



Economic and Social Council

Distr.: General
29 September 2016

Original: English

Committee on Economic, Social and Cultural Rights Fifty-ninth session

Summary record of the 61st meeting

Held at the Palais des Nations, Geneva, on Monday, 26 September 2016, at 3 p.m.

Chair: Mr. Sadi

Contents

Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Lebanon

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16649 (E) 280916 290916



* 1 6 1 6 6 4 9 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of Lebanon (E/C.12/LBN/2; E/C.12/LBN/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Lebanon took places at the Committee table.*
2. **Ms. Riachi Assaker** (Lebanon), introducing her country's second periodic report, said that Lebanon had participated directly in the drafting of the Universal Declaration of Human Rights, and its commitment to the principles contained therein was enshrined in the Constitution. That commitment remained firm despite the many serious economic, social and political crises that Lebanon had faced over the preceding two decades.
3. When it had previously appeared before the Committee, in 1993, Lebanon had just emerged from a 15-year war. At that time, it had had a long-term strategic vision that had subsequently led to a period of stability. Various projects had been launched to rebuild infrastructure and improve standards of living, and the Government had worked to strengthen public institutions, support the economy, restore social harmony and combat poverty. Although some notable successes had been achieved, progress had been limited in a number of sectors owing to the enormity of the challenges. One notable outstanding problem was that of servicing an increased public debt.
4. That period had come to an end with the assassination of former Prime Minister Rafik Hariri in 2005, which had sown deep internal political divisions, and the Israeli aggression against Lebanon in 2006, which had left thousands dead and destroyed national infrastructure. Those events had plunged the country into persistent institutional stalemate and economic and social instability. At the same time, the international context had brought further challenges, as terrorism and extremism had spread throughout the region. The war in Syria had brought refugees to Lebanon in numbers far greater than those seeking safety in Europe, which had recently become alive to the refugee problem with the influx of just a few hundred thousand displaced persons.
5. Not only did the presence of such a large number of refugees — 1.5 million — on national territory represent an enormous economic, social and political burden, it also affected the delicate political and social balance between the country's many religious communities. Moreover, while new challenges constantly arose, old ones persisted, notably the ongoing presence of around 400,000 Palestine refugees, towards whom the international community's humanitarian commitment seemed to be dwindling.
6. Despite all its difficulties, Lebanon continued to implement international treaties and to cooperate constructively with international organizations. The Government remained committed to its constitutional obligation to ensure balanced development among all regions as a cornerstone of national unity, and to guarantee democratic freedoms and equality among citizens. To that end, a number of legislative measures had been taken, including laws to protect women and other family members from domestic violence, to abrogate mitigating circumstances for honour crimes and to tackle human trafficking. Legislation to establish a national human rights institution was in the pipeline.
7. The authorities were working to encourage dialogue between the public and private sectors and to uphold union rights. Since 1993, the Government had been involved in a major project to update the Labour Code and bring it into line with international standards. It had also taken measures to favour certain categories of the population, such as mothers, older persons and the poor, and to promote specific social groups such as the marginalized

and persons with special needs. One major area of focus was the young, and plans and strategies were in place to combat unemployment and provide job opportunities, thereby also curbing economic migration.

8. Action taken by the authorities to improve both the quantity and quality of health-care services had led to tangible improvements in health indicators among all categories of the population. The number of State-run hospitals offering health care to persons without insurance coverage had increased. Recently, the health system in Lebanon had been able to demonstrate its resilience and professionalism in the way it was handling the pressures placed upon it by the influx of Syrian refugees. The education system, though also strained to the limit by the refugee crisis, had managed to maintain its high reputation for quality. Primary education was obligatory and remained free of charge in State-run schools, and the Government was taking steps to update the curriculum and to train teaching staff. It was also working strenuously to combat illiteracy, especially in rural areas, notably through a national adult education programme.

9. Culture in Lebanon had remained unaffected by the various crises. Play performances, film screenings, exhibitions and festivals continued unabated. Indeed, more people than ever were using public libraries and frequenting cultural institutes and foreign language academies. The Government supported such activities to the extent possible, through its cooperation with the country's many civil society organizations and by encouraging innovation and protecting intellectual property rights.

10. **The Chair** said that the head of the Lebanese delegation had well described the scale of the challenges and difficulties her country was facing. The complex internal situation was possibly one of the reasons behind the inability of the legislature to elect a new President of the Republic which, in turn, further hindered Lebanon in its fulfilment of its international obligations, also those under the Covenant. Nonetheless, it was important to remember that certain principles, such as gender equality and non-discrimination, remained ineluctable and had to be upheld irrespective of any problems a State might be facing.

11. **Mr. Kerdoun** (Country Rapporteur) said that the State party's replies to the list of issues had been unsatisfactory. Numerous points that the Committee had raised on matters such as the status and application of the Covenant in national law, corruption, the servicing of public debt, unemployment and non-discrimination had been inadequately answered or not answered at all. When Lebanon had ratified the Covenant in 1972 it had been among the first countries to do so. However, it had submitted its initial report only in 1993 and its second periodic report in 2015. That was too long a delay.

12. The Constitution of Lebanon of 1926, as amended by the Taif Accords of 1989, while it included provision for the recognition and protection of civil and political rights, made no apparent mention of economic, social and cultural rights. Nonetheless, since under the Constitution international treaties had priority over national legislation, he asked the delegation to provide examples in which the Covenant had been invoked by the courts. Given the large numbers of refugees in Lebanon, he wondered whether the Government intended to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Were there any plans to ratify the Optional Protocol to the Covenant? He was concerned that plans to establish a national human rights institution in line with the Paris Principles had not yet been finalized.

13. There had been a number of positive developments in Lebanon, notably on the legal front, with the approval of Act No. 293 of 2014 concerning domestic violence, Act No. 220 of 2000 concerning persons with disabilities, Act No. 686 of 1998 concerning primary education, and a draft bill on domestic workers. Lebanon's accession to many important international treaties was also to be commended. However, there remained a number of

treaties, notably those of the International Labour Organization (ILO), which it had thus far failed to ratify.

14. However, Lebanon faced three fundamental concerns in ensuring the enjoyment of economic, social and cultural rights. First, corruption was a disease that had infected practically all sectors of Lebanese society — not least the political sphere — and which needed to be combated through rigorous measures. Secondly, existing economic and social difficulties had been compounded by the influx of migrants that had followed the outbreak of civil war in Syria. The 1.6 million Syrian and 400,000 Palestine refugees, and their demands for work, accommodation, education, health care and access to water and electricity, placed huge pressures on the Lebanese economy. Refugees also competed for jobs with Lebanese nationals. A third major problem was the political instability and paralysis that had prevailed since 2014, with differences between political factions and parties meaning that Parliament rarely met and indeed had failed to elect a president. Debt and poverty raised additional obstacles to the free enjoyment of rights in Lebanese society.

15. In respect of article 2 of the Covenant, concerning the obligation to take steps to the maximum of available resources, the Government had not adopted an official budget since 2005 and the State party had acknowledged the impossibility of shedding any light on the amounts allocated to the sectors relevant to the Covenant. The bills drafted following ratification of the United Nations Convention against Corruption in 2008 were still pending and had not been put to a parliamentary vote. In that context, the Committee would be interested to learn what measures were envisaged by the State party to combat corruption and when it was likely to resume consideration of anti-corruption legislation. Information would also be appreciated on any steps that might be taken to reduce the high debt servicing costs mentioned in the report and to prevent the public debt from further increasing. Considering the 2013 World Bank report containing an assessment of the economic and social impact on Lebanon of the Syrian conflict, the Committee would like an explanation of how the State party intended to restore economic balance, together with details of any urgent measures it might take to continue providing services to the public and to migrants, together with information on aid donors.

16. Given that there appeared to be serious discrimination against women in the Lebanese law regarding the transmission of nationality, clarification should be provided on whether a non-Lebanese national was entitled to Lebanese nationality in the event of marriage to a Lebanese woman. Moreover, in the light of the reported stigmatization of groups such as people affected by the human immunodeficiency virus (HIV), persons with disabilities, members of the lesbian, gay, bisexual and transgender (LGBT) community, and refugees and migrants, the Committee would be grateful for details of proposals to amend discriminatory legislation.

17. In respect of article 3, concerning the equal rights of men and women, despite the State party's assertion that women faced no obstacles in accessing the labour market in Lebanon, the Committee had received figures from OHCHR that the female labour market participation rate did not exceed 20 per cent, compared with a male rate of 72 per cent. The delegation should therefore provide information on efforts to close that gap, together with information on the possibility of introducing civil marriage, and clarify whether women were able to exercise political functions on an equal footing with men, in view of their limited participation in political life.

18. **Mr. Martynov**, said that, in view of the stubbornly high rates of unemployment and youth unemployment in Lebanon, the State party should give a more comprehensive response on whether the Government had adopted and implemented any national policies, programmes or strategies to address the problem, and on how effective those measures had been. Recent data, if available, should be provided on unemployment among persons with disabilities. The Committee would appreciate confirmation of whether the Convention on

the Rights of Persons with Disabilities had been ratified, along with an explanation of why sanctions were no longer imposed on employers who failed to observe quotas for the employment of persons with disabilities. Given that the Government's restrictions on migrants' and refugees' right to work were in breach of the provisions of the Covenant, he expressed the hope that the next periodic report would show Lebanon taking a different direction. It was unclear what unemployment benefits were provided, and what percentage of unemployed persons benefited from them.

19. While it was understood that Lebanon had enacted a labour law whose provisions on the minimum wage fell within the parameters of the Covenant, the Committee would be grateful for details of measures taken to enforce the minimum wage, statistical data on the proportion of the workforce receiving it, and some comparison of the minimum wage relative to the minimum subsistence level for workers and their families. Further explanation should be given concerning the measures taken to enforce contractual obligations and the timely payment of wages, such as labour inspections, and the compliance rates achieved. The delegation should also indicate how the Code of Obligations and Contracts safeguarded the rights of workers in the informal economy, given that those rights were not covered by the Labour Code. In respect of the two bills that were being drafted on agricultural workers and persons working in domestic service, some clarification was required as to the aims of that legislation, as well as the potential time frame for their adoption.

20. It was clear that the legal requirements governing strike action, together with those on formation of a trade union and collective bargaining, as well as the ban on civil servants forming a trade union, were all excessive. The Committee wished to learn whether the State party had undertaken to draft amendments to bring the relevant laws into line with article 8 of the Covenant.

21. Information was required on the extent of implementation of minimum core obligations under article 9 of the Covenant. Clarification was also needed on whether all workers engaged in the informal sector were entitled to health services, as the periodic report suggested. Moreover, considering that an estimated 73 per cent of older persons did not have any health or retirement insurance, the Committee was troubled by the suspension of two social security schemes providing health insurance to older persons and wished to know whether the Government planned to overturn those measures and return to the status quo ante.

22. Lastly, recognizing the State party's endeavours to improve the situation of older persons through a bill on pensions, social protection and optional insurance, to issue health cards to those not covered by insurance schemes, and ultimately to provide social security coverage for all Lebanese, he would be grateful for additional details regarding the implementation of those efforts, including the proposed time frame.

23. **The Chair** said that he too would welcome clarification from the delegation concerning laws that restricted children's nationality in the event that one parent was not Lebanese.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

24. **Ms. Riachi Assaker** (Lebanon) said that the delegation would give an immediate response to the questions raised, with the exception of matters pertaining to the Labour Code, which would be answered at the following meeting.

25. **Ms. Slaylati** (Lebanon), noting that under the Lebanese Constitution international treaties and conventions took precedence over domestic legislation, said that Lebanon had been unable to grant nationality to the Palestine refugees on its territory, and for that reason nationality had remained a sensitive issue. It was indeed the case that Lebanese women

were unable to pass on their nationality in the event that they married a foreign national. While an amendment had been drafted that would grant Lebanese women the right to transmit their nationality in such cases, it had not yet been adopted owing precisely to the legal precedence of international conventions. Measures beneficial to Lebanese women included the granting of the right of residence to husbands and children for three years, and the systematic granting of that right for children born in Lebanon. Laws had recently been passed whereby women had the freedom to work, to pursue commercial activities, and to travel without the authorization of their husband. Statistics showed that women had achieved parity with men in the justice system, held more public positions than men, and were increasingly exercising and claiming their rights. However, they still maintained a low profile in the political domain.

26. Concerning the recognition of economic, social and cultural rights, the Constitution guaranteed freedoms at all levels, including freedom of expression and freedom of belief, while the Lebanese economy offered the freedom to pursue private initiatives. Individual freedom was also enshrined in legislation, and those who violated the freedoms of expression or belief would be prosecuted. Despite the wars that had torn the country apart, the massive influx of refugees, and the “brain drain” of highly educated graduates and skilled workers, Lebanon was making progress and would emerge from its present predicament.

27. With regard to family violence, the protection of women and children had been renewed under a law enacted in May 2014. Moreover, all courts and legal bodies had judges that specialized in dealing with cases of family violence, while the Ministry of Education and Higher Education had sent out a clear message that ethical, moral and physical violence had no place in schools, and had deployed monitors to protect children. Efforts were being made to repeal an article of the Criminal Code that provided for mitigating circumstances to be taken into account in cases where a man committed what was known as an “honour crime”. Proposed amendments to the Code had been submitted to Parliament for its consideration. Minors could not be imprisoned under Lebanese law or brought before a court unless accompanied by a social worker or a member of their family. Schools were safe havens, and radical measures were being introduced to enhance the protection afforded to children. The status of illegitimacy was no longer noted in family registers.

28. Labour disputes could be resolved amicably with the assistance of the Ministry of Labour or, if that proved impossible, by specialized tribunals. Relatively few Lebanese citizens availed themselves of labour dispute settlement mechanisms as many jobs had been taken by refugees from the Syrian Arab Republic, of whom some 1.5 million had been accepted in recent years. The influx of refugees had been labelled a scourge because of its impact on the labour market. Many nationals, including university graduates, had been forced to emigrate in search of work. Palestine refugees who were registered with the Ministry of Interior could apply for jobs that were generally reserved for Lebanese citizens and were issued with identity documents that gave them access to the property market.

29. The Ministry of Social Affairs, among others, had taken steps to improve the situation of persons with disabilities, who received financial assistance, benefited from customs and car registration tax exemptions, were entitled to free health care and were sometimes given priority in recruitment processes. Public facilities and spaces had also been modified in the interests of accessibility.

30. Strong measures were being taken to combat discrimination and bigotry. There was gender equality in the classroom, all schoolchildren had access to the same opportunities and there was no discrimination when it came to tuition fees. In addition, many projects had been launched to raise young people’s awareness of religious diversity and to encourage tolerance and interfaith dialogue.

31. Pursuant to a decree passed in 2008, a department had been set up within the Internal Security Forces to raise awareness of human rights, particularly among police officers. Laws had been amended to stimulate the dissemination of information on human rights, publications had been circulated and workshops had been organized in cooperation with local, regional and international bodies.
32. The establishment of a social security programme had been proposed in order to grant universal access to health care in public hospitals, including Rafik Hariri University Hospital, and to provide meals through government funding and civil society assistance.
33. Primary and secondary education were compulsory, and social workers delegated by the Ministry of Education and Higher Education could compel parents to send their children to school. Against all the odds, Lebanese citizens were striving to attain their goals, a task made easier by the sense of solidarity that they displayed and by their love of life.
34. A parliamentary human rights committee was studying the draft national human rights plan that had been tabled for discussion in Parliament in 2012, with a view to implementing its provisions. The committee was also working to mainstream human rights in school curricula and to foster a culture of human rights at all levels of society, in close cooperation with non-governmental organizations (NGOs). A bill on the creation of a national committee to combat racial discrimination and promote gender equality had been brought before Parliament.
35. The torture of prisoners was prohibited, and a person could be deprived of his or her liberty only by court order. In one noteworthy case, a prison officer found guilty of committing torture had been sentenced to imprisonment and stripped of his pension rights. In that connection, Lebanon had acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008.
36. **Ms. Bou Hamdan** (Lebanon) said that, despite the challenging circumstances faced by the country, the Ministry of Social Affairs was cooperating with national and international NGOs to guarantee the full enjoyment of economic, social and cultural rights by women and other vulnerable groups.
37. To that end, a project had been carried out in cooperation with the Italian Government to encourage women's participation in local development and governance, media campaigns had been conducted to urge political parties to nominate women candidates, and training sessions had been organized to strengthen the capacity of those candidates. A recent parliamentary seminar on increasing women's political involvement had been attended by some 250 women from across the political spectrum, and the Government had funded efforts to raise public awareness of the role played by women in municipal councils.
38. A project entitled "Gemaisa" had been launched with the support of the Italian Agency for Development Cooperation to empower women by ensuring their effective participation in local decision-making and strengthening their capacity as part of efforts to boost food security and environmental sustainability. Other initiatives had been undertaken to promote rural income-generating activities and to facilitate the access of women farmers to markets.
39. Steps had been taken to raise awareness among women of their social rights and among men of their role in fostering gender equality. Moreover, women had been encouraged to participate more actively in political decision-making by sharing their expertise and best practices. A platform had been created to ensure that women's voices were heard by local councils and development bodies, and vocational training sessions had been organized for women across the country.

40. The Government had realized that it could use the assistance provided in response to the Syrian crisis to upgrade national infrastructure and thereby ensure better protection for marginalized groups during the post-crisis period. Accordingly, since October 2014, the Ministry of Social Affairs, in partnership with the United Nations Children's Fund and with funding from the European Union, had been implementing the National Plan for the Protection of Women and Children, with a view to strengthening its sectoral oversight and regulation with regard to child protection, gender-based violence and the provision of direct support services for families.

41. **Mr. Arafa** (Lebanon) said that Lebanon had acceded to the United Nations Convention against Corruption in 2009 and that several bills had been proposed on access to information, conflicts of interest, unjust enrichment and the protection of whistle-blowers. A bill had been drafted to bring the Code of Criminal Procedure fully into line with the Convention, and proposals had been made to strengthen the role of the anti-corruption authority. In 2015, a law had been adopted on the exchange of tax information with a view to tackling money laundering and terrorism financing, in line with recommendation No. 6 of the Financial Action Task Force. It should be noted, however, that the Syrian civil war had hindered efforts to prevent corruption and that the adoption of important bills had been delayed by the problems affecting Parliament, which had not met for some time. The national anti-corruption authority had yet to be established, but a ministerial committee had been set up to design an action plan and set objectives, in order to meet the State's commitments in that domain. That being said, other oversight bodies already existed, so it was not correct to say that corruption was rampant.

42. **Ms. Abbas** (Lebanon) said that the Office of the Minister of State for Administrative Reform was developing an anti-corruption strategy, several ministries had signed memorandums of understanding in that regard, and NGOs played a significant role in monitoring corruption. While it was true that the public debt had grown owing to the regional situation and the influx of refugees, Lebanon had always honoured its financial obligations and paid off its debts in a timely manner. She stressed that the international community had promised aid to help the country deal with its extraordinary circumstances, but in reality only minimal amounts had been received. There was no national budget per se; rather, the Government had the authority to channel funds wherever necessary. Nevertheless, efforts were being made to ensure transparency and accountability.

43. Public sector wages were paid systematically and regularly. No worker, whether in the public, private or informal sector, could receive less than the minimum wage. Workers in the informal sector were included in the social security scheme, which provided medical coverage and family allowances, among other benefits. Registered Palestine refugees also benefited from the scheme. Everyone was entitled to medical care.

44. **Mr. De Schutter**, citing the State party's reply to question 25 in the list of issues, on child labour, invited the delegation to comment on why entire sectors fell outside the remit of the labour inspection services or were unregulated altogether. In relation to the National Poverty Targeting Programme, he asked what criteria were used to appropriately target support, what measures were taken to ensure that targeting did not result in the under-inclusion of low-income households, how potential beneficiaries were informed of their entitlement to support, and what complaints mechanism was available to those who were unjustifiably excluded. Given rapidly escalating rents, he wished to know what steps were being taken to ensure that housing remained affordable, especially for marginalized groups, and whether there were plans to review the Rent Act to bring it into line with international standards on eviction, including the Committee's general comment No. 7 on forced evictions. He enquired about the measures adopted to overcome difficulties in providing safe drinking water and to prevent the spread of diseases as a result of the waste management crisis. He would appreciate information on whether Palestine refugees had

access to an income with which to pay for food, basic shelter, sanitation and essential drugs, and whether the support they received from the United Nations Relief and Works Agency for Palestine Refugees in the Near East was sufficient. He also asked how the State party intended to improve the overall conditions in refugee camps and informal settlements, to ease restrictions on the movement of people and goods in and out of the camps, and to remove obstacles that prevented Palestinians from acquiring real estate. Lastly, he wished to know what efforts were being made to expand primary health-care coverage and reduce the quality gap between health care provided in private and public facilities.

45. **Mr. Abashidze** invited the delegation to reply to all the unanswered questions on articles 13 to 15 contained in the list of issues. Referring to Act No. 686 of 1998 and Act No. 150 of 2011, he asked whether primary and basic education were the same thing and whether the free and compulsory nature of education applied only to Lebanese children or to foreign and minority children as well. He wished to know, disaggregated by nationality, what proportion of students were in public versus private schools and what the dropout rate was, whether it was true that a growing number of children attended private school and, if so, why. He enquired about the educational situation of children with disabilities. Lastly, he asked what law governed the legal status of ethnic minorities, whether there was an exhaustive list of those groups, and what the Government was doing in practice to support the cultural life of minorities, such as the Dom, Turkmen and Bedouins.

46. **The Chair** said that, while he welcomed the considerable efforts the State party was making to combat corruption, it would be useful to have information on whether any corruption charges had been brought against officials. Referring to the Arab League instruction not to grant citizenship to Palestine refugees, he requested clarification of the State party's position with regard to the Covenant's rank in the domestic legal order. He asked whether waste water continued to be dumped into the sea and what attempts were being made at the national level to resolve the chronic electricity outages.

47. **Ms. Abbas** (Lebanon), resuming her replies regarding health coverage, said that health care was ensured for all Lebanese through one provider or another, or through a family member's insurance package. The Ministry of Public Health was developing a plan to provide coverage to persons over 64 years old who were not covered under a relative's insurance and to cover the medication costs of those suffering from chronic illness. The problem in Lebanon was not a shortage of medical insurers but, rather, that it was difficult to regulate the plethora of insurance providers. In that connection, social media played an important oversight role by enabling users to rate providers. The Lebanese health system was perhaps not up to the standard of Scandinavia, for example, but the Government was doing its utmost given the country's difficult circumstances and the failure of the international community to honour its obligations towards it.

48. The influx of refugees was also having a negative impact on State revenue and employment because refugees tended to set up businesses without a licence, did not pay taxes and occupied local jobs. Nevertheless, the Government was developing strategies to promote employment, provide financial assistance to certain sectors and create jobs, especially in areas where large numbers of young people were joining terrorist groups. In addition, some institutions granted credit to entrepreneurs. The Government was also striving to open new markets for Lebanese products. In that connection, she called on the international community not to restrict Lebanese exports. Many development plans had been put on hold because of the drain on State funds caused by insecurity in the region.

The meeting rose at 6 p.m.