

Lebanon Civil Society Submission to the 104th Session of the Committee on the Elimination of Racial Discrimination

A response to the combined twenty-third and twenty-fourth reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, dated 14 December 2018.

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Background	4
Report Overview	5
I. Migrant Domestic Workers	6
1. Violation of the Rights of MDWs	7
1.1. Wage Theft: Violation of the right to just and favorable remuneration	7
1.3. Evictions and Homelessness	8
1.4. Rampant Physical, Sexual, and Psychological Abuse	9
1.5. Violation of the rights to form and join trade unions and the freedom of peaceful assembly and association	9
1.6. Violation of the right to equal treatment before the courts	10
2. Government Policy Towards MDWs: Real Steps Forward or Performative Measures?	12
2.1. Runaway Complaints	12
2.2. The Standard Unified Contract	12
2.3. Blacklisting Employers and Agencies	13
2.4. Failure to Ratify the ILO Convention C189	13
2.6. The Ministry of Labor’s Hotline	14
2.7. Other Claimed Reforms	15
Recommendations	15
II. Forced Out: Syrian Refugees Face Direct and Indirect Pressures to Leave	16
1. Direct Measures	16
1.1. Violation of the principle of non-refoulement	16
2. Indirect Measures	19
2.1. Violation of the freedom of movement	19
2.2. Violation of the right to housing	19
Recommendations	22
III. Nationality-Based Discrimination in Labor Regulations	23
1. Violation of the rights to work and to free choice of employment	23
2. Violation of the right to just and favourable conditions of work	24
2.1. Labor Rights	24
2.2. Informal Labor	24
2.3. Heavy Penalties	25
Recommendations	26
Overview of the Recommendations	27

Abbreviations

In this document, the phrase “the government’s report” refers to the "Combined twenty-third and twenty-fourth reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination”, dated 14 December 2018. Any reference to paragraph numbers refers to paragraphs in the aforementioned report.

Acronyms

ARM	Anti-Racism Movement
CERD	Committee on the Elimination of Racial Discrimination
FENASOL	Federation of Employees’ and Workers’ Trade Unions of Lebanon
GSO	General Security Office
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
IOM	International Organization for Migration
MDW	Migrant Domestic Worker
MOL	Ministry of Labor
MSF	Médecins Sans Frontières
NGO	Non-governmental Organization
SORAL	Syndicate of Owners of Recruitment Agencies in Lebanon
SUC	Standard Unified Contract
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations for Relief and Works Agency for Palestine Refugees

Background

This report was written against a backdrop of intertwined crises in Lebanon: a political and socio-economic crisis leading to the October 2019 uprisings and ensuing state repression; a shortage of US dollars leading to the devaluation of the Lebanese pounds by more than 85%; a pandemic coupled with inadequate policies; and total government inaction in the face of the country's economic collapse.

The country's imminent financial and economic collapse was evident prior to 2019 and manifested itself through several indicators. One of these indicators lay in the rhetoric of the government towards non-citizens, or "foreigners." To absolve themselves from any responsibility for the economic crisis, politicians regularly blamed refugees for the rising unemployment rate and dismal public services, and accused migrant workers of emptying the country's dollar reserves by sending money abroad. In parallel, the state held onto an economic system which depends, at its core, on an informal labor market and the exploitation of foreign labor in order to increase the profit margins of local businesses. Through the scapegoating of foreigners, the government planned to evade accountability for its failure to enact economic policies that promote growth, job creation, and exports.

The state also turned migrant domestic workers into commodities that can be "imported" at high profit, through a kafala (sponsorship) system which exploits migrant labor in exchange for extremely low wages. The state was thereby able to evade its responsibility of providing free or affordable public services (e.g., nurseries, nursing homes for the elderly, home healthcare services.), which then resulted in reinforcing the cultural and societal dependence on and conceptualization of migrant domestic workers as an essential "commodity."

Despite these exploitative policies and the accompanying racist discourse, the combined twenty-third and twenty-fourth reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) - henceforth referred to as the government's report - gives the impression of a country that is slowly but surely rectifying any and all discrimination on its territory.

Interestingly, the government's report veers off-topic in most of its sections. Rather than focusing on racial discrimination on the basis of nationality, race, ethnicity, or color, the report expands mostly on (the supposed absence of) sectarian and religious discrimination, (the alleged lack of) gender discrimination, and briefly touches on the rights of people with disabilities. Although these are crucial aspects of discrimination that merit our attention, they are not the subject of ICERD. The authors have either conflated the term "racism" with the broader concept of "discrimination", or deliberately evaded the issue under question to mask the rampant systemic racism perpetuated by the state.

The Anti-Racism Movement's submission focuses primarily on discriminatory policies and practices learnt about during our work with members of migrant and refugee communities living

and working in Lebanon. As a result, this document only provides glimpses of the racism exhibited and perpetuated by Lebanese authorities. We acknowledge that several gaps exist, either due to a lack of data and documentation (in the case of migrant men, for example) or a lack of time and resources to do justice to the many facets of deeply entrenched and systemic racism, such as the racism experienced by Palestinians in Lebanon at the hands of the state. The report also excludes grave incidents and patterns of racism in private spheres perpetuated by individuals and organizations.

Report Overview

The first section presents the situation of migrant domestic workers (MDWs) in Lebanon under the kafala (sponsorship) system. Part I.1. provides a focused overview of the violation of their rights to just and favorable remuneration, to freedom of peaceful assembly and association, and to equal treatment before the courts. Part I.2. offers direct replies to the claims of positive reforms made by the government.

The second section presents the situation of Syrian refugees and a focused overview of the violation of the principle of non-refoulement through deportations and questionable “voluntary” returns, their freedom of movement through racially-targeted municipality curfews and COVID-19 restrictions, and their right to housing through racially-targeted evictions and house demolitions.

The third section focuses on labor regulations in Lebanon and the legally mandated exclusion of Syrians and Palestinians from most professions.

I. Migrant Domestic Workers

The kafala system governs and controls the lives of more than 300,000¹ migrant workers in Lebanon, most harshly impacting the domestic workers among them. Most migrant domestic workers (MDWs) are confined in private homes, working around the clock, often cut off from the outside world.² The majority of these workers are women from Africa and Asia, specifically Ethiopia, the Philippines, Sri Lanka, Bangladesh, Ghana, Kenya, Cameroon and others, as well as men from Sudan, India, Bangladesh, Egypt, and other countries.

The defining characteristic of the kafala system in Lebanon is the subjugation of a migrant worker's legal stay in the country to an individual sponsor who is also their employer. A migrant worker's residence permit is contingent upon their work permit and their work permit is contingent upon the will of their legal sponsor. This means that the sponsor has complete control over the worker's legal status. In other words, kafala grants full power to one human being over another, thereby inherently creating conditions ripe for abuse. In the face of the resulting rampant abuse, and as demonstrated below, sponsorship is rarely subjected to any governmental oversight, and sponsors and recruitment agencies are never subjected to any real accountability.

"You cannot get justice for migrant domestic workers in cases of violence in Lebanon... We all know that the perpetrators are not punished for what they do. People who do such things know that they have power and that they are untouchable by the law." - A recruitment agency representative.³

The government's report only addresses the issue of MDWs at the end of the document and does not mention the kafala system at all. This is a direct reflection of the government's reluctance to address the widespread exploitation of MDWs as a systemic problem that requires systemic change. Authorities typically blame individual employers for cases of abuse, but it is this system, the lack of protection for MDWs, and the total impunity of sponsors/employers, that not only allows, but also encourages day-to-day human rights violations, racism, and abuse.

Part 2 of this section provides an overview of government reforms relevant to MDWs and refutes a number of misleading claims made in the latest government report. Overall, government "reforms" made in the past ten years have been primarily performative or symbolic.

¹ Amnesty International, "Their house is my prison," *Amnesty International*, 2019. Last accessed 27/04/2020. <https://bit.ly/TheirHouseisMyPrisonAmn>

² "MDWs are sometimes locked inside their employers' homes. Indeed, around a quarter of the respondents reported that they were either always or sometimes locked inside the house, a finding that is homogeneous across nationality groups."

International Labor Organization. "Intertwined: the workers' side," *ILO*, 2016. Last accessed 27/04/2020. <https://bit.ly/2xhMYZm>

³ Ibid. Amnesty International, "Their house is my prison," p27, 2019.

1. Violation of the Rights of MDWs

1.1. Wage Theft: Violation of the right to just and favorable remuneration

Along with a number of other civil society organizations, ARM has regularly received hundreds of cases of nonpayment of wages. With the rapidly deteriorating financial situation of the country, the number of MDW callers who mentioned nonpayment of wages reached 228 out of 850 calls in 2020 (27%), a significant increase from 47 out of 650 calls (7%) in 2019. This pattern was also registered by other organizations that provide services to MDWs. Out of 374 migrant women supported by the International Organization for Migration (IOM) in 2020, 274 (73%) reported that their employers did not pay their salaries for at least one month.⁴ This high rate indicates that the practice of withholding wages from domestic workers has become commonplace and normalized in Lebanon.

In theory, in the face of such exploitation, and according to their contracts, domestic workers would have to file a complaint with the Ministry of Labor (MOL) to claim their unpaid wages. The MOL would then intervene to negotiate with the employer and retrieve the worker's due wages. If negotiations fail, the MOL would refer the case to the Labor Arbitration Council. In practice, however, this mechanism does not exist at the MOL. Instead, the General Security Office (GSO) customarily receives such complaints and attempts to negotiate on the worker's behalf. In the best-case scenarios, and in very few cases, workers are able to retrieve part of their unpaid wages and the cost of an airplane ticket to their home countries. Even in these "successful" cases, the sponsors/employers, however, never incur any punitive measures for failing to pay their dues. The vast majority of MDWs and migrant workers broadly have no access to any reporting or accountability mechanisms, whether at the MOL and GSO.

1.2. Abandoned Workers

In June 2020, during the national economic crisis, hundreds of employers forced their MDWs onto the streets to escape their contractual responsibility of paying their wages and buying their plane tickets to their home countries. Workers of all nationalities, but most notably Ethiopians, crowded on sidewalks in front of their consulates and embassies with nowhere to go, no money, and no passports. ARM and migrant community groups documented hundreds of these cases.

Although Lebanese courts have stated that employers do not have the right to withhold a worker's passport, the practice is still rampant among 94% of employers, by the employers' own admission.⁵ Employers commonly justify this practice by claiming it is the only way they can guarantee that a worker would not "run away." However, the employers' refusal to give back the passports to workers after kicking them out of their house, puts this (already alarming) justification into question. The more likely explanation is that employers systematically seek to exercise their power and control over the workers by any means necessary.

⁴International Organization for Migration. "Needs and Vulnerability Assessment of Migrants in Lebanon," IOM, May 2021.

⁵ *International Labor Organization*, "Intertwined: the workers' side," p36, 2016.

With hundreds of workers abandoned on the streets in 2020, the MOL's response was to hide the problem rather than solve it. In coordination with the Cabinet and the Ministry of Tourism, the MOL arranged a two-night accommodation for 35 of the hundreds of Ethiopian women who were abandoned at the door of their consulate in June. The ministry also announced that employers who abandon workers would be blacklisted, which means they would be - theoretically - prevented from recruiting domestic workers in the future. This measure is purely symbolic and performative as these employers were not seeking to hire other workers in the midst of the financial crisis and, even if they were, they would have still been able to do that through another person in their same household (see Section II.2.3).

Rather than solving the problem and deterring employers from this practice, the MOL intervention has, in fact, encouraged more employers to follow suit.⁶ ARM received 145 cases of domestic workers forced onto the streets by their employers in 2020.⁷ This number does not capture the full extent of this illegal practice as, in our understanding, several hundreds of additional cases were assisted by embassies, consulates, migrant community groups, and other civil society organizations. Despite the clear violation of the employment contract and the workers' human rights, no government authority has taken any step to prosecute the employers or hold them to account. Instead, upon receiving a letter from ARM urging her to intervene to hold employers accountable, Minister of Labor Lamia Yammine expressed sympathy towards the employers who are suffering the consequences of the financial crisis and can no longer afford to pay salaries for domestic workers.

1.3. Evictions and Homelessness

Following this wave of illegal dismissals, thousands of migrant workers found themselves homeless. With the help of migrant community groups and civil society organizations, they started renting apartments together, sometimes with as many as 16 women crowding in a small unfurnished two-bedroom apartment. Due to their inability to find employment, many of these groups failed to pay rent, which prompted a wave of illegal evictions.

Following numerous reports of threats of imminent eviction, ARM started a program specifically dedicated to MWs' housing concerns. In total, we received calls from 294 households housing 1,289 migrant workers, of whom 587 were women, 377 were men, and 325 were children. In May 2021, the IOM reported that 53% of migrants live in substandard and/or insecure shelter conditions and more than 25% reported that they were facing immediate threat of homelessness due to their inability to pay rent the following month.⁸

In partnership with Public Works Studio, ARM submitted a letter to the government to inform them about this issue in April 2020. Though the letter was well received by the Prime Minister, the

⁶ Anti-Racism Movement. "Prosecute Employers Who Abandon Domestic Workers Now," *ARM*, June 2020

<https://armlebanon.org/content/prosecute-employers-who-abandon-domestic-workers-now>

⁷ Anti-Racism Movement's Annual Report 2020 (expected publication: July 2021)

⁸ International Organization for Migration. "Needs and Vulnerability Assessment of Migrants in Lebanon," IOM, May 2021.

Ministry of Justice,⁹ and the Ministry of Interior and Municipalities,¹⁰ none of the concerned parties took any action towards solving the problem.

1.4. Rampant Physical, Sexual, and Psychological Abuse

At least two MDWs die every week in Lebanon.¹¹ These cases are often officially listed as “suicides,” without adequate investigation into the actual circumstances of the death. In 2020, Medecins Sans Frontieres (MSF) reported that 42% of migrant women seeking mental health care at their clinics were survivors of physical and/or sexual violence, several of whom were found naked on the street in psychological distress.¹² Media and civil society reports on rates of abuse and exploitation indicate that this is indeed a systemic problem, rather than exceptional practices by a few “bad employers”.¹³

In its latest report to CERD, the government cites some misleading data on the abuse of domestic workers, falsely implying that annual cases of abuse nationwide are in the dozens, rather than in the thousands or tens of thousands. The government attributed the data to Kafa, a Lebanese civil society organization that operates a helpline to support MDWs fleeing physical and sexual violence. Though the NGO helpline receives a high number of calls, their numbers are not comprehensive. Every NGO and community group supporting migrant workers consistently reports being overwhelmed by the need, unable to address all the complaints of abuse, unpaid wages, violence, assault, trafficking, and death. Incidentally, when we contacted Kafa to verify this data, they reported that the government's numbers did not match their numbers.¹⁴

1.5. Violation of the rights to form and join trade unions and the freedom of peaceful assembly and association

The government's report states that “foreign workers have the right to join any trade union in Lebanon that is licensed by the Ministry of Labor,” as per Article 92 of the Labor Law. This obscures the fact that domestic workers are excluded from the provisions of the Labor Law (which means that this article does not even apply to them) and that authorities actively prevent migrant workers from unionizing.

The MOL refused to register the Domestic Workers' Union in 2015, inaugurated as an affiliate of the Federation of Employees' and Workers' Trade Unions of Lebanon (FENASOL),¹⁵ and supported by the International Labour Organization (ILO) and local NGOs. Refusal to register a

⁹ Reference number 1290/3 dated 22/04/20.

¹⁰ Reference number 6059 dated 22/04/20.

¹¹ Su, Alice. “Slave labor? Death rate doubles for migrant domestic workers in Lebanon,” *the New Humanitarian* (formerly IRIN), 2017. Last accessed 15/04/2020 <http://www.thenewhumanitarian.org/feature/2017/05/15/slave-labor-death-rate-doubles-migrant-domestic-workers-lebanon>

¹² Medecins Sans Frontieres. “COVID-19 and Economic Downfall Unveil Migrant Workers' Mental Health Crisis in Lebanon”, *MSF*, July 2020

¹³ US Department of State. “2018 Country Reports on Human Rights Practices: Lebanon,” *US Department of State*, 2018. Last accessed 15/04/2020 <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/lebanon/>

¹⁴ Based on a conversation between ARM's Casework Manager and Kafa's caseworker in May 2020.

¹⁵ Massena, Florence. “Abused Ethiopian domestic worker is “the poster girl for kafala” in Lebanon,” *Equal Times*, May, 2018. Last accessed 17/04/2020 <https://www.equaltimes.org/abused-ethiopian-domestic-worker#.XndPHKgzblU>

union makes its existence and operation in the country illegal. Many of the migrant worker activists involved broke off and started parallel groups,¹⁶ since they were denied organizing under a registered union and could not legally register associations due to the fact that they were foreigners in Lebanon.

Lebanese authorities have repeatedly targeted and deported migrant women for engaging in activism and community organizing.¹⁷ In 2015 and 2016, the GSO deported a number of migrant activists,¹⁸ including the widely-publicized cases of Sujana and Rose, two Nepali activists who were detained, denied access to legal counsel, and deported, despite their possession of valid residency documents.¹⁹

1.6. Violation of the right to equal treatment before the courts

MDWs without papers rarely seek justice out of fear of being arrested, fear of inability to obtain new employment, and fear of false accusations of theft.²⁰ Even migrant women who are subjected to abuse and exploitation are more likely to be criminalized than their perpetrators are likely to be brought to justice. As demonstrated by Legal Agenda in 2021, in all cases related to MDWs, the judiciary defers to the GSO thereby “giving the issue of the legality of the worker’s presence in the country precedence over any other consideration, even when the investigation documents multiple violations against the worker, including the non-payment of wages.”²¹

Until January 2021, leaving an employer without their permission made a MDW vulnerable to criminal prosecution, despite the absence of a legal text which prohibits this specific act. Employers often reported a worker as a “runaway” to the GSO and falsely accused her of theft, to absolve themselves of responsibility and avoid any investigation into their own behavior.²²

The Standard Unified Contract for MDWs specifies three exceptions whereby a worker can leave her employment without permission: (1) In the case of physical and sexual abuse where the worker presents legally admissible proof; (2) in the case of nonpayment of wages for three consecutive months; (3) if the worker is asked to perform a job that is different from the one she was recruited for. Yet even in most cases of abuse, violence, or nonpayment of wages, the state criminalizes the workers for leaving their jobs, with few consequences for the employers who exploited them. The majority of workers who experience these frequent abuses are often unable

¹⁶ Human Rights Watch. “Lebanon Deports Domestic Worker Rights Organizer,” *HRW*, 2016. Last accessed 15/04/2020. <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>

¹⁷ Human Rights Watch. “Lebanon Deports Domestic Worker Rights Organizer,” *HRW*, 2016. Last accessed 15/04/2020. <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>

¹⁸ De Stone Roshan and Suber, David L. “Migrant workers fighting for freedom under Lebanon’s Kefala system,” *Open Democracy*, May, 208. Last accessed 17/04/2020 <https://www.opendemocracy.net/en/north-africa-west-asia/migrant-workers-fighting-for-freedom-under-leba/>

¹⁹ Women Human Rights Defenders. “Stop the Deportation of the Domestic Workers & Activists: Sujana and Rosa,” *WHRDMENA*, December 2016. Last accessed 17/04/2020 <https://whrdmena.org/2016/12/10/stop-deportation-domestic-workers-activists-sujana-rosa/?lang=en>

²⁰ Ibid. Amnesty International, “Their house is my prison,” p28, 2019.

²¹ Legal Agenda, International Labor Organization. “The Labyrinth of Justice: Migrant Domestic Workers Before Lebanon’s Courts,” *Legal Agenda and ILO*, 2020

²² See Legal Agenda, International Labor Organization. “The Labyrinth of Justice: Migrant Domestic Workers Before Lebanon’s Courts,” *Legal Agenda and ILO*, 2020

to obtain proof or access government reporting mechanisms, even when they are supported by a civil society organization or migrant community group.

We list a few such cases below. Countless other cases exist and are not publicized, though many are documented by NGOs and can be easily obtained from them.

In June 2018, two Kenyan domestic workers were assaulted in broad daylight in a violent mob attack in Bourj Hammoud, a suburb of Beirut.²³ A video of the assault was posted online, drawing public attention to their case. When the authorities were called to the scene, they arrested and detained both women, Shamila and Rose, for lacking a valid residence permit.²⁴ They were charged as if they were participants in a fight, rather than victims of a racist attack. Rose was later released, only because she was married to a Lebanese man, but the GSO deported Shamila on July 15, 2018, without due process and in violation of her right to a fair trial, despite the protests of human rights organizations.

In the summer of 2018, an Ethiopian domestic worker was denied full medical treatment, detained, and deported after being hit in a car accident.

In December 2019, a Kenyan domestic worker was detained and deported after seeking help from the consul of Kenya in Lebanon, who she says physically beat her and called the police when she would not pay him more money to submit her case for voluntary repatriation.

In 2019, a documented Ethiopian domestic worker was sexually assaulted by the concierge of her building. She reported the incident to the police and underwent a forensic medical exam, but was then pressured by her employer to withdraw the charge. The woman and her sister worked for the same employer, who threatened both of them with deportation if the case continued.

In November 2018, ARM reported an exploitative recruitment agency to the MOL for violating the regulation that agencies must not advertise online and for keeping workers in unsafe living conditions. The MOL closed the agency, but none of the workers were released and none retrieved their unpaid wages. The agency reopened a few weeks later, with an almost identical name and continued its operations, legally. ARM submitted a second complaint in December 2018 to the Ministry to bring charges of exploitation and trafficking of multiple migrant women against the agency, and also called on them to release the workers, pay their wages, and pay for their voluntary return to their home countries. After several months, in late March 2019 the GSO raided the premises, detaining the owner of the agency and six women. The owner was released after a few days, while the women he had been exploiting were detained by the GSO until their

²³ Hall, Richard. "Kenyan domestic worker assaulted by mob in Lebanon faces deportation," *the Guardian*, July 2018. Last accessed 15/04/2020. <https://www.theguardian.com/global-development/2018/jul/05/kenyan-domestic-worker-assaulted-by-mob-lebanon-deportation>

²⁴ Ibid. *The Guardian*, "Kenyan domestic worker assaulted by mob in Lebanon faces deportation," 2018.

deportation. This case also demonstrates one of the main flaws in the anti-trafficking laws cited in the government's report. These updated regulations include few protections for survivors of trafficking, who instead can easily be detained and are at risk of deportation.

The kafala system creates the conditions that push workers into violating the terms of their residency for their own survival. Then the kafala system heavily penalizes them for doing so. This leaves tens of thousands of migrant workers undocumented and vulnerable to further abuse and exploitation, while the perpetrators of this system face few or no consequences at all.

2. Government Policy Towards MDWs: Real Steps Forward or Performative Measures?

2.1. Runaway Complaints

Prior to February 2021, when a MDW left her employment without the sponsor's approval, the sponsor would file a "runaway complaint" against the worker, often accompanying the complaint with a false accusation of theft.²⁵ This was a common practice and indeed encouraged by Lebanese authorities in order to absolve the sponsor from any legal liability in relation to the worker.

In February 2021, as a result of Kafa's advocacy, the GSO replaced "runaway complaints" with "leaving the workplace complaints", allowing the sponsor to be absolved of any legal responsibility without triggering criminal charges against the worker.²⁶ To file a theft lawsuit against the worker, the sponsor would then have to initiate a separate process at the Public Prosecutor's office. This is a promising step that could reduce the incidence of criminal prosecution of domestic workers for theft. However, the worker would still be considered in violation of the conditions of her residency and would therefore still be at risk of detention and deportation.

2.2. The Standard Unified Contract

In 2009, the Lebanese government introduced a Standard Unified Contract (SUC) to govern the employment relationship between MDWs and employers. This was an attempt to address the exclusion of domestic workers from the Labor Law by selectively granting them certain protections and omitting others. The SUC includes limitations on daily working hours, required rest hours, a guaranteed one day off a week, six days annual leave, and sick leave. However, the SUC does not guarantee a standardized minimum wage, or the right to freedom of movement, or the right to

²⁵ Legal Agenda, International Labor Organization. "The Labyrinth of Justice: Migrant Domestic Workers Before Lebanon's Courts," *Legal Agenda and ILO*, 2020

²⁶ General Security's website https://www.general-security.gov.lb/ar/posts/324?fbclid=IwAR0krTgk_inzEEAmk-vNbTSeGF_fpYTQxWtNy2mUFzbNIM-JyOZ8t0-0x_Q

form labor unions.²⁷ It is also rarely followed or even given to workers, so even the limited rights that are in the contract are not enforced.

In September 2020, after lengthy consultations with some civil society organizations, the MOL issued a reformed SUC which included a number of positive amendments, most significant of which were: specifying a minimum wage; giving the worker the right to quit her job unconditionally after providing a month's notice; and acknowledging the worker's freedom of movement. Despite these theoretical improvements, the reform was not accompanied by an enforcement mechanism that would ensure its actual implementation. This meant that employers could breach the contract without any consequences or accountability, as is the case for many employers today.

In any case, the new SUC was appealed by the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL), a very active and powerful lobby of private recruitment agencies with alleged close ties to the government. In October 2020, the Shura Council (the highest administrative court) ruled in favor of SORAL on the grounds that the new contract posed a threat to the commercial interests of these private companies. The Council's decision made no reference to the rights of domestic workers. Rather than appealing the Council's decision, and despite years of consultations to achieve that reform, the Minister of Labor stopped pursuing the matter altogether.

2.3. Blacklisting Employers and Agencies

In paragraph 40, the government report states that a "domestic worker may not be granted a visa to enter Lebanon if a security or legal problem is encountered with the Lebanese employer, if his material or social status precludes him from recruiting a domestic worker or if he is found to have ill-treated a domestic worker in the past." This last condition is a reference to the MOL's policy on blacklisting employers who have been proved to be abusive in the past, and preventing them from sponsoring any more domestic workers. This measure creates the illusion of accountability for employers. Yet employers can - and often do - circumvent the blacklist by having another person such as a family member officially sponsor a domestic worker who then unofficially works at the blacklisted person's household.

2.4. Failure to Ratify the ILO Convention C189

In paragraph 36, the government claims that it "voted in support of [Convention C189, which focuses on domestic workers' rights] at the 100th session of the International Labour Conference." This vote of support is meaningless. The convention has not been ratified by Parliament, and certainly has not been implemented in practice. Nationally, few regulations have changed to bring the country close to compliance with the clauses of Convention C189.

2.5. Investigative Action

In paragraph 40, the government claims that the GSO and the MOL "have taken a series of protective and proactive measures on behalf of domestic workers" and that "investigative action

²⁷ KAFA, American University of Beirut. "Intertwined: A Study of Employers of Migrant Domestic Workers in Lebanon," *International Labor Organization*, p1, 2016. Last accessed 27/04/2020 <https://bit.ly/intertwinedemployers>

is taken following the arrival of domestic workers to ensure that the work imposed by their employer is acceptable and that they are properly treated.”

In reality, consecutive Ministers of Labor have invariably claimed that the MOL inspectorate has no right to enter a sponsor’s household, even if there is suspicion or even confirmation of abuse of the migrant worker in the household. The government confirms this in paragraph 198: “labor inspectors are not able to enter private homes.” The reason often cited for this is the “sanctity of the house” which allegedly makes private homes off limits to the MOL inspectorate. This is a customary practice with no legal basis. Whenever a sponsor enters into an employment relationship with a worker, the household effectively becomes a place of work where contractual agreements must be enforced.

ARM has received numerous reports of police responding to complaints at private homes. In the majority of cases, the police take no action: either interrogating the worker in the presence of her employer; or actively taking the side of the employer and denying the worker’s grievances. Punitive action is rarely taken against an employer by the police or courts, and even then, it is only in the most extreme cases of violence, abuse or murder.²⁸ Instead of punitive action, it is more likely that an employer would be blacklisted or a recruitment agency would lose its license. These measures have little lasting effects and do nothing to prevent future abuse.

2.6. The Ministry of Labor’s Hotline

In paragraph 200, the government mentions the establishment of a hotline by the MOL “for receiving complaints directly from female migrant domestic workers” and “a designated official who is responsible for dealing with complaints in collaboration with the competent agencies.” However, the hotline is largely unanswered and potentially out of operation,²⁹ leaving the burden of handling thousands of cases of abuse to civil society organizations, embassies, and migrant community groups, none of which can intervene at the same level as Lebanese authorities.

At one point in 2019, the responsibility for the government hotline was given to an untrained group of college students from Haigazian University, instead of trained Ministry of Labor staff. The student volunteers were given a focal point at the Ministry should they receive a complaint. They reported to ARM that the assigned focal point was actually an IT staff member at MOL, not a social worker or a specialist, and his only recourse was to provide numbers of local NGOs to the students.

In 2020, the Minister of Labor revived the hotline through a media campaign and allegedly recruited a number of social workers to answer the calls. To date, ARM has yet to hear of a case of a migrant worker successfully assisted by the MOL through their advertised hotline.

²⁸ Barjas, Elham. “Failing Lensa Lelisa,” *Legal Agenda*, May, 2018. Last accessed 17/04/2020 <https://www.legal-agenda.com/en/article.php?id=4352>

²⁹ Ibid. *Amnesty International*, “Their house is my prison,” p27, 2019.

2.7. Other Claimed Reforms

In paragraph 36, the government report mentions a “bill on the regulation of decent work for domestic workers” that was supposedly submitted by the MOL to the council of ministers. Civil society organizations active in the field of migrant rights for more than ten years have no knowledge of such a bill, its contents, or its current status in the bureaucracy of the state.

In paragraph 41, the government reports the “establishment of a National Committee on the Situation of Foreign Domestic Workers.” This committee no longer exists.

In paragraph 42, the government lists the countries with which it has signed bilateral agreements. Yet, the government failed to sign bilateral agreements with many countries of origin of the migrant communities (such as Nepal, Nigeria, Ghana, Kenya, etc.), further diminishing workers’ ability to seek protection, standardized wages, and regulated working hours. More importantly, standardized labor protections for all, regardless of nationality, must take precedence over bilateral agreements.

Recommendations

With regards to the situation of Migrant Domestic Workers in Lebanon, we recommend the following:

1. Abolish Article 7 of the Labor Law, which excludes domestic workers and other workers from the provisions of the Lebanese Labor Law, and ensure that the full scope of rights and protections are granted to all workers;
2. Replace the kafala system with just immigration and residency systems that decouple the work permit from the residence permit;
3. Create a standardized, transparent, and accessible state mechanism for domestic workers to terminate their contracts legally without the need for their sponsor’s permission, and allow for a grace period during which the worker can search for new employment without violating the conditions of her legal residency;
4. Create a mechanism through which the money deposited by sponsors and recruitment agencies at the Housing Bank is reimbursed directly to the domestic worker in the case of unpaid wages;
5. Officially consider any household which is a workplace for any contracted employee as a public space that falls within the jurisdiction of the MOL inspectorate and is thereby subject to investigation by the inspectorate upon suspicion of exploitation or abuse;
6. Conduct proper investigations of the frequent and normalized abuses and deaths of MDWs, provide remedies for the victims, and ensure accountability for the perpetrators;
7. Ensure that migrant activists are granted protection as Human Rights Defenders;
8. Ratify the ILO Domestic Workers Convention, 2011 (C189), concerning decent work for domestic workers.

II. Forced Out: Syrian Refugees Face Direct and Indirect Pressures to Leave

Syrian refugees in Lebanon are increasingly pressured to return to Syria, through direct and indirect measures implemented by the different Lebanese authorities and aimed at making life in Lebanon for Syrian nationals difficult to impossible. Direct pressure measures implemented by the GSO include deportation and coerced “voluntary” returns. Indirect measures implemented by municipalities and the Lebanese army include curfews, prohibition to rent in certain areas, forced evictions, and shelter demolitions. These are in addition to the GSO residency policies which force the majority of Syrians into illegality, and expose them to administrative detention for lacking valid residence permits.

The GSO reported that 341,873 Syrians returned to their country between 30 November 2017 and 29 December 2019.³⁰ The number includes self-organized returns and returns through the GSO “voluntary return program,” introduced in November 2017. To date, 19,884 Syrian nationals have been returned through the voluntary return program, 14,825 of whom are recognized refugees registered with the UN High Commissioner for Refugees (UNHCR).³¹ Returns are organized bilaterally by the Lebanese and Syrian states, and the names of returnees are pre-approved by the Syrian administration. It is worth noting that 2020 has seen a noticeable decline in some of the policies encouraging returns due to COVID-19 and the closure of the Lebanese-Syrian borders. Any data obtained from the government during this period must be analyzed with this in mind.

1. Direct Measures

1.1. Violation of the principle of non-refoulement

Although Lebanon has not signed the 1951 Refugee Convention and is not considered a country of asylum, it is still bound by the customary rules of international law and the principle of non-refoulement, which it claims to implement “voluntarily.”³² Yet arbitrary deportations of Syrian refugees from Lebanon have been documented since 2012.³³

Deportation became an official explicit policy on 13 May 2019 when the General Director of the General Security issued a decision to deport all Syrians who entered Lebanon irregularly after 24 April 2019. In reality, the implementation of this policy also extended to refugees who entered

³⁰ Chahine, George. “An investigation into the return of Syrians in 2019,” *General Security Magazine*, Issue 76, 9 January 2020. Last accessed <http://www.general-security.gov.lb/ar/magazines/details/334>

³¹ Chahine, George. “An investigation into the return of Syrians in 2019,” *General Security Magazine*, Issue 76, 9 January 2020. Last accessed <http://www.general-security.gov.lb/ar/magazines/details/334>

³² Committee on the Elimination of Racial Discrimination. “Combined twenty-third and twenty-fourth periodic reports submitted by Lebanon under article 9 of the Convention, due in 2018,” *CERD*, 2018. Last accessed 17/04/2020 https://www.ecoi.net/en/file/local/2012422/cerd_c_lbn_23-24_E.pdf

³³ Lebanese Center for Human Rights. “Syrian Workers in Lebanon: An Assessment of their Rights and Reality,” *CLDH*, 18 December 2013. Last accessed 17/04/2020 [http://www.rightsobserver.org/files/Report_Syrian_Workers_ENG_final_\(2\).pdf](http://www.rightsobserver.org/files/Report_Syrian_Workers_ENG_final_(2).pdf)

Lebanon before the set date; seven of these deportations were documented by the Access Center for Human Rights.³⁴ At least 2,731 Syrians have been deported by the GSO since this decision was announced.³⁵ At least three of those deported have been detained by the Syrian authorities upon their arrival.³⁶ At least six deportations were abduction cases of Syrian refugees unlawfully delivered to Syrian security services.³⁷ Deportations executed under this decision are based on a verbal order from the Public Prosecutor, without proper consideration of the danger to the lives of those deported upon their return to Syria.³⁸ Lebanon is legally obligated to allow people to challenge their deportation and argue for protection.³⁹

Lebanon's attempt to circumvent the principle of non-refoulement by falsely portraying returns as voluntary is a long-standing and well-documented practice.⁴⁰ In May 2019, at least 30 Syrians were deported from the airport, 13 of whom "expressed fears of torture or persecution if returned to Syria."⁴¹ They reported being coerced into signing a paper indicating that their return was voluntary. Prolonged arbitrary detention on the basis of irregular stay is used as a means to pressure detainees into agreeing to return to Syria.⁴² Recent testimonies from February 2020 show that this practice is ongoing and is now being framed as an integral part of the "voluntary return program" introduced in November 2017.⁴³

Though many Syrian nationals are returning to Syria of their own free will, many are not. The circumstances of departure from Lebanon as well as their arrival in Syria call into question the extent to which some of these GSO-driven returns are voluntary and safe. Prior to its involvement in the voluntary repatriation process, UNHCR stated that "returns have in some cases not been verified as voluntary in nature."⁴⁴ Recently, UNHCR has been involved in the coordination of the voluntary repatriation, though the extent of their involvement and control over the process remains opaque.

A number of accounts by journalists and organizations reveal that some returnees to Syria face a high risk of human rights violations at the hands of the Syrian administration, including torture

³⁴ Access Center for Human Rights. "On Arbitrary Deportation of Syrian Refugees in Lebanon," *Access Center for Human Rights*, August 2019. Last accessed 17/04/2020 <https://www.achrightrights.org/2019/08/09/report-on-arbitrary-deportation-of-syrian-refugees-in-lebanon/>

³⁵ Sewell, Abby. "More than 2,700 Syrians deported from Lebanon under new rule," *The Daily Star*, 27 August 2019. Last accessed 17/04/2020 <http://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-27/490475-more-than-2700-syrians-deported-from-lebanon-under-new-rule.ashx>

³⁶ Ibid. *The Daily Star*, "More than 2,700 Syrians deported from Lebanon under new rule," 2019.

³⁷ Ibid. *Access Center for Human Rights*. "On Arbitrary Deportation of Syrian Refugees in Lebanon," 2019.

³⁸ Legal Agenda. "Position Paper: On the decision to summarily deport Syrian nationals who entered Lebanon irregularly," *Legal Agenda*, 2019. Last accessed 17/04/2020 <https://www.legal-agenda.com/uploads/Position%20Paper%20on%20the%20decision%20to%20summarily%20deport%20Syrian%20nationals%20who%20entered%20Lebanon%20irregularly.pdf>

³⁹ Human Rights Watch. "Syrians Deported by Lebanon Arrested at Home," *HRW*, 2019. Last accessed 17/04/2020 <https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>

⁴⁰ Frangieh, Ghida. "Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement," *Legal Agenda*, 29 December 2014. Last accessed 17/04/2020 <https://legal-agenda.com/en/article.php?id=675&folder=articles&lang=en>

⁴¹ Human Rights Watch. "Lebanon: Syrians Summarily Deported from Airport," *HRW*, 24 May 2019. Last accessed 17/04/2020 <https://www.hrw.org/news/2019/05/24/lebanon-syrians-summarily-deported-airport>

⁴² Ibid. *Legal Agenda*. "Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement," 2014.

⁴³ In February 2020, ARM documented testimonies from non-Syrian detainees in GSO who reported that some Syrian detainees scheduled to return to Syria expressed that they feared for their lives and were being repatriated after being forced to sign a paper.

⁴⁴ United Nations High Commissioner for Refugees. "Update: Durable Solutions for Syrian Refugees," *UNHCR*, 2017. Last accessed 17/04/2020 <https://data2.unhcr.org/ar/documents/download/59482>

and arbitrary arrest.⁴⁵ A 2019 survey of 350 Syrian returnees found that 75% of them were harassed, tortured, or arrested by Syrian authorities, or conscripted into the military despite promises they would be exempt.⁴⁶ At least 20 Syrian refugees who returned from Lebanon in 2018 were reportedly killed by the Syrian state army, according to the former Minister of State for Refugee Affairs Mouin Merehbi.⁴⁷ The Lebanese President later denied this claim.⁴⁸

Information from Syria is difficult to be verified due to the political motivations of the different parties involved. Furthermore, the Syrian administration imposes strict control over humanitarian and human rights organizations inside Syria and restricts their movement considerably,⁴⁹ which hinders their ability to monitor violations and leads to limited information on the conditions of return. This causes a legitimate reason for concern.

Deportations and coerced “voluntary” returns are in violation of the principle of non-refoulement as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Lebanon is a State party and under which Lebanon is “obligated not to return or extradite anyone in danger of being tortured.” These practices also contradict the CERD’s General Recommendation No. 30 to States parties that special national legislations and decisions may not expel or deport based on nationality, race, ethnicity or color, and they must give equal judicial rights to appeal decisions of deportation.⁵⁰

They are also in violation of articles 26 and 31 of the 1962 Lebanese law on the entry and exit of foreigners which stipulate that any foreigner whose life or freedom is threatened for political reasons by a non-Lebanese authority may be granted political asylum; and if any a political refugee is to be deported from Lebanon, they should not be deported where their life or freedom are at risk.

⁴⁵ Chulov, Martin. “We can’t go back’: Syria’s refugees fear for their future after war,” *The Guardian*, 30 August 2018. Last accessed 17/04/2020

<https://www.theguardian.com/world/2018/aug/30/we-cant-go-back-syrias-refugees-fear-for-their-future-after-war>

⁴⁶ Loveluck, Louisa. “Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation,” *The Washington Post*, June 2, 2019. Last accessed 17/04/2020 https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef_story.html

⁴⁷ The Daily Star. “About 20 refugees who returned have been killed: Merehbi,” *The Daily Star*, 3 November 2018. Last accessed 17/04/2020 <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-03/468301-about-20-refugees-who-returned-have-been-killed-merehbi.ashx>

⁴⁸ The Daily Star. “No information of Syrian refugees killed upon return: Aoun,” *The Daily Star*, 2018. Last accessed 17/04/2020 <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-08/468648-syrian-refugees-gather-in-lebanon-in-preparation-for-return.ashx>

⁴⁹ Ibid. *UNHCR*, “Update: Durable Solutions for Syrian Refugees,” 2017.

⁵⁰ Office for the High Commissioner for Human Rights. “General Recommendation No.30: Discrimination Against Non Citizens: 01/10/2004,” *OHCHR*, 2004. Last accessed 17/04/2020 <https://www.globaldetentionproject.org/wp-content/uploads/2016/06/CERD-2004.pdf>

2. Indirect Measures

2.1. Violation of the freedom of movement

In paragraph 194, the government claimed that the “exceptional cases where municipalities restrict movement at night in the interests of public order [are not] motivated by racism.”⁵¹ In 2014 alone, Human Rights Watch identified at least 45 municipalities across Lebanon that have issued circulars imposing curfews specifically targeting Syrian nationals.⁵² The government regards these curfews as measures to protect public safety and security. This justification is itself based on racial stereotyping whereby, as a result of one Syrian national being convicted of a crime, all Syrian nationals are made to suffer the consequences. Defending these practices is in violation of Article 2 of ICERD which puts the obligation on States parties “not to sponsor, defend or support racial discrimination by any persons or organizations.”

In 2020, a new pattern emerged where municipalities used COVID-19 as an excuse to single out Syrians in circulars imposing curfews, strict isolation measures, or arbitrary restrictions on movement. Using the pandemic as an excuse, at least eight municipalities issued a curfew decision exclusively for Syrian refugees and not for Lebanese citizens, while at least 21 other municipalities imposed incapacitating restrictions on Syrians, making it difficult for them to access basic services during the pandemic.⁵³ Any restriction on the freedom of movement of an individual solely based on their nationality constitutes an act of “racial discrimination” as defined in Article 1 of ICERD.

2.2. Violation of the right to housing

Evictions

Municipalities also target Syrian nationals with forced evictions solely on the basis of their nationality. On average, 13,000 evictions target Syrians every year, affecting approximately 100,000 people.⁵⁴ At least 13 municipalities executed mass evictions targeting Syrian nationals between 2016 and 2018.⁵⁵ The Lebanese army evicted 7,524 in the vicinity of the Rayak air base in 2017, citing security concerns.⁵⁶

⁵¹ Ibid. *CERD*, “Combined twenty-third and twenty-fourth periodic reports submitted by Lebanon under article 9 of the Convention, due in year 2018,” 2018.

⁵² Human Rights Watch. “Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees,” *HRW*, 3 October, 2014. Last accessed 17/04/2020 <https://www.hrw.org/news/2014/10/03/lebanon-least-45-local-curfews-imposed-syrian-refugees>

⁵³ Access Center for Human Rights. “Refugees without Protection: A Report on the Human Rights Situation in Lebanon,” ACHR, 2020

⁵⁴ UNHCR, UNICEF, WFP. “Vulnerability Assessment of Syrian Refugees in Lebanon,” *UNHCR, UNICEF, WFP*, 2018. Last accessed 17/04/2020 <https://www.wfp.org/publications/vulnerability-assessment-syrian-refugees-lebanon-vasyr-2018>

⁵⁵ United Nations High Commissioner for Refugees. “Evictions of Syrian Refugees in 2017,” *UNHCR*, March 2018. Last accessed 17/04/2020 <https://data2.unhcr.org/en/documents/details/63104>

⁵⁶ Human Rights Watch. “Our Homes Are Not For Strangers,” *HRW*, 2018. Last accessed 17/04/2020 https://www.hrw.org/sites/default/files/report_pdf/lebanon0418_web.pdf

Some municipal authorities justify their decision by citing infractions of housing, labor, or residency regulations. The violation of labor or residency regulations does not constitute a valid legal basis for eviction.⁵⁷ Although housing regulations could provide legal grounds for eviction if certain conditions are present, the same regulations have not been equally enforced on Lebanese citizens, making this practice evidently racially targeted. Evictees reported that the authorities insulted them, harassed them, and in some cases, beat them.

“The [municipal] police went floor by floor and only knocked on Syrian doors” - Riad, a Syrian national evicted from Hadath in January 2018⁵⁸

“We are afraid that the demography of Bcharre will change. The people here love their land and don’t want to change it. This is a Christian town. There is no mosque here. We do not want to bring in refugees. There are no Christian refugees among the Syrians. We just don’t like people from outside.”⁵⁹ - The head of the Administrative Department for Bcharre municipality, 2018.

These practices, in addition to statements by local authorities, politicians and community leaders, indicate that these communities are targeted because of their nationality.⁶⁰

In 2020, due to the financial crisis and rampant unemployment, many Syrian refugees were unable to pay their monthly rent. That year, ARM received calls from over 1,600 Syrian people who received a direct threat of eviction from their landlords.

Shelter Demolition

The Higher Defence Council made an unpublished decision in April 2019 to dismantle shelters built by Syrian refugees with materials other than timber and plastic sheeting, as well as any tents higher than one meter.⁶¹ Syrians were given a deadline to dismantle their own homes by June 9, 2019 (later extended by a month), after which the Lebanese Armed Forces (LAF) would forcefully dismantle any infringing shelters. International organizations were called upon to provide the refugees with replacement shelter materials, but refugees reported that these efforts were late and insufficient.⁶² The demolitions have been estimated to affect at least 4,000 Syrian households with as many as 15,000 children facing homelessness as a result.⁶³ Lebanese Army troops raided more than 30 informal refugee settlements to enforce this decision.⁶⁴ The raids resulted in the

⁵⁷ Ibid. *Human Rights Watch*. “Our Homes Are Not For Strangers,” 2018.

⁵⁸ Ibid. *Human Rights Watch*. “Our Homes Are Not For Strangers,” 2018.

⁵⁹ Ibid. *Human Rights Watch*. “Our Homes Are Not For Strangers,” 2018.

⁶⁰ Ibid. *Human Rights Watch*. “Our Homes Are Not For Strangers,” 2018.

⁶¹ International Federation of Red Cross And Red Crescent Societies. “Lebanon: Population Movement - Emergency Plan of Action (EPoA) (DREF Operation n° MDRLB007),” *IFRC*, 25 June 2019. Last accessed 17/04/2020

<https://reliefweb.int/report/lebanon/lebanon-population-movement-emergency-plan-action-epoa-dref-operation-n-mdrlb007>

⁶² Human Rights Watch. “Lebanon: Syrian Refugee Shelters Demolished,” *HRW*, 2019. Last accessed 17/04/2020

<https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished>

⁶³ Ibid. *IFRC*. Lebanon: Population Movement - Emergency Plan of Action (EPoA) (DREF Operation n° MDRLB007),” 2019.

⁶⁴ France 24. “Lebanon demolishes more Syrian refugee shelters: NGOs,” *France 24*, 9 August 2019. Last accessed 17/04/2020

<https://www.france24.com/en/20190809-lebanon-demolishes-more-syrian-refugee-shelters-ngos>

demolition of at least 350 homes and the arrest of at least 47 people due to their lack of legal residency.⁶⁵

Lebanese Construction Law No. 646 of 2004 stipulates that a permit is required to construct non-permanent structures on agricultural lands, and specifies building materials of wood and stone. However, the target of the enforcement campaign for this law is one population group, which constitutes a racist act contrary to Lebanon's obligations under ICERD.

Palestinian Refugee Camps

Although this report touches very little on the specificity of the state's racism towards Palestinians in Lebanon, one cannot mention racist housing policies without referring to Palestinian refugee camps in the country. Palestinian refugees have been living in camps where basic services are lacking since 1948. In 2001, a law was passed hindering Palestinian refugees from owning land. In 2007, Nahr el Bared camp in Northern Lebanon was bombed by the Lebanese Army and razed to the ground. Although a reconstruction process was put in place, 30% of the original population did not return, and a large number continue to live in inadequate housing conditions.

The poor housing conditions of Palestinian refugees living in camps and gatherings has been exacerbated by a series of government policies which deny the right of Palestinian refugees to improve their housing, under the pretext of resisting Palestinian naturalization and safeguarding their right of return. In fact, the government has prohibited the entry of building materials into official refugee camps since the late 1990s, a discriminatory measure only taken in relation to Palestinian camps. While all the buildings in the camps require regular maintenance, no materials used for new buildings, renovation, and repair works are allowed in the camps, which has led to deterioration in the state of houses and the physical infrastructure.

⁶⁵ Ibid. *France 24*. "Lebanon deMOLishes more Syrian refugee shelters: NGOs," 2019.

Recommendations

With regards to the situation of Syrian refugees in Lebanon, we recommend the following:

1. Establish a clear and comprehensive legal framework on asylum that includes the principle of non-refoulement and enables asylum seekers and refugees to exercise their fundamental rights without discrimination;
2. Allow the UNHCR to register Syrian nationals who entered the Lebanese territory after 2015;
3. Facilitate the process of obtaining legal residency for Syrians;
4. Allow Syrians to appeal decisions of deportation that are issued against them before the competent judicial authorities, in accordance with national law;
5. Repeal the decision of the Higher Defense Council No. 50 of April 15, 2019, and the decision of the Director General of General Security No. 43830 of May, 13 2019 to deport Syrians entering Lebanon through informal crossings;
6. Prohibit municipalities and other Lebanese authorities from implementing curfews, or other restrictions on the freedom movement, and conducting evictions based on nationality;
7. Temporarily waive the requirements stipulated in the Construction Law 646 of 2004 for Syrian refugees and refrain from ordering further shelter demolitions;
8. Annul the unpublished decision of the Higher Defense Council of April 2019 to demolish "permanent" Syrian refugee shelters;
9. Require that any legitimate, necessary and unavoidable eviction or shelter demolition should be accompanied by the provision of sufficient notice in writing about the impending eviction or demolition and the securing of alternative shelters for families and individuals.

III. Nationality-Based Discrimination in Labor Regulations

1. Violation of the rights to work and to free choice of employment

The legal framework that regulates the Lebanese labor market entrenches discrimination on the basis of national origin. Non-Lebanese workers are not excluded from the Lebanese Labor Law - which regulates labor in most sectors - on the basis of their nationalities. However, non-Lebanese populations, referred to as “foreigners” by the Lebanese government, are subject to a number of additional decisions and decrees issued by the MOL and the GSO which prevent them from choosing their occupation.

Article 8 of Decree 17561 of September 18, 1964 explicitly grants preference to Lebanese nationals in all employment sectors within the Lebanese territory, specifying strict conditions under which non-Lebanese can be exceptionally hired. In addition, an annual decision issued by the MOL lists a number of professions that are to be reserved exclusively for Lebanese nationals.

Palestinians born in Lebanon and officially registered in the records of the Ministry of Interior and the United Nations for Relief and Works Agency for Palestine Refugees (UNRWA) are exempted from this decision.⁶⁶ However, many professions such as law, engineering, medicine, pharmacy, and other organized professions are governed by additional legal texts which are given exclusivity to Lebanese nationals. This means that all Palestinians, the majority of whom are born and permanently residing in Lebanon, are still barred from practicing over 20 professions, despite the exemptions of Decision 67/1.

Further restrictions apply specifically to Syrian nationals. A ministerial decision issued by the MOL in December 2014 singles out Syrian nationals and restricts their legal employment to three sectors: construction, agriculture, and sanitation, which was later replaced by the broader term “environment.”⁶⁷

All of these restrictions violate Lebanon’s obligations under ICERD. In particular, Article 5(i) of ICERD: “The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.” In addition, decisions that target people based on their national origin, and legally entrench discrimination against them, including through forbidding them from practicing a particular profession, are in violation of the entire rationale and spirit of ICERD.

⁶⁶ Ministry of Labor. “Decision 67/1” Ministry of Labor, issued on June 27, 2005. Last accessed 27/04/2020.

<https://bit.ly/narionalitylaborlawlb>

⁶⁷ Lebanon Support. “Syrian Refugees’ Livelihoods: The Impact of Progressively Constrained Legislations and Increased Informality on Syrians’ Daily Lives.” Lebanon Support, 2016. Last accessed 27/04/2020. <https://bit.ly/SyrianRefugeesLivelihoods>

2. Violation of the right to just and favorable conditions of work

2.1. Labor Rights

Non-nationals are not afforded adequate protection and labor rights, even when they pursue the professions that they are entitled to work in. Article 7 of the Lebanese Labor Law explicitly excludes agriculture workers, domestic workers, and daily workers from its provisions. Exclusion of any worker from labor protection violates Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which guarantees the right of all people to “fair wages and equal remuneration for work of equal value without distinction of any kind” and “rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”⁶⁸ Article 7 of the Lebanese Labor Law is thus in violation of Lebanon’s obligations under Article 7 of ICESCR.

These sectors that are excluded from the Labor Law count a large percentage of non-Lebanese workers among their ranks and they constitute the majority of the professions that non-nationals in Lebanon are entitled to work in. This means that, in practice, the majority of formal non-Lebanese workers, despite their legal status, do not benefit from any labor protections. Therefore, despite the absence of targeting based on nationality in Article 7 of the Labor Law, the article remains in violation of Article 1 of ICERD which prohibits exclusion or restriction based on national origin which has “the purpose *or effect*” of impairing social and economic rights of any population group. In other words, Article 7 of the Labor Law constitutes to indirect discrimination.

The remaining professions - those that non-nationals are entitled to work in and that are covered by the Labor Law - are few, and also afford limited protections for non-Lebanese workers. Taking the example of Palestinian workers who purportedly have unique and exceptional exemptions and rights: since 2010, Palestinians became entitled to benefit from end-of-service indemnities from the National Social Security Fund under the same conditions as Lebanese workers.⁶⁹ However, the fees paid by Palestinian workers to the National Social Security Fund, which are equal to those paid by Lebanese workers, do not entitle them to the same benefits as Lebanese citizens.

2.2. Informal Labor

In order to formally and legally work in the professions they are entitled to work in, non-Lebanese people are required to have a residence permit and a work permit.⁷⁰ Syrian refugees in Lebanon have two distinct pathways to legal residency: either through the UNHCR registration or through

⁶⁸ Office of the High Commissioner for Human Rights, “International Covenant on Economic, Social and Cultural Rights,” Article 7. OHCHR, 16 December 1966. Last accessed 27/04/2020. <https://bit.ly/ohchrcovenant>

⁶⁹ Lebanese Parliament. “Act No.128 amending article 9 (3) of the Social Security Act, issued on 24 August 2010.” *Palestinian Association for Human Rights (Witness)*, 2019. Last accessed 27/04/2020 <https://bit.ly/Act128>

⁷⁰ Ministry of Labor. “Decree no. 17561”, *Ministry of Labor*, issued on September 18, 1964. Last accessed 27/04/2020. <https://bit.ly/Decree17561>

sponsorship. The UN estimates that around 80% of Syrian refugees older than 15 years do not have legal residency due to the high administrative fees, the complex procedures imposed by the GSO, and the tardiness of the GSO in reviewing applications.⁷¹ This means that 80% of Syrians in Lebanon are legally barred from earning a living. As a result, many are pushed into informal labor, and then penalized for it.

For the remaining 20%, work permits are far from guaranteed. Until mid-2016, Syrian refugees who applied for residency based on their UNHCR registration had to sign a “pledge not to work.” The decision was later revoked on paper. In practice, however, many Syrian refugees who are suspected to be working are denied residence on the basis of their UNHCR registration.⁷² In its 2019 campaign against irregular workers, the MOL wrote: “The Ministry of Social Affairs is to regularly provide the Ministry of Labor with the names of all the registered people at the UNHCR that benefit from all international organizations’ contributions and assistance in order to withhold work permits for the beneficiaries of these contributions.”⁷³

Most refugees who wish to work are thereby pushed into sponsorship arrangements. Sponsors exert great power over refugees as they are responsible for the legal status, work permit, healthcare and accommodation of those they sponsor. Syrian refugees are forced to choose between an exploitative relationship with a sponsor or working illegally. Many choose to work illegally, often facing other forms of exploitation.

2.3. Heavy Penalties

In June 2019, the Minister of Labor Camille Abousleiman launched a draconian campaign against foreign irregular workers in Lebanon. Abousleiman cited three reasons for this initiative: to implement the law and regulate foreign employment; to provide jobs for Lebanese people; and to increase government revenues from fees and fines.⁷⁴ Abousleiman has been a vocal proponent for the return of Syrian refugees to Syria. Based on his past statements and the harsh decisions taken by the MOL during his time as minister, it is not unreasonable to deduce that the fourth hidden reason is to indirectly push Syrian refugees back to Syria.

At the launch of the campaign, irregular workers were granted one month to regularize their status. MOL’s Inspectorate, in collaboration with the General Security launched a series of raids that covered all areas of Lebanon. The most recent aggregate data available online shows that between 10 July 2019 and 4 September 2019, MOL issued a total of 2,210 official notices against 2,039 establishments: 395 warnings, 1,704 fines, and 111 closures.⁷⁵ Inspections, fines and closures have decreased in 2020 due to the country’s instability but have reemerged in 2021.

⁷¹ Interagency Coordination, UNHCR, UNICEF, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR), 18 December 2020.

⁷² Leaders for Sustainable Livelihoods. “Dignity At Stake: Challenges To Accessing Decent Work In Lebanon,” Discussion Paper, *Leaders for Sustainable Livelihoods*, 2017. Last accessed 27/04/2020. <https://bit.ly/dignityatstake>

⁷³ Ministry of Labor. “Action Against Illegal Foreign Employment on Lebanese Territory,” *Ministry of Labor*, June 2019. Last accessed 27/04/2020. https://bit.ly/action_against_illegal_foreign_employment

⁷⁴ Ministry of Labor. “Action Against Illegal Foreign Employment on Lebanese Territory,” *Ministry of Labor*, June 2019. Last accessed 27/04/2020. https://bit.ly/action_against_illegal_foreign_employment

⁷⁵ Ministry of Labor Inspection Statistics, September 2019. Last accessed 27/04/2020. <https://bit.ly/MOLInspectionStatisticsSep2019>

Employers in the private sector were called upon to “respect their legal obligation” to employ only Lebanese citizens in the professions reserved for Lebanese by decision no. 29/1, and to obtain work permits for non-Lebanese workers to work in the professions that they are entitled to work in. Employers found in violation of these regulations have to pay a fine that can vary between 2,000,000 LBP (approximately 1,333 USD prior to the beginning of the freefall of the currency in 2019) and 5,000,000 LBP (approximately 3,333 USD prior to 2019).⁷⁶

The mandate of the Inspectorate, which is reportedly understaffed, is to ensure compliance with legal provisions for working conditions and protection of employees, including working hours, wages, safety and health, and child labor. Instead, inspectors focus on non-Lebanese workers’ legal papers and making sure that their work permits match their job descriptions.⁷⁷

This campaign was later followed by a decision to stop granting prior approvals to foreign workers "in light of the high unemployment among the Lebanese and to reduce the volume of dollar transfers abroad."⁷⁸

Recommendations

With regards to labor rights for non-nationals in Lebanon, we recommend the following:

1. Invest in productive sectors of the economy in order to create sufficient decent jobs, instead of fighting irregular migrants and refugees as a means to reduce unemployment among the Lebanese;
2. Cancel Decision 29 issued by the Ministry of Labor on 15 February, 2018 as well as any decisions that provide exclusivity for Lebanese nationals over certain professions;
3. Lift all remaining restrictions for Palestinians’ access to the labor market and ensure that they are granted labor protections and benefits on a par with Lebanese nationals, in recognition of the particularity of their status and circumstances as long term refugees and residents, noting that this does not, in any way, imply or lead to the naturalization of Palestinians;
4. Abolish the sponsorship system for Syrian refugees and allow the UNHCR to register Syrian nationals who entered Lebanon after 2015;
5. Cancel the Ministry of Labor’s Decision No. 151/1 issued on December 20, 2019;
6. Redirect the Ministry of Labor’s Inspectorate towards fulfilling its obligations of monitoring violations of workers’ rights, in particular employers’ compliance with the minimum wage and enrollment of all employees in the National Social Security Fund.

⁷⁶ Ministry of Labor. “Decision no. 29/1,” *Ministry of Labor*, issued on 2 August, 2019. Last accessed 27/04/2020. <https://bit.ly/MOLdecision29-1>

⁷⁷ Leaders for Sustainable Livelihoods. “Dignity At Stake: Challenges To Accessing Decent Work In Lebanon,” Discussion Paper, *Leaders for Sustainable Livelihoods*, 2017. Last accessed 27/04/2020. <https://bit.ly/dignityatstake>

⁷⁸ “The Ministry of Labor Toughens its Measures,” MTV Lebanon, 27 November 2019.

Overview of the Recommendations

In order to bring Lebanon into compliance with its commitments to ICERD and address systemic racism and discrimination in Lebanon, we offer these recommendations.

With regards to the situation of Migrant Domestic Workers in Lebanon, we recommend the following:

1. Abolish Article 7 of the Labor Law, which excludes domestic workers and other workers from the provisions of the Lebanese Labor Law, and ensure that the full scope of rights and protections are granted to all workers;
2. Replace the kafala system with just immigration and residency systems that decouple the work permit from the residence permit;
3. Create a standardized, transparent, and accessible state mechanism for domestic workers to terminate their contracts legally without the need for their sponsor's permission, and allow for a grace period during which the worker can search for new employment without violating the conditions of her legal residency;
4. Create a mechanism through which the money deposited by sponsors and recruitment agencies at the Housing Bank is reimbursed directly to the domestic worker in the case of unpaid wages;
5. Officially consider any household which is a workplace for any contracted employee as a public space that falls within the jurisdiction of the MOL inspectorate and is thereby subject to investigation by the inspectorate upon suspicion of exploitation or abuse;
6. Conduct proper investigations of the frequent and normalized abuses and deaths of MDWs, provide remedies for the victims, and ensure accountability for the perpetrators;
7. Ensure that migrant activists are granted protection as Human Rights Defenders;
8. Ratify the ILO Domestic Workers Convention, 2011 (C189), concerning decent work for domestic workers.

With regards to the situation of Syrian refugees in Lebanon, we recommend the following:

1. Establish a clear and comprehensive legal framework on asylum that includes the principle of non-refoulement and enables asylum seekers and refugees to exercise their fundamental rights without discrimination;
2. Allow the UNHCR to register Syrian nationals who entered the Lebanese territory after 2015;
3. Facilitate the process of obtaining legal residency for Syrians;
4. Allow Syrians to appeal decisions of deportation that are issued against them before the competent judicial authorities, in accordance with national law;
5. Repeal the decision of the Higher Defense Council No. 50 of April 15, 2019, and the decision of the Director General of General Security No. 43830 of May, 13 2019 to deport Syrians entering Lebanon through informal crossings;

6. Prohibit municipalities and other Lebanese authorities from implementing curfews, or other restrictions on the freedom movement, and conducting evictions based on nationality;
7. Temporarily waive the requirements stipulated in the Construction Law 646 of 2004 for Syrian refugees and refrain from ordering further shelter demolitions;
8. Annul the unpublished decision of the Higher Defense Council of April 2019 to demolish "permanent" Syrian refugee shelters;
9. Require that any legitimate, necessary and unavoidable eviction or shelter demolition should be accompanied by the provision of sufficient notice in writing about the impending eviction or demolition and the securing of alternative shelters for families and individuals.

With regards to labor rights for non-nationals in Lebanon, we recommend the following:

1. Invest in productive sectors of the economy in order to create sufficient decent jobs, instead of fighting irregular migrants and refugees as a means to reduce unemployment among the Lebanese;
2. Cancel Decision 29 issued by the Ministry of Labor on 15 February, 2018 as well as any decisions that provide exclusivity for Lebanese nationals over certain professions;
3. Lift all remaining restrictions for Palestinians' access to the labor market and ensure that they are granted labor protections and benefits on a par with Lebanese nationals, in recognition of the particularity of their status and circumstances as long term refugees and residents, noting that this does not, in any way, imply or lead to the naturalization of Palestinians;
4. Abolish the sponsorship system for Syrian refugees and allow the UNHCR to register Syrian nationals who entered Lebanon after 2015;
5. Cancel the Ministry of Labor's Decision No. 151/1 issued on December 20, 2019;
6. Redirect the Ministry of Labor's Inspectorate towards fulfilling its obligations of monitoring violations of workers' rights, in particular employers' compliance with the minimum wage and enrollment of all employees in the National Social Security Fund.