

Homelessness in Migrant Communities in Lebanon: Input for report of the Special Rapporteur on Slavery to the 54th session of Human Rights Council

Submitted by: Eгна Legna Besidet (ELB)

Introduction

This report highlights the structural, institutional, and systemic bases for homelessness among migrant domestic workers (MDWs) in Lebanon, which result from and contribute to the Kafala (Sponsorship) System and endemic racism in Lebanon. The data provided are based on evidence, records, and testimonies collected since 2020 by MDW organizations and community groups and interviews with MDW community leaders and activists. Additional information was obtained from reports by NGOs on the ground and governmental data where available.

Although a full account of contextual history is important, and accounts of systemic issues have been previously documented, this report's coverage of 2020 and onwards serves to testify to the glaring signs of the Kafala System's imposed risk of homelessness on trafficked and hired domestic workers, including from sending countries that have banned domestic work in Lebanon - Ethiopia and the Philippines. Lebanon entered political upheaval and economic crises in the last quarter of 2019, immediately followed by the August 4th port Blast, which all deeply impacted the MDW community. Official figures show that 30,000 migrants left Lebanon in 2020¹. This report centers around the period during these incidents and their aftermath, focusing on almost 1,000 homeless MDW women whose repatriation was facilitated by MDW community groups.

Main Causes/Drivers

Multiple compounding crises:

Since June 2020, hundreds of migrant workers of different nationalities have been abandoned by their employers or went to their embassy/consulate after becoming homeless. 99% of MDWs in the country are women, and most of these workers are Ethiopian due to the size of the Ethiopian community in Lebanon. This does not include the hundreds of women trapped in abusive households seeking weekly help from NGOs and community groups.

In one testimony, a frontliner recounts that the economic collapse in Lebanon has heightened the already precarious working and living conditions of migrant workers from the moment road closures were enacted on October 17, 2019, in response to widespread protests across Lebanon amid the

¹Lebanon - United States Department of State. United States Department of State.
<https://www.state.gov/reports/2022-trafficking-in-persons-report/lebanon/>

impending economic downturn. The COVID-19 pandemic after that posed the longest and possibly the most challenging period for many migrant workers who were stranded or had absconded from their sponsor/employer's household, as lockdown measures made mobility virtually impossible and halted all administrative work. Banks were closed, and employers could not withdraw money to pay migrant workers. The freefall state of the Lebanese currency, food inflation, the increase in and eventual dollarization of rent, and the August 4th Blast forced internal displacement, homelessness, and further economic disparity for lower to no-income households across the board (this includes live-in and live-out migrant workers), and other factors lending themselves to the diminishing middle-class household's financial stability, affecting wage stability for MDWs.

The Kafala System: reinforcing systemic exclusion and impunity

Article 7 of the Lebanese Labor Law explicitly excludes MDWs from the standard labor protections granted to the other categories of employees². This has empowered duty-bearers, recruitment agencies, and employers to continue to act with disregard and impunity towards the rights of migrant workers as the country was entering stages of chaos and economic collapse. Despite civil society efforts to reform the kafala system in 2020, The Shura Council annulled the labor minister's decisions to standardize contracts and limit salary deductions for migrant domestic workers, siding with recruitment agencies who claimed that these measures harmed their interests³. It is also important to note that amid these events, MDWs suffered deaths, including suicides and murders linked to structural violence⁴.

Structural inequalities and power imbalances:

In the absence of sufficient wages, live-in MDWs had to tolerate debasing living and working circumstances to keep what meager accommodations they had through their sponsors. Live-in workers often fall victim to labor abuses, threats of deportation, confiscated possessions, and, as 69% of MDWs have reported⁵, sexual and physical abuse. This ultimately leads migrant workers to resort to drastic measures and abscond from their households. They enter the early stages of homelessness at a friend's house, in shelters, or on the street near their consulate/embassy. An accurate marker of how Kafala reinforces racist mentality is the assertion that MDWs are "permanently hosted" by their sponsor for the duration of the contract and are, therefore, the sponsor's responsibility and will otherwise have to answer to the law or the recruitment agency by contract.

In most cases, live-out workers stay in shared apartments with five to six housemates and, in at least one reported case, with up to 50 women. In Lebanon's retaliatory, increasingly violently racist climate, live-out migrant workers have testified to being forced to leave their place of residence or endure constant hostile behavior by their neighbors, forcing them to seek new housing in an economy already

² ILO (2010), Code of Labor: Lebanon, Retrieved at:

<https://www.ilo.org/dyn/travail/docs/710/Labour%20Code%20of%202023%20September%201946%20as%20amended.Publication%202010.pdf>

³ Lebanon: Blow to Migrant Domestic Worker Rights. Amnesty International Canada. (2020, October 30)

<https://amnesty.ca/human-rights-news/lebanon-blow-to-migrant-domestic-worker-rights/>

⁴ Since 2017, the average rate of deaths of MDWs has increased from one per week, according to a Human Rights Watch report in 2008, to two per week. This takes into account only reported incidents, of which many were ruled out as suicide or failed escape attempts. The lack of transparency overall however does not allow for precise reporting, nor does the lack of reporting on homeless individuals who were disappeared or went missing.

⁵ Diab, J. L., Yimer, B., Birhanu, T., Kitoko, A., Gidey, A., & Ankrah, F. (2023). The gender dimensions of sexual violence against migrant domestic workers in post-2019 Lebanon. *Frontiers in Sociology*, 7. <https://doi.org/10.3389/fsoc.2022.1091957>

fraught with a housing crisis that has worsened since the August 4th Blast, or are forced to leave due to rent increase. MDWs who could not pay their rent became indebted to their landlords. According to ELB's records, 317 African women from Ethiopia, Kenya, Sierra Leone, and Nigeria received rent debt relief and assistance in 2020 alone.

Impunity and the disproportionate financial burden:

Some employers have been reported to accuse absconding migrant workers of theft in order further to justify the involvement of police in the matter. These legal actions lack transparency and are often fraudulent, if not with malicious intent to punish the migrant worker. In most such cases that ELB encounters, courts order domestic workers to pay damages to their employers frequently while seldom ordering employers to pay for delayed wages. They also ignore allegations of human trafficking or forced labor when these are raised during investigations. Almost 100 MDWs benefiting from ELB's legal assistance program since 2020 had court decisions for theft cases overturned when challenged due to a lack of evidence against the MDW.

Even during their release from detention and especially while migrants wait for administrative or legal proceedings to clear their departure, MDWs can be at risk of homelessness since they have lost their means of income and legal status. Sponsors of domestic workers are contractually obligated to provide the ticket cost back home, yet the Lebanese Ministry of Labor has consistently failed to hold sponsors to their obligation. MDWs often have to rely on donations or humanitarian organizations to cover the costs of a plane ticket and the penalty fees for overstaying their residency. In 2020, this was added to the cost of lodging for mandatory quarantine periods of up to 14 days. In addition, many workers who repatriate effectively forego their right to compensation for their labor, as no accessible justice mechanism currently exists to guarantee that they are paid the wages they are owed.

Consulates and embassies often do not offer fee waivers for the migrants' exit clearances, let alone for repatriation to their home country while securing clearances, laissez-passer, and flight tickets⁶. We know cases of women who have waited as much as five years while others have waited six or seven months. These women have appealed repeatedly via their Consulates before being left despondent and hopeless over their refusals by national immigration authorities. One example of this was the latest report of over 30 Kenyan women staging a sit-in during January 2022 for over two weeks to receive their laissez-passer and tickets from their consulate⁷. Some were promised to have their papers within weeks but had to wait in shelters for over two months before deciding to stage the sit-in.

Lack of sufficient support for community-based safety nets:

On top of these drivers, migrant women that abscond from their place of work or their sponsors/employers/agents face a reality that is widespread among many MDWs in Lebanon that send remittances to their families: they feel ashamed to admit to family members and friends of the reality imposed upon them by abusers, exploiters, and the Kafala System. This stigma is reinforced by a

⁶ Usually, a laissez-passer is used in the case of undocumented workers whose passports have expired, were confiscated or abandoned while they absconded from their place of work. In some cases, an exit clearance is in order for workers with charges against them, usually related to their abscondment and sometimes fraudulent theft charges.

⁷ The distress of Kenyans who have nothing but the street in Badaro. (2022, January 19). L'Orient Today. <https://today.lorientjour.com/article/1288036/the-distress-of-kenyans-who-have-nothing-but-the-street-in-badaro.html>

profound lack of trust, primarily from lived experience, to provide adequate assistance, services, or access to justice.

MDWs who have recently escaped households in which they were exposed to serious abuse and who now live in Lebanon without legal status need both external assistance to meet their immediate needs and support to undertake the often arduous process of putting together the required documentation and resources to leave the country. As a result, many shelter and temporary accommodations providers have been at total capacity or have tightened their criteria due to the high demand in referrals for housing by MDWs needing to return to their home countries. Additionally, the increase in dollar-based inflation has left some providers with no choice but to close down. More specifically, in recent months, shelters that ELB collaborates with have seen an increase in referrals and the need for temporary accommodation support for severe cases, including gunshot, burns, stabbing, cancer, and multiple-perpetrator rape victims.

Evidence of Homelessness, Exploitation and Contemporary Forms of Slavery

The following section details the evidence received from the Sierra Leonean, Filipino, and Ethiopian communities of MDWs in Lebanon as they relate to approximately 991 homeless MDWs they helped repatriate after 2020. The trends observed include multiple human rights and labor violations against MDWs pushed into homelessness, abandonment by or absconding from the employer's household, and the failure of duty-bearers to respect, protect, or fulfill the rights of these MDWs.

Intersecting forms of violence against homeless MDWs:

According to the data collected from homeless MDWs, and as corroborated by embassies of sending countries, 95% of MDWs are women between 20 and 60 years of age, including single mothers with between 1 and 5 children. However, we have come across MDWs as young as 14. Testimonies from the Sierra Leonean community revealed that recruitment agencies would often forge passports to bring the ages of teenage Sierra Leoneans to the mandatory minimum age of 18 or more.

The victims were homeless for between two months and one year, during which they were subjected to single or multiple detentions for being spotted as homeless, flagrant treatment by spectators and observers, additional labor and sexual exploitation, and discrimination and racism. They had been employed for one to ten years prior and reported multiple repeated violations at the hands of their employers. In 90% of cases, these violations included rape, physical and verbal abuse, and non-payment of wages (between \$200 and \$3,000). It should be noted that salaries still owed beyond the last quarter of 2019 are exponentially more significant in value since the devaluation of the Lebanese Pound began in August 2019.⁸ Since the salaries for MDWs were set in Lebanese pounds, high-earning migrant workers' wages decreased from \$400 per month to \$150. Still, the salaries before and after the crises

⁸ The fourth quarter of 2019 set one USD at £L1,600 (Lebanese Pound); then in April 2020 it lowered to £L3,000 per dollar; March 2021, £L14,000 per dollar; June 2021, £L15,200 per dollar; July 2021, £L 24,000 per dollar; and March 2023, £L 111,000 per dollar.

were always well below minimum wage. These salaries still do not grant migrant workers the ability to rent or cover the costs of largely privatized healthcare, for example).

Food, medical care, medicine, menstrual products, clothing, blankets, and childcare items were all meager unless homeless migrants were close to a community hub or knew how to navigate the network of humanitarian organizations. In one testimony, migrant women and single mothers skipped 2 out of 3 meals daily to conserve as much food as possible. They identified some of their characteristic shared experiences as post-traumatic stress disorder and multiple traumas inflicted on them during their time in Lebanon. According to some testimonies, homelessness was better than staying inside an unsafe living space or feeling pushed to resort to survival sex or forced partnership.

Shifting responsibilities: community groups at the frontlines of emergency repatriations

According to data compiled by ELB and The Sierra Leonean community, it can be estimated that between 2020 and 2021, at least 287 homeless Sierra Leonean women were repatriated. Their consulate initially offered shelter but at the cost of paying for utilities. With no mobilization from the consulate itself, a 3-day sit-in was organized and publicized by more than 30 Sierra Leoneans to bring attention to their treatment and the lack of solidarity from their consul. The consul eventually resigned after attempts to bribe some Sierra Leonean organizers fell through. The mounting pressure on the consulate helped mobilize more MDWs, local actors, and community leaders to stand in solidarity. The Sierra Leonean president, who was on vacation in Lebanon then, approved the women's laissez-passer and demanded that the embassy collect all needed data to begin processing tickets and clearances. He agreed to cover the airfare for some women while humanitarian organizations and ELB covered the remaining costs.

The Ethiopian consulate in Lebanon also initially closed its doors to its citizens amid calls for mass evacuations and repatriations at the start of the economic crisis, but public outrage led to the replacement of the consul in June 2020. The new consul referred some MDWs to a shelter run by an NGO-run shelter and opened the consulate's shelter to others. However, concerns were raised about the conditions of that shelter. Ethiopian women who left the shelter have reported violations of their rights during their stay. Since 2020, over 700 Ethiopian women have been repatriated with ELB's help, around 300 of whom were homeless.

Data from the Philippine Embassy shows that over 3,600 MDW nationals have been repatriated through its programs since 2020, including 404 Filipinas in shelters. Despite their larger number, community activists insist that the support afforded to MDWs at risk of homelessness in the Filipina community is disproportionate due to the active involvement of the Philippines Embassy. While their involvement is commendable, humanitarian organizations underestimated the sheer volume of Filipina MDWs needing work, shelter, food, medicine, childcare assistance, and more. Despite glaring shortcomings, the contrast in response is noticeable thanks to the Philippines' Office of Workers Welfare (OWWA), which facilitates access to legal assistance, shelter, and existing protection mechanisms for Filipinos in case of death due to negligence, health complications and/or suicide, and the request to repatriate.

Every community leader and frontliner has mentioned having to compel their respective consulates/embassies to fill out exit clearances for their homeless compatriots. The process is cumbersome and requires efforts from multiple active partners to exert pressure to reach the ambassador or other sending country leaders. As a result, organizing becomes a daily part of the homeless migrant women's routine. While organizing is an effective measure with enough support from local actors, community leaders, and local NGOs, much of the effort is made while the women are still homeless or moving from shelter to shelter, using the meager money they have to cover transportation costs to and back from their consulate/embassies. The exclusion of MDWs from freedom of association rights also prohibits their capacity to respond as part of community groups or organizations. The diminishment of humanitarian aid⁹ and fatigue among donors and community organizers has also affected the efficacy of their response.

Re-migration and trafficking

Despite the successful repatriations, the victims and community leaders estimate that almost 50% of returnees re-migrated to Lebanon. Testimonies across all communities have shown that recruiters in sending countries are profiting from the continued trafficking of domestic workers¹⁰. This trend is still observed among sending countries that have enacted travel bans; according to the Filipino Embassy in Beirut, 10,520 "irregular" Filipino migrant workers have entered Lebanon through a recruiter that left them undocumented or have had expired visas. Ethiopian returnees have also returned to Lebanon through human trafficking networks, and thus the volume of women receiving assistance and aid has consistently been in the hundreds since 2021.

Recommendations:

- Abolish Article 7 of the Labor Law, which exempts domestic workers and other foreign workers from the provisions of the Lebanese Labor Law, and ensure that all workers have access to the entire range of rights and protections;
- Replace the kafala system with a single immigration and residency system that separates the employment and residency permits;
- Establish a standardised, transparent, and accessible state mechanism for domestic workers to legally terminate their contracts without the need for their sponsor's permission, as well as a grace period during which the worker can look for new work without violating her legal residency conditions;

⁹ This is largely due to the assumption that migrant workers are already receiving help from their embassies or from local actors and "larger more proactive networks" than that available for refugees for example. Frontliners have expressed that the reality couldn't be farther from the truth.

¹⁰ Whether these cases of human trafficking from within the home countries are tracked down by the country's government agencies and intercepted is unknown, but chances are that within the localized recruitment agencies there are traffickers working covertly and targeting areas where they can prey on vulnerable returning citizens that still need money to resettle. According to direct accounts, the traffickers convince the locals that their best option is to return to Lebanon with the promise that their experience will be different the second time.

- Criminalize all forms of sexual violence in line with international standards: This can only take place through the amendment of articles 503-520 of the Lebanese Criminal Code, as well as comprehensively defining sexual assault as a violation of bodily integrity and sexual autonomy of every individual regardless of their legal status;
- Develop a code of conduct for placement agencies and their syndicate: There is a need to revisit and amend the 2009 decree on monitoring and regulating private placement agencies, as well as setting up a strict inspection mechanism to halt abuses and violations;
- Ensure sufficient resources for operations, mechanisms, and response plans for MDWs in distress to alleviate the financial burden placed on them;
- Conduct thorough investigations into the widespread and routine abuses and deaths of MDWs, give reparations to victims, and hold perpetrators accountable;
- Ensure that migrant activists are recognised as Human Rights Defenders;
- Ensure that women from migrant communities are meaningfully included in all policymaking processes;
- Ratify the International Labor Organization's (ILO) Domestic Workers Convention of 2011 (C189), which addresses the right to decent work for domestic workers;
- Redirect funds to the Inspectorate of the Ministry of Labor to fulfil its responsibilities of monitoring abuses of employees' rights, particularly employers' adherence to the minimum wage.