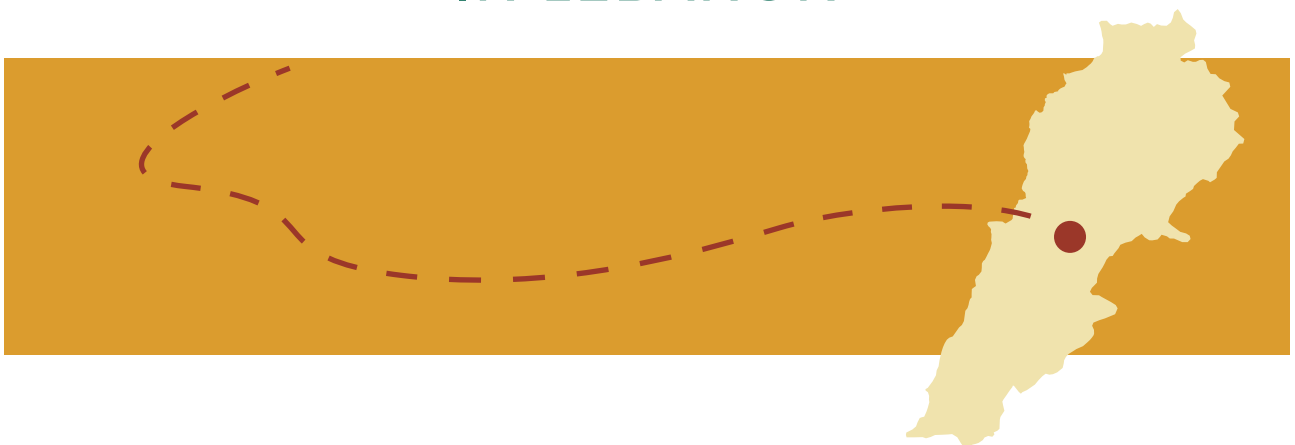




A SEARCH FOR LIVELIHOOD TURNED INTO FORCED LABOUR:

EXPERIENCES OF
KENYAN MIGRANT DOMESTIC WORKERS
IN LEBANON



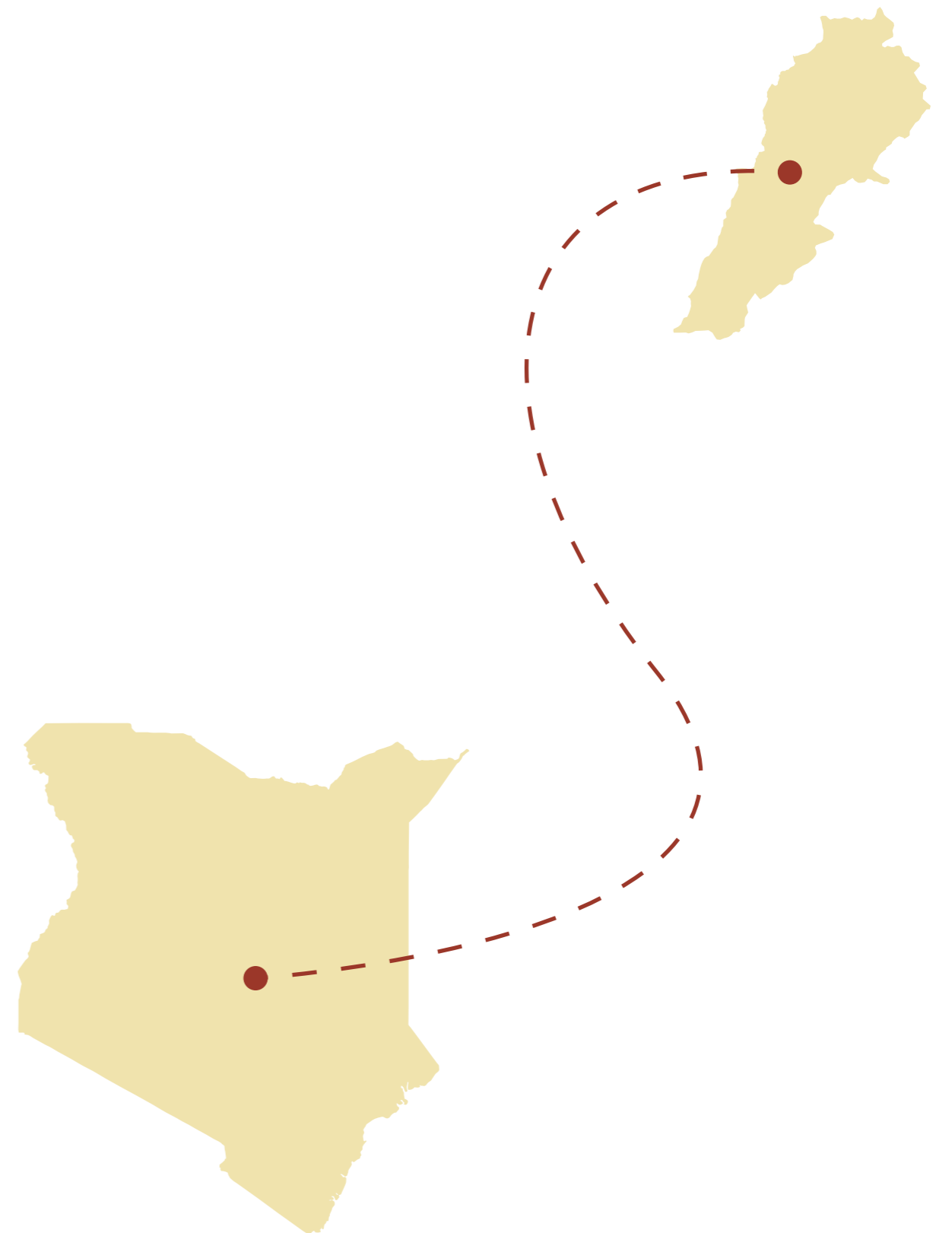


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¹ <https://chttrust-eastafrika.org>



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***“I had big
dreams ...”***

INTRODUCTION

Hundreds of thousands of Migrant Domestic Workers toil in Lebanon, cleaning, cooking, and caring for their employers' children. The majority left home with promises of a job with good conditions and salaries higher than what they would earn in their own country. Instead, many are met with subpar working conditions, unpaid wages and are subjected to verbal, physical, and in some cases sexual abuse. This is due to Lebanon's Kafala system which traps tens of thousands of Migrant Domestic Workers in highly exploitative conditions often amounting to forced labour that even the former labour minister in Lebanon Minister Camille Abousleiman, likened to modern-day slavery.¹

According to the UN, women make up an estimated 76 per cent of all migrant workers and 99 percent of Migrant Domestic Workers who come to Lebanon for employment.² Many of them leave their homes to earn a living for their families and themselves but instead are faced with a journey rife with risks of exploitation and abuse. Amongst those migrants, tens of thousands of Kenyan women leave their country to work in the Middle East as domestic workers each year including to Lebanon.

In recent years, MWA and other organisations have noted a significant increase in cases of abuse.³ With the Lebanese economic crisis and the Covid19 pandemic, the situation has worsened leaving many MDWs in situations of destitution and homelessness or having to resort to harmful ways of surviving.⁴ Indeed, the International Labour Organization warned that migrant workers have been facing conditions that "greatly increase their risk of entering forced or bonded labour".⁵

¹ The Independent, "How migrant workers have become victims of 'modern day slavery' in Lebanon, 02 May 2019, available at: <https://www.independent.co.uk/news/world/middle-east/lebanon-kafala-migrant-workers-labour-minister-camille-abousleiman-a8894056.html>

² UN Women, Migrant Workers Rights in Lebanon: A Gender Perspective, available at: <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2021/06/Migrant-Workers-Rights-are-Womens-Rights-June16-2021-FINAL2.pdf>

³ UN News, Lebanon crisis increase suffering of migrant domestic workers, 25 December 2021, available at: <https://news.un.org/en/story/2021/12/1108332>

⁴ Migrant Workers' Action, Homelessness as a Cause and a Consequence of Contemporary Forms of Slavery, available at: https://mwaction.org/wp-content/uploads/2023/05/Final-Input_-Homelessness-Slavery.pdf

⁵ ILO, Impact of Covid-19 on migrant workers in Lebanon and what employers can do about it, available at: https://www.ilo.org/beirut/media-centre/news/WCMS_741598/lang--en/index.htm

In this report, MWA aims to shed light on the plight of live-in MDWs as the nature of their work renders them vulnerable to further exploitation, abuse, and overall adverse effects on their well-being. Live-in Domestic Workers in Lebanon face additional challenges. Including lack of knowledge of existing support networks, lack of understanding of their legal rights, and language barriers. The majority are confined in the households of their employers and their freedom of movement is restricted. This results in their complete isolation from broader society and therefore in a major gap when it comes to developing policy and programming tackling the Kafala system.

Through interviews with MDWs that have returned to Kenya, the report outlines the challenges faced in their migration journey. At the start of their journey, many Kenyan women who decided to leave were met with deceptive practices by recruitment agencies promising them different roles and salaries. Once in Lebanon, they faced a range of labour and human rights abuses including passport confiscation, wage theft, inadequate living and working conditions, physical and verbal abuse, and in some cases sexual abuse. The report argues that these abuses are facilitated by the Kafala system and in some cases amount to forced labour and modern-day slavery. The lack of labour law protection, and the heightened risks of their rights being violated without any redress, has left many MDWs suffering from a wide range of human rights abuses in a country that normalises impunity.

MWA finds that both the Kenyan and Lebanese governments have failed to address the unscrupulous activities of recruitment agents in both sending and receiving countries as well as the abuses perpetrated by employers. Instead of protecting domestic workers, Lebanon's Kafala system makes them more vulnerable to exploitation and abuse.

BACKGROUND

THE KAFALA SYSTEM

The Kafala system is a loose collection of various legal provisions, administrative regulations, and some customary practices for labour migration in many Arab states, including the Gulf Cooperation Council, Lebanon, and Jordan. However, varying degrees of restrictions exist in each country. Under this scheme, MDWs face highly exploitative working conditions akin to modern-day slavery.⁶ This restrictive migration and labour scheme places the power of entry, exit, employment changes, and other rights, in the hands of sponsors, leaving migrant workers highly vulnerable to exploitation. In Lebanon, MDWs under this system are excluded from Lebanese Labour Laws, thus vulnerable to further exploitation and lack of legal protection from the state. They are denied their freedom of association and many face restrictions on their freedom of movement. This results in many labour obligations being circumvented, such as having decent working conditions and being paid the national minimum wage.

The Kafala system allows for the proliferation of human rights abuses. It promotes a paternalistic relationship between the sponsor and the worker, giving employers a sense of possession and control over the worker. As noted by the Special Rapporteur on Contemporary Forms of Slavery following her visit to Lebanon in 2011 “domestic work began to be perceived as low-paid and became racialized, regarded as work performed by migrants. [...] Consequently, many migrant domestic workers are not seen as equals to the Lebanese with the same rights, but as commodities, thereby further entrenching the idea that Lebanese employers own and have full control over the workers.”⁷ MWA finds that these dynamics perpetuate a system in which the rights of MDWs are not respected. Indeed, MDWs are amongst the least protected workers in Lebanon. Their work is undervalued and is more likely to be

6 See for example: Harvard International Review, “Modern Day Slavery: the Kafala System in Lebanon”, 21 December 2020, available at: <https://hir.harvard.edu/modern-day-slavery-the-kafala-system-in-lebanon/>; <https://www.thinktriangle.net/wp-content/uploads/2020/11/Cleaning-Up-The-Shady-Industries-That-Exploit-Lebanons-Kafala-Workers-1.pdf>

7 A/HRC/21/41/Add.1, para 6-7

unregulated, therefore increasing their vulnerability to abuse and exploitation.

In addition, MDWs who escape abusive households usually do not have their identity papers and find themselves classified as irregular migrants subject to arrest, detention, and deportation as the Kafala system forbids them leaving their employer without permission. This results in many MDWs being treated as criminals rather than as victims.

When the economic crisis hit Lebanon in 2019, this problematic dynamic came to the surface with many employers choosing to shirk their responsibilities and obligations and stop paying the domestic workers in their households. When questioned, many employers indicated a sense of possession over the worker.

A number of human rights bodies have highlighted the concerns related to the Kafala system.⁸ Although often perceived or presented as a labour migration pathway, the Kafala system facilitates a form of state-backed modern slavery with many migrant workers ending up in situations of forced labour. For example, in 2021 the UN Committee on the Elimination of Racial Discrimination raised concerns about the continued discrimination and violence permitted under the Kafala system in Lebanon towards migrant domestic workers. It noted: “the Kafala system was a source of discrimination and violence, and it must be abolished.”⁹ Earlier in 2011, the Special Rapporteur on Contemporary Forms of Slavery carried out a visit to Lebanon and noted the increasing reports of domestic servitude.¹⁰ More recently, following a country visit, the UN Rapporteur on Extreme Poverty and Human Rights also called for the abolition of the Kafala system in Lebanon.¹¹

8 See for example: The Guardian, “UN Calls on Qatar to abolish kafala migrant worker system”, 25 April 2014, available at: <https://www.theguardian.com/global-development/2014/apr/25/un-qatar-abolish-kafala-migrant-worker-system>; Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children, 7 June 2021,

9 Experts of the Committee on the Elimination of Racial Discrimination Ask Lebanon about the Kafala System for Migrant Domestic Workers, the Absence of a Definition of Racial Discrimination, and the Treatment of Refugees., 11 August 2021, available at: <https://www.ohchr.org/en/press-releases/2021/08/experts-committee-elimination-racial-discrimination-ask-lebanon-about-kafala>

10 Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, Addendum : Mission to Lebanon, A/HRC/21/41/Add.1, available at: <https://www.refworld.org/docid/5051cd9d2.html>

11 See: <https://www.ohchr.org/en/statements/2021/11/statement-professor-olivier-de-schutter-united-nations-special-rapporteur>

How many Migrant Domestic Workers in Lebanon?

There are no reliable statistics on the total number of Migrant Domestic Workers currently present in Lebanon. Various estimates have been quoted on the number of MDWs, whether 250,000 or less since the country's economic crisis. Many migrant-led groups have informed MWA that they believe the actual number remains higher than the official estimation. The number used by many organisations and the government is an estimate ranging between 200,000 and 250,000. Post-Covid19 pandemic and the financial crisis that hit the country, it is believed that the overall number of migrant domestic workers entering Lebanon has significantly decreased. For example, the IOM's Migrant Presence Monitoring (MPM) in 2022 has found that there were 135,420 migrants present in Lebanon at the time.¹² However, in 2023, following a steady decline during the Covid19 years, numbers of arrivals have been reported to increase with the latest IOM MPM for 2023 found that there were 160,738 migrant workers present, suggesting an 18% increase compared to the numbers recorded in 2022.¹³ However, it is important to note that there are many workers who live isolated in private households and others who are undocumented and generally remain excluded from statistics.

In what was considered a step towards reforming the Kafala system, the Lebanese government issued the Standard Unified Contract, which entered into force in 2009, serving as a contractual basis between all migrant domestic workers and their employers. The contract includes provisions which recognise the right of the worker to be paid monthly, to have eight consecutive hours of rest each night, and a day of rest each week. In addition, the Standard Unified Contract also stipulates that a worker can unilaterally terminate the contract if the employer is in breach of contract for the following reasons: 1) non-payment, or underpayment, of wages for three consecutive months 2) physical or sexual abuse or

¹² IOM Migrant Presence Monitoring 2022, Lebanon Baseline Assessment 2: <https://dtm.iom.int/reports/lebanon-baseline-assessment-round-2>

¹³ IOM Migrant Presence Monitoring 2023, Lebanon Baseline Assessment 3: <https://dtm.iom.int/reports/lebanon-baseline-assessment-round-3>

harassment 3) employment in another capacity other than that for which she was recruited for 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.

Despite this effort being hailed as a step in the right direction, these provisions remain rarely respected to this day. In addition, due to the lack of any credible enforcement mechanism, there are little to no legal resources for MDWs in case of violations of the contract and a general climate of impunity for exploitation or crimes committed against MDWs prevails.¹⁴

THE KENYAN CONTEXT

The Kenyan Government has been encouraging labour migration to other countries including the Middle East as a way to address the rising youth unemployment which stood at 34.1% in 2021.¹⁵ Kenyan migrants, both skilled and unskilled, have been leaving their country in search of better opportunities. Indeed, according to the Central Bank of Kenya statistics, formal remittances from the Kenyan diaspora account for 2.98% of the country's GDP.¹⁶ According to the Kenyan government's own statistics, Kenyan migrant workers predominantly go to Saudi Arabia, Qatar, and the UAE. More than half of Kenyans employed in the Middle East have been reported to be domestic workers.¹⁷

Lebanon as a destination country does not feature much in Kenyan media or on government websites. However, the situation in Lebanon received some attention during the Covid19 crisis and the Beirut port explosion in 2020 when many Kenyan migrant domestic workers demonstrated on the streets in front of their consulate asking for their government to help them return home.¹⁸ MWA has seen a steady increase of Kenyan MDWs contacting us over

¹⁴ HRW, Lebanon: New Safeguards for Migrant Domestic Workers, 2020, available at: [https://www.hrw.org/news/2020/09/18/lebanon-new-safeguards-migrant-domestic-workers#:~:text=\(Beirut\)%20%E2%80%93%20The%20new%20standard.accompanied%20by%20a%20stringent%20enforcement](https://www.hrw.org/news/2020/09/18/lebanon-new-safeguards-migrant-domestic-workers#:~:text=(Beirut)%20%E2%80%93%20The%20new%20standard.accompanied%20by%20a%20stringent%20enforcement)

¹⁵ Kenya National Bureau of statistics Economic survey 2021

¹⁶ See Republic of Kenya, Kenya Diaspora policy (June 2014), available at: p.ii

¹⁷ See “Seeking a decent life for domestic workers”, The Daily Nation, July 16 2020, available at: <https://nation.africa/kenya/news/gender/seeking-a-decent-life-for-domestic-workers-1839400>

¹⁸ CNN, “Kenyan women protest outside Beirut consulate demanding to be repatriated”, 13 August 2020, available at: <https://edition.cnn.com/2020/08/13/middleeast/kenya-protesters-lebanon-consulate-as-equals-intl/index.html>

the last year. Our partner organisations have reported a similar increase.¹⁹ The IOM monitoring data noted the presence of 1,400 Kenyans in Lebanon²⁰ and in its 2023 MPM has noted an increase of Kenyan migrants.²¹ However, the Kenyan embassy in Kuwait who oversees the consular operations in Lebanon informed a partner organisation that there were at least 4,000 Kenyans in 2022²² and the Ministry of Labour reported issuing 9780 permits for Kenyan citizens in 2022.²³ In 2023, General Security reported that between 17 July to 15 August 2023, 987 Kenyan migrants entered the country.²⁴ Generally, civil society organisations in Lebanon believe that the data on migrant workers is often grossly underestimated, as many of the live-ins and undocumented migrants are unaccounted for. Whilst the number of Kenyans in Lebanon is significantly lower than those in Gulf Countries, the issues remain the same and are indicative of the wider pattern of abuse that is permitted under the Kafala system.

Various groups in Lebanon and in Kenya have repeatedly raised their concerns about the treatment of MDWs in Lebanon and other Kafala countries. Kenyan civil society has called for their government to investigate cases of deaths and abuse of Kenyan migrants in Gulf Countries. Indeed, in many instances the deaths of MDWs abroad remain invisible. The report on Labour Migration by the Standing Committee on Labour and Social Welfare noted that *“it is needless to say that in the last three years, with the rising numbers of Kenyans leaving the country for domestic jobs in the Middle East, there has been a corresponding increase of calls by those alleging torture and mistreatment by their employers”*.²⁵ The report also notes the Ministry of Labour’s report on the death of at least 93 Kenyans living in Saudi Arabia under the Kafala system. In addition, Kenyan media has often reported on this issue. The Kenyan Parliament through the Labour and Social Welfare

19 Interview with civil society organisations in Lebanon

20 IOM, Migrant Presence Monitoring - Round 2, 2022, available at: https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/MPM%20Report_R2%20Revised.pdf

21 IOM, Migrant Presence Monitoring, 2023, available at: <https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/MPM%20report%202023.pdf>

22 Interview with international organisation, October 2022

23 Document from the Ministry of Labour, on file with MWA

24 See: <https://www.general-security.gov.lb/uploads/articles/17120.pdf>

25 Labour Committee Report on Labour Migration, Senate Study Visit to the Middle East and Implications, October 2021, available at: <http://www.parliament.go.ke/sites/default/files/2022-04/Labour%20Committee%20Report%20on%20Labour%20Migration.pdf>

Committee found that there were insufficient laws and regulations to protect Kenyan citizens abroad.²⁶

Over the years, the Kenyan government has instituted various measures to increase the protection of MDWs. For instance, the Kenyan Employment Act of 2007 requires the attestation of contracts. In addition, Section 84 stipulates that:

A foreign contract of service shall not be attested unless the labour officer is satisfied:

- (a) That the consent of the employee to the contract has been obtained;
- (b) of the absence of any fraud, coercion or undue influence, and any mistake of fact, or misrepresentation which might have induced the employee to enter into the contract;
- (c) that the contract is in the prescribed form;
- (d) that the terms and conditions of employment contained in the contract comply with the provisions of this Act and have been understood by the employee;
- (e) that the employee is medically fit for the performance of his duties under the contract; and
- (f) that the employee is not bound to serve under any other contract of service during the period provided in the foreign contract.²⁷

The National Employment Authority Act of 2016 is responsible for the regulation of private employment agencies that oversee the recruitment of Kenyans for foreign employment.²⁸ Their responsibilities include the registration and renewal of licence, inspections safeguarding of workers, provisions for pre-departure training, and maintaining a database of Kenyans working abroad. Another law, the Labour Institutions Act of 2007 even includes a provision requiring recruitment agencies to have a “guarantee of one million five hundred thousand shillings with a reputable

26 Ibid.

27 Employment Act, 2007, available at: https://nea.go.ke/web/wp-content/uploads/2021/05/kenya_employment_act_2007.pdf

28 National Employment Authority Act no3 of 2016, available at: <https://nea.go.ke/web/wp-content/uploads/2021/05/National-Employment-Authority-Act3of2016.pdf>

bank or insurance agency in Kenya, to be used for the purpose of repatriation, paying wages and other entitlements in the event of default by the agent or the employer”.²⁹

In 2022, the government created a State Department for Diaspora Affairs to investigate issues of Kenyans abroad.³⁰ In 2023, a proposal for the Kenyan Migrant Worker Welfare Fund was circulated with the aim of providing assistance and support to migrant workers facing difficulties abroad.³¹ In addition, the Labour Migration Bill was approved in 2023 by the cabinet and waiting to be discussed in the senate house.³² The purpose of this bill is to centralise all initiatives regulating labour migration.

However, based on the interviews carried out by MWA, the majority of these measures such as pre-departure trainings, certification of contracts, and the use of a security bond that can be used to repatriate Kenyan workers in situations of distress³³ have yet to be implemented and have often failed to lead to the protection of Kenyans abroad, and more specifically MDWs in countries where the Kafala system is implemented.³⁴

The exploitation of Kenyan migrant workers, including MDWs is no secret. Kenyan as well as international media have routinely published stories of horrific abuses. However, despite this coverage, and the various measures taken by the Kenyan government to reduce the risk of exploitation by those leaving to Lebanon and other countries in the region, one major gap remains: labour protections do not apply to those under the Kafala system, and there are no adequate support services or effective complaint mechanisms for abused workers.

In addition, in Kenya, measures are not always enforced and have so far failed to lead to significant change. The Kenyan

29 The Labour Institution Act (no 12 of 2007) 3 (h), available at: https://nea.go.ke/web/wp-content/uploads/2021/05/Legal-notice_No.110-of_2016.pdf

30 See: <https://mfa.go.ke/executive-summary-diaspora-affairs/#:~:text=The%20newly%20created%20State%20Department,Kenyan%20economy%20and%20social%20fabric>

31 See Kenya Diaspora Workers Now Face Mandatory Welfare Levy, 08 September 2023, available at: <https://www.businessdailyafrica.com/bd/economy/kenya-diaspora-workers-now-face-mandatory-welfare-levy--4361970>

32 Senate Bills 2023, The Labour Migration Management Bill, available at: <http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2023/LabourMigrationManagementBill2023.pdf>

33 See The Labour Institution Act, available at: http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/2016/110-Labour_Institutions_Act_Private_Employment_Agencies_Regulations_2016.pdf

34 See for example, ISS, Kenya's reforms aren't protecting its people from trafficking, available at: <https://reliefweb.int/report/kenya/kenya-s-reforms-aren-t-protecting-its-people-trafficking>

Parliament's Labour and Social Welfare Committee found that the laws and regulations to protect the welfare of Kenyan migrants to be insufficient.³⁵ Yet, with Kenya grappling with high rates of unemployment, particularly amongst the youth, it is likely that the government will continue to encourage migration to other countries. In 2023, the Kenyan president has planned to sign several new bilateral agreements with countries receiving migrant workers.³⁶ This drive to sign ten bilateral labour agreements including with countries who operate with the Kafala system, has raised concerns. These developments are concerning as these agreements continue to lack adequate protection for migrant workers. In June 2023, rights groups jointly filed a case against the Kenyan government noting its failure to protect its citizens abroad. In the submitted case, the organisations and workers claim that the Kenyan government neglected to investigate the many cases of abuse and death of its own citizens.

METHODOLOGY

Migrant Workers' Action carried out over 52 interviews with Migrant Domestic Workers who were in Lebanon between the period of 2014 and 2022. All interviews took place in Nairobi, Kenya with the support of our local partner CHTEA. MWA also carried out interviews with partner organisations in Kenya and in Lebanon who have provided support to Kenyan MDWs and work on labour and human rights of migrant domestic workers. In addition, MWA has used its own work with migrant-led groups in Lebanon to serve as contextual background and to corroborate the patterns highlighted from the interviews. MWA has also included more recent cases of Kenyans who were in Lebanon in 2023.

The interviews were conducted in English or Swahili with the use of an interpreter. MWA chose to carry out the interviews in Kenya as it allowed MWA to document the impact of their time in Lebanon and their return to Kenya and to carry out interviews in a safe space


35 Labour Committee Report on Labour Migration, Senate Study Visit to the Middle East and Implications, October 2021, available at: <http://www.parliament.go.ke/sites/default/files/2022-04/Labour%20Committee%20Report%20on%20Labour%20Migration.pdf>

36 <https://www.citizen.digital/news/ruto-ill-sign-new-labour-pacts-to-send-more-kenyans-abroad-n318974> ; <https://www.voaafrica.com/a/kenya-signs-international-labor-agreements/7118527.html>

without fear of repercussions. Most of the women interviewed had worked in more than one household during their time in Lebanon. At least half of those interviewed returned to Kenya following the Beirut port explosion in August 2020. This report uses pseudonyms for all workers and withholds names for all other individuals in the report who requested anonymity in the interest of their privacy.

As set out in its core values, MWA believes in the importance of an intersectional approach. This research was carried out through this lens, in order to recognise and highlight how different forms of abuse and discrimination are perpetrated against MDWs. As noted by the ILO, such discrimination is a root factor of forced labour.

This report is part of MWA's "In Focus" research series, which takes an in depth look at the journey of MDWs from key sending countries to Lebanon. This report documents the journey of Kenyan MDWs. It is based on 65 interviews, including with 52 Kenyan domestic workers who returned from Lebanon after migrating there for work under the Kafala system. These interviews do not quantify the precise scale of abuses, but demonstrate a clear pattern of exploitation and abuse at the hands of recruiters and employers.



"... I had heard that Lebanon was a good country."

THE JOURNEY FROM KENYA TO LEBANON: MISINFORMATION AND DECEPTION

"I had big dreams and I had heard that Lebanon was a good country. I knew I would be able to take care of my children".

The poverty, the scarcity of decent employment and opportunities at home were the main drivers that pushed the interviewed women to leave Kenya and go to Lebanon. Out of 52 women interviewed, 50 were mothers, and 48 were single mothers, looking for opportunities to provide for their children. Prior to Lebanon, some had already been to Saudi Arabia or the United Arab Emirates. The absence of social protections are also factors in driving Kenyan women to leave their country in search of better opportunities.

Their choice to migrate to work was dictated by the fact that they were the primary breadwinners of their household. Generally, their decisions to leave was also heavily influenced by the lack of opportunities and pressure from family members.

For example, Jane, a mother of five children, told MWA about her situation after her husband left her when she was 8 months pregnant and she had her other children to take care of. She described how she came to the decision to leave: *"It's hard. You struggle to feed your family. You see girls going abroad and coming back with a lot of money, so I thought it's better to go abroad."* Many interviewees told MWA that they were hoping to make enough money to start a business or build a house, and pay for their children's education. In some cases, they had left to be able to pay for the care of sick family members.

Priscilla, a single mother of two, told MWA: *"I was desperate in 2014 when I decided to go work abroad. I had small children and*

I wanted to raise them well. So, when a friend of my aunt told me about the idea of becoming a migrant worker, I was excited and jumped at the idea.”

The migration journey leads to some successful outcomes but is also fraught with risks. Our findings have shown that the journey from recruitment to arrival is full of misinformation and deception. MWA’s interviews with MDWs have shown that the Kenyan private recruitment agencies and brokers operated in a way that misinformed and deceived women through promises of decent working conditions, promises of different roles, and through contract substitutions.

PRIVATE RECRUITMENT AGENCIES AND FALSE PROMISES

Private recruitment agencies in Kenya play a crucial role in linking employees with their employers in their destination country. They assist with contract drafting, issuing relevant documentation and other pre-departure tasks. The demand for labour coupled with the increasing demand for migration, has led to a surge in the number of recruitment agencies.³⁷ Kenyan recruitment agencies generate income from the fee charges to clients in destination countries – which are often the employers or local recruitment agencies. Interviewees indicated that agents or brokers were getting paid between 1,000-2,000 USD per person. Recruitment agencies in Kenya very seldom charge prospective MDWs recruitment fees. However, MDWs were not aware that very often the first 3 months of their salaries were going to be deducted by their agents in Lebanon to pay for the fees incurred.

A few of the women interviewed used recruitment agencies with known names and offices, however the majority reported using brokers as middlemen who are difficult to trace and are poorly regulated. These were individuals that they would meet through friends or relatives, or who were themselves family members. Unlike licensed recruitment agencies, these brokers lack the proper

37 ENACTAfrica.org. “The New Slavery: Kenyan Workers in the Middle East.” ENACT Africa, June 30, 2020. <https://enactafrica.org/research/policy-briefs/the-new-slavery-kenyan-workers-in-the-middle-east>.

licensing to help the workers effectively or legally in their transition and end up exploiting the women. The brokers would promise decent working conditions and, in some cases, promised a different role and salary.

Once the decision to leave is made, the broker or agent carries out all the necessary procedures including issuing a passport and all the necessary medical checks. The majority of MDWs reported that once they agreed with an agent or broker, the process to issue the right documentation happened very quickly. They were often given their visa and flight tickets only a day or two before flying out to Lebanon leaving them little time to prepare or find out more about the role they were getting.

DECEPTIVE CONTRACTS AND WORKING CONDITIONS

The majority of respondents were given their contract at the airport or a day or two before leaving. Those who signed a contract in Kenya, reported being given a different contract in Lebanon, which stipulated different terms, including a different salary, working hours, and sometimes role. Some received it in Arabic, whilst others received it in English. In a lot of these cases the contract received and signed was in Arabic and they were not given a copy making it difficult to establish whether the terms were different than the one signed in Kenya.

The practice in Kenya and in Lebanon indicates that it goes against the principles outlined by the ILO. The ILO Guidance 7.1 recommends ensuring that workers receive employment contracts in their own language and in good time.³⁸ In addition, Principle 8, calls on states to implement “*measures to prevent contract substitution*”.³⁹ As our interviews have indicated the opposite has happened a number of times to women who signed one contract in Kenya but were made to sign other contracts in Lebanon stipulating different conditions and salaries.

38 ILO, General Principles and operational guidelines for fair recruitment fees and Definition of recruitment fees and related costs, Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms

39 Ibid

One woman shared her experience *“I was given a contract in English in Kenya. But in Lebanon it was in Arabic. My contract in Kenya said I would have one day off and get paid 200 USD every month.”*

Despite efforts by the Kenyan government to require the certification of all contracts by the Ministry of Labour, the majority of workers had not heard nor been told about this requirement.

Many MDWs interviewed told us about the misinformation related to their travels and destination country. One woman told MWA “I signed a contract for Qatar to be a domestic worker. Before signing, I saw Lebanon in the document. The agent then changed it to Qatar. But I ended up in Qatar for two days. I was picked up at the airport, and then taken to an office where a lady told me to wait for my sponsor and that I will be travelling to Lebanon with her. That was not my plan at all.”

Similarly, Maureen, a 33-year-old single mother of four, thought she was going to Qatar. However, the agent informed her at the last minute that she would be going to Lebanon. “I was told on Friday that my visa was ready, and that I was travelling on Monday. I came to pick up my visa on Friday, and when I read it I saw my destination. I asked [about it], and she [the agent] told me I had no option. I didn’t know anything about Lebanon. That evening I went on Google and looked up Lebanon. Deep inside I was afraid. But I have a twin sister who is sick and needs money and I have four kids to support, so I had no option. The agent told me I would be paid 35,000 KES (350 USD). But when I arrived in Lebanon, I signed a contract in Arabic with a 250 USD pay.”

MDWs told MWA that agents and brokers deceived prospective migrant workers about the nature and the condition of their work. Many were made promises of great working conditions and higher salaries. Some MDWs told MWA that the agent or broker told them they would work eight-hour days and be paid overtime as well as have their weekends off. Others were promised that they would have their yearly ticket paid to go visit their family. During a focus group discussion, the migrant women reported being promised good working conditions and salaries but once in Lebanon found

the situation to be drastically different to their expectations. For example, one woman said: “My contract promised to have every Sunday off and to receive payments at the end of the month. I am supposed to work only for 8 hours.”

Similarly, some women were misinformed about the nature or extent of their responsibilities. For example, one woman told MWA that the broker had told her she would be looking after one child. However, when she arrived in Lebanon, she found out it would be three children, one of which had special needs. In addition, she signed a contract stating that her salary would be 300 USD but was paid 250 USD instead. Another woman shared: “I was deceived by the agent and signed a contract for 300 USD. I was told I was going to be a domestic worker. I spoke to my sponsor from here and she lied to me about the number of children, house chores. She had more children and wanted me to do so much more house chores including watering all her garden, feeding goats. I was paid 250 USD.”

In more extreme cases, they were told that they would be doing completely different work.

For example, Sara describes:

I was told I was going to get paid 250 USD and that I was going to be a cleaner in a hotel, and in a school. I was going to work for a cleaning company. [...] but instead, I was taken to a house. We went there and I met two women there. I was shocked. I asked the agent at the gate. Why are you bringing me to a compound of somebody and not to a company? He said it’s better for you to work while you’re waiting for the boss to come from the USA. I cooled myself down. I went to the house. The old woman counted a lot of dollars and gave it to the agent. I followed her, she told me this is your clothes, your winter clothes, your room etc. First week I was patient. But I was not happy I was not meant to be a housemaid.

In another similar case, Alice was connected to a broker in June 2021. After finalising her paperwork, she was informed that she would be working for a company in Lebanon as a cleaner in hotels,

and schools and get paid 250 USD. She describes her surprise as she was taken to a private household after her arrival in Lebanon:

He took me to a house. He told me to be kind, 'don't steal anything, and be a good lady'. I asked him – 'What is happening? The Lebanese agent told me I would be working for this family.' In the coming weeks, instead of working in the company I worked as a housemaid in the Madame's house, her sister's, and her aunt's. I was sleeping at midnight and waking up at 5am. I was only given expired food. And I was not paid.

Another similar situation happened to Remmy, 34. She tells MWA:

I was given my passport at the (Kenyan) airport together with the contract. I did not read the contract because I do not know how to read. I was told I would be paid 200 000 KHS (200 USD) for a cleaning job at a hotel. At the airport in Lebanon, I was picked up by a lady who took me to her house. Once there, I was told I would be working as a house manager. I continued to ask about the job I was promised, and I was told that there would be no other job. I decided to just work to avoid any trouble.

Remmy stayed in that house for two months and ended up leaving after the employer began making sexual advances and eventually raped her.

In a FDG with 9 women, MWA documented 6 women who were deceived in the process of recruitment. They were promised roles as receptionists in offices, supermarkets, cleaners in offices, or work in hotels. One woman who wanted to work in the hospitality industry as she had carried out her studies in this field was promised a job in a hotel with a 450 USD salary per month. She told MWA "At the airport, they took my phone and my passport, and I ended up working in a private household where I was paid 250 USD for the first 6 months but didn't receive any wages for the last 6 months after which I escaped". Another woman signed a contract as a driver with a 350 USD salary and headed to Lebanon in 2019. However, she reported being really shocked when being told she would be a domestic worker and get paid less. She reported that her phone and

passport were taken away and she suffered physical abuse which resulted in her losing her hearing in her left ear.

These deceptive measures carried out by recruitment agents and brokers both in Kenya and Lebanon amplify the risk of exploitation. Domestic workers are left isolated with no knowledge of their rights, and with little to no negotiating powers.

MWA believes that some of these cases of deception during the recruitment process may amount to human trafficking into situations of forced labour. As a reminder, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking as:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In addition, the Committee of Experts on the Application of Conventions and Recommendations of the ILO (CEACR)¹¹ noted that:

Another important element of the definition of trafficking in persons in the Palermo Protocol, from the point of view of the application of Convention No. 29, is the means of coercion used against an individual, which include the threat or use of force, abduction, fraud, deception, the abuse of power or a position of vulnerability, etc., which exclude voluntary offer or consent of the victim. With regard to the latter, the Palermo

Protocol contains a qualifying provision that **the consent of a victim of trafficking to the intended exploitation shall be irrelevant** where any of the above mentioned means have been used.⁴⁰

MWA believes that in some of these cases the level of deceit and exploitation faced by the women amounts to human trafficking.

“I was desperate in 2014 when I decided to go work abroad.”



“... I was excited and jumped at the idea.”

⁴⁰ Emphasis added

ONCE IN LEBANON: CONDITIONS WHICH AMOUNT TO FORCED LABOUR

“In Lebanon, even sitting down is haram”⁴¹

Once in Lebanon, Kenyan domestic workers faced a range of abuses and forms of exploitation. The accounts gathered by MWA revealed a wide range of labour and human rights abuses suffered by all interviewed MDWs. These include passport confiscation, excessive working hours, restrictions on freedom of movement, food deprivation, lack of rest days, underpaid or unpaid wages, substandard living conditions, and verbal abuse. In some cases, MDWs also reported facing physical and sexual abuse. The majority of interviewees reported feeling both physical and mental exhaustion. Many of the women were left with no choice but to escape the houses of their employers after living in situations that amounted to forced labour.

MWA believes that the patterns of abuse highlighted in most interviews reveal that these circumstances amount to forced labour.

It should be highlighted that a couple of the women interviewed had positive experiences in Lebanon. They shared accounts of being fully paid, having a good relationship with their employers, and one of them was able to take yearly holidays to see her family. However, in the sample of this report, or in the broader population, this remains a rare instance.

⁴¹ Meaning forbidden in this context.

EXCESSIVE HOURS OF WORK WITH NO REST

All the MDWs interviewed for this research reported having to work for excessively long periods ranging from 14 to 21 hours per day. About 80% reported being denied a rest day. For those who were allowed a rest day, it was because their employer was leaving the house.

A typical day for a domestic worker in Lebanon often was representative of this one testimony:

I would wake up at 5am in the morning. Clean the dishes, the tables, chairs, dust everything including all their decorations and sculptures, clean the floor, clean the doors and windows. I had to move the table, which was very heavy, fold the carpets, start Hoovering under the carpet and furniture, and clean the rooms. Then everyday their sons would come with their wives, I would have to clean the dishes, prepare the Shisha, everything would finish at 10:30pm. I was only given breakfast at 11 or 12 am, and that was just some Khebbez (Arabic flatbread) and tea without anything.

Damaris ended up fainting from being overworked after one month of working there.

Similarly, Rose told MWA: *“My employers lived in a village. Husband, wife and three kids. The salary was 200 USD and they expected me to serve them all. I was sleeping at 2 am and had to be up at 6 am because of the small children.”*

Rest is a fundamental human right under the International Covenant for Economic, Social and Cultural Rights (ICESCR), yet Lebanese employers treat it as a privilege. This is also in contravention of the Lebanese Standard Unified Contract, which provides for a day off and restricts the maximum number of working hours to 10h per day.

Many workers described excessive work demands. MWA documented cases in which MDWs were forced to work in multiple houses as well as on farms. Some reported being taken out of the city to work on their employers' farms or fields to pick fruit and dig

the earth. In one FDG, 8 out of 13 women reported having to work in households other than their main employers and in farms picking fruit and vegetables. One MDW during her job in a second home, explained how her employer took her to her friend's house as well as her mother's house. This was additional labour that was not paid.

Mental harm and suffering as well as high levels of stress were reported by all the interviewed MDWs. The excessive working hours led many to develop acute or chronic health concerns.

Jane told MWA: *“The house was too big, the work was too much. After four months, I was very sick. It was just me doing all this work. I only slept for two hours. I worked 22 hours. My legs were swollen. I couldn't bend down; I couldn't do anything.”*

UNDERPAID AND UNPAID WAGES

Wage abuse was the number one reported concern by respondents. The majority did not receive their full wages for the duration of their employment. In most instances, MDWs received their salaries for a small proportion of the time they worked. This trend became more prominent in the years following the financial crisis that hit the country when many employers stopped paying their MDWs. In one focus group, only one out of the 13 respondents was paid in full. Out of all the women interviewed 40 were underpaid or had entire months of unpaid salaries. This also extended to MDWs who escaped their abusive employers and resorted to freelance work (which often included working for businesses). Many freelancers reported working and not being paid at the end. Employers and business owners would threaten to report them to the police whenever they requested to get paid as freelancers were considered “irregular” migrants due to their residency status being tied to their sponsor and they risked being detained and deported.

The average salary of a migrant domestic worker is 250 USD per month whilst the minimum wage in Lebanon (pre-economic crisis) was 450 USD. However, many were paid 200 or 150 USD per month if at all. As previously mentioned, several women were promised higher salaries ranging from 300 to 450 USD. The underpayment and unpaid wages was the number one reason

leading MDWs to attempt or escape the house of their employer. However, fleeing these abusive conditions meant that they would forfeit their withheld wages. This issue was highlighted following the Covid19 pandemic and the Beirut Port explosion when many employers abandoned the MDWs who were left with no choice but to attempt to return home without their rightfully earned wages.

This is not a new phenomenon; wage abuse is common under the Kafala system and has been documented by many organisations over the years despite provisions in the Standard Unified Contract outlining the employer's obligation to pay the worker's salary in full and keep a receipt of payment signed by both parties. However, since the economic crisis in the country, cases of wage theft have significantly increased.⁴²

ILO Convention No.95 on the Protection of Wages, which is ratified by Lebanon, specifies that wages should be paid directly and regularly to workers. However, many MDWs reported that their employers withheld their salaries to ensure that they didn't leave or under the guise of "keeping it safe for them". For example, Anne told MWA:

My sponsor told me she will send the money directly to my family. But they never received anything. I was only given 100 USD for three months, and my salary was 250 USD."

In a similar case, Alice was not paid for 6 months. After the 6th month, her employer threw her out on the streets, she recounts: "She told me don't ask me about money [...] every time, every time... you are eating... I never asked you to buy anything in this house. Go there and f*ck yourself. She threw me outside of the house. She took all [...] clothes. She gave me 200 USD – out of 6 months. One of the 100 USD was original and another fake [I took a picture]. She left me outside and left with her car. It was wintertime and it was cold and raining. I stayed there until I found a taxi, who took the 50 USD.

⁴² See for example: Amnesty International, "Their House is my Prison: Exploitation of Migrant Domestic Workers in Lebanon", 2019, p 17-18, available at: <https://www.amnesty.org/en/documents/mde18/0022/2019/en/>; The New Humanitarian, "Few Rights, low pay for 200,000 migrant domestic workers, 22 June 2008, available at: <https://www.thenewhumanitarian.org/report/78865/lebanon-few-rights-low-pay-200000-migrant-domestic-workers>

When the Covid19 pandemic hit at the same time as the economic crisis, many Lebanese employers were unable to continue paying the MDWs but expected them to continue working. Miriam, who had a good relationship with her employers shared with MWA "My employer was very good. I was paid on time, but Covid brought a lot of strains, and they owed up. They owed me 550 USD which they have not paid me to date."

Mary, a divorced mother of two, went to Lebanon after being encouraged by her aunt who was a broker. She was only 19 at the time and left her very young child with her family. She was told by her aunt that she would be earning 250 USD. However, she was paid 200 USD at first and it was further decreased to 180 USD. Mary's employers only paid her monthly for the first three months of her employment. They later withheld her wages for three months – telling her that they would give it to her at the end of her contract.

Another pattern noted by MWA is the role recruitment agents play in Lebanon in withholding salaries. In some cases, MDWs asked to return to the agents' office when the conditions of work were not suitable or when the employers did not like them. Once they were in the office and asked to be paid for the time worked (often 1 to 3 months) the agents would refuse to do so. Elizabeth told MWA "I went to my sponsors and stayed for a month. The lady at the house was very harsh. I told her I wanted to go and see my agent. She took me after a while. She paid my salary to the agent. The agent refused to pay it to me and said that it was for the expenses incurred". Another MDW said she was not paid for 9 months: "The employer told me she would not pay me for two months as she had already paid for me to be here. She said she would start sending money home after three months and she would pay 200 USD. She eventually chased me away from the house with my clothes after I told her to pay me my money. She locked her house and left".

SEXUAL VIOLENCE

Of the 52 women interviewed, 8 reported being raped by their employer or their agent and a few others reported being sexually harassed. Harassment included unwanted sexual advances,

unwanted fondling, and offers to pay money in exchange for sex. Others may have been subjected to sexual abuse but were unwilling to speak about it. It is likely that the number is higher due to the stigma around speaking of sexual abuse.

Modern slavery and trafficking increase the risk of sexual violence faced by women.

The majority of the women interviewed reported being subjected to various dehumanising abuses such as sexual violence, physical abuse, and verbal abuse with racial undertones. In addition, stereotypes and fetishization put women at further risk of ill-treatment and sexual violence. The isolation of live-in MDWs and the lack of protection they have under Lebanese law puts them at higher risk of both physical and sexual violence. A study conducted by migrant-led group Eгна Legna Besidet and the Institute for Migration Studies at the Lebanese American University, found that over two thirds of female migrant workers in Lebanon are survivors of sexual harassment with the majority of perpetrators being male employers in private households.⁴³ More importantly, the study presented findings on the intersection across race and violence with “ill-treatment, fetishization, and violence” faced by different groups.

This finding was echoed in MWA’s research. Many of the women interviewed expressed a link between their race and the abuses they faced, particularly sexual violence.

In some cases, employers made it seem that sexual acts were part of the job requirements. For example, Hannah, describes to MWA “*I was picked up by the driver, and he took me straight to the house. I was shown my room and explained my role in the house. I was told that my work would be cleaning, having oral sex with the man of the house who was sick, and working in the daughter and son’s home.*”

Similarly, Roxanne, a mother of four from Mombasa told MWA: “*The employer started to make sexual advances towards me. He raped me and said that sleeping with him was one of the descriptions of my employment terms. He raped me continuously and I became*

pregnant. The mister then said that I was not a good worker and told his wife he wanted to get rid of me immediately. He would also beat me up and lock me up. After I fell pregnant, he paid for my air ticket, and I came back to Kenya. In the end I was never paid for all those months I worked (9 months). I came back to Kenya and did not have any money and I was pregnant.”

In 2023, MWA documented the case of a Kenyan migrant worker who was raped by her employer. Z.M. told MWA that her employer at the time came to her room several times. She responded by shouting and pushing him away. She adds “*When it is only Louis and me at home, he takes off his clothes and walks around naked. Then around 11 pm he comes to my room asking for sex.*” Z.M. disclosed that the employers forced her to work in multiple homes, physically abused her on multiple occasions and that she was subject to sexual abuse and harassment, which led her to flee for her own safety. She described how her employers confiscated her phone and limited and monitored her calls with her family.

One mother of 4 reported being raped by the janitor in her employer’s home. “*The man who opened the gate would come to operate the laundry machine. [Her room was in the laundry room, where she would sleep on a mattress]. Whenever he would come, he would try to assault me. He tried a lot for 5 months. The Madame thought I was seducing him and was getting mad at me. He would come whenever I was taking a shower, I was naked and he would rape me. It was very painful.*” She ended up being returned to her agent’s office after refusing to work. She eventually escaped and had to resort to commercial sex work where she also got raped by a group of men. She adds “*I got pregnant from it. My 5th baby, I don’t know his dad.*”

Some MDWs also reported being sexually abused by the Lebanese recruitment agents.

M. disclosed that as soon as she got to Lebanon she was taken to her agent’s office “*I went from the firepan to the fire. We were not given food or water – just Arabic bread and salty water. If we wanted fresh water, we would have to perform oral sex on the agent. He took me to the office. I stayed there for a while. We*

⁴³ <https://respect.international/wp-content/uploads/2022/11/Acknowledged-but-Forgotten-The-Gender-Dimensions-of-Sexual-Violence-Against-Migrant-Domestic-Workers-in-Post-Crisis-Lebanon.pdf>, <https://www.middleeasteye.net/news/lebanon-two-thirds-migrant-worker-women-survivors-sexual-harassment>

were not getting food, only salt water and bread. I had to accept everything he would do to me.” After being sexually abused by her agent, she was placed with a well-known Lebanese family. She disclosed that she was raped and forced to carry out sexual acts against her will and at gunpoint.

D., a 27-year-old Kenyan, told MWA how she was returned to the agent’s office when her health deteriorated due to overwork. She described her experience with the agent after she told him she wanted to go back home or for him to find her good employers *“He slapped me three times. This is when I knew I was dead. I started shaking and told him to forgive me. He told me to give him back his 3,000 USD or he would kill me. ‘Even if I kill you no one will do or say anything’. He continued to beat me and I don’t remember what happened.”* D. informed MWA that other women in his office told her to not provoke him and that they did as he asked including massages and “sexual things”. D. continued to suffer various abuses including lack of food and water and being forcibly confined.

PHYSICAL AND VERBAL ABUSE INTERSECTING WITH RACE

Many domestic workers reported experiencing verbal and physical abuse. MDWs reported being physically abused by their employers whenever they were not pleased with their housework but more specifically when the women demanded for their salaries or better work conditions. Reports of physical abuse included beating them, punching, pulling their hair, slapping, and kicking them.

Similarly, verbal abuse was commonly reported including insults, threats, and humiliation.

Alice described to MWA: *“I was stressed. The Madame was shouting all the time, she will kill me. Even whenever I wanted to sit down in a plastic chair, I was not allowed to eat inside. I had to wait for them to finish eating so I could eat the leftovers.”*

Another woman similarly told MWA: *“If her baby cried, she would yell at me and ask me what did I do to the baby. She would tell me ‘You know I bought you, you are my property’. I tried to talk to*

Madame but then I ran away because she was shouting too much. I almost became crazy.”

Out of 52 women, 48 reported being verbally abused, including with racial slurs.

MWA believes that the range of abuses faced by the Kenyan MDWs cannot be disconnected from the racial discrimination they faced. Indeed, migrant women experience multiple and intersecting forms of discrimination which are rooted in various structural inequalities. The Committee on the Elimination of Racial Discrimination raised its concerns about the lack of criminalisation of discrimination in Lebanon, and *“the lack of clarity in the legislation prohibiting racist speech, stereotyping, and stigmatisation.”*⁴⁴

The Kafala system perpetuates a setting where gender-based violence rooted in misogyny and discriminatory gender practices are used by employers to control MDWs. As noted by the UN, stigmatisation and isolation can increase the likelihood of marginalised migrant workers to experience various abuses including gender-based violence.⁴⁵

One woman shared her experience with MWA: *“I arrived to the employer’s house and the mistreatment started from the word go. She told me she bought me for 4000 USD. I would have to wear gloves when touching her children. She threatened me all the time. I was punished for any mistake. There were other workers in the house, but we couldn’t speak to each other. I was working very long hours and didnt have a day off and in the end I was only paid 100 USD for three months.”*

Another woman also shared a similar experience with her employer: *“I arrived in Lebanon in March 2012. Once I got to the house of my employer the Madame told me to remove [clip] my nails and change all my clothes. She asked me to not touch her kids with my bare hands and to always wear gloves. She also gave me Dettol and told me to go shower. I was shocked and angry.”* She added: *“She told*

⁴⁴ See: <https://www.ohchr.org/en/press-releases/2021/08/experts-committee-elimination-racial-discrimination-ask-lebanon-about-kafala>

⁴⁵ <https://www.unwomen.org/sites/default/files/2022-11/Racially-marginalized-migrant-women-en.pdf>

me she bought me and can do everything with me. No sitting down in the house, even eating, I had to be standing up.”

During the focus group discussions, the women reported feelings of frustration and shame due to the racist comments and insults they faced on a daily basis. Many reported that African women were perceived as “strong” and therefore able to work for long hours and without much food. Grace described being told *“Africans have energy so you can work a lot. They would tell me to go carry buckets on my head. They didn’t want me to use the lift, when they made me clean the whole parking lot for the building so I had to go down and up the stairs.”*

The majority of respondents reported being verbally abused. They reported being told that “You Africans are monkeys. You are poor”. The use of Arabic words such as “Hmara” (donkey), “Abed” (slave), “sharmouta” (whore), “kalba” (dog) and other Arabic insults were commonly reported. One woman shared: *“I used to think ‘What is wrong with my skin?’”*

FOOD DEPRIVATION

The issue of inadequate nutritious food was raised by most interviewees. All indicated that they were not given enough food throughout their stay in Lebanon. The majority noted being given tea and Arabic bread (“Khebbez”) only twice per day, sometimes even less. In some cases, they were given spoiled food or inedible leftovers. Several MDWs reported that their employers locked the refrigerators. Many women resorted to sifting through the bin or hiding food in the bathroom and eating it there. Some women mentioned asking their employers for more food and suffering physical and verbal abuse as a result.

In one instance, Gladys, a mother of three, described her employer’s treatment upon seeing her at the airport: *“The Madame was shocked to see me. She said to me ‘Why are you so big?’ when she saw me. As a result, I was not allowed to open the fridge and was told to lose weight. I was barely given any food.”* After two months, Gladys developed stomach complications due to being underfed. Another interviewee told MWA: *“They give you leftovers.*

In Kenya you give leftovers to dogs. But I was so hungry, they would throw food in the bin, and I would take it from the garbage and hide it under my mattress.” Another woman said *“My employer would keep the food until it had mould and then would give it to me.”*

The long excessive working hours coupled with the lack of adequate nutrition made many MDWs interviewed for this research request to be returned to the agencies or to return home or even escaped. One MDW said: *“In Lebanon, food is like God. They made us cook and clean for massive invitations with 40 guests or more. But never thought of giving us anything.”*

FORCED LABOUR

The ILO Convention on Forced Labour, No. 29 which Lebanon has ratified, defined forced labour as *“all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”*⁴⁶ The ILO has reported that around 25 million men women and children are in forced labour today, with more than half being women and girls. Generally, victims are often hidden from the public view and as such are difficult to identify. Walk Free estimates that 50 million people live in modern slavery today, and 54% of them are women. Out of these, 27.6 million are in forced labour.⁴⁷ Various indicators can be used to determine whether a situation amounts to forced labour. This includes threats and violence, but also more subtle means such as manipulated debt, retention of identity papers, restrictions of freedom of movement, or threats of denunciation to immigration authorities. Forced labour can be imposed by governments, private companies or individuals.

MWA’s research indicates that some key elements of forced labour are present in many of the cases. Many of the MDWs interviewed by MWA described abusive situations, which show some or several of the criteria required by the definition of forced labour. The majority of the MDWs eventually found themselves in a situation where they wanted to leave their job but were unable to, due

⁴⁶ Forced Labour Convention, Art. 2(1)

⁴⁷ Walk Free’s Global Slavery Index represents the world’s most comprehensive data set in modern slavery. For more information see: <https://www.walkfree.org/>

to various threats and restrictions including having to pay back recruitment fees paid by employers or by Lebanese agents, threats of employers or agents inflicting violence and abuse, withholding wages, locking them up or losing their legal residency status. Those who resorted to working as freelancers and who are considered to have “absconded” have also been falsely accused of crimes or threatened to be denounced to Lebanese authorities. Finally, all those interviewed have had their passport confiscation.

In addition, as previously mentioned, in some cases the women were deceived by recruitment agents in Kenya about the terms, conditions of employment and about the type of employment. The ILO states that *“Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restrictions on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape.”*⁴⁸

Lucy told MWA that she was working in a supermarket when she was approached by someone who told her she would be making 450 USD if working as a receptionist in Lebanon. She adds *“I was trying to save money to go to university. So I accepted. I signed a contract in Arabic, I wasn’t sure what I was signing as there was no translation. I arrived in Lebanon in January 2012. I was very surprised to be in someone’s house and not in an office. My employer laughed and told me ‘It’s me who bought your ticket, so you are my property. You must work and repay me my money’. Once I entered the house I never saw outside. Three years I worked there and didn’t get one dollar.”* After three years of working in a situation which amounts to forced labour, Lucy ended up escaping one night when her employers forgot to lock the door.

After being sexually assaulted by her agent, Janet told him that she had changed her mind and wanted to return to Kenya. The agent’s response was to slap and beat her.

Grace, a 42-year-old woman, told her employers that she wanted to return home following her mother’s death. They refused. She then

asked her agent who reportedly threatened her with physical abuse if she did not comply and stay in her role. Grace chose to forgo her owed wages and ran away.

Maureen described her time in Lebanon and the difficult conditions she worked under: *“All the cleaning was on me, it was a very big house. I was even washing the Madame’s underwear with period stains. My Mister was so bad, he would go to the washroom and ask me to come flush for him. I would eat leftovers only and sleep on a mattress in their laundry room. I would wake up at 5 am and go to bed at 2 am. I stayed with them for 5 months, and then I called my agent to say I need to change houses.”* She called her Kenyan agent who told her that she wanted to work and therefore should stay and work. Her Lebanese agent refused to help her.

The role of Lebanese recruitment agents within the Kafala system is an important one. Oftentimes, when MDWs have nowhere to turn to report their abusive employers, they resort to calling their agent. MWA has documented cases where the agents have provided considerable support and safety for some women, but others have actively participated and committed crimes towards MDWs.

Damaris, for example, arrived in Lebanon in June 2021, and wanted to change employers due to difficult working conditions including excessively long working hours, and little food and rest. She was taken to her agent’s house who she reported threatened to kill her if she did not return the 3,000 USD he paid to bring her to Lebanon. She recounts:

“I told him to either send me back to my country or get me a good house. ‘You promised me the conditions were going to be good.’ He slapped me three times. He said to me ‘Give me my 3,000 USD back or I will kill you’. I said ‘Please Sir, I will try to speak to my family to see if they can raise the amount. I was locked in a room, where I wasn’t allowed to sleep. He took my phone.”

MWA’s research has indicated that both in Lebanon and in Kenya there is a critical need to regulate recruitment agencies particularly in their use of deceptive practices to lure migrant workers and in their broad powers under the Kafala system which often go unchecked.

⁴⁸ <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>

THE KENYAN CONSULATE'S FAILURE TO PROTECT

“I came here because I saw the flag of my country: Am I getting help or not?”

As MDWs are excluded from legal protections and face discriminatory institutional practices,⁴⁹ the majority who flee their employer's abusive household seek assistance from their consulate. Indeed, the Kenyan consulate should be the first point of contact for Kenyan citizens in distress abroad. Yet, MWA interviewed several women who reported speaking with Kenyan consular officials who provided little to no assistance to them when they requested support in returning to Kenya or reported cases of sexual abuse or wage theft. One common response was to be told to return to their employer's home. In some cases, the consulate officials themselves would call the employers to let them know the whereabouts of the MDWs.

The failure of the Kenyan consulate in Lebanon to provide adequate assistance to Kenyan MDWs was widely reported following protests of a group of Kenyan migrant women wanting to return home after being stranded on the streets of Beirut.⁵⁰ In 2020, CNN published an exposé on the abuses carried out by some members of the Consulate including reports of physical and verbal abuse.⁵¹ The article details scenes of physical abuse as well as encouragement to turn to commercial sex work to be able to pay for their return tickets.⁵² Scores of MDWs accused consular staff of mistreatment, exploitation, and lack of responsiveness to their calls for help.

49 See for example: ILO & Legal Agenda, *The Labyrinth of Justice: Migrant domestic workers before Lebanese courts*, available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_777078.pdf

50 See for example “How the Kenyan consulate in Lebanon became feared by the women it was meant to help, July 28 2020, available at: https://amp.cnn.com/cnn/2020/07/28/middleeast/beirut-kenya-as-equals-intl/index.html?_twitter_impression=true&s=09; The Middle East Eye, “Lebanon: Kenyan migrant workers camp outside consulate demanding to return home, 14 January 2022, available at: <https://www.middleeasteye.net/news/lebanon-kenyan-migrant-workers-camp-outside-consulate>

51 Ibid

52 Ibid

Corroborating this information, MWA's interviews with MDWs who had returned to Kenya noted the lack of support received from their Consulate in Beirut. Officials from the Honorary Consulate (who are Lebanese nationals) were reported by the majority of women to be unhelpful, insulting, and encouraging some of the women to engage in commercial sex work as a way to make money. In addition, many reported being grossly overcharged for essential consular services. Women were made to pay between 500 to 3,000 USD for services rendered and airfares. The same consulate staff were also reported by many women during the crisis of the Beirut port explosion as failing to provide protection. Many reported how the Consulate shut its doors to stranded workers and refused to assist them with their paperwork so they could return home.⁵³ Incidents of abuse of power and corruption were noted by many.

Rose told MWA how, after escaping her employer's house following physical and verbal abuse, she arrived at the Consulate and was met by a then member of staff and the Consul himself, who reportedly told her to return to the employer's house. She told MWA *“He told me that I beat up my boss. I told him it was not true and that I was the one that was beaten. I was crying and he told me I needed to return and apologise to my employer.”* Rose ended up paying a penalty of 200 USD for overstaying her visa and 1,800 USD to the Consulate for her airfare. She adds: *“I returned home with nothing.”*

Another woman who worked with a high-profile Lebanese broadcaster escaped to the Consulate after being mistreated and being denied access to her asthma treatment. She reported that officials in the Consulate refused to help her and told her to return to the house of her employer.

Eunice ended up in Lebanon after spending some time in Dubai with her Lebanese employer. Following her arrival in Lebanon she developed acute health issues and was left in the hospital by her employers. With no documents and nowhere to go, she found assistance from Kenyan community groups. Shortly after however,

53 ARM, *Urgent Action Needed to Hold the Kenyan Consulate Accountable to Kenyan citizens*, 19 January 2022, available at: <https://armlebanon.org/urgent-action-needed-to-hold-the-kenyan-consulate-in-lebanon-accountable-to-kenyan-citizens-in-the-country/>

she informed MWA that she attempted to return home. She went to the Consulate and was greeted by the Assistant Consul: *“He told me to go into prostitution to bring dollars for him.”*

Similarly, when Gladys decided to return to Kenya after working as a freelance migrant worker, the Consulate asked for 3,000 USD in cash. When she mentioned that she did not have that amount they reportedly told her *“Why are you not looking for money – there’s so much money out there, there are so many men out there you can make money.’ When I asked him why this much money was needed he told me ‘That’s not my problem’.”*

Many more interviewees reported similar interactions with the Consul and Assistant Consul.

MWA believes that the Kenyan government has a responsibility to protect its citizens abroad. Despite calls for an investigation into the allegations raised against the involved individuals, the same officials continue to operate in the Kenyan Consulate in Lebanon to this date. Reports indicate that women who required consular support were instructed to get in touch with the Kenyan Embassy in Kuwait, which oversees Lebanon. When asked about demands and recommendations to the Kenyan government, MDWs interviewed for this report unanimously requested to have Kenyan nationals as officials representing them as opposed to having Lebanese citizens as Honorary officials operating in that role. Continuing to have the same individuals operating without investigating the allegations against them sends a clear signal to Kenyan migrant workers in Lebanon that their government is not fulfilling its responsibility to provide adequate protection and support.

“She told me she bought me and can do everything with me. No sitting down in the house, even eating, I had to be standing up.”

THE RETURN HOME: KAFALA’S INDELIBLE IMPACT

“I went to Lebanon with a big dream. I wanted to work hard and make good money return home and buy a bread making machine and open a proper bakery”

“I had a target: I [would] buy a plot, put a house there, and have some rentals there. So I can make a life for my daughter. That has been my dream and it’s still my dream”

The women interviewed for this report and many other women who left their homes in search of better economic opportunities have been trapped in the Kafala system. The exploitation and abuses they faced have had a significant impact on their physical and mental health. The dehumanising treatment they were subjected to, coupled with isolation and disconnect from their families, the violence, and the racial discrimination, all contributed to the significant impact on their overall wellbeing. As noted by Human Rights Watch in its 2008 Study, MDWs in Lebanon were dying at a high rate of one per week from both suicide and failed escapes.⁵⁴ This has a significant influence on the survivors’ ability to move forward in their lives.

Whether they had spent a few months or several years under exploitative conditions in Lebanon, the women interviewed for this

54 Human Rights Watch, Lebanon: Migrant domestic workers dying every week, 26 August 2008, available at: <https://www.hrw.org/news/2008/08/26/lebanon-migrant-domestic-workers-dying-every-week>

research expressed the long-lasting impact on their life under the Kafala system. Some interviewees had to incur loss to pay for their tickets home. A significant proportion of MDWs interviewed reported having to pay for their ticket home. For example, Alice who arrived in Lebanon in June 2021 and left in mid-2022 told MWA that her parents sold their cows and sent her the money to pay for her airfare to return home in April 2022: *“I came back without a single cent, only the fake dollars that my employer gave me. The good thing is that I am alive. I was ashamed, I don’t have anything. I came just the way I was: With nothing. I am currently jobless - I wash clothes from time to time to get some cash.”* Alice expressed having suicidal thoughts.

Similarly, Eunice shared to MWA: *“My stay in Lebanon has given me stress and depression. I tried to set up a business selling fish. But people came and stole the freezer with all the fish. I am now back to zero.”*

The women told MWA about the hardships they faced upon their return to Kenya particularly for those who returned with no money. Their families did not understand the gravity of the challenges and abuses they had suffered and this led to tensions. Some women told MWA about the rejection they faced from their children after a long absence without communication. Those who suffered from sexual abuse did not share this with their families due to the stigma around rape and assault. They expressed feelings of isolation and suicidal ideation.

Janet who had a harrowing experience in Lebanon having been repeatedly raped by both her agent and her employer, described her difficult return home: *“I told my family what happened to me. It was tough. My mother expected me to give her money. But I didn’t even have airtime credit. She told me ‘You are from abroad; you have not given us any money.’ I was admitted to the hospital for one month. I developed ulcers. I tried to commit suicide two times. I just wanted to die.”*

All respondents had little recourse when leaving these abusive working conditions.

The findings from the interviews with returned MDWs and with organisations that provide reintegration support highlighted the importance of mental wellbeing and psychosocial assistance for survivors of abuse. Many reported their struggle upon their return without access to aftercare support, including the lack of psychosocial and vocational support. MWA noted a significant difference in the wellbeing of interviewees who had received aftercare support including psycho-social support. Those who received reintegration support from partner organisations, which provide aftercare, noted a significant improvement in their lives.

For example, Lucy told us *“Counselling with CHTEA truly made a difference. Also, I now sell fish as my business thanks to CHTEA. You really need counselling. Your family doesn’t want you, you feel rejected when you come back. I was crying when I came here, I had a foreign baby with me – wondering what my family will say. But now I can laugh and have my life back.”*

“...But now I can laugh and have my life back.”

CONCLUDING THOUGHTS AND RECOMMENDATIONS

This report has demonstrated a clear pattern of abuses and exploitation faced by Kenyan Migrant Domestic Workers under the Kafala system. The cases highlighted in this report are not isolated cases with a few abuses caused by individual perpetrators; rather, they are part of the structure and practice enabled by the Kafala system whereby the exploitation of migrants is socially and legally accepted if not promoted. Indeed, even in the best-case scenario MDWs are working under poor employment conditions and low wages. This all occurs against the backdrop of sending countries, which continuously fail to invest in economic and social policies and a safety net, leaving many women no choice but to seek out alternatives abroad.

MWA's research has shown that Kenya and Lebanon are both failing in upholding their international human rights obligations.

In Lebanon, the government has continuously failed to implement any meaningful reforms. The Kafala system needs to be abolished and MDWs need to be included under the Labour Laws of the country, and have rights to a fair wage, overtime pay, and rest days. They must also have the right to change employment, keep their passport, and have access to legal protections, which are enshrined in existing domestic criminal laws.

In addition, Lebanese authorities have failed to regulate the conduct of individuals as well as abusive recruitment agencies. The lack of accountability for crimes and abuses committed against MDWs fuels a climate in which sponsors believe they can exploit and abuse with no repercussions. There is no adequate grievance system, no government oversight, or legal protection for workers, whether Kenyans or other nationalities.

Furthermore, despite the important steps taken by the Kenyan government to improve the protection of Kenyan migrant domestic workers abroad prior to their departure, the efforts for enforcement remain limited and inadequate. It is time for the Kenyan government

to move beyond intention and towards real genuine action to protect the rights and lives of migrant workers in Lebanon and other countries using the Kafala system.

The Kenyan government needs to develop stronger enforcement mechanisms to ensure the protection of Kenyan citizens abroad. More needs to be done to monitor and regulate the actions of recruitment agencies and brokers. Kenyan civil society organisations recommended that labour officials should be following up on complaints of abuse from Kenyan citizens abroad. In addition, there is a need for improvement of safe migration education, as there is a widespread lack of awareness in the country.

Another gap that was noted in the measures implemented by the Kenyan government is the certification of contracts. The Minister of Foreign Affairs has the capacity to follow up on reported cases of exploitation, however, only if the Kenyan migrant worker has signed and certified their contract. As our findings have shown, migrant domestic workers that left Kenya in recent years have not heard about the need to certify their contract and were not made aware of this requirement. If their contract is not certified, they are deemed to have used irregular channels. However, it is important to note that many of these prospective MDWs are exploited from the start of the process and as noted their journey is rife with disinformation and misinformation.

MWA believes that the tracing of migrant workers in Lebanon (and other Kafala countries) is a necessary first step in ensuring their protection. This point is also relevant in cases of death of Kenyan citizens. During two focus group discussions, the issue of death of migrant workers was raised by several respondents. They shared concerns about the lack of clarity around the cause of death of their fellow Kenyan citizens in Lebanon and around what happens after they are deceased. In addition, Kenyan CSOs reported that there was still an important need to raise awareness about the dangers of unsafe migration. MWA believes that in addition to said dangers, there is also a need to clarify what moving to a country that operates under the Kafala entails in general. Although Kenyan media has published a lot on the subject, they seldomly cover

the core of the problem, which is the Kafala system per se.⁵⁵ It is important that part of the awareness raising of safe migration includes understanding what working under the Kafala entails both in its legal set up and its practice.

Migrant Workers' Action recommends:

TO THE GOVERNMENT OF KENYA

- ▶ Negotiate and establish a strong bilateral agreement with Lebanon. The agreement should outline the rights and protections for Kenyan migrants addressing issues like minimum wage, working conditions, and access to justice and remedy.
- ▶ Advocate for the abolition of the Kafala system as part of the negotiations for bilateral agreements with Lebanon and other countries who operate with the Kafala system.
- ▶ Investigate reports of abusive recruitment agencies and take appropriate action.
- ▶ Increase monitoring of recruitment agencies to ensure they adhere to ethical practices.
- ▶ Immediately suspend current consular officials in the Kenyan Consulate in Lebanon and carry out a thorough and impartial investigation into the various allegations brought against them.
- ▶ Appoint consular officials of Kenyan origin and strengthen consular assistance to provide protection and support to MDWs subjected to abusive situations. This should include temporary accommodation provision and support for repatriation.
- ▶ For the National Employment Authorities to collaborate with civil society organisations in Lebanon to have a comprehensive tracing mechanism for all Kenyan citizens in

⁵⁵ See for example: The Nation, "Abuse and dignity: a take of two world for domestic workers", 16 June 2023, available at: <https://nation.africa/kenya/news/gender/abuse-and-dignity-a-tale-of-two-worlds-for-domestic-workers-4271480> ; The Nation, "Protect Kenyan workers in the Middle East countries", 08 September 2022, available: <https://nation.africa/kenya/blogs-opinion/editorials/protect-kenyan-workers-in-middle-east-countries-3940730>

Lebanon.

- ▶ Increase funding for programmes that support the reintegration of returning Migrant Domestic Workers including psychosocial support, vocational training, and employment placement support.
- ▶ Support civil society organisations in raising awareness about the dangers of the Kafala system and include information on safe migration. Include information on the dangers of dealing with brokers and unlicensed agencies.
- ▶ Ratify and implement the ILO Domestic Work Convention, 2011 (No. 189) to enhance the promotion of decent work and protection of the rights of Kenyan domestic workers.
- ▶ Together with civil society organisations, raise awareness on the new labour migration reforms including the requirements for pre-departure trainings, attestation of employment contracts by the Ministry of Labour, and accreditation of private recruitment agencies.

TO THE GOVERNMENT OF LEBANON

- ▶ To abolish the Kafala system in its entirety and include Domestic Workers under its Labour Law.
- ▶ Ensure that the inclusion of domestic workers under the Labour Law includes all the necessary legal protections in line with the ILO Domestic Workers Convention
- ▶ Guarantee fair working conditions including a salary threshold not lower than the minimum national wage.
- ▶ To improve the monitoring of recruitment agencies and investigate allegations of abuses by agencies
- ▶ Conduct transparent and thorough investigations of the frequent abuses and deaths of migrant domestic workers, and ensure that perpetrators are held accountable through a fair trial
- ▶ To hold recruitment agents that abuse MDWs accountable

and withdraw licences of said agencies in a transparent manner

- ▶ To investigate, prosecute and punish perpetrators of forced labour and other labour rights abuses
- ▶ To enhance domestic workers' access to the judiciary, improve its existing hot line and create additional mechanisms to monitor and respond to abuse of migrant domestic workers



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Action