



Introduction

Migrant Workers' Action (MWA) is a non-governmental organisation (NGO), founded in 2019 to advance social justice for migrant domestic workers (MDWs) and drive systemic change in labour migration systems in sending countries and Lebanon. Our goal is to build up the migrant workers' movement so that they can enjoy their fundamental freedoms, reclaim their rights, and abolish the sponsorship system (Kafala). We envision a just world in which migrant workers move, work, and live in dignity.

Key Issues from Previous Cycles

In the previous 3rd UPR cycle in 2021, Lebanon received 29 recommendations relating to migrant (domestic) workers' rights. MWA notes that none of the recommendations, including the ones Lebanon accepted, have been implemented. The Lebanese state has failed to initiate any legal reforms regarding the abuse and exploitation of MDWs.

National Framework

The Kafala system is a loose collection of provisions and practices that tie a worker's legal residency to a single employer (or sponsor) and are in contradiction of international human rights and labour standards.

Lebanon is a signatory to treaties relevant to the protection of MDWs, including:

- ICCPR
- CERD
- ICESCR
- CEDAW
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- ILO Convention on Forced Labour, No. 29

However, Lebanon has refused to sign conventions concerning the rights and freedoms of MDWs, such as:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- ILO Domestic Workers Convention, No. 189

Recommendations to the Government of Lebanon

1. Abolish the Kafala system and replace it with a just and fair labour and immigration system.
2. Include MDWs in the Lebanese labour law
3. Investigate and prosecute trafficking practices, including passport confiscation, wage theft, and misuse of absconding charges.
4. Ratify the International Convention on Migrant Workers and the ILO Domestic Workers Convention.
5. Amend Law 205 on sexual harassment and Law 293 on domestic violence to explicitly cover MDWs and ensure equal protection from gender-based violence.
6. Rescind the no-pregnancy policy and guarantee MDWs' reproductive rights, including the right to privacy and family life.
7. Ensure legal registration of children born to migrant workers and guarantee their access to healthcare, education, and essential services.

Freedom from Slavery, Forced Labour and Human Trafficking

- The Kafala system continues to enable conditions of exploitation and abuse of MDWs, amounting to forced labour and modern-day slavery.
- Lebanon criminalised human trafficking under Law 164/2011, but has failed to enforce it meaningfully.
- Passport confiscation, a key indicator of human trafficking, remains a common practice among employers.

In the review period, MWA documented rights violations relating to forced labour and human trafficking, including:

- MDWs experience conditions of forced labour, including working up to 21 hours with no rest.
- 164 cases of wage theft, including reduced, delayed or non-payment of salaries.¹
- 24 cases of MDWs being trafficked.
- 370 cases of passport confiscation.
- Additionally, from 2020-2021, IOM identified 367 cases of human trafficking.²
- The US Trafficking In Persons Report of 2024 placed Lebanon on Tier 2 watchlist due to its failure to adhere to the minimum standards on trafficking prevention.³

Lack of Legal Protection and Access to Justice

- MDWs cannot unionise, access labour courts, or rely on enforceable contracts due to their exclusion from the Labour Law.
- The 2020 revised Standard Unified Contract was suspended following pressure from recruitment agencies.⁴
- Employers routinely file false theft accusations to retaliate against workers seeking justice.⁵
- MDWs face discriminatory legal procedures with no translation, legal aid, or fair trial guarantees.
- Administrative detention is used without judicial oversight; deportations occur without due process.

Equality and Discrimination

- Lebanon has failed to address discriminatory laws and practices affecting MDWs' access to healthcare, social services, shelter, and crisis response.
- During the 2024 war in Lebanon, displaced MDWs were excluded from the government's emergency response and humanitarian relief efforts.
- Throughout the COVID-19 pandemic, MDWs were denied access to public hospitals or forced to pay unaffordable private fees for PCR tests.⁶
- Undocumented MDWs were refused vaccination or avoided registration due to fear of arrest or deportation.
- During the war, MDWs were evicted from government-run shelters, leaving many homeless or in unsafe conditions.⁷

Gender-Based Violence and Sexual and Reproductive Health and Rights (SRHR)

- SGBV against MDWs is widespread and entrenched under the Kafala system.
- Existing Lebanese laws on sexual harassment (Law 205) and domestic violence (Law 293/204) exclude MDWs, leaving them without legal protection.
- The state-enforced "no-pregnancy policy" results in the deportation of pregnant MDWs, denial of family life, and undocumented or stateless children.
- 86% of MDWs interviewed in 2022 reported sexual harassment in Lebanon, according to a report by Egna Legna.⁸
- MWA documented 96 cases of SGBV and 93 cases of physical abuse, with no adequate legal remedy.
- MDWs are excluded from sexual harassment or domestic violence laws because they are not considered formal workers or "family members".⁹
- Children born to MDWs face barriers in birth registration, education, and healthcare.¹⁰

1 MWA Sierra Leone Report, pp. 15-20 (https://mwaction.org/wp-content/uploads/2024/07/MWA_SierraLeone_Report.pdf); MWA Kenya Report, pp. 22-24 (<https://mwaction.org/wp-content/uploads/2023/12/MWA-KenyaReport-231127.pdf>) and MWA's casework

2 AAND, UPR Midterm Report 2024, p. 41 (https://annd.org/uploads/publications/UPR_Midterm_Report.pdf)

3 US Department of State, Trafficking in Persons Report 2024: Lebanon (<https://www.state.gov/reports/2024-trafficking-in-persons-report/lebanon/>)

4 L'Orient Today, The crisis, an opportunity to break the corrupt kafala system

(<https://today.lorientlejour.com/article/1243877/the-crisis-an-opportunity-to-break-the-corrupt-kafala-system.html>)

5 Legal Agenda and ILO, The Labyrinth of justice: Migrant domestic workers before Lebanon's courts, p. 12 (https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@arabstates/@ro-beirut/documents/publication/wcms_777078.pdf)

6 Al Jazeera, Undocumented in Lebanon: No papers, no coronavirus test (<https://www.aljazeera.com/news/2020/3/28/undocumented-in-lebanon-no-papers-no-coronavirus-test>)

7 MWA, Statement on the Displacement Crisis in Lebanon, p. 1 (<https://mwaction.org/wp-content/uploads/2024/10/Statement-on-the-displacement-crisis-in-Lebanon-1.pdf>)

8 JI Diab et al.: Acknowledged but Forgotten: The Gender Dimensions of Sexual Violence Against Migrant Domestic Workers in Post-Crisis Lebanon, p. 5 (<https://www.frontiersin.org/journals/sociology/articles/10.3389/fsoc.2022.1091957/full>)

9 AAND, UPR Midterm Report 2024, p. 40-42 (https://annd.org/uploads/publications/UPR_Midterm_Report.pdf)

10 Block, Immobilisation of migrant domestic worker women and their children born in Lebanon, p. 1926 (<https://www.tandfonline.com/doi/epdf/10.1080/1369183X.2023.2245153?needAccess=true>)