebanon further increases their vulnerability to domestic servitude. In cases in which bans exist, however, the Government of Lebanon should work with sending Governments to unify contracts and prevent labour rights violations and domestic servitude.

147. Sending countries should:

(a) Provide temporary travel documents, consider bilateral agreements and special training in countries of origin and ensure the dignified return of migrant domestic workers and their children. There should be more cooperation in court cases. Sending countries should negotiate bilateral agreements to accredit and regulate recruitment agencies. They should be binding, based on international standards; guarantee non-discrimination compared to local workers; and provide for effective mechanisms to ensure compliance and support to migrant domestic workers, especially those who are victims of domestic servitude;

(b) Create awareness of and provide training in the kind of work that is expected of migrant domestic workers. Such workers should also be provided with information about their rights and how to seek justice in their country of destination. Sending countries must also support migrant domestic workers who return having suffered abuse;

(c) Nominate a focal point within an embassy who is able to deal with the concerns of migrant domestic workers.
