

Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on the human rights of migrants; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 42/10, 34/21, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **current situation of migrant domestic workers, the majority of whom are women and nationals of Ethiopia, who urgently require protection and assistance, including access to food, basic necessities, accommodation and healthcare. Due to the COVID-19 pandemic, many of them have stopped receiving salaries from their employers or have been left without employment opportunities and are unable to return to their home country. They have reportedly received insufficient and inadequate support and many are exposed to homelessness, acute deprivation, exploitation and abuse.**

According to the information received:

The pandemic and its unprecedented socio-economic consequences have severely affected hundreds of thousands of workers in Lebanon. However, the impact on domestic migrant workers is a particular concern. There are at least 250'000 migrant workers in Lebanon, many of whom have been employed as domestic staff, majority of them women. Many are Ethiopian nationals and others originate from other African and Asian countries.

The current crisis in Lebanon has exacerbated the negative impacts of the Kafala (sponsorship) system, which excludes migrant domestic workers from the Lebanese Labour Law. Consequently, they do not benefit from legal protections, such as a minimum wage, maximum working hours, social security, and the right to organize and unionize. Among the unique aspects of the Kafala system, that contributes to the vulnerabilities of migrant workers, is the delegation or 'outsourcing' of responsibility by the State to the private employer to oversee both

a migrant worker's immigration and employment status. As a result of these legal protection gaps, many migrant workers have been reportedly exposed to or put at risk of domestic servitude and forced labour, as well as exploitation, abuse and racism.

The exploitative nature of the Kafala system has been widely reported, including by the former Special Rapporteur on contemporary forms of slavery, including its causes and consequences in her report A/HRC/39/52, in addition to A/HRC/26/35/Add.1 by the Special Rapporteur on the human rights of migrants. During the Universal Periodic Review of Lebanon in 2015, your Excellency's government was urged in the recommendations issued to abolish the Kafala system without further delay. Concerns regarding the negative impact of the Kafala system on the human rights of migrant domestic workers employed in Lebanon have also been raised by the Human Rights Committee¹ and the Committee against Torture².

The longstanding risks of exploitation and abuse of the migrant domestic workers have been compounded as a result of the COVID-19 outbreak. During the confinement declared as a measure to address the pandemic, abuse of women domestic workers has reportedly intensified and a number of deaths of migrant workers, including due to suicide, have also been reported to us.

Furthermore, in the context of Lebanon's economic crisis caused by the pandemic, many domestic workers have been dismissed from their jobs or their employers have refused to pay their salaries and/or ticket and quarantine costs for their repatriation. Those, who are self-employed and currently without employment contracts are unable to afford the living costs or pay for a flight to their home countries.

At least 130 migrant domestic workers, many of them women and Ethiopian nationals, reportedly have sought help at their respective embassies or consulates after losing their jobs and/or unable to earn an income in the first weeks of June this year. We have received reports that they have not been provided with sufficient protection and they urgently require assistance to access food, proper shelter and basic services, including medical care. We understand that many are requesting repatriation to their home country, but are unable to bare the costs.

We are acutely concerned about the imminent risks faced by this group of individuals, as well as the lack of adequate protection of other migrant domestic workers in Lebanon. We recognize the positive measures taken by your

¹ CCPR/C/LBN/CO/3 (CCPR, 2018)

² CAT/C/LBN/CO/1 (CAT, 2019).

Excellency's Government, including the extension of residency permits for all migrant workers. However, without immediate action to provide these and other migrant domestic workers with adequate protection and assistance, thousands could be left stranded, facing severe deprivation, health issues, exploitation and abuse.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of migrant workers, regardless of their migration status, in compliance with international instruments

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have to the above-mentioned allegations.
2. Please indicate what measures have been taken by your Excellency's Government to ensure the urgent protection of migrant workers, including domestic workers, regardless of their migration status. In particular, please indicate which type of support is provided to migrants who have lost their jobs and who have become homeless and without adequate access to food and water as a result, including the 130 migrants, whose situation is highlighted in this letter.
3. Please indicate through which measures your Excellency's Government is ensuring that migrant workers receive unpaid wages and other entitlements such as a flight ticket to return to their home country.
4. Please indicate how your Excellency's Government is protecting migrant workers from contracting COVID-19;
5. Please indicate what action your Excellency's Government is taking in coordination with relevant embassies or consulates to ensure the effective repatriation of migrant workers who wish to return to their countries of origin.
6. Please provide information on the number of migrant workers who have died in Lebanon in the past year and on the cause of respective deaths.

7. Please provide information on existing channels for migrant workers to report abuse and exploitation and to seek support.
8. Please indicate which measures have been taken by your Excellency's Government to hold employers/sponsors of migrant workers accountable for unpaid wages, abuse and abandonment.
9. Please indicate what action is being taken by your Excellency's Government to abolish the Kafala or sponsorship system which leads which has led and exacerbated to exploitative and abusive working conditions.
10. Please indicate if your Excellency's Government is planning to amend the current Labour Law in order to extend legal protection to domestic workers.
11. Please indicate if your Excellency's Government is planning to ratify the Domestic Workers Convention C189 of the International Labour Organization, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on contemporary forms of slavery, including its causes and consequences

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