

حركة مناهضة
العنصرية



Anti-Racism
Movement

THE CASE OF ABOLISHING ALL HONORARY CONSULATES IN LEBANON

ARM RESEARCH REPORT 2023/24



About the Anti-Racism Movement (ARM)

Anti-Racism Movement is a non-governmental organization (NGO) established by a group of local activists who work together with migrant workers to secure social, economic, and gender justice for all migrant workers and racialized groups in Lebanon. ARM runs a community center dedicated to women migrant domestic workers in Lebanon where they can meet, learn new skills, organize, and access information and assistance. We mobilize public support for the abolishment of the kafala (sponsorship) system and the realization of migrant domestic workers' rights through advocacy and community-building. We also help migrant workers access services related to legal support, mental health, sexual and reproductive health, education, and shelter.

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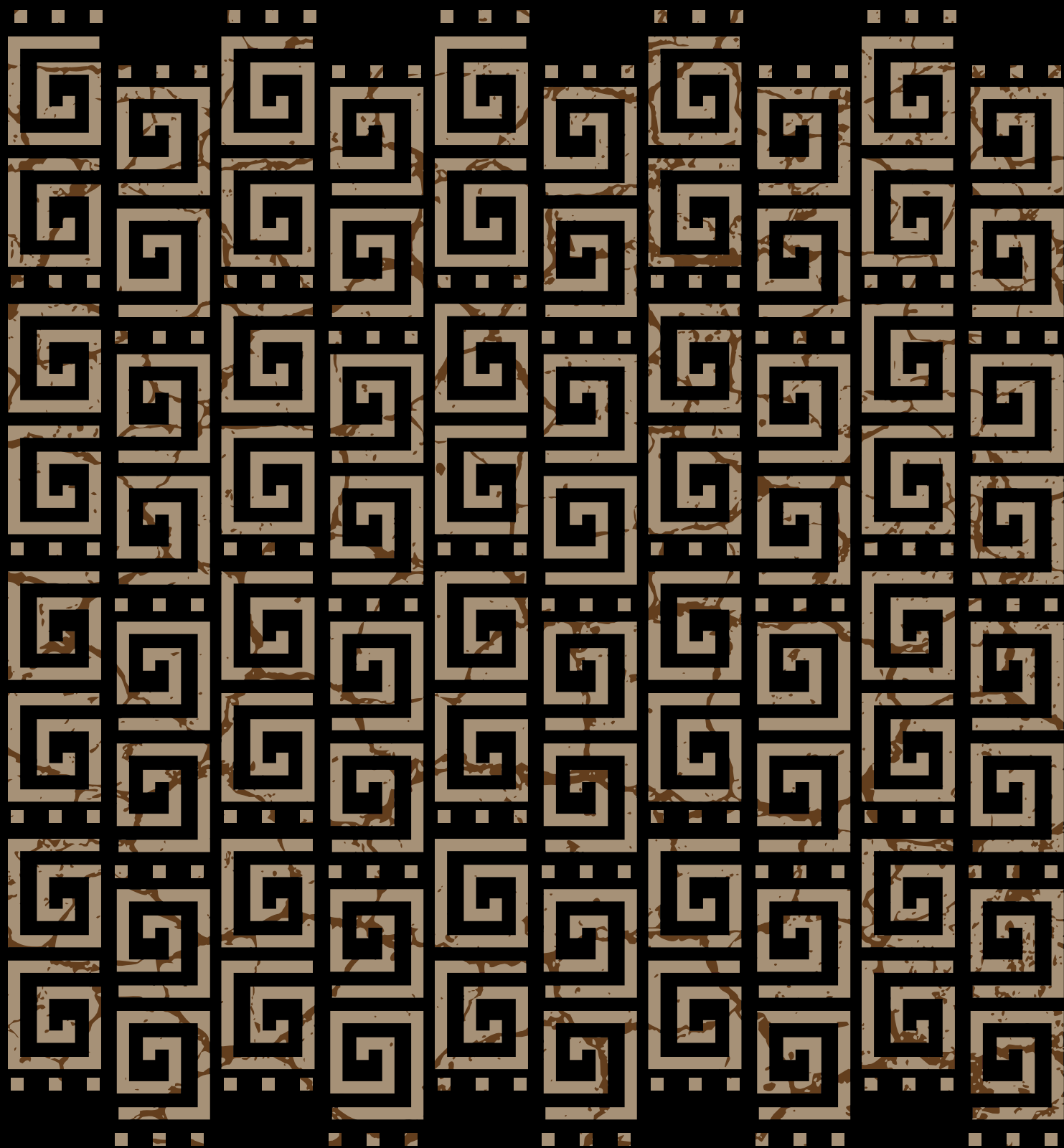
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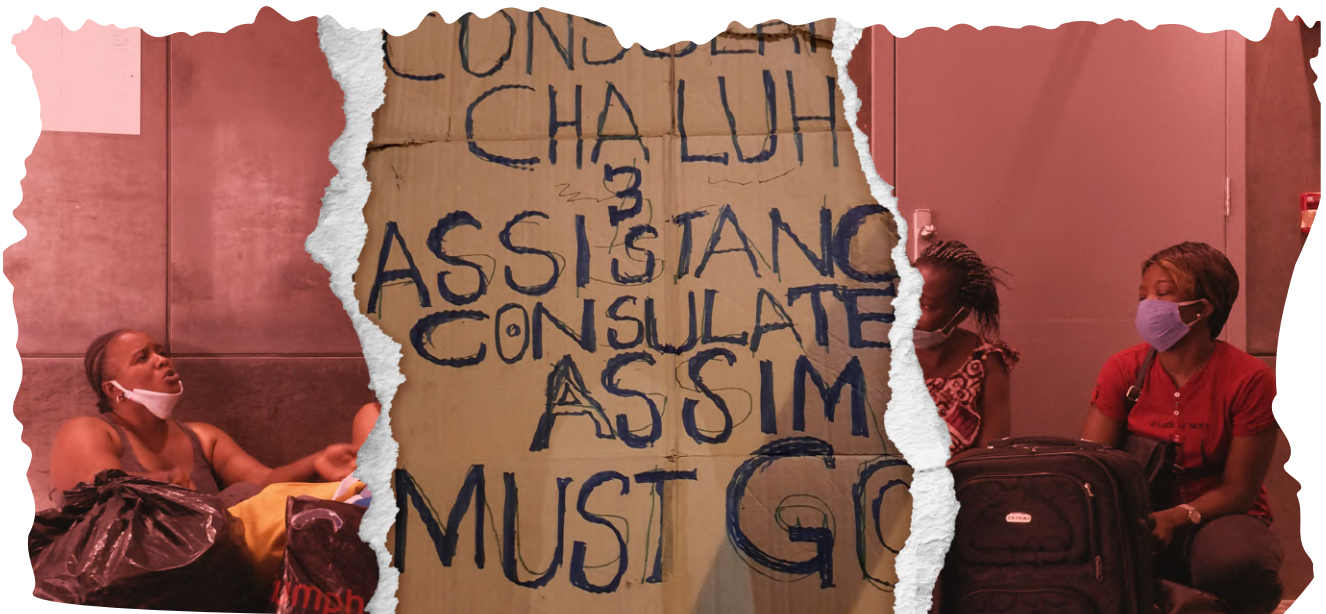
INTRODUCTION

Introduction

Lebanon has long relied on migrant workers for cheap labor. For years, migrant workers, in particular domestic workers (DWs) and blue collar workers, have formed an essential pillar of the Lebanese economy, and are working under the kafala system in positions considered undesirable by many Lebanese workers. The kafala, or sponsorship, system gives private individuals and companies in Lebanon, and most Arab Gulf countries, almost total control over migrant workers' employment, residency and immigration status.

Countless reports and research papers have studied different aspect of the kafala system, and reflected on the complicated web of stakeholders that reinforce it and sustain it, creating fertile grounds for severe human rights abuses, including but not limited to, abusive working conditions ¹, physical and sexual violence ², forced labor, human trafficking ³, prolonged detentions, including arbitrary detentions ⁴, and deportations.

Studies have highlighted the violations faced by migrant workers throughout their migration process starting with the recruitment agencies, both in Lebanon and in countries of origin (COOs), employers as well as the governmental entities which play a major role in sustaining the kafala system, notably the General Security Office (GSO), the Ministry of Labor (MoL) and the judicial system. Major gaps and violations have also been highlighted when it comes to access to services, including in hospitals, mental health institutions, insurance companies and schools. The economic benefits of the kafala system on these different stakeholders have also been brought forward.⁵



1. KAFA (enough) Violence & Exploitation, Dreams for sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon, 2014 ([Source](#))
2. Diab, Jasmin Lilian, Banchi Yimer, Tsigereda Birhanu, Ariane Kitoko, Amira Gidey and Francisc Ankrah, Acknowledged but Forgotten: The Gender Dimensions of Sexual Violence Against Migrant Domestic Workers in Post-Crisis Lebanon, 2022 ([Source](#)).
3. Amnesty International, 'Their House Is My Prison' Exploitation Of Migrant Domestic Workers In Lebanon, 2019 ([Source](#))
4. ALEF, Act For Human Rights, Protection and Promotion of Rights of Migrant Domestic Workers, Following up on commitments of Lebanon's 2015 Universal Periodic Review, 2019 ([Source](#))
5. Dagher, Jonathan, David Wood and Jacob Boswall, Cleaning up: The Shady Industry That Exploits Lebanon's kafala Workers, Triangle, November 2020 ([Source](#))

However, very little attention has been given to the crucial role of Consular support for migrant domestic workers (MDWs)⁶ seeking assistance under kafala. Embassies and Consulates are often overlooked when trying to reflect on the stakeholders upholding the web of abuse they find themselves struck in. In Lebanon, MDWs often have to resort to their Embassies or Consulates for Consular services and protection. The response of these institutions thus becomes key in the future of these individuals.

COOs of MDWs, have had different approaches when dealing with the migration of their citizens to Lebanon and other kafala countries including enforcing travel bans on their citizens, such as Nepal introducing an official ban for women under 30 traveling for work to Lebanon⁷, signing bilateral agreements with the Lebanese authorities which aim to better the conditions of workers, such as the recently signed agreement between Ethiopia and Lebanon⁸, or reforming their own measures for migration such as accrediting limited agencies, or enforcing specific labor contracts such as Kenya⁹.

These measures are often inefficient, and even counterproductive, as many workers seeking employment end up coming to Lebanon through illegal routes instead, and become more vulnerable to exploitation and abuse. Bilateral agreements also have limited efficiency in bettering the conditions of the workers given the lack of enforcement mechanisms which ensure their implementation, and the fact that they usually only address the situation of documented workers.

Some countries have thus resorted to strengthening their diplomatic representation. For instance, Sri Lanka replaced their Honorary Consulate (HC) to Lebanon with an Embassy in 1998¹⁰ following advocacy efforts by Srilankan groups with their Ministry of Foreign Affairs which highlighted the lack of support by the HC and long processing time for passports. However, many countries have deprioritized strengthening Consular assistance for migrants in Lebanon. Many COOs of MDWs in Lebanon are currently still represented by HCs notably Kenya, Sierra Leone, Benin, Madagascar, Cameroon, Nepal, Senegal, Burkina Faso, Gambia and Eritrea. Over a quarter of MDWs in Lebanon are thus represented by an HC.¹¹

The need for solid Consular responses was particularly highlighted since 2020, as Lebanon faced a public uprising, followed by a series of crises including an unprecedented financial meltdown, the rapid devaluation of the local currency, inflation, and the impact of the Beirut Port blast and Covid-19 pandemic. This exponentially increased the vulnerability of MDWs¹², creating an imminent and urgent need for support, protection and evacuation.¹³

Dozens of protests were organized by MDWs in the country in front of their respective Embassies and Consulates demanding repatriation and denouncing systematic abuses. Many workers were also abandoned by their employers - without their documents and due salaries - at the doorsteps of their Consulates and Embassies and received little to no response or assistance.¹⁴

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6. The report uses the abbreviation MDW. This abbreviation is not meant to be reductive to Migrant domestic workers, or migrant women, but rather used to avoid repetitions seeing the length of the report.
 7. Anti-Slavery International. "Report: Into the Unknown." Anti-Slavery International (blog). May 2014, 7. ([Source](#))
 8. Takele, Zelalem. "In-depth: Ethiopia's digitally empowered labor migration initiative to the Gulf region sparks controversy, hope." Addis Standard (Addis Ababa), December 2023, 6. ([Source](#))
 9. Ligami, Christabel. "Kenya Tackles Abuse of Migrant Domestic Workers in the Middle East." Refugees Deeply, December 2017, 14 ([Source](#))
 10. Haddad, Reem, A Modern-Day "Slave Trade" Sri Lankan Workers in Lebanon (1999) ([Source](#))
 11. The number is based on calculations according to the numbers of work permits renewed and number of work permits released by the ministry of Labor for 2022 ([Source](#)) The estimate thus only includes documented workers as this is the only source where numbers of MDWs are segregated by nationality.
 12. IOM, Needs and Vulnerability Assessment of migrants in Lebanon, 2021 ([Source](#))
 13. Anti-Racism Movement, Migrant workers trapped in Lebanon are at risk!, July 2020 ([Source](#))
 14. France 24, Abandoned by employers, Ethiopian domestic workers are dumped on Lebanon's streets ([Source](#))

The COVID-19 pandemic and the accompanying closure of borders, the rise of xenophobia and the economic crisis caused a global emergency in the area of migration, and put migrants worldwide at increased risks, prompting the International Organization for Migration (IOM) to release a recommendation document on Consular assistance.¹⁵ The criticality of such assistance is particularly high when kafala is at play, especially in Lebanon, where the pandemic was coupled with an economic crisis and within a context where the state struggles to address the needs of citizens.

While MDWs from different nationalities in Lebanon protested in front of their Embassies and Consulates, protests against HCs in particular stood out for 4 reasons:

Firstly, the argument of Honorary Consuls having a voluntary role and therefore limited resources and responsibilities was consistently brought forward against most attempts of advocacy for the safe evacuations of workers. In fact many HCs in Lebanon resisted supporting MDWs travel back to their home countries, even when the fees were covered by organizations or activists.

Secondly, the lack of response was not limited to the crisis: ARM's casework team has long noted limited responsiveness and support from many HCs in their interventions. A report from 2010 by Human Rights Watch highlighted that the nationals of countries without Embassies in Lebanon, notably those represented by HCs face a harder situation because they have access to fewer services. The report highlights that the inefficiency of HCs in offering crucial services to MDWs in Lebanon has been long standing, and cites the Bangladeshi HC at the time (Now replaced by an embassy) sending back a worker to an abusive employer after fleeing his house due to physical violence.¹⁶

Third, in many cases, the protests of 2020 went beyond the repatriation's demands, and denounced longer histories of abuse and maltreatment faced by MDWs when attempting to seek Consular assistance. The crisis brought forward worrying testimonies of workers from different nationalities about the violations, mistreatment and racism they face when dealing with their HCs. In some cases the allegations accused certain HCs of directly playing a role in the unethical recruitment of DWs, raising more questions about these institutions and their role in the kafala system and in the abuses faced by MDWs in Lebanon.

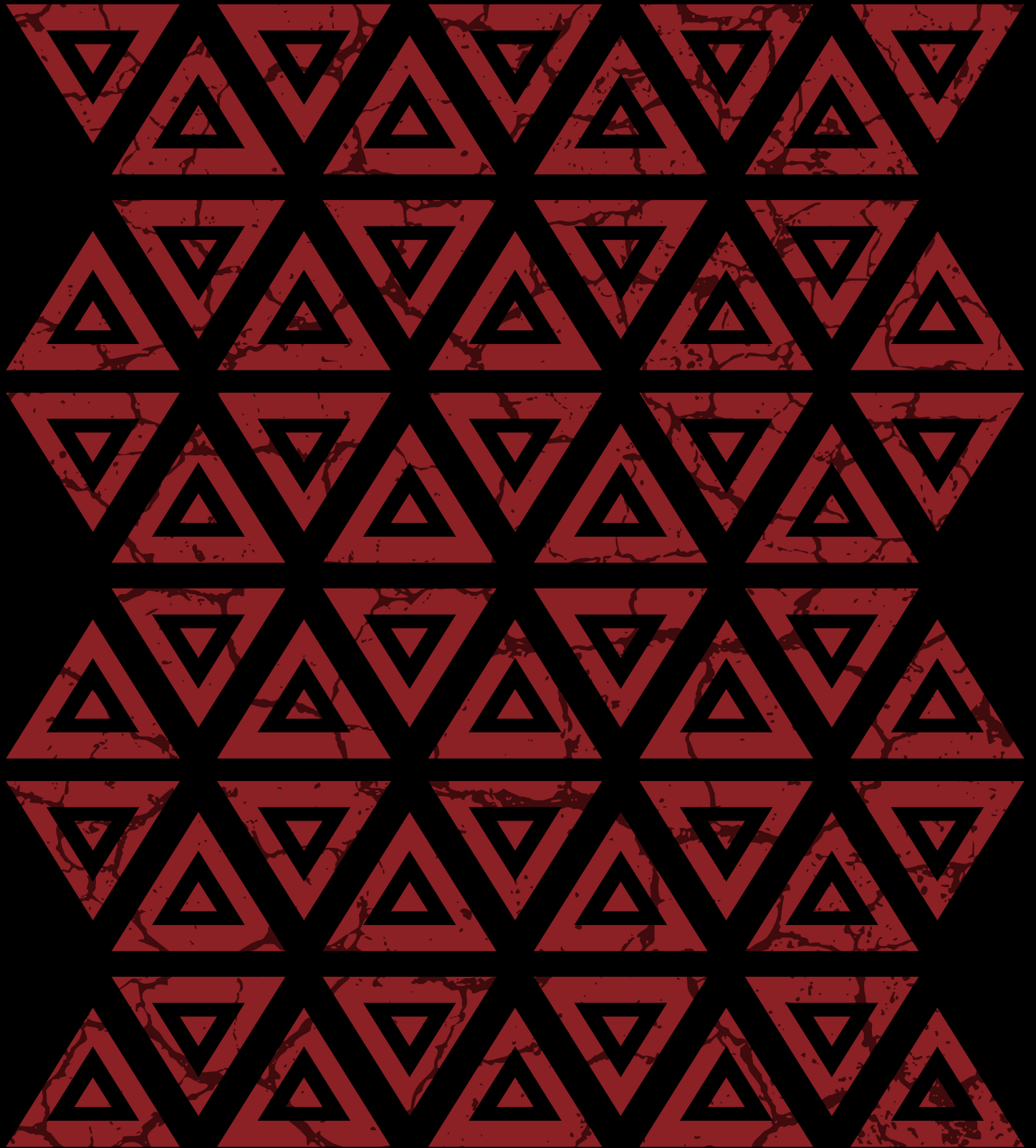
Fourth, ARM has been supporting the Kenyan community for over 4 years in their advocacy against their HC's practices. However, all advocacy efforts faced major roadblocks, due to the lack of clear and straightforward pathways for complaints and accountability, and thus failed to secure justice for MDWs. A more in depth look was then required to strengthen our understanding of the functioning of HCs and inform future advocacy efforts.

This paper aims to look more deeply into the role of HCs by understanding their structure, history and their role in international law. The report highlights the corruption the institution of HCs is prone to, both by analyzing its structures, and looking into their situation in practice. This aims to better understand their role in the journey of migrant workers in Lebanon, especially MDWs who come on fourth category visas¹⁷ and are excluded from the Labor law, and are therefore de facto more prone to human rights abuses, and reports on the situation of different HCs in Lebanon. It finally aims to look into mechanisms of accountability in order to come up with recommendations.

15. IOM, IML Information Note On Consular Assistance, August 2021 ([Source](#))

16. Human Rights Watch, Without Protection, How the Lebanese Justice System Fails Migrant Domestic Workers, 2010 ([Source](#))

17. Decree No. 17561 of 1964 regulating the work of foreigners and Decision no.136 of 1969 regulating the proof of residence of foreigners in Lebanon.



**RESEARCH QUESTIONS
AND METHODOLOGY**

Given the rampant corruption and nepotism networks in Lebanon, we suspect that the appointment of several Honorary Consuls, as well as the lack of accountability for their violations, is politically and financially motivated. We aim to answer the following questions: What role should HCs play in the protection of migrant workers in Lebanon? What is the role they actually play under the kafala system? What are the potential structures preventing accountability whether in Lebanon or in the COO, for the violations committed by Honorary Consuls against the citizens they are tasked to represent?

To answer these questions the research aims to (1) explore the history of the institution of HCs in order to better understand its inception and structure (2) better understand the roles of diplomatic representations - notably HCs - in international law from the angle of human rights protections as well as their obligations towards the citizens they represent, (3) Explore the structural troubles with HCs, and understands the pattern of corruption in these institutions (4) Contextualize their role and its actual implications in Lebanon, especially for MDWs, (5) understand the current lived experiences of MDWs represented by HCs in Lebanon concerning their interactions with these institutions, (6) look into accountability of diplomats, in particular Honorary Consuls, for human rights abuses or negligence by analyzing international precedents.

The methodology is based on collecting both qualitative and quantitative data through desk research on international treaties and conventions and analyzing them in parallel with publications, notes and comments issued by UN agencies, as well as documents, court cases, reports and academic publications available online regarding HCs. The desk research also focused on dozens of media reports and investigations, both local and international, regarding HCs in Lebanon and around the world.

It also includes 6 semi structured interviews with key informants from the migrant communities in Lebanon from different nationalities (2 Malagasy, 1 Togolese , 1 Beninois, 1 Sierra Leonean and 1 Cameroonian). ARM initially posted a public call for members of all communities, and did not target community organizers exclusively for these interviews. It is important to note that those who were interested in testifying were all community organizers in some capacity, either supporting women from their community, collaborating directly with their Consulates, or directly Consulting and supporting members of their community when the Consulate is not responsive. Most shared their personal experience, but also the experiences of individuals they were directly supporting, as well as the experiences of the communities more broadly. The research also cites multiple testimonies published by other organizations on different platforms. ARM also conducted 2 interviews with independent Lebanese activists and 1 interview with one of ARM's case workers in 2023.

Part of the research was based on ARM's experience in working closely with migrant communities, supporting their self advocacy attempts, providing casework and services over the past years, organizing with the community through the Migrant Community Center (MCC), as well as the relief and evacuation projects implemented by ARM in 2020 and 2021.¹⁸

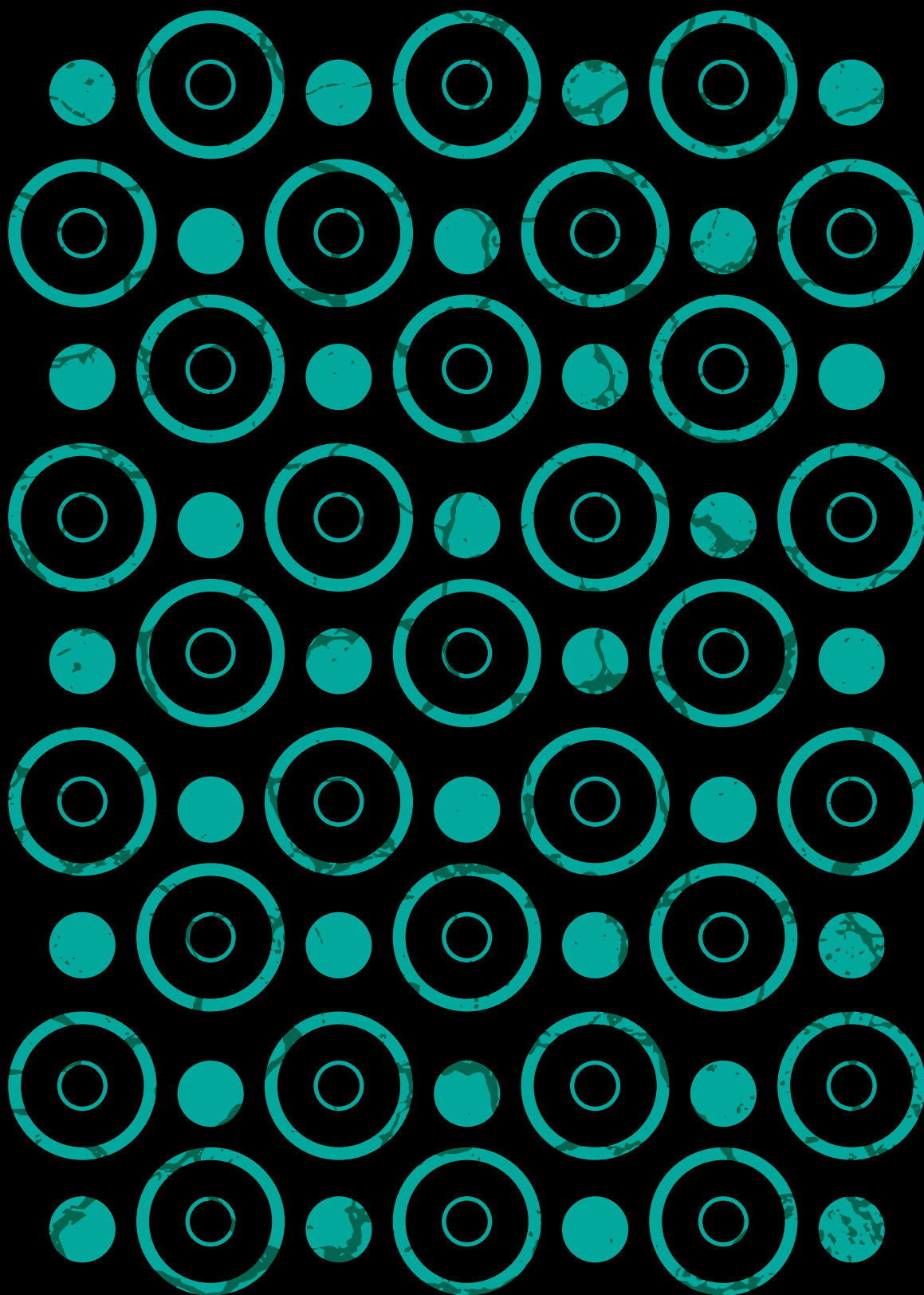
18. Anti Racism Movement, 2021 Annual Report ([Source](#))

LIMITATIONS OF THE RESEARCH:

This research is not meant to be an investigation into the individual case of each HC. ARM could not independently verify each of the claims in the testimonies of the workers. Some of these claims were thus left out of the research.

The research also built on findings of ARM after 4 years of advocacy work against the Kenyan consulate's abuses in the country which includes 10 testimonies, focus group discussions as well as media monitoring. These testimonies were mainly collected in 2019 and 2020, were not all shared in this research to maintain the confidentiality of the key informants, however, they allowed us, along with the media coverage and ensuing response to build the patterns described below.





HISTORICAL EXISTENCE OF HONORARY CONSULATES

HCs are a much more ancient institution than permanent diplomatic missions with the HCs going back to ancient Greece, whereas a Greek citizen, or proxen, voluntarily hosts and facilitates the stay of foreign nationals in the city in return for Honorary titles from the state. These individuals were usually rich influencers who also used their contacts to support friendship, alliance and trade between their own city, and the ones they represent.¹⁹

Consulates on the other hand developed following the collapse of the Roman empire to answer the needs of merchants who settled in foreign lands, and kept a somewhat autonomous self rule, by which an assigned “judge”, known as special magistrate, enforced rule and order in these foreign communities according to the laws of the sending state. Records of special magistrates appear in Chinese history in the 8th century and in Indian history by the 9th century.²⁰ In the 12th century these magistrates began to acquire the title of Consul. These Consuls were thus chosen by and for the migrant merchants. It was not until the 16th century that sending states started appointing these Consuls to officially represent them, therefore merging the diplomatic and commercial functions of Consulates.

The earliest codes on Consular duties started developing around the 12th century, and evolved further in the 16th and 17th century with the foundation of the diplomatic missions in Europe. The need for more precise legal frameworks defining Consular functions and status kept rising with the increase in the number of Consulates during the 19th and the 20th century leading to the establishment of the Vienna Convention on Consular relations in 1963.²¹ However, as opposed to the Consular system, not much has been documented on the development of the system of HCs, and their status is rarely discussed in the books of International law.

In the Dukins law review “The Honorary Consul in Modern International Practice: Why Article 68 of the Final Act of the United Nations Conference on Consular Relations Should Be Amended to provide a Uniform Regime for the Sending and Receiving of Honorary Consuls” , Robert Jarvis, an international and constitutional law professor at Florida’s Nova Southeastern University, highlights the lack of legislations dealing solely with HCs, and their mention being only in the context of broader diplomatic regulations aimed at the practices of Consular offices in general. This will be discussed in detail in the following sections.

In 1896, the draft code on Consular immunities prepared by the International law institute restricted the title of “Consul” to “nationals of the state they represent, exercise no functions other than those of Consul”. Individuals who represent another state in their state of origin, on the other hand, are titled “Consular agents” regardless of whether or not they exercise other callings or functions. Today, this distinction no longer applies.

19. Mirsolaw, Dela. "Legal Status of the Honorary Consul.", Wroclaw Review of Law, Administration & Economics, 2014. ([Source](#))

20. Jarvis, Robert, The Honorary Consul in Modern International Practice: Why Article 68 of the Final Act of the United Nations Conference on Consular Relations Should Be Amended to Provide a Uniform Regime for the Sending and Receiving of Honorary Consuls ([Source](#))

21. Robledo, Juan Manuel Gómez, Introductory note, "Vienna Convention on Consular Relations." United Nations - Office of Legal Affairs, September 2008 ([Source](#))

The ambiguity surrounding HCs can also be seen in the difficulty defining them in international texts. In 1960 the International Law Commission eliminated the definition of “Honorary Consul” from its final draft.

“The term “Honorary Consul” is not used in the same sense in the laws of all countries. In some, the decisive criterion is considered to be the fact that the official in question is not paid for his Consular work. Other laws expressly recognized that Career Consuls may be either paid or unpaid, and base the distinction between career and Honorary Consuls on the fact that the former are sent abroad and the latter recruited locally. . . . In view of the practice of States in this sphere and the considerable differences in national laws with regard to the definition of Honorary Consul, the Commission decided at its twelfth session, to omit any definition of Honorary Consul from the present draft, and merely to provide in Article 1, paragraph 2, that Consuls may be either Career Consuls or Honorary Consuls, leaving States free to define the latter category.”²²

Despite admitting the ambiguity in the way the term is being used, and thus the inconsistent way in which Honorary Consuls are being appointed, the draft still provided them with similar immunities and protection as Career Consuls, but acknowledged the right of the states to refuse to appoint or accept them.

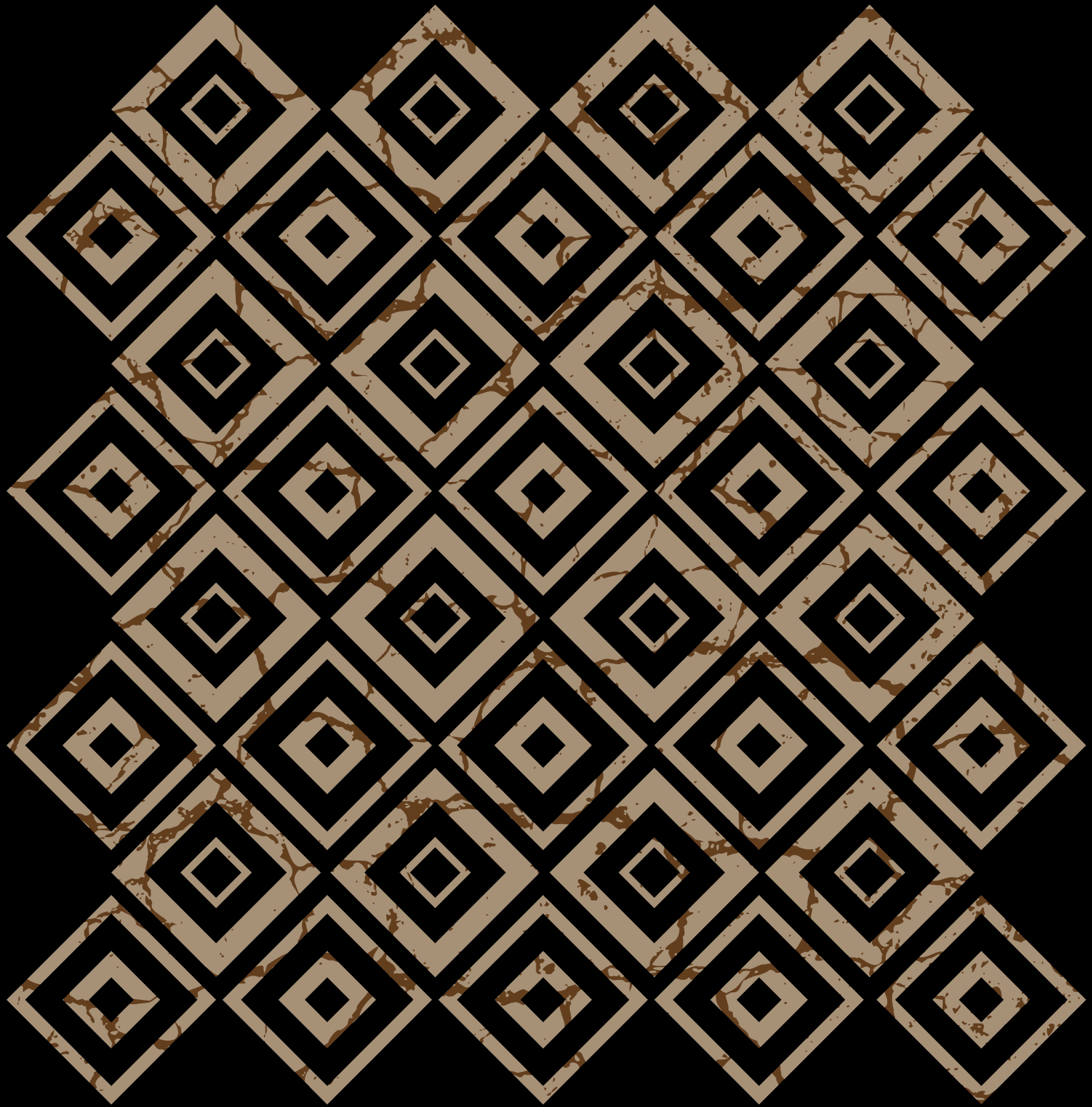
In the current legal framework, the Vienna convention on Consular relations (hereinafter the Vienna convention) still does not define Honorary Consuls, but acknowledges them into their own category, providing a chapter to discuss the provisions that apply to them. Their appointment or receipt remains up to the discretion of the receiving state (article 68). Interestingly, the 22nd article of the convention asserts that “Consular officers should, in principle, have the nationality of the sending state”, and may not be appointed from the nationals of the receiving state without its expressed and continuous consent.²³ This leaves the regulation of the field of HCs up to the individual states. Jarvis argues that this is caused by the inability to agree on how to regulate the office.

The inability to create unified international legislation clearly defining Honorary Consuls and framing their appointment, and the fact that international law has instead resorted to make the position optional, stems from the conflict around the indispensability of HCs for many states that do not have the financial, political and staffing resources to fill all their diplomatic missions with Career Consulates versus these officials’ actual ability to fulfill their required duties.

The history of Consular functions is thus largely interconnected with the economic interest of the states and the increase in international trade, as well as the individual interests of Honorary Consuls. But more recent global trends, namely global migration as well as the multiple social, political and economical changes, highlighted the importance of Consulates in the protection of citizens and the safeguarding of their interest.

22. United Nations, Yearbook Of The International Law Commission 1961, Volume II, Documents of the thirteenth session including report of the Commission to the General Assembly, Page 124, 1962 ([Source](#))

23. United Nations, Vienna Convention on Consular Relations, 24 April 1963, Treaty Series, vo596 .1, p. 261 ([Source](#))



**WHAT IS
AN HONORARY CONSULATE
IN INTERNATIONAL LAW?**

The framework for diplomatic relations between countries is defined by a series of international conventions. The Vienna convention was adopted to set out the rules and principles for the conduct of Consular relations between states. As mentioned above, the convention acknowledges Consular officers in two categories: Career Consular officers and Honorary Consular officers.²⁴

A Consular post is a permanent establishment of a sending state in the territory of a receiving state, headed by a career Consular officer who is a national of the sending country. An Honorary Consular post is a position held by any individual who is appointed by the sending state to perform certain Consular functions.

Honorary Consuls differ from Career Consuls in the fact that they are non-nationals, oftentimes well-known, wealthy businessmen, professionals or entrepreneurs, whose main task is promoting the interests of the country they represent and offering assistance to the citizens of said country. They are usually not remunerated by the country that appoints them and can be selected based on their political or economic ties and connections, rather than their qualifications and ability or willingness to perform the duties of the role. While they do not profit from the same privileges as Ambassadors or Career Consuls, they work from their home countries to represent foreign nations, which grants them a certain level of benefits and diplomatic immunity.

Article 68 of the Vienna convention gives each state the freedom to decide on the appointment or receiving Honorary Consular officers. States' stance on Honorary Consuls vary widely. While some refuse the appointment or reception of Honorary Consuls altogether, others rely on them for most of their diplomatic representations. Some states accept Honorary Consuls but refuse to appoint them themselves or vice versa. Others, such as Hungary, forbid their own citizens from accepting their appointment as Honorary Consuls for other countries.²⁵

Honorary Consular officers and Career Consular officers have a somewhat different legal status. Unlike Career Consuls, Honorary Consuls are permitted to carry on another business during their appointment.



24. Ibid, Article (1) , Paragraph 2

25. Jarvis, The Honorary Consul in Modern International Practice (n 20)

While both are granted certain advantages to enable them to carry out their official duties effectively, Honorary Consuls have a narrower range of immunity and privileges under the Vienna convention than Career Consuls. For instance, they do not enjoy personal inviolability (which prevents Career Consuls from being arrested, detained, or prosecuted in the host state, except in certain limited circumstances. And so they do not enjoy the same level of immunity from criminal or civil jurisdiction as Career Consuls, and their immunity is generally limited to acts performed in the exercise of Consular functions. These immunities might create ambiguity and some states define their own guidelines on dealing with Honorary Consuls, for instance, New Zealand's regulations explicitly reiterates the right of their state to arrest or detain Honorary Consuls, enter their residence according to procedure, prosecute them and call them as witnesses.²⁶

Under the convention, Consular Officers have multiple important functions, many of which relate to protecting and assisting the nationals of the sending state. These functions include helping and assisting nationals, safeguarding their interests, arranging appropriate legal representation before the authority for the preservation of their rights and interests as well as issuing their passports and travel documents.²⁷ Consuls should also be immediately informed when arrests, detentions²⁸, or deaths²⁹ of their nationals occur in order to provide assistance when needed. Moreover, Consulates are tasked with promoting friendly relations between the sending and receiving states, reporting on conditions and developments in the receiving state and providing information to interested persons.³⁰ However, the convention does not create a legal obligation for states to accomplish these functions, but rather gives them the authority to do so under International law.

This means that the specific role of each HC is defined by the sending states, and depends on a variety of factors, such as the interests and priorities of the state in question and their internal regulations as well as the customary law and bilateral agreements between the sending and receiving state. The scope of an HC can therefore largely vary between being similar to that of a Career Consul, and having only a symbolic role.³¹

OBLIGATION TO GIVE ASSISTANCE

In its International Migration Law (IML) information note on Consular assistance (hereinafter, the IML information note), the IOM defines Consular assistance as *“the aid provided by the Consular or diplomatic agents of a State to its nationals abroad”* and establishes it as *“a powerful practical mechanism that substantially contributes to the protection and fulfillment of migrants”, and “an important mechanism that enables migrants’ rights to be realized and that prevents internationally wrongful acts against them, as nationals abroad.”*³²

Under the framework of the Vienna convention, each state country can determine the scope and content of what “Consular assistance” should entail according to its own national policy. However, under international human rights law, states are obliged to protect and fulfill human rights.³³

26. New Zealand, Foreign Affairs and Trade, Guidelines for the Diplomatic and Consular Corps resident in and accredited to New Zealand, June 2023 ([Source](#))

27. Vienna Convention on Consular Relations (Article 5(e, g, i, d))

28. Ibid, Article 36

29. Ibid, Article 37

30. Ibid, Article 5 (b,c)

31. Dela, Mirosław. "Legal Status Of The Honorary Consul." PhD diss., Department of Business and Commercial Law, Faculty of Law, Administration and Economics, Wrocław University, 2015. ([Source](#))

32. IML Information Note On Consular Assistance (n 8) ([Source](#))

33. "International Human Rights Law." United Nations, Office of the United Nations High Commissioner for Human Rights. Accessed October 2023, 17. ([Source](#))

The rights of migrants in accessing this assistance are discussed in multiple international instruments. The Declaration on the Human Rights of Individuals who are not nationals of the country in which they live, recognizes in the 10th article the right of individuals to communicate, at any time, with the Consulate or diplomatic mission of the State of which they are nationals or a third party mission entrusted with the protection of their interest³⁴ The UN resolution on the protection of migrants reiterates the need for all States to “fully protect the universally recognized human rights of migrants”, particularly with regard to the right to receive Consular assistance from the COO.³⁵

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) sets out obligations for state parties to facilitate the provision of adequate Consular services that are necessary to meet the needs of migrant workers and members of their families. It also acknowledges their right to have recourse to the protection and assistance of the Consular or diplomatic authorities whenever the rights recognized by the convention are impaired.³⁶

It also recognizes the particularity of domestic work, and the heightened risk MDWs face when it comes to abuse, exploitation and gender based violence and provides States with guidance on how to implement their obligations under the ICRMW with respect to MDWs. COOs should thus play an active role in protecting the rights of individuals employed as domestic workers by adequately training staff in their Embassies and Consulates to receive and address complaints made by MDWs, providing counseling and sheltering for workers fleeing abusive employers and expediting the process for workers trapped in the receiving countries³⁷. Embassies and Consulates are also encouraged to cooperate with each other to identify abusive recruitment agencies and to promote appropriate protection policies for MDWs³⁸. The ICRMW thus establishes access to Consular assistance as a human right.

While this only binds the countries that have ratified the convention, IOM acknowledges the fundamental role of Embassies and Consulates in protecting the rights of migrants facing situations of vulnerability, particularly where the provision of Consular assistance can, or is necessary, to protect their human rights. The IML information note places them as the “*only appropriate actors to fulfill the obligations of addressing the specific needs of their nationals abroad when certain rights get violated*” and recommends the adoption of laws and policies that advance Consular protection for all migrants.³⁹

States that have not ratified the convention are not absolved of their responsibilities towards their nationals abroad. In fact “*international bodies and instruments are increasingly finding that State obligations under Consular law can give rise to corresponding rights for migrants related to Consular assistance*”⁴⁰ *Consular assistance is thus considered as a customary law foundation of international migration law.*⁴¹ In 2019, The UN Special Rapporteur on summary executions, Agnès Callamard, highlighted the importance of Consular assistance in detention cases, for example, and considered it “*a human right which imposes complementary obligations on both the prosecuting States and the home States*”⁴².

34. United Nations General Assembly. Declaration of Human Rights of Individuals who are not nationals of the country in which they live, resolution 40/144 of 13 December 1985, Article 10 ([Source](#))

35. United Nations General Assembly, Resolution 54/166. Protection of migrants, Fifty-fourth session Agenda item 116 (b) 24 Feb 2000 (Article 4) ([Source](#))

36. UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990 ([Source](#))

37. UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), General comment no.1 on migrant domestic workers, 23 February 2011, CMW/C/GC/1, (Article 62) ([Source](#))

38. Ibid, Article 63

39. IML Information Note On Consular Assistance (n 8)

40. Ibi

41. Chetail, Vincent, International Migration Law, Oxford University Press, 2019, p. 164

42. OHCHR, Press Release, Set universal standards for effective Consular assistance, UN expert urges States, 25 October 2019 ([Source](#))

In other terms, the states legal obligations towards their citizens in respect to the protection of rights guaranteed by the treaties ratified by them would arguably extend to their diplomatic and Consular representations, as those remain under the states jurisdiction.

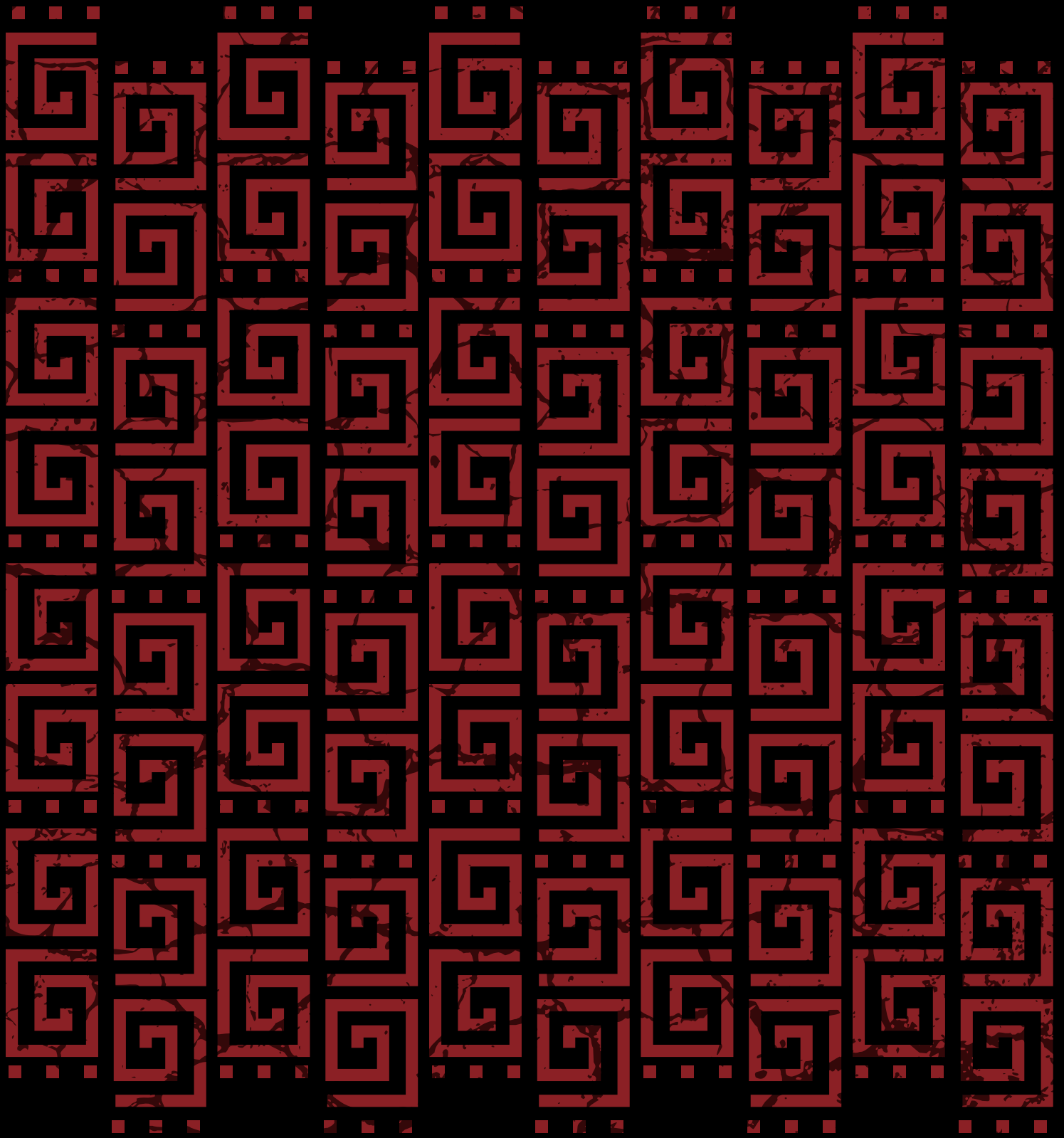
Many international conventions could create such obligations, notably the International Covenant on Civil and Political Rights (ICCPR) the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT). For example, the ICCPR provides individuals with the right to leave any country, which creates an obligation for sending states who have ratified the ICCPR to efficiently provide their citizens abroad with the needed travel documents through its Consular authorities in order to protect this right, regardless of whether or not they have ratified the ICRMW.⁴³

According to the general comments No. 36 on the ICCPR, state parties have an obligation to respect and ensure the rights of life of all persons who are within its territory and all persons subject to its jurisdiction, including persons located outside their territory when that right is affected by their activities in a reasonably foreseeable manner, and sets an obligation not to aid or assist activities undertaken by other States and non-State actors that violate the right to life.⁴⁴ The responsibility of the Consular officers who return abused workers to abusive employers or agents, for instance, can thus be questioned as a violation of the sending states to such commitments.



43. UN (General Assembly). International Covenant on Civil and Political Rights, 1966, Treaty Series, 171, 999 ([Source](#))

44. UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35 ([Source](#))



THE STRUCTURAL PROBLEM(S) OF HONORARY CONSULATES

The critique of the institution of HCs can be traced back to the beginning of the 20th century. A report from the League of Nations, known as the Committee of Experts for the Progressive Codification of International Law, in 1927 noted that:

“[...] the latter class of Consuls should no longer exist. In point of fact, most Honorary Consuls of foreign nationality are far busier with their personal affairs than with those of the country which has conferred the title upon them, [...]and as they generally engage in commerce in their Consular area they occasion appreciable loss to other merchants. The commercial invoices submitted to them enable them to obtain valuable information which is of great use to them in their private affairs. They are thus able to compete on an unfair basis with the traders in their area. Moreover, nationals of the country which appoint these foreign Consuls do not obtain from them the protection to which they are entitled and which they would always obtain from a Consul of their own nationality [...]”⁴⁵

While this statement is a hundred years old, and was written before the foundation of the UN and its treaties, it is still often accurate. In fact, many modern states refused to appoint Consuls for very similar reasons. The main reasons cited by these states were concerns over allegiance, the unfair business and political advantages an Honorary Consul would have in the market as well as the inability of non nationals to fulfill the office as ably as a professional Consular officer due to their limited knowledge of the state they represent.⁴⁶

This shows how the advancement of International law, and the implementations of treaties and conventions, did not result in a concrete solution for the issues resulting from HCs as an institution: The optionality and the ambiguity of the procedures related to the appointment of Honorary Consuls as well as their positionality itself, leave room for a range of corrupt practices and abuses of power.

This is highlighted by the notorious practice of selling Honorary Consulships⁴⁷. While not new, the practice becomes even more concerning when an online industry advertises selling the title of Honorary Consuls, promising perks such as traveling first class⁴⁸, and dismissing the actual diplomatic roles, and mostly obligations, of such positions.

As explained by Jarvis, *“It’s just amazing that you can become the Honorary Consul tomorrow, if you want to and you’re willing to pay the money [...]People buy these things or get them as a reward for supporting a political candidate, and people have no idea what they are supposed to be doing. And no one is busy checking them out.”⁴⁹* This highlights how commercialized the position of Honorary Consul can be, and how unlikely it is for these individuals to maintain the rights and wellbeing of migrant workers, especially migrant women.

Honorary Consuls are typically not remunerated, they must, in principle, accomplish their duties on a voluntary basis. Unlike Career Consuls, **they are usually not bound by a contract of service to the sending state, and carry out their services out of “moral obligation”**. This premise itself raises the question about how altruistic such individuals are expected to be, and ultimately the motivations that would push someone to commit to serve another country free of charge. The voluntary nature of the position makes it difficult for a state to impose duties upon their HCs, which becomes more critical in cases where Consular assistance and protection is needed for nationals.

45. League of Nations publication, V.Legal, 1928/4 (document A.15.1928.V), p. 43.

46. Jarvis, The Honorary Consul in Modern International Practice (n 20)

47. Ibid

48. Serdar Vardar, Pelin Ünkerem, Shadow Diplomats: The global threat of rogue diplomacy, Deutsche Welle, November 2022 ,14 ([Source](#))

49. Fitzgibbon, Will, Debbie Cenziper, Delphine Reuter, Eva Herscovitz, and Emily Anderson. Accused terror financiers, arms traffickers and drug runners among hundreds of rogue diplomats, global investigation reveals. ICIJ, November 2022 ,14. ([Source](#))

The lack of responsiveness of HC to MDWs in Lebanon is often attributed to the above causes. An important aspect that is often missed out is that the perceived “optionality” of providing services that are often essential and irreplaceable to workers leaves room for abuse, exploitation and extortion of individuals, mostly women, in need of these services. While the Vienna convention allows HCs to charge fees provided by the laws and regulations of the sending State, many questions can be asked about how these fees are defined, and whether they are properly reported. As highlighted by the cases cited below, many MDWs of the same nationality have reported being asked to pay different fees for the same service. ARM has also documented multiple cases where workers' transactions with their Consulates had no documentation.

One example would be the Gambian HC. In August 2020, stranded Gambian DWs spent months urging the Gambian authorities to help them leave Lebanon, after being abandoned or fleeing employers unable to pay them and finding themselves homeless amidst the peak of the Covid-19 crisis. In clear violation of their rights, most of them had their passports confiscated by employers and many had suffered abuse and were denied their wages for months. Some had been injured in the Beirut blast and were denied medical assistance.⁵⁰ In face of these violations and needs, the Consulate remained unresponsive. Nine months after the first request for repatriation, the Honorary Consul accused the victims of making up stories and “just wanting a free passage and a full waiver of their penalties”.⁵¹

When questioned by a human rights activist, a government official was recorded saying *“The Honorary Consul [...] is not under the payroll of the government of Gambia... whatever services or service he renders to the Gambians is voluntary”*⁵², all while refusing to collaborate with an NGO offering to cover the full fees of the repatriation. This acknowledges the optionality of provision of assistance under the HC models which comes in contrast with the obligation of the states towards their migrants.

As mentioned above, Honorary Consuls **can hold separate careers**, and those careers often involve businesses in both the sending and the receiving states. This raises questions about the ability and willingness of such officers, and the time they are able to dedicate, to carry out their duties towards nationals of the sending state, especially in times of crisis, as well as potential risks of conflict of interest. Moreover, the duality of position can create complicated situations, for instance, a lawyer in Lebanon has immunities that can protect them in certain cases⁵³, further narrowing the channels for accountability, such as in the case of the Honorary Consul of Kenya.

In any case, Honorary Consuls are **not professionally trained**, and usually do not earn their posts. In contrast, career Consulate appointment is typically a competitive process, where applicants usually need to meet certain qualifications which suggest they are able to take on the responsibilities required of them. While these criteria vary between countries, an examination of some relevant examples (Kenya, Cameroon, Benin and Gambia) show that these requirements commonly include a certain level of specialized education, a certain amount of experience and language proficiency requirements. In addition to these basic requirements, candidates may also need to pass a written exam and participate in an interview process.

50. Middle East Eye. "Gambian migrant workers repatriated after months stranded in Lebanon." September 2020, 6 ([Source](#))

51. Ceesay, Mafugi. "Consul rejects tales of suffering by Gambian women in Lebanon." The standard, Gambia, August 2020, 10 ([Source](#))

52. Phone call recording published on Facebook between Lovette Jallow and a government official, 31 August 2020 ([Source](#))

53. Law no.8 issued of 1970/03/11 on regulating the legal profession in Lebanon, Articles 74 to 79 ([Source](#))

Many states also hold regular training for Career Consuls, contributing to the existing disparity between the competence of Honorary Consuls and those of Career Consuls. This shows the difference in their qualification to carry out diplomatic duties, and puts in question Honorary Consuls' knowledge of International and local laws and customs of sending states, as well as the best practices especially when it comes to topics related to human rights abuses. Questions thus arise around their ability to handle the shared duties of states and appropriately address issues of systematic abuse in the migration process, forced labor, and human trafficking amongst others.

Moreover HCs are exempted from taxation of Consular premises⁵⁴ and in many contexts this exclusion can become questionable, and result in tax evasion. In Lebanon, for instance, some Honorary Consuls, who typically practice other careers, have been practicing from offices located within the same properties as their business practice, with one HC located within a furniture store owned by the respective Consul, and another at a private beach resort very far away from the capital city. While verifying the taxation situation of these specific HCs was not within the scope of this research, this is just one example to showcase how problematic the privileges and immunities granted to them can be, and how easily their personal careers and diplomatic positions can be entangled, especially in light of the lack of accountability mechanisms.

The length of service also differs between career and Honorary Consuls. While the laws of many countries define the length of service of a Consul or ambassador, the **length of service of the Honorary Consul is often not determined**, and can last for longer periods. For instance, the Kenyan law specifies that a high commissioner, Ambassador, Diplomatic or Consular representative shall serve for a term of four years⁵⁵. In contrast, the Honorary Consul has been appointed in Lebanon for more than 10 years. The lack of rotation in the post creates more room for corruption, as it leaves the chance to develop personal interests and relations that could ultimately intervene with the post, and reduces the chance of accountability and follow up.

The issues mentioned above arguably leave ample room for corruption in the institution of HCs. In fact, reports have shown a high pattern of Honorary Consuls exploiting their positions for personal gains. An investigative report by the International Consortium of Investigative Journalists (ICIJ) and ProPublica denounced a pattern of corruption and abuse, and documented cases of convicted drug traffickers, murderers, sex offenders and fraudsters who have served as Honorary Consuls.⁵⁶ The investigation identified at least 500 criminal or controversial current or former Consuls connected to at least 168 governments.⁵⁷ Similar accusations have been reported for years, however, most governments failed to address the problem and pressure for reform.

Another example is a report published by a Swiss NGO in September 2015 in which they investigated the illicit origin of "Togolese" gold in Switzerland. The report accused Elias Ammar, Honorary Consul of Togo in Lebanon at the time, of being involved in a network of gold traffickers. The report detailed his involvement, and that of companies he had close ties with, in illegal gold mining and trade as well as being involved in money laundering, and using his political ties to protect his business interest and those of the company under which this was facilitated.⁵⁸ Ammar has since been replaced, but no reports of accountability or governmental investigations were found on the case.

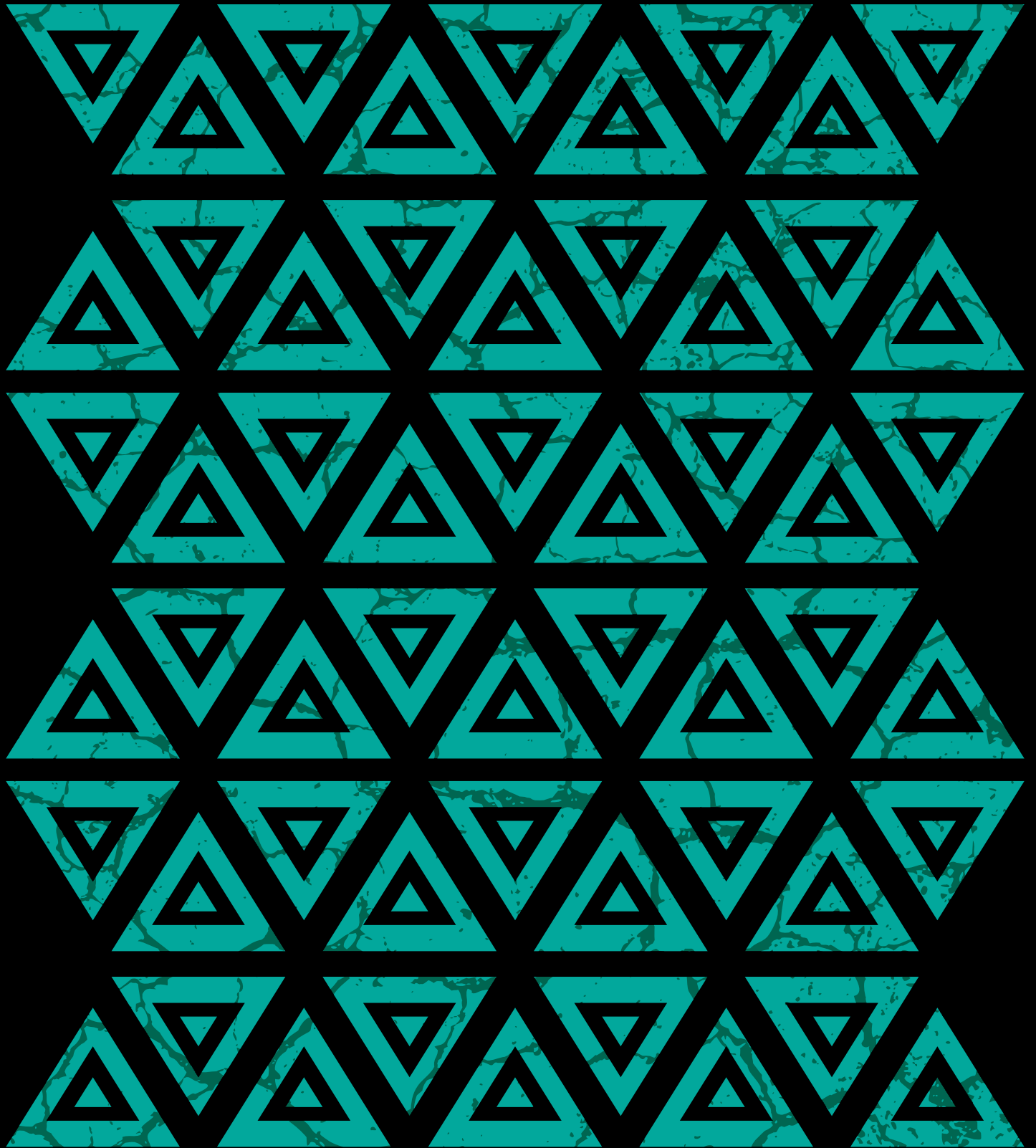
54. Vienna Convention on Consular Relations, Article 49.

55. Republic of Kenya, Foreign Service Act, 2021, December 2021, 7 ([Source](#))

56. ICIJ (n 48)

57. Fitzgibbon, Will, Debbie Cenziper, Eva Herscovitz, Emily Anderson Stern and Jordan Anderson Shadow Diplomats have posed a threat for decades. Governments looked the other way, ICIJ, November 2022, 14. ([Source](#))

58. Berne Declaration, A Golden Racket, The True Source of Switzerland's "Togolese" Gold. September 2015 ([Source](#))



**IMPLICATIONS IN LEBANON
IN THE CONTEXT OF KAFALA**

In Lebanon, HCs have also been historically questioned. An article from 1998 highlights many problematic issues with HCs, tracing a pattern of corruption back to the sixties, especially in cases where the countries they represent have other forms of diplomatic representation, or in cases where their Consular duties are limited.⁵⁹ At the time, countries such as Sri Lanka, Madagascar and other African countries also had Honorary Consuls who often acted as recruitment agents and would thus not prioritize the interest of the workers.⁶⁰

In 2015, Al Akhbar published an article highlighting the “industry” of HCs in Lebanon, and establishing the nepotism in the institutions, and the links many Honorary Consuls have in the Lebanese socio-political and economic landscape. In a striking example reported by the article, the Honorary Consul of Timor-Leste in Beirut, Joseph Issa, is the father of the Honorary Consul of Vietnam in Beirut, Chadi Issa, and the Honorary Consul of Bosnia and Herzegovina, Ziad Issa.⁶¹

The abusive practices of Honorary Consuls can be particularly dangerous, and become systematic in countries where migrant workers are subjected to the kafala system. Under kafala, an MDW who wants to leave her employment for any reason - including, in many cases, abuse by the employer - often finds herself trapped in a system that pushes her into illegality and traps her in the country.

One example of such violations is the confiscation of their passports⁶² (94.3% of employers withhold the workers passport⁶² and over 74% of workers do not even have a copy of their passports), restriction on movement and communication (22.4% of employers admit to either occasionally, or always locking up the worker at her workplace), food deprivation (32% of Bangladeshi and Nepali MDWs reported not receiving enough food), verbal, physical and sexual abuse, (36% of Bangladeshi and Nepali workers reported physical abuse⁶³ and 68% of MDWs reported facing sexual harassment in Lebanon, most of which in the workplace),⁶⁴ and wage theft⁶⁵.

If a MDW wishes to remain in the country legally, she must find a new sponsor and obtain a waiver from her previous sponsor to “release” her. The kafala system leaves workers vulnerable to blackmail, **and at potential risk of trafficking**⁶⁶ as employers may demand large sums of money in exchange for signing the waiver or force workers to relinquish their rights, including months or even years of unpaid wages. ARM has documented such cases, and others where employers refused to sign waivers as revenge against workers who left their contracts prematurely, often accusing them of “running away”. Additionally, employers **can force the worker** to continue working against her will, either by coercing her to renew her contract, renewing it against her will, or not renewing her residency status at all, thus rendering her residency irregular against her will. With few efficient and effective legal courses available to them, workers often turn to their Embassies and Consulates for protection, legal aid or mediation as a last resort.

59. Abu Fadel, Maya, لبنان، «الأزمة القنصلية» في لبنان، تدخل ملف «الديار» تدخل ملف «الأزمة القنصلية» في لبنان، Addiyar, Beirut, November 1998, 30 (Source)

60. Jureidini, Ray. Women Migrant Domestic Workers in Lebanon. Geneva: International Labor Office, 2002. (Source)

61. Saoud, Ghassan, «أوطان الفناصل أنا هنا»، Al Akhbar, July 2015, 25 (Source)

62. International Labor Organization (ILO), Intertwined A Study of Employers of Migrant Domestic Workers in Lebanon, 2016 (Source)

63. Kafa, Dreams for Sale (n 1)

64. Diab et al. (n 2)

65. Anti Racism Movement, Lebanon Civil Society Submission to the 104th Session of the Committee on the Elimination of Racial Discrimination, July 2021 (Source)

66. US Department of State, Office To Monitor And Combat Trafficking In Persons, 2022 Trafficking in Persons Report: Lebanon, Lebanon Tier 2 (Source)

On the other hand, a worker who wants to leave the country must have her travel documents and obtain clearance from the GSO. However, many sponsors **confiscate workers' passports**, using them as tools for blackmail or revenge. In such cases, the only option available to the worker is to acquire a "laissez-passer," a one-time travel document that can only be provided by their embassy or Consulate. Another common practice is vengeful false accusations, where employers accuse workers of crimes, such as stealing, making it difficult for them to obtain clearance documents and putting them at risk of arrest, detention and imprisonment. In these cases, the intervention of a lawyer may be necessary to clear the allegations. **The legal system in Lebanon also systematically discriminates against MDWs** and their rights to access justice are constantly violated – even when defending themselves against accusations.⁶⁷

These violations clearly fall under the responsibility of the Lebanese government. While HCs, Consulates and diplomats do not have the decision making power to abolish kafala, include MDWs in the labor law or challenge the racist structures on which a big chunk of the Lebanese economy is built, they still can, and should, pressure for better rights. They have full responsibility to not reinforce, endorse, encourage or enable these violations, and to protect and support the workers who seek them following violation of their rights, especially seeing the gravity of the situation highlighted above. These entities are often the only recourse for workers seeking protection or legal and financial assistance, or seeking the necessary travel documents and administrative support required to exit the country. Without their intervention, workers who wish to leave the country can remain trapped as undocumented workers⁶⁸, exposed to abuse, exploitation and forced labor and risk arrest and detention.

It becomes very problematic then when such HCs are staffed by unpaid Lebanese nationals who rely on commissions from the services they provide, such as processing travel documents. They often do not have the ability to offer legal representation, even in cases of arrest or severe abuse, support workers in cases of emergency or shelter their nationals when needed. Additionally, some of these HCs and their staff have also acted as recruitment agents or may have strong personal or business ties with recruitment agencies, as reported by many members of the community to ARM, and as suggested by shared media engagements.⁶⁹ This can create a conflict of interest, as their financial dependence on employers or brokers will likely limit their willingness to protect the rights of MDWs.

Moreover, many appointed Honorary Consuls are also politically affiliated business-men. Their political priorities, racial bias as well as their positionality, sometimes as employers of MDWs or recruitment agents themselves, in a context where racism, devaluation of domestic work and exploitation of migrant women is prevalent, often makes them unable or unwilling to help the workers, creating a pattern of unresponsiveness and neglect, and opening up the way for exploitation and abuse. Also, due to their exclusion from the Lebanese labor law, **MDWs are not allowed to unionize and collectively organize** for their rights in the country, they are left with very few tools to pressure the Lebanese government for their rights. If their COOs are not one of those tools, it leaves them in an even weaker position.

International instruments and conventions cover a wide range of civil, economic and social rights that are systematically violated under kafala. This arguably increases the role of the Consulates of these countries in protecting the citizens of the states they represent.

67. ILO (2020), The Labyrinth of Justice (n 35)

68. Qiblawi, Tamara. "Thousands of women are trapped in Lebanon. They risk jail time to leave." CNN, February 2020 ([Source](#))

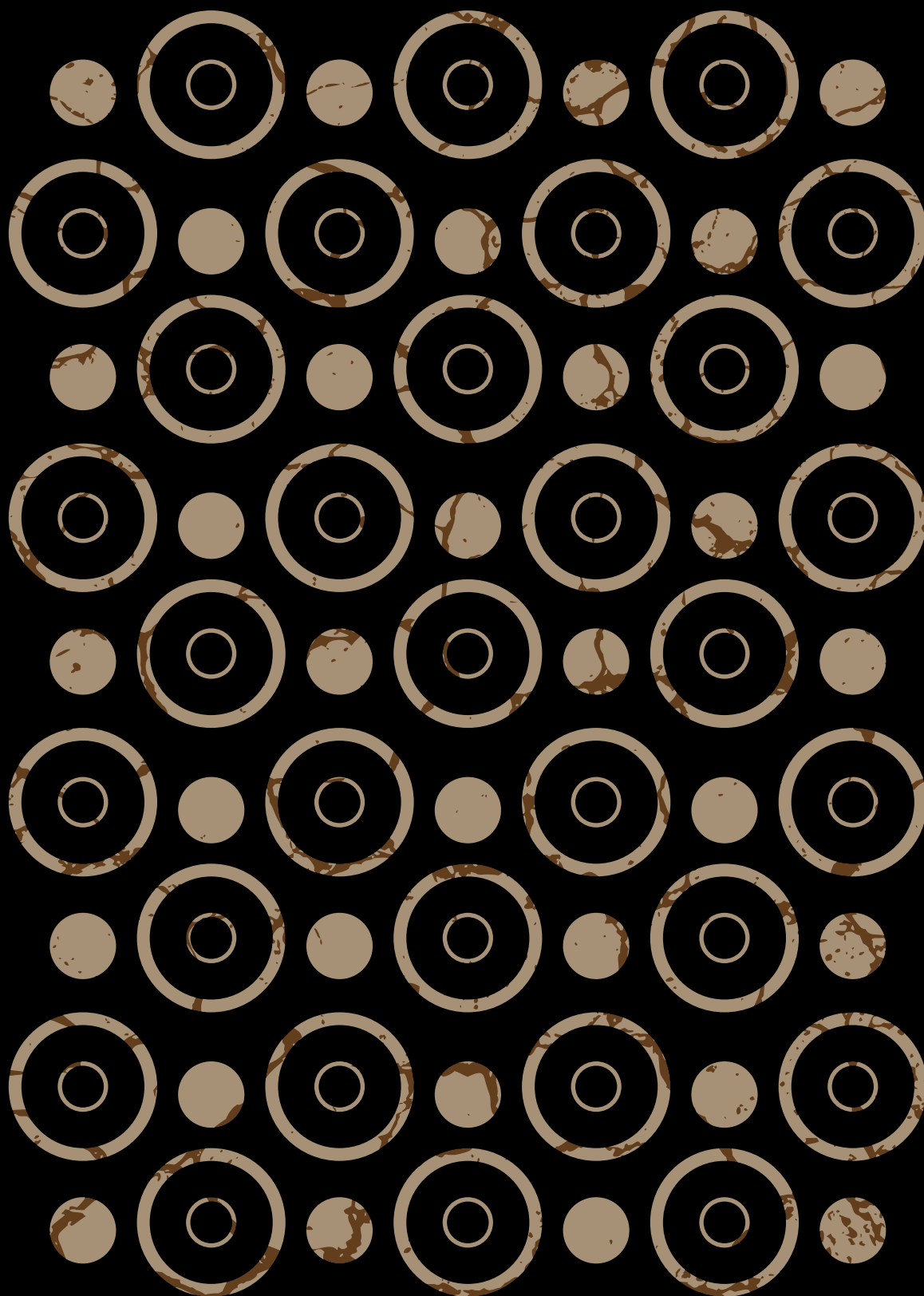
69. MTV Alive, My Rights - جوزيف صليبا - دور النقابة القانوني في إستقدام العاملات - 2022/09/03 Youtube, September 2022, 3 ([Source](#))

The ICRMW in particular asserts that all migrant workers are entitled to effective protection against various forms of violence, injury, threats or intimidation,(article 16). Amongst others, the convention also notes the right of possession of all their personal legal papers and documentation by prohibiting the unlawful confiscation of identification documents, and guarantees labor rights not less favorable than that which applies to nationals, including in regards to remuneration, hours of work, weekly rest and others(Article 25(a)), insisting that irregularity shall not stand in the way of accomplishing these rights.⁷⁰

While Lebanon has not ratified the ICRMW, most of the COOs of MDWs have signed or ratified it. Amongst those, many are represented by HCs, notably Benin, Cameroon, Congo, Gambia, Ghana, Madagascar, Senegal, Togo and Sierra Leone. The only exceptions of main COOs of MDWs coming to Lebanon which have neither signed nor ratified the convention are Ethiopia and Kenya. However, most of these countries have actively failed to support in protecting the rights of workers, and to fulfill their obligations towards their nationals through their respective HCs. States can not accomplish their duties of protection towards their nationals abroad without efficient, trained, and funded diplomatic representation. The protection of human rights and the provision of competent Consular assistance are complementary.



70. ICRMW (n 19)



CASE FILES:
**SPOTLIGHT ON HONORARY
CONSULATES IN LEBANON**

In December 2019, a coalition of international women's and human rights groups considered MDWs "hostages" amidst the economic crisis, and urged the Embassies of the COOs to declare emergency plans to secure financial and human resources to help migrant workers wishing to leave Lebanon, repatriate back to their countries of origin.⁷¹ However, most HCs remained unresponsive and in many cases abusive. In 2020, hundreds of MDWs organized protests in front of their respective Consulates demanding, along with repatriation, better diplomatic representation⁷². Some of these protests also denounced a long history of non-responsiveness and abuse. Below are some of the examples.

KENYA

The Kenyan official representation in Lebanon is limited to an HC headed by a Lebanese Consul, Sayed Shalouhi and his assistant Kassem Jaber. The Kenyan Embassy, located in Kuwait, is meant to oversee and support the HC in Lebanon. The Kenyan Ambassador in Kuwait, Halima Abdille Mohamud, is also accredited by the Kingdom of Bahrain and the Republic of Lebanon. Since 2019, Kenyan DWs in Lebanon have been speaking up to no avail against the practices of their HC. These accusations included claims of abuse and indifference towards the needs of Kenyan workers. The Consulate also has a history of endangering Kenyan DWs, and prioritizing the interest of Lebanese employers and recruitment agencies over that of the workers.

Abuse claims

In April 2020, Kenyan DWs in Lebanon sent a letter⁷³ to their Embassy in Kuwait accusing the Honorary Consul of multiple violations, demanding his removal as well as holding him accountable for his practices. The accusations included harming workers in need of assistance and those speaking out, extorting and exploiting undocumented women who want to travel back home, charging hundreds and thousands of dollars beyond what is required by the Lebanese government and failing to support women in need of help in cases of abuse, labor violation, arrest, detention, and in cases of missing workers.

CNN investigated and documented all types of abuse by the Consulate and published a full feature about the HC's practices and violations. The article featured testimonies reporting violations mentioned above, as well verbal and physical abuse towards workers, detaining workers inside the HC's premises, extortion, in addition to withholding workers' earnings.⁷⁴ In August 2020, around 40 Kenyan DWs started protesting in front of the HC, demanding logistical and financial facilitation for their evacuation.⁷⁵ Similar protests followed in January 2022, demanding repatriation, better Consular representation and accountability for the current Consular staff, bringing forward more claims of abuse, unresponsiveness and neglect.

71. Regional Coalition of WHRDs in the Middle East and North Africa, Urgent Joint Appeal: Migrant workers in Lebanon are hostages amidst the economic crisis!, 20 December 2019 ([Source](#))

72. See 13

73. See Annex 1

74. Qiblawi, Tamara, How the Kenyan Consulate in Lebanon became feared by the women it was meant to help, CNN, 28 July 2020. ([Source](#))

75. Qiblawi, Tamara, Kenyan women protest outside Beirut Consulate demanding to be repatriated, CNN, August 2020, 13 ([Source](#))

In their public response, the HC's staff repeatedly denied all the claims made by the workers protesting, while displaying a clear disdain and outright racism towards the community they are supposed to be representing, as well as their willingness to violate the workers' rights, in order to protect the interests of the Consulate. Moreover, according to a report published by the U.S. Department of State in 2022, the Lebanese Ministry of Interior investigated a Lebanese national, employed by the Kenyan Consulate, for allegedly further exploiting victims of forced labor who had turned to the Consulate for support.⁷⁶ While it is unclear whether or not the investigations have been concluded, it is gravely concerning knowing that the Consular staff in question remained in position, at the time of writing, despite the grave and incessant allegations.

Lack of responsiveness and obstruction of support:

After leaving an abusive household/employer, dozens of Kenyan DWs appealed to their HC for support, however they were reportedly abandoned in a shelter for months without any follow up, and were often misled about their repatriation process.⁷⁷ The HC repeatedly delayed providing the workers with the needed travel documents, and continuously turned away women who needed help. For a while, the Consular staff insisted that workers pay fines for overstaying their residency in USD, even though the Lebanese government accepted payments in Lebanese Pounds at the time. During that particular phase of the economic crisis, the continuous demand for payments in USD was making it practically impossible for workers to ensure the sum needed for their return, and trapping them in the country with irregular residency statuses, as the cost was effectively tripling or quadrupling due to the rapid devaluation of the Lebanese Pound.

In other instances, the Consulate would not intervene at all, using automated WhatsApp messages in English to respond to the needs of their citizens, even when critical incidents, such as rape or abuse, were being reported on their helpline. Furthermore, the HC actively ignored the reality of non-English speaking Kenyan workers who have the highest level of vulnerability due to the additional language barrier. In an interview, Challouhi proclaimed English to be the mother tongue in Kenya and assumed all Kenyans in Lebanon understand and speak the language, showing a deliberate negligence to the reality of workers in Lebanon.⁷⁸

The case of disappeared Kenyan women highlights the key role that efficient diplomatic representation plays in protecting the lives of Kenyan workers in the country. A group of Kenyan women in Lebanon have compiled a list of the names of missing Kenyan workers, and have repeatedly complained about the indifference of their HC towards these cases, despite having communicated with their embassy in Kuwait and their government back in Kenya. One example would be that of Margaret Wanja Wanjohi:

"In April 2014, Margaret Wanja Wanjohi left Kenya to work in Lebanon, and she continued communicating with her family until her disappearance. She fled from her sponsor's house in 2015, and stayed around 10 days with 3 women from her community, in Bekfaya. Towards mid May 2015, her flatmates reported that Margaret was very distressed and decided to go out for some fresh air, but she never came back. When informed about the incident, the Consul considered this to be normal and stated that she will reappear. In July 2017, Margaret was still missing and her family reached out to the Consulate again.

76. See n (66)

77. Alberti, Mia, and João Sousa. "'I wanted to die': Abused migrant women in Lebanon face detention." Al Jazeera, January 2022, 21. [\(Source\)](#)

78. SBI (Sawt Beirut International). "في ملفات صوت بيروت إترناشونال. لأول مرة قنصل كينيا الفخري في لبنان يحكي أمام الكاميرا ويفصح كل شيء" [Video], YouTube, January 2022, 22. [\(Source\)](#)

However, the Consul reportedly told them “these girls are bitches, some of them go with their boyfriends to Syria or Europe”.

On August 8, 2018, a Kenyan woman passed away in a car accident. While trying to recover her body from the mortuary, community members were informed about an unidentified body from 2015 of another migrant woman who might be Kenyan. Since the woman’s characteristics fit those of Margaret, the community was able to gather 1000 USD to cover the DNA testing, however, they were told they needed the HC’s intervention to be able to retrieve the body and do the required tests. The Consul refused, and Margaret is still missing to this day.”⁷⁹

The lack of competent official representation for Kenyans in Lebanon, puts workers at extreme risks and deprives them of the life saving support they require. During an interview, a Kenyan worker testified: “I called the Consulate. They didn’t pick up. I sent a voice note. They didn’t reply. I thought if [the agent] Mr. Michel is going to come for me, maybe he is going to take my phone, lock me up, and beat me again. So in the morning, I took a taxi and came to the Consulate. They told me there is no Consulate. I was so confused. I just waited on the road.”⁸⁰

The HC also tried to cut off other sources of support for Kenyan workers, obstructed the efforts of organizations and activists trying to ensure some of the workers’ needs, and tried alienating and defaming Kenyan workers seeking support.⁸¹ NGO staff reported that the HC repeatedly delayed or obstructed their efforts, and refused to support workers’ paperwork several times so they could “take into consideration the rights and benefits of employers”. Here, we see a clear conflict of interest, as the Consul prioritizes extorting money from these women for his financial gain, while also showing leniency and siding with abusive employers who share his nationality despite him having to, supposedly, represent and protect Kenyans in Lebanon.

Endangering workers

One of the main rights for migrants, tackled in international instruments, is that of assistance by diplomatic representation in case of arrest and/or detention. This raises the question of how that right could be upheld when it is the very same institution that puts nationals at risk.

One of the most striking testimonies documented by the CNN investigation was the HC calling the police on undocumented workers, trying to stand up for themselves, which is not an isolated incident. Another worker reported to ARM having the police called on her during one of her visits to the HC.

In 2020, a Kenyan activist was arrested from her house,⁸² based on a complaint filed by Chalouhi who accused her of leaking false information that threatens the security of the HC. Simultaneously, the HC used its official social media platform to defame her. The post was later removed under the pretense that the HC’s page was hacked.⁸³

Following the arrest, many Kenyan workers protesting against the HC started receiving disturbing and intimidating threats from anonymous numbers. The texts included threats, such as “You are next”, in addition to personal pictures and promises of deportation. These threats escalated in 2022, with many activists receiving direct threats of imminent arrest.

79. A Kenyan DW’s testimony to ARM, May 2020

80. McCann-Phillips, Cole. “Defiant Kenyan Community Leaders Take On Responsibilities of Their Failed Consulate in Lebanon.” Pulitzer Center, June 2022 ,16. (Source)

81. MESH VIMTO, “Kenyan Assistant Consulate In Lebanon Addressing How To Go Home” [video], YouTube, December 2021, 16 (Source)

82. Megaphone, الأجهزة تلاحق العاملات الكينيات - Security forces are prosecuting Kenyan workers, 22 August 2020 (Source)

83. HC of Kenya in Lebanon - Facebook Page, 23 August 2020 (Source)

In 2020, in light of the Kenyan community's protests, the HC's Facebook page published⁸⁴ testimonies of workers praising⁸⁵ the Consular staff, taking back their stance against the Consulate and pitting⁸⁶ live-in workers against live-out workers. ARM received various reports of the HC trying to coerce women to film testimonies in its favor, in exchange for being reimbursed for repatriation services they never received.

In 2022, the HC's representative publicly made serious and unfounded accusations against many workers and activists, of being involved in "prostitution", drug trade, "doing business" with NGOs, human trafficking and smuggling. In an interview, Jaber shared many workers' personal information, including their full names, images of their passports, and audios of secretly recorded phone calls⁸⁷. In a quote to AlJazeera, Chalouhi also said that "*Half of the ladies in front of the embassy, at night, they go to do prostitution. If you go to Nairobi you will see how Nairobi is at night*"⁸⁸. This puts these workers at direct risk of arrest, detention and deportation, since sex work is illegal in Lebanon.

Following these claims, at least one activist was arrested on suspicions of sex work. Despite the investigations proving her innocence, and her being acquitted of the charges, she remained detained for 6 months on the basis of her expired residency. After her arrest, she faced multiple violations, including attempted forced deportation, multiple incidents of torture and ill treatment including facing physical abuse during the initial investigations, being denied medical care for an injury resulting from this abuse until ARM's intervention, as well as being punished for resisting her deportation by forcing her into solitary confinement for a night and denying her visits.⁸⁹

Neither the HC nor the embassy offered support or legal representation for these women. Instead, many workers reported to ARM that representatives of the HC would visit Kenyan women in detention centers to threaten them with deportation and ask for large sums of money in exchange for their release. The Lebanese state does not offer them flight tickets, even when a deportation order is issued, leading many women to spend multiple months in detention until family or friends can collect enough money to buy them tickets.

Duty of protecting interests of nationals

One of the main reasons countries assign HCs is to protect the interests of the Sending State and those of its nationals. An HC can facilitate bilateral agreements between the state it represents and the receiving state in order to protect said interests.

The Kenyan HC in Lebanon took an opposite direction, proposing and enforcing a contract⁹⁰ which prioritizes the interests of the recruitment agencies and deprives DWs of some of the few rights guaranteed by the Standard Unified Contract (SUC).⁹¹ The contract proposed by the HC explicitly states that "in case of incompatibility of character" workers have the right to return back home only in cases where they pay back their recruitment fees. Given the infamous track record of abuse cases reported against recruitment agencies, this clause practically creates a debt bondage between workers and agencies, where DWs are forced to stay in abusive conditions, or accept abusive jobs, should they not be able to pay back the recruitment fees. This clause is in direct contradiction with Lebanon's ministerial Decision no.41 Article 29 that considers recruitment fees to be solely the responsibility of the recruitment agencies, for a specific period of time.

84. HC of Kenya in Lebanon - Facebook Page ([Source](#))

85. HC of Kenya in Lebanon - Facebook Page ([Source](#))

86. HC of Kenya in Lebanon - Facebook Page ([Source](#))

87. Sawt Beirut International, في ملفات صوت بيروت إنترناشيونال.. ظالمة... أم مظلومة, [Video], Facebook, February 2022 13 ([Source](#))

88. Alberti, Mia, and João Sousa. "I wanted to die": Abused migrant women in Lebanon face detention." Al Jazeera, January 2022 ,21. ([Source](#))

89. Anti Racism Movement, After 6 months of arbitrary detention N.M. is free, 7 October 2022 ([Source](#))

90. Official website of kenyan country in Lebanon, specimen Work contract for female Kenyan Migrant Domestic Workers in Lebanon, (last accessed 24 October 2023 ([Source](#)))

91. The SUC was put forward by the Lebanese state in 2009 to govern the employment relationship between migrant domestic workers and employers in an attempt to address the exclusion of domestic workers from the Labor Law by selectively granting them certain protections.

The contract also explicitly gives the employer the right to withhold all of the worker's documents including her passport, residency and work permits, and only return them "upon the worker's request to return to Kenya". This contradicts international law, notably the ICRMW, as well as, rulings by the Lebanese judiciary which considers the confiscation of MDWs' passports as a violation to basic human rights⁹², in particular the right to freedom of movement, and requires employers to return them. Such clauses legitimize illegal practices, and increase workers' risk of facing forced labor, abuse, mistreatment and human trafficking.

Moreover, the duration of the contract proposed by the HC is longer than the one proposed by the current SUC. In theory, both the SUC and the HC's contract should give the worker the right to leave the contract if she can prove she's being physically or sexually abused. However, this proof is almost always impossible for the worker to acquire. A longer contract means being bound to this situation even longer. This effectively traps the worker with no options but to either put up with inhumane conditions in her employer's house, or run away and become undocumented.

In the contract proposed by the HC, it places itself as the mediator in case of conflict between the worker, and the employer and/or agent. On their official website, the HC substantiates their stance by stating the following: *"Your Lebanese employer has paid a significant amount to the recruiting agent to bring you from Kenya to Lebanon; if you want to break this contract he will ask you to reimburse him this amount"*⁹³. This statement disregards the reasons most MDWs decide to leave their employers, notably the violence, abuses and wage theft they experience, and legitimizes an illegal practice which might lead to situations of bonded labor or debt bondage.

The Kenyan community has frequently reported to ARM the role the HC plays, along with recruitment agencies in Lebanon, in their recruitment and exploitation, citing multiple incidents where the HC remained inactive in face of the reported abuse, together with taking the side of the agencies or even playing an active role in the workers' exploitation. These claims are supported by the Consulate's public statements. Shallouhi took it to the media to justify wage theft of Kenyans saying that he "understands" some employers' actions⁹⁴. *"When the documents of a DW cost \$2,500, and she only works two or three months and then leaves, she lays herself open to the possibility for the employer not to pay her for the days worked"*. In another recorded interview, Shallouhi also blamed victims of trafficking, calling them "stupid", for being lied to about the conditions and type of job they will be having.⁹⁵ Here, we see more evidence displaying not only how the HC effectively works against the interests of the nationals it is supposed to support, but also it actively works to extort, ridicule and facilitate their abuse.

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92. Wansa, Sara. "A Judicial Blow to Lebanon's Sponsorship System: Employer Must Return Domestic Worker's Passport." *Legal Agenda (Lebanon)*, August 2014, 14. ([Source](#))
93. Consulate of the Republic of Kenya in Beirut, Lebanon. *Working in Lebanon*, 2) Female Domestic Workers Accessed October 2023, 24 ([Source](#))
94. Antonios, Zeina. "The distress of Kenyans who have nothing but the street in Badaro." *L'orient Today*, January 2022, 19. ([Source](#))
95. Sawt Beirut International. "في ملفات صوت بيروت إيتناشونال. لأول مرة قنصل كينيا الفخري في لبنان يحكي أمام الكاميرا ويفضح كل شيء." [Video] YouTube. January 2022, 22. ([Source](#)) (19:12-19:00)

CAMEROON

The Cameroonian official representation in Lebanon is limited to an HC headed by a Lebanese Consul Jean Abboud and his assistant Georgette Chidiac. Abboud has been Cameroon's Honorary Consul for over 20 years, and is also the president of the Union of Travel and Tourism Agencies in Lebanon. The Cameroonian Embassy in Egypt is meant to oversee and support the HC in Lebanon.

Delaying repatriations

In August 2020, Cameroonian activists started a protest in front of their HC in Beirut, after waiting for over six months to be repatriated, amidst the multilayered crisis. The 3-week protest, and the ensuing online advocacy campaigns, accused the HC of intentionally blocking workers' repatriation, thus keeping them trapped in the country in an irregular state, along with limited to no access to their basic needs i.e. food, shelter and healthcare.⁹⁶

The HC reportedly took up to 800\$, providing no receipts in most cases, from some of the women in order to process their emergency travel documents, but refused to provide updates on their cases for months. According to different testimonies, workers reported non-responsiveness and mistreatment whenever trying to approach their HC for support, having Consular staff going as far as insulting them and blocking their phone numbers when calling for follow up.

"I'm crying to go home, she rejected me, she even blocked me everywhere, even on the whatsapp, she blocked me, although I paid" -

"She (the assistant Consul) took her 600\$, and she's not the only one"

"Our [assistant] Consul doesn't care about us, it's been so long since I submitted my application, and when we call her, she doesn't care, she insults us [...] What's that? [all she needs is] to get our documents to the immigration and get them signed so we can leave. What does it cost her?"⁹⁷

After community leaders and benevolent activists decided to fundraise in order to support the repatriation expenses, the HC of Cameroon still delayed providing them with the required travel documents and clearances to travel. Consequently, Cameroonian activists reached out to the GSO who showed willingness to support. The HC refused to provide the list of names of the women who want to be repatriated upon the GSO's and lawyers' request, thus actively blocking all efforts for their repatriation.⁹⁸ Cameroonian activists, NGO workers, and independent activists reported trying to negotiate with the HC to no avail. Instead, the HC accused those trying to help of being a "mafia", and trying to make profit off of the ticket fees. After weeks of protest in front of the HC, the Consular staff convinced the women to leave, and promised to provide them with the needed documents on September 21, 2020. On that day, however, the women found the HC's doors closed, and were not allowed inside.

96. Lazkani, Souad. "Cameroon Consulate In Lebanon Is Accused Of Blocking Repatriation Of Stranded Workers." 961 (Lebanon), September 2020, 25. ([Source](#))

97. Fatima Mawas, Cameroonian Community protest in Lebanon, [Video] YouTube. October 2020, 21 ([Source](#))

98. Annex 2: Letter on behalf of The Cameroonian Community in Lebanon, The help them home campaign and The Anti-Racism Movement to the Honorary Consul of Cameroon in Lebanon, Beirut. September 2020, 29

In a screenshot of a chat between Abboud and a concerned activist, the Consul acknowledged that some women had paid the Consulate 600 USD for their repatriation, and claimed they can be reimbursed once they present the payment receipts in order to buy their tickets.⁹⁹ This raises questions about the reason the HC would take this money to begin with, knowing that they were not planning to support women to buy their tickets.

On September 25, ARM reached out to the Cameroonian Embassy in Egypt to explain the dire situation of the workers, highlighting the delays and demanding direct support.¹⁰⁰ In their response, the Embassy refused to intervene and reiterated that issuing the Laissez-passer is within the HC's jurisdiction. The Embassy stated that the community's welfare is a top priority, especially with regards to the exploitation of Cameroonian workers in vulnerable situations. However, this statement echoed the HC's suspicious narrative towards some of the activists, and highlighted concerns about "trouble makers" gaining off the repatriation, in lieu of responding to the actual complaints of exploitation and maltreatment exercised by the HC that were repeatedly expressed by Cameroonian workers.¹⁰¹ This either suggests complicity with the HC, or a genuine ignorance about the real situation of their citizens in Lebanon, which is equally concerning.

Moreover, one of the activists leading the fundraiser confirmed to ARM that all the tickets for the repatriated women were covered by the fundraiser, including those who had paid the HC, and never got reimbursed.

Lack of responsiveness

The unsalaried and voluntary nature of the Honorary Consul position raises questions about the position of the supporting staff's Consular duties, appointment, and the accountability mechanisms in place. This question becomes particularly pertinent in the case of the Cameroonian Consulate, where multiple workers reported that the Consul is often absent, and expressed that their main point of contact remains the secretary, who often refuses to support them, mistreats and belittles them.

*"When we come [to the Consulate], she doesn't receive us normally as our secretary, she rejects us as if we were objects, she doesn't take us into consideration, because we are Africans, she says we should remain outside"*¹⁰²

Similar to the Kenyan HC, the Cameroonian HC's response to cases of arrested DWs raises questions around their ability, capacity and willingness to fulfill their legal duty. In an incident reported to ARM by a Cameroonian activist, a worker was stopped and arrested at the airport due to lacking documentation provided by the HC, which was missing a stamp and a signature. An activist supporting the worker reported her case to the Consular staff who refused to acknowledge the situation or even support the worker. When contacted about the case, the HC's Secretary refused to believe the worker's arrest or acknowledge their error, and insisted that she was on her way to Cameroon, while the worker was, in fact, detained. It was not until a couple of hours after the flight had landed in Cameroon, and after the intervention of a Lebanese mediator that the HC finally agreed to acknowledge and address the situation. The resistance of the Consular staff to communicate with the activist and intervene when informed of the detention of a national of the country they represent, especially due to inadequacy on the part of the HC itself, raises questions about the competence and ability of the HC to fulfill one of its major roles towards the protection of Cameroonians in Lebanon.

99. This is Lebanon, Cameroon's Honorary Consul Won't Let Stranded Cameroonian Women Leave Lebanon! September 2020, 16 ([Source](#))

100. Annex 3: Letter from Zeina Ammar, Advocacy Manager at Anti-Racism Movement to the Ambassador of Cameroon in Egypt, Beirut, September 2020, 25

101. Annex 4: Letter from Embassy of the Republic of Cameroon in Egypt to Zeina Ammar, Cairo, September 2020, 25

102. Fatima Mawas, Cameroonian Community protest in Lebanon, [Video] YouTube. October 2020, 21 ([Source](#))

Endangering workers

The unresponsiveness of the Cameroonian HC is not limited to their handling of the mass repatriation needs generated by the crisis. In fact, testimonies from the community suggest that the HC has suspicious links with exploitative recruitment agencies. Cameroonian DWs reported that whenever they complain to agencies about abusive employers, their agents refuse to address their grievances and refer them to their HC, who in turn, “returns them” back to their employer.

Daraj reported about a case dating back to 2015 where a Cameroonian worker repeatedly tried to reach out to the HC following abuse she faced at her employer’s house.¹⁰³ After being deceived by her agent about the working conditions, she found herself in a prison-like situation, with long working hours, no days off, and repeatedly facing sexual harassment. The worker reported that her employer’s son repeatedly threatened her, once at knifepoint, and attempted to rape her. Her employer’s family refused to believe their son was abusing her, and instead “reported” her to the agency to be “disciplined”. The article reported that the HC failed to support her or address any of her needs, despite the worker’s multiple requests for help. The Ministry of Foreign Affairs eventually supported her with the required documents to leave the country, but no legal aid was provided, and she had to pay for the return ticket, which is in direct contradiction with the terms of the SUC.

In another testimony to ARM, a worker reported resorting to the HC in 2019 to get help after being sexually harassed by her employer and receiving no support from her agency. The Consular staff told her that they have no place to shelter her, and that her only options are either going back to her abusive employer until the end of her contract, or finding herself a shelter. Having no other options, the worker returned to her employer’s house. Three years later, amidst the crisis, her employer was still refusing to let her leave the country and to buy her a ticket back home. The worker resorted to the HC again, where she was told that since she put up with the situation for 3 years, she should keep bearing it, and that it was up to her employer to buy her the ticket.

ARM also received information that many Cameroonian DWs systematically pay their first two or three months of salary to their recruitment agencies, a practice which is forbidden by both the local and international laws. When complaining about it to the agencies, the workers were told that this practice is endorsed by their HC. While ARM could not verify whether the HC is in fact aware of such exploitative practices, the testimonies still reflect the inefficiency of the HC in supporting vulnerable Cameroonian workers in protecting their rights: In the best case scenario, agencies would exploit the general lack of responsiveness and the HC’s capacity to extort money from the workers. In the worst case scenario the HC could actually share interests with these agencies and intentionally turn a blind eye to their practices.

Other examples:

While investigating the conditions of each individual HC does not fall within the scope of this research, the situations of Kenya and Cameroon’s HCs are not unique. In fact, ARM has gathered numerous testimonies of workers who have faced various issues with their HCs since 2020.

103. Barakat, Jana, Lebanon: Honorary Consuls Exploiting Women Migrant Workers, Daraj, April 2023,30 ([Source](#))

These complaints often stem from the lack of services accessible for MDWs, and their HCs being the last possible provider of support when faced with life threatening violations in Lebanon. In some cases, the complaints reflect the limitations of the role of the HCs, and the effects of these limitations on the lives of MDWs. In other cases, they reflect an even more concerning pattern of exploitation and endangerment. Below are some of such examples:

BENIN

Benin's head of diplomatic mission in Lebanon is an Honorary Consul, Ara Vanlian, supported by a secretary. The Honorary Consul reportedly tries to mediate between the Beninese citizens in Lebanon and their employers when problems arise, and occasionally attempts to support workers with their needs, including sheltering and hospitalization.

However, questions have been raised about the role of Consular staff in the exploitation of certain vulnerable workers. Beninese media raised the alarm in 2020 regarding the "inertia" of the HC of Benin in Lebanon.¹⁰⁴ A testimony by a Beninese community leader highlights the case of a DW who resorted to the HC after her employers refused to pay her wages for months. The worker found herself trapped in Lebanon with no money, no passport, and no means to go back to Benin. She was then reportedly offered shelter by the secretary of the Consulate until her case was resolved. The worker remained at the secretary's house for around 6 months where she was forced to render unpaid domestic work. Later the worker revolted, refusing to work for free and was ultimately sent back to the agency where she entered the same cycle of forced and unpaid labor, for months. She was ultimately repatriated to Benin with ARM's support, without her due wages.

In another case, a DW who was struggling with mental health issues was abandoned at the HC by her employer. According to the testimony, she was visibly unwell, however, the Consular staff sent her back to the agency, who focused on finding her employment. She aggressively refused to comply, and instead of offering her the much needed mental health support, she was bound and beaten. She later managed to break free and was stranded on the streets. She was ultimately rescued by community organizers who hosted her, fundraised for her hospitalization expenses, and took care of her until repatriation, together with the support of ARM.

104. Amoussou, Fortuné, Liban, l'inertie du Consul du Bénin fait rougir la diaspora qui appelle Talon au secours, L'investigateur, Benin, April 2020, 3 ([Source](#))

GHANA

In November 2021, Ali Jaafar replaced Michel Haddad as the new Honorary Consul of Ghana in Lebanon. The HC is overseen by the Ghanaian Embassy in Egypt. The Ambassador resides in Cairo, with concurrent accreditations to Lebanon, Sudan and the State of Occupied Palestine.

In August 2020, Ghanaian workers held protests in front of their HC in Beirut, to demand repatriation support. While the Ghanaian HC did not have the financial means to support the repatriation of dozens of women trapped in deplorable situations, the Consul repeatedly refused to accept the help of NGOs, including ARM's, in funding the repatriation expenses. Instead, he questioned the sources of funding and refused to cooperate despite the lack of alternative solutions to support the stranded workers. It seemed like the HC did not consider this issue as a priority.¹⁰⁵

This was particularly alarming considering the challenging conditions that numerous Ghanaian DWs reported facing in their employers' homes. In a testimony by This Is Lebanon, on May 4 2020, a Ghanaian worker contacted the HC to seek support following being sexually and physically abused, as well as, for receiving death threats. During the following days, she was repeatedly beaten by her employer. Both the worker and her husband repeatedly tried to connect with the HC to report the escalating abuse, which at this point included rape as well, however, the worker remained with her abusive employers and agent, for over 40 days after her initial plea to the HC. The response remained indifferent towards the urgency of the situation, abandoning the worker at the abusive employer's house, under the pretense that the airport was closed.

- *Victim's husband: Sir, my wife was raped. She can be raped again. Are you going to leave her to suffer longer there? Isn't there a law, police, a safe shelter?*
- *Consul: We know the case and the police also. So when the airport opens, [we] will take care of her. Hope you understand the situation in the world."*¹⁰⁶

In his initial response, the Honorary Consul falsely insinuated that according to the Lebanese law, leaving the employer's house would be considered as a breach of the contract. In very few instances, the SUC gives a worker the right to end her contract without the need for the employer's consent; one of these instances is when faced with abuse, but only if it can be proven with forensic evidence. However, despite multiple requests to conduct a Clinical Management of Rape (CMR), she was denied proper medical intervention. The Honorary Consul did not seem interested in supporting her to get any sort of justice. In fact, after contacting her employer, he seemed more concerned about the recruitment fees paid by the employer *"The employer confirmed to me that he will put her on the first flight to Accra. Even though he paid the agent Hussein Mroueh USD2,500 that she will work for a period of two years even though she did not finish her three months."*¹⁰⁷

The case was later referred to the Ambassador of Ghana to Lebanon, and 5 days later, her ticket back home was arranged and she was repatriated within 10 days of the initial contact with the Ambassador. This highlights how the delays in handling issues can be reduced if serious efforts are made by the diplomatic representatives, potentially saving workers' lives. This incident came less than 2 months after the death of another Ghanaian woman, Faustina Tay, who was killed as a result of abuse by her employers. Faustina had sent messages to an organization pleading for help, but it was too late to save her.¹⁰⁸

105. Barakat, Jana, (n. 103) ([Source](#))

106. This is Lebanon, Raped by Mohammad Hamdan, Beaten by Houssein Mroueh, Sent Back by Michel Haddad, 2020 ([Source](#))

107. Ibid. The original quote has been edited for ease of understanding.

108. Azhari, Timour, The desperate final days of a domestic worker in Lebanon, AlJazeera, April 2020, 7 ([Source](#))

Unfortunately, such testimonies are not uncommon; two other similar testimonies went public, back in 2019 and August 2020, detailing similar incidents. In both cases, the women resorted to the HC after facing sexual violence. They both had filmed evidence of the incident, however they were both forced to go back to the employers' house. In one case, the Honorary Consul deleted the evidence off the phone of the worker and threatened her with arrest, once in Ghana, if she "did something stupid"¹⁰⁹. In the second case, the worker sought the HC's support after being raped and requested to be taken to the hospital. Instead, the Honorary Consul took her back to the employer's house, forced her to delete all evidence from her phone and, in agreement with the agency owner, refused to have her examined by a doctor.¹¹⁰

After the economic crisis, Michel Haddad was replaced, reportedly due to leaks exposing his exploitation of his Consular position for personal financial gain, in addition to developing relationships with different recruitment agencies.¹¹¹ This could explain the multiple corroborating testimonies of women claiming the HC sided with employers and recruitment agencies, even in life-threatening cases. No reports of accountability were found on the case.

An official public announcement of a vacant position for an Honorary Consul representing Ghana, highlights that the applicants must accept to serve for a period of five years with the possibility of an extension based on satisfactory performance and good conduct¹¹². Haddad, however, served in the position for over 15 years, which raises concerns about the abuses faced by Ghanaian women throughout this period, the type of evaluation possible, and the personal interests that can emerge when holding a voluntary position of power for so long.

SIERRA LEONE

At the beginning of the crisis in 2020, the Sierra Leonean community suffered from the lack of diplomatic representation in Lebanon. Women were stranded and did not have any form of Consular support. In September 2020, Hashem Hashem was appointed as the Honorary Consul in Lebanon, following various advocacy efforts by ARM and the Sierra Leonean community.¹¹³

The appointment of an Honorary Consul played a major role in making repatriations possible. The new Consular staff, along with other benevolent actors, tried to reduce the burden of the crisis on the stranded women in the country, by supporting the rent of certain houses where dozens of women took shelter. However, these efforts remained limited and insufficient in the long term to protect the interests of the community. The HC faced a lot of difficulties processing the paperwork required, which resulted in significant delays to the repatriation, despite having the funds secured.

109. This is Lebanon, Juliana Gets Her Salary from Employer After Sexual Harassment, August 2021, 04 ([Source](#))

110. Barakat, Jana, (n. 103) ([Source](#))

111. Ibid

112. Embassy of the Republic of Ghana, Berlin, Germany, Public notice, Criteria of the appointment of HCs (Last Accessed November, 17 2023) ([Source](#))

113. Anti Racism Movement, Evacuate Sierra Leonean Workers from Lebanon!, 29 July 2020 ([Source](#))

In March 2023, the Sierra Leonean community in Lebanon took to the streets, in front of their HC following an incident in which 5 Sierra Leonean women were killed, and at least 2 others were severely injured. The women were demanding explanations and justice: “ *This is not the first time that we’re losing girls in Lebanon, we never have the justice that we deserve, there’s some [girls] being in the hospital, [they] pass away, we never know the cause of the death, we never have paper with the cause of the death. They’ll be buried unknown to the family, we just know they passed away*”.¹¹⁴

In his response, the Honorary Consul promised to follow up on the case, in order to obtain a thorough report once investigations are concluded.¹¹⁵ The Sierra Leonean government also committed to repatriating the remains to Sierra Leone for a dignified burial once the investigations are completed.¹¹⁶ Nevertheless, more than one year later, community members still report that they have not been informed of the investigation’s findings. Additionally, the families of the victims have yet to receive the remains of their loved ones.

While this underscores the inefficiencies within Lebanon’s justice system regarding MDWs, and can not be limited to the role of the HC, it further emphasizes the critical importance of robust and dedicated diplomatic representation to uphold the rights of migrants. Increasing diplomatic pressure in such cases to ensure the completion of investigations and hold perpetrators accountable is crucial in promoting justice, and mitigating the institutional discrimination against MDWs within the country.

Moreover, women within the community attest to the HC’s frequent absence and lack of responsiveness. In a specific incident reported to ARM in 2023, a woman who was experiencing mental health issues was brought to the HC by community members. Regrettably, the Consular staff left her unattended on the street. It was left to other community members to step in and ensure she received the necessary care.

Limited Capacity for “good” HCs to support under Kafala

While the aforementioned instances reveal a troubling trend of mistreatment and endangerment faced by workers, the ability of HCs to assist remains constrained, even in rare instances where they demonstrate willingness to fulfill their obligations towards the citizens of the countries they represent.

Addressing the needs of MDWs under the kafala system necessitates dedicated resources, given the distinct challenges they encounter related to their working conditions and legal status in Lebanon. This is particularly crucial in situations where they are subjected to abuse or exploitation, risk becoming undocumented, or face detention. Cases of this nature pose significant challenges for HCs, as they often face *resource constraints, such as inadequate shelter and financial support. The resolution of such cases typically relies on the availability of services provided by NGOs* to which they are referred, as well as the quality of the relationship between the HC and such organizations. Additionally, HCs *lack access to efficient legal aid* that could guide workers through the Lebanese legal system and clarify their options when confronted with abuse or administrative hurdles in the country.

114. The National News "Sierra Leonean women grieve after suspicious house fire kills four in Lebanon." YouTube, March 2023, 14 ([Source](#))

115. The HC of the republic of Sierra Leone in Lebanon, Press release Ref No: SLC/BEY/4-23/001, Facebook Page, March 12, 2023 ([Source](#))

116. Global Times, Sierra Leone’s Honorary Consul in Lebanon Assures Sierra Leoneans Living in Lebanon, March 2023, 14 ([Source](#))

Many HCs thus *rely on community members*, who volunteer to assist with various cases. Their assistance typically involves providing shelters to homeless workers typically due to escaping an abusive employer, liaising between workers experiencing abuse under contract and the HC, and frequently taking direct action on-site.

Migrant communities in Lebanon have traditionally turned to community leaders for support in navigating challenges. However, the HC's dependence on this model as the sole means of assistance for workers, raises concerns about the *potential risks faced by these vulnerable volunteers*, particularly in situations of escalation. This is especially troubling given that the majority of MDWs in Lebanon are pushed into irregularity if they reside independently from their employer.

The sheltering and guidance provided by community leaders may be considered unlawful by the Lebanese GSO, as MDWs offering similar aid have been accused of "facilitating runaways" or even of human trafficking for hosting other women with irregular statuses in their homes. HCs are often unable or unwilling to *safeguard community volunteers* they rely so heavily on in the event of arrest or detention due to their volunteering work. Therefore, the effective protection of workers hinges on the presence of well-funded diplomatic representation, staffed with competent individuals, capable of providing timely and effective assistance in critical circumstances.

The *constraints imposed by the mandates of COOs* can impact the support provided by HCs, particularly concerning issues such as passport provisions or renewals. This challenge is sometimes exacerbated by the travel bans or restrictions imposed by sending countries to Lebanon, purportedly to safeguard workers. This situation can lead to complications when workers, who arrived in Lebanon under such bans - often as a result of unethical recruitment practices, including trafficking - require assistance from their HC.

Inadequate diplomatic representation also diminishes COOs' ability to effectively address systemic issues associated with the migration of workers to the receiving state. This directly impacts the rights, the working conditions, and living standards of MDWs who often find themselves with minimal bargaining power in situations of abuse under kafala.

The actions of Mohamad El Jouzou, the Honorary Consul of Madagascar, contrasts with the aforementioned patterns. In January 2021, El Jouzou challenged the suspension of a newly passed SUC by the MoL, designed to enhance protections for the rights of MDWs. The appeal was lodged with the Council of State with the objective of overturning the suspension. In a press release the Consul criticized the Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL) for prioritizing financial gains over the rights of MDWs. He emphasized his obligations under the Vienna Convention to uphold strong commercial and economic ties between the two nations, contingent upon safeguarding Malagasy nationals from any form of exploitation that may compromise their rights.¹¹⁷

Community members reported that the Honorary Consul of Madagascar has taken proactive measures to assist them. This includes issuing Consular identification cards to facilitate access to essential services like money withdrawal from private money transfer companies, providing food assistance to Malagasy workers during the crisis, and offering financial support in specific situations, such as repatriation of remains. He reportedly endeavors to mediate in conflicts between workers and their employers. However, these efforts often yield limited results, particularly in cases of wage theft or violence, as the resolution heavily relies on the employers' willingness to engage in negotiations.

117. Consulat Honoraire de Madagascar au Liban, Facebook page, January 2021, 12 ([Source](#))

This particular case stands in contrast to practices of other HCs mentioned earlier. Nonetheless, other instances highlight the limitations on the level of assistance that Honorary Consuls can offer. In a case reported to ARM in 2022, an undocumented worker sought assistance from the HC after experiencing a domestic violence incident, where her partner attempted to kill her child. He also vandalized their home and destroyed the child's identification documents, leaving them homeless and unable to return to their previous residence due to safety concerns. The woman's requests included shelter and protection for herself and her child, filing a complaint against the perpetrator, and seeking compensation for the damage he caused. Additionally, the worker was in the process of legalizing her residency, a pivotal step to access justice without the risk of deportation. However, her passport had expired, necessitating renewal to proceed with the regularization of her status. The HC informed her that the passport renewal was not possible for undocumented workers, due to government restrictions in Madagascar. The Malagasy government had imposed a travel ban on its nationals in Lebanon to protect them from reported mistreatment and violations under kafala. While efforts are underway to lift the ban through a migration strategy, in the meantime, undocumented Malagasy workers face the dilemma of returning home, or remaining in an irregular status, depriving them of essential rights in Lebanon. Despite attempts by the HC to negotiate and refer the case to NGOs for support, the woman received no updates after multiple attempts to follow up.

During her testimony, the worker revealed that *"Some women had gone unpaid for several consecutive months. The HC talks to the employers but does not follow up."* Another community leader provided insight into this issue, stating *"If a woman worker comes to ask for help, he (the Consul) asks for the number of the employer, he calls. The problem is that he can't get into the house of the employer, he can't force them to do anything. So if the employer isn't willing to negotiate, there's no outcome."*

The level of support and assistance provided to workers by responsive Consulates can vary based on individual circumstances. Despite the best efforts of Honorary Consuls to offer aid, their capacity to deliver necessary protections is often constrained by factors imposed by the kafala system, insufficient resources available to HCs, and the limitations of mandates from COOs. In such instances, any positive outcomes are primarily contingent on the personal integrity and the ethical standards of the Honorary Consul, rather than being upheld by formal systems of accountability.

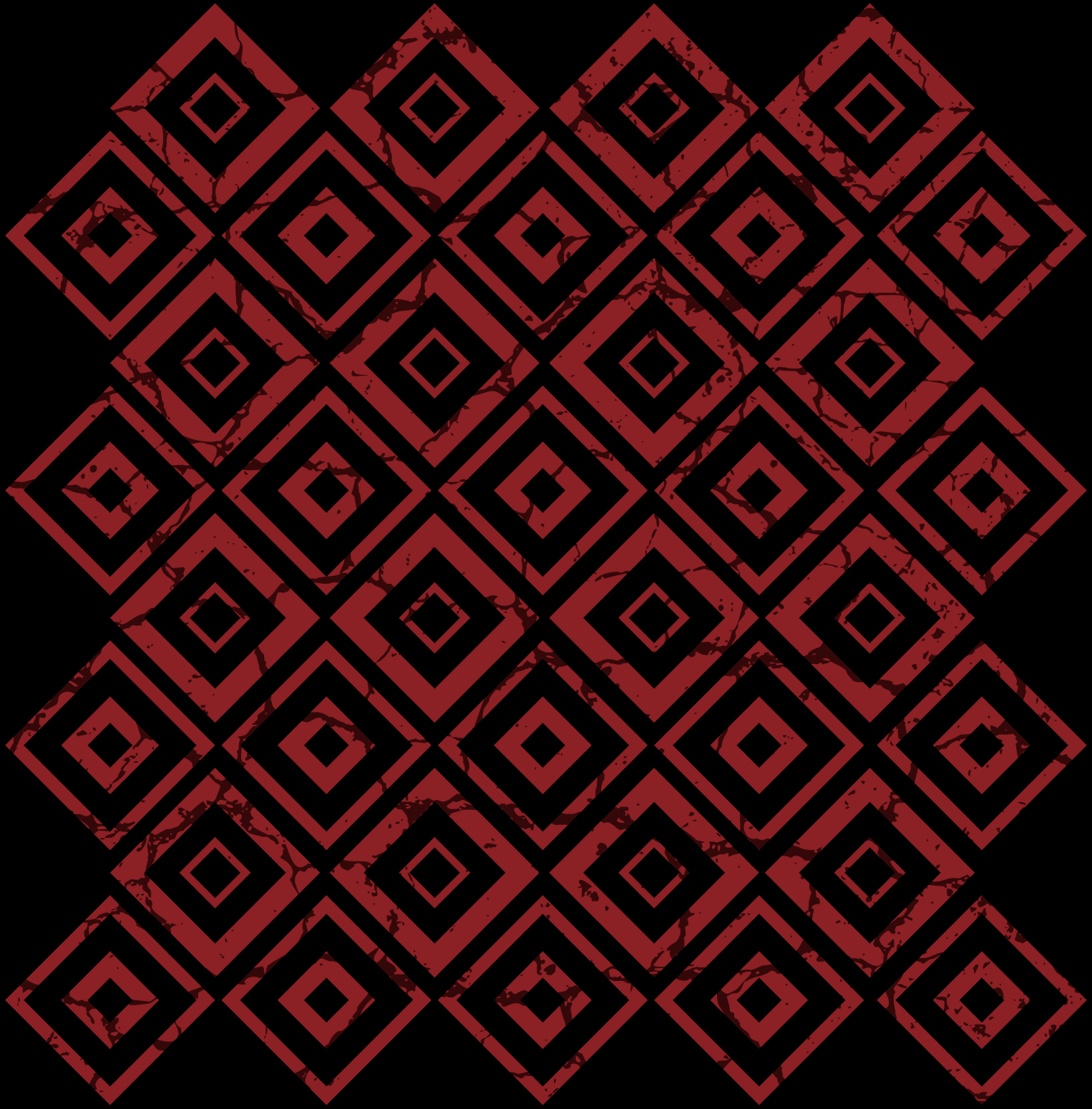
In the case of Madagascar, the former Honorary Consul was reportedly unresponsive and lacked initiative in assisting migrant workers. When workers sought help after facing mistreatment or non-payment of wages, he allegedly directed community members to persuade workers to remain with their sponsors and accept unfavorable conditions. There were also reports of physical aggression towards workers. However, the situation improved with the appointment of a new Consul who demonstrated a stronger commitment to supporting migrant workers.

Togo can be used as another example. In 2020, Togolese workers in Lebanon initiated a campaign addressed to their president, urging the establishment of an Embassy or a Consulate that could support them in Lebanon. Togo was represented in Lebanon by an Honorary Consul assisted by a secretary. Following the resignation of the previous Honorary Consul, reports indicated that the secretary was overseeing the community's needs until a new Honorary Consul was appointed. According to a community leader's testimony, despite the Consul's frequent absence, the secretary is an ally to the community. She actively assists Togolese workers by mediating with employers, providing guidance on navigating challenges under kafala and offering support to Togolese women in times of arrest or imprisonment. Notably, she often extends financial support from her personal resources to those in need.

In a documented case, a worker was confined in her employers' residence, enduring harsh conditions, and being sexually assaulted. The Consul's secretary located the worker, dispatched a community leader to rescue her and intervened by contacting the employers to secure her release. Subsequently, the worker found refuge under the care of the community leader. Nevertheless, such life saving interventions rely heavily on the assistance of community volunteers. These volunteers, who are often DWs themselves and may lack official documentation, willingly compromise their own safety to support fellow community members.

Although the assistance offered by the secretary can be vital in certain instances, it can not substitute a formal diplomatic representation or the effective presence of the HC. A community leader disclosed that numerous Togolese women traveling to Lebanon are pressured to pay bribes to officers at Togo's airport before departure. The community contemplated reporting these exploitative and unlawful practices to their government, but hesitated due to their positionality. Workers believe that a more robust diplomatic representation capable of influencing both the Lebanese government and their country's government, could pave the way for improved advocacy of their rights through negotiations.





ACCOUNTABILITY

As mentioned earlier, the structural flaws within the HCs leave room for violations that can ultimately lead to abuse of power and criminal activities. Therefore, the matter of accountability becomes necessary. However, the topic of diplomatic immunity has been a source of debate and contention.

Career diplomats are granted multiple privileges and immunities under the Vienna Convention. These privileges, which differ between diplomatic and Consular agents, typically include personal inviolability, as well as inviolability of Consular premises, documents, archives and correspondences. As a result, receiving states often lack the ability to prosecute diplomats, but they retain the authority to designate any diplomat or Consul as “*persona non grata*” which means “person no longer favored or welcomed”, compelling the sending state to recall that person or terminate their Consular duties. Receiving states are not obligated to provide justification for such actions.¹¹⁸

Consular officers, including Honorary Consuls, are not subject to the legal or administrative authorities of the host country for actions performed in the exercise of their Consular duties. However, this exemption does not extend to civil matters unrelated to their role as representatives of the sending state. (Article 43) In fact, Honorary Consuls do not benefit from personal inviolability. According to the Vienna Convention, they are required to present themselves before the competent authorities if criminal charges are brought against them. However, these proceedings should be carried out with respect and minimal interference with their Consular duties. (Article 63) If detention is necessary, court proceedings should be initiated promptly.¹¹⁹

However, Honorary Consuls still benefit from significant immunities, notably the inviolability of Consular documents, which must be kept separate from personal or business correspondence. In practice, ensuring such separations can be challenging, raising concerns about effectively investigating crimes committed by Honorary Consuls to ensure accountability. The ICIJ report highlights how “[their] Consular “pouches”, which can range from bags to shipping containers of various weight and sizes, are shielded from searches. The privileges and perks, such as, special identity cards, passports and license plates, provide access to opportunities in industry and politics.”¹²⁰

An Honorary Consul, as per the Vienna convention, is not required to give testimonies or to present official correspondence and documents related to Consular duties. These immunities can only be waived by the sending state, but sending states often have limited control over their Honorary Consuls. Reports from Spanish investigators examining cases of Honorary Consuls involved in money laundering suggest that “*Consuls act completely autonomously and are not controlled by the State they represent.*”¹²¹

This creates a blind spot, when it comes to investigating crimes committed by such HCs in relation to their duties, especially in regards to investigating violations or abuses committed by Honorary Consuls against nationals of the sending state while providing Consular services.

One perspective is that the receiving state faces significant limitations in investigating cases involving Consular immunities and diplomatic sensitivities, which greatly impede accountability. Conversely, the sending state may have limited influence over the Honorary Consul, who is not a national and is committing violations outside their jurisdiction.

118. United Nations, Vienna Convention on Consular Relations, 24 April 1963 ([Source](#))

119. Ibid

120. Fitzgibbon, et al. (n 49) ([Source](#))

121. Ibid

The response of the sending state thus becomes crucial in investigations involving Honorary Consuls. In some precedents, sending states have recalled their Honorary Consuls when serious crimes were under investigation. For example, Nepal derecognized their Honorary Consul after being arrested for illegally marketing products in Kyrgyzstan using the HC's vehicle.¹²² Croatia recalled their Honorary Consul in Spain when facing money laundering allegations for a criminal group.¹²³ In cases where sending states do not intervene, receiving states may face a diplomatic ultimatum. As noted in the Spanish report *"The Spanish government has no chance to intrude in their affairs, beyond withdrawing their approval, a very aggressive measure at the diplomatic level."*¹²⁴ In some instances, the receiving states may demand that sending states recall their Consuls, or waive their immunities, often using the possibility of declaring them "persona non-grata". Our research has shown that such situations typically occur in highly politicized contexts, or in cases involving trafficking offenses.

Accountability in cases of human rights violations

There is a lack of accountability in addressing human rights issues, especially concerning DWs, as their rights are typically neglected or omitted. In 2014, the New York Times revealed the discovery of 20 lawsuits concerning diplomats and foreign officials engaging in the trafficking of DWs in the US from 2004 to January 2014. The diplomatic immunity granted to these individuals often sparks controversy in such cases.¹²⁵ Although the report did not specifically mention HCs, it highlights the possibility of human rights violations within the diplomatic community, including at its most senior echelons.

In May 2023, Pulitzer Center released an investigative series uncovering the extensive mistreatment of DWs within diplomatic circles. The stories shed light on the harsh working conditions faced by these workers, with some instances amounting to human trafficking and slavery. Diplomats often exploited their diplomatic immunities to evade accountability. The study documented 208 complaints filed by DWs against 160 diplomats in 18 countries from 1988 to 2021.¹²⁶

In a breakthrough case in 2017, two DWs won a Supreme Court case against a Saudi diplomat.¹²⁷ The ruling clarified that hiring a DW did not constitute part of a diplomat's official duties, and any immunity granted to the diplomat ceased once they left their post. While these cases are crucial in promoting a reevaluation of diplomatic immunity on a global scale, particularly in instances of diplomats involved in trafficking DWs, they are still uncommon occurrences. In the majority of cases, diplomatic immunities serve to shield diplomats who engage in abusive behavior. For example, in a 2011 case, a federal court judge in Washington, ruled that the Lebanese Ambassador to the United States and his wife were granted immunity from a breach of contract lawsuit filed by a former DW.¹²⁸ This case highlights the delicate balance between ensuring justice and human rights on one hand, and safeguarding diplomatic relations and state interests on the other. In his ruling, U.S. District Court Judge James Boasberg wrote that while *"the Court is cognizant of the potential injustice to people in Plaintiff's position [...] What may prevent parties from obtaining redress in our courts also serves to protect American diplomats and their families from what we might consider as legal abuses overseas [...] This balancing is a policy decision this Court should not challenge."*¹²⁹

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122. Giri, Anil, "Nepal government derecognises Honorary Consul of Kyrgyzstan Agrawal", The Kathmandu Post, Nepal April 2020, 10 ([Source](#))
123. HINA, "Croatia initiates procedure to recall Honorary Consul in Barcelona", N1, Serbia, February 2020, 23 ([Source](#))
124. World Today News. "Three Honorary Consuls in Barcelona investigated for laundering." November 2020, 12 ([Source](#))
125. Weiser, Benjamin, and Vivian Yee. "Claim Against Indian Diplomat Has Echoes of Previous Cases." The New York Times, January, 10 2014 ([Source](#))
126. Macaraeg, Pauline, Ana P. Santos, Michelle Abad, "How diplomats who traffick, exploit domestic workers get away" Pulitzer Center, August 2023, 30 ([Source](#))
127. Taylor, Diane, "Domestic workers win supreme court case against Saudi diplomat", The Guardian, October 2017, 18 ([Source](#))
128. Tillman, Zoe, "Diplomatic Immunity Upheld for Lebanese Ambassador", The BLT: The Blog of Legal Times, April 2011, 28 ([Source](#))
129. Ibid

Citing the US Court of Appeals for the Fourth Circuit provides a concise summary of the prevailing international perspective on the abuse of diplomatic immunity: *“Here, as in most cases invoking sovereign immunity, there may appear to be some unfairness to the person against whom the invocation occurs. But it must be remembered that the outcome merely reflects policy choices already made. [...] apparent inequity to a private individual is outweighed by the great injury to the public that would arise from permitting suit against the entity or its agents calling for application of immunity.”*¹³⁰

Another concerning issue is that numerous countries prioritize supporting their diplomats and safeguarding their reputation over the well-being of their citizens abroad. For instance, in a 2013 case, the US authorities apprehended India’s deputy Consul general in New York, after 2 Indian DWs filed an abuse case against her. Despite being arrested and indicted by a grand jury for visa fraud and false statements, she was able to claim diplomatic immunity and depart for India without facing any consequences.¹³¹

Following the diplomat’s brief period of arrest, Indian authorities implemented stringent actions against the US diplomatic presence in Delhi, described by a senior government official as “reciprocal measures.” These measures included, amongst others, revocation of ID cards of US Consular personnel and their families, withdrawal of airport passes, freezing embassy imports, and scrutiny of salaries disbursed to Indian staff members at US Consulates and schools.¹³²

In many instances, complaints have been raised concerning the treatment of diplomats of MDWs during their employment. The UK’s supreme court ruling, along with other cases resulting in settlements, can indicate that legal measures could be utilized in specific cases of abuse. “A majority of justices accepted that employing someone in assumed conditions of slave labor amounted to trafficking – *a “commercial activity” outside a diplomat’s official role, so usual diplomatic protections would not apply.*”¹³³

Proving systematic abuses can be challenging. In a 2013 case from Hong Kong, the Filipino assistant labor attaché and several Filipino Consular officials in the Middle East were accused of sexually exploiting distressed Filipino workers in exchange for expedited repatriation. However, the case resulted in a minor administrative consequence? and a dismissed criminal case. Despite allegations of rape, the attaché was only convicted of making inappropriate jokes. The Manila Metropolitan Trial Court dismissed the case in October 2014, stating that the allegations did not amount to a criminal offense.

In May 2023, Filipino DWs filed a complaint against Philippines officials in Syria for allegations of human trafficking, abuse, harassment, and neglect when seeking assistance for refuge from their Embassy. The women provided harrowing accounts of mistreatment, including inhumane detention with no outside contact, attempts to be “resold” to their employers, and instances of sexual harassment.¹³⁴ The case is still pending at the time of writing.

These instances showcase the extent of misuse of diplomatic immunity, along with the challenges in substantiating human rights violations within the diplomatic sphere. Such investigation encompasses diplomats with varying levels of immunity, including personnel from international organizations, and does not specifically focus on HCs, which raises serious concerns seeing the further lack of accountability in these institutions.

130. United States District Court For The District Of Columbia, Civil Action No695-10 (JEB), Case 1:10-cv-00695-JEB Document 10 Filed 11/26/04 ([Source](#))
131. Weiser, Benjamin, Vivian Yee, “Claim Against Indian Diplomat Has Echoes of Previous Cases”, The New York Times, January 2014, 9 ([Source](#))
132. Gowen, Annie, Arrest of Indian diplomat in New York sparks U.S.-India tensions, The Washington Post, December 2013, 17 ([Source](#))
133. Taylor, Diane, “Domestic workers win supreme court case against Saudi diplomat”, The Guardian, October 2017, 18 ([Source](#)) or see 104
134. Migrant International, Syria human trafficking victims sue ex-Charges D Affaires to Syria, other Embassy officials over human trafficking, abuse, and negligence, Philippines, May 2023, 27 ([Source](#))

Accountability in COOs

There have been limited precedents related to cases brought by individuals against diplomatic missions in COOs, which were addressed to the European Courts of Human Rights. In a 1997 case, a British citizen alleged that the British Consul did not intervene in her domestic dispute, leading to violations of her and her daughter's rights. While the Court determined that the Consular authorities had fulfilled their obligations in this instance, it still acknowledged the duty of the sending state's diplomats to safeguard the rights of their citizens overseas. This is highlighted in the decision on the admissibility of the application "[...] authorized agents of a State, including diplomatic or Consular agents, bring other persons or property within the jurisdiction of that State to the extent that they exercise authority over such persons or property. Insofar as they affect such persons or property by their acts or omissions, the responsibility of the State is engaged." and acknowledged that "even though the alleged failure of the Consular authorities to do all in their power to help the applicant occurred outside the territory of the United Kingdom, it was still "within the jurisdiction" within the meaning of Article I of the Convention"¹³⁵.

In the context of Lebanon, it can be argued that Consular staff may potentially be held accountable by the sending state, for either actively enabling criminal activities, or passively contributing to violations of workers' rights through collaboration or mediation with abusive agencies and employers. In practice, however, holding Consular staff accountable poses significant challenges. Seeking accountability for the crimes committed by Consular officials through international mechanisms appears unlikely, given the limited number of cases brought before International courts and the International community's tendency to prioritize crimes committed in the state's territory. Moreover, the level of obligations and responsibilities varies among states, contingent upon the specific international agreements they have ratified and their affiliations.

The positionality of MDWs significantly impacts the feasibility of pursuing such cases. Most workers subjected to abuse or neglect at the hands of their Consular agents are already in precarious situations, making it difficult for them to seek justice through complex and often inaccessible international mechanisms.

In an article, Clare Brown, Australian lawyer and Deputy Director of Victim Advocates International, argues that the Embassies overseeing these HCs can sometimes be held accountable when they fail to intervene: "If the Kenyan Embassy does not act in a way that respects and ensures the rights of its citizens under international law, this would constitute a violation of its own constitution. Successful action against Kenyan authorities for violations of its constitution and other regional and international human rights treaties has been taken in Kenyan courts before."

In fact, Kenya has seen favorable outcomes in cases involving violations of rights by omission against diplomats. In a notable incident from 2013, Kenya brought charges of abuse against career diplomats in response to a corruption scandal in Tokyo¹³⁶. Kenya has also seen positive rulings in cases involving violation of rights through inaction. For instance, in 2012, the Kenyan High Court ruled in favor of rape victims who had petitioned, asserting that the police's failure to adequately respond to their cases breached their rights under both domestic and international law. The court mandated the police to take necessary actions to fulfill their constitutional duties.¹³⁷

135. European Court of human rights, Case X v. the UNITED KINGDOM, Application N° 76/7547, December 1977, 15 ([Source](#))

136. "Kenya Charges Top Officials over Tokyo Embassy Scandal", VOA News, February 2013, 28 ([Source](#))

137. Brown, Clare, Kenya and Ethiopia's Culpability for Abuses at their Lebanese Consulates Under International Law, *OpinioJuris*, August 2020, 2 ([Source](#))

However, implementing such solutions may not always be feasible, as they are contingent upon the legal framework and legislation of each specific state. Moreover, even if litigation is successful, holding Honorary Consuls accountable may prove challenging, as their status as non-nationals of the sending states often restricts the actions that can be taken against them in foreign jurisdiction, potentially resulting only in their removal from their positions without further consequences

In the example of Ghana, mentioned above, the pressure exerted by the community might have played a major role in the replacement of their abusive Honorary Consul.

While this represents a positive development for the Ghanaian community in Lebanon and may help mitigate the harm caused by the previous Consul, this action alone is insufficient to address the underlying issue. It fails to establish a framework to prevent future Consular officials from engaging in similar misconduct and does not address the systemic shortcomings within Consular services. Furthermore, it does not provide any form of compensation for the victims of these violations. Therefore, achieving genuine accountability would likely necessitate taking action against the HC, as an institution, in Lebanon.

Accountability in Lebanon

The issue of accountability in Lebanon extends far beyond HCs. Corruption has been a significant factor contributing to political instability and social unrest in the country. This encompasses the absence of an independent judiciary and prosecution services, ongoing political interference, a lack of transparency in legal proceedings, and immunity granted to high-ranking officials.

The plight of MDWs in Lebanon is particularly dire. The Lebanese judiciary system has consistently failed MDWs. The obstacles they encounter in seeking justice play a major role in perpetuating and reinforcing the kafala system. Under this system, MDWs are deprived of the protection afforded by labor laws and often face non-payment of wages, long working hours, forced confinement, as well as physical and sexual abuse. Unfortunately, the Lebanese judicial system has proven largely inaccessible and unresponsive when approached for assistance.¹³⁸

In reality, migrant workers rarely seek assistance from prosecutors or law enforcement, even in cases of severe abuse. This reluctance is primarily attributed to their residency status. Despite being victims of abuse, labor exploitation or human trafficking, MDWs risk violating their residency conditions, as outlined in various decrees and decisions, including those under kafala, such as the decree on the entry and stay of foreign nationals in Lebanon and the Decision of 1969 on regulating the presence of foreigners in Lebanon.¹³⁹

As a result, out-of-court “resolutions” are commonly favored for resolving conflicts involving MDWs, as perpetrators seldom face legal proceedings. In 2013, out of 568 cases examined, the worker was the defendant in 566 instances and the plaintiff in only two cases. The same ratio was observed in 2017, where workers were the majority of the defendants, except in 4 cases.¹⁴⁰

Even when a MDW does pursue legal recourse, employers and agencies are rarely held accountable. Convictions of Lebanese citizens for crimes enabled by the kafala system are infrequent, even in high profile cases.

138. Human Rights Watch, Without Protection, How the Lebanese Justice System Fails Migrant Domestic Workers, 2010 ([Source](#))

139. Decision No. 136 of 20 September 1969, regulating the proof of residence of foreigners in Lebanon ([Source](#))

140. International Labor Organization, The Labyrinth of Justice: Migrant domestic workers before Lebanon’s courts, Beirut, 2020 ([Source](#))

For instance, in 2012 a video captured an employee at a recruitment agency brutally assaulting an Ethiopian DW, who tragically took her own life shortly after. Despite the public outcry both locally and internationally,¹⁴¹ the perpetrator was charged but evaded imprisonment. Instead, he continued to operate the agency and reportedly continued to mistreat other workers.¹⁴²

In the few cases where perpetrators are charged, they typically receive light sentences in comparison to similar cases involving locals, highlighting biases, prejudices, and an unjust burden of proof on the victim.¹⁴³

Migrant workers encounter significant obstacles in accessing justice, primarily due to the kafala system, which renders them liable to prosecution and deportation if they terminate their contract, even when severely wronged. They are often deported before completing legal proceedings and providing testimony in their defense. Additionally, factors such as social integration, knowledge, material/financial resources, and language proficiency further disadvantage these workers.

Under this framework, the legal system effectively favors the Lebanese party, particularly when political interference and economic interests come into play. One blatant example of such privilege is the State Shura Council's decision in Lebanon to halt the enforcement of a new version of the SUC, mentioned earlier, that contained some beneficial, albeit still basic (or shy), amendments for the working conditions of MDWs, including protections against forced labor. This ruling followed pressure from SORAL, a powerful lobby of private recruitment agencies with purported close ties to the government citing "severe damage" to the agencies' interests. The Council made no reference to the rights of MDWs, which Lebanon is obliged to uphold under international law.¹⁴⁴

In the case of HCs, such influences are typically prevalent. Questionable connections between recruitment agencies and Honorary Consuls have been observed. For instance, Kassem Jaber, the assistant of the Kenyan Honorary Consul, has been seen frequently¹⁴⁵ alongside the head of SORAL, referring to him as "dear friend" and publicly endorsing a narrative that downplays the documented abuses of recruitment agencies.

In summary, even when addressing the issue of diplomatic immunity for HCs or when it is not a factor for Consular staff, holding them accountable for crimes against migrant workers through the Lebanese judicial system is highly unlikely within a culture of impunity towards people with political influence and those perpetrating crimes against MDWs, as well as the reluctance of workers to come forward due to power imbalance in the legal and judicial system in Lebanon. The risks are further heightened in the case of HCs, as evidenced by the past years where migrant activists were deported due to their activism being perceived as a threat.

Moreover, the Lebanese government's general disregard for the rights of migrant workers, as exemplified by the kafala system itself, indicates that it is unlikely to take action to address abuses faced by DWs from their Honorary Consuls. This is evident in their hesitance to request a waiver of diplomatic immunities or to threaten with "non-grata" status, as a way of holding accountable those responsible for mistreatment.

As highlighted above, for any relevant complaints to be considered, they must be filed by the affected party, and many challenges hinder workers from filing such complaints, particularly due to the lengthy process it involves and lack of trust in the system. The case of the Kenyan activist reported above was no different. The worker was finally released and granted asylum in Canada, yet the case did not proceed to court, resulting in no justice being served. Although the Consul assistant's position, in this case, is not protected by immunity, the Lebanese judiciary failed to implement the necessary measures to protect the MDW.

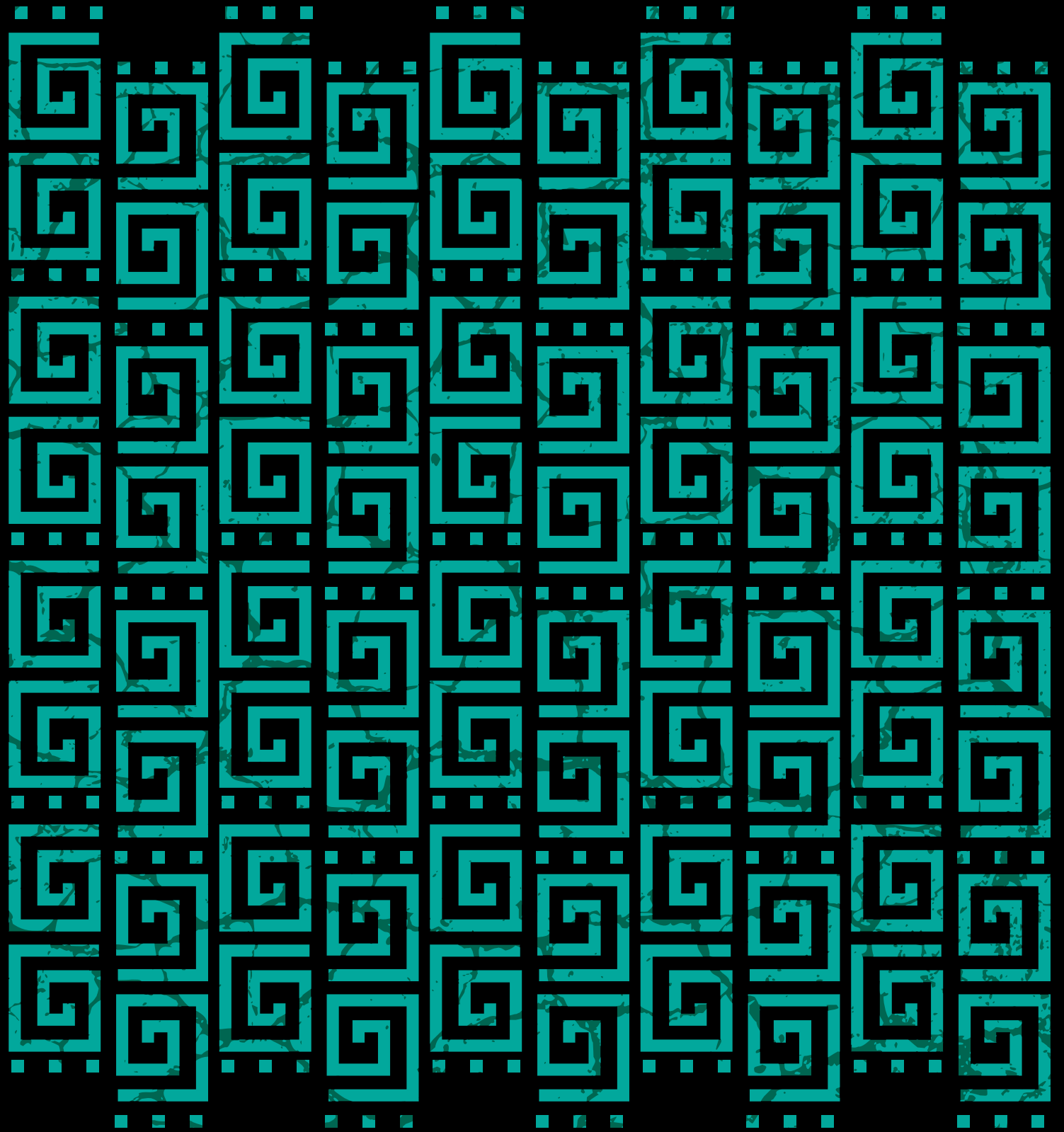
141. BBC News, "UN urges Lebanon to investigate Ethiopian maid's death", April 2012, 3 ([Source](#))

142. This is Lebanon, Chadi and Ali Mahfouz: Still Operating After International Outcry Over Assault & Death of Alem Dechasa, ([Source](#))

143. Karame, Lama, Court Trends in Rape Cases in Beirut and Mount Lebanon, The Legal Agenda, January 2021, 16 ([Source](#))

144. Amnesty International, Lebanon: Blow to Migrant Domestic Worker Rights, October 2020, 30 ([Source](#))

145. MTV Alive, My Rights - دور النقابة القانوني في إستقدام العاملات - جوزيف صليبا - 2022/09/03, Youtube, September 02, 2022 ([Source](#))



CONCLUSION

Historically, HCs were established centuries ago to enable countries to expand their diplomatic connections globally while minimizing resources and expenses required by the sending country. However, their effectiveness in fulfilling this role has been a subject of historical scrutiny and debate.

Despite the ongoing controversy surrounding HCs, which includes various definitions and countless concerns and reports regarding unethical or criminal practices, many countries continue to utilize them as a significant component of international diplomacy. Meanwhile, international instruments are increasingly recognizing states' obligations to uphold the human and labor rights of their citizens abroad, as well as the crucial role of Consular assistance in safeguarding these rights. However, patterns of exploitation, violations, and abuse of power within the framework HCs have been consistently brought to light.

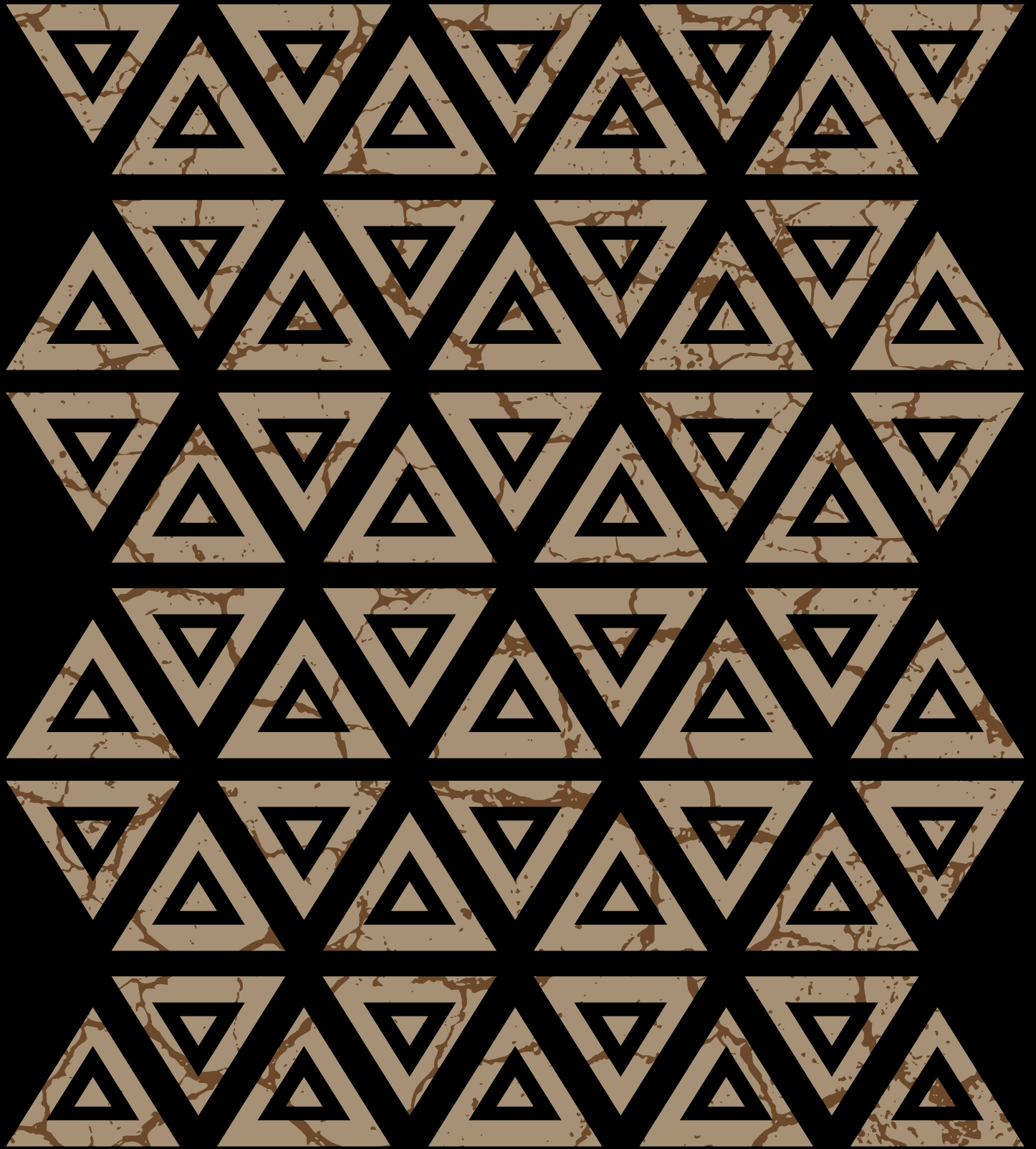
This situation can be attributed to the fundamental structural and systematic issues inherent in the HC institution. Additionally, the ambiguity surrounding their roles and duties, appointment procedures, and their status as local volunteers who assume the title, along with the associated privileges and immunities, further complicates matters. This complexity is exacerbated by the intricate, unclear, and frequently unachievable accountability procedures in place.

In Lebanon, proper Consular assistance plays a key role in the protection of migrants. Despite the fact that the violations MDWs specifically face in Lebanon are largely a result of the kafala system, the Lebanese government refuses to abolish it and to enforce fairer migrations policies. This does not exempt sending countries' governments from the responsibility of efficiently protecting migrants who seek their Consulates abroad for protection and support. However, many COO's Consular missions are not adequately equipped or staffed to fulfill this crucial role.

The restricted role of HCs, along with insufficient resources and a lack of responsiveness, and neglect, have consistently endangered migrant workers under the kafala system. HCs have either enabled, facilitated, or failed to act when the rights of those they represent were violated. However, we are yet to see any real examples of accountability.

In fact, the issue of accountability of HCs remains a global concern. The current limitations, including legislation constraints, granted immunities, and the sensitivity and politicization of diplomatic relations even in cases of human rights violations, highlights the need for the sending countries to bear major responsibility. It is crucial for sending countries to equip their representatives with the necessary tools and resources to safeguard the migrants they represent and to hold them accountable for any shortcomings, and in cases of abuse or violations.

Finally, the remittances sent by migrant workers to COOs, from countries under the kafala system are crucial for their economies. Therefore, investing in diplomatic missions in the receiving state is a minimal and necessary investment, to ensure the protection of these workers.



RECOMMENDATIONS

- **Research:**

While this research aims to start exploring the problems of HCs in Lebanon, there remains a need for a more in depth understanding of the situation. This can be accomplished by looking deeper into the situation of individual HCs operating in Lebanon, understanding their respective mandates, their political and economical positionality, and further investigating the alleged abuses, in order to be able to build legal cases for accountability.

Other useful research includes a comparative study with the situation of migrant workers represented by HCs in other countries under kafala, and looking into the situation of migrant workers represented by *Consulates and Embassies*, and receiving Consular assistance through them, both in Lebanon and elsewhere, in order to compare the situation.

- **Strategic litigations:**

As discussed in the previous sections, trying to hold HCs accountable for their responsibilities towards the citizens of the country they represent may be a complicated process. There is a lack of precedents where HCs or their staff were prosecuted for the abuse inflicted on migrant communities under kafala. The need for strategic litigations on multiple levels becomes essential. Such litigations would need in-depth understanding of laws of the COOs, their engagement with the different regional and international mechanisms, the specific mandate of each HC to Lebanon, as well as the different precedents in each country. Such litigations could be on the local level by raising lawsuits against HCs within local courts, both in the COOs, and in Lebanon, on the regional level by appealing to regional courts, such as the African Court of human rights, and on the international level by using international courts.

- **Advocacy in COOs:**

It is established that most Honorary Consuls are assigned based on their political and economic ties, and as concluded above, accountability is unlikely to happen without the will and cooperation of the countries assigning them. Pressuring the governments of the COOs to hold HCs accountable thus becomes essential. Advocacy could include highlighting their unresponsiveness, abuses and violations both through CSOs and thorough investigative journalism, and pressuring, advocating and lobbying with the appropriate competent authorities to ensure accountability for the ongoing abuses. Governments should also be pressured to ensure better Consular representation, as well as the appropriate resources, funds and supervision for their Consular missions when a consistent and/or high flow of migration is established between them and kafala countries, notably Lebanon.

- **Raising the issue of HCs as part of international legal obligation:**

As detailed above, the behavior of HCs in many cases contradicts international treaties and conventions signed by the countries they represent. The ICRMW was particularly highlighted, as it is one of the most comprehensive and explicit tools pushing for the rights of migrant workers, and highlighting the role of Consular assistance in upholding these rights. It was also ratified by most of the COOs still represented by HCs in Lebanon. However, many other conventions also mention specific rights of migrants, thus creating consequent obligations on the Consulates of these states, which often remain unmet through their HCs. Highlighting these cases through the different UN mechanisms, such as periodic reviews for the respective treaties, or by reporting on violations of HCs to the special rapporteurs might extract recommendations in this regard, and pressure governments to reconsider their diplomatic representation and the resources allocated to them.

ANNEXES

Annex 1:

Letter of Acknowledgement from Kuwait embassy to the Kenyan Community, Kenya Embassy, May 2020 ([Source](#))

Annex 2:

Letter on behalf of The Cameroonian Community in Lebanon, The help them home campaign and The Anti Racism Movement to the Honorary Consul of Cameroon in Lebanon, Beirut. September 2020, 29 ([Source](#))

Annex 3:

Letter from Zeina Ammar, Advocacy Manager at Anti-Racism Movement to the Ambassador of Cameroon in Egypt, Beirut. September 2020, 25 ([Source](#))

Annex 4:

Letter from Embassy of the Republic of Cameroon in Egypt to Zeina Ammar, Cairo, September 2020, 25 ([Source](#))

