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**Input Submitted by Kafa (enough) Violence & Exploitation**

**to Ms. Reem Alsalem, UN Special Rapporteur on VAWG**

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***Kafa (enough) Violence & Exploitation*** *is a UN ECOSOC accredited feminist organization in Lebanon that combats violence against women through reforming law and policies, influencing public opinion, conducting research and training, and empowering and supporting women victims of exploitation and abuse. Kafa provides support to prostituted and trafficked women for the purpose of sexual exploitation through operating a helpline, offering social, psychological and legal support, and running a shelter.*

*This submission presents a brief overview of the profile of women involved in prostitution in Lebanon, and focuses on the role of the state in victimizing prostituted women and actively recruiting women into the sex trade. It highlights major discriminations and gaps in the law and advances needed reforms to prevent prostitution and protect its victims. This report contains segments from previous studies, briefs, and submissions prepared by Kafa that remain relevant.*

### **A- The profile of women in prostitution**

**The sex trade in Lebanon is large and exploits thousands of the most marginalized women in Lebanon.**[[1]](#footnote-1) Those who are overrepresented in prostitution are Syrian women refugees, migrant women – specifically coming to Lebanon under the Artist Visa Scheme explained below or as domestic workers– stateless women (“nawar”/dom women), and Lebanese women from very dire socio-economic conditions. These women are involved in street prostitution, escorting, and indoors prostitution such as *ad hoc* brothels and strip clubs, and massage parlors.

In a qualitative study conducted by Kafa on the risks and the challenges faced by 19 Lebanese and Syrian women in prostitution in Lebanon,[[2]](#footnote-2) **prostitution was found to be associated with violence and vulnerabilities before women enter prostitution, and also during their time in prostitution**. The study highlighted that **previous experience of violence and childhood abuse are very common in the lives of prostituted women**. Women have been raped, incested, and subjected to molestation and sexual abuse. They also have been victims of physical abuse, forced and early marriage, and have experienced psychological and emotional abuse largely by male family members or intimate partners. The study showed that women’s entry into prostitution reflect their lack of alternatives for survival. **Most of the women in the study entered prostitution either as children or as young adults some as early as 14.** **They did not make a “choice” to enter prostitution because they wanted to or because they had planned to do so. They were either pimped out or trafficked, or they were groomed by people linked to the sex trade including sex buyers**. More than half of women interviewed were pimped by their husbands or sold by husbands to pimps. When not recruited by others, these women were acceding to the abuse and exploitation of prostitution rather making a choice. **Women in the study reported being exposed to multiple risks and abuse that were perpetrated primarily by sex buyers.** These risks include physical violence, sexual assault, emotional abuse, theft, threats, unwanted pregnancies, and exposure to drugs, and HIV/AIDs and other STDs. Women also reported being under the constant risk of arrest and sexual assault by law enforcement officers.

### **B- Double victimization of prostituted women**

**Lebanon’s prohibits prostitution and authorities penalize prostituted persons thus adding to the harms they have suffered in the sex trade**. In December 2020, in an unprecedented and unjustified move, the Lebanese parliament further increased the penalization of prostituted persons from a misdemeanor to a felony. Article 523 of the Lebanese penal code stipulates that any person who “practices” prostitution or “facilitates” it shall be sentenced from one to three years imprisonment – thus considering victims of sexual exploitation and those who pimp and exploit them as equally criminal. Sex buyers in Lebanon are not penalized or mentioned in any way in the law.

**Law enforcement authorities are particularly after the most marginalized women in prostitution and the most visible**. Syrian women who are mostly exploited in street prostitution, are particularly targeted. In recent years, and specifically after the Syrian crisis in 2011 and the consequent influx of refugees to Lebanon, Syrian women comprised the majority of the total number of women arrested by the Internal Security Forces (ISF) for engaging in prostitution activities.[[3]](#footnote-3)

**On the other hand, the immigration authorities are directly involved in facilitating the recruitment into prostitution and the exploitation of a large number of migrant women to Lebanon through running and overseeing the *Artist Visa* Scheme.**  Over the past two decades, tens of thousands of migrant women[[4]](#footnote-4) – mainly from eastern European countries in particular from Ukraine and Russia– were recruited to Lebanon for prostitution purposes **through the *Artist Visa* Scheme under the guise of “entertainers” and “dancers” in the “super night-clubs” sector[[5]](#footnote-5)**. Unlike for other groups of prostituted women, law enforcement authorities never arrest/detain Artists for engaging in prostitution. This is because the presence of Artists in Lebanon and their sexual exploitation generate millions of dollars per year to the government (visa, health clearances, taxes, etc.) and to the hospitality industry in Lebanon. Trapped in an exploitative system and constantly controlled by the immigration authority as well as by their pimps/traffickers and sex buyers, women artists have no access to justice.

### **C- The case of the Artist Visa: A government run scheme of sexual exploitation and trafficking in women**

Operated by the Lebanese immigration authority, the General Directorate of the General Security (DGGS), the Artist Visa is a 6-month visa and residency scheme that channels migrant women into prostitution in Lebanon and puts them under debts and restriction of movement - all of this formalized in a tripartite arrangement between the Artist, the night club owner, and the immigration authority. Under this scheme:

**Women/Artists are made indebted to their recruiters upon their arrival to Lebanon**. Debt amounts are officially registered on the back of the employment contract and undersigned by the Artist and the club owner at the DGSS headquarters, in the presence of authority officers (*refer to Annex 1 for a copy of the employment contract*). Debts include the fees of the hotel, the medical tests, the residency fees, the taxes, the airfare ticket, the medical insurance, the transportation, the stamps, and the photocopying documents for official procedures. As per the contract, artists are also obligated to pay fees that may result from being “off and sick” without specifying what could these expenses entail.

**Debt bondages imposed on women transform their stay in Lebanon into a journey of debt reimbursement, and make them vulnerable to more exploitation by traffickers and sex buyers**. Artists need to rely heavily on the tips provided by sex buyers[[6]](#footnote-6) which are optional since the regulations applied in the super night-clubs require sex buyers to pay for sex directly to the club’s owner or manager. This situation exposes women to more violence and degrading treatments by sex buyers and force them to take larger numbers of sex buyers.

**Sex buyers in Lebanon follow a coded ritual that avoids traffickers any criminal liability and clears authorities from the visible pimping of women**. To purchase sex from an Artist, a sex buyer needs to purchase a “bottle of champagne” (usually a virtual one) directly from the owner or manager of the night-club. The price of the champagne given to the night-club is in lieu of the payment for sex. The sex act is not allowed to take place right away or inside the night-club. Because prostitution activities are prohibited in Lebanon, sex buyers are requested to pick-up the woman the following day from the hotel where she resides, and have sex with her. If the woman is caught engaging in prostitution (which is not the case because authorities turn a blind eye, as mentioned before), no one else except her will be penalized because authorities will consider that she has consented to engage in prostitution during her “free time” without any coercion.

**Women are denied bodily autonomy and other fundamental rights**. Under the Artist Visa Scheme and related regulations,[[7]](#footnote-7) women have to take mandatory tests for pregnancy, HIV and STDs, and go through two medical examinations - the first time within 48 hours of entry into Lebanon and the second time after 3 months have elapsed. Medical and laboratory tests are conducted at the DGGS headquarters and by DGGS officer, and Artists are made to pay the fees. If any Artist is found pregnant or carrying any STD, the DGGS will directly deport with hours her as per the regulations. Women Artists will also be deported if they marry a Lebanese citizen.

**Women are denied freedom of movement**. Women are only allowed to stay in designated hotels by the DGGS. They are put in shared rooms on a gated and locked floor that has its own entrance or elevator and is not connected to other hotel floors where regular residents are hosted. According to the DGGS regulations, Artists need to work from 10pm to 5am, have a break from 5am to 1pm only inside the hotel, and are allowed “free time” outside the hotel between 1pm and 7 pm - a timeframe where sex buyers pick up the women for sex. Hotels need to keep records of the mobility of women and make them sign-in and out on a log every time they exit or return to the hotel. Moreover, women are also very closely supervised by the night-clubs owners who monitor women’s phones calls and hold their passports until they travel out of Lebanon. This situation makes the access to these women by NGOs and service providers, and vice-versa, virtually impossible.

**D- The lack of assistance and support to women and girls wishing to exit prostitution**

**Lebanon’s support and assistance to women and girls who wish to exit prostitution is almost non-existent.**[[8]](#footnote-8) On the contrary, the law penalizes them. This discrimination and major gap in protection and prevention measures is greatly caused by the failure of the government and other key players to acknowledge prostitution as a form of violence in and by itself, and to consider it as a priority for action. The few measures taken by the Lebanese government over the past decade to address sexual exploitation – the major measure being the adoption of an anti-trafficking law in 2011 – have solely focused on human trafficking, while ignoring the system of prostitution in which trafficking happens. **The Anti-Trafficking approach is doomed to fail if not accompanied by an abolitionist legal framework that decriminalizes ALL prostituted persons and provide them exit pathways, as well as criminalizes the system of prostitution (i.e. all those who profit from women’s bodies including pimps, traffickers, and sex buyers).**

**In Lebanon, the anti-trafficking law has yielded no results in curbing the exploitation of women, or stopping traffickers or protecting victims**. Case in point is the Artist Visa Scheme which remains operational despite the fact that it amounts to human trafficking. Since the passage of the Anti-Trafficking law over 12 years ago, law enforcement agencies have only identified a small number of victims over the years. And even in the few cases where traffickers have been charged under this law, their victims have not been considered as such and have not been provided with protection or access to redress. [[9]](#footnote-9) The judiciary indeed has failed to recognize the power imbalance and inherent exploitation in the relationship between victims and those who exploit them in prostitution. In fact, the judiciary continues to double victimize prostituted persons by implementing the prohibitionist article 523 of the Penal Code, even when these persons are exploited by their traffickers. Often, judges base their rulings and decisions on a series of prejudices and misconceptions such as denying the existence of coercion by the traffickers towards their victims because of the existence of “consent” by the victims for engaging in prostitution or the ability of the victims to move freely or the fact that the traffickers had split with them the money yielded from their exploitation.[[10]](#footnote-10)

In addition to the criminalization of prostitution victims and the lack of services and support provided to them, other individual and structural factors constitute real obstacles for women to exit prostitution. Namely, their inability to find a job and their lack of educational qualifications, homelessness and lack of housing, debts, violence and control exerted by traffickers and pimps, absence of legal residency, and mental health issues.

**E- Obstacles faced by service providers in supporting women**

Due to the absence of governmental support services, the burden of providing services to women victims of violence falls on civil society organizations. Yet, organizations with dedicated programs for prostitution survivors are extremely rare, have limited capacity, and are unable to cover the multifaceted needs of women in prostitution.

**For Kafa, one of the obstacles faced in supporting women in prostitution is the inability to provide long-term holistic services**. While Kafa’s shelter one year residency periods and social and legal services beyond the shelter stay, women in prostitution do need longer and wider support in order to exit prostitution permanently – the most important support being housing and significant financial support.

**Another major obstacle for Kafa is the ideology endorsed by influential donors in Lebanon on the issue of prostitution, and often times, their confusion about the links between prostitution and human trafficking**. Because Lebanon’s central government fails to provide meaningful services to women victims of violence, UN agencies and other international NGOs (service provision, human rights and humanitarian INGOs) fill the gap and contribute largely to financing local services providers, and to setting the agenda of priorities and actions. However, most of these agencies do not consider prostitution as a priority area, and when they do, they either endorse the neoliberal ideology of sex work (thus supporting harm reduction services only and pushing a pro-sex work terminology and agenda) or they stick to the trafficking framework that separates forced prostitution/trafficking from the so-called consenting prostitution. In this context, advocating for tailored services and protection for all prostituted persons becomes a challenge by itself.

**F-Recommendations**

To be able to better prevent sexual exploitation and protect its victims, Lebanon has to:

Recognize prostitution (and all connected variations such as porn) as a system of exploitation and a form of violence perpetrated specifically by men against women.

1. Repeal all criminal measures that penalize prostituted persons as they are victims of a serious form of violence and are often sexually exploited and abused by pimps, traffickers, and sex buyers. In particular, clear judicial records of victims for charges related to prostitution, and repeal part of the Article 523 of the Lebanese Penal Code which criminalizes prostituted persons,
2. Criminalize all acts of pimping and the facilitation and recruitment of persons into prostitution, regardless of whether the victim is “consenting”, and align related sentences with those existing in the Anti-Trafficking law. Moreover, abolish the slavery-like Artist Visa Scheme.
3. Criminalize the act of sex purchase because it constitutes an abuse of power and an act of violence, and because the demand for paid sex is the raison d'être of the sex trade and of the sexual exploitation of women.
4. Offer sustainable support and exit assistance to all prostituted persons.
1. A 2019 study by Connecting Research to Development (CRD), the International Organization for Migration (IOM), and the National AIDS Program (NAP); “An Integrated Bio-Behavioral Surveillance Study among Men Who Have Sex with Men and Commercial Sex Workers”, estimated that there were approximately 4,200 persons in prostitution in Lebanon in 2018. [↑](#footnote-ref-1)
2. Ghada Jabbour, Exit: Challenges and Needs of Lebanese and Syrian Women in Prostitution, Kafa (enough) Violence & Exploitation, June 2020, <https://kafa.org.lb/sites/default/files/2020-11/exit_study-report_june-2020.pdf> (last accessed January 26, 2024) [↑](#footnote-ref-2)
3. According to police records shared with Kafa, in 2015, 2016, 2017, and 2018, Syrian women comprised consecutively 63%, 50%, 63%, and 50% of the total number of women arrested by the Internal Security Forces (ISF) for engaging in prostitution activities -reflecting a large increase in numbers compared to the previous years, and particularly prior to the Syrian crisis that started in 2011. Between 2002 and 2011, the ratio was 30%. Since 2019, following the total financial collapse and the consequent paralysis of governmental institutions, as well as the Covid-19 pandemic, the numbers of arrests decreased to a large extent. However, Kafa has been observing the same trends in the nationality of arrested women and lately has been witnessing an increase of the number of arrests during the year 2023. [↑](#footnote-ref-3)
4. Records of the DGGS indicate that a total of 6,485 women Artists entered Lebanon during 2018 and 2019 mostly coming from eastern European countries. For instance, 1,433 Ukrainian women and 523 Russian women entered Lebanon in 2018 on the Artist Visa Scheme (source: DGGS records). The numbers of Artists have greatly dropped after the financial collapse of 2019 and the Covid-19 pandemic, however it is expected that the numbers will go rise again once the economic and political crisis stabilizes in Lebanon. [↑](#footnote-ref-4)
5. Super Night-Clubs” is a Lebanese version of cabaret and strip clubs where only foreign women Artists are allowed to be employed as entertainers, and only men/sex buyers are allowed to enter as clients. [↑](#footnote-ref-5)
6. For more information about sex buyers in Lebanon, see Ghada Jabbour, “Exploring the Demand for Prostitution: What Male Buyers Say about their Motives, Practices, and Perceptions”, Kafa (enough) Violence & Exploitation, Beirut, 2013. [↑](#footnote-ref-6)
7. The Artist Visa Scheme and related regulations are stipulated in the governmental decree 10267 (issued on August 6, 1962) and in the DGGS booklet entitled “Female Working in Nightclubs, Unmedical Massage and Modeling”. While the booklet is not published online, some regulations can be found on the DGGS website, on this link: https://www.general-security.gov.lb/en/posts/46 (last accessed on January 26, 2024). [↑](#footnote-ref-7)
8. Jabbour G., Exit, p. 50-56. [↑](#footnote-ref-8)
9. Frangieh G., “Human Trafficking Crimes Before the Courts: In the Shadow of Prosecution”, Legal Agenda, 18 September 2019, <https://legal-agenda.com/en/article.php?id=4828> (last accessed January 26, 2024). [↑](#footnote-ref-9)
10. Frangieh G., Preconceptions Overshadow Sexual Exploitation, Legal Agenda, 13 October 2018. <https://english.legal-agenda.com/preconceptions-overshadow-sexual-exploitation/> (last accessed January 26, 2024). [↑](#footnote-ref-10)