

KENYAN MIGRANT WORKER PROTESTS IGNORED BY LEBANESE CONSULATE

ACHRS STATEMENT | MEREL COSIJN



Kenyan domestic migrant workers face highly discriminatory working conditions through the 'Kafala' or sponsorship system. However, with the current crisis in Lebanon, their situation has worsened. The economic crisis in Lebanon takes a high toll on the women, but they have had enough and demand repatriation. ACHRS condemns the Kenyan consulate's response of leaving the women to their own devices, camping in the harsh weather circumstances and without food or money.

Migrant women in Lebanon are in need of help and repatriation, after being fired from their jobs. Due to the severe crisis that Lebanon is facing, their employers could no longer afford the already astonishingly low salaries they had to pay the domestic workers. For over a week now, more than 20 women have been demonstrating in front of the Kenyan consulate in Beirut at all hours of the day and night. The women, who came to Beirut to work as housemaids, have been waiting to be repatriated after being forced to quit their jobs in the midst of the economic crisis. As reported in last week's Press Review, job loss is a continuous reality for migrant workers in Lebanon at the moment, owing to the country's ongoing economic difficulties. Many NGOs and individual initiatives are raising awareness about the situation and asking for donations of food and other practical products, such as mattresses and toothpaste, and are advocating about the dire circumstances the women find themselves in.

The consulate seems to neglect all the needs of the women. According to a consular spokesman, the women will be flown home shortly, but their protest is preventing them from completing their work. The sooner the women return to their shelters, he claims, the sooner they will be returned. However, various sources claim that some of the women have been waiting for repatriation since the Beirut harbor blast of August 2020.

What worsens the situation is the already harsh reality migrant workers live through in Lebanon, due to the Kafala system. In this system, a migrant domestic worker is intentionally excluded from the national Labour Law, which incorporates minimum pay, work-hour restrictions, a minimum rest day, overtime reimbursement and freedom of assembly. Lebanon established distinct laws for these workers, legally attaching them to their employer. In this sense, the employee cannot freely change jobs and must get permission from their employer to do so. If they leave, they risk losing their legal status. This means that the Kenyan women have been let go without any legal protection or financial aid. Besides this, multiple stories of hardship have

been mentioned, where the domestic workers were victims of physical and sexual assault. Still, the consulate is not giving the women any clarity of what will happen to them and with that does not seem to be taking action to help the women.

These (in)actions are against the Universal Freedom of Movement, enshrined in article 13 of the Universal Declaration of Human Rights (UDHR). Also, the International Covenant on Civil and Political Rights specifies that the right to leave a country must include the right to obtain the necessary travel documents. Therefore, it is unacceptable that there are still Kenyan women without documents, as both the Covenant and the UDHR are signed and ratified by Lebanon and Kenya. However, the problem arises after looking at the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. While Article 65 states that "appropriate assistance to migrant workers and members of their families regarding arrangements for departure, travel, [...] exit and return, as well as on conditions of work and life in the State of employment" shall be given, no legal action can be taken regarding this Article, as neither Kenya nor Lebanon have signed or ratified this Convention, leaving little to wonder about the reluctance of both States to protect migrants.

In conclusion, ACHRS Condemns the inaction of the Kenyan Consulate in Beirut as well as the Lebanese jurisprudence that makes the situation of migrant domestic workers a harsh one in the first place. The Lebanese government as well as Kenya, as the country of origin, should ensure that those workers who want to return home can do so. Furthermore, ACHRS stands with the Kenyan women and hopes for the rapid repatriation the women deserve.