



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined eighteenth to twenty-second periodic reports of Lebanon\*

1. The Committee considered the combined eighteenth to twenty-second periodic reports of Lebanon (CERD/C/LBN/18-22), submitted in one document, at its 2462nd and 2463rd meetings (see CERD/C/SR.2462 and 2463), held on 10 and 11 August 2016. At its 2478th and 2479th meetings, held on 22 and 23 August 2016, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission, though with delay, of the combined eighteenth to twenty-second periodic reports of the State party. The Committee also welcomes the fact that the report is self-critical and includes responses to the concerns raised by the Committee in its previous concluding observations.

3. The Committee welcomes the resumption of the dialogue with the State party, and the open and constructive manner in which the dialogue with the State party's delegation took place.

#### B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes the difficulties faced by the State party during the reporting period, including the continuing partial occupation of its territory, the 2006 foreign intervention and the current refugee crisis arising from the massive inflow of refugees.

#### C. Positive aspects

5. The Committee commends the State party for its continuous engagement in refugee issues, despite its limited resources, limited land space, political challenges and security concerns. In particular, it commends the State party for receiving and hosting a large number of refugees over an extended period, including more than 500,000 Palestinian

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\* Adopted by the Committee at its ninetieth session (2-26 August 2016).



refugees and an estimated 1.1 million Syrian refugees. The Committee considers that this is a burden incommensurate with the normal capabilities of a State and calls upon the international community to ensure a proportionate sharing of this immense humanitarian challenge.

6. The Committee welcomes the ratification of and accession to the following international instruments since the examination of the last periodic reports of the State party:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, acceded to on 22 December 2008;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 8 November 2004;

(c) The United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, ratified on 5 October 2005.

7. The Committee welcomes the legislative and policy measures taken by the State party, including:

(a) Circular No. 29/2011 of 25 November 2011 requesting offices of the public administration and municipalities to accept documents relating to personal status issued by the Palestinian Authority;

(b) Act No. 164 of 24 August 2011 concerning punishment of the crime of trafficking in persons;

(c) Act No. 150 of 17 August 2011 on free and compulsory basic education in public schools;

(d) Act No. 162 of 17 August 2011, which abolishes mitigating circumstances for "honour crimes";

(e) Act No. 128 of 24 August 2010 granting end-of-service and occupational accidents indemnities to Palestinian refugee workers, Act No. 129 of 24 August 2010 on the right of Palestinian refugee workers to claim compensation for dismissal and Decree No. 89/2005 of the Council of Ministers on the creation of the Palestinian-Lebanese Dialogue Committee, in 2005;

(f) Measures taken to improve the protection of migrant workers, including Ministry of Labour Decisions No. 1/1 of 3 January 2011 concerning the regulation of recruitment agencies for foreign domestic workers, No. 38/1 of 16 March 2009 on employment contracts for domestic workers and No. 52/1 of 14 April 2009 on the conditions governing insurance policy coverage for foreign workers, as well as Decision No. 40/2007 of the Prime Minister's Office, of 10 April 2007, establishing the National Committee on the Situation of Foreign Domestic Workers.

## **D. Concerns and recommendations**

### **Definition and prohibition of racial discrimination**

8. The Committee is concerned at the absence in the State party's legislation of a definition, in conformity with the provisions of the Convention, of racial discrimination (art. 1).

9. **Recalling its general recommendation No. 14 (1993) on the definition of racial discrimination, the Committee recommends that the State party:**

- (a) **Define and prohibit racial discrimination in its legislation in compliance with articles 1 and 2 of the Convention;**
- (b) **Ensure that all manifestations of racial discrimination, both direct and indirect, are prohibited and punished;**
- (c) **Reverse the burden of proof in civil proceedings involving racial discrimination once a prima facie case of racial discrimination has been made.**

#### **Racist hate speech**

10. The Committee is concerned at the lack of clarity of legal provisions prohibiting racist expression. Moreover, while noting the arrest of individuals calling for the commission of violent hate crimes against a particular group, the Committee is concerned that racist hate speech, stereotyping and the expression of intolerance, prejudice and stigmatization against migrants and refugees has not been punished (arts. 2, 4 and 6).

11. **Drawing the State party's attention to general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party explicitly prohibit and sanction any expression of insults, ridicule or slander of persons or groups or justification of hatred or contempt on the grounds of race, colour, descent or national or ethnic origin, when it clearly amounts to incitement to hatred or discrimination. It also recommends that the State party investigate reports of racist hate speech and prosecute those found responsible. The Committee also urges the State party to condemn and to distance itself from racist hate speech and discriminatory statements against migrants and refugees.**

#### **Other acts proscribed by article 4**

12. While the provisions of articles 317 and 318 of the Criminal Code satisfy partially the requirements of article 4, the Committee notes that as they primarily target acts that threaten the peaceful coexistence of the State party's constituents, they do not prohibit acts of racial discrimination against individuals. The Committee also notes with concern other gaps in the State party's legislation, such as the lack of criminalization of the dissemination of ideas of superiority of a particular race, and the lack of prohibition of organizations engaged in or promoting racial discrimination (art. 4).

13. **Bearing in mind its general recommendations No. 7 (1985), No. 8 (1990) and No. 15 (1993), the Committee recommends that the State party bring its criminal law into conformity with article 4 of the Convention by penalizing:**

- (a) **Threats or incitement to violence against persons or groups on the grounds of race, colour, descent or national or ethnic origin;**
- (b) **All dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means;**
- (c) **Participation in organizations and activities that promote or incite racial discrimination.**

14. **Moreover, the State party should prohibit organizations, and also organized and all other propaganda activities, that promote and incite racial discrimination. The Committee also recommends that the State party include racial, national, ethnic or ethno-religious motivation as an aggravating circumstance for the determination of sentences.**

### **National human rights plan and national human rights institution**

15. The Committee regrets the delay in the adoption of the 2013-2019 national human rights plan, in the activation of the post of mediator, which was established by Law No. 664 of 4 February 2005, and in the establishment of a national human rights institution in the State party (arts. 1 and 2).

**16. The Committee urges the State party to expedite the adoption of the national human rights plan, the activation of the post of mediator, and the establishment of a national human rights institution that has a broad mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee encourages the State party to seek the support and advice of the Office of the United Nations High Commissioner for Human Rights in this process.**

### **Data on application of the legislation**

17. The Committee regrets that no statistics were provided in the State party report on cases where the relevant provisions of the national legislation concerning racial discrimination had been applied (arts. 1, 5 and 6).

**18. The Committee requests the State party to provide, in its next periodic report, data on complaints made, prosecutions launched and penalties imposed in cases of offences that relate to racial discrimination, and where the relevant provisions of the existing national legislation have been applied.**

### **Denominational political system**

19. The Committee notes the State party's observation that "the denominational political system is perceived as one of the mainstays of coexistence among the Lebanese people" (see CERD/C/LBN/18-22, para. 51).

**20. The Committee invites the State party to keep the situation under constant review, bearing in mind the provisions of article 95 of the Constitution and the spirit of the Taif Agreement of 1989.**

### **Right to nationality**

21. The Committee is concerned that women married to foreigners are not able to pass on their Lebanese nationality to their children and that foreign spouses of Lebanese nationals have reportedly faced difficulty in acquiring Lebanese nationality. The Committee also notes that the State party intends to facilitate the residency of Lebanese families with a foreign father pending the acquisition by the father of the State party's nationality (arts. 2 and 5).

**22. The Committee recommends that the State party review its nationality policy so that it is in line with international law; in particular, that it amend Decision No. 15 of 19 January 1925 on nationality and that it review the administrative procedures related to its implementation; and that it grant Lebanese women the right to pass on their citizenship to their children, irrespective of the nationality of their spouse.**

23. The Committee notes with concern that, under the 1951 Registration of Personal Status Law, birth registration after the age of 1 year involves a lengthy and expensive judicial procedure. It is also concerned that children born to unregistered stateless fathers are not entitled to Lebanese birth registration. Moreover, it notes with concern that the majority of Syrian children born in the State party and children born to undocumented migrants in the State party do not have an official birth certificate owing to onerous

requirements for obtaining identity documentation and proof of legal residency (arts. 2 and 5).

24. **The Committee recommends that the State party ensure that birth registration is accessible to all children born in the State party, including by removing financial, procedural and regulatory obstacles, such as those contained in the 1951 Registration of Personal Status Law.**

#### **Access to public places**

25. The Committee expresses concern at information about racist access policies applied by tourist establishments in the State party. The Committee is also concerned that such acts have not been punished.

26. **The Committee urges the State party to condemn and prohibit the practice of denying certain groups access to public places and to investigate all reports of acts of racial discrimination.**

#### **Legal framework on asylum**

27. The Committee expresses concern at the lack of an appropriate legal framework on asylum in the State party (arts. 1, 2 and 5).

28. **The Committee calls on the State party to establish a clear and comprehensive legal framework on asylum that respects the principle of non-refoulement and enables asylum seekers and refugees to exercise their fundamental rights without discrimination.**

29. The Committee is concerned at the imposition of significant border restrictions and at the additional documentation requirements that are difficult for refugees to meet. It is also concerned that, since many refugees do not have residence permits, they are vulnerable to abuse and exploitation and are reluctant to report violations of their rights (art. 5).

30. **The Committee urges the State party to ensure that its regulations do not lead to the denial of entry at the border of those in need of international protection. It also recommends that the State party establish mechanisms for regularization of the situation of asylum seekers and refugees present on its territory who do not possess adequate documentation, including through amendments to the 1962 Law on Entry and Exit. It further recommends that the State party ensure that lack of adequate documentation does not prevent refugees' access to justice.**

31. While noting with appreciation the measures taken by the State party to improve the living situations of Palestinian refugees in its territory, the Committee also notes the information provided by the delegation that, in view of the current crisis facing the State party, its legislators have not had the opportunity to examine in a comprehensive manner the situation of Palestinian refugees and to establish an adequate legislative framework concerning their rights (arts. 1 and 5).

32. **The Committee reiterates its previous recommendation calling on the State party to continue to ameliorate the situation of Palestinian refugees and to change policies and remove all legislative provisions that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.**

#### **Right to work**

33. The Committee notes with concern that refugees are allowed to work only in certain sectors (art. 5).

34. **While noting the information provided by the delegation that access to employment in certain sectors is decided upon by the relevant trade unions, the Committee recalls the obligation of the State party to remedy any discriminatory situation.**

#### **Right to education**

35. While noting the pressure on the State party's infrastructure as a result of the influx of refugees, the Committee notes with concern the number of circulars restricting the admission of non-Lebanese pupils to public schools, contrary to the provisions of Act No. 150 of 17 August 2011 on free and compulsory basic education. The Committee is also concerned about the impact of such restrictions on the ability of children of migrants to renew their residence permits (art. 5).

36. **The Committee urges the State party to refrain from restricting access to education on the ground of nationality or migration status. The Committee also urges the State party to ensure that children are not deprived of their residence permits owing to non-enrolment in schools as a result of the enforcement of these circulars.**

#### **Freedom of movement**

37. While noting the security situation in the State party, the Committee is concerned at curfews imposed by municipalities on refugees, particularly Syrian refugees (art. 5).

38. **The Committee recommends that the State party ensure that restrictions to freedom of movement conform to the strict tests of necessity and proportionality, are decided upon only by the competent authorities in accordance with the law and do not discriminate on the grounds of nationality, racial background, ethnicity or refugee status. The Committee also urges the State party to ensure effective oversight of decisions made by municipalities and other public bodies to ensure that they do not discriminate on the basis of nationality and other grounds prohibited by the Convention.**

#### **Right to equal treatment before the courts**

39. The Committee is concerned that while judges are authorized to waive the obligation on non-citizens to provide a surety if they are financially unable to do so, this requirement is discriminatory and constitutes an impediment to access to justice by foreigners (art. 5).

40. **The Committee urges the State party to rescind the requirement for foreign plaintiffs to provide a surety, so as to ensure access to justice without discrimination in line with the Committee's general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.**

#### **Migrant domestic workers**

41. The Committee is concerned that abuse and exploitation of migrant domestic workers continues to occur in spite of the measures taken by the State party. Moreover, the Committee is concerned that victims are often not able to seek assistance when they are forcibly confined to the residence of their employers or when their passports have been retained. The Committee is also concerned at the unfavourable working conditions set under the standard employment contract for domestic workers (arts. 2, 5 and 7).

42. **The Committee recommends that the State party:**

(a) **Abolish the conditions that render migrant domestic workers vulnerable to abuse and exploitation, including the sponsorship system and the live-in setting;**

(b) Ensure that regulations and practices respect migrant domestic workers' right to freedom of movement and of residence;

(c) Extend the coverage of the Labour Code to domestic work, thereby granting domestic workers the same working conditions and labour rights as other workers, including the right to change occupation, and subjecting domestic work to labour inspections;

(d) Ensure that any specific legislation on domestic employment is aimed at tackling migrant domestic workers' increased vulnerability to abuse and exploitation;

(e) Conduct campaigns to change the population's attitudes towards migrant domestic workers and to raise awareness of their rights.

43. The Committee also encourages the State party to ratify the ILO Domestic Workers Convention, 2011 (No. 189).

#### **Education for combating racial discrimination**

44. The Committee regrets the lack of information on the impact of the educational initiatives undertaken by the Centre for Educational Research and Development to combat racial discrimination (art. 6).

45. The Committee recommends that the State party strengthen educational efforts aimed at combating racial discrimination and expand their reach to the general public. It requests the State party to include information on initiatives taken and on their impact in its next periodic report.

### **E. Other recommendations**

#### **Ratification of other instruments**

46. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### **Follow-up to the Durban Declaration and Programme of Action**

47. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference held in Geneva in April 2009, and that it report accordingly.

#### **International Decade for People of African Descent**

48. In the light of General Assembly resolution 68/237, the Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

**Consultations with civil society**

49. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

**Amendment to article 8 of the Convention**

50. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

**Declaration under article 14 of the Convention**

51. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

**Common core document**

52. The Committee encourages the State party to update its common core document, which dates to 1996, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

**Follow-up to the present concluding observations**

53. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 16 and 36 above.

**Paragraphs of particular importance**

54. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 11 and 42 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Dissemination of information**

55. The Committee recommends that the State party's reports be made readily available to and accessible by the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

**Preparation of the next periodic report**

56. The Committee recommends that the State party submit its combined twenty-third and twenty-fourth periodic reports, as a single document, by 12 December 2018, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.