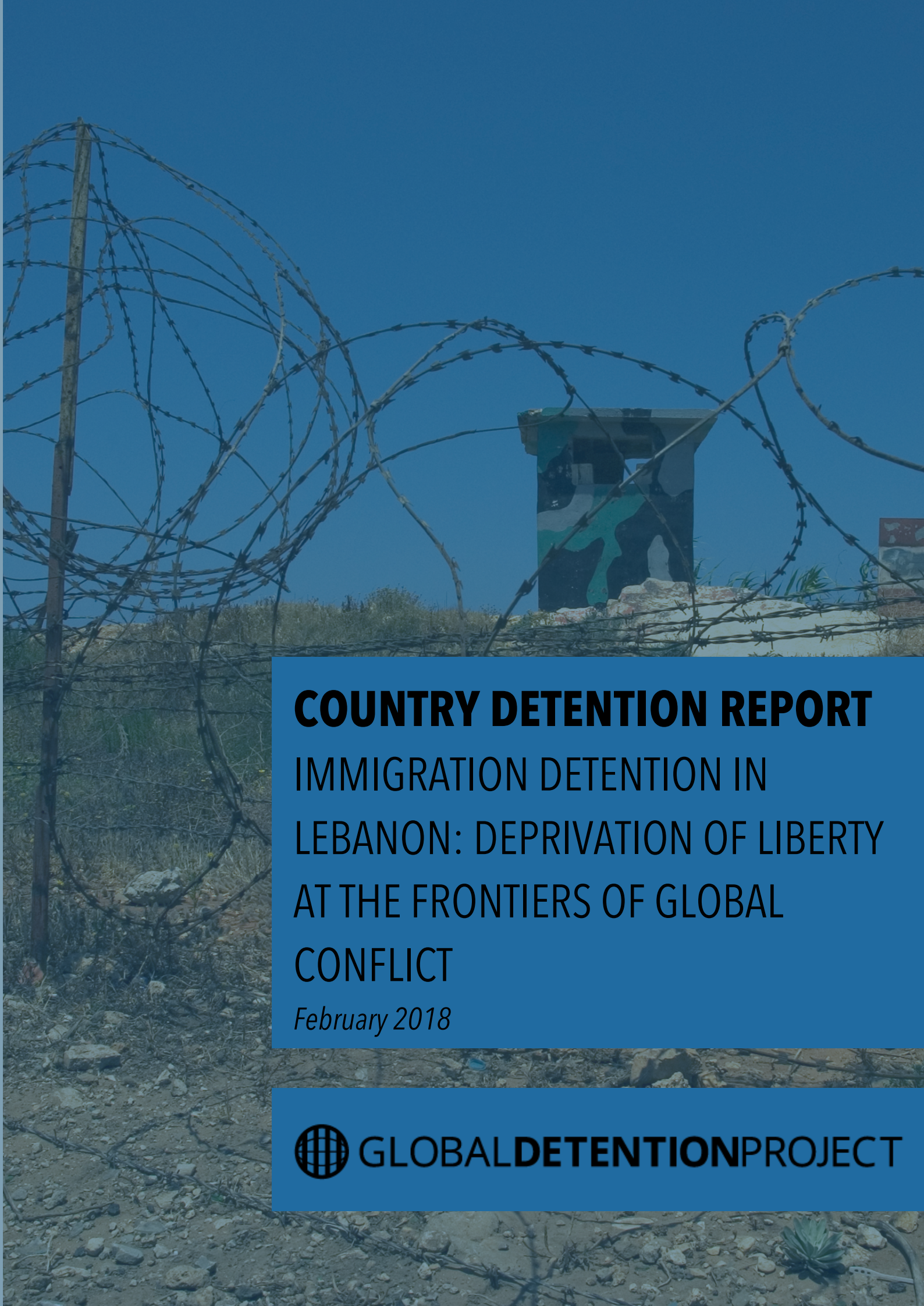


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COUNTRY DETENTION REPORT

IMMIGRATION DETENTION IN LEBANON: DEPRIVATION OF LIBERTY AT THE FRONTIERS OF GLOBAL CONFLICT

February 2018



GLOBALDETENTIONPROJECT

ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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1. INTRODUCTION

Lebanon confronts extremely complex regional mobility dynamics as it is situated on the frontlines of multiple conflicts and is buffeted by the competing political and strategic goals of various global powers. Refugees, particularly from neighbouring Syria, continue to seek sanctuary in Lebanon despite the fact that the country is not party to the 1951 Refugee Convention or its 1967 Protocol. With more than 1.5 million Syrians and Palestinian refugees living inside its borders, Lebanon boasts the highest per-capita concentration of refugees in the world, who comprise 30 percent of its population. The vast majority of these refugees live below the poverty line and reside amongst the population in makeshift accommodations.¹ Approximately 175,000 Palestinian refugees also live in urban areas and long-term refugee camps,² alongside more than 6,000 Iraqis³ (many of whom are Christian refugees who fled Iraq in the hopes of finding safety amongst Lebanon's Christian communities).

Syrian refugees have increasingly been treated as both a security threat and an economic burden, and they have found themselves under growing surveillance. In January 2015, the Lebanese government ended its previously open-door policy for Syrians, introducing new restrictive visa and residency regulations that prevented most Syrians from entering the country legally. In May 2015, the Lebanese government also instructed the United Nations High Commissioner for Refugees (UNHCR) to stop registering new arrivals as "refugees."⁴ As a consequence, approximately 60 percent of Syrians over the age of 15 lost their legal status in the country, which severely restricted their freedom of movement out of fear of arrest and detention. This limited their access to livelihood opportunities and essential services,⁵ and also obstructed the registration of births, leaving Syrian children born in Lebanon at risk of statelessness. Whilst a decision was made in February 2017 to lift the residency renewal fee, a large number of refugees remain excluded, including all Syrians who are not registered with UNHCR and all Palestinians from Syria.

¹ World Food Programme, UN Children's Fund, and UN High Commissioner for Refugees, "Vulnerability Assessment of Syrian Refugees in Lebanon 2017," 15 December 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/VASyR%202017.compressed.pdf>

² A. Hass, "Lebanon census finds number of Palestinian refugees only a third of official UN data," Haaretz, 25 December 2017, <https://www.haaretz.com/israel-news/lebanon-census-finds-number-of-palestinian-refugees-only-a-third-of-official-un-data-1.5629560>

³ European Commission – Humanitarian Aid and Civil Protection, "Lebanon: Syria Crisis. Echo Factsheet," March 2017, https://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf

⁴ A. Alabaster, "Syrian refugees in Lebanon live in fear of deportation," Al Jazeera, 22 January 2016, <http://www.aljazeera.com/news/2016/01/syrian-refugees-lebanon-live-fear-deportation-160117102350730.html>

⁵ Government of Lebanon, and UN Resident and Humanitarian Coordinator for Lebanon, "Lebanon Crisis Response Plan: 2017 – 2020," 16 January 2017, <http://www.3rpsyriacrisis.org/wp-content/uploads/2017/01/Lebanon-Crisis-Response-Plan-2017-2020.pdf>

Lebanon is also an important destination country for migrant workers—particularly from countries such as Ethiopia, Kenya, the Philippines, and Sri Lanka—and an estimated 250,000 are employed as domestic workers.⁶ Subject to the notorious *kafala* (or “sponsorship”) system, which is also widely used in [Gulf](#) states, domestic workers in Lebanon have few rights and their legal status is tied to their employers. Similar to policies in [Saudi Arabia](#) and the [United Arab Emirates](#), domestic workers in Lebanon regularly have their passports confiscated, leaving them vulnerable to arrest and detention for illegal stay should they seek to change employer or flee their place of employment. Many also experience restrictions to their freedom of movement, as well as regular abuse.

Rights groups have campaigned for better protections for migrant domestic workers, and in 2014 domestic workers founded their own union. However, few improvements have thus far been made. In 2017, an average of two migrant domestic workers reportedly died every week.⁷ Meanwhile, between the summer of 2016 and April 2017, Lebanese authorities detained and deported at least 21 female migrant domestic workers with children, as they were “not living with their employer or were not supposed to give birth in Lebanon.”⁸

When apprehended, non-citizens can be detained and slated for expulsion by both criminal and administrative procedures, and there have been regular incidences of refugees being detained during routine patrols, as well as Lebanese army raids on unofficial camps. Most common, however, is for non-citizens to be charged with violations of Lebanese law on account of their legal status. In fact, according to one report, 45 percent of prison inmates have been detained for illegally entering, or staying in, the country, and at times, foreigners outnumber Lebanese nationals held in prisons as nationals cannot be charged with law infringements linked to immigration status.⁹

Many rights observers have expressed concern about the vulnerability of migrants, asylum seekers, and refugees who are in the custody of the public security service, General Security, particularly due to the poor conditions of the prisons in which detainees are held. Reports have highlighted severe overcrowding, insufficient access to food, water and medical assistance, a lack of bed space, regular ill-treatment, and the use of torture.

⁶ Human Rights Watch, “Lebanon: migrant domestic workers with children deported,” 25 April 2017, <https://www.hrw.org/news/2017/04/25/lebanon-migrant-domestic-workers-children-deported>

⁷ A. Su, “Slave labour? Death rate doubles for migrant domestic workers in Lebanon,” IRIN News, 15 May 2017, <https://www.irinnews.org/feature/2017/05/15/slave-labour-death-rate-doubles-migrant-domestic-workers-lebanon>

⁸ Human Rights Watch, “Lebanon: migrant domestic workers with children deported,” 25 April 2017, <https://www.hrw.org/news/2017/04/25/lebanon-migrant-domestic-workers-children-deported>

⁹ ALEF et al., “Lebanon Joint Shadow Report,” 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO,\"](http://www.khiamcenter.org/images/UserFiles/Image/NGO,\) “20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. In Lebanon, non-citizens can be detained and deported through both criminal and administrative procedures stemming from their migratory status. The 1962 [Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country](#) (Law of Entry and Exit) has provisions for the treatment of irregular immigrants, refugees, and asylum seekers, including expulsion and detention regulations. Relevant provisions relating to the detention of foreigners are also provided in the Lebanese Constitution, the Lebanese Penal Code, and the Criminal Procedure Code.

Article 8 of the Lebanese Constitution provides that "no one may be arrested, imprisoned, or kept in custody except according to the provisions of the Law. No offense may be established or penalty imposed except by Law." Any deprivation of liberty without legal justification or without the sanction of an appropriate legal authority can therefore be considered arbitrary. Under Article 367 of the Penal Code, any official who arrests or imprisons an individual in cases other than those provided for by law can be sentenced to forced labour for life. Under Article 368, officials who have held an individual without a warrant or court decision or have detained a person beyond the statutory time limit can be sentenced to three years in prison.¹⁰

Despite these legal obligations, observers in Lebanon have long contended that in reality, there is no standard practice or policy when it comes to the detention and criminal prosecution of non-citizens who cross Lebanese borders in an irregular manner, and that foreign nationals are frequently arbitrarily confined in administrative detention.¹¹

2.2 Grounds for administrative immigration detention. While there is a legal basis for the administrative detention for non-citizens, critics claim that the legal framework is unclear and inadequate, resulting in arbitrary detention (for more, see

¹⁰ Human Rights Committee (HRC), "Second periodic reports of States parties due in 1988: Lebanon CCPR/C/42/Add.14," 22 November 1996,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f42%2fAdd.14&Lang=en; Lebanese Centre for Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹¹ The Lebanese Institute for Democracy and Human Rights (LIFE), "The legal report on the situation of the Syrian refugees in Lebanon," January 2013, <http://bit.ly/2BTGMro>; Lebanese Centre for Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf; Human Rights Watch (HRW), "World Report 2014," 2014, <http://www.hrw.org/world-report/2014/country-chapters/lebanon?page=2>; Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

the section below on “Arbitrary detention”).¹² The only specific ground provided in law that can lead to the administrative detention of a non-citizen is threat to national security or public safety. According to Article 17 of the Law of Entry and Exit, a removal order can be issued to a non-citizen on the grounds that his or her continued presence is a threat to general safety and security. The director of the Lebanese security agency, General Security, is subsequently authorised to detain the individual with approval of the public prosecutor until his or her deportation (Art. 18).¹³ However, in addition to requiring the public prosecutor’s consent, the Ministry of Interior must also be informed of all expulsion orders (Article 17).¹⁴ There is no established maximum time limit to administrative detention. There have been cases where migrants have been detained for years.¹⁵ Right groups in Lebanon point out that this form of detention does not require proof, meaning that non-citizens can be detained without authorities having to provide evidence for the reasons they are considered a threat. In practice, this constitutes an executive order, which is usually not opposed by the judiciary.¹⁶

2.3 Criminalisation. Lebanese law provides specific criminal penalties for immigration-status-related violations. Foreign nationals who are charged with criminal violations stemming from their status can face three distinct stages of incarceration: pre-trial detention (66 percent of all detainees in the country are in pre-trial detention, including nationals and foreigners)¹⁷; criminal incarceration upon conviction¹⁸; and detention while awaiting removal from the country after the completion of criminal sentences.¹⁹

Foreigners can receive prison sentences for the following immigration-related infringements of the Law of Entry and Exit: irregular entry, use of forged identity papers and concealment of identity); remaining in the country following the rejection of a new residence permit and re-entry or exit via unauthorised posts; continued stay

¹² Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

¹³ According to Decree No. 136 enacted on 20 September 1969, instead of detention, foreigners can be requested to adopt a specific place of residence until leaving the territory. Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

¹⁴ ALEF et al., “Lebanon Joint Shadow Report,” 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

¹⁵ Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf; ALEF et al., “Lebanon Joint Shadow Report,” 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

¹⁶ Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

¹⁷ Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹⁸ Seta Hadeshian (Middle Eastern Council of Churches), Global Detention Project questionnaire, Geneva, Switzerland, 19 September 2011.

¹⁹ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013; Human Rights Watch (HRW), “Rot Here or Die There, Bleak Choices for Iraqi Refugees in Lebanon,” November 2007, <http://www.hrw.org/en/node/10579/section/1>

in the country after the issuance of a deportation order on security grounds; irregular re-entry; and non-timely extension of a residence permit.²⁰

Non-citizens who are convicted of entering Lebanon without proper authorisation or using false identities can be sentenced to up to three months in prison, fined, and served an expulsion order (Article 32 Law of Entry and Exit). Non-citizens who do not leave the country after a new residency permit is refused, or who attempt to re-enter or exit Lebanon through an unauthorised entry point, can be taken into custody and charged with crimes leading to criminal incarceration and fines (Art. 33).²¹ According to Article 34, meanwhile, an individual who fails to adhere to an expulsion order issued on security grounds can face up to six months imprisonment (Art. 17), while Article 35 also provides for up to six months imprisonment for illegal re-entry following expulsion. A delayed application to extend a residence permit can also result in imprisonment for one week to two months (Art. 36).

If non-citizens violate provisions of the 1962 Law, they can be sentenced to expulsion. According to the Lebanese Criminal Code, after the completion of their sentences the respective persons should be released in order to “leave Lebanese territory by his own means within 15 days” (Art. 89). It further states that the “breach of a judicial or administrative deportation measure shall be punishable by imprisonment for a term of between one and six months.” However, in practice foreigners are usually kept in detention after having completed their sentences.²²

The lack of legal status remains the principal reason for the detention of non-citizens. According to one human rights organisation, 45 percent of inmates in Lebanon’s prisons have been detained for either “illegal stay” or “illegal entry.”²³ In 2015, General Security introduced new residence regulations for Syrian nationals, exacerbating the legal situation faced by both those newly arriving and those already residing in the country.²⁴ The new administrative and financial requirements resulted in the loss of, or the impossibility of obtaining, valid residency documents, significantly decreasing Syrians’ freedom of movement for fear of arrest and detention. Studies estimate that the percentage of Syrian households without valid residency documents rose to 70-80 percent in 2015, and, in the case of Palestinian refugees from Syria, up to 90 percent.²⁵ In several cases, General Security is also

²⁰ Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

²¹ Frontiers Ruwad Association and AJEM. Global Detention Project questionnaire, Amman, Jordan, November 2013.

²² For more on continued detention, see section “Arbitrary Detention” below.

²³ ALEF et al., “Lebanon Joint Shadow Report,” 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

²⁴ For more detailed information, see section “Asylum Seekers” below.

²⁵ M. Janmyr, “The Legal Status of Syrian Refugees in Lebanon,” Working Paper #33, AUB Policy Institute, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf; Human Rights Watch (HRW), “Lebanon: Refugees in Border Zone at Risk. Arenal Conditions Pressure Them to Return to Syria,” 20 September 2017, <https://www.hrw.org/news/2017/09/20/lebanon-refugees-border-zone-risk>

reported to have retained identification cards for up to three years, forcing the respective individuals into a legal breach.²⁶

Rights advocates have criticised Lebanon for pursuing criminal charges against asylum seekers, noting that this practice violates Article 14 of the Universal Declaration of Human Rights. A proposal to amend the 1962 Law of Entry and Exit has long been planned, including de-penalising the illegal entry or presence of refugees recognised by UNHCR.²⁷ However, as of early 2018, no amendments appear to have been made.

2.4 Arbitrary detention. Observers and immigration advocates have long accused Lebanese authorities of arbitrarily detaining migrants and refugees. Non-citizens often face prolonged pre-trial detention, are forced to remain in detention after completing sentences for criminal convictions, and are not granted access to procedural safeguards to ensure a fair trial.²⁸ Reports indicate that refugees are often arrested when trying to renew their residence permits, during routine or checkpoint controls, or during raids led by the Lebanese army at unofficial refugee camps.²⁹ In one incident that took place in June 2017, 356 people were arrested during a raid, of whom 56 were referred for prosecution and the remaining 257 were referred to General Security as they lacked adequate papers. When Human Rights Watch asked the army for clarification on the reasons for these raids, they did not receive an answer.³⁰ Most common, however, is for non-citizens to be arrested

²⁶ Human Rights Watch (HRW), "Lebanon: Refugees in Border Zone at Risk. Areal Conditions Pressure Them to Return to Syria," 20 September 2017, <https://www.hrw.org/news/2017/09/20/lebanon-refugees-border-zone-risk>

²⁷ United Nations High Commissioner for Refugees (UNHCR), "Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 2nd Cycle, 23rd Session, Lebanon," 23 November 2015, https://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/unhcr_upr23_lbn_e_main.pdf; Frontiers Ruwad Association, "Submission on the Occasion of the Ninth Session of the Universal Periodic Review 2010 Lebanon - Human Rights of Refugees, Asylum Seekers, Migrants and Stateless In Lebanon," 12 April 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBStakeholdersInfoS9.aspx>; United Nations High Commissioner for Refugees (UNHCR), "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: The Republic of Lebanon," April 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBUNContributionsS9.aspx>

²⁸ Lebanese Centre for Human Rights (CLDH), "Legal Aid to Vulnerable Individuals in Lebanon," January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf; Alkarama Foundation, "Report submitted to the Committee against Torture in the context of the initial review of Lebanon," 16 March 2017, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LBN/INT_CAT_CSS_LBN_26880_E.pdf; Human Rights Watch (HRW), "Submission to the Committee Against Torture in advance of its review of Lebanon," 2017, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LBN/INT_CAT_CSS_LBN_26952_E.pdf; ALEF et al., "Lebanon Joint Shadow Report," 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf); Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf; KAFA, "Shattered Dreams: Children of Migrants in Lebanon," 2015, <http://www.insanassociation.org/en/images/Shattered%20Dreams-%20children%20of%20migrants%20in%20Lebanon.pdf>

²⁹ Alkarama Foundation, "Report submitted to the Committee against Torture in the context of the initial review of Lebanon," 16 March 2017, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LBN/INT_CAT_CSS_LBN_26880_E.pdf; Human Rights Watch (HRW), "Lebanon: Deaths, Alleged Torture of Syrians in Army Custody. Investigate, Publish Results, and Punish Anyone Found Responsible," 20 July 2017, <https://www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody>

³⁰ Human Rights Watch (HRW), "Lebanon: Deaths, Alleged Torture of Syrians in Army Custody. Investigate, Publish Results, and Punish Anyone Found Responsible," 20 July 2017, <https://www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody>

following controls at checkpoints.³¹ In many cases, General Security, which is restricted to Articles 17 and 18 of the Law of Entry and Exit, detains non-citizens without referring them to the public prosecutor or courts for due process.³²

Further, a central element of Lebanese detention practices and a longstanding problem regarding the violation of non-citizens' rights is the special procedure foreigners are subjected to when they complete their sentences. Upon release from prison, non-citizens are systematically detained by General Security, regardless of charges or the legality of their residence.³³ The activist group Frontiers Ruwad Association has submitted several communications to the UN Working Group on Arbitrary Detention (WGAD) regarding the alleged illegal detention of refugees detained by General Security after the completion of their sentences. The WGAD reportedly considers these cases to fall under Category I³⁴ of Arbitrary Detention without legal basis.³⁵ Another human rights organisation providing legal assistance in Lebanese prisons states that once transferred to General Security, foreigners "almost always" face "prolonged arbitrary detention."³⁶

According to Article 58 of Decree 14310 (11/02/1949) related to Prisons Administration, the head of a prison is to release a person on the day his or her prison term ends. Article 37 states that prison guards can be prosecuted if they keep an individual in prison after the completion of their sentence of without legal grounds.³⁷

The transfer of non-citizens to General Security following the completion of criminal sentences appears to be facilitated by the existence of internal administrative directives that extend the responsibilities of prison officials provided in the Code of Penal Procedures. For instance, Internal Security Forces (ISF) Directive No. 278 of 16 August 1973 directs prison wardens to notify the General Security Department about the release of any non-citizen from prison. In the case of non-citizens without legal residence papers, they must be taken directly to a General Security bureau. The Public Prosecutor has also issued various directives (including Directive No. 4662/2/2004 of 16 December 2004) ordering prison wardens to present non-citizens to General Security bureaus immediately upon their release.

³¹ Lebanese Centre for Human Rights (CLDH), "Legal Challenges faced by Refugees from Syria in Lebanon," 2016, http://www.rightsobserver.org/files/Legal_challenges_for_refugees_from_Syria_2016_-_web.pdf

³² Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

³³ ALEF et al., "Lebanon Joint Shadow Report," 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

³⁴ Category 1 includes cases where it is clearly impossible to invoke any legal basis justifying the deprivation of liberty, for instance when a person is kept in detention after the completion of his or her sentence (WGAD 2009).

³⁵ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

³⁶ Centre Libanais des Droits Humains (CLDH), "Legal Aid to Vulnerable Individuals in Lebanon," January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf

³⁷ Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

These directives appear to provide for a form of administrative detention of non-citizens, which is outside of any specific legal framework. Faced with this situation, activist groups have questioned the legal purpose of transferring people from an ISF prison to General Security; what the specific rules are regarding release or the possibility of regularising a person's status; whether an expulsion order is a legal requirement for continued detention; and whether the approval of the Public Prosecutor's Office is legally required in order to keep the non-citizen detained while awaiting deportation.³⁸

According to Circular No. 4662, if prison authorities are unable to transfer the foreigner to the General Security detention centre, they must obtain approval of the prosecutor to keep the person in prison pending removal.³⁹ A significant portion of the prison population (at times more than 10 percent) consists of foreigners who have completed their sentences and are waiting to be handed over to General Security. The detention of such people could be considered arbitrary, given that they remain confined in prison without any form of authorisation from a public prosecutor.⁴⁰ A similar situation has been observed by the GDP in the United Kingdom.

In its submission to the UN Universal Periodic Review in 2010, Frontiers Ruwad Association called for a public investigation into the practices of prolonged arbitrary detention and refoulement.⁴¹ Responding to the criticism, Lebanon's Interior Minister argued that if migrants and asylum seekers were released, they would be stopped at checkpoints by General Security forces or the army and would be re-detained. He claimed that they are held in order to facilitate their deportation or for UNHCR to process their resettlement in a third country.⁴²

As well as the confusing legal and policy situation surrounding the deprivation of liberty of non-citizens in Lebanon, advocates argue that the country's sole dedicated immigration detention facility operates without an adequate legal mandate. General Security's official position is that the facility is neither a prison nor a centre for the detention of foreigners; instead, it is defined as a police station where detainees are temporarily held pending their release, transfer to prison, or deportation. General Security has also claimed that the facility is subject to Article 38 of the Code of Penal Procedures (which allows General Security to act as a judicial police), the Law Regulating Prisons and Places of Arrest and Institutes for Juvenile Rehabilitation, and Article 18 of the Law Regulating Entry, Stay, and Exit from Lebanon (which

³⁸ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

³⁹ Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

⁴⁰ Lebanese Centre for Human Rights (CLDH), "Submission to the United Nations Universal Periodic Review of Lebanon," 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBStakeholdersInfoS9.aspx>

⁴¹ Frontiers Ruwad Association (FRA), "Submission on the Occasion of the Ninth Session of the Universal Periodic Review 2010 Lebanon - Human Rights of Refugees, Asylum Seekers, Migrants and Stateless In Lebanon," 12 April 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBStakeholdersInfoS9.aspx>

⁴² D. Khayat, "Celebration of the qualitative leap to the new Zahle prison," Kelyom, 28 April 2010; Frontiers Ruwad Association (FRA), "Is it Civilised if we Keep Prisoners Arbitrarily?" 26 March 2010.

allows the General Security Director-General to arrest, with the approval of the Public Prosecutor's Office, any person whose detention has been administratively decided until the completion of deportation procedures).⁴³

2.5 Custodial authorities. Security services that are part of the Interior Ministry are responsible for all detention-related facilities in Lebanon. The Internal Security Forces (ISF) run the country's prisons, while the country's sole immigration detention centre is under the authority of the General Security. General Security decides matters related to the entry, residency, and exit of foreigners (Art. 6 of Decree No. 2873 of 16 December 1959 regulating the General Security Directorate). It is also responsible for deciding whether to arrest a foreigner slated for deportation on the basis of Article 17 of the Law of Entry and Exit.⁴⁴

In 2006, the Justice and Interior Ministries agreed to transfer control of the prison system to the Ministry of Justice.⁴⁵ However as of early 2018, the transfer, which was initially planned for 2012, did not yet appear to have been fully realised.⁴⁶ According to one source in Lebanon, by mid-2014, some of the responsibilities had "already been transferred to the Ministry of Justice, but the full transfer was complicated in part by financial restraints."⁴⁷

Prosecutors, examining magistrates, and criminal judges are obliged to visit persons under arrest or in detention on a monthly basis (Art. 402 of the Code of Penal Procedures, CPP; Article 15 of Decree 14310 of 11/02/1949 Related to Prisons), and they can be sanctioned if they do not release persons found to be held in illegal custody (Art. 403 of CPP).⁴⁸ However, according to a 2008 report, there has never been any form of legal or disciplinary action against an authority for the crime of either arbitrary detention or failure to end such detentions.⁴⁹

The Public Prosecution Instruction No. 4662/m2004 of 16/12/2004 orders the transfer of all foreign detainees to General Security after their release on bail or the completion of their prison term, in order that an appropriate decision regarding their legal status in the country can be made. From this point, foreign detainees are no longer considered the responsibility of the judiciary and the ISF, but of General

⁴³ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁴⁴ Frontiers Ruwad Association and AJEM. Global Detention Project questionnaire, Amman, Jordan, November 2013; Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

⁴⁵ International Centre for Prison Studies (ICPS), "ICPS in Lebanon," 25 March 2010, <http://www.prisonstudies.org/info/news.php?id=458>

⁴⁶ Committee against Torture, "Concluding observations on the initial report of Lebanon, CAT/C/LBN/CO/1," 30 May 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/LBN/CO/1&Lang=En

⁴⁷ Seta Hadesian (Middle Eastern Council of Churches), Correspondence with Michael Flynn (Global Detention Project), Geneva, Switzerland, 11 June 2014.

⁴⁸ Seta Hadesian (Middle Eastern Council of Churches), Global Detention Project questionnaire, Geneva, Switzerland, 19 September 2011; Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

⁴⁹ Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

Security. According to one human rights group, “this transfer of authority is automatic regardless of whether the foreigner has legal or illegal status or if the judicial sentence includes deportation or not.”⁵⁰

2.6 Procedural guarantees. Lebanese law provides some procedural guarantees for persons in detention. In practice, however, they appear to be largely inaccessible for those who have been detained, including refugees, asylum seekers, and even imprisoned foreign nationals who have correct documentation.

According to the Criminal Procedure Code, detention prior to a hearing before a magistrate should not exceed 48 hours and can only be renewed once (Art. 47). However, rights groups claim that police do not always respect these limits and that in reality, migrants are often detained for an average initial period of 16 days.⁵¹

Article 47 of the Code of Penal Procedures further provides for the right to meet a lawyer, a friend, or an interpreter, and to request a medical examination. Although General Security is obligated to respect the provisions of Article 47 and to inform detainees of their rights, in practice this is often not done. It has been reported that judicial police often interrogate non-citizens who have little knowledge of Arabic or English without the presence of interpreters, and that interpreters are usually only requested by the diplomatic representations of the detainees’ country of origin – something which is, of course, problematic for asylum seekers and refugees. Moreover, as migrant rights advocates regularly highlight, diplomatic representations often neglect to send translators to assist detainees, and when they do, they are rarely professionally trained.⁵²

Despite a 2006 Memorandum of Understanding (MoU) between General Services Organisation and the Beirut Bar Association providing for free legal aid (General Security service note no. 41/1 ذ ع/ص/م, 19 July 2006), people tried for illegal entry and illegal presence tend to face enormous barriers in accessing this. In fact, while the agreement provides for free aid, it also stipulates that lawyers must obtain special permission from General Security in order to visit their clients detained on General Security premises, and that they may only access certain parts of the General Security commissariat. More recently, General Security issued a new directive, further restricting lawyers’ access to its main detention facility (Letter No. 27/ع/م ذ ل/ص/أ issued on 5/4/2012).⁵³

⁵⁰ ALEF et al., “Lebanon Joint Shadow Report,” 20 March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf) ; Frontiers Ruwad Association (FRA), “Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon,” December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf

⁵¹ Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

⁵² Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁵³ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

When it comes to migrant domestic workers, many face the legal system without either adequate legal representation or translation.⁵⁴ UNHCR-recognised refugees, meanwhile, have access to legal counsel through a lawyer appointed by UNHCR. The lawyer signs a yearly contract with the Middle East Council of Churches (MECC) under a MECC/UNHCR Partnership Agreement. Some NGOs working inside prisons and for prisoners also provide legal aid to refugees and migrants.⁵⁵

When non-citizens face a lack of access to legal counsel, their efforts to appeal detention decisions are complicated. Lawyers have reported that it is difficult to officially register appeal requests with the immigration authority, and there are no provisions to appeal detention decisions issued by General Security. One available recourse is to request mercy on the basis of a general principle of administrative law—one that allows an individual to challenge any decision taken by the administration. However, this recourse is reportedly rarely successful (General Security Memorandum of Service No 43/1 of 19/7/2006).⁵⁶

According to one report, “illegal entry and arbitrary detention are unfortunately off the radar screen for the Bar Society, which prefers instead to deal with criminal charges or civil suits over a certain amount of damages.”⁵⁷ As with all administrative decisions, a General Security decision can be challenged before an administrative judge within two months of the detainee being notified (Art. 2 of Decision 2979 of 9/2/1925 organisation of the Conseil d’Etat). However there are apparently no known cases where a non-citizen was able to challenge the legality of his or her detention before an administrative judge.⁵⁸

General Security detention decisions regarding refugees and asylum seekers can be challenged before the Minister of Interior. In addition, the Lebanese *Conseil d’Etat* has acknowledged that it has the power to interfere with General Security’s discretionary power to issue a deportation order. This power is limited to ensuring that the decision is not legally flawed (*Conseil d’Etat*, Decisions No.235 of 17/5//1971, case No. 189/69 *Felicité Rifa vs State*). In practice, however, the judicial authorities rarely scrutinise or review the legalities of detention.⁵⁹

Article 579 of the Code of Civil Procedures grants the Judge of Summary Affairs (*Juge des Référé*s) the ability to put an end to the administration’s infringement on

⁵⁴ Human Rights Watch (HRW), “Lebanon Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers,” 16 September 2010, <http://www.hrw.org/node/93006>

⁵⁵ Seta Hadesian (Middle Eastern Council of Churches), Global Detention Project questionnaire, Geneva, Switzerland, 19 September 2011.

⁵⁶ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, November 2013, Amman, Jordan; Seta Hadesian (Middle Eastern Council of Churches), Global Detention Project questionnaire, Geneva, Switzerland, 19 September 2011.

⁵⁷ Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006. http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

⁵⁸ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁵⁹ Frontiers Ruwad and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013; Seta Hadesian (Middle Eastern Council of Churches), Global Detention Project questionnaire, Geneva, Switzerland, 19 September 2011; Frontiers Ruwad Association (FRA), “Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon,” May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

personal rights. Since 2009, judges have issued several pioneering verdicts, holding authorities accountable for infringing detainees' personal liberty without legal cause and ordering their immediate release. However, General Security has often refrained from executing these judicial decisions and has continued to hold detainees in clear violation of the law and judicial orders. In some of the rulings, the judges also ruled that detainees were owed compensation and imposed daily fines on the administration for any delay in executing court orders.⁶⁰

According to the Code of Penal Procedures, judges must inform detainees of the charges brought against them at the time that they are first brought before them. However, there is no clear legal provision imposing a similar obligation on the ISF or General Security.⁶¹ Immigration detainees are generally not informed of the reasons for their detention and most detainees face police and court proceedings without certified translators.⁶²

There are no specific provisions related to detainees' access to consular assistance, and information about such assistance is mainly provided by friends and fellow citizens. Some embassies, such as the Philippines and Ethiopia, have networks to help protect their citizens.⁶³ General Security often communicates with the diplomatic representations of the non-citizen's country of origin in order to verify identity, request travel documents, or facilitate deportation.⁶⁴

2.7 Asylum seekers and refugees. The 1962 Law of Entry and Exit grants anyone the right to seek asylum in Lebanon if their life or liberty is threatened for political reasons (Art. 26). (Persons in detention, however, cannot claim asylum.⁶⁵) The right to political asylum is granted only by a commission composed of the Minister of Interior, the Directors of the Ministry of Justice, Social Affairs, and General Security and, as stated in Article 29 of Law of Entry and Exit, the commission can refuse or withdraw the right to asylum or restrict the individual to a specific place of residence.⁶⁶ Despite this legal framework however, the asylum procedure does not seem to be applied in practice.⁶⁷

⁶⁰ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁶¹ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁶² Frontiers Ruwad Association (FRA), "Double Jeopardy, Illegal Entry - Illegal Detention Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf; Human Rights Watch (HRW), "Lebanon Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers," 16 September 2010, <http://www.hrw.org/node/93006>

⁶³ Seta Hadeshian (Middle Eastern Council of Churches), Global Detention Project questionnaire, 19 September 2011, Geneva, Switzerland.

⁶⁴ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013.

⁶⁵ Seta Hadeshian (Middle Eastern Council of Churches), Global Detention Project questionnaire, 19 September 2011, Geneva, Switzerland.

⁶⁶ Frontiers Ruwad Association (FRA), "Legality vs. Legitimacy, Detention of Refugees and Asylum Seekers in Lebanon," May 2006, http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf

⁶⁷ D. Stevens, "Access to Justice for Syrian Refugees in Lebanon," in M. O'Sullivan and D. Stevens (eds), "States, the Law and Access to Refugee Protection: Fortresses and Fairness," Hart, 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2814579; Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, November 2013, Amman, Jordan.

With war in neighbouring Syria escalating, by 2014 Lebanon had become the country with the highest per-capita concentration of refugees recorded anywhere in the world in recent history.⁶⁸ At present, there are more than 1.5 million registered refugees,⁶⁹ and a further 300,000 to 500,000 unregistered refugees are also estimated to be in the country.⁷⁰ With Lebanese authorities considering the country one of transit rather than asylum, the government's policies have not worked towards long-term solutions or the integration of refugees and asylum seekers. And yet, the rate of resettlement is well below 10 percent.⁷¹

In January 2015, the first policy on "Syrian displacement" adopted by the Council of Ministers came into force, significantly altering visa and residency regulations.⁷² One of the central aims of this policy was to curb the number of Syrians entering and residing in Lebanon by both limiting their access to the country and boosting voluntary return.⁷³ While Syrians were previously able to enter Lebanon with Syrian identification documents only, legal entry is now restricted to certain categories of people, preventing many fleeing armed conflict, persecution, or violence from entering the country legally. Further, additional residency fees were introduced for those wishing to remain in the country—both those registered with UNHCR and those with a Lebanese sponsor. The policy stipulated that renewal fees had to be paid every six months, and additional pledges and documents, which needed to be signed by a public notary, were also required.⁷⁴

In 2015, it was estimated that about two thirds of all Syrian refugees, and 90 percent of all Palestinian refugees from Syria, residing in Lebanon were without legal documentation as a consequence of the new border regulations.⁷⁵ The fact that the Law of Entry and Exit criminalises unauthorised stay regardless of a person's status exposed Syrian nationals to a significant risk of being arrested and detained. In one

⁶⁸ B. Surk, "U.N.: Syrian refugees hit million mark in Lebanon," The Daily Star, 3 April 2014, <http://www.dailystar.com.lb/ArticlePrint.aspx?id=252200&mode=print>

⁶⁹ European Commission – Humanitarian Aid and Civil Protection, "Lebanon: Syria Crisis. Echo Factsheet," March 2017, https://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf

⁷⁰ M. Janmyr, "The Legal Status of Syrian Refugees in Lebanon," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

⁷¹ Oxfam, "Still Looking For Safety. Voices of refugees from Syria on solutions for the present and future," Briefing Paper, 20 June 2017, https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-still-looking-for-safety-refugees-syria-200617-en.pdf

⁷² The Lebanese authorities refer to Syrian refugees and asylum seekers as "displaced" persons. More specific information about the policy changes in 2015 can be found in: M. Janmyr, "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon," Refugee Survey Quarterly, 35(4), 2016, <https://academic.oup.com/rsq/article/35/4/58/2609281/Precarity-in-Exile-The-Legal-Status-of-Syrian>; M. Janmyr, "The Legal Status of Syrian Refugees in Lebanon," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

⁷³ M. Janmyr, "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon," Refugee Survey Quarterly, (35), 2016, <https://academic.oup.com/rsq/article/35/4/58/2609281/Precarity-in-Exile-The-Legal-Status-of-Syrian>; Human Rights Watch (HRW), "I Just Wanted to be Treated Like a Person." How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees," 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>

⁷⁴ M. Janmyr, "The Legal Status of Syrian Refugees in Lebanon," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

⁷⁵ M. Janmyr, "The Legal Status of Syrian Refugees in Lebanon," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

survey, Syrian refugees lacking legal stay reported significant fear of being arrested and forcibly returned. Fear of raids and controls at both regular and ad-hoc checkpoints significantly restricted their movement, restricting their access to essential services such as health care and education, as well as UNHCR registrations.⁷⁶

Even when they were able to present all necessary documents, refugees reported that they were confronted with an arbitrary application of the regulations. Indeed, several refugees told Human Rights Watch that they were denied residency renewal even though they had provided all the documents and fees required, and that they were later detained for irregular stay.⁷⁷

In February 2017, Lebanese authorities decided to lift the residency renewal fee. However, while waiving this fee has facilitated access to legal status for some, a large number of people are still excluded - such as Palestinian refugees, Syrians who are not registered with UNHCR, and those who renew their residency through a Lebanese sponsor.⁷⁸

2.8 Minors. The detention of minors alongside adult criminals in police stations and penitentiary institutions is a long-established practice in Lebanon—although several civil society organisations have stated that in Roumieh prison, minors have a separate space.⁷⁹ Besides accusations of theft, murder, or of drug related crimes, children are often detained for unauthorised entry or stay.⁸⁰ Accompanied asylum seekers and refugee children, however, are detained with their mothers.⁸¹

In 2014, General Security started to detain and deport Lebanon-born children of migrant domestic workers (MDWs). Children were detained and deported with one of their parents, which led to the separation of families.⁸² While General Security did not officially comment on the issue, the procedure was reportedly based on an unpublished General Security directive, which stipulates that MDW's children should

⁷⁶ M. Janmyr, "The Legal Status of Syrian Refugees in Lebanon," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

⁷⁷ Human Rights Watch (HRW), "'I Just Wanted to be Treated Like a Person.'" How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees," 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>

⁷⁸ Human Rights Watch (HRW), "Lebanon: New Refugee Policy a Step Forward Open the Door to Legal Status for All Syrian Refugees," 14 February 2017, <https://www.hrw.org/news/2017/02/14/lebanon-new-refugee-policy-step-forward>

⁷⁹ ALEF et al., "Lebanon Joint Shadow Report," March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

⁸⁰ Lebanese Centre for Human Rights (CLDH), "Legal Aid to Vulnerable Individuals in Lebanon," January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf; United Nations High Commissioner for Refugees (UNHCR), "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report –Universal Periodic Review: The Republic of Lebanon," April 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBUNContributionsS9.aspx>

⁸¹ United Nations High Commissioner for Refugees (UNHCR), "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report –Universal Periodic Review: The Republic of Lebanon," April 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBUNContributionsS9.aspx>

⁸² ALEF et al., "Lebanon Joint Shadow Report," March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf); Insan Association, "Shattered Dreams: Children of Migrants in Lebanon," 2015, <http://www.insanassociation.org/en/images/Shattered%20Dreams-%20children%20of%20migrants%20in%20Lebanon.pdf>

be denied residency renewals, even when they provide all necessary documents. The unofficial explanation, meanwhile, was that “migrant workers were in Lebanon to work and not to have children.” According to one human rights organisation, General Security was forced to stop the mass deportation of children following pressure from civil society.⁸³

2.9 Domestic workers. Despite the presence of a large number of migrant workers, Lebanon is not a party to the [International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#) (CPRMW). Moreover, like other countries in the Middle East, Lebanon has been harshly criticised for the treatment of domestic workers.⁸⁴ The Lebanese Labour Code, enacted in 1946, excludes domestic workers—both Lebanese and foreign—from its provisions under Lebanese labour law. Instead, the primary mechanism for outlining employers' and workers' rights and obligations are contractual arrangements.⁸⁵ Contracts are based on the employer-specific sponsorship system—*nizam al-kafala*—which was developed in the 1950s to provide temporary labour and which binds the migrant worker's legal status to her or his employer.

In 2009, a unified standard contract was introduced.⁸⁶ Although it provides opportunities to cancel the contract, in practice it is almost impossible to withdraw and search for new employment.⁸⁷ Other than this limited reform—which did not lead to the substantial changes needed—Lebanon has made no efforts to abolish or reform the system.⁸⁸ MDWs, confronted with a hostile network of regulations, find themselves in a situation where their dependency on their “sponsor” makes them particularly vulnerable to arrest and deportation. One human rights organisation frames it as living “in a case of ‘exceptionalism’ that reflects on all aspects of their life.”⁸⁹

This system frequently leads to abusive situations and it has regularly been criticised for contributing to large numbers of deaths. MDWs are regularly forced to work excessively long hours without rest, are sometimes physically and sexually abused,

⁸³ Insan Association, “Trapped. Domestic Workers in Lebanon,” 2016, <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

⁸⁴ Human Rights Watch (HRW), “World Report 2013,” 2013, <http://www.hrw.org/world-report/2013/country-chapters/lebanon>; International Organisation for Migration (IOM), “Lebanon: Fair Deal for Domestic Workers?,” IOM Gender and Migration Newsletter, Issue 35, July 2010. <http://www.un-instraw.org/grvc/images/stories/documents/Gender%20and%20Migration%20News%20July%202010.pdf>

⁸⁵ Human Rights Watch (HRW), “Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers,” 16 September 2010, <http://www.hrw.org/node/93006>

⁸⁶ Migrant Forum in Asia, “Reform of the Kafala (Sponsorship) System,” Policy Brief No. 2, <http://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>

⁸⁷ KAFA and Anti-Slavery International, “What is She Worth? An urgent call for the protection of the rights of Nepali migrant domestic workers in Lebanon,” June 2012, <http://www.kafa.org.lb/studiespublicationpdf/prpdf-58-635050125360662052.pdf>

⁸⁸ The Lebanese Transparency Association and Transparency International, “Submission from the Lebanese Transparency Association to the UN Committee on Economic, Social and Cultural Rights: a response to the List of Issues (E/C.12/LBN/Q/2) in relation to the State Party report of Lebanon (E/C.12/LBN/2),” 23 August 2016, https://www.ecoi.net/file_upload/1930_1482417597_int-cescr-css-lbn-24950-e.pdf; Migrant Forum in Asia, “Reform of the Kafala (Sponsorship) System,” Policy Brief No. 2, <http://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>

⁸⁹ Insan Association, “Trapped. Domestic Workers in Lebanon,” 2016, <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

are denied accident compensation, are confined to their places of work, and are unable to join labour unions.⁹⁰ According to General Security's statistics, two persons die each week—mostly as a result of suicide or perilous efforts to escape their work situations.⁹¹

The employer, who is responsible for securing the migrant worker's work permit and whose name is marked in the migrant worker's passport,⁹² generally demands that workers hand over their passports upon arrival and confiscates them.⁹³ There is no legislation in Lebanon criminalising such activity.⁹⁴ MDWs whose employers withhold their passports are liable to arrest and detention for illegal stay in the country should they try to change employer or flee their place of employment. In some cases, they have been detained for several months.⁹⁵

Detained migrant workers' right to legal defence is not always guaranteed since they are often subjected to mass or speedy hearings in which there is no opportunity to present their cases.⁹⁶ According to the non-profit organisation KAFA, the charges brought against MDWs in criminal processes are mostly related to the violation of residency or work status as well as to accusations of "escape." There is no provision in law punishing "escape" from employers per se, however following the implementation of Decision 136 on 30 September 1969, failure to inform Lebanese authorities about a change of address within one week constitutes an infringement of the law (Proof of Presence of Foreigners in Lebanon).⁹⁷

Lebanese law does not stipulate a live-in obligation, however General Security insists that the domestic worker should live in her or his employer's house. A 2016 report highlights instances in which MDWs who were residing in alternative locations were detained and deported to their countries of origin, despite possessing legal

⁹⁰ Human Rights Watch (HRW), "World Report 2013," 2013, <http://www.hrw.org/world-report/2013/country-chapters/lebanon>; M. Young, "Migrant Workers in Lebanon," Lebanese NGO Forum, September 2000, <http://www.inf.org.lb/migrationnetwork/mig1.html>; R. Jureidini and N. Moukarbel, "Foreign Female Domestic Maids in Lebanon," Lebanese NGO Forum, December 2000, <http://www.inf.org.lb/migrationnetwork/mig6.html>

⁹¹ A. Su, "Slave labour? Death rate doubles for migrant domestic workers in Lebanon," IRIN News, 15 May 2017, <http://www.irinnews.org/feature/2017/05/15/slave-labour-death-rate-doubles-migrant-domestic-workers-lebanon>; Human Rights Watch (HRW), "Lebanon: Migrant Domestic Workers Dying Every Week," August 2008, <http://www.hrw.org/en/news/2008/08/24/lebanon-migrant-domestic-workers-dying-every-week>

⁹² R. Jureidini, "Women Migrant Domestic Workers in Lebanon," International Migration Papers, 2002, http://www.esclavagemoderne.org/media/oit_2002women_migrant_domestic_workers_lebanon.pdf; M. Young, "Migrants Workers in Lebanon," Lebanese NGO Forum, September 2000, <http://www.inf.org.lb/migrationnetwork/mig1.html>

⁹³ R. Jureidini, "Women Migrant Domestic Workers in Lebanon," International Migration Papers, 2002, http://www.esclavagemoderne.org/media/oit_2002women_migrant_domestic_workers_lebanon.pdf; Lebanese Centre for Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

⁹⁴ Human Rights Watch (HRW), "Lebanon Without Protection How the Lebanese Justice System Fails Migrant Domestic Workers," 16 September 2010, <http://www.hrw.org/node/93006>

⁹⁵ Lebanese Centre for Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

⁹⁶ Lebanese Centre for Human Rights (CLDH), "Legal Aid to Vulnerable Individuals in Lebanon," January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf

⁹⁷ By law, one can only be punished for escaping from military service or from prison. Compare to: KAFA, "Dreams for Sale: The Exploitation of Domestic Workers From Recruitment in Nepal and Bangladesh to Working in Lebanon," 2014, <http://www.kafa.org.lb/StudiesPublicationPDF/PPpdf-78-635554479048554864.pdf>

residency documents.⁹⁸ Reportedly, the MDWs deported were those who had children, suggesting that General Security is continuing its earlier policy of deporting MDWs with children by concealing the real target.⁹⁹

One study shows that few MDWs lodge complaints against employers for fear of arrest and deportation. If they do leave the house to file a complaint, they are usually detained by General Security until their case is “solved.” However, as General Security is not a judicial authority capable of resolving these cases, it instead tends to pursue a procedure of “mediation,” whereby the employer covers the cost of the ticket for the worker to be deported.¹⁰⁰

2.10 Trafficked persons. In August 2011, parliament adopted the anti-trafficking Law 164, amending the Lebanese penal code to address the crime of trafficking human beings. The law provides for a clear definition of trafficking and sets out penalties for traffickers. However, the prevention of trafficking and the situation faced by children are not addressed in the law.¹⁰¹ The 2017 U.S. State Department’s Trafficking in Persons Report criticises the *kafala* system for impeding the identification and protection of trafficked persons, and states that persons were regularly detained and deported for crimes they committed as a result of their trafficked status, such as domestic workers who fled their employers.¹⁰²

Since 2005, Caritas has operated a shelter for women victims of trafficking that some activists in Lebanon claim operates as a de facto detention centre. The “Caritas Migrant Centre for Women Victims of Human Trafficking,” operates on the basis of an MoU signed between the charity and General Security. According to the MoU, victims of trafficking may stay at the “safe house” for a maximum of two months, until a solution to their cases is found. For security reasons, the location of this facility is not publicly disclosed.¹⁰³

2.11 Stateless persons. There are an estimated 200,000 stateless persons in Lebanon, although determining an exact figure is impossible, particularly as there has been no population census since 1932. Lebanon has not ratified the 1954 Convention relating to the Status of Stateless Persons and stateless persons are subject to arrest and indefinite detention because they lack documentation.

⁹⁸ Insan Association, “Trapped. Domestic Workers in Lebanon,” 2016, <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

⁹⁹ See also: “Minors” above; Insan Association, “Trapped. Domestic Workers in Lebanon,” 2016, <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

¹⁰⁰ ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf); KAFA, “Shattered Dreams: Children of Migrants in Lebanon,” 2015, <http://www.insanassociation.org/en/images/Shattered%20Dreams-%20children%20of%20migrants%20in%20Lebanon.pdf>

¹⁰¹ European Commission (EC), “Implementation of the European Neighbourhood Policy in Lebanon - Progress in 2011 and recommendations for action,” 15 May 2012, [http://aei.pitt.edu/39652/1/SWD_\(2012\)_117.pdf](http://aei.pitt.edu/39652/1/SWD_(2012)_117.pdf)

¹⁰² US Department of State (USDOS), “Trafficking in Persons Report 2017 - Country Narratives – Lebanon,” 27 June 2017, http://www.ecoi.net/local_link/342539/473315_en.html

¹⁰³ Seta Hadesian (Middle Eastern Council of Churches), Correspondence with Michael Flynn (Global Detention Project), Geneva, Switzerland, 11 June 2014.

In the current context, many refugees and their children face a risk of becoming stateless due to their lack of identity documents or birth registration documents, and as such are at risk of arrest and prolonged detention. Although a lack of identity and birth documents does not in itself render a person stateless, those affected face a significant risk of not being considered a national by any state.¹⁰⁴ Since they need legal status to obtain birth registration, most refugees are unable to register their new-borns. In fact, it is estimated that 92 percent of refugees cannot fulfil the legal and administrative steps required to register their children. Adults are also exposed to a risk of becoming stateless when their documents are destroyed, lost, or confiscated and they are unable to replace them.¹⁰⁵

2.12 Domestic detention monitoring. Lebanon is one of a small number of countries ([France](#) included) that provides space within its migrant detention facilities for non-governmental rights groups working on behalf of detainees. An MoU between Caritas Lebanon and General Security allows Caritas to provide social, medical, and legal assistance to all non-citizen detainees in Lebanon.¹⁰⁶ A subsequent MoU was signed in February 2013, permitting Caritas to train airport staff “to recognize vulnerable people” and facilitating “better intervention with the detainees.”¹⁰⁷ Caritas’ work inside the General Security detention centre, however, has been the focus of dispute between various civil society organisations in the country, some of whom have argued that Caritas’ work in the facility effectively aids and abets the government’s detention of migrants.

After consultations at the domestic level, it was decided that a new National Human Rights Institution (NHRI) should be established, which would also perform the National Prevention Mechanism mandate foreseen in OPCAT to carry out visits to all places of detention, including immigration detention. The Human Rights Committee of the Parliament began examining the draft legislation establishing the NHRI in late January 2012.¹⁰⁸ In mid-2014, a draft law was completed by a Parliamentary subcommittee, but the process was then effectively placed on hold due to changes in the Executive branch and the inability to hold a General Assembly to receive and approve the proposed draft.¹⁰⁹ Two years later, on the 19th of October 2016, the law

¹⁰⁴ Human Rights Watch (HRW), “‘I Just Wanted to be Treated Like a Person’ How Lebanon’s Residency Rules Facilitate Abuse of Syrian Refugees,” 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>

¹⁰⁵ United Nations High Commissioner for Refugees (UNHCR), “Durable Solutions for Syrian Refugees,” 8 October 2017, https://www.ecoi.net/file_upload/1930_1507626684_menaoctoberupdateondurablesolutions.pdf

¹⁰⁶ Caritas Lebanon Migrant Centre (CLMC), “Prisons Project”; Caritas Lebanon (CL), “Social Programs, Prisoners,” 2007.

¹⁰⁷ Caritas Lebanon Migrant Centre (CLMC), “MOU with General Security,” 27 February 2013,

¹⁰⁸ Human Rights Watch (HRW), “World Report 2013,” 2013, <http://www.hrw.org/world-report/2013/country-chapters/lebanon>; Association for the Prevention of Torture (APT), “Lebanon – OPCAT status,” 8 May 2013, http://www.apr.ch/en/opcat_pages/opcat-situation-36/

¹⁰⁹ Seta Hadesian (Middle Eastern Council of Churches), Correspondence with Michael Flynn (Global Detention Project), Geneva, Switzerland, 11 June 2014.

was approved by the Lebanese Parliament.¹¹⁰ In order to become effective, though, the law still needs to be formally issued by Lebanon's president, Michel Aoun.¹¹¹

2.13 International detention monitoring. A range of international organisations have had access to Lebanon's detention facilities, including UNHCR, the International Committee of the Red Cross, and the UN Subcommittee for the Prevention of Torture.

In 2002, an MoU was signed between Lebanese authorities and the International Committee of the Red Cross (ICRC), allowing the ICRC to visit all Lebanese prisons except the Ministry of Defence (MoD) Detention Centre.¹¹² This changed in February 2007, when a new protocol was signed to expand ICRC's access to include MoD facilities.¹¹³

Lebanon ratified the [Optional Protocol to the Convention against Torture \(OPCAT\)](#) in 2008. In May-June 2010, the UN Subcommittee for the Prevention of Torture (SPT) visited the country. The SPT is mandated to visit all states parties to the OPCAT and make recommendations to the authorities to establish effective safeguards against the risk of torture and ill-treatment. SPT's recommendations and observations are confidential unless states parties request they be made public.

According to a UN press release, the SPT visited the original General Security Detention Centre in Adlieh, Beirut, as well as five civil prisons: Roumieh prison and Barbar el Khazen (for female prisoners) in Beirut, two prisons in Tripoli (one for female and one for male prisoners), Zahleh prison (for male prisoners) in Beqaa province, and Nabatiyeh prison in South Lebanon. During the visit, the SPT delegation held meetings with relevant official authorities. SPT met with various interlocutors to discuss the creation of a National Prevention Mechanism in Lebanon and reviewed the treatment of persons deprived of their liberty in the country, as well as the safeguards in place protecting persons against torture and ill-treatment. The delegation "conducted private interviews with detainees in various police establishments and inmates in civil and military prisons. The SPT also visited and conducted interviews in other places where persons are or may be deprived of their liberty."¹¹⁴ The report and the state's reply have not been made public.¹¹⁵

¹¹⁰ Alkarama Foundation, "Lebanon: Parliament Approves Law Instituting a National Human Rights Institution and a National Preventive Mechanism Against Torture," 28 October 2016, <https://www.alkarama.org/en/articles/lebanon-parliament-approves-law-instituting-national-human-rights-institution-and-national>

¹¹¹ Association for the Prevention of Torture, "Lebanon – OPCAT Situation," 7 August 2017, http://www.ap.t.ch/en/opcat_pages/opcat-situation-36/?pdf=info_country

¹¹² Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹¹³ Human Rights (CLDH), "Prisons in Lebanon: Humanitarian & Legal Concerns," February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹¹⁴ Office of the High Commissioner for Human Rights (OHCHR), "Subcommittee on Prevention of Torture Concludes Mission to Lebanon," 2 June 2010, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10092&LangID=E>

¹¹⁵ Office of the High Commissioner for Human Rights (OHCHR), "Optional Protocol of the Convention against Torture (CAT-OP)," http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/CountryVisits.aspx?SortOrder=Alphabetical

An MoU between UNHCR and Lebanese authorities was established in 2003.¹¹⁶ The MoU stipulates that the term “asylum seeker” implies “a person seeking asylum in a country other than Lebanon.” According to this MoU, General Security must also notify UNHCR of all refugees and asylum seekers detained on its premises (MoU Article 12). However, no provision was included to regulate when they could be detained, and no guarantee was provided that UNHCR would be able to access them.¹¹⁷ UNHCR has limited scope for intervention: a detention officer and a social worker regularly visit detained refugees at the General Security detention centre as well as prisons, but they are given little freedom to efficiently intervene, including immediately following arrest in order to prevent detention.¹¹⁸ Moreover, UNHCR can only visit detained refugees who had registered with UNHCR prior to their detention. Unregistered detainees—such as newly arrived asylum seekers or migrant domestic workers who ran away from their employers—cannot receive a visit from UNHCR staff.¹¹⁹

As Lebanon is not party to the 1951 Refugee Convention and because there is an absence of national refugee law, refugee status in Lebanon is currently largely determined by provisions in the MoU.¹²⁰ This “provides for the issuing of temporary residence permits to asylum seekers, normally limited to a period of three months, during which the asylum claim is reviewed by UNHCR. Upon recognition, the residency permit is extended for a further 6-9 months allowing UNHCR to find a durable solution for the refugees (generally resettlement in a third country).”¹²¹ In 2011, negotiations to revise the MoU were started in order to better address the current climate and concerns of refugees, but it seems that there is currently no political will to adopt the Memorandum¹²² and the drafted document is still pending approval from the Council of Ministers.¹²³

Some scholars have argued that bilateral MoUs such as this—which have also been signed by countries such as Jordan and Egypt—function in essence as alternative legal instruments for regulating the status of refugees. They also argue that these

¹¹⁶ U.S. Committee for Refugees and Immigrants (USCRI), World Refugee Survey 2008-Lebanon, 2008, <http://www.refworld.org/publisher/USCRI,,LBN,485f50c076,0.html>.

¹¹⁷ M. Kagan, “‘We live in a country of UNHCR’ The UN surrogate state and refugee policy in the Middle East,” New Issues in Refugee Research, Research Paper No. 201, United Nations High Commissioner for Refugees (UNHCR), February 2011, <http://www.refworld.org/publisher/UNHCR,RESEARCH,,4d8876db2,0.html>

¹¹⁸ Seta Hadesian (Middle Eastern Council of Churches), “Global Detention Project Questionnaire,” Global Detention Project, 19 September 2011, Geneva, Switzerland.

¹¹⁹ Lebanese Centre for Human Rights (CLDH), “Shadow Report: Submission to the Committee Against Torture in Relation to its Examination of the Initial Report of Lebanon,” March 2016, http://www.rightsobserver.org/files/Shadow_report_-_online_2017.pdf. (Migrant domestic workers can also register with UNHCR, when they have a legitimate fear of return and can be considered “refugees-sur-place.” Lebanon Humanitarian INGO Forum (LHIF), “Background Paper on Unregistered Syrian Refugees in Lebanon,” 15 July 2014, <http://bit.ly/20wfnhK>)

¹²⁰ S. Bidingier et al., “Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing,” Boston University, 2015, <http://www.bu.edu/law/files/2015/07/FINALFullReport.pdf>

¹²¹ United Nations High Commissioner for Refugees (UNHCR), “Country Operations Plan: Lebanon,” 2004, <http://www.unhcr.org/3fd9c6a14.pdf>

¹²² D. Stevens, “Access to Justice for Syrian Refugees in Lebanon,” in M. O’Sullivan and D. Stevens (eds), “States, the Law and Access to Refugee Protection: Fortresses and Fairness,” Hart, 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2814579

¹²³ M. Janmyr, “Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon,” Refugee Survey Quarterly, 35(4), 2016, <https://academic.oup.com/rsq/article/35/4/58/2609281/Precarity-in-Exile-The-Legal-Status-of-Syrian>

agreements occupy an ambiguous place in international law as they formalise the responsibility shift arrangement between the state and a UN agency and “come closer than more conventional sources of international law to describing the real refugee system on the ground.”¹²⁴

The Lebanese government has also gone further in its influence upon UNHCR responsibilities. Originally instructing UNHCR to limit the number of registered refugees, in April 2015 it requested that 1,400 Syrian nationals who had entered Lebanese territory after 5 January 2015 be de-registered,¹²⁵ and on 6 May 2015 the government directed UNHCR to temporarily stop registrations altogether.¹²⁶

The UNHCR’s registration certificate itself has no legal effect and is not to be equated with the legal right to stay, which can only be obtained by possessing legal residency documents issued by the Lebanese authorities.¹²⁷ The certificate should protect refugees from detention and deportation, yet the UNHCR’s status decisions have often been disregarded and reports state that hundreds of refugees have been arrested and detained.¹²⁸ Since mid-2012, detained Syrian refugees who were issued deportation orders were not forced to leave the country. However, more recently, reports have highlighted several incidences of Syrians being deported, suggesting that there has been a policy change.¹²⁹

¹²⁴ M. Kagan, ““We live in a country of UNHCR” The UN surrogate state and refugee policy in the Middle East,” New Issues in Refugee Research, Research Paper No. 201, United Nations High Commissioner for Refugees (UNHCR), February 2011, <http://www.refworld.org/publisher,UNHCR,RESEARCH,,4d8876db2,0.html>

¹²⁵ D. Stevens, “Access to Justice for Syrian Refugees in Lebanon,” 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2814579; M. Janmyr, “The Legal Status of Syrian Refugees in Lebanon,” Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

¹²⁶ Only humanitarian cases can still be registered with the approval of the Ministry. The humanitarian exception criteria applies to the following persons: “Unaccompanied and/or separated children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; persons who will be resettled to third countries”. For more information, see: United Nations High Commissioner for Refugees (UNHCR), “Syria Regional Refugee Response – Lebanon,” 30 June 2017, <http://data.unhcr.org/syrianrefugees/country.php?id=122>; LSE Middle East Centre, “The Long-Term Challenges of Forced Migration. Perspectives from Lebanon, Jordan and Iraq,” LSE Middle East Centre Collected Papers, Vol 6, September 2016, <http://eprints.lse.ac.uk/67728/2/ForcedDisplacement.pdf#page=38>; M. Janmyr, “Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon,” Refugee Survey Quarterly, 35(4), 2016, <https://academic.oup.com/rsq/article/35/4/58/2609281/Precarity-in-Exile-The-Legal-Status-of-Syrian>

¹²⁷ Lebanon Humanitarian INGO Forum (LHIF), “Background Paper on Unregistered Syrian Refugees in Lebanon,” 15 July 2014, [http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20\(FINAL\).pdf](http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20(FINAL).pdf); M. Janmyr, “The Legal Status of Syrian Refugees in Lebanon,” Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, March 2016, https://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf

¹²⁸ M. Janmyr, “Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon,” Refugee Survey Quarterly, 35(4), 2016, <https://academic.oup.com/rsq/article/35/4/58/2609281/Precarity-in-Exile-The-Legal-Status-of-Syrian>; Lebanese Centre for Human Rights (CLDH), “Shadow Report: Submission to the Committee Against Torture in Relation to its Examination of the Initial Report of Lebanon,” March 2016, http://www.rightsobserver.org/files/Shadow_report_-_online_2017.pdf; Lebanese Centre for Human Rights (CLDH), “Legal Challenges faced by Refugees from Syria in Lebanon,” 2016, http://www.rightsobserver.org/files/Legal_challenges_for_refugees_from_Syria_2016_-_web.pdf

¹²⁹ Lebanon Humanitarian INGO Forum (LHIF), “Background Paper on Unregistered Syrian Refugees in Lebanon,” p.9, 15 July 2014, [http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20\(FINAL\).pdf](http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20(FINAL).pdf); Amnesty International, “Lebanon : Forcible return of more than 100 refugees to Syria a shocking setback,” 8 January 2016, <https://www.amnesty.org/en/latest/news/2016/01/lebanon-forcible-return-of-more-than-100-refugees-to-syria-a-shocking-setback/>; D.Weinstein, “Lebanon’s Deportation of Syrians en route to Turkey,” Human Rights Brief, 18 March 2016, <http://hrbrief.org/2016/03/lebanons-deportation-of-syrians-en-route-to-turkey/>

The situation of asylum seekers and migrants in Lebanon has also come under the scrutiny of UN human rights monitoring mechanisms. The Committee on the Rights of the Child (CRC) has made recommendations on border governance measures; the principle of non-refoulement; and the prohibition of arbitrary and collective expulsions. In 2017, the CRC highlighted delays in issuing residency permits, the need for guarantees of due process before all courts, access to legal representation, interpretation services, and the right to appeal the decisions of the General Security for migrant workers and members of their families in an irregular situation.¹³⁰ Also in 2017, the Committee against Torture recommended that Lebanon “should refrain from detaining refugees, asylum seekers and irregular migrants for prolonged periods, use detention as a measure of last resort only and for as short a period as possible and promote alternatives to detention.”¹³¹ In 2016, the Committee on the Elimination of Racial Discrimination recommended the abolition of the sponsorship system for domestic workers.¹³² In 2015, the Committee on the Elimination of Discrimination against Women asked Lebanon to uphold the principle of non-refoulement for women and girls and to ensure access to its territory.¹³³ During the Universal Periodic Review of the UN Human Rights Council in 2015, Lebanon was asked to address acts of torture including of migrants in detention.¹³⁴

2.14 International assistance and non-state actors. A number of foreign governments have funded detention and immigration reform projects in Lebanon, including several initiatives that involve non-state actors such as Caritas, whose role in Lebanon’s immigration detention centre (see “Domestic detention monitoring” above) is indicative of a larger phenomenon of non-state actors growing involvement in immigration control in numerous hotspots around the globe.¹³⁵

Lebanon’s previous immigration facility, which was replaced with the current facility in 2016 and was called the General Security Detention Center in Adlieh, was located in a dilapidated subterranean car park under a highway.¹³⁶ The conditions at the detention centre were so severe they spurred numerous calls for reform, both nationally and internationally. Among the initiatives aimed at improving Lebanon’s detention practices was one led by the International Centre for Migration Policy and Development (ICMPD), a Vienna-based international organisation comprised of 15

¹³⁰ Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic report of Lebanon, United Nations, CRC/C/LBN/CO/4-5, 22 June 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LBN/CO/4-5&Lang=En

¹³¹ Committee against Torture, Concluding observations on the initial report of Lebanon*, United Nations, CAT/C/LBN/CO/1, 30 May 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/LBN/CO/1&Lang=En

¹³² Committee on the Elimination of Racial Discrimination, Concluding observations on the combined eighteenth to twenty-second periodic reports of Lebanon*, United Nations, CERD/C/LBN/CO/18-22, 5 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/LBN/CO/18-22&Lang=En

¹³³ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Lebanon*, United Nations, CEDAW/C/LBN/CO/4-5, 24 November 2015.

¹³⁴ Human Rights Council, Report of the Working Group on the Universal Period Review - Lebanon, A/HEC/31/5, 22 December 2015, <http://uhri.ohchr.org/document/index/7EACD5C9-7A57-4D38-98E3-F219892A65DC>

¹³⁵ See: Michael Flynn, “Kidnapped, Trafficked, Detained? The Implications of Non-state Actor Involvement in Immigration Detention,” *Journal on Migration and Human Security*, 2017, <http://jmh.s.cmsny.org/index.php/jmh/article/view/100>

¹³⁶ Michael Flynn, Visit to General Security Detention Centre in Adlieh, Beirut, organized by Caritas-Lebanon, 28 August 2011.

Members States from Europe that assists in the development of migration management programs. In 2009, it launched a two-year project titled “Strengthening Reception and Detention Capacities in Lebanon (STREDECA).” The project aimed to develop “Lebanon’s capacities to manage its mixed migration flows post interception and/or apprehension.” Partners on STREDECA—which was funded by France, Switzerland, Italy, and the Netherlands—included Caritas Lebanon, the UN High Commissioner for Refugees (UNHCR), and General Security.

According to ICMPD, the project “evaluated essential national infrastructure and enhanced national institutional capacities for the reception and detention of irregular migrants and asylum seekers in line with international human rights standards.”¹³⁷ A UNHCR official described that organisation’s role as focusing “on the provision of expertise in training and evaluation of the legal/administrative framework.”¹³⁸

Several years after STREDECA was completed, there continued to be severe criticism of the conditions at the Adlieh detention center. Visitors described how detainees were held in a row of cells of some 20-30 square meters, separated along gender and nationality lines. Metal gates formed two sides of rectangular cells on each side of concrete pillars marking the former parking spaces.¹³⁹ Women were especially tightly packed, with at least 50 women each in the quarters allocated for Bangladeshi and Ethiopian detainees, according to a journalist account in 2012.¹⁴⁰ 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.¹⁴¹

The facility included an office for Caritas, called the Caritas Lebanon Migrants Centre (CLMC), which received repeated criticism from other civil society groups, who accused Caritas of abetting illegal detention. Caritas, however, countered these claims stating that it was the sole NGO providing necessary assistance to detainees.

The STREDECA project was part of a larger initiative called the “Dialogue on Mediterranean Transit Migration” (MTM), which ICMPD described as “an informal consultative platform between migration officials in countries of origin, transit, and destination along the migration routes in Africa, Europe, and the Middle East.”¹⁴² It involved national governments from across the Mediterranean, Europol, the EU border control agency, UNHCR, the International Organization for Migration (IOM), the European Commission, among other entities. According to one scholar, “The MTM is a textbook example of migration management. The composition of participants brings together states, representatives of different state institutions, as

¹³⁷ International Centre for Migration Policy and Development (ICMPD), “MTM Completed Projects: MTM i-Map, STREDECA, East Africa Migration Route,” <http://www.icmpd.org/Completed-Projects.1624.0.html>

¹³⁸ Email to Michael Flynn (Global Detention Project), 8 May 2017.

¹³⁹ Michael Flynn, Visit to General Security Detention Centre in Adlieh, Beirut, organized by Caritas-Lebanon, 28 August 2011.

¹⁴⁰ Annie Slemrod and Van Meguerditchian, “Inside Adlieh’s infamous detention centre,” *The Daily Star*, 24 November 2012.

¹⁴¹ Annie Slemrod and Van Meguerditchian, “Inside Adlieh’s infamous detention centre,” *The Daily Star*, 24 November 201

¹⁴² International Centre for Migration Policy and Development (ICMPD), “Migration Dialogues: MTM,” <http://www.icmpd.org/index.php?id=1558>

well as intergovernmental organizations with diverging interests.”¹⁴³

Both the EU and the UN Office on Drugs and Crime (UNODC) have also worked in cooperation with the Lebanese government to bring the management of the country's prison system in line with international standards. In 2016, the EU funded 14 projects in Lebanon aimed at tackling issues related to detention conditions, ill-treatment and torture, access to legal aid, and fair trial.¹⁴⁴ As part of the “Support to a Comprehensive Prison Reform in Lebanon” project, which ran from May 2015 to November 2017 and which aimed to bring Lebanese prisons’ management and detention conditions closer to international standards and human rights obligations, a new medical centre and rehabilitation centre were opened in Tripoli prison. The “Joint Action for an Effective Prosecution of Torture and enhanced commitment to Prevention of inherent crimes” led to the inauguration of a forensic and psychological examination unit in Tripoli’s Palace of Justice. Both projects were implemented by the Restart Centre for Rehabilitation of Victims of Violence and Torture.¹⁴⁵ In 2016, Italy approved funding (700,000 Euros) for the “Improvement of Living Conditions in Lebanese Prisons” project. Implemented by the Ministry of Justice and UNODC in October 2016, it worked in Roumieh prison, introducing services for vulnerable persons, including those suffering from psychological problems as well as detained children, and improving access to food.¹⁴⁶

In addition to its STREDECA project, since 2012 ICMPD has been implementing a 6-year project entitled “Developing national capability for integrated border management in Lebanon (IBM).” IBM is funded by the European Union and the Dutch government and also involves the Polish and Danish governments. It targets the army, the Internal Security Forces (SF), General Security (DGGS), and Lebanese Customs.¹⁴⁷ According to research in security sector reform by ALEF, a Lebanese human rights NGO, “The training programs mentioned on the IBM website focus on ‘integrity and best practices’ and the creation of a ‘Code of Conduct.’ However, training programs on human rights are not at the forefront of IBM’s strategy as shown by the 2014 IBM report. While human rights trainings might be included in ‘border controls, search, risk analysis, investigation, drugs/enforcement,’ the lack of clarity in regards to the human rights component content and objectives

¹⁴³ Bernd Kasperek, “Borders and Populations in Flux: Frontex’s Place in the European Union’s Migration Management,” in *The Politics of International Migration Management*, edited by Martin Geiger and Antoine Pecoud. Basingstoke: Palgrave, 2010. https://doi.org/10.1057/9780230294882_6

¹⁴⁴ For more information on earlier projects, see the 2014 Global Detention Project Report on Lebanon, <https://www.globaldetentionproject.org/immigration-detention-in-lebanon>

¹⁴⁵ Delegation of the European Union to Lebanon, “Support to Prison Reform and Preventing Torture: Ambassador Lassen inaugurates EU-funded premises in Tripoli’s Prison and Palace of Justice,” European Union External Action, 8 June 2017, https://eeas.europa.eu/delegations/lebanon/28624/node/28624_el

¹⁴⁶ M. Nashed, “Lebanon partners with Italy, UN to improve prisons,” Albawaba News, 30 September 2015, <https://www.albawaba.com/business/lebanon-partners-italy-un-improve-prisons-749056>; Agenzia Italiana Per La Cooperazione Allo Sviluppo / Libano e Siria, “UNODC and Italian Cooperation improve living conditions in Roumieh prison,” 2017, <http://aicsbeirut.org/portal/it-IT/news/33/c/unodc-and-italian-cooperation-improve-living-conditions-in-roumieh-prison/370/#sthash.j8IBFZmu.dpbs>

¹⁴⁷ International Centre for Migration Policy Development – Lebanon, Integrated Border Management, ICMPD-Lebanon, <https://www.icmpd-lebanon.org/en/programme>

reveals that this component is a very minimal part of IBM activities and services.”¹⁴⁸

A Code of Conduct (CoC) for Lebanon’s Internal Security Forces (ISF) was drafted in 2012 with technical assistance of the Office of the High Commissioner for Human Rights and support of the British Embassy to improve relationship between Lebanese citizens, residents and General Security.¹⁴⁹ According to the Lebanese human rights NGO ALEF “The CoC acknowledges the existence of detention centres in an official document and addresses thoroughly the on going issues related to migrant workers. However, there are also visible limitations to the CoC, such as the lack of mention of an oversight mechanism and accountability structures, as well as efficient remedies to human rights violations. Its human rights approach is not fully inclusive, as the DGGS’s mission does not encompass refugees and Palestinians living in Lebanon.”¹⁵⁰

2.15 Non-custodial measures. There are no “alternatives to immigration detention” provided in law. General Security has reportedly used domestic violence shelters and a “safe house” run by charity organisations as “alternative incommunicado detention places” for foreigners, which some activists have argued is contrary to the principle of these shelters.¹⁵¹

2.16 Court rulings on detention. In 2001, a Beirut court overturned a deportation order issued against an Iraqi national who entered Lebanon without authorisation. The court found that returning the Iraqi national to his country of origin would violate Lebanon’s obligations under Article 3 of the [Convention against Torture](#).¹⁵²

In several other cases, the General Prosecutor has ruled that continued detention beyond completion of a criminal sentence is unnecessary to ensure the execution of deportation orders.¹⁵³ Lebanese courts have also found the continued detention of foreign nationals who had finished serving their sentences—as well as the prolonged administrative detention of those who cannot be deported—to be illegal under Lebanese law and under Lebanon’s international obligations. On several occasions, General Security has however disregarded court orders and continued to hold the respective persons in detention.¹⁵⁴

¹⁴⁸ ALEF, Establishing the Primacy of Human Rights in Security Sector Reform in Lebanon, 2016, <https://alefliban.org/wp-content/uploads/2017/03/Establishing-the-primacy-of-HR-in-SSR-Lebanon.pdf>

¹⁴⁹ Office of the High Commissioner for Human Rights, A Code of Conduct to help protect human rights in Lebanon, 24 January 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/ACodeofConducttohelpprotectHRLebanon.aspx>

¹⁵⁰ ALEF, Establishing the Primacy of Human Rights in Security Sector Reform in Lebanon, 2016, <https://alefliban.org/wp-content/uploads/2017/03/Establishing-the-primacy-of-HR-in-SSR-Lebanon.pdf>

¹⁵¹ Frontiers Ruwad Association, Association Libanaise pour l’Education et la Formation, Restart Centre for Rehabilitation of Victims of Violence and Torture, and Alkarama Foundation, “Joint Submission to the Ninth Session of the Universal Periodic Review [Lebanon 2010] – Torture, Arbitrary Detention and Fair Trial,” 2010, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRLBStakeholdersInfoS9.aspx>

¹⁵² For more details see the case of Sajid Ilia in: Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹⁵³ See cases of Nadim Abd Almalik, Anderani Tiaritchi, and Heilani Beidani in: Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹⁵⁴ ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf) ; Human Rights Watch (HRW), “Letter to Lebanese government voicing concern over migrant and refugee arbitrary detentions,”



3. DETENTION INFRASTRUCTURE

Lebanon has one dedicated immigration detention centre, the General Security Detention Centre. However, apprehended irregular migrants and asylum seekers are generally prosecuted and then incarcerated in one of the country's 23 prisons.¹⁵⁵ Today, it seems that not all prisons house detained non-citizens: one report indicates that as of 2013, only eight prisons were being used for immigration-related reasons.¹⁵⁶ Once non-citizens have completed their sentences, they typically remain in detention until they are deported, either at the prison where they served their criminal sentence or at the General Security Detention Centre.¹⁵⁷ Civil society reports claim that due to the regular overcrowding of prisons and detention facilities, foreigners are also temporarily detained in police stations pending their transfer, which can last for periods ranging from several days to more than a month.¹⁵⁸

3.1 Immigration detention centre. Lebanon's only immigration detention centre, which was located in the centre of Beirut in a former parking lot under a highway connecting Badaro to Baabda in Adlieh, was closed and relocated to Beirut's Al Abed Square in late August 2016. The appalling conditions and unacceptable levels of overcrowding in the previous facility were frequently denounced by civil society and human rights groups. Following visits by several embassies and the European Commission, it was reported that sufficient funds had been raised for the construction of a new detention centre.¹⁵⁹

24 February 2010, <http://www.hrw.org/en/news/2010/02/24/letter-lebanese-government-voicing-concern-over-migrant-migrant-and-refugee-arbitrar>; Human Rights Watch (HRW), "Lebanon: Free Foreign Prisoners When Sentences End. Continued Detention Not Based on Judicial or Administrative Orders," 25 February 2010, <http://www.hrw.org/en/news/2010/02/25/lebanon-free-foreign-prisoners-when-sentences-end>

¹⁵⁵ Frontiers Ruwad Association (FRA), "Double Jeopardy: Illegal Entry - Illegal Detention. Case Study: Iraqi Refugees and Asylum-Seekers in Lebanon," December 2008, http://www.frontiersruwad.org/pdf/FR_DoubleJeopardy_Eng_FINAL_5January2009.pdf; International Centre for Prison Studies (ICPS), "World Prison Brief – Lebanon," 2013, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=180

¹⁵⁶ Frontiers Ruwad and AJEM, Global Detention Project questionnaire, November 2013, Amman, Jordan..

¹⁵⁷ Human Rights Watch (HRW), "Lebanon: Free Foreign Prisoners When Sentences End. Continued Detention Not Based on Judicial or Administrative Orders," 25 February 2010, <http://www.hrw.org/en/news/2010/02/25/lebanon-free-foreign-prisoners-when-sentences-end>

¹⁵⁸ Frontiers Ruwad Association, "Joint Submission in the view of Lebanon's second periodic review by the human rights council. Torture, detention, and unfair trials," March 2015, https://frontiersruwad.files.wordpress.com/2015/03/2015_upr-lebanon_detention-torture-and-unfair-trial_joint-submission.pdf; Lebanese Centre for Human Rights (CLDH), "Shadow Report: Submission to the Committee Against Torture in Relation to its Examination of the Initial Report of Lebanon," March 2016, http://www.rightsobserver.org/files/Shadow_report_-_online_2017.pdf; ALEF et al., "Lebanon Joint Shadow Report," March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

¹⁵⁹ For more information, see the 2014 Global Detention Project Report on Lebanon: <https://www.globaldetentionproject.org/immigration-detention-in-lebanon>

Officially, General Security states that the centre holds foreigners at the Department of Investigation and Procedures. However, it is more commonly referred to as the General Security Detention Centre, and news articles and NGO reports also refer to it as such.¹⁶⁰

The new facility became fully operational in August 2016 and is located close to the former facility, at Al Abed Square.¹⁶¹ According to General Security's media office, the new detention facility is above ground and is larger and more hygienic than the original centre. Nabil Hanoun, head of the media office, further listed the presence of a health clinic, a library, and a craft room.¹⁶² The GDP received information corroborating General Security's statement, yet it remains unclear as to what extent detainees have access to these facilities.

The centre reportedly has a capacity of 768, which is three times larger than the original.¹⁶³ (Other reports provide slightly different figures, stating that the facility is a 750-person or a 760-person detention centre.¹⁶⁴) As of December 2017, its occupancy varied from 530 to 550 detainees. Men and women are detained in separate blocks: 16 cells for males and 16 cells for females, with each cell containing 24 beds.¹⁶⁵ According to one source, families have their own space. Like the old facility, the new centre includes isolation cells.¹⁶⁶

Caritas Lebanon continues to provide social, legal, and medical assistance in the new facility, in which they also have their own office. According to reports, UNHCR, the International Committee of the Red Cross, and lawyers also have access.¹⁶⁷ However, according to another report, General Security no longer provides lawyers access to the centre.¹⁶⁸

¹⁶⁰ United Nations High Commissioner for Refugees (UNHCR), E-mail correspondence with Michael Flynn (Global Detention Project), 2017.

¹⁶¹ United Nations High Commissioner for Refugees (UNHCR), E-mail correspondence with Michael Flynn (Global Detention Project), 2017.

¹⁶² H. Khaled and P. Issa, "Interior minister lambastes bid to 'target' Downtown. Machnouk vows to prevent further attempts to vandalize property in area," The Daily Star, 22 September 2015, <https://www.pressreader.com/lebanon/the-daily-star-lebanon/20150922/281522224885299>

¹⁶³ Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁶⁴ H. Khaled and P. Issa, "Interior minister lambastes bid to 'target' Downtown. Machnouk vows to prevent further attempts to vandalize property in area," The Daily Star, 22 September 2015, <https://www.pressreader.com/lebanon/the-daily-star-lebanon/20150922/281522224885299>; Y. Wehbe, "Report: New general Security detention center inaugurated," LBC Lebanon News, 9 September 2016, <https://www.lbcgroup.tv/news/d/news-bulletin-reports/280846/report-new-general-security-detention-center-inaug/en>; US Department of State (USDOS), "Trafficking in Persons Report 2017 - Country Narratives – Lebanon," 27 June 2017, http://www.ecoi.net/local_link/342539/473315_en.html

¹⁶⁵ Y. Wehbe, "Report: New general Security detention center inaugurated," LBC Lebanon News, 9 September 2016, <https://www.lbcgroup.tv/news/d/news-bulletin-reports/280846/report-new-general-security-detention-center-inaug/en>; Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁶⁶ Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁶⁷ Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁶⁸ Lebanese Centre for Human Rights (CLDH), "Legal Aid to Vulnerable Individuals in Lebanon," January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf; ALEF et al., "Lebanon Joint Shadow Report," March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

The GDP received further information suggesting that detention conditions have improved at the new facility. Detainees now have access to beds and to a canteen during lunchtime where they eat in groups of 50 persons. Recreational activities, such as craft sessions, are also offered to them.¹⁶⁹ However, a year after its relocation, little additional information is available about the new detention facility. In a joint report to the Committee against Torture, several NGOs criticised the fact that conditions of the new detention facility remain unknown.¹⁷⁰ Given that the previous facility was characterised by severe overcrowding, poor ventilation, insufficient food and water supplies, and a lack of medical services, observers have questioned whether substantial and sustainable improvements have been made in the new centre.¹⁷¹

The detention centre is supposed to be used solely for holding “criminal aliens” after they have completed prison sentences and while they are awaiting deportation (Circular n. 4662/2004). However detainees at the facility—both minors and adults—also include non-nationals who lack documentation to remain in the country but cannot afford tickets home, persons without identification, 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 arriving in the country, and asylum seekers who claimed asylum more than two months after arriving in Lebanon.¹⁷²

Detention periods range from two weeks to several months, depending on the level of collaboration between General Security, sponsors (employers), the detainee’s embassy, and/or the UN High Commissioner for Refugees.¹⁷³

3.2 Prison system. According to 2011 figures shared by the Lebanese authorities with the Committee against Torture in 2017, as well as more recent information provided by human rights organisations, there are currently 23 prisons operating in Lebanon.¹⁷⁴ More recently, in April 2017, the Permanent Representative of Lebanon to the United Nations stated in her presentation of Lebanon’s report to the Committee Against Torture that five new prisons were then being build, including one facility for arrested foreigners.¹⁷⁵ According to a 2013 joint report by Frontiers

¹⁶⁹ Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁷⁰ ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

¹⁷¹ For more details about the old detention centre, see the 2014 Global Detention Project report on Lebanon, <https://www.globaldetentionproject.org/immigration-detention-in-lebanon>

¹⁷² A. Slemrod and V. Meguerditchian, “Inside Adlieh’s infamous detention centre,” The Daily Star, 24 November 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Nov-24/196043-inside-adliehs-infamous-detention-centre.ashx#axzz2UCGEcbG6>; Undisclosed source, Email correspondence with Inga Boecker (Global Detention Project), November 2017.

¹⁷³ Caritas Lebanon Migrant Centre (CLMC), “Detention Centre for Foreigners”; Lebanese Centre for Human Rights (CLDH), “Women Behind Bars – Arbitrary Detention and Torture – Lebanon,” April 2015, http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_EN_pages.pdf

¹⁷⁴ Committee Against Torture, “Annexes to State party report,” 14 March, 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CAT/ADR/LBN/23259&Lang=en

¹⁷⁵ Committee Against Torture, “Committee against Torture considers initial report of Lebanon,” 21 April 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21521&LangID=E>

Ruwad and AJEM, there were seven criminal facilities that were being used for immigration-related purposes: **Roumieh Juvenile Centre, Qobbeh Prison for Men, Qobbeh Prison for Women, Zahle Prison for Men, Zahle Prison for Women, Babbda Prison for Women, and Barbar Khazen Prison for Women.**¹⁷⁶

Prisons generally do not segregate administrative and criminal detainees, and minors are often insufficiently separated from adults; however, observers have claimed Lebanon abides by international standards with respect to separating men and women in prisons.¹⁷⁷

Looking at the overall prison population, it was recently estimated in a “Data Against Impunity Project” report that 30 percent of the prison population is Syrian.¹⁷⁸ Further figures indicate that at times, the number of foreigners can even outnumber the Lebanese population in prison facilities. In 2015 for instance, over 60 percent of the inmates in Lebanon’s largest prison, Roumieh prison, were reportedly foreigners.¹⁷⁹ According to Caritas Lebanon, the women’s prison population is also typically comprised of more than 50 percent migrant workers.¹⁸⁰

Moreover, non-citizens who have served their sentences are not released but instead remain in prison pending their transfer to the General Security Detention Centre. According to estimations, the time between a foreign detainee’s last day of sentence and their transfer amounted to several months in 2012, a few days in 2013, and about three weeks at the end of 2014.¹⁸¹

There is constant overcrowding in prisons, a key reason being that the prolonged pre-trial procedures can take weeks, months, or even years.¹⁸² In fact, about half of all inmates (both foreigners and Lebanese nationals) are pre-trial detainees. In early

¹⁷⁶ Frontiers Ruwad Association and AJEM, Global Detention Project questionnaire, Amman, Jordan, November 2013; Human Rights Watch (HRW), “Rot Here or Die There, Bleak Choices for Iraqi Refugees in Lebanon,” November 2007, <http://www.hrw.org/en/node/10579/section/1>

¹⁷⁷ Seta Hadesian (Middle Eastern Council of Churches), Global Detention Project questionnaire, 19 September 2011, Geneva, Switzerland; Home Office (HO), “Country of Origin Information Report 2006 - The Lebanon,” July 2006, http://rds.homeoffice.gov.uk/rds/pdfs/06/lebanon_170706.doc; Human Rights Watch (HRW), “Rot Here or Die There, Bleak Choices for Iraqi Refugees in Lebanon,” Vol. 19 (8), November 2007, <http://www.hrw.org/en/node/10579/section/1>; IRIN News, “Lebanon: Overcrowded and mismanaged prisons criminalising young offenders,” 25 March 2007, <http://www.irinnews.org/Report.aspx?ReportId=70917>; Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf; ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO_coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO_coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf).

¹⁷⁸ International Rehabilitation Council for Torture Victims and Khiam, “Collecting Data on Torture in Lebanon,” 2017,.

¹⁷⁹ M. Nashed, “Lebanon partners with Italy, UN to improve prisons,” Albawaba News, 30 September 2015, <https://www.albawaba.com/business/lebanon-partners-italy-un-improve-prisons-749056>; SHEILD, “WASH in South Lebanon Prisons and detention centers”, 2015,.

¹⁸⁰ Caritas Lebanon Migrant Centre (CLMC), “Prisons Project,” 2012.

¹⁸¹ Lebanese Centre for Human Rights (CLDH), “Women Behind Bars – Arbitrary Detention and Torture – Lebanon,” April 2015, http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_EN_pages.pdf

¹⁸² E. Humphris, “Speaking Out for Foreigners in Lebanese Prisons,” Border Criminologies Blog, University of Oxford, 23 March 2016, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/03/speaking-out-0>; Lebanese Centre for Human Rights (CLDH), “Women Behind Bars – Arbitrary Detention and Torture – Lebanon,” April 2015, http://www.rightsobserver.org/files/Arbitrary_detention_and_torture_EN_pages.pdf

2016, they made up 57.09 percent of the prison population - slightly dropping to 55.63 percent in July 2016.¹⁸³

3.3 Conditions of detention. In its 2017 human rights report on Lebanon, the U.S. Department of State considered the severe conditions of prisons and detention centres, and abuses and torture by security forces at these facilities, to be among the more significant human rights abuses in the country.¹⁸⁴

According to a joint submission to the Committee against Torture by several NGOs, “only two of 23 prisons in Lebanon are architecturally built to contain prisoners in suitable conditions,” especially when detaining persons for a long period of term.¹⁸⁵ The Lebanese Centre for Human Rights (CLDH) provided a detailed account of prison conditions in a 2010 report. Based on interviews with inmates and visits to prisons, CLDH reported regular overcrowding, lack of bed space, heating and cooling issues, poor ventilation, insufficient nourishment, lack of access to hot water, inadequate medical services and treatment, and antiquated sanitary facilities among other problems.¹⁸⁶ Regularly visiting all prisons under ISF control in Lebanon, CLDH continues to monitor the facilities on a spot check basis, and in a 2017 report they reiterated the prevalence of poor conditions, indicating longstanding organisational, structural, and legal shortcomings.¹⁸⁷

For years, it has been reported that severe overcrowding has plagued Lebanon’s prison system. Although the official capacity of the system is 3,653, the population is usually up to two or three times higher.¹⁸⁸ The largest of Lebanon’s prisons, Roumieh prison, has a capacity of 1,050¹⁸⁹ but has reportedly held as many as 3,840 prisoners at once – something which no doubt prompted the 2016 US Department of State’s Human Rights Report on Lebanon to classify conditions in the prison as “life threatening.”¹⁹⁰

¹⁸³ ALEF, “The Situation of Human Rights in Lebanon: Annual Report 2016,” 2017, https://alefliiban.org/wp-content/uploads/2017/03/ALEF_AnnualReport_2016.pdf

¹⁸⁴ US Department of State (USDOS), “Country Report on Human Rights Practices 2016 – Lebanon,” 3 March 2017, http://www.ecoi.net/local_link/337210/479973_de.html

¹⁸⁵ ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)

¹⁸⁶ Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf

¹⁸⁷ Lebanese Centre for Human Rights (CLDH), “Legal Aid to Vulnerable Individuals in Lebanon,” January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf

¹⁸⁸ Lebanese Centre for Human Rights (CLDH), “Prisons in Lebanon: Humanitarian & Legal Concerns,” February 2010, http://www.rightsobserver.org/files/cldh_prisons_2010_en.pdf; Committee Against Torture, “Annexes to State party report,” 14 March 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CAT/ADR/LBN/23259&Lang=en; Lebanese Centre for Human Rights (CLDH), “Legal Aid to Vulnerable Individuals in Lebanon,” January 2017, http://www.rightsobserver.org/files/CLDH_Legal_Aid_Project_Report_2017.pdf

¹⁸⁹ Seta Hadesian (Middle Eastern Council of Churches), Email communication with Michael Flynn (Global Detention Project), 27 July 2010, Geneva, Switzerland.

¹⁹⁰ US Department of State (USDOS), “Country Report on Human Rights Practices 2016 – Lebanon,” 3 March 2017, http://www.ecoi.net/local_link/337210/479973_de.html

Former detainees, including refugees and migrants, have reported ill-treatment by security forces both during arrest and while in detention facilities.¹⁹¹ According to statistics compiled by CLDH between 2009-2015, 60 percent of all inmates detained for over a year were subjected to serious ill-treatment or torture at a certain point during their detention. Persons were particularly at risk during preliminary investigations and/or during administrative detention.¹⁹² Refugees are also pressured to sign declarations agreeing to their “voluntary return” – something which clearly violates Lebanon’s non-refoulement obligations determined in Art.3 of the Committee Against Torture.¹⁹³

Several NGOs have reported that detention conditions have a psychological and physical impact upon detainees. Detainees have reportedly suffered from insomnia, anxiety, memory loss, depression, headaches, respiratory problems, and eating disorders – none of which have been sufficiently treated.¹⁹⁴

3.4 Detention costs. Civil society actors contend that immigration detention in Lebanon is not nearly as expensive as it should be as the government does not provide health, sanitary, medical, or other services. The only government provision is food, although according to reports, this does not meet basic standards. Families, NGOs, and humanitarian institutions serve as the key providers for health, sanitary, subsistence, medical, and legal assistance to detainees.

¹⁹¹ Human Rights Watch (HRW), “World Report 2013,” 2013, <http://www.hrw.org/world-report/2013/country-chapters/lebanon>

¹⁹² Lebanese Centre for Human Rights (CLDH), “Shadow Report: Submission to the Committee Against Torture in Relation to its Examination of the Initial Report of Lebanon,” March 2016, http://www.rightsobserver.org/files/Shadow_report_-_online_2017.pdf

¹⁹³ Lebanese Centre for Human Rights (CLDH), “Shadow Report: Submission to the Committee Against Torture in Relation to its Examination of the Initial Report of Lebanon,” March 2016, http://www.rightsobserver.org/files/Shadow_report_-_online_2017.pdf

¹⁹⁴ ALEF et al., “Lebanon Joint Shadow Report,” March 2017, [http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN\(1\).pdf](http://www.khiamcenter.org/images/UserFiles/Image/NGO%20coalition_CAT_LEB_ShadowReport_Final_20170320_EN(1).pdf)



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