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The Rights of Migrants from the Employer-Employee Perspective in Lebanon: The Search of Contractual Equity

By Karim El Mufti



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CARITAS-LEBANON

The Rights of Migrants from the Employer-Employee Perspective in Lebanon: The Search of Contractual Equity

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LIST OF ACRONYMS

Amel: Amel Association International

ARM: Anti-Racism Movement in Lebanon

CLDH: Centre Libanais des Droits de l'Homme – Lebanese Center for Human Rights

CLMC: Caritas Lebanon Migrant Center

COC: Code of obligations and contracts, Lebanon

CSO: Civil Society Organization

FENASOL: National Federation of Workers and Employees Trade Unions in Lebanon

GSO: General Security Office (Ministry of Interior)

HRW: Human Rights Watch

ICESCR: International Covenant on Economic, Social, and Cultural Rights

IDWF: International Domestic Workers Federation

ILO: International Labor Organization

ISF: Internal Security Forces (Ministry of Interior)

LBP: Lebanese Pound

MCC: Migrant Community Center

MDW: Migrant Domestic Worker

MoJ: Ministry of Justice

MoL: Ministry of Labor

MoU: Memorandum of Understanding

NGO: Non-Governmental Organization

OHCHR: Office of the High Commissioner for Human Rights

PAR: Participatory Action Research

SORAL: Syndicate of the Owners of Recruitment Agencies in Lebanon

SUC: Standard Unified Contract

UDHR: Universal Declaration of Human Rights

UNODC: United Nations Office for Drugs and Crimes

UPR: Universal Periodic Review

USD: United-States Dollar



INTRODUCTION

According to the International Labor Organization's (ILO), a “migrant worker” is defined as a person who migrates from one country to another (or who has migrated from one country to another) with a view to being employed other than on his own account, and includes any person regularly admitted as a “migrant for employment”². Under ILO instruments, a “domestic worker means any person engaged in domestic work within an employment relationship”, i.e. it “means work performed in or for a household or households”³.

Both these categories will be covered in this study as both males (qualifying as migrant workers) and females (generally enrolled in domestic work) migrants are included in the scope of the situation analysis. Lebanon represents a major migration country (a peculiar situation where it attracts low skilled workers and ‘exports’ its most qualified professionals in a long lasting brain drain phenomenon), in terms of migrants work and has become renown for its record of issues pertaining to the lack of protection of the migrants, forced labor and difficult access to justice.

As such, from the early stages of the recruitment process until the moment of arrival to Lebanon to take up employment, the “labor migration policy for domestic workers in Lebanon [is] based upon the sponsorship (kafala) system that also operates throughout the Gulf States, constitutes a structure under which domestic workers are effectively controlled by their employer/ sponsor (kafeel), and which has been described as contributing to ‘slave-like’ conditions”, as pointed out by Jureidini⁴.



²Convention Migration for Employment Convention, No. 97, Article 1§11.

³Convention concerning decent work for domestic workers, No. 189, Article 1.

⁴Idem.

Adding to the migration context, the war in Syria has led to a massive displacement crisis with more than 1.5 million Syrians finding shelter into Lebanon in the early years of the war in 2012-2014. The Lebanese authorities have immediately rejected the labeling of the displaced population as “refugees” and, after an initial laissez-faire period⁵, imposed a controversial regulatory framework that quickly led to problematic consequences when it comes to the legal protection of the displaced communities coming from Syria. Based on a perceived fear of “permanent settlement”, a catch-all motto connected to the previous experience with Palestinian refugees that ended up living in Lebanon, the Lebanese government has hindered the access to residency for the displaced community considering Syrians in Lebanon as “migrants”.

This state of confusion and legal limbo has warranted predatory practices⁶ whether from State (security services, the judicial sector,

municipalities) or non-State actors (the private sector) that added to the vulnerability of the Syrians seeking shelter in Lebanon. The UNHCR was prompted by the Lebanese authorities in 2015 to cease the registration of Syrian “displaced” as to deflect away from any refugee status.

As “migrants”, the Syrians were prompted to regularize their legal status by either applying for an official residence at a cost of \$200 per person aged over 15 years⁷, or if they are seeking employment, by joining the kafala system, the sponsorship structure that associates the foreign worker with a local employer in order to be able to work in a regular fashion in the country. Even for those Syrians who managed to register with the UNHCR as “refugees” before May 2015 (despite not recognized as such by the government), the reliance on work for survival remains crucial. As such, they would seek work opportunities under

⁵Karim El Mufti, Official response to the Syrian refugee crisis in Lebanon, the disastrous policy of no-policy. Lebanon Support, 1 October 2014, available at <http://cskc.daleel-madani.org/paper/official-response-syrian-refugee-crisis-lebanon-disastrous-policy-no-policy>

⁶Cf. Katharina Jones, Leena Ksaifi, Struggling to Survive: Slavery and exploitation of Syrian refugees in Lebanon. The Freedom Fund, April 2016, available at <https://d1r4g0yjvcc7lx.cloudfront.net/uploads/Lebanon-Report-FINAL8-April16.pdf>

⁷Syrians seeking this status would need to present with their application a No-Work Pledge previously signed at the Notary, which additional cost is bared by the applicant.

informal means, since the aid support by the international response units hardly covers all their needs, whether making rent (there are no official refugee camps in Lebanon), settling healthcare (the UNHCR only covers %75 of the bills for secondary health care (life-saving operations) and even if different subsidised healthcare services are available at PHC across the country %54 of households are unable to afford the cost of care) or for education expenses (schools are free for Syrian children but transportation to school or equipment aren't), not to mention the expensive higher education for Syrian youth.

This confusion between **“migrants” and “refugees”**

doesn't only originate from the Lebanese authorities' doings, the New York Declaration unanimously adopted by the UN General Assembly in December 2016, entitled *“New York Declaration for Refugees and Migrants”*, cares for both categories in the same endeavor. It reaffirms that both categories are “right holders”⁸. and at the same time that *“neighboring or transit countries, mostly developing countries, are disproportionately affected”*⁹.

The countries supporting the Declaration ultimately favor *“an approach to addressing the drivers and root causes of large movements of refugees and migrants, including forced displacement and protracted crises, which would, inter alia, reduce vulnerability, combat poverty, improve self-reliance and resilience”*¹⁰ with a commitment to *“take measures to foster self-reliance by pledging to expand opportunities for refugees to access [...] livelihood opportunities and labour markets, without discriminating among refugees and in a manner which also supports host communities”*.



WE ARE ALL

EQUAL

⁸The New York Declaration for Refugees and Migrants, UN General Assembly Resolution A/RES/1/71, December 5th, 2016, available at http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_1_71.pdf

⁹Ibid, §6.

¹⁰Ibid, §37.

Seeking to “*regulate*” the displacement crisis and massive Syrian presence in Lebanon, the Lebanese authorities have extended the kafala system to Syrians desiring to work and retain a legal residence despite the decried nature of sponsorship system, traditionally applied to the migrant communities coming from Asian and African countries. As such, Syrians were quickly hit by grievances and grave problems as many studies have previously uncovered¹¹, with yet some differences with the traditional migrant community from other nationalities as the study will show.



IT IS NO SURPRISE LEBANON HAS BEEN LABELED AS AN

“*INJURY COUNTRY*”

because of the severity of abuses faced by migrant workers and the lack of protection they endure, whether male or female migrants. The country has yet to improve the legal protection framework to ensure better labor conditions, despite some positive developments that have occurred in the past years.

As such, the legal and policy framework covering the basic human and labor rights of migrants in Lebanon “*is not in line with ILO Domestic Workers Convention, 2011 (No. 189) and other relevant standards including those linked to Fundamental Principles and Rights at Work. While the government has formed a national steering committee in 2005 on domestic work and discussed various draft policies covering MDWs, none has passed into law in exception to Unified Contract in 2009. In the meantime, domestic workers remain excluded from most laws and policies covering national workers, including the right to freedom of association*”¹³.

The field is not short of international instruments offering protection to foreign labor and domestic work in particular, starting with the basic human rights conventions: The Universal Declaration of Human Rights (UDHR) provides that everyone has the right to rest and leisure, including reasonable limitation of work hours and periodic holidays with pay, as well as the right to just remuneration to ensure «an existence worthy of human dignity».

¹¹Cf for instance: Maja Janmyr, Precarity in exile : the legal status of Syrian Refugees in Lebanon. Refugee Survey Quarterly, Volume 35, Issue 1 ,4 December 2016, Pages 78–58, available at <http://bora.uib.no/bitstream/handle/15916/1956/hdw016.pdf?sequence=3&isAllowed=y>; UNHCR, UNDP, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon, VASYR 2017, December 2017.

¹²Jebli Shrestha, Eleanor Taylor-Nicholson. No Easy Exit, Migration Bans Affecting Women from Nepal, Labor Migration Branch (MIGRANT) Fundamentals Principles and Rights at work Branch (FUNDAMENTALS) International Labor Organization (International Labor Organization), 2015, p. 15.

¹³Sawsan Abdulrahim, Interwined, A Study of Employers of Migrant Domestic Workers in Lebanon, International Labor Organization, 2016, p. 1.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966, which Lebanon acceded to in 1972, also mentions these rights and states that all persons must enjoy just and favorable conditions of work.

On general labor matters, Lebanon has ratified three ILO conventions that are relevant to the protection of migrant workers: the Forced Labor Convention No. 29, the Convention No. 105 on the Abolition of Forced Labor and the Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, which prohibits discrimination on the basis of sex with respect to access to employment and conditions of employment, all of which were ratified by Lebanon in 1977.

However, Lebanon is not a signatory of any Convention pertaining directly to the protection of migrant workers, such as the UN Convention on the Protection of All Migrant Workers and Members of Their Families and the two ILO Conventions: Migration for Employment, Convention No. 97, and Migrant Workers (Supplemental Provisions) Convention No. 143.

The legal gaps and the abuse practices against migrants communities lead to a

“vulnerability to exploitation”¹⁴

drawing an important effort of human rights activists and researchers for more than a decade now. Human rights organizations have been documenting cases of abuse and dissecting the regulatory framework relevant to migrants entering into Lebanon to work in or outside their employers' home, only to be trapped in an asymmetrical contractual layout. Eventually, migrants started handling campaign activities to monitor and denounce grave violations against the migrants community¹⁵. Experts agree that this ineffective migration policy makes migrant workers prone to forced labor and human trafficking, in addition to denouncing the lack of legal protection for MDWs in Lebanon.

¹⁴Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 5.

¹⁵Cf. for instance Dipendra Uprety (a male migrant worker) who launched a blog on the matter in May 2017 called This Is Lebanon, <https://thisislebanon.org/>

IN A

2011 ASSESSMENT

Hamill wrote:

“Undocumented migrant domestic workers in Lebanon are caught in legal limbo and face significant obstacles which prevent them from regularizing their immigration status in the country. If apprehended by police, they face immediate detention and substantial fines for immigration violations. Often their precarious legal situation is compounded by the difficulty they face in retrieving their identity documents from previous employers who may simply refuse to respond or may demand payment in return”¹⁶.

Little has changed since then, given the maintaining of the kafala system, which exists outside labor law in the country: *“The Lebanese Labor Code, enacted in 1946, excludes domestic workers, both Lebanese and foreign, from its provisions. This exclusion means that [Migrant Domestic Workers] MDWs are not*

guaranteed protections that other workers enjoy, such as Lebanon’s minimum monthly salary of LBP 500,000 (USD 333)¹⁷, a maximum number of working hours per day, or a minimum of 15 vacation days. It also means they have no guaranteed accident [coverage] or compensation for unfair termination of employment¹⁸.

The primary mechanism for stating employers’ and workers’ rights and obligations are contractual arrangements, notably the Standard Unified Contract (SUC) between the employer and the MDW, which is subject to the general law regulating contractual obligations, known as the General Contractual Obligations Law of 1932. The enactment of this SUC between the Sponsor/kafeel and the domestic worker grants the issuing of a work permit by the MoL, which in turn opens the door to the obtaining of a residence permit at the General Security Office (GSO), the security agency that has jurisdiction in relation to the entry and exit and stay of foreigners in the country, as stipulated by Legislative Decree number 61 which was issued on 04/04/1953.

¹⁶Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

¹⁷The minimum wage has since been raised to USD 450, or LBP 675,000

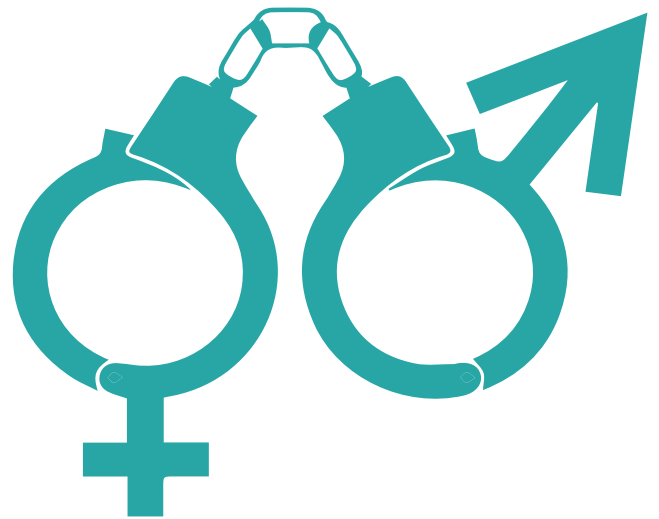
¹⁸Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 16

Based on this understanding, domestic workers, and migrant workers in general, are explicitly excluded from the Lebanese labor code, and do not enjoy any protection pertaining to working conditions and are trapped in the Sponsorship system as *“their channels of communication are often restricted, and legal redress is practically inaccessible to them”*¹⁹.

On the other hand, many stakeholders have lent a helping hand to support the migrant workers communities in terms of psychosocial assistance, medical care, legal counselling and rights awareness, education and even unionizing. Many CSOs have been lobbying the relevant authorities for years in order to take on the different factors hindering the labor standards of migrant workers in Lebanon. Hamill identifies three main factors of struggle:

- ◆ *The sponsorship or ‘kafala’ system,*
- ◆ *The recruitment process, and*
- ◆ *The lack of labor protection and legal redress”*²⁰.

Despite the large mobilization, researchers have yet observed that “the most significant challenge is the fragmented advocacy efforts of civil society organizations”²¹, despite some important contributions from rights activists. First, the instauration of Labor Day Festival where MDWs can march, celebrate and remind employers of their rights. Another is the wider awareness on the humane and respectful treatment of MDWs in Lebanon *“as employers have growingly showed fear of scandal and having to undergo any naming and shaming process. It’s preventive more than repressive, even if not based on a pro-human rights mentality”*²².



¹⁹Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 12.

²⁰Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

²¹Marie-Josée Tayah. Organizing Through Research: The Story Of a Participatory Action Research with Women Migrant Domestic Workers, NGOs and Unions in Lebanon, International Labor Organization, Geneva, 2014

²²Interview with Ghada Jabbour, Co-Founding Member, Head of the Exploitation and Trafficking in Women Unit, KAFA, Beirut, 11 May 2017.

Yet, according to activists, *“since 2011, the situation is getting worse, even if there used to be a momentum to improve the conditions for MDWs, but it deteriorated”*²³, in line with the *“weakness of the judicial system in terms of guaranteeing access to justice for migrant domestic workers victim of exploitation”*²⁴, where, in practice, *“the victims’ ability to seek and obtain compensation through the civil courts is limited”*²⁵. Even though some legislative action has been observed, namely with the adoption of anti-trafficking Law 164 in 2011, the general framework trapping migrants in their dependency with their employer who stands as the official intermediate with the relevant authorities remains inadequate and has prompted a multitude of research and documentation that will be presented in this research.

STUDY BACKGROUND

Funded by the European Union (under the European Instrument for Democracy and Human Rights) and commissioned by a consortium formed by Caritas Austria, Caritas Lebanon and Armenian Caritas, this study aims at shedding some light on the situation and rights of Migrant workers (including those from Iraqi and Syrian Armenian descent) from an employers and employees standpoint and how each perceive the employment relationship when it comes to work conditions and context in Lebanon. Under the project “Recognize, Protect, Realize”, the consortium’s action is coordinated by Caritas Austria, and aimed at supporting migrants in Lebanon and Syrian-Armenian refugees in Armenia and in Lebanon.

METHODOLOGY OF THE STUDY

Performed between May and July 2018, this research relied on in-depth review of available literature on migrant workers produced by the relevant stakeholders (jurists, experts and practitioners), whether coming from academia, international organizations and human rights institutions. Some studies exclusively focus on the situation of migrants in Lebanon from a legal and social perspective, mainly local NGOs and universities, while others include the Lebanese situation in a Middle Eastern perspective, including case studies from other Arab countries such as the United Arab Emirates, Kuwait, Jordan and Saudi Arabia.

²³Interview with Farah Salka, General Coordinator of the Anti-Racism Movement in Lebanon, Migrant Community Center, Beirut, 14 June 2017.

²⁴Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 45.

²⁵Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 17.

The different sources on the subject would target specific nationalities from the migrants' communities present in Lebanon, mainly the Ethiopian, Bangladeshi and Nepali workers, while others focused on the employers' or the recruitment agencies' perspectives. The research also gathered statistics obtained from the relevant Lebanese authorities, whether from the Ministry of Labor (MoL) and the GSO Security Office, that holds the prerogative of enforcing the immigration legislation in the country.

Moreover, the research relied on qualitative information from interviews with experts and representatives from international organizations and security services (collected between May and July 2017 as part of the Human Rights Legal Clinic²⁶ monitoring activity,

cf. table 1), along with extensive focus groups organized in July 2018 with different relevant stakeholders on the issue of migrant workers in Lebanon, as shown in tables 2 (the employers), 3 (the recruitment agencies) and 4 (the migrant workers) hereunder, with the noticeable addition in the research project of including male workers, often overlooked by field surveys and studies, alongside migrant and refugee communities from Armenian descent (Syrian and Iraqi), both having to deal with the recent regulatory grip over their stay in Lebanon. Still, the study endured challenging conditions as to accessing male migrants willing to speak out and answering the researcher's questions. Moreover, one should keep note that the female migrants interviewed are the ones who are granted permission to leave their employer's premises on Sundays, whereas no direct contact was made with female workers inside households.

TABLE 1
INTERVIEWS WITH EXPERTS
JULY 2017

Organization	Name	Date	Place
KAFA Exploitation and Trafficking in Women Unit	Ghada Jabbour	11 May 2017	Beirut
Anti-Racism Movement (ARM) in Lebanon and Migrant Community Center (MCC)	Farah Salka	14 June 2017	Beirut
International Labor Organization (ILO)	Zeina Mezher	23 June 2017	Beirut
United Nations Office for Drugs and Crimes (UNODC)	Renée Sabbagh	4 July 2017	Beirut
General Security Office (GSO)	Captain Ali Mawla	12 July 2017	Beirut

²⁶The HRLC is part of the Law Faculty of La Sagesse University and is headed by the author.

**TABLE 2
INTERVIEWS WITH EMPLOYERS**

Gender	Age	Employer Since	Region	Date of Interview/focus group
M & F (Husband and Wife)	42 both	2011	Hadath (mount Lebanon)	6 July 2018
F	48	2017	Chiyah (Mount Lebanon)	7 July 2018
F	68	2014	Haret Hreik (Mount Lebanon)	8 July 2018
F	40	2018	Tarik Jdide (Beirut)	11 July 2018
F	43	2013	Mar Elias (Beirut)	16 July 2018
F	45	Only in Summers	Aley (Mount Lebanon)	16 July 2018
F	52	2008	Qoraytem (Beirut)	16 July 2018
F	56	N/A	Mar Elias (Beirut)	16 July 2018

**TABLE 3
INTERVIEWS WITH RECRUITMENT AGENCIES REPRESENTATIVES**

Gender	Age	Active Since	Region	Date of Interview
F	52	2008	Verdun (Beirut)	12 July 2018
M	54	1970's	Rawche (Beirut)	12 July 2018
M	42	1999	Cornich Mazraa (Beirut)	12 July 2018
F	42	2003	Cornich Mazraa (Beirut)	12 July 2018

TABLE 4
FOCUS GROUPS WITH MIGRANT WORKERS (AND REFUGEES)

Contry of Origin (number of participants)	Status in Lebanon	Gender	Age Range	Worker's address	Date & Place of focus group
Bangladesh (4)	Migrants	F	30-37	Chiyah	2 July 2018, Chiyah
Ethiopia (4)	Migrants	F	24-28	Ain El Remmeneh	2 July 2018, Ain El Remmeneh
Ethiopia (7) Bangladesh (2) Philippines (1)	Migrants	F	27-40	Beirut-Tayouneh-Dohat Hoss-Zalka- Borj Hammoud-Mrouj	8 July 2018, Amel Chiyah Center
Sudan (2) Ethiopia (2)	Migrants	Mixed M(2) & F(2)	22-28	Zalka-Antelias-Zouk-Beirut	4 July 2018, MCC Jounieh
Sudan (4)	Migrants	M	32-38	Bir Abed (Southern Beirut)	4 July 2018, Bir Abed
Egypt (5)	Migrants	M	23-47	Haret Hreik	4 July 2018, Haret Hreik
Bangladesh (5)	Migrants	M	28-32	Haret Hreik	4 July 2018
Sudan (4)	Migrants	M	22-30	Choueifat	6 July 2018, Haret Hreik
Egypt (4)	Migrants	M	23-50	Choueifat	8 July 2018, Choueifat
Egypt (4) India (1)	Migrants	M	23-50	Choueifat	8 July 2018, Choueifat
Nigeria (1)	Migrants	M	37	Saifi	16 July 2018, Saifi
Syrian Armenian) (4)	Migrants	F	16-48	Bourj Hammoud	6 July 2018, Borj Hammoud
Iraqi Armenian (2)	Migrants	F	32-35	Bourj Hammoud	6 July 2018, Borj Hammoud
Syrian Armenian) (3)	Migrants	M	20-34	Bourj Hammoud	6 July 2018, Borj Hammoud

IN ADDITION TO THE INTERVIEWS, A TOTAL OF

13 **FOCUS GROUPS**

were organized with migrant workers from both gender and various nationalities, despite the difficulties of gathering these particular communities given the harsh limitations on their freedom of movement. Much appreciated coordination with specialized organizations such as Caritas Lebanon, Amel Association and the Migrants Community Center supported the successful holding of these focus groups. Many of the focus groups were held at MCC and Amel branch within the Greater Beirut area, stretching to MCC Jounieh, in addition to the homes of migrant workers in the designated areas. Profiles met varied in terms of gender, age, regions, date of entry, status (under sponsorship or irregular stay) and work type (in a house or for a business).

These testimonies, experiences and feedback gathered throughout this field research contributed to assessing the present situation of migrants (and refugees) from different nationalities in Lebanon (whether male or female) in light of the evolution of the Lebanese context. The research will moreover offer a deeper insight on the grievances faced by these communities who need to work to sustain their livelihoods and explore the possibilities of a more equitable contractual relationship between employers and employees in this particular situation within the labour market.



POLICY
RECOMENDATION

The past years witnessed major attempts to help migrants in Lebanon organizing themselves to better voice their concerns and issues to the Lebanese authorities²⁶¹. A clear clash continues to separate Lebanese authorities from one hand and CSOs on the other when it comes to assessing the situation and needs of migrants in the country.

Among the sharp cleavages is the strong governmental stance on approaching migrant issues as a security object rather than a labor one, due to *“an overrated security mindset”* as stated by El Mufti²⁶². The GSO regards the migrants as potential risks as officers explain *“we cannot put an officer behind each migrant worker on Sundays to make sure nothing goes wrong”*²⁶³. This same sentence was repeated by Major Talal Youssef, from the GSO Human Rights division, during a conference on Migrant workers at the AUB in Beirut²⁶⁴.

As such, *“Lebanon is clearly not ready to integrate MDWs to Labor Law”*²⁶⁵ and approach the matter from a labor perspective.

CSOs on the other hand, feel strongly about defending basic rights of MDWs who are brought to Lebanon under non-transparent processes and left to the mercy of their employers behind the closed doors of the privacy of their homes. Activists working in NGOs such as Caritas Lebanon, KAFA, MCC, INSAN and members of religiously affiliated institutions consider migrant workers as equal persons under the law and need to be treated with respect and dignity. They are favorable for greater labor mobility and autonomy for MDWs in Lebanon and for broader visibility for their presence and cultures in public spaces where they have a right to coexist with other citizens.

²⁶¹Cf. Cooperating Out of Isolation: The Case of Migrant Domestic Workers in Kuwait, Lebanon and Jordan, International Labor Organization, Working Paper, Beirut, 2015.

²⁶²Karim El Mufti. False Accusations Of Theft Commonly Filed By Lebanese Sponsors/Employers Against ‘Runaway’ Migrant Domestic Workers: A Legal Study, Caritas Lebanon Migrants Center, Beirut, 2011, p. 45. Cf also Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 15.

²⁶³Karim El Mufti. False Accusations Of Theft Commonly Filed By Lebanese Sponsors/Employers Against ‘Runaway’ Migrant Domestic Workers: A Legal Study, Caritas Lebanon Migrants Center, Beirut, 2011, p. 46.

³⁶⁴“Towards Enhancing the Protection of Migrant Domestic Workers in Lebanon”, Conference organized by Amel Association, ABAAD, CLDH, MSD, The George Kossaifi Organization, 28 June 2018, AUB, Beirut, more on <http://amel.org/toward-a-national-protection-for-migrant-domestic-workers-in-lebanon/>

²⁶⁵Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

As the SUC was considered a significant improvement in recognizing rights and obligations to the party of the employer, it still needs additional improvement. Many areas of the contract remain obscure and are left to the *“authoritative interpretation”*²⁶⁶ of the sponsor, the security services and the judiciary, leaving a narrow margin for the domestic workers to secure a dignified termination of her work or moving to another employment. As such, the SUC *“represents another missed opportunity in the search for adequate legal protection of migrant domestic workers”*²⁶⁷.

In its efforts to promote the best practices in order to uphold minimum labor standards for migrants in Lebanon, *“dialogue needs to remain open to spread awareness”*²⁶⁸ in a context of *“resistance to regulation”*²⁶⁹ in order to keep moving forward. Many actors from CSOs aren’t afraid to confront the authorities with bold recommendations intended at radically changing the way migrant workers are recruited and employed in Lebanon, so to remove the employers’ power from the unequal equation in the present situation.



²⁶⁶Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 11.

²⁶⁷Into the Unknown : Exploitation of Nepalese Migrant Domestic Workers in Lebanon, Anti-Slavery International, KAFA, the General Federation of Nepalese Trade Unions, May 2014, p. 23.

²⁶⁸Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

²⁶⁹Asha D’Souza. Moving towards Decent work For Domestic workers: An Overview of the ILO’s work, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2, p. 17.

Hence, many call for allowing freelancing domestic work, considering that *“there is no requirement for MDWs to reside with their employers”*²⁷⁰ and that this option would serve *“better and more flexible employment relationship based on the full knowledge of applicable laws. This in turn will help reduce many of the abuses that befall MDWs. Living independently could reduce the incidence of forced labor, long working hours, unpaid wages, as well as physical and sexual abuse and contribute to a more just and equal society”*²⁷¹. Others agree with the disruption of the sponsorship system but prefer to *“regularize domestic work by including domestic workers in the Labor Law”*²⁷², along with the allowing of the setting up of their Union that can also take part of the reform process and equally be involved with other stakeholders in providing solutions to the many challenges that remain. *“There is a business case to be made that everyone will continue to benefit if this system is regulated,”* states Zeina Mezher from the ILO. *“It doesn’t have to be exploitative for it to be beneficial”*²⁷³.

From its side, the National Steering Committee for MDWs issues composed of representatives from the MoL, GSO, Internal Security Forces (ISF), SORAL, Caritas Lebanon, the Ministry of Justice (MoJ), the ILO and employers continues to meet to discuss improving the conditions of MDWs in Lebanon. It helped initiate for instance, through

the GSO, the health insurance policy for MDWs as a condition for accessing both work and residence permits. According to Captain Ali Mawla, the Steering Committee has been looking into some ideas recently, such as including chronic diseases in insurance coverage, or an insurance policy for ensuring the costs of the repatriation of the migrant worker at the end of her term, or imposing a deposit of 500\$ to cover such costs, or imposing the payment of wages through the bank as a means for greater transparency and guaranteeing the payment of salaries by employers²⁷⁴.

MORE SIGNIFICANTLY, A DRAFT LAW ENTITLED “DECENT WORK FOR DOMESTIC WORKERS”²⁷⁵

designed specifically to regulate the working and living conditions of MDWs in Lebanon has been proposed by the National Steering committee and presented to the MoL in 2011. This draft law is still pending in the Council of Ministers since it was introduced in 2013 and has not been discussed to this date, mainly due to the decision-making slowdown that has characterized the Lebanese institutions in the past decade, with many power vacancy episodes (Presidency of the Republic and extended periods of government formations) and postponement of legislative elections for an entire term (from 2013 to 2018). At this stage, this draft law is already outdated and needs further social dialogue and updates given the context changes since that period.

²⁷⁰Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 14.

²⁷¹Idem.

²⁷²A Study of the Working and Living Conditions of MDWs in Lebanon, Intertwined: the workers’ side, International Labor Organization, Regional Office for Arab States, 2016, p. 8.

²⁷³Alice Su, Abused Migrant Workers End Up in Prison After Trying to Flee, News Deeply, Refugees Deeply, 9 June 2017, available at <https://www.newsdeeply.com/refugees/articles/09/06/2017/abused-migrant-workers-end-up-in-prison-after-trying-to-flee2>

²⁷⁴Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

²⁷⁵Decent Work for Domestic Workers, Draft Law.

Moreover, more than ten years after its creation, the Steering Committee has yet to achieve better protection mechanisms for MDWs, by establishing as a matter of priority a national referral mechanism for MDWs' issues, while the number of domestic workers committing suicide remains alarming, with, in most cases, little answers as to the reasons for the suicide in spite of the opening of an investigation by security forces²⁷⁶. But the main presumption for rights defenders lies in the persistent abuse many workers continue to face, with no other option to exit.

However, all experts unanimously agree that *“there is no political will to reform any point on this issue”*²⁷⁷ and that despite the *“several efforts towards improving the human rights situation of migrant workers in Lebanon, although most of these have been met by a lack of political will to create meaningful positive change”*²⁷⁸.

Yet, recommendations issued by the major stakeholders promote the need of increasing awareness efforts and campaigns to the attention of Lebanese employers, as well as recruitment agencies in Lebanon and countries of origin and security services. Additional focus to legal aid and pro-bono legal action should also be explored in order to continue fighting the many legal battles while some are being won thanks to the better understanding of migrants rights by attorneys and judges.



²⁷⁶ALEF Annual Report, 2016, p. 44.

²⁷⁷Interview with Ghada Jabbour, Co-Founding Member, Head of the Exploitation and Trafficking in Women Unit, KAFA, Beirut, 11 May 2017

²⁷⁸ALEF Annual Report, 2016, p. 44.

In fine, a list of main recommendations in order to better protect migrant workers in Lebanon, sorted thematically, by audience and period wise:

ON REFORMING THE KAFALA SYSTEM UNTIL IT CAN BE ABOLISHED

To Lebanese Authorities:

- » Review the terms of the Standard Unified Contract: remove the *tanezul*/release clause for when employers breach the contract; include freedom of movement and translate it into languages understood by migrant workers, in coordination with the National Steering Committee and the Notary Public agents (ILO translated the SUC, but the Notary Public agents are not officially using the translated versions²⁷⁹) - short term.
- » Ensure mandatory health insurance for migrant workers covers health care minimums and not only work accidents (short term).
- » Allow for migrant workers to open bank accounts as option to receiving their salaries or for saving purposes (short term).
- » Ratify the Convention concerning decent work for domestic workers (Convention 189) of 2011 (medium term)
- » Further implement Law 164/2011 on Human Trafficking and allow for additional awareness to the attention of the judicial system and the security services.
- » Replace the kafala system with a legal framework in line with equitable contractual agreement and respectful of rights and obligations of employers and workers and the interest of recruitment agencies (like Bahrain example). (long term).
- » Lobbying for a compulsory Post-Arrival awareness sessions for the MWDs on their rights and responsibilities and sessions for employers upon requesting to recruit a MWD at the Ministry of Labor and before the MDW reaches their home. The sessions should include specific information on both Lebanon and the country of origin of MDWs.

To Civil Society Organizations:

- » Increase cluster efforts for better coordination and efficient lobbying, for instance with the newly formed National Committee for Human Rights to include migrant workers in its working agenda (short term).
- » Pursue efforts in reforming the Sponsorship system and eventually leading to its abolition (medium term).

²⁷⁹Cf. MDW guide, available at <https://www.labor.gov.lb/Templates/Files/e7139eae4-3987-dbd-a32a-3b723864e808.pdf>

To Donors:

- » Support civil society programs and activities aiming at substantially reforming the kafala system and providing services to the survivors (short term).

ON ACCESS TO JUSTICE AND NON-DISCRIMINATION

To Lebanese Authorities:

Make hotlines more accessible at the Ministry of Labor and the GSO with additional time range covered and the inclusion of native speakers of migrants' languages to remove any obstacle for communication for migrant workers contacting the service (short term).

- » Ensure in depth investigations when cases of suicide or death of migrant workers occur. Better train ISF personnel on investigation techniques related to such cases, through the ISF Academy and include such topics in their curriculums (medium term).

- » Provide better access to justice to migrants, whether in police stations and court system, by respecting the presumption of innocence and discounting residence status when engaging criminal or civil proceedings. Raising awareness as to Article 47 for the Code of Criminal Proceedings and the new regulations to better protect women from violence following the Law 293 (2014) on Domestic Violence and ISF Memo 204-339 (2017) - medium term.

- » Implement zero-tolerance approach towards discriminatory and predatory practices by employers, recruitment agencies and law enforcement (specifically during pre-trial detention) through monitoring mechanisms, investing in inspection capabilities and supporting awareness programs and campaigns (medium term).

To the General Security Office:

- » When dealing with cases of irregular status for migrants, provide alternative measures rather than deprivation of liberty (enrolling with new available sponsor, paying fines, ensuring ticket for repatriation, benefiting from amnesty plans...) - short term.
- » Systematically provide residence papers to children of migrant workers born in Lebanon using present national regulatory framework pertaining to foreigners. Avoid measures leading to deportation and separation of families (short term).
- » Systematically uphold judiciary decisions relevant to the migrants' status, whether halting deportation or granting temporary residence (short term).
- » Support the work of CSOs in assisting and protecting the migrants living in Lebanon (short term).

To Civil Society Organizations:

- » Pursue awareness campaigns to sensitize employers and households regarding equal rights, better protection, decent and dignified work (short term).
- » Continue raising awareness to combat racism, discrimination, Human Trafficking and access to justice for migrant workers in Lebanon with increased visibility presence in public spaces and through further campaigning with media, schools, hospitals, clinics (short term).
- » Lobby the newly elected parliament to strengthen anti-discrimination and anti-racism national legislation (medium term).

To Donors:

- » Support access to justice efforts in Lebanon, namely when targeting migrant workers (short term).

ON WORKING CONDITIONS AND DIGNIFIED LIVELIHOOD

To the Ministry of Labor:

- » Further coordinate efforts and policy with Migrant Workers Labor Union (SORAL) - short term
- » Recognize the MDWs Union - long term
- » Strictly monitor and update the blacklist of recruitment agencies and prevent their employment of migrant workers (short term).
- » Strengthen role of Social Workers in complaints management and increase inspections at recruitment agencies to ensure application of transparent and legal procedures (short term).

To Consular Authorities of Migrants' Countries of Origin:

- » Initiate programs to better follow-up and support the issues of their nationals living in Lebanon, irrespectively of ongoing work ban on Lebanon (short term).
- » Enhance cooperation with Lebanese authorities and recruitment agencies by updating and monitoring and sharing any eventual blacklist of agencies in the country of origin (short term).

To Private Employment Agencies:

» Request more transparency with partner recruitment agencies in the countries of origin, in cooperation with their respective ministry of Labor and/or foreigner affairs (medium term).

» Ensure sponsors are well aware on their employers' obligations to the migrant workers and help them prepare to the hosting of the domestic worker. Also report any suspected case to the Ministry of Labor.


» Reinforce the Code of Conduct of the PEA which was developed by the ILO and it includes the complaints process.

To Civil Society Organizations:

» Involve more male migrant workers in the vocational training opportunities and activism campaigns (short term).

» Increase work efforts with relevant consular authorities for better protection of their nationals' rights in Lebanon (short term).



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SITUATION UPDATE OF THE STATUS OF MIGRANTS IN LEBANON

The Middle East has become an especially important destination for migrant workers, and particularly Migrant Domestic Workers (MDWs), *“with levels of demand for domestic help rising significantly over the past 20 years”*²⁷. In parallel, exploitation of MDWs, who are almost always women, has been well documented, with abuses range from *“low pay and poor employment conditions to egregious violations of human and labor rights, such as forced labor, and physical and sexual violence”*²⁸. Male migrants have a lesser share in the published literature, but are evenly concerned when faced with lack of protection and the entrapment of the sponsorship system, which entails many problems on both short and long run.

I. LEGAL FRAMEWORK AND BASIC FIGURES

Lebanon is considered as *“the top country of destination for female migrant workers”*²⁹ in the Middle East, where migration is in theory strictly controlled³⁰, along with other Middle Eastern countries and *“this is a direct consequence of the systems currently in place in these countries, as well as policies and practices in their home countries, including in South Asia and further afield”*³¹. As such, foreign workers must be sponsored by a resident in Lebanon who is responsible of paying the relevant fees to obtain a work permit, then a residency permit for the worker. The employer thus becomes the “sponsor” or *kafeel*³² of the migrant worker and beholds a great deal of power over her. Furthermore, female migrants hired for domestic work are forced to live in their employer’s home. Both relatively lenient practical and financial variables, allowing for middle and lower middle classes to access cheap labor in Lebanon has dramatically accelerated this phenomenon and sparked a human rights crisis, which continues to echo until today, despite some ameliorations.

It is Lebanon’s Ministry of Labor (MoL) that holds the prerogative of issuing work authorization to migrants acceding to the sponsor’s request if all regulatory conditions are met. Based on this prerequisite, the Interior Ministry then issues residence permits to the migrants through the General Security Office (GSO), the government agency responsible for monitoring the entry, residence, and departure of all foreigners, including foreign workers.

²⁷Katharine Jones. For a Fee: The Business of Recruiting Bangladeshi Women for Domestic Work in Jordan and Lebanon, International Labor Organization, Fair Recruitment Initiative, 2015, p. 9.

²⁸Idem.

²⁹Into the Unknown: Exploitation of Nepalese Migrant Domestic Workers in Lebanon, Anti-Slavery International, KAFA, the General Federation of Nepalese Trade Unions, May 2014, p. 2.

³⁰Cf. Françoise De Bel-Air. Migration Profile: Lebanon, Robert Schuman Centre for Advanced Studies, European University Institute, Policy Brief, 12, December 2017.

³¹Idem

³²Cf. Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012

Under such a system, labeled officially as the kafala system, *“the government seems to have adopted a concerted policy of providing Lebanese employers with cheap labor for purposes of domestic work but without a clear labor policy”*³³.

As such, as pointed out by Renée Sabbagh from the UNODC,

“Lebanon is not traditionally an illegal migration hub”³⁴

but rather bases its migration policy on a tradition of hosting migrant workers, despite disregarding many of the safeguards to ensure proper labor conditions as will be later developed.

Close to 190,000 migrant workers are legally registered in Lebanon³⁵ (not counting Syrians), country of over four million people, and experts agree that roughly 300,000 migrants are presently living in Lebanon, the difference being irregular migrants who are considered independents (known by freelancers), i.e. work independently from a sponsor, which, under the Lebanese regulations, constitutes a violation of the residence conditions.

Female migrants travel to Lebanon *“to work as live-in maids from across Asia and Africa - primarily from Ethiopia, the Philippines, Bangladesh, Sri Lanka, and Nepal”*³⁶. Tables 5 and 6 hereunder provide statistics concerning the main countries of origins of female domestic workers, namely Ethiopia which has witnessed a significant increase of entry of its female nationals into Lebanon (from 31,556 work permits in 2014 to 137,228 permits in 2017). It is today followed by Bangladesh that replaced the Philippines as the second most common place of origin of MDWs coming to Lebanon, the latter witnessing a decrease of registered workers from 29,049 in 2014 to 19,559 in 2017. The same point can be observed for Sri Lanka, historical source of MDWs for Lebanon, which numbers passed from 12,527 permits in 2014 to 5,980 in 2017. This trend is also confirmed by statistics in Table 7 presenting the figures for the number of residence permits issued by the GSO in 2016 in which Ethiopia and Bangladesh stand out as the top two countries of origin of present day MDWs in Lebanon.

³³Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 15.

³⁴Interview with Renée Sabbagh, Program Specialist, United Nations Office for Drugs and Crimes, Beirut, 4 July 2017.

³⁵Source: Ministry of Labor, 2017

³⁶Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

TABLE 5
STATISTICS OF MIGRANTS IN LEBANON
NUMBER OF WORK PERMITS ISSUED AND RENEWED IN 2017

Nationality	Renewed Permit	First Time Permit	Total
Ethiopia	73,338	63,890	137,228
Philippines	16,129	3,430	19,559
Bangladesh	14,666	1,479	16,145
Sri Lanka	5,536	444	5,980
Cameron	873	163	1,036
Sudan	48	22	70

Source: Ministry of Labor, Republic of Lebanon, 2017

TABLE 6
STATISTICS OF MIGRANTS IN LEBANON
NUMBER OF WORK PERMITS ISSUED AND RENEWED IN 2014

Nationality	Renewed Permit	First Time Permit	Total
Ethiopia	25,019	6,537	31,556
Bangladesh	12,977	11,104	24,081
Philippines	17,744	11,305	29,049
Sri Lanka	9,588	2,939	12,527
Nepal	8,080	3,895	11,975
Madagascar	3,188	282	3,470

Source: Ministry of Labor, Republic of Lebanon, 2014

TABLE 7
STATISTICS OF MIGRANTS IN LEBANON
NUMBER OF RESIDENCE PERMITS
ISSUED AND RENEWED IN 2016

Nationality	Valid Residence Permits (app.)
Ethiopia	90,000
Bangladesh	23,000
Philippines	20,000
Sri Lanka	7,000
Kenya	4,500
Nepal	2,000
Ghana	2,000
Cameroun	1,600
Madagascar	1,200
Togo	1,200
Senegal	500

Source: General Security Office, Republic of Lebanon, 2016

II. ENTERING LEBANON: LACK OF TRANSPARENCY AND RECRUITMENT CHALLENGES

One of the main issues identified by the literature on migrant workers in Lebanon is the “*little transparency of the recruitment stage*”³⁷ and the “*lack of accountability for private placement agents*”³⁸. Many agencies rely on a *t*⁹ and trap migrants in debt bondage schemes. Lebanese recruitment agencies interviewed in the course of this research denied any responsibility in such issues. None of the agents met stated having traveled to the country from which they bring migrants, but declared dealing directly with interlocutors (agencies or individuals) in the country of origin, which sometimes would send someone to Lebanon. The foreign agencies would be the ones interviewing the migrants if this feature is factored in the process. In many cases, it is not.

³⁷Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

³⁸Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 18.

³⁹Ray Jureidini, Ways Forward In Recruitment Of ‘Low-Skilled’ Migrant Workers In The Asia-Arab States Corridor: International Labor Organization white paper, Beirut, 2016, p. 6.

On this, *“the ILO is pushing for more transparent breakdown of the service costs and double payment of some services, along with liberating the MDWs from the debts vicious cycle”*⁴⁰. Moreover, *“proper matchmaking should be introduced between employers with specific needs and migrant workers who have the right to be provided some job information prior to their recruitment and travel to the employment country”*⁴¹. This point was very much highlighted, namely by female domestic workers met in the course of this research. Migrants do admit that *“we came at our own risk, we were told not to come to Lebanon, but here is much better than Ethiopia”* according to an Ethiopian worker, aged 26 who also wanted to get away from her violent husband⁴². Still, workers mentioned during focus groups the need to have better information of what awaited them in the migration country: *“Girls need to know what job is waiting for them when they arrive!”*, stressed a Filipina worker, aged 40. *“When I started, they [the employers] locked me up for a salary of \$150 a month. They bought me!”*⁴³. Another girl stated the *“need of language training, awareness of how employers like the job done before we are sent to Lebanon. We have no basic ability to express*

ourselves so we stay defenseless”, added a Bangladeshi worker, aged 30⁴⁴. And *“Why aren’t employers trained also on how to welcome workers and be more patient? We don’t know everything on the spot”* added the Filipina worker⁴⁵. During a recent seminar organized by Amel Association, ‘Mira’ a Filipina worker shared her story about her ordeal in Lebanon, which started because of untruthful work description as she thought she would be *“coming to Lebanon to take care of an epileptic child, as I am a trained nurse”*⁴⁶.



⁴⁰Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

⁴¹Idem.

⁴²Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

⁴³Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

⁴⁴Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

⁴⁵Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

⁴⁶“Towards Enhancing the Protection of Migrant Domestic Workers in Lebanon”, Conference organized by Amel Association, ABAAD, CLDH, MSD, The George Kossaifi Organization, 28 June 2018, AUB, Beirut, more on <http://tiny.cc/6yf0az>

From the recruitment agencies perspective, the Lebanese agents rejected the responsibility onto their foreign counterpart. Only one agent met said that their *“partner agency in Bangladesh would train the workers before coming to Lebanon, but this does not happen in Ethiopia”*⁴⁷.

In general, recruitment practices are deemed by the experts as “problematic because agents may:

- ◆ *Deceive workers about the conditions that await them in Lebanon;*
- ◆ *Mislead workers about their wages and contract terms;*
- ◆ *Instruct employers to withhold workers’ salaries;*
- ◆ *Offer employers ‘free replacement’ policies for the first several months of employment during a worker’s trial period”*⁴⁸.

For instance, it is common that the first two or three month’s wages of newly arrived MDWs are not paid in Lebanon⁴⁹, which is prohibited by the Lebanese regulations as the Ministry of Labor recently issued a public statement in June 2018 reminding employers and private employment agencies of that resorting to such practices was illegal⁵⁰.

THERE ARE

500

recruitment agencies officially licensed by the Ministry of Labor⁵¹ and their role *“is restricted to the recruitment procedure and the three-month probation period after the arrival of the domestic worker [...] once the three months have passed, private employment agencies no longer have a legal role to intervene in disputes between employers and migrant domestic workers, although agents are still required to report any complaints received to the relevant authorities”*⁵².

⁴⁷Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

⁴⁸Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 19.

⁴⁹Ray Jureidini, Ways Forward In Recruitment Of ‘Low-Skilled’ Migrant Workers In The Asia-Arab States Corridor: International Labor Organization white paper, Beirut, 2016, p. 32.

⁵⁰Lebanese Ministry of Labour Prohibits Employers of Retrieving Wages from their Domestic Workers [in Arabic], Al Iktissad, 22 June 2018, available at <http://tiny.cc/3tf0az>

⁵¹Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 19.

⁵²Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 51.

HOWEVER

“fraudulent practices at the recruitment stage can leave low-skilled workers extremely vulnerable. These practices might include debt bondage linked to payment by lowskilled migrant workers of excessive recruitment fees, costs and charges and deception about the nature and conditions of work, often leading to detrimental contract substitution and human trafficking for labor exploitation”⁵³.

For expert Sawsan Abdulrahim, agencies “contribute to the vulnerability of domestic workers and to reinforcing the control of Lebanese employers [and] play an important role in disciplining domestic workers and in supporting oppressive employers”⁵⁴, along with charging “substantial fees and commissions. They cultivate and feed off of the relationship of dependency between workers and employers because this dependency earns them a living”⁵⁵.

The agents however see their business as an honorable trade⁵⁶ facilitating the recruitment and placement of MDWs coming from many countries of origin in Africa and Asia.

Aware of the awful reputation entailed by their practices and conducts⁵⁷, their Union, the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL), which was established in 2005 and counts approximately 280 members, adopted a code of conduct⁵⁸ in June 2013, in consultation with the Middle East Office of the High Commissioner for Human Rights (OHCHR) and the International Labor Organization (ILO), aimed at improving their member agencies performance and ensuring the rights of migrant domestic workers.



⁵³Ray Jureidini, Ways Forward In Recruitment Of 'Low-Skilled' Migrant Workers In The Asia-Arab States Corridor: International Labor Organization white paper, Beirut, 2016, p. 6.

⁵⁴Sawsan Abdulrahim, Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers, KAFA, 2010, p. 22.

⁵⁵Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 14.

⁵⁶Cf. Katharine Jones. For a Fee: The business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon, International Labor Organization, Fair Recruitment Initiative, 2015

⁵⁷On fraudulent practices, cf. Ray Jureidini, Ways Forward In Recruitment Of 'LowSkilled' Migrant Workers In The Asia-Arab States Corridor: International Labor Organization white paper, Beirut, 2016.

⁵⁸The Code of Conduct was drafted by the Lebanese MoL, the Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL) and Caritas Lebanon's Migrant Center (CLMC).

By pledging to abide by this code, owners of recruitment agencies hope to distinguish themselves *“from illegal and unregulated agencies, which often fail to commit to the ethics of the recruitment business”*⁵⁹, and offer a spirit of cooperation with the Union and NGOs involved in the protection of migrant workers in Lebanon. In 2012, SORAL had signed a MoU agreeing to a minimum wage of USD400 for Filipinas (the minimum wage in Lebanon is USD450), in which the Union *“acts a guarantor of this arrangement”*⁶⁰.

Despite *“acknowledging that the recruitment process is a part of the problem and deems proactive for a harsher regulation”*⁶¹, the MoL has no institutionalized system of monitoring the recruitment agencies, except for Order No. 1/1 of January 2011 ,3 regulating the work of foreign workers recruitment agencies for workers of 4th category (i.e. domestic work)⁶². This decision states that the *“owners of placement offices are prohibited from receiving direct or indirect fees from domestic workers, on penalty of having their licenses revoked”*, in addition to the fact that *“owners of placement offices are prohibited from receiving any direct or indirect fees from the foreign female workers, under the penalty of revoking their licenses”*⁶³. However, limited oversight is performed, only back in 2011 did the

authorities cancel licenses of 40 recruitment agencies in violation of national regulations⁶⁴.

On the other hand, the GSO holds a blacklist of employers and a blacklist of domestic workers it can prevent from accessing proper permits:

*“The list of employers contains the names of those who employed someone illegally and did not act as a guarantor of the worker. The blacklist of domestic workers contains the names of those who committed a crime or offense during their stay. All domestic workers on this list are banned from entering Lebanese territory for a period of 5 years”*⁶⁶,

according to GSO Directive No. 85 of December 2005 ,29. The fact that the GSO grants the initial entry visa for the worker before any contract is settled with a sponsor sets an initial barrier for blacklisted workers, unless they enter with forged documentation. On the same note, black-listed agencies or employers, applying directly for a migrant worker via an agency abroad, would be barred from getting appropriate visa documentations from the GSO, unless resorting to proxy agents to settle the formalities, a solution not rare under the Lebanese context.

⁵⁹Marie-José Tayah. Decent Work For Migrant Domestic Workers: Moving The Agenda Forward, International Labor Organization, Geneva, 2016, p. 93.

⁶⁰Ibid, p. 88.

⁶¹Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

⁶²Cf. Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014

⁶³Article 15 of Order No. 1/1 of January 2011 ,3, Ministry of Labor.

⁶⁴Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 51.

⁶⁵Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 43.

Poor regulations and little safeguards for preserving migrants' rights in the Lebanese labor context have prompted authorities in the countries of origin to issue travel bans to Lebanon for domestic work such as Nepal, Ethiopia and the Philippines, "in response to the situation of widespread abuse and lack of protection [while] many of these workers face detention and deportation if they run away from an abusive or exploitative situation"⁶⁶. Furthermore, the prohibition is based on "accounts of migrant domestic worker exploitation in Lebanon ranging from lack of decent working conditions to instances of human trafficking"⁶⁷. But despite such measures, latest studies have shown workers from both gender from these countries continued to seek reaching Lebanon to work there.

For instance, the Ethiopian Government has banned migration of its nationals to Lebanon since 2009⁶⁸. However, there is still a high demand for female migrant workers in Lebanon which hosts close to 138,000 Ethiopian female workers today and many have resorted to indirect (sometimes illegal) routes and complex itineraries to reach their destination. Actually, "a number of female migrant workers are using the services of illegal brokers to migrate to Lebanon. To avoid being intercepted at Bole International Airport by immigration officials, they first travel to Nairobi, Kenya, and from there, travel to Dubai, UAE and then proceed to Beirut, Lebanon. Alternatively, they first travel to Djibouti or to the Sudan, and from there go to Beirut, Lebanon"⁶⁹.



⁶⁶Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 6.

⁶⁷Marie-José Tayah, *Decent Work For Migrant Domestic Workers: Moving The Agenda Forward*, International Labor Organization, Geneva, 2016, p. 67.

⁶⁸Cf. Jebli Shrestha, Eleanor Taylor-Nicholson, *No Easy Exit, Migration Bans Affecting Women from Nepal*, Labour Migration Branch (MIGRANT) Fundamentals Principles and Rights at work Branch (FUNDAMENTALS) International Labor Organization (ILO), 2015

⁶⁹Trafficking in Persons Overseas for Labor Purposes The Case of Ethiopian Domestic Workers, International Labor Organization, Addis Ababa, 2011, p. 49.

Such travel bans have proved limited since the GSO considers that if a migrant worker “has a valid tourist or work visa upon arrival, the immigration official will allow the person to enter Lebanon, irrespective of whether a deployment ban is in place in the country of origin”⁷⁰. This was confirmed by Captain Ali Mawla of the GSO stating that



“IT IS NOT LEBANON’S PLACE TO ENFORCE A BAN ADOPTED IN ANOTHER COUNTRY. IF DOMESTIC WORKER ARRIVES WITH THE PROPER PAPERWORK, WE HAVE NO REASON TO REFUSE THEIR ENTRY TO THE TERRITORY”⁷¹

Representatives from recruitment agencies gave the same feedback, considering they are “not a factor in this”⁷², “as long as Lebanese government are issuing visas and as long as they are being sent from their country, it is not an issue”⁷³ for the agencies. Hence, it is worthy of noting that direct flights are available between Addis Ababa and Beirut and that the route is much used by Ethiopian workers either to enter Lebanon for the first time (thanks to a visa arranged by a recognized employment agency) or to go back to her country on a holiday or at the express request of the kafeel terminating her contract or normally after finishing their contract and they do not wish to renew it anymore.

According to another agent, “we do not really care as long as they want to come and we are doing everything legally under the Lebanese law. At the end of the day, they are flying directly from their country with their country’s consent”⁷⁴. Addressing the country of origin’s authorities, she continued: “your citizens want to come to Lebanon and you are allowing them to travel to Lebanon and you see them everywhere in Lebanon. Why don’t you just legalize this given it is happening anyway?”⁷⁵. Another agent dismissed the absurdity of the ban: “Embassies do nothing. They should care more about their people. They know that every day more than 300 Ethiopian women come to Lebanon so just legalize their presence because it is happening anyway”⁷⁶. It is “the GSO that is actually doing the embassies’ job”⁷⁷, said another agent in his interview.

⁷⁰Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 48

⁷¹Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

⁷²Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

⁷³Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

⁷⁴Interview with Female Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

⁷⁵Interview with Female Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

⁷⁶Interview with Female Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

⁷⁷Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.



From the migrants' perspective, similar anger spark against their consular authorities that are accused of letting them down. One Bangladeshi worker, aged 30, accused her consulate of abandoning the Bangladeshi present in Lebanon: "all they care about are receptions and their own jobs, not what happens to us"⁷⁸. For one member of the Sudanese group, aged 30, "the Embassy doesn't do anything for us, one of our friend was in jail and the embassy didn't help him at all. Sometimes, they help with the ticket price, but more support is needed from them to solve our issues and find compromises with the authorities"⁷⁹. A Bangladeshi group of male workers offered a story of a friend of theirs who "had a fight once at work, he cleaned bathrooms and floors in a café. For no reason, the owner accused him of stealing money and called the police who then discovered he had no papers and sent him to the General Security. He stayed there for many months, and then got deported and can never come back. No one helped him from the embassy who does nothing for us"⁸⁰.

⁷⁸Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

⁷⁹Focus Group with Male Sudanese Workers, Choueifat, 6 July 2018.

⁸⁰Focus Group with Male Bangladeshi workers, Haret Hreik, 4 July 2018

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Experts agree on the fact that such travel bans actually encourage "trafficking as unlicensed recruitment agencies can operate illegally, resorting to black market, exploiting the workers and sending them through complicated routes"⁸¹, sometimes reaching the level of human trafficking. Under international law, human trafficking consists of the "recruitment, transfer, or receipt of human beings by coercive or deceptive means for purposes of exploitation – including both sexual exploitation and labor exploitation"⁸². The scope of Human Trafficking differs from the elements defining Forced Labor even if several points share common aspects. The ILO identifies several elements that point to situations of forced labor⁸³, which include:

- ◆ Restrictions on movement and/or confinement to the workplace or to a limited area;
- ◆ Retention of passport and identity papers so that the worker cannot leave or prove her identity and status;
- ◆ Withholding of wages or refusal of payment ;
- ◆ Debt bondage/bonded labor ;
- ◆ Threat of physical or sexual violence ;
- ◆ Threat of denunciation to the authorities or of deportation.

⁸¹Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

⁸²Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

⁸³Asha D'Souza. Moving towards Decent work For Domestic workers: An Overview of the ILO's work, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2, p. 29.

In Lebanon, depending on the background and status of the domestic workers, “they may be classified as victims of labor exploitation and possibly trafficking, depending on the specific circumstances”⁸⁴.

Additionally to the steering committee that was established in

2005

for MDWs, a new chapter was opened in Lebanon as it ratified in October 2005 the Palermo Protocol: this was considered an important achievement as it compels the state to recognize MDWs trapped in trafficking situations as victims and not as criminals, specifically in relation to their immigration status in the country. As such, the Lebanese Parliament adopted Law No. 164 on the Punishment for the Crime of Trafficking in Persons, which came into force in August 2011⁸⁵. It was pushed by a Counter-Trafficking Working Group (CTWG) established in 2010, consisting of several local and international NGOs (ALEF, Caritas Lebanon Migrant Centre, Heartland Alliance, KAFA and World Vision).

As highlighted in a study in 2013, “[t]he entry into force of this law marked a significant milestone for the country in combating human trafficking. The law included a non-punishment clause for victims, as well as provision for the confiscation of the perpetrator’s assets”⁸⁶. At the GSO, a Human Rights and Migrants Unit to fight human trafficking was created in October 2016 to further prevent and combat anti-trafficking in Lebanon.

Moreover, an Intergovernmental Task Force on Migration and Human Trafficking was established in October 2012, through active lobbying by the CLMC and funded by Suisse Development and Cooperation (SDC). It includes the Ministry of Interior, the Ministry of Social Affairs, the Internal Security Forces, the GSO, the Ministry of Justice, the Ministry of Health and CLMC, with a mission of monitoring the issue of Trafficking in Lebanon. A media campaign was launched on Human Trafficking including the four forms of HT followed by an MOU signed with the MOJ in 2015 for referral of cases⁸⁷.

⁸⁴Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

⁸⁵Prohibiting all forms of human trafficking and prescribing penalties of up to 15 years’ imprisonment and the payment of a maximum fine of 600 times the official minimum wage for perpetrators and their partners, accomplices or other instigators.

⁸⁶Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 150.

⁸⁷Caritas Lebanon media campaign 2015- <http://canvas.pantone.com/gallery/31517027/Caritas-Human-Trafficking-awareness-campaign>

III. EXTREME VULNERABILITY UNDER THE KAFALA SYSTEM

When speaking of violations of all forms against migrant workers in Lebanon, there is extensive work of serious documentation achieved by human rights organizations, whether local or international. Human Rights Watch had documented an *“alarming number of deaths of domestic workers, primarily from suicide or from risky escape attempts from high stories of residential buildings”*⁸⁸. Since this 2010 report, more recent studies have documented cases of abuse and sexual violence committed against migrants in Lebanon. The most emblematic case was the Lebanese fake policeman named Joe Semaan who had abused tens of female migrants since 2009 and could do so because they weren’t carrying any documentation⁸⁹. He was arrested in June 2017 by the security forces⁹⁰ after some of his victims shared their story on social media in May 2017 and had the courage of coming forward. On another note, a new form of abuse migrants are now facing falls under *“financial exploitation, a new feature of the problems MDWs endure today, whether coming from agencies, lawyers, mediators who promise to sort out their status in exchange of important sums of money but nothing happens”*⁹¹.

Some positive developments were observed in the area of MDWs protection since the implementation of a Standard Unified Contract (SUC)⁹² in 2009 by the Ministry of Labor, such as the issuing a code of conduct for recruiting agencies⁹³, some encouraging favorable judicial decisions for grieved domestic workers, which will be detailed later in this section, or the establishment of a new detention center at the GSO instead of the infamous underground prison under the Tahouita bridge. Hotlines were also made available to migrants (1741 at the MoL and 1717 at the GSO), even if language and access can still be viewed as an issue.

⁸⁷Caritas Lebanon media campaign 2015- <http://canvas.pantone.com/gallery/31517027/Caritas-Human-Trafficking-awareness-campaign>

⁸⁸Lebanon: Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 2

⁸⁹Joe Semaan: The Fraud Faking Being Lebanese Police To Abuse Foreign Maids. A Separate State of Mind, 29 May 2017, available at <https://stateofmind13.com/29/05/2017/joe-semaan-the-fraud-faking-being-lebanese-police-to-abuse-foreign-maids/>

⁹⁰Joe Semaan Taken Into Custody. This is Lebanon, 3rd June 2017, available at <https://thisislebanon.org/general-abuse/joe-semaan-taken-custody/>

⁹¹Interview with Farah Salka, general coordinator of the Anti-Racism Movement in Lebanon, Migrant Community Center, Beirut, 14 June 2017

⁹²In April 2009, Lebanon introduced a unified contract to protect the human rights of domestic workers which provides a common set of standards including the rights to decent living conditions with the cooperation of the ILO and the Office of the High Commissioner for Human Rights (OHCHR), adequate food, rest and health insurance among others. The unified contract must be signed by both parties (including in the language of the domestic worker) before a permit can be issued. Cf. Asha D’Souza. Moving towards Decent work For Domestic workers: An Overview of the ILO’s work, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2, pp. 72-71.

⁹³The Code of Conduct was drafted by the Lebanese MoL, the Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL) and Caritas Lebanon’s Migrant Center (CLMC).

Still, migrant workers continue to face dramatic consequences because of their vulnerability under the current sponsorship system. Initiatives were launched on the Internet, such as the blog of Dipendra Uprety (a male migrant worker) who launched in May 2017 This Is Lebanon⁹⁴ “to gather the testimonies of domestic workers and their families”⁹⁵ in order to “name and shame”⁹⁶ those who perpetrate abuse and break the sense of impunity.

As highlighted in a KAFA study, “domestic workers in Lebanon routinely experience confiscation of their identity documents and restrictions on their freedom of movement and communications”⁹⁷, a practice that is “still culturally tolerated”⁹⁸, in addition to “frequently report excessive working hours and delayed or non- payment of wages”⁹⁹.

A recent study uncovered that

“almost half of migrant domestic workers in Lebanon receive monthly salaries of less than USD200 during their first three years of work with the same employer. It is only after four years of work that half are paid a monthly salary in the range of USD-200 299 and a quarter are paid a monthly salary of more than USD300 [...] A number of years has to elapse before they feel entitled to request that salary or they reach that amount through regular salary increases. These increases occur following the expiry of the initial [two]-year contract as an incentive for the worker to remain in the household’s employ”¹⁰⁰.

It is also important to mention that the contract, the residency permit and work permit are renewed on a yearly basis without the compulsory presence of the MDW through the post (Liban-post) which limits the freedom of the MDW to ask for ending the employment contract or report abuse. In addition the employers do not keep a copy of the contract or even do not read the content only when a problem occurs between both parties. Caritas Lebanon with the Ministry of Labor in 2011 launched a campaign to raise the awareness of the SUC about the rights and obligations and the importance of reading the content before signing.

⁹⁴<https://thisislebanon.org/>

⁹⁵Florence Massena. Website helps Lebanon’s migrant workers expose abuse, Al Monitor, 16 June 2017, available at <http://www.al-monitor.com/pulse/originals/06/2017/lebanon-domestic-workers-verbal-sexual-abuse.html#ixzz4t6r58NTv>

⁹⁶Idem.

⁹⁷Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

⁹⁸Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 11.

⁹⁹Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5. On the work conditions, see also Asha D’Souza. Moving towards Decent work For Domestic workers: An Overview of the ILO’s work, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2., p. 19.

¹⁰⁰Marie-José Tayah. Decent Work For Migrant Domestic Workers: Moving The Agenda Forward, International Labor Organization, Geneva, 2016, p. 88.



IT ALL DEPENDS ON THE

MADAME

Testimonies gathered from focus groups with migrant workers further depicted the grievances migrants routinely face in their workplace, whether in a home or in a business, whether in present situations with their employer, or in past contexts they had to find a solution to. For the migrants met, if basic freedom of movement was obviously not an issue as the focus group occurred outside their work premises, it shouldn't discount for other problems they endure. For the legally registered workers, problems start with the treatment of the employer/sponsor towards them: *"It all depends on the Madame"*, said female workers in one of the focus groups¹⁰¹.

Lala, a Bangladeshi worker aged 32 was among those who endure grievances from the start of her employment:

"I came to Lebanon 7 years ago and worked for a kafeel. They were very bad to me, work all the time they didn't allow me to rest and the Madame was always yelling and talking in a bad way. So I decided to run away, I had no room, no phone and used to call my parents once per month. Now I have phone and whatsapp and call my family from the centrale whenever I want. I have to pay a rent with other girls but it is better then before and we get more money but the bad thing is I cannot go back home"¹⁰².

In the same group, another Bangladeshi worker, aged 30 also ran away from her kafeel because

"the Madame beat me a lot. When I broke a plate, I left the house before she could know [...] I knew no one, but a friend from the neighborhood put me in contact with other Bangladeshi girls and since then I worked by myself. Now I am happy, waiting for my kids to grow up and then I will stop working and return"¹⁰³.

¹⁰¹Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

¹⁰²Focus group with Female Migrant Workers from Bangladesh, Chiyah, 2 July 2018.

¹⁰³Focus group with Female Migrant Workers from Bangladesh, Chiyah, 2 July 2018.

Ethiopian workers now irregularly residing in Lebanon expressed similar stories. One ran away because of a violent kafeel, another because of the workload (*“3 kids, taking care of them, plus the work of the home. And I had no room, no mobile”*¹⁰⁴). An Ethiopian worker, aged 30 pointed to sexual harassment occurring many times to her and to friends: *“if we scream or try to defend ourselves, we know the people around will be against us not with us”*¹⁰⁵.

From another hand, some employers interviewed justified the locking in of workers (*“they could run away”*) or the absence of personal mobile phone (*“they use it for love affairs, she could meet other workers that are bad influence and encourage her to do bad stuff and run away”*¹⁰⁶). Ultimately, many would allow their helper to leave the house only after a while, but others would be categorically against (*“this would affect the girl and her morality”*¹⁰⁷), and for salaries ranging between from **150\$ to 300\$** based on the employers met. For the recruitment agencies, the line is basically: *“it’s between the kafeel and the girl”*¹⁰⁸. One representative actually would explain the rights and obligations of the migrant before the start of her work in a home and use an in-house translator to explain the content of the standard unified contract to the newly arrived domestic workers¹⁰⁹.

Overall, migrants are generally looked down upon and ill-treated, as *“racial stereotypes have become increasingly influential over the way the employment relationship manifests itself”*¹¹⁰. The struggle against discrimination in Lebanon is on the watch agenda of all local and international groups. An ILO study denounced a worrying phenomenon migrants suffered from, a *“triple discrimination”*¹¹¹ engulfing Gender, Racial and Social profile of the workers. In Lebanon, the Caritas Lebanon Migrants Center (CLMC) surveyed in 2014 more than 730 cases of domestic workers processed by their services with staggering results: *“Out of the 730 cases of Ethiopian migrant workers in the database, 453 were considered to be in situation of forced labor, about two thirds of Ethiopian domestic workers’ cases dealt with by CLMC since 2007”*¹¹².

¹⁰⁴Focus group with Female Migrant Workers from Ethiopia, Ain El Remmeneh, 2 July 2018.

¹⁰⁵Focus group with Female Workers of Iraqi-Armenian descent, Borj Hammoud, 6 July 2018.

¹⁰⁶Interview with Female Employer, Tarik Jdide, 11 July 2018.

¹⁰⁷Interview with Female Employer, Chiyah, 7 July 2018.

¹⁰⁸Interview with Female Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

¹⁰⁹Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

¹¹⁰Into the Unknown : Exploitation of Nepalese Migrant Domestic Workers in Lebanon, Anti-Slavery International, KAFA, the General Federation of Nepalese Trade Unions, May 2014, p. 12.

¹¹¹Asha D’Souza. Moving towards Decent work For Domestic workers: An Overview of the ILO’s work, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2, p. 26.

¹¹²Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 16.



This discrimination also reaches down to the children of migrant workers in Lebanon who are being denied documentation and face the risk of deportation. Because Lebanese authorities consider it a breach of their residence's rules and regulations, the GSO *"has detained and deported migrant domestic workers apparently for having children in Lebanon"*¹¹³, denounced HRW in a 2017 press release. This phenomenon started *"as of early 2014"*¹¹⁴, according to INSAN, when the *"General Security began deporting Lebanon born children of migrant workers with one or both of their parents. Although General Security refused to officially comment on this issue, the unofficial justification for this decision was that migrant worker are in Lebanon to work and not start families and have children"*¹¹⁵. Moreover, *"denying residency renewals to long-term workers who have given birth while living in Lebanon disproportionately interferes with their right to family life"*¹¹⁶.

Such practices are *"leaving the families of MDWs divided, they are deported in countries they never lived in"*¹¹⁷. This accounts to *"unlawful expulsions"* of migrant workers and their children, as highlighted in an INSAN report¹¹⁸, as authorities' decisions *"to refuse residency renewals for children and their parents were undertaken arbitrarily"*¹¹⁹. INSAN estimates the number of MDWs who have children in Lebanon at around 10,000, which *"constitutes only a*

*fraction of the number of MDWs who live independently (estimated at around 85,000), yet the overwhelming majority of those who are deported are MDWs with children"*¹²⁰.

Moreover, the birth of children of MDWs if they are in *"irregular situation in Lebanon cannot be registered; they usually do not have their identification papers or sometimes even a birth registration because they are the children of unrecognized refugees or migrant workers whose residency permit has expired. This hinders the possibility to register them in their respective embassies and they end up stateless"*¹²¹. Children born as the result of rape by employers, or relatives of the employers living under the same roof, is also to be taken into consideration even though there are no official figures on such dramatic situations in Lebanon, and abortion is illegal in the country, making it quite impossible for the migrant victim to resort to clandestine and costly procedures.

¹¹³Lebanon: Migrant Domestic Workers With Children Deported, Human Rights Watch, 25 April 2017

¹¹⁴Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 17.

¹¹⁵Idem.

¹¹⁶Lebanon: Migrant Domestic Workers With Children Deported, Human Rights Watch, 25 April 2017

¹¹⁷Interview with Farah Salka, general coordinator of the Anti-Racism Movement in Lebanon, Migrant Community Center, Beirut, 14 June 2017

¹¹⁸Shattered Dreams. Children of migrants in Lebanon, INSAN, 2015, p. 22.

¹¹⁹Ibid, p. 33.

¹²⁰Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 18.

¹²¹Civil Society Reports, Universal Periodic Review Lebanon, 2015, p. 48.

For migrant workers who have families back in their country of origin, those living under irregular status can't visit their children and yet need to stay in Lebanon to support their families back home. Many participants in the focus groups showed resignation to this hard situation, saying providing to their families was more important to their own situation here. A Nigerian migrant, aged 37, acknowledged that *"work in Lebanon is better than Nigeria"*¹²², so did an Ethiopian female worker stating she is ready to endure such problems for the sake of her family¹²³.

At the same time, migrants in Lebanon have been voicing out their concerns and demands as to the abuses they have been facing by employers, agencies and Lebanese authorities. In the past years, active coordination among Civil Society Organizations (CSOs) have succeeded in establishing the yearly MDWs Labor Day Festival as a landmark event for raising awareness of MDWs rights in Lebanon. In May 2015, the media coverage noted that the Festival was *"different than the others as this time a Union has been established in an attempt to raise visibility of migrant issues in Lebanon"*¹²⁴, as the participants marched while voicing: We are workers, not slaves. In June 2018, the Festival had more the flavor of a protest with the opportunity of getting media attention and raising awareness on their challenges¹²⁵:

"I have been in Lebanon for 20 years, and luckily I am treated well by my boss, though I am not paid my full salary," one domestic worker from Sri Lanka said to a Daily Star reporter, *"but my friends who are migrant workers are not as lucky, that's why I'm here. Some are beaten and some are locked up"*¹²⁶. One banner read: *"Have you ever been beaten for not doing the ironing?"*¹²⁷, while another stated: *"Withholding our passports is today's slavery"*¹²⁸.

**WE ARE WORKERS,
NOT SLAVES!**

¹²²Interview with Nigerian male worker, Saifi, 16 July 2018.

¹²³Focus group with Female Migrant Workers from Ethiopia, Ain El Remmeneh, 2 July 2018.

¹²⁴MDWs Union celebrates Labor Day [in Arabic], Legal Agenda, 4 May 2015, available at www.legal-agenda.com/article.php?id=1093

¹²⁵"Migrant Domestic Workers Protest on their Day: 'Kafala is Slavery'" [in Arabic], Al Akhbar, 25 June 2018, available at <http://tiny.cc/ua00az>, Domestic workers protest ongoing abuse, The Daily Star, 25 June 2018, available at <http://tiny.cc/vb00az>

¹²⁶Domestic workers protest ongoing abuse, The Daily Star, 25 June 2018, available at <http://tiny.cc/ic00az>

¹²⁷Idem.

¹²⁸Idem.

Still, some positive developments were noticed on the access to justice front for MDWs since the Malibagu case¹²⁹, which was handled back then by the legal department team of Caritas Lebanon. For instance, the right to freedom of movement for a domestic worker was upheld for the first time in a Lebanese court in 2014, *“when Summary Affairs Judge Jad Maalouf ruled in favor of a MDW plaintiff and ordered her employer to immediately return her passport, which she had previously confiscated. Judge Maalouf elaborated in his ruling that the confiscation of ID documents constitutes an act whose sole purpose is to limit the worker’s right to the freedom of movement”*¹³⁰. In his decision, Judge Maalouf stressed on *“the gravity of withholding migrant domestic workers’ identification documents. Their passport, he argued, is the document that allows individuals to leave their country of residence. It represents the principal means of identification for foreigners. It is also the main document [needed] for official procedures, whether to obtain residency permits or health insurance, or to benefit from any basic services”*¹³¹.

IN 2015

a gang made up of members of recruitment agencies in Lebanon and Sudan was dismantled. The criminal ring was smuggling Ethiopians and Sudanese MDWs into Lebanon while taking their first 6 months of salary. They were *“charged under articles 586 (1&2) and 213 of the Lebanese Penal Code, but one of the Ethiopian girls was also prosecuted under the reason she was illegally residing in Lebanon after running away”*¹³².

¹²⁹In December 2009, a Lebanese court ruled in favor of a Filipina woman, Jonalin Malibagu, who sued her employer after she was beaten in broad daylight at the Philippine embassy in Beirut. The Lebanese woman employer was sentenced to 15 days in jail for repeatedly beating her Filipina maid, three years earlier, cf. Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 1.

¹³⁰Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, pp. 30-29.

¹³¹A Judicial Blow to Lebanon’s Sponsorship System: Employer Must Return Domestic Worker’s Passport, Legal Agenda, Issue 5 ,19 August 2014, available at <http://legal-agenda.com/article.php?id=808>

¹³²Nizar Saghiye. Anti-Trafficking Cases within the Lebanese Judiciary, Legal Agenda, Issue 38, April 2016

However, the recent deportation of a Kenyan female worker who had been assaulted with her friend in the streets of Bourj Hammoud¹³³ in June 2018 prompted another outrage of the civil society organizations in Lebanon, yet unable to halt the deportation despite the ongoing judicial proceeding against the worker's mugger. Not long after the assault, she was arrested by the GSO, and a media outcry accused the authorities of *"rewarding the mugger"*, as the victim is the one being punished¹³⁴. In a statement, the Anti Racism Movement (ARM) pointed to the injustice of *"being assaulted by Lebanese people results in deportation for the worker, rather than meaningful consequences for the perpetrators. There has been no collective accountability for the group assault and racial hate crime"*¹³⁵. The statement considered that *"this collective hate crime is being prosecuted in military court as a minor fight, with the two women having been arrested, detained, and charged alongside their attackers, rather than being recognized as victims of an assault"*. Alas, on

July 16th, 2018, media reports announced the female worker was deported by the GSO¹³⁶.

Two years earlier, the GSO had already deported Rosie Maya Limbu and Sujana Rana¹³⁷ who were active in the Union establishing efforts¹³⁸. Back then, a Union request for this category of workers was rejected by the MoL. In 2012, the ILO implemented a participatory action research (PAR) project with MDWs, involving NGOs (Anti-Racism Movement, Insan, Frontiers Ruwad and Kafa), the National Federation of Workers and Employees Trade Unions in Lebanon (FENASOL) and the International Domestic Workers Federation (IDWF). This project had three main objectives:

- ◆ Raising workers' consciousness among women migrant domestic workers in Lebanon to encourage their active participation in advocacy campaigns;
- ◆ Encouraging collaboration between women migrant domestic workers, unions and NGOs over priorities and interventions; and
- ◆ Creating synergies with the global domestic workers' movement¹³⁹.

¹³³Cf. "A 'Raging Monster' in Burj Hammoud" [in Arabic], Al Akhbar, 22 June 2018, available at <http://tiny.cc/y600az>

¹³⁴Cf. "The Mugged Kenyan Worker: The Courts Rewards the Mugger" [in Arabic], Al Akhbar, 7 July 2018, available at <http://tiny.cc/o700az>

¹³⁵Anti-Racism Movement Statement published on July 4th 2018, available at <http://tiny.cc/gf10az>

¹³⁶Kenyan Woman Beaten in viral video deported, The Daily Star, 16th July 2018, available at <http://tiny.cc/bg10az>

¹³⁷Bassam Khawaja, Lebanon Depports Domestic Worker Rights Organizer, Human Rights Watch, 13 December 2016, available at <http://tiny.cc/xg10az>

¹³⁸Richard Hall, Migrant domestic workers are unionizing and taking on their bosses in Lebanon, PRI, 2 June 2016, available at <http://tiny.cc/nh10az>

¹³⁹Marie-José Tayah. Decent Work For Migrant Domestic Workers: Moving The Agenda Forward, International Labor Organization, Geneva, 2016.

From the PAR process, a Union was formally founded within the structure of FENASOL on January 25th, 2015¹⁴⁰ and attempted to register within the MoL, which rejected the initiative under the pretext that Lebanese laws deny the right of foreign workers to form unions.

Despite the lack of registration, the Union holds around 500 members after the different partners

“brought together leaders from the Philippine, Nepalese, Sri Lankan, Bangladeshi, Ethiopian, Cameroonian, Madagascan and Congolese communities. Workers met once a week to discuss the importance of organizing domestic workers and to communicate the importance of organizing to their compatriots”¹⁴¹.

This created *“synergies between the community leaders and solidarity around their identity as workers in the same sector rather than around nationality”*, among which led to a bilateral agreement with the Confederation of Ethiopian Trade Unions and the General Federation of Nepalese Trade Unions, through the FENASOL, to seek greater protection to Ethiopian and Nepalese domestic workers in Lebanon¹⁴².

The reaction of Lebanese authorities in such situation shows how the kafala system continues to be very sensitive in Lebanon. And while the authorities have stated their readiness to adopt new approaches to this issue, there is a need to *“develop a more comprehensive approach that addresses the social and economic factors at the root of the problem”¹⁴³*. Given the poor legal framework in terms of protection and labor standards for migrants working in Lebanon under the much decried kafala system, the latter will be further detailed in the next section.

¹⁴⁰Cf. Founding Congress: Launch of Domestic Workers Union in Lebanon, Beirut, Lebanon, International Labor Organization 25 January 2015, available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/event/wcms_383813.pdf and Interviewing Rose, the MDWs Unionist: Struggle is the Pathway to Freedom [in Arabic], Legal Agenda, Issue 25, February 2015, available at www.legal-agenda.com/article.php?id=1093

¹⁴¹Marie-José Tayah. Decent Work For Migrant Domestic Workers: Moving The Agenda Forward, International Labor Organization, Geneva, 2016, p. 100.

¹⁴²Idem.

¹⁴³Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 24.



A DEEPER
INSIGHT INTO THE
SPONSORSHIP/
KAFALA SYSTEM

I. DENIAL OF BASIC RIGHTS AND DISCRIMINATION

Most experts and activists have expressed the inadequacy of the Sponsorship system (kafala) with basic international standards relative to human rights and migrant labor. Legal Agenda Director and Public Defender Lawyer Nizar Saghiye considers that the *“Kafala system doesn’t allow access to justice for MDWs” – They have two choices, either detention and deportation or accepting the long and complex judicial process that would eventually lead to negotiations with the employer*¹⁴⁴. For Hasna Abdul Reda, a lawyer with the Lebanese Center for Human Rights (CLDH), *“Kafala is legal slavery”*¹⁴⁵. For activist Gino Raidy from the MARCH NGO, *“the Kafala system needs to stop, and grotesque things like deporting migrant workers’ children, must never happen again. At a time when everyone seems to be forgetting their compassion and humanity, you should never lose sight of the injustice our society and government deals upon its most vulnerable members, and do something to change that. I hope the migrant community in Lebanon continues their noble fight for basic rights and justice, and that they will always find an ally in their struggle with us, Lebanese folks who unlike that disgusting mother who complained about a Sudanese child being enrolled at a daycare center, do not let racism get in the way of their humanity”*¹⁴⁶.

CSOs and international organizations have been thoroughly monitoring and documenting widespread human rights violations against migrant workers in Lebanon and the inadequate legal protection they are deprived from as foreign workers having to abide by the kafala/sponsorship system. Some reports also tackled how such situations could amount to human trafficking¹⁴⁷.

As pointed out by local CSOs in their 2015 UPR report on Lebanon, *“the immigration and security challenges in the region not only threaten the safety of the population, but also raise concerns about the capacity of the state to adequately protect and uphold good human rights practices in this situation”*¹⁴⁸. According to academic expert, Ray Jureidini, the *“Lebanese state is complicit in the conditions that deny domestic workers their rights under international conventions”*¹⁴⁹.

¹⁴⁴“Migrant Domestic Workers Protest on their Day: ‘Kafala is Slavery’” [in Arabic], Al Akhbar, 25 June 2018, available at <http://tiny.cc/w320az>

¹⁴⁵Idem

¹⁴⁶Alice Su, Abused Migrant Workers End Up in Prison After Trying to Flee, News Deeply, Refugees Deeply, 9 June 2017, available at <http://tiny.cc/r420az>

¹⁴⁷Cf. Trafficking in Persons Overseas for Labor Purposes The Case of Ethiopian Domestic Workers, International Labor Organization, Addis Ababa, 2011

¹⁴⁸Civil Society Reports, Universal Periodic Review for Lebanon, 2015, p. 60.

¹⁴⁹Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011, p. 9

This system usually involves for migrants the restriction of their freedom of movement, a feature still practiced by many employers against their domestic workers¹⁵⁰, based on a loose interpretation of the standard unified contract (SUC) *“requiring the worker to reside with her employer restricts her legally sanctioned right to choosing her place of residence”*. For INSAN, such provision should actually invalidate the contract, *“as article 192 of the Lebanese Code of Obligations and Contracts (COC) clearly states that ‘any contract that entails an obligation which is not sanctioned by law is invalid’ ”*¹⁵¹. The same confusion reigns as to whether the domestic worker can spend her day off outside her employer’s house¹⁵², as the SUC doesn’t provide a clear answer to this issue: article 12, stipulates: *“The first party [the employer] shall pledge to grant the second party [the employee] a period of weekly rest of not less than twenty-four continuous hours, the conditions of the use of which shall be defined by agreement between both parties”*.

Irregular migrants have similar restrictions though voluntary, since they are undocumented and under fear of arrest. Male migrants interviewed (all discussions occurred where they lived) were in particular worried about going out. First of all, the country is

very expensive and they can’t afford to hang out. Second, they are afraid of the police, and third, of even being mugged, either in the street or by someone who would be breaking into their rooms and rob their belongings¹⁵³. As such, male workers (mostly working in cleaning services in gas stations or other businesses, with some being handymen) have more issues with the outside world than with their employers, with who little tension and conflict was noted in the different focus groups, whether in their legal or irregular status. Despite being invited by migrant community centers to be involved in social and cultural activities, male workers are mostly afraid to move to far from their areas and take the risk of being arrested and be forced to pay expensive fees to be deported. They stay connected through Whatsapp and their mobile phone applications, have fewer hobbies and take fewer risks than irregular female workers in order to avoid arrest and deportation.

Female workers actually engage more in learning programs and skills building in different NGOs such as acquiring language (Arabic and English), vocational training (hairdressing, sewing, cooking...), in order to broaden their job opportunities. One Nigerian male worker living in Zouk and working in Saifi area of Beirut expressed how *“stressed I am to go to work everyday. I live far away from my work and I can’t live any closer, the rent will be very expensive and there is no way I can afford it”*¹⁵⁴.

¹⁵⁰Cf. Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 56.

¹⁵¹Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016, p. 9.

¹⁵²Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 57.

¹⁵³Focus group with Mixed Migrant Workers from Sudan and Ethiopia, MCC Jounieh, 4 July 2018.

¹⁵⁴Interview with Nigerian male worker, Saifi, 16 July 2018.

Fear of arbitrary arrests loom over the heads of male and female migrants who have to constantly justify their presence outside. For female domestic workers they would *“lose their legal status if their sponsor terminates their contract, or if they decide to leave their employers (even if they have legitimate reasons to quit, such as non-payment of wages or abuse). Accordingly, a MDW who leaves an employer and files a complaint against him or her loses the right to work and faces potential detention and deportation”*¹⁵⁵. As such, hundreds are being *“detained and held in administrative detention under false accusations”*¹⁵⁶.

Experts have denounced the *“existence of a discretionary prosecution system”*¹⁵⁷. In a 2011 study, El Mufti had analyzed the causes of theft charges filed by employers against domestic workers in a survey conducted for Caritas Lebanon. The latter showed the use by public prosecution of false theft charges against runaway MDWs as a means to establish guilt. The research could establish that the high incidence of non-prosecution before trial was actually due to the fact that employers were often using the filing of complaints of theft to put pressure on the domestic worker to abandon and withdraw any abuse claim she would have processed¹⁵⁸.

From its standpoint, the GSO expresses worry about situations where

*“some female workers belonging to organized runaway cells come to Lebanon to willfully escape their employer and work with local networks”*¹⁵⁹.

According to official statistics (see Table 8),

ALMOST

8,000

MDWs were reported **“runaways”** by their sponsors in 2016 with a significant peak in 2015 at approximately 9,500 domestic workers.

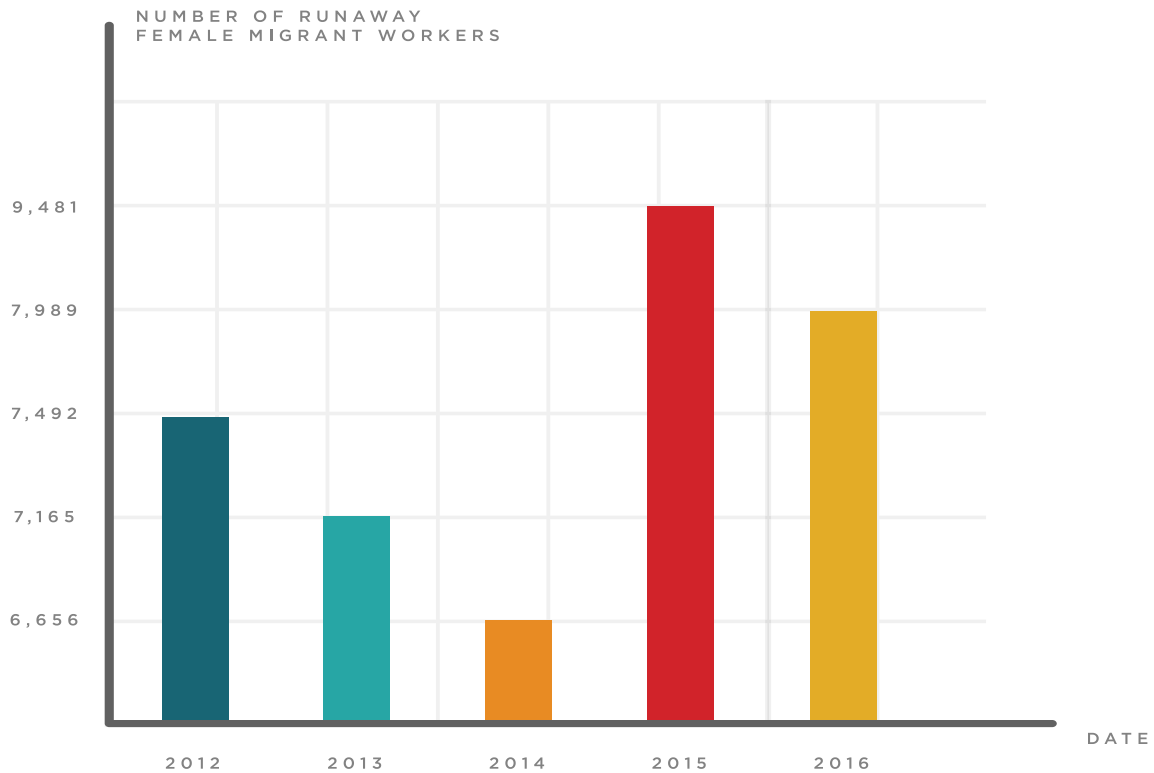
¹⁵⁵Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 2

¹⁵⁶Alice Su, Abused Migrant Workers End Up in Prison After Trying to Flee, News Deeply, Refugees Deeply, 9 June 2017, available at <https://www.newsdeeply.com/refugees/articles/09/06/2017/abused-migrant-workers-end-up-in-prison-after-trying-to-flee2->

¹⁵⁷Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 19.

¹⁵⁸Karim El Mufti. False Accusations Of Theft Commonly Filed By Lebanese Sponsors/Employers Against ‘Runaway’ Migrant Domestic Workers: A Legal Study, Caritas Lebanon Migrants Center, Beirut, 2011

¹⁵⁹Idem.



Source: GSO, Beirut, 2012-2016

Furthermore, the GSO understands the contractual agreement between the sponsor and the domestic worker as a situation preventing the worker from leaving the employer's house and even barring her from marrying and having children. For instance, a GSO directive from 2005 entitled "Housemaids: Rights and Obligations" specified the following obligations of the MDWs:

- ◆ 1. Respect Lebanese laws and regulations
- ◆ 2. Respect the members of the family whom she is working for
- ◆ 3. Be committed to the nature of her work as a housemaid and protect the contents of the house she is working in and not expose family secrets
- ◆ 4. Adapt to the family and its way of living
- ◆ 5. Not leaving her employer's house and without their prior approval or in accordance with the "work contract"
- ◆ 6. Signing the wage slip after the collection of her salary as receipt
- ◆ 7. Not to work outside of the employer's house or in another domain other than that of a maid
- 8. Not to get married (to a Lebanese or a foreigner) during her stay in Lebanon (she has the right to get married after leaving Lebanon and return again according to the applicable laws of such case).

Such provisions are clearly contrary to international human rights law and aren't sanctioned by Lebanese legislation. The GSO retrieved the memo not long after its publication based on the uproar of defenders of MDWs rights in Lebanon.



At the same time, Lebanon's judiciary is still not well geared to increase the level of court protection of MDWs in the country. For instance, *"the public prosecution office does not have jurisdiction to order an employer to 'free' the domestic worker so that he/she can work for another employer"*¹⁶⁰, and a judge cannot order the GSO to issue a residence document, even temporary, to a migrant worker in wait of a case for example.

Furthermore, conditions of detention of migrant workers face constant scrutiny by human rights groups. Back in June 2013, the CLDH denounced how *"[m]igrant workers, illegal migrants and rejected asylum seekers also spend weeks or months of arbitrary detention in the General security detention center pending their repatriation. Migrant workers are often stuck in the retention center because the employers are refusing to pay their plane tickets"*¹⁶¹. CSOs further denounced the situation in detention centers, such as the underground prison at the Tahouita bridge (it was moved recently) and the *"Bickfaya police*

*station"*¹⁶² or the Jdeideh Palace of Justice *"where 30 migrant women were locked in 6-square-meter cells hosting up to 6 female detainees kept by male guards, without sunlight, without being allowed to go out of their cells, without drinkable water and depending totally on their outside acquaintance to bring them food. Medical service or NGO presence is not available in this facility"*¹⁶³.

When facing severe human rights violations, rights groups have shown how MDWs enjoy little protection from justice authorities in Lebanon. In its 2010 study, HRW wrote that *"Lebanon's judiciary has both the potential and obligation to play an important role in protecting the basic rights of MDWs. However, this potential has so far remained unfulfilled, and the judicial system remains, albeit with exceptions, largely inaccessible and unresponsive"*¹⁶⁴. Since the disturbing judicial decision of June 2000¹⁶⁵ when *"a Judge accused two Filipina workers of stealing 'their identity papers,' as well as gold and money from their employers' house"*¹⁶⁶.

¹⁶⁰Ibid, p. 67.

¹⁶¹Arbitrary Detention and Torture in Lebanon, Centre Libanais des Droits de l'Homme (CLDH), 2013, p.8.

¹⁶²Civil Society Reports, Universal Periodic Review for Lebanon, 2015, p. 74.

¹⁶³Idem.

¹⁶⁴Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 2

¹⁶⁵Decision of Investigative Judge no. 5085/95, June 2000 ,19, cf. Lebanon: Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 42.

¹⁶⁶Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010, p. 42.

Such cases, labeled by Jureidini as being a **“conspiracy of silence”**¹⁶⁷, have pointed to the *“limited recourse to judicial redress”*¹⁶⁸ for MDWs because *“they have no recourse to the law; that employers are beyond prosecution”*¹⁶⁹.

Additionally, experts agree that the SUC contains *“ambiguous language”*¹⁷⁰ and is not *“well applied”*¹⁷¹. For instance, it stipulates that resolving any conflict between the employer and the domestic worker is the responsibility of the MoL. *“However, nowhere is the process or a mechanism to lodge a complaint defined”*¹⁷². This flaw makes it difficult for a migrant workers to report major violations and abuse, which becomes a real problem when the right to terminate one’s contract is solely connected to the documentation of such violations: the SUC allows the employee to terminate the contract in three specific cases: *“if the employer does not honor the payment of salary for a period of three consecutive months;*

*if the employer or a relative of the employer beats, assaults, sexually abuses or harasses the domestic worker; and if the employer uses the domestic worker without her consent in a capacity other than that for which he or she had been recruited”*¹⁷³.

As a consequence, the SUC doesn’t solve the issue of the migrant who wishes to terminate the contract based on serious violations that she has little way of officially reporting. This often leaves the worker *“with only one viable option: that of leaving without obtaining the consent of the employer, which in the eyes of the authorities amounts to absconding”*¹⁷⁴. And knowing that the SUC *“does not address issues such as locking a domestic worker inside the house or allowing her to go out on her day off”*¹⁷⁵, the available options for a migrant worker to defend their rights stay very limited in a context such as Lebanon. *“The final resort for many is often to run away, but that immediately renders the women vulnerable to arrest”*¹⁷⁶.

¹⁶⁷Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011, p. 10.

¹⁶⁸Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 97

¹⁶⁹Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011, p. 10.

¹⁷⁰Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 24.

¹⁷¹Interview with Ghada Jabbour, Co-Founding Member, Head of the Exploitation and Trafficking in Women Unit, KAFA, Beirut, 11 May 2017

¹⁷²Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 24.

¹⁷³Hélène Harroff-Tavel, Alix Nasri. *Tricked And Trapped Human Trafficking In The Middle East*, International Labor Organization, in collaboration with Heartland Alliance International, 2013, p. 60.

¹⁷⁴Idem.

¹⁷⁵Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 27.

¹⁷⁶Alice Su, *Abused Migrant Workers End Up in Prison After Trying to Flee*, News Deeply, Refugees Deeply, 9 June 2017, available at <http://tiny.cc/n1f1az>

At the same time, experts consider that

“[w]hilst the Standard Unified Contract does not explicitly delineate the requirement for migrant domestic workers to reside with their employer, it is nevertheless implied. Article 8 of the SUC specifies that the employer must provide food, clothing and accommodation”¹⁷⁷.

It is also how the GSO officially interprets article 8, considering it is a requirement migrant domestic workers to reside with their employer:

“Where else would they live?”¹⁷⁸,

asks Captain Al Mawla during an interview as he confirmed this disposition: *“Unlike male workers, female MDWs under the Kafala system need to live at their employer’s house. Despite the fact it’s not clearly mentioned in the law, it still counts as a custom based on Lebanese social values and traditions”¹⁷⁹.*

For activists, there is a great *“difficulty to bring GSO on board the large consensus that the workers shouldn’t have to sleep at their employer’s house”¹⁸⁰*. This might encourage freelance domestic work, which for the GSO, is strictly *“forbidden, as it is a violation of the administrative regulations governing their contract and conditions for their residence in the country”¹⁸¹*.

Hence, the core of the kafala issue revolves around the asymmetrical relationship between the employer (the sponsor) and the employee (the migrant worker), which this study could further analyze through the focus groups and interviews with the several groups of interest as shown in section III.

¹⁷⁷The Kafala System: When Employers also Accepted to Share their Perspective, INSAN, 2014, p. 20.

¹⁷⁸Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

¹⁷⁹Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

¹⁸⁰Interview with Ghada Jabbour, Co-Founding Member, Head of the Exploitation and Trafficking in Women Unit, KAFA, Beirut, 11 May 2017

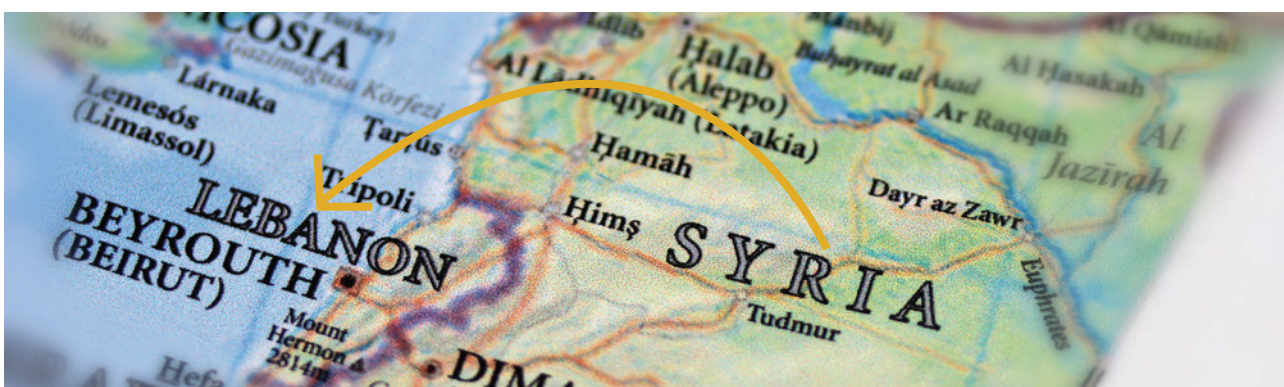
¹⁸¹Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

II. THE SYRIANS AND THE REFUGEES' ORDEAL UNDER THE KAFALA SYSTEM

With the massive influx of Syrian refugees into Lebanon, the issue of their status quickly became an issue as the Lebanese authorities hurdled from a “*policy of no policy*”¹⁸² to a security-based mindset drastically complicating the residency access to those who have fled the Syrian conflict starting 2012¹⁸³.

With the change of regulations in 2015, Syrians willing to enter Lebanon had a choice among 11 different visa types, with raising difficulty to actually regularly reside on Lebanese soil. Visa from type 8, labeled as a “*humanitarian visa*” is understood to be the type granted for “*Syrian displaced*” as the Lebanese authorities do not recognize the status of refugees for the Syrians reaching its territory. Those falling in this category were granted a six months free residence permit but to be later called upon to regularize their situation in roughly two sets of scenarios: either settling a residency fee of 200\$ per person for those over 15 years of age (the fees were later waved by the Lebanese authorities but many accounts show they are still requested in some GSO centers), which comes with a No-Work pledge that has to be signed at the Notary. Or to secure a kafeel or a sponsor, which would then allow them to work in a regular fashion in the country.

This means that the sponsorship system was extended from the migrant workers usually coming from Asia and Africa to the Syrian nationals willing to work under a regular status in Lebanon. The system is basically the same as with male migrants of other nationalities (the reliance on a sponsor to secure a work permit and regular residency status), but instead of better organizing the residence issue of Syrians in the country, it opened the door to all kind of opportunistic situations by their employers.



¹⁸¹Interview with Captain Ali Mawla, Head of the Foreigners Section, General Security Office, Beirut, 12 July 2017.

¹⁸²Karim El Mufti, Official response to the Syrian refugee crisis in Lebanon, the disastrous policy of no-policy, op cit.

¹⁸³Ghida Frangieh, Elham Barjas, “Interior Ministry Advisor: Lebanon Refugee Policy Based on Set of “Nos” “, Legal Agenda, 8 November 2016.

Hence, Syrians were now exposed to exploitation by their sponsors, either by having to pay the sponsor directly, or by living in fear that the latter would terminate the kafala upon its term, not to mention a harsher case-by-case proceeding by the GSO which has the prerogative of rejecting a dossier without any form of justification. In June 2018, eight Syrian women wrote an open letter to the “*Sponsorship system*”, in which they state: “*Dear Kafala System, you are nothing like we have ever known before. You give the Sponsor control and power over our bodies and souls and emotions*”¹⁸⁴.

Focus groups with Syrian Armenians living in Beirut showed the extent of difficulty endured under such circumstances. As their Syrian fellows coming to Lebanon, the members of the Syrian Armenian community arrived to the country pushed by war in Syria and have been stuck in limbo because of the complexity of the context and the reluctance of Lebanese authorities to provide basic rights and protection for Syrians in general.

One female Syrian of Armenian descent was actually able to find a kafeel, but given her prolonged irregular stay in Lebanon, the GSO had demanded a settlement of USD 1,000 in penalties. The woman never returned back and seeks now legal support in order to retrieve her identification documents now retained at the GSO¹⁸⁵.



¹⁸⁴“Migrant Domestic Workers Protest on their Day: ‘Kafala is Slavery’” [in Arabic], Al Akhbar, 25 June 2018, available at <http://tiny.cc/64g1az>

¹⁸⁵Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

Unlike the other interviewees, two women of Armenian descent were actually registered as refugees, but were not receiving any support from the UNHCR, since they were told that *“priority would go to helping the families and we are not married”*¹⁸⁶. Other interviewees from Armenian descent living in Lebanon explained they were living without residency papers in Lebanon and struggling to find either work or a sponsor to regularize their situation, uncovering how little solidarity they received from the Lebanese Armenian community in Lebanon. They pointed to the fact of having solicited Lebanese Armenians or the Armenian churches for help but without any success. Clara, aged 48, was shocked to see how they were *“treated so badly and how Lebanese were racist with the Syrians, although, during the 2006 war, hundreds of Lebanese went to Syria, and they were treated very well by the government who allowed them to work freely, and by the people who received them in their homes and presented them with food and all what they needed”*¹⁸⁷. *“The Lebanese authorities should know that the Syrians are here because they ran away from war and death, they are not in vacation and they are not trying to steal the country all what we need is to live properly without breaking the law or selling our principles, but they are not helping us to do this”*¹⁸⁸, added another participant from the same group, aged 48. Respondents from Armenian descent expressed how their work experience and degrees were of no use in Lebanon because of their status and they were appal

¹⁸⁹



¹⁸⁶Focus group with Female Workers of Iraqi-Armenian descent, Borj Hammoud, 6 July 2018.

¹⁸⁷Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

¹⁸⁸Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

¹⁸⁹Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

Sexual harassment particularly was noted as a major threat for female Syrians of Armenian descent. Their quest for work or for an employer or a *kafeel* would come with risk of being abused.



ONE WOMAN EXPLAINED HAVING BEEN EXPELLED FROM HER NEWLY FOUND WORK IN A SNACK AFTER JUST 15 DAYS

“with no clear reason, but I know it is because I rejected invitations from the supervisor and people from management to go out with them”¹⁹⁰. ●●

Others expressed fear from being verbally or sexually harassed or assaulted. Two Iraqi women from Armenian descent also reported *“indecent behaviors”* by Lebanese as they were trying to find work opportunities¹⁹¹.

Male respondents from the Syrian-Armenian community found themselves in very unpleasant situations as they try to cope with the complexity of their status. As they work irregularly to earn a living, they eye at the refugee status in order to hope to leave the country and reach Canada or Australia to start a new life or head to Armenia. They expressed less shock than the women interviewed: *“you can’t educate everyone or change the mentalities”¹⁹²* said a respondent aged 20. For Vartan, aged 24, *“Lebanon is fine, no other country can provide us with a better solution, it is all the same mess”¹⁹³*.

Pressured by the expensiveness of the country and trapped in legal limbo, the Syrians, whether migrants or refugees are prone to extreme vulnerability, as their need to work and secure some employment puts them at the risk of being exploited. In that, even entering the *kafala* system has become a source of harassment for Syrians as they are extorted by Lebanese sponsors a hefty price for favoring the operation. Amounts paid range between USD 700 to USD 1,000 yearly for a Syrian worker (in addition to all procedural costs) to his sponsor in order to secure the proper documentation and ultimately work in a regular fashion in the cosuntry. Many of the male respondents of Armenian descent stressed that they couldn’t afford such a scheme and hence remain without papers until this day.

¹⁹⁰Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

¹⁹¹Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

¹⁹²Focus group with Male Syrian Armenians, Borj Hammoud, 16 July 2018.

¹⁹³Focus group with Male Syrian Armenians, Borj Hammoud, 16 July 2018.

Yet, others from different focus groups expressed satisfactory opinions of their situation, saying to benefit from a steady pay, some liberty of movement, a day off. A Syrian Armenian man aged 34 was appreciative of his employer even though he has no formal status. His only escape is *“the Church”* he said¹⁹⁴, *“at the end of the day, I am not in Europe, I am just in a country neighboring mine”*¹⁹⁵.

From an employers’ standpoint, one respondent mentioned the opportunity of stopping the immigration of *“migrants”* (i.e. Africans and Asians)

*“BECAUSE NOW WE HAVE SO MANY SYRIANS WHO NEED TO WORK. IT WOULD BE BETTER TO RECRUIT THEM INSTEAD”*¹⁹⁶.

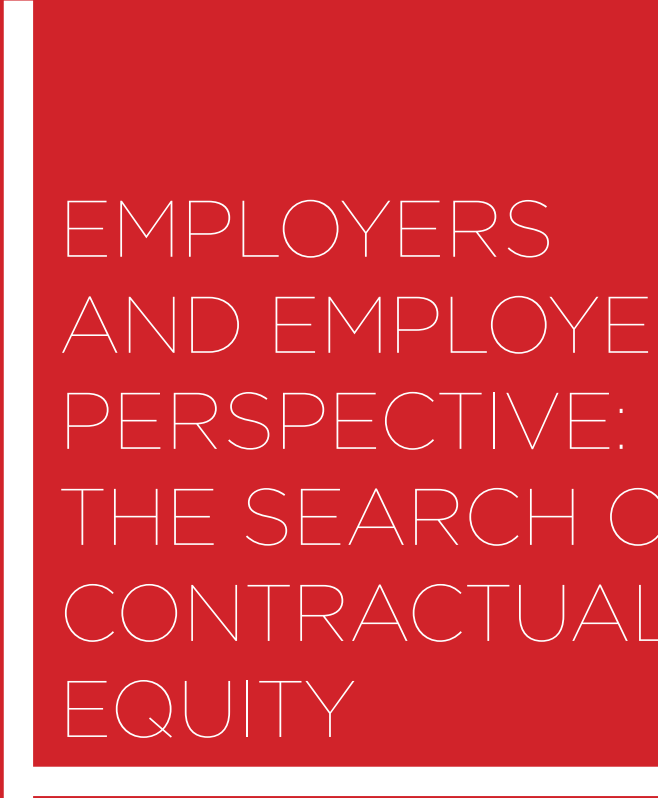
This employer already provided sponsorship coverage to a Syrian and his son, whom he’s known for a while. She covers the fees without charging anything for herself; in exchange the father works the garden sometimes, and *“refuse to take any money”*¹⁹⁷ in what seems to be a service for service type of relationship.

¹⁹⁴Focus group with Male Syrian Armenians, Borj Hammoud, 16 July 2018.

¹⁹⁵Focus group with Male Syrian Armenians, Borj Hammoud, 16 July 2018.

¹⁹⁶Interview with Female Employer, Chiyah, 7 July 2018.

¹⁹⁷Idem.

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EMPLOYERS
AND EMPLOYEES
PERSPECTIVE:
THE SEARCH OF
CONTRACTUAL
EQUITY



“Almost every family in Lebanon has a migrant worker at home, so unconsciously there seems to be a conflict of interest when coming to reform the issue”¹⁹⁸

stresses Zeina Mezher from the ILO office in Beirut. As such, it proves very difficult to solve the *“complex relationship that exists between the female employer and female migrant domestic worker in Lebanon”* which in many cases leads to abuse¹⁹⁹. Some studies have shown how employers tend to consider MDWs as their *“daughters”*²⁰⁰ bringing forward a paternal or maternal relationship. However, this perception can also *“reinforce the control of the employer [...] yet at the same time maintains the employer as the main benefactor in the relationship”*²⁰¹.

I. DEEP CLEAVAGE OVER THE SPONSORSHIP SYSTEM

Employers interviewed in the course of the research unsurprisingly find the kafala system *“fair”, “just”, “very good”, “fine”,* that *“causes no harm or problems”*²⁰². This system is *“needed”*²⁰³ said an employer, as another added it *“helps us trust the worker more and for her to be comfortable”*²⁰⁴. Representatives of recruitment agencies interviewed also viewed positively the sponsorship system: it is *“good and securing for the worker”*²⁰⁵ said one, whereas another actually considering it unfair for the employer with the recent changes requiring the sponsor to present sources of income and have a minimum of 10 million LBP in a bank account²⁰⁶. Another agent considered that *“the agency is the weakest party in all of this”*²⁰⁷, as they are the ones who need to face the initial problems between the sponsor and the worker, namely in the first three months of the work period.

¹⁹⁸Interview with Zeina Mezher, National Project Coordinator, International Labor Organization, Beirut, 23 June 2017.

¹⁹⁹Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011, p. 7.

²⁰⁰Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010

²⁰¹Ibid, p. 9.

²⁰²Interview with Employers, Hadath, 6 July 2018.

²⁰³Interview with Female Employer, Chiyah, 7 July 2018.

²⁰⁴Interview with Female Employer, Haret Hreik, 8 July 2018.

²⁰⁵Interview with Female Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

²⁰⁶Interview with Female Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

²⁰⁷Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

Another agent was most critical of the *kafala* system considering that *“our government is contradicting itself”*, offering to share a story he went through: *“There was a worker that left the kafeel after a year and ran away and started doing her ‘business’. When she decided to go back to her country she went to the GSO and notified them of her kafeel’s name and our agency and they called us after 5 years. The GSO officer called me and said ‘You have an hour to be here with a ticket to Ethiopia or I will close down your office’ ”. I lost my mind. First, I am an agency working legally and fulfilled all my obligations that your government had set for me. Why do you do that? I have a legalized agency and you have no right to make me feel that I am a second-class citizen because I am in this business”*²⁰⁸. The agent added: the *kafala* is *“supposed to be abolished. This is against human rights, cleaning is a job like any other job but the way we bring the workers here and tie them in our houses is a discrimination in every country and goes against any logical mind”*²⁰⁹. The same recruiter explained that *“2 in 10 girls have or actually develop a mental illness when they reach Lebanon. They are too much exposed to what we call ‘civilization’ and they become hysteric. If you go into every office, they all have relaxing medications and Xanax of all sorts”*²¹⁰.

This recruiter wishes to leave Lebanon, *“focusing now on my immigration papers to Canada. I want to leave this [...] country and the racism around”*²¹¹.

²⁰⁸Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

²⁰⁹Idem

²¹⁰Idem

²¹¹Interview with Recruitment Agency Representative, Cornich Mazraa, Beirut, 12 July 2018.

From a migrants' perspective, when it comes to the kafala, the stories vary from either very smooth to very tragic. There is little room for anything else in between. Either the worker is well treated, gets paid on time (or with some slight delay), owns a phone and has papers which are renewed every year by the Sponsor (regardless of working conditions which are not a big matter of concern for those well treated). Still, this relative comfort often comes with a price. Ali, a Sudanese legally registered worker, aged 22, has to pay his sponsor 1.500\$ a year for his situation to remain in check. *"I have no problem with the General Security he said, but to be forced to pay all this money is just not fair"*²¹². Not to mention the fact that many male workers under the third category are asked to cover their own social security yearly fees (which should be covered by the employer), a service to which the worker can't even access despite being registered, as per the present regulations. Other situations, uncharted by the male workers met but commonly raised when speaking of colleagues of some, would involve the resort to fake sponsors in order to ensure proper paperwork.

Other workers go through hellish situations, swept by an entrapment system that takes away all dignity, protection and perspective for any bright future. When a change of sponsor is possible (tanezul or release procedure, see next section), the situation can drastically improve for the worker, yet showing how random any amelioration can be. For a Nigerian male worker, aged 37, the kafala system *"is very dangerous, it is against humanity, it makes us look like animals"*²¹³.

Migrants under irregular status met in focus groups explain why they prefer to work independently away from this entrapment system, but it is to be victim of restrictions of another kind as they fall under the risk of arrest and deportation and can't leave to visit their families.

"WHY SHOULD WE HAVE A KAFEEL? JUST LET US WORK"

shouted an Ethiopian worker, aged 27²¹⁴, considering they are a threat to no one in Lebanon.

²¹²Focus group with Mixed Migrant Workers from Sudan and Ethiopia, MCC Jounieh, 4 July 2018.

²¹³Interview with Nigerian male worker, Saifi, 16 July 2018.

²¹⁴Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

Tania, Ethiopian, aged 23, for instance had to run away because she was badly treated by her employer in the house. *“It is dangerous, she says to stay without a kafeel, but it is better for me. When I leave I will never come back”*²¹⁵. Said, a Sudanese irregular worker aged 28, who fell out of the sponsorship system because of the unwillingness of the sponsor to agree to a transfer, expressed that *“I am not afraid. When it is time and they catch me, it will be time to leave”*²¹⁶. On the deportation risk, one Ethiopian worker, aged 25, expressed anxiousness as to how it would go: *“the GSO are very racist, many of our friends and other nationalities were beaten and arrested for long periods before deported in a disrespectful way, we would be deported like we arrived, in the airport when we arrive they treat us like animals, and it is all because of the kafeel system, who make us like property for the Lebanese”*²¹⁷.

Independent workers are paid by the hour, with prices from 4 to 6\$ per hour depending on how long they have worked for a customer. This pays their rent, mobile recharges and basic needs. The biggest issue they are aware of is the curse of getting sick. *“If you are seriously sick, then it’s game over, you are deported”*²¹⁸, said an Ethiopian worker aged 28, as it would mean re-entering the formal world through a hospital and the immediate involvement of the Internal Security Forces. The undocumented migrants

will be considered automatically a detainee, after recovery, she/he will be sent to a prison and sentenced for 1 to 3 months for being irregular or transferred to the GSO depending on the General Prosecutor decision. For the unlucky ones whose employers presented a theft complaint against them, they are to spend more time in prison. After finishing the imprisonment time, they would wait to be transferred to the immigration services where the GSO would launch a deportation process. Some MDWs need specialized intervention, the General Prosecutor refer them to a NGO for sheltering and recovery and the follow-up of the legal process will be without being detained.

The lack of medical coverage isn’t only reserved for irregular workers. The migrants met in focus groups were unanimous in their assessment of their insurance policy (mandatory for the work permit registration) they benefit from or benefited from for those who no longer serve a kafeel. According to them, the insurance policy wouldn’t cover most basic elements, as employers would demand of them that they pay their own medication when the insurance companies refuse to cover expenses.

“WE ARE NOT SEEN AS HUMANS”

aged a Bangladeshi worker, aged 30²¹⁹.

²¹⁵Focus group with Mixed Migrant Workers from Sudan and Ethiopia, MCC Jounieh, 4 July 2018.

²¹⁶Focus group with Mixed Migrant Workers from Sudan and Ethiopia, MCC Jounieh, 4 July 2018.

²¹⁷Focus group with Female Migrant Workers from Ethiopia, Ain El Remmeneh, 2 July 2018.

²¹⁸Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

²¹⁹Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

On the contrary, employers met and interviewed would specify that they would be the ones to cover any medical expense, especially when not covered by their insurance policy. Some stated they had already in the past and others said they would be prepared to pay for it if needed in the future.

Overall, the sponsorship system “creates an environment where all migrant domestic workers have the potential to become entrapped and exploited”²²⁰. It actually “binds the foreign worker to their local employer in a legal as well as financial dependency.

It is impossible for them to arrange their own papers without assistance from their Lebanese sponsors and private employment agencies. Yet, the domestic worker is legally responsible for her regular status. If, for example, an employer does not renew the worker’s papers, or if the employee leaves the employer (‘runs away’), the worker automatically becomes an ‘illegal alien’ and is subject to arrest, imprisonment or detention and deportation”²²¹.

II. THE BLURRED CONTOURS OF EMPLOYER/EMPLOYEE RELATIONSHIP

Many testimonies from migrant workers, especially the ones working in domestic labor have pointed to what experts have identified as “emotional blackmail”. As explained by Tanja Abou-Ghazaly, from the Migrant Community Center: “From conversations I’ve had with people at the center, it seems often employers use a rhetoric of migrant workers being like a ‘daughter’ or their ‘family’ as a means of emotional manipulation”²²². Once this artificial filiation is established, it renders any cry out from the worker even more difficult. For Roula Hamati, from Insan, domestic workers are “wished to be invisible. Even though her presence is felt and is needed in certain respects, the domestic worker is not supposed to interfere in family life. She is not considered equal to the family members. Even though you hear many employers using phrases like ‘we treat her like a daughter’, domestic workers don’t eat or go out with their employer’s family; they are only there to clean and cook for them”²²³.

²²⁰Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011, p. 5.

²²¹Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011, p. 9.

²²²Domestic workers protest ongoing abuse, The Daily Star, 25 June 2018, available at <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-454258/25-domestic-workers-protest-ongoing-abuse.ashx>

²²³Interview with Roula Hamati from INSAN: the quiet resistance of domestic workers in Lebanon. Open Democracy, 8 March 2017, available at <https://www.opendemocracy.net/beyondslavery/safepassages/cameron-thibos-roula-hamati/quiet-resistance-of-domestic-workers-in-lebanon>

Another factor are the “existing structural constraints and social pressures [that] prevent a conscientious person from acting against abuse committed by other Lebanese employers”²²⁴, as “the system protects the employer”²²⁵, united by bonds of solidarity as to the protection of the “investment” they have undertaken by bringing in a helper in their homes: “When Lebanese employers hire migrant domestic workers, they are making an investment in labor up-front, covering the costs for recruitment fees, and sometimes for transportation costs, medical tests, government processing fees, and even bribes”²²⁶. This perception conveys the portrayal of migrants as ‘merchandise’. Several previous studies had acknowledged the phenomena of treating MDWs as “property and an investment in which costs must be compensated”²²⁷. Such practices feed into a general perception that MDWs have been “purchased for the duration of the contract”²²⁸.

Situations such as these open the door to abuse and exploitation as per the increase of power inequalities and the “unequal balance of power”²²⁹ that are so common between employers and workers in the household, at a point where “the kafala system constitutes an asymmetrical relationship between

employer and employee: it leaves room for many rights violations such as confinement to the house, no time to rest, no day off, no right to quit, non-payment of salaries, physical and sexual abuse, etc.”²³⁰.

As such, “under this system, Lebanese employers feel that, in order to protect themselves from bearing responsibility, they are obliged to act in ways which deny the rights of domestic workers”²³¹. Lebanese must also bear “considerable social pressure supporting abusive or punitive actions against the domestic worker which is encouraged by family, friends and neighbors, as well as private employment agents who advise employers on how to treat workers (i.e. harshly)”²³².



²²⁴Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 20.

²²⁵Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 21.

²²⁶Ibid, p. 20.

²²⁷Kathleen Hamill. *Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon*, KAFA, January 2012, p. 13.

²²⁸The Kafala system: when employers also accepted to share their perspective, INSAN, 2014, p. 18.

²²⁹Asha D’Souza. *Moving towards Decent work For Domestic workers: An Overview of the ILO’s work*, International Labor Organization, Bureau for Gender Equality, Working Paper 2010/2, p. 18.

²³⁰Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 20.

²³¹Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 17.

²³²Ray Jureidini. *An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon*, KAFA, January 2011, p. 10.

Hence, migrants get easily trapped in a **“Master/Servant relationship”**²³³

where abuse takes place “*across the social spectrum and is often perpetrated by those who are educated and well respected within their social circles*”²³⁴, creating a distorted professional relationship, polished through the formality of a signed contract at the Notary, which actually imprisons them in a closed employment with their sponsor.

And here lies one of the main concerns of migrants, whether male or female, resides in the dreaded *tanezul* (or transfer of sponsor), this overpowering tool in the hands of the sponsor. Even when all goes well for the worker with his/her employer, when comes time to part, at the end of the contract (whether the decision comes from the employer or from the worker), the kafeel holds a tremendous leverage against the worker who would wish to remain in Lebanon to work. When problematic work conditions or any other trouble shatter the relationship between the two parties and the worker wishes to terminate the contract, switching employment isn’t guaranteed as he/she would need the kafeel to transfer the sponsorship to another employer.

This explains why many female domestic workers interviewed counted how lucky they were when their initial sponsor had actually allowed for a *tanezul* and counted multiple stories they have heard of the nightmare for other girls when their employer would block it from happening. Other irregular workers met explained how they were pushed towards irregular status originally because their sponsor refused to allow them to move on to another employment in Lebanon. “*They keep our passport, threaten us with arrest and then ask for money just for the tanezul*”, said a Filipina worker, aged 40 in this situation²³⁵.

In many cases, the block from the initial sponsor (or the next) pushes the worker to clandestine life and into an irregular status, hence forfeiting his/her basic rights and the minimal protection granted by the residency documentation. Discrimination, greed, retribution, blackmail, all types of situation were counted by the migrants in this situation, their life being subject to the sole will of their former employer. Despite the absence of residence, many of the workers met manage to work, either independently or in shops. However, their irregular status leaves them with no social or legal protection in their relationship with employers. Long working hours with hardly any rest, late payments, no sick leaves retained from the salary, lack of medical coverage are some of the grievances endured by irregular workers in the country, ultimately unable to leverage with their informal employers.

²³³Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012, p. 13.

²³⁴Sawsan Abdularahim, *Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers*, KAFA, 2010, p. 20.

²³⁵Focus group with Female Migrant Workers from Ethiopia, Bangladesh and Philippines, Amel Chiyah Center, 8 July 2018.

III. THE UNEQUAL SEARCH OF A FAIR EMPLOYMENT AGREEMENT

The *kafala* represents the upmost blow to the spirit of contractual labor agreement between an employer and his/her employee, hence the struggle of so many CSOs attempting to remove it as it represents a blunt violation of basic human rights and dignity.

Non-Lebanese migrants, refugees or displaced persons seeking to work in the Lebanese marketplace need to face excruciating risk factors, especially when involving women. The differences in perspective between the employers and the workers touch upon the core of the sponsorship system as each category contemplates in their own way a “fair employment” agreement.

\$1.500
A YEAR

Employers do not have the same assessment of the situation. Those interviewed always refer to the “investment” the fact of bringing a helper initially cost them. It is only fair, from their perspective, that a worker who wouldn’t finish her contract compensates her before moving on to another family and securing a *tanezul*. When asked how much the employment cost them, some employers would actually answer by calculating the entire living cost of the worker living with them (so roughly 1.500\$ a year, not counting the salary).

In addition, most employers interviewed had never read the SUC. As a justification for not having read the document, a husband and wife employers, aged 39, said the worker “*never said that she is not happy or don’t want to renew it because she is comfortable here*”²³⁶, as if the feedback of the migrant was the only indicator whether the contract was respected. In that, employers assume that the contract basically entails two elements: respecting the worker and paying her salary on time. One employer who had read the provisions of the contract added the worker is “*here to help me not to serve me*”²³⁷. Another specified the worker should be able “*to keep our secrets*”²³⁸ since she is around round the clock.

²³⁶Interview with Employers, Hadath, 6 July 2018.

²³⁷Interview with Female Employer, Tarik Jdide, 11 July 2018.

²³⁸Interview with Female Employer, Haret Hreik, 8 July 2018.

“What about our rights?” One employer told the story of his brother-in-law where the “maid ran away only 2 weeks, stole the clothes of his wife leaving hers in the closets and she stole some jewelry, and they were not able to find her. No one protected him!! She ran away leaving the door open with his 4 years old kid inside, the neighbors found the kid in the street alone, thanks god he was safe, but no one knows what would had happen to her”²³⁹. “In this house she is taking all her rights and more”²⁴⁰, added the couple. The spouse considered her helper of “becoming disrespectful to them and act as if she is not a ‘maid’ but as if she is the owner of the house. She interferes in everything: what to be cooked, how to raise the children, even when me and my husband fight, she interferes between us. This is what happens when you treat them well and are nice to them”²⁴¹, concluding that if she [the worker] is “not happy she can always leave and go back to her country”²⁴².

A recruitment agent shared his preoccupation in always pinpointing to the negative stories calling for NGOs to tone down their criticism of their business:

“WHENEVER HUMAN RIGHTS ORGANIZATIONS ARE DEALING WITH THIS ISSUE THEY TEND TO IGNORE IF NOT FORGET THAT IF THE WORKERS WERE NOT BENEFITING A LOT FROM WORKING HERE THEY WOULD NOT COME IN THE FIRST PLACE. I FEEL TREMENDOUS HAPPINESS WHENEVER A WORKER IS LEAVING AFTER SHE FINISHES HER CONTRACT AND HUGS ME AND TELLS ME THANK YOU! I WAS ABLE TO EDUCATE MY CHILDREN, BUY LAND AND BUILD THE HOUSE OF MY DREAMS. THANK YOU FOR GIVING ME A JOB IN LEBANON”²⁴³.

²³⁹Interview with Employers, Hadath, 6 July 2018.

²⁴⁰Interview with Employers, Hadath, 6 July 2018.

²⁴¹Interview with Employers, Hadath, 6 July 2018.

²⁴²Interview with Employers, Hadath, 6 July 2018.

²⁴³Interview with Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

In addition, many testimonies of employers actually serve at justifying the need of keeping the sponsorship system. And if it considered inequitable, employers are considered as the ones having the short end of the stick. One employer, aged 43, told the story of her first helper she employed. Everything was fine and she went on her yearly holiday:



“I BOUGHT HER A ROUND TRIP TICKET, AND SHE SAID SHE WANTED TO GO BACK AND SHE WAS VERY HAPPY WITH US. BUT ON THE RETURN DAY, I WAITED FOR HER AT THE AIRPORT AND SHE NEVER SHOWED UP”²⁴⁴. ●●

The experience with her second employee wasn't pleasant also: *“the Ethiopian girl worked for 4 months, she was normal and one day I go back to the home where she was with my 10 years old kid, and they were fighting and she was beating him. So I beat her in a crazy way, I grabbed her by her hair to the kitchen where I beat her everywhere. It was 6 pm, at 9 pm she was in the airplane, I took her to the airport (she didn't know where I was taking her) and gave her to the GSO officer who sent a worker to take her to her gate, two months later she sent me by Whatsapp curses and threats from an Emirati phone number”²⁴⁵.*

Another employer narrated that her faithful, though irregular, worker who was recruited for when the family visits Lebanon, had *“stolen from us”²⁴⁶*. Another employer swore she *“would never let them [workers] alone with my kids, I can't trust them”²⁴⁷*. One employer, aged 56 provided an analysis supporting that *“Ethiopians are better workers than Bangladeshis”²⁴⁸*. The prejudgment by nationality became natural.

²⁴⁴Interview with Female Employer, Mar Elias, 16 July 2018.

²⁴⁵Idem.

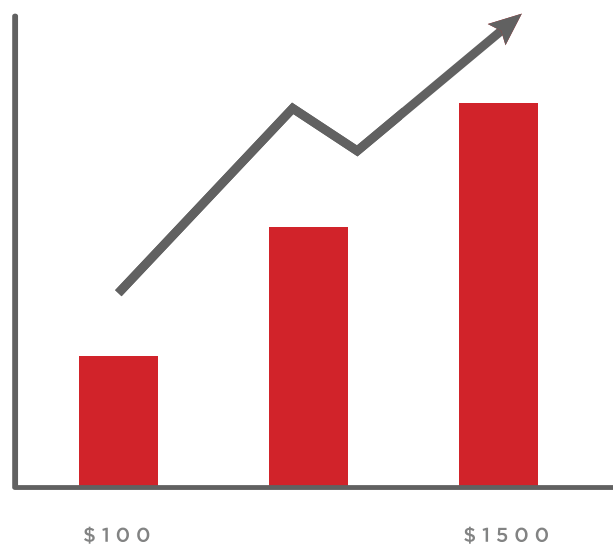
²⁴⁶Interview with Female Employer, Aley, 16 July 2018.

²⁴⁷Interview with Female Employer, Qoraytem, 16 July 2018.

²⁴⁸Interview with Female Employer, Mar Elias, 16 July 2018.

From the workers' perspective, the relationship with the employer is evenly uneasy but for another set of factors. *“Employers are so selfish and don't care for the employers of their rights or their health, all they care about is how much they will gain, and they take advantage of the current situation for the Syrians, and there is no law or power to stop them”*²⁴⁹, said Lama, Syrian-Armenian aged 48. For a Nigerian worker, *“you simply cannot choose your employer, because we have limited choices. Hence, the relationship doesn't really matter, doing your job is what matters. Do what you have to do and the light will come. It is a give and take relationship”*²⁵⁰.

Resilience becomes the key to coping with such unequal relationship. Migrants insisting of being legal find themselves forced to actually pay a *kafeel* to agree to undergo the paperwork and provide them with residence documents. Amounts range from 1.000\$ to 1.500\$ a year²⁵¹. Sami, aged 37, said he used to pay his *kafeel* 1.000\$ a year, *“but two years ago I got sick and had to spend a lot of money, and couldn't find a method to pay the kafeel. He didn't accept that I pay it with small installments, so now I have no kafeel and I am irregular, waiting for a way to settle my situation”*²⁵². An Egyptian worker needs to pay his *kafeel* the cost of the residence papers (600\$ a year)²⁵³, but still is glad this status allows him to leave Lebanon regularly to visit his wife and three children. A Nigerian worker pointed out to how *“I tell my friends, if you can make it in Lebanon, you can make it anywhere”*²⁵⁴.



²⁴⁹Focus group with Female Syrian Armenians, Borj Hammoud, 6 July 2018.

²⁵⁰Interview with Nigerian male worker, Saifi, 16 July 2018.

²⁵¹Focus Group with Male Egyptian workers, Haret Hreik, 4 July 2018.

²⁵²Focus Group with Male Egyptian workers, Haret Hreik, 4 July 2018.

²⁵³Focus Group with Male Egyptian and Indian workers, Chouefat, 8 July 2018.

²⁵⁴Interview with Nigerian male worker, Saifi, 16 July 2018.

Because of the power disparity with the employer, migrants are also reluctant to file any complaint against their sponsor because *“they know it is very difficult to change employer without the latter’s consent”*²⁵⁵. For them, the system will likely protect the employer, from police units to the judiciary, unless a clear evolution of the present legal framework and the common practices in this area.

The termination of a contract isn’t seen in the same way by employers and recruitment agents: *“a domestic worker can leave whenever she wants, the agency would deal with her and send her back to her country if she doesn’t want to stay”*²⁵⁶, said an employer, aged 52. *“She cannot be forced to stay where she doesn’t want to stay”*²⁵⁷, added another employer, aged 48, not realizing that the choice is actually never the worker’s, whom opinion is never brought into to the picture.

One recruitment agent interviewed acknowledged this issue, saying that the worker *“cannot end the contract the same way the employer could”*²⁵⁸, but adding nevertheless that *“if she doesn’t want to stay with the family she is with she can come to our agency and we will take care of it”*²⁵⁹, again with no hint as to the worker’s expectations or interests. *“Who pays for their return ticket if she ends a contract? We do!”* shouted another agent²⁶⁰.

But once the employers become responsible for the MDW, normally after 3 months, some recruitment agencies keep their contact with them and intervene unofficially if there is any problem with the MDW.

These contradictory perceptions as to the status of migrants in Lebanon solidify the difficulty of reforming the legal framework pertaining to their basic rights, as developed in the next policy related section.

²⁵⁵ Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014, p. 16.

²⁵⁶ Interview with Female Employer, Qoraytem, 16 July 2018.

²⁵⁷ Interview with Female Employer, Chiyah, 7 July 2018.

²⁵⁸ Interview with Female Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

²⁵⁹ Interview with Female Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.

²⁶⁰ Interview with Recruitment Agency Representative, Verdun, Beirut, 12 July 2018.



APPENDICES

I. LIST OF REFERENCES - BY CHRONOLOGICAL ORDER

- ▶ Lebanon: Without Protection : How the Lebanese Justice System Fails Migrant Domestic Workers, Human Rights Watch, 2010 <https://www.hrw.org/report/2010/09/16/without-protection/how-lebanese-justice-system-fails-migrant-domestic-workers>
- ▶ Sawsan Abdularahim. Servant, Daughter, or Employee? A Pilot Study on the Attitudes of Lebanese Employers towards Migrant Domestic Workers, KAFA, 2010 <http://www.kafa.org.lb/studiespublicationpdf/prpdf9.pdf>
- ▶ Asha D’Souza. Moving towards Decent Work For Domestic Workers: An Overview of the ILO’s Work, International Labor Organization, Bureau for Gender Equality, Working Paper 2/2010 http://ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_142905.pdf
- ▶ La Situation des Travailleurs Migrants dans les Prisons Libanaises, Caritas Lebanon Migrants Centre, 2011 <http://english.caritasmigrant.org.lb/wp-content/uploads/2010/09/la-situation-des-travailleurs-migrants-dans-les-prisons-libanaises.pdf>
- ▶ Trafficking in Persons Overseas for Labor Purposes: The Case of Ethiopian Domestic Workers, International Labor Organization, Addis Ababa, 2011 http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/genericdocument/wcms_207325.pdf
- ▶ Karim El Mufti. False Accusations Of Theft Commonly Filed By Lebanese Sponsors/Employers Against ‘Runaway’ Migrant Domestic Workers: A Legal Study, Caritas Lebanon Migrants Center, Beirut, 2011
- ▶ Ray Jureidini. An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon, KAFA, January 2011 <http://www.kafa.org.lb/studiespublicationpdf/prpdf38.pdf>

- ▶ Kathleen Hamill. Trafficking of Migrant Domestic Workers in Lebanon A Legal Analysis, KAFA, March 2011
<http://www.kafa.org.lb/studiespublicationpdf/prpdf37.pdf>

- ▶ Kathleen Hamill. Policy Paper on Reforming the “Sponsorship System” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, KAFA, January 2012
<http://www.kafa.org.lb/studiespublicationpdf/prpdf47.pdf>

- ▶ Marie-Josée Tayah. Working With Migrant Domestic Workers In Lebanon (1980–2012): A Mapping Of NGOs Services, International Labor Organization, Beirut, 2012
http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_204692.pdf

- ▶ Arbitrary Detention and Torture in Lebanon, Centre Libanais des Droits de l’Homme (CLDH), 2013
http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_in_Lebanon_Eg_2013_final.pdf

- ▶ Hélène Harroff-Tavel, Alix Nasri. Tricked And Trapped Human Trafficking In The Middle East, International Labor Organization, in collaboration with Heartland Alliance International, 2013
http://www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm

- ▶ A Judicial Blow to Lebanon’s Sponsorship System: Employer Must Return Domestic Worker’s Passport, Legal Agenda, Issue 19, 5 August 2014
<http://legal-agenda.com/article.php?id=808>

- ▶ Dreams for Sale: Recruitment and Work in Lebanon, the Path towards Exploitation of MDWs, KAFA, 2014 [in Arabic].
<http://www.kafa.org.lb/kafa-news/79/%D8%A5%D8%B7%D9%84%D8%A7%D9%82-%D8%AF%D8%B1%D8%A7%D8%B3%D8%A9-%D8%A3%D8%AD%D9%84%D8%A7%D9%85-%D9%84%D9%84%D8%A8%D9%8A%D8%B9-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D8%AF%D8%A7%D9%85-%D9%88%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D9%81%D9%8A-%D9%84%D8%A8>

- Into the Unknown : Exploitation of Nepalese Migrant Domestic Workers in Lebanon, Anti-Slavery International, KAFA, the General Federation of Nepalese Trade Unions, May 2014
http://www.antislavery.org/wp-content/uploads/2017/01/into_the_unknown_report.pdf
- The Kafala System: When Employers also Accepted to Share their Perspective, INSAN, 2014
<http://www.insanassociation.org/en/images/the%20kafala%20system%20when%20employers%20also%20accepted%20to%20share%20their%20perspective%20en.pdf>
- Elisabeth Longuenesse, Paul Tabar, Migrant Workers and Class Structure in Lebanon: Class, Race, Nationality and Gender, HAL Archives Ouvertes, 2014, available at <https://halshs.archives-ouvertes.fr/halshs-01305367/document>
- Alix Nasri Wissam Tannous. Access To Justice For Migrant Domestic Workers In Lebanon, Caritas Lebanon Migrants Center, International Labor Organization, 2014
http://www.ilo.org/beirut/publications/WCMS_395802/lang--en/index.htm
- Marie-Josée Tayah. Organizing Through Research: The Story Of a Participatory Action Research with Women Migrant Domestic Workers, NGOs and Unions in Lebanon, International Labor Organization, Geneva, 2014
<http://www.ilo.org/dyn/migpractice/docs/346/MJ.Tayah%252520Domestic%252520Workers%252520Unions%252520Lebanon2.pdf>
 Anti-Slavery International and KAFA . 2015 . Joint Submission for the Universal Periodic Review of Lebanon, 23rd Session, November 2015, available at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2007&file=CoverPage>
- Karim El Mufti, Official response to the Syrian refugee crisis in Lebanon, the disastrous policy of no-policy. Lebanon Support, 1 October 2014, available at <http://cskc.daleel-madani.org/paper/official-response-syrian-refugee-crisis-lebanon-disastrous-policy-no-policy>

- ▶ Civil Society Reports, Universal Periodic Review for Lebanon, 2015
<http://www.rdfwomen.org/eng/wp-content/uploads/2015/07/UPR-ENGLISH-final-output.pdf>

- ▶ Cooperating Out of Isolation: The Case of Migrant Domestic Workers in Kuwait, Lebanon and Jordan, International Labor Organization, Working Paper, Beirut, 2015
http://www.ilo.org/beirut/publications/WCMS_325243/lang--en/index.htm

- ▶ Salem Ajluni and Mary Kawar. Towards Decent Work in Lebanon: Issues and Challenges in Light of the Syrian Refugee Crisis, International Labor Organization, 2015
http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_374826.pdf

- ▶ Karim El Mufti, Pierre Khoury. Assessment of Legal Aid Services in Lebanon, La Sagesse University, Support Legal Aid Project, Beirut, 2015

- ▶ Katharine Jones. For a Fee: The Business of Recruiting Bangladeshi Women for Domestic Work in Jordan and Lebanon, International Labor Organization, Fair Recruitment Initiative, 2015
http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/documents/publication/wcms_377806.pdf

- ▶ Jebli Shrestha, Eleanor Taylor-Nicholson. No Easy Exit, Migration Bans Affecting Women from Nepal, Labor Migration Branch (MIGRANT) Fundamentals Principles and Rights at work Branch (FUNDAMENTALS) International Labor Organization, 2015
http://www.ilo.org/global/topics/forced-labour/publications/WCMS_428686/lang--en/index.htm

- ▶ African Communities in Lebanon Mapping, Protecting, Informing and Empowering Migrant Domestic Workers, Rights of Migrants In Action, KAFA, IFRC, 2016

- ▶ Civil Society Reports, Universal Periodic Review for Lebanon, 2015
<http://www.rdfwomen.org/eng/wp-content/uploads/2015/07/UPR-ENGLISH-final-output.pdf>

- ▶ Cooperating Out of Isolation: The Case of Migrant Domestic Workers in Kuwait, Lebanon and Jordan, International Labor Organization, Working Paper, Beirut, 2015
http://www.ilo.org/beirut/publications/WCMS_325243/lang--en/index.htm

- ▶ Salem Ajluni and Mary Kawar. Towards Decent Work in Lebanon: Issues and Challenges in Light of the Syrian Refugee Crisis, International Labor Organization, 2015
http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_374826.pdf

- ▶ Karim El Mufti, Pierre Khoury. Assessment of Legal Aid Services in Lebanon, La Sagesse University, Support Legal Aid Project, Beirut, 2015

- ▶ Katharine Jones. For a Fee: The Business of Recruiting Bangladeshi Women for Domestic Work in Jordan and Lebanon, International Labor Organization, Fair Recruitment Initiative, 2015
http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/documents/publication/wcms_377806.pdf

- ▶ Jebli Shrestha, Eleanor Taylor-Nicholson. No Easy Exit, Migration Bans Affecting Women from Nepal, Labor Migration Branch (MIGRANT) Fundamentals Principles and Rights at work Branch (FUNDAMENTALS) International Labor Organization, 2015
http://www.ilo.org/global/topics/forced-labour/publications/WCMS_428686/lang--en/index.htm

- ▶ African Communities in Lebanon Mapping, Protecting, Informing and Empowering Migrant Domestic Workers, Rights of Migrants In Action, KAFA, IFRC, 2016

- ▶ A Study of the Working and Living Conditions of MDWs in Lebanon, Intertwined: the workers' side, International Labor Organization, Regional Office for Arab States, 2016

- ▶ Sawsan Abdulrahim. Interwined, A Study of Employers of Migrant Domestic Workers in Lebanon, International Labor Organization, 2016
http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_524149.pdf

- ▶ Roula Hamati. Trapped: Migrant Domestic Workers in Lebanon, INSAN, 2016
<http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

- ▶ Ray Jureidini, Ways Forward In Recruitment Of 'Low-Skilled' Migrant Workers In The Asia-Arab States Corridor: International Labor Organization white paper, Beirut, 2016
http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf

- ▶ Nizar Saghiye. Anti-Trafficking Cases within the Lebanese Judiciary, Legal Agenda, Issue 38, April 2016

- ▶ Katharina Jones, Leena Ksaifi, Struggling to Survive: Slavery and exploitation of Syrian refugees in Lebanon. The Freedom Fund, April 2016, available at <https://d1r4g0yvjvcc7lx.cloudfront.net/uploads/Lebanon-Report-FINAL-8April16.pdf>

- ▶ Marie-José Tayah. Decent Work For Migrant Domestic Workers: Moving The Agenda Forward, International Labor Organization, Geneva, 2016
http://www.ilo.org/global/topics/labour-migration/publications/WCMS_535596/lang--en/index.htm

- ▶ Interview with Roula Hamati from INSAN: the quiet resistance of domestic workers in Lebanon. Open Democracy, 8 March 2017, available at <https://www.opendemocracy.net/beyondslavery/safepassages/cameron-thibos-roula-hamati/quiet-resistance-of-domestic-workers-in-lebanon>

- ▶ Joe Semaan: The Fraud Faking Being Lebanese Police To Abuse Foreign Maids. A Separate State of Mind, 29 May 2017, available at <https://stateofmind13.com/2017/05/29/joe-semaan-the-fraud-faking-being-lebanese-police-to-abuse-foreign-maids/>

- ▶ Alice Su, Abused Migrant Workers End Up in Prison After Trying to Flee, News Deeply, Refugees Deeply, 9 June 2017, available at <https://www.newsdeeply.com/refugees/articles/2017/06/09/abused-migrant-workers-end-up-in-prison-after-trying-to-flee-2>

- ▶ Françoise De Bel-Air. Migration Profile: Lebanon, Robert Schuman Centre for Advanced Studies, European University Institute, Policy Brief, 12, December 2017 <http://cadmus.eui.eu/handle/1814/46504>

II. QUESTIONNAIRE OF FOCUS GROUPS WITH FEMALE MDWS

Presentations

- 1- Countries of origin?
- 2- Age?
- 3- Date of entry?
- 4- Legal Situation of MDW?
- 5- Address in Lebanon (area)?
- 6- Employer(s) – home / office / factory?

➤ I - WORK CONDITIONS

- 1- Any Private space/room?
- 2- Any day off?
- 3- Are you allowed to exiting workplace premises?
- 4- Do you have a Mobile? Is it recharged by employer?
- 5- Is you salary paid monthly? Are there any delays? Any unpaid months?
- 6- Are you communicating with home in country of origin? By Phone calls? By Whatsapp?
- 7- Are you able of sending money sent back home?

➤ II- FORMAL STATUS

- 1- Do you have a kafeel?
- 2- If yes, How is the relation with the kafeel ?
- 3- How is the relation with the Relation with GSO?
- 4- How is the relation with the Relation with your Consultate ?
- 5- How is the relation with the Relation with the migrants' Union ?

➤ III- GRIEVANCES

- 1- Any major difficulties at work?
- 2- Any injustices of any sort to report?
- 3- What are you resort mechanisms ?

➤ IV- LIFE IN LEBANON

- 1- Do you have free time?
- 2- What are your occupations ?
- 3- Where are your places of interest?
- 4- Are you raising a family in Lebanon ? Back home?
- 5- Any Challenges and obstacles ?

➤ V- WAYS FOR BETTER PROTECTION

- 1- What is your opinion of Lebanese employers ? How to improve the relation?
- 2- What is your opinion of Lebanese authorities ? How to improve the relation?
- 3- Any immediate needs for a better protection?

III. QUESTIONNAIRE OF FOCUS GROUPS WITH MALE MDWS

Presentations

- 1- Countries of origin ?
- 2- Age?
- 3- Date of entry ?
- 4- Legal Situation of MDW?
- 5- Address in Lebanon (area)?
- 6- Employer(s)?

➤ I - WORK CONDITIONS

- 1- How is your accommodation?
- 2- Any day off?
- 3- Do you have a Mobile? Is it recharged by employer ?
- 4- Is your salary paid regularly?
- 5- How often is your salary paid? Are there any delays ? Any unpaid months?
- 6- Are you able to communicate with home in country of origin? By phone calls?
By Whatsapp?
- 7- Are you able to send money sent back home ?

II- FORMAL STATUS

- 1- Do you have a kafeel?
- 2- How is your relation with the kafeel ?
- 3- How is your relation with the GSO?

III- GRIEVANCES

- 1- Any major difficulties at work?
- 2- Any major injustices of any sort to report?
- 3- What are your resort mechanisms ?

IV- LIVING IN LEBANON

- 1- Do you have any free time?
- 2- What are your occupations ?
- 3- Where are your places of interest?
- 4- Are you raising a family in Lebanon? Back home?
- 5- What are the main challenges and obstacles ?

V- WAYS FOR BETTER PROTECTION AND AWARENESS

- 1- What is your opinion of Lebanese employers ? How to improve the relation ?
- 2- What is your opinion of Lebanese authorities ?
- 3- Any immediate needs for better protection?

IV. QUESTIONNAIRE OF INTERVIEWS WITH EMPLOYERS

I- INFORMATION ON EMPLOYER

- 1- Age
- 2- Gender M/F
- 3- Social Status
- 4- Address (region)

➤ II- INFORMATION ON MIGRANT EMPLOYED

- 1- Country of origin?
- 2- Age?
- 3- Date of entry?
- 4- Recruited through an agency ?
- 5- Legal Situation of migrant?
- 6- Does she have an autonomous room?
- 7- Does she have a mobile phone with whatsapp?
- 8- Any day off granted?
- 9- What is her salary?
- 10- Can she send money to family back home?

➤ III- PERCEPTION OF PRESENT SYSTEM

- 1- What do you think of KAFALA system?
- 2- Are you aware of any bans from the MDWs countries?
- 3- What is your opinion of Recruitment agency service?
- 4- How much does it cost to recruit a migrant worker?
- 5- What is your opinion of Ministry of Labour services?
- 6- How much does the work permit cost?
- 7- What is your opinion of GSO services?
- 8- How much does the residence permit cost?

➤ IV- PERCEPTION OF RIGHTS AND OBLIGATIONS

- 1- Did you read the standard unified contract with MDW signed at the Notary?
- 2- What are main rights and obligations of an employer?
- 3- What are main rights and obligations of a MDW?
- 4- Can an employer end the MDW contract?
- 5- Can a MDW end her contract?
- 6- Should the MDW have a day off?
- 7- Should she be able to get out of the house?

➤ V- WAYS FOR BETTER PROTECTION AND AWARENESS

- 1- What do you think of a payment system of MDW salary directly from bank accounts?
- 2- What do you think of an insurance policy to ensure the recruitment agency fees in case of termination of contract by the worker?

V. QUESTIONNAIRE OF INTERVIEWS WITH RECRUITMENT AGENCIES REPRESENTATIVES

➤ I- INFORMATION ON RECRUITMENT AGENCY REPRESENTATIVE

- 1- Age
- 2- Gender M/F
- 3- Social Status
- 4- Address (region)
- 5- Date of establishment
- 6- Main countries of origin of migrants recruited

➤ II- INFORMATION ON RECRUITMENT PROCEDURE

- 1- How are contacts with recruitment agencies in country(ies) of origin?
- 2- Do you or representative of your agency travel there personally ?
- 3- Are interviews conducted with MDWs before they come to Lebanon?
- 4- Do you bring migrants without a kafeel identified?
- 5- What happens if the kafeel returns the worker?

➤ III- PERCEPTION OF PRESENT SYSTEM

- 1- What do you think of kafala system?
- 2- Are you aware of any bans from the MDWs countries?
- 3- Is it an issue in your work ? How do you go around it?
- 4- What is your opinion of GSO procedures?
- 5- What is your opinion of MoL procedures?
- 6- What is your opinion of your Union work – SORAL ?
- 7- What is your opinion of consulate work?

➤ IV- PERCEPTION OF RIGHTS AND OBLIGATIONS

- 1- Did you read the standard unified contract with MDW that is signed at Notary?
- 2- What are main rights and obligations of the employer?
- 3- What are main rights and obligations of a migrant worker?
- 4- Can an employer end the MDW contract?
- 5- Can a MDW end her contract?

➤ V- WAYS FOR BETTER PROTECTION AND AWARENESS

- 1- What do you think of a payment system of MDW salary directly from bank accounts?
- 2- What do you think of an insurance policy to ensure the recruitment agency fees in case of termination of contract by the worker?

