

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences; the Working Group on the issue of discrimination against women in law and in practice; and the Special Rapporteur on trafficking in persons, especially women and children**

REFERENCE AL G/SO 214 (106-10) Slavery (2007-2) G/SO 214 (53-24) G/SO 214 (89-15) Trafficking (2004-5)

LBN 2/2012

2 April 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of slavery; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children and the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 17/12, 15/2, 16/23, 16/7, 17/1 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning an **Ethiopian migrant domestic worker in Lebanon**.

According to information received:

Alem Dechasa, a 33-year-old Ethiopian migrant domestic worker was repeatedly physically and sexually abused by her employer. On 24 February 2012, Ms. Dechasa managed to leave her employer's house and reach the Ethiopian Consulate in Lebanon to seek assistance.

While outside the Ethiopian Consulate, Ms. Dechasa was physically beaten and forcibly dragged into a car by two men. One of the men was identified as Ali Mahfouz, the brother of the head of the allegedly illegal recruitment agency which took Ms. Dechasa to Lebanon. Later, Mr. Mahfouz stated that Ms. Dechasa had been mentally ill and they had been trying to repatriate her.

It is alleged that the police arrived shortly after the above incident of physical abuse and took Ms. Dechasa to a detention center. The police did not arrest Mr. Mahfouz and the other man- both of whom had physically abused Ms. Dechasa.

It is alleged that after a request from Caritas-Lebanon which works in this detention center, the police transferred Ms. Dechasa to a psychiatric hospital called Deir al-Saleeb.

On 8 March, the Lebanese Broadcasting Corporation International (LBCI), a Lebanese TV station, released a video showing the physical abuse of Ms. Dechasa outside the Ethiopian Consulate.

On 14 March 2012, the Lebanese Ministers of Labour and Justice announced that they would open an investigation into the abuses carried out against Ms. Dechasa. The result of this investigation has not yet been made public.

It is alleged that Ms. Dechasa committed suicide in a mental institution on 14 March 2012.

In this context, allow us to recall article 3 of the Universal Declaration Universal of Human Rights (UDHR) which states that “everyone has the right to life, liberty and security of person” and article 4 which states that “no one shall be held in slavery or servitude”.

Furthermore, we would like to remind your Excellency’s Government that the enjoyment of the rights guaranteed in the International Covenant on Civil and Political Rights (ICCPR), ratified by Lebanon on 3 November 1972, is not limited to citizens of States parties but “must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party” (CCPR/C/21/Rev.1/Add. 13 (2004), para. 10). Under article 2 of the Covenant, State parties undertake to guarantee the exercise of the rights enunciated therein without any discrimination of any kind, including nationality. Furthermore, we would like to stress that your Excellency’s Government has the obligation to protect the right to physical and mental integrity of all persons within its territory or subject to its jurisdiction. Article 7 of the ICCPR provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

Moreover, we would also like to bring to the attention of your Excellency’s Government the 1926 Slavery Convention ratified by Lebanon on 25 June 1931 which states that High Contracting States bring about “the complete abolition of slavery in all its forms”. Article 5 of this Convention, states that the “High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery”.

We would also like to bring to your attention article 2 of the 1930 ILO Forced Labour Convention, ratified by the Lebanon on 1 June 1977 which defines "forced or compulsory labour" as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

We would also like to draw to the attention of your Excellency's Government the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, supplementing the United Nations Convention against Transnational Organized Crime (“Palermo Protocol”), which your Excellency’s Government ratified on 5 October 2005. Article 3 of the Protocol defines trafficking in persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

We also deem it appropriate to make references to the Recommended Principles and Guidelines on Human Rights and Trafficking, issued by the Office of the United Nations High Commissioner for Human Rights in July 2002. In particular, guideline 7 recommends States to consider “reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration” and “examining ways of increasing opportunities for legal, gainful and non-exploitative labour migration. The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms to protect the rights of migrant workers”.

International human rights standards related to women are also relevant in this case. In this respect we would like to draw the attention of your Excellency’s Government to article 4 (c) and article 4 (d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms (adopted by General Assembly resolution 48/104 on 20 December 1993).

As Lebanon is a state party to the Convention on the Elimination of All Forms of Discrimination against Women, we would like to recall General Recommendation No. 26 on women migrant workers of the Committee on the Elimination of All Forms of Discrimination against Women (hereafter CEDAW) which elaborates the circumstances that contribute to the specific vulnerability of women migrant workers and calls for the integration of a gender perspective in the analysis of the position of female migrant workers and the development of policies that counter discrimination, exploitation and abuse. The majority of the migrant domestic workers are women. Female domestic migrant workers face hazards on the basis of their migrant status, their sex and gender. Women, who are migrant domestic workers and have lost their immigration status, are particularly vulnerable to violence, including sexual violence, by the employer or others who want to abuse the situation.

According to CEDAW General Recommendation No. 28, paragraph 26, “States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of female migrant workers, including in

their own communities. Among measures that may be required, “States parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employers respect the rights of all women migrant workers. States parties should closely monitor recruiting agencies and prosecute them for acts of violence, coercion, deception or exploitation (article 2 (e) of the Convention on the Elimination on the Elimination of All Forms of Discrimination against Women). The above-mentioned General Recommendation further calls States parties to the Convention on the Elimination of All forms of Discrimination against Women, to ensure that domestic work is protected by labour laws and that female migrant workers have the ability to access remedies when their rights are violated. In this regard, we note the concerns expressed by CEDAW during its consideration of the third periodic report<sup>1</sup> of Lebanon in 2007 in relation to “the abuse and exploitation of women employed as domestic workers in Lebanon”. We further note CEDAW’s recommendations made to “speedily enact the draft law regulating the employment of domestic workers which is currently being considered by a steering committee established in April 2007 to address the situation of women migrant workers and to supervise its compliance by employment agencies and employers; to establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers; to provide domestic workers with viable avenues of redress against abuse by employers”.

We would also draw the attention of your Excellency’s Government to paragraph 2 of General Comment No. 20 of the Human Rights Committee, which provides that, “The aim of the provisions of article 7 [on the prohibition of torture and other cruel, inhuman and degrading treatment or punishment] of the International Covenant on Civil and Political Rights is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.” (adopted at the 44th session of the Human Rights Committee, 1992).

In addition we would like to draw your Excellency’s Government’s attention to paragraph 18 of the General Comment No. 2 of the Committee against Torture (CAT/C/GC/2, 24 January 2008), where the Committee has made clear that where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State’s indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties’ failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.

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<sup>1</sup> CEDAW/C/LBN/CO/3 para. 31&32

Furthermore, we would like to recall General Assembly resolution 65/212 on the protection of migrants which “calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability.”

We also deem it appropriate to make references to the Recommended Principles and Guidelines on Human Rights and Trafficking, issued by the Office of the United Nations High Commissioner for Human Rights in July 2002. In particular, guideline 7 recommends States to consider “reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration” and “examining ways of increasing opportunities for legal, gainful and non-exploitative labour migration. The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms to protect the rights of migrant workers”.

In connection with the right to a remedy, we wish to recall that the Lebanon, as a State party to the ICCPR, has undertaken to: “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and ensure that the competent authorities shall enforce such remedies when granted”.

General Assembly resolution 60/147 of 16 December 2005 on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law also states that “victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations”.

The Human Rights Council has, as had its predecessor, the Commission on Human Rights, repeatedly recognised ‘the importance of respecting and ensuring the right to truth so as to contribute to ending impunity and to promote and protect human rights.’<sup>2</sup> This recognition builds, among other things, on the United Nations Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. It affirms the obligation of the State ‘to ensure the inalienable right to know the truth about violations’ (Principle 1).<sup>3</sup> According to Principle 4, ‘[i]rrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims’ fate.’

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your clarifications on the following issues:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged?
3. Please provide the details, and where available the results, of any investigation, post mortem forensic and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why. Will the results of the forensic and judicial or other investigations be made public? If not, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken against the alleged perpetrators. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators? When and how does your Government plan to make public the result of the investigation that the Ministers of Labour and Justice announced on 14 March 2012?
5. Please indicate whether and according to what modalities reparation measures including compensation will be provided to the family of the victim.
6. Please indicate what measures your Government has taken or intends to take to sanction the illegal recruitment agency concerned.
7. Please provide information on the measures undertaken to prevent similar cases from happening in the future and any oversight mechanisms in place to monitor the activities of domestic recruitment agencies abroad.

We would appreciate a response within sixty days. Your Excellency's Government's reply will be made available in a report to the Human Rights Council.

We would also like to take this opportunity to let your Excellency's Government's know that we intend to make my concerns public later on today.

Please accept, Excellency, the assurances of our highest consideration.

Special Rapporteur on contemporary forms of slavery

François Crépeau

Special Rapporteur on the human rights of migrants

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and  
consequences

Kamala Chandrakirana  
Chairperson-Rapporteur of the Working Group on the issue of  
discrimination against women in law and in practice

Joy Ezeilo  
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