

Promotion and Protection of Rights of Migrant Domestic Workers

*Following up on commitments of Lebanon's 2015 Universal
Periodic Review*

February 2019

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Disclaimer

While the team made all efforts possible to cross-check information and reproduce facts and events accurately, this does not overrule the possibility of inaccuracies or oversights, for which ALEF hereby expresses its regrets.

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Executive Summary

Migrant domestic workers (MDWs) in Lebanon face widespread human rights violations and poor protection caused by immigration and labour policies that link legal residency status with employment by a particular “sponsor.” The weak Lebanese protection framework exacerbates the risks these workers face.

Although Lebanon has supported, and hence committed to several UPR recommendations to improve the situation of MDWs, their situation remains unchanged. In response to these shortcomings, this paper presents the first results of a Monitoring Report that rates key duty bearers on their progress between 2015 and 2018 in achieving recommendations from Lebanon’s 2015 UPR *to improve the legal situation of migrant workers and further strengthen the promotion and protection of rights of foreign workers*¹. The paper uses a standard grading framework to assess key indicators that measure the extent to which individual stakeholders comply with UPR recommendations.

In spite of a number of cases where MDWs received adequate compensation and where perpetrators were held accountable for their crimes, the judiciary’s efforts remain at a bare minimum when addressing the rights of MDWs. Due to a lack of initiative to actively advance the situation of MDWs in Lebanon, the Judiciary’s contribution to achieving the UPR recommendations on the protection of MDW is insufficient. The report’s findings show that **public prosecutors do not launch independent investigations into cases of violations to the rights of MDW**. Moreover, **none of the rulings in the reporting period in cases involving foreign domestic workers included decisions that actively sought to consider the rights of MDWs**.

Security agencies have, to an extent, invested in building their institutional capacities to address gaps in the treatment of MDWs in police stations and places of detention. These have been manifested through organizing trainings for law enforcement officers on this particular issue during the reporting period. However, backwards policies, including the deportation of migrants without due process and lack of proper accountability measures, have set them back significantly. In fact, **judicial cases involving MDWs are overwhelmingly dropped as workers are deported before the final ruling**. Additionally, **police stations often do not have the capacity to deal with reported cases of violations against MDWs**.

¹ A/HRC/31/5/Add.1 - Para. 132

Although the MoL is the main authority in regulating labour and its practices, actions taken on its part during the reporting period proved to be insufficient. The report shows that **MDWs are excluded from all standard labour laws and protections in Lebanon leaving them uniquely vulnerable to abuse. Repeated attempts, in the course of this research, to contact the complaints hotline effectuated by the MoL, available to MDWs in need of assistance, have never succeeded in reaching adequate assistance. The terms of the Standardized Unified Contract are also insufficient to protect workers' rights and ensure a stable employment relationship.**

The Lebanese Parliament has also taken no actions during the reporting period to improve the legal situation of migrant workers and engage constructively with international & regional partners.

Finally, NGOs have provided consistent support in engaging constructively with international & regional partners, often complementing weak or non-existent state services and protection programs for MDWs. However, their work can be improved to expand MDWs' protection within their programs and services.

Methodology

The paper is relevant to UPR recommendations under “Right or area 34. Migrants” (see Annex A) of the Thematic list of recommendations for the second cycle of Lebanon’s UPR.

Based on each recommendation, ALEF mapped the relevant stakeholders that enjoy decision-making powers to create change in this thematic area. Subsequently, ALEF mapped relevant progress that had taken place between the date of issuing of the recommendations in 2015 until the end of 2018. Focusing on this progress allowed us to map the apparent willingness and ability of decision makers to comply with any given recommendation.

The paper divides the types of action called for in the recommendations into three different categories: structural progress, procedural progress, and outcomes.

Structural progress: Reflects the ratification and adoption of legal instruments and the existence of basic institutional mechanisms deemed necessary for the promotion and protection of human rights.

Procedural progress: Measures duty bearers’ ongoing efforts to transform their human rights commitments into the desired results. This requires looking into policy, including public programmes for development and governance, budget allocations and specific regulatory or redress interventions, that the State is willing to take to give effect to its human rights commitments.

Outcome progress: Captures individual and collective attainments that reflect the state of enjoyment of human rights in a given context. It consolidates over time the impact of various underlying processes.

For the purposes of this policy paper, the indicators are interpreted to assess progress or regress of duty- bearers’ performance, rather than the broader human rights situation in the country.²

² For example, indicators showing an increase in human trafficking cases responded to adequately by judicial authorities, are interpreted to signify the continued or improved capacity of relevant actors to receive and adjudicate such cases, rather than an increase in incidences of human trafficking.

This approach ensures that each duty bearer is assessed independently, based on their institution's mandated responsibilities towards MDWs, and their individual level of effort on advancing the rights of migrant workers. Duty-bearers are subsequently given recommendations based on factors that are only attributable and relevant to their direct sphere of control and scope of work. ALEF recognizes that upholding human rights norms requires a concerted effort from all duty-bearers, and that any action taken by individual actors alone would be insufficient to provide adequate human rights protection. The aim of this paper is not to undermine the need for collaborative efforts through compartmentalizing responsibilities, but rather to present clear and targeted steps that duty bearers can work on to show their commitment to the protection of MDWs' rights within a human rights framework.

Based on the structural, procedural, and outcome indicators, ALEF assesses the status of each duty-bearer in a systematic, evidence-based manner. This evidence has been obtained through a thorough desk review, complemented by interviews with the duty-bearers themselves. This approach helps to cross-examine and strengthen the empirical justification for each duty-bearer's status, to ensure an appropriate quality and quantity of supporting evidence is provided. The assessments are statuses as follows:

Green: Significant efforts have been made to improve or maintain the full respect of MDWs rights.

Yellow: Progress has been made towards achieving better respect of MDWs rights, but there remain protection gaps that leave room for improvement.

Amber: Efforts towards improving the human rights situation of MDW are inadequate, and gaps to the protection of their rights remained unaddressed.

Red: Policies and practices around MDWs have worsened, and actively restrict their enjoyment of rights.



The Judiciary is responsible for protecting the human and labour rights of MDWs by holding perpetrators accountable and providing remedies and compensation to victims of violations. The Judiciary's efforts to improving the legal Situation of Migrant Workers are measured as follows:

UPR Recommendation 132.199: "Further strengthen the promotion and protection of rights of foreign workers"

Judicial training on migrant rights and related standards for the administration of justice

Although judges in the Judicial Academy are given a general course on International Treaties and Conventions, no particular focus is given to the rights of persons in vulnerable situations, including MDWs. Seminars on such specific issues may be given to judges, however none of these are mandatory, and no clear record could be found about any seminars given in the past specifically regarding MDWs. Yet thematic modules on human rights in judges' formation programs are key to mainstreaming and upholding human rights in judges' subsequent decision-making. Through equipping judges with knowledge regarding human rights and specific vulnerabilities, judges are empowered to make decisions that are mindful of the challenges and violations that affect these vulnerable populations.

ALEF Recommendations:

- Institutionalize human rights as a central aspect of the judicial system by integrating modules on the violations that certain populations may be at risk of, especially MDWs.

Judicial investigations of cases on the rights of MDWs, and perpetrators against MDW arrested, adjudicated, convicted, and serving sentences

The Labour Arbitration Council (LAC) is Lebanon's national institution that resolves labour disputes through conciliation and arbitration. Since MDWs are not covered by Lebanon's Labour Code, they fall under the LAC's jurisdiction because the LAC typically deals with disputes over private employment contracts. However, it is still rare for MDW cases to make it to the LAC since the vast majority of disputes are settled informally by NGOs or other stakeholders.³ **There has been one documented case since 2015 where a MDW successfully filed a lawsuit with the Labour Arbitration Council** where the final ruling compelled the employer to pay her former employee

³ International Labour Organization, "Access to Justice for Migrant Domestic Workers in Lebanon", 2014, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_395802.pdf

the wages owed.⁴ Although the ruling was appropriate, the trial took place in absentia after the plaintiff had been deported⁵, and the presiding judge dismissed claims regarding compensation for arbitrary termination without notice.

Although MDWs do not often file criminal lawsuits against their abusers, there have been a handful of successful cases where perpetrators were held accountable. Such was the case of Kenyan migrant workers Shamila and Rose, who were violently assaulted by three persons in Bourj Hammoud on June 17, 2018. The court sentenced two of attackers to jail time, and fined all three attackers. However, the success of this case may be partly attributed to the wide media attention that it garnered; there are likely lower-profile cases where accountability did not prevail.

Public prosecutors generally do not launch independent investigations into cases of violations to the rights of MDW, despite the multiplicity of cases of abuse against MDW that have been made public through the media.

ALEF Recommendations:

- Facilitate MDWs' access to compensation through promoting better awareness among the general public and among MDWs specifically of the role and procedures of the LAC.
- Promote accountability through launching public investigations into cases of abuse against MDWs.

Judicial decisions on MDWs' rights recognizing equal rights for migrant workers

Despite the many rulings in recent years (at least 195 in 2017) in cases involving foreign domestic workers, none of these rulings included decisions that actively sought to consider the rights of MDWs. Remarkably, approximately 91% of these rulings were issued in absentia, as the MDWs involved were deported before the trial. In addition, most, if not all, proceedings were in Arabic, a language that most MDWs either do not understand or understand poorly.

ALEF Recommendations:

- Recognize equal rights for migrants in the trial process by enforcing legislation in line with fair trial guarantees, and holding law enforcement agents accountable for violations against MDWs in this regard

4 Najjar, Hala & Saghieh, Nizar, The Legal Agenda, "Lebanese Domestic Workers: Deportation Without Compensation", January 2018, <http://legal-agenda.com/en/article.php?id=4255>

5 The provisions governing foreign workers in Lebanon and their admission, residence and departure are contained in Decree No. 17561 of 18 September 1964 and the Act promulgated on 10 July 1962. These provisions are mandatory. Failure to comply with them is punishable under criminal law, in accordance with article 21 of the above-mentioned Decree. MDWs who leave their employer without permission are considered to violate the terms of the Decree.

Guarantees for fair trial for MDWs

It is rare for MDW in the trial process to not be subjected to arbitrary arrest or detention.

This usually comes in the form of Category III cases of arbitrary deprivation of liberty,⁶ particularly in court during trial. ALEF has monitored several court hearings where MDWs stood trial without the provision of a professional interpreter. The presiding judges had to accommodate by communicating with the detainee in broken Arabic or English, asking observers within the courtroom to translate terms for the defendant MDW, while the rest of the trial proceeds in Arabic. The widespread practice of deporting MDW prior to the end of their trial also amounts to arbitrary detention when the deportation order is not issued by a judicial authority, and when it prohibits *habeas corpus* rights.⁷ These practices deprive MDWs of the opportunity to defend themselves during the hearing, and from enjoying their due process rights.

As with all other pre-trial detainees, MDW detainees are often not transported to their hearings, which prolongs their period of detention, amounting to an arbitrary detention.

ALEF Recommendations:

- Push for wider use of interpretation for MDWs in a language they understand during court hearings.
- Demand that DGGS pause deportation proceedings for MDWs who are involved in active litigation.

Grade: Amber

In spite of a number of cases where MDWs received adequate compensation and perpetrators were held accountable for their crimes, the Judiciary's efforts remain at a bare minimum when addressing the rights of MDWs. Due to a lack of initiative to actively advance the situation of MDWs in Lebanon, the Judiciary's contribution to achieving UPR recommendations on the protection of MDW are insufficient.

⁶ When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character

⁷ ALEF, "Annual Report 2017", April 2018, https://alefiban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf



Security Agencies

The main security agencies that interact with and have influence over the situation of MDWs in Lebanon are the Directorate General for General Security (DGGS) and Internal Security Forces (ISF). The DGGS is responsible for regulating the entry and stay of migrants in Lebanon.⁸ They also blacklist recruitment agencies and employers, run an immigration detention centre, and implement amnesty periods for MDWs. As Lebanon's police, the ISF is responsible for the physical protection of MDWs whose human rights are violated. The ISF runs a hotline for MDWs, handles and investigates complaints made by employers and MDWs, and offers law enforcement officers anti-human trafficking training.

UPR Recommendation 132.199: "Further strengthen the promotion and protection of rights of foreign workers"

The rights of MDWs in domestic regulations

DGGS implements a policy that gives employers absolute power over the legal residency status and re-employment of MDWs who exit their contracts for any reason. As it stands, DGGS regulations require that **a MDW must secure an employer (the "sponsor") in order to submit the visa application and the application for residency, and for each yearly residency renewal. DGGS interprets this requirement to also mean that the residency is invalidated if the worker terminates their employment with the employer for any reason, although there is no legal basis for this interpretation. Finally, DGGS regulations require the agreement of the first employer in order for the MDW to sign a new contract with a second employer. There is no provision to waive this requirement** under any circumstances, even if the first employer is shown to have violated the contract.⁹ Yet in such cases, the working relationship between the employer and the MDW has generally deteriorated past the point where continued employment in the home of the employer is feasible. The policy deprives the state of fundamental prerogatives to regulate labour relations, and hinders employees and employers in forming productive working relationships.

In May 2014 and the summer of 2015, DGGS decided to deny residency permit renewals to a number of low-wage migrants and their children in Lebanon. Some MDWs with valid residency permits were detained and deported for not residing with their employer. The policy was apparently targeted at MDWs who had children in Lebanon: in spite of the presence of around 85,000 MDWs who reside independently, the overwhelming majority of those who were

8 ILO, Caritas Lebanon, "Access to Justice of Migrant Domestic Workers in Lebanon", 2014, http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_395802.pdf

9 Consultative meetings between ALEF and legal experts, DGGS, <http://www.general-security.gov.lb/en/posts/170>

("A discharge engagement must be signed by the old employer, and a guarantor commitment must be signed by the new one, both should be done via a notary.")

deported had children. These tactics indicate a de facto policy of deporting MDWs who have children, thus violating the right to family of the MDWs.¹⁰ The decision was overturned by the DGGS a few months after.

ALEF Recommendations:

- Eliminate the requirement to include identity documents of a sponsor in residency permit and renewal applications when a valid work permit identifying an employer is presented as proof of an effective labour contract.
- Recognize the validity of residency based on work permit expiration dates, rather than on employment contract status.
- Approve transfers to a new employer without the approval of the previous employer
- Cease deportations based on independent residency or on discriminatory bases such as family status.

Training in codes of conduct that include migrant status and that mainstream issues of migrants

DGGS asserts that all of its military personnel are receiving training related to their Code of Conduct (CoC) which thoroughly addresses ongoing issues related to MDWs. Between 2015 and 2018, 18 DGGS officers attended a Training of Trainers, for which they conducted later trainings themselves¹¹. Although the Caritas Lebanon Migrant Centre which provides services to migrants in detention attested to significant progress in this regard, it was not possible to quantifiably measure whether and to what extent the trainings improved treatment of MDWs by DGGS personnel, and in their detention centres. This is especially true since **there are visible limitations to the CoC, such as the lack of mention of an oversight mechanism and accountability structures, as well as efficient remedies to human rights violations**. The DGGS operates an online and offline complaint system, however it is not entirely clear how this process is linked to a wider accountability and oversight mechanism especially from judicial authorities.

ALEF Recommendations:

- Ensure the full implementation of the CoC by prioritizing the transparent accountability processes to uphold public accountability.

Access to justice for MDWs

As mentioned in earlier sections, **judicial cases involving MDWs are overwhelmingly dropped as workers are deported—voluntarily or involuntarily—before the final judgment**.¹² Immigration and detention policies combine to block MDWs' access to justice, but in no case should deportation substitute for substantive justice.

10 Roula Hamati, Insan Association, "Trapped Migrant Domestic Workers in Lebanon", 2016. <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

11 Letter received by ALEF from the DGGS

12 https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_395802.pdf page 18.

In December 2016, the Special Rapporteur on Human Rights Defenders at the Office of the High Commissioner for Human Rights communicated a complaint against the Lebanese authorities concerning the arrest and arbitrary detention of two women human rights defenders, Roja Maya Limbu and Shusila Rana, as well as the forced deportation of the latter, which appears to be related to their legitimate human rights activities aimed at defending the rights of migrant workers in Lebanon and the exercise of their right to freedom of association. The Ministry of the Interior and Municipalities responded in March 2017 saying that both MDWs committed the offence of “breaching the residence and labour regulations and facilitating the flight of domestic workers”. They were arrested and deported in accordance. The MoI then deflected the complaint to the Directorate of International Organizations, Conferences and Cultural Relations in the Ministry of Foreign Affairs and Emigration.

ALEF Recommendations:

- Refrain from impeding on MDWs’ habeas corpus rights through deporting them, in the absence of provisions and functioning mechanisms for workers to testify or otherwise pursue their complaints from abroad.
- Allow MDWs to appeal deportation decisions

Reported cases of abuse and exploitation targeting MDWs

The ISF does not have access to unified national data on reported cases of violations against MDWs at police stations, as the police archive data are not reported to the central command.¹³ This is an inherently structural problem that contributes to a lack of evidence-based policy-making processes on MDWs. It may also result in the inability to track cases to detect and address trends in violations. The absence of a national referral mechanism prevents the ISF from being able to offer consistent support to victims. This is evident when the **responders to the ISF hotline refer cases to police stations that do not have the capacity to deal with such issues due to a lack of institutionalized response tactics.**

ALEF Recommendations:

- Train ISF officers to respond appropriately to cases of abuse against MDWs

Grade: Amber

Security agencies have, to an extent, invested in building their institutional capacities to address gaps in the treatment of MDWs in police stations and places of detention. In the reporting period, these have been manifested through organizing trainings for law enforcement officers on this particular issue. However, backwards policies including the deportation of migrants without due process, and lack of proper accountability measures have set them back significantly.

¹³ Interview conducted by ALEF with Raja Abi Nader on behalf of the Prisons Directory



The Lebanese Ministry of Labour (MoL) is responsible for all labour concerns by creating and enforcing the regulations of the recruitment process¹⁴. Once MDWs start working in Lebanon, the MoL monitors MDWs to ensure that both MDWs and their employers are following the proper guidelines.

In 2006, the MoL established the National Steering Committee (NSC), with the aim of creating a national strategy for the protection of MDWs.¹⁵ The MoL also set up a hotline for MDWs to call in cases of abuse of power or violence, regulated recruitment agencies by creating a code of conduct and opened the Bureau for Investigation and Labour Affairs.

UPR Recommendation 132.198: “Improve the legal situation of migrant workers”

MDWs are excluded from all standard labour laws and protections in Lebanon, including the 1946 Labour Law, leaving MDWs uniquely vulnerable to abuse. Article 7 excludes domestic workers of any kind from its coverage.¹⁶ Instead, decree No. 17561/19648 entered into force in September 1964 regulates the employment of migrants in Lebanon. The decree states that a MDWs’ legal residency is reliant on their employer. Without the amendment of the current sponsorship system, nor the inclusion of MDWs in the Lebanese Labour law, or the adoption of specific law to regulate their work, migrant workers still fall in a structural legal gap that has been unaddressed during the reporting period.

Although MDWs are excluded from the Labour Law, several temporary measures exist. **The MoL effectuated a complaints hotline available to MDWs in need of assistance; however, repeated attempts to contact this hotline in the course of this research have never succeeded in reaching adequate assistance.** The Ministry also stated that they have blacklisted both employers and recruitment agencies found to violate contract terms; however, interviews with MOL spokespersons revealed that no such blacklist has been compiled. MOL regulations mandate that the working relationship between MDWs and their employers be governed by the Standard Unified Contract (SUC). However, **the terms of the SUC are insufficient to protect workers’ rights and ensure a stable employment relationship.** Moreover, not all MDW sign the SUC, or they sign multiple different contracts. These contradictory and insufficient contract terms contribute to confusion and abuse. The SUC lacks key terms to protect workers and fails to clearly define the responsibilities of both employers and employees. These gaps predictably generate labour disputes that lead to broken contracts, abuse, and inefficiencies.

14 Kafa, “Trafficking of migrant domestic workers in Lebanon: A legal analysis”, 2011, <http://www.kafa.org.lb/studiespublicationpdf/prpdf37.pdf>

15 Tayah, Marie-José. Working with Migrant Domestic Workers in Lebanon (1980-2012): A Mapping of NGO Services. Rep. Beirut: International Labor Organization Regional Office for Arab States, 2012.

16 Alix Nasri & Wissam Tannous, Access to Justice for Migrant Domestic Workers in Lebanon, International Labour Organization

17 (2014). See also <http://www.labor.gov.lb/Temp/Files/574b61dd-1233-4507-9da1-d4a3e3a6129a.pdf>.

UPR Recommendation 132.196: “Engage constructively with international and regional partners to secure support for programs aimed at providing humanitarian assistance to migrants”

The government of Lebanon’s engagement with regional and international partners on MDW-related matters is fairly limited. Bilaterally, there are only two agreements to protect migrant workers’ rights. Philippines prepared a memorandum of understanding (MOU), to sign with the Lebanese government, which protects the rights of overseas Filipino workers. However, the Filipino embassy has sent the MoU to the MoL and are still awaiting its signature from the Ministry’s side.¹⁷In 2003, Sri Lanka and Lebanon’s labour ministry signed several memoranda of understanding to ensure the protection of their citizens living in Lebanon.¹⁸

In terms of internationally supported programs, the MoL is working on three internationally-supported programs directed at facilitating migrants’ access to their basic necessities. These include a program on developing a health insurance policy to include mental health, another concerned with training and raising awareness for recruitment agencies in cooperation with the ILO; and a program aimed at combatting trafficking in cooperation with the IOM¹⁹

ALEF Recommendations:

- Push for legislative reform to include migrant domestic workers in the labour law or draft a specific law that ensures the rights of domestic workers.
- Ensure that the hotline is fully staffed, receives complaints on all subjects, responds consistently and rapidly, and operates in appropriate languages.
- Reformulate the SUC to include the anticipated working hours and day of rest, the method of payment, the prohibition on charging recruitment fees to the worker, and the process for breaking the contract. The contract should also explicitly note that the worker is free to leave the house during non-working hours. The termination procedures should include a compensation clause assessing a reasonable fee to the party who breaks the contract in some circumstances, but clarifying that breaches for cause (including in cases of abuse) do not generate liability for the breach.
- Exercise regulatory authority to ensure the orderly enforcement of contract terms in the context of domestic work

Grade: Amber

Although the MoL is the main authority in regulating labour in Lebanon, actions taken on their part during the reporting period proved to be insufficient to ensure proper protection for MDWs.

17 Consultative meeting conducted by ALEF with Philippines’ Embassy

18 The Government of the Republic of the Philippines & the Government of The Republic of Lebanon. MOL. Memorandum of Understanding on Labor Cooperation. By Rosalinda Dimapilis-Baldoz and Charbel Nahas. Print. Smith, Monica. ““Model Employees” | Middle East Research and Information Project.” “Model Employees” | Middle East Research and Information Project. MER238, 2015. Web.

19 Interview conducted by ALEF with Marlene Atallah, head of the MoL’s foreign worker’s division



UPR Recommendation 132.198: “Improve the legal situation of migrant workers”

Lebanese Parliament has ratified the following international conventions:

- ILO Convention No. 105 on the Abolition of Forced Labour Convention (25 Jun 1957): Ratified on 01 Jun 1977 (in force)
- ILO Convention No. 111 on Discrimination in Employment and Occupation (25 Jun 1958): Ratified on 01 Jun 1977 (in force)
- International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965): Accession on 12 Nov 1971 (with reservation on article 22: referral of disputes to ICJ by one party)²⁰

However, Parliament has failed to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. There has also been no significant effort by the Lebanese Parliament to address the legal framework around MDWs. Decision-makers have expressed continuous refusal to include them in the Labour Law and National Social Security Code, yet have provided no viable alternatives to protect their rights. Parliament has also failed to legalize, amend or abolish the immigration and labour policies that tie workers to their “sponsors,” and has not even discussed previously submitted draft legislation on the matter.

ALEF Recommendations:

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Pass a law specifically governing domestic workers, including migrant domestic workers.

Grade: Amber

The Lebanese Parliament has taken no actions during the reporting period to improve the situation of MDWs

²⁰ International Labour Organization, https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103147



Non-Governmental Organizations

UPR Recommendation 132.196: “Engage constructively with international and regional partners to secure support for programs aimed at providing humanitarian assistance to migrants”

The Lebanese Centre for Human Rights (CLDH) assisted sixty-three MDWs in 2015 and fifty-four in 2016; during 2016, KAFA assisted over 293 cases that had reached or contacted the organization, with around thirty-one receiving comprehensive support and the remaining referred to other existing service providers. During 2015, over 240 cases reached or contacted KAFA, with almost a third receiving comprehensive support and the remaining referred to other existing service providers. AMEL association provided over 200 health consultations for MDWs in 2017.

At least twenty NGOs provide similar assistance, or work to further the rights of MDWs in Lebanon, supported by two main donors: The Swiss Development and Cooperation Agency, and the Office of the High Commissioner for Human Rights. This shows continued support to MDWs in need. However, the scope and coverage of services provided are often insufficient with some services, such as shelter programs, putting MDWs at further risks of violations.

ALEF Recommendations:

- Continue to provide specialized protection services to MDWs
- Push for better and more protection-friendly frameworks and practices for the protection of MDW in Lebanon
- Reconsider the protection aspects of certain services provided to MDWs, especially shelter programs
- Advocate for donors to continue supporting MDWs as a priority in their strategies

Grade: Yellow

NGOs have provided consistent support, often complementing weak or non-existent state services and protection programs for MDWs. However, their work can be improved to expand MDWs’ protection within their programs and services they receive.

Annex A:

UPR of Lebanon - Second Cycle Thematic list of recommendations

Right or area: 34. Migrants
Recommendation
132.194. Abolish the “kafala” sponsorship system with regard to migrant domestic workers (Denmark); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.198. Improve the legal situation of migrant workers (Austria); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.199. Further strengthen the promotion and protection of rights of foreign workers (Bangladesh); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.200. End the sponsorship system for migrant domestic workers (France); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.201. Amend the labour code and visa sponsorship system to accord the necessary legal protection to migrant domestic workers on an equal footing with other workers (Kenya); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.205. Improve the situation of the foreign workers including female domestic workers as they constitute a vulnerable group (Senegal); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.195. Take into particular consideration the vulnerable situation of migrants and refugees in the country, in particular women and children (Nicaragua); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.196. Engage constructively with international and regional partners to secure support for programs aimed at providing humanitarian assistance to migrants and refugees (Philippines); Source of position: A/HRC/31/5/Add.1 - Para. 132
132.208. Continue to enhance domestic legal frameworks promoting the human rights, security and well-being of refugees and migrants in Lebanon (Philippines); Source of position: A/HRC/31/5/Add.1 - Para. 132

	Recommending state/s	Position	Full list of rights/affected persons
	Denmark	Noted	34. Migrants Affected persons: - migrant workers
	Austria	Supported	34. Migrants Affected persons: - migrant workers
	Bangladesh	Supported	34. Migrants Affected persons: - migrant workers
	France	Noted	34. Migrants Affected persons: - migrant workers
	Kenya	Noted	34. Migrants Affected persons: - migrant workers
	Senegal	Supported	34. Migrants Affected persons: - migrant workers
	Nicaragua	Supported	34. Migrants 35. Refugees & internally displaced persons (IDPs) Affected persons: - children - refugees and asylum-seekers - women
	Philippines	Noted	34. Migrants 35. Refugees & internally displaced persons (IDPs) Affected persons: - refugees and asylum-seekers - migrants
	Philippines	Noted	34. Migrants 35. Refugees & internally displaced persons (IDPs) Affected persons: - refugees and asylum-seekers

