

Migration and Development - Reflection Dinner

European Parliament
2 May 2007

Najla Chahda - Caritas Europa



Lebanon/ Sri Lanka - Labour Migration



Najla Chahda, director of **Caritas Lebanon** Migrant Centre

The Sri Lankan Economy is primarily based on agriculture. The emphasis is on export crops such as tea, rubber, and coconut (all plantation-grown). Cocoa, coffee, cinnamon, cardamom, pepper, cloves, nutmeg, citronella, and tobacco are also exported. Rice, fruit and vegetables are grown for local consumption. Tea accounts for about 1/4 of the country's export earnings. Sri Lanka is also an exporter of minerals for industry such as amorphous graphite used in manufacturing electric motors and considered its principal mineral industry. The island's minerals include zircon, limestone, salt, mica, glass sands. Precious and semi-precious stones are also important. Industry has been centred chiefly on processing agriculture products, producing steel, tires, cement, sugar, cigarettes, and textiles. And for some time tourism has become important for generating income to Sri Lanka. Most people are farmers and fishermen. About 800,000 Sri Lankans work abroad, of which 90% are in the Middle East.

Twenty years of civil war has no doubt slowed economic diversification and liberalisation and caused fluctuation in the annual growth of the Sri Lankan economy. Yet ceasefire agreement between the Government and the Liberation Tigers of Tamil in 2002 resulted in promising signs of recovery and considerable rebound. However, the natural disaster of December 26, 2004, i.e. the earthquake and subsequent tsunamis caused huge and costly damages that impacted severely the shyly recovering Sri Lankan economy.

The growth in the number of migrant workers in recent years has been fuelled by the combined effects of push and pull factors that exceed both costs and risks. Inadequate employment opportunities combined with poor living conditions and the critical political situation are factors pushing Sri Lankan people to migrate in search of higher salaries and standard of living abroad, greater job mobility and opportunities for professional advancement and more options for acquiring new skills and education.

The Mediterranean and Middle East (of which Lebanon is part) constitute probably the most remarkable geographical region of the world with respect to labour migration movements. Many factors influenced the continuous flux of migrants including political situations, war, economic opportunities and high demand for labour. The socio-economic consequences of labour migration are two-fold, both in the country of origin and the hosting or receiving country. Migration can be empowering in terms of higher self-esteem and increased economic independence of the migrant workers. The migrants play an important role in the reduction of the poverty of their family left behind through the significant remittances they send back home. On the other hand in receiving countries, migrants fill the employment shortage as they take jobs that nationals refuse to take since they consider them as degrading jobs such as household work. However, these jobs are in demand in the local labour market.

The demand for migrant workers to take low-skilled or unskilled jobs shunned by the local labour force has increased in Lebanon. Temporary foreign contract employees are the favourite type of migrants for the country, since there are no expectations of permanent settlement and/or citizenship rights.

There is a need to highlight here an increasingly common characteristic of labour migration: feminisation. The evolution of labour markets, due to globalisation, has increased the possibilities of emigration for women, as well as encouraged it. Unemployment and household poverty in Sri Lanka have pressured a lot of women to find jobs abroad. In Lebanon, heightened demands in certain employment sectors, especially in household employment, made migration an attractive alternative. A variety of reasons can explain this high demand. Employing a domestic worker from abroad gave the recruiter a certain amount of social status and prestige and more time for social activities. In addition, living standards have increased and more young families, who tend to live far away from their relatives, have the money to hire migrant domestic workers especially as their low wages make them affordable.

In Lebanon, Sri Lankan workers are everywhere, in nearly every family, every apartment, gas station, factory, or business etc. There is an estimated number of 80,000 Sri Lankan expatriates, of which 94% are women (Esim and Smith – 2004:13). For rather low wages and very tough working

conditions, they cope with their situation with the sole hope of sending their remittances or going back home and improving their financial situation and their families'.

Being employed in a country where they are not nationals may increase the workers' power, opportunities and autonomy, while facilitating the inversion of gender-related responsibilities in households as women are becoming the breadwinners, whereas traditionally this was the men's task. However, major social problems are arising from this pattern, as young children are often left behind by their migrating mothers, under the custody of a husband, a grandmother/grandfather, an aunt and sometimes neighbours. Men tend to become lazier, not searching for a new job in case they are unemployed, or not trying to advance in their current jobs, since they count on their wives' remittances. Many men, whose wife travelled to work abroad, repudiate their children and take another wife. Furthermore, being employed abroad and hence outside the legal protection of their country of origin, or under social legislation, exposes women to serious exploitations, harassments, intimidations and threats. Often by the very nature of their job, women workers are vulnerable to all sorts of abuse and exploitation. Some risk economic and sexual exploitation, racial discrimination and xenophobia, appalling work conditions, servitude and detention.

These migrations trigger serious conflicts of interests as well as confrontations about rights and liberties. The local populations want to preserve and protect their established rights and privileges, whereas migrants want to move unhindered and to provide the best for their own and their families' needs.

Women migrant worker are usually young and poor, living in fear of losing their jobs, They had to leave their families in Sri Lanka, do not speak Arabic or even English or French, and are unaware that they have rights that are being infringed. Often, alone in the Lebanese society, which is very different from their own cultures, Sri Lankan women are not prepared to face the contradictory and hard reality that awaits them. They are shocked by their own situation which might cause a high anxiety by living under constant threat and worrying about themselves and their relatives.

The contribution of migrant workers to the economy of Sri Lanka is undeniable, and is widely acknowledged by the government. By sending back a portion of their remittances, Sri Lankan migrant workers influence the country's development. Like many other countries of origin, such as the Philippines, the Sri Lankan government is supportive and encourages labour migration. There is however, a dark side to the migration, as it can have an ill effect on countries of origin's development. Uncontrolled migration can have a negative impact on developing countries such as Sri Lanka, already having problems in terms of education, adult literacy, nutrition and child mortality.

The majority of Sri Lankan nationals working in Lebanon are well-off in their jobs and send their remittances to their families on a regular basis. Some of them accumulate their wages in order to take the whole amassed amount with them upon their final return home. According to a recent study, remittances are spent mainly on building a private house for the household, followed closely by the payment of children's education fees. The best example given here, is that of Migrant Domestic Workers who refused to return to their homeland during the July 2006 war (Lebanon went through) preferring to stay and make a living for their families counting on their remittances.

There is however a less fortunate minority of Sri Lankan workers that are subjected to degrading conditions. Being physically locked in the employer's house for the whole duration of her two-year or three-year contract, confiscation of travel and other legal documents, overwork: 16 – 18 hours per day, lack of sleep and rest, withholding or delay in wages payment, insufficient or absence of meals provision, no medical care, are the most common violations of migrant workers' rights. In more severe cases, some migrants are victims of moral, verbal, physical and sexual abuse. Slapping, beating, rape and other assault such as threats of deportation, denigrating abusive and racist commentary are sometimes used as punishment for work considered slow or sloppy, or for behaviour regarded as inappropriate or insubordinate, they are even accused of seducing their rapist in cases of sexual abuse!!!

Faced with abuse and exploitation, the migrant workers are caught in a tangle of bad choices. Some remain silent and suffer the mistreatment because they are simply unaware of their rights. Others tolerate it because their families depend on the remittances and because an abusive or exploitative situation is still considered preferable to the limited economic choices they have in their home country. Still others flee the home of the employer to escape the abuse and find themselves

in an illegal situation. When a female migrant worker flees her employer's home, she has very few options. She is at constant risk of being detained by the authorities since she almost never has possession of her passport and other documents. She cannot work legally for any other employer. To make matters worse, she cannot leave the country until she has paid fees for residence and work permits for each year she has been in Lebanon. The longer she is stuck in this situation the greater her debt, and the more difficult it becomes for her to extricate herself.

These women are easy prey for sex traffickers who offer a place to live and quick money, and some are entrapped in the vicious circle. Others work as free lancers. However, even though they earn more money, there are more fees incurring: rental of a room, food and beverages, clothing, transport, cell phone, outings, etc. The amount of remittances sent home thus shrinks, not to mention the social problems they encounter. To remedy the solitude from which they suffer, many women enter in new relationships or "marriages". There are many children born from these mixed relationships. The great majority are non-id. Being in an irregular situation, most women do not get a birth certificate nor register their children. These migrants do not contribute to the development of either Sri Lanka or Lebanon.

Since its inception in 1994, the Migrant Center has been providing a wide range of services to migrants, be they asylum-seekers, refugees or migrant workers.

In its contribution to tackle various challenges and threats facing migrants, Caritas Lebanon Migrant Center (CLMC) is active in the following fields:

- Protection: since 2001, regular protective presence is guaranteed inside the State Retention Center for Foreign Persons, run by the General Security. CLMC is the sole NGO among all the Lebanese NGOs allowed by General Security to work and be present at the Retention Center.
- Since 2002, CLMC has started implementing an EU funded project whose objectives are:
 - Providing legal aid to enforce existing legal protection for Migrant Workers' rights in the courts of Lebanon, and social assistance to provide solutions for dispute resolutions between Migrants and their employers.
 - Providing orientation seminars to Migrant Workers to inform them of their rights and responsibilities in Lebanon, as well as the legal and social services available for them in this country.
 - Introducing and promoting the rights of Migrants to the Lebanese public through media and civil organisations. This includes a public awareness raising and behavioural change campaign to improve knowledge of Lebanese about migrant workers' rights and to promote a change of attitude towards migrant workers.
 - Advocating Migrants' rights and lobbying the Lebanese authorities towards improving laws and rationalising official procedures for Migrant Workers to enter and work in Lebanon.
- Advocacy: Caritas Lebanon considers that Lebanon should ensure equality in working rights; hold abusive employers accountable; improve the regulations of recruiting agencies; sign, ratify and respect international Conventions related to migration, and incorporate their standards in their domestic law; as well as conduct trainings to raise awareness about rights and obligations of both parties. This has led to a close working relationship with UN agencies, associations and government entities to achieve changes in the Lebanese legal system in the scope of respecting and better protecting migrant workers' rights. As of November 2005 a National Steering Committee has been formed of relevant stakeholders (of which CLMC is member) including various involved Ministries, ILO, Embassies of sending countries, Syndicate of Recruitment Agencies, etc. The Steering Committee is working on providing a legal framework for migrant workers such as a unified work contract, amendment of Labour Laws to include domestic migrant workers, etc. Efforts are being deployed so as Lebanon ratifies the International Convention on the Protection of the Rights of All Migrant Workers and their Families and include its standard provisions in its domestic Laws.
- Networking with Caritas Sri Lanka – Colombo (SEDEC) and Kandy (SETIK) to work together on elaborating country-specific pre-departure orientation seminars for those Sri Lankan expatriates willing to work in Lebanon. Based on CLMC extensive experience in the field, these sessions would include all relevant information i.e. insight into Lebanese culture, rights and responsibilities of migrant workers, services providers, etc. Currently, the Center is considering with local partners the possibility of printing a book containing basic Arabic words needed for every day's life translated in Sinhalese and Tamil (the national Sri Lankan languages) and their pronunciation as well as the

Sinhalese and Tamil wording and the pronunciation in Arabic. This should facilitate communication between employers and employees thus allowing better integration in the receiving country.

- Exchanges with governments of sending countries, to offer accredited programs for pre-departure orientation and training, providing country-specific information about conditions of recruitment, employment, social security rights and relevant international labour standards. As far as countries of origin are concerned, Caritas Lebanon recommends that they ensure legitimate contract signing for workers travelling abroad; inform the migrants of their rights and responsibilities; monitor national recruitment agencies to ensure their compliance to regulations; and follow-up cases of their expatriates in receiving countries through the labour attaché¹.

Ultimately, the scope of the work undertaken by the Migrant Center is to contribute to a Migration that would benefit all concerned stakeholders: Country of origin, Country of destination and the Migrant Workers themselves. This should not be impossible, but this long and exacting task requires a commitment from all parties to achieve development through a controlled migration.

¹ During his visit in December 2002, the Migrant Centre met with the former Labour Minister, Honourable Mahinda Samarasinghe. He was sincerely interested and motivated by the project which encouraged the Centre to solicit the Embassy again and again, but the Ambassador said that because Caritas is a church-organisation, he could not encourage its work, since these sessions could be used to preach Christianity among a mainly Buddhist population(!). In June 2003, former Chairman Susantha Fernando was visiting Lebanon and the Centre met with him and explained to him the difficulties faced in getting collaboration from the Embassy. He promised to do all he can to help and convince the Embassy of the importance of our orientation sessions, as well as getting them organised on the Embassy premises. The Centre's Director met him again at his office in Colombo in August 2003, but he became evasive and showed that he will not be looking into this matter anymore, because it would duplicate the pre-departure orientation sessions organised in Colombo by a specialised agency appointed by the Sri Lankan government. The Centre's Director also met former minister Hon. Lakshman Yapa Abeywardana in Beirut, who made promises but never answered the Centre's follow-up correspondence.

CASE STUDY

Nandanie is a Sri Lankan national, originating from a remote rural area. She was married in Sri Lanka and has 2 daughters. The household lived in extreme poverty, as what Nandanie's husband earned could barely suffice to feed four mouths. A recruiting agent contacted her husband and talked to him about finding a rewarding job abroad for Nandanie, thus improving the family's economic situation. Nandanie's husband encouraged her to travel and hence sustain her family. Eventually, she finished all required procedures and went to Lebanon, leaving her children in the custody of both her husband and parents.

In year 1998, she arrived in Lebanon to work for a Lebanese family. For two years, she sent remittances to Sri Lanka on a regular basis. The money was used to cover her daughters' education, as well as support her parents.

Upon completion of her contract, Nandanie returned home to find that her husband has squandered her remittances, and did not make any savings. Her parents offered to assist in taking care of the children if she chose to return to work in Lebanon.

In addition to being forced to work abroad to care for her family, Nandanie was unfortunately placed this time in a large family, composed of seven (7) members, of which five (5) were children. Besides being overworked, she was mistreated. Furthermore, she was sent several times to the agency where she was threatened and beaten. Consequently, she ran away as she could not bear the ill-treatment anymore. Her legal documents remained though in her employer's possession and she thus became illegal.

Wandering alone in an unknown and remote mountainous region, she met a Bangladeshi man who offered to help her. She called to inform her parents of her mishap only to hear from them that her husband has repudiated their children leaving them in her parents' custody and has taken another wife. With no other recourse, Nandanie decided to stay in Lebanon and work as a free lancer. Eventually, she "married" the Bangladeshi man she met after she fled her employer's house. He worked as a caretaker, and they shared his apartment. They had a son and a daughter. Nandanie faced conjugal problems and was regularly beaten by her husband, especially when he was drunk. She got pregnant again.

During the July/August 2006 War on Lebanon, Nandanie's husband left her and travelled back with their son to Bangladesh. He wanted to take both children with him; however, he managed to make the required travel arrangements for the boy alone as only the son had a birth certificate. He declared that he was already married in Bangladesh and did not want to take Nandanie with him.

While in Lebanon, Nandanie's mother deceased. After her mother's death, Nandanie's 84-year old father took care of her two children in Sri Lanka, assisted by helpful neighbours.

After the departure of her husband, Nandanie was left alone without shelter, pregnant and with a 3 years old girl. The people in the neighbourhood were moved by her situation and gave her from time to time food and blankets as she spent many months outdoor. Eventually, someone notified the Migrant Center about her case. One Social Worker went on site to assess her situation and Nandanie was taken in charge by the Center:

- A shelter was provided for her and her daughter,
- She benefited from regular medical follow-up,
- Free legal counselling and follow-up was ensured by one of the Centre's lawyers and
- Psychological support was afforded.

Recently, Nandanie gave birth to a baby girl. Consequently, the Migrant Center is working in close coordination with:

- The Sri Lankan Embassy in Lebanon in order to legalise her daughters' status by becoming Sri Lankan expatriates and providing them with travel documents
- The Lebanese General Security to accelerate Nandanie's and her children's return to Sri Lanka
- Nandanie's employer to negotiate the handing-out of her travel documents
- Caritas Sri Lanka to receive Nandanie and her children upon their arrival and ensure the best possible reintegration conditions, by providing for her Vocational Training to start a small business or any other income-generating activity.