

## Committee on the Application of Standards

Date: 22 May 2023

**Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 22 May 2023.**

### ▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

#### Lebanon (ratification: 1977)

##### Forced Labour Convention, 1930 (No. 29)

The Government has provided the following written information.

##### Articles 1(1) and 2(1) of the Convention

In addition to the information presented in 2022 to the Committee, we wish to inform you of new facts that have not yet been considered by the Committee of Experts with respect to the following:

##### 1. Regarding the law:

- An agreement has been signed between the Government of the Republic of Lebanon and the Government of the Federal Democratic Republic of Ethiopia concerning the employment of Ethiopian workers in Lebanon and which takes into account human rights and prohibits trafficking in human beings. The Ministry of Labour of the Republic of Lebanon and the Ministry of Labour and Skills of the Federal Democratic Republic of Ethiopia are the competent authorities in coordinating the monitoring of the agreement's implementation and on following up on this. Both parties have agreed to work together in combating illegal employment activities and trafficking in human beings in the two countries.

Section 7 of this bilateral agreement, entitled "Employment, Terms of Employment and the Employment Contract", stipulates as follows:

1. Recruitment and employment of workers, including domestic workers, in Lebanon shall be facilitated only through legally licensed recruitment agencies.
2. Upon obtaining the work visa, the employer shall apply for the recruitment of the worker through a contract signed at the embassy or consulate of the Federal Democratic Republic of Ethiopia in Lebanon.
3. The employment contract shall state the rights and obligations of the employer and the worker, as well as the basic conditions of work, in accordance with the applicable

international labour instruments, including ILO declarations, principles and Conventions to which both countries are a party.

This bilateral agreement is on course towards attaining its end result in law, which is its ratification by the Council of Ministers. The Government shall send you a copy of it pending its entry into force.

- [Order No. 1/1](#) of the Minister of Labour of 5 January 2023, concerning regularizing the status of foreign female domestic workers who perform jobs other than those specified in the work permit.
- Orders by the Minister of Labour to close down, or to revoke the licences of a number of agencies for the recruitment of female domestic workers. These [orders](#) have been posted on the Ministry's website.
- [Order No. 69/1](#) of 27 May 2022, concerning the approval of the mechanism for classifying recruitment agencies.

## 2. Regarding measures:

- In the course of 2022, a number of administrative measures were taken against several agencies for the recruitment of female domestic workers owing to their violation of the Order regulating the work of the agencies for the recruitment of female foreign workers; 69 complaints against them were received concerning the infringement of female domestic workers' rights.
- Throughout 2022, the Ministry received 89 complaints relating to female migrant workers, comprised as follows:
  - 62 complaints by an employer against agencies for the recruitment of female domestic workers, with 41 of them being resolved;
  - Seven complaints by female workers themselves against agencies for the recruitment of female domestic workers, with six of them being resolved;
  - 20 complaints by embassies, consulates, associations and trade unions, with 15 of these being resolved. The bulk of these complaints were over employers' failure to pay female migrant workers their wages.
- After reviewing the results of the Follow-up Labour Force Survey (LFS) 2022 in Lebanon, which was conducted by the Central Administration of Statistics (CAS) in collaboration with the ILO and also with financial and technical assistance provided by the ILO, we would like to share with you this feature shown in figure 25 (left-hand section) [*sic*]. Data collection for the Survey took place between 27 December 2021 and 31 January 2022. This has been published on the [CAS website](#).

The most noteworthy result is the decline in the labour force participation rate (LPFR) of non-Lebanese, from 60.8 per cent in 2018–19 to 47.7 per cent in 2022, which was significantly higher than the decline in the labour force participation rate of Lebanese, i.e. from 46.3 per cent in 2018–19 to 42.6 per cent in 2022. This may be attributable to the transient nature of most international labour migration in Lebanon; thus, with the downturn in the economic situation, international migrant workers have been tending to leave the labour market and return to their country of origin or else move to a third country in search of new employment.

Kindly find below the tables regarding the numbers and percentages of **migrant workers (non-Lebanese workers) and domestic workers** based on the Labour Force and Household Living Conditions Survey (LFHLCS) 2018–19 and the Follow-up Labour Force Survey, 2022.

► **Table 1. Domestic workers and non-Lebanese workers 2018**

|                                                        |                      | Number    | Percentage |
|--------------------------------------------------------|----------------------|-----------|------------|
| Persons in employment ( <b>aged 15+</b> ), LFHLCS 2018 | Domestic workers     | 103 015   | 6.5        |
|                                                        | Other workers        | 1 487 386 | 93.5       |
|                                                        | Total                | 1 590 401 | 100.0      |
|                                                        |                      |           |            |
|                                                        |                      | Number    | Percentage |
| Persons in employment ( <b>aged 15+</b> ), LFHLCS 2018 | Lebanese workers     | 1 242 204 | 78.1       |
|                                                        | Non-Lebanese workers | 348 197   | 21.9       |
|                                                        | Total                | 1 590 401 | 100.0      |
|                                                        |                      |           |            |

► **Table 2. Domestic workers and non-Lebanese workers 2022**

|                                                        |                      | Percentage |
|--------------------------------------------------------|----------------------|------------|
| Persons in employment ( <b>aged 15+</b> ), LFHLCS 2022 | Domestic workers     | 1.4        |
|                                                        | Other workers        | 98.6       |
|                                                        | Total                | 100.0      |
|                                                        |                      |            |
|                                                        |                      | Percentage |
| Persons in employment ( <b>aged 15+</b> ), LFHLCS 2022 | Lebanese workers     | 84.9       |
|                                                        | Non-Lebanese workers | 15.1       |
|                                                        | Total                | 100.0      |
|                                                        |                      |            |

## Article 25. Penal sanctions for the exaction of forced labour

In its communication No. 215 – A. T. of 22 May 2023, the Ministry of Justice states the following in its response:

- Although the Lebanese Labour Code excludes domestic workers in private homes from its provisions, this does not imply that they forfeit the legal protection enjoyed by everyone who resides on Lebanese soil. Thus, they may still file their civil lawsuits on the basis of general civil rules and provisions, most notably the Obligations and Contracts Act.
- On the issue of confiscation of passports: the Ministry of Justice would like to state that two judicial rulings were successively issued on 23 June 2014 and 27 July 2016 by the Summary Affairs Court in Beirut, requiring a woman to return a passport to a foreign female worker

in her employment. In these two rulings, the court held that the retention of female domestic workers' passports by employers constituted a violation of the fundamental rights guaranteed in international agreements ratified by Lebanon, foremost among them being freedom of movement.

- Concerning the order issued by the State Shura Council to suspend the implementation of the Standard Unified Contract (SUC): The legal justification for this order was that the order of the then Minister of Labour was deemed to have violated several formal conditions, the most significant ones being the lack of competence of the Ministry of Labour to issue it and the violation of the principle of separation of powers in light of the fact that section 7 of the Labour Code excludes domestic workers from its scope of application. Accordingly, any amendment to this section is the responsibility of Parliament and such an order cannot be issued under a caretaker government. It also contradicts the Obligations and Contracts Act, thus constituting a clear violation of all prevailing legal fundamentals and principles.
- In its observation, the Committee of Experts notes that the economic crisis facing Lebanon has exacerbated the socio-economic precarity of women migrant domestic workers. This has prompted the Government to take the necessary measures to provide them with adequate legal protection.

In this connection and with regard to facilitating access to justice, the Ministry of Justice makes mention of the joint initiative on legal aid that it concluded on 4 September 2019 with the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR), with the support of the Canadian Government and in cooperation with the Beirut and North Bar Associations. This joint project represents the cornerstone, or fundamental basis to improving social stability through the provision of various legal assistance tools and services and promotes justice for juveniles under the auspices of the Ministry of Justice. It is also in line with the UNDP Action Plan for Lebanon 2017–20, which was formally adopted after the Lebanese Government gave its approval in 2017. Moreover, the Access to Justice Working Group, which includes representatives of the UNDP, the UNHCR, the Ministry of Justice and the Bar Associations of Beirut and Tripoli, is working assiduously to implement pilot projects to provide legal aid. This initiative has evolved significantly following the completion of the study of the various basic documents that contain principles and guidelines for the practical launch of the legal aid offices, such as a uniform code of conduct and operating procedures. A number of geographical areas, namely Saida, Tripoli and Baalbek, have been selected, with offices being opened in them; these have commenced their work on providing legal support to marginalized and most disadvantaged groups, including, of course, Lebanese, foreign and stateless women and girls. Among the main legal services provided by the aid offices are dissemination of information and awareness of rights; legal counselling and support; mediation and various alternative means of dispute resolution; and the securing of legal representation. If female domestic workers so wish, they may avail themselves of the free legal services provided by these aid offices.

- With regard to female domestic workers being afraid to resort to the competent authorities to report any form of ill-treatment in case they are arrested, have to pay a fine or are deported to their countries for not possessing the required identity documents or for residing illegally in Lebanon: It is to be noted that a circular issued by the Office of the Public Prosecutor of the Court of Cassation does not call for the arrest of any non-citizen who is not in possession of identification documents or who is residing illegally in Lebanon if that person has reported to a police station to file a complaint about being the victim of an

offence. In such a case, the person will be granted a grace period to regularize their status and to hire a lawyer or secure a guarantor.

- Concerning the offence of sexual harassment: On 21 December 2020, Act No. 205 of 2020 was passed by the Lebanese Parliament. This Act is aimed at criminalizing sexual harassment and legislating for the rehabilitation of victims of it. Section 2(a) of the Act makes clear just how wide-ranging and comprehensive it is, for it makes sexual harassment a punishable offence regardless of the identity, occupation or status of the victim. Accordingly, it is applicable to any Lebanese or foreign person who has been sexually harassed, regardless of where the person concerned may be and of the nature of the person's work. Thus, the clause specifically states: "Anyone who commits an offence of sexual harassment shall be sentenced from one month to one year's imprisonment and a fine between three to ten times the minimum wage, or one of these penalties." Furthermore, this Act criminalizing sexual harassment raises the penalty in section 2(b) to become "from six months' imprisonment to two years and a fine of 10 to 20 times of the minimum wage, or one of these two penalties: ... if the offence of harassment occurs in the context of a dependency or an employment relationship." The provision stated in this clause therefore covers all those who have a subordinate relationship with their employers, and regardless of whether the relationship is governed by the Labour Act or the Code of Obligations and Contracts (general law), implying that domestic workers benefit from its provisions.

Referring again to Act No. 205 of 2020, section 2(c) makes it clear that the penalty is further increased to "two to four years' imprisonment and a fine of between 30 to 50 times the official minimum wage ... if the perpetrator holds material, moral, employment or educational authority over the victim ..."; or, "... if the perpetrator exerts extreme psychological, mental, or physical pressure in the commission of the crime to obtain favours of a sexual nature ...".

Therefore, all the paragraphs referred to above are clearly applicable to an offence of harassment of a male/female domestic worker, bearing in mind that it is the judge who has the discretion to determine which paragraph is most appropriate to the situation according to the particulars of each case. Indeed, Act No. 205 of 2020 covers all situations involving sexual harassment against male/female domestic workers, including those not included in the Labour Act.

- Concerning the number of cases of forced labour of migrant domestic workers that have been investigated and prosecuted and the number of convictions and penalties handed down: The following information has been received from the Human Trafficking Repression and Morals Protection Bureau

► **Table 3. Human trafficking repression and morals protection bureau: Offences involving foreign female domestic workers**

| Nationality       | Offence                     | 2022        |                                  |
|-------------------|-----------------------------|-------------|----------------------------------|
|                   |                             | Role        | Result                           |
| Ethiopian         | Prostitution                | Perpetrator | Arrest                           |
| 2 Sierra Leoneans | Trafficking in human beings | Perpetrator | Arrest                           |
| Guinean           | Prostitution                | Suspect     | Released on her own recognizance |

|             |                   |         |                                                                                                                                                                                                    |
|-------------|-------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cameroonian | Prostitution      | Suspect | Released on her own recognizance                                                                                                                                                                   |
| Kenyan      | Sexual harassment | Victim  | The Kenyan woman was with the KAFA organization and her travel to her country was facilitated by them after her sponsor provided a clearance certificate and paid a sum of 300,000 Lebanese pounds |

## 2021

|                   |                             |             |                                                                    |
|-------------------|-----------------------------|-------------|--------------------------------------------------------------------|
| Ethiopian         | Prostitution                | Perpetrator | Arrest                                                             |
| Ethiopian         | Theft                       | Perpetrator | Arrest                                                             |
| Ethiopian         | Trafficking in human beings | Victim      | She was arrested for theft and deserting the home of her employers |
| Ethiopian         | Rape                        | Victim      | She was arrested for theft and deserting the home of her employers |
| Bangladeshi       | Violation of public morals  | Perpetrator | Released on her own recognizance.                                  |
| 2 Sierra Leoneans | Prostitution                | Perpetrator | Arrest                                                             |

## 2020

|           |                                                                                                            |             |                                                                                                                                                                                    |
|-----------|------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ethiopian | Information was received concerning a person attempting to sell a foreign female worker using the OLX app. | Victim      | Her sponsor stated that she had wanted to transfer her sponsorship and not to sell her –she remained with her sponsor                                                              |
| Ethiopian | Rape                                                                                                       | Victim      | Against a taxi driver – she was left free to go                                                                                                                                    |
| Ethiopian | Sexual harassment                                                                                          | Victim      | She returned to her country                                                                                                                                                        |
| Ethiopian | Facilitating and engaging in prostitution                                                                  | Suspect     | Released on her own recognizance                                                                                                                                                   |
| Ethiopian | Rape                                                                                                       | Victim      | She was employed in a restaurant – she filed a complaint against her workmate, who was also working as a taxi driver, and a search and inquiry order was circulated concerning him |
| Nigerian  | Sexual harassment and violence                                                                             | Victim      | She was with the KAFA organization                                                                                                                                                 |
| Nigerian  | Prostitution                                                                                               | Perpetrator | Arrest                                                                                                                                                                             |

|          |                                                                                                      |        |                                                                                                               |
|----------|------------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------|
| Nigerian | Information was received concerning a person attempting to sell a foreign female worker on Facebook. | Victim | Her sponsor stated that he had wanted to transfer her sponsorship and not to sell her – She remained with him |
|----------|------------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------|

Head of the Human Trafficking Repression and Morals Protection Bureau, Lieutenant Colonel Charbel Aziz

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