

## **Migrant Domestic Workers: General Considerations and Situations in Selected Countries**

The issue of domestic workers touches sensitive political issues. Women have the will and the right to access the labour market – but who will do the housework, cooking and cleaning and care for families, children and the elderly? And what is the value of this activity? Apparently it is not that high if we look at the treatment of domestic workers, who have in many cases taken over some of the traditional roles of women and mothers.

It can be argued that care of the family is the most important job of all and a natural duty of every human being. But problems arise when we ask non members of the family to do it.

We're prepared to pay a lot of money for many things in our commercialized world – but we don't want to pay much for domestic work. Is it because we want to keep an idealistic picture of the family? Or is it because recognizing care for the family as work would have wider implications? Do governments and trades unions neglect this issue because it could re-open old debates, for example about minimum wages?

Acknowledging that domestic tasks are work has ideological, economic and social implications. If a person who is not the mother can care for a child or family member, it follows that a man could do it – and the idealized view of the role of a mother would be weakened. There is an economic dimension as well: if others are willing to assume the role of a mother or a father (while they are away working or for some other reason) what should they be paid? What incentives are there for such work? What kind of social security are we willing to offer to those who do the job for us? These issues open the door to new discussions about roles and role models.

### **Definition of domestic workers**

A "foreign domestic worker" comes from a country other than the country of residence. A "migrant domestic worker" can be either a foreigner or a national from a different area of the country. The first definition excludes domestic workers who migrate within a country, so for this paper, we shall use the designation migrant domestic worker in order to include migrants in their own countries.

In India, for example, there are foreign domestic workers and also migrant domestic workers who have moved from poor regions to towns or who belong to a low caste. In Paraguay, there are many migrant domestic women workers who have moved from rural areas to the capital; there are also many Paraguayan domestic workers who have migrated abroad, particularly to Spain.

The International Labour Organization (ILO) defines "domestic worker", "household worker" and "domestic help" as "... a person employed part-time or full-time in a

household or private residence in any of the following duties: cook, servant, waiter or waitress, butler, nurse, child minder, carer for elderly or disabled persons, personal servant, barman or barmaid, chauffeur, porter, gardener, washerman or washerwoman, guard (ILO *International Standard Classification of Occupations*. Group 9131, ISCO-88. Geneva).

According to the ILO definition, the work of domestic staff includes sweeping or vacuuming, cleaning or washing, ironing and mending bed and table linen and other household linen for personal use, washing dishes, preparing, cooking and serving meals and drinks, buying food and articles for domestic use, performing related tasks and supervising other workers.

Caritas Internationalis would also include in the definition cleaners working for small cleaning companies or private elderly people's homes, because such workers are often subject to the same forms of exploitation and informal employment while carrying out the same or similar duties.

It has to be noted that in some countries there is a distinction between care workers and domestic workers. In Germany, for example, domestic workers are not allowed to engage in any caring activities.

### **The freedom of some should not be based on the exploitation of others!**

We have to acknowledge that we need domestic workers. They answer a demand in our society. Women fought for access to paid work and the independence that goes with it. But this comes at a price: to be free to work, women have to organize the care of family members such as children and the elderly. The new buzzword seems to be "work-life balance": parents – at first it was only mothers – should be able to work and also enjoy life with their children, supported by childcare facilities as necessary. But the current availability and affordability of welfare and child-care systems are not yet such that we can enjoy this balance. So it is probably easier to hire a migrant domestic worker, who often has no choice but to work under almost any conditions.

It might seem simplistic, but it could be argued from this that the freedom of women in some developed countries is based on the exploitation of others, a phenomenon that we normally attribute to less developed parts of the world.

### **The phenomenon is not new**

The phenomenon of domestic work is not new. "Domestic work has existed for centuries in Asia, when girls were sold by poor families to rich ones, put to work as 'slaves', 'maids' or 'servants' or described as a quasi member of the family so as to deny their rights. Today, such feudal and patriarchal values continue to shape the way the work is valued, i.e. it is 'work of no value' done by women of low caste, ethnic group or race."<sup>1</sup> This classification of the work remains unchanged today. Similar situations can be found in Europe, the Middle East and Latin America where the richer class can afford to have a servant, perhaps as a symbol of their wealth.

The issue re-emerged in 2007, among other developments, with the publication of the United Nations Population Fund (UNFP) report *A Passage to Hope* and through the work of Ms Moreno-Fontes Chammartin of ILO. Today, the numbers are changing, as many people can afford a domestic worker at least in the current conditions; the quality of

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<sup>1</sup> <http://en.domesticworkerrights.org/?q=node/3>

migration is changing, too, as we consider transnational migration in this context.

For Caritas, it was the evidence given to us by our member organizations and partner organizations that encouraged us to engage in the issue. One of the outcomes is this Day of General Discussion.

### **Domestic work and migration**

We know them all. Maria washes our clothes. Aneesa cooks for the family. Consuelo sweeps our floor. Olga takes care of our parents.

Maria works seven days a week. Aneesa is punished with a burning iron if the food is not good. Consuelo is harassed by a member of the family she works for. Olga has to be on call 24 hours a day.

They are human beings just like us, with good and bad sides. Many of them do a very good job and manage to support their families back home. But they are exploited; their rights are not protected, in spite of the existing human rights instruments; their children are without proper care. They suffer discrimination as migrants, as women and as workers.

We know that half of the migrant population are women. Most of them migrate independently. We know, too, that most migrant domestic workers are women. Employment in private households accounts for about a third of female employment in Asia; and 1.5 million Asian women work as migrant domestic workers in other countries. In Hong Kong, a third of families employ a domestic worker; one in ten employ a migrant domestic worker and two in ten employ a local domestic worker.<sup>2</sup> In Jordan there are about 16,000 Filipino workers, 90 percent of whom are women.<sup>3</sup>

“In Latin America, women from poorer countries (Bolivia, Paraguay and Peru) often go to work in the homes of families living in better-off neighbouring countries (such as Argentina and Chile). Domestic workers represent up to 60 per cent of *all* internal and international migrants from Latin America, with many bound for Europe and North America. In Spain, 70 per cent of working migrant women – mostly from South America – arrive to fill domestic and caretaking positions.”<sup>4</sup> In Italy, where in the 1980s domestic workers were mainly from Ethiopia and the Philippines, the fourth largest community involved in domestic work is Ukrainians, 80 percent of whom work as domestic servants.

Transnational migration of female domestic workers is often preceded by migration from rural to urban areas, which may, as my colleagues in Senegal point out, be induced by poverty related to climate change. In many countries, these women are mainly irregular migrants; some of them are trafficked having been lured by apparent possibilities of work situations and lose their freedom and rights. Our colleagues in Lebanon and Sri Lanka have done great work connecting the issues of domestic work and trafficking; they work together to improve the situation at both ends of the chain.

Generally speaking, female migrant domestic workers are the most vulnerable in the chain of state, agency, employer and employee. The domestic work sector is often not regulated or controlled. It is often risky to denounce exploitation, because in many

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2 <http://en.domesticworkerrights.org/?q=node/3>

3 <http://www.goethe.de/ins/jo/amm/prj/ema/far/iwj/enindex.htm>

4 [http://www.unfpa.org/swp/2006/english/chapter\\_3/toil\\_and\\_tears.html](http://www.unfpa.org/swp/2006/english/chapter_3/toil_and_tears.html)

countries irregular employees are expelled as soon as their status is known to the authorities. Many countries do not have legal channels for unskilled or semi-skilled workers, in spite of the apparent need for them.

This need is highlighted by recent events in Italy. After passing a so-called "security package" of laws stipulating that irregular entry into the country is a crime, regularization measures were rapidly introduced for foreign domestic workers to prevent a situation where hundreds of thousands of families would suddenly be deprived of their assistance<sup>5</sup>.

The Italian example also shows that where there is a need, there is a way to find solutions.

It has been reported recently that migrants, and among them domestic workers, have been hit hard by the global financial crisis. Caritas Española launched an appeal in December 2008 to mitigate its effects: among the target group were migrant women married to men, who were unemployed. Because they work in this unregulated sector, there is no safety net for them. An article in the German newspaper *Frankfurter Allgemeine Sonntagszeitung* says that the losers in the crisis are undocumented migrants – those who do the cleaning, care for children or help at home. They often have no work and no future.<sup>6</sup>

The 3<sup>rd</sup> Global Forum on Migration and Development will soon take place in Athens. The issue of migrant domestic workers is relevant here. Researchers point out that in the current crisis, remittances sent home by migrants are likely to diminish and families at home and children's education will be put at risk. If we do not regulate migrant domestic workers and leave them without a safety net, the burden on them will double. Having no work to maintain the family and possibly returning with empty hands and putting the survival of the family at risk – is this development?

### **Situation in selected countries**

In its document *The Invisible Suffering of Migrant Domestic Workers*, Caritas presents information on the situation of migrant domestic workers confirming that many are subject to serious violations of their rights, in extreme cases resulting in death.

In the following pages you will find examples from different regions – some in detail, others just a snapshot – as they were presented to us.

### **Effective protection of migrant domestic worker's rights – from a European perspective**

The protection of migrant domestic workers is a cross-cutting issue that involves social and migration policies at the international, European and national levels. Despite the fact that the numbers of migrant domestic workers are increasing in response to need, in most countries domestic workers are not organized in trades unions that protect their rights. Domestic work is often not considered "real" work, with the consequence that legal regulations such as labour laws do not apply to domestic workers, or apply only partially, even if they are legal residents. This is also true of some European countries.<sup>7</sup> It reveals a need to regulate the working conditions of those involved. To

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5 According to recent figures, 294,000 applications for regularization of third-country undocumented care workers and domestics have been lodged.

6 27 September 2009, no. 39.

7 Caritas Internationalis. 2009. *Needed and Exploited – the Invisible Suffering of Migrant Domestic Workers*. Rome.

achieve this, a first requirement would be recognition of this category of work as an occupation at the European Community level.<sup>8</sup>

### **Approaches taken by European countries**

Despite the lack of regulation in this sector, the evidence is that awareness of the topic is increasing. Measures in member states vary, but are generally intended to reduce the numbers of domestic workers in the informal labour market. This is attempted through more rigorous controls and laws penalizing illegal labour and measures to finance social security or allow for fiscal contributions through service employment vouchers.<sup>9</sup>

An example is Sweden, where employers receive tax deductions for domestic services to encourage formal employment and better working conditions.<sup>10</sup>

In France, a “service employment cheque” was introduced in 1993. The cheque, a form of payment for services carried out in private homes, ensures a minimum legal wage and protection by social and labour laws. Employers benefit from fewer administrative duties such as employment contracts, regular declarations, payslips and the calculation of contributions and deductions to be made; employers are also entitled to a tax rebate and social security contributions. Households are eligible for the same tax benefits if they employ workers from recognized providers of services, which may be non-profit organizations. Similar initiatives were set up in Belgium, where non-profit associations were involved, and in Germany.<sup>11</sup>

There is another example of the involvement of non-governmental organizations (NGOs) in the recruiting process in Spain, where local Caritas and parish churches organize training programmes for migrant domestic workers. Employers then approach them to find household personnel according to their needs. In exchange for trained and reliable personnel, employers have to offer a fair salary and formal employment.

In Austria there has been a long political debate regarding penalization, especially of irregular domestic care workers in 2007. Caritas Austria is currently running a project that addresses several aspects of domestic care work: Caritas selects workers with qualifications matching the needs of elderly people, and support is given to migrant care workers in terms of information, the legalization of their work in Austria and continuous quality monitoring of the work done.<sup>12</sup> The state provides funding for employers in line with the income of the employer, the need for care and the type of contract signed.

Such initiatives are surely paths towards the full recognition of migrant domestic workers and their protection in terms of labour and social rights. Tax breaks and other financial incentives provided by the governments of member states will be essential to encourage legal employment, as will amnesties for employers and employees in the informal labour market.

The issue of migrant domestic workers’ residence rights must also be considered,

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8 Report of the European Parliament A5-0301/2000, 17 September 2000. *Report on Regulating Domestic help in the Informal Sector*, p. 15. Brussels, Committee on Women’s Rights and Equal Opportunities.

9 Ibid., p. 16.

10 Caritas Internationalis. 2009. *Needed and Exploited – the Invisible Suffering of Migrant Domestic Workers*. Rome.

11 Report of the European Parliament A5-0301/2000, 17 September 2000. *Report on Regulating Domestic help in the Informal Sector*, p. 15. Brussels, Committee on Women’s Rights and Equal Opportunities.

12 <http://www.rundumbetreut.at>

especially because many policies on domestic work such as service voucher systems apply only to legally resident workers.<sup>13</sup> Temporary employment-based visas for migrant domestic workers should not be specific to employers and should be administered centrally by national labour authorities; quota policies often underestimate needs for domestic workers. Tying workers' immigration status to their employers often contributes to exploitation and forced labour, because it gives employers the power to prevent workers from changing employment.<sup>14</sup> Access to long-term residence rights is also a crucial issue: according to the European Convention on Human Rights (ECHR) Art. 8, the right to private and family life must be respected when people live and work in member states for a certain period.

The best way to monitor and improve the situation of migrant domestic workers is for NGOs to be involved in recruitment processes and subsequent working relations to ensure the quality of work and guarantee the rights of workers. The NGOs could carry out monitoring tasks or act as intermediaries by contracting migrant domestic workers under adequate conditions.

Such involvement would also have positive side-effects such as facilitation of the integration of migrant workers into the host country by providing a contact point for counselling, training and information. Isolation could be avoided by putting workers counselled by the same organization in contact with one another. Vulnerable groups such as female domestic workers, children and victims of trafficking could be reached more easily by social services.

All this would result in a reduction of the risk of potential abuse by private employment agencies in home and host countries, or by employers themselves.

Another mechanism for the protection of the rights of migrant domestic workers would be the appointment of an ombudsman who could handle protection problems outside public courts and mediate between employers and employees.

To implement worker's rights fully, member states and the European Union (EU) will have to be prepared to meet the real costs of the work carried out by migrant domestic workers and allow for legal, regulated payment for such employees.

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13 European Trade Union Confederation. 2005. *Out of the Shadows – Organizing and Protecting Domestic Workers in Europe: The Role of Trade Unions*, p. 30. Brussels.

14 Human Rights Watch/Anti Slavery International. 2009. *Decent Work for Domestic Workers: Recommendations to ILO Members regarding the Law and Practice Report and Questionnaire*, p. 3; see also footnote 14.

## **Protecting migrant domestic workers' rights in Lebanon**

Labour migration has become an integral part of the world economy: there is permanent demand for cheap, low-skilled migrant labour, which reacts flexibly to any demand and any conditions of employers.

In Lebanon, the demand for migrant women for low-skilled or unskilled jobs shunned by local workers has gradually increased since the 1980s. Foreign employees on temporary contracts are the preferred category, because there are no expectations of permanent settlement or citizenship rights. Migrant workers are willing to work in Lebanon and other Middle Eastern countries, which seem to have circumvented the current global economic crisis.

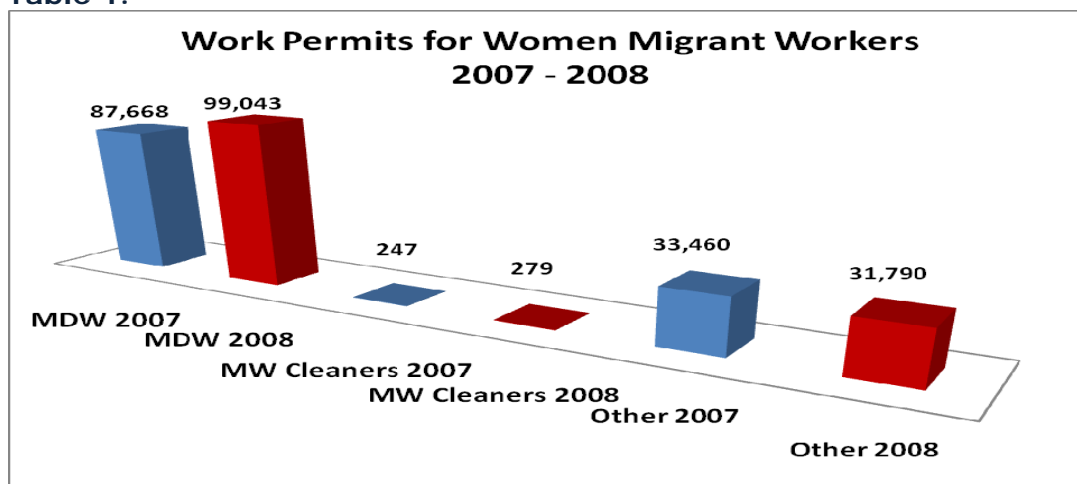
The majority of migrant workers in Lebanon are women domestic helpers from Asia and Africa. They are everywhere, in nearly every household, factory or business. Women migrant domestic workers are usually young and poor; they live in fear of losing their jobs, having had to leave their families in their countries of origin. They often do not speak the language of the country of employment or a language shared with their employers, and are unaware that they have rights that are being infringed.

Working for low wages in oppressive conditions, migrant workers put up with their situation in order to send their remittances home and improve their financial situation and that of their families, with a view to returning home themselves eventually.

According to 2007 Lebanese Ministry of Labour statistics, 121,375 work permits were issued: of these, 42,218 were for newcomers and 79,157 were renewals. Housemaids accounted for 87,668, of whom 37,104 were starting new contracts and 50,564 renewing contracts; 247 were for women cleaners, of whom 31 were starting a new contract and 216 renewing a previous one. Officially, women accounted for 72.5 percent of the migrant population. Breakdown by nationality (but not by gender) was as follows: 2,468 Nepalese, of whom 1,374 were newcomers and 1,094 renewing contracts; 7,063 Bangladeshis (2,908 and 4,155); 21,294 Sri Lankans (3,903 and 17,391); and 22,997 Filipinos (1,924 and 21,073). The statistics did not include women migrant workers whose status was irregular. It is estimated that the number of irregular migrants was equal to if not greater than the official figure.

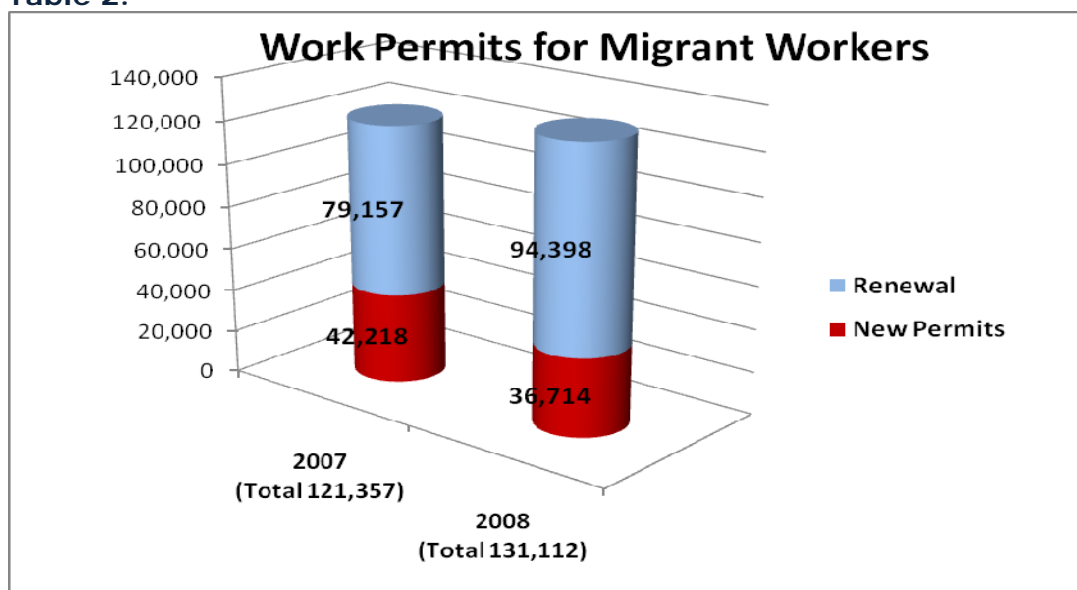
The 2008 statistics show that 131,112 work permits were issued, of which 36,714 were for newcomers and 94,398 were renewals. Housemaids accounted for 99,043, of whom 32,649 were starting new contracts and 66,394 renewing contracts; 279 were for women cleaners, of whom 45 were starting new contracts and 234 renewing a previous one. Officially, women accounted for 75.8 percent of the migrant population. Breakdown by nationality (but not by gender) was as follows: 5,399 Indians, of whom 597 were newcomers and 4,802 renewing contracts; 6,738 Nepalese (4,756 and 1,982); 11,032 Bangladeshis (4,993 and 6,039); 16,644 Sri Lankans (2,520 and 14,124); 21,685 Filipinos (5,915 and 15,770); and 42,947 Ethiopians (13,225 and 29,722). These statistics did not include women migrant workers whose status was irregular. It is estimated that the number of irregular migrants was equal to if not greater than the official figure.

**Table 1.**



Source: Lebanese Ministry of Labour.

**Table 2.**



Source: Lebanese Ministry of Labour.

When the figures for 2007 and 2008 are compared, one should consider the reasons behind the demographic change in migration patterns, particularly migration policies such as the ban on travel to Lebanon imposed by the governments of the Philippines and Ethiopia, in spite of which 30 percent of Filipino and Ethiopian migrants were recruited and arrived in these years. In the light of this, the Caritas Lebanon Migrants' Centre (CLMC) could re-consider its strategies in addressing migration issues.

**Problems encountered by migrant domestic workers**

Migrant workers in Lebanon, especially the unskilled and low-skilled, tend to fall to the bottom of the labour market; they tend to be disadvantaged in terms of social capital, access to legal and labour market information, language barriers and ability to defend their interests.



The nature of their work often makes women domestic workers vulnerable to serious abuse and exploitation, especially if they are migrants:

- They are forced to live in their employers' houses and so have limited freedom of movement and access to the outside world.
- They are not recognized or protected by legal and regulatory systems.
- The outdated laws relating to foreigners in Lebanon go back to the 1960s.
- Lebanon did not sign the convention for the protection of migrant workers and their families.
- They are unable to enforce contracts.
- They are tied to their employers by the sponsorship system that governs the allocation of work and the issue of residence permits, and are thus at the mercy of their employers.
- They are highly dependent on the attitude of public authorities.
- Many do not have a diplomatic mission from their country in Lebanon.

The major problems that arise are:

- limitation or prohibition of contacts with outsiders, including families and members of their ethnic and religious communities;
- confiscation of passports or identification documents;
- exploitation by employers, including deprivation or restriction of food and communication with others;
- long working hours with little or no rest and, at times, compulsory work in more than one place;
- physical mistreatment including beating, burning and attempted murder;
- sexual harassment and abuse, including forced prostitution;
- forced residence with employers, even when there is abuse, until travel costs have been recovered;
- threats to inform the authorities of irregular employment status, which could result in imprisonment;
- delayed payment, under-payment or non-payment of salaries; and
- switching of contracts.

These issues, identified by CLMC staff over the years through daily work with thousands of migrant workers, were corroborated by the findings of qualitative and quantitative studies in August and October 2008 that aimed to understand the perception of Lebanese people of migrants' rights and their behaviour towards them. These studies commissioned by CLMC were led by a marketing research company, Ipsos. The qualitative section was covered through a grant from the Canada Fund for Local Initiatives, while the quantitative section was funded through EU/AENEAS. Results were not published but used by CLMC to develop its awareness campaigns and for strategic planning.

## **Protection and Interventions**

### **Response of Caritas Lebanon Migrant Centre**

CLMC's response is two-fold: i) it provides direct services adapted to needs expressed by migrants; and ii) it raises awareness of the migrants' situation in Lebanon and advocates and lobbies on their behalf.

Since its inception, CLMC has provided social counselling and follow-up for migrants

inside and outside prisons, and legal assistance for those requiring it. In 2000, CLMC started to expand its activities to reach out to more vulnerable destitute groups, which called for a more comprehensive mission statement. The results of this reformulation increased the number of migrants served and the range of services provided.

### **Direct services**

Direct services include social and legal assistance, medical and psychological aid, recreational activities, vocational and informal training and repatriation and sustainability grants.

In 2000, CLMC initiated a regular protection presence inside the state General Security Retention Centre for foreign persons that provides social, medical and legal assistance on a daily basis. CLMC is the sole NGO allowed to operate in the facility by General Security (GS), which is the government authority responsible for the legal status of foreigners in Lebanon. A CLMC multi-disciplinary team that is available round the clock ensures that detained migrants are protected and their rights respected. Activities include: i) social and administrative follow-up by social workers to accelerate the release of vulnerable detainees such as pregnant women, sick people and students; ii) medical assistance such as consultation with doctors, distribution of medications, first aid and referral to hospital; iii) moral support; iv) recreational activities; v) prevention campaigns against skin diseases, and washing of detainees' clothes; vi) hot meals; and vii) improvement of detention conditions, involving issues such as ventilation and bedding.

In 2002, CLMC started an EU-funded programme to protect the rights of migrant workers and asylum-seekers. Activities included social counselling and follow-up, legal aid whereby 2,404 cases were processed in favour of their rights by Caritas lawyers through negotiation or settlements with employers, the police, GS, courts or Prosecutors General.

In 2003, CLMC initiated a project to provide protection, integrated assistance and options for durable solutions for women victims of trafficking. This programme involves extensive cooperation with the GS General Directorate, with whom Caritas has a unique memorandum of understanding (MOU). Migrant women victims of trafficking have access to a safe house where they can escape their situation and consider future options, receive medical care, basic needs requirements, trauma counselling, legal aid and counselling for future options in a supportive environment, and consider the possibility of returning to their country of origin or to a safe work situation in Lebanon. Beneficiaries returning home receive follow-up and rehabilitation services through partners in several countries of origin to ensure smooth reintegration.

As of 2005, CLMC staff have visited migrants detained in all Lebanese prisons. This entailed social counselling, administrative follow-up and acceleration of transfer to the retention centre and repatriation, humanitarian and medical assistance and legal aid.

A workshop entitled "Awareness Raising Workshop on the Situation of Women Migrant Domestic Workers in Lebanon" was held in Beirut in November 2005. It was jointly organized by ILO, CLMC, the United Nations Development Fund for Women (UNIFEM), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Lebanese Ministry of Labour; 60 participants attended, representing United Nations agencies, NGOs and CSOs, embassies of the main countries of origin and relevant Lebanese ministries. As a result, in January 2006 a national steering committee was

formed by a decree law with a view to improving the protection of the human and legal rights of migrant domestic workers in Lebanon. CLMC is part of the committee with the ministries of labour, justice, the interior and social affairs, ILO, OHCHR, the embassies of countries of origin, the syndicate of recruitment agencies and the Beirut Bar Association Institute for Human Rights. The committee's mandate is:

1. Draft a unified contract granting the protection of the human and labour rights of migrant domestic workers and stipulating their minimum labour rights; this contract became official on 31 January 2009 through a decree law and came into force on 1 April 2009.
2. Amend current Lebanese labour laws to cover migrant domestic workers; this involves amendments to more than 50 articles.
3. Develop and publish booklets on the rights and responsibilities of three groups – migrant domestic workers, employers and recruitment agencies – that: i) set out rights and responsibilities; ii) give guidance on cultural adaptation, treatment and respect for the rights of migrant workers and employers; iii) provide information on recruitment procedures and questions to be asked before applying for a job overseas or recruiting a migrant; and iv) give information on translation and other services available for migrants and employers should they require assistance, clarification or counselling.

Although migrant domestic workers are not covered by Lebanese labour law, CLMC lawyers have in the last five years set legal precedents in the following areas:

- physical abuse;
- sexual abuse;
- passport confiscation;
- false accusations of theft; and
- non-payment of salaries.

This jurisprudence is the basis for further enhancement of protection for migrant domestic workers until new protective legislation is enacted.

### **Indirect services**

Indirect services include orientation sessions on migrants' rights and responsibilities, awareness campaigns and sessions for the Lebanese public and recruitment agencies, training for law enforcement agents and advocacy and lobbying at the national, regional and international levels.

The orientation sessions have been conducted since 2002 to help migrant workers to protect themselves and find mutual support; 20,000 migrants, mainly women, have attended these sessions to date. The curriculum, which is available in Amharic, Sinhalese, Tagalog and English, is periodically reviewed and adapted to the migrants' situation and needs. In 2007, CLMC was granted access to the airport, enabling staff such as peer counsellors to meet migrant workers and conduct immediate orientation sessions; they also distributed flyers in different languages giving information on services available and telephone numbers to contact for help.

A campaign of public awareness and promotion of behavioural change was initiated in 2002. In July 2005, a survey was carried out to understand the perceptions of Lebanese people with regard to domestic migrant workers, how they justified their behaviour towards them and how they viewed their problems. On the basis of the survey outcome, in March 2007 CMC collaborated with the Ministry of the Interior and the Ministry of Health in a public awareness campaign involving television, radio,

billboard advertisements, newspapers and magazines to improve Lebanese people's knowledge about the rights of migrant workers and to promote a change of attitude. The CLMC hotline numbers were widely publicized during the campaign.

In August and October 2008, qualitative and quantitative studies were conducted to monitor the impact of the campaign and identify changes in Lebanese people's behaviour. The results were used to develop messages for the forthcoming national awareness campaign and to design future activities.

Sessions addressing various strata of Lebanese society were used to increase the impact of the campaign in universities, schools, parishes and mosques. To date, 5,000 Lebanese people have participated in the workshops, at which leaflets detailing CLMC's activities and services and contact information such as hotline numbers are distributed.

A film entitled *Maid in Lebanon* was released in March 2006 depicting the situation of women migrant workers in Lebanon and their experiences; a sequel, *Maid in Lebanon II, Voices from Home*, was released in 2008. Extracts from these films are viewed and discussed at awareness sessions.

To raise awareness about migrants' rights, CLMC also offers training for GS and internal security forces to reinforce their knowledge of human rights, trafficking issues and rights-based approaches. Techniques for investigation and interview, formal and informal peaceful dialogue and conflict resolution and prevention were offered in training sessions, from which 200 law enforcement officers benefited in 2008 and the first half of 2009.

CLMC staff also conducted sessions with recruitment agencies across the country to raise their awareness of the real situation of migrant workers and abuses to which they are subjected. Techniques for dealing with abused migrants, especially victims of trafficking, were shared and cooperation in handling critical cases was encouraged.

CLMC advocates regularly for the cause of migrant workers. This is done at regular meetings with relevant government offices. As a result, GS has agreed on several occasions to grant amnesties for irregular migrant workers.

After the 2004 tsunami, for example, taxes on the earnings of migrant workers returning to India and Sri Lanka were waived. After the July 2006 conflict, GS permitted migrant domestic workers to change their employers: this contributed to a decrease in the number of irregular migrant workers and helped some to escape from abusive employers and poor working conditions. In 2007, 2008 and 2009 GS declared three-month amnesty periods so that irregular migrants could regularize their status and all migrant workers could change employers if the latter agree to provide release papers. These periods were regularly extended to five months.

GS has a complaints desk where violations of migrant workers' rights can be reported; and CLMC gives GS information regarding abusive employers or recruitment agencies. GS is compiling a blacklist of abusive employers who are, along with their families, prohibited from hiring any migrant domestic workers. Blacklisted recruitment agencies are investigated, and some are being closed.

CLMC is encouraging GS to form a core group of personnel and investigators with special skills and training that could be exclusively assigned to handle trafficking cases.

CLMC has prepared a code of conduct for employees of Caritas Lebanon and CLMC who deal with migrant workers. The code responds to the needs of those involved and ensures that up-to-date regulations are applied. It is being customized as required for signature by NGOs, embassies and institutions that employ migrants.

CLMC has developed good working relationships with the diplomatic missions of migrants' countries of origin. The missions frequently call on CLMC to help to provide shelter and social, medical, legal assistance for their nationals, especially potential victims of trafficking. Through the MOU signed with GS, CLMC is well positioned to protect and assist this vulnerable population.

Some of these diplomatic missions have established measures to prevent abuse of their expatriates' rights through:

- accreditation of recruitment agencies at home and in Lebanon;
- regular monitoring of employment agencies;
- insistence on fixed minimum wages; and
- registration of new arrivals in Lebanon to enable embassies to track the movement of their expatriates and to monitor their working and living conditions; this applies mainly to the Philippines Embassy.

The Philippines Embassy has also started to establish a list of non-compliant agencies and abusive employers: non-compliant agencies are banned from bringing in Filipino manpower and abusive employers cannot hire Filipino migrant workers.

As already stated, most migrant workers do not speak a shared language with their employers. As a result employers may become frustrated by an employee's failure to understand their requirements and in many cases abuse is likely to follow. This was corroborated by research mandated by CLMC. On several occasions, CLMC staff had to resolve problems resulting from miscommunication between Lebanese employers and migrant employees who spoke virtually no Arabic. Partner NGOs active in migration in several countries of origin have pointed out this issue of language barriers: in response, CLMC staff and volunteers from various nationalities drafted language guides for Arabic-speaking Lebanese employers and migrant workers. The guides include common words and phrases in Arabic and the migrants' languages, with phonetic pronunciation and meanings. The language guides are distributed through the recruitment agencies that network with CLMC and at orientation sessions. The ultimate aim is to distribute the guides in countries of origin as part of pre-departure orientation sessions.

### **Challenges**

CLMC faces several challenges to its mission of improving and protecting the rights of migrants, refugees and asylum-seekers in Lebanon.

Although it was involved in drafting the unified contract, CLMC has several reservations regarding the published text:

- The contract should be available in Arabic and the language of the migrant domestic worker concerned.
- The provision for a weekly day off does not stipulate that it could be spent out of the employer's house.
- The current contract duration is three years instead of the previous two years and three months.

- There are limited provisions enabling migrant domestic workers to terminate the contract, whereas employers can terminate it when they wish.

Migrant workers are transplanted from their home environment to a socially, culturally, institutionally and politically unfamiliar environment. Many of them experience culture shock. CLMC is coordinating work with partners to urge countries of origin to increase the amount of information available to migrant workers, for example by offering to migrants accredited pre-departure orientation and training programmes providing country-specific information about conditions of recruitment and employment, and social security and legal rights.

### **Proposals**

Caritas suggests the following for consideration by the Lebanese authorities:

- Enact legislation giving domestic workers the same status as local workers.
- Ensure that migrants have equal working rights.
- Hold abusive employers legally accountable for their actions.
- Improve the regulations for recruiting agencies.
- Change the *kefala* (sponsorship) system, and allow migrant domestic workers to change sponsor.
- Ratify the Convention on the rights of migrant workers and their families to improve protection for migrant workers and adapt Lebanese legislation accordingly.

## **Urbanization and migration to cities – considerations from Senegal**

### **Concerns**

Migration to cities is creating problems for the public and religious authorities in Senegal.

The following factors contribute to this migration:

- continuing desertification in the Sahel;
- an archaic agricultural system based on erratic rainy seasons that is unable to meet basic needs;
- increasing living costs caused by the global financial crisis;
- institutional and political instability; and
- stalemate in North-South and South-South trading relations.

The trend is for young people, men and women, to leave rural areas and small towns to seek a means of subsistence in places where working and living conditions seem more favourable. But their hopes are often not fulfilled, and they feel bitter disappointment.

The outcome in human and social terms may be summarized as follows. The migrants' situation often deteriorates. They live in slums on the outskirts of cities, with no running water, regular electricity or toilets. Many of the children live on the street and are exposed to all kinds of danger. Women who have opted to live on the streets are often victims of different kinds of violence; many take up covert prostitution to make ends meet. Access to healthcare and education is severely hampered by lack of economic means.

### **Practices**

Caritas Senegal helps women who have migrated to Dakar with a view to facilitating

their return to their villages. Return is accompanied by a loan to help the women and their families to start income-generating activities such as informal trade, stockbreeding or market gardening.

*Jeunesse Ouvrière Chrétienne* (JOC; Young Christian Workers) organizes meetings of young women domestic workers to raise their awareness of their rights and duties and to support them in disputes with employers, who often exploit and try to abuse them. JOC leaders also help women domestic workers to find decent housing and arrange discussions to help them to strengthen their faith and raise their awareness of human and evangelical values.

### **Recommendations**

Caritas Senegal recommends the following actions:

- appeal to municipal administrators to clean up the suburbs where migrants live and guarantee their safety;
- appeal to the Government to take account of human dignity and draw up substantial development policies;
- ask bishops to draw up pastoral care initiatives to support internal migrants who suffer harsh conditions in villages and small towns;
- draw up support programmes for young girls and mothers who have been forced by poverty to migrate to the city and are exposed to dangers;
- request that police stations be built in the neighbourhoods where the poorest people live;
- campaign for a fairer and people-centred social economy;
- draw up education programmes that recognize international values;
- help domestic workers to have their rights respected and to obtain social security and retirement benefits; and
- campaign for laws that protect women domestic workers and migrants from sexual attacks.

### **India<sup>15</sup>**

Caritas India and the Solidarity Centre, a partner NGO based in Ahmadabad, advocate jointly for recognition of domestic workers' rights at the local and national levels. In February 2009, Caritas India and the Solidarity Centre organized a national consultation on the Domestic Workers Bill in Delhi. Among those attending were members of the National Domestic Workers Movement (NDWM), which leads coordination of the movement for recognition of domestic workers in India; it has 1 million members. The consultation considered courses of action for a domestic workers bill and draft legislation on domestic workers that could be submitted to the Government for consideration.

There is no clear definition of domestic workers. The category includes people who were once called maids, servants, helpers and *ayah*. The aim is to have domestic work recognized as work and to obtain public acknowledgement that domestic workers have rights.

Domestic workers in India mainly come from Nepal, Bangladesh, Sri Lanka and Myanmar. Many come from tribal or lower caste groups from different parts of India: these are migrant domestic workers, but not foreign domestic workers.

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<sup>15</sup> Information provided by Caritas India, its partner NGO the Solidarity Centre and NDWM.

Caritas India, the Solidarity Centre and NDWM are lobbying for a legal framework that recognizes and regulates domestic work. Under pressure, a few states have passed acts imposing a minimum wage; the state of Maharashtra recently passed a Domestic Workers Bill.

The status of domestic workers is often akin to bonded labour under which human rights are denied. Domestic workers often have no proper shelter for the night; those living in an employer's house often have no day off or time off. Domestic workers are often victims of sexual violence and even murder.

There is a stigma associated with this type of work that results in the destruction of human dignity. The absence of rights and legal protection are the main problems.

It is vital that domestic work be recognized as work; the dignity and roles of such workers should be recognized socially and legally.

Campaigning for legal recognition of domestic workers and their empowerment is needed now, as is campaigning against human trafficking and child labour in domestic work. Joining forces with partner NGOs enabled Caritas India to give the issue more visibility at the national level.

#### **USA<sup>16</sup>**

In the USA, domestic workers are called household workers; they provide unskilled services in private homes. They mainly come from Mexico, El Salvador, Guatemala, other Latin American countries and the Philippines.

Work permits, minimum wages, working hours, safety, social security payments and benefits are regulated by law. But there is also informal employment of trafficked immigrants whose rights are not respected; they often take such work as a way, albeit risky, of earning a living while waiting for a green card. There have been cases where irregular workers were not allowed to communicate with the external world.

A victim of trafficking is likely to live in poor conditions because illegal immigrants have virtually no rights. Combating trafficking and promoting legal migration would be a way to reduce risks for all migrants.

Agencies that provide social and legal services for domestic workers also advocate on their behalf and often reach out to areas where they believe many domestic workers live. These agencies receive information about domestic servitude or trafficking from community members such as neighbours, Church members or shelter staff. Most domestic servitude cases are discovered by individuals in the community, not by law-enforcement agents. But when notified, law-enforcement agencies – or the State Department if the alleged offender is a diplomat – will become involved in the rescue of a victim. These cases are difficult to prosecute, especially if consulate and embassy staff are involved. More often than not, however, the workers or victims are not assisted further by the criminal justice system and have to rely solely on social services and lawyers to obtain help such as immigration assistance.

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<sup>16</sup> Information provided by the Society of Holy Jesus Generalate Sisters and by the United States Catholic Bishops Conference.



Domestic workers are defined as workers who provide services to a household for money and do the work on a regular basis. This can include cooks, drivers, cleaners, carers and gardeners.

The main countries of origin of people trafficked for domestic work are Indonesia, India, Rwanda, Sri Lanka, Ethiopia, the Democratic Republic of the Congo, Uganda, Burkina Faso, and Morocco.

The USA has laws governing working hours and wages, and workers can file complaints. But foreign workers may be unfamiliar with their legal rights and unaware of ways to obtain help. The regulations and laws governing domestic work can be hard to enforce because the work is done in private homes and domestic workers must come forward on their own to make a complaint. This problem is compounded if they are from other countries.

Trafficking victims may not even know which city they are in; they often speak no English. Traffickers lie to their victims about their rights as a means of controlling them and instilling fear. It is difficult for lawyers and service agencies to identify and help trafficked domestic workers because their locations are unknown. Unless someone notices something amiss, the problem goes undetected.

Another major problem is what to do after the victim has been rescued. These cases are hard to prosecute, either because little evidence is available or because victims fear retaliation on families at home; and the alleged trafficker may have diplomatic immunity. However, some non-diplomatic cases in the USA have been prosecuted successfully.

More attention needs to be given to labour trafficking in general. Little has been accomplished to date and few agencies provide outreach to domestic workers. There needs to be a strategy in the United States to reach out to domestic workers from other countries.

### **Paraguay**<sup>17</sup>

The Scalabrinian sisters run a transit centre called *Hogar Santa Librada - Hospedaje Transitorio* in Asunción. The centre, which receives many requests from employers looking for domestic workers, trains women in washing, cleaning, ironing and other household duties and in etiquette. It collaborates with the national women domestic workers' association on advocacy for recognition of domestic workers' rights.

In Paraguay, domestic workers are classified in two categories: those who live in and those who go home at end of their working hours. There is no clear definition of domestic workers' duties or any indication of daily working hours.

Almost every day, women arrive in Asunción looking for work. In Paraguay, 21 percent of women are domestic workers; they usually come from poor rural areas and have a very low level of education; many are under 18, and many are Guaraní speakers. In 2007, an estimated 70 percent of Paraguayans living in Spain were women domestic workers who took care of children and the elderly.

According to the non-governmental research centre *Centro de Documentación y Estudios* (CDE), the special law regulating domestic work in Paraguay is in itself

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<sup>17</sup> Information provided by *Hermanas Misioneras Scalabrinianas*.

discriminatory because it excludes domestic workers from some important benefits that all other workers are entitled to. For example, they are entitled to receive the *aguinaldo*, an extra payment made once a year, but they are excluded from family allowance.

According to the *Asociación de Trabajadoras del Servicio Doméstico de Paraguay* (Association of Women Domestic Workers of Paraguay), demand for domestic workers is high. But the workers are paid as little as 40 percent of the wages most other workers receive.

Domestic workers are always on duty and may work 14 hours a day or more, both in Paraguay and abroad. Better salaries and a maximum number of working hours per day must be established.

To achieve this, the *Asociación de Trabajadoras del Servicio Doméstico de Paraguay* is working with the Christian Youth Association and the *Santa Librada* centre to draft a law based on the experience of workers to establish equality in the legal treatment of domestic workers.

The first step was to organize the *Foro de Mujeres Trabajadoras del Servicio Doméstico* in March 2009 in Asunción, at which delegates from all over the country prepared a platform of action for recognition of the rights of domestic workers.

### **Standards to improve the situation of domestic workers**

As can be seen from the examples, the situation is similar for exploitation, discrimination and lack of rights. Even in countries where there are laws regulating domestic work, they may be discriminatory. Reaching agreement on an international instrument will be difficult in view of the different cultural contexts and legal traditions involved. But Caritas Internationalis believes that there should be a common framework that outlines basic standards for improvement of the protection of migrant domestic workers. International instruments such as the Convention on the Rights of Migrant Workers and their Families are a reference point for implementation of rights of domestic workers: the first step is to achieve recognition of domestic work as work.

The following points offer some observations on the recognition and protection of the rights of migrant domestic workers.

- 1) Recognize domestic work as work, and respect those who do it as human beings with fundamental rights.
- 2) Domestic work is for children, but not to be performed by children!
- 3) Recruitment channels for foreign domestic workers must be legal, safe and affordable. Admission to these channels should not put an inordinate financial and bureaucratic burden on families. Pre-departure information and counselling should be part of preparation for migration.
- 4) Decent working conditions for migrant domestic workers are a sign of development and contribute to integral human development.
- 5) Independence from employers. Domestic work should not tie workers to a single employer because it makes them vulnerable to exploitation and abuse. There must be a legal contract that determines the duties and rights of employees and employers. Another solution would be to make the employer and the person who receives a service separate legal entities: the latter would also be freed from employment paperwork.

- 6) Win-win for employees and employers. The employer or service receiver should get a well informed and well trained employee. The employee should have a reliable working agreement that respects the law and workers' rights. Both parties should be helped by public or private agencies to ensure that the working agreement is legally acceptable.
- 7) Responsible states. States have a responsibility of care for people on their territory; countries of origin should also support their citizens. Recruitment, mediating and au-pair agencies should be controlled and licensed. Receiving states should enact legislation to protect the rights of domestic workers and define their duties, maximum number of working hours per day, hours of rest, days off and holidays, minimum wages and social security entitlements. Such legislation should include provisions for the prosecution of employers and agencies that violate domestic workers' rights and permit abusive working conditions.
- 8) Make domestic work a profession that allows for development. Our member organizations have trained domestic workers in the basics of household and non-medical caring duties. The situation of au-pair workers is not exactly the same, but in countries such as Germany and the USA they have to undergo training before living and working in families. Similar measures could be implemented for domestic workers. Professional development should be made accessible to domestic workers: working hours should allow time off for courses and training.
- 9) A domestic workers' ombudsman. There should be an independent office in each country where domestic workers can file complaints independent of their legal status. The ombudsman should have the mandate to investigate cases and to solve them through mediation or court action. According to the evidence collected, changes in legislation could be made or new legislation put in place.

There is still a long way to go. The Day of General Discussion in the framework of the Migrant Workers Committee, the work initiated by ILO and the growing number of organizations that care about the issue are valuable steps on the road to achieving recognition, respect and protection of the rights of migrant domestic workers.

Rome, 2 October 2009

