



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fourth session
23 February-12 March 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

LEBANON

1. The Committee considered the fourteenth to sixteenth periodic reports of Lebanon (CERD/C/383/Add.2), submitted as one document and its seventeenth periodic report (CERD/C/475/Add.1), which were due on 12 December 1998, 2000, 2002 and 2004 respectively, at its 1628th and 1629th meetings (CERD/C/SR.1628 and 1629), held on 3 and 4 March 2004. At its 1639th meeting, held on 11 March 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the delegation. The Committee has been encouraged by the attendance of a delegation and expresses its appreciation for the opportunity to continue its dialogue with the State party. The Committee notes however that the seventeenth periodic report was submitted at the last minute.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations of the Committee's concluding observations on the sixth to thirteenth periodic reports (CERD/C/304/Add.49). However, the Committee regrets that the report does not conform fully with the Committee's reporting guidelines and contains insufficient information on the practical implementation of the Convention.

B. Factors and difficulties impeding implementation of the Convention

4. The Committee notes that the State party continues to be confronted with numerous challenges resulting from almost two decades of war, foreign intervention and partial occupation, which have resulted in widespread destruction. Furthermore, it takes note of the fact that Lebanon has hosted a large number of Palestinian refugees for several decades.

C. Positive aspects

5. The Committee notes with appreciation the statistical information on the number of non-citizens in Lebanon provided in the report, disaggregated by country of origin and occupational category.

6. The Committee notes with satisfaction the explanation provided in the report on the status of the International Convention on the Elimination of All Forms of Racial Discrimination in domestic law, pointing out in particular that where the treaty is not self-executing, implementing measures have to be taken. It is to be welcomed that treaties ratified or acceded to by Lebanon, particularly the Convention, become part of internal law upon the exchange of the instruments of ratification or accession.

7. The Committee takes note of the efforts to amend the penal code and ensure full compliance with the Convention with regard to article 4.

8. The Committee welcomes the measures taken with regard to foreign workers, in particular order No. 5 of the Ministry of Labour dated 17 January 2003, concerning regulation of the work of agencies that recruit domestic employees. The Committee further notes the adoption by the Ministry of Labour of order No. 142/1 of 20 November 2003, pending the amendment of the labour code. It welcomes the decisions by courts declaring illegal the confiscation of passports by employers.

9. The Committee welcomes the inclusion in school curricula of human rights education and in particular the concept of combating discrimination, especially racial discrimination, and promoting tolerance.

D. Concerns and recommendations

10. While acknowledging the historical and political background of the system of confessionalism, as well as some steps taken towards its gradual elimination in accordance with the Taif agreement of 22 October 1989 and article 95 of the Constitution, the Committee notes the overall resistance and lack of progress in this regard. While recognizing the need to balance any steps with the maintenance of peace, the Committee remains concerned at the possible impact of this system on the full implementation of the Convention in the State party.

The Committee recommends that the State party undertake a continued effort to monitor and review the situation and to take appropriate measures, including educational and legal measures, towards the gradual elimination of the system of political confessionalism in the spirit of the Taif agreement and the constitutional amendments, taking into account public views and feelings.

11. While welcoming the measures taken to improve the protection of migrant workers, the Committee remains concerned at the situation of migrant workers in practice, in particular domestic workers, who do not benefit fully from the protection of the labour code. Furthermore, the Committee regrets that insufficient information was provided as to how the bill for the establishment of a new labour code would affect migrant workers and whether it would provide any specific protection against discrimination on the grounds specified in the Convention.

The Committee urges the State party to take all necessary measures to extend full protection to all migrant workers, in particular domestic workers. In addition, the State party should provide information in its next periodic report on any bilateral agreements with the countries of origin of a large number of migrant workers. In addition, the Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

12. While acknowledging the political factors related to the presence of Palestinian refugees in Lebanon, the Committee reiterates its concern with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention on the basis of non-discrimination, in particular access to work, health care, housing and social services as well as the right to effective legal remedies. The Committee notes the statement of the delegation that the 2001 property law does not apply retroactively and that Palestinians' right to inherit remains in force.

The Committee urges the State party to take measures to ameliorate the situation of Palestinian refugees with regard to the enjoyment of the rights protected under the Convention, and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.

13. The Committee notes that Lebanese citizenship is derived exclusively from the father, which may result in a situation of statelessness for children of a Lebanese mother and non-citizen father, where registration under the father's nationality is not possible.

The Committee urges the State party to review its relevant legislation, so as to bring it in line with the provisions of the Convention and requests to be informed on this in the next periodic report. In addition, the Committee recommends that the State party ratify the Convention on the Reduction of Statelessness of 1961.

14. The Committee regrets that no statistics were provided on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied.

The Committee requests that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences which relate to racial discrimination, and where the relevant provisions of the existing domestic legislation have been applied. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of availability of legal remedies, or of the

insufficient will by the authorities to prosecute. It is therefore essential to provide for the relevant provisions in the national legislation and to inform the public of the availability of all legal remedies in the field of racial discrimination.

15. The Committee notes that no response was provided by the delegation with regard to efforts by the State party to establish a National Human Rights Institution.

The Committee requests the State party to include information in this regard in the next periodic report.

16. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

17. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider the possibility of making such a declaration.

18. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 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. In this connection, the Committee refers to General Assembly resolution 57/194, in which the General Assembly strongly urges State parties to accelerate their domestic ratification procedures with regard to the amendment, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal has been reiterated by General Assembly resolution 58/160.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

20. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

21. The Committee recommends that the State party submit its eighteenth periodic report on 12 December 2006, and that it address in this report all points raised in the present concluding observations.
