



Presumed Guilty: The Criminalization, Arrest, and Detention of Migrant Domestic Workers in Lebanon



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Introduction:

Migrant domestic workers (MDWs) remain among the most vulnerable groups in Lebanon. Their exclusion from the Labor Law, dependence on the kafala (sponsorship) system, language barriers, social isolation, and limited access to legal assistance often leave them with little protection when they come into contact with the criminal justice system. While Lebanese law provides procedural safeguards that apply to all persons regardless of nationality, the experiences of many migrant domestic workers reveal a significant gap between these legal guarantees and their implementation in practice.

For many workers, arrest marks the beginning of a series of violations rather than the application of legal protections. They are frequently unaware of their rights, questioned without legal representation or interpretation, detained on the basis of unsubstantiated allegations, and held in custody for prolonged periods due to procedural and administrative shortcomings. These challenges are compounded by the structural vulnerabilities created by the kafala system, which often places workers in positions of dependency and unequal power long before any interaction with law enforcement occurs.

Lebanon's kafala (sponsorship) system ties a migrant domestic worker's legal residency directly to a single employer, or "kafeel," leaving workers unable to change jobs or remain in the country without that employer's consent. Excluded from the protections of Lebanon's Labor Law, this arrangement fosters exploitation, including passport confiscation, unpaid wages, and abuse, with little recourse to state protection.

This report examines the treatment of migrant domestic workers during arrest and detention through the lens of Lebanon's domestic legal framework and its international human rights obligations. Drawing on documented cases handled by the Lebanese Center for Human Rights (CLDH), it highlights recurring violations of due process, fair trial guarantees, and the right to liberty, while identifying broader systemic shortcomings that continue to undermine access to justice for migrant domestic workers.

Methodology:

CLDH's team conducted a qualitative review of case files involving migrant domestic workers whose situations fell within the scope of the violations examined in this report.



The case review took place between May and July 2026. In total, 12 case files were screened, and five cases were purposively selected for detailed analysis based on criteria aimed at identifying cases that best illustrate the range and nature of violations faced by migrant domestic workers in detention, including the relevance of the alleged violations, the availability of supporting documentation, and their ability to reflect recurring procedural and human rights concerns identified through CLDH's legal casework.

The primary sources for the analysis were CLDH's case records, including legal files, case notes, court documents, and correspondence maintained in the course of providing legal assistance. To complement the documentary review, in-depth discussions were conducted with CLDH lawyers who had represented or assisted the individuals concerned. These discussions served to contextualize the documented cases, clarify procedural developments, and identify recurring systemic challenges affecting migrant domestic workers in detention.

All cases included in this report have been fully anonymized to protect the identity and privacy of the individuals concerned. Personal identifiers have been removed or altered, and information has been presented only to the extent necessary to illustrate the legal and human rights issues discussed. The analysis was conducted in accordance with CLDH's data protection and confidentiality practices. Where information was obtained directly from individuals, its use was based on informed consent or in accordance with CLDH's ethical procedures governing the use of case information for research and advocacy purposes.

The five cases presented in this report are not statistically representative of all migrant domestic workers in detention in Lebanon. Rather, they constitute a purposive sample selected to illustrate patterns of violations repeatedly observed through CLDH's legal assistance and monitoring activities. While the findings cannot be generalized to determine the prevalence of such practices nationwide, they provide qualitative evidence of systemic concerns and recurring shortcomings within the detention system.

Legal Analysis:

Article 8 of the Lebanese Constitution guarantees the right to individual liberty by providing that "No one may be arrested, imprisoned, or kept in custody except in accordance with the provisions of the law." This constitutional guarantee applies to all persons in Lebanon, including migrant domestic workers, and establishes the principle



that any deprivation of liberty must have a legal basis and comply with the procedural safeguards prescribed by law.

However, the vulnerability of migrant domestic workers, largely rooted in the kafala system, is particularly evident in the way they are treated upon arrest and during detention.

I- Migrant Domestic Workers' Rights During Arrest and Detention: Legal Guarantees and Gaps in Implementation

a- Legal Framework Governing the Protection of Migrant Domestic Workers During Arrest and Detention

The Lebanese Code of Criminal Procedure incorporates a range of procedural guarantees aimed at ensuring fair trial rights and safeguarding the rights of detainees:

i- Article 47

¹ strengthened the procedural safeguards afforded to persons upon arrest. Regardless of nationality or race, every person deprived of their liberty is entitled to a number of fundamental rights expressly guaranteed by law, including:

- The right to be informed of the reasons for arrest and of their procedural rights.
- The right to remain silent and not to be compelled to incriminate themselves.
- The right to contact a lawyer, a family member, an employer, or another person of their choice.
- The right to legal assistance during questioning, including access to legal representation for those unable to afford a lawyer, through the mechanism whereby a detainee may request the competent court to refer the matter to the relevant Bar Association for the appointment of a lawyer.
- The right to be informed of the allegations and evidence against them.
- The right to the assistance of an interpreter where necessary.
- The right to request an independent physical or psychological medical examination.

¹ Article 47 of the code of criminal procedure was amended by law No.191/2020 which strengthened procedural safeguards and enhanced the rights of suspects during preliminary investigations before the judicial police.



- Protection against unlawful searches and arbitrary detention, including strict time limits on police custody.

ii- Article 108:

Furthermore, Article 108 of the Lebanese Code of Criminal Procedure² sets maximum time limits for pre-trial detention to prevent arbitrary or prolonged detention.

- For misdemeanors: Pre-trial detention may not exceed 2 months, renewable once for another 2 months if urgently necessary.
- For felonies: Pre-trial detention may not exceed 6 months, renewable once by a reasoned judicial decision (maximum 12 months).
- Exceptions: These limits do not apply to certain serious offences, including homicide, drug-related felonies, crimes against state security, offences involving extreme danger, terrorism, or defendants with previous qualifying criminal convictions.
- Travel ban: Instead of detention, the Investigating Judge may impose a travel ban of up to 2 months for misdemeanors and 1 year for felonies following the defendant's release.

iii- Article 153:

Article 153 states that when a person is apprehended while committing a misdemeanor in flagrante delicto, punishable by imprisonment, the Public Prosecutor may:

- question the suspect;
- bring charges;
- refer the case directly to the Single Judge; and
- issue an arrest warrant.

However, the Public Prosecutor remains bound by the detention limits established under Article 108.

iv- Article 192:

² Article 108 of the code of criminal procedure was amended by law 111/2010 which established the maximum periods of pretrial detention



Article 192 regulates applications for release before the Single Judge.

The judge may order the defendant's release after consulting the Public Prosecution Office.

The defendant must submit an application for release.

The civil party may object to the application within twenty-four hours.

The defendant, the civil party, and the Public Prosecutor all have the right to appeal the decision within the legally prescribed time limits.

Appeals lodged by the civil party or the Public Prosecutor suspend the execution of the release order.

The duration of detention and any travel ban remains subject to Article 108.

In addition, migrant domestic workers who are identified as victims of human trafficking are entitled to specific legal protection under Article 586(8) of the Lebanese Penal Code, as introduced by Law No. 164 of 24 August 2011³ on the Punishment of the Crime of Trafficking in Persons. The provision grants victims an exemption from criminal liability where they can demonstrate that they were compelled, as a direct consequence of being trafficked, to commit criminal offences or to violate residency or work-related regulations.

In addition to the protections afforded under domestic legislation, Lebanon is bound by several international human rights treaties that guarantee fundamental rights to all persons within its jurisdiction, including migrant domestic workers, regardless of their nationality or migration status.

The International Covenant on Civil and Political Rights (ICCPR), ratified by Lebanon in 1972, guarantees the right to liberty and security of person and protects individuals against arbitrary arrest and detention (Article 9). It further requires that all persons deprived of their liberty be treated with humanity and with respect for their inherent dignity (Article 10), prohibits torture and cruel, inhuman or degrading treatment or punishment (Article 7), guarantees the right to a fair trial and due process, including access to legal assistance and interpretation where necessary (Article 14), requires that the rights in the Covenant be guaranteed without discrimination (Article 2(1)), and guarantees equality before the law and equal protection against discrimination (Article 26)..

³ Law No. 164/2011 amended the Lebanese Penal Code to criminalize human trafficking as a distinct offence.



Similarly, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Lebanon is required to take effective legislative, administrative, judicial and other measures to prevent torture (Article 2), regularly review interrogation rules and detention practices (Article 11), and prevent acts of cruel, inhuman or degrading treatment or punishment (Article 16).

As the vast majority of migrant domestic workers in Lebanon are women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is of particular relevance. CEDAW obliges Lebanon to eliminate discrimination against women through legislative and other appropriate measures (Article 2) and suppress all forms of trafficking in women and exploitation (Article 6).

In addition, the CEDAW Committee's General Recommendation No. 26 on Women Migrant Workers and General Recommendation No. 38 on Trafficking in Women and Girls in the Context of Global Migration** provide authoritative guidance on States' obligations to protect migrant women from exploitation, violence, arbitrary detention, and barriers to accessing justice.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) further requires Lebanon to eliminate racial discrimination (Article 2) and to guarantee equality before the law, including equal treatment before courts and tribunals (Article 5(a)), and, the right to security of person and protection by the State against violence or bodily harm (Article 5(b))

Taken together, these international obligations require Lebanon to ensure that migrant domestic workers are protected from arbitrary arrest, ill-treatment, discrimination, trafficking and exploitation, and that they enjoy effective access to justice and the procedural safeguards guaranteed under both domestic and international law.

b- Practical Barriers to the Protection of Migrant Domestic Workers During Arrest and Interrogation

Despite the existence of a legal framework providing fundamental safeguards to all persons deprived of their liberty, including migrant domestic workers (MDWs), significant gaps remain between the rights guaranteed under Lebanese law and their effective implementation in practice.

In particular, when MDWs are arrested and brought to police stations, their procedural rights are frequently not adequately explained to them. Many are not properly informed of the reasons for their arrest or of the rights afforded to them under Article 47 of the



Code of Criminal Procedure, including the right to remain silent, contact a lawyer, communicate with a family member or another person of their choice, and benefit from legal assistance during interrogation. The result is that they are being kept incommunicado by the Lebanese state and without any legal recourse to contest their detention.

Furthermore, access to interpretation remains a major challenge. In the cases reviewed and according to the lawyers consulted, qualified interpreters were often not provided during investigations; authorities instead relied on informal translation by police personnel or other non-qualified individuals. Such arrangements may not ensure effective communication or allow the individual to understand the proceedings and exercise their rights fully. Given the language barriers and cultural differences faced by many MDWs, the absence of proper interpretation significantly undermines their ability to participate effectively in their own defense and to make informed decisions regarding their legal situation.

As a result, many MDWs are unaware that they are entitled to request legal assistance or exercise other procedural safeguards provided under Article 47 of the Code of Criminal Procedure. Consequently, they are again unable to benefit from the protections established under Lebanese legislation and international human rights standards, established as a bare minimum for fair treatment of detainees.

C- Documentation: Cases from the field:

Case study 1: Migrant Domestic Worker Detained for Alleged Theft Without Corroborating Evidence

The case concerns a migrant domestic worker (MDW) employed in a private household in Lebanon. According to the worker, she had been employed by the family for a considerable period without any prior incidents, disciplinary measures, or accusations of misconduct. Her relationship with the employer had appeared stable, and no complaints had previously been raised regarding her work performance or conduct.

The worker described highly restrictive living and working conditions. She reported that her employer exercised strict control over her movements and did not permit her to leave the house except once per month to attend church services. She further explained that one room in the house, namely the employer's bedroom, remained permanently locked in



the employer's absence. The worker was only allowed to enter and clean this room when the employer was physically present.

According to the worker, whenever the employer left the residence, the exterior door of the apartment was locked, effectively preventing her from leaving the premises. As a result, she spent most of her time confined to the household.

Circumstances Leading to Arrest

On 23 January 2026, the employer accused the worker of stealing money allegedly missing from a safe located inside the employer's bedroom. The safe was situated in the room that remained locked when the employer was absent and to which the worker had only limited access under supervision.

Following the accusation, the employer escorted the worker to the police station, where she was questioned regarding the alleged theft. According to the worker, the employer was present during questioning and confronted her directly with the allegations. The worker consistently denied stealing any money and maintained her innocence throughout the process.

Despite the absence of any direct evidence linking her to the alleged theft, the Public Prosecutor ordered her detention on the same day.

Procedural Violations During Arrest and Investigation

Several procedural concerns arose from the initial investigation and detention process. First, the worker was detained before investigators established the existence of any material evidence connecting her to the alleged offence. No forensic examination had been conducted prior to her arrest to determine whether her fingerprints were present on the safe.

Second, a search of the worker's room failed to uncover any stolen money or other incriminating evidence. This was particularly significant given that the worker had not left the household and allegedly remained confined to the residence for extended periods.

Third, the worker's mobile phone was examined by investigators, yet no evidence suggesting involvement in theft or suspicious financial activity was identified.

Her detention therefore appears to have been based primarily on the employer's uncorroborated allegation, without material evidence documented in the case file linking her to the alleged theft.



In addition to the lack of any evidence to warrant detention, when CLDH lawyers later became involved in the case it was discovered from the police minutes that at the time of detention, her rights under Article 47 of the Lebanese Code of Criminal Procedure were not read to her before questioning by the judicial police. Consequently, she was not informed of her procedural rights, including her fundamental right to legal assistance, the right to remain silent, her right to an interpreter, nor her right to contact a family member during the preliminary investigation.

This omission effectively deprived her of access to legal counsel at the most critical stage of the proceedings and prevented her from properly contesting both her detention and the allegations being made against her. It undermines a central pillar of the right to a fair trial.

Pre-Trial Detention

Following her arrest, the worker was referred to the Investigating Judge. Throughout the investigation, she consistently maintained her innocence and denied any involvement in the alleged theft.

Despite the absence of material evidence and despite her continued denial, the Investigating Judge ordered that she remain in detention, violating the concept of “presumption of innocence”, which we will discuss in a different section of this report. The case was subsequently referred to the misdemeanor court on 26 March 2026.

A particularly concerning aspect of the case was the location of detention. Rather than being transferred to a prison facility, the worker remained detained for several months in a police station holding cell. Such facilities are generally designed for short-term custody rather than prolonged detention and often lack the infrastructure and services available in prisons.

Lack of Interpretation and Fair Trial Concerns

When the worker appeared before the court on 21 April 2026, it became apparent that she did not understand Arabic sufficiently to participate effectively in the proceedings.

The hearing was therefore postponed until 12 May 2026.

Legal Representation and Subsequent Developments



The case came to the attention of the legal aid team at CLDH following the postponement of the first hearing. The legal team subsequently took over her representation and began reviewing the case file.

Upon examination of the file, no evidence was identified, linking the worker directly to the alleged theft beyond the employer's accusation. The case appeared to rely primarily on suspicion rather than objective evidence. After the worker had spent approximately four months in detention, her lawyers submitted a request for release.

The request was rejected despite the provisions of Article 108 of the Lebanese Code of Criminal Procedure, which caps detention periods for misdemeanors at 2 months, save for exceptional circumstances. Under the circumstances of this case, the defense considered that the worker had exceeded the legal period after which release should have been granted, particularly given the nature of the charges, the absence of evidence, and the lack of any demonstrated flight risk.

As a result, the worker remained in detention despite prolonged deprivation of liberty and the continuing absence of material evidence against her.

Key Human Rights Concerns

This case illustrates several recurring issues affecting migrant domestic workers in Lebanon:

- Excessive reliance on employer allegations as the sole basis for arrest and detention.
- Detention in the absence of sufficient evidence.
- Restrictions on freedom of movement amounting to de facto confinement within the employer's household.
- Failure to inform the worker of her rights under Article 47 of the Code of Criminal Procedure.
- Lack of access to legal representation during the preliminary investigation.
- Prolonged pre-trial detention despite weak evidentiary foundations.
- Extended detention in police station facilities not intended for long-term custody.
- Judicial reluctance to grant release despite the safeguards provided under Lebanese law.

More broadly, this case demonstrates how migrant domestic workers can become vulnerable to arbitrary accusations and prolonged detention due to the power imbalance



inherent in the employment relationship. It further highlights the heightened risk faced by workers who are isolated, restricted in their movement, unfamiliar with the legal system, and unable to communicate effectively in Arabic.

Additionally, the case raises concerns regarding compliance with fair trial guarantees, procedural safeguards during criminal investigations, and the necessity of ensuring that deprivation of liberty is based on credible evidence rather than solely on accusations made by employers.

Case study 2: Migrant Worker Detained for Drug Use Charges and Subjected to Multiple Procedural Violations

This case concerns a migrant worker who was arrested on 26 August 2025 on suspicion of a drug-related offence. According to the information provided by the migrant worker, while at his workplace, he witnessed another individual consuming a prohibited drug. He requested a small quantity for personal use, and the individual allegedly placed a very small amount in his wallet. The same individual then informed the employer that the worker was in possession of drugs. The employer contacted the police, leading to the worker's arrest. The worker was interrogated by the judicial police without the presence of a defense lawyer. As previously stated, this is a right that should be guaranteed under both Lebanese and international law. He was subsequently detained upon instructions from the Public Prosecutor. Notably, the individual who allegedly supplied the drugs was neither arrested nor questioned. The authorities appeared to disregard the worker's account of events.

The case was referred to the Public Prosecutor, who charged the worker with drug trafficking (supply) despite the apparent absence of evidence supporting such an accusation. There were no identified buyers, no evidence of sales, no suspicious communications, and no other indications of trafficking activity. At the same time, the individual alleged to have actually supplied the drugs was never investigated.

The case was subsequently referred to the Investigating Judge, who concluded that the evidence did not support a trafficking charge. The judge issued a decision dismissing the trafficking accusation and reclassified the conduct as drug use.



Despite this favorable decision, the worker remained in detention. Because he was not represented by a lawyer, no application for release was submitted on his behalf. Furthermore, although the worker appeared before the Investigating Judge without legal representation, he was not informed of his right to request release or to seek legal aid through the Bar Association.

The Public Prosecutor appealed against the reclassification of the conduct from drug trafficking to drug use before the Indictment Chamber. The Indictment Chamber rejected the appeal and confirmed that the facts constituted drug use rather than trafficking. Nevertheless, the worker continued to be detained without legal representation. This prevented arguments being advanced on his behalf that he should be released, given the low level of the alleged offending.

When the file was later transferred to the Misdemeanor's Judge, a second serious procedural failure occurred. Neither the Investigating Judge's decision nor the Indictment Chamber's decision clearly indicated that the accused remained in detention. As a result, the file was processed as though it involved a non-detained defendant.

Consequently, the hearing was scheduled several months later, in May 2026, even though the worker had already spent more than five months in detention. The court administration failed to identify that a detainee was involved, and the case proceeded under the assumption that no urgent detention-related considerations existed.

This error was only corrected following direct legal intervention by the CLDH legal team. After reviewing the file, concerns were raised regarding the workers' status as a detained person. The result was that the hearing was brought forward, and arrangements were made to transfer him from detention. Even with this intervention from CLDH, the worker had already spent 9 months in detention for personal drug use.

Another major concern relates to detention conditions. The worker remained in a gendarmerie detention facility for approximately nine months, even though such facilities are intended only for short-term detention, generally not exceeding a few days, and are not designed to hold individuals for extended periods. His prolonged detention in these conditions had significant consequences. Because he did not speak Arabic and was not held in a regular prison environment, he had limited opportunities to communicate with others, obtain information about his rights, or seek assistance. The case only came to the



attention of CLDH legal aid providers after friends contacted his embassy and sought external support.

Lebanese Law No. 673/1998 provides a treatment pathway for persons prosecuted for drug use through the Drug Addiction Committee. According to the lawyers consulted, Lebanese nationals accused of comparable personal-use offences may be released more quickly. The available case material does not, however, provide sufficient comparative data to establish a general pattern of nationality-based differential treatment. The worker's approximately nine months of detention nevertheless raises serious concerns regarding necessity and proportionality.

Key Human Rights Concerns

This case illustrates numerous recurring concerns affecting migrant worker detainees, including:

- Lack of access to legal representation from the earliest stages of detention;
- Failure to effectively inform detainees of their rights;
- Potential discriminatory treatment compared to Lebanese nationals facing similar allegations;
- Overcharging by prosecutorial authorities despite insufficient evidence;
- Prolonged pre-trial detention;
- Administrative failures affecting detainees' procedural status;
- Inadequate judicial oversight of detention;
- Long-term detention in facilities intended for short-term custody;
- Language barriers prevent detainees from understanding and exercising their rights.

More broadly, the case demonstrates how the absence of legal assistance at the outset of detention can lead to a cascade of procedural violations that significantly affect an individual's liberty, due process rights, and access to justice. The result is the undermining of the workers' fundamental right not to be unnecessarily detained. The case also raises a concern of potential unequal treatment compared with Lebanese nationals accused of comparable conduct; substantiating a broader discriminatory pattern would require comparative data.



Case study 3: Migrant Domestic Worker Criminalized Due to Structural Vulnerability and Lack of Legal Support

This case concerns a migrant domestic worker who arrived in Lebanon through the sponsorship (kafala) system. After leaving her employer due to abusive and exploitative working conditions, she found herself in an extremely precarious situation, without income, shelter, or access to legal or institutional support.

Unable to return to her country of origin due to fear of arrest or consequences upon return, and lacking any social protection mechanisms in Lebanon, she was ultimately forced to engage in sex work in order to meet her basic needs.

She was arrested and subsequently prosecuted for being a sex worker. She was sentenced to a fine of three million Lebanese pounds. In lieu of her inability to pay that fine she was ordered to serve a day of imprisonment for every ten thousand Lebanese pounds of the fine. Days already served in detention counted towards the total; which came to three hundred days.

At no stage of proceedings did she benefit from legal representation. No lawyer was appointed to defend her, and no effective inquiry was made into her personal circumstances, including her status as a migrant domestic worker without support networks in Lebanon. As a result, the sentence was converted from a fine equivalent to thirty-three US Dollars into a prolonged period of detention based on an extremely low monetary conversion rate. The calculation made by the Judge equated a day in detention with roughly 10 US Cents. In practice, this resulted in an expected release date calculated far into the future (estimated 20 August 2026), despite the minor financial value of the fine.

The case only came to the attention of CLDH on 8 May 2026, when an intervention was made and the fine was immediately paid on her behalf. Following this, she was referred to the General Security authorities for repatriation procedures. The available case information does not indicate whether the return was voluntary or whether trafficking indicators, protection needs, or risks on return were assessed before repatriation.

This case raises serious concerns regarding proportionality, access to justice, and the treatment of extremely vulnerable migrant women within the criminal justice system.



Key Human Rights Concerns

- Absence of legal representation throughout the proceedings;
- Judicial failure to assess the individual's vulnerability as a migrant domestic worker under the kafala system;
- Disproportionate impact of financial penalties on persons without income or social protection;
- Lack of detention authority intervention despite evident vulnerability;
- Absence of referral to consular services, legal aid providers, or civil society organizations working in detention settings, and no documented assessment of trafficking indicators, protection needs, or risks before repatriation.

More broadly, this case illustrates how structural vulnerability and lack of legal assistance can lead to disproportionate criminal consequences, effectively transforming a minor offence into prolonged deprivation of liberty. It also highlights the absence of safeguarding mechanisms for migrant domestic workers within detention and sentencing practices, particularly in cases involving extreme socio-economic vulnerability.

Case Study 4: Migrant Domestic Worker Subjected to Prolonged Detention Due to Procedural Delays in Notification

This case concerns a migrant domestic worker detained at Qobbeh Prison on charges of theft, which CLDH's legal team considers to be unfounded. She was prosecuted before the Court of Zgharta after being accused by her employer of stealing money and gold. During the investigation, the investigating judge ordered a forensic examination of her mobile phone, which found no evidence linking her to the alleged offence.

The chronology of the case is as follows:

- **7 October 2025:** The worker was arrested and placed in pre-trial detention.
- **8 December 2025:** The defense submitted a request for her release on bail.
- **30 April 2026:** The court granted the request and issued an order for her release pending trial. Rather than issuing an acquittal, the judge opted to release her while allowing the proceedings to continue. Under Lebanese criminal procedure, a final



acquittal can only be issued after all procedural requirements have been completed, including hearings, the provision of interpretation where necessary, and notification of both the complainant and the Public Prosecution. Pending the completion of these formalities, judges may order release while maintaining the case before the court.

- **30 June 2026:** The release order was finally implemented, more than two months after it had been issued.

Although the court had ordered her release on 30 April 2026, its implementation was delayed by procedural requirements. Lebanese law requires that both the complainant and the Public Prosecution be formally notified of procedural steps, including requests for release and judicial decisions. In this case, the employer repeatedly evaded service of the notification, apparently seeking to prolong the worker's detention. CLDH's legal team had to closely monitor the notification process to ensure that the release order was eventually served. Without this intervention, the worker would likely have remained in detention even longer.

The notification process itself also generated significant administrative and financial obstacles. The case file had to be physically transferred between the courts of Zgharta and Tripoli to complete the required notifications, with each transfer costing approximately USD 50. The USD 100 paid in this case therefore did not constitute bail but covered the administrative costs of transferring the file twice between the two courts. Notification by post can also take up to one month, further delaying proceedings.

As a result, despite the absence of evidence implicating the worker and the court's decision to release her, she remained in detention for approximately eight months, including more than two months after the release order had been issued, solely because the required notifications and administrative procedures had not yet been completed.

Once the notification process was completed and the required administrative costs were covered through CLDH's intervention, the worker was released from custody. She was immediately transferred to the General Security authorities and subsequently repatriated to her country of origin.

This case demonstrates how procedural and administrative inefficiencies can unnecessarily prolong detention and undermine the right to liberty. Rather than resulting



from judicial necessity or evidentiary considerations, the worker's continued detention stemmed from outdated notification procedures, repeated physical transfers of court files, and the complainant's ability to delay service of notifications. It also illustrates the disproportionate impact of these systemic shortcomings on migrant domestic workers, who often lack the legal representation, financial resources, and support networks necessary to navigate complex judicial procedures or expedite administrative processes.

Key Human Rights Concerns

- **Eight months of detention despite the absence of evidence supporting the charges.**
- Continued deprivation of liberty due solely to procedural notification delays.
- Arbitrary prolongation of detention despite the court's apparent willingness to grant release.
- **Abuse of procedural mechanisms by the complainant to delay the implementation of the release order.**
- Excessive procedural formalism resulting in restrictions on personal liberty.
- Disproportionate impact of administrative delays on migrant domestic workers, who often lack the resources to overcome procedural barriers.
- Failure to employ efficient and modern methods of judicial notification capable of preventing unnecessary detention.

Broader Significance

This case illustrates how deficiencies in judicial administration can cause human rights violations. Although legal safeguards allowing for release existed in principle, their implementation was undermined by outdated and burdensome notification procedures that prolonged detention. It further demonstrates that the absence of evidence alone does not necessarily protect individuals from prolonged detention when procedural delays and the conduct of complainants obstruct the implementation of judicial decisions. This highlights the need to modernize judicial processes, improve administrative efficiency, prevent the abuse of procedural mechanisms, and ensure that procedural formalities do not result in arbitrary deprivation of liberty, particularly for



migrant domestic workers and other vulnerable individuals with limited access to legal and financial support.

Case Study 5: Migrant Domestic Worker Convicted in Absentia of Theft and Subsequently Acquitted.

An Ethiopian migrant domestic worker left her employer's house after not receiving her wages. Her employer subsequently accused her of stealing money and initiated criminal proceedings against her on that basis. A judgment in absentia was issued against her without her ever being questioned by the investigating authorities and in the absence of any evidence supporting the allegations.

Following her arrest, she was detained in Tripoli (Qobbeh) Prison, while the competent court handling her case was located in Metn, creating additional practical barriers to her access to justice and participation in the proceedings.

During the trial, the court ultimately established that she was innocent of the theft charges and acquitted her of all allegations relating to theft. However, she was convicted of violating residency regulations and ordered to pay the corresponding fines and court fees.

She was unable to pay these amounts, as she had no financial resources or support network in Lebanon. CLDH intervened and paid the fines, which led to her release from prison. Had CLDH not covered these costs, she would have remained in detention solely because of her inability to pay.

The consequences of non-payment were particularly severe due to the outdated legal mechanism governing the conversion of unpaid fines into imprisonment. Although Lebanon has experienced a dramatic depreciation of its national currency since the 2019 economic crisis, the legal conversion rate has not been amended. Before the economic collapse, one day of imprisonment corresponded to approximately USD 7 in unpaid fines. Today, because of the collapse of the Lebanese pound and the absence of legislative reform, the same calculation effectively results in approximately nine days of imprisonment for the equivalent of USD 1. As a result, the fines imposed on her would



have translated into approximately 200 additional days of imprisonment, despite her acquittal on the principal criminal charge.

Her situation raises serious human rights concerns, reflects serious weaknesses in judicial procedures, highlights flaws in the kafala system, demonstrates the disproportionate criminalization of migrant workers through immigration-related offences, raises concerns over the issuance of convictions without any supporting evidence, and most importantly illustrates a clear disregard for the constitutional principle of the presumption of innocence. It also illustrates how outdated legislation and the failure to adapt the legal framework to Lebanon's economic realities can transform relatively minor financial penalties into lengthy periods of imprisonment.

Key Human Rights Concerns

- Violation of the principle of the presumption of innocence through the issuance of a conviction in absentia without evidence.
- Arbitrary detention following an unfounded criminal accusation, despite the worker's eventual acquittal on all theft charges.
- Lack of judicial scrutiny when defendants are repeatedly absent from hearings.
- Detention of individuals in facilities outside the appropriate legal framework for their case type.
- Absence of legal representation at the early stages of proceedings, allowing procedural violations to go unchallenged.
- Disproportionate deprivation of liberty resulting from the outdated legal conversion of unpaid fines into imprisonment, exacerbated by Lebanon's economic crisis.
- Discrimination against economically vulnerable individuals, whose liberty depends on their ability to pay fines and court fees.
- Increased vulnerability of migrant workers due to language barriers, financial hardship, and lack of legal awareness.

Broader Significance

This case illustrates the intersection of structural discrimination, procedural deficiencies, and economic hardship within Lebanon's criminal justice system. Although the court



acquitted the worker of the principal theft allegations, she nevertheless remained at risk of prolonged imprisonment solely because she lacked the financial means to pay fines arising from her immigration status. It demonstrates how outdated legislation governing the conversion of unpaid fines into imprisonment, combined with the country's economic collapse, has created a system in which poverty itself becomes a basis for deprivation of liberty. The case further highlights the compounded vulnerabilities faced by migrant domestic workers under the kafala system, who often lack legal representation, financial resources, and support networks capable of protecting their rights or preventing unnecessary detention. It underscores the urgent need to reform legislation governing the enforcement of fines, strengthen procedural safeguards, and ensures that economic vulnerability does not result in arbitrary or disproportionate deprivation of liberty.

II- Focus Study: The Presumption of Innocence in Lebanon: Legal Guarantees and Protection Gaps for Migrant Domestic Workers

a- The Legal Framework Governing the Presumption of Innocence in Lebanon

The presumption of innocence is recognized as a constitutional principle in Lebanon. This status derives from paragraph (b) of the Preamble to the Lebanese Constitution, which provides that Lebanon is a founding and active member of the United Nations and is committed to its Covenants as well as to the Universal Declaration of Human Rights. Consequently, the provisions of the Universal Declaration of Human Rights have constitutional value within the Lebanese legal order, including the principle of the presumption of innocence enshrined in Article 11(1), which provides:

"Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense."

The presumption of innocence is further reinforced by Article 14(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Lebanon is a State Party, which provides that: "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

In Lebanese criminal procedure, the presumption of innocence extends throughout every stage of the criminal process, from prosecution and investigation to trial and the issuance of a final judgment. Consequently, any decision affecting an accused



person must be based on clear and convincing evidence establishing guilt beyond reasonable doubt. Since the presumption of innocence continues to apply until a final conviction is rendered, pre-trial detention is intended to remain an exceptional measure rather than a form of punishment. In this regard, Article 108 of the Lebanese Code of Criminal Procedure sets strict limits on the duration of detention during the investigation phase prior to judgment. As a general rule, pre-trial detention may not exceed two months in misdemeanor cases and six months in felony cases, except in the limited circumstances expressly provided for by law.

b- The Presumption of Innocence in Practice: Protection Gaps for Migrant Domestic Workers

Despite being firmly embedded in Lebanon's constitutional, international, and procedural legal framework, the presumption of innocence is rarely respected in practice in cases involving migrant domestic workers (MDWs). In many cases, MDWs are arrested solely on the basis of allegations made by their sponsors, without corroborating evidence or reasonable grounds to justify their arrest. The burden of proof is, in practice, effectively shifted onto the accused, contrary to the principle of the presumption of innocence. Moreover, pre-trial detention frequently exceeds the maximum time limits established under Article 108 of the Lebanese Code of Criminal Procedure, resulting in prolonged deprivation of liberty before any determination of guilt has been made. Such practices undermine the procedural guarantees afforded to all persons under Lebanese law and are inconsistent with Lebanon's obligations under international human rights law.

D- Broader Observations from Detention Cases: Insights from CLDH lawyers

Across the cases reviewed by CLDH and through discussions with lawyers providing legal assistance to detainees, several recurring systemic shortcomings emerged. These cases reveal persistent failures in the transportation of detainees between detention facilities and courts, resulting in repeated postponements of hearings and prolonged pre-trial detention for reasons unrelated to the merits of the case. Lawyers also identified an over-reliance on administrative coordination between institutions, rather than effective judicial oversight to ensure compliance with production orders. In several instances, detainees remained in facilities that were not legally or practically appropriate for their cases, while courts failed to adequately scrutinize repeated absences from hearings or the lawfulness of continued detention. The absence of legal representation during the earliest stages of



detention further allowed procedural violations to go unchallenged, while language barriers and limited legal awareness heightened the vulnerability of refugees and migrant workers, preventing many from understanding or exercising their rights. Collectively, these patterns demonstrate that prolonged detention is often the result of systemic deficiencies in coordination, oversight, and access to procedural safeguards, rather than the legal complexity or seriousness of the underlying offences.

III - Recommendations:

The following recommendations address the recurring violations identified in the cases reviewed, including arbitrary and prolonged detention, weak enforcement of procedural safeguards, lack of interpretation and legal representation, administrative delays, and the disproportionate impact of fines and migration-related penalties on migrant domestic workers.

To the High Judicial Council:

- Strengthen judicial oversight of pre-trial detention by ensuring that detention remains an exceptional measure, and that judges provide individualized reasoning when ordering or extending detention.

To the Ministry of Justice:

- Modernize judicial notification procedures through secure electronic notification systems and digital case management to avoid prolonged detention resulting from administrative inefficiencies.

To Judges and Public Prosecutors:

- Uphold the constitutional principle of the presumption of innocence by ensuring that detention decisions are based on necessity, proportionality, and individualized assessment rather than the seriousness of allegations alone.
- Ensure that migrant domestic workers are not subjected to prolonged pre-trial detention where less restrictive alternatives are available.
- Ensure that inability to pay fines or financial guarantees does not result in disproportionate deprivation of liberty.



- Apply the remedies available under Lebanese law to evidence or statements obtained in violation of procedural safeguards, including nullity or exclusion where legally required.
- Ensure strict compliance with Article 108 of the Code of Criminal Procedure regarding the maximum duration of pre-trial detention.
- Ensure that judicial release orders and judgments are transmitted and executed without delay

To the Beirut and Tripoli Bar Associations:

- Strengthen legal aid mechanisms to ensure that migrant domestic workers receive legal representation immediately following arrest.
- Increase awareness among lawyers regarding the particular vulnerabilities of migrant domestic workers and applicable international human rights standards.

To the Internal Security Forces (ISF), General Security, and Prison Administrations:

- Ensure that all migrant domestic workers are informed, in a language they understand, of their rights under Article 47 before any questioning takes place.
- Guarantee immediate access to legal counsel from the earliest stages of deprivation of liberty.
- Document and preserve relevant objective evidence and ensure that police custody does not extend beyond Public Prosecution instructions or the statutory time limits. Decisions on continued judicial detention fall to the competent judicial authorities.
- Ensure that police stations and gendarmerie facilities are used only for short-term custody, and that detainees are promptly transferred to appropriate detention facilities where necessary.
- Ensure effective coordination between detention facilities and courts to prevent hearing postponements resulting from failures to transport detainees.
- Ensure that detention facilities provide detainees with access to interpretation services, legal information, and communication with embassies and legal aid organizations.
- Ensure strict implementation of Article 47 of the Code of Criminal Procedure by fully informing all detainees of their rights immediately upon arrest.



To the Lebanese Government:

- Fully implement Lebanon's obligations under the ICCPR, CEDAW, CAT, and ICERD by ensuring equal access to justice for migrant domestic workers regardless of nationality or migration status.
- Adopt comprehensive measures to eliminate discrimination against migrant domestic workers within the criminal justice system.
- Strengthen cooperation with civil society organizations providing legal assistance and protection services to migrant domestic workers.
- Adopt legislative and regulatory reforms to dismantle the kafala system and ensure that migrant domestic workers' legal residency and right to work are not dependent on a single employer.

To the Lebanese Parliament:

- Amend the Labor Law to include migrant domestic workers within its scope of protection, ensuring they benefit from the same labor rights and legal safeguards as other workers.
- Amend the Code of Criminal Procedure to strengthen safeguards against arbitrary pre-trial detention and ensure effective judicial review of detention decisions and reform the conversion of unpaid fines and judicial costs into imprisonment so that economic vulnerability does not produce disproportionate deprivation of liberty.
- Introduce legislative reforms allowing for electronic notification and other modern methods of judicial communication in criminal proceedings to prevent unnecessary delays that result in prolonged detention.

To International Partners and Donors:

- Continue supporting legal aid, interpretation services, and independent monitoring of detention facilities.
- Support judicial modernization initiatives aimed at improving case management, electronic notification systems, and access to justice.
- Continue supporting organizations documenting violations against migrant domestic workers and advocating for legislative and institutional reform.





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