

Waiting for Justice

The cases of abused migrant domestic workers in Lebanon can take years to get to court

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"Amelia," a Filipina domestic worker who sought shelter at her embassy in Beirut earlier this year, had one wish: "I just want to get my money [unpaid wages] and to go back to the Philippines." Her employer had savagely beaten her with a stick - as photos taken by the forensic doctor clearly showed - and allegedly owed her \$3,800 in unpaid wages. But while Amelia's wishes were clear, her circumstances were complicated - a situation she shared with many other migrant domestic workers in Lebanon and elsewhere in the Middle East.

Under Lebanon's kafeel (sponsorship) system, she lost her legal residency as soon as she left her abusive employer. She was consequently confined to her embassy - which was already overcrowded with other domestic workers who had fled similar situations. It would probably take at least two years for her to seek her back wages in court. And she faced an additional hurdle: Her employer held her identity papers and had filed a theft claim against her - a claim she vehemently denied and which her embassy appointed lawyer believed her employers filed to pressure her into dropping her claims.

I met Amelia during my research for Human Rights Watch into the recourse available to domestic workers against abusive employers in Lebanon. We interviewed abused domestic workers in shelters, as well as the lawyers and diplomats who assisted them, and reviewed 114 judicial decisions affecting domestic workers.

For years, we had documented the abuses these workers suffered. Now we wanted to know how the stories ended for these young women who came from the Philippines, Sri Lanka, Ethiopia, Nepal, and Bangladesh, to live and work in houses of complete strangers. Many had positive experiences. But what happened to those with valid complaints against their employers? What recourse did they have if an employer did not pay the wages owed? Did Lebanon's courts punish employers who committed crimes against these workers?

Human Rights Watch's report, published this week, shows a justice system with inaccessible complaint mechanisms, lengthy judicial procedures, and restrictive visa policies that dissuade many workers from filing or pursuing complaints against their employers. Daunted, many of the workers settled for a ticket home, hoping to end their nightmare.

A labour attaché at one of the embassies said: "When we tell a worker the legal process will take years and she will have to stay here, she immediately backs away." In our sample, criminal cases by workers against employers took an average of 24 months to resolve. Complaints for unpaid wages took between 21 and 54 months. Even simplified complaints brought before labour courts took 32 months on average.

When domestic workers did file complaints, the police and judicial authorities regularly failed to treat certain abuses as crimes. We did not find a single example among the 114 cases we reviewed in which an employer faced charges for locking a worker inside a home, confiscating the worker's passport, or denying the person food, although we know from our fieldwork that these violations of the law are commonplace. This was disappointing, but not particularly surprising, given that police officers and prosecutors are often themselves employers of domestic workers and consider it "normal" to hold a worker's passport or to lock her inside the house to ensure that she does not "run away".

Even cases of physical violence against migrant domestic workers often failed to garner sufficient attention from police and prosecutors. In a 2005 case, the police waited 21 days to begin investigating a complaint that an employer was beating a domestic worker. The most severe sentence that a court has imposed on an employer for beating a domestic worker was a one-month prison term, handed down last June 26. While such a ruling shows the positive role that the judiciary can play, it remains an exception: Employers have been sentenced to prison in only a handful of beating cases.

If the Lebanese authorities are committed to improving the treatment of domestic workers - and the Lebanese ministers of interior and labour say they are - then they need to train law enforcement officials and

labour inspectors to identify and prosecute violations against domestic workers. When an employer locks a domestic worker in the house or beats the worker up, that is a crime, and the authorities need to prosecute this behaviour. To find these violations, the police and labour inspectors need to conduct home inspections - even if this displeases Lebanese employers. Finally, Lebanon's parliament needs to reform the sponsorship system so that a worker's legal residency is no longer tied to the will of an individual employer.

These reforms may not be popular, given widely held views by employers that no one should interfere with what happens inside their homes. But to continue to turn a blind eye to these violations is to be complicit in the ongoing abuses. As for Amelia, she left Lebanon before her case concluded and is still waiting for her wages.

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