



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 104th session

Summary record of the 2825th meeting

Held via videoconference on Wednesday, 11 August 2021, at 4 p.m. Central European Summer Time

Chair: Ms. Li

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The meeting was called to order at 4 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-third to twenty-fourth periodic reports of Lebanon (continued)
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1. *At the invitation of the Chair, the delegation of Lebanon joined the meeting.*
2. **Mr. Diaby** (Country Task Force) said that he wished to know more about the application of specific administrative and judicial measures to prevent statelessness and protect stateless persons and persons at risk of statelessness. In particular, he was interested to know whether the State party planned to review and amend the Lebanese Nationality Act of 1925, which limited the ability of Lebanese mothers to confer their nationality on children born to non-Lebanese fathers, and to ensure that all babies born in Lebanon automatically acquired nationality. Given that stateless persons faced daily restrictions on their freedom of movement, on ownership and on their access to employment, health, education and civil registration, he asked how the State party intended to guarantee the effective exercise of their economic, social and cultural rights.
3. The Committee noted with satisfaction that, under Lebanese law, children born in Lebanese territory to parents of unknown nationality were considered Lebanese, as were children of unknown parents. However, under the Registration of Personal Status Documents Act of 1951, children who were not registered before their first birthday had to undergo a lengthy and costly judicial procedure to be registered. The State party might therefore indicate whether it planned to amend the Act to facilitate late birth registration, and whether it would consider removing other obstacles to birth registration, especially by reducing the complexity and cost of the procedure and removing the requirement to provide various documents. The Committee would be interested to know more about the practices of local civil registry offices and the extent to which Syrian and non-Syrian refugees and asylum seekers had access to birth and marriage registration services in the absence of proof of residence. Stressing that the birth registration of children of refugees and asylum seekers was essential for their future enjoyment of fundamental human rights, he asked what measures were envisaged to make birth registration accessible for all children born on Lebanese territory, including refugee children and the children of stateless fathers.
4. The Committee would appreciate up-to-date information on the legal framework that governed asylum in Lebanon and on efforts to ensure that it was clear and comprehensive and applied the principle of non-refoulement so that refugees and asylum seekers might exercise their fundamental rights. In that regard, he wondered whether the State party planned to amend the Aliens Act of 1962 in order to ensure that refugees and asylum seekers were not penalized for irregular entry and stay and were able to obtain residence through a comprehensive and inclusive procedure.
5. Furthermore, the Committee would be grateful for detailed information on all legal provisions concerning the procedure for deporting Syrian nationals, including by virtue of the April 2019 decision to deport all Syrians who entered Lebanon irregularly. In particular, the State party might explain what procedural guarantees were afforded to persons facing deportation, and whether they were entitled to challenge the deportation decision. How did the State party evaluate the protection needs of refugees who claimed that they would be subjected to persecution, torture, or cruel, inhuman or degrading treatment if forced to return to the Syrian Arab Republic?
6. **Mr. Bossuyt** (Country Task Force) said that, according to the report, displaced Syrians in Lebanon could move freely within the country without limitations, except in exceptional cases where municipalities restricted movement at night in the interests of public order. He would be grateful if the delegation could comment on the continued application of such restrictions, including curfews. He was also concerned that checkpoints at the entrances to Palestinian refugee camps had an adverse impact on the mental health of refugees who were obliged to pass through them and that a large number of Palestinian refugees did not have residence papers.

7. Welcoming the updated information on migrant domestic workers contained in the report, he wondered what had been done to assist migrant workers who had lost their jobs as a result of the coronavirus disease (COVID-19) pandemic and the explosions in the Port of Beirut. He recalled that most migrant domestic workers were women from African and Asian countries who had been recruited under the *kafalah* system – a system of sponsorship that was considered a source of discrimination and human rights violations. In a 2019 report, Amnesty International, which had frequently called for the abolition of the system, had stated that employers were granted almost total control over the lives of migrant domestic workers, who were subjected to exploitative working conditions, including long working hours, no breaks and no days off, non-payment and salary deductions, restrictions on movement and communication, food deprivation, inadequate accommodation and verbal and physical abuse. To address some of those problems, in September 2020, the Ministry of Labour had issued a revised standard employment contract that included a number of welcome amendments, such as recognizing domestic workers' freedom of movement, giving them the right to cancel their contract with one month's notice and prohibiting the withholding of their salaries and the retention of their passports. Regrettably, the introduction of the new contract had been suspended following an appeal by the Syndicate of Owners of Recruitment Agencies in Lebanon. Since it did not appear that the Ministry of Labour had contested the ruling of the Council of State in that case, he asked whether the authorities still intended to introduce the new contract and what other measures had been taken to improve the situation of migrant domestic workers, many of whom were extremely vulnerable.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

8. **Mr. Guissé** (Country Rapporteur), recalling that Lebanon had hosted Palestinian refugees for over half a century, said that he would be interested to know what had been done to improve their situation, for example, by amending discriminatory laws that prohibited them from owning property and transferring it to their children.

9. The Committee was concerned at reports that Syrian refugees and their children had been arbitrarily detained and, in some cases, subjected to torture and degrading treatment in detention centres and refugee camps by the Lebanese army. He wished to know what steps had been taken to prevent such acts, punish the perpetrators and ensure that the victims received adequate compensation.

10. The Committee had also been informed that, amid an economic downturn and high unemployment, the Ministry of Labour had introduced restrictions on the employment of Syrian refugees in a number of sectors, including agriculture. He wondered whether the authorities intended to lift those restrictions in order to allow refugees to find work. He would also be grateful for information on measures taken by the State party to simplify and accelerate procedures for issuing residence and work permits for non-nationals, including refugees, and thus allow them to enter the formal labour market.

11. **Mr. Baddoura** (Lebanon) said that the Committee should take into account the fact that Lebanon was hosting over 1.5 million refugees as a result of being situated in a region that was racked by conflict. His country was doing all that it could to comply with its international human rights obligations while safeguarding its identity and protecting its citizens.

12. **Ms. Elkhoury** (Lebanon) said that in 2019 the national mechanism for the preparation of periodic reports had set up a committee, composed of representatives of various ministries, to update the State party's common core document. The process of updating the document was under way but had been delayed by the events of the previous year.

13. **Ms. Joumbat** (Lebanon) said that the 1925 Lebanese Nationality Act had not yet been amended to grant Lebanese women the right to pass on their citizenship to their children, irrespective of the nationality of their spouse. However, various bills to that effect had been put forward in recent years and the Government had adopted a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security. The amendment of the Act to grant Lebanese women equal rights was among the strategic priorities under the plan. A number of measures had been taken to protect the rights of Lebanese women married to foreign nationals and of their children. For example, in 2018

the Ministry of Education and Higher Education had issued a circular that was intended to ensure equality between Lebanese and non-Lebanese students.

14. **Ms. Dagher** (Lebanon) said that children born out of wedlock were granted Lebanese nationality under certain conditions, as set out in article 2 of the 1925 Lebanese Nationality Act. Recalling the rules governing birth registration and the exceptional measures that had been introduced in 2018 for Syrian children born in Lebanon, she said that many Syrian children born in Lebanon since 2018 remained unregistered despite those measures. An initiative to combat trafficking in persons, especially women and children, had been undertaken in cooperation with the International Organization for Migration (IOM), with funding from the United States Department of State.

15. **Mr. Ahmad** (Lebanon) said that non-Lebanese persons, including those in an irregular situation, could submit legal complaints and assert their rights before the judicial authorities on an equal basis with Lebanese persons. Generally speaking, non-Lebanese persons who were found by the authorities to be in an irregular situation were not arrested; rather, they were given the opportunity to regularize their situation. Women and children in an irregular situation were placed in detention only when absolutely necessary. The additional fee that was imposed on foreign nationals who filed complaints directly with the criminal courts was nominal.

16. The Ministry of Justice had signed a memorandum of understanding with the European Union on the subject of legal aid. In cooperation with the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees (UNHCR), the Ministry had carried out a project for improving social stability through the provision of legal aid, under the Lebanon Crisis Response Plan 2017–2022. A working group on access to justice had been set up and would continue to implement legal aid projects.

17. **Ms. Dahrouj** (Lebanon), referring to the situation of foreign domestic workers, said that it was regrettable that the standard employment contract in force since 2019, which had improved the working conditions of migrant workers, had been revoked. Consultations on the revision of the Labour Code were under way. In the meantime, a bill that would extend the scope of the Labour Code to cover all domestic workers, whether foreign or Lebanese, had been prepared. Foreign domestic workers could submit complaints against recruitment agencies or employers directly or through the relevant embassy to the Ministry of Labour. A total of 77 complaints had been received in 2020. Cases that could not be settled amicably could be brought before a labour arbitration tribunal. A law prohibiting sexual harassment, including in the workplace, had been passed in January 2021 and a national campaign to raise awareness about the law was being launched. Various decisions had been issued by the Ministry of Labour in order to protect migrant workers, such as the decision of August 2017 on the documents to be submitted by Palestinians wishing to obtain a work permit. In the context of the pandemic, a number of preventive measures had been taken to curb the spread of COVID-19 in workplaces, including the dissemination of information on COVID-19 to employers and workers. Foreign domestic workers wishing to return to their countries of origin had been repatriated in coordination with the relevant embassies.

18. **Ms. Awada** (Lebanon) said that the Ministry of Social Affairs had dispatched a team of social workers to places where female domestic workers seeking repatriation were concentrated in order to assess the needs of those workers and provide them with medical and administrative assistance in cooperation with IOM.

19. **Mr. Al Gusaini** (Lebanon) said that the Ministry of the Interior and Municipalities and the Directorate General of Internal Security Forces had prepared guidelines on the right to freedom of movement and the right to freedom of assembly and had organized training for law enforcement officials on the subject. Those rights were also protected under the internal regulations of the Directorate General. There were plans to set up a hotline whereby persons could report violations of their rights by law enforcement officials. The Government had taken various measures to combat trafficking in persons, in cooperation with non-governmental organizations and other stakeholders. For example, it had organized meetings and workshops on the subject and had provided training to justice officials on how to assist victims. In addition, Lebanon had taken part in an anti-trafficking operation led by the

International Criminal Police Organization (INTERPOL). Some municipalities had introduced restrictions on freedom of movement following some security incidents and an increase in crime. In addition, a number of temporary restrictions had been imposed at the municipal and national levels in the context of the pandemic.

20. **Mr. Youssef** (Lebanon) said that a legal framework for the protection of refugees had been in place in Lebanon since 2003. The aim of a memorandum of understanding signed by the Lebanese immigration authorities and UNHCR was to ensure that refugees were protected until they returned to their home countries or went to a third country. Official documentation provided to refugees and other foreign migrants in Lebanon ensured that they could exercise their right to freedom of movement.

21. The principle of non-refoulement was applied in Lebanon, even though the country was not a party to the Convention relating to the Status of Refugees. The best interests of refugees were taken into account. A distinction was made between migrants who were in a regular situation and those who were not. The authorities had facilitated the departure of migrant workers who had wished to leave the country during the pandemic. Voluntary return programmes had been organized with relevant embassies and other organizations.

22. **Ms. Khoury** (Lebanon) said that Lebanon, in a pioneering move, had adopted a strategy of educating all children, regardless of their nationality. School-age children, including the children of refugees, for whom there was no capacity in the morning shifts of the country's State schools went to school in the afternoon. Since 2011, the number of children – of refugees in particular – who moved from one school to another during the school year had increased. That increase should not be considered alarming, however, as the children concerned were simply following their parents as they moved around the country in search of work or for other reasons.

23. Lebanese children and the children of refugees enjoyed identical educational opportunities. Vocational guidance in schools, for example, was made available to the children of refugees. Palestinian and Syrian refugees could also participate in extracurricular activities. Syrian refugees in Lebanon had given birth to tens of thousands of children in recent years. The authorities had thus conducted outreach campaigns with a view to encouraging Syrian and other refugees to register the births of their children. Having a birth certificate would make it possible for the children of refugees to enrol in school.

24. As the cash crisis facing the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had reduced classroom capacity in UNRWA schools, Lebanese State schools had opened their doors to Palestinian children. Complaints – for example, from refugees who were unhappy that a State school did not allow their children to enrol – could be submitted at offices located throughout the country. The Ministry of Education followed up on the complaints.

25. **Mr. Elayi** (Lebanon) said that Palestinian refugees in Lebanon had complete freedom of movement. More than half lived outside the camps. Checkpoints had been set up around 6 of the country's 12 Palestinian refugee camps, as those six were home to a number of dangerous wanted criminals. In 2018, as a result of complaints by refugees, the Lebanese authorities had begun making concerted efforts to ease tensions at security checks around the camps, including by reducing the presence of security forces.

26. A decree issued by the Ministry of the Interior and Municipalities had made it possible to register births to Palestinian refugees from Syria. As had been suggested earlier, the laws under which Palestinian refugees were exempted from requirements to apply for work permits to work in Lebanon were still in force. The Government was committed to improving the situation of Palestinian refugees in Lebanon until their return to their homeland.

27. **Mr. Guissé** said that he wished to know what measures had been taken to ensure equitable access to health services, including vaccination, during the pandemic. He also wished to know what steps had been taken to ensure that, despite a troubling legislative amendment recently proposed by a Lebanese lawmaker, the non-Lebanese victims of the port explosions of August 2020 would have the same right to compensation as their Lebanese counterparts. In that connection, he wondered what was being done to ensure that migrant workers were not subjected to discrimination when they sought treatment, including mental

health care, for the traumatic and other effects of the explosions. In addition, he asked what housing alternatives had been offered to the thousands of Syrian refugees whose hastily constructed shelters had been demolished by the authorities.

28. **Ms. Shepherd** asked whether the State party had plans to mark the twentieth anniversary of the Durban Declaration and Programme of Action or to organize activities within the framework of the International Decade for People of African Descent. She also asked whether there were any curricular guidelines in the State party that State and religious schools alike were required to follow. What measures did the State party adopt in the field of education with a view to combating prejudices that led to racial discrimination?

29. **Mr. Elayi** (Lebanon) said that a committee had been set up to mount a response to the pandemic in the Palestinian refugee camps. The Government, in coordination with the United Nations and with the financial support of Germany, had strengthened the public health system, which had been put under considerable stress during the winter of 2020/21.

30. The authorities were making every effort to encourage refugees to register for vaccination. Vaccination registration rates for refugees were nonetheless much lower than for Lebanese nationals. Steps were being taken to set up centres for free vaccination in the camps.

31. **Ms. Alzien** (Lebanon) said that polymerase chain reaction (PCR) tests had been made available to everyone, testing campaigns had been launched countrywide and new health centres had been set up. Everyone, Lebanese or not, was free to sign up for vaccination. As the aim of the country's vaccination campaigns was to achieve herd immunity, vaccination would be available to everyone, regardless of his or her nationality.

32. Compensation for victims of the port explosions had not yet been awarded in full, not least because of the economic and financial crisis facing the country. In any event, the law governing the award of compensation contained no discriminatory provisions on the treatment of non-Lebanese victims. The proposal to amend that law with a view to making foreign nationals ineligible for compensation had been made by a single lawmaker and had not yet been discussed in committee.

33. **Mr. Guissé** said that he and his fellow Committee members had appreciated the frankness of the dialogue with the Lebanese delegation. In making its recommendations, the Committee would, of course, take into account the many challenges facing the Lebanese authorities.

34. **Mr. Baddoura** (Lebanon) said that the dialogue with the Committee would translate into improvements to the Lebanese legal framework for combating racism and racial discrimination. He hoped that the consideration of the country's next periodic report would take place in more favourable circumstances.

The meeting rose at 6 p.m.