Disempowered, dehumanised, deported: Life under the kafala system

By placing control over entry, exit, work, and residence in the hands of employers, the system leaves migrant workers vulnerable to exploitation and modern slavery, particularly in domestic work, construction, hospitality, and sectors where seasonal work is common. Variations of the kafala system exist in Jordan, Lebanon, and the GCC countries — Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE. Collectively, the Arab States region is home to more than 24 million migrant workers, comprising over 40 per cent of the labour force — the highest share of any region.

What is the kafala system?

The kafala system is a set of laws and policies that delegate responsibility for migrant workers to employers, including control over their ability to enter, reside, work, and, in some cases, exit the host country. Workers typically cannot leave or change jobs prior to completion of their contract, before a certain time period, or without permission from their employer. Those who do leave may run the risk of arrest and deportation for the crime of absconding. The system also limits the ability of exploited workers to access justice. In practice, a worker who leaves their job not only risks losing their means of earning an income, but also risks becoming an illegal migrant. This threatens their ability to pursue legal action against their employer and recover any income they are owed. If deported, workers may also face bans on returning to the country to work. Legal redress is made even more difficult by prolonged, expensive court processes, limited legal assistance, and the absence of interpreters. Some employers reportedly create additional barriers to justice; for example, by levelling false allegations of theft against migrant workers in retaliation for leaving or filing false absconding reports with law enforcement to avoid paying wages owed. Migrant workers can be deported even where no evidence exists to support the accusations, while employers enjoy impunity.

What are the origins of the kafala system?

The kafala system provides over workers. The kafala system is a form of alternative care is recognised in international law, and may still be practiced in modern settings; for example, in the care of orphaned children and unaccompanied refugee minors. However, the understanding of the system as a means of protection, trust, and social solidarity has largely been eclipsed by the widespread oppression of migrant workers under its present-day application as a sponsorship process. This divergence between past and present applications highlights the lingering impact of colonialism.

The first example of present kafala was reportedly in the pearl diving industry in the British Colonial Protectorate of Bahrain in the 1920s, and subsequently spread throughout other colonies in the Gulf states. In Bahrain, colonial administrators used the kafala system to facilitate the entry of migrant workers to fill perceived labour shortages on British-owned pearl diving ships while exerting their control over a foreign labour force by ensuring an acceptable kofa would take legal responsibility for the workers. Most pearl divers were bound to their ship by debt and subject to abusive labour practices while onboard. The repression of migrant workers is now entrenched in law and social norms. While present kofa is upheld by sponsorship requirements rather than debt, both national and foreign employers today benefit from the disproportionate control the kafala system provides over workers. Infantilising attitudes that position migrant workers as in need of protection justify restrictions on their mobility and other freedoms under the kafala system.
Modern slavery experiences in Lebanon and Kuwait

Female migrant domestic workers face specific challenges under the kafala system. Globally, patriarchal norms that devalue domestic labour as “women’s work” confine women within the household and make them less visible to authorities. In high-income countries, domestic work is typically performed by low-paid female migrants who fill gaps in care driven by the curtailing of social welfare. These workers are subject to constant surveillance and face higher risks of gender-based violence, discrimination, and exploitation within their employer’s households. With their movements heavily restricted, it is even more difficult for victims to leave situations of abuse.

In 2020, Walk Free interviewed 30 female survivors of domestic servitude who were exploited in Lebanon and Kuwait. Respondents came from six countries, including Cameroon, Ethiopia, Ghana, Kenya, the Philippines, and Sierra Leone, and were employed in Kuwait and Lebanon, where strict versions of the kofalo system are present. In Lebanon, migrants cannot leave their job without their employer’s permission and in Kuwait, domestic workers must receive approval from the Ministry of Interior and Labour Court to transfer jobs without consent from their employer. Getting this approval requires workers to leave their employer’s household, which can lead to accusations of abandoning and result in deportation. Seeking help is not without significant risks for migrant domestic workers. The interviews highlighted the difficulties women faced when seeking to leave their situation. Three-quarters of respondents had limited or no access to a phone in at least one household where they worked, and more than half reported having their movements restricted, including by being locked inside places of employment or monitored on camera. Half of all respondents physically escaped their households, and five women were subsequently arrested by police despite having experienced abuse and mistreatment by their employers. At least nine respondents were deported or repatriated after leaving their workplace, however this number is likely higher given not all respondents reported how they returned home.

“After I escaped, [my employers] told me that I had been reported to police for having stolen money from the home. Shortly afterwards, the police showed up and arrested me…When the day of my flight arrived, I wasn’t even allowed to collect my possessions. I was still owed four months’ salary and returned empty-handed.”

23-year-old Ghanaian female survivor of domestic servitude

Perceived or actual lack of protection prevented victims leaving situations of exploitation. Respondents reported that a lack of assistance from embassies, consulates, employment agencies, police, and beliefs that they could not turn to authorities were barriers to seeking help. While it is unclear how some respondents returned home, several were assisted by civil society organisations or family members, while few others had the cost of their tickets home paid for by their employers and agents. In one instance, a worker in Kuwait was required to pay her employer to be allowed to leave. For some workers, returning was further complicated by unpaid wages and confiscation of passports. When specifically asked if their documents were seized, all respondents in Cameroon reported that their passports were seized in Lebanon, where the practice is not outlawed, and in Kuwait, where passport withholding is illegal.

“I didn’t go to police because they always support their citizens and will always treat my escape as a breach of contract. That was what my employer told me. I got to a church owned by a Ghanaian and they also told me I can’t be of help since I’ve breached a contract.”

38-year-old Cameroonian female survivor of domestic servitude

Almost two-thirds of respondents paid fees to brokers in their country of origin or transit, including in Ethiopia and Ghana, where domestic laws prohibit workers being charged recruitment fees. Payment of fees increases risk of debt bondage in the Gulf states. Workers are forced to work for little or no pay in order to repay recruitment and related fees. While Kuwaiti and Jordanian workers were not prohibited charging recruitment fees to migrant domestic workers, and the remaining kofalo countries prohibited charging recruitment fees to all migrant workers, several workers have paid interest fees that are still owed in practice. To cover these costs, some respondents borrowed money from family or arranged to pay the money when they began their job, which typically carried the false promise of a good salary and ultimately led to situations of debt bondage. Many respondents were also deceived about the nature and conditions of the work, with more than a third of them being promised an entirely different form of employment than domestic work. Among respondents in Cameroon, just under half did not sign a contract and some respondents signed contracts in a language they did not understand.

“I think Lebanese law needs to change so that we may have our rights protected. I wouldn’t have had to escape.”

33-year-old Ethiopian female survivor of domestic servitude

Impact of COVID-19

The situation worsened for many migrants during the COVID-19 pandemic, with reports of wage theft in the construction, hospitality, and manufacturing sectors in Gulf countries, largely driven by order cancellations, weakened labour protections (allowing employers to reduce wages), and dismissal or repatriation of workers without pay. Migrants from countries in Asia and Africa are often recruited to work in these sectors by a complex network of local brokers, recruitment agents, friends, and relatives. They may receive limited or inaccurate information about the nature of the work and be required to pay substantial recruitment fees to migrate through informal and formal channels, thereby increasing their risk of debt-bondage and exploitation in the destination. During the pandemic, some migrants reportedly defaulted on loan repayments due to wage theft and were subsequently arrested in the UAE, while several migrant workers in Qatar were deported before receiving their wages. Construction workers were physically abused after requesting their unpaid salaries in Saudi Arabia, where the government also allowed a temporary 40 per cent pay reduction in the private sector. Lockdowns intensified social isolation and vulnerability among domestic workers in private households and compounded difficulties in sending remittances home. Some domestic workers in Lebanon were abandoned outside their consulates by employers who said they can no longer afford to pay them.
Forms of tied visa programs operate in several other countries globally, and these systems similarly increase migrant workers’ vulnerability to exploitation. However, the various iterations of the kafolo system involve some of the most restrictive conditions and are present in countries which have among the highest concentrations of migrant workers in the world. Over the past decade, countries that uphold kafolo have faced significant criticism due to the pervasive abuse of migrant workers under the system, with major international events such as the Qatar 2022 FIFA World Cup and Dubai World Expo 2020 drawing global attention to the issue. Several countries have instituted reforms, some in response to mounting international pressure, yet no country has abolished kafolo entirely, with vestiges of the system undermining reform efforts. Qatar represents one example in which preparations for the FIFA World Cup since 2010 have drawn attention to grave migrant worker abuses in the construction, hotel, and security sectors. Amid mounting criticism in 2011, Qatar agreed to undertake a technical cooperation program with the ILO, seeking to align laws and practices with international labour standards. Promisingly, in 2020 Qatar ceased requiring exit permits for workers excluded from the scope of the labour law, including migrant domestic workers, expanding upon a similar 2018 amendment. Qatar also removed No-Objection Certificate (NOC) requirements, allowing workers to change jobs without permission from their employer under certain conditions. However, these positive reforms have been undermined by gaps in implementation and protections. In practice, the system is not only difficult for migrant workers to navigate, but many are unaware of their right to leave, and even if they are they still face the threat of retaliation from their employers who may file false allegations of theft or absconding. As reports of abuse persisted in the lead-up to the World Cup, human rights organisations continued to call for the government to enforce reforms and for FIFA and the Supreme Committee for Delivery and Legacy (the body responsible for delivering the event) to strengthen due diligence and monitoring, as well as establish a scheme to remediate harms caused. While global attention was brought to the issue following the games, it has not been followed by any meaningful commitment or action by FIFA and the Qatari government, with impacted migrant workers still struggling to access compensation.

Several other countries have implemented limited reforms to increase job mobility in recent years. In 2021, the government of Oman removed its NOC requirement, allowing workers to transfer jobs without their employer’s permission upon completion of their contract. Saudi Arabia’s 2021 Labour Reform Initiative similarly allows workers to change jobs or leave the country without employer consent; however, workers must complete one year of their contract and migrant domestic workers, among others, are excluded from this protection. Under 2016 reforms allowing workers to transfer jobs in the UAE, workers must complete their contract or provide advance notice to avoid an employment ban, and may be required to compensate their employer. As in Qatar, absconding is punishable in each of these countries and places migrant workers at risk of arrest or deportation for leaving abusive workplaces. Even in Bahrain, which previously had the most sweeping reforms to the kafolo system, gaps in protections persisted. In 2017, the government introduced the Flexi-Permit, allowing migrant workers to freely change jobs and leave the country without facing possible charges of absconding. This granted greater freedom than had ever been seen under the kafolo system, yet the steep price of the permit deterred those eligible from self-sponsoring and permit-holders lacked defined labour protections under the law. Rather than address these shortcomings in line with civil society recommendations, Bahrain abandoned the system entirely in October 2022, replacing it with a program that allows workers to self-sponsor within designated professions. Under the new system, workers must obtain a vocational work permit through a certified registration centre, effectively privatising the process. While the reforms purport to strengthen protections for migrants, those with irregular status from October 2022 are not eligible for the permit (unlike the Flexi-Permit system). Further, workers must still bear the cost of the permit and can no longer obtain commercial registration. The reforms were passed amid pressure from the business community, which was driven by fears that freelance migrant workers posed a threat to local businesses, and due to a government push to nationalise their workforce in a bid to move away from reliance on migrant workers.
Several countries in the region still grapple with strong opposition to comprehensive reforms due to perceived economic benefits of the kafala system and entrenched discriminatory attitudes towards foreign workers. In 2020, prior to the installation of a new government in Lebanon, a new standard unified contract was proposed to allow migrant workers to change employers after one month’s notice, among other protections. However, the contract was swiftly struck down by the Shura Council, Lebanon’s highest administrative court, after the Syndicate of Owners of Recruitment Agencies in Lebanon claimed that the contract violated the labour law and would adversely affect domestic worker recruitment, a lucrative trade in Lebanon.

The government of Jordan has taken the least action to reform the kafala system. Jordan currently maintains all elements of the kafala system, whereby migrant workers typically cannot enter or exit the country or transfer jobs without written employer consent. While the government has made some attempts to curb illegal practices of unscrupulous recruitment agents and improve protections, there is a lack of capacity and will to enforce the regulations.

“I wish I knew that going to work there, I didn’t have to pay any money to process any documents because my employer was to do everything. And if I fully knew that I was supposed to work as a housemaid, be locked up and denied free movement or be a prisoner, I shouldn’t have gone there. I knew nobody working in Lebanon. I signed a contract when I got to Lebanon but did not understand the terms of the contract. I didn’t know who the employer was.”

34-year-old Cameroonian female survivor of domestic servitude