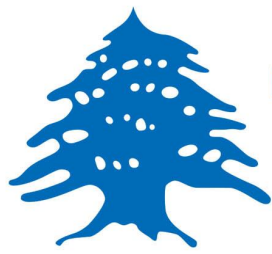


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	712
Land:	Libanon
Kilde:	The National Human Rights Commission including the committee for the Prevention of Torture
Titel:	Submission to the 104th Session of the Committee on the Elimination of Racial Discrimination
Udgivet:	2021
Optaget på baggrundsmaterialet:	25. august 2021



The National Human Rights Commission including the committee for the Prevention of Torture - (NHRC-CPT) Submission to the 104th Session of the Committee on the Elimination of Racial Discrimination

(July 2021)

Preliminary remarks

1. In fulfillment of its mandate as Lebanon's National Human Rights Institution, the National Human Rights Commission including the committee for the Prevention of Torture - (NHRC-CPT) submits this contribution to the 104th Session of the Committee on the Elimination of Racial Discrimination in response to the combined twenty-third and twenty-fourth reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, dated 14 December 2018.
2. NHRC-CPT submission cannot provide a comprehensive picture of the human rights situation in Lebanon or the racism exhibited and perpetuated by Lebanese authorities, private organizations, and individuals.
3. The continuous inaction and unfulfilled promises and violation of implementation of Law 62/2016 by the Lebanese authorities to empower the National Human Rights Commission after five years of the ratification of its establishment law and after three years of the appointment of its members is keeping the commission without the needed human resources to collect data and to document violations. In addition to the lack of time and absence of resources to do justice to the many facets of deeply entrenched and systemic racism, including the racist acts against refugees, migrants, asylum seekers, displaced persons, stateless persons, detainees, and prisoners.

4. This report instead, focuses on areas that the NHRC-CPT considers to be of particular importance. The report largely builds on the List of themes prepared by the Country Rapporteur in relation to the combined twenty-third and twenty-fourth periodic reports of Lebanon. Furthermore, new racism-related, prejudice, and intolerance challenges have been included.
5. In addition to the main submission, the contribution comprises a summary of recommendations by the National Human Rights Commission including the committee for the Prevention of Torture - (NHRC-CPT) in relation to the content of the submission (**Annex 1**), as well as a briefing note outlining the role of Lebanon's National Human Rights Institute (NHRI) and the National Prevention Mechanism (NPM) (**Annex 2**).

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1. The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

1.1. Information on the human and financial resources provided to the National Human Rights Institution (CERD/C/LBN/23-24, paras. 131–135).

6. Following the examination of the combined eighteenth to twenty-second periodic reports of the State party in 2016 (CERD/C/LBN/18-22) Lebanon received several recommendations and concluding observations made by the Committee on the Elimination of Racial Discrimination to speed up the establishment of the National Independent Commission for Human Rights in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). ¹
7. In accordance with Law No. 62 of October 27, 2016, the National Human Rights Commission, which includes the Committee for the Prevention of Torture, was established and its Presidential Decree No. 3267 was promulgated on June 19, 2018. It includes 10 members. Five members of the commission were appointed to act as members of the Committee for the Prevention of Torture by the presidential Decree No. 5147 dated July 5, 2019.
8. In accordance with the provisions of Article 5 of Law No. 62/2016, the members of the NHRC-CPT on July 16, 2019, and on August 14, 2019, were sworn in by the President.
9. In accordance with the provisions of Article 6 of Law No. 62/2016, and pursuant to the provisions of Chapter Three of Law No. 62/2016, especially Articles 15 to Article 20 implicitly, the NHRC-CPT elected on November 12, 2019, the President and members of the NHRC board, and roles of the commissioners.
10. In accordance with the provisions of Article 7 of Law No. 62/2016, the NHRC-CPT submitted on 15 October 2019 to the Lebanese government the established internal bylaws and fiscal system that include detailed rules and norms that regulate NHRC-CPT mechanism of work. **Unfortunately, the draft decree is still pending to be approved by the Council of Ministers.**
11. In accordance with the provisions of Article 28 of Law No. 62/2016, NHRC-CPT prepared its own draft annual budget and submitted it to the Minister of Finance on 16 September 2019, in accordance with the principles stipulated in the Public Accounting Law. Unfortunately, the ministry of finance and at a later stage the Cabinet neglected this document and submitted to the parliament the Law of Public Budget for the fiscal year 2020 without allocating financial resources for the effective and independent work of NHRC-CPT and without creating functional classification related to the promotion and protection of human rights and the

¹ CERD/C/LBN/CO/18-22 paras.15 -16

prevention of torture. **The NHRC-CPT considered this act a severe violation for the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

12. In accordance with the provisions of article 30 of the 2020 budget law that was published in the Official Gazette on 5 March 2020, the Lebanese Parliament adopted the amendment to Article 28 of Law No. 62/2016. This amendment stipulated that a specialized chapter to be created for the Commission under the Prime Minister Office section of the General Budget. Even though the NHRC-CPT has not yet requested GANHRI's accreditation, NHRC-CPT considers the amendment to Article 28 contravenes the international standards governing the NHRIs. GANHRI General Observation 1.10 on Adequate funding states: "Government funding should be allocated to a separate budget line item applicable only to the NHRI. Such funding should be regularly released and in a manner that does not impact adversely on its functions, day-to-day management, and retention of staff".
13. On 20 June 2020 ten parliament members submitted a draft law to amend Articles 28 and 30 of Law No. 62/2016 to ensure that the NHRC-CPT is financially independent and to secure a budget. This draft law was ratified by the human rights parliamentary committee. **Unfortunately, the administration and justice parliamentary committee is still delaying the discussion of this draft law, which prevents passing it to the general assembly for ratification.**
14. Despite the efforts and actions done since the ratification of Law No. 62/2016, the Lebanese government didn't prove that it is committed to taking serious and effective actions without delay to allow NHRC-CPT to start operating with adequate personnel and financial resources for its effective and independent work.
15. **The appointed NHRC-CPT members are conducting activities including receiving complaints, monitoring and visiting prisons on a voluntary basis, while they are still engaged in other jobs to secure their livelihood.** In accordance with the provisions of article 4 of Law No. 62/2016, NHRC-CPT members shall be dedicated full-time to their duties and are not allowed to engage in any other work during their tenure. In accordance with the provisions of Article 30 of Law No. 62/2016, the President, Vice-president and members of The NHRC-CPT shall receive a monthly lump-sum compensation determined by a decree issued by the Council of Ministers upon the proposal of the Minister of Justice. **Unfortunately, the draft decree submitted by the Ministry of Justice dated 17 March 2017 is still pending to be approved by the Council of Ministers.**
16. NHRC- CPT would like to mention that Lebanon is violating article 17 of the OPCAT that was ratified on December 22, 2008. Lebanon can't benefit from article 24 of the OPCAT, therefore, it can't ask for additional time within which to

consider how best to implement the obligations set out under the United Nations Convention against Torture. In specific we would highlight the following violation committed by the Lebanese authorities:

- A. Not allocating financial resources to the NHRC-CPT in the public annual budget (in a specified separate budget line), and not creating functional classification in the public budget related to the promotion and protection of human rights and the prevention of torture.
- B. Abstain of ratifying and publishing all executive decrees of the Law 62/2016, to fully implement articles 7 and 30.
- C. Delay in amending articles 28 and 30 of the 62/2016, to fully respect Article 18 of the OPCAT and the principles relating to the Status of National Institutions (The Paris Principles) adopted by General Assembly resolution 48/134 of 20 December 1993, and in reference to general observation 1.10 of the Global Alliance of National Human Rights Institutions (GANHRI) on adequate funding for NHRI's.

1.2. Update on the implementation of the National Plan for Human Rights in Lebanon 2014–2019 and the impact of the Plan in combating racial discrimination; information on steps taken to renew the Plan (CERD/C/LBN/23-24, paras. 128–131).

17. The National Plan for Human Rights in Lebanon 2014–2019 was not fully respected nor implemented because it is not based on a legal obligation for both parliament and the government. With the expiration of its six-year implementation period in 2020, the time has come to evaluate and update the National Action Plan for Human Rights in light of the legal, social, political, administrative and judicial developments.
18. NHRC-CPT is part of a Coordination Committee that oversees and manages the process of the revision and evaluation of the plan. Our mission includes the guarantees of a comprehensive and consultative process.
19. The National Action Plan for Human Rights revision process is composed of three phases:
 - Phase I: Document Review: whereby citizens at large, in addition to experts representing all concerned stakeholders will review the previous NAP and suggest modifications to the current text. All comments and suggestions will be appropriately compiled into a new draft NAP that will be posted on a dedicated website <https://naphr-lb.org/en/> for additional comments and suggestions.
 - Phase II: Debate Review within 6 Working Groups representing the 6 main clusters of rights of the NAP: Justice; Civil and Political rights; Economic, Social and Cultural rights; Non-discrimination - rights of vulnerable groups; Rights of Migrants, Displaced and Refugees; Mechanisms for protecting human rights and

following-up on the implementation of the national plan. Parliamentary committees.

Phase III: Drafting and approval of the final version of the NAP: a new draft of the NAP that incorporates all suggestions and conclusions of the debates within the Phase II working groups is presented for approval to the Coordination Committee. In turn, the Committee transmits the new NAP to the relevant authorities and parties concerned with its implementation for adoption and required commitments.

20. NHRC-CPT should be the national focal point for all the processes related to the monitoring and reviewing of the NAP. NHRC-CPT considers four essential criteria to be indispensable for effective NAP.

First, NAP needs to be ratified as a legally binding document. As an instrument to implement the Human Rights obligations, NAP needs to adequately reflect a State's duties under international human rights law to protect against adverse issues and provide effective access to remedy.

A NAP further needs to promote respect for human rights including through due diligence processes and measures to allow for access to remedy. Moreover, NAP must be underpinned by the core human rights principles of non-discrimination and equality.

Second, NAPs need to be context-specific and address the country's actual and potential human rights abuse. Government should define focused and realistic measures which deliver the most impact possible on preventing and remedying these human rights harms.

Third, NAP needs to be developed in inclusive and transparent processes. Relevant stakeholders need to be allowed to participate in the development, and update, of the NAP and their views need to be taken into account. Information needs to be shared transparently at all stages of the process.

Fourth, NAP processes need to regularly be reviewed and updated. They must respond to changing contexts and strive for cumulative progress.

1.3. Measures taken to adopt a specific anti-discrimination law containing a definition of racial discrimination that is consistent with the provisions of article 1 of the Convention (CERD/C/LBN/23-24, paras. 8–9 and 119–121).

21. Lebanon has not yet adopted any law containing a definition of racial discrimination and the related rules of evidence. NHRC-CPT recommends that such a law should be proposed with no delay. Until such a law is adopted, the Lebanese courts must always use the definition contained in the ICERD namely article 1.

Judiciary system must fully respect and implement article 2 of the Code of Civil Procedure, which stipulates that the provisions of the treaties to which Lebanon has acceded must be applied and that the treaties have primacy over domestic laws in the event of conflict between them.

22. NHRC-CPT welcomes the ratification of Law 204/2020 approved on December 21, 2020, which amend Law No. 293/2014 regarding the protection of women and other family members from domestic violence. The objective behind the definition of domestic violence in this law is to extend it to all situations and types of violence, in accordance with international standards. This Law amends several articles of Law 293/2014. One of the most significant amendments is the one noted in article 2, whereby the definition of what is considered as domestic violence and parental proximity is redefined. Domestic violence includes any act, omission or threat committed by one of the members of the family against any other member(s), in accordance to definition of family, and occurs during the marital life or as result thereof. And such violence results in the killing or physical, psychological, sexual, or economic harm. Furthermore, the penalties referred to in Article 3 have been amended, thus important changes are conducted to Article 618 of the Penal code, whereby who ever incites a minor to beg, shall be sentenced to a prison term between six months to two years and a penalty ranging from the minimum wage up to three times that amount. Whereas, the amendment to article 523 of the penal code foresees the penalization of anyone who incites one or more persons, male or female, under the age of twenty-one years of age, to the conduct of an immoral act, or facilitates it for him, or helps him to come, he shall be punished with imprisonment from one year to three years and a fine between two times the minimum wage up to four times. The penalty is increased from one to three years if the offences under article 523 of the Penal Code materialize. Article 523 of the Lebanese Penal Code criminalizes “any person who practices covert prostitution or facilitates it”.

Therefore, prostitution is now a violation of public morals rather than an exploitation and extension of women, as per the amendment of article 527 of the penal code. The competence in the field of domestic violence is generalized among all judicial authorities. This law applies to anyone who leads a minor to beg, who urges a person under 21 years old to debauchery and corruption, who uses or facilitates clandestine prostitution, who earns a living based on prostitution, who commits adultery, who willfully kills a human being, if the act of murder is committed by one spouse against the other. The penalty shall be increased if the act of murder is committed by one spouse against the other or if it is committed within the family. However, the law does provide for the punishment of adultery committed by either of the spouses by imprisonment from three months to two years. The same penalty shall be imposed on the partner of adultery if he is married, or otherwise, with imprisonment from one month to a

year (article 487 of the penal code as amended). To establish adultery, only the judicial affidavit or any witness account of the misdemeanor shall be accepted, including any communication or written letter by the adultery partner. The adulterous spouse shall have an additional penalty, should the crime of adultery be conducted in the marital home.

23. Lebanon's new sexual harassment law (205/2020) falls short of international standards by addressing sexual harassment solely as a crime and neglecting prevention, labor law reforms, monitoring, and civil remedies. NHRC-CPT considers that the Lebanese government should adopt a comprehensive approach, including by ratifying and implementing the International Labour Organization (ILO) Violence and Harassment Convention (C190). The law defines sexual harassment as "any bad and repetitive behavior that is extraordinary, unwelcome by the victim, and with sexual connotation that constitutes a violation of the body, privacy, or emotions." The law notes that sexual harassment can occur through speech, actions, and electronic means. The law also considers single or repeated acts that use, "psychological, moral, financial, or racist pressure to obtain benefits of sexual nature" as sexual harassment. The law punishes sexual harassment with up to 1 year in prison and fines of up to 10 times the minimum wage. In certain contexts, including in the context of subordination or a work relationship, it is considered a serious crime, and prison time and fines can be increased to up to 4 years and 50 times the minimum wage. A positive aspect of the law is protection of victims from retaliation, including in pay, promotion, transfer, contract renewal, or disciplinary measures. The law contains whistleblower protections and prohibits discrimination, abuse, or disciplinary measures against people who report harassment or testify about the abuse. Such retaliation can be punished by up to 6 months in prison and a fine of 20 times the minimum wage. Survivors of sexual harassment and violence often risk re-traumatization and stigmatization when seeking remedies through the criminal law system due to discriminatory attitudes at police stations, and from prosecutors and judges; the high burden of proof on the survivors, and the public nature of criminal hearings. Practices show many obstacles in the administration of the Lebanese criminal system impede women's access to justice for sexual and gender-based violence. This includes a lack of effective gender-sensitive investigations, the lack of competence by people carrying them out, and of resources, and discriminatory policies, practices, and gender stereotypes by judicial officials.
24. NHRC-CPT also welcomes the repeal of Article 522 of the Lebanese Penal Code in August 2017, which had previously enabled perpetrators of rape, kidnapping, or statutory rape to avoid prosecution or punishment if they married the victim. This is important progress and provides survivors of rape and kidnapping with the opportunity to access justice. However, other provisions in the penal code that

discriminate against women and girls continue to enable impunity for perpetrators, such as Articles 505, 518, and 519.

25. Lebanon should repeal article 534 of the Lebanese Penal Code, which criminalizes “sexual intercourse contrary to the order of nature.” Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and gives victims of discrimination an effective remedy. LGBTQIA+ in Lebanon face systemic violence and discrimination in accessing basic services, including education, employment, health care, and housing. Security forces harass, arbitrarily arrest, detain, and in some cases torture LGBTQIA+. The absence of non-discrimination legislation, combined with social, economic, and legal marginalization, compromises LGBTQIA+’s safety and security. No law or policy ensures that all LGBTQIA+ can benefit from legal gender recognition.
26. In December 2020 the parliament ratified Law No.196, which aims to grant compensation and pension to victims’ families of the Beirut Port explosion, and to enable those who were disabled due to the explosion to gain health benefits of Social Security. In July 2021, parliament member Georges Atallah proposed a law to amend Law 196 by excluding non-Lebanese victims of the Beirut Port explosion from the state’s compensation. Among casualties of the blast, there are foreigners from at least 22 countries. The proposed law will strip foreigners, including Syrian families and migrant workers who were hit by the blast, from compensation for the harm and damage caused by the explosion. NHRC-CPT is calling for immediate withdrawal of this Law proposal, and encourage the Lebanese authorities to adopt a specific anti-discrimination law containing a definition of racial discrimination that is consistent with the provisions of article 1 of the Convention.
27. Law 128/2010 amended Article 9 of the Social Security Law, eliminating the condition of reciprocity by other countries when it comes to social security benefits offered by Lebanon to non-nationals. However, the amendment still denies Palestinian refugee workers their right to health benefits and family allowances, especially maternity allowances. Although Palestinian refugee workers in Lebanon who are registered at the NSSF still have to pay the full fees (23.5%) of their salary similarly to Lebanese workers, they can only benefit from end-of-service indemnity (amounting to 8.5% of the total amount paid) and not from any other service.

2. Situation of migrants, asylum seekers, refugees and stateless persons (arts. 2 and 5)

2.1. Update on the implementation and impact of the measures to protect migrant domestic workers from abuse and exploitation; (CERD/C/LBN/23-24, paras. 197–209).

28. Since it was established NHRC-CPT urged Lebanese authorities to abolish the kafala system and include domestic workers, women, and men, to the Labor Law by amending or removing article 7 thereof; stop the practice of the administrative detention of women domestic workers victims of violence and exploitation; monitor employment agencies; and conduct serious investigations in cases involving the death of domestic workers and prosecute all violators; and cease deportations without due process and the detention of migrant domestic workers who flee their employers or seek to change employment. Due to the socio-economic crisis the practice of withholding wages from domestic workers has become commonplace and normalized in Lebanon.
29. The NGOs helplines receive a high number of calls from migrant domestic workers. Every NGO and community group supporting migrant workers consistently reports being overwhelmed by the need, unable to address all the complaints of abuse, unpaid wages, violence, assault, trafficking, and death. The government's numbers of complaints don't match the numbers of complaints reported by NGOs.
30. In February 2021, the General Security replaced “runaway complaints” with “leaving the workplace complaints”, allowing the sponsor to be absolved of any legal responsibility without triggering criminal charges against the worker. To file a theft lawsuit against the worker, the sponsor would then have to initiate a separate process at the Public Prosecutor's office. This is a promising step that could reduce the incidence of criminal prosecution of domestic workers for theft. However, the worker would still be considered in violation of the conditions of her residency and would therefore still be at risk of detention and deportation.
31. In September 2020, the Ministry of Labour issued a reformed Standard Unified Contract which included a number of positive amendments, most significant of which were: specifying a minimum wage; giving the worker the right to quit her job unconditionally after providing a month's notice; and acknowledging the worker's freedom of movement. Despite these theoretical improvements, the reform was not accompanied by an enforcement mechanism that would ensure its actual implementation. This meant that employers could breach the contract without any consequences or accountability. In any case, the new Standard Unified Contract was appealed by the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL). In October 2020, the Lebanese State Council ruled in favor of SORAL on the grounds that the new contract posed a threat to the commercial interests of these private companies. The Council's decision made no reference to the rights of domestic workers. Rather than appealing the

Council's decision, and despite years of consultations to achieve that reform, the Minister of Labor stopped pursuing the matter altogether.

32. On 4 August 2020, a large amount of ammonium nitrate stored at the port of the city of Beirut, the capital of Lebanon, exploded, causing at least 218 deaths, 6,500 injuries, and damages in the Port area and its surroundings estimated between US\$3.8 and US\$4.6 billion. A lot of migrant workers were living in the areas affected by the blast, they lost their homes and their livelihoods, according to the International Organisation for Migration (IOM) 24,600 migrants were affected by the blast². Prior to the explosion most of them were suffering from the economic crises and an increase in unemployment with no protection under the labor law.
33. NHRC-CPT aimed at monitoring the post-blast interventions of national stakeholders and meeting with the victims to address their concerns. As a result, NHRC-CPT published a report³ that points out to systemic or wide-spread issues leading to human rights violations, identifies actions to be implemented to mitigate the risk of violations and recommends measures to improve the response to disasters and to safeguard the rights of survivors of the blast, including vulnerable groups. Over 40 meetings were held with victims from the explosion, some of whom lost members of the family, some suffered physical damages while other suffered material damages, most of those met suffered concurrently moral, physical and material damages. None of the migrant workers interviewed were offered compensation by the State for their destroyed houses, they are still living in dire and unsafe situations. Some of the women migrant workers experienced sexual harassment and violence as they found themselves in unsecure and precarious living situations. With virtually no legal protection migrant workers are facing violations in their right to work, their right to housing and the right to live in a safe environment. Lebanon in its Constitution upholds the Universal Declaration of Human Rights in which article 1 states that all human beings are "equal in dignity and rights". The second article declares that "everyone is entitled to all the rights" of the declaration, and that no discrimination is permitted. When it comes to the humanitarian aid offered, migrant workers suffered discrimination in access; based on the interviews conducted, women migrant workers did not access hygiene kits, also pregnant migrant workers lacked nutritious food for themselves and their new-born. Furthermore, it was registered that many individuals did not have access to the services and aids due to language barriers. None of the information provided whether online or circulated on WhatsApp or any other form was in a language that they could read and understand. Therefore, so many of them missed out on the humanitarian relief being provided. In the interviews conducted, it showed that in the absence

² https://www.iom.int/sites/default/files/situation_reports/file/iom_external_sitrep_sept_ro_150ct.pdf

³ <https://nhrc.lb/wp-content/uploads/2021/07/NHRC-Report-July-2021.pdf>

of State protection, many of the migrant workers were afraid to sign up for government due to the excessive presence of security forces on the ground and their undocumented status as a result of the kafala system. Several NGOS have opened shelters to welcome migrant workers. Moreover, other women's rights NGOs are offering legal and financial support to migrant workers. Despite minimal aid they are receiving, the protection of these individuals remains a state obligation.

34. On the right to health so many of the interviewees did not receive the medical help they needed, even though they were offered first aid in the days following the blast. Some of them still needed continuous medical attention as a result of the injuries caused by blast and cannot afford it. This also applies for mental health services, this group of people did not receive any mental health support, let alone support with a specialist speaking their mother tongue. Despite nationality or the location everyone should be able to access health services, especially in the event of a disaster. Findings clearly indicate that voluntary return is a top priority for many migrants as an IOM rapid assessment conducted after the blast showed 74% of assessed migrants wish to return home but neither the Government nor their countries are willing to repatriate them, and they do not have the means to do so themselves.
35. NHRC-CPT recommendation to the government is to provide basic assistance to migrant workers inclusion compensations for their losses during the explosion. Ensure that the information in relation to the blast and subsequent relief response are in a language accessible to the migrant workers and provide interpreters whenever dealing with any procedure Offer continuous State sponsored health services for all migrant workers affected by the blast. Allocate funds specially for migrant workers at the Ministry of Social Affairs, especially amidst this economic and health crises. Amend article 7 of the Lebanese labor code to include migrant workers. Article 7 of the Lebanese labor code, enacted in 1946, specifically excludes domestic workers, both Lebanese and migrants, denying them protections afforded other workers.

2.2. Update on measures taken to establish a clear and comprehensive legal framework on asylum that includes the principle of non-refoulement and enables asylum seekers and refugees to exercise their fundamental rights without discrimination (CERD/C/LBN/23-24, paras. 158–165).

36. NHRC-CPT is concerned about discriminatory laws and regulations relating to refugees from Syria. Lebanon is obliged not to return individuals to a situation where they would be at risk of persecution or serious human rights abuses⁴. Refugees are amongst the factions affected by the blast too. Even before the economic and the COVID-19 crises, Syrian refugees were suffering from deprived living, economic, social and mental health conditions, which have exacerbated with the blast. At least 34 Syrian refugees were killed in the Beirut blast. Another 124 refugees have been injured of which 20 sustained severe injuries. Lebanon is not a party to the 1951 Convention related to the status of Refugees, nor its 1967 Protocol, and has not enacted any refugee legislation of its own. The Lebanese Constitution of 1990 upholds the Universal Declaration of Human Rights and the United Nations Covenants which all stipulate against discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination ratified by Lebanon in 1972 stipulates in its article 1 (2) that "This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens."
37. Under International human rights obligations Lebanon is bound to protect refugees and ensure their equal access to aid with safety and dignity. The discrimination in the Lebanese society and institutions against refugees has exacerbated with the explosion. Therefore, special protection measures should be enacted to tend to the needs of the refugees most in need. Indeed, many Syrian refugees reported discrimination towards them in accessing humanitarian aid. They were subjected to aggression and violence from Lebanese citizens under the pretext that they had been getting aid for years now. Some NGOs refused to provide aid to the refugees claiming that they get assistance from international NGOs, which was not the case for most of our interviewees. Fifteen cases of harassment and discrimination by NGO workers towards the Syrian refugees were documented. They refused to offer them services, which hindered their access to food, water and basic health services and PPE protection. Many of the refugees interviewed were still living in damaged and dangerous houses in order to avoid homelessness. Some landlords kept on asking for the rent fees despite the destruction of the house. Ten persons interviewed reported not having access to medical care and couldn't afford it themselves. Many of the refugees interviewed identified cash assistance as their most urgent need due to high level of unemployment. Additionally, it was reported that many refugees feared for their safety due to the high presence of security forces on the ground.

⁴ This is known as the principle of *non-refoulement*. The principle of *non-refoulement* also prohibits the rejection of asylum-seekers at the border. As such Lebanon must permit entry to people seeking asylum to assess whether they need to be protected as refugees. Cases of refugees being forcibly returned to Syria have been reported.

NHRC-CPT recommendation to the government is to enact anti-discrimination law that protects all vulnerable groups namely refugees. Offer refugees victims of the blast compensation. Adopt effective and clear monitoring policies to ensure full commitment to the principle of non-discrimination in all the activities and programmes.

38. NHRC-CPT is concerned about the situation of refugees from nationalities other than Syrians and Palestinians. We call on the UNHCR to reopen tens of African refugees case files previously closed, a faster and more robust resettlement status for case files that have been pending for years is required, in addition to providing services of protection, and a general respect and dignity towards refugees and asylum seekers from African countries.
39. During the latest governmental response to COVID19 pandemic the Lebanese Committee for the Prevention of Torture (CPT) acted to promote and practice the recommendation mentioned in the advice of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to states parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic (CAT/OP/10). Lebanese government launched several initiatives to release detainees and took steps that stand as an example that will allow us to think of alternatives to immigration detention (ATDs), and a necessary step to ending mass incarceration. NHRC-CPT is willing to propose to the Lebanese authorities a legal definition for the community-based alternatives to immigration detention (ATDs) as well as alternatives to imprisonment (ATIs) taking into consideration the crowded situation of Lebanese prisons and detention facilities.
40. NHRC-CPT is highly concerned about the growing hostility between refugees and host communities as a result of the deteriorating economic situation in Lebanon, and is constantly expressing its concerns over the risk of a decline in funding for programmes run by international organizations to uphold living conditions for migrants and refugees. We hope that Lebanon will soon adopt a broad and very inclusive vision of migration, which will help implement policies that move away from the use of immigration detention, focus on align migration policies with the Sustainable Development Goals (SDGs) and other national policies.
41. Law No 62 entrusted the NHRC-CPT the authority to receive information from the Lebanese authorities on where non-nationals were detained for immigration. NHRC-CPT monitors and documents all deportation procedures as well as immigration violations. NHRC-CPT recommends to expand the use of alternatives to immigration detention (ATDs), and to only employ immigration detention when it is reasonable, necessary and proportionate, and that it is reassessed over time; develop child-appropriate reception procedures for

migrant and refugee children and avoid placing them in detention as per the recommendations of the UN Committee on the Rights of the Child.

42. NHRC-CPT called on Lebanese authorities to put a stop to acts of torture and mistreatment of refugees during detention, facilitate CPT access to places of arrest and detention, and investigate the treatment of detainees held by various Lebanese authorities. NHRC urged Lebanese authorities to stop the forced demolition of refugee shelters which was documented in several areas.
43. Lebanon is not party to the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness. Statelessness amongst refugees in Lebanon is widespread. Lebanon's continued unwillingness to accede to the Refugee and Statelessness conventions in this context is regrettable and contributes to the lack of a legal framework to deal with the significant numbers of stateless people in the country.

2.3. Update on measures taken to improve the situation of Palestinian refugees, including changes to policies and legislation that have a discriminatory effect on the Palestinian population, and the impact of these measures (CERD/C/LBN/23-24, paras. 166–174).

44. Palestinian refugee camps in Lebanon suffer from an inadequate infrastructure, including an overlap between the drinking water and sewage network, high humidity, water seepage, poor ventilation, and lack of sunlight in most houses in Palestinian camps and gatherings. Successive government ministers have justified prohibiting Palestinians from owning property and from transferring their already purchased apartments and deeds to their children by stating that the law is in line with the government's opposition to the resettlement of Palestinian refugees in Lebanon. NHRC-CPT is concerned that discriminatory laws and regulations relating to property, education and work continue to affect the Palestinian refugees who are registered in Lebanon.
45. In July 2019, the Minister of Labor initiated the so-called "Plan to Combat Illegal Foreign Workers in Lebanon," whose application affected Palestinian workers and employers, in contravention of previous laws and decisions approved by the Lebanese Parliament since August 2010. Dozens were dismissed from their jobs, tens of businesses run by Palestinians were closed, while Palestinian university and technical school graduates and various professionals were barred from working.
46. Children whose father is a registered Palestinian refugee are also registered as refugees by the United Nations Relief and Works Agency (UNRWA) and recognized as such by the Lebanese authorities. However, children born to Palestinian fathers who do not possess recognized identity documents are not registered with UNRWA and do not receive recognized identification documents

from the Lebanese authorities or acquire Lebanese nationality even if they have a Lebanese mother, reflecting Lebanon's nationality laws which discriminate against women. Such children face obstacles in exercising their human rights, including education. They are generally denied recognition of educational achievement in Lebanese secondary schools as all students require identification documents – conspicuously lacking for non-ID Palestinian refugees – to sit the Lebanese state exams, which in turn give access to higher levels of education.

2.4. Update on measures taken to grant Lebanese women the right to pass on their citizenship to their children, irrespective of the nationality of their spouse, and on the impact of these measures; update on measures taken to amend the Lebanese Nationality Act and Decision No. 15 of 19 January 1925 on nationality in order to remove the provisions that discriminate against women; information on reforms with respect to birth registration (CERD/C/LBN/23-24, paras. 140–156).

47. Lebanon is a party to core international human rights treaties and conventions that confer on the state certain obligations in relation to the right to a nationality and non-discrimination. These include, among others, the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Moreover, the right to a nationality is protected under article 15 of the Universal Declaration on Human Rights (UDHR).
48. Lebanon maintains a reservation on Article 9(2) which obligates signatories to uphold women's right to confer nationality on children on an equal basis with men and Article 16(1)(c), which promotes equal rights and responsibilities during marriage and its dissolution. The CEDAW Committee has stated that reservations to article 16, irrespective of the reasons for which such reservations are lodged, are "incompatible with the Convention and therefore impermissible." The co-submitting organisations consider the state's reservation to CEDAW Article 9 equally to be contrary to the object and purpose of the Convention.
49. NHRC-CPT believe that the provisions of Decree No15 on Lebanese Nationality that distinguish between men and women in respect of their ability to confer nationality contravene the general obligation to eliminate all forms of discrimination against women which arises under Article 2 of CEDAW.
50. There have been several proposals submitted to the government since 2010 to allow women to pass on their nationality. Two were rejected by a Ministerial Committee in 2012 on the grounds of 'high national interests'. Several law

proposals were submitted in 2018 and 2019 to Parliament. The latest was submitted by the National Commission for Lebanese Women. The proposal distinguished between minor and adult children at the date of its issuance, concerning the degree of retroactive effect: minors would be automatically considered Lebanese, while adults would obtain a green card for five years after which time they can apply for facilitated naturalisation. The proposal was criticised as it discriminates between the children of the same mother, as well as denying all Lebanese women the equal right to confer nationality on their children. The proposal also extended the *jus soli* principle to children born in Lebanon to stateless persons who hold a residency permit, (under study) parents. Lebanon considers this category of foreigners to be of an unidentified nationality.

51. The acquisition of Lebanese nationality follows the *jus sanguinis* and *jus soli* principles. The main source of nationality law is the 1925 Nationality Law. Article 1 provides that every child born to a Lebanese father is Lebanese. This applies to children born within marriage, and in limited circumstances, to children born outside of legal marriage. According to the law, a Lebanese woman can only pass her nationality to a child born outside of legal marriage. The *jus soli* principle only applies if no other nationality can be attributed to a child when they are born. The child can acquire nationality only if both parents are unknown or have unknown nationality. In principle, minors born to a naturalised father become Lebanese by operation of the law (Article 4 of Decision 15/1925). However, minors born to an unmarried naturalised father face difficulties to acquire this derivative nationality automatically and have to resort to court. Minor children born to a naturalised mother and foreign father become Lebanese, only if their foreign father is deceased.
52. Women continue to face discrimination under 15 distinct religion-based personal status laws. Discrimination includes inequality in access to divorce, child custody, and inheritance and property rights. Unlike men, Lebanese women also cannot pass on their nationality to foreign husbands and children. Religious courts and institutions implement personal status laws, which are built on the notion that men are the 'head of the family', hence preserving the inequality of women under the law. Discrimination on the basis of sex is therefore legalised and protected by law.

2.5. Information on measures for ensuring that freedom of movement is not restricted on the basis of nationality or other grounds prohibited by the Convention, and on the effective oversight of decisions to restrict freedom of movement (CERD/C/LBN/23-24, para. 194).

53. NHRC-CPT identified at least 65 municipalities across Lebanon that have issued circulars imposing curfews specifically targeting Syrian nationals. The government regards these curfews as measures to protect public safety and security. This justification is itself based on racial stereotyping whereby, as a result of one Syrian national being convicted of a crime, all Syrian nationals are made to suffer the consequences. Defending these practices is in violation of Article 2 of ICERD which puts the obligation on States parties “not to sponsor, defend or support racial discrimination by any persons or organizations.”
54. In 2020, Anti Racism Movement reported that a new pattern emerged where municipalities used COVID-19 as an excuse to single out Syrians in circulars imposing curfews, strict isolation measures, or arbitrary restrictions on movement. Using the pandemic as an excuse, at least eight municipalities issued a curfew decision exclusively for Syrian refugees and not for Lebanese citizens, while at least 21 other municipalities imposed incapacitating restrictions on Syrians, making it difficult for them to access basic services during the pandemic. Any restriction on the freedom of movement of an individual solely based on their nationality constitutes an act of “racial discrimination” as defined in Article 1 of ICERD.

Annex 1

Recommendations of the National Human Rights Commission including the committee for the Prevention of Torture - (NHRC-CPT)

On the occasion of 104th Session of the Committee on the Elimination of Racial Discrimination to review the combined twenty-third and twenty-fourth reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, dated 14 December 2018. The NHRC-CPT makes the following recommendations:

A. Empowering Lebanon's NHRI and NPM

- a. Allocating financial resources to the NHRC-CPT in the public annual budget (in a specified separate budget line), and create functional classification in the public budget related to the promotion and protection of human rights and the prevention of torture.
- b. Ratify and publish all executive decrees of the Law 62/2016, to fully implement articles 7 and 30.
- c. Amend articles 28 and 30 of the 62/2016, to fully respect Article 18 of the OPCAT and the principles relating to the Status of National Institutions (The Paris Principles) adopted by General Assembly resolution 48/134 of 20 December 1993, and in reference to general observation 1.10 of the Global Alliance of National Human Rights Institutions (GANHRI) on adequate funding for NHRI's.

B. Migrant Domestic Workers

- a. Abolish Article 7 of the Labor Law, which excludes domestic workers and other workers from the provisions of the Lebanese Labor Law;
- b. Replace the kafala system with just immigration and residency systems that decouple the work permit from the residence permit;
- c. Ratify the ILO Domestic Workers Convention, 2011 (C189), concerning decent work for domestic workers;

C. Palestinian Refugees

- a. Rescind discriminatory restrictions on Palestinian refugees' access to the labor market, penalizing violations of decent working conditions for them, including lack of employment benefits, insecure job tenure and differential treatment in the workplace.
- b. Amend Law 2010/128 to allow Palestinian refugee workers to enjoy their full human right to social security, as obligated under ICESCR Article 9.

D. Syrian Refugees

- a. Establish a clear and comprehensive legal framework on asylum that includes the principle of non-refoulement and enables asylum seekers and refugees to exercise their fundamental rights without discrimination;
- d. Allow Syrians to appeal decisions of deportation that are issued against them before the competent judicial authorities, in accordance with national law;
- e. Prohibit municipalities and other Lebanese authorities from implementing curfews, or other restrictions on the freedom movement, and conducting evictions based on nationality;

E. Right to Nationality

- a. Repeal gender-discriminatory nationality laws and policies. In particular, amend the Nationality Law to uphold women and men's equal right to confer nationality on children and spouses;
- b. Withdraw all reservations to CEDAW, particularly in relation to the right to a nationality (Article 9) and equality within the family (Article 16);
- c. Amend Articles 505 and 519 and repeal Article 518 of the Penal Code to uphold the right of girls to equal protection of the law and to remove the exemption of rapists and perpetrators of gender-based violence from punishment upon marriage;
- d. Comprehensively amend or enact a unified personal status law that would guarantee equality between men and women;
- e. Enact a legal framework on the prevention of statelessness which ensures that all children who are stateless or at risk of statelessness are granted nationality without discrimination against the child, their parents or guardians;

F. Recognition of international norm-setting

- a. Prevent any violation of fundamental rights recognised in treaties to which Lebanon is party;
- b. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- c. Ratify ILO's Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and implement it to ensure the right of all workers to freely organize.
- d. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- e. Update the National Human Rights Plan to make it a national binding accord with an action plan for implementation.
- f. Adopt a National Action Plan on preventing and combating trafficking in human beings and pursue measures aimed at preventing trafficking and providing appropriate protection to victims.
- g. Ratify ILO's C190 - Violence and Harassment Convention, 2019 (No. 190).

Annex 2

Background Note

The National Human Rights Commission including the committee for the Prevention of Torture - (NHRC-CPT) is a legally mandated and independent National Human Rights Institution (NHRI) functioning in full compliance with the Paris Principles. According to the Law No 62 dated 27/10/2016 (Official Gazette No 52 dated 3/11/2016), the NHRC-CPT discharges its mandate in all questions relating to the protection and promotion of human rights in Lebanon. In particular, the NHRC is vested with the following duties:

- Monitor the extent of Lebanon's compliance with Human Rights and International Humanitarian Law and draft and publish special or periodic reports thereon.
- Contribute independently to drafting reports that shall be submitted by the Lebanese State .
- Offer feedback and consultation upon the request of competent authorities or on its own initiative in regard to respecting and observing human rights standards.
- Receive claims and complaints of human rights violations and contribute to handling these claims through negotiations and mediation or through prosecution
- Contribute to the promotion of a culture of human rights and push for the implementation and development of educational programs on human rights.

The Committee for the Prevention (CPT) of Torture works within the NHRC on protecting the rights of persons who are detained and deprived of their liberties in accordance with Lebanon's obligations under the OPCAT. As defined by the OPCAT, CPT carries out the function of a national preventive mechanism aimed at protecting the rights of persons who are detained and deprived of their liberties. The CPT enjoys the independent legal capacity to act in matters related to torture and its prevention.

Both NHRC and CPT each in its own field, draft a unified report which includes their annual programme, achievements and challenges. NHRC shall submit the unified report to the office of the President, the office of Head of Parliament, the office of the Prime Minister and the office of Head of the Supreme Council of Justice. The report shall be published in the Official Gazette and may be discussed by the Parliament.

The NHRC shall follow up and assess the status of human rights and international humanitarian law in Lebanon, draft and publish, as appropriate, special or periodic reports accordingly.

NHRC-CPT established four standing committees :

The International Humanitarian Law commission that works on ensuring the respect of all relevant International Humanitarian Law conventions, protocols and customary rules to which Lebanon is a party of, whether by ratification or accession.

The Committee for grievance on child abuse and on children, victims of child rights violations which is the national complaint mechanisms for violations of children's rights. The Committee works on the basis of the best interest of the child. It thus takes into account children's rights and their points of view, while taking into consideration the age and maturity of each child interviewed.

The Committee for the protection of disabled people's rights which is considered the national mechanism for the protection of persons with disabilities.

The Committee to combat human trafficking. This Committee is works on combating trafficking in persons and into ensuring the protection of victims and witnesses. The Committee performs tasks including receiving notifications of trafficking in persons and transmitting these notifications to the competent judicial authorities.