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International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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CC: Domestic Workers' Union

National Federation of Workers and Employees Trade Unions
in Lebanon (FENASOL)

World Federation of Trade Unions (WFTU)

GEFONT, Nepal

January 2017

Your Excellency,

The International Centre for Trade Union Rights is writing to express its concern about the arrest and deportation of Rose Limbu, a Nepalese migrant worker and executive board member of the Domestic Workers' Union in Lebanon. We are also concerned by the case of Ms Sujana Rana, who is also a Nepalese migrant worker involved with migrant worker organizing, who was arrested on 30 November and deported on 10 December.

ICTUR understands that on 5 December 2016, Rose Limbu, who is legally authorised to work in Lebanon, was arrested, and has since been denied access to legal counsel. The National Federation of Workers and Employees Trade Unions in Lebanon (FENASOL) has attempted to intervene on her behalf, and has called for her to be granted access to proper legal advice and representation, which it has offered to provide.

ICTUR understands that since December 2014 the Domestic Workers' Union has been seeking official recognition from the Lebanese Labour Ministry, but that the Labour Minister has opposed these requests. It is our understanding that the Domestic Workers' Union, to which both Rose Limbu and Ms Sujana Rana belong, continues to operate informally and acts as a forum for the promotion of migrant domestic worker rights.

ICTUR recalls that the Domestic Workers' Union organisers in Lebanon are engaged in necessary, legitimate, and internationally recognised work to promote workers' rights; that they have sought (and been denied) formal recognition from the authorities; that their work is recognised and supported by formal, established workers' organisations in Lebanon, notably the FENASOL; and that their work has been recognised by international organisations, trade unions, and human rights groups, many of which have joined the protest against their arrest and deportation.

ICTUR calls on the government to act swiftly to ensure the release of Rose Limbu and the cancellation of her deportation. We urge the authorities to enter into discussions with the Domestic Workers' Union and with FENASOL in order to address the serious problems highlighted by this case, and to bring the law into compliance with ILO principles on freedom of association, which require that migrant and domestic workers be granted trade union rights, and that the rights of those working to defend trade union rights must be respected.

We recall that the ILO's Committee on Freedom of Association has emphasised that: "All workers, without distinction whatsoever [...] should have the right to establish and join organizations of their own choosing" (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 216 and 255). And this concept specifically extends to migrant and domestic workers: "With regard to the denial of the right to organize to migrant workers in an irregular situation, the Committee recalled that all workers, with the sole exception of the armed forces and the police, are covered by Convention No. 87" (*Digest*, para 214), and "Domestic workers are not excluded from the application of Convention No. 87 and should therefore be governed by the guarantees it affords and have the right to establish and join occupational organizations (*Digest*, para 267).

Concerning the arrest, detention and deportation of trade union activists, the failure to lay clear charges against them, and the lack of access to legal representation, we recall the Committee's earlier findings that: "[t]he detention of trade union leaders or members for trade union activities or membership is contrary to the principles of freedom of

association” (*Digest, para 61*), that “[d]etained trade unionists, like anyone else, should benefit from normal judicial proceedings and have the right to due process, in particular, the right to be informed of the charges brought against them, the right to have adequate time and facilities for the preparation of their defence and to communicate freely with counsel of their own choosing, and the right to a prompt trial by an impartial and independent judicial authority” (*Digest, para 102*).

ICTUR recalls that the protections of freedom of association outlined by the Committee constitute core pillars of the ILO, and are to be applied irrespective of the condition of ratification of the individual conventions. We further note that the principles of freedom of association are binding upon Lebanon under international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which instruments Lebanon has ratified.

ICTUR calls on the authorities in Lebanon to:

1. Release Rose Limbu, cancel her deportation, and ensure the protection of her rights as a lawful migrant worker and as a human rights defender and workers’ representative;
2. Recognise, accredit, and give formal legal status to the Domestic Workers’ Union.
3. Work with the Domestic Workers’ Union and FENASOL to secure an appropriate resolution to the case of Ms Sujana Rana,

ICTUR will report this situation internationally, including on social media platforms, and in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director