

Progress on the Recommendations of the Second Cycle of Lebanon's Universal Periodic Review

*The Rights of Migrants and the Prohibition of Slavery
and Trafficking*

February 2019

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Disclaimer

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Background

Migrant domestic workers in Lebanon face widespread human rights violations and poor protection caused by the sponsorship system, among other violations, that transforms the status of migrant workers to victims of trafficking as well as by the weak Lebanese protection framework which renders migrant workers constantly at risk of abuse.

Although Lebanon has supported, and hence committed to several Universal Periodic Review (UPR) recommendations to improve the situation of migrant workers, combat trafficking, and support its victims, the situation of these vulnerable groups remains unchanged. As the violations to their rights continue, ALEF aims at addressing several interrelated problems that can support a sustainable process towards minimizing human rights violations as it pertains to migrant workers and victims of trafficking.

Lebanon has signed international treaties that indirectly touch upon migrant domestic workers (MDW) issues such as ICCPR, ICESCR, ICERD and ILO Conventions 105 and 111. Lebanon has not yet signed ILO Conventions 89 and 189, which deal with Freedom of Association and Protection of the Right to Organize, and Decent Work for Domestic Workers respectively.

Purpose

CSOs have a crucial role to play in monitoring Lebanon's progress with regard to its obligations in the 2015 UPR. At this point, it is essential for CSOs to establish a clear and defined understanding of where the country stands in terms of achievement of obligations, in order to ensure that they are being fulfilled, and that other stakeholders understand the reasons behind its shortcomings. This is also essential in defining the strategic areas of intervention which need to be focused on in the upcoming years. ALEF encourages governmental stakeholders to engage in a constructive dialogue with CSOs informed by real evidence. This is needed not just for the purposes of advocacy, but also to properly inform policies and decisions which impact the lives of migrant workers and victims of trafficking.

There is an essential need to develop appropriate monitoring frameworks for the protection of victims of trafficking and migrant workers, especially domestic workers, and to increase protections for these vulnerable groups. Mechanisms for monitoring their rights as reinforced in the UPR recommendations should be established, in reference to international human rights obligations and specifically the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Literature Review

Introduction

To avoid duplication of existing work, this literature review compiles data to feed into, both, technical and content- related components of the monitoring tool and the reports which it will generate.

On the technical level, this will cover available tools and modules developed in relation to monitoring the implementation of UPR recommendations in general, and the protection of migrant workers and victims of trafficking specifically.

On the content- related level, the review will also look at laws, research, and publications on migrants and trafficking victims in Lebanon in order to better develop the content of the tool and extract the relevant indicators.

Technical Level

There are several tools and modules available that have been developed in relation to monitoring the implementation of UPR recommendations, the protection of human rights in general, and migrant workers and victims of trafficking in specific. However, the operational indicators developed by the United Nations Office of the High Commissioner for Human Rights (OHCHR), the Global Knowledge Partnership on Migration and Development (KNOMAD), the International Labour Office (ILO) with the European Commission, and UNICEF with the University of Lanus have been chosen for this level because they depend on a universal and professional methodology of the development of extensive indicators, and help in extracting the relevant indicators.

The UN OHCHR has created a guide on the measurement and implementation of human rights indicators. This guide addresses numerous concerns such as: what to monitor, how to gather data and interpret it from a human rights point of view, and the intrinsic risk of misusing information. It also tackles the limitations inherent to any indicator. This guide was made to help in filling the gap between the widely acknowledged, and even internationally enshrined, significance of indicators for the achievement of human rights on one hand, and the fact that the use of indicators has not yet become systematic on the other hand. In fact, the indicators and methods explained in the OHCHR guide were initially meant to inform wider evaluations; with a primary objective to shed light on the human rights standards and principles, spell out the necessary attributes of the rights preserved in international tools, and interpret the latter into contextually relevant indicators and references for implementing and measuring human rights at the state level.

Furthermore, this module attempts to meet the growing demand for indicators used in human rights measurement and implementation, by establishing a benchmark source with operational tools, including an approach to identifying quantitative and qualitative indicators, and the corresponding methodology, to encourage non-biased and inclusive human rights evaluations. The guide was developed based on three methodological approaches to human rights indicators: ethical, statistical, and human rights considerations in indicator selection; sources and data-generating mechanisms; and disaggregation of human rights indicators. The first approach has been based on several considerations. Information-gathering, processing, and dissemination of any statistical data have implications for the right to privacy, the right to information (the principle of disclosing maximum information), confidentiality, and information protection, and have to conform to institutional and legal standards. The main human rights principles related to information-gathering processes are self-identification, participation, and data protection.¹

KNOMAD has developed a working paper on human rights indicators for migrants and their families, which provides a practical tool for governmental institutions and other stakeholders to promote development purposes through the protection of migrants' rights. In fact, the paper was made to show that using indicators for migrants' rights can ease and monitor improvement and compliance with legal responsibilities; that the achievement of migrants' rights is a vital tool for social integration in pluralistic societies; and that migrant' rights indicators encourage evidence-based policy-making. The working paper was developed based on four methodological considerations in the selection of indicators: quantitative vs. qualitative indicators, context-specific indicators, data availability and sources, and ethical and human rights implications. The OHCHR's first approach was employed and endorsed in KNOMAD's last consideration in the selection of its human rights indicators.²

1 Office of the United Nations High Commissioner for Human Rights. (2012). *Human Rights Indicators: A Guide to Measurement and Implementation*. New York and Geneva: United Nations.

2 KNOMAD. (2015, April). *KNOMAD Working Paper 5: Human Rights Indicators for Migrants and their Families*.

According to the OHCHR, in choosing indicators for human rights, the **RIGHTS** criteria could be useful. These criteria consider the desired methodological and statistical properties of an indicator as well as the principles and human rights concerns.

- “ **R**: Relevant and Reliable
I: Independent in its data-collection methods from the subjects monitored
G: Global and universally meaningful but also amenable to contextualization and disaggregation by prohibited grounds of discrimination
H: Human rights standards-centric; anchored in the normative framework of rights
T: Transparent in its methods, Timely, and Time-bound
S: Simple and Specific ”

*(Office of the United Nations High Commissioner for Human Rights, 2012)*³

The above RIGHTS Criteria for Indicator Selection were also used by KNOMAD in its working paper on human rights indicators for migrants and their families.⁴

The second approach highlighted by the OHCHR, sources and data-generating mechanisms, includes numerous mechanisms. The OHCHR has developed four comprehensive categories of data-generating mechanisms helpful in identifying indicators to be used in human rights evaluations: events-based data on human rights violations, socioeconomic and administrative statistics (administrative data, statistical surveys, and censuses), perception and opinion surveys, and data based on expert judgments.⁵ The above OHCHR categories were further validated by KNOMAD’s “data availability and sources” methodological consideration in the selection of indicators.⁶

Moreover, there are two considerations highlighted in this regard. On one hand, the sources and recognized data-generating mechanisms must be convenient for evaluating the conformity of states with international law. On the other hand, it is necessary to join different sources and data-generating mechanisms to encourage a more reliable and wider evaluation of any human rights situation. The “disaggregation of human rights indicators” approach is based on a persistent request for statistical data that surpasses national averages, shows the most susceptible and disadvantaged groups within the population and aids in quantifying discrimination and inequality. There seems to be a general perspective in favor of disaggregation with regards to human rights, as long as it aids in tackling the discrimination and inequalities on prohibited ground.⁷ This approach has also been reviewed by KNOMAD’s methodological consideration in indicator selection with regards to data availability and sources.⁸

3 Office of the United Nations High Commissioner for Human Rights. (2012). Human Rights Indicators: A Guide to Measurement and Implementation. New York and Geneva: United Nations.

4 KNOMAD. (2015, April). KNOMAD Working Paper 5: Human Rights Indicators for Migrants and their Families.

5 Office of the United Nations High Commissioner for Human Rights. (2012). Human Rights Indicators: A Guide to Measurement and Implementation. New York and Geneva: United Nations.

6 KNOMAD. (2015, April). KNOMAD Working Paper 5: Human Rights Indicators for Migrants and their Families.

7 Office of the United Nations High Commissioner for Human Rights. (2012). Human Rights Indicators: A Guide to Measurement and Implementation. New York and Geneva: United Nations.

8 KNOMAD. (2015, April). KNOMAD Working Paper 5: Human Rights Indicators for Migrants and their Families.

The first methodological consideration, quantitative vs. qualitative indicators, in KNOMAD's working paper on human rights indicators for migrants and their families, has been developed based on KNOMAD's review of several sources and the subsequent conclusion that the methodology of all sources was based on, both, qualitative and quantitative indicators for human rights. Furthermore, KNOMAD found that the OHCHR's guide to measurement of human rights and their implementation triangulated this into subjective and objective indicators. From here, KNOMAD concluded that objective qualitative and quantitative indicators are preferred over subjective indicators, because objective indicators are developed from directly observed facts rather than from opinions and perceptions.

Nonetheless, subjective indicators may help complement objective information and shed light on hidden discrimination, especially where there is a lack in systemic information gathering, as in the context of migrants. The second consideration, context-specific indicators, is based on the OHCHR's emphasis on the necessity for context-specific indicators to meet local and national needs and develop ownership. Here, the observations of human rights monitoring organizations are a significant source of contextual data on obstacles as well as possible indicators. The third methodological consideration, regarding data availability and sources, highlights the specific challenge facing the availability of information for migrants' rights indicators, because disaggregated information based on migration or residence is not widely available, and undocumented migrants are mostly captured in such a way that does not reflect their status.

Thus, considering such obstacles in the selection and implementation of indicators to local contexts is vital, along with trying to develop a mutual understanding on information gathering. The last consideration on ethical and human rights implications tackled the specific considerations while collecting and disseminating information about migrant, especially those among them to be undocumented. Consequently, it is vital, while encouraging progress in information gathering and disaggregation, to consider the possible sources of data, the consequences of data gathering through these sources, and methods to guarantee that information protection and privacy rights are respected.⁹

The International Labour Office and the European Commission developed operational indicators of trafficking in human beings as a result of the implementation of a survey. These indicators were made to provide direction to practitioners and researchers on the evidence that should be collected when interviewing possible victims. The ILO indicators also guide labor inspection bodies when they try to investigate whether a certain worker is a victim of trafficking or not. When it comes to quantitative measurements, they guide national statistic bodies in attempting to develop national measurements, specifically in countries of origin when interviewing returned migrants.

The ILO's indicators have been based on a methodology known as "The Delphi Methodology", used to attain a consensus on these indicators. The goal of this methodology has been to create a result based on consensus from a wide group of experts. Within the context of the ILO operational indicators, the methodology consisted of two consecutive electronic surveys of experts in the fight against human trafficking. The first survey was held in April 2008 to gather indicators from the group of experts, and the second one in July of the same year to develop a rating of the indicators gathered. The experts were chosen from EU member states,

9 Ibid.

from government, police, research, and academic institutions, as well as international organizations, NGOs, labor inspecting bodies, judiciaries, and trade unions.¹⁰

UNICEF and the University of Lanus applied other technical considerations in choosing indicators including: feasibility, validity, comparability, and singularity (i.e. avoiding overlap and duplication of material).¹¹

Source	Methodology
UNOHCHR	<ul style="list-style-type: none"> • Ethical, statistical and human rights considerations in indicator selection • Sources and data-generating mechanisms • Disaggregation of human rights indicators
KNOMAD	<ul style="list-style-type: none"> • Quantitative vs. qualitative indicators • Context-specific indicators • Data availability and sources • Ethical and human rights implications
ILO and European Commission	<ul style="list-style-type: none"> • Delphi methodology
UNICEF and University of Lanus	<ul style="list-style-type: none"> • Feasibility • Validity • Comparability • Singularity

¹⁰ ILO. (2009, March). Operational Indicators of Trafficking in Human Beings: Results from a Delphi survey implemented by the ILO and the European Commission.

¹¹ UNICEF, & National University of Lanús. (2012). "Indicadores de Derechos Humanos aplicables a Niños, Niñas y Adolescentes Migrantes en América Latina y el Caribe". Preliminary Version (Draft in edition phase).

Content- Related Level

There are numerous publications and studies on migrants and trafficking victims in Lebanon. However, the research conducted by Arab Center for the Rule of Law and Integrity, US Department of State Office to Monitor and Combat Trafficking in Persons, Insan Association, Lebanese Center for Human Rights (CLDH), and ALEF-act for human rights have been chosen for this level because they consist of reliable and extensive research on the case, and help in better developing the content of the tool. These studies will be divided based on the two areas of Lebanon's UPR recommendations relevant to the cases at hand: prohibition of trafficking and migrants.

Prohibition of Trafficking

The Arab Center for the Rule of Law and Integrity published a training guide for Lebanese judges on fighting trafficking in persons. This guide sheds light on Lebanon's trafficking in persons report by the United States Office to Monitor and Combat Trafficking in Persons.¹² According to the 2017 US TIP Report, the Lebanese state has yet to fully meet the minimum norms for the elimination of human trafficking. However, it is significantly trying to do so. This has been shown through the government's prosecution and conviction of a growing number of trafficking victims. The report also states that the government has been continuously partnering with NGOs to provide vital services to victims, and has been taking proactive measures to tackle the demand for commercial sex acts and prevent incidents of sex trafficking. Nonetheless, the Lebanese state has yet to directly protect victims and put into action victim identification and referral processes. This has resulted in government authorities detaining, arresting, and deporting trafficking victims within disadvantaged groups for crimes committed as a direct consequence of being a victim. Furthermore, according to the U.S. Department of State, the country's "Kafala" system, gives a high degree of power to employers of migrant workers, and remains an important impediment to authorities attempting to identify and protect victims of trafficking.¹³

ALEF has published a study on establishing the primacy of human rights in security sector reform in Lebanon, while mentioning the issue of human trafficking in this regard. The study states that the Lebanese Internal Security Forces code of conduct has recently been amended to include significant changes regarding human trafficking laws, among others. Moreover, the Directorate General of General Security (DGGS) established a human rights department in October 2016, as part of an ongoing reform plan with the aim of ensuring its compliance with human rights standards. These reforms have led to the creation of mechanisms against human trafficking. ALEF further explains that the DGGS is benefiting from the Integrated Border Management, forensics and peer-to-peer trainings. They are receiving training from the UNHCR on refugee law, human trafficking and child protection.¹⁴

12 Arab Center for the Rule of Law and Integrity. (2018). Training Guide: Enhancing the Knowledge of Lebanese Judges on Fighting Trafficking in Persons.

13 U.S. Department of State. (2017, June). Trafficking in Persons Report. Washington, D.C.: U.S. Department of State.

14 ALEF. (2017, March). Establishing the Primacy of Human Rights in Security Sector Reform in Lebanon.

In its 2017 Annual Report on the Situation of Human Rights in Lebanon, ALEF has also discussed the issue of trafficking. According to the report, the Lebanese Ministry of Social Affairs was expected to create a trust fund for victims of human trafficking in 2011. In 2017, such a fund had yet to be established and former victims of trafficking were still at high risk of falling back into a cycle of violence and exploitation. Even when provided with protection, foreign victims of human trafficking are kept in shelters or safe houses for extended periods of time while their cases remain in legal limbo. Since victims are trafficked into the country, they lack legal documentation and can be sent to detention centers if found by security or intelligence forces.¹⁵

Migrant Domestic Workers

In 2015, the CLDH published a report on arbitrary detention and torture towards women in Lebanon, tackling the issue of foreigners in detention. The center explains that a foreigner will remain in detention in Lebanon, even after completing their sentence. In fact, after the transfer of a foreigner to the DGGs, the time of detention at the retention is at a minimum of 15 additional days. According to CLDH, this is a violation of the UDHR and the ICCPR. The report also indicates that foreigners are more in danger of suffering from torture and ill-treatment than Lebanese detainees are. In the DGGs retention center, the conditions of detention of foreign women amount to torture.¹⁶

Insan Association produced a publication in 2016 on migrant domestic workers in Lebanon. Within this publication, Insan discusses the ongoing restriction in Lebanon on migrant domestic worker's freedom of movement and right to free choice of residence by some segments of the Lebanese society. The latter include not only employers, but also official government authorities. Indeed, this is happening despite Lebanon's ratified international treaties, and its constitution and local laws, which all provide a clear recognition of human rights in general and the freedom of movement and choice of residence in particular. In its publication, Insan explains that the restrictions on MDWs freedom of movement in Lebanon range from limits on their ability to leave their employer's residence beyond working hours, to passport confiscation, obligatory confinement, and restrictions on their right to reside on their own.

According to Insan, the responsibility is shared between recruitment agencies, employers, and Lebanon's Directorate General of General Security. In 2016, the DGGs became strict in necessitating that MDWs live with their employer as a prerequisite for issuing or renewing residency permits. Thus, many migrants who did not meet that condition lost their legal right to live within Lebanese territory and were instantly deported. Insan further argues that although the DGGs is legally authorized to monitor all foreigners on Lebanese grounds, it is not allowed to implement measures that contradict articles enshrined in Lebanese laws, or even the constitution. Moreover, although the Directorate interpreted the Standard Unified Contract as requiring the worker to live with their employer, such an interpretation is not in line with the literal text of the contract. It further restricts a MDW's legal right to choose their place of residence. Insan also believes that the Lebanese General Security has been making an effort towards strengthening the Kafala system and acquiring unrestrained control over MDWs on Lebanese territory. The organization goes as far as stating that the restrictions faced by MDWs in Lebanon,

15 ALEF. (2018, March). Annual Report 2017: The Situation of Human Rights in Lebanon.

16 CLDH. (2015, April). Women Behind Bars: Arbitrary Detention and Torture.

with regards to their freedom of movement, are criminal acts liable to prosecution as a criminal offense under Lebanese law.¹⁷

The CLDH annual activities report for 2016 highlights the fact that MDWs in Lebanon are frequently subjected to exploitation, non-payment of salaries, excessive working hours, verbal harassment, confinement, passport confiscation, sexual and physical abuse, and even torture. In fact, MDWs in Lebanon do not fall under the umbrella of the Lebanese labor law, and suffer from restrictive immigration regulations based on the Kafala system, which puts the migrants in danger of exploitation, and renders it difficult for them to quit from abusive employment conditions. The CLDH further explains that MDWs who denounce their employers for abusive treatment have to face a hostile judiciary system. Consequently, the only viable solution for MDWs is to flee from their employers, risking arrest and arbitrary detention, or even the threat of deportation to their country of origin.¹⁸

ALEF has prepared a study on the protection of migrant domestic workers in Lebanon that highlights the current laws regarding migrant domestic workers (MDWs) in Lebanon, most notably the Kafala system and international legislation. Although Lebanon is a signatory of several international treaties, which emphasize states' obligations to protect all persons within its territory without discrimination; MDWs remain in constant fear of arrest and abuse by employers and law enforcement officers. This fear stems mostly from the government's adoption of an inherently unfair sponsorship system, commonly referred to as the Kafala system, and the pre-existing gaps in home countries' and the Lebanese government's legislation that should protect the livelihoods and physical security of MDWs. Our research has shown that, in Lebanon, there are a variety of obstacles that obstruct the protection of MDWs' human rights. The Kafala system, in its current form, is problematic. Most states require foreign workers who want to live in their country to be employed with a work visa or permit. However, the Kafala system requires MDWs to tie their legal status to their employer. Doing so violates international labor protection standards but is still an accepted practice in Lebanon.

Furthermore, the study shows that the lack of initiative and coordination among official agencies prevents the government from protecting vulnerable foreign communities. Specifically, MDWs fall neither under the Lebanese Labor Code. To receive legal protection they can only rely on violations of contracts signed by employer and employee, which are often impossible to prove and are a financial burden for MDWs. According to ALEF, in Lebanon, MDWs do not fall under the same labor laws as Lebanese citizens. In fact, there is no law in Lebanon that encompasses MDWs or their workspace. Instead, the Ministry of Labor's (MoL) decree No. 17561/1964 regulates the Kafala system in Lebanon. The decree states that a migrant worker's legal residency is reliant and tied to their employer. ALEF further explains in its publication that MDWs cannot change employers without the prior approval of the MoL and the written consent of the MDW's original sponsor. If they do manage to receive consent from their former employer, the Directorate General of the General Security (DGGS) limits MDWs to only one change in employer throughout their time in Lebanon.

The Kafala system requires MDWs to tie their legal status to their employer and requires the foreign worker to live with their employer. ALEF's research has shown that, recently, the government

17 Insan Association. (2016). Trapped: Migrant Domestic Workers in Lebanon.

18 CLDH. (2017). 2016 Activities Report.

has attempted to improve legislation regarding MDWs. Yet, the inefficiencies of governmental bodies and the lack of protection for MDWs have left the system in disarray, leaving NGOs to make up for the government's inadequacies. Moreover, as said by ALEF, Lebanon has signed several conventions and treaties on human rights and labor standards, which are considered a part of the preamble of the Lebanese constitution and, if applied properly, help protect MDWs. Lebanon is a signatory of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In 1970, Lebanon ratified two International Labour Organization (ILO) conventions. ILO Convention No. 105 titled, "The Abolition of Forced Labour Convention," and No. 111, "Discrimination in Respect of Employment and Occupation." By signing these covenants and conventions, Lebanon promises those living in its border the right to equality, freedom from discrimination, right to life, liberty, personal security, freedom from slavery, right to free movement in and out of the country, right to rest and leisure, and the right to adequate standards of living. However, the Kafala system prevents these from occurring for MDWs.¹⁹

19 ALEF. (2018). A Study on the Protection of Migrant Domestic Workers in Lebanon: Drawbacks of the Kafala System Based on Interviews with Migrant Domestic Workers, Governmental Bodies, Embassies and NGOs in Lebanon. Preliminary Version (Draft in edition phase).

Methodology

The methodology applied envisages several steps, starting from the listing of relevant recommendations under “Right or area 12.7. Prohibition of slavery, trafficking” and “Right or area 34. Migrants” of the Thematic list of recommendations for the second cycle of Lebanon’s UPR.

Based on each recommendation, we have mapped the relevant stakeholders that enjoy decision-making powers. Subsequently, we have mapped relevant progress that had taken place between the date of issuing of the recommendations and the time of writing (c. June 2018). Focusing on this progress allowed us to map the willingness of decision makers to comply with a given recommendation.

The tool is designed to include 3 types of indicators:

Structural Indicators: Structural indicators reflect the ratification and adoption of legal instruments and the existence as well as the creation of basic institutional mechanisms deemed necessary for the promotion and protection of human rights. Once a State has ratified a human rights treaty, there is a need to assess its commitment to implementing the standards it has accepted. These indicators help in such an assessment.

Process Indicators: Process indicators measure duty bearers’ on-going efforts to transform their human rights commitments into the desired results. This involves indicators that continuously assess the policies and specific measures taken by the duty bearer to implement its commitments on the ground. This requires looking into policy, including public programmes for development and governance, budget allocations and specific regulatory or redress interventions, that a State is willing to take to give effect to its intent or commitments to attain outcomes associated with the realization of a given human right.

Limitations

The basic source of information for this tool comes from eventsbased data on human rights violations. Such data may underestimate (or sometimes, though rarely, even overestimate) the incidence of violations, if used in a casual manner to draw generalized conclusions for the country as a whole. Moreover, in most instances, the number of events documented depends on the awareness, access to information, and overall capacity of research staff.

Monitoring Report

Recommendations	Actors involved
Reform the kafala sponsorship system	<ul style="list-style-type: none"> • The Syndicate of Owners of Recruitment Agencies in Lebanon (SORAL) • Ministry of Labor (MOL) • National Steering Committee • Lebanese Parliament • The Directorate General of the General Security (DGGS) • Ministry of Interior (MOI) • The Internal Security Force (ISF) • Ministry of Justice (MOJ) • Ministry of Social Affairs (MOSA)
Protect the rights of migrant domestic workers and particularly consider the vulnerable situation of women and children	<ul style="list-style-type: none"> • Ministry of Labor (MOL) • The Directorate General of the General Security (DGGS) • Ministry of Interior (MOI) • The Internal Security Force (ISF) • Ministry of Justice (MOJ) • Ministry of Social Affairs (MOSA)
Continue to enhance domestic legal frameworks promoting human rights	<ul style="list-style-type: none"> • Ministry of Justice (MOJ) • The Directorate General of the General Security (DGGS) • The Internal Security Force (ISF) • NGOs, such as Caritas Lebanon Migrant Center (CLMC) • Lebanese Parliament • Ministry of Interior
Engage constructively with international and regional partners to secure support for programs aimed at providing humanitarian assistance to migrants and refugees	<ul style="list-style-type: none"> • Donor states • MDWs' country of origin • Lebanese Parliament
Continue intensifying the efforts aimed at combatting trafficking in person and guarantee the protection of victims.	<ul style="list-style-type: none"> • The Ministry of Social Affairs (MOSA) • MDWs' country of origin • NGOs • Lebanese Parliament



The MOL regulates the working conditions and recruitment of MDWs, as well as the enforcement of these regulations and protection mechanisms.

In order to fulfil this role, the MOL created a specialized body to propose and coordinate policy reform: The National Steering Committee. The MOL has also adopted the Standardized Unified Contract (SUC), instituted a set of regulations for the operation of recruitment agencies, established a hotline to receive reports of mistreatment, and tasked its Bureau of Investigation and Labor Affairs with investigating abuses against MDWs.

Measuring progress on UPR recommendations:

Improving the Legal Situation of Migrant Workers (Rec: 132.198)

Target: MoL, NSC, SORAL

Structural Indicators

1. Amended labor code and visa sponsorship system to accord the necessary legal protection to migrant domestic workers on an equal footing with other workers:

In Lebanon, MDWs do not fall under the same labor laws as Lebanese citizens. In fact, there is no law in Lebanon that encompasses MDWs or their workspace. Instead, the Ministry of Labor's (MoL) decree No.17561/1964 regulates the employment of migrant workers in Lebanon. Recently, MoL and NSC have attempted to improve legislation regarding MDWs and have developed a draft law. Yet, the inefficiencies of governmental bodies and the political blockage have delayed its approval so far.²⁰

²⁰ ALEF Internal Research on MDWs

2. Inclusion in national legislation the rights to work and health for all individuals under state jurisdiction, equality, and non-discrimination:

Lebanon's law on Labor rights, Article 7 Paragraph 1 mentions that domestic workers are exempted from the law, therefore any form of domestic work is not included in the Labor Law and what it has regulated as rights and duties for all workers.²¹ Furthermore the right to benefit from public healthcare is not included in any national legislation.²²

3. Date of entry into force and coverage of the rights of migrants explicitly established in superior laws or domestic regulations:

- Ministry of Labor's (MoL) decree No. 17561/1964 Entered into Force on 18 September 1964. It regulates the employment of migrants in Lebanon under the system known as the "Kafala" system. This decree states that a migrant worker's legal residency is reliant and tied to their employer. MDWs cannot change employers without the prior approval of the MoL and the written consent of the MDW's previous sponsor.²³
- Another domestic regulation is MoL decree No. 19/1 dated 31 January which established the Standardized Unified Contract for MDWs. It is the only legal provision that mentions that the Kafala system requires MDWs to live with their employer.²⁴
- There also exists another ministerial decree by the Ministry of Labor; MoL decree No 1/23 dated March 2010. While it doesn't explicitly establish the rights of migrants, it still covers them indirectly because it addresses monitoring and regulating private placement agencies.

Without the amendment of the current Kafala system, nor the inclusion of MDWs in the Lebanese Labor law, nor the adoption of specific law for them, migrant workers still fall in structural legal gap that must be addressed and that the Lebanese Government has done nothing during the reporting period to change this status.

Procedural Indicators

4. Date of entry into force and coverage of domestic laws for implementing temporary special measures for migrants as target groups:

No temporary special measures for migrants as target groups have been introduced by domestic laws yet. The special procedural measures established by the NSC (including standardized contract, hotline, information guide, code of conduct of SORAL) still suffer from many shortcomings.

21 Human Rights Watch, "Lebanon: Recognize Domestic Workers Union", March 2015, <https://www.hrw.org/news/2015/03/10/lebanon-recognize-domestic-workers-union>

22 ALEF, "Annual Report 2017", April 2018, https://alefiban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

23 Allaw, Saada. "DREAMS FOR SALE: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon." KAFA (enough) Violence & Exploitation. Web. 2014.

24 See MoL decree No. 19/1 dated 31 January.

Engage Constructively with International & Regional Partners (Rec: 132.196)

Target: MoL, NSC, SORAL

Structural Indicators

2. Existence of regional and bilateral agreements to protect migrant workers' rights and frequency of reports and visits with the agreement bodies:

In 2003, Sri Lanka and Lebanon's labor ministry signed several memoranda of understandings to ensure the protection of their citizens living in Lebanon.²⁵ Philippines prepared a bilateral agreement, to sign with the Lebanese government, which protects the rights of overseas Filipino workers. However, the Filipino embassy has sent the MoU to the MoL and are still awaiting its signature from the Ministry's side²⁶

6. Number of programs directed at facilitating migrants' access to their basic necessities:

The MoL is working on 3 programs:

Developing health insurance policy to include mental health; Training and raising awareness for Private Recruitment Agencies in cooperation with the ILO; Combatting trafficking with the IOM²⁷

Procedural Indicators

5. Number of communications concerning migrants sent by the Special Rapporteurs responded to effectively by the government in the reporting period:

The government through the MoL responded to the case subject of the Special Rapporteur communication (concerning Roja Limbu), though not satisfactorily answering the Special Rapporteur's inquiries. (See Annex A)

Pursue & Enhance Efforts to combat Trafficking (Rec: 132.146)

Target: MoL

Procedural Indicators

8. Proportion of public sector expenditure on national awareness-raising campaign on human trafficking and on national prevention program integrated into school curriculum:

The MoL launched between July and October 2015 an anti-trafficking public awareness campaigns focused on forced labor and exploitation of migrant workers, in cooperation with NGOs. In all, the detailed budget of the MoL and how much it allocates for these programs was not accessible

²⁵ The Government of the Republic of the Philippines & the Government of the Republic of Lebanon. MOL. Memorandum of Understanding on Labor Cooperation. By Rosalinda Dimapilis-Baldoz and Charbel Nahas. Print.
Smith, Monica. "Model Employees" | Middle East Research and Information Project." "Model Employees" | Middle East Research and Information Project. MER238, 2015. Web.

²⁶ Consultative meeting conducted by ALEF with Philippines' Embassy

²⁷ Interview conducted by ALEF with Marlene Atallah, head of the MoL's foreign worker's division

to the public, and thus, the proportion could not be calculated; knowing that the funding of the campaign was mainly provided by donor funded NGO projects rather than the public sector funding. However, no national prevention program has been integrated into school curriculum or sustainable awareness rising program established.²⁸

Recommendations for the Ministry of Labor

- Pushing for the adoption of an amended Lebanese Labor law to include a section on Migrant Workers that would guarantee basic rights, access to medical health and to justice.
- Prepare amendment of the Kafala system (Decree 17561) in consultation with CSOs and different stakeholders, to guarantee basic rights of Migrant Workers, including translated contracts, freedom of changing guarantor/employer, and the ability to stay in the country for a limited transitional period between contracts.
- Establish a standing monitoring mechanism in the ministry to receive complains and issue public reports about the status of Migrant workers and the commitment of SORAL to their code of conduct.
- Increase the number of bilateral agreements signed with MoL of sending states to include most of the relevant countries, to increase coordination and improve guarantees of rights.
- Continue cooperation with International donors to develop awareness programs for MDWs and Human Trafficking.
- Respond effectively to special rapporteurs' communications in a timely and transparent way.

28 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/258880.pdf>



The Ministry of Interior

Directorate General of the General Security

The Directorate General of the General Security (DGGs) is in charge of the regulation and oversight of the migration process of the MDWs to Lebanon upon arrivals and departures, but also during their stay in the country.

In addition to the establishment and implementation of migration policies, the DGGs offers some instruments that aim to strengthen the Human Rights protections such as a linguistic guide, a blacklist of employers and recruitment agencies, counter-trafficking measures, a protection program at their detention centers, and occasional amnesty periods for MDWs with illegal migration status.

Measuring progress on UPR recommendations:

Improving the Legal Situation of Migrant Workers (Rec: 132.198)

Target: DGGs

Structural Indicators

3. Date of entry into force and coverage of the rights of migrants explicitly established in superior laws or domestic regulations:

Under the Ministry of Labor's (MoL) decree No. 17561/1964 Entered into Force on 18 September 1964, MDWs who manage to receive consent from their former employer to change sponsor, are allowed by DGGs only two changes of employer throughout their time in Lebanon.²⁹

29 Allaw, Saada. "DREAMS FOR SALE: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon." Kafa (enough) Violence & Exploitation. Web. 2014.

Procedural Indicators

8. Proportion of law enforcement officials trained in codes of conduct that include migrant status and that mainstream issues of migrants:

DGGS asserts that all of its military personnel are receiving training related to the code of conduct towards MDWs, including the TOT for 18 officers who conducted future trainings themselves³⁰. It was not possible however, to measure whether and to what extent the training reflects the improvement of treatment of MDWs by DGGS personnel, and in their detention centers. On the other hand, CLMC, who works inside the DGGS detention centers, expressed their satisfaction of the improvement to a large extent.

Identify, protect & support victims of trafficking and force labor (Rec: 132.143)

Target: DGGS

Structural Indicators

4. Date of entry into force and coverage of established anti-trafficking procedures that can facilitate the identification of victims and strengthen support services through investigation and training for police and immigration officers:

DGGS introduced human rights and anti-trafficking training as part of its curriculum for all new DGGS recruits in 2018. Also, the Lebanese army continued to require anti-trafficking training for its soldiers.³¹

³⁰ Letter received by ALEF from the DGGS

³¹ US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>

Internal Security Forces

As Lebanon's police, the Internal Security Forces (ISF) is responsible for enforcing the state's law.³² Therefore, the ISF is responsible for the physical protection of MDWs whose human rights were violated. The ISF runs a hotline for MDWs, handles and investigates complaints made by employers and MDWs and offers their staff anti-human trafficking training.

Measuring progress on UPR recommendations:

Improving the Legal Situation of Migrant Workers (Rec: 132.198)

Target: ISF

Structural Indicators

The absence of a combined/national data and the lack of the computerized system that links the different ISF stations amounts to a structural problem. It results in an inability to track cases and address them in a suitable way. The existing computerized prison record system in the MoJ gives some insight but is very limited in the data combinations it provides and does not include the different ISF detention centers but only official prisons. ISF noted that a system for the identification of victims and tracking of the case is in place but there not tracking system for potential victim.

Procedural Indicators

9. Number of reported cases of torture or cruel, inhuman or degrading treatment or punishment towards migrants perpetrated by an agent of the state or any other person acting under its authority or with its complicity, tolerance or acquiescence, but without any or due judicial process in the reporting period:

At least two case of torture against MDWs have been reported. The case of Roja Limbu and her colleague was reported by the UN Special Rapporteur³³

10. Number of reported cases of abuse and exploitation targeting migrant workers in Lebanon:

No combined/national data could be found as the archive belong to every police branch and is not reported to the central command³⁴.

32 ISF - Internal Security Forces; الموقع الرسمي - قوى الأمن الداخلي . Web. 17 Mar. 2016.

33 ALEF, "Annual Report 2017", April 2018, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

34 Interview conducted by ALEF with Raja Abi Nader on behalf of the Prisons Directory

11. Number of perpetrators against migrants arrested, adjudicated, convicting, and serving sentences:

No combined/national data could be found as the archive belong to every police branch and is not reported to the central command.

14. Number of reported cases of arbitrary detention of migrants in the reporting period:

The same cases of Roja Limbu and her colleague included components of arbitrary detention³⁵. The prison records of the MoJ mentions a total of 56 foreigners in pre-trial detention, but this does not enable a classification of whether their detention amounts to arbitrary detention.

Identify, protect & support victims of trafficking and force labor (Rec: 132.143)

Target: ISF

Structural Indicators

4. Date of entry into force and coverage of established anti-trafficking procedures that can facilitate the identification of victims and strengthen support services through investigation and training for police and immigration officers:

The government did not directly protect victims or fully implement victim identification and referral procedures stipulated in its anti-trafficking law. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis³⁶

During 2017, the ISF adopted a policy to route all cases involving potential trafficking victims through its Human Rights Unit, where officers monitored victims to ensure they were properly identified and cared for per ISF guidelines. The ISF's Anti-Human Trafficking and Morals Protection Bureau's consider training ISF staff on how to detect human trafficking as one of their major goals.³⁷

Procedural Indicators

2. Number of reported cases of victims of trafficking

In 2015: 45 sex-trafficking victims identified by the government, 34 trafficking victims assisted by an NGO-run safe-house, 4 victims referred to another NGO by the ISF, 4 trafficking victims in the DGGs detention center identified by an NGO, 78 victims of sex-trafficking identified by the ISF³⁸

35 ALEF, "Annual Report 2017", April 2018, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

36 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>

37 Ibid.

38 US Department of State, "2016 Trafficking in Persons Report", June 2016, <https://www.state.gov/documents/organization/258880.pdf>

In 2016: 30 to 45 women and child sex-trafficking victims identified by the ISF, 87 victims of sexual exploitation and child trafficking identified by the ISF, 226 trafficking victims assisted by an NGO-run safe-house, 6 trafficking victims identified by an NGO in the detention center³⁹

In 2017: 55 victims of sex-trafficking and child-trafficking identified by the ISF, 56 victim referrals received by NGOs from the ISF, DGGS, and the MoL, 218 trafficking victims assisted by an NGO-run safe-house, 29 victims in the DGGS detention center identified by an NGO⁴⁰

3. Proportion of victim-survivors of trafficking who received assistance, compensation, and rehabilitation services

In the absence of any national statistics or centralized count for all victims of human-trafficking, the only numbers that could be found were of victim-survivors as documents by the U.S. Department of State Trafficking in Persons Report.

In 2015: 34 trafficking victims were assisted by an NGO-run safe-house, 4 victims referred to another NGO by the ISF⁴¹

In 2016: 30 to 45 women and child sex-trafficking victims were referred to NGOs protection by the ISF, 46 victims of sexual exploitation and child trafficking referred to NGO-run shelters, 226 trafficking victims assisted by an NGO-run safe-house⁴²

In 2017: 55 victims of sex trafficking and child trafficking referred to NGO-run shelters by the ISF, 56 victim referrals received by NGOs from the ISF, DGGS, and the MoL, 218 trafficking victims assisted by an NGO-run safe-house⁴³

10. Number of reported cases of violence or threats of violence against victims of human trafficking

There was no ability of knowing how many cases of threats or actual violence against victims due to the absence of combined/national data and the archives belonging to every police branch.

39 US Department of State, "2017 Trafficking in Persons Report", June 2017, <https://www.state.gov/documents/organization/271343.pdf>

40 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>

41 US Department of State, "2016 Trafficking in Persons Report", June 2016, <https://www.state.gov/documents/organization/258880.pdf>

42 US Department of State, "2017 Trafficking in Persons Report", June 2017, <https://www.state.gov/documents/organization/271343.pdf>

43 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>

Pursue & Enhance Efforts to combat Trafficking (Rec: 132.146)

Target: ISF

Structural Indicators

7. Number of perpetrators of trafficking arrested, adjudicated, convicted, and serving sentences

In 2015: 30 traffickers were convicted; Out of 93 suspected traffickers investigated by the MoJ, 71 charged and prosecuted, 33 offenders referred to courts for trial, and 4 cases convicted.⁴⁴

In 2016: 16 perpetrators involved in a sex-trafficking ring arrested; 26 suspected traffickers referred to the judiciary by the ISF; Out of 98 alleged traffickers referred to investigative judges by the public prosecutors' office for further investigation , 71 individuals were charged and prosecuted, and 33 convicted⁴⁵

In 2017: 17 arrest warrants issued by the ISF; 39 suspected traffickers referred to the judiciary; 172 suspected traffickers charged and prosecuted.⁴⁶

According to data shared with ALEF by the Ministry of Justice, as of October 2018, there were 19 persons in Lebanese prisons either serving sentences or in pre- trial detention on human trafficking charges.⁴⁷

Recommendations for the Ministry of Interior (DGGS and ISF)

- Establish a standing monitoring and referral mechanism in the ministry to receive complains and issue public reports about the status of MDWs and victims of human trafficking, in a way that could centralize data, compute it and make it available for studies and policy making purposes.
- Insure the formal introduction of human rights notably MDWs and Trafficking in the training of ISF & DGGS personnel, and of a clear outcome assessment tool, and a continuing formation system.
- Establish a standing cooperation procedure with relevant ministries (MoSA – MoH – MoJ – MoL – etc....) and NGOs networks to successfully refer, address and follow up on cases of MDW abuse and Trafficking.

44 US Department of State, "2016 Trafficking in Persons Report", June 2016, <https://www.state.gov/documents/organization/258880.pdf>

45 US Department of State, "2017 Trafficking in Persons Report", June 2017, <https://www.state.gov/documents/organization/271343.pdf>

46 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>

47 Ministry of Justice Directorate of Prisons



The Judiciary is responsible for protecting the human and labor rights of MDWs by holding perpetrators accountable and providing remedies and compensation. For this system to be successful, MDWs must be guaranteed their right to a fair trial, and in cases when there are language barriers, the judiciary is required to offer further services.⁴⁸

Measuring progress on UPR recommendations:

Improving the Legal Situation of Migrant Workers (Rec: 132.198)

Target: Judiciary

Structural Indicators

6. Number of complaints received from migrants, by judicial bodies, concerning migrants' rights, the proportion of these investigated and adjudicated by national labor courts/tribunals and the national human rights institution, and the proportion of these effectively responded to by the authorities:

There has been one documented case since 2015 where a MDW's complaint was investigated and adjudicated by the Labor Arbitration Council.⁴⁹ The ruling was appropriate but the trial took place in absentia after the plaintiff had been deported⁵⁰, making an effective response by the authorities immeasurable. Furthermore, the NHRI has only been established in 21 May 2018 and has yet to start functioning⁵¹.

48 Nasri, Alex, and Wissam Tannous. ACCESS TO JUSTICE FOR MIGRANT DOMESTIC WORKERS IN LEBANON. Diss. 2014. Geneva: International Labor Organization, 2014. Print.

49 Najjar, Hala & Saghih, Nizar, The Legal Agenda, "Lebanese Domestic Workers: Deportation Without Compensation", January 2018, <http://legal-agenda.com/en/article.php?id=4255>

50 The provisions governing foreign workers in Lebanon and their admission, residence and departure are contained in Decree No. 17561 of 18 September 1964 and the Act promulgated on 10 July 1962. These provisions are mandatory. Failure to comply with them is punishable under criminal law, in accordance with article 21 of the above-mentioned Decree. MDWs who leave their employer without permission are considered to violate the terms of the Decree.

51 Marsi, Federica, "Human rights body appointed at long last", May 2018, <http://www.dailystar.com.lb/News/Lebanon-News/2018/May-23/450469-human-rights-body-appointed-at-long-last.ashx>

12. Number of judges, prosecutors and lawyers trained on migrant rights and related standards for the administration of justice:

The initial training of Judges in the Judiciary School only includes a general course on International Treaties without anything specific on MDWs. All training afterwards is only optional and interested judges may voluntarily attend a lecture or training. No clear record could be found whether a certain lecture/training was given specifically regarding MDWs.

Procedural Indicators

7. Number of judicial decisions on migrants' rights and proportion of these that recognized equal rights for migrants:

"Legal Agenda" reported in 2017 the monitoring of 195 rulings issued by the criminal judiciary in Beirut, Baabda, and Jdeideh in cases involving foreign domestic workers.⁵² However, none of these rulings included decisions that actively sought to consider the rights of MDW.

9. Number of reported cases of torture or cruel, inhuman or degrading treatment or punishment towards migrants perpetrated by an agent of the state or any other person acting under its authority or with its complicity, tolerance or acquiescence, but without any or due judicial process in the reporting period:

The two reported cases of inhuman and degrading treatment (Roja Limbu and her colleague) could not be followed up on to check whether the perpetrator has been tried or not.

11. Number of perpetrators against migrants arrested, adjudicated, convicting, and serving sentences:

No ability to attribute migrant victims to the sentenced felons, as the prison record only shows the crime they committed and the sentence they are serving. Further information can only be found in the records of each individual court, with no centralized record available.

13. Conviction rates of migrants by type of adjudicated crime and characteristics of victims and perpetrators:

The rates of convictions could not be found since the record is not centralized. The prison record showed only a listing by nationality and type of crime committed.⁵³ It accounted for around 200 women prisoners from the main MDW countries of origin every year over the reporting period. This number is not indicative by itself since the total number of MDWs is estimated to be 200,000 at any average year giving it an approximate ratio of 1/1000, but this include all kinds of crimes and felonies including minor theft.

52 Legal Agenda, "'Theft' Alone Grants Domestic Workers an Audience with a Judge", September 2018, <http://legal-agenda.com/en/article.php?id=4815>

53 Interview conducted by ALEF with Raja Abi Nader on behalf of the Prisons Directory

14. Number of reported cases of arbitrary detention of migrants in the reporting period

The prison records of the MoJ mentions a total of 56 foreigners in pre-trial detention⁵⁴, but this does not enable a classification of whether their detention amounts to arbitrary detention.

15. Number of reported cases of migrant victims who received compensation through court proceedings:

At least two cases of compensation have been reported by Legal Agenda.⁵⁵ However, there is no ability to find the total in the absence of national judicial records.

Identify, protect & support victims of trafficking and force labor (Rec: 132.143)

Target: Judiciary

Structural Indicators

5. Number of victims of trafficking arrested, adjudicated, convicted and serving sentences

No ability to find the data in the absence of national judicial records. The prison record cannot provide such information since the sentenced are not classified based on their background and victims arrested will simply be classified under the crime of “prostitution”, or similar crimes, with all other perpetrators.

7. Number of cases benefiting from a national trust fund that provides help for victims of trafficking

In the absence of a national trust fund, this indicator cannot be answered. This makes the creation of a national fund a structural requirement.⁵⁶

8. Funds collected in a national trust fund that provides help for victims of trafficking

In the absence of a national trust fund, this indicator cannot be answered. This makes the creation of a national fund a structural requirement.⁵⁷

Procedural Indicators

11. Number of cases of human trafficking deported or left the country prior to the end of the judicial procedures.

No cases could be accounted for, which does not necessarily mean their complete absence.

54 Interview conducted by ALEF with Raja Abi Nader on behalf of the Prisons Directory

55 Case no. 280/2009, Appeals Court of Misdemeanors in Metn (employer convicted of beating domestic worker but only sentenced to monetary compensation

Case no. 961/2005, Sole Penal Judge in Baalbeck (employer ordered to pay compensation).

56 ALEF, “Annual Report 2017”, April 2018, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

57 ALEF, “Annual Report 2017”, April 2018, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

12. Number of cases of human trafficking benefiting from court issued compensation

Legal Agenda presented a study which tackled 34 cases of trafficking in persons at the Criminal Court of Beirut between the years 2016 and 2017, while noting that none of the victims concerned have received compensation.⁵⁸

Pursue & Enhance Efforts to combat Trafficking (Rec: 132.146)

Target: Judiciary

Structural Indicators

7. Number of perpetrators of trafficking arrested, adjudicated, convicted, and serving sentences

In 2015: 30 traffickers convicted by the government; Out of 93 suspected traffickers investigated by the MoJ, 71 charged and prosecuted by the government, 33 offenders referred to courts for trial, and 4 cases convicted⁵⁹

In 2016: 16 perpetrators involved in a sex-trafficking ring arrested; 26 suspected traffickers referred to the judiciary by the ISF; Out of 98 alleged traffickers referred to investigative judges by the public prosecutors' office for further investigation, 71 individuals charged and prosecuted, and 33 convictions⁶⁰

In 2017: 17 arrest warrants issued by the ISF; 39 suspected traffickers referred to the judiciary; 172 suspected traffickers charged and prosecuted⁶¹

Recommendations for the Ministry of Justice

- Extend the computerized system of Prison Records to all prisons and detention centers in the country including, police stations, military prisons, and DGGs prisons.
- Computerize the judicial system, court decisions and sentences.
- Ensure that the initial & continuous training of judges includes necessary amount of material on international human rights laws, treaties and mechanisms.
- Train specialized judges and create specialized chambers within the Lebanese Judicial system

58 Ismail, Zaynab, "The Trafficking in Persons Law does not preclude exploitation", August 2018, <https://al-akhbar.com/Lebanon/255316/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%A7%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A8%D8%B4%D8%B1-%D9%84%D8%A7-%D9%8A%D9%85%D9%86%D8%B9-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%BA%D9%84%D8%A7>

59 US Department of State, "2016 Trafficking in Persons Report", June 2016, <https://www.state.gov/documents/organization/258880.pdf>

60 US Department of State, "2017 Trafficking in Persons Report", June 2017, <https://www.state.gov/documents/organization/271343.pdf>

61 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/282802.pdf>



Lebanese Parliament

Measuring progress on UPR recommendations:

Improving the Legal Situation of Migrant Workers (Rec: 132.198)

Target: Lebanese Parliament

Structural Indicators

1. Amended labor code and visa sponsorship system to accord the necessary legal protection to migrant domestic workers on an equal footing with other workers:

No significant effort have been done by the Lebanese Parliament to address the legal framework of the MDWs: Continuous refusal of excluding them from the Labor law, and social security, without providing viable alternatives; Failing to legalize, amend, or cancel the “Kafala” system that is still functioning according to a decree; Failing to discuss and amend or approve the draft law prepared by NSC.

Engage Constructively with International & Regional Partners (Rec: 132.196)

Target: Lebanese Parliament

Structural Indicators

1. Ratification, after signature, and entry into force by the state of relevant international human rights treaties and frequency of reports to treaty bodies:

- ILO Convention No. 105 on the Abolition of Forced Labor Convention (25 Jun 1957): Ratified on 01 Jun 1977 (in force) (no treaty body to report to)
- ILO Convention No. 111 on Discrimination in Employment and Occupation (25 Jun 1958): Ratified on 01 Jun 1977 (in force) (no treaty body to report to)
- International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965): Accession on 12 Nov 1971 (with reservation on article 22: referral of disputes to ICJ by one party)

- Frequency of Report to Treaty Body: In May 2015, Lebanon sent a State Party Report, initially due in 2006 (9 years late) for the reporting cycle 18-22, to the treaty body.
- Almost two years later, in February 2017, the government sent a Follow-up State Party Report.
- A year and a half after that, in December 2018, Lebanon sent a State Party Report to the treaty body for its 23-24 reporting cycle.⁶²
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (18 December 1990): No action has been taken.⁶³

Identify, protect & support victims of trafficking and force labor (Rec: 132.143)

Target: Lebanese Parliament

Structural Indicators

1. Coverage of policy to combat trafficking and provide protection and access to remedy for victims:

Law No. 164 Punishment for the Crime of Trafficking in Persons adopted on: 2011-09-01⁶⁴, criminalized sex and labor trafficking, prescribed penalties of five to 15 years imprisonment, and prohibits all forms of human trafficking. The government did not adopt the draft national anti-trafficking action plan, but relevant ministries continued to take efforts to implement portions of the plan.⁶⁵

Pursue & Enhance Efforts to combat Trafficking (Rec: 132.146)

Target: Lebanese Parliament

Structural Indicators

1. Ratification, after signature, of international human rights treaties relevant to the elimination of human trafficking, without reservations, and frequency of reports to treaty bodies

United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; and against the Smuggling of Migrants by Land, Sea, and Air (15 November 2000): Signatures on 18 Dec 2001,

⁶² https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx

⁶³ International Labor Organization, https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103147

⁶⁴ International Labour Organization, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89807/103253/F1878916208/LBN-2011-L-89807%20in%20english.pdf>

⁶⁵ US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/258880.pdf>

9 Dec 2002, and 26 Sep 2002 respectively & Ratification on 5 Oct 2005 (3 years later)⁶⁶ (No treaty body to report to.)

2. Date of entry into force and coverage of the prohibition of trafficking in any form of superior law:

Prohibition of trafficking has not been introduced and covered in any form of superior law yet

3. Date of entry into force and coverage of domestic laws criminalizing trafficking

Law No. 164 Punishment for the Crime of Trafficking in Persons Entered into Force on: 2011-09-01⁶⁷

Lebanon's 2011 anti-trafficking law criminalized sex and labor trafficking, prescribed penalties of five to 15 years imprisonment for sex trafficking and forced labor and prohibits all forms of human trafficking.⁶⁸

4. Date of entry into force and coverage of a legal act instituting an independent oversight body with specific mandate to fight human trafficking:

An independent oversight body with a specific mandate to fight human trafficking has not been instituted through any legal act yet

6. Proportion of received complaints on trafficking investigated and adjudicated by the national human rights institution and the proportion of these responded to effectively by the government:

The Lebanese parliament approved legislation in October 2016 for the establishment of the National Human Rights Institution. However, its members were only appointed on 21 May 2018.⁶⁹

Recommendations for the Lebanese Parliament

- Adopt the amendments to the labor law & Kafala system suggested by MoL
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Adopt the national anti-trafficking action plan including the establishment of an independent oversight body for human trafficking.

66 United Nations Treaty Center, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12&chapter=18&lang=en, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-b&chapter=18&lang=en

67 International Labour Organization, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89807/103253/F1878916208/LBN-2011-L-89807%20in%20english.pdf>

68 US Department of State, "2018 Trafficking in Persons Report", June 2018, <https://www.state.gov/documents/organization/258880.pdf>

69 Marsi, Federica, "Human rights body appointed at long last", May 2018, <http://www.dailystar.com.lb/News/Lebanon-News/2018/May-23/450469-human-rights-body-appointed-at-long-last.ashx>



NGOs in Lebanon make up for the shortcomings of either the Lebanese authorities or the diplomatic missions, at times, in ensuring adequate protection and delivering sufficient assistance to MDWs.

Measuring progress on UPR recommendations:

Engage Constructively with International & Regional Partners (Rec: 132.196)

Target: Civil Society

Structural Indicators

7. Number of donors prioritizing support to civil society organizations working to improve enjoyment of the rights of migrants

In the absence of any tracking system or national statistics, the only way to find the data needed would be an impractically long list of interviews with all the different donors and funding recipients in an attempt to identify those that prioritize “migrants’ rights”. This would have required a costly time-consuming effort, unavailable to the research team, with no way to conclude the exhaustive nature of any developed list.

However, the OHCHR and the Swiss Agency for Development and Cooperation are the two leading donors in prioritizing support to civil society organizations that work to improve the enjoyment of the rights of migrants in Lebanon.

8. Number of training programs for service providers on international migration and human rights

Here as well, in the absence of any tracking system or national statistics, the only way to find the data needed would be an impractically long list of interviews with all the different training providers and training recipients in an attempt to identify those that focus on migration and human rights. This would have required a costly time-consuming effort, unavailable to the research team, with no way to conclude the exhaustive nature of any developed list.

9. Number of migrants that have access to assistance, disaggregated by migration or residence status, origin, and nationality:

CLDH assisted 63 in 2015⁷⁰ and 54 people in 2016;⁷¹ KAFA assisted during 2016, over 293 cases that had reached or contacted the organization, with around 31 receiving comprehensive support and the remaining referred to other existing service providers.⁷² During 2015, over 240 cases reached or contacted the organization, with almost a third receiving comprehensive support and the remaining referred to other existing service providers;⁷³ AMEL association provided over 200 health consultations for MDWs in 2017.⁷⁴

10. Number of active NGOs, informal groups, and full-time equivalent employment involved in the promotion and protection of the rights of migrants

The number of NGOs that could be counted amounted to at least 20.⁷⁵

Pursue & Enhance Efforts to combat Trafficking (Rec: 132.146)

Target: Civil Society

Structural Indicators

5. Number of NGOs, informal groups, and full-time equivalent employment involved in the prohibition of trafficking

No data could be found on NGOs that specifically mention trafficking as part of their main objectives.

Recommendations for the civil society

- Establish a standing coordination framework within which NGO can cooperate, share expertise, and share data in a way to maximize the outcome and avoid the duplication of work.
- Increase collective and serious advocacy efforts should be put to formally include enough knowledge building and awareness of all people working in the Judicial System (Judges, Lawyers and clerks) and the security system (LAF, DGGs, ISF) concerning both issues.
- Adapt their demands to the Lebanese context and realities without jeopardizing the rights at hand in any way.

70 CLDH, "Activities Report 2015", http://www.rightsobserver.org/files/CLDH_2015_activities_report1.pdf

71 CLDH, "Activities Report 2016", http://www.rightsobserver.org/files/Activities_Report_20162.pdf

72 KAFA, "Annual Report 2016 Highlights", <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-101-636336534959346757.pdf>

73 KAFA, "Annual Report 2015 Highlights", <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-92-635930575034471502.pdf>

74 Amel, "Amel Annual Activity Report 2017", April 2018, <http://amel.org/amel-annual-activity-report-2017/>

75 ALEF Internal Research on MDWs



Ministry of Social Affairs

Identify, protect & support victims of trafficking and force labor (Rec: 132.143)

Target: MOSA

Structural Indicators

6. Existence of a national trust fund that provides help for victims of trafficking:

In 2011, the Ministry of Social Affairs (MoSA) was meant to create a trust fund for victims of human trafficking. Such a fund has yet to be established.⁷⁶

Recommendations for the Ministry of Social Affairs

- Establish the trust fund to support victims of trafficking

⁷⁶ ALEF, "Annual Report 2017", April 2018, https://alefliban.org/wp-content/uploads/2018/04/annual_report_2017_v03_-2.pdf

Annex A

(Translated from Arabic)

Lebanese Republic

Ministry of the Interior and Municipalities

Directorate General of Public Security

No. 12587/A/W/GH

Date: 11 March 2017

From the Ministry of the Interior and Municipalities

Joint Administrative Directorate

Subject: Complaint against the Lebanese authorities concerning two domestic workers of Nepalese origin

Reference: Letter from the Ministry of Foreign Affairs and Emigrants

With regard to the above-mentioned matter:

The Directorate of International Organizations, Conferences and Cultural Relations in the Ministry of Foreign Affairs and Emigrants has presented a complaint from the International Trade Union Confederation (CSI) against the Lebanese authorities concerning the arrest and deportation of two Nepalese women and has enquired about their fate.

The provisions governing foreign workers in Lebanon and their admission, residence and departure are contained in Decree No. 17561 of 18 September 1964 and the Act promulgated on 10 July 1962. These provisions are mandatory and concern public order. Failure to comply with them is punishable under criminal law, in accordance with article 21 of the above-mentioned Decree.

With regard to the Nepalese nationals Roja Maya Limbu and Shusila Rana, they both committed the offence of "breaching the residence and labour regulations and facilitating the flight of domestic workers". They were arrested and deported in accordance with the aforementioned Decree and Act.

The Directorate General of Public Security requests you to refer the information provided above to the Directorate of International Organizations, Conferences and Cultural Relations in the Ministry of Foreign Affairs and Emigration.

(Signed and stamped) Director-General of Public Security
Major-General Abbas Ibrahim

HRC/NONE/2017/30
GE.17-04528 (E) 100417 100417

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MISSION PERMANENTE DU LIBAN
AUPRES DE
L'OFFICE DES NATIONS UNIES
A GENEVE

Rue de Moillebeau 58
1209 Genève

N/Ref. 15/1/15/3-B -90/2017.

The Permanent Mission of Lebanon to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to its note UA LBN 4/2016 dated 21 December 2016, has the honor to enclose herewith the answer of the Lebanese Minister of Interior and Municipalities, concerning “the arrest, detention and deportation of Ms. Rose Limbu and Ms. Sujana Rana”.

The Permanent Mission of Lebanon avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 20 March 2017.



Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

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وزارة الداخلية والبلديات
المديرية الإدارية المشتركة
رقم التسجيل: ٢٧٨٦
تاريخ الورود: ١٦.١٢.٢٠١٦

رئيسه اللبنانيه
رة الداخلية والبلديات
إمديرية العامة للأمن العام
رقم: ١٤٥٨٧/ع/٥/أ/٨
تاريخ: ٢٠١٧/٠٣/١١

8

جانب وزارة الداخلية والبلديات

المديرية الإدارية المشتركة

الموضوع: شكوى ضد السلطات اللبنانية بشأن عاملتين في الخدمة المنزلية من التابعة النيبالية.
المرجع: كتاب وزارة الخارجية والمغتربين رقم ٨/١٨٥٧ (ب) تاريخ ٢٠١٦/١٢/٢٨

بالإشارة إلى الموضوع أعلاه،

وبما أن مديرية المنظمات الدولية والمؤتمرات والعلاقات الثقافية في وزارة الخارجية والمغتربين تعرض شكوى رابطة النقابات الدولية CSI ضد السلطات اللبنانية بشأن توقيف عاملتين من التابعة النيبالية وترحيلهما، وتطلب بيان مصرحهما. وحيث أن الأحكام التي ترعى تنظيم عمل الأجانب في لبنان وتنظيم الدخول إليه والإقامة فيه والخروج منه وإقامتهم والمنصوص عليها في المرسوم رقم ١٧٥٦١ تاريخ ١٩٦٤/٩/١٨ والقانون الصادر بتاريخ ١٩٦٢/٧/١٠ لها الطابع الإلزامي وهي تتعلق بالنظام العام وتؤدي عدم مراعاتها إلى الملاحقة الجزائية وفقاً لما تنص عليه المادة ٢١/ من المرسوم المشار إليه. وبما أن النيباليتين Shusila Rana و Roja Maya Limbu قد ارتكبتا جرم "مخالفة نظام الإقامة والعمل وتسهيل فرار عاملات في الخدمة المنزلية"، فقد تم توقيفهما وترحيلهما سناً للمرسوم والقانون المذكورين أعلاه. لذلك،

تأمل المديرية العامة للأمن العام من جانبكم إحالة ما ورد أعلاه إلى جانب وزارة الخارجية والمغتربين مديرية المنظمات الدولية والمؤتمرات والعلاقات الثقافية.

مدير عام الأمن العام
اللواء عباس إبراهيم



