

LEBANON

NGO assessment of the follow-up actions of the State party in implementing UN Human Rights Committee's recommendations

Follow-up report submitted by:



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The **third periodic report of Lebanon** on the State's compliance with the International Covenant on Civil and Political Rights (ICCPR) was **reviewed by the UN Human Rights Committee** (the Committee) at the Committee's 122nd session in **March 2018**. As the result of the review, the Committee issued its Concluding Observations (CCPR/C/LBN/CO/3) with a number of recommendations to the State party. The Committee's Concluding Observations also states in paragraph 50 that "*In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, **the State party is requested to provide, by 6 April 2020, information on the implementation of the recommendations made by the Committee in paragraphs 20 (violence against women, including domestic and sexual violence), 38 (refugees and asylum seekers) and 40 (migrant domestic workers) above***".

The recommendations made in these three paragraphs are selected by the Committee for its follow-up procedure ("**follow-up recommendations**"), as they are **implementable within two years** and/or **require immediate attention**.

Information provided by the State party on the implementation of the follow-up recommendations will be further assessed by the Committee, whereby grades are also given to the action / reply of the State party (see the grades and criteria of the HR Committee at the end of this document).

This assessment form was developed by the Centre for Civil and Political Rights (CCPR) in order to facilitate civil society assessment of the implementation of follow-up recommendations by the State party and more effectively contribute to the Committee's follow-up procedure.

Violence against women, including domestic and sexual violence:

Para. 19. While welcoming the repeal in August 2017 of article 522 of the Criminal Code that exempted a rapist from criminal liability if he married the victim, the Committee is concerned that articles 505 and 518 of the Criminal Code are still reportedly used to exempt rapists of minors between 15 and 18 years of age from prosecution or punishment when they have been promised for marriage to the rapist by her parents. The Committee is also concerned about: (a) the shortcomings of Act No. 293 of 2014 on the protection of women and other family members from domestic violence, including its restrictive definition of domestic violence; (b) the absence of provisions criminalizing marital rape and sexual harassment; (c) the lack of official statistics on violence against women, including domestic violence and rape; and (d) the limited investigation and prosecution of such cases. The Committee notes that amendments to Act No. 293 of 2014, as well as bills aimed at criminalizing sexual harassment in the workplace and at reviewing articles 505 and 518 of the Criminal Code, are currently under discussion (arts. 2, 3, 7 and 26).

Recommendation of the HR Committee (para. 20)	Action taken by the State	(Further) measures required / other comments
<p>The State party should:</p> <p>(a) Ensure the criminalization of domestic violence, the explicit criminalization of marital rape and sexual harassment and the effective implementation of such legislation in practice;</p>	<p>Nothing was done by the Lebanese state to improve the implementation of protection of women, especially in terms of criminalizing domestic violence.</p>	
<p>(b) Amend articles 505 and 518 of the Criminal Code to ensure that perpetrators of rape incur criminal responsibility without exception and regardless of the age of the victim;</p>	<p>No amendment of articles 505 and 518 was done as well.</p>	
<p>(c) Strengthen preventive measures, including awareness-raising campaigns to combat violence against women, systematically inform women of their rights and encourage the reporting of such violence to law enforcement authorities;</p>		<p>Despite trying to reinforce their capacities in terms of preventive measures, the Lebanese institutions have still much to do. Sharing statistics, the hotline number and including domestic violence as a fight priority for the security institutions is a great step.</p> <p>But sharing advice such as “women should not take inappropriate pictures and share them online”, or “using social media with caution” won’t reinforce protection. Domestic violence happens within households and might not even have to do anything with social media. Coming up with real protection and preventive measures such as providing real support in case of domestic violence, shelter and assistance, in addition to showing clearly that the security institutions</p>

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		are there to help, protect and hold accountable perpetrators is the only way to build trust and lead women to feel safe to report crimes without fearing being humiliated.
(d) Ensure that law enforcement officers, the judiciary and other relevant stakeholders receive appropriate training in how to detect and deal properly with cases of violence against women;	Various security institutions have been benefitting from training sessions. Further, certain police stations are now equipped with better tools to collect testimonies in a digital and private manner (in specific rooms in private vs in a normal office next to other police officers).	<p>The main challenge faced in terms of training is knowledge retention. Security institutions have been benefitting from years of trainings regarding various thematic.</p> <p>The high turnover within the security forces, in addition to the lack of systems to ensure training and knowledge is retained for future recruits are non-existent. It is not a question of having more trainings and more personnel but a structural and systematic challenge.</p>
(e) Ensure that data on violence against women is collected and that all cases of violence against women are promptly and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims have access to protection and to effective remedies.	No change was made in terms of data collection.	<p>Lebanon has been suffering from a severe lack of data collection and management. While data exists, it is usually scattered, incomplete and most of the time, not collected by the Lebanese state.</p> <p>Humanitarian organizations, international organizations, research centres, and statistics companies are usually behind data collection but most of these are project-based which explains why data is not consistent. For example, some data concerning violence against women might appear in a certain year but be unavailable for the next three years. It is the same in almost all sectors.</p>

Refugees and asylum seekers:

Para. 37. The Committee acknowledges the significant contribution of the State party in hosting a large number of asylum seekers and refugees and its continuing engagement in providing assistance and protection to them, as well as the burden associated therewith. It also commends the State party for its commitment to the principle of non-refoulement and for not enforcing the deportation of Syrian nationals with expired legal status or without legal papers. However, the Committee is concerned about:

(a) The strict border admission regulations in place since January 2015, which have resulted in restricted access to asylum and pushbacks at the border with the Syrian Arab Republic that could amount to refoulement, and reports that asylum seekers and refugees originating from countries other than the Syrian Arab Republic are at risk of deportation or refoulement, in particular when there is no prospect of resettlement;

(b) Reports of the prolonged administrative detention of asylum seekers and refugees other than Syrian nationals, including that of children, without due process, and their expulsion;

(c) The broad discretionary powers granted to the General Security Office, pursuant to articles 17 and 18 of the 1962 Act on entry and exit, regarding decisions to detain without judicial warrant and deport individuals from Lebanon, and the lack of appeal procedures relating to such decisions;

(d) Reports of evictions, curfews and raids targeting in particular Syrian refugees;

(e) The limited coverage of the residency fee waiver policy (arts. 2, 7, 9, 13 and 24).

Recommendation of the HR Committee (para. 38)	Action taken by the State	(Further) measures required / other comments
<p>The State party should:</p> <p>(a) Ensure that the non-refoulement principle is strictly adhered to in practice, that all asylum seekers are protected against pushbacks at the border and that they have access to refugee status determination procedures;</p>	<p>Due to the COVID-19 pandemic, the Lebanese borders with Syria were shut down since March 2020 up until December 2021 (except for small periods of time and specific cases/cargo, no one could cross in and out). This situation has led to a drastic decrease in terms of deportations.</p> <p>In addition, the Lebanese state has once again reiterated its commitment to respect the principle of non-refoulement during international conferences such as the Brussels Conference V organized back in March 2021.</p> <p>But despite the closed border, and the commitment made at the Brussels Conference, several cases of refoulement have been identified and overall, 863 cases of deportation were officially confirmed by the General Security in December 2020. In addition, in 2021, tentatives to deport Syrians didn't stop. At least 6 cases were confirmed following their arrest by the Lebanese security forces in front of the Syrian embassy. But following the publication of a statement drafted by ALEF – Act for Human Rights and the Access Centre for Human Rights (ACHR), and signed by other humans rights organizations, the deportations were halted.</p>	<p>Despite a drop in terms of deportation numbers, deportations are still happening. The COVID-19 pandemic and the closing of the border are the main reason why deportation numbers decreased which means that the fear of seeing the numbers increase once again in the future is real.</p> <p>It is important that Lebanon upholds the rule of law, especially since it has signed the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment which stipulates that no individual should be deported to a country where they face a risk of torture or worse.</p> <p>In addition, no case of deportation should be decided by a political or security institution but should be made through due process based on a judicial decision made by a judge under a Lebanese court. This situation means that in addition to deportations happening, the rule of law has yet to be upheld across the country which not only threatens refugees but also the Lebanese population.</p>
<p>(b) Bring its legislation and practices relating to the</p>	<p>At this stage Lebanon has not yet reformed its legislation to be compliant with article 9 of the covenant. Refugees and asylum</p>	

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<p>detention of asylum seekers and refugees into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (particularly para. 18);</p>	<p>seekers are at high risk of administrative detention due to their irregular paperwork. This often translates in self-imposed restrictions from refugees and negative coping mechanisms.</p>	
<p>(c) Provide for appeal procedures against decisions regarding detention and deportation;</p>	<p>No decision was made to provide easier access for appeal procedures regarding the detention or the deportation of refugees.</p>	<p>Refugees are still at risk of being deported and detained by local and national authorities following a decision from the Higher Defence Council in May 2019.</p>
<p>(d) Ensure the effective protection of refugees against forced evictions;</p>	<p>Due to the financial crisis and the COVID-19 pandemic, movement across the country has decreased thus limiting contact between various communities. Forced evictions having decreased, less and less drastic cases have been confirmed. Nevertheless, by the end of 2020, a new wave of evictions was confirmed, specifically in Northern Lebanon in the regions of Minieh Dinniyeh and Bcharreh. Overall, more than 450 families were evicted by the local Lebanese communities following violence events between both groups (usually following a murder, or a clash over unpaid salaries).</p> <p>Further, several municipalities have tried to evict refugees following similar events throughout 2021, but the intervention of local organizations and the Lebanese authorities put a halt to these measures.</p>	<p>It is important to note what motivates these evictions. Due to the various crises faced by Lebanon and its population, it is becoming more and more difficult for the Lebanese authorities to maintain security and stability across the territory. This is leading many to take the matters in their own hands in order to protect themselves and their village. In addition, most municipalities' personnel are usually related to the local communities who are affected by these events (murder, clash following salaries being unpaid, etc.).</p> <p>What is striking is the inability of the Lebanese authorities to protect both the Lebanese population and the Syrian refugees. When these clashes occur, the Lebanese state rarely deploy security personnel to arrest the perpetrators and pacify the situation right away. Long hours are wasted before really intervening to ease tensions, ensure social stability and protect both communities.</p>
<p>(e) Ensure that curfews, if applied, are imposed only as a short-term and area-specific exceptional measure and are lawful and strictly justified under the Covenant, including under articles 9, 12 and 17;</p>	<p>Lebanon has implemented a series of social distancing measures such as curfews, extended lockdown periods, and alternate circulation during the COVID-19 pandemic. Lebanese, as well as refugees were forced to remain home unless necessary. Since the start of the pandemic, besides some cases that were confirmed, where certain municipalities ordered specific curfew against refugees and stopped, no specific measure has targeted refugees specifically.</p>	
<p>(f) Expand the residency fee waiver to include refugees not currently covered.</p>	<p>No decision was made to expand the residency fee waiver to include refugees not currently covered.</p>	

Migrant domestic workers:

Para. 39. The Committee is concerned that migrant domestic workers are excluded from protection under domestic labour law and are subjected to abuse and exploitation under the sponsorship (kafala) system, including by the withholding of their identity documents, forced confinement, denial of time off, excessive work-hours, delayed payment or even non-payment, verbal, physical and sexual abuse, and bonded labour-type situations, owing to exploitation by shawishes. It is also concerned about the lack of effective remedies against such abuses and about the risk of imprisonment or deportation faced by domestic migrant workers who sue their employers, given the restrictive visa system. The Committee is further concerned about reports of suicides and attempted suicides of domestic migrant workers in 2016, arbitrary arrests without access to counsel, and deportation, including of workers not residing with their employer and in retaliation for union activism. The Committee notes that the draft labour law would provide, inter alia, protection for domestic migrant workers against exploitation and abuse (arts. 2, 7, 8, 9, 12, 22 and 26).

Recommendation of the HR Committee (para. 40)	Action taken by the State	(Further) measures required / other comments
The State party should expand labour law protection to domestic workers;	No decision was made to expand labour law protection to domestic workers who still completely rely on their employer. However, the court of labour arbitration does have jurisdictions over cases of migrant domestic workers even if they are excluded from the labour code.	
Provide access to effective legal remedies for protection of domestic migrant workers' rights without fear of reprisal or deportation;	A protection framework through the Ministry of Labour which would include a specific contract to protect MDWs was being worked on but was dropped. There were no protection mechanisms to make sure MDWs were being protected.	<p>The problem with this measure is that there are no mechanisms to ensure the protection of the migrant worker, even if a contract is signed. The implementation of controls or field visits, by a team trained by the Ministry of Labour, to ensure protection of migrant employees, in addition to accountability is necessary. The risk of being caught and being held accountable would force employers to think twice before engaging in a violent or degrading behaviour.</p> <p>Further, the State must officially regulate labour relations and the legal framework to safeguards the dignity and rights of migrant domestic workers, and adopt legal protection for migrant workers.</p>
Abolish the sponsorship (kafala) system and reform recruitment practices with a view to ensuring respect for the rights of domestic workers and protection against exploitation and abuse;	See above.	See above.
Step up measures aimed at raising awareness about domestic migrant workers' rights and existing avenues for their protection.	No decision was made to expand labour law protection to domestic workers who still completely rely on their employer.	



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