

**Mandates of the Working Group of Experts on People of African Descent; the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE:  
UA LBN 4/2018

11 July 2018

Excellency,

We have the honour to address you in our capacity as Working Group of Experts on People of African Descent; Working Group on Arbitrary Detention; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 36/23, 33/30, 34/21, 34/6, 34/35, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the criminalization, arbitrary detention and risk of deportation of Ms. [REDACTED], a migrant worker from Kenya who was physically assaulted by ten people on 17 June 2018.

According to information received

On 17 June 2018, two Kenyan women were walking on the side of the street in Bourj Hammoud in Beirut when a Lebanese military officer driving with his wife and children hit them with his car from behind for no apparent reason. The two victims turned to face the military officer and he proceeded to hit them two more times. The victims were terrified, but could not run away because the sidewalks were blocked and the streets were narrow. When the women protested, the military officer got out of the car cursing at them, and physically assaulted them. A number of people gathered at the scene and ten people ganged up to beat the two black women while insulting them. A short video clip of the event shows one man holding the women by their hair and hitting them violently. Others were kicking them. The attack, which appears to be a hate crime, was so violent that one of the women reportedly fainted.

The police arrested the two female victims from Kenya, the military officer, and two other civilians including a Lebanese woman. The police detained all of them but the Lebanese woman. All five are under prosecution on charges of street fighting. One of the Kenyan women was released after several days in detention

as she is married to a Lebanese national and in the process of changing her residency status. However, the General Directorate of General Security is holding the second one, Ms. [REDACTED] in detention. The two Kenyan women are migrant domestic workers in Lebanon under the kafala (sponsorship) system. Although Ms. [REDACTED] has a valid residency permit, she left her legal employer several months ago which led the General Directorate of General Security to detain her. Such detention thus appears to be arbitrary.

On Monday, 2 July 2018, the General Directorate of General Security issued a deportation order against Ms. [REDACTED] enforceable the same week. The order was issued despite the fact that she is being prosecuted in an active case before the military court with a first hearing that took place on 4 July 2018. It is not clear why such a case is being tried before a military court. It also now appears that through a press briefing held on 5 July 2018, the General Directorate of General Security denied having issued the deportation order. However, there seems to be a deportation order number (١٦٢٢ و أ ت) linked to Ms. [REDACTED]. Moreover, the national news agency reported on behalf of the Ministry of Justice that following the deportation order it requested the General Directorate of General Security to postpone consideration of the status of the two Kenyan women. This suggests that indeed a deportation order exists.

Ms. [REDACTED] has been denied access to her lawyer by the General Directorate of General Security. The first court hearing took place on 4 July 2018 without her having been granted the authorization to interact with her legal counsel who was refused access by the the General Directorate of General Security. The victim and her lawyer were only able to talk in the courtroom on the day of the hearing. The Request for a stay of deportation of Ms. [REDACTED] submitted on 4 July 2018 was denied. However, it appears that at the request of Ms. [REDACTED]'s lawyer the judge in the military court requested the General Directorate of General Security to put the deportation on hold while the court case is open.

The Government did not provide medical care to the victims up to one week after the assault when their lawyer requested that they receive a medical visit. The Government has refused to release the medical reports to the victims' legal representative.

Without making any judgment as to the accuracy of the information made available to us, we express concerns over the violent hate-motivated attack against the two migrant women of African descent and over the criminalization of these victims, due also to their submission to the kafala (sponsorship) system of work and residency. Such attacks showcase the multiple and intersecting forms of violence and discrimination faced by migrant women, and we deplore the detention and risk of deportation of a 'foreign' victim whose case is still being heard by the court. This detention may amount to a

deprivation of liberty on discriminatory grounds based on birth, national, ethnic or social origin. The reported facts refer to a number of violations of human rights including structural discrimination of racial and ethnic minorities, specifically migrants, non-guarantee of security of persons, arbitrary detention, and denial of due process of law; denial of access to justice and criminalization of victims of hate crime. It is also of concern that the case is being considered before a military court. These allegations are in contravention of provisions of the ICCPR and ICERD.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

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 observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal basis for the arrest and detention of Ms. [REDACTED] in light of Lebanon's international human rights obligations under inter alia Articles 9 and 14 of ICCPR and Articles 5 and 6 of ICERD.
3. Kindly explain what due process guarantees are in place for migrants who are facing a deportation order, including the right to be heard by relevant authorities, the right to interpretation and translation, the right to legal representation, as well as access to an effective remedy to appeal a deportation decision.
4. Please provide details on the decision of the General Directorate of General Security to restrict the lawyer's access to Ms. [REDACTED], especially in light of article 14 of the ICCPR. Also, explain any delay in the immediate provision of medical care and why the lawyer has been denied access to her client's medical report. Please further provide information on the reason why she is being prosecuted before a military court.
5. Please indicate what measures are in place to prevent the occurrence of hate crimes against racial and ethnic minorities, specifically migrants, and to in particular protect migrant women, including those employed through the kafala system of sponsorship, from gender-based violence.

6. Please indicate what measures have been taken to ensure that victims of hate crimes are provided with adequate remedies and protection as well as access to justice and restitution.

While awaiting a reply, we request a halt of deportation of Ms. [REDACTED] pending finalization of all legal proceedings, including potential appeals related to the criminal proceedings as well as any immigration proceedings and urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Michał Balcerzak  
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