

**FALSE ALLEGATIONS OF THEFT COMMONLY FILED
BY A LEBANESE SPONSOR/EMPLOYER AGAINST
“RUNAWAY” MIGRANT DOMESTIC WORKER**

A LEGAL STUDY



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by

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Caritas Lebanon Migrant Center

October 2011



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The AENEAS-funded project “Protection and Support for Migrants in Lebanon” was initiated in February 2008, with the aim of contributing to the protection, assistance and enhancement of the rule of law for migrants - workers, refugees, asylum-seekers - in Lebanon. The project ended in September 2011.

The program included the implementation and improved jurisprudence of non discriminatory legislations by relevant authorities, the development of legal migration, the protection for victims of trafficking as well as the follow-up of migrants returning in their homeland.

The project’s specific objective proposed contributing to the prevention of discrimination and human rights abuses against vulnerable (mostly female) migrant domestic workers through a comprehensive programme of legal and social support, lobbying, awareness-raising and training services delivered by the CLMC to migrant domestic workers, national authorities, international organisations and institutions of countries of origin.

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EXECUTIVE SUMMARY

The processing of an extensive data and the use of the multiple variables allowed us to have a better understanding on the nature and outcome of the complaints initiated against MDWs in Lebanon and set a certain appreciation on the way judicial authorities have dealt with these complaints, based on the sample we have chosen to work on, i.e. all lawsuits filed against MDWs from January 1st 2008 until June 30th, 2008.

As a result, the total number of complaints falling into the scope of the preset timeframe and collected by the field research amounts to **1215 cases**, which included all lawsuits initiated against MDWs as recorded in both registries of the Prosecutor's office in Beirut and Baabda, either directly or through a police station.

When looking at the charges pending against MDWs from the given sample, the result figure is straightforward: **99.3% of all complaints from the sample contain at least a runaway charge**, either as primary or secondary accusation, i.e. 1207 cases out of the 1215 collected. Out of the runaway accusations fueling these 1207 complaints, 88.6% of these state it as a unique charge, and 11.3% of the runaway lawsuits appear in a binary accusation for theft/runaway charges against MDWs. Hence, the runaway charges seem to constitute the backbone of the MDWs "criminal" violations in Lebanon.

The second most used charge against MDWs is theft (11.8% of all cases), either as a unique accusation (~5% of theft cases, 0.6% of all cases) or, more importantly, in a binary accusation theft/runaway (136 cases, as in 95.1% of theft cases and 11.2% of all cases). It is worth noting that the total number of complaints holding a unique theft charge is seven cases, i.e. 0.6% of all cases.

Additionally, the most serious charges in regard to the Lebanese Criminal Code collected from the sample (assault and attempted murder) account to the lowest number of complaints (3 out of 1215, i.e. less than 0.3%).

Based on our sample and the study of the charges withstanding the complaints initiated, we can hence state that MDWs in Lebanon are not being responsible of the utmost serious crimes in the scale set by the Lebanese Criminal Code.

A MAJORITY OF SUITS NEVER REACH A COURTHOUSE

Coming to the **outcome** of the lawsuits forming our study sample, it is worth noting that a very large proportion of these lawsuits against MDWs never made it in front of a Lebanese courthouse. 10.2% out of the total number of lawsuits were presented in front of a judge for a trial, whereas 89.8% found a different outcome; which means that for the large majority of cases, almost 90% never reached the trial level.

Out of those that did not reach trial, it is interesting to note the closing of a very large number of these cases at the prosecutor's level (79.4% of the complaints that did not reach trial), which represent 866 lawsuits which the prosecutor's office decided to close without any further proceedings. And when breaking down the results for the **runaway cases as a unique charge**, this proportion reaches 91.9% of lawsuits against MDWs which did not develop into a trial. This very significant figure shows the superficiality of the legal suits raised by the Lebanese employers/sponsors within the Lebanese judicial system, especially as far as the material element of the charge is concerned, knowing that the *“act of ‘running away’ from the employer's household does not constitute a crime according to Lebanese Law”*¹.

Hence, it is worth noting how the judicial officials, and in particular the Prosecutor's office in Beirut and Baabda, understand the deeper motivations of the suits which overall purpose is to officially report the running away of a domestic worker to the authorities, thus declaring the termination of one's responsibility within the Sponsorship system which, according to the employer, was broken by the worker. This motivation was unanimously confirmed by all interviews carried out.

As for joint **theft/runaway cases**, even though the proportion of suits reaching a courthouse is higher than for unique runaway cases, representing 22.1% of the 136 theft/runaway cases, a large

¹ Interview with Judge Hatem Madi, Cassation Court, 11 June 2011.

number of suits (77.9%) were also not brought in front of a court, either having being closed at the Prosecutor's office level (34.9%) or because they were uninstructed by the judiciary (58.5%). This high proportion of unattended suits root into another, darker, motivation, as the experts interviewed unanimously also indicated that Lebanese sponsors/employers would file a false theft/runaway suit "in retaliation" against the MDWs, because of the "*financial losses she caused to the employer*"². According to an official from the General Security, "*given the financial investment the sponsor spends to ensure a domestic worker at home, this can be considered as indirect legalized slavery*"³.

The second outcome of lawsuits that did not reach trial represents 12.9% of this category of cases, and occurred for cases that have been transferred to the General Security, but without any investigation being pursuit for these 141 cases. According to the General Security officials, those cases represent the compromises and deals it encouraged and mediated in favor of⁴.

Thirdly, 7.7% of this category of cases which did not reach trial went uninstructed, which means that past the investigation phase, these 84 cases were submitted to the relevant Lebanese jurisdiction but no hearings or sessions were set at the time of the field research, leaving these cases pending within the Lebanese judicial system. According to the relevant stakeholders, many of these cases concern superficial suits where very little effort was invested by the employer or employer's counsel, or it can also consist of cases where MDWs would already have been deported by the authorities but without the judicial knowing about it.

MDWs ARE MORE LIKELY TO BE FOUND GUILTY WHEN THE SUIT REACHES THE TRIAL STAGE EXCEPT FOR THEFT/RUNAWAY CHARGES

The cases that have reached a trial represent 124 cases (10.2% of the sample). Looking into these cases, we can observe the high chances for a MDW to be convicted (almost 3 cases out of 4), since ~72% of the trials found the defendant guilty (table 9 above), a figure that reaches 85.1%

² Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

³ Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

⁴ Interviews with with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011 and Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

of runaway cases as the magistrates judge the cases they consider authentic violations of *Residence Rules and Regulations* under Lebanese Law⁵.

Still, the proportion of theft/runaway cases that do reach a trial (22.1%) is much greater than those for runaway cases (8.1%), which suggests a higher involvement of Lebanese judiciary when it comes to theft/runaway cases in its earlier stages.

When breaking down these general findings into the specific charges filed against MDWs, shows how the guilty verdicts drop from 85.1% for runaway cases to 33.3% for theft/runaway cases. Moreover, comparing the not-guilty decisions in both categories also deems significant as 1.1% of runaway cases are found innocent, but this figure shoots up to 30% for theft/runaway cases, as judges very often decide to clear the domestic worker from theft/runaway accusations. This type of cases also holds the largest proportion of ongoing trials (36.7%), compared to the category of unique runaway cases (13.8%). Adding to that the high proportion of uninstructed theft/runaway cases (58.5%) we uncover an additional indication of the difficulty of the judiciary to deal with the cases even as they passed through the heavy filtering process of the prosecutor's office.

UNCOVERING FALSE THEFT COMPLAINTS AGAINST MDWs

These results of how the judiciary handled the runaway and theft/runaway cases support the idea according to which employers/sponsors have been filing *false complaints* against their domestic worker. According to Judge Hatem Madi, “99% of the cases are not theft cases”⁶, an affirmation supported unanimously through the interviews carried out in the research. Same observations were made by the official representatives of the MDWs in Lebanon. For Maria Mendoza, the Labor Attaché of the Philippine Embassy, “*there is a very small proportion of real stealing [...] it is a negligible number*”⁷. For the Honorary Consul of Nepal in Lebanon, “*not only do Nepalese in Lebanon not steal, but they are the ones treated like animals [...] and 99% of employers hold their passport*”⁸. The General Security even officially acknowledges this phenomenon: “80% of

⁵ See part IV for the legal arguments sustaining the judgments.

⁶ Interview with Judge Hatem Madi, Lebanese Cassation Court, 11 June 2011.

⁷ Interview with Mrs Maria Mendoza, Labor Attaché of the Philippine Embassy in Beirut, 14 June 2011.

⁸ Interview with H.E.M Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, 29 June 2011.

*the theft cases presented come without any supporting evidence and are considered as empty lawsuits*⁹.

As for the reasons behind this behavior, there is a unanimous view on how employers/sponsors file false theft complaints in order to “*seek revenge*” against their domestic worker, as “*she ran away and made the sponsor lose money*”¹⁰. Indeed, the fact of the MDW leaving the workplace “*confiscates his initial investment costs that brought the domestic worker to him*”¹¹. Lieutenant Solh from the General Security estimates the latter amounts to at least 2.600\$ (administrative fees, recruitment agency fees, insurance, residence permit fees...), depending on the nationality of the worker, not to mention the 1.000\$ bank guarantee needed to be deposited in the Housing Bank in cases when the sponsor did not pass through a recruitment agency.

As the MDW leaves the workplace unauthorized, the sponsor reports it either to the police station (14% of all cases) or directly at the Prosecutor’s office (86% of all cases). In doing so, the sponsor “*is relieved from additional administrative and financial liabilities towards the MDW*”¹², i.e. having to renew her residency permit and paying the yearly fees¹³. As the MDW is reported “runaway”, the sponsor is no longer responsible for her illegal stay in Lebanon, but he/she remains liable by the authorities (usually the General Security) to pay for the costs of her deportation if she gets arrested¹⁴. However, in theft cases, the sponsor manages to escape from this financial responsibility, claiming that it is the MDW who owes him money and not the contrary, which comes as a convenient ways for the sponsor to escape the costs of repatriation. As a result, the General Security who is the acting authority ruling on the stay of a domestic worker on Lebanese territory engages with different parties to try and find sources of funding for her deportation. Many consulates hence had to arrange for repatriation procedures and logistics, as carried out by both the Philippine Embassy in Lebanon and the Honorary Consulate of the

⁹ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

¹⁰ *Idem.*

¹¹ Interview with Dr. Ray Jureidini, Expert on Forced Migration, Lebanese American University, Hamra, 24 June 2011.

¹² Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

¹³ 300.000 L.L per year, MDWs being considered category 4 workers. The employee can hence sponsor a new domestic worker without paying the initial administrative fees.

¹⁴ One of the documents signed by the sponsor when applying for a residence permit for a MDW from the General Security is a Act of Engagement certified by a Notary stating his/her responsibility for covering the costs of the return ticket.

Republic of Madagascar in Lebanon, the first having repatriated 97 domestic workers in June 2011 and the other carried out the same process for 170 Malagasy the year before¹⁵.

NEEDED: A STRUCTURAL RESPONSE TO A SOCIAL AND HUMAN TOPIC

The overall research showed serious structural gaps within the legal framework and proceedings. According to Lieutenant-Colonel Nader Abi Nader, from the General Security, “*the roots of the problem is the lack in the legislation*”¹⁶. Initially, the Kafala system “*ensures that the domestic worker can get back home at the end of her contract*”, as MP Ghassan Mokheiber puts it¹⁷, but this structural framework is unable to preserve the rights of the employers and the MDWs.

The issue starts when the sponsor reports the *runaway* status of his/her domestic worker as she fled her workplace, which in Lebanese Law, represents a violation of the Rules of Residence in Lebanon as specified in the Foreigners Law, but without any window into understanding the grass roots of why the MDWs wishes to leave. Instead, they are treated like felons by the authorities seeking their deportation instead of ensuring basic protection of their employment conditions.

Hence, **a core element uncovered here is the quasi-impossibility of the MDW to end her contract (whether for valid reasons or not) without becoming an outlaw**. As specified by General Security officials, “*the moment the MDW runs away, we are under the obligation of arresting her and, in most cases, of deporting her, this is based on the Kafala system*”¹⁸. Whether there is some kind of abuse or not, whenever a MDW escapes her workplace, she is considered as being the sole person having broken the law the moment the employer filed the lawsuit against her. Additionally, when filing a complaint, the sponsor “*protects himself as far as the Lebanese*

¹⁵ Interviews with H.E.M Gilberto Asuque, Ambassador of the Philippines in Lebanon, 14 June 2011, and H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

¹⁶ Interview with Lieutenant-Colonel Nader Abi Nader, Head of the Investigation Bureau, General Security, 12 July 2011.

¹⁷ Interview with MP Ghassan Mokheiber, 15 June 2011.

¹⁸ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

*legislation is concerned, which means that the law obligates the employer to file a criminal complaint*¹⁹, but it does not acknowledge any protection to the dispensable domestic worker.

Moreover, the MDW remains discriminated within the judicial proceedings, as *“experience shows that the police stations and the General Security usually stand by the employer, never with the girl”*²⁰. As shown by the outcome of the lawsuits which reached trial where the majority of the cases (~72%) found the MDW guilty, it is difficult for the domestic worker to defend herself in front of Lebanese judges. *“In many cases, no translation is even provided whatsoever; general security and judges just do not care”*²¹. As for the cases that did not reach trial, it is the *“General Security policy to automatically deport”*²² the domestic workers which are in conflict with their employer, *“unless there is evidence of abuse or of no wrongdoing from the MDWs’ side, we deal with them on a case by case basis [...] We are easily able to uncover this during our investigations”*²³.

The employer holds the exclusive privilege of being able to terminate the contract and proceed to the repatriation of the domestic worker, either before the end of the initial contract or when the latter comes to an end. The new unified contract presented by former Minister Boutros Harb tackled this issue by granting the payment of indemnities for who wishes to terminate the contract without a valid reason (4 months of salary paid as a compensation by the MDW if she wishes to leave). Still, the system would remain unfair as the employer has the choice of who he/she is recruiting whereas the domestic worker does not, which is one of many aspects of why the Kafala system as applied in Lebanon is not a classical employer/employee relationship. *“The law should provide just ways for the two parties to terminate the contract, and it doesn’t mean dismantling the Kafala system”*, indicated Dr. Nidal Jurdi, legal expert from the Office of the High Commissioner for Human Rights in Beirut²⁴, who worked on the recent draft proposal of the unified contract. On that, many stakeholders agree that someone should be in charge and responsible of the domestic worker when she enters the country, but this doesn’t mean the

¹⁹ Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

²⁰ Interview with H.E.M. Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, 29 June 2011.

²¹ Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

²² Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

²³ *Idem.*

²⁴ Interview with Dr. Nidal Jurdi, OHCHR, 29 June 2011.

authorities should not deal with the many inconsistencies uncovered in the system through this research as stressed by the relevant parties. Lieutenant Malak from the General Security, hopes for constructive reforms within the Kafala system, “*we have a protocol of administrative reform with the United Arab Emirates we could rely on in order to benefit from their very efficient Kafala system*”.

Along with the needed reforms in the legal framework, prosecutors should also be encouraged to sue plaintiffs who lied in the course of the investigation and in front of judges when unjustly accusing their domestic worker of stealing²⁵. A zero-tolerance policy should be applied on false testimonies which is a serious charge in the Lebanese Criminal Procedures, and would contribute in dissuading any further false complaints against MDWs. As a result, runaway reports should not evolve in criminal charges as it is not a crime in the Lebanese Criminal Code, and should be dealt with on a case by case issue, depending on the working status, the criminal record (serious crimes) and the capacity of the domestic worker to find a new sponsor or afford her own residence papers if she wishes to stay in Lebanon. Ambassador Asuque, representing the Philippines interests in Lebanon suggests “*a consistent monitoring system which would deal with MDWs in Lebanon*”, hoping serious reforms would lead to the “*drop the ban on Filipino workers coming to Lebanon*”²⁶.

Recommendations:

To Prosecutor’s Office:

- **Maintain policy of disregarding a majority of the runaway and theft/runaway complaints filed by Lebanese employers.**
- **Dissuade false theft complaints by employers by harshly prosecuting authors of false testimonies in front of judicial authorities.**
- **Enforce the basic defense rights of MDWs dealing with the Lebanese judiciary.**

²⁵ Idea strongly supported by H.E.M Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, Interview on 29 June 2011 and H.E.M Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, interview on 30 June 2011.

²⁶ Interview with H.E.M Gilberto Asuque, Ambassador of the Philippines in Lebanon, 14 June 2011.

To Minister of Justice:

- **Remove prison sentence for breaches to administrative rules and regulations by amending Article 770 of the Lebanese Criminal Code.**

To Minister of Labor:

- **Introduce legal tools for MDWs to be able terminate initial contract in a fair and just way for both her interests and her employer's.**
- **Introduce and head a monitoring system in charge of following-up and coordinating all matters related to MDWs in Lebanon.**
- **Introduce an inspection system to workplaces of MDWs in Lebanon carried out by trained social workers, in cooperation with specialized NGOs.**
- **Introduce a new insurance coverage to ensure repatriation costs of MDWs.**

To General Security:

- **Reform the *Kafala* System in a way that ensures the basic fundamental rights of MDWs in Lebanon.**
- **Encourage the residence of MDWs working in Lebanon who can afford independent residence permits.**

INTRODUCTION

a- Context of the Research

The recent years have been very productive phases in regard to local and international mobilization against the hideous conditions Migrant Domestic Workers (MDWs) are suffering from in Lebanon. Human Rights Watch issued in September 2010 a documented study tackling the great lacks of the Lebanese judicial system as per the capacity of MDWs to obtain justice in Lebanese courts²⁷, followed in 2011 by a couple of studies published by KAFA detailing legal and psycho-sociological aspects of what has become a deeply concerning social phenomenon in Lebanon²⁸.

The deep vulnerability of MDWs in Lebanon to abuses of fundamental human rights has become a well rooted element. From the sponsorship system, which traps the domestic worker under the full authority of her employer, to the inexistent tools of legal protection, Migrant Domestic Workers in Lebanon are caught between three potential sources of harassment, worries and, more dangerously, abuse²⁹. The recruitment agencies, the employer or sponsor and the Lebanese authorities, each detain a great deal of the power unleashing a set of damageable actions to the basic rights of these vulnerable communities. On that matter, we refer to the brilliant description brought forward by ILO expert Asha D'Souza who listed the five main characteristics that govern the employment relationship with MDWs through which they become vulnerable to abuse throughout the period of their employment. MDWs are “*invisible*” [...] “*Hidden from the outside world, often undeclared and not governed by a mutually agreed written contract, it*

²⁷ Human Rights Watch. *Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers*, Sept. 2010, <http://www.hrw.org/en/reports/2010/09/16/without-protection-0>

²⁸ KAFA, *An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon*, January 2011, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf38.pdf> ; KAFA, *Trafficking of Migrant Domestic Workers in Lebanon, a Legal Analysis*, March 2011, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf37.pdf>

²⁹ From January 1, 2007 to August 15, 2008, Human Rights Watch documented at least 95 suicides of MDWs in Lebanon, cf. Human Rights Watch. *Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers*, Sept. 2010, <http://www.hrw.org/en/reports/2010/09/16/without-protection-0>. The blog *Ethiopian suicides* also monitors all ‘suicide’ cases related to MDWs in Lebanon : <http://ethiopiansuicides.blogspot.com>

remains outside the scope of labour inspection and other forms of dispute resolution”³⁰. They are trapped in an “**unequal balance of power between employer and worker**”³¹, due to “the low status attributed to the job and the servility inherent in it further weakens the bargaining position of the worker”³², as they witness “**restrictions on their freedom of movement**”³³. Furthermore, their identity papers are often confiscated “by the employer as a gage against premature departure of the worker”³⁴, which is “used as a justification for strict **confinement** within the four walls of the house”³⁵. In this situation, MDWs who would leave their employer’s house would fall under the “**threat of deportation**”³⁶.

This infernal cycle in which lives a domestic worker has been strongly observed and analyzed, leading to a number of recommendations which are starting to be implemented: from the unified contract to the hot-line enabling the report of abuse cases, not to forget the latest draft law of former Labor Minister Boutros Harb, even though the latter was heavily criticized by a coalition of NGOs on the occasion of Labor Day on May 1st, 2011 for omitting particularly crucial points related to freedom of movement and the right to a weekly break³⁷.

Powered by Caritas Lebanon Migrants Center, the leading organization in helping Migrant Domestic Workers by providing them with shelter from abuse, free legal aid and strong advocacy campaigning and lobbying in favor of a substantial amelioration of the conditions of this particular category of nationals in Lebanon, this study is mostly oriented towards analyzing the problems Migrant Domestic Workers endure with the Lebanese authorities, and in particular, with its judicial system as a whole. By better understanding the suing objects and processes the latter are subject to, through a comprehensive quantitative and qualitative approach, this study offers to identify the dynamics of the justice system in Lebanon when activated **against** MDWs, and determine the main characteristics of the judicial process through looking at a concrete

³⁰ D’SOUZA, Asha. *Moving towards Decent work for Domestic workers: An Overview of the ILO’s work*, Working Paper 2 / 2010, p. 18

³¹ *Idem*

³² *Idem.*

³³ *Idem.*

³⁴ *Idem.*

³⁵ *Idem.*

³⁶ *Idem.*

³⁷ Press Release “*Comment on the Draft Law Project presented by Minister Boutros Harb related to the Working conditions of MDWs in Lebanon*”, issued by a coalition of NGOs, KAFA, PCAAM, Insan, Amnesty International, 2 May 2011.

sample of actual complaints filed against MDWs in order to analyze them and track their process all the way within the judicial channels.

By doing so, this study ambitions to understand what type of crimes and felonies are MDWs responsible/accused of in Lebanon and how did the Lebanese judicial system deal with these accusations, and mainly, what was the outcome of these lawsuits against MDWs, and how were they sentenced by Lebanese judges ?

b- About the author

Dr. Karim El Mufti holds a PhD in political science from the University of Paris I-Panthéon-La Sorbonne, and has specialized in the study of state institutions in plural societies. Currently heading the Legal Clinic of La Sagesse University Law School, he is an expert in both fields of Human Rights Law and International Humanitarian Law (Law of Armed Conflict) and has been active with a number of international organizations, think tanks and Lebanese NGOs.

Also contributors to this research were M^{trc} Fatima Safa, an attorney at law in Beirut, and Amani Mallah, interning at the La Sagesse Legal Clinic.

c- Research Methodology

This new study follows an approach based on case law, i.e. an approach which covers the sociological perspective of a given legal framework, reading into actual lawsuits and cases through a consistent and concrete sample.

The methodology governing this research is based on both a quantitative and qualitative approach. From a quantitative perspective, a consistent sample was constituted out of the total number of complaints issued against Migrant Domestic Workers (MDWs) in Lebanon between January 1st, 2008 and June 30th, 2008, in two main Lebanese jurisdictions: the Beirut and Baabda registries of the Prosecutor's office, known as being the busiest active offices in Lebanon. This includes the lawsuits filed directly at the prosecutor's registry in these two locations, along with the lawsuits filed from a police station which falls under the jurisdiction of these two offices.

By Migrant Domestic Workers in Lebanon, this study exclusively refers to female workers from foreign origins brought to Lebanon by special recruitment agencies in order to carry out domestic labor in private households or companies, regulated by an employment relationship. As such, the International Labor Organization gives the following definition for MDWs: a « *wage-earner working in a [private] household, under whatever method and period of remuneration, who may be employed [on a part-time or full-time basis] by one or by several employers who receive no pecuniary gain from this work* »³⁸.

The data was directly and first handedly collected from the official judicial records, both in Beirut and Baabda, through a field research which was conducted by the legal researchers in February and March 2011 for the period constituting the sample of the study (January-June 2008). Thus, all complaints falling under our category and within this timeframe were recorded, along with the collection of their basic constitutive elements, i.e. the date, the initial source of the complaint, the official record it has been registered into, any reference number adjoined to it, the identity and gender of the plaintiffs and defendants and the charge(s) held in each case.

This first stage included following up on each lawsuit within the sample and **duly noting the official outcome** of the complaints within the Lebanese judicial system, after having identified the competent authority and the way the latter has handled each case.

A second stage of the research, operated in April 2011 by the field researchers aimed at looking closer into the lawsuits from the **sample that actually made it in front of a Lebanese courthouse and identifying the result of the judgment and eventual sentence against the defendant**, had she been found guilty. For that matter, this research has tracked these public judgments and analyzed its content³⁹.

All findings collected from both stages were then faithfully processed through the SPSS statistical software thanks to which we were able to produce the results of this study. Summarizing the different steps we just mentioned, here are the different variables related to each complaint looked into with an initial mention of the available options:

³⁸ ILO, The Status and conditions of employment of domestic workers. Meeting of Experts, Geneva, 2-6 July 1951, Report 3, Document MDW/8.

³⁹ A few judgments are reproduced in the appendices of this study.

- **Date of the complaint:** between 1st January, 2008 and 30th June 2008.
- **Initial Source of the complaint:** Prosecutor's office or Police station.
- **Record of the complaint:** Beirut or Baabda official registry.
- Reference number of the **complaint**⁴⁰ (رقم الشكوى).
- Reference of the **complaint's dossier**⁴¹ (رقم الأساس) .
- **Location of police station** (for complaints filed directly at police station)
- **Name of plaintiff**
- **Gender** of plaintiff (male, female or corporation)
- **Name of defendant**
- **Gender** of defendant (always female)
- **Charges** against defendant, primary and secondary (if any).
- **Last competent institution** having dealt with the case: Sûreté Générale, General Prosecutor, Penal Judge (منفرد جزائي), Criminal Court (محكمة جنایات).

- **Jurisdiction** of the last competent institution which dealt with the case: this variable is particularly relevant for lawsuits having made their way to the court's level, as it indicated the field researchers as to where the trial took place in order to get a copy of the judgment.

- **Outcome of the lawsuit on the base of the action of the last competent institution having dealt with the case. These different options were recorded:**

a. The lawsuit did not make it to trial, for three different possible reasons recorded:

- i. The case was closed at the Prosecutor's level
- ii. The case was not investigated by the competent authority (here by the General Security competent for MDWs cases)
- iii. The case was not instructed by the competent judicial authority (here the penal judge), meaning no hearing or session was scheduled for the case

⁴⁰ This number is given as the complaint is being recorded, either at the registry of the Prosecutor's office or at the police station. This data was retrieved from the Registry of Complaints (سجل الشكوى), either in Beirut or Baabda registry of the Prosecutor's office.

⁴¹ This number is given as the complaint is transferred from the registry to the competent Prosecutor's office which is transcribed in the Registry of Dossiers (سجل الأساس) either in Beirut or Baabda registry of the Prosecutor's office. Complaints coming from police stations are directly given a dossier number and would not have a complaint's number.

b. The lawsuit made it to trial, with three possible options recorded:

- i. The trial ended and the defendant was found guilty (either in her presence at the hearings or *in absentia*)
- ii. The trial ended and the defendant was found not guilty
- iii. The trial was still ongoing at the time of the field research

- **Date** of the outcome as officially recorded in the relevant judicial registry.

- **Sentence** against the defendant, provided a trial took place and the defendant was found guilty.

Once the data was collected, a series of extensive interviews were carried out with relevant stakeholders, whether Judges, Recruitment Agencies, Employers, General Security officials, Consulates, Embassies of the countries of origin of the MDWs, Member of Parliament and Legal experts. These interviews complemented the quantitative aspect of the research with a qualitative approach during which the stakeholders were asked to interpret the figures and statistics collected through the field research thus giving their interpretation and analysis of it. The cross-checking and cross-referencing of these different opinions, along with the data recorded, enabled a strong analysis of the field results in this research which produced solid findings we are offering in this study.

The processing of this extensive data and the use of the above-mentioned variables allowed us to have a better understanding on the nature and outcome of the complaints initiated against MDWs in Lebanon and set a certain appreciation on the way judicial authorities have dealt with these complaints, based on the sample we have chosen to work on, i.e. all lawsuits filed against MDWs from January 1st 2008 until June 30th, 2008. The findings will be presented within the lines of the following outline:

TITLE I – “**RUNNING AWAY**”, MAIN CRIMINAL CHARGE AGAINST MDWs

- I. The initiation phase of the complaints against MDWs.
- II. What are MDWs in Lebanon being accused of ?
- III. Outcome of the lawsuits against MDWs
- IV. The Sentencing practice of the Lebanese Judicial System against MDWs

**TITLE II – FALSE THEFT COMPLAINTS AS A CONVENIENT MEANS TO ESCAPE
ARCHAIC AND COSTLY REGULATIONS**

- I. Uncovering the False Theft Complaints
- II. An Overrated Security Mindset
- III. A Structural Response to a Social and Human Topic

TITLE I

“RUNNING AWAY”, MAIN CRIMINAL CHARGE AGAINST MDWs

I. The Initiation Phase of Lawsuits Against MDWs

Table numb. 1 INITIAL SOURCE OF COMPLAINT FILED AGAINST MDWs		
Location	Number	%
BEIRUT RECORD	401	33.0%
At Police Station	90	22.4%
At Prosecutor's registry	311	77.6%
BAABDA RECORD	814	67.0%
At Police Station	85	10.4%
At Prosecutor's registry	729	89.6%
TOTAL	1215	100.0%
Total cases at Police station	175	14.4%
Total cases at Prosecutor's	1040	85.6%

As shown in table (1), the total number of complaints falling into the scope of the preset timeframe and collected by the field research amounts to **1215 cases**, which included all lawsuits initiated against MDWs as recorded in both registries of the Prosecutor's office in Beirut and Baabda, either directly or through a police station.

Out of these 1215 cases, the Baabda registry obviously holds the highest number of lawsuits (67% against 33% for Beirut's registry), given it represents the judicial center for Mount Lebanon, a much larger *Mohafaza* than Beirut the capital. When looking at the initial source of each of the 1215 complaints, it appears that 1040 lawsuits (85.6%) were filed directly at the Prosecutor's office, either in Beirut (311 cases) or in Baabda (729 cases), whereas 175 lawsuits (14.4%) were initiated in a police station⁴².

Coming to the social characteristics of the plaintiffs and the defendants, as shown in tables (2) and (3) below, the plaintiffs are in majority Lebanese women (51.8%) and a very small proportion of complaints were initiated by corporations suing their migrant domestic worker (less than 1%). On the other hand, it is logical to find that none of the accused in the data is male workers as the study's sample exclusively focused on female MDWs. On a footnote, a small

⁴² See table (20) in Appendices for a complete breakdown by geographical location of the police stations.

proportion of complaints (a total of 5 out of 1215, i.e. 0.4%) were filed both at the police station and the prosecutor’s office.

Table numb. 2 WHO ARE THE PLAINTIFFS?		
Gender/Type	Number	%
Male	575	47.3%
Female	629	51.8%
Corporation	11	0.9%
TOTAL	1215	100.0%

Table numb. 3 WHO ARE THE DEFENDANTS?		
Gender/Type	Number	%
MDW Male	0	0.0%
MDW Female	1215	95.7%
TOTAL	1215	100.0%

In a very thorough screening of the data collected out of the 1215 cases which constitute our sample, we shall proceed with the presentation of the charges held against MDWs.

II. What are MDWs in Lebanon being accused of ?

a- A General Overview

The figure is straightforward: **99.3% of all complaints from the sample contain at least a runaway charge**, either as primary or secondary accusation, as shown in table (4) hereunder.

Reading the study’s tables :

Tables presented may contain a multidimensional reading grid, as each charge or outcome constitutes a category (shown in the brown cells indicating the total number of lawsuits holding the category), before being broken down into more specific combinations as recorded in the sample’s complaints (in the yellow cells within each category).

The percentage next to each figure shows the proportion of the cases either in relation to the sample figure (for example 1215 cases), or in relation to the specific category

of charges (for instance theft charges) or outcomes (for instance cases that did not reach a trial) or more specific results (for instance guilty cases).

Table numb. 4 WHAT ARE MDWs ACCUSED OF ? A GENERAL OVERVIEW (1215 cases)			
Category of Charges withstanding the lawsuit	Number	%	
RUNNING AWAY	1207	99.3%	
Sub-category	Number	% over sample (1215)	% over category (1207)
Runaway as a Unique Charge ⁴³	1069	88%	88.6%
Theft/Runaway Charges	136	11.2%	11.3%
Attempted Murder/Runaway Charges	1	0.08%	0.1%
Assault /Runaway Charges	1	0.08%	0.1%
THEFT	143	11.8%	
Sub-category	Number	% over sample (1215)	% over category (143)
Unique Theft Charge	7	0.6%	4.9%
Theft/Runaway Charges ⁴⁴	136	11.2%	95.1%
ATTEMPTED MURDER	2	0.2%	
Sub-category	Number	% over sample (1215)	% over category (2)
Unique Charge	1	0.08%	50.0%
Attempted Murder/Runaway Charges	1	0.08%	50.0%
ASSAULT	1	0.1%	
Sub-category	Number	% over sample (1215)	% over category (1)
Assault/Runaway	1	0.08%	100%
OUT OF TOTAL CASES	1215⁴⁵		

Hence, the runaway charges constitute the backbone of the MDWs “criminal” violations in Lebanon, as **99.3% of the total number of cases state running away as primary or secondary charges against the defendants**, i.e. 1207 cases out of the 1215 collected. Out of these runaway

⁴³ This figure is further detailed in Table (10) as per the final outcome of these lawsuits.

⁴⁴ This figure is further detailed in Table (11) as per the final outcome of these lawsuits.

⁴⁵ The total number (1215) is the result of all runaway cases (1207), unique theft cases (7) and the lawsuit for attempted murder as a unique charge (1).

accusations, 88% state it as a unique charge (1069 cases), and 11.2% of the runaway lawsuits appear in a binary accusation for theft/runaway charges against MDWs (136 cases).

Hence, the second most used charge against MDWs is theft (11.8% of all cases), either as a unique accusation (4.9% of theft cases, 0.6% of all cases) or, more importantly like we just mentioned, in a binary accusation theft/runaway (136 cases). 95.1% of theft cases are in fact theft/runaway complaints (11.2% of total cases), whereas the total number of complaints holding a unique theft charge constitutes seven cases, i.e. 0.6% of all cases.

Additionally, the most serious charges in regard to the Lebanese Criminal Code collected from the sample (assault and attempted murder) account to the lowest number of complaints (3 out of 1215, i.e. less than 0.3%), with one lawsuit for assault and two others for attempted murder. In two out of the three cases mentioned, the MDW had fled from her employer's house. Based on our sample and the study of the charges withstanding the complaints initiated, we can state in a very early stage of our research that MDWs in Lebanon are not being responsible of the utmost serious crimes in the scale set by the Lebanese Criminal Code.

These results proceed from a general reading of the complaints' sample, whichever location it was initiated in. It would be interesting to operate the same breakdown with, this time, detailing each source separately, in order to observe whether there is a substantial difference in the way charges are being set whether complaints are filed in police stations (175 cases) or directly at the prosecutor's office (1040 cases).

b- Variation of results between Police Stations and Prosecutor's office: reading the Charges variables through the initial source of the complaint⁴⁶.

When breaking down these same variables after having separated the lawsuits filed in police stations (175 cases) from the ones filed at the Prosecutor's office (1040 cases), interesting findings appear from the data.

51.4% of lawsuits filed at police stations withstand theft/running away as joint charges (see table -5- hereunder), whereas **for the same category of complaints filed directly at the prosecutor's office, this figure drops to 4.4%** within this category of complaints (see table -6- hereunder).

For unique runaway cases, the proportions are reversed as the great majority of the cases filed from the prosecutor's office (94.9%) constitute unique runaway cases, whereas the figure drops to 46.9% for lawsuits initiated in police stations. This was explained by experts interviewed by the fact that police stations often prefer not to handle unique runaway cases and reorient the plaintiffs to the prosecutor's office⁴⁷, hence the gap between the two figures. Furthermore, plaintiffs may be motivated by the fact that "*it can be easier to file a complaint at the prosecutor's office*"⁴⁸, and that the "*wanted lists would be nationally disseminated when originating from the Prosecutor's office, not from the police stations*"⁴⁹, which would explain another surprising number of this research: the majority of cases were filed from the prosecutor's office in Beirut or Baabda.

⁴⁶ The statistics presented in this section are based on the final data collected after the calibration process as explained in the methodology section page 6.

⁴⁷ A situation confirmed by many interviews mainly judges and experts.

⁴⁸ Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

⁴⁹ Interview with Ms Shaza Kreidieh, Labor Attaché of the Consulate of Bangladesh in Lebanon, Beirut, 27 June 2011.

**Table numb. 5 | WHAT ARE MDWs ACCUSED OF ?
LAWSUITS INITIATED IN POLICE STATIONS**

Charges	Number	% over total sample	% over category
UNIQUE RUNAWAY CHARGE ⁵⁰	82	6.7%	46.9%
THEFT/RUNNING AWAY ⁵¹	90	7.4%	51.4%
UNIQUE THEFT CHARGE	2	0.2%	1.1%
ATTEMPTED MURDER	1	0.08%	0.6%
OUT OF TOTAL CASES (1215)	175	14.4%	100.0%

**Table numb. 6 | WHAT ARE MDWs ACCUSED OF ?
LAWSUITS INITIATED IN PROSECUTOR'S OFFICE (1040 cases)**

Charges, either primary or secondary	Number	% of 1215	% of 1040
RUNNING AWAY	1035	85.2%	99.5%
Sub-category	Number	% over sample (1215)	% over category (1035)
Unique Runaway Charge ⁵²	987	94.9%	95.4%
Theft/Runaway Charges ⁵³	46	4.4%	4.4%
Attempted Murder/Runaway Charges	1	0.1%	0.1%
Assault/Runaway Charges	1	0.1%	0.1%
THEFT	51	4.2%	4.9%
Sub-category	Number	% over sample (1215)	% over category (51)
Unique Theft Charge	5	0.5%	9.8%
Theft/Runaway Charges	46	4.4%	90.2%
ATTEMPTED MURDER/RUNAWAY	1	0.1%	
ASSAULT/RUNAWAY	1	0.1%	
TOTAL CASES	1040	85.6%	

We now move to determining the outcome of these cases after they were filed.

⁵⁰ This figure is further detailed in Table (12) as per the final outcome of these lawsuits.

⁵¹ This figure is further detailed in Table (14) as per the final outcome of these lawsuits.

⁵² This figure is further detailed in Table (13) as per the final outcome of these lawsuits.

⁵³ This figure is further detailed in Table (15) as per the final outcome of these lawsuits.

III. Outcome of the Lawsuits Against MDWs in Lebanon

Coming to the outcome of the lawsuits forming our study sample, we shall be proceeding through the same method, by starting with a general overview of how the 1215 cases were dealt with by the relevant judiciary authorities, before breaking down the data in relation to the most recurrent charges upheld against MDWs (runaway charge and theft/runaway charges) and finally developing further of these results according to the initiation source of the lawsuit (police station or prosecutor's office).

a- An overall reading of the outcome of the complaints against MDWs:

A majority of suits never reach a courthouse

Looking into the data of our sample representing 1215 cases of complaints, it is worth noting, as presented in table (7) hereunder, that a very large proportion of lawsuits against MDWs never made it in front of a Lebanese courthouse. Only 10.2% out of the total number of lawsuits were presented in front of a judge in a trial, whereas 89.8% found a different outcome.

Table numb. 7 LAWSUITS' OUTCOME IN LEBANESE JUDICIAL SYSTEM		
RESULT	Number	%
REACHED TRIAL	124	10.2%
DIDN'T REACH TRIAL	1091	89.8%
TOTAL	1215	100.0%

When breaking down these figures, as specified in table (8), we can see the details of each one of these two outcomes.

Table numb. 8 LAWSUITS' OUTCOME IN LEBANESE JUDICIAL SYSTEM A GENERAL OVERVIEW			
RESULT	Number	%	
REACHED TRIAL	124	10.2%	
Sub-category	Number	% of sample (1215)	% of result (124)
Guilty	89	7.3%	71.8%
Not Guilty	10	0.8%	8%
Trial Ongoing	25	2.1%	20.2%
DIDN'T REACH TRIAL	1091	89.8%	
Sub-category	Number	% of sample (1215)	% of result (1091)
Case closed at Prosecutor's level	866	71.3%	79.4%
Uninvestigated Case	141	11.6%	12.9%
Uninstructed case	84	6.9%	7.7%
TOTAL	1215	100.0%	

As previously mentioned, the **largest number of cases never reached the trial level**. When looking at table (8), we can observe in detail how the lawsuits were handled by the competent Lebanese authorities. It is interesting to note here the closing of a very large number of these cases at the prosecutor's level (79.4% of the complaints that did not reach trial and 71.3% of the total number of cases), which represent 866 lawsuits that the prosecutor's office decided to close without any further proceedings.

The second outcome of lawsuits that did not reach trial as shown in table (8) represents 12.9% of this category of cases, and occurred for cases that have been transferred to the General Security, but without any investigation being pursuit for these 141 cases. According to General Security officials, those cases represent the compromises and deals it encouraged and mediated in favor of⁵⁴. As indicated in table (9), there is a substantial gap between runaway and theft/runaway cases on this particular outcome, as runaway cases account of 16.4% of uninvestigated cases whereas this proportion drops to 4% for theft/runaway cases.

⁵⁴ Interviews with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011 and Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

Thirdly, 7.7% of this category of cases which did not reach trial went uninstructed, which means that past the investigation phase, these 84 cases were submitted to the relevant Lebanese jurisdiction but no hearings or sessions were set at the time of the field research, leaving these cases pending within the Lebanese judicial system. According to the relevant stakeholders, many of these cases concern superficial suits where very little effort was invested by the employer or employer's counsel. This is why we can see in table (9) how theft/runaway cases are higher under this outcome (39.3% of uninstructed cases) compared to the runaway lawsuits (1.7% of uninstructed cases), suggesting some kind of complexity which prevents the judges from carrying out the trial.

On the other hand, table (8) also covers the cases that have reached a trial, i.e. 124 lawsuits. Out of these, 71.8% of the complaints against MDWs found the latter guilty (89 lawsuits, equivalent of 7.3% of total cases), whereas 20.2% of these complaints (25 lawsuits) were still under trial at the time of the field research (sometimes more than three years into the proceedings⁵⁵). Last but not least, 8% of these complaints that have reached a trial ended in a not-guilty judgment in favor of the defendant (10 lawsuits, 0.8% of the total cases)⁵⁶. But before we move on to this category of outcome, let's further analyze the statistics collected through an additional layer of variable, namely in regards to the accusation charges.

b- Reading the Outcome variables through the charge(s) withstanding the complaint:

Elements of Discernment within the Lebanese Judicial System

To further develop our analysis of the figures collected, we move on to the breakdown of the outcome of the lawsuits this time in relation to the charges held against MDWs and analyze the results of the lawsuits according to each variable of accusation, as shown in tables (10) and (11). Moreover, table (9) below will allow an easy comparison of the data containing these variables.

⁵⁵ Out of these 25 lawsuits, 2 were filed in January 2008, 6 in February 2008, 5 in March 2008, 3 in April 2008, 5 in May 2008 and 4 in June 2008; which means that the proceedings took more than three years for half of these cases, at the time of the field research (February - March 2011).

⁵⁶ The cases of the lawsuits that reached trial will be further developed in section -c-.

Table numb. 10 CATEGORY: LAWSUITS' OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR UNIQUE RUNAWAY CHARGE (on the basis of 1069 cases)			
RESULT	Number	% of 1215	% of 1069
REACHED TRIAL	87	7.2%	8.1%
Sub-category	Number	% of category (1069)	% of result (87)
Guilty	74	6.9%	85.1%
Not Guilty	1	0.09%	1.1%
Trial Ongoing	12	1.1%	13.8%
DIDN'T REACH TRIAL	982	80.8%	91.9%
Sub-category	Number	% of category (1069)	% of result (982)
Case closed Prosecutor's level	826	77.3%	84.1%
Uninvestigated Case	134	12.5%	13.6%
Uninstructed case	22	2%	2.3%
TOTAL	1069	100.0%	

Table numb. 11 CATEGORY: LAWSUITS' OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR THEFT/RUNAWAY CHARGES (on the basis of 136 cases)			
RESULT	Number	% of 1215	% of 136
REACHED TRIAL	30	2.5%	22.1%
Sub-category	Number	% of category (136)	% of Result (30)
Guilty	10	7.4%	33.3%
Not Guilty	9	6.6%	30%
Trial Ongoing	11	8.1%	36.7%
DIDN'T REACH TRIAL	106	8.7%	77.9%
Sub-category	Number	% of category (136)	% of Result (106)
Case closed Prosecutor's level	37	27.2%	34.9%
Uninvestigated Case	7	5.1%	6.6 %
Uninstructed case	62	45.6%	58.5%
TOTAL	136	100.0%	

Tables (10) and (11) hereunder present the two largest bodies of cases as far as the charges are concerned, i.e. lawsuits containing a unique runaway charge (1069 lawsuits) and those containing joint theft/runaway charges (136 lawsuits).

But first, let's study the most serious charges MDWs are accused of in our sample: assault and attempted murder, which account to a total of 3 cases (cf. table -9-). For the two cases of attempted murder, both were prosecuted and tried in front of a Lebanese court, the first (charged with attempted murder) on 29 April 2009 and the second (charged with attempted murder and running away) on 26 May 2010. In both cases, the defendant was found guilty. As for the third case (charged with assault/runaway), the trial was still ongoing at the time of the field research.

As a result, 100% of the cases dealing with the most serious charges of the Lebanese criminal code, have been prosecuted, two out of which already found the defendants guilty. The length of the trials and the procedures in the two cases where a verdict was finally rendered vary between 12 months and 23 months. The last case (for assault and runaway charges) was still under trial.

**Table numb. 9:
Breakdown of the Outcome of Complaints according to the Charges**

Outcome	Charges =>	ALL CASES		RUNNING AWAY		THEFT/ RUNAWAY CHARGES		THEFT		ATTEMPTED MURDER		ASSAULT	
REACHED TRIAL		124	10.2%	87	8.1%	30	22.1%	4	57%	2	100%	1	100%
Guilty		89	71.8%	74	85.1%	10	33.3%	3	75%	2	100%	0	0%
Not Guilty		10	8.1%	1	1.1%	9	30%	0	0%	0	0%	0	0%
Trial Ongoing		25	20.1%	12	13.8%	11	36.7%	1	25%	0	0%	1	100%
DIDN'T REACH TRIAL		1091	89.8%	982	91.9%	106	77.9%	3	43%	0	0%	0	0%
Case closed Prosecutor's level		866	79.4%	826	84.1%	37	34.9%	3	100%	0	0%	0	0%
Uninvestigated case		141	12.9%	134	13.6%	7	6.6%	0	0%	0	0%	0	0%
Uninstructed case		84	7.7%	22	2.3%	62	58.5%	0	0%	0	0%	0	0%
TOTAL		1215	100%	1069	100%	136	100%	7	100%	2	100%	1	100%

Coming back to the two most common charges, which data is reproduced in table (9) above, the proportion of cases that did not reach trial, either for runaway cases (91.9% of these lawsuits) or theft/runaway cases (77.9% of these lawsuits), reaches high ratios, knowing that 89.8% of all lawsuits never made it to a courthouse, as already mentioned.

Detailing this category of variables, we can see that the number of cases closed at the prosecutor's level increases for **runaway cases as a unique charge**, in which 84.1% did not reach a trial, whereas this figure represents 79.4% in the general overview for all cases. A different proportion can be read for joint **theft/runaway cases** as the figure drops to 34.9% for this type of complaints. For the latter, it's the uninstructed cases that constitute the majority of complaints with 58.5% of the cases, indicating some kind of difficulty for the judiciary to comfortably deal with this type of accusation. It's worth noting that in no other set of charges is the number of uninstructed cases so high. As for uninvestigated complaints, its ratio shows 13.6% for runaway cases and drops to 6.6% for theft/runaway lawsuits.

On the other hand, a strong level of discernment seems to be exercised by the judiciary, namely at the prosecutor's office level, where a large majority of complaints against MDWs are filtered to be stopped, especially for runaway cases (84.1%) and more than the third of theft/runaway cases. Even three out of the unique seven theft complaints within the sample were blocked at the prosecutor's level (table 9). **These very significant figures show the superficiality of the legal**

suits raised by the Lebanese employers/sponsors within the Lebanese judicial system, especially as far as the formal substance of the accusation is concerned. As stated by many experts, the “*act of ‘running away’ from the employer’s household does not constitute a crime according to Lebanese Law*”⁵⁷, but is considered a *breach of contract* and a violation of the *Residence Rules and Regulations* under Lebanese law. The sponsor overall purpose through this necessary procedure is to officially report the running away of a domestic worker to the authorities⁵⁸, thus declaring the termination of his/her responsibility within the Sponsorship system, putting the violation on the account of the worker⁵⁹.

As for the large number of theft/runaway cases (77.9%) blocked by the judiciary process, it was unanimously analyzed by all interviewees that the Lebanese sponsors/employers would file a false theft/runaway suit “in retaliation” against the MDWs, because of the “*financial losses she caused to the employer*”⁶⁰. According to an official from the General Security, “*given the financial investment the sponsor spends to ensure a domestic worker at home, this can be considered as indirect legalized slavery*”⁶¹. Facing such motivation, the discernment shown at the level of the Prosecutor’s office in Beirut and Baabda by dismissing such a large number of complaints, is an indication of how Lebanese judicial officials understand the deeper motivations of these suits.

Furthermore, this phenomenon can be corroborated when looking into the outcome of the trials judging both runaway and theft/runaway lawsuits as we are about to present in the next point.

- c- Reading the Outcome variables through the sentence withstanding the complaint:
A MDW is more likely to be found guilty when the lawsuit reaches the trial stage, except for theft/runaway charges.

The cases that have reached a trial represent 124 cases (10.2% of the sample). Looking into these cases, we can observe the high chances for a MDW to be convicted (almost 3 cases out of 4),

⁵⁷ Interview with Judge Hatem Madi, Cassation Court, 11 June 2011.

⁵⁸ As confirmed by interviews with sponsors/employers who experienced a runaway case from their MDW.

⁵⁹ This notion will be further analyzed in title II of this study.

⁶⁰ Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

⁶¹ Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

since ~72% of the trials found the defendant guilty (table 9 above), a figure that reaches 85.1% of runaway cases as the magistrates judge consider these cases authentic violations of the *Residence Rules and Regulations* under Lebanese Law⁶².

Still, the proportion of theft/runaway cases that do reach a trial (22.1%) is much greater than those for runaway cases (8.1%), which suggests a higher involvement of Lebanese judiciary when it comes to theft/runaway cases in its earlier stages.

Table (9) above shows how the guilty verdicts drop from 85.1% for runaway cases to 33.3% for theft/runaway cases. Moreover, comparing the not-guilty decisions in both categories also deems significant as 1.1% of runaway cases are found innocent, but this figure shoots up to 30% for theft/runaway cases, as judges very often decide to clear the domestic worker from theft/runaway accusations, due to the lack of evidence. This type of cases also holds the largest proportion of ongoing trials (36.7%), compared to the category of unique runaway cases (13.8%). Adding to that the high proportion of uninstructed theft/runaway cases (58.5%) we uncover an additional indication of the difficulty of the judiciary to deal with the cases even as they passed through the heavy filtering process of the prosecutor's office.

One additional reading layer can be integrated to our analysis by including a last variable, i.e. the initial source of the complaint, which shall help us uncover eventual findings and differences between cases filed at the police station and the prosecutor's office.

d- Reading the Outcome variables based on the charges withstanding the lawsuits and the initial source of the complaints

When exploring an additional layer of variable regarding the outcome of the runaway and theft/runaway lawsuits, it is interesting to further the breakdown already covered by comparing the data through the lens of the initial source of the complaint, i.e. in police stations and prosecutor's office as gathered in tables (16) and (17) below. Columns -2- and -3- within each table are taken from tables already mentioned earlier in the study and are reused here for comparative purposes.

⁶² For the legal arguments sustaining the judgments, see part IV of this Title.

**Table numb. 16 |
COMPARATIVE APPROACH OF OUTCOME FOR LAWSUITS BASED ON UNIQUE RUNAWAY CHARGES ACCORDING TO INITIATION SOURCE (POLICE STATION OR PROSECUTOR'S OFFICE)**

OUTCOME	Outcome for total sample (1215 cases)		Outcome for unique runaway charges (1069 cases)		Outcome for unique runaway charges filed in police stations (82 cases)		Outcome for unique runaway charges filed at prosecutor's (987 cases)	
	Nbr	% 1215	Nbr	% 1069	Nbr	% 82	Nbr	% 987
REACHED TRIAL	124	10.2%	87	8.1%	15	18.3%	72	7.3%
Guilty	89	7.3%	74	6.9%	10	12.2%	64	6.5%
Not Guilty	10	0.8%	1	0.1%	0	0.0%	1	0.1%
Trial Ongoing	25	2.1%	12	1.1%	5	6.1%	7	0.7%
DIDN'T REACH TRIAL	1091	89.8%	982	91.9%	67	81.7%	915	92.7%
Case closed Prosecutor's level	866	71.3%	826	77.3%	61	74.4%	765	77.5%
Uninvestigated Case	141	11.6%	134	12.5%	0	0.0%	134	13.6%
Uninstructed case	84	6.9%	22	2.1%	6	7.3%	16	1.6%
TOTAL	1215	100.0%	1069	100.0%	82	0.0%	987	100.0%

Despite the small number of complaints initially handled from a police station as shown in table (16), we can note that the ratio of cases that do not reach a trial remains high (81.7%), close to ranges of the overall sample (89.8% do not reach a courthouse) and to the overall runaway cases (91.9% never reached a trial). Even though police stations prefer to reorient plaintiffs to the prosecutor's level for unique runaway charges, a majority of cases coming from both initiation sources are blocked at the first level of the judiciary process.

This takes us to table (17) where a comparison is made possible for lawsuits covering theft/runaway cases (136 complaints), uncovering that a majority of these cases were filed this time out of a police station (90 out of 136, i.e. 66.2%). Knowing that the total number of cases filed in a police station is 175 lawsuits, this additionally indicates that a majority of cases initiated from this judicial source are theft/runaway complaints (51.4%). After retrieving the runaway cases, one case remains before reaching the total of 175 complaints, i.e. a prosecution for attempted murder by a MDW filed in the police station of Basta on 16 April 2008.

**Table numb. 17 |
COMPARATIVE APPROACH OF OUTCOME FOR LAWSUITS BASED ON THEFT/RUNAWAY CHARGES ACCORDING TO INITIATION SOURCE (POLICE STATION OR PROSECUTOR'S OFFICE)**

OUTCOME	Outcome for total sample (1215 cases)		Outcome for theft/runaway (136 cases)		Outcome for theft/runaway filed in police stations (90 cases)		Outcome for theft/runaway filed at prosecutor's (46 cases)	
	Nbr	%	Nbr	%	Nbr	%	Nbr	%
REACHED TRIAL	124	10.2%	30	22.1%	20	22.2%	10	21.7%
Guilty	89	7.3%	10	7.4%	6	6.7%	4	8.7%
Not Guilty	10	0.8%	9	6.6%	7	7.8%	2	4.3%
Trial Ongoing	25	2.1%	11	8.1%	7	7.8%	4	8.7%
DIDN'T REACH TRIAL	1091	89.8%	106	77.9%	70	77.8%	36	78.3%
Case closed Prosecutor's level	866	71.3%	37	27.2%	17	18.9%	20	43.5%
Uninvestigated Case	141	11.6%	7	5.1%	0	0.0%	7	15.2%
Uninstructed case	84	6.9%	62	45.6%	53	58.9%	9	19.6%
TOTAL	1215	100.0%	136	100.0%	90	100.0%	46	100.0%

When looking at the outcome of the theft/runaway cases initiated from both the police station and the prosecutor's office, we can see similar proportions for the ones that reached trial (22.2% of these cases filed from a police station and 21.7% from the prosecutor's office). Consequently, the figure is practically identical for the number of cases that were not brought in front of a judge.

Back to the theft/runaway complaints that evolved into a trial, a slightly bigger percentage of the ones filed from the prosecutor's office found the defendant guilty (8.7% for 6.7% in cases initiated from a police station). Inversely, the proportion of innocent MDWs facing theft/runaway accusations is a little bit higher when filed from a police station (7.8%, for 4.8% for cases initiated at the prosecutor's level). As for the number for ongoing trials, they appear very close (7.8% for cases filed at a police station and 8.7% for cases filed at the prosecutor's office).

Coming to the category of cases that have not reached a trial, different proportions emerge between the two initiation sources when it comes down to the complaints having been closed at the prosecutor's level: from 43.5% for theft/runaway cases filed from the prosecutor's office, the

figure drops to 18.9% for those filed at a police station. The contrary can be observed for the cases that were not instructed by the judiciary as 58.9% of these cases were filed at the police station whereas only 19.6% were initiated at the prosecutor’s office.

Furthermore, it is interesting to note the absence of uninvestigated cases for complaints initially filed in police stations. This could mean that cases coming from police stations, validated by the prosecutor’s office, are systematically shared with the General Security for further investigation.

IV. Sentencing Policy against MDWs : Prison time for 9 defendants out of 10.

Based on the total number of cases brought in front of a courthouse and found guilty (89 cases), we can further develop our understanding of the judicial process against MDWs and read into the sentencing guidelines as set by the Lebanese judges (table 18).

Table numb. 18 SENTENCED RENDERED BY JUDICIAL AUTHORITIES AGAINST MDWs GENERAL OVERVIEW FOR 89 CASES		
SENTENCING	Number	%
PRISON TIME (can come with fines)	79	88.8%
DURATION OF ARREST	2	2.5%
ONE WEEK	9	11.4%
ONE MONTH	58	73.4%
TWO MONTHS	5	6.3%
THREE MONTHS	2	2.5%
FOUR MONTHS	1	1.3%
SIX MONTHS	2	2.5%
FINANCIAL PENALTY ONLY	10	11.2%
100.000 LL	4	40.0%
200-000LL-250.000LL	6	60.0%
TOTAL	89	100.0%

As such, we can observe that almost 9 defendant out of 10 (88.9%) are sentenced to prison, which in a majority of cases is pronounced for one month (73.4%), and a maximum sentence within our sample of 6 months of jail time. For 11.2% of the MDWs who were found guilty at

the end of the judicial process, the judges imposed a (rather small) fine between 100.000 and 250.000 Lebanese Pounds.

As we turn to table (19), we can establish a breakdown of the sentences rendered according to the charges sustained against the MDWs related to this category.

Table numb. 19 SENTENCED RENDERED BY JUDICIAL AUTHORITIES AGAINST MDWs BROKEN DOWN BY CHARGES										
SENTENCING	Sentencing for All guilty cases (89 cases)		Sentencing for unique runaway cases (74)		Sentencing for theft/runaway cases (10 cases)		Sentencing for theft only cases (3 cases)		Sentencing for attempted murder cases (2 cases)	
PRISON TIME (can come with fines)	79	88.8%	68	91.9%	6	60%	3	100.0%	2	100.0%
DURATION OF ARREST	2	2.5%	0	0.0%	1	16.7%	0	0.0%	1	50.0%
ONE WEEK	9	11.4%	9	13.2%	0	0.0%	0	0.0%	0	0.0%
ONE MONTH	58	73.4%	58	85.3%	0	0.0%	0	0.0%	0	0.0%
TWO MONTHS	5	6.3%	0	0.0%	2	33.3%	3	100.0%	0	0.0%
THREE MONTHS	2	2.5%	1	1.6%	1	16.7%	0	0.0%	0	0.0%
FOUR MONTHS	1	1.3%	0	0.0%	1	16.7%	0	0.0%	0	0.0%
SIX MONTHS	2	2.5%	0	0.0%	1	16.7%	0	0.0%	1	50.0%
FINANCIAL PENALTY ONLY	10	11.2%	6	8.1%	4	40%	0	0.0%	0	0.0%
100.000 LL	4	40.0%	1	16.7%	3	75%	0	0.0%	0	0.0%
200-000LL-250.000LL	6	60.0%	5	83.3%	1	25%	0	0.0%	0	0.0%
TOTAL	89	100.0%	74	100.0%	10	100.0%	3	100.0%	2	100.0%

One of the results is that the theft/runaway charges only account to 10 guilty cases (11.2%) of the 89 cases in which a sentence was pronounced. No prison time was imposed for 40% of these theft/runaway complaints but in a majority of cases (60%), MDWs were sentenced to prison, between two to six months.

The harshest sentence within our sample (6 months imprisonment) was pronounced in two cases, one related to an attempted murder perpetrated by a MDW (along with a 700.000 LL penalty fine)⁶³ and the other was a theft/runaway case which also happens to carry the heaviest financial

⁶³ Decision of Penal Judge in Beirut, 26 May 2010; procedure #13560 initiated from the prosecutor's office on 13 June 2008.

penalty (3.750.000 LL)⁶⁴. Out of the 1215 cases of our sample, 10 theft/runaway complaints were proven guilty by the Lebanese courts, i.e. 0.8%. If we calculate the proportion according to the total number of only theft/runaway cases (136 lawsuits), the percentage also remains low with 7.4% of these cases having been found guilty.

The legal arguments for theft cases (either as primary or secondary accusation) stand mainly on article 636 of the Lebanese Criminal Code, punishing the act of theft of two to three months of prison and a fine from 100.000 to 400.000 LL. This sentence can be aggravated in circumstances specified by sub-sections of article 636. For instance, article 636-(4) states among the aggravating conditions when “*the theft was committed by an employee against his employer*”, which explains the sentencing policy of many of the given cases in our sample.

On the other hand, the largest group of guilty cases is related to unique runaway charges with 74 cases out of 89 (83.1%) where the Lebanese judges mostly issue a prison sentence (~92% of the cases ; mainly for one month in 85.3% of these cases) and generally *in absentia*. For the other 8%, a fine is pronounced.

Analyzing the content of the judgments rendered by Lebanese courts for runaway cases points out to the legal grounds used by Lebanese judges to incriminate the defendants, which are article 36 of the Residence Rules and Regulations and article 7 of Decision 136/1969 regulating the Residence of Foreigners on Lebanese Soil, indicating the conditions under which the foreigner must abide vis-à-vis the Lebanese authorities, both generally linked to article 770 of the Lebanese Criminal Code punishing any “violation of administrative and municipal decisions and regulations”.

These are the legal arguments used by the judges in all runaway cases that have reached trial, hence considering the fact for a MDW to leave the household of her sponsor/employer as a breach of the conditions of her residency on Lebanese soil.

Given that the runaway cases of MDWs in Lebanon account for 99.3% of all complaints against MDWs (1207 cases over 6 months covered, i.e. almost 2.500 cases a year, just in the Beirut and

⁶⁴ Decision of Penal Judge in Beirut on 16 July 2009 ; procedure #4698 initiated from Hobeish police station on 25 March 2008.

Baabda jurisdictions), there is a need to look into these matters from a legal perspective and determine the factors leading to so many judicial actions against MDWs.

TITLE II

**FALSE THEFT COMPLAINTS AS A CONVENIENT MEANS TO ESCAPE
COMPLEX AND COSTLY REGULATIONS**

I. Uncovering the False Theft Complaints

Out of the 136 theft/runaway complaints filed by a Lebanese employer against his/her MDW, only 33.3% have been found guilty for both charges and convicted in a courthouse (table 9), whereas the percentage of guilty cases for the entire sample is 71.8%. At the same time, **78% of this category of charges never reached a courthouse in the first place.** Moreover, looking at the sentencing policy, the study uncovered that in 40% of the guilty cases, the judge pronounced a fine against the defendant (table 19) and 50% of the guilty verdicts involving prison times sentenced the MDW to three months of jail and above.

The small number of convictions and the rather lenient sentencing policy indicates that a **majority of theft/runaway cases turn out to be in fact baseless accusations.** As stated by many stakeholders, “*when a Lebanese family pays 1.700\$/1.800\$ of total fees to get the services of a MDW, the fact of her running away accounts as a large investment lost*”⁶⁵. Consequently, the theft accusation is inserted to “*further harm the girl*”⁶⁶, blackmail is then used against the MDW for the return of her ID papers without which she cannot work with another sponsor, or leave the country without the support of her consulate⁶⁷.

Hence, the study uncovered a disturbing phenomenon, the use of a rather generous judicial system in order for employers/sponsors to escape their responsibilities towards their employee. This justification was unanimously given out by the major stakeholders and experts interviewed in the course of this research, from General Security officials, the Consuls, Ambassadors, Legal workers, Heads of recruitment agencies.

These results of how the judiciary handled the theft/runaway cases support the idea according to which employers/sponsors have been filing *false theft complaints* against their domestic worker. According to Judge Hatem Madi, “*99% of the cases are not theft cases*”⁶⁸, an affirmation supported unanimously through the interviews carried out in the research. Same

⁶⁵ Interview with H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011

⁶⁶ *Ibid.*

⁶⁷ Interview with M. Hisham Borji, President of the Syndicate of the Recruitment Agencies in Lebanon, 28 June 2011 and with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

⁶⁸ Interview with Judge Hatem Madi, Lebanese Cassation Court, 11 June 2011.

observations were made by the official representatives of the MDWs in Lebanon. For Maria Mendoza, the Labor Attaché of the Philippine Embassy, “*there is a very small proportion of real stealing [...] it is a negligible number*”⁶⁹. For the Honorary Consul of Nepal in Lebanon, “*not only do Nepalese in Lebanon not steal, but they are the ones treated like animals [...] and 99% of employers hold their passport*”⁷⁰. Dr. Ray Jureidini counted a case in which he was personally involved as he heard a Lebanese employer admitting: “*I filed a theft complaint but she didn’t steal anything*”⁷¹. According to Dr. Jureidini this qualifies as “*a conspiracy between Lebanese to minimize the cost and minimize responsibility*”⁷². Even the General Security officially acknowledges this phenomenon: “*80% of the theft cases presented come without any supporting evidence and are considered as empty lawsuits*”⁷³.

As for the reasons behind this behavior, there is a unanimous view on how employers/sponsors file false theft complaints in order to “*seek revenge*” against their domestic worker, as “*she ran away and made the sponsor lose money*”⁷⁴. Indeed, the fact of the MDW leaving the workplace “*confiscates his initial investment costs that brought the domestic worker to him*”⁷⁵. Lieutenant Solh from the General Security estimates the procedure costs to least 2.600\$ (administrative fees, recruitment agency fees, insurance, residence permit fees...), depending on the nationality of the worker, not to mention the 1.000 US\$ bank guarantee needed to be deposited in the Housing Bank in cases when the sponsor does not pass through a recruitment agency⁷⁶. One of the sponsor’s interviewed managed to get her deposit back after multiple procedures as her MDW had escaped her household. She filed a complaint at the prosecutor’s office in Baabda, answering “no” to the question raised by the civil servants whether the girl had stolen anything from the house. By doing so, she was aware that “*if the authorities find her, I will have to pay*

⁶⁹ Interview with Mrs Maria Mendoza, Labor Attaché of the Philippine Embassy in Beirut, 14 June 2011.

⁷⁰ Interview with H.E.M Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, 29 June 2011.

⁷¹ Interview with Dr. Ray Jureidini, Scholar at Lebanese American University, Hamra, 24 June 2011.

⁷² Interview with Dr. Ray Jureidini, Scholar at Lebanese American University, Hamra, 24 June 2011.

⁷³ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

⁷⁴ *Idem.*

⁷⁵ Interview with Dr. Ray Jureidini, Expert on Forced Migration, Lebanese American University, Hamra, 24 June 2011.

⁷⁶ The 1.000 US\$ bond deposit is originally designed to pay for the ticket fare back home, but it can only be used after a judicial decision and usually freezes at the eruption of a conflict. According to our research, it has never been used in the 1215 cases raised in front of the Lebanese judiciary.

for her return ticket to her country, so I will have been spoiled on both ends, by paying for getting her here and for her way back without having benefited from her services”⁷⁷.

As the MDW leaves the workplace unauthorized, the sponsor reports it either to the police station (14.4% of all cases) or directly at the Prosecutor’s office (85.6% of all cases). In doing so, the sponsor “*is relieved from additional administrative and financial liabilities towards the MDW*”⁷⁸, i.e. having to renew her residency permit and paying the yearly fees⁷⁹. As the MDW is reported “runaway”, the sponsor is no longer responsible for her illegal stay in Lebanon, but he/she remains liable to the authorities (the General Security) to pay for the costs of her deportation if she gets arrested⁸⁰. However, in theft cases, the sponsor manages to escape from this financial responsibility, claiming that it is the MDW who owes him money and not the contrary, which comes as a convenient ways for the sponsor to escape the costs of repatriation. As a result, the General Security who is the acting authority ruling on the stay of a domestic worker on Lebanese territory engages with different parties to try and find sources of funding for her deportation. Many consulates hence had to arrange for repatriation procedures and logistics, as carried out by both the Philippine Embassy in Lebanon and the Consulate of the Republic of Madagascar in Lebanon, the first having repatriated 97 domestic workers in June 2011 and the other carried out the same process for 170 Malagasy the year before⁸¹.

Without theft accusations, it has become widely known that it is the sponsor who remains solely responsible for the departure of his/her MDW since, “*as far as the General Security is concerned, the ultimate point of reference is the sponsor, hence the need of filing a complaint when the worker runs away*”⁸². This is particularly true when runaway worker finally gets apprehended by the authorities or if she misfortunately dies, the General Security always zeroes back to the initial sponsor “*even if the girl ran away 13 years ago, which is a case we witnessed*

⁷⁷ Phone interview with Lebanese employer Mrs. S. S., 26 October 2011.

⁷⁸ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

⁷⁹ These amount to 300.000 L.L per year, MDWs being considered category 4 workers. The employee can hence sponsor a new domestic worker without paying the initial administrative fees.

⁸⁰ One of the documents signed by the sponsor when applying for a residence permit for a MDW form the General Security is a Act of Engagement certified by a Notary stating his/her responsibility for covering the costs of the return ticket.

⁸¹ Interviews with H.E.M Gilberto Asuque, Ambassador of the Philippines in Lebanon, 14 June 2011, and H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

⁸² Interview with H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011.

with a Bangladeshi worker and the General Security forced the initial sponsor to pay the deportation costs”⁸³.

As for the very act of running away, this is considered as a *breach of contract* with the sponsor who employs the domestic worker in his/her place of residence, knowing that the national legislation regulating contracts does not apply for this professional category which falls under the sponsorship system of the *kafala*. As a result, when a domestic worker is not happy with her employment’s conditions, sometimes for simple reasons like mentioned by H.E.M Mohammad Dandan, such as “*problems adapting to the language*”, because “*the family has a dog*”, or because “*the employer doesn’t allow her to cook her spicy food she is accustomed to*” or because “*she entered a Christian home and she is Muslim*”⁸⁴, she feels there is no other solution than leaving the household. Under the sponsorship system, coupled with the Rules and Regulations of the Residence of Foreigners in Lebanon, this mere runaway act outlaws the worker the moment she crosses the door (or window) steps. From the employer’s point of view, the fact of filing a lawsuit officially “*nullifies his contract with the MDW, and hence his responsibilities towards her*”⁸⁵. In this particular situation, M. Hisham Borji confirms that the Lebanese legislation considers the runaway MDWs as violators and become wanted by the Lebanese authorities because of what is regarded as a breach of contract by stepping away from her official sponsor.

The current legislation does not contemplate the possibility where the employer would have breached the contract first, leading the MDW to escape, whether it is due to labor conditions, non-payment of salary, physical violence or other types of abuse. According to the statistics of the Consulate of Bangladesh, an average of 7% of the cases they deal with relate to abuse issues.

Contrary to a normal employee in any given Lebanese or foreign institution, MDWs are stripped from their liberty to terminate their contract if valid reasons were to prevail because this type of employment does not fall under the category of a normal employer/employee relationship, as the sponsorship system comes with a series of restrictions to the MDWs. Given

⁸³ Interview with Ms Shaza Kreidieh, Labor Attaché of the Consulate of Bangladesh in Lebanon, Beirut, 27 June 2011.

⁸⁴ Interview with H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011.

⁸⁵ Interview with Dr. Ray Jureidini, Scholar at Lebanese American University, Hamra, 24 June 2011.

the original flaws in the legislation in place, running away becomes the most commonly used solution to escape a certain condition the sponsorship system has trapped the MDW into.

This legislative inconsistency often leads MDWs directly to the jail's box of the Lebanese system, on the basis of her employer's complaint, a habit the Lebanese officials have long established in the name of *public order*, or even worse to suicide.

II. An Overrated Security Mindset

As stated by previous researches, MDWs are not able to turn to the Lebanese judiciary for an access to justice in the face of physical and psychological abuse from their employer⁸⁶. Moreover, this research has shown how the employer can also use the judiciary to additionally harm and harass his/her domestic worker. MDWs in Lebanon have become trapped in a complex web of archaic legislation and administrative requirements, which constitute the *kafala* system.

Even though attempts of legal reforms are being carried out, it is necessary to point out the insufficiencies of these efforts. The draft law of Former Labor Minister Boutros Harb presented in February 2011 for instance did not tackle the sponsorship system (*kafala*) despite many progressive measures introduced in the bill, choosing to maintain the fate of the MDWs in the hands of her employers.

And until this changes, the General Security (the security agency in charge of all matters related to the entry and residence of foreigners on Lebanese soil) will continue to work within this legislative framework, i.e. the *kafala* system. As the results indicated, only a minority of cases were not run through an official investigation by the General Security (11.6% of total cases and 6.6% of theft/runaway complaints), which shows the level of involvement of the lead agency on these matters. Even for the uninvestigated cases, the General Security is still present and prefers to avoid a lengthy investigation in order to broker a quick deal between the past employer and a new one so that the MDW can keep a job in Lebanon, which is the policy adopted by the security agency, so that to guarantee a new *sponsor* to the migrant worker.

⁸⁶ Human Rights Watch. *Without Protection*, *op. cit.*

If the officials of the General Security favor reforming the legislation regarding MDWs, striking out the sponsorship system is not considered an option. The security mindset of the General Security mission is governed by the overall concern related to the *responsibility burden*. For the General Security, the easiest scheme vis-à-vis this issue is putting full responsibility of the MDW solely on the employers' shoulders: "*We cannot put an officer behind each domestic worker on Sundays to make sure nothing goes wrong*"⁸⁷ explained Lieutenant-Colonel Nader Abi Nader, the Head of the Investigation Bureau within the General Security.

Moreover, the abuse that many employers have experimented has also fueled this particular mindset, especially for MDWs who escape the household within a month of their arrival, generally aided by a larger group, hence using the employer to enter the Lebanese territory and reorient towards other more profiting services. Many of the sponsors contacted during this research, in fact the majority of them, did not file a suit after their MDW ran away because the latter was still under the custodianship of the recruitment agency (in the first three months upon arrival). The stories showed similar characteristics: the MDW arrives at the household, gets her first paycheck then leaves the house generally within one or two months. "*I am sure she was helped. From the moment she arrived, she seemed to be waiting for someone when standing by the balcony*", says a sponsor⁸⁸, which suggests that organized groups are encouraging the girls to leave their sponsors to enter other more lucrative activities, a version defended by the Lebanese authorities who remain attached to a strict control of the MDWs stay in Lebanon. For Lieutenant Hisham Solh, this is an additional indication that "*the rights of the sponsors are not even guaranteed by law*"⁸⁹, due to a poor legislation which has produced this unhealthy relationship between so many sponsors and MDWs.

This mistrust, based on sole security considerations, prevents the General Security of favoring a radical transformation within the sponsorship system. Pushing for legislative responses to these issues, the scope of these reforms is not thought outside the kafala system. Lieutenant Malak from the General Security acknowledges the need to "*limit the employer's likelihood of harming his domestic worker*"⁹⁰, as he hopes for constructive reforms, but within the *kafala* system: "*we*

⁸⁷ Interview with Lieutenant-Colonel Nader Abi Nader, Head of the Investigation Bureau, General Security, 12 July 2011

⁸⁸ Phone interview with Ms. M. H., 20 October 2011.

⁸⁹ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011

⁹⁰ Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

*have a protocol of administrative reform with the United Arab Emirates we could rely on in order to benefit from their very efficient kafala system; it was signed three years ago and is yet to be executed*⁹¹.

This particular mindset is not isolated within the Lebanese political or security landscape. The weight of this notion of *responsibility burden*, i.e. the actions and doings of the MDW on Lebanese soil is not the concern of the General Security only. According to the Honorary Consul of Bangladesh in Beirut, Mohammad Dandan “*somebody needs to be responsible for the domestic worker*”⁹², for which the easiest solution so far implemented in Lebanon is the *kafala* system. Initially, the latter was designed to “*ensure that the domestic worker can get back home at the end of her contract*”, as MP Ghassan Mokheiber puts it⁹³, but this structural framework turned out to be incompatible with the preservation of the rights of the employers and the MDWs.

On the responsibility issue, Antoine Hashem, a Labor Ministry counselor, feels it’s the MDW’s countries that should guarantee and enforce the contract between both parties: “*The embassy should be held responsible for the safety of the workers [and] should reimburse employers the \$3,000 they paid in fees to hire a foreign worker if she runs away*”⁹⁴. For these authorities, it is the recruitment agencies’ responsibility, as stated by the Consul of Bangladesh, who stressed that his office always tries to force the recruitment agency into its responsibilities and have them pay the return ticket fare, “*especially when we know she entered the country legally, so she needs to go back home*”⁹⁵. Lieutenant Solh prefers to see this issue handled directly by the insurance companies whose policies would cover these cases, hence preventing the employers of filing false theft cases out of revenge because of the financial losses of the runaway act⁹⁶, an idea shared by M. Hisham Borgi, President of the Syndicate of the Recruitment Agencies⁹⁷.

⁹¹ *Idem.*

⁹² Interview with H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011

⁹³ Interview with MP Ghassan Mokheiber, 15 June 2011.

⁹⁴ Justice system fails foreign workers, *NOW Lebanon*, 27 September 2010.

⁹⁵ Interview with H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011.

⁹⁶ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

⁹⁷ Interview with M. Hisham Borgi, President of the Syndicate of the Recruitment Agencies in Lebanon, 28 June 2011

But even if an agreement is reached on the financial aspect of this phenomenon, the law still requires from the employer to press charges against his domestic worker when she *escapes* the household. As mentioned earlier, it is practically impossible for a MDW to terminate her contract with her employer without breaching Lebanese law and be subject to the thunders of the judiciary.

The latest *Convention concerning decent work for domestic workers* of June 2011⁹⁸ powered by the International Labor Organization provides the necessary protection measures against this type of unbearable situation, namely through its article 9 which states that

“Each Member shall take measures to ensure that domestic workers:

(a) are free to reach agreement with their employer or potential employer on whether to reside in the household;

(b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and

(c) are entitled to keep in their possession their travel and identity documents”.

Escaping these three specific points constitutes the backbone of the security mindset in Lebanon, where the ideas of letting the worker out of the household or giving her the liberty of residing away from the employer’s house remain unacceptable, especially under a *kafala* system that engages the employer’s responsibility for the whereabouts of his domestic worker. This is why Lebanon has official reservations over this new convention as the country is yet to adopt it officially, which would involve a serious effort in finding alternatives to the *kafala* system, a measure incompatible with both the text and the spirit of the 2011 C189 Convention.

⁹⁸ Full text of the Convention available at <http://www.ilo.org/ilolex/english/convdisp1.htm>

III. A Structural Response to a Social and Human Topic

This research showed serious structural gaps within the legal framework and proceedings. According to Lieutenant-Colonel Nader Abi Nader, from the General Security, “*the roots of the problem is the lack in the legislation*”⁹⁹.

And here is how: when the sponsor reports the *runaway* status of his/her domestic worker as she fled her workplace, which in Lebanese Law, represents a violation of the Rules and Regulations of Residence in Lebanon, the procedure doesn’t allow for any window to understand the factors of why the MDWs had/wished to leave. Instead, they become treated like outlaws and felons by the authorities seeking their deportation instead of ensuring basic protection of their employment conditions.

Hence, **a core element uncovered here is the quasi-impossibility of the MDW to end her contract (whether for valid reasons or not) without becoming an outlaw**. As specified by General Security officials, “*the moment the MDW runs away, we are under the obligation of arresting her and, in most cases, of deporting her, this is based on the kafala system*”¹⁰⁰. Whether there is some kind of abuse or not, whenever a MDW escapes her workplace, she is considered as being the sole person having broken the law the moment the employer files a lawsuit against her. Additionally, when filing a complaint, the sponsor “*protects himself as far as the Lebanese legislation is concerned, because the law obligates the employer to file a criminal complaint*”¹⁰¹, but it does not acknowledge any protection to the dispensable domestic worker.

Moreover, the MDW remains discriminated within the judicial proceedings, as “*experience shows that the police stations and the General Security usually stand by the employer, never with the girl*”¹⁰². As shown by the outcome of the lawsuits which reached trial where the majority of the cases (~72%) found the MDW guilty, it is difficult for the domestic worker to defend herself in front of Lebanese judges. “*In many cases, no translation is even provided whatsoever; general*

⁹⁹ Interview with Lieutenant-Colonel Nader Abi Nader, Head of the Investigation Bureau, General Security, 12 July 2011.

¹⁰⁰ Interview with Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.

¹⁰¹ Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

¹⁰² Interview with H.E.M. Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, 29 June 2011.

security and judges just do not care”¹⁰³. As for the cases that did not reach trial, it is the “*General Security policy to automatically deport*”¹⁰⁴ the domestic workers which are in conflict with their employer, “*unless there is evidence of abuse or of no wrongdoing from the MDWs’ side, we deal with them on a case by case basis [...] We are easily able to uncover this during our investigations*”¹⁰⁵.

Still, the employer holds the exclusive privilege of being able to terminate the contract and proceed to the repatriation of the domestic worker, either before the end of the initial contract or when the latter comes to an end. The new unified contract presented by former Minister Boutros Harb tackled this issue by granting the payment of indemnities for who wishes to terminate the contract without a valid reason (4 months of salary paid as a compensation by the MDW if she wishes to leave). Still, the system would remain unfair as the employer has the choice of who he/she is recruiting whereas the domestic worker does not, which is one of many aspects of why the *kafala* system as applied in Lebanon is not a classical employer/employee relationship. “*The law should provide just ways for the two parties to terminate the contract, and it doesn’t mean dismantling the Kafala system*”, indicated Dr. Nidal Jurdi, legal expert from the Office of the High Commissioner for Human Rights in Beirut¹⁰⁶, who worked on the recent draft proposal of the unified contract. On that, many stakeholders agree that someone should be in charge and responsible of the domestic worker when she enters the country, but this doesn’t mean the authorities should not deal with the many inconsistencies uncovered in the system through this research as stressed by the relevant parties.

Along with the needed reforms in the legal framework, prosecutors should also be encouraged to sue plaintiffs who lied in the course of the investigation and in front of judges when unjustly accusing their domestic worker of stealing¹⁰⁷. A zero-tolerance policy should be applied on false testimonies which is a serious charge in the Lebanese Criminal Procedures, and would contribute in dissuading any further false complaints against MDWs. As a result, runaway reports should

¹⁰³ Interview with H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.

¹⁰⁴ Interview with Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.

¹⁰⁵ *Idem.*

¹⁰⁶ Interview with Dr. Nidal Jurdi, OHCHR, 29 June 2011.

¹⁰⁷ Idea strongly supported by H.E.M Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, Interview on 29 June 2011 and H.E.M Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, interview on 30 June 2011.

not evolve in criminal charges as it is not a crime in the Lebanese Criminal Code, and should be dealt with on a case by case issue, depending on the working status, the criminal record (serious crimes) and the capacity of the domestic worker to find a new sponsor or afford her own residence papers if she wishes to stay in Lebanon.

*“We cannot tackle all the problems overnight, says M. Hisham Borji, the President of the Syndicate of Recruitment Agencies in Lebanon, let’s start with a few logical reforms and introduce other corrections through changing some of the behaviors”*¹⁰⁸. Ambassador Asuque, representing the Philippines interests in Lebanon suggested *“a consistent monitoring system which would deal with MDWs in Lebanon”*, hoping serious reforms would lead to the *“drop the ban on Filipino workers coming to Lebanon”*¹⁰⁹. As for the new Labor Minister Charbel Nahas, he recently admitted not having read the text of the C189 Convention but committed to engage in this issue shortly: *“Frankly speaking, until now, I did not have the opportunity to look at the text of the convention precisely. But it is well known that the rules that govern the situation of the MDWs are not acceptable”*¹¹⁰.

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As such, here are a series of recommendations inspired from the findings of this study:

¹⁰⁸ Interview with M. Hisham Borji, President of the Syndicate of the Recruitment Agencies in Lebanon, 28 June 2011.

¹⁰⁹ Interview with H.E.M Gilberto Asuque, Ambassador of the Philippines in Lebanon, 14 June 2011.

¹¹⁰ Signs of hope for Lebanon’s migrant domestic workers, NOW Lebanon, 1 July 2011.

RECOMMENDATIONS:

To Prosecutor's Office:

- **Maintain the policy of disregarding a majority of the runaway and theft/runaway complaints filed by Lebanese employers.**
- **Dissuade false theft complaints by employers by harshly prosecuting authors of false testimonies in front of judicial authorities.**
- **Enforce the basic defense rights of MDWs dealing with the Lebanese judiciary.**

To Minister of Justice:

- **Remove prison sentence for breaches to administrative rules and regulations by amending Article 770 of the Lebanese Criminal Code.**

To Minister of Labor:

- **Introduce legal tools for MDWs to be able terminate initial contract in a fair and just way for both her interests and her employer's.**
- **Introduce and head a monitoring system in charge of following-up and coordinating all matters related to MDWs in Lebanon.**
- **Introduce an inspection system to workplaces of MDWs in Lebanon carried out by trained social workers, in cooperation with specialized NGOs.**
- **Introduce a new insurance coverage to ensure repatriation costs of MDWs.**

To General Security:

- **Reform the *Kafala* System in a way that ensures the basic fundamental rights of MDWs in Lebanon.**
- **Encourage the residence of MDWs working in Lebanon who can afford independent residence permits.**

APPENDICES

**Table numb. 12 |
LAWSUIT OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR
UNIQUE RUNAWAY CHARGES INITIATED IN POLICE
STATION (on the basis of 82 cases)**

RESULT	Number	%
REACHED TRIAL	15	18.3%
Guilty	10	12.2%
Not Guilty	0	0.0%
Trial Ongoing	5	6.1%
DIDN'T REACH TRIAL	67	92.7%
Case closed Prosecutor's level	61	74.4%
Uninvestigated Case	0	0.0%
Uninstructed case	6	7.3%
TOTAL	82	100.0%

**Table numb. 13 |
LAWSUIT OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR
UNIQUE RUNAWAY CHARGES INITIATED IN
PROSECUTOR'S OFFICE (on the basis of 987 cases)**

RESULT	Number	%
REACHED TRIAL	72	7.3%
Guilty	64	6.5%
Not Guilty	1	0.1%
Trial Ongoing	7	0.7%
DIDN'T REACH TRIAL	915	92.7%
Case closed Prosecutor's level	765	77.5%
Uninvestigated Case	134	13.6%
Uninstructed case	16	1.6%
TOTAL	987	100.0%

**Table numb. 14 |
LAWSUIT OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR
THEFT/RUNAWAY CHARGES INITIATED IN POLICE
STATIONS (on the basis of 90 cases)**

RESULT	Number	%
REACHED TRIAL	20	22.2%
Guilty	6	6.7%
Not Guilty	7	7.8%
Trial Ongoing	7	7.8%
DIDN'T REACH TRIAL	70	77.8%
Case closed Prosecutor's level	17	18.9%
Uninvestigated Case	0	0.0%
Uninstructed case	53	58.9%
TOTAL	90	100.0%

**Table numb. 15 |
LAWSUIT OUTCOME IN LEBANESE JUDICIAL SYSTEM FOR
THEFT/RUNAWAY CHARGES INITIATED AT PROSECUTOR'S
LEVEL (on the basis of 46 cases)**

RESULT	Number	%
REACHED TRIAL	10	21.7%
Guilty	4	8.7%
Not Guilty	2	4.3%
Trial Ongoing	4	8.7%
DIDN'T REACH TRIAL	36	78.3%
Case closed Prosecutor's level	20	43.5%
Uninvestigated Case	7	15.2%
Uninstructed case	9	19.6%
TOTAL	46	100.0%

Table numb. 20 |

COMPLAINTS FILED DIRECTLY AT POLICE STATIONS, BROKEN DOWN BY CHARGES

LOCATION	UNIQUE RUNAWAY (82 cases)		THEFT/ RUNAWAY (90 cases)		THEFT (2 cases)		ATTEMPTED MURDER (1 case)		TOTAL NUMBER	
	Nbr	% 82	Nbr	% 90	Nbr	% 2	Nbr	%	Nbr	%
HBEICH	16	19.5%	7	7.8%	1	50%	0	0.0%	24	13.7%
ANTELIAS	4	4.9%	8	8.9%	0	0.0%	0	0.0%	12	6.9%
JOUNIEH	5	5.6%	7	7.8%	0	0.0%	0	0.0%	12	6.9%
MSAYTBE	5	5.6%	6	6.7%	0	0.0%	0	0.0%	11	6.3%
BASTA	4	4.9%	4	4.4%	1	50%	1	100%	10	5.7%
MINA HOSSON	8	9%	1	1.1%	0	0.0%	0	0.0%	9	5.1%
ZKAK AL BLAT	8	9%	1	1.1%	0	0.0%	0	0.0%	9	5.1%
ZOUK MOSBEH	6	6.7%	3	3.7%	0	0.0%	0	0.0%	9	5.1%
ASHRAFIEH	2	2.2%	5	5.6%	0	0.0%	0	0.0%	7	4.0%
CHWEIFAT	2	2.2%	5	5.6%	0	0.0%	0	0.0%	7	4.0%
TARIK JDIDE	1	1.1%	6	6.7%	0	0.0%	0	0.0%	7	4.0%
BROUMANA	0	0.0%	6	6.7%	0	0.0%	0	0.0%	6	3.4%
JDEIDEH	1	1.1%	5	5.6%	0	0.0%	0	0.0%	6	3.4%
BAABDA	2	2.2%	3	3.7%	0	0.0%	0	0.0%	5	2.9%
JBEIL	2	2.2%	3	3.7%	0	0.0%	0	0.0%	5	2.9%
TARIK CHAM	2	2.2%	3	3.7%	0	0.0%	0	0.0%	5	2.9%
GHAZIR	0	0.0%	4	4.4%	0	0.0%	0	0.0%	4	2.3%
OUZAI	0	0.0%	4	4.4%	0	0.0%	0	0.0%	4	2.3%
BEKFAYA	1	1.1%	2	2.2%	0	0.0%	0	0.0%	3	1.7%
RAWCHE	2	2.2%	1	1.1%	0	0.0%	0	0.0%	3	1.7%
AL NAHER	2	2.2%	0	0.0%	0	0.0%	0	0.0%	2	1.1%
BORJ HAMOUD	2	2.2%	0	0.0%	0	0.0%	0	0.0%	2	1.1%
HARET HREIK	1	1.1%	1	1.1%	0	0.0%	0	0.0%	2	1.1%
JEMAYZEH	2	2.2%	0	0.0%	0	0.0%	0	0.0%	2	1.1%
DEKWANE	1	1.1%	0	0.0%	0	0.0%	0	0.0%	1	0.6%
FORN CHEBAK	0	0.0%	1	1.1%	0	0.0%	0	0.0%	1	0.6%
GHOBEIRY	1	1.1%	0	0.0%	0	0.0%	0	0.0%	1	0.6%
KORNEYEL	0	0.0%	1	1.1%	0	0.0%	0	0.0%	1	0.6%
MREIJE	0	0.0%	1	1.1%	0	0.0%	0	0.0%	1	0.6%
OYOUN SIMAN	1	1.1%	0	0.0%	0	0.0%	0	0.0%	1	0.6%
RAMLE BAYDA	0	0.0%	1	1.1%	0	0.0%	0	0.0%	1	0.6%
RAYFON	1	1.1%	0	0.0%	0	0.0%	0	0.0%	1	0.6%
SIN EL FIL	0	0.0%	1	1.1%	0	0.0%	0	0.0%	1	0.6%
TOTAL	82	100%	90	100%	2	100%	1	100%	175	100%

List of Interviews (chronological order) –

- Judge Hatem Madi, Cassation Court, 11 June 2011.
- Mrs Maria Mendoza, Labor Attaché of the Philippine Embassy in Beirut, 14 June 2011.
- H.E.M Gilberto Asuque, Ambassador of the Philippines in Lebanon, 14 June 2011.
- M. Ghassan Mokheiber, Member of Parliament, 15 June 2011.
- Dr. Ray Jureidini, Scholar at Lebanese American University, Hamra, 24 June 2011.
- H.E.M. Mohammad Dandan, Honorary Consul of Bangladesh in Lebanon, Beirut, 27 June 2011
- Ms Shaza Kreidieh, Labor Attaché of the Consulate of Bangladesh in Lebanon, Beirut, 27 June 2011.
- M. Hisham Borji, President of the Syndicate of the Recruitment Agencies in Lebanon, 28 June 2011.
- H.E.M Joe Issa Khoury, Honorary Consul of the Republic of Nepal in Lebanon, 29 June 2011.
- Dr. Nidal Jurdi, Legal Advisor, Office of the High Commissioner for Human Rights, UN Regional Office, Beirut, 29 June 2011.
- H.E.M. Marcel Abi Chedid, Honorary Consul of the Republic of Madagascar in Lebanon, 30 June 2011.
- Investigative Judge, Prosecutor's office, under the condition of anonymity, 8 July 2011.
- Lieutenant-Colonel Nader Abi Nader, Head of the Investigation Bureau, General Security, 12 July 2011.
- Lieutenant Hisham Solh, Head of the Judicial Investigation Branch, General Security, 12 July 2011.
- General Marouf Itani, Head of the Operations Bureau, General Security, 18 July 2011.
- Lieutenant Fadi Malak, Head of the Detention Branch, General Security, 18 July 2011.
- Penal Judge, under the condition of anonymity, 19 July 2011.
- Meeting with a group of seven sponsors within a recruitment agency who wished to remain anonymous, 17 October 2011.
- Phone Interview with Ms. M. H., Lebanese sponsor of MDW, 20 October 2011.
- Phone Interview with Ms. S. S., Lebanese sponsor of MDW, 26 October 2011

SAMPLE JUDGMENTS