


Disempowered, dehumanised, deported: Life under the *kafala* system



Beirut, Lebanon,
September 2020.

A former domestic worker from Sierra Leone uses her mobile phone while waiting to be repatriated later that evening. Lebanon's economic collapse, as well as COVID-19 and the August 4 blast at the Port of Beirut, have left a significant number of migrant workers in a humanitarian crisis. Many domestic workers, forced to live on the streets, are desperate to leave but cannot afford to buy a plane ticket home, and have received limited assistance from diplomatic representatives.

Photo credit: Aline Deschamps via Getty Images.

The promise of decent wages and steady employment attracts many migrants from countries throughout Africa and Asia to the Arab States. However, the reality often differs substantially once in country and under the *kafala* (sponsorship) system, a restrictive work permit system that ties migrant workers to their employer.¹

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,² particularly in domestic work,³ construction,⁴ hospitality,⁵ and sectors where seasonal work is common.⁶ Variations of the *kafala* system exist in Jordan, Lebanon, and the GCC countries — Bahrain, Kuwait, Oman, Qatar,⁷ Saudi Arabia, and the UAE. Collectively, the Arab States region is home to more than 24 million migrant workers,⁸ comprising over 40 per cent of the labour force — the highest share of any region.⁹

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.¹⁰ 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.¹¹ 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.¹² Legal redress is made even more difficult by prolonged, expensive court processes, limited legal assistance, and the absence of interpreters.¹³ Some employers reportedly create additional barriers to justice; for example, by levelling false allegations of theft against migrant workers in retaliation for leaving¹⁴ or filing false absconding reports with law enforcement to avoid paying wages owed.¹⁵ Migrant workers can be deported even where no evidence exists to support the accusations, while employers enjoy impunity.¹⁶

What are the origins of the *kafala* system?

The differences between past and present understandings of the *kafala* system are vast. In classical Arabic, the term *kafala* referred to relationships between an authority figure or person with power (the *kafeel*) and a vulnerable or relatively weaker person (the *makfūl*), whereby the *kafeel* would take legal responsibility for the *makfūl* without benefitting from the relationship. Specifically, *kafala* meant “to guarantee” (as one would a business loan) and “to take care of” (for example, become the legal guardian of orphaned children).¹⁷ The traditional interpretation of *kafala* as a form of alternative care is recognised in international law,¹⁸ and may still be practiced in modern settings; for example, in the care of orphaned children and unaccompanied refugee minors.¹⁹ 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.²⁰ 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.²¹ 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 *kafeel* took legal responsibility for the workers.²² Most pearl divers were bound to their ship by debt and subject to abusive labour practices while onboard.²³ The repression of migrant workers is now entrenched in law and social norms. While present *kafala* is upheld by sponsorship requirements rather than debt,²⁴ both national and foreign employers today benefit from the disproportionate control the *kafala* system provides over workers.²⁵ Infantilising attitudes that position migrant workers as in need of protection justify restrictions on their mobility and other freedoms under the *kafala* system.²⁶

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.²⁷ 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 *kafala* system operate. While migrants do not require an exit permit to depart Lebanon or Kuwait, all other elements of the *kafala* system are present. In Lebanon, migrants cannot leave their job without their employer’s permission²⁸ and in Kuwait, domestic workers must receive approval from the Ministry of Interior and Labour Court to transfer jobs without consent from their employer.²⁹ Getting this

approval requires workers to leave their employer’s household, which can lead to accusations of absconding and result in deportation:³⁰ 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 household, 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,³¹ and in Kuwait, where passport withholding is illegal.³²

“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 they can’t be of help since I’ve breached a contract...I was arrested by police on the street, the Kuwait government paid for my flight.”

31-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 Guinea, where domestic laws prohibit workers being charged recruitment fees.³³ Payment of fees increases risk of debt bondage in the Gulf states, where workers are forced to work for little or no pay in order to repay recruitment and related fees.³⁴ While Kuwait³⁵ and Jordan³⁶ prohibit charging recruitment fees to migrant domestic workers, and the remaining *kafala* countries prohibit charging recruitment fees to all migrant workers,³⁷ exorbitant fees are still passed on in practice.³⁸ 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. Meanwhile, two Ethiopian migrant workers reported being encouraged to travel despite a temporary ban on labour migration to Gulf states being in effect at the time.

“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

Most migrant workers reported having very little to no knowledge about the destination country prior to travelling. Respondents in Cameroon were asked further questions on what would have been helpful for them in preparing for work. The most common response was knowing the true nature and conditions of the work. When the remaining respondents (those in Ethiopia, Ghana, Kenya, the Philippines, and Sierra Leone) were asked what support they needed but did not receive, the most common responses focused on greater support from embassies, employment agencies, or police.

Impact of COVID-19

The situation worsened for many migrants during the COVID-19 pandemic, with reports of wage theft in the construction,³⁹ hospitality, and manufacturing sectors in Gulf countries,⁴⁰ largely driven by order cancellations, weakened labour protections (allowing employers to reduce wages), and dismissal or repatriation of workers without pay.⁴¹ 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.⁴² 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.⁴³ During the pandemic, some migrants reportedly defaulted on loan repayments due to wage theft and were subsequently arrested in the UAE,⁴⁴ while several migrant workers in Qatar were deported before receiving their wages.⁴⁵ Construction workers were physically abused after requesting their unpaid salaries in Saudi Arabia,⁴⁶ where the government also allowed a temporary 40 per cent pay reduction in the private sector.⁴⁷ Lockdowns intensified social isolation and vulnerability among domestic workers in private households⁴⁸ and compounded difficulties in sending remittances home.⁴⁹ Some domestic workers in Lebanon were abandoned outside their consulates by employers who said they can no longer afford to pay them.⁵⁰

Manila, Philippines, February 2023.

Relatives of Jullebee Ranara, a migrant domestic worker who was killed in Kuwait, call for justice at her funeral. Police later arrested the 17 year-old son of Jullebee’s employers in relation to her killing. Migrant domestic workers in Kuwait often face sexism and racism, as well as risks of exploitation by employers due to the extreme power imbalance created by the *kafala* system. Photo credit: Jam Sta Rosa/AFP via Getty Images.



Forms of tied visa programs operate in several other countries globally, and these systems similarly increase migrant workers' vulnerability to exploitation.⁵¹ However, the various iterations of the *kafala* 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.⁵² Over the past decade, countries that uphold *kafala* 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.⁵³ Several countries have instituted reforms, some in response to mounting international pressure, yet no country has abolished *kafala* 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.⁵⁴ Amid mounting criticism in 2017,⁵⁵ Qatar agreed to undertake a technical cooperation program with the ILO,⁵⁶ seeking to align laws and practices with international labour standards.⁵⁷ 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.⁵⁸ Qatar also removed No-Objection Certificate (NOC) requirements, allowing workers to change jobs without permission from their employer under certain conditions.⁵⁹ 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,⁶⁰ and even if they are they still face the threat of retaliation from their employers who may file false allegations of theft or absconding.⁶¹ 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,⁶² as well as establish a scheme to remediate harms caused.⁶³ 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.⁶⁴

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.⁶⁵ Saudi Arabia's 2021 Labour Reform Initiative similarly allows workers to change jobs or leave the country without employer consent;⁶⁶ however, workers must complete one year of their contract and migrant domestic workers, among others, are excluded from this protection.⁶⁷ 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.⁶⁸ 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 *kafala* system, gaps in protections persisted.⁶⁹ 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.⁷⁰ This granted greater freedom than had ever been seen under the *kafala* system, yet the steep price of the permit deterred those eligible from self-sponsoring⁷¹ and permit-holders lacked defined labour protections under the law.⁷² Rather than address these shortcomings in line with civil society recommendations,⁷³ Bahrain abandoned the system entirely in October 2022,⁷⁴ replacing it with a program that allows workers to self-sponsor within designated professions.⁷⁵ Under the new system,⁷⁶ workers must obtain a vocational work permit through a certified registration centre, effectively privatising the process.⁷⁷ 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).⁷⁸ Further, workers must still bear the cost of the permit and can no longer obtain commercial registration.⁷⁹ 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.⁸⁰

The state of reform

The five elements of the *kafala* system present across countries in the Arab States are set out in Table 15.⁸¹

Table 15
Status of key elements of the *Kafala* system, by country

Rating scale: ● = in force ◐ = partially in force ○ = not in force

Country	Employer must sponsor entry into country	Employer controls residency / work permit	Employer must grant permission for workers to change / leave job	Employer can report worker for absconding	Employer must grant permission for worker to exit country
Bahrain ⁸²	● Under reforms introduced in December 2022, visit visas can no longer be converted into a work permits, meaning migrants cannot obtain a work permit without exiting Bahrain. ⁸³	◐ The vocational work permit allows workers to self-sponsor in designated professions. It is unclear if domestic workers are eligible. ⁸⁴	◐ Vocational work permit holders can transfer labour registration centres after a minimum of 30 days from initial registration. ⁸⁵ Excluding domestic workers, ⁸⁶ other migrants can transfer after one year with three months' notice. ⁸⁷	● Before the Flexi-Permit was cancelled in October 2022, permit holders could not have absconding cases filed against them. ⁸⁸ It is unclear whether the new permit allows absconding charges to be filed. Other migrant workers can be punished for absconding. ⁸⁹	○
Oman ⁹⁰	◐ Visit visas may be converted into a work visa without the worker having to exit Oman, however granting of the work visa depends on the employer. ⁹¹	●	◐ Migrant workers can transfer jobs without permission after completion of their contract. ⁹²	●	○
United Arab Emirates ⁹³	◐ Free zone workers are sponsored by the free zone authority rather than an employer. ⁹⁴ Visit visas may also be converted without the worker having to exit the UAE. ⁹⁵	●	◐ Requirement for permission is waived in certain circumstances, such as contract expiry or non-payment of wages. ⁹⁶ Domestic workers may end their contract without consent if their employer violates legal obligations. They can transfer employers upon expiry of the contract. ⁹⁷	●	○
Kuwait ⁹⁸	●	●	◐ Migrants can change jobs after three years and 90 days' notice without permission. ⁹⁹ Excludes domestic workers, who require approval from the Ministry of Interior and Labour Court to transfer jobs without consent from their employer.	●	○
Lebanon ¹⁰⁰	●	●	●	●	○
Qatar ¹⁰¹	●	●	◐ Migrant workers can transfer jobs under certain conditions and with at least one or two month's notice. ¹⁰²	●	◐ Almost all migrant workers can depart without permission; however, employers can apply to have up to 5 per cent of certain employees to require prior approval. ¹⁰³ Domestic workers must give 72 hours' notice. ¹⁰⁴
Saudi Arabia ¹⁰⁵	●	●	◐ Migrants can transfer employers upon completion of their contract, or after one year under certain conditions. ¹⁰⁶ Domestic workers can transfer in some cases such as abuse. ¹⁰⁷	●	◐ Migrant workers can apply to exit the country without their employer's permission. ¹⁰⁸ This does not apply to domestic workers. ¹⁰⁹
Jordan ¹¹⁰	●	●	◐ Migrants can terminate unlimited term contracts with one month's notice; however, they may be required to compensate the employer. Limited term contracts can be terminated under certain conditions without permission or upon expiry. Excludes certain categories such as agricultural workers. ¹¹¹	●	●



Doha, Qatar, December 2022.

Construction workers, mainly from India, Bangladesh and Nepal, watch the Argentina-Australia match in the 2022 FIFA World Cup. Civil society activists criticised the labour conditions faced by the thousands of migrant workers involved in preparing the global tournament, and many migrant workers lost their lives during the construction. At the time of writing, a campaign is being run by civil society activists calling for FIFA to create a fund and financially compensate families of deceased workers. Photo credit: Christian Charisius/picture alliance via Getty Images.

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.¹¹² 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.¹¹³ 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.¹¹⁴

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.¹¹⁵ While the government has made some attempts to curb illegal practices of unscrupulous recruitment agents and improve protections,¹¹⁶ there is a lack of capacity and will to enforce the regulations.¹¹⁷

“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

Recommendations host governments

- 1** Dismantle *kafala* by expanding coverage of national labour laws to include all workers and ensuring migrant workers can freely enter, reside, and exit the country, and leave or transfer jobs without employer consent.
- 2** Strengthen monitoring and regulation of recruitment agencies and high-risk sectors by increasing resources and capacity of labour inspectorates and conducting unannounced labour inspections. In addition, operate reporting mechanisms with whistleblower protections to allow workers to freely report grievances.
- 3** Strengthen criminal justice responses, including the provision of free legal and interpretation services, and provide systematic, regular training on victim identification for police and first responders to ensure no victims are detained and deported. Provide training for prosecutors and the judiciary on related legislation to support access to justice, including timely compensation for survivors.
- 4** Address underlying discriminatory and xenophobic attitudes towards migrant workers that increase their vulnerability to modern slavery across all sectors.
- 5** Ratify international conventions including the ILO Domestic Workers Convention, 2011 (No. 189), and the ILO Protocol of 2014 to the Forced Labour Convention, 1930.

Recommendations sending governments

- 1** Introduce and enforce laws to prohibit charging of recruitment fees to employees and register and monitor local recruitment agencies for deceptive practices, ensuring contracts are made available in a language migrants can understand.
- 2** Pursue and strengthen bilateral labour agreements to protect migrant workers (rather than implementing labour migration bans) and cooperate with other sending countries to advocate for common standards for the protection of workers, in consultation with migrant workers, survivors, and civil society.
- 3** Strengthen the capacity of embassies in receiving countries to support survivors, including through deployment of trained labour attachés, and make survivor funds accessible to all migrant workers, regardless of their status.
- 4** Launch targeted information campaigns and formal training to ensure prospective migrants are informed of the risks, their rights, and support services available in the destination country, and support and engage with returned migrant workers to inform policies and decision-making.