

**Universal Periodic Review Submission  
Migrant Domestic Workers  
Lebanon - April 2010**

Name of submitting stakeholder: Kafa ([www.kafa.org](http://www.kafa.org) - see mission statement p. 5). In addition, Victoria Anderge, HaYeon Lee, Joly Ghanawi, Aimee Razanajay, and Kathleen Hamill are independent human rights defenders based in Beirut, Lebanon.

With this stakeholder submission, we seek to articulate the concerns of migrant domestic workers in Lebanon. In our collective capacities, we have conducted consultations and interviews with hundreds of migrant domestic workers as well as “placement” agents, private employers, diplomatic representatives, civil society actors, and government officials. Through academic research, community activism, and legal advocacy we focus on the challenges facing migrant domestic workers in Lebanon as well as the challenges facing concerned members of Lebanese society.

**Summary**

The Lebanese constitution pledges that the state will abide by the Universal Declaration of Human Rights and will embody its principles in all fields and without exception.

In Lebanon, however, domestic migrant workers are vulnerable to forced confinement, labor exploitation, and routine discrimination. Mistreatment of migrant domestic workers is often perpetrated by individuals in private households and by the recruitment agents that bring them here. In this context, the Lebanese state maintains the “kafeel” residency and sponsorship system. This system ties each worker to a single Lebanese “sponsor” and creates a legal dependency of the former on the latter. Such an arrangement delegates extensive power to the sponsor to dictate the relationship with the live-in workers. Indeed, leaving an abusive sponsor automatically jeopardizes a worker’s legal status and recourse to justice – even in extreme cases.

The Lebanese state has acknowledged the gravity of violations against migrant domestic workers in specific cases and practices.<sup>1</sup> It has also taken steps to address these concerns – specifically through the Standard Unified Contract. Yet Lebanese officials routinely fail to regulate individual conduct sufficiently, provide grievance systems, or protect workers from exploitation. Inadequate government oversight, insufficient enforcement mechanisms, and weak accountability measures contribute to the everyday risks facing migrant workers at the hands of their employers and agents in Lebanon.

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<sup>1</sup> CERD Report 2002 referring to the “deplorable practice” of passport confiscation at paragraph 42. See also criminal conviction in Malibagu case - Batroun December 2009.

### **No Labor Law Protection**

Migrant domestic workers are explicitly excluded from the **Lebanese Labor Law**. As such, they do not enjoy the equal protection of the law afforded to other classes of workers, and they are routinely denied standard labor protections such as a day off, paid holidays, limits on work hours, right to organize and bargain collectively.

### **Standard Unified Contract**

Although it is no substitute for the inclusion of migrant domestic workers in the Lebanese Labor Law or the creation of a specialized labor tribunal, the **Standard Unified Contract** represents a step forward in the recognition of migrant domestic workers' rights. This contract entered into force by Ministerial Decree in 2009. It serves as the mandatory contractual basis between all migrant domestic workers and their employers. Unless the Standard Uniform Contract has been signed by the employer and worker, the Lebanese Ministry of Labor rejects individual applications for annual work permits or their renewal. This is a positive development. It effectively establishes a uniform baseline for worker/employer obligations.

The **Standard Unified Contract** contains the following protective provisions: (1) workers must be paid on a monthly basis with evidence of receipt of payment (2) workers are entitled to eight consecutive hours of rest each night (3) workers have a right to one day off (twenty-four consecutive hours) each week.

The **Standard Unified Contract** also stipulates that a worker can unilaterally terminate the contract if the employer is in breach for the following reasons: 1) non-payment of wages for three consecutive months 2) physical or sexual abuse or harassment 3) employment in another capacity other than that for which she had been recruited and without her consent. In any one of these three circumstances, the contract obliges the employer to “take full responsibility” and to pay for the worker’s return ticket back to her home country.

The contract specifies that disputes may be lodged with the Ministry of Labor to settle amicably. Alternatively, the contract entitles the aggrieved party to seek redress through the Lebanese Courts. Despite these protective contractual provisions, however, the Lebanese government has not created credible enforcement mechanisms to date,<sup>2</sup> and most workers still have **limited access to legal recourse** in cases of violation of the contract – not to mention other violations of their basic human rights.

The contract specifies that it “has been drawn up before the notary public in Arabic, English, and French” but the Standard Unified Contract is not readily available in

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<sup>2</sup> Joly Ghanawi, Interview, Ministry of Labor (April 2010).

languages other than Arabic at notary publics throughout Lebanon. Meanwhile, the languages understood by most migrant domestic workers include Amharic, Tagalog, Sinhalese, Malagasy, Nepali, and Bengali.

## **Freedom of Movement**

**Passport retention** of migrant domestic workers is commonplace in Lebanon. Based on interviews with 458 domestic workers (18% Sri Lanka, 38% Philippines, 44% Ethiopia), only 1% of live-in workers and 7% of free-lance workers held their own passports.<sup>3</sup> This practice is encouraged by General Security and by agencies alike. General Security typically hands the worker's passport directly to the sponsor at the Beirut airport.

It is also commonplace for sponsors to forbid workers from leaving the workplace at any time. For instance, 35% of workers reported in the previous study that they were not allowed to leave the house. According to a 2005 study by Caritas, 64% of employers believe it is their right to limit a worker's freedom of movement, 90% to retain her passport and legal papers, and 54% to lock the door when leaving the domestic workers in the house.<sup>4</sup> As a result, some workers spend years on end without ever leaving the confines of the house. It has been widely reported that many workers are not permitted out of the workplace on their day off or on their vacation days. Because the Unified Standard Contract is silent on the right to freedom of movement, it effectively condones such practices amounting to **forced confinement**. The government has not made significant efforts to curb these restrictive practices by private individuals.

### Recommendations:

1. Reform the current labor law to include domestic migrant workers.
2. Abolish the "kafeel" system and replace it with a rights-respecting system instead which includes required residence outside the place of employment, retaining of passport by worker, and regular day-off.
3. Conduct public awareness campaigns to inform employers, agents, and General Security officers that domestic migrant workers must be permitted to retain their own passports.
4. Create a Specialized Labor Tribunal to address complaints between domestic migrant workers and their employers.
5. Create a formal grievance procedure within the Ministry of Labor allowing for the resolution of routine disputes over payment of wages, working hours, freedom of

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<sup>3</sup> Jureidini, Ray. "A Social Profile of Migrant Domestic Workers in Lebanon," ongoing analysis of data collected from 610 interviews with Sri Lankan, Filipina and Ethiopian migrant domestic workers – completed in April, 2006. Available in corresponding Workshop Report.

<sup>4</sup> Caritas. 2005 A Summary of the Caritas Survey, "Female Migrant Domestic Workers in Lebanon - Beirut, June 2005. In Report of the Awareness Raising Workshop on the Situation of Women Migrant Domestic Worker in Lebanon.

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6. Create an inspections unit in the Ministry of Labor to monitor individual abusive practices against migrant domestic workers.
  7. Make General Security's "blacklist" of abusive employers publicly available. Use this list to prevent abusive employers and agencies from continuing to sponsor migrant domestic workers in Lebanon.
  8. Regulate agencies strictly. Require compliance with strict screening procedures to ensure the recruited workers meet minimum age and language comprehension requirements. This process might include verification of proficiency in language skills in French, Arabic, or English as well as basic household maintenance skills. In addition, agencies must be required to provide all newly arrived workers with an information card including the full name, address, and contact information of their employer. Also, conduct strict certification and regular screening of the agencies themselves to check that they meet human rights standards.
  9. Conduct thorough investigations into all reports of murder, accidental death, or suicide involving migrant domestic workers.
  10. Prevent the Ministry of Labor and General Security from issuing new visas, residency permits, or work permits to incoming migrant domestic workers from countries (including the Philippines) that have banned their nationals from domestic migrant labor in Lebanon.
  11. Combat the widespread impunity enjoyed by abusive employers. Prosecute criminal conduct. Support efforts to enforce the Standard Unified Contract – specifically in case of breach by the sponsor.
  12. Provide workers with the possibility of maintaining their legal status in Lebanon while filing legal complaints against abusive employers.

## KAFA mission:

Established in 2005 by a group of multi-disciplinary professionals and human rights activists, KAFA (enough) Violence & Exploitation is a Lebanese non-profit, non-political, non-confessional civil society organization committed to the achievement of gender-equality and non-discrimination, and the advancement of the human rights of women and children.

KAFA envisions a society where all its citizens live free of violence and exploitation and where they have equal access to opportunities and results and their human rights are respected, protected and enjoyed. KAFA believes that women's and children's rights are integral to this achievement and to building a free and fair society.

KAFA's mission is to work towards eradicating all forms of gender-based violence and exploitation of women and children through advocating for legal reform and change of policies and practices, influencing public opinion, and empowering women and children. Our focus areas are those of: 1) Family violence 2) Child sexual abuse 3) Exploitation and trafficking in women and 4) Socio-legal counseling and empowerment.

KAFA combines in its work the various methods of lobbying, action-research, publication, training and awareness raising, and supporting the victims. Our work's guiding principles are those of the universality of human rights and the participation and inclusion of all target groups and marginalized people in our endeavors.



