

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	483
Land:	Libanon
Kilde:	UNHCR
Titel:	Submission by the United Nations High Commissioner for Refugees. For the Office of the High Commissioner for Human Rights' Compilation Report. Universal Periodic Review: <i>2nd Cycle, 23rd Session</i> Lebanon
Udgivet:	Marts 2016
Optaget på baggrundsmaterialet:	12. august 2016

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review:
2nd Cycle, 23rd Session

LEBANON

I. BACKGROUND INFORMATION

Refugees and Asylum-Seekers

Lebanon is not a State party to the *1951 Convention relating to the Status of Refugees* or its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). Lebanon is, however, a State party to a number of human rights treaties relevant to the protection of asylum-seekers and refugees, which incorporate norms expressed in the *1951 Convention*. Moreover, the *Constitution* makes reference in its preamble to Lebanon abiding by the *1948 Universal Declaration of Human Rights*.

Lebanon does not have a comprehensive domestic legal framework to guide the authorities' treatment of asylum-seekers and refugees. The *1962 Law Regulating the Entry, Stay, and Exit from Lebanon* (the *1962 Law on Entry and Exit*) is the principal law regulating entry and residency. This law does not distinguish asylum-seekers and refugees from migrants.

Bilateral agreements between the two countries regulate such issues as the entry of Syrian nationals to Lebanon, their legal status in Lebanon, and access to employment. However, recent regulations implemented by the General Directorate of General Security (GSO) imposed significant restrictions at the border which have had the effect of significantly reducing refugee arrivals.

Although Lebanon is not a State party to the *1951 Convention*, it has played a positive role in ensuring the protection of refugees from Syria, in particular by upholding the principle of *non-refoulement*, and continues to be active in the coordination of protection activities.

As of 31 December 2014, Lebanon hosted 1,158,995 Syrian refugees registered or awaiting registration, as well as 14,550 asylum-seekers and refugees of other nationalities.

Stateless Persons

Lebanon is not a State party to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) or to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). However, Lebanon does have obligations to prevent and reduce statelessness and to protect stateless persons under other international legal instruments, in particular the *1966 International Covenant on Civil and Political Rights (ICCPR)* and the *1989 Convention on the Rights of the Child (CRC)*.

Lebanon is also a State party to the *1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, which grants women equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children. However, Lebanon has made a reservation to Article 9 (2), which provides for equality of rights between men and women with respect to the nationality of their children.

Attribution of nationality in Lebanon is governed by *Decision No. 15 of 1925 (1925 Law)*,¹ which covers acquisition and transmission of nationality. This nationality legislation contains gender discriminatory provisions that do not grant women equal rights with men in conferring their nationality to their spouse or children. In addition, safeguards against statelessness at birth in the *1925 Law* are interpreted very narrowly by the courts.

There are estimated to be tens of thousands of stateless persons in Lebanon. The exact number is difficult to ascertain. Two significant reasons for this are that there has not been an official census since 1932 and many stateless persons do not have civil registration records.

There are a number of causes of statelessness including historic causes, namely the non-registration of individuals in national census; gaps in the nationality law such as gender-discriminatory provisions that do not grant women equal rights with men in regards to nationality; and a complex civil registration system that requires access to the courts for late registration of births.

The variety of different causes of statelessness affects individuals of varied backgrounds. Some of the communities that are known to have particular problems with statelessness include the Bedouin, Kurds and Dom. However, statelessness can affect anyone, for example the child of a Lebanese father whose birth is not registered within one year. Syrian refugees born in Lebanon are also particularly at risk. A 2014 survey of 5,779 Syrian newborns found that approximately 70 per cent do not possess an official birth certificate, raising concerns over the recognition of their nationality by the Syrian authorities.²

Stateless persons face numerous difficulties in their daily lives. These include: inability to move freely without risk of arrest and detention;³ restrictions on accessing public services such as healthcare and education; very limited access to civil and individual documentation; and limited access to employment. Of particular concern is the fact that unregistered stateless persons (*maktoumeen al kayd*) have no record with the authorities. Children of unregistered stateless persons have no entitlement to registration at birth and are denied the basic right to an identity as provided for by the *Convention on the Rights of the Child*.

¹ *Decree No15 on Lebanese Nationality including Amendments* [Lebanon], 19 January 1925, available at: <http://www.refworld.org/docid/44a24c6c4.html>.

² See: <http://www.unhcr.org/pages/49e486676.html>.

³ UNHCR, "Statelessness Monthly Update: Lebanon," August 2014, available at: <http://data.unhcr.org>.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

UNHCR welcomes Lebanon's promulgation of *Decree 8987 on the definition of the worst forms of child labour* in 2012. This *Decree* is complemented by a *National Action Plan* centering on eleven strategic areas for the elimination of the worst forms of child labour by 2016. The plan still needs to be implemented by the Government of Lebanon.

UNHCR also welcomes the fact that, in April 2014, Lebanon passed the *Law to Protect Women and all Members of the Family from Family Violence* thereby criminalizing acts of domestic violence, such as beating and harming a spouse. This has strengthened the legal framework for the prevention of sexual and gender-based violence (SGBV) affecting asylum-seekers and refugees, in particular women and girls.

Another positive development occurred in August 2014, when the Council of Ministers and the General Directorate of General Security issued a *Decree* and a series of *Circulars* outlining a regularization policy for Syrians. All Syrian refugees who entered Lebanon through unofficial border crossings or who overstayed their residency were given until 31 December 2014 to regularize their stay without paying a fee.

UNHCR welcomes Lebanon's development of a *National Action Plan for the Prevention and Protection of Children from all Forms of Violence and Neglect* in 2012. This plan creates statutory-based child protection processes for responding to individual children, including asylum-seeker and refugee children, who are at very high risk, or are victims of abuse, violence, neglect and exploitation. The *Plan* includes developing an alternative care system for children in Lebanon, including foster care arrangements.

Finally, UNHCR also positively notes that on 20 June 2014, the Judge of Urgent Matters issued a decision requiring General Security to release an Iraqi refugee from prison and pay him compensation.⁴ The compensation was awarded due to General Security's failure to execute a 2010 *Decision* for the refugee's release. The decision referenced international standards on arbitrary detention including Article 9 of the *ICCPR*. While the decision is currently being appealed by the authorities it could be used as a precedent in cases of arbitrary detention of asylum-seekers and refugees.

KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Legal status of refugees and asylum-seekers

The *1962 Law Regulating the Entry, Stay, and Exit from Lebanon* (1962 *Law on Entry and Exit*) is the principal law regulating the residency of asylum-seekers and refugees. Their treatment is not distinguished from other migrants.

Syrian refugees have benefitted from favourable bilateral agreements governing entry and legal status. In September 2014, the General Directorate of General Security (GSO) announced a temporary four-month regularization policy valid until the end of 2014 permitting Syrians to renew their residency permits and regularize their stay without paying respective fees and fines.

⁴ Lebanese Civil Court, Judge of Urgent Matters, Decision 493, dated 20 June 2014.

On 31 December 2014, 13 January 2015 and 3 and 23 February 2015, the GSO issued a new set of regulations regarding entry and stay. Syrians wishing to enter Lebanon will only be admitted for an approved reason, not including international protection, and upon presentation of valid identity documents and documents supporting their reason for entry. Refugees would only be admitted for exceptional humanitarian reasons still to be determined by the Ministry of Social Affairs (MOSA).

For those Syrian refugees already present in Lebanon and registered with UNHCR, a GSO circular issued on 3 and 23 February 2015 provides that legal stay may be renewed by presenting the UNHCR registration certificate, a housing commitment signed by the landlord and stamped by the *Mukhtar* (local leader) along with a lease agreement or real estate deed, a yearly fee of 200 USD, as well as a pledge not to work, often accompanied by a signed declaration that the refugee will return to Syria when requested by the Government of Lebanon or at the expiration of the permit.

Syrian refugees lacking valid residence permits are not able to circulate freely, to pass checkpoints and are at risk of arrest and detention. In addition, they are not able to register civil status events, such as marriages and births, taking place in Lebanon. Some resort to negative coping mechanisms such as child labour (children are considered less likely to be arrested when moving from the home) or paying for fake documentation.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Develop a specific legal framework defining and protecting rights and freedoms of refugees;
- Amend the *1962 Law on Entry and Exit* with a view to de-penalizing the illegal entry or presence of asylum-seekers and refugees registered by UNHCR;
- Modify GSO requirements for renewing the residence permits of Syrian nationals so that certified copies of a lease or real estate deed and declaration of commitment to leave Lebanon upon expiry are no longer required; and
- Lower the cost of residence permit renewal, either by waiving or reducing the fee, particularly for those assessed as severely economically vulnerable (29 per cent of refugees).

Issue 2: Respect for the principle of non-refoulement

The *1962 Law on Entry and Exit* provides for penalties for lack of status, including deportation. As a result, and in the absence of any formal protection policy, asylum-seekers and refugees are vulnerable to *refoulement*, contrary to Lebanon's obligations under *inter alia* Article 3 of the *Convention against Torture*.

Deportations continue, typically for asylum-seekers and refugees without resettlement prospects. In 2014, 15 non-Syrian asylum-seekers and refugees were deported (eight Iraqis, five Sudanese, one Egyptian, and one Malagasy). Some detained asylum-seekers and refugees eventually sign repatriation forms due to prolonged detention. UNHCR does not consider such acts to be voluntary. With regard to Syrians, there were no deportations reported between August 2012 and August 2014. However, since August 2014 UNHCR has received reports of three cases of Syrians being deported.

In terms of *refoulement* at the border, Lebanon has been the only country in the region to maintain an open-border policy with Syria until mid-2014. Increasing restrictions at the border since August 2014 have led to a significant reduction in refugee admissions. Further to regulations issued by the GSO on 31 December 2014 and 13 January 2015, 3 and 23 February 2015, Syrians wishing to enter Lebanon will only be admitted for an approved reason and upon presentation of a valid identity document and documents supporting their entry. Syrians in need of protection who do not meet the strict entry criteria are denied access to safety in Lebanon.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Ensure that no deportation measures are taken before assessing the protection needs of foreign nationals or stateless persons who have indicated in any manner a need for international protection;
- Ensure strict adherence to the international principle of *non-refoulement*, including at the border, through ensuring that all persons in need of international protection are allowed access to Lebanon; and
- Include in the humanitarian admission criteria Syrians at immediate risk of harm or with acute vulnerabilities.

Issue 3: Detention of asylum-seekers and refugees

In the absence of a domestic legal framework for addressing asylum-seeker and refugee issues, those who enter the country without prior authorization, or who overstay their visas, are considered to be illegal in Lebanon and are subject to arrest and/or detention. Lebanon has applied distinct approaches to the detention of Syrians and of foreigners of other nationalities.

At the end of December 2014, 11,500 individuals, including 3,300 Syrian inmates, were detained in prison facilities in Lebanon. Among the Syrian inmates, 452 were refugees of whom 12 were minors. 327 were detained for illegal entry/stay. Syrian refugees make up approximately 90 per cent of the total refugee population in detention. This is due to the influx of Syrian refugees, but also to the increased number of raids on informal settlements in late 2014, during which Syrian refugees were arrested for irregular legal status or on the basis of national security.

The remaining refugees in detention are of Iraqi, Sudanese and other nationalities (37 individuals as of 31 December 2014). They remain at high risk of prolonged arbitrary detention and *refoulement*. The authorities, however, release non-Syrian refugees from detention pending their resettlement to third countries.

According to the recent Annual Report of the Committee against Torture,⁵ the vast majority of Syrians interviewed in detention had been subjected to torture. The Government of Lebanon disagreed with the view that the Committees' definition of systematic torture applied. However, Lebanon concurred on over-crowding, noting that the situation had

⁵ UN Committee against Torture's (CAT) Annual Report, A/69/44, 2 October 2014, available at : http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=27.

worsened due to the increase in the number of prisoners and detainees, particularly those of Syrian nationality.

Refugee children are detained in three juvenile prisons in Lebanon. Lack of alternatives leaves these children in detention without appropriate protection, care and assistance.

UNHCR would like to emphasize that with respect to illegal entry or stay, the detention of asylum-seekers and refugees should be avoided and be a measure of last resort. Alternatives to detention should be sought and given preference to in all circumstances. If detained, asylum-seekers and others of concern should be entitled to minimum procedural guarantees, including the possibility to contact and be contacted by UNHCR and exert their right to seek asylum.⁶ In this respect, UNHCR notes the good cooperation from detaining authorities regarding its access to detained persons who may be of concern to the Organization.

In addition, UNHCR strongly believes that, in principle, minors who are asylum-seekers should not be detained. As in all cases involving children, their best interests will remain of paramount importance. Thus, this requires that the Government must consider all possible alternatives, including unconditional release, prior to detention. Detention of children is permitted only as a measure of last resort and only when it is 'in the best interest of the child,' for the shortest appropriate period of time and in conditions that ensure the realization of the rights enshrined in the *Convention on the Rights of the Child*, including access to education and health.⁷ UNHCR notes that the Government has established, through two national non-governmental organizations, a specific programme to assist minors in detention, and is closely working with UNHCR when gaps are identified.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Amend the *1962 Law on Entry and Exit* with a view to de-penalizing the illegal entry or presence of asylum-seekers and refugees;
- Establish a clear and comprehensive legal framework to ensure that asylum-seekers and refugees are not arbitrarily detained;
- Define and criminalize torture in accordance with Article 1 of the *1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*;⁸
- Ensure that children are not detained, except in exceptional circumstances as provided for in the *Convention on the Rights of the Child*, as a measure of last resort, for a legitimate purpose and for the shortest possible period.

⁶ See: UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <http://www.refworld.org/docid/503489533b8.html>.

⁷ See: Committee on the Rights of the Child, *General Comment No. 6 on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, CRC/GC/2005/6, 1 September 2005, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2005%2f6&Lang=en; See also: UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, available at: <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>.

⁸ Several recommendations were made with respect to the criminalization of torture. See: Report of the Working Group of the Universal Periodic Review: Lebanon, A/HRC/16/18, 12 January 2011, para. 80.13-80.17 (recommended by Ireland, Germany, Netherlands, Slovakia, Belgium, and Spain), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf>.

Issue 4: Protection against sexual and gender-based violence (SGBV), prevention and response mechanisms

Despite the positive developments in the area of SGBV mentioned above, domestic violence, sexual violence and early marriage remain the main protection concerns for asylum-seeker and refugee women and girls.

In April 2014, Lebanon passed the *Law to Protect Women and all Members of the Family from Family Violence*. The *Law* must be operationalized to ensure the provisions are successfully enforced. The *Law* criminalizes acts of domestic violence, such as beating and harming a spouse. However, the *Law* does not criminalize marital rape. The law criminalizes a spouse's use of threats or violence to claim a 'marital right to intercourse' but does not criminalize the non-consensual violation of physical integrity itself.

Religious personal status laws govern the contracting of religious marriages. Under Sharia law, the minimum age of marriage for a girl is nine years. Early marriage is prevalent among different communities and, the protracted displacement of Syrian refugees coupled with limited livelihood opportunities, have led to an increase in early marriage as a coping mechanism. This situation is aggravated by the weakness of judicial processes and the social welfare system.

Prostitution is punishable under the *Penal Code* and there is little or no recognition of persons involved in prostitution as a vulnerable group requiring special protection. Given the social and economic challenges faced by asylum-seeker and refugee women and girls, female-headed households and unaccompanied and separated children (UASC) remain at heightened risk of violence, abuse and exploitation, including sexual exploitation.

Homosexuality is criminalized under Article 534 of the *Penal Code*. It is believed that there are a high number of incidences of discrimination and violence based on sexual orientation and/or gender identity in Lebanon. The fear of stigmatization, the low acceptance of society in general, and the risk of arrest prevent identification of these cases.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Integrate asylum-seeker and refugee women and children in national strategic plans, such as the *National Social Development Strategy* and the Ministry of Social Affairs' *National Plan to Safeguard Children and Women* in Lebanon;
- Develop a national action plan to operationalize the *2014 Law to Protect Women and all Members of the Family from Family Violence*;
- Ensure that marital rape is criminalized and that marriage to the victim does not exempt a sexual offender from punishment;
- Revoke reservations to Article 16 of the *CEDAW*⁹ and adopt and implement and adopt and implement legislation setting the minimum age of marriage at 18 years; and
- Decriminalize homosexuality by removing Article 534 from the *Lebanese Penal Code*.¹⁰

⁹ A recommendation to revoke reservations to CEDAW was made during the 1st cycle UPR examination of Lebanon. See: Report of the Working Group of the Universal Periodic Review: Lebanon, A/HRC/16/18, 12 January 2011, para. 82.3 (recommended by Norway and Spain), , available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf>.

¹⁰ A recommendation to "[d]ecriminalise homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity" was made during the 1st cycle UPR examination of Lebanon. See: Report of the

Issue 5: Child protection and protection responses

While Lebanon is a State party to the *Convention on the Rights of Child* and has made considerable efforts to implement international standards domestically, the national child protection system requires strengthening to respond to the protection needs of asylum-seeker and refugee children in Lebanon.

Law No. 422 of 2002 on the Protection of at-Risk Children or Children Violating the Law provides all children, including asylum-seekers and refugees, with access to services through the National Child Protection System. The *2012 Decree on the Worst Forms of Child Labour* and the two national action plans mentioned above (on the worst forms of child labour and on violence and neglect) also contribute to the protection of children.

Despite this progress, further work must be done to ensure that children's rights are protected, including asylum-seeker and refugee children. Three years into the Syrian crisis, the scarcity of shelter combined with a significant decrease in financial resources results in asylum-seeker and refugee children being exposed to risks of abuse, exploitation and violence. Parents may resort to negative coping mechanisms, such as child marriage and the worst forms of child labour, in order to sustain their families.

The prevailing protection environment has a serious impact on the well-being of children of concern who are increasingly exposed to abuse, violence and harassment. Beyond institutional care, there are limited alternative care options for children who need to be removed from an abusive environment.

Although child begging is recognized as a form of human trafficking under the *2011 Anti-Trafficking Law No. 164*, child victims continue to face harassment and humiliation by law enforcement agencies, particularly by Internal Security Forces (ISF) Officers. This is due to limited knowledge on the interpretation and application of the *Anti-Trafficking Law*.

The Ministry of Education and Higher Education authorizes all children, including asylum-seekers and refugees, to access public schools at primary levels. However, in practice, access is limited by space and funds, as well as by the discretion of school directors, some being more tolerant than others. Access to public schools was granted late for non-Lebanese children in 2013 and 2014, several weeks after official start of the academic year. This meant that asylum-seeker and refugee children missed out on several weeks of schooling.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Strengthen the national child protection system to ensure emergency referrals and provision of adequate temporary care for children exposed to and/or victims of protection violations;
- Strengthen the capacity of law enforcement agencies on the implementation of the *2011 Anti-Trafficking Law No. 164*; and
- Provide instructions regarding conditions of access to public schools ahead of the upcoming academic year and ensure consistent enforcement of Government policy at school level.

Issue 6: Birth registration and prevention of statelessness

There is no universal birth registration in Lebanon. This is despite the fact that Lebanon is a State party to the *Convention on the Rights of the Child* and to the *Covenant on Civil and Political Rights*, which require that every child be registered at birth. In Lebanon, civil registration is covered by the *1951 Personal Status Law*.

Children born to unregistered (*maktoum al kayd*) fathers are not entitled to have their births registered with the Lebanese authorities and therefore do not acquire an official birth certificate attesting to their legal identity.

Lebanese parents and those whose nationality is under study (*kayd al dars*) are able to register births with the Lebanese civil authorities but, if registration does not take place within one year, the child will be considered unregistered (*maktoum al kayd*). This can only be remedied by a late registration judicial procedure which can be lengthy and expensive.

For asylum-seekers and refugees, failure to register the birth of a child can increase the risk of statelessness. However, they are often unable to access birth registration procedures due to onerous requirements for identity documentation and legal stay. A UNHCR survey indicated that 70 per cent of Syrian children born in Lebanon did not have an official birth certificate.¹¹

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Ensure that birth registration is accessible to all children born on Lebanese territory, including refugee children and the children of *maktoum al kayd* (unregistered) stateless fathers;
- Amend the *1951 Personal Status Law* to allow for administrative registration of births after one year;¹²
- Facilitate late registration judicial cases by providing legal aid to families without financial means and reducing the cost of proceedings, such as the cost of DNA evidence;
- Remove the requirement for legal stay for the registration of refugee births that take place on the Lebanese territory;
- Issue a circular from the Ministry of Interior and Municipalities (MOIM) to *Mukhtars* reminding them that proof of legal stay is not required in order to authenticate the birth notification, as per the *1947 Law of Mukhtars* (Art. 26.4); and
- Issue a circular from MOIM to local civil registries (*Noufous*) instructing that only the birth certificate issued by the *Mukhtar* is required to legally register a birth.

¹¹ UNHCR, "Statelessness Monthly Update: Lebanon," August 2014, available at: <http://data.unhcr.org>.

¹² A recommendation was made to "[a]mend all discriminatory provisions in personal status laws in particular issues related to child custody, inheritance and divorce" during the 1st cycle UPR examination of Lebanon, but was rejected. See: Report of the Working Group of the Universal Periodic Review: Lebanon, A/HRC/16/18, 12 January 2011, para. 83.1 (recommended by Israel), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf>.

Issue 7: Prevention and Reduction of Statelessness

Lebanon is neither party to the *1954 Convention* nor to the *1961 Convention*. Although Lebanon is a State party to the *CEDAW*, it has made a reservation to Article 9(2) requiring equality of rights between men and women with respect to the nationality of their children.

The *1925 Law* governs attribution of nationality in Lebanon. This law contains gender-discriminatory provisions that do not grant women equal rights with men in conferring their nationality to their spouse or children. This prevents existing cases of statelessness from being resolved as well as causing new cases to arise. While it is commendable that safeguards against statelessness at birth are found in Article 1 of the *1925 Law*, these provisions are interpreted narrowly by the Courts and the cost of proceedings is prohibitive.

A Ministerial Committee was established to consider a draft nationality law revising gender-discriminatory provisions. The Ministerial Committee rejected the draft law on 14 December 2012, a decision made public on 16 January 2013.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- Withdraw the reservation to Article 9 (2) of the *Convention on the Elimination of All Forms of Discrimination against Women*;¹³
- Amend the *1925 Law* to remove gender-discriminatory provisions; and
- Facilitate access to the Courts by providing legal aid to families without financial means and reducing the cost of proceedings, including by removing the requirement for DNA evidence.

Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2015

¹³ A recommendation to revoke reservations to CEDAW was made during the 1st cycle UPR examination of Lebanon. See: Report of the Working Group of the Universal Periodic Review: Lebanon, A/HRC/16/18, 12 January 2011, para. 82.3 (recommended by Norway and Spain), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf>.

Excerpts of Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedure mandate holders

LEBANON

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Lebanon.

I. Treaty Bodies

Committee on the Elimination of Discrimination against Women **[Concluding observations \(2008\) CEDAW/C/LBN/CO/3](#)**

28. While noting the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee is concerned that trafficking in women and girls is growing in Lebanon and that the State party has neither enacted legislation on trafficking nor established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims. It is further concerned that women and girls who have been trafficked for the purpose of sexual exploitation and forced domestic labour may be prosecuted and penalized under immigration laws and are therefore subject to revictimization. The Committee is also concerned at the lack of systematic data collection on this phenomenon.

29. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation and by putting in place programmes for the repatriation and reintegration of victims of trafficking. The Committee further calls upon the State party to increase its international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to collect and analyse data from the national, regional and international police and other sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including protective measures and legal assistance. The Committee urges the State party to ensure that trafficked women and girls are not subject to prosecution of immigration laws and have adequate support to be in a position to provide testimony against their traffickers.

40. While commending the State party for its efforts to host refugees from neighboring countries, the Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, thereby adversely impacting on women refugees and asylum-seekers. The Committee further notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing and protection from all forms of violence.

41. The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in Lebanon, in line with international standards, in order to ensure protection for asylum-seeking and refugee women and their children.

It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status. The Committee also urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to protect them from all forms of violence and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.

II. Special Procedures

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian - Addendum - Mission to Lebanon (2012)
[A/HRC/21/41/Add.1](#)

136. The Special Rapporteur recommends that Lebanon adopt a law that deals with the specificities of migrant domestic workers. She believes that developing specific legislation, enforcing it and monitoring its implementation is one way of safeguarding the rights of migrant domestic workers. The law should take into consideration current international human rights standards. In this regard, Lebanon should sign and ratify the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention concerning Freedom of Association and Protection of the Right to Organise (Convention No. 87) and the Convention concerning Decent Work for Domestic Workers (Convention No. 189).

137. Among other things, the law should:

(b) Abolish the *Kafala* system and provide work permits that are not linked to employers;

(c) Develop a salary threshold not lower than the minimum national salary, which is paid into a bank account, and guarantee a migrant domestic worker's freedom of movement and right to keep her identification documents. It should also include a maximum of 10 working hours per day, nine continuous hours of rest and a non-negotiable weekly day off outside the workplace;

(d) Recognize migrant domestic workers' right to freely choose where they reside and abolish any live-in requirements. If a migrant domestic worker chooses to live at her place of work, the law should require that separate private accommodation that includes proper heating and ventilation is provided;

(p) Ensure that the children of migrant domestic workers enjoy access to basic rights such as identity, health care and education;

139. The detention centre should be relocated immediately. The Government staff in the centre should also include women as currently all are men.

141. The airport reception room should be stocked with leaflets to be given to migrant domestic workers to explain their rights. Briefings should also be provided, as should basic services such as food and water at no cost.