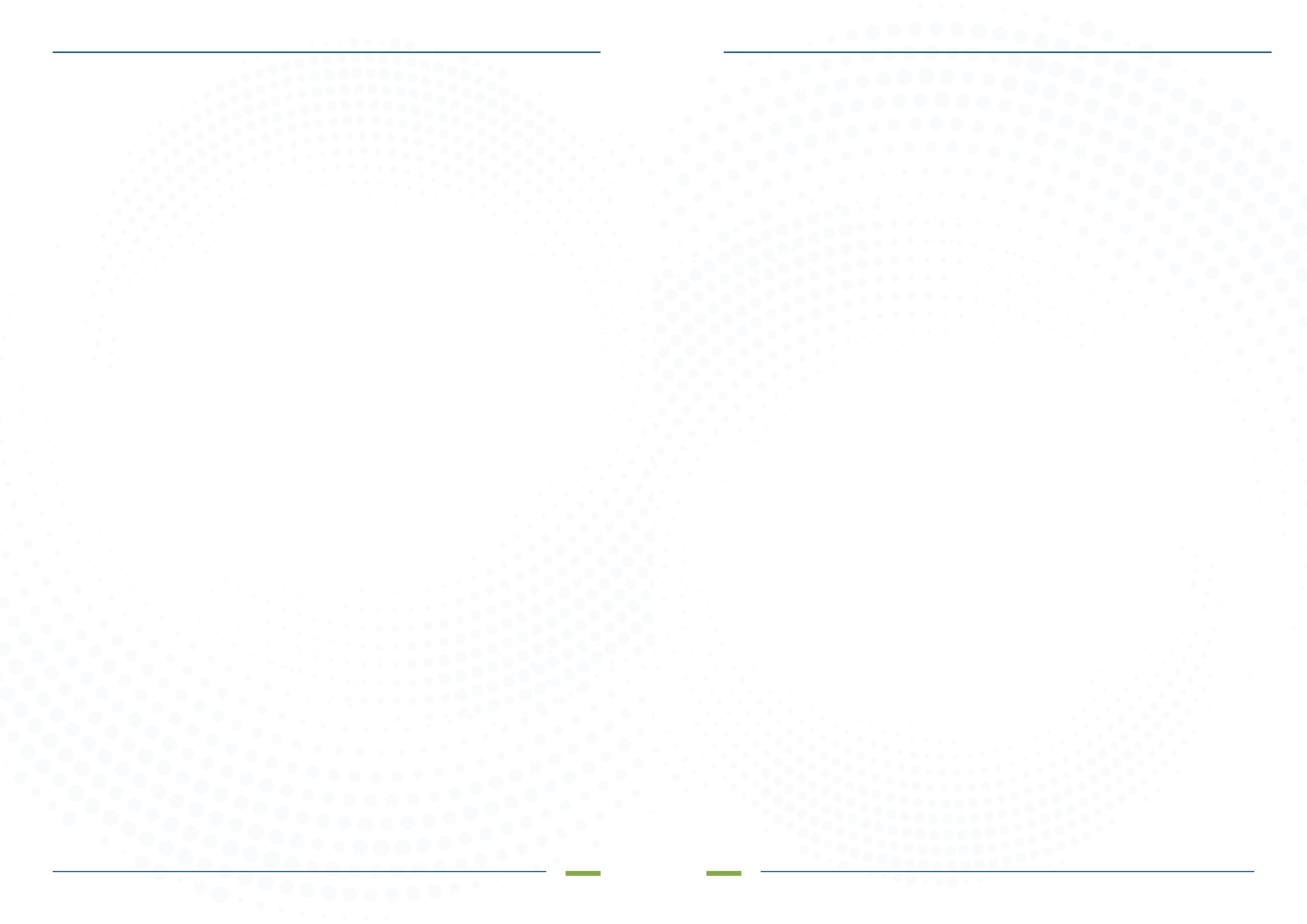




Safe from Slavery:

Uncovering the Reality of Migrant Workers in Lebanon



Introduction:

The historical path of migrant labor goes a long way back to the 19th century when the phenomenon of forced labor first appeared and spread in European colonies, where people were brought from Asia and Africa to work under fixed-term contracts. On the one hand, demand on domestic workers in colonising states rose beginning of the 20th century, leading to the transfer of migrant domestic workers from colonies to the households of colonisers.

On the other hand, the second part of the 20th century saw the onset of globalisation and economic transformations, which brought on influx of migrants. In 2011, the International Labor Organisation (ILO) took a firm step forward by adopting Convention 189, setting the International Labor Standards and recognising the rights of domestic workers.

Migrant domestic workers first entered Lebanon in the sixties and seventies of the 20th century, a period which coincided with the oil boom in the Gulf region¹. Economic prosperity in the Gulf countries increased the demand on migrant labor. As a consequence, Lebanon started exporting a Lebanese workforce to the Arab States in return for oil money entering Lebanon in the form of deposits and the increase of investment as the Lebanese economy relied more and more on a workforce that was originating from countries of a lower economic level. The Lebanese civil war (1975-1990) increased the demand on migrant workers as women entered the labor market to help their husbands support their families amid the challenging economic situation. Families thus resorted to the more affordable domestic labor.

Over the years, Lebanon became a destination for women migrant workers from different countries, despite their constant fears over their rights, living conditions, and treatment under the Kafala system. The migrant workforce from Asia and Africa reached its peak in 2019 at approximately 250,000 women workers in Lebanon, only to take a nosedive due the successive crises that hit Lebanon with the onset of the revolution on October 17, 2019, the economic crisis, and Covid-19. The collapse of the national currency decreased the economic capacities of Lebanese households. Subsequently, they were no longer able to pay the wages of migrant domestic workers. Many of them were abandoned on the streets, or at their embassies, or given the choice between returning or staying to work without wage, as documented by the Lebanese Centre for Human Rights (CLDH).

According to report on Migrant Presence Monitoring issued by the International Organisation for Migration (IOM) in October 2023, the number of migrant workers increased to 160,738, an 18% increase compared to the number recorded in 2022, which was 135,420. The identified migrant groups included Ethiopians (37%), Bengalis (22%), and Sudanese (9%), with a total of 84 nationalities. Women constitute 65% of the migrant population, with different percentages across nationalities.

Women migrant domestic workers in Lebanon are explicitly excluded by Article 7 of the Labor Law, and thus not protected, leaving their entry into Lebanon, residency, and work in the country at the mercy of the unjust Kafala system.

The Kafala system does not comply with regional and international laws/conventions that safeguard freedoms and human dignity, protect labor rights, and contribute to the fight against forced labor and human trafficking, including The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the ILO Forced Labor Convention (No. 29), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination, which were ratified by Lebanon.

Furthermore, the Kafala system is a slavery system that imposes inhumane constraints on migrant domestic workers. It links their residency to their employer, which means they could lose it or face deportation should they decide to change or leave their employment without the employer's consent. It also renders them vulnerable to exploitation and human rights violations, such as seizing their personal papers, imposing long working hours, verbal, physical, and sexual abuse, withholding wages, not granting them a day off nor providing them with a decent living space, and falsely accusing them of theft when they leave their employment.

Over the years, and following the demands of non-governmental organisations (NGOs) and representatives of migrant domestic workers, measures were adopted to dismantle the Kafala system in Lebanon. These will be detailed in section four of the report. The most notable of these measures was when, in 2009, the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL) collaborated with the Ministry of Labor (MoL) to produce a standardised contract. In 2020, a new standardised contract was issued by the Ministry of Labor, then suspended during the same year by a decision from the Shura Council, based on an appeal by SORAL. Then, through an initiative by KAFA and in cooperation with the General Security Office (GSO), the procedures put in place to report the domestic worker who leaves her employment were amended to prevent the employer from filing a complaint for "escape" before the public prosecution against workers who leave their sponsor's (employer) home (workplace). Administrative procedures enabling the employer to inform the concerned parties of the worker's leaving were introduced. The employer submits a form directly to the GSO as a routine, administrative procedure releasing them of any civil liability resulting from the employment relationship. The GSO also banned the use of terms violating laws or human rights when describing the domestic worker's departure from the workplace (the sponsor's home), such as "escape/fleeing" in all official records and mandated their substitution with departure from employment. And yet, most of these attempts are still insufficient amid the lack of any clear and sustainable policy that regulates the status and protects the rights of migrant workers in Lebanon.

Despite the repeated assurances of officials on their intention to abolish the Kafala system, no effective measures were taken yet to eliminate the dominant slavery system.

Therefore, amid the continued violations to which are subjected migrant domestic workers in Lebanon, the CLDH published a report reflecting the reality of the migrant domestic workers in Lebanon and the challenges they face inside and outside prisons on the one hand, and on another, setting a realistic action plan aiming to abolish the Kafala system and regulate the work of the domestic workers. This report was part of a project funded by the Embassy of the Federal Republic of Germany named *Safe from Slavery*. It was based on a series of meetings with concerned parties, such as members of parliament, local and international organisation, and SORAL.

¹ Migrant domestic workers in the Middle East – The Home and the World, Bina Fernandez and Marina de Regt, 2014, p 1

The report is divided as follows:

Section one introduces the methodology used for this report. In section two, we present the local and international legal frameworks of migrant labor. Then, we highlight in section three the challenges migrant domestic workers face inside and outside Lebanese prisons. In section four, we show the opinions of the participants in consultative meetings. We conclude the report in section five by including the recommendations and the proposed action plan to collect practical suggestions from stakeholders.

Section One: The Methodology

The Lebanese Centre for Human Rights (CLDH) prepared this report under the *Safe from Slavery* project initiated in 2023 in cooperation with the Federal Republic of Germany. It aims to shed the light on the current situation of migrant domestic workers inside and outside prisons in Lebanon. It also reflects the current reality and elaborates on the main strategies that are scheduled to be implemented over the next two years.

This report is based on the insights resulting from 10 consultative meetings with members of parliament, NGOs and INGOs, and SORAL. To support this primary data, the report includes input from the CLDH team and relevant information collected through an extensive review of studies and reports. By weaving this diversified web of expertise and points of view, this report aims to become a comprehensive and reliable reference to detect the current challenges that domestic migrant workers are facing and a strategic guide for advocacy and reform in the upcoming years.

Section Two: The Legal Framework of Migrant Labor

In this section, we shall present the local and international legal framework for migrant domestic workers by citing all the laws that affect them.

Chapter One: The Lebanese Law

● Sub-section 1: The Labor Law

The labor law regulates the relationship between the employer and the worker. It explicitly states the rights and obligations of each party, guaranteeing the protection of both parties, particularly the worker, who is considered the weakest link in the contract. In Article 7 of the same law, the legislator stipulates the following:

“Excluded from the provisions of this law are:

1. Domestic workers employed in private households,
2. Agricultural syndicates which have no connection with trade or industry and which shall be the object of a standalone law,
3. Family businesses which only employ family members, under the management of the father, mother, or legal guardian,
4. Government administrations and municipalities concerned with daily and temporary workers who are not included in civil servants’ regulations. This category shall be the object of a standalone law.”

As such, the labor law robs migrant domestic workers of the legal protection that is provided to other workers, such as the right to minimum wage, compensation for additional working hours, compensation for arbitrary termination of employment, a minimum of working hours, sick leave, annual and weekly leave, and other basic rights.

● Sub-section 2: The Law Penalizing Human Trafficking

The Lebanese legislator addressed human trafficking through different legal texts. Law no. 164 dated 24/08/2011 introduced a section on human trafficking to Chapter 8 of the Second Book of the Penal Code, amending some of its articles, and added special procedures to the Code of Criminal Procedure. We shall present its most notable points:

1. Criminalising human trafficking: Article 586 to 590 of the Lebanese Penal Code explicitly criminalise human trafficking. These provisions include acts such as drawing in, transferring, receiving, or detaining a person, or finding a shelter to exploit them or to facilitate their exploitation by others.
2. The penalties: the law stipulates relatively harsh penalties for perpetrators convicted of human trafficking. These include prison sentences and fines, while imposing the most severe sanctions on cases of extreme circumstance, such as the trafficking minors or involvement in organised crime.
3. Protective measures: the law recognises the critical condition of victims and includes provisions aiming for the protection. It allows issuing protection orders, concealing the victim’s identity, and providing support during legal proceedings.
4. International cooperation: Lebanon ratified international conventions on human trafficking, such as the Palermo Convention and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol). These instruments reinforce international cooperation to combat human trafficking.

The Relation with Migrant Domestic Workers

The Lebanese law on human trafficking applies to all individuals without discrimination, including migrant workers. The challenges this group faces, such as the Kafala system, the lack of awareness, and the limited legal protection makes them more vulnerable to exploitation and human trafficking. Therefore, efforts to combat human trafficking must consider the unique circumstances of migrant domestic workers, while focusing on protection measures, awareness campaigns, and legal reforms that promote their wellbeing and safety in general.

● Sub-section 3: Regulating the Work of Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL)

On 11/05/2022, Decision no. 41 regulating the work of SORAL was issued. Article 37 of this Decision detail the prerequisites for recruitment agencies to receive their permit from the Ministry of Labor, the regulations for establishing a recruitment agency, the rules these agencies must abide by when recruiting a migrant worker, and their obligations towards them. These include informing the Ministry of Labor of any violations to which the domestic worker may be subjected or the misapplication of the employment contract between the worker and the employer, and refraining from and prohibiting any employee at the agency from subjecting the domestic worker to any form of mental, physical, or sexual violence or coercion, under penalty of measures that fit the severity of the action, from a black mark on the agency's record at the Ministry of Labor, to the immediate withdrawal of their permit without warning. Chapter 7 details the complaints and oversight mechanism as follows:

- Complaints and reviews of employer-worker disputes or between one of these parties and the recruitment agency are submitted to the Department of Labor Inspection, Prevention and Safety (DLIPS) under the Labor Relations Authority, and in regional departments in governorates. These are subsequently referred to the specialised authorities within the MoL, along with the adequate suggestions to make the necessary decisions.
- Complaints may be submitted through the hotline 1741 or the MoL website (under the tab for “complaints against a recruitment agency”).
- DLIPS and regional departments in governorates oversee the work of the recruitment agencies and conduct regular inspection visits to ensure their compliance with rule and regulations, or based on a complaint. Inspectors must submit a detailed report on the agency's work once every six months.
- The Minister of Labor has the right to cancel the permit of any agency in the following cases:
 - In case of proof of the agency's violation of the provisions of this Decision or the applicable regulations.
 - If the agency ceases its activities for an entire year without justification.
 - If the agency accumulates six black marks over the span of three years.
 - If the agency signs a prior approval of an employer that turns out to be non-valid.
 - In case of ten proven complaints against the agency over the span of two years.
 - If the agency refrains from reimbursing the employer after failing to provide the domestic worker.

During the consultative meeting between the CLDH and SORAL, it was noted that around 45 non-compliant agencies were shut down by the Minister of Labor in 2023. The shutdown decisions were published on the ministry's official website along with a table of the licensed agencies and the number of black marks issued for each one of them.

Furthermore, in an attempt to prevent the exploitation of the employer when conducting business with the agency, the two SORAL representatives stated during the meeting that a text message is sent to the employer's number alerting them of the need to ensure that they are dealing with the specified agency. The message includes the name of the person who has the license to conclude the contract between them as well as a telephone number to file a complaint in case the names don't match.

However, despite the importance of these measures and the severity of the sanctions stipulated in the abovementioned Decision no. 41, penal and financial sanctions must be added to punish non-compliant agencies and prevent the re-occurrence of violations. Nothing prevents the owners of shutdown agencies from re-opening others. In case of evidence that these agencies have been linked to crimes of human trafficking, public prosecution must be formally informed to take legal action.

● Sub-section 4: The Kafala System: from her Home to Lebanon

Amid the lack of legislation regulating the recruitment of migrant workers in Lebanon, migrant domestic workers become subject to a series of internal decisions, regulatory circulars, and norms known as the “Kafala System”. It comprises of migration policies that regulate the migrant domestic workers' entry into Lebanon, as well as their residency and employment. The employer, or the recruitment agency, acts as a sponsor and brings in a worker from her country through recruitment agencies in the source country. The sponsor pays for all of the worker's travel costs.

Under the Kafala System in Lebanon, migrant domestic workers must go through several steps, particularly:

The Recruitment Agency:

The recruitment agency in Lebanon often deals with recruitment agencies or brokers in the source country. In Lebanon, there are approximately 540 licensed agencies and an indefinite number of agencies that are unlicensed by the Ministry of Labor (MoL). In 2006, and after numerous attempts, MoL issued a decision allowing the creation of the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL). It is a non-binding syndicate aimed at regulating recruitment agencies and protecting all concerned parties. It includes 390 agencies and each member is required to sign and commit to the Code of Conduct issued by the Syndicate. During a meeting with two SORAL representatives, each of them detailed the actions the Syndicate is taking to ensure its good organisation, working with the embassies of several source countries, signing memoranda of understanding to frame the contractual relationship between the migrant domestic worker and the employer, and defining responsibilities.

We shall mention the most notable phases and procedures a migrant domestic worker must go through before starting her employment in Lebanon. The responsible party, be it the recruitment agency or the employer, shall also be specified.

The Job Offer and the Contract:

The workers receive a job description with the employment's terms and conditions, including the wage, working hours, and other relevant details. In most cases, domestic workers don't have legal work contracts. The worker signs a contract before leaving her country of origin only to discover upon her arrival to Lebanon that the terms she has agreed to do not match those in Lebanon.

The CLDH team documented the harsh conditions, from risks to abuses, that Ethiopian migrant domestic workers go through when attempting to travel to Lebanon. They must pass by Sudan to reach Lebanon.

The Medical Exams:

Before travelling to Lebanon and upon arrival, the migrant domestic worker must do certain medical exams including a pregnancy test as well as tests for malaria, tuberculosis, and sexually-transmitted diseases.

Residency Permit and Legal Documents:

The employer or recruitment agency must provide, and renew, a valid work and residency permit for the migrant domestic worker. Ten days after the worker's arrival to Lebanon, the employer must go to the MoL to retrieve her work permit, and the valid residency permit from the GSO after three months.

The "sponsor" employer often uses the sponsorship as a threat against the worker, to deprive her of her financial or social rights, and to withhold her official papers.

On September 18, 1964, Decree no. 17561 on regulating the employment of foreigners in Lebanon and its amendments were issued. The work permit on Lebanese territories subject foreigners to prior approval and a license to work.

Prior Approval:

Each foreigner who wants to work in Lebanon, with or without a wage, must acquire prior approval from the MoL before arrival, except for artists who may acquire it from the GSO.

If the foreigner is employed, the employer must submit an application to the relevant ministry announcing their approval to recruit said-foreigner, along with a copy of the documentation that support the information in the foreigner's application and a work contract notarised in Lebanon or from any of the Lebanese political missions abroad.

As for those who wish to work independently or represent a company, they must submit the documentation through the MoL, either through Lebanon's representative abroad, or the company's official representative in Lebanon.

The Work Permit:

The foreigner who received a prior approval to work must present within a maximum of 10 days of their arrival to Lebanon a work permit application as stated in Article 25 of the Law dated 10 July 1962 on Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country.

The MoL may cancel the prior approval should the foreigner fail to enter Lebanon within three months of the issuance of the prior approval. The prior approval is automatically cancelled if the foreigner fails to appear at the MoL to replace it with the work permit within the aforementioned deadline of ten days, except in case of *force majeure*. The work permit is considered an extension of the prior approval.

The Attempts to Change the Reality of the Lebanese Society's Treatment of Migrant Domestic Workers.

Numerous humble attempts were initiated by the Lebanese State and NGOs to limit the injustice of the Kafala System, but to no avail. The most notable of these attempts are:

- In 2009, SORAL and MoL cooperated to produce a standardised work contract,
- In 2015, the MoL launched a hotline for domestic workers to report mistreatment,
- In 2018, the MoL mentioned that it has translated the standardised work contract into several languages,
- In 2019, the minister of labor declares that he will prioritise the updating of the Labor Law. The government rejected his proposition as this does not fall within his competencies,
- In 2020, the MoL issued a new standardised work contract which was suspended during the same year by a decision from the Shura Council, based on an appeal by SORAL,
- An initiative by KAFA, adopted by the GSO, was launched, preventing the employer from filing a complaint for "escape" before the public prosecution against workers who leave their sponsor's (employer) home (workplace). This was replaced by civil administrative procedures enabling the employer to submit a form directly to the GSO as a routine, administrative procedure releasing them of any civil liability resulting from the employment relationship. The GSO also banned the use of terms violating laws or human rights when describing the domestic worker's departure from the workplace (the sponsor's home), such as "escape/fleeing" in all official records and mandated their substitution with departure from employment.
- In 2022, the law regulating the work of recruitment agencies was amended and around 45 non-compliant agencies were shut down. The black mark system was adopted for non-compliant agencies,
- In 2023, a working group was formed whose work resulted in the amendment of the Labor Law, adding a chapter on domestic employment.

However, despite these attempts, the situation of migrant domestic workers did not improve, but rather worsened after the 2019 economic crisis. According to the annual 2023 Trafficking in Persons Report issued by the Office to Monitor and Combat Trafficking in Persons at the U.S Department of State, Lebanon's ranking decreased from Tier 2 to Tier Two Watch List regarding human trafficking. The report stated that "Despite domestic servitude being a prevalent form of trafficking in Lebanon, the government has never reported convicting a trafficker for such exploitation under the 2011 anti-trafficking law and has not prosecuted a domestic servitude case since 2015". In addition, "the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes. The report adds that "Under a directive from DGS (GSO), airport officers continued to return passports directly to foreign domestic workers upon their arrival in Lebanon, but NGOs reported that many employers confiscated workers' passports in private. The government did not have a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents."

Moreover, “The ISF anti-trafficking unit remained understaffed and underfunded with only 22 officers and no field offices outside of Beirut, which limited the unit’s work; although organizationally separate, the anti-trafficking unit’s commander and officers also comprised the ISF’s moral protection unit, functionally merging the duties of the two units and further limiting the ISF’s ability to investigate trafficking cases”.

Additionally, “The national anti-trafficking steering committee under the National Human Rights Committee was responsible for coordinating anti-trafficking efforts but observers noted the government relied on civil society to coordinate anti-trafficking efforts and convene government agencies combating trafficking”.

The report considered that aside from a few positive measures, the Lebanese government relied on CSOs and did not make any additional effort compared to the previous years.

Chapter Two: The Regional and International Conventions

● Sub-Section 1: C189 - Domestic Workers Convention, 2011 (No. 189)

This convention is a key international document recognising the rights of domestic workers. It was adopted by the ILO in 2011 and it is the cornerstone of the protection of migrant domestic workers as it details the decent working standards such as fair wages and equality in treatment.

Lebanon’s status: To date, Lebanon has not ratified the Convention.

● Sub-Section 2: Signed and Ratified Conventions by the Lebanese State

In its Preamble, the Lebanese Constitution stipulates Lebanon’s commitment to the International Covenant on Human Rights and international conventions. As such, by integrating the Universal Declaration on Human Rights into its Constitution, Lebanon affirms its commitment to the fundamental values of equality, dignity, and human rights as globally recognised by the international community. Lebanon must then seek to enact legislations that are in compliance with these standards. However, to this day, we are still far from achieving this goal, especially that the State’s efforts are limited to signing agreements without fully implementing them. As an example, we include a number of signed and ratified conventions that contradict the Lebanese “Kafala System”.

1- The International Covenant on Civil and Political Rights:

The International Covenant on Civil and Political Rights guarantees the fundamental civil and political rights of every person in any state, whether as citizen or resident, including migrant domestic workers, such as the right to equality and protection from arbitrary detention, among others.

Whereas the Covenant does not explicitly address the situation of migrant domestic workers, there are several articles that pertain to their rights and protection, most notably:

- Article 2 emphasises the states’ commitment to ensure the rights recognized in the present Covenant without discrimination, which closely relates to the rights of domestic workers.
- Article 7 protects individuals from torture or inhumane treatment, which is crucial when considering that migrant domestic workers are subjected to various forms of exploitation and mistreatment.
- Article 8 prohibits slavery and forced labor, providing protection to incoming migrant domestic workers from exploitative conditions.
- Article 12 affirms the right to the freedom of movement and to choose the place of residence, which pertains to the constraints that are sometimes imposed on the workers’ movement.
- Article 26 stipulates the principles of non-discrimination and protection under the law, emphasising that everyone, including migrant domestic workers, must receive equal protection.

Whereas the International Covenant on Civil and Political Rights does not explicitly denounce the challenges faced by the workers, the abovementioned articles may form grounds for a call to the protection of their civil and political rights, including the right to be free from discrimination, torture, and forced labor.

Lebanon signed the International Covenant on Civil and Political Rights on September 3rd, 1972 and ratified it on November 3rd, 1972.

2-The International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights focuses on economic wellbeing and protection for everyone, guaranteeing just working conditions, fair pay, and the right to form and join unions. Article 6 recognises the right to work, including the freedom to choose work, which applies to migrant domestic workers in freely choosing and accepting the job. Article 7 recognises the right of everyone to the enjoyment of just and favourable conditions of work, including fair pay, equal pay, and decent living. And Article 9 recognises the right to social security, which includes provisions relating to financial assistance and social and medical services, which are necessary to ensure the migrant domestic workers’ wellbeing.

In addition, Article 11 ensures the right to an adequate standard of living, including basic elements such as food, clothes, and shelter. Article 12 recognises the right to health, including measures to limit infant mortality and to ensure the healthy development of the child. These aspects relate to domestic migrant workers and their families.

These articles of the International Covenant on Economic, Social and Cultural Rights contribute to the call for the protection and promotion of economic, social, and cultural rights of migrant domestic workers.

Lebanon signed the International Covenant on Economic, Social and Cultural Rights on September 3rd, 1972 and ratified it on November 3rd, 1972.

3- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations. It aims at eliminating discrimination against women in all spheres and fields, with a focus on eliminating stereotypes, promoting equal legal rights, facilitating access to education and health care, and enhancing participation of women in political and public spheres. CEDAW provides a global framework to realize equality and women's empowerment, as the ratifying countries commit to eliminating discriminatory practices and submitting regular reports on their progress to the Committee on the Elimination of Discrimination against Women.

Article 6 specifically addresses the need to suppress all forms of women trafficking and exploitation of prostitution, which may have implications for migrant domestic workers who are vulnerable to various forms of exploitation. Article 11 further focuses on eliminating discrimination against women in the field of employment, and ensuring equal rights and same opportunities in the workplace. This article is particularly important when defending the rights of migrant domestic workers in Lebanon.

Lebanon signed the CEDAW on December 17th, 1980 and ratified it on April 1st, 1997.

4- International Labor Organization Forced Labor Convention, 1930 (No. 29):

The ILO Convention No. 29 addresses the issue of elimination of all forms of forced or compulsory labor. It emphasizes the prohibition of procedures that lead to the widespread adoption of practices resembling slavery and servitude, such as the sponsorship system. States ratifying this Convention undertake to take effective measures to secure the complete abolition of forced labor, and to submit periodic reports on their progress to the ILO. The Convention serves as a pivotal international tool in the suppression of forced labor, and it further contributes to the broader goal of promoting fair and humane labor practices globally.

Lebanon ratified the ILO Convention No. 29 on June 26th, 1959.

5- Protocol to Prevent, Suppress and Punish Trafficking in Persons:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons is an international instrument aimed at combatting human trafficking, established in 2000 as a supplement to the United Nations' Convention against Transnational Organized Crime, known as the Palermo Protocol. It seeks to prevent and combat human trafficking in all its forms, protecting and assisting victims of trafficking and promoting international cooperation. States ratifying this Protocol commit to implementing comprehensive strategies aimed at countering trafficking and cooperating internationally to combat this serious violation of human rights.

Lebanon signed the protocol on September 23, 2003.

6- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international treaty that aims to prevent and condemn torture. This Convention, adopted by the United Nations in 1984, defines torture and requires signatory states to take effective measures to prevent torture in any territory under its jurisdiction. It forbids member states to transport people to any country where there is reason to believe they will be tortured, and delegates the investigation of alleged acts of torture and prosecution of the accused party. States ratifying the Convention undertake to implement measures that ensure the absolute prohibition of torture and protect individuals from cruel, inhuman or degrading treatment. The Convention represents a global effort to protect human dignity and safety.

Lebanon ratified the Convention Against Torture on September 22nd, 2000. However, despite this commitment, cases documented by the CLDH reveal that migrant domestic workers have been subjected to torture by security officers during interrogation. Such violation comes in direct contradiction with the principles set out in Articles 1 and 3 of the Convention Against Torture.

Article 1 of the Convention states:

"For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession."

Moreover, Article 3 of the Convention states that:

"No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

Migrant domestic workers, particularly those fleeing countries amid armed conflict, face deportation after being detained, putting them at risk of torture upon their return. This highlights the crucial importance of Article 3 in protecting individuals from being subjected to torture in such circumstances.

7- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):

The International Convention on the Elimination of All Forms of Racial Discrimination is a pivotal international treaty adopted by the United Nations in 1965. It aims to eradicate all forms of racial discrimination and promote understanding and tolerance among various racial and ethnic groups. The Convention defines racial discrimination and determines the measures required to ensure the prevention and eradication thereof in various fields, including the legal, political, social and cultural spheres. Signatory States undertake to adopt legislative and other measures to combat racial discrimination, and to submit regular reports on their progress to the Committee on the Elimination of Racial Discrimination.

Lebanon ratified the International Convention on the Elimination of All Forms of Racial Discrimination on December 7, 1967.

While the Convention does not specifically address the situation of migrant domestic workers, several of its articles are indirectly related to their situation:

- Article 1 emphasizes the obligation to eradicate discrimination in all fields of public life, which should include protecting the rights of migrant domestic workers.
- Article 2 emphasizes the states' obligation to eradicate racial discrimination in all its forms. It can be invoked to advocate for policies that protect the rights of migrant domestic workers and foster understanding between various racial and ethnic groups.
- Article 5 further stresses the states' obligation to prohibit and eradicate racial discrimination. Advocates for the rights of migrant domestic workers can invoke this article to advocate for legal frameworks that guarantee equality before the law for all individuals.

Section Three: Challenges Encountered by Women Migrant Workers:

Chapter One: Closed Doors - Challenges Outside Lebanese Prisons

● Sub-section One: Non-payment or Deduction of Wages

The issue of non-payment or withholding of wages poses a significant concern for women migrant workers in Lebanon, impacting their financial security. According to a comprehensive report by the International Labor Organization titled "Domestic Workers in Lebanon," women workers frequently experience wage delays, and in certain instances, employers hold back full payment for months or even years. Additionally, some employers justify withholding wages by providing housing and food for these women migrant workers. Following the year 2019, there was a surge in incidents involving non-payment of wages to women migrant workers. This was largely attributed to the abrupt devaluation of the national currency and the decreased financial means of employers. Consequently, a significant number of employers opted to either withhold payment from their workers or pay them in the local currency. Such practices placed the workers in an unstable financial position, impeding their ability to cover basic living expenses and send money to their families in their home countries.

The delay or non-payment of wages not only breaches fundamental labor rights but also initiates a cycle of financial insecurity, entrapping domestic workers in economic dependency. This problem is especially present among the most vulnerable workers who lack legal recourse or knowledge of their rights, increasing their exposure to exploitation.

Furthermore, withholding wages contributes to a broader pattern of economic exploitation within the sponsorship system.

● Sub-section Two: Uninterrupted Work and Lack of Resting Periods

Women migrant domestic workers in Lebanon encounter a significant challenge due to the prevailing culture of uninterrupted work and lack of rest periods. Employers frequently anticipate that migrant workers will work throughout the day without breaks for resting or entertainment, resulting in them commencing work in the early morning until the employer retires for the night.

This challenge has profound implications for the physical well-being of workers. The systemic nature of this issue is clearly reflected in the experiences of domestic workers who describe being constantly on call, leading to an overlap between their professional and personal spheres. Advocacy organizations and research findings emphasize the pressing requirement for legal adjustments and more robust enforcement measures to guarantee that women migrant domestic workers in Lebanon are given reasonable work hours and mandatory periods of rest.

● Sub-section Three: Lack of Days off

The lack of official holidays poses a challenge to women migrant workers in their pursuit of personal time and regular resting breaks. It has been observed that migrant workers are not typically granted days off, and in the rare instances when they are, it often only amounts to one day per week, without consideration for additional leave entitlements for other employees, such as annual leave and sick leave.

The absence of sufficient leave entitlements not only impacts the mental and physical well-being of domestic workers but also constrains their capacity to deal with personal affairs and participate in social and community events.

The lack of official holidays may contribute to heightened feelings of isolation and distress experienced by women migrant workers, many of whom are frequently distanced from their families and support systems.

● Sub-section Four: Passport Confiscation

Migrant domestic workers in Lebanon face the significant challenge of passport confiscation, a practice that undermines their fundamental rights and increases their vulnerability. Reports from the International Organization for Migration and human rights organizations bring attention to instances in which employers retain the passports of domestic workers, depriving them of a crucial identity document and restricting their freedom of movement.

The confiscation of passports creates a power imbalance, leading domestic workers to rely on their employers to obtain essential documents. This practice often goes hand in hand with movement-restricting measures, as domestic workers may fear leaving their employers' homes without proper identification. The inability to possess and manage their passports not only restricts domestic workers' personal freedom but also exposes them more to potential exploitation, as they may become more vulnerable to abusive working conditions without a means to seek assistance or return to their home countries.

Employers or recruitment agencies' owners frequently use the expenses they have spent to cover for the migrant domestic worker as justification to confiscate her passport, considering it as a form of assurance that she will not leave her job at their home. Consequently, the migrant domestic worker faces three potential courses of action should she wish to depart or transition to a different job for any reason:

- First, she could reach out to the recruitment agency to request a change in her place of work. The outcomes of this request may vary depending on each agency.
- Second, she could leave her workplace without her passport, but then she would become vulnerable to prosecution, as in such cases, domestic workers are often slanderously accused of theft by their employers. It is also possible that she would become a victim of human trafficking militias who would exploit her need for work.
- Third, she may choose to remain in her current workplace and endure the challenging working conditions and mistreatment to which she is being subjected.

● Sub-section Five: Imposed Restrictions on the Right to Movement and Communication

The power imbalance in the working relationship between women migrant workers and employers gives the latter absolute authority to impose arbitrary decisions and measures that restrict the rights and freedoms of women workers. This leads to restricting their freedom of movement and communication, limiting their access to public places, and impeding their participation in community events. Some employers also limit women domestic workers' communication with their families by monitoring phone calls or restricting their access to the Internet, thus furthering their vulnerability and obstructing their ability to seek help or report abusive conditions due to limited external contacts.

● Sub-section Six: Lack of Adequate Accommodation

The lack of adequate accommodation exacerbates the difficulties experienced by women workers, jeopardizing their privacy, dignity, and fundamental living conditions. Certain women domestic workers are provided with small rooms lacking adequate ventilation or sanitation facilities. Some may be forced to reside in bathrooms or on balconies, while others may be expected to share living quarters with fellow women workers.

● Sub-section Seven: Lack of Healthcare Coverage

The sponsorship system, which ties the legal status of domestic workers to their employers, exacerbates the challenge of obtaining health coverage. Some employers might disregard or postpone offering medical aid to domestic workers. The absence of health coverage places domestic workers in a situation where they may be forced to shoulder the financial responsibility of medical costs or forego treatment for their condition.

Furthermore, it is evident that challenges encountered by migrant domestic workers remain standing, with the lack of appropriate legislation resulting in their dependence on community support. However, support levels within the migrant community vary, as support providers often favor individuals of the same nationality, reflecting limited resources, particularly in meeting the growing demand for medical aid.

Additionally, disparities in the magnitude of challenges experienced by individuals of different nationalities play a role in the varying degrees of support available. For instance, there exists disparity in terms of wages and vulnerability to exploitation among different nationalities, which impacts the capacity of those from more vulnerable nationalities to offer community support to their peers. It is worth noting that migrants from Sierra Leone face particularly difficult challenges and encounter barriers in accessing basic medications.

● Sub-section Eight: High Mortality Rate

During advisory meetings with the CLDH team, an NGO dedicated to assisting women migrant domestic workers mentioned that an overlooked and under-discussed issue is the alarming mortality rate among women migrant domestic workers in Lebanon. Surprisingly, even the International Organization for Migration lacks a comprehensive record of the deaths of women migrant workers. When women workers pass away, their bodies are occasionally left unclaimed in hospitals, with only a few close friends stepping forward, often lacking the necessary financial resources to retrieve the body. As a result, the deceased worker remains in the hospital until some migrant workers provide the required funds to facilitate the release of the body.

Additionally, it is important to emphasize that hospitals frequently overlook the challenging and unique circumstances related to worker fatalities, neglecting to consider them within medical insurance premiums. This places substantial financial strain on community members connected to the deceased workers who are seeking to retrieve the body.

Chapter Two: Flawed Justice - Challenges Within Lebanese Prisons

Amid the challenges faced by women migrant workers in Lebanon, the situation of migrant domestic workers held in Lebanese prisons presents a stark and troubling reality. Their imprisonment often stems from a narrative of vulnerability, exploitation, and systemic challenges that they endure, and which receive insufficient attention. Our advisory meetings revealed a lack of awareness regarding the harsh conditions experienced by women migrant workers in Lebanese prisons, even from NGOs that are active in this area.

Women migrant workers are primarily arrested due to allegations of human trafficking, accusations of theft from their employers, and their lack of valid residency or official documents. Migrant domestic workers, frequently subjected to exploitation and violence, often opt to remain silent rather than pursue justice out of concern for losing their jobs, being subject to false accusations, and the threat of detention and subsequent deportation. This environment of fear discourages workers from reporting the violations they experience. This chapter seeks to uncover the primary challenges faced by women migrant workers held in Lebanese prisons.

● Sub-section One: Language

Language creates a multifaceted barrier preventing women migrant workers from accessing justice, as they have diverse linguistic backgrounds. Legal procedures, on the other hand, are conducted in Arabic, which may not be understood by many workers. In the absence of effective coordination between security agencies and embassies, the worker is often interrogated in the first stages of the investigation at the police station in Arabic, without confirming whether the worker understood what was attributed to her or not. Additionally, the presence of languages spoken by only 1% of the immigrant population further complicates translation and interpretation challenges, impeding effective communication.

The language barrier goes beyond everyday interactions and is especially noticeable in the legal domain. Lawyers from the CLDH have documented instances in which workers were primarily verbally interrogated without the presence of an interpreter, before even receiving the case file, despite the workers not being fluent in Arabic. The uncertainty regarding the migrant's comprehension of the judge's questions, or whether the communication took place in a language the migrant is familiar with, introduces a significant aspect to the linguistic challenge.

● Sub-section Two: Racial Discrimination in Prison

Women migrant workers detained in Lebanese prisons are often subject to unfair treatment. While working in prisons, the CLDH has observed discriminatory behavior by prison staff and detainees. This is reflected in the division of prison rooms based on detainees' economic status, thus furthering existing inequalities. Additionally, migrant domestic workers are consistently tasked with cleaning prison facilities, further highlighting the systemic discrimination within the prison system.

The presence of "bias" in cases involving migrant domestic workers and in case decisions complicates this challenge even more. This bias sustains unequal treatment, highlighting the necessity for systemic reforms to eradicate racial discrimination within Lebanese prisons.

● Sub-section Three: Inability to Hire a Lawyer

The right to legal representation is a fundamental entitlement for all individuals as established in international law. Article 47 of the Lebanese Penal Code guarantees this right to all detainees without any discrimination, irrespective of their background, economic status or social standing. Nonetheless, women migrant workers continue to be among the groups being denied this right the most.

First and foremost, women migrant workers frequently lack awareness of their right to legal representation and, even when they are aware, they often face challenges in hiring a lawyer due to difficulties in accessing means of communication and, in numerous instances, the retention of personal belongings, such as essential documents and contact information, by their employers. This situation substantially hampers their ability to access legal representation.

● Sub-section Four: Lack of Communication with Family

One major challenge is the inability of women migrant workers to communicate with their families in their home country after being arrested. Women workers frequently encounter obstacles in contacting their families due to insufficient cards or the lack of financial resources. This limited access to regular communication amplifies the emotional strain experienced by long-term workers.

Section Four: Outcomes of the Consultative Meetings - Various Approaches to Confront the Challenges Encountered by Women Migrant Workers in Lebanon

In light of the ten consultation sessions with several members of the parliament, CSOs, and the SORAL, diverse opinions emerged regarding the issue of women migrant workers.

Based on this, the report concludes by categorizing opinions, approaches, and suggestions into four specific courses of action:

● First course of action:

This opinion sees that it is imperative to amend the legislation by extending the protection of the Labor Law to women migrant workers in Lebanon. This requires abolishing Article 7, Paragraph 1, and introducing a new chapter to regulate the domestic work sector based on its unique nature. This course of action, based on this viewpoint, would not only uphold their dignity and equality among all workers, but would also fulfill the social needs of Lebanon, as it would mark a significant advancement for the Lebanese state in the field of human rights.

This course of action seeks in its proposal of regulations for domestic work to define the nature of domestic work, specify the effects of the domestic work contract, outline the rights and responsibilities of each party, address work duration and vacation entitlement, establish conditions for contract termination, determine end-of-service compensation, provide special provisions for recruitment and travel costs, create a fund for this purpose, address dispute resolution, and make amendments to relevant legal texts.

Second course of action:

This opinion emphasizes the importance of amending the sponsorship system, particularly ensuring that women migrant workers are granted their rights to vacation, end-of-service compensation, and salary security. However, the challenge lies in ensuring effective implementation. It is suggested that a more equitable system can be established through a focus on legislation, implementation, and enforcement of implementing decrees of the law. Nonetheless, it seems that prevailing practical barriers hinder the amendment of legislation in the current context.

This course of action also goes to say that in order for things to be straightened now, it shall require the following:

- The Ministry of Labor shall enforce the regulations suppressing human trafficking and the work emergencies law. By effectively implementing existing laws, 50% of the challenges experienced by domestic workers can be addressed until a new law is enacted.
- The Ministry, through activating its agencies, shall give directives to foreign workers before they commence with their work, explaining their rights and the authorities they can turn to, in addition to imposing specific hours for training workers before recruitment agencies are allowed to bring them, provided that the training is funded by allocating a certain percentage of the agency's profits.
- The Ministry shall provide a hotline to communicate with and obtain legal representation.
- Then there shall be a legislative amendment that shall completely abolish the sponsorship system and establish specific legislation for foreign domestic workers

Third course of action:

This opinion considers that addressing the issue in the current context and as a result of the intense demands for justice for foreign domestic workers lies in working to develop a specific legislation for women migrant workers and a specific system for them.

Fourth course of action:

This opinion asserts that there is no need for amending existing laws or developing specific legislation for women migrant workers, as they are already governed by the Law of Obligations and Contracts. It is proposed that the key to addressing this issue lies in establishing mutual agreements between the embassies of the workers' countries of origin and the Lebanese state, represented by the Ministry of Labor. These agreements would serve to intricately regulate the contractual relationship between them. For instance, a number of migrant workers from Liberia were initially hired to work in supermarkets in Lebanon. However, when they arrived in Lebanon, they were forced to work in homes. In response, the President of the Republic of Liberia filed a complaint through the International Criminal Police Organization (Interpol) against the person responsible for bringing them in. Subsequently, the Lebanese Ministry of Labor issued a decision prohibiting the issuance of prior approval by the Ministry of Labor to Sierra Leonean migrant workers unless approval was first obtained from the Liberian Ministry of Labor.

Section Five: The Path towards Reform: Recommendations and an Action Plan to Abolish the Sponsorship System

Upon detailing the reality of the situation for women migrant workers in Lebanon and the challenges they encounter, we reached a critical turning point that necessitates our collective efforts. Previous chapters have diligently unveiled the complex array of challenges experienced by women migrant workers within the Lebanese context, exposing the vulnerabilities and systemic issues inherent in the current environment. As we find ourselves at this juncture, it is imperative to transition from passive observation to actionable initiatives aimed at mitigating the hardships faced by these individuals.

● First: Recommendations to the Legislative Authority:

- Amending the Labor Law
- Revising exit and entry laws to decouple migrant domestic workers' permits from specific employers, allowing workers to manage visa renewals, work permits, and residency independently.
- Criminalizing the confiscation of workers' passports.
- Ratifying the Domestic Workers Convention, 2011 (No. 189), concerning decent work for domestic workers.
- Lifting Lebanon's reservations to several human rights agreements, especially reservations to the provisions of the CEDAW.
- Aligning Lebanese laws with the treaties ratified by Lebanon.
- Increasing the stringency of penalties imposed on recruitment agencies, ensuring they are more severe and not limited to office closures or placing their owner on the red list.

● Second: Recommendations to the MoL:

- Calling for the adoption of the draft law proposed by KAFA organization, in cooperation with the relevant working group.
- Up until amending the Labor Law:
 - Issuing a binding decision requiring employers and recruitment agencies to provide translated contracts for migrant domestic workers.
 - Revising the current standard contract to address inequalities and strengthen protection mechanisms.

- Strengthening monitoring and inspection of recruitment agencies, ensuring compliance with international human rights standards, and publishing assessments on the Ministry's website.
- Opening opportunities for volunteers to become part of the Ministry of Labor's monitoring unit, where they can actively participate in supervising and evaluating recruitment agencies and women workers' workplaces.
- Cooperating with local NGOs to hold awareness sessions for migrant domestic workers about their rights, available hotlines, and protection mechanisms.
- Engaging in cooperation with both NGOs and INGOs to initiate legal proceedings using existing international mechanisms against individuals involved in human trafficking.
- Meeting with representatives of embassies and the Ministry of Labor in the country of recruitment and establishing cooperation agreements between them that guarantee the rights of women migrant workers.
- Establishing and developing a central database to document and monitor death cases, supervised by the Ministry of Labor and the Ministry of Health, to comprehensively track and document the mortalities of women workers.

● **Third: Recommendations to the Ministry of Interior and Municipalities and the Ministry of Justice:**

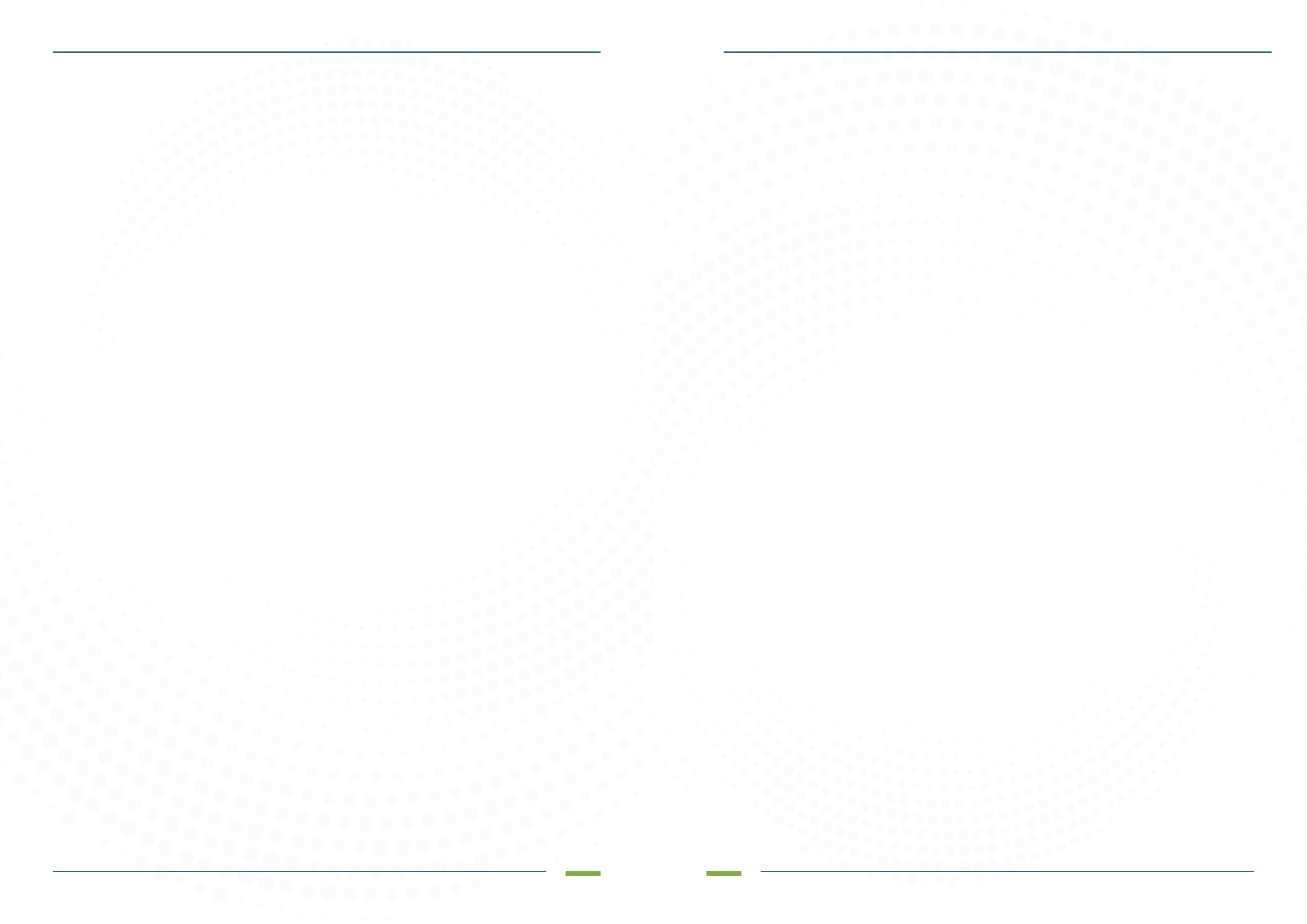
- Increasing efforts to ensure that victims of trafficking are not inappropriately arrested, detained, or deported solely for illegal acts they committed as a direct result of being trafficked, such as immigration violations or "prostitution".
- Increasing investigations, prosecutions, and convictions of perpetrators of all forms of human trafficking, including domestic slavery, and investigating potential trafficking crimes of employers and recruitment agents who withhold workers' passports, travel documents, or wages.
- Ensuring that sentences for victims include legal alternatives to deportation to countries where they may be subject to retaliation and hardship.
- Increasing efforts to train judges, prosecutors, judicial police officers, and diplomatic personnel on the anti-human trafficking law.
- Testing all domestic workers in detention centers for indicators of trafficking and referring victims to receive the necessary care.
- Ensuring the judiciary coordinates with the General Directorate of General Security to implement the anti-human trafficking law in a consistent manner by granting temporary residence permits to victims of trafficking and allowing victims to work.
- Improving the ability of the judiciary and security services to collect, classify and track data and results of trafficking cases from all courts by subjecting them to detailed and periodic training.
- Refraining from conducting investigations without a lawyer and a certified and sworn translator, thus ensuring implementation of the text of Article 47 of the Code of Criminal Procedures.

● **Fourth: Recommendations to the Embassies of Recruiting Countries:**

- Holding periodic meetings with the Ministry of Labor, the Ministry of Justice, the Ministry of Interior and Municipalities in order to improve the situation of nationals in Lebanon.
- Implementing judicial measures against every agency that is reported to have practiced acts violating human rights in which a national of the state was the victim.
- Informing the Ministry of Labor in the state to which the embassy is affiliated of the violations and urging it to inform the Lebanese state that it will prevent its nationals from traveling to Lebanon if the violation continues.
- Establishing a hotline for complaints.
- Cooperating with NGOs and organizing awareness sessions in the native language of migrant workers to inform them of their rights.

● **Fifth: Recommendations to NGOs:**

- Following up on networking between NGOs and working together to advance specific points in order to abolish the sponsorship system.
- Establishing a support structure and means of influence to facilitate constructive and accountable discussions with members of the parliament, the government, the Ministry of Labor, and the General Directorate of General Security in order to accomplish objectives.
- Developing and implementing joint programs and procedures aimed at raising the level of awareness among the general public on the issue of organizing domestic work and involving the media in raising awareness and documenting these endeavors to create an alternative culture valuing the dignity of workers as human beings.
- Increasing efforts aimed at boosting public awareness of human trafficking, including the exploitation of migrant domestic workers.
- Cooperating with international organizations to establish unified protocols for dealing with the deaths of women workers. This could include developing guidelines for documentation and reporting and providing support to affected communities.



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