

THE KAFALA SYSTEM: LAW-PROTECTED SERVITUDE

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<https://unsplash.com/photos/people-sitting-on-brown-wooden-bench-during-daytime-BmVp91tBFZw>



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Abbreviations	Full terms
BLA	Bilateral Labour Agreements
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	United Nations Committee on the Elimination of Racial Discrimination
DoWan	Domestic Workers Advocacy Network
ICCPR	The International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRIS	International Recruitment Integrity System
NGO	Non-governmental Organisation
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review

INTRODUCTION

This report provides a comprehensive analysis of the *Kafala* system, a sponsorship-based migration framework that currently governs the legal and personal lives of millions of migrant workers across the globe. Although the system is often characterised as a standard administrative tool for the management of foreign labour, this report argues that the system functions in practice as a contemporary manifestation of legally-protected servitude. The scope of this research extends beyond theoretical legal critique to examine the structural vulnerabilities inherent in the *Kafala* system.

This report is structured to provide a rigorous evaluation of the *Kafala* system, beginning with an investigation into its historical origins and the specific legal mechanisms that facilitate state-sanctioned dependency. This analysis is contextualised through the lens of international oversight, incorporating the criticism by the United Nations (UN), the International Labour Organization (ILO), and various global human rights bodies that have consistently identified the system as a fundamental breach of labour standards. The focus then shifts to Sierra Leone, providing a localised examination of how these global sponsorship dynamics manifest within a specific national context. This section shall explore the operational reality of the system in Sierra Leone, identifying the legal basis that allows such structures to persist. The report also clarifies the specific roles played by both state and non-state actors in sustaining these labour arrangements. Then the report delves into a substantive human rights impact assessment, more specifically, why the *Kafala* system stands in direct contravention of international legal norms.

The final chapters address the critical issue of state responsibility, examining the obligation of the Sierra Leonean government under international law to protect its citizens from systemic abuse. The report concludes with recommendations designed to foster accountability and highlights the need for necessary legal reforms to protect the inherent dignity of all workers.

The report is mostly focused on Sierra Leone due to its exceptional relevance within the global context. In recent years, the country has seen a significant increase in the migration of its citizens to Gulf States for domestic work, where many are subsequently stripped of their legal agency and documentation under the *Kafala* system. Simultaneously, the domestic landscape in Sierra Leone reveals an intersection where formal labour protections often struggle against customary practices, such as informal child placement and agricultural labour arrangements that mirror the mechanisms of dependency found abroad. The presence of an active and vocal civil society dedicated to domestic workers' rights further underscores why Sierra Leone is a very good example of how localised resistance can challenge a deeply entrenched global system of exploitation.

1. UNDERSTANDING THE KAFALA SYSTEM

1.1 Historical Origins of the *Kafala* System

The notion of *Kafala* finds its roots in Islamic jurisprudence concerning legal guardianship (Council on Foreign Relations, 2020). Originally, *Kafala* appears to have derived from the Bedouin custom in which a tribal leader guaranteed a traveller safe passage and protection, assuming responsibility for the visitor's conduct and ensuring compliance with local norms during their stay (Katyayani, 2024). It has since developed into a multifaceted system rooted in law and policy, as well as broader practice.

Kafala in its modern form developed in the early twentieth century as a means of regulating the treatment of foreign workers in the pearl and other industries across the Gulf States (Council on Foreign Relations, 2020). It is inextricably linked to British colonialism in the region: colonial administrators introduced sponsorship requirements as a means of controlling labour migration in the pearl industry (Katyayani, 2024). Following the discovery of oil in the area, the British expanded the system to the oil industry (AlShehabi, 2019). The perceived necessity of the system stemmed from the view held by colonial administrators that migrant labour was essential to exploit the region's resources, but that it also needed to be controlled (AlShehabi, 2019).

In the 1920s, the British formalised the *Kafala* system to allow the entry of migrant workers to fill perceived labour shortages on pearl diving ships whilst still maintaining control over the workers (Global Slavery Index, 2026). The system stipulated that sponsors, ship captains at the time, bore responsibility for foreign divers including their visas, work permits and repatriation deposits (AlShehabi, 2019). In this way, the British created a system whereby the sponsor acted as surety over sponsored foreign workers (AlShehabi, 2019).

After oil exports began in the 1950s, the *Kafala* system expanded substantially to satisfy the demand for labourers to work on large-scale infrastructure projects in the industry (Council on Foreign Relations, 2020). It was during this period that overseas recruitment agencies began to operate as part of the system by sourcing workers abroad to be brought to work in the Gulf (AlShehabi, 2019). By the early 1970s, all Gulf States had formally achieved independence and began nationalisation processes (AlShehabi, 2019). For many countries, this included restricting *Kafala* laws so that sponsorship of migrants was restricted to citizens, thus delegating migration control solely to national private actors (AlShehabi, 2019). During this period, *Kafala* workers were increasingly found in South Asia due to sponsors seeking cheaper labour and out of fear that Arab migrants would spread pan-Arab ideology and undermine newly established nation states (Council on Foreign Relations, 2020).

1.2 Legal Basis and Functioning

The regulation of the *Kafala* system is rooted in domestic legal systems. In most countries, it is enabled through a myriad of policies and laws that constitute a system controlling the sponsorship of foreign workers (Azhari, 2017). It is frequently governed by laws relating to residency and alien status, and labour legislation. For example, Kuwaiti legislation establishes that migrant workers require permission from their employer to leave the country (Page, 2025). In Lebanon, Article 7 of the Labour Law excludes migrant domestic workers from crucial protections such as minimum wage and mandated rest days, enabling exploitation via the *Kafala* system (Human Rights Watch, 2022). Although these legal mechanisms cement and formalise the practice, the ILO has noted that it is also embedded in non-legal measures, practices, and customs (Cholewinski, 2023).

As was the case during the twentieth century, the *Kafala* system operates by states giving local individuals or companies sponsorship visas to employ foreign workers, which tie migrant workers' legal residency to their employer, also known as their *kafeel* (sponsor) (Human Rights Watch, 2022). Although visa sponsorship arrangements globally are typically tied to a specific employer, the *Kafala* system grants the sponsor far greater control than is typical elsewhere and expects the sponsor to assume responsibility for the worker whilst they are in the country (International Labour Organization, 2017). This includes giving the sponsor sole responsibility for the renewal of a residence visa, therefore any failure to do so leaves migrants undocumented and subject to possible penalties (International Labour Organization, 2017).

A key feature of *Kafala* is that it leaves workers entirely dependent on their employers and subject to significant restrictions. Workers cannot leave or change jobs without their employers' consent (El-Dekmak, 2025). Workers who leave their employers without permission risk losing their legal residency, facing possible detention and deportation (Human Rights Watch, 2022). In many countries, migrant workers must procure an exit permit from their employer in order to leave the country (International Labour Organization, 2017). Even where this is not the case, employers can still *de facto* control the departure of their employee from the country by complaining to the immigration authorities who can block migrant workers from leaving the country (International Labour Organization, 2017).

Other control mechanisms include rules to prevent workers from bringing their children or other family members with them unless they reach a specific salary threshold (Katyayani, 2025). Many workers are also indebted to recruiters, are barred from unionisation, have no access to social services and no path to permanent immigration status (Katyayani, 2025). Additionally, workers are frequently reliant on their employers for accommodation due to bans on renting properties, and are unable to buy vehicles or open their own bank accounts (Katyayani, 2025). Employers also frequently confiscate their workers' passports, phones, and visas, further isolating workers and jeopardising their ability to leave unsafe workplaces (Council on Foreign Relations, 2020).

Labour supply companies are often involved in the recruitment, although many workers within the system are recruited directly (International Labour Organization, 2017). Private recruitment agencies facilitate and contribute to the exploitation of the *Kafala* system by targeting vulnerable populations and promising high wages and reliable work (El-Dekmak, 2025). Recruitment agencies often engage in unethical practices such as charging extremely high fees, withholding identity documents, and failing to inform workers of their rights (El-Dekmak, 2025).

1.3 Commonly Affected Countries

The *Kafala* system is common across the Middle East and is often associated with the Gulf Cooperation Council countries consisting of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, as well as other countries in the region, namely, Jordan and Lebanon (Council on Foreign Relations, 2020). However, it is important to note that other countries have adopted approaches to migrant labour that reflect many of the hallmarks of *Kafala*. For example, in Singapore, foreign domestic workers require a sponsoring employer with whom they must live, and are only permitted to work for that employer (Kantachote, 2023). This creates a similar level of high dependence between workers and employers (Kantachote, 2023).

Across the Middle East, states have shown differing levels of commitment to reform and abolition of the *Kafala* system (El-Dekmak, 2025). In October 2025, Saudi Arabia announced reforms, such as the ability for workers to change jobs without the employer's consent, and the ability to leave the country without employer approval (Walk Free, 2025). Qatar also introduced similar reforms permitting workers to change jobs without their employer's consent in 2020 after pressure prior to the FIFA World Cup in 2022 (Human Rights Watch, 2020). However, the reforms were limited in scope, retaining measures such as penalties for leaving employment early, and enforcement has been limited (Human Rights Watch, 2025). Elsewhere, even where there have been attempts at reform, the system persists: in Lebanon, the 2020 Standard Unified Contract that aimed to improve protections for domestic workers, was suspended following opposition from recruitment agencies (El-Dekmak, 2025).

The countries who use the *Kafala* system, have some of the highest migrant populations in the world, with 30 million total foreign nationals across the Gulf region (De Bel-Air, 2024). In Oman, 40 per cent of the population in 2022 were foreign nationals, and 88 per cent in Qatar (De Bel-Air, 2024). Those who find themselves ensnared in the *Kafala* system commonly originate from across Africa and Asia, particularly from countries such as Ethiopia, Sri Lanka, Nepal and the Philippines (Abou-Diwan, 2019). Other common countries of origin include India, Egypt, Pakistan and Bangladesh (Council on Foreign Relations, 2020). As is often the case for labour-motivated migration, many individuals from these countries are attracted by the promise of higher wages and steady employment, intending to send remittances home to family members in their countries of origin (Bello, 2025).

1.4 International NGO Criticism

A wide range of international non-governmental organisations (NGOs) have criticised the *Kafala* system and called for its abolition. Frequent criticisms include the exploitation and abuse inherent to the system as well as the disproportionate control that sponsors have over workers (Human Rights Watch, 2024). Major events such as the Qatar 2022 FIFA World Cup and Dubai World Expo 2020 drew further attention to the issue, resulting in attention from global media, governments and NGOs (The Guardian, 2022; European Parliament, 2022; Human Rights Watch, 2023). In 2014, in light of the construction for the World Cup, the UN called on Qatar to abolish the *Kafala* system, highlighting it as a source of abuse and exploitation of migrants (United Nations, 2014).

The ILO has called for reform of the system, highlighting the pervasive human rights abuses (International Labour Organization, 2023). In particular, it has noted that absconding frameworks, whereby employers' declaration of their workers as runaways results in termination of their residence and work permits, violate key ILO Conventions ratified by most Arab States (International Labour Organization, 2023). The ILO has called for the end of the key tenets of the *Kafala* system, namely: the tying of worker's entry, residence and work permit to a specific employer; the employer's control over visa renewals; the requirement of employer permission to terminate an employment contract; restrictions on exiting the country without an employer's permission; and, employer control over residency (International Labour Organization, 2023).

NGOs also critically highlight how the system can produce situations of debt bondage where workers pay high fees to brokers who facilitate their migration, leaving them compelled to work for little or no pay in order to repay these debts (Walk Free, N.D.). Additionally, Medecins Sans Frontiers has highlighted the abuses resulting from restrictions on access to healthcare. For example, in Lebanon, sponsors must provide private health insurance for their workers, but this is limited to hospitalisation relating to work-related accidents and does not include general healthcare (MSF, 2023). This has led to a significant healthcare access gap, which is exacerbated by the often severe mental and physical health needs of workers, resulting in workers staying in unsanitary and overcrowded conditions (MSF, 2023). Additionally, since workers in the *Kafala* system operate outside the confines of labour law, which is reserved for national employees, they are often overworked, with some reporting never having a day off (The Guardian, 2024).

The link between the *Kafala* system and human trafficking is another issue emphasised by international NGOs. Migrant Workers' Action has suggested that many migrant domestic workers in Lebanon who are recruited using tactics associated with the *Kafala* system should be considered victims of trafficking (Migrant Workers' Action, N.D.). Deceptive recruitment processes, which include the forcing of workers to sign contracts in a language they do not understand, expose them to human trafficking risks (Migrant Workers' Action, N.D.). The system also perpetuates a cycle of vulnerability and violence: some workers escape dangerous situations but end up destitute without access to services and support, thus forcing them to resort to sex work to survive (Migrant Workers' Action, N.D.). Others escape and inadvertently find themselves in accommodation controlled by sex trafficking rings (Migrant

Workers' Action, N.D.).

Amnesty International has highlighted that domestic workers often face specific abuses as a result of *Kafala*, noting that out of 1,541 workers interviewed in Lebanon, only four had their own private rooms (Amnesty International, 2019). Many were forced to sleep in communal rooms, such as living rooms or kitchens, or on balconies (Amnesty International, 2019). Domestic workers, most of whom are women, are often subject to physical and sexual abuse at the hands of their employers (Amnesty International, 2019).

NGO investigations have also shed light on the perilous conditions in which many *Kafala* workers are forced to work, resulting in a life risk (Human Rights Watch(a), 2025). In Saudi Arabia, workers have reported that they were promised jobs as waiters, but found themselves working on construction projects in dangerous conditions, with no choice but to work due to debts to recruitment companies (Human Rights Watch(a), 2025). Thousands of migrant workers have died due to exploitation associated with the *Kafala* system (Walk Free, 2025). Deaths are frequently investigated inadequately with states attributing the cause of death to natural causes, depriving family members of compensation (Human Rights Watch(a), 2025).

Human rights advocacy groups and academics have underscored the racial dimension of the abuse innate to the *Kafala* system. The UN Committee on the Elimination of Racial Discrimination has suggested that *Kafala* is a source of discrimination and violence, highlighting Lebanon's failure to define racial discrimination as a contributing factor to this system (United Nations, 2021). Researchers have observed the structural racism inherent in the *Kafala* system: sponsors believe their workers are inferior to them, which justifies mistreating them (Ayoub, 2020). This hierarchy is then reinforced by the distinction that the *Kafala* system establishes between national and foreign workers (Ayoub, 2020). This is accentuated by the privileged positions of white/Caucasian "expats" across Gulf countries and the Middle East, whose work is also contingent upon sponsorship, but who earn high, tax-free salaries and often benefit from cheap domestic labour from domestic workers employed within the *Kafala* system (Fernandez, 2021).

2. THE *KAFALA* SYSTEM IN SIERRA LEONE

The *Kafala* system that governs the migration, recruitment, and employment of migrant workers is a complex of laws and practices that tie the worker's residence and work permit to the sponsor (Migrant Workers Action, 2024). As mentioned in other chapters of this report, the *Kafala* system is a set of laws and policies that delegates responsibility for migrant workers to employers, including control over their entry, residence, work, and, in some cases, exit from the host country (Motaparthi, 2015). Workers usually cannot leave or change jobs before the completion of their contract, within a certain time period, or without permission from their employer (Global Slavery Index). The system also limits the ability of exploited workers to access justice, and 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. If deported,

workers may also face bans on returning to the country to work. This system usually falls under the jurisdiction of the Interior Ministry(ies), so workers have no protection under the host country's labour law, which leaves them vulnerable to exploitation (cfr, 2020).

The operationalisation of the *Kafala* system within Sierra Leone functions as a sophisticated, multi-layered mechanism that bridges the gap between domestic economic hardship and international labour demand. Moreover, in Sierra Leone, the *Kafala* system does not exist as a domestic legal framework, rather, it is a mechanism through which thousands of Sierra Leonean citizens, primarily women, are recruited to work as migrant domestic workers in Middle Eastern countries such as Lebanon, Oman, and Kuwait (Migrant Workers, Action, 2024). This process thrives in an environment where over half of the population lives in poverty and youth unemployment remains near 60 per cent, making the nation's youth an easy target for fake recruitment agents and trafficking networks (ISS Africa, 2025). These agents, who may even include trusted figures such as school teachers or close relatives, exploit personal connections to sell elusive "programmes" that falsely promise professional opportunities in supermarkets or offices.

One of the victims of the "pyramid scheme" shares that, in 2020, her agriculture teacher reached out to her when she was in secondary school, and offered to take part into a recruitment programme (Migrant Workers, Action, 2024). She recounts that: "The teacher said I would get US\$100, and my madam paid him directly. I never make any money for myself. The money I made was to pay the teacher back. I never saw my money with my own eyes".

In Sierra Leone, the *Kafala* system operates as a *de facto* practice facilitated by a series of legal loopholes and a lack of robust enforcement. The process usually starts with the exploitation of extreme poverty in rural and peri-urban areas, where local "recruiters" promise employment opportunities to people who need it the most. Unregistered agents recruit young people and women from across Sierra Leone for exploitative employment in the Middle East. They reportedly cooperate with both smuggling and trafficking networks in transit points in West and North Africa, and in destination countries (ISS Africa, 2025). The "agents" involved in the scheme, that include school teachers and close relatives to the victims, often utilise their personal connections to sell programmes that promise professional opportunities in supermarkets or offices (Migrant Workers, Action, 2024). To secure these placements, migrants are forced to pay illegal recruitment fees ranging from \$350 to \$1600, a cost that frequently compels families to sell land or take high-interest loans, effectively placing the workers in a state of debt (ISS Africa, 2025). Some "agents" also use posters and social media platforms such as Facebook or TikTok to promise well-paid jobs as nannies, hairdressers, maids, shop assistants, and workers in the construction and hospitality sectors (ISS Africa, 2025). According to the Institute for Security Studies, these fake agents use land transport to take migrant workers from Sierra Leone to other places. The reason behind this is that land transport is cheaper than flying from one place to another, moreover, travelling to neighbouring countries enables smugglers to exploit the migrants further.

Once the migrant arrives in the Middle East, their passports are withheld by employers, and they are forced into unpaid labour, sometimes for years. Although Sierra Leone's government has a Memoranda of Understanding on safe labour recruitment with Lebanon, Qatar, the United Arab Emirates, Saudi Arabia, and Kuwait, abuse of migrant workers persists (ISS Africa, 2025). This is largely because the legal basis for this system in Sierra Leone is defined by a significant gap between formal protection and the practical reality of unregulated labour migration. Although the Anti-Human Trafficking and Migrant Smuggling Act of 2022 and the Overseas Employment and Migrant Workers Act of 2023 were designed to criminalise exploitation and regulate agents, enforcement remains remarkably low (ISS Africa, 2025). A critical legal loophole exists, as most recruitment occurs through unregistered non-state actors who operate outside the state's oversight, often moving workers through land borders in Guinea to evade immigration security at Freetown's Lungi airport (Migrant Workers Action, 2024).

The sectors involved in this exploitative framework are diverse but converge on the total control of the labourer. In the domestic work sector, women are particularly vulnerable, as they are recruited as “*khadamas*”, a term synonymous with servitude, and find themselves isolated in private households without access to labour law protections (Migrant Workers Action, 2024). The executive director of Sierra Leone's Anti Trafficking in Persons Secretariat, Dehunga Shiaka, states that the nature of the job itself is a problem, more specifically, he said:

That's a slave visa, so to speak. You go as slaves straight away. What the returnees tell us, you interpret the relationship between the master and you, as the master and the slave. So the master owns you. And at times, what we hear is that they will take you from one master to another. So they sell you, which is basically trafficking, to another master. And the last factor which is of concern to us is that anytime you try to escape, there's a policy in place that the police will arrest you for escaping from your master.

As the Sierra Leonean government is turning a blind eye to the severe trafficking issue in the country, the human impact of this system is best articulated through the testimonies collected by different organisations. The lived experiences of Sierra Leonean women trapped within the *Kafala* system reveal a horrifying transition from hopeful migration to what is frequently described as modern-day slavery. Many women begin their journeys by selling family possessions or ancestral land to cover recruitment fees that range from \$600 to \$1000, only to discover that the programmes promised by “agents” are deceptive fronts for domestic servitude. Upon arrival in destination countries like Lebanon, these workers are often treated as commodities rather than employees, frequently enduring the immediate confiscation of their passports and being subjected to extreme isolation within a private household.

Testimonies from survivors of the *Kafala* system, including those shared through the Domestic Workers Advocacy Network (DoWAN), detail routine dehumanisation where women are deprived of adequate food, are forced to work up to twenty hours a day, and face consistent threats of physical and sexual violence (Uaid, 2022). One of the survivors of the

Kafala system, Lucy Turay, recounts being subjected to daily abuse and eventually escaping into destitution, an experience that mirrors the reality for many who find themselves classified as irregular migrants the moment they have an abusive employer (Uaid, 2022). Nearly half of the women interviewed had been victims of some form of sexual abuse or rape, some of them were forced into sex work in the household they were employed in, and in some instances, even salary requests were countered with demands for sexual favours (Migrant Workers Action, 2024).

One of the women recalled how her employer's brother tried to rape her; she fought back, and was consequently put in prison for four months. This trauma often follows these women back to Sierra Leone, where they have to face the psychological scars of their exploitation and the intense social stigma of returning home empty-handed and in debt. The most common abuses reported were the long hours of work and the lack of adequate or regular food. One of the victims of the system said that they were giving her food, but "it was two to three weeks old; they never gave her new food, the one that they ate every single day" (Migrant Workers Action, 2024). Some of the victims recount being forced to work from 5am till after midnight, "They overused me. Like I wake up at five in the morning. Work till midnight. It's not easy. We only take tea in the morning" (Migrant Workers Action, 2024).

Despite the *Kafala* system violating several international human rights laws, governments have so far continued to turn a blind eye to the exploitation of workers within it. Sierra Leonean women are victims of forced labour: many of them are also victims of human trafficking, as well as sexual, verbal, or physical abuse. Moreover, the UN Special Rapporteur on Contemporary Forms of Slavery, Tomoya Obokata, stated that "all conditions suggest clear indicators of forced labour or the more severe form of domestic servitude, contrary to international human rights and labour standards" (The Guardian, 2024). Reportedly, the mandate of the UN Special Rapporteur on the Human Rights of Migrants has called on states to abolish the *Kafala* system, which is a key factor for abuses and impunity, as employers operate as a sort of intermediary of the state, placing female domestic migrant workers in a situation of special vulnerability (The Guardian, 2024). Countries like Sierra Leone or Lebanon are in grave violation of their international legal obligations by failing to protect migrant domestic workers in their countries.

3. HUMAN RIGHTS IMPACT ASSESSMENT

The *Kafala* system represents a profound rupture in the international human rights framework, functioning not only as an administrative hurdle but as a systemic suspension of the protections guaranteed to every individual under international law. By delegating state authority over migration and residency to private citizens, destination countries create a legal vacuum where the inherent dignity of the worker is systematically eroded. This environment is facilitated by the legislative and enforcement gaps in countries of origin, such as Sierra Leone. This chapter evaluates the *Kafala* system against established global standards,

illustrating how its core mechanisms of dependency directly contravene the treaties intended to prevent slavery, forced labour, and gender-based discrimination.

The International Covenant on Civil and Political Rights (ICCPR) serves as the basis for protecting individual agency, yet its provisions are functionally non-existent for migrant workers under sponsorship. For instance, Article 8 of the ICCPR prohibits slavery and servitude, but the *Kafala* system's inability to allow workers to terminate employment or leave the host country without permission transforms a labour relationship into one of *de facto* servitude (OHCHR, 1966a). When this lack of agency is coupled with debt bondage from illegal recruitment fees, the arrangement meets the international threshold for forced labour (Walk Free, 2022). This erosion of liberty extends to Article 9, where "absconding" laws criminalise the act of leaving an abusive workplace (OHCHR, 1966a). By allowing sponsors to report workers to the authorities, the state uses its police power to arbitrarily detain individuals, effectively punishing them for seeking safety. Perhaps most critically, the widespread confiscation of passports and the requirement for exit permits violate Article 12, stripping workers of their freedom of movement and their fundamental right to return to their home country (OHCHR, 1966a).

While the ICCPR seeks to protect the person, the International Covenant on Economic, Social and Cultural Rights (ICESCR) is intended to protect the worker's professional dignity. Under Article 6, the right to work implies a freedom to choose or accept employment; however, the *Kafala* system's tying of a visa to a single sponsor eliminates all labour mobility, granting the employer a monopoly over the worker's survival (OHCHR, 1966b). This power imbalance therefore facilitates routine violations of Article 7, which mandates just and favourable work conditions (OHCHR, 1966b). This is exemplified in the previously mentioned case of Sierra Leonean survivors, who were deprived of adequate food, forced to work 20-hour days, and were subject to harassment (Uaid, 2022). Additionally, because domestic workers are frequently excluded from national labour laws in destination countries, they are left without access to the effective complaint mechanisms required by international norms.

The *Kafala* system also operates in direct opposition to the ILO's foundational principles, particularly Conventions No. 29 and 105 regarding forced or compulsory labour (ILO, 2022). These Conventions define forced labour by the presence of involuntary work extracted under the "threat of penalty" (ILO, 2022). In the context of Sierra Leonean migrants, the threat of deportation, imprisonment, or the loss of residency serves as that penalty, compelling them to endure conditions of extreme exploitation.

Furthermore, ILO Convention No. 189 outlines the labour rights for domestic workers (ILO, 2011). Although this Convention remains unratified by many host states, it stands as the authoritative international standard for the sector. The *Kafala* system's fundamental architecture directly contradicts the ILO's objective of "decent work" as it excludes domestic workers from the legal protections that Convention No. 189 seeks to universalise (ILO, 2011). By sequestering Sierra Leonean women in private households without access to labour law protections, the system effectively strips them of their status as "workers" and reclassifies them as "dependents" of the sponsor.

This gendered system is further reinforced by the intersection of labour laws and personal status laws in many host countries, which often place female domestic workers under the quasi-legal guardianship of their male employers (Anti-Slavery International, 2026). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international bill for the rights of women, mandating legal protections against gender-based discrimination (OHCHR, 1979). Under CEDAW Articles 2 and 11, states must not only refrain from discriminatory practices but actively create environments where women can work free from coercion (OHCHR, 1979). By legally tethering a woman's residency to a single household, the *Kafala* system effectively traps her in a private sphere that is shielded from state inspection or labour regulation. Additionally, the systematic exposure to violence documented by DoWAN reveals that sexual assault is frequently utilised as a tool to enforce submission and discourage requests for unpaid wages (Uaid, 2022). When women are denied the right to leave their place of employment, any act of resistance is met with the threat of absconding charges (Saraswathi, 2020). This creates an environment where sexual favours are extracted under the duress of potential imprisonment or deportation, representing a complete failure of the state's obligation to protect women from violence and discrimination.

4. LEGAL FRAMEWORK, STATE RESPONSIBILITY, AND RECOMMENDATIONS

4.1 Legal Framework

In recent years, the Sierra Leonean government has recognised the escalating crisis of labour exploitation, and has moved to reform its domestic legal architecture. This is demonstrated in two primary legislative pillars designed to regulate the exit phase of migration and provide a criminal deterrent against predatory recruitment practices.

The Overseas Employment and Migrant Workers Act (2023) represents a significant shift in Sierra Leone's efforts to assert sovereignty over its citizens' labour rights abroad. By transitioning from a *laissez-faire* approach to a regulated export model, the Act seeks to replace the unregulated channels that previously defined migration to the Gulf with a state-monitored framework. The Act, for example, outlines the requirement for recruiters to hold a valid license when recruiting workers from Sierra Leone (SierraLII, 2023). Another transformative provision is the prohibition against charging workers for recruitment or

placement services, shifting the financial responsibility to the employer or the agency (SierraLII, 2023).

By mandating this zero-fee recruitment model, the law directly targets the debt-servitude cycle that has historically compelled migrants to liquidate family assets or secure high-interest loans, effectively ensuring that their future agency is not compromised by financial ruin before they even depart. Furthermore, the Act requires the Ministry of Labour and Social Security to act as a mandatory intermediary through a centralised oversight system (SierraLII, 2023). The Migration Unit of this Ministry must regulate all activities related to the recruitment and emigration of workers from Sierra Leone for the purpose of overseas employment (SierraLII, 2023).

While the 2023 Act regulates the industry, the Anti-Human Trafficking and Migrant Smuggling Act 2022 defines offenses related to cross-border trafficking, sexual exploitation, as well as offenses related to migrant smuggling (SierraLII, 2022). A critical provision of this Act is its explicit criminalisation of deceptive recruitment practices, which constitutes a central feature of the *Kafala* system (SierraLII, 2022). This includes situations in which workers are recruited with false promises of professional employment in sectors like healthcare or hospitality, only to find themselves placed into domestic servitude upon arrival. By categorising such deception as a form of human trafficking, the 2022 Act allows the state to prosecute not only formal agencies but also individual recruiters who abuse their power over a vulnerable applicant (SierraLII, 2022). This creates a necessary legal overlap where the 2023 Act formalises the overseas employment process, while the 2022 Act ensures that those who manipulate that process for the purpose of exploitation face severe judicial consequences.

Despite these recent legal frameworks, an implementation gap remains that undermines the protection of Sierra Leonean workers. In 2026, the Ministry of Labour faced criticism due to the essential legal safeguards meant to protect Sierra Leoneans seeking overseas employment being routinely ignored (Jusu 2026). In the 2024 Audit Report, many submissions reviewed lacked critical documents such as “proof of collateral, undertakings against fraud, evidence of payments, fee declarations, and proof of financial solvency by employment agents” (Jusu, 2026). Ignoring these requirements means that the risk of unqualified or fraudulent overseas employment is continuously putting migrant workers at serious risk, demonstrating the limitations of law in practice.

Sierra Leonean law also is territorially limited, meaning that once a worker enters a *Kafala*-governed state, their safety depends on the capacity and effectiveness of consular support (Walk Free, 2024). Following Israeli airstrikes in Lebanon in 2024, migrant workers were displaced, abandoned by their employers without residency documents or financial resources (Walk Free, 2024). Sierra Leonean embassies in Lebanon lacked the resources and clear repatriation plans to manage the sudden influx of displaced workers, therefore leaving many of them abandoned by their home country as well (Walk Free, 2024). This lack of diplomatic protection highlights how national laws also fail to follow citizens across borders.

4.2 State Responsibility

Under international human rights law, the Sierra Leonean government's duty of care is anchored in the International Bill of Human Rights, which consists of the Universal Declaration of Human Rights (UDHR), the ICCPR, and the ICESCR (OHCHR, n.d.). By ratifying these core treaties, states assume a tripartite obligation to respect, protect, and fulfill the human rights of their citizens (OHCHR, n.d.). The obligation to respect requires the government to refrain from interfering with the enjoyment of rights, while the obligation to fulfill mandates that the state take positive action to facilitate those rights, such as providing legal redress for returning survivors (OHCHR, n.d.).

Crucially, in the context of the *Kafala* system, the obligation to protect is of utmost importance; it requires the state to protect individuals and groups against human rights abuses committed by third parties and private actors (OHCHR, n.d.). For Sierra Leone, this translates into a legally binding due diligence requirement to strictly regulate the private recruitment industry and ensure that non-state actors do not exploit citizens through deceptive contracts or debt bondage. When a state fails to provide adequate oversight of these private agencies or neglects its consular duty to protect nationals from abuse by private employers abroad, it is in breach of its obligations under the International Bill of Human Rights. Ultimately, these international human rights legal frameworks ensure that human rights are not merely theoretical but carry a functional requirement for states to act as a shield between their citizens and systemic exploitation. Especially since Sierra Leone ratified these treaties in 1996, the state is obligated to protect the fundamental rights of its citizens.

4.3 Recommendations

In terms of policy recommendations for states such as Sierra Leone,, a transition from passive legislative oversight to active, transnational protection by standardising the recruitment and deployment process are necessary. This should begin with the institutionalisation of mandatory pre-departure briefings, conducted by the Ministry of Labour and Social Security, which educate departing citizens on their fundamental rights under the ICCPR and ICESCR while providing them with physical emergency cards for immediate consular access abroad. Furthermore, the state should negotiate binding Bilateral Labour Agreements (BLAs) that make migration contingent upon the destination country's legal guarantee of a worker's right to retain their passport and the abolition of absconding charges. To make this feasible, a significant increase in consular budgets is required to appoint labour specialists in high-risk regions, tasked with conducting unannounced welfare checks and managing secure, state-funded safe houses for workers fleeing abuse.

The judiciary and law enforcement agencies must play a pivotal role in shifting the *Kafala* system from a low-risk, high-reward enterprise for traffickers to a high-risk criminal offense. This requires the aggressive prosecution of informal sub-agents who operate outside of the

formal licensing system, ensuring that these unlicensed middlemen are held strictly liable under the sentences mandated by the Anti-Human Trafficking and Migrant Smuggling Act 2022. To ensure that justice is accessible to those who have already returned, the judiciary should establish specialised labour tribunals or fast-track court processes dedicated to recovering unpaid wages from the local agencies that facilitated the survivors' original contracts. Furthermore, law enforcement training must be overhauled to prioritise victim identification at border points. Training immigration and police officials to recognise the physical and psychological indicators of trafficking can make the state ensure that returning workers are entitled to protection and legal aid, rather than being marginalised or criminalised as irregular migrants.

Civil society organisations and NGOs serve as another layer of defense by filling the protection gaps that the state is unable to address. These non-state actors should provide community-level sensitisation through radio and short message service (SMS) campaigns in local languages to directly counter the deceptive narratives utilised by predatory agents in rural areas. Beyond awareness, NGOs should establish *pro bono* legal aid clinics specifically designed to assist survivors in filing civil suits against the recruitment agencies that facilitated their exploitation, thereby creating a financial and legal deterrent within the domestic industry. Civil society should also lead the establishment of reintegration initiatives that provide long-term support for returnees to overcome the trauma of servitude and regain economic independence, ensuring they are not forced back into a cycle of trafficking out of desperation.

The international community must utilise its diplomatic and technical leverage to dismantle the *Kafala* system. International organisations, led by the ILO, should increase coordinated pressure on host governments in the Middle East to ratify Convention No. 189 (Domestic Workers) and integrate its protections into their national labour codes. Furthermore, UN human rights mechanisms should use the Universal Periodic Review (UPR) process to name states that continue to enforce exit permit requirements or tolerate the illegal confiscation of worker passports. Simultaneously, the International Organisation for Migration (IOM) should expand the reach of the International Recruitment Integrity System (IRIS) within Sierra Leone, providing prospective migrants with a list of verified, ethical agencies to ensure that their pursuit of economic opportunity does not lead to a state of modern slavery (IOM, 2026).

CONCLUSION

Kafala is a complex, entrenched and highly exploitative system that has led to severe human rights violations, abuse, and even the death of migrant workers. Although significant attention has been paid to the situation in countries commonly associated with the practice, such as the Gulf countries and countries across the Middle East, there is less awareness of how the system operates in countries of origin for migrant workers (Council on Foreign Relations, 2020). This report has highlighted the exploitative practices employed by agents within Sierra Leone to facilitate the movement of workers from the country to countries across the Middle East (Migrant Workers' Action, 2024). This includes insidious methods such as false advertising via social media and ensnarement of individuals via debt bondage (ISS Africa, 2025).

As is evident from the situation in Sierra Leone, the system is enabled both by lax practices and loopholes in the law, as well as concrete policy and legislation in destination countries for workers. It also profits from the desperation triggered by Sierra Leone's high levels of poverty and youth unemployment. This is a common motivation among migrant workers who find themselves trapped in the *Kafala* system regardless of their country of origin (Bello, 2025).

Not only does *Kafala* result in work which often amounts to servitude, the practice of facilitating the movement of persons for work results in human trafficking in many instances (Migrant Workers' Action, N.D.). Despite the prevalence of the practice across Sierra Leone, the Sierra Leonean government has done little to combat this, failing to introduce robust mechanisms to limit workers' capacity to move for these precarious "jobs" (Jusu 2026). This has led to many Sierra Leoneans, many of whom are women domestic workers, experiencing severe harm and returning highly traumatised (Migrant Workers' Action, 2024). Practices such as the confiscation of passports facilitate abusive practices, leaving workers dependent on their employers and unable to escape. This is exacerbated by legislation often found within *Kafala* systems, such as the requirement that workers get the permission of their sponsor before leaving the country (Global Slavery Index, N.D.).

Many of the practices commonly used as part of the *Kafala* system either violate or result in violations of international human rights law. This includes numerous violations of the ICCPR, such as severe restriction of the right to freedom of movement as enshrined in Article 12 (OHCHR, 1966a). It is also evident that migrant workers who are caught up in the *Kafala* system are often victims of slavery, violating the prohibition of servitude under Article 8 ICCPR (OHCHR, 1966a). Violations of the ILO's foundational principles are also rampant within the *Kafala* system. Notably, the coercive nature of features of *Kafala* violate the prohibition on forced labour (ILO, 2022). Moreover, the gendered dimension of domestic workers who are forced to work within the *Kafala* system often gives rise to violations of CEDAW.

Against this backdrop of rampant exploitation and international law violations, reform is an urgent necessity. Developments aimed at improving labour rights for those recruited in Sierra Leone to work overseas are welcome, but the Sierra Leonean government must make concerted efforts to address the implementation gap in the effective functioning of the regulations (Jusu, 2026). Far too many Sierra Leoneans leave the country to dangerous, exploitative work conditions, and most return with little financial gain and significantly distressed due to the abuse they experience. The Sierra Leonean government must take greater responsibility for preventing and addressing this.

Equally, it is essential that reforms occur within the countries that host *Kafala* workers. Although some progress has been made towards dismantling the *Kafala* system across the Middle East, there are clear deficiencies therein. Saudi Arabia's announcement of its intention to dismantle the *Kafala* system is significant, but the progress must be monitored closely to ensure the swift and effective reform of the system (Walk Free, 2025). Likewise, the poor enforcement of Qatar's reforms requires closer attention (Human Rights Watch, 2025). This must also include cross-border diplomatic collaboration to protect and repatriate those who find themselves exploited by the *Kafala* system abroad (Walk Free, 2024).

Efforts at reforming such a complicated and deep-seated issue requires the collective and collaborative extensive effort of state parties and agencies alike. Accordingly, it is critical that Sierra Leone takes measures such as to:

- i. introduce active protection through pre-departure briefings, negotiating BLAs to establish that migration is contingent upon guarantees of workers' rights;
- ii. increase funding to agencies involved in the policing of labour migration to ensure effective monitoring and enforcement;
- iii. modify its prosecution strategies to focus on informal sub-agents who operate outside of the formal licensing system;
- iv. establish special tribunals to enable justice for returned workers; and
- v. overhaul law enforcement training to improve victim identification at borders.

Although legislative and policy change requires remedies at a domestic level, civil society organisations and NGOs play a crucial role in reducing risks and harms for potential or actual migrant workers. Many human rights organisations play a crucial role in highlighting the abuses to the international community and documenting the *Kafala* system's exploitation, but there is substantial scope for community-orientated initiatives to address the system. Civil society organisations and NGOs should:

- i. provide community-level awareness among potential migrants via radio and SMS campaigns;

- ii. establish pro bono legal aid clinics designed to assist survivors with filing civil suits against recruitment agencies and other actors; and
- iii. facilitate reintegration initiatives to support returnees.

Finally, it is also contingent upon the international community to yield the range of tools at its disposal to dismantle the *Kafala* system. The international community should:

- i. increase pressure on host governments in the Middle East to ratify Convention No. 189 and integrate its protections into their domestic labour codes;
- ii. use the UPR process within the UN system to identify states that continue to enforce exit permit requirements or permit the illegal confiscation of workers' passports;

expand the reach of the IOM's IRIS in Sierra Leone to provide prospective migrants with a list of verified, ethical agencies.

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