

Press Release

Enslaved Migrant Worker Is Denied Her Right To Testify

Beirut, 11 July 2024

Today, an investigative judge in Beirut has rejected the right of MH, the victim in the landmark slavery case challenging the Kafala system in Lebanon, to participate in court proceedings. MH requested reasonable time to return to Lebanon while she cared for her sick mother and to make complex travel arrangements to return from Ethiopia. The judge disagreed with the justifications provided and closed the investigation phase of the case without hearing from its essential witness. MH will appeal the decision, demanding that the investigative judge's decision be overturned and a new hearing date set. Refusing the victim's participation is an egregious miscarriage of justice, not only for MH, but for the hundreds of thousands of migrant workers living under the oppressive conditions that characterise the Kafala system.

At the last hearing date on 29 February 2024, the investigative judge also refused to allow MH to testify remotely, even though remote hearing procedures have been permitted in Lebanese courts, particularly during Covid. In rejecting the request for a remote hearing, the judge dismissed the immense hardships MH faces in traveling to Lebanon and insisted that she appear in person. The judge gave MH a mere two months and four days to solve these issues and be present in court in Lebanon without providing any provisions for her security. MH wanted to comply with the judge's order, despite the difficulty that it entailed. Over the past two months, MH has taken every step to try to overcome the obstacles preventing her travel. But she faces very real threats of retaliation, including the threat of malicious prosecution.

"The Judge's decision has denied MH, a victim of slavery, slave trading and racial and gender discrimination, the opportunity to speak in court. It is the equivalent of investigating a serious crime without speaking to the victim. MH is the first woman who has had the courage to speak out against the Kafala system and is representative of tens of thousands of women who cannot speak for themselves, not only in Lebanon but across the region," said Antonia Mulvey, Executive Director of LAW. *"The Judge has silenced the victim and has sent a message to others that their voices will not be heard. We cannot accept this and must stand up for all the MH's worldwide and fight against this."*

The case can continue, without the testimony of MH. However, the evidence will be weighed against her, as the judge has already heard from the defendant in the case. If the judge rules against MH, the case will end without the victim having testified. Under the principle of equal and effective access to justice, it is important that a survivor is enabled to participate at all stages of the proceedings, especially when they will determine whether the charges against her abuser will go to trial.

This is the first criminal case alleging slavery and slave trading brought by a migrant domestic worker against a Lebanese employer and recruiting agency. There have been other cases alleging similar allegations such as forced labour, delayed pay and maltreatment, however, this is the first case in Lebanon and the wider region where the case argues that the conditions that the

complainant lived and worked in constitute slavery. The case also alleges that the actions taken against MH by her employer and the agent who brought her to Lebanon amount to slave trading. The original criminal complaint was filed on MH's behalf on 8 October 2020 by LAW.

ENDS

Notes to editors:

Recent estimates establish that there are approximately 250,000 migrant workers in Lebanon today. A large majority are women and 70% come from Africa and Asia, in particular Ethiopia, the Philippines, and Sri Lanka. They come to Lebanon under the kafala system, a migration sponsorship scheme that gives citizens and companies in the country almost total control over migrant domestic workers' employment and migration status. Human rights organisations have long described the kafala system as modern-day slavery. See LAW's website for more information – www.legalactionworldwide.org

For further information, media interviews and requests, please contact groh@legalactionworldwide.org and kearney@legalactionworldwide.org

About LAW:

LAW is an independent, non-profit organisation of human rights lawyers and jurists working in fragile and conflict-affected areas. LAW provides legal aid to victims and communities that have suffered human rights violations and abuses in Africa, the Middle East, and South Asia.