SPECIAL REPORT

CLEANING UP: THE SHADY INDUSTRIES THAT EXPLOIT LEBANON'S KAFALA WORKERS

NOV 2020

JONATHAN DAGHER
DAVID WOOD
JACOB BOSWALL

TRIANGLE
POLICY | RESEARCH | MEDIA

FRIEDRICH EBERT STIFTUNG

INTRODUCTION

This year – one of Lebanon's darkest in recent memory – raised hopes for one promising legal reform: a small step towards dismantling the kafala system. For decades, Lebanese employers have exploited migrant workers under these draconian rules, which permit working conditions that are woefully paid, unsafe, and – in some cases – deadly. Under kafala, migrant workers are excluded from Lebanon's labour laws and rely on their kafeel (sponsor) for residency. The rationale for this system is simple: it props up a financially lucrative industry.

In September, Labour Minister Lamia Yammine tabled a new contract that promised to improve the basic industrial rights available to migrant workers.[1] The amendment proposed changes to the unified standard contract, which – if enforced strictly – would have allowed workers to receive the national minimum wage and quit without their employers' consent, amongst other entitlements.[2]

Unfortunately, even these modest improvements drew resolute opposition. If passed, the new unified standard contract would deal a significant blow to commercial interests in the migrant worker value chain, which relies on providing cheap labour, free of basic industrial rights and obligations. Chief amongst these objectors was the Syndicate of Owners of Recruitment Agencies Lebanon (SORAL), which challenged the validity of the legislation in the Shura Council, Lebanon's highest administrative court.

In October 2020, the appeal was granted.[3] SORAL successfully argued that the new contract would negatively impact the industry of domestic workers recruitment in Lebanon, and contravene the labor law by giving domestic workers the national minimum wage.[4] The Shura Council's decision has consigned the updated unified standard contract to legislative purgatory, with no immediate prospect of becoming law.

These recent events have underscored the pervasive lobbying clout of those who extract profits from the kafala system. For decades, a steady stream of domestic workers into Lebanon has provided a source of revenue and cheap labour for various Lebanese stakeholders. Recruitment agencies are the main direct financial beneficiary of this lucrative trade, receiving handsome yearly sums in the form of one-off recruitment fees. Meanwhile, Lebanese employers benefit indirectly in the form of cheap labour. Caught in the middle, and stripped of basic labour rights, domestic workers pay the price for this exploitative system.

> ***"For decades, a steady stream of domestic workers into Lebanon has provided a source of revenue and cheap labour for various Lebanese stakeholders."***

The fight against the kafala system is far from over. Activists can expose kafala's rapacious stakeholders by following the trail of dirty money, from human traffickers in the workers' home countries to the Lebanese recruitment agencies themselves. Studies have already exposed parts of this avaricious trade in other countries; in Gulf Cooperation Council Countries, estimated yearly revenue raised for facilitating the entry and maintenance of Asian workers amounts to some US$4 billion.[5] But, until now, Lebanon has lacked a comprehensive study on the economic interests which underpin kafala (see Box I: Lebanese Kafala: A Sensitive Topic).

BOX I: Lebanese Kafala: A Sensitive Topic

Lebanon's sensitive political and demographic makeup poses specific challenges to reforming kafala, which do not exist elsewhere in the region. The Lebanese political system represents 18 religious sects to varying degrees, which can greatly hamper legislative reform in general. All decisions, from nationwide electoral laws to small-scale appointments of public officials, must preserve the delicate power sharing balance, creating regular political gridlock. Changes in the country's labour laws, for example, must receive a nationwide consensus from various sects before they can become law, rather than requiring a majority's vote in parliament.[6] Since the country's demographics also directly influence sectarian representation, further complications arise from deep-rooted collective fears of altering the country's balance by "naturalizing" foreigners. As with refugees many Lebanese worry that granting more rights to migrant workers will be a precursor to extending citizenship, which could eventually alter the country's demographic (and political) landscape.

This report examines the financial interests served by Lebanese recruitment of foreign domestic workers, thousands of whom are hired every year from countries like Ethiopia, Sri Lanka, Kenya, and the Philippines. Armed with information about the economic interests in kafala, the Lebanese people can fully understand the weighty commercial interests that entrench this retrograde, immoral, and fundamentally embarrassing system.

THE RISE OF KAFALA CASH

Lebanon's kafala system generates more than US$100 million in expenditure annually. A steady demand for cheap labour with virtually no rights keeps the cogs turning in this lucrative machine.[7] The Lebanese Labour Law explicitly excludes domestic workers – both Lebanese and foreign – from its edicts.[8] This glaring exclusion means that Lebanese employers save money by avoiding obligations owed under this legislation, such as paying the national minimum wage. Moreover, domestic workers do not have the legal right to act as, or even elect, union representatives.[9] In 2014, when domestic workers (both local and foreign) purported to form their own industrial union, the Ministry of Labour refused to acknowledge the group's existence.[10]

> ***"Unlike Lebanese domestic workers, foreigners live under thelooming threat of being cut adrift, and undocumented, if their relationship breaks down with the kafeel."***

Instead, the workplace entitlements of foreign domestic workers are governed by the kafala system, a loose collection of laws, decrees, regulations, and customary practices. The central logic of kafala ties each worker to their kafeel (sponsor), who controls the worker's legal status in Lebanon in exchange for wages, food, and board.[11] Crucially, foreign domestic workers rely on their employment contracts with the kafeels for their continued residency status. Indeed, it is common practice for employers to withhold workers' passports, even if the worker wants to leave their job.[12] Thus, unlike Lebanese domestic workers, foreigners live under the looming threat of being cut adrift, and undocumented, if their relationship breaks down with the kafeel (see Box II: Hopes Dashed).

BOX II: Hopes Dashed

The recently defeated reforms proposed giving foreign domestic workers more rights under the unified standard contract, the source of these employees' precious few legal protections in Lebanon. At least on paper, the current contract provides for basic entitlements like maximum 10-hour work days, one day off per week, and paid sick and annual leave.[13] This year's draft contract aimed at addressing the crucial issue of labour mobility. A procedural gap allowed the higher courts to postpone the contract's implementation until the new cabinet can resolve the issue. At present, foreign domestic workers can only terminate their employment contract in very limited circumstances; the draft contract would have allowed them to quit at one month's notice and find a new employer.[14] The new contract would also entitled workers to receive the national minimum wage, less (unspecified) deductions for overheads like rent, food, and clothing.[15]

In practice, many foreign domestic workers do not even enjoy the limited rights under the current unified standard contract. Migrant domestic workers arriving in Lebanon are often confined to their employer's house until the end of their agreement, which usually runs for 2 to 3 years, according to recruiters. During this period, employers wield expansive control over workers, whose communication is often monitored (or, in some cases, banned altogether). On top of this, workers have virtually no personal safety guarantees; activists have estimated that 1-2 migrant workers die every week.[16] These abuses can occur with impunity courtesy of woeful state regulation, which frequently abandons foreign domestic workers to the whims of their kafeels.

While foreign domestic workers suffer deplorable conditions, their employers enjoy a dominant commercial hand. Under kafala, employers can demand that workers accept pitiful wages, put in overtime, and avoid making complaints – exactly because they are not subject to normal obligations imposed on employers. These circumstances make foreign domestic workers an especially cost-effective source of labour – one that typically works more, for less pay. Since domestic workers cannot expect minimum wage, their remuneration depends more on their nationality than individual skill or experience (See Box III: Racial Capitalism and kafala).

Box III: Racial Capitalism and Kafala

Racism is an inseparable part of the kafala system, which relies on recruiting non-native workers and subjecting them to lesser industrial rights than local employees. But Lebanon's kafala system also discriminates between individual migrant workers according to their nationality, often completely overlooking individual qualities such as skill or individual experience. Therefore, kafala falls directly into the widely-accepted definition of racial capitalism as "the process of deriving social and economic value from the racial identity of another person."[17] In the Lebanese context, various costs including recruitment fees and monthly wages are dependent on a worker's country of origin. In some cases, costs are influenced by ethnic stereotypes and prejudices based on the colour of the worker's skin. Experts and recruiters interviewed for this paper informally describe this set of prejudices as a "colour scale." This practice contradicts Lebanon's legal obligations under various international conventions. These treaties include ILO Convention No.111 Concerning Discrimination in Respect to Employment and Occupation (which Lebanon has ratified) and the International Covenant on Economic, Social, and Economic Rights (which Lebanon is party to).[18]

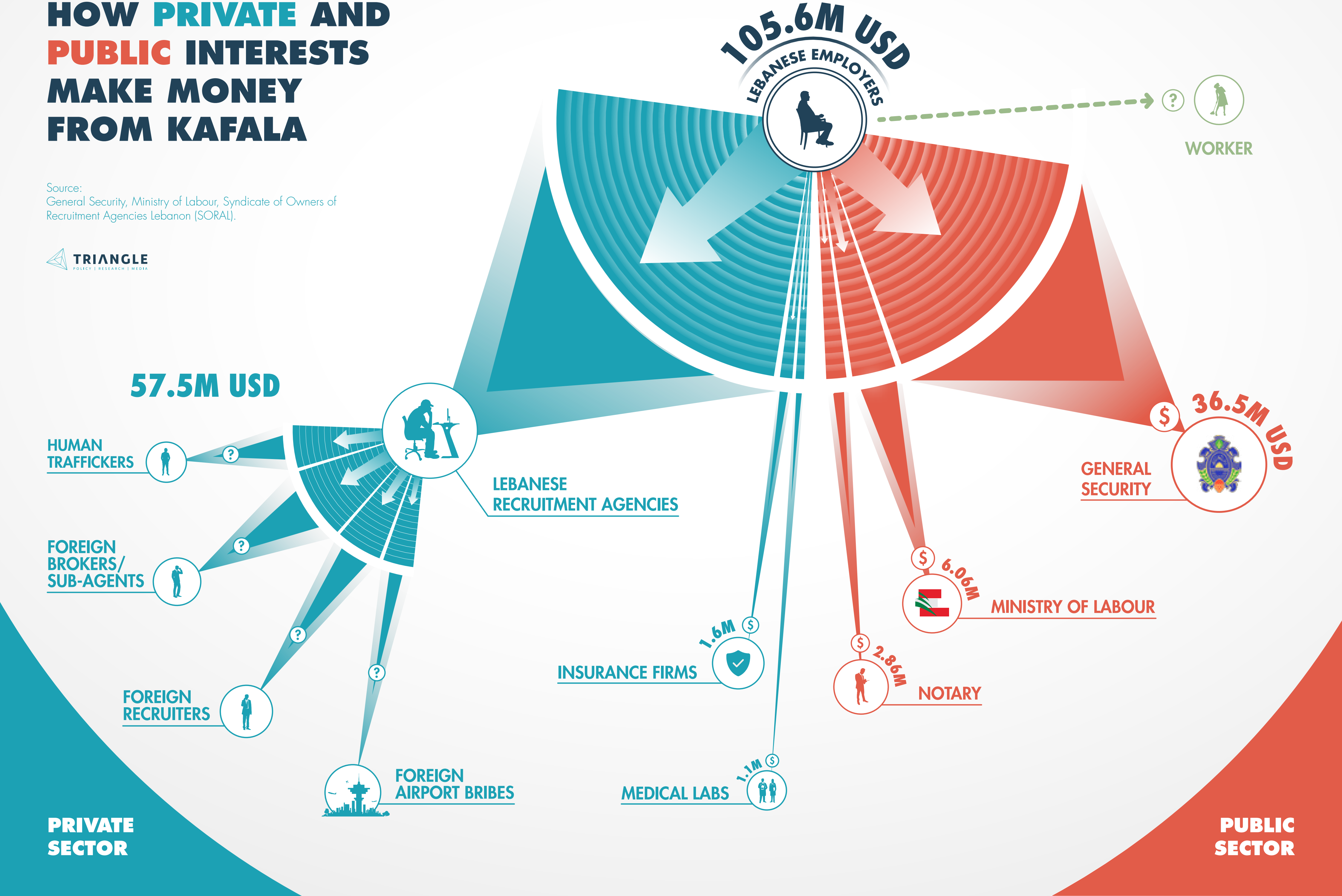
DIRTY BUSINESS: CHASING THE MONEY

A migrant worker's journey from her home country to Lebanon creates a constant value chain, where various actors extract value at certain points. This analysis estimates how much each stakeholder extracts

HOW PRIVATE AND PUBLIC INTERESTS MAKE MONEY FROM KAFALA

Source:
General Security, Ministry of Labour, Syndicate of Owners of Recruitment Agencies Lebanon (SORAL).

TRIANGLE
POLICY | RESEARCH | MEDIA



throughout this process, from human traffickers to recruiters and, ultimately, to employers. Insidiously, the lucrative amount of money at stake traps migrant workers in a constricting relationship with employers and recruitment agencies, no matter how dysfunctional that relationship may be.[19] Having spent considerable sums, both employer and recruiter are loath to allow workers to escape their employment contracts, which would involve significant financial loss.[20]

This section attempts to provide a best estimate of the industry's value to Lebanese actors in simple economic terms, by calculating the average costs incurred during a migrant domestic worker's passage to Lebanon. In order to estimate the total revenues collected by a stakeholder of the kafala system for any given year, this section considers all domestic workers who obtained residency for the first time or renewed their residency during the year 2019. These numbers are then multiplied by the various costs incurred in the process of becoming a domestic worker. These include a one-time recruitment fee, the cost of residency, labour permit, health checks, and other administrative costs.[21] Revenue generated by irregular and illegal domestic workers falls beyond the scope of this report (See Box IV: Payback Time).

HUMAN TRAFFICKERS

The initial injection of funds for the migrant worker value chain comes from the contract between the employer and the Lebanese recruitment agency. The agency uses the employer's upfront payment to meet various disbursements related to securing the worker's passage from her home country to Lebanon.[22] These funds contribute to a much wider human trafficking network, which contravenes both international and Lebanese law.[23]

Specifically, the recruitment fee helps to secure the migrant worker's passage from their home country to Lebanon. As Figure II shows, each recruitment agency specifies its own fee which can range from US$1,800 up to US$4,300, according to estimates given by the Syndicate of Owners of Recruitment Agencies Lebanon (SORAL). The amount differs from agency to agency, and based on the worker's nationality. The fee covers

BOX IV: Payback Time

Triangle's revenue estimates only account for domestic workers who registered during the year 2019 at the Ministry of Labor – in other words, regular workers with a legal status. An unidentified number of irregular migrant domestic workers remains unlisted within these numbers, according to sources interviewed for this paper. Irregular workers are migrant workers who have no labor permit and/or residency permit, or workers who have not renewed their residency permits. This study, which focuses on the structure of the official kafala system, does not account for these irregular workers. However, irregular workers do become relevant to the study as soon as they legalise their status, or obtain legal permits. The law imposes a penalty fee equivalent to the amount of every fee multiplied by the number of years delayed. For example, a worker who remained unregistered for five years would have to pay the equivalent of five permit fees. In some cases, the General Security Directorate decides to grant amnesty to workers of a certain nationality, waiving their fees. This is usually done in coordination with the embassies and consulates representative of the worker's country of origin.

the recruitment agency's overheads, in addition to a number of other shady practices.

The recruitment fee's black box includes a commission paid to the recruiter operating in the country of origin, their brokers and sub-agents recruiting the workers from their hometowns, travel agencies and all related travel costs, as well as the contact escorting the migrant worker at her home country's airport. It is hardly surprising that the costs incurred by foreign recruiters and their associates are far from transparent and most likely fund various exploitative and illegal practices (see Box V: The Black Box of Recruitment Fees).[24]

The worker herself also makes payments to various actors, separate to the recruitment fee paid by her prospective employer to the Lebanese recruitment agency. These include payments to foreign agents and sub-agents in the worker's home country, which facilitate the process of applying for a work permit, organising a passport, settling certain embassy and consulate fees undertaking medical tests and, in some countries, facilitating compulsory training. Local recruitment fees amount to several hundred US dollars, but vary greatly depending on the nationality of the worker.[25] Occasionally recruiters and brokers demand a separate payment for "additional and unexpected expenses," which can be as much as US$250.[26]

LEBANESE RECRUITMENT AGENCIES

Upon the worker's arrival in Lebanon, the Lebanese recruitment agency can now take its profit from the transaction (the recruitment fee, less disbursements paid to the human traffickers). In 2019, a total of 32,951 domestic workers entered Lebanon, among them 14,070 Ethiopians, 7,407 Ghanaians, and 3,824 Filipinos.[27] Assuming the lower range of the estimated recruitment fees, recruitment agencies received around US$57.5 million in revenues during 2019.[28]

Total recruitment fees make agencies the greatest Lebanese financial stakeholder, whose annual revenues account for roughly 60% of the industry's total revenues. These

BOX V: The Black Box of Recruitment Fees

Employers in Lebanon are indirectly funding a global human trafficking network, according to various sources. Because there are no regulations to enforce transparent invoices by local recruitment agencies, employers end up paying lump sums which cannot be broken down or audited. This facilitates payments made to foreign black markets, thereby maintaining the financial incentive of multiple stakeholders across different countries around the globe, further cementing Lebanese kafala's place within a global human trafficking network. Ethiopia, for example, bans its citizens from traveling to Lebanon for domestic work in an attempt to protect them from human rights abuses. But this ban does not prevent recruiters bringing workers to Lebanon. In order to do so, recruiters bring women through several intermediary airports before arriving in Beirut. Many costs incurred during these journeys are illegal, from smuggling women across borders, to forged exit stamps to bribes in foreign airports, and are passed onto the employer in the form of the one-time recruitment fee.

funds allegedly support human trafficking, in direct contravention of SORAL's own Code of Conduct, which requires avoiding any party that engages in "fraudulent, illegal, exploitative or abusive practices."[29]

LEBANESE GOVERNMENT AGENCIES

Now that the migrant domestic worker has arrived in Lebanon, her employer pays fees for two separate government approvals. In order to have legal status in Lebanon, a migrant domestic worker must have both a residency permit and a labour permit. These permits are granted by two state institutions: General Security, which authorises residencies and visa permits, and the Ministry of Labour. Residency and labour permits cost US$200 and US$160, respectively. Assuming that all newly entered domestic workers acquired residency and labour permits legally, in 2019 General Security received US$6.6 million from new residency permits, and US$29.9 million in renewal fees (also $200 per year). Meanwhile the Labour Ministry received US$5.3 million from labour permits, in addition to US$790,000 in previous authorisation fees paid by employers. This means that domestic workers generate an annual US$36.5 million for General Security and US$6.1 million for the Ministry of Labour.

LEBANESE SERVICE PROVIDERS

Separate to fees for government approvals, the employer needs to make various disbursements to local service providers. The worker's legal status requires that she undergo a medical screening (usually between US$33 and US$66 annually) to confirm that she does not have dangerous infectious illnesses. Employers also insist on a pregnancy test because, under most recruiter-employer contracts, they are entitled to a replacement worker if the one provided is pregnant.

Under the permits regime, the employer must also purchase basic health insurance for the migrant worker, which typically costs between US$50 and US$80 annually. Finally, the employer pays a one-off fee of around US$85 to a public notary, who witnesses and certifies the signing of the migrant domestic worker's work contract and guarantee. So, in 2019, medical labs received around US$1 million, insurance firms received around US$1.6 million, and the notary received US$2.9 million.

> ***"It is hardly surprising that the costs incurred by foreign recruitment agents and their sub-agents are far from transparent and most likely fund various exploitative and illegal practices."***

One final economic stakeholder profits from the economy of domestic workers through a system of deposits: the Housing Bank (Banque de L'habitat). Recruitment agencies are required to pay a one-time deposit of US$333,000 to the bank according to the Law on the Organisation of Recruitment Offices for Foreign Maids from 2003.[30] This sum entitles them to a permit, currently allowing them to bring in a maximum of 300 workers per year. Assuming there are 579 agencies,[31] at least $US19.2 million has passed through the Housing Bank to date, through this system of deposits. Although agencies receive this money back, the bank is able to generate profit through interest

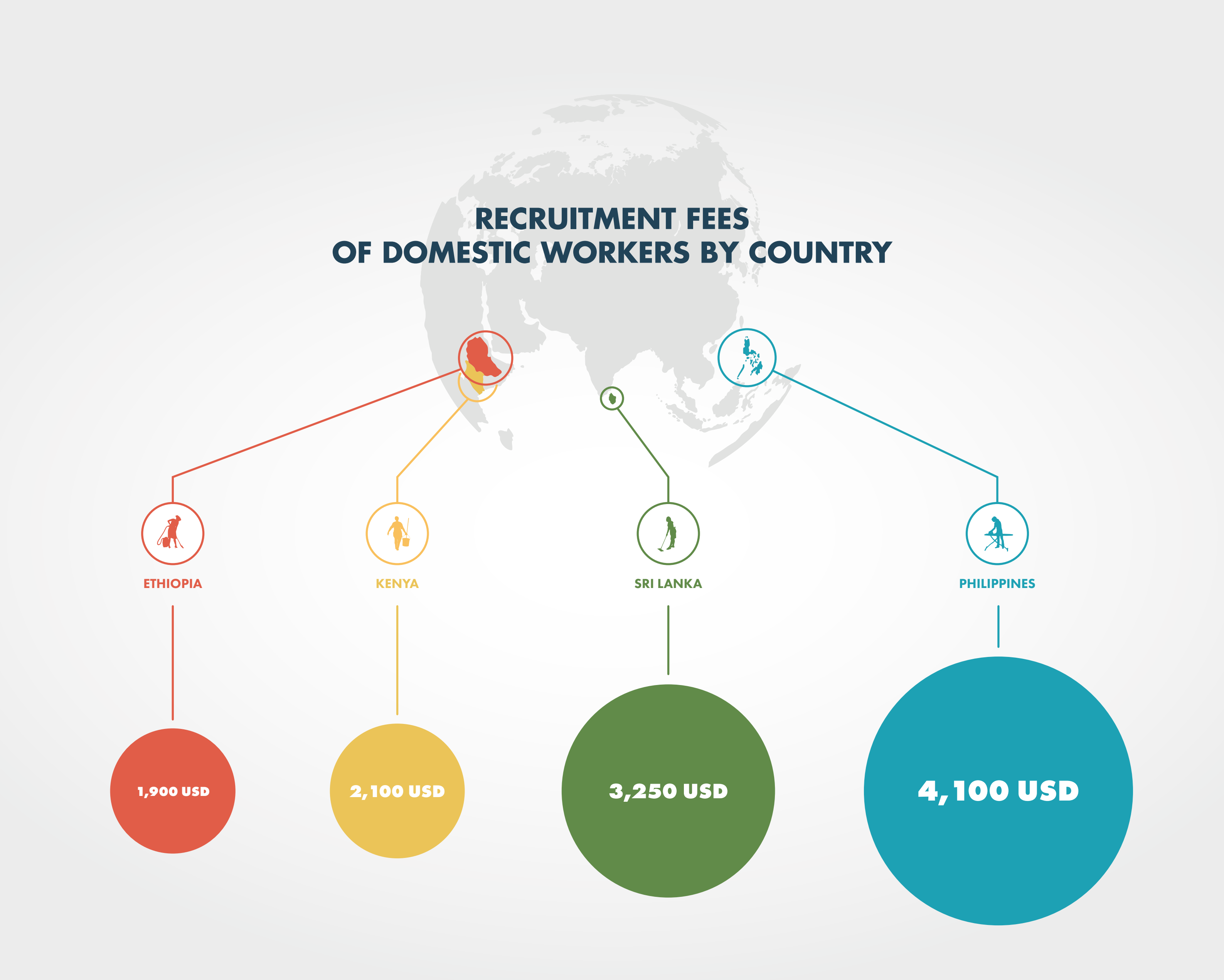


Figure II: These figures are a simple average of recruitment fees by nationality, as estimated by the Syndicate of Owners of Recruitment Agencies Lebanon (SORAL)

Source: Syndicate of Owners of Recruitment Agencies Lebanon (SORAL).

on these funds. In addition, employers hiring workers independent of recruitment agencies are obliged to pay the bank a deposit of US$995 per worker, according to the same law.

THE EMPLOYERS

Until this point, the employer has incurred expenses from the migrant worker recruitment process. He has paid a considerable upfront fee to the recruiter and, upon the worker's arrival in Lebanon, met several costs associated with government permits and private service providers. Of course, the employer then recoups his investment by benefiting from the cheap labour of the migrant worker, who enjoys virtually no workplace protections. For comparison, domestic workers earn on average $US230 per month, while the minimum wage in Lebanon stands at $US450.[32] Even if an employer covers the cost of accommodation and food, these overheads do not justify the exploitative and full-time nature of domestic work under kafala. Of course, this very feature adds extra value for the employer. In this way, a lack of legal protection has a very tangible positive impact on an employer's finances.

"The majority of Lebanese citizens benefit either directly or indirectly from the cheap labour afforded by migrant workers."

- INDIRECT BENEFICIARIES: THE LEBANESE PUBLIC? -

On one reading, the wider Lebanese public also extracts value from the maintenance of the kafala system. While migrant domestic workers are one category of workers operating under kafala, the system also encompasses freelance migrant workers and any foreign workers residing in Lebanon, particularly blue-collar workers at gas stations, supermarkets, construction sites, restaurants, hotels, as well as company cleaners and waste-pickers. In other words, the majority of Lebanese citizens benefit either directly or indirectly from the cheap labour afforded by migrant workers. Therefore, most Lebanese citizens are beneficiaries of the kafala system. These include decision makers who have political, legal, or financial power to rectify the system or abolish it.

RECOMMENDATIONS:

DISMANTLING KAFALA

The ultimate goal of any attempts to reform kafala in Lebanon must be to bring migrant workers under the country's labour laws. In the absence of effective state-provided social services and elderly care, Lebanese households will always require cheap domestic labour.[33] In the past, migrant domestic workers have represented the easiest and cheapest option. Despite the recent attempts to jettison domestic workers during the currency crisis, migrants remain the best option for many employers. Even those who are temporarily unable to pay their domestic workers in foreign currency have not surrendered their economic interests in kafala. Treating this important work force fairly by passing meaningful reform remains a priority importance.

"As SORAL's successful lobbying has proven, those with financial stakes in kafala are likely to oppose every step on the road to ending the current abusive system."

As SORAL's successful lobbying has proven, those with financial stakes in kafala are likely to oppose every step on the road to ending the current abusive system. Those advocating for a fairer, rights-based approach to the recruitment and employment of foreign domestic workers must first understand the interests and motivations of those stakeholders. This paper has taken a tentative step toward quantifying these economic interests for Lebanese actors. Future research must endeavour to create a similar economic mapping of the broader human trafficking network which allows the kafala system to exist in Lebanon and further afield. Studies such as this one may give activists a new weapon in the fight to end kafala, by pinpointing the lobbies and economic interest groups which stand in the way of meaningful reform.

KEEPING EMPLOYERS IN LINE

To address abuses by employers, the Lebanese government should return to implementing fairer terms under the standard unified contract which enshrines equal rights for migrant workers. As attempted earlier this year, the new contractual terms should allow workers to resign without their employers' consent. Providing freedom of labour confers several benefits on workers – it supports their financial situation by allowing them to move wherever labour is required, while also offering an escape route for workers suffering exploitation or abuse.[34] Relatedly, the new standard unified contract should make it illegal for employers to retain workers' passports, which currently slashes workers' bargaining power. In terms of remuneration, workers should have pay entitlements pegged to the national minimum wage. These rights should provide greater clarity than this year's draft law about the deductions that employers can make for overheads such as food and clothing provisions.

Importantly, introducing a fairer standard unified contract means nothing without an effective method of enforcing it. The Ministry of Labour must begin conducting regular inspections of workplaces to ensure that employers are complying with their legal obligations to domestic foreign workers. Recalcitrant employers should face significant fines and, if required, the relocation of abused workers from their homes. In the latter case, the government should provide a reasonable grace period for relocated workers to find new employment before departing Lebanon. The government should also ensure that a readily accessible multilingual hotline is available for foreign workers to report abuses in the workplace. This would address concerns that the hotline, at present, does not function effectively.

Legislators could further reduce incentives for employers to behave poorly by reforming the payment structure for recruitment fees. At present, employers pay with the full recruitment fee to agencies before the foreign domestic worker begins her term of employment. This structure means that, even if the employer and worker have a fractious relationship, the employer may fear losing their capital investment if the worker leaves. The government could address this concern by requiring that agencies receive recruitment fees in instalments throughout the term of the employment contract. If a foreign domestic worker switches to a new employer, that second employer could pay the remainder of recruitment fee instalments still owed. Alternatively, the government could hold recruitment fees in an escrow account, releasing the money to the agency only when the worker has completed her term of employment.

"Providing freedom of labour confers several benefits on workers – it supports their financial situation by allowing them to move wherever labour is required, while also offering an escape route for workers suffering exploitation or abuse."

CLEANING UP RECRUITMENT

Employers are not the only source of exploitative behaviour under Lebanon's kafala system – many reforms are long overdue to recruitment agencies. Recruitment agencies are guilty of extracting the most direct financial value from domestic workers. The Lebanese state should streamline and regulate the sprawling recruitment industry, by subjecting agencies to rigorous audits. Agencies should be required to provide transparent, detailed accounts of all expenses incurred in recruiting foreign workers. The Lebanese government must scrutinise payments made by agencies to secure workers' passage to Lebanon. If any payments infringe human trafficking laws, agencies should face fines and / or criminal prosecution. Eventually, the Lebanese government will need to collaborate with foreign authorities, including those in workers' countries of origin. An accreditation process could serve this purpose, in which Lebanese employment agencies receive a stamp of approval from the countries of origin in their counterpart dealings with accredited agents in the source countries.[35]

> ***"Agencies should be required to provide transparent, detailed accounts of all expenses incurred in recruiting foreign workers."***

The government can strengthen the hands of workers by only approving the entry of workers with embassy-level diplomatic presence in Lebanon. This rule would ensure that all workers have access to full-time labor attachés, translators, and attorneys, should they need them.[36] It would also thwart current practices of agencies in recruiting workers from countries like Ethiopia, which have specifically banned citizens from participating in Lebanon's kafala system.

LIFE AFTER KAFALA

In the longer term, a move towards an employment-based visa system is needed. Crucially, this system would not tie the worker's name to a specific employer; instead, it would allow the worker to terminate her own employment during an automatic grace period, to be defined by the Ministry of Labour. In specific cases, the ministry may also grant extensions, to help workers continue looking for work. This fairer, more rights-based approach would reduce vulnerability of workers under the current system, and create an opportunity for them to earn remittances for their countries of origin. It would also ensure that Lebanese employers continue to benefit from the valuable work of foreigners, who are helping to meet alarming shortfalls in social services like nursing the elderly. Without kafala, Lebanon could remodel itself as an attractive destination for talented, empathetic foreign workers. For now, however, the country continues to sully its reputation internationally by turning a blind eye to a primitive, unfair and outmoded system of employment.

> ***"Without kafala, Lebanon could remodel itself as an attractive destination for talented, empathetic foreign workers."***

EDITOR'S NOTE:

General Security did not respond to repeated requests for comment.

Triangle would like to express its heartfelt thanks to all the activists, researchers, journalists, and academics who anonymously contributed to this policy paper.

This paper was compiled with the support of the Friedrich-Ebert-Stiftung Lebanon and the International Domestic Workers Federation.

FRIEDRICH EBERT STIFTUNG

REFERENCES AND ENDNOTES

1 Khalil, Sarah, Will Lebanon's new domestic worker contract end 'kafala slavery'?, Al Araby, 2020. https://english.alaraby.co.uk/english/in-depth/2020/10/6/Will-Lebanons-new-domestic-worker-contract-end-kafala-slavery

2 New Standard Unified Contract, 2020. https://www.labor.gov.lb/Temp/Files/6abae03d-7945-4ea5-853c-c969134e0ba3.pdf

3 Sewell, Abby, A new contract for domestic workers has been temporarily stopped from going into effect. Here's what's going on, L'Orient Today, 2020. https://today.lorientlejour.com/article/1238540/new-contract-for-migrant-domestic-workers-on-hold-pending-the-results-of-a-lawsuit-by-the-syndicate-of-the-owners-of-the-worker-recruitment-agencies.html

4 شورى الدولة يوقف تنفيذ عقد العمل الموحد لعاملات المنازل: تعطيل مبادرة جديدة للحدّ من ممارسات الاستعباد
https://legal-agenda.com/%D8%B4%D9%88%D8%B1%D9%89-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D9%8A%D9%88%D9%82%D9%81-%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%B9%D9%82%D8%AF-%D8%%-A7%D9%84%D8%B9%D9%85%D9%84-%D8%A7%D9%84%D9%85%D9%88%D8%AD/

5 Azfar Khan and Hélène Harroff-Tavel, Reforming the Kafala: Challenges and Opportunities in Moving Forward, ILO, p303. https://sci-hub.se/https://journals.sagepub.com/doi/abs/10.1177/011719681102000303?journalCode=amja

6 Carnegie, Lebanon Situation Report. https://carnegie-mec.org/2015/04/17/lebanon-situation-report-pub-59832

7 This figure does not include the monthly wages paid to migrant domestic workers by their employers.

8 Lebanese Labour Law, Article 7.

9 Lebanese Labour Law, Article 92.

10 Amnesty International (2019). "Their House is My Prison: Exploitation of Migrant Domestic Workers in Lebanon," 13. Retrieved at: https://www.amnesty.org/download/Documents/MDE1800222019ENGLISH.pdf.

11 International Labour Organisation. "Reform of the Kafala (Sponsorship) System." Retrieved at: https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf.

12 Al-Jazeera, "Lebanon's Migrant Workers Under Pressure," 10 October 2014. Retrieved at: https://www.aljazeera.com/economy/2014/10/10/lebanons-migrant-workers-under-pressure.

13 Amnesty International (2019). "Their House is My Prison: Exploitation of Migrant Domestic Workers in Lebanon," 13. Retrieved at: https://www.amnesty.org/download/Documents/MDE1800222019ENGLISH.pdf.

14 New Standard Unified Contract, 2020. https://www.labor.gov.lb/Temp/Files/6abae03d-7945-4ea5-853c-c969134e0ba3.pdf

15 New Standard Unified Contract, 2020. https://www.labor.gov.lb/Temp/Files/6abae03d-7945-4ea5-853c-c969134e0ba3.pdf

16 Arab News, "Lebanon's New Domestic Worker Contract: End to Kafala Slavery?" 13 September 2020. Retrieved at: https://www.arabnews.com/node/1733866/middle-east; Human Rights Watch (2008). "Lebanon: Migrant Domestic Workers Dying Every Week." Retrieved at: https://www.hrw.org/news/2008/08/26/lebanon-migrant-domestic-workers-dying-every-week.

17 N Leong (2013). "Racial Capitalism," Harvard Law Review. Retrieved at: https://harvardlawreview.org/wp-content/uploads/pdfs/vol126_leong.pdf

18 ILO, Ratifications for Lebanon https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:15757064423403::::P11200_INSTRUMENT_SORT:2

19 Kafa (2012). "Policy Paper on Reforming the Sponsorship System for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, 14. Retrieved at: https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf47.pdf.

20 Kafa (2012). "Policy Paper on Reforming the Sponsorship System for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, 14. Retrieved at: https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf47.pdf.

21 Naturally, many other variables are involved in the "cost" of a domestic worker, owing to a lack of standardisation between agencies and the nature of the colour scale. Therefore, this section approaches the issue by taking averages across a number of nationalities and agencies. All estimates are based on figures from 2019, before the ongoing financial crisis caused unprecedented changes in the Lebanese economy. Estimates also assume an exchange rate of 1 US dollar to 1,507.5 Lira.

22 Kafa (2012). "Policy Paper on Reforming the Sponsorship System for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, 14. Retrieved at: https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf47.pdf.

23 Kafa & Legal Agenda, Dreams for Sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon, 2014, p33. https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf-78-635554479048554864.pdf

24 International law makes an important distinction between the terms "smuggling" and "human trafficking." The purpose of the smuggler is to obtain a financial or other material benefit, often with the consent of the smuggled person. A human trafficker, on the other hand, aims to exploit the trafficked person, through the threat or use of force or other forms of coercion, fraud, deception, abduction, abuse of power, or a position of vulnerability. This report adopts the term "human trafficking" to describe the route of all migrants to Lebanon, since smuggled migrants are open to abuse at all steps along their journey.

25 Based on a survey of Lebanese placement agencies and workers from Bangladesh and Nepal. See: Kafa & Legal Agenda, Dreams for Sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon, 2014, p33. https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf-78-635554479048554864.pdf

26 Kafa & Legal Agenda, Dreams for Sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon, 2014, p33. https://www.kafa.org.lb/sites/default/files/2019-01/PRpdf-78-635554479048554864.pdf

27 International Labour Organisation (ILO), annual list of domestic workers entering and renewing Lebanon, according to the Ministry of Labour, 2019. Unpublished.

28 These price ranges are based on SORAL estimates and confirmed by other sources. It is important to note that these prices are not regulated, and vary from agency to agency.

29 SORAL, Code of Conduct, p4.

30 Lebanese Law "Law on the Organisation of Recruitment Offices for Foreign Maids" http://www.legallaw.ul.edu.lb/Law.aspx?lawId=244940

31 Number of agencies listed on the official SORAL website, as of November 2020. http://www.sorallb.com/

32 USD figure is calculated at the official 1507.5 LBP/USD conversion rate, which was an accurate rate for most of 2019. The Lebanese minimum wage was increased to $450 in Decree No. 7426 from January 2012. See: Bou Khater, Lea, Understanding Policy-making in Lebanon: An Application of the Multiple Streams Framework to the 2012 Wage, 2018. Hikehttps://www.aub.edu.lb/ifi/Documents/publications/research_reports/2017-2018/20180803_application_of_multiple_streams_framework_2012_wage_hike.pdf

33 Azfar Khan and Hélène Harroff-Tavel, Reforming the Kafala: Challenges and Opportunities in Moving Forward, ILO, p305. https://sci-hub.se/https://journals.sagepub.com/doi/abs/10.1177/011719681102000303?journalCode=amja

34 Azfar Khan and Hélène Harroff-Tavel, Reforming the Kafala: Challenges and Opportunities in Moving Forward, ILO, p305. https://sci-hub.se/https://journals.sagepub.com/doi/abs/10.1177/011719681102000303?journalCode=amja

35 Azfar Khan and Hélène Harroff-Tavel, Reforming the Kafala: Challenges and Opportunities in Moving Forward, ILO, p305. https://sci-hub.se/https://journals.sagepub.com/doi/abs/10.1177/011719681102000303?journalCode=amja

36 Kafa, Policy Paper on Reforming the "Sponsorship System" for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, 2020, p6.

TRIANGLE
POLICY | RESEARCH | MEDIA

Design by Alexandros Chatzipanagiotou for Triangle