

Input to the UN Special Rapporteur on Contemporary Forms of Slavery
for the Thematic Report of the 54th Session of the Human Rights
Council

Homelessness as a Cause and a Consequence of Contemporary Forms of Slavery



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The Kafala System - A State-Sponsored Contemporary Form of Slavery

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. Under this system, Lebanon’s government does not provide any oversight or governance on the migrant domestic workers’ (MDWs) lives once they arrive. Rather, the Ministry of Labour and the Ministry of Interior just provide limited regulations of recruitment agencies for the MDWs’ entry permits. They generally remain minimally involved in all matters relating to the MDWs’ rights, wellbeing, and status. The few rights MDWs have are administered through their work contract and the Labour Arbitration Councils.

The responsibility for all matters relating to the MDWs fall under the purview of the sponsors, who are often also the employers of the MDWs. The sponsors/employers 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, in all impunity. In addition, the Kafala system does not allow for the workers to change jobs or leave the country without the employers’ consent, leaving many of them in situations of forced labour.

In short, the Kafala system is an exploitative system that gives employers tremendous and often-abused power over migrant women who work, sleep, and eat in the homes of these same employers, amounting to a contemporary form of slavery.¹

Homelessness in the Kafala System

Migrant Domestic Workers - Live-Ins with Employers

Migrant domestic workers in Lebanon experience homelessness in all its forms, including rough sleeping, living in inadequate accommodation and destitution. As noted by the Special Rapporteur on the right to adequate housing, “migrants are particularly vulnerable to human rights violations, the enjoyment of housing being among the most endangered rights”.²

Under the Kafala system, employers often deny workers their right to adequate living and working conditions. For example, many employers do not provide suitable accommodations for MDWs. MWA has documented dozens of cases where MDWs are forced to sleep in unfit conditions, not guaranteeing a safe and

¹ <https://www.ohchr.org/en/press-releases/2012/04/lebanon-un-expert-slavery-urges-authorities-investigate-suicide-migrant>

² UN Doc A/65/261, para.9

healthy work environment, and negatively affecting the workers' physical as well as mental health due to the lack of comfort and privacy.

Amongst the worst cases documented, MWA has documented cases of MDWs forced to sleep on the floor of the kitchen, in the bathroom or underneath the dinner table as well as on the balconies of their employers' houses. These abusive and subpar living and working conditions often lead workers to escape from the house of their employer and end up homeless on the streets or in temporary accommodations provided by their community and civil society organisations.³ This, in turn, significantly increases their vulnerability and their risk of being re-trafficked. MWA has come across many cases where MDWs on the streets of Lebanon are exploited into sex trafficking rings or into organised crimes against their will.⁴

Following the exacerbation of the Lebanese economic collapse as well as the chaos of the Beirut Port explosion in 2020, many MDWs were abandoned on the streets by their employers as they were unwilling to pay their salaries or their airfare to return home. This resulted in a crisis of homelessness with MDWs sleeping in the streets in front of their respective embassies and consulates.⁵ The majority were facing precarious conditions with serious protection risks, including the risk of being re-trafficked, and had inadequate access to food and basic necessities.

Migrant Domestic Workers - Freelancers in the Rental Market

Amongst MDWs that have either been abandoned or have escaped, many remain in Lebanon undocumented. They often work as freelance domestic workers for companies or private households on an hourly salary. Under those circumstances, they pay for their own accommodation which are oftentimes shared apartments. This comes with its own set of risks such as being arrested and detained by the police as well as being deported. In recent years, their ability to afford housing has been severely affected by the hyperinflation of the Lebanese currency. MWA has seen an increase of MDWs forced to accept the devalued Lebanese currency for payment rather than US Dollars while at the same time being expected to pay their rent in US Dollars with many landlords increasing rents without any regulation or oversight by the government.

In addition, due to the rampant racism and discrimination against the migrant population, many MDWs reported facing discriminatory housing policies, including being rejected as tenants or being asked to pay upfront with higher rates than their Lebanese counterparts. The overall culture of racism in Lebanon

³ <https://pulitzercenter.org/stories/domestic-worker-abduction-shows-urgency-kafala-slavery-case>

⁴ <https://thegenderhub.com/blog/migrant-women-in-lebanon/>

<https://www.spiegel.de/international/world/humiliation-and-abuse-in-lebanon-s-kafala-system-a-a30c9a0c-6a7a-466b-b335->

⁵ <https://www.thenationalnews.com/world/mena/ethiopian-domestic-workers-abandoned-on-beirut-street-by-employers-1.1029708> ; <https://twitter.com/BanchiELB/status/1298814641368432641>

regularly leads to unjustified accusations and conflicts with neighbours, which oftentimes lead to unlawful evictions and MDWs becoming homeless.⁶

Migrant Domestic Workers – Runaways / Escapees in Safe Houses and Temporary Accommodations

MDWs that run away or escape from their employers/sponsors' abusive households, often spend nights homeless on the streets until finding access to temporary accommodations. Many try to rely on their social networks for temporary and often precarious accommodation such as shared flats run by members of the communities.

Our organisation has noted a drastic increase in MDWs leaving their employer's homes or being kicked out and unable to meet their basic needs, facing increasing psychosocial stress, and acute health concerns. As a result, safehouses and temporary accommodations providers have been at full capacity or have tightened their criteria. Additionally, the increase in dollar-based inflation has left some providers with no choice but to close.

For example, in 2022, MWA documented the cases of 168 Sierra Leonean MDWs who escaped from exploitative and abusive conditions in their respective employer's households. The majority did not know the name of their employers and were looking to return to Sierra Leone. The MDWs found themselves in inadequate temporary accommodations which in some instances exacerbated existing health conditions. In recent months, MWA has seen an increase in referrals and the need for temporary accommodation support for severe cases including gunshot, burn, stabbing, cancer, and multiple perpetrator rape victims.

Homelessness and Risks to Secondary Exploitation

The vulnerability of MDWs being victims of contemporary forms of slavery and pushed into homelessness oftentimes leads to an increased risk of additional exploitation such as being forced into sex work by traffickers in return for free housing (including in apartments known to facilitate sex work). Another prevalent form of exploitation which has increased since the economic crisis is the provision of inadequate and overcrowded housing by landlords or business owners in exchange of forced labour, building maintenance, and sexual exploitation without pay.⁷

MWA carried out interviews with partner organisations which operate safehouses in Lebanon. Several reported severe cases of secondary exploitation with extreme forms of violence. This includes the case of A.M. a Sierra Leonean woman that escaped her employer's abusive household and became homeless, eventually

⁶ <https://www.jadaliyya.com/Details/40368>

⁷ <https://www.npr.org/2020/08/08/900536502/explosion-leaves-lebanon-s-domestic-workers-even-more-vulnerable>

staying in an informal shared accommodation within her own community. This shared accommodation was known to be used for the purposes of sex work, which she refused to participate in. A.M. reported being gang-raped by the traffickers in an alternative location. She was left with no choice but to return to the same accommodation despite the egregious crime she suffered. Weeks later, she was able to receive support and become a resident in the above-mentioned safe house.

Another severe case of secondary exploitation reported to MWA is that of another homeless Sierra Leonean migrant woman, M.B. who was forced to work for a drug trafficking ring in packaging illegal substances in the Bekaa Valley. Following an attempt to escape the compound of the drug ring, M.B. was shot in the foot and forcibly returned to her agent and to the same employer that shot her. She eventually successfully escaped whilst injured and contacted the organisation that operates the safe house.

Finally, another form of secondary exploitation noted by MWA is the rise of organ trafficking in Lebanon with homeless migrant workers being severely vulnerable to this form of organised crime. Migrant workers are more likely to be targeted due to their marginalisation and 'invisibility' in society. It is assumed that many victims of organ trafficking in Lebanon die during the organ retrieval procedures and are either disappeared or announced as deceased due to medical complications. Although there has been an increase in these cases, there have been no investigations by the authorities.

Homelessness and Kafala: Trends and Recommendations

The Economic Crisis Affecting Safe Houses and Repatriation

As the economic crisis impacted MDWs' income and access to the rental market, the demand for safehouses and temporary accommodations has significantly increased. This resulted in civil society organisations facing challenges to meet the needs of beneficiaries. In addition, the Lebanese government has remained passive with regards to the worsening conditions of MDW and has failed to provide any financial or legal assistance to workers or organisations working on the rights of MDWs.

In addition, strikes affecting government institutions such as law enforcement and immigration have led to delays in repatriation efforts. As such, the average length of stay of MDWs in temporary accommodations and safehouses has increased from a few weeks to several months or even a year further straining the capacity of civil society organisations to provide safe accommodations. These lengthy delays also have a detrimental impact on the mental health of the MDWs waiting in a legal limbo to return home without earning any salary.⁸

In the current context, the lack of governmental support can further exacerbate the situation of MDWs facing homelessness. The lack of regulation of the rental

⁸ <https://pulitzercenter.org/stories/defiant-kenyan-community-leaders-take-responsibilities-their-failed-consulate-lebanon>

market, the landlords unchecked freedom to change rents, as well as the general dollarisation of the Lebanese economy have put MDWs at an increased risk of further exploitation into contemporary forms of slavery and forced sex work.

Recommendations for Protecting MDWs against Homelessness

- ◆ International donors must increase funding for temporary accommodations and safehouses specifically for MDWs in situations of modern slavery.
- ◆ The Lebanese authorities must expedite the repatriation process and relevant legal procedures in collaboration with the IOM, respective embassies, and consulates.
- ◆ The Lebanese government must develop a clear housing policy regarding rental market prices and tenant rights and ensure protective mechanisms for victims of unlawful evictions.
- ◆ International organisations such as the IOM must take more preventive measures, including through awareness-raising and educational programmes, for MDWs informing them of the dangers of the Kafala system and homelessness.
- ◆ Reducing the risks of contemporary forms of Modern Slavery requires the Lebanese government to abolish the Kafala system and replace it by a fair immigration and labour system with adherence to international human rights standards.



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