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Table of Contents

Abbreviations	3
Acronyms	3
Background: Deliberate Omission	4
Unfair gendered employment conditions	5
Human Trafficking and Forced Labor	7
Widespread Gender Based Violence (GBV)	8
Access to Justice and political participation	10
Access to health	12
Questions and recommendations	14

Abbreviations	3
Acronyms.....	3
Background: Deliberate Omission	5
Unfair gendered employment conditions	6
Human Trafficking and Forced Labor	8
Widespread Gender Based Violence (GBV).....	9
Access to Justice and political participation.....	11
Access to health.....	13
Questions and recommendations.....	14

Abbreviations

In this document, the phrase “the government’s report” refers to the "Sixth Periodic report of Lebanon submitted under article 18, of the International Convention on the Elimination of All Forms of Discrimination Against Women”, dated 12 February 2020. Any reference to paragraph numbers refers to paragraphs in the aforementioned report.

Acronyms

ARM	Anti-Racism Movement
CEDAW	Committee on the Elimination of All forms of Discrimination Against Women
FENASOL	Federation of Employees’ and Workers’ Trade Unions of Lebanon
GBV	Gender Based Violence
GSO	General Security Office
ILO	International Labour Organization
ISF	Internal Security Forces
IOM	International Organization for Migration
MDW	Migrant Domestic Worker
MoPH	Ministry of Public Health
MoL	Ministry of Labor
MSF	Médecins Sans Frontières
MW	Migrant Worker
NGO	Non-governmental Organization

SORAL
SUC

Syndicate of Owners of Recruitment Agencies in Lebanon
Standard Unified Contract

Background: Deliberate Omission

The Kafala ‘sponsorship’ system is a set of practices used to import labor in Lebanon, Jordan, and the Gulf states. In the early 1990s in Lebanon, the domestic work industry was booming, as it generated large profits for different parties at the expense of Migrant Domestic Workers (MDWs).

For the past three decades, Lebanon has been heavily reliant on Women Migrant Workers (MWs) as the primary providers of highly valuable but severely undervalued labor, such as domestic work and care work. Without a social safety net which could offer residents affordable care services, people have long depended on live-in MDWs, where a MDW lives in her employer's house and provides housekeeping and care work.

According to the International Labor Organization (ILO), before the Lebanese economic crisis, women constituted 92.7% of workers involved in domestic work. Women make up an estimated 76% of all MWs and 99% of MDWs who come to Lebanon for employment.¹ Seeing how the majority of migrant labor is brought in for domestic work, and as these jobs are feminized, racialized, and devalued, the conditions present a unique set of dangers for a considerable population group.

The gravity of these numbers is not reflected in the government’s report. On the contrary, in paragraph 22, there is a clear exclusion of MWs from the population count. According to the International Organization for Migration (IOM) over 400,000 MWs resided and worked in Lebanon prior to 2020²; 250,000 of which were female domestic workers³. This exclusion reflects the state’s dismissal of this particular population group, and the lack of serious considerations when including them in national planning for ending discrimination against women. This is further reflected in paragraph 12 which discusses projects implemented exclusively for women, whether Lebanese, rural, displaced or refugee women, with no mention of MDWs.

Civil society actors struggle identifying the real number of MWs present in the country, with the most recent estimate being 207,696.⁴ Numbers are not just a detail; MDWs’ work is systematically underestimated in labor force statistics, undervalued, and ultimately economically invisible. This directly results in the multitude of abuses and violations MDWs face in Lebanon as will be detailed in this report.

¹ ILO, “[Rapid Diagnostic Assessment of Employment Impacts under COVID19 in Lebanon](#)”, 2020

² IOM, “[Well-Being and Security of Migrant Workers in Lebanon Deteriorate Since Beirut Blast](#)”, 2020

³ Human Right Watch, [Hardships for Lebanon’s Migrant Domestic Workers Rise](#), 2020

⁴ IOM, [Migrant Presence Monitoring, Baseline Assessment – Round 1](#), 2021, Lebanon

Unfair gendered employment conditions

Under the Kafala system, the Ministry of Labor (MoL) classifies MWs in Lebanon according to four categories depending on their responsibilities and wages. In breach of Article 5 of the Convention to Eliminate all forms of Discrimination Against Women (CEDAW), female MDWs are classified in a separate category, excluding them from the labor law, and defining their salaries below the national minimum wage. This legal exclusion, along with customary practices, and gendered and sexist views of domestic labor, translates into depriving these women of the most basic human and labor rights such paid annual leave, recourse to arbitration councils, maximum daily working hours and other guarantees.

A breach of Article 15(4) of the convention is the restriction of freedom of movement of live-in MDWs as part of their employment conditions. Residing in the same house as the sponsor is a custom, not a legal requirement, yet MDWs are still often confined to their employer's house. One study found that 94% of employers withhold the MDW's passport, 22.5% of employers always or sometimes lock her inside the house, and 61% of employers prevent their workers from engaging in social or learning activities with NGOs.⁵

The devaluation of feminized domestic work is reflected by the low wages received by these workers, breaching Article 11 of the CEDAW. In 2016 the average wage of a MDW amounted to 180\$, compared to a minimum wage of 450\$ during the same period. The onset of the pandemic as well as the economic depression increased the economic injustice towards MDWs with many reporting underpayment or non-payment of wages. 73% of the women supported by IOM during the crisis reported experiencing withholding of wages.⁶

The new Standard Unified Contract (SUC) adopted by the MoL, which was appealed by the Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL), would have theoretically granted worker minimal rights such as a minimum wage and the right to quit the job unconditionally after providing a month's notice, as well as acknowledging a worker's freedom of movement. However, the suggested reform was not accompanied by an enforcement mechanism that would ensure its actual implementation. This meant that employers could still breach the contract without any consequences or accountability, as is the case for many employers today.

MDWs in Lebanon are also deprived of their basic right to sexual and reproductive health. According to the MoL there is a "no pregnancy policy" in effect for MDWs⁷, consequently, MDW's contract does not guarantee her maternity leave which means that state efforts mentioned in paragraph 175 explicitly exclude migrant women. Therefore, a MDW who gets

⁵ ILO, [Intertwined, A study of employers of MDWs in Lebanon](#), 2016

⁶ IOM, Lebanon Internal Case Work Data, 2021

⁷ MoL, [Information Guide for Migrant Domestic Workers in Lebanon](#), 2012

pregnant in Lebanon faces deportation, is pushed into irregularity, or is forced to get an abortion. Furthermore, Women MWs who have children in Lebanon often find themselves unable to register them, which limits their access to education or other public services.

Human Trafficking and Forced Labor

The Kafala system by its very nature exposes MDWs in Lebanon to increased risks of human trafficking and forced labor, as it links the residency of a worker to her employer. A MDW breaches her residency conditions once she leaves her employer's house, even when she's being abused, thus putting her at risk of detention and deportation. This actively dissuades workers from bringing legal claims before the court.⁸

Recruitment agencies' impunity is another factor that facilitates trafficking. In November 2018, ARM reported an exploitative recruitment agency to the MoL for violating the regulation that agencies must not advertise online and for keeping workers in unsafe living conditions. The MoL closed the agency, but none of the workers were released and none retrieved their unpaid wages. The agency reopened a few weeks later, with an almost identical name and continued its operations, legally. ARM submitted a second complaint in December 2018 to the Ministry to bring charges of exploitation and trafficking of multiple migrant women against the agency, and also called on them to release the workers, pay their wages, and pay for their voluntary return to their home countries. After several months, in late March 2019 the General Security Office (GSO) raided the premises, detaining the owner of the agency and six women. The owner was released after a few days, while the women he had been exploiting were detained by the GSO until their deportation. This case also demonstrates one of the main flaws in the anti-trafficking laws, and victim protection practices, cited in paragraphs 14, 20 and 106. These updated regulations include few protections for survivors of trafficking, who instead can easily be detained and are at risk of deportation.

The current multilayered crisis puts the women at a more precarious socio-economical and legal situation which further increases these risks. According to IOM's recent assessment, 22% of respondents, the majority being women, reported accepting degrading, exploitative, dangerous, or illegal work to ensure their basic food needs were met.⁹ Between 2020 and 2021 alone, IOM identified 367 female victims of trafficking in Lebanon, while ARM identified over 50 cases, though this still does not capture the full extent of trafficking into the country¹⁰. Some victims reported to ARM severe abuses that could amount to torture, others were trafficked for the purpose of forced surrogacy.

Efforts to hold perpetrators accountable, or stop their actions, are still being delayed due to the slow and exhausting process for the victims. The majority of the victims identified and supported by ARM had to leave the country before the trial takes place as they were undocumented, and therefore at risk of detention and forced deportation.

⁸ Amnesty International, "[Their house is my prison](#)," 2019.

⁹ IOM, [N&V assessment of migrants in Lebanon](#), 2021.

¹⁰ IOM, Lebanon Internal Case Work Data, 2021

Widespread Gender Based Violence (GBV)

With the Kafala system automatically granting full power to one human being over another, it inherently creates conditions ripe for abuse. These conditions are in direct violation of articles 2, 5 and 15 of the CEDAW.

At least two MDWs die every week in Lebanon.¹¹ These cases are often officially listed as “suicides,” without adequate investigation into the actual circumstances of the death. In 2020, Medecins Sans Frontieres (MSF) reported that 42% of migrant women seeking mental health care at their clinics were survivors of physical and/or sexual violence, several of whom were found naked on the street in psychological distress.¹² Media and civil society reports on rates of abuse and exploitation indicate that this is indeed a systemic problem, rather than exceptional practices by a few “bad employers”.¹³

One example of a telling case is that of a young woman from Ghana, who in March 2021 was discovered dead in the car park of her employer’s home in Beirut. There is ample evidence of the victim reaching out to activists and her family in the days leading up to her death, documenting her injuries. She explicitly begged for help from the abuses she suffered at the hands of her employers and recruitment agency, and clearly expresses her fear of being killed. The forensic report indicated that the victim had died from a head injury incurred by “falling from a high place,” and that there were “no marks of physical assault” on her body. The same forensic doctor who examined the victim’s body has been accused of falsifying past forensic reports. In her pleas for help before her death, the victim reported multiple incidents of sexual harassment and assault. Yet, the police dismissed her death as a suicide, and no judicial action has been taken against the perpetrators to date.

Another more recent example is the case of an Ethiopian MDW, who was filmed in January 2022 being dragged and beaten by her employer in the street of Jouret AlBallout district in Lebanon. Hours after the video was circulated on social media, the ISF arrested the employer for a few hours before he was released by the Appellate prosecution. The case was then transferred to the MoL for investigation¹⁴, despite the presence of clear and visible evidence of physical abuse which prompts a criminal investigation, not a labor inspection. This comes in contradiction to paragraph 29

¹¹ Su, Alice. [“Slave labor? Death rate doubles for migrant domestic workers in Lebanon.”](#), 2017.

¹² MSF. [“COVID-19 and Economic Downfall Unveil Migrant Workers' Mental Health Crisis in Lebanon”](#), 2020

¹³ US Department of State. [“2018 Country Reports on Human Rights Practices: Lebanon,”](#) 2018.

¹⁴ Euro-Mediterranean human rights monitor, [Assaulting a domestic worker is shocking but only the tip of the iceberg, Euro-Mediterranean human rights monitor](#), 2022

mentioning efforts to judicial reliance on international law and instruments in cases of domestic violence.

These two cases are among countless others which show a pattern of intentional dismissal of cases of violence against MDWs in Lebanon. Evidence suggests that MDWs are more likely to be criminalized than their perpetrators are likely to be brought to justice, as out of 114 criminal complaints examined by HRW in 2010, not one employer has been prosecuted¹⁵. Therefore, state's efforts highlighted in paragraphs 106 and 107 regarding Female MWs having the right to press criminal charges, and the judicial authorities handing down quick verdicts in cases of abuse, violence, and death remain far from the lived realities of MDWs in Lebanon today.

¹⁵ Human Rights Watch, [Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers.](#), 2010

Access to Justice and political participation

All the information provided so far in this report translates into the state criminalizing the workers for leaving their jobs with few consequences for the employers who exploited them. Such systematic practices are all in direct violation of CEDAW article 15.

Another worrying trend is the deportation of MDWs before their cases are referred to the courts, resulting in an estimate of 91% of cases tried in absentia¹⁶. Additionally, the majority of workers who experience these frequent abuses are often unable to obtain proof or access government reporting mechanisms, even when they are supported by an NGO or migrant community group. This is especially prevalent in cases of wage theft, as in the 230 cases received by ARM in 2020, pursuing legal action often proved to be a lengthy and risky process for MDWs. Therefore, mentioned state efforts in paragraph 13 regarding facilitating access to justice for marginalized groups, and paragraphs 59-61 on improving access to justice for women, are far from being sufficient to address the rampant abuses MDWs face today.

Moreover, as observed by civil society groups, in all cases related to MDWs, the judiciary defers to the GSO thereby “giving the issue of the legality of the worker’s presence in the country precedence over any other consideration, even when the investigation documents multiple violations against the worker, including the non-payment of wages.”¹⁷ This questions state efforts to transform the GSO from a police force, to a social one, as reported by the state in paragraph 76.

In face of a discriminatory and inaccessible legal system, MDWs are also deprived of their right to political participation in breach of Article 7 of the CEDAW. Paragraph 105 confirms that MWs are not allowed to establish their own unions, despite the fact that migrant women constitute 88.2% of domestic workers in Lebanon. The MoL refused to register the Domestic Workers’ Union in 2015, inaugurated as an affiliate of the Federation of Employees’ and Workers’ Trade Unions of Lebanon (FENASOL), and supported by the ILO and local NGOs.

The Lebanese authorities have also repeatedly targeted and deported migrant women for engaging in activism and community organizing. In 2015 and 2016, two Nepali activists were detained, denied access to legal counsel, and deported, despite their possession of valid residency documents. Many of the MW activists involved broke off and started parallel groups,¹⁸ since they were denied organizing under a registered union and could not legally register associations.

MDWs are also systematically excluded, on all levels, from discussions and decision-making processes that involve them. No representatives from the migrant communities or the migrant led

¹⁶ Legal Agenda, International Labor Organization. “The Labyrinth of Justice: Migrant Domestic Workers Before Lebanon’s Courts,” 2020

¹⁷ Ibid

¹⁸ Human Rights Watch. “[Lebanon Deports Domestic Worker Rights Organizer](#),” 2016.

groups were present in the National Steering Committee on Women MDWs. They were also excluded from the lengthy consultations MoL conducted with NGOs for the amendment of the SUC.

To make matters worse, public promises of reform of the domestic work sector were often brought up in the public and official discourse in relation to the Lebanese workforce joining the domestic labor market¹⁹, which further proves that MDWs are often ostracized from the rights discourse and are not always seen as women worthy of rights. Rather, they are considered as an intermediary that takes charge of the household, so that other women, Lebanese women in this case, are able to pursue better work opportunities and greater financial freedoms.

¹⁹ «عمّال النظافة اللبنانيون: «بدينا وقت لنتعود»
”نوار المولوي: جدل واسع حول دعوة زوجة رئيس الوزراء اللبنانيات للخدمة في المنازل

Access to health

Paragraph 104 of the state report mentions a program aimed at ensuring that MDWs have health insurance, including mental health-care coverage. And while proof of health insurance is a prerequisite to obtain and renew a MDW's annual work permit through the MoL, there are significant exceptions to the coverage, and all outpatient needs are typically excluded, as is dental care, sexually transmitted diseases, mental illness, delivery, and injury or death of the MDW due to self-inflicted harm. The abusive structures of the Kafala system detailed in this report severely affect MDWs mental health, and as it pushes many MDWs to become undocumented, it also deprives them of services related to healthcare.

One of the problems is that MoL reportedly does not verify the purchase of insurance nor its authenticity. The other problem is that often, medical insurances are fake and only designed to meet the paperwork requirements related to the renewal of the work permit. ARM and MSF received multiple reports of patients who declared having an insurance policy, yet not being able to benefit from it. Many workers have reported facing issues accessing hospitals, including for emergencies. The reasons mostly include fears of being reported, to the police or to their employers, or refusal by the hospitals to treat them before the funds are ensured. The ministry of health also ostracizes migrants from its free services and medications for the treatment of chronic incurable diseases. All said practices are in violation of article 12 of the CEDAW.

Questions and recommendations

In light of the above, ARM recommends that the CEDAW Committee's list of issues on Lebanon should require the State party to indicate and clarify whether any steps have been taken to:

- Amend the no pregnancy policy mentioned in the MoL's Information Guide for MDWs in Lebanon.
- Curb human trafficking operations (particularly those involving MDWs and persons entering on artist visas mentioned in paragraph 14), asking the state to share available data concerning the rate of prosecution and conviction in cases of trafficking of MDWs.
- Making data available concerning the rate of prosecution and conviction in cases of abuse reported by MDWs, especially in cases of documented abuse or conditions leading up to suicide and death.
- Making data on cases of theft of MDWs' wages available, and clarifying the national strategy to address the rampant cases being reported in this regard.

In order to bring Lebanon into compliance with its commitments to the CEDAW committee and address systemic gender-based discrimination, we offer these recommendations.

1. Abolish Article 7 of the Labor Law, which excludes MDWs and other workers from the provisions of the Lebanese Labor Law, and ensure that the full scope of rights and protections are granted to all workers;
2. Replace the kafala system with just immigration and residency systems that decouple the work permit from the residence permit;
3. Create a standardized, transparent, and accessible state mechanism for MDWs to terminate their contracts legally without the need for their sponsor's permission, and allow for a grace period during which the worker can search for new employment without violating the conditions of her legal residency;
4. Officially consider any household which is a workplace for any contracted employee as a public space that falls within the jurisdiction of the MoL inspectorate and is thereby subject to investigation by the inspectorate upon suspicion of exploitation or abuse;
5. Conduct proper investigations of the frequent abuses and deaths of MDWs, provide remedies for the victims, and ensure accountability for the perpetrators;
6. Ensure that MDW activists are granted protection as Human Rights Defenders;
7. Compile comprehensive data on the situation of MDWs in Lebanon, and include them in national services and emergency assistance programs supporting women;
8. Monitor and put an end to the unethical recruitment practices used to bring MDWs into the country, resulting in numerous cases of human trafficking;
9. Ratify the ILO Domestic Workers Convention, 2011 (C189), concerning decent work for domestic workers.