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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Lebanon*

1. The Committee considered the combined twenty-third and twenty-fourth periodic reports of Lebanon¹ at its 2824th and 2825th meetings,² held on 10 and 11 August 2021 in virtual format because of the coronavirus disease (COVID-19) pandemic. At its 2832nd meeting, held on 20 August 2021, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's combined twenty-third and twenty-fourth periodic reports. It appreciates the State party's agreement to conduct the dialogue in virtual format because of the COVID-19 pandemic. The Committee welcomes the constructive dialogue with the State party's delegation and thanks it for the information provided during the consideration of the report in response to questions raised by the members of the Committee and for the additional written information submitted after the dialogue.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee takes note of the political, financial and security challenges faced by the State party during the reporting period, including the economic crisis, the aftermath of the explosion that occurred at the port of Beirut in 2020 and the massive influx of refugees.

C. Positive aspects

4. The Committee commends the State party for its continuous engagement in refugee issues despite its limited resources and land space. In particular, it commends the State party for receiving and hosting a large number of refugees, including more than 200,000 Palestinian refugees, an estimated 1.5 million Syrian refugees and about 16,500 refugees of other nationalities. The Committee considers that this is a burden incommensurate with the capabilities of the State and calls anew upon the international community to ensure that this immense humanitarian challenge is shared proportionately.

5. The Committee notes with satisfaction the adoption of the following legislative, institutional and policy measures taken by the State party:

(a) Act No. 62 of 19 October 2016 establishing the National Human Rights Commission;

* Adopted by the Committee at its 104th session (9–25 August 2021).

¹ CERD/C/LBN/23-24.

² See CERD/C/SR.2824 and CERD/C/SR.2825.



(b) Decree No. 3268 of 19 June 2018 establishing the National Committee responsible for the preparation of reports and follow-up to recommendations made by international human rights protection mechanisms.

D. Concerns and recommendations

Definition of racial discrimination

6. While noting that the principle of equality is enshrined in paragraph (c) of the preamble to the State party's Constitution, the Committee remains concerned that national legislation does not contain a definition of racial discrimination that is in full conformity with article 1 of the Convention and does not expressly prohibit both direct and indirect racial discrimination (art. 1).

7. The Committee reiterates its recommendation that the State party include in its legislation a provision, in conformity with article 1 of the Convention, that defines and prohibits both direct and indirect racial discrimination.

Application of the Convention

8. While noting that the provisions of the Convention must be applied in the State party and that they have primacy in the event of a conflict with national law, the Committee finds it regrettable that there is a lack of information concerning, and examples of, decisions handed down by the national courts in cases involving racial discrimination and instances in which the Convention has been applied or invoked (arts. 1, 2 and 6).

9. The Committee recommends that the State party take appropriate measures, such as training, to ensure that judges, prosecutors, lawyers and law enforcement officials have sufficient knowledge of the Convention and are able to apply its provisions in relevant cases. It requests the State party to include in its next periodic report specific examples of instances in which the Convention has been applied or invoked in the national courts.

National human rights institution

10. While the Committee welcomes the adoption of Act No. 62 establishing the National Human Rights Commission, it notes with concern that this institution does not have sufficient financial and human resources to fulfil its mandate effectively. It finds it regrettable that the Commission has not yet been accredited by the Global Alliance of National Human Rights Institutions (art. 2).

11. The Committee recommends that the State party take all necessary measures to provide the National Human Rights Commission with sufficient financial and human resources to fulfil its mandate effectively and independently. It also recommends that the State party make every effort to ensure that the Commission is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

National human rights plan

12. The Committee is concerned about the delay in evaluating the implementation of the National Plan for Human Rights in Lebanon 2014–2019 and adopting a new national plan (art. 2).

13. The Committee urges the State party to expedite the adoption of a new national human rights plan, ensure that the fight against racial discrimination is properly integrated into this plan and allocate sufficient resources for its effective implementation. It also recommends that the State party finalize the evaluation of the plan implemented in 2014–2019 and inform the Committee of the results of such evaluation.

Racist hate crimes and hate speech

14. The Committee reiterates its concern that the State party has not amended its national legislation on racist hate speech and racially motivated crimes – in particular articles 317 and 318 of the Criminal Code, which mainly address acts that threaten the peaceful coexistence of the communities in the State party – in order to bring it fully into line with the provisions of article 4 of the Convention. It is very concerned about reports of the increasing use of racist hate speech against migrants and refugees, including on the Internet and social media, as well as by public figures and politicians, a phenomenon that has intensified during the economic crisis and the COVID-19 pandemic. The Committee is also concerned about the lack of detailed information on complaints filed and prosecutions initiated against those responsible (art. 4).

15. **Recalling its general recommendations No. 7 (1985), No. 8 (1990), No. 15 (1993) and No. 35 (2013), as well as its previous concluding observations,³ the Committee recommends that the State party:**

(a) Amend its legislation prohibiting racist hate speech and racially motivated crimes, in particular articles 317 and 318 of the Criminal Code, to bring it fully into line with article 4 of the Convention;

(b) Take measures to prevent, condemn and combat racist hate speech against migrants and refugees, including on the Internet and social media, as well as by public figures and politicians, and ensure that all reported incidents of racist hate speech are effectively investigated and, where appropriate, prosecuted and punished;

(c) Conduct public awareness campaigns aimed at tackling prejudice and misinformation concerning migrants, asylum seekers and refugees and promoting respect for diversity and the elimination of racial discrimination;

(d) Step up its efforts to curb the spread of racist hate speech on the Internet and social media, in close cooperation with Internet service providers, social media platforms and the communities most affected by racist hate speech;

(e) Collect reliable and comprehensive statistics on complaints of racist hate speech and racially motivated crimes, on prosecutions, convictions and penalties resulting from such complaints and on the reparation provided to victims, and include those data in its next periodic report.

Right to nationality

16. The Committee reiterates its concern that the Lebanese Nationality Act of 1925 does not allow Lebanese women who marry foreigners to pass on their citizenship to their children and foreign spouses on an equal footing with Lebanese men (arts. 2 and 5).

17. **Recalling the recommendation made in its previous concluding observations,⁴ the Committee invites the State party to bring its legislation into line with the Convention by amending the law on nationality to allow Lebanese women to pass on their citizenship to their foreign spouses and to their children at birth, without discrimination, on an equal footing with men.**

Birth registration

18. The Committee notes the measures taken to simplify the birth registration procedure for Syrian children born in the State party, in particular the authorization given to register children over 1 year of age via an administrative process that does not require the involvement of the courts. However, the Committee is concerned that this measure does not apply to refugee children of other nationalities. Furthermore, it remains concerned about the obstacles that still exist to birth registration for refugee children and children born to undocumented migrants, including complex procedures and requirements to obtain identity documents and

³ CERD/C/LBN/CO/18-22, paras. 10-14.

⁴ Ibid., para. 22.

proof of legal residency and marriage, as a result of which those children risk statelessness (arts. 2 and 5).

19. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee emphasizes that birth registration is a prerequisite for the exercise of a wide range of human rights. It recommends that the State party take measures to ensure that all children born in its territory are registered, regardless of their nationality or their parents' residency status, with a view to preventing statelessness. The Committee also recommends that the State party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Legal framework on asylum

20. The Committee reiterates its concern about the lack of an appropriate legal framework on asylum in the State party. It is also concerned that the implementation of the 2015 regulations of the General Directorate of General Security and Decision No. 50 of the Supreme Defence Council of May 2019 is leading to many cases of denial of entry at the border, as well as to the detention and expulsion of some asylum seekers and refugees, particularly Syrians, in the absence of any verification by the courts and without the situation of persons in need of international protection being examined individually (arts. 1, 2 and 5).

21. **Recalling the recommendation made in its previous concluding observations,⁵ the Committee recommends that the State party establish an appropriate legal framework on asylum and ensure respect for the principle of non-refoulement, including the procedural safeguards, for all asylum seekers and refugees, in particular those from the Syrian Arab Republic. The Committee also recommends that the State party ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.**

Situation of non-citizens, asylum seekers and refugees

22. While taking note of the information provided by the State party, the Committee is concerned about reports that:

- (a) Refugees, in particular Syrians, have been the victim of arbitrary detention, torture and ill-treatment in detention centres or refugee camps;
- (b) Municipalities have imposed curfews and other restrictions on freedom of movement affecting only Syrian nationals and have stepped up such measures during the COVID-19 pandemic;
- (c) Palestinian refugees are prohibited from acquiring and transferring property, including to their children;
- (d) Since December 2014, legal employment for Syrian nationals has been restricted to the construction, agriculture and sanitation sectors;
- (e) The Lebanese army carried out demolitions of Syrian refugee shelters pursuant to an April 2019 decision of the Supreme Defence Council, leaving many refugee families and children homeless (art. 5).

23. **Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

- (a) **Ensure that asylum seekers and refugees are not detained arbitrarily and that all alleged cases of torture or ill-treatment are investigated and, where appropriate, prosecuted and that perpetrators are punished and victims compensated;**
- (b) **Guarantee the right to freedom of movement for all refugees and asylum seekers, without discrimination, and verify that curfews established by municipalities**

⁵ Ibid., para. 28.

do not introduce discrimination on the basis of nationality or other grounds prohibited by the Convention;

(c) Guarantee access to property for Palestinian refugees, without discrimination;

(d) Lift the restrictions imposed on Syrian nationals with regard to the sectors in which they may work;

(e) Ensure alternative shelter for refugee individuals, families and children affected by the demolition of their homes.

Migrant domestic workers

24. While noting the measures taken by the State party, the Committee remains concerned about the sponsorship system (*kafalah*), which results in employers exercising excessive control over migrant domestic workers, rendering them vulnerable to abusive working conditions, in particular non-payment of wages, long working hours, confiscation of their passports, and psychological and physical abuse including sexual violence, treatment that has intensified during the COVID-19 pandemic. The Committee reiterates its concern that domestic workers, who are mainly women from Africa and Asia, remain excluded from the protection guaranteed by the Labour Code (art. 5).

25. Recalling its general recommendations No. 25 (2000) on gender-related dimensions of racial discrimination and No. 30 (2004) on discrimination against non-citizens, the Committee reiterates the recommendation made in its previous concluding observations⁶ that the State party abolish the sponsorship system (*kafalah*), ensure that the employment of migrant domestic workers is regulated by the Labour Code and ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189). It also requests the State party to tackle abuses by agencies recruiting foreign migrant workers and to ensure that a common standard contract that adequately protects the rights of those workers is adopted and effectively enforced.

Access to justice for migrant workers

26. The Committee takes note of the information provided by the State party on the establishment of a central office and a hotline to deal with complaints from migrant domestic workers and on the measures taken to raise awareness among those workers of their rights under labour law. However, it remains deeply concerned by: (a) the fact that, despite those efforts, many foreign workers, notably domestic workers and in particular women, are unaware of the remedies available to them in the event of a violation of their rights; (b) the existence of obstacles that may hinder foreign workers' access to justice, for example reluctance to file complaints for fear of negative repercussions such as expulsion from the country; and (c) the fact that perpetrators of violations go unpunished (arts. 5 and 6).

27. Bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:

(a) Take measures to remove barriers to access to justice for foreign workers, notably domestic workers and in particular women;

(b) Ensure that foreign workers can submit complaints regarding abusive labour practices to independent and effective mechanisms, without fear of suffering negative repercussions;

(c) Enforce existing protective laws and policies for migrant workers and ensure that all reported cases of abuse against them are investigated and, where appropriate, prosecuted and that perpetrators are punished appropriately and victims provided with reparation;

⁶ Ibid., para. 42.

(d) Ensure that labour inspectors are empowered to examine the working conditions of migrant domestic workers in the homes of private employers;

(e) Provide detailed information in its next periodic report on the number of complaints filed by foreign workers, in particular domestic workers, and the number of inspection visits, investigations, prosecutions and convictions resulting from such complaints, as well as on the reparation provided to victims.

Complaints of racial discrimination

28. The Committee finds it regrettable that there is a lack of detailed information on complaints of racial discrimination filed with the national courts and other relevant Lebanese institutions and on the follow-up given to them. It reminds the State party that the absence of complaints does not necessarily mean that racial discrimination does not exist in the country, but rather may indicate poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute perpetrators, a lack of trust in the justice system or a fear of reprisals on the part of victims (arts. 6 and 7).

29. The Committee recommends that the State party:

(a) Establish a mechanism for collecting statistics on racially motivated offences;

(b) Conduct public information campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, in particular among non-citizens including migrant domestic workers, asylum seekers and refugees;

(c) Facilitate the filing of complaints of racial discrimination and ensure that the various police services are trained to identify situations of racial discrimination and that the mechanisms for registering complaints are administered in such a way that they are easily accessible to all victims of racial discrimination;

(d) Provide information and statistics in its next periodic report on complaints of racial discrimination filed with the courts and other relevant bodies, as well as on prosecutions and, where appropriate, convictions handed down and penalties imposed, and reparation provided to victims, disaggregated by age, sex and national or ethnic origin.

Training, education and other measures to combat prejudice and intolerance

30. While noting the information provided on the teaching of values such as tolerance and solidarity and conflict resolution in schools, the Committee is concerned about the rise of racist stereotypes and stigmatization in Lebanese society, in particular with regard to migrants, refugees, asylum seekers and people of African descent (art. 7).

31. The Committee recommends that the State party redouble its efforts to raise public awareness of the importance of ethnic and cultural diversity and the fight against racial discrimination, and incorporate these concepts into the school curriculum and into training for police officers, judges, lawyers and teachers.

E. Other recommendations

Ratification of other instruments

32. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

Follow-up to the Durban Declaration and Programme of Action

33. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans adopted and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

34. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and people of African descent. The Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted within that framework and on the situation of people of African descent in the State party, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

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

Amendment to article 8 of the Convention

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

Declaration under article 14 of the Convention

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

Common core document

38. The Committee urges the State party to update its common core document, which dates from 1996, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.⁷ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

39. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the

⁷ [HRI/GEN/2/Rev.6](#), chap. I.

adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 11 (national human rights institution), 13 (national human rights plan) and 19 (birth registration) above.

Paragraphs of particular importance

40. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 9 (application of the Convention), 25 (migrant domestic workers), 27 (access to justice for migrant workers) and 29 (complaints of racial discrimination) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

41. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available throughout the State party's territory, to all State bodies entrusted with the implementation of the Convention, including municipalities, and publicized on the website of the Ministry of Foreign Affairs and Emigrants in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

42. The Committee recommends that the State party submit its combined twenty-fifth to twenty-eighth periodic reports, as a single document, by 12 December 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first session⁸ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for such documents.

⁸ CERD/C/2007/1.