

**Global Detention Project Submission to the Committee on the Elimination of
Discrimination against Women (CEDAW)**

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This submission is based on information contained in the Global Detention Project “Lebanon Detention Profile” published in June 2014 as well as updated data developed by the Global Detention Project since that time.¹ It focuses on the legal framework and conditions of detention of women migrants, asylum seekers and refugees due to their immigration status and addresses articles 2 and 15. (The submission can be posted on the CEDAW website for public information purposes.)

There are some 250,000 women migrant workers—primarily from Sri Lanka, the Philippines, and Ethiopia—employed as domestic workers in Lebanon under a contractual arrangement that links residency to employers. The Special Rapporteur on contemporary forms of slavery visited Lebanon in 2012 and reported that “As a result of the Kafala system, a migrant domestic worker who leaves her employment without permission from both her employer and the Government, for whatever reason, is immediately classified as an irregular migrant and is subject to arrest, detention and deportation.”² In January 2012, Labour Minister Charbel Nahhas announced that he would study the possibility of abolishing this *kafala* system, but he resigned over unrelated matters a month later.

Public outcry over the plight of domestic workers in the country surged after the suicide of Alem Dechasa-Desisa, an Ethiopian domestic worker, at the Deir al-Saleeb psychiatric hospital in February 2012. Video taken by an anonymous bystander six days before Alem’s death showed a labour recruiter physically abusing her outside the Ethiopian consulate in Beirut. The police who arrived at the scene took Alem into custody and placed her in a detention centre. Many women domestic workers are

¹ Global Detention Project. « Immigration Detention in Lebanon. » June 2014.

http://www.globaldetentionproject.org/fileadmin/docs/Lebanon_report2.pdf

² Special Rapporteur on contemporary forms of slavery (SRCFS). 2012. “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian.” United Nations Human Rights Council. A/HRC/21/41/Add.1. 4 July

2012. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/21/41/Add.1.

subject to exploitation and abuse and run away from their employers. Treated as de facto illegal immigrants they can be arrested and detained by the police.

Legal framework. While Lebanon employs a form of administrative detention for non-citizens in an irregular status, Lebanese law does not appear to provide a specific framework for this practice. According to Article 18 of the Law of Entry and Exit, the director general of General Security is authorised to detain a foreigner with approval of the public prosecutor until his/her deportation. However a removal order can only legally be issued to a non-citizen on the grounds that his/her continued presence is a threat to general safety and security (Article 17).

In addition, there is no established maximum limit on the duration of administrative detention and there have been cases where migrants have been detained for years. In April 2009, 80 Ethiopian women spent more than a year in the Tripoli Women's Prison, accused of not having a passport. According to a researcher from a Lebanese nongovernmental organization: "The reason these women continue to sit in detention is because the employer doesn't want to pay for the girls' ticket home, General Security [Lebanese intelligence] doesn't have the money, and often their embassies are unaware of their detention."

Women and minors. Asylum seekers and refugee women and children are detained with their mothers. In its submission to the UN Universal Periodic Review mechanism, UNHCR stated that children are detained on grounds of illegal entry due to the heightened security measures in the country adopted following the 2008 security incidents in Lebanon. It also reported instances of children being detained alongside adult criminals in police stations and in penitentiary institutions.

Trafficked persons. In August 2011, parliament adopted the anti-trafficking Law 164, amending the Lebanese penal code to address the crime of trafficking in human beings. However, there is no systematic procedure to proactively identify trafficking victims and they are often arrested, detained, and deported without being screened for indicators of trafficking.

Conditions of detention. Observers have severely criticized conditions at the General Security Detention Centre in Adlieh in the centre of Beirut, in a former underground parking lot under a highway. This is Lebanon's only dedicated immigration detention centre. It is supposed to be used uniquely to hold "criminal aliens" after they have completed prison sentences and are awaiting expulsion from the country (Circular n. 4662/2004). However, detainees also include non-nationals who lack documentation to remain in the country but cannot afford tickets home, persons without identification, women domestic workers who have left their employers but require their approval (and the return of their passports) to go home, refugees who could not be resettled within one year of arrival in the country, and asylum seekers who claimed asylum more than two months after arrival in Lebanon. Detention periods range from two weeks to several months, depending on the level of collaboration between the General Security, sponsors (employers), the detainee's embassy, and/or the UN High Commissioner for Refugees.

Detainees are held in a row of ten cells of about 20-30 square meters, separated along gender and nationality lines. Metal gates form two sides of the rectangular cells on each side of concrete pillars marking the former parking spaces. Toilets and showers have doors that fail to stem the stench of bathrooms inside living quarters. According to media reports, in November 2012, women were especially tightly packed. There were at least 50 women each in the quarters allocated for Bangladeshi and Ethiopian citizens. Water bottles, clothes, dirty blankets and pillows were crammed into empty spaces in the metal webbing. There were mattresses on the floors, but in the most crowded cells people had to share mattresses. In 2010, the Caritas Lebanon Migrants Center carried out renovation work to improve the conditions of detention and installed a new ventilation system and water tanks. However the lack of natural light and air remains a problem.

The detention centre opened in 2000 and was meant to be temporary. Despite an official capacity of 250 it has an average daily population of 400 to 600 persons in cramped cells. In November 2012 there were between 350 and 400 people detained, according to Col. Nabil Hanoun, head of the investigations office at the centre. Overcrowding surged to a record 720 in November 2013, due to the Syrian crisis and remained at 700 in 2014.

There are three multi-person cells for holding women as well as one for families, including children. One rights group has calculated that each detainee at the detention centre has roughly one square metre. There is no yard for outside recreation, water is available no more than two hours per day, detainees are handcuffed when they leave their cells, and there is little or no contact with the outside world.

There have been numerous calls by national and international civil society and also by the Special Rapporteur on contemporary forms of slavery for closing the detention centre. In May 2013, a delegation of the Lebanese Centre for Human Rights met General Michel Suleiman, then president of Lebanon, to thank him for his personal stand against the deportation of Syrian refugees and raised various issues, including the need to relocate the General Security underground detention centre due to the inhuman detention conditions for the detainees and unacceptable working conditions. During 2008 and 2009, CLMC invited—with approval from General Security—seven embassies and the European Commission to visit the detention centre, which reportedly led to the release of funds for the construction of a new detention centre.

Construction of a new General Security detention facility began in 2013 on the site of a former train station in Sahet al-Abet, near the GS headquarters. Plans include twin two-story buildings, one for female and the other for male detainees, facing a concrete enclosure, with a larger edifice behind the buildings for security personnel, social workers and dispensary staff. Work on the facility came to halt due to funding shortfalls in November 2013.

First and foremost, while improved and humane detention conditions respectful of international human rights standards for the treatment of persons deprived of liberty are

necessary, any improvement in the conditions of immigration detention must be framed within the adoption of a legal framework.

Procedural standards. Lebanese law provides some procedural guarantees for persons in detention but in practice they appear to be largely inaccessible to detained non-citizens - many of whom are women - including refugees and even imprisoned foreign nationals who have proper documentation. Article 47 of the Code of Penal Procedures provides for the right to meet a lawyer, a friend, or an interpreter, and to request a medical examination. Although the General Security is obligated to respect the provisions of Article 47 of informing detainees of their rights, this is often not done in practice. Judicial police reportedly often interrogate non-citizens who have little knowledge of Arabic or English without the use of interpreters; interpreters are usually requested from the diplomatic representations of the detainees' country of origin, which is problematic for refugees and asylum-seekers. Also, according to migrant rights advocates, diplomatic representations often neglect to send interpreters to assist detainees and interpreters are rarely professionally trained.

Lack of access to legal Counsel also complicates efforts to appeal detention decisions. Lawyers have reported that it is difficult to get appeal requests officially registered by the immigration authority. There are no provisions to appeal detention decisions issued by the General Security. One available recourse is to request mercy on the basis of a general principle of administrative law, which allows challenging any decision taken by the administration before the same administration. This recourse is reportedly rarely successful.

Priority concerns:

- Lebanon lacks a legal framework for detention on grounds of immigration status, including procedural safeguards (effective right to legal counsel, information on reason of detention in a language the detainee understands, time-limit on detention, review of detention order, right to challenge detention and access to consular assistance upon request from the detainee).³
- Staff at the detention facility have historically not included women members (according to the Special Rapporteur on contemporary forms of slavery they were all men in 2012).
- Non-custodial measures do not appear to be systematically considered before placing a person in detention.
- It is unclear if Lebanon employs adequate screening procedures in to identify trafficked persons in particular women and children in detention, and release and provide them with protection.

³ See CEDAW General Recommendation No. 26 on women migrant workers, 26(j) on the rights of women migrant workers in detention.