

INPUT TO THE UN SPECIAL RAPPORTEUR ON VIOLENCE  
AGAINST WOMEN AND GIRLS FOR THE THEMATIC REPORT  
OF THE 56TH SESSION OF THE HUMAN RIGHTS COUNCIL

# **THE KAFALA SYSTEM AND SEX TRAFFICKING**

INPUT FOR SR VAWG'S REPORT  
ON VIOLENCE AGAINST  
WOMEN AND PROSTITUTION



## Sex Work<sup>1</sup> in Lebanon - A Contextual Overview

Sex Work in Lebanon is nominally regulated. Sex work can only be practised in brothels with licenses given by the government.<sup>2</sup> No licences have been issued since 1975.<sup>3</sup> This has forced the sex work industry to operate illegally and under the disguise of so-called 'super nightclubs'.<sup>4</sup> The vulnerabilities of various migrant groups in the country have led to an increase of Syrian refugee women and Migrant Domestic Workers (MDWs) under the Kafala system being manipulated or trafficked into sex work.<sup>5</sup> Lebanon's penal law criminalises the practice of sex work and illegal facilitation, therefore criminalising the sex workers rather than the service users/clients. It has been reported that the Lebanese General Security make the assumption of illegal sex work based on the possession of condoms as evidence.<sup>6</sup> MDWs who have been charged with illegal sex work are often arrested and deported to their home country. In this input, Migrant Workers' Action (MWA) reports on the various pathways which may lead MDWs into situations of forced sex work and highlights the various forms of Sexual and Gender-Based Violence (SGBV) they face.

## Methodology

For the purpose of this input, MWA carried out a desk review, including a review of academic articles, NGO reports, and newspaper coverage on the issue of SGBV and forced sex work within the context of the Kafala system in Lebanon. Furthermore, MWA carried out a number of interviews with various stakeholders. This includes four interviews with women leaders of various migrant community groups present in Lebanon. Additional data was provided by MWA's caseworkers, as well as data collected during previous research projects. During an advocacy workshop conducted by MWA, participants from various MDW-led groups<sup>7</sup>, together with the facilitator, jointly developed recommendations. These recommendations are based on the women's experience and insights about the issue of SGBV and forced sex work within their communities.

## The Kafala System: A Pathway to Forced Sex Work

The term Kafala means 'sponsorship' in Arabic. The Kafala system is a sponsorship system for migrant workers in Lebanon, as well as several other Arab countries, which governs migrant workers' immigration, employment, residency, and personal status in the country. The responsibility for all matters relating to the MDWs falls under the

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<sup>1</sup> Disclaimer: For the purpose of this paper, MWA uses the terminology of forced sex work and sex trafficking instead of prostitution in order to acknowledge that sex work is work and avoid the connotation of criminality and immorality that is connected to the term 'prostitution'.

<sup>2</sup> <https://archive.ids.ac.uk/spl/sexworklaw/countries.html>

<sup>3</sup> <https://archive.ids.ac.uk/spl/sexworklaw/countries.html>

<sup>4</sup> <https://foreignpolicy.com/2012/02/09/sex-for-sale-in-beirut/>

<sup>5</sup> <https://www.aljazeera.com/features/2020/2/11/the-syrian-women-and-girls-sold-into-sexual-slavery-in-lebanon>

<sup>6</sup> <https://www.thenewhumanitarian.org/feature/2009/12/01/sex-workers-still-shun-condoms>

<sup>7</sup> The various migrant community groups have self-organised as the *Reclaim Our Rights* collective with support by MWA

purview of the sponsors, who are often also the employers of the MDWs. They have unchecked powers over the MDWs' lives regarding their legal status, employment, health care, and accommodation. This essentially gives employers the ability to confiscate their passports, overwork them, deny their wages, deprive them of food and reasonable sleeping conditions, as well as inflict physical and sexual abuse with impunity. In addition, the Kafala system does not allow the workers to change jobs or leave the country without the employers' consent, leaving many of them in situations of forced labour. MDWs' dependency on their sponsors/employers puts them at an increased risk of labour exploitation, physical and psychological abuse, as well as SGBV.<sup>8</sup>

MDWs in Lebanon are most commonly young women from South-East Asian and Sub-Saharan African countries. They come from diverse religious, ethnic, and linguistic backgrounds. Many are from rural areas, while others are recruited from the cities. The majority of these women are often responsible for providing for their families, such as their parents, siblings or children. Estimates have generally ranged between 200,000 and 250,000 migrant domestic workers.<sup>9</sup> However, the IOM's Migrant Presence Monitor (MPM) for 2023 assessed the presence of 160,738 migrants in Lebanon.<sup>10</sup>

There are two groups of MDWs into two groups: 'live-in' domestic workers, who reside in their employers' households and 'live-out' domestic workers, who live outside and either work for companies or as 'freelancers' in multiple households.<sup>11</sup> In many instances, 'live-in' domestic workers are pushed, due to exploitation and abusive situations, towards fleeing their employers' homes and looking for alternative employment options as 'live-out' MDWs. In recent years, the Lebanese economic crisis has increased the number of employers unwilling or unable to pay their 'live-in' domestic workers, which has led many MDWs to leave their employers' households. Other MDWs have escaped abusive households where they suffered a wide range of abuses, including SGBV. Due to the nature of the Kafala system, they lose their legal residency the minute they leave their employers' households. Once they leave, their vulnerability increases and many find themselves in situations of destitution and homelessness or having to resort to harmful ways of surviving, including forced sex work.<sup>12</sup>

Once the MDWs are left homeless and destitute, their vulnerability increases significantly. In a previous report submitted to the UN Special Rapporteur on

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<sup>8</sup> <https://www.hrw.org/news/2022/01/04/lebanons-abusive-kafala-sponsorship-system>

<sup>9</sup> <https://today.lorientlejour.com/article/1336035/no-excuses-for-abuse-and-violence-migrant-domestic-workers-air-frustrations-at-beirut-demonstration.html>

<sup>10</sup> International Organization for Migration (IOM), Aug 31 2023. DTM Lebanon - Baseline Assessment Round 3. IOM, Lebanon. p.1

<sup>11</sup> International Organization for Migration (IOM), Aug 31 2023. DTM Lebanon - Baseline Assessment Round 3. IOM, Lebanon. p. 6

<sup>12</sup> 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](https://mwaction.org/wp-content/uploads/2023/05/Final-Input_-Homelessness-Slavery.pdf)

Modern-Day Slavery, MWA raised the issue of homelessness among MDWs being a potential risk factor for secondary exploitation, including sex trafficking and sexual exploitation by members of the Lebanese population as well as the Migrant communities.<sup>13</sup>

MWA documented many cases where MDWs escaping situations of abuse resorted to sex work due to a lack of options and their heightened vulnerability to arrest and deportation. For example, M\*<sup>14</sup>, a single mother of 4 children from Kenya, disclosed to MWA that she was raped by the guard in her employer's house. She was not paid, and following several instances of rape where her employers did nothing to help, she ran away. With nowhere to go, she ended up in Dawra<sup>15</sup>, where she met individuals from her community who proposed sex work as an option to make money and in return for accommodation. Undocumented and at risk of arrest, M felt like she had no choice. She told MWA, *"I stayed with them. I couldn't find any other work, so I did prostitution. Deep inside of me, I was not feeling well"*. M told MWA that in one of those instances where she did not consent to the sex work, she was gang-raped and ended up pregnant.

The vulnerability of 'live-in' MDWs suffering in abusive households and being forced to work without payment has led to an increase in trafficking facilitated by members of their own communities. An African community leader has reported that a group of migrant women connected to a Lebanese recruitment agency has been encouraging young MDWs to escape their employers' households with the promise of better jobs. Many of the women who followed that advice ended up being trafficked into sex work and were forced to pay fees to the community members who facilitated the escape. In other cases, these circumstances have led MDW to unknowingly stay in shared accommodation controlled by sex trafficking rings or by members of their community who are involved in sex trafficking.

Another pattern noted by MWA is the involvement of members of the migrant communities' committees<sup>16</sup> in facilitating sex trafficking by working with organised crime groups and in some cases with their consulates. Additionally, various allegations have been raised against officials from the Sierra Leonean and Kenyan<sup>17</sup> Honorary consulates<sup>18</sup> accused of facilitating forced sex work in order to cover the costs of repatriation of MDWs from their respective countries.

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<sup>13</sup> [https://mwaction.org/wp-content/uploads/2023/05/Final-Input\\_-Homelessness-Slavery.pdf](https://mwaction.org/wp-content/uploads/2023/05/Final-Input_-Homelessness-Slavery.pdf) (p. 3)

<sup>14</sup> Anonymised due to security concerns

<sup>15</sup> Neighbourhood in Beirut with a large presence of MDWs and Syrian refugees due to low rental prices.

<sup>16</sup> Migrant *Committees* are organised groups representing the various migrant committees and working closely with the respective honorary consulates and embassies. The Migrant Committees, in general, are led by men and rarely include MDWs and survivors of abuse.

<sup>17</sup> <https://edition.cnn.com/2020/07/28/middleeast/beirut-kenya-as-equals-intl/index.html>;  
<https://www.the961.com/kenya-officials-lebanon-investigate-assault/>

<sup>18</sup> Honorary Consulates are the country's representation by private individuals who do not receive a salary from the country they are representing. In the context of Lebanon, many of the Honorary Consuls are Lebanese citizens rather than nationals of the country they are representing.

## **SGBV Against MDWs In Sex Work**

Many MDWs who have been trafficked into sex work have reported suffering from various forms of SGBV. Cases of physical violence reported included women being stabbed or beaten after providing their services and asking for payment. A West African community leader reported to MWA a variety of abuses and cases of SGBV suffered by MDWs from her country. Some of the most extreme cases encountered by the interviewee were instances of migrant sex workers being stabbed, raped by multiple perpetrators, and even physical confrontations resulting in their deaths.<sup>19</sup> Similar reports were confirmed by another African community leader.

Some interviewees reported verbal and physical abuse with elements of racist and sexist motivation against women of colour. MWA has noted a particular pattern of violence against women of African origin. These women reported that the perpetrators justified their abuse based on racial stereotypes, such as the sexual objectification of black women, including hypersexualisation. Community leaders confirmed to MWA that there are many instances where some women experienced verbal abuse, humiliation, and were forced into acts they didn't consent to, including role-playing as sex slaves. MWA believes that from an intersectional approach and considering the context of the Kafala system, this should be treated as a form of SGBV.

Another worrisome pattern that has recently emerged is instances of robberies that have occurred targeting African sex workers in Dawra, with organised crime groups waiting for the end of the night and robbing the women on their way home. It has also been reported that gangs force sex workers to pay protection fees of up to 50\$ a night if they work on the streets. Several women refused the protection payment and were severely beaten by gang members and threatened not to return to the same street for work.

Finally, some of the interviewees expressed their concern over the increase in cases of HIV/AIDS and other STIs/STDs in their communities. As a result of their destitute situation, many migrant sex workers agree to unprotected sex in exchange for a higher fee. Considering the circumstances of the Kafala system, including racial stereotyping as well as the limited access to healthcare, MWA holds the opinion that in the context of this paper, the pressure of agreeing to unprotected sex and, with it, the increased risk of contracting STIs/STDs should be considered as a form of Gender-Based Violence.

## **Conclusions**

The Kafala system enables many human rights abuses, including human trafficking, and with it, the perpetration of sex trafficking and forced sex work. It increases the vulnerabilities of migrant domestic workers who become exposed to SGBV in its

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<sup>19</sup> <https://www.lbcgroup.tv/news/news-bulletin-reports/691497/tragic-clash-leaves-four-dead-in-sad-el-bouchrieh/en>

various forms. The mentioned cases, as well as the emerging patterns confirming SGBV against trafficked MDWs, raise concerns over the safety and well-being of survivors. Elements of racism and sexism contribute to societal stereotypes against women of colour residing in Lebanon, increasing their risk of experiencing physical, verbal and sexual abuse. Furthermore, Lebanese authorities have failed to regulate the conduct of individuals and groups perpetrating SGBV. The lack of accountability for crimes and abuses committed against MDWs fuels a climate in which sponsors and other individuals believe they can exploit and abuse with no repercussions, leaving many MDWs facing either economic hardship and/or sexual violence highly vulnerable to forced sex work.

## Recommendations

MWA and the Reclaim Our Rights collective jointly developed recommendations for the international community and Lebanese government addressing the issue of SGBV and sex trafficking within the context of the Kafala system.

- ❖ MWA and the ROR Collective recommend the abolition of the Kafala system and its replacement with a fair and just immigration system guaranteeing the inclusion of MDWs under the protection of the Lebanese labour law.
- ❖ MWA and the ROR Collective recommend increased funding by the international donor community for international and local CSOs to provide safe temporary accommodation to MDWs in need as a form of prevention of being vulnerable to sex trafficking.
- ❖ MWA and the ROR Collective recommend the Lebanese government to hold perpetrators of SGBV against MDWs accountable through the Lebanese judicial system. Furthermore, it is recommended to require mandatory pre-hiring workshops for interested employers/sponsors addressing the issue of SGBV in the workplace, as well as the inclusion of a legal provision in the work contract confirming accountability for any form of SGBV happening in the employers' households.
- ❖ MWA and the ROR Collective recommend that Governmental institutions, including health care providers and law enforcement authorities, should receive awareness training on SGBV specifically relating to Migrant Domestic Workers.
- ❖ MWA and the ROR collective recommend that the Lebanese government and relevant health institutions and organisations ensure firewalled access to healthcare services, as well as to report abuses to relevant authorities, especially for undocumented migrants. It is crucial that all migrant sex workers have access to services and to justice without fear of deportation or reprisal. Healthcare providers should provide assistance and awareness consultations to MDWs suffering from STIs/STDs.