



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

**Combined eighteenth to twenty-second periodic reports of
States parties due in 2006**

Lebanon*

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* The present document is being issued without formal editing.



Contents

	<i>Page</i>
Introduction.	3
Part one: Preliminary general information — demographic indicators and characteristics of the population.	3
I. Demographic indicators.	3
II. Description of the composition of Lebanese society.	4
Part two: Articles 1 to 7 of the Convention	4
Article 1	4
Article 2	5
Article 3	10
Article 4	13
Article 5	15
Article 6	25
Article 7	26

Introduction

1. The present report is a combination of the eighteenth to twenty-second periodic reports of Lebanon submitted under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Lebanon acceded on 21 November 1971.

2. The report describes progress made in the elimination of racial discrimination in Lebanon during the period under review, bearing in mind certain important principles and taking into account the recommendations and concluding observations made by the Committee on the Elimination of Racial Discrimination following its examination of the previous periodic report submitted by Lebanon.¹ The present report was prepared on the basis of information received from various ministries and other relevant departments.

Part one

Preliminary general information — demographic indicators and characteristics of the population

I. Demographic indicators

3. The Lebanese State lacks official statistics of the population resident in its territory. It is therefore impossible to submit accurate figures in that regard.

4. In addition to its own citizens, Lebanese society is currently hosting large numbers of foreign workers and refugees, particularly Palestinian refugees who have been present in Lebanese territory for more than 60 years and refugees who have come from neighbouring countries — especially Syrians, Iraqis and Palestinians — as a result of the current security situation in the region. A large number of the Palestinian refugees live in the country's 12 refugee camps.

The Lebanese State also lacks official data on the number of refugees present in its territory and relies on statistics compiled by international organizations dealing with refugee affairs in Lebanon. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 449,957 Palestinian refugees in Lebanese territory were registered with the Agency on 1 July 2014. According to statistics produced by the Office of the United Nations High Commissioner for Refugees (UNHCR) for other refugees, 1,146,405 Syrian refugees in Lebanese territory were registered with the Office on 31 December 2014.² However, some Syrian and Palestinian refugees are not registered with either organization, including those awaiting registration and those who are not registered at all, and the figures do not include refugees who are not of Syrian or Palestinian nationality.

According to data provided by the Directorate General of Public Security, 178,624 foreign workers were granted an annual residence permit in 2014, compared with 99,387 in 2005, which is the beginning of the period covered by this report. According to the Ministry of Labour, a total of 201,697 work permits were either issued for the first time or renewed in 2014.

¹ Document CERD/C/64/CO/3.

² See <http://data.unhcr.org/syrianrefugees/country.php?id=122#> and <http://www.unrwa.org/where-we-work/lebanon>.

II. Description of the composition of Lebanese society

5. Lebanese legislation does not assign special legal status to specific groups or categories in society such as national or ethnic minorities or indigenous peoples. Legal provisions, with the exception of those pertaining to personal status, are applicable to all citizens without discrimination on grounds of origin, ethnicity, etc.

6. Lebanese society is highly varied in terms of religious denominations: 18 denominations are recognized by the State and each one constitutes an integral component of society. Each religious denomination has its own legal system which regulates all matters pertaining to the personal status of its members. This denominational diversity has an impact on the country's political system and on the distribution of some administrative positions.

The denominational system applicable to personal status, politics and the distribution of some public offices is considered to be a mainstay of coexistence among the Lebanese people, since it seeks to safeguard the specificity of each of the communities that constitute Lebanese society. It also allows each community to participate effectively in governance and administration until such time as political denominationalism is eliminated. In fact, the gradual elimination of political denominationalism is recognized as a national goal in paragraph H of the preamble to the Lebanese Constitution.

The communities that constitute Lebanese society are not ethnic or racial, but groups with specific historical and cultural characteristics. Recognition that each community has specific regulations governing the personal status of its members or is represented in a specific way in governance and administration does not alter the fact that Lebanon is, in accordance with article 1 of the Constitution, an indivisible State.³

Part two Articles 1 to 7 of the Convention

Article 1

I. The principle of equality in the Lebanese Constitution

7. Equality among citizens is one of the fundamental principles on which the Lebanese State is based. It is defined in general terms so as to cover all forms of discrimination on grounds of race, colour, descent, national or ethnic origin, or religion. However, a reservation to the principle of equality and non-discrimination on religious grounds exists for personal status matters, since a denominational system is applied in Lebanon and each Lebanese citizen is subject to the personal status law of his or her own religious denomination.

Paragraph C of the preamble to the Lebanese Constitution states that the Lebanese Republic is founded on respect for public freedoms, primarily freedom of opinion and belief, on social justice and on equality of rights and duties among all citizens without discrimination or preference. Article 7 of the Constitution states that all Lebanese are equal before the law, that they shall enjoy civil and political rights on an equal basis and shall be equally bound, without distinction, by public obligations and duties. According to article 9, freedom of belief is absolute and the State is required to guarantee and protect the free exercise of religious rites, provided that they

³ See paragraphs 3 to 15 of the combined fourteenth to sixteenth periodic reports of Lebanon (CERD/C/383/Add.2).

do not disturb law and order. Article 12 states that all Lebanese have the right to hold public office, with no distinction save on grounds of merit and aptitude, in accordance with the conditions laid down by law.

II. The criminal law framework for combating racial discrimination

8. Lebanese laws, specifically the Criminal Code, the Press Act and the Television and Radio Broadcasting Act, criminalize acts that constitute racial discrimination. In general terms, any act that seeks to promote sectarianism or racism or to incite conflict among religious denominations and the various components of society is an offence punishable by law. Membership of a group established for that purpose and media broadcasts designed to promote sectarianism or racism also constitute an offence. Rhetoric aimed at triggering sectarian or racist feuds in time of war, or of impending war, constitutes a major offence.⁴

Article 2

I. Legislative steps taken to combat discrimination in general and racial discrimination in particular

9. The Lebanese Chamber of Deputies has adopted a number of legal provisions aimed at achieving equality in society, both by amending existing laws and by enacting new laws. Equality in this context comprises action to combat all forms of discrimination against any social group, including discrimination between men and women which, when it accompanies racial discrimination, is sometimes just an extension thereof.

(a) Adoption of the Act on the protection of women and other family members from domestic violence

10. Act No. 293 on the protection of women and other family members from domestic violence was promulgated on 7 May 2014. The Act defines the family as comprising the two spouses, the parents of both, their siblings, their legitimate or illegitimate antecedents or descendants, and anyone linked to them by adoption or marriage up to the second degree, by testamentary guardianship or tutorship, or by responsibility to care for orphans or for a stepmother or stepfather. It defines domestic violence as any act or omission or any threat thereof committed by one member of a family against one or more other family members, which constitutes an offence under the Act and which results in death or in the infliction of physical, psychological, sexual or economic harm.

The Act also amends the articles of the Criminal Code dealing with the crime of adultery, establishing equality between men and women, particularly in terms of penalties.

(b) Elimination of mitigating circumstances for honour crimes

11. Act No. 162 of 17 August 2011 abrogated article 562 of the Criminal Code, which provided for mitigating circumstances in cases where a person (meaning “a man”) found his wife, one of his antecedents or descendants, or his sister committing the crime of adultery or in an illegitimate sexual encounter and, without premeditation, killed or injured one of the participants in what is known as an “honour crime”.

⁴ See paragraph 32 et seq. of this report.

(c) Adoption of the Act concerning punishment of the crime of trafficking in persons

12. On 10 May 2005, Lebanon acceded to the United Nations Convention against Transnational Organized Crime and its supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Under Act No. 164 of 24 August 2011 concerning punishment of the crime of trafficking in persons, any act involving the following forms of exploitation is deemed to constitute human trafficking: sexual exploitation of victims; coercion into prostitution or forced labour; enslavement or subjection to practices akin to slavery.

13. A key provision of the Act characterizes human trafficking as a major offence. It also provides for the protection of witnesses by concealing their identity and ensures that victims receive judicial permission to reside in Lebanon throughout the investigation. Victims may in fact be foreign workers who are exploited because they lack the necessary official documents permitting them to reside legally in Lebanon. Were it not for the aforementioned provision of the Act, that circumstance would deter them from submitting a complaint or taking legal action against the perpetrator lest they would be exposed and expelled before obtaining redress.

II. Steps and procedures concerning the general situation of Palestinian refugees

(a) The Lebanese-Palestinian Dialogue Committee

14. In November 2005, pursuant to Decree No. 89/2005 of the Council of Ministers, an official body composed of representatives of various ministries was established for the purpose of coordinating the Lebanese Government's policy on Palestinian refugees in Lebanon. The new body was called the Lebanese-Palestinian Dialogue Committee.

The Committee plays an important advisory and executive role within the Lebanese Government, providing access to expertise acquired in various fields with a view to coordinating policies among ministries, making policy recommendations and coordinating the work of the Lebanese Government with UNRWA, the Palestine Liberation Organization (PLO), Lebanese and Palestinian partners, civil society, and the international community.

The tasks assigned to the Lebanese-Palestinian Dialogue Committee by the aforementioned Decree include coordination with UNRWA to address social, economic, legal and security issues affecting Palestinians resident in Lebanon, both inside and outside the camps, and studying the possibility of establishing diplomatic relations between Lebanon and Palestine.

The Committee has played a constructive role in improving Lebanese-Palestinian relations and in implementing the Government's policy on Palestinian refugees in Lebanon. Its achievements include cooperation with the representative office of the PLO, UNRWA, civil society organizations and the Directorate General of Public Security of the Ministry of the Interior and Municipalities with a view to issuing identity cards to undocumented persons. It has also encouraged dialogue between Lebanese and Palestinian civil society and political parties, and has set up a communication and coordination network between Lebanese and Palestinian NGOs. Moreover, in 2006 the Lebanese Government launched an initiative, through the Committee and in cooperation with UNRWA and the PLO, to upgrade the refugee camps. The Government has organized regular meetings with representatives of donor States in order to promote cooperation and funding for the initiative with a view to improving conditions in the Palestinian camps.

(b) Acceptance of personal status documents issued by the Palestinian Authority

15. On 25 November 2011, the Presidency of the Council of Ministers issued Circular No. 29/2011 concerning documents issued by the Palestinian Authority. The Circular requested all offices of the public administration and municipalities to accept documents relating to personal status issued by the Palestinian Authority, specifically those relating to birth, death, marriage and divorce.

(c) Palestinian refugees' right to work and to claim compensation for dismissal from service and end-of-service indemnities

16. As Palestinian refugees have been present in Lebanese territory for a very long time, they have been granted privileges over other foreigners in the area of employment. If they were born in Lebanon and were duly registered with the Minister of the Interior and Municipalities, they are exempt from the provisions of a decree issued by the Minister of Labour whereby the exercise of certain professions is restricted to Lebanese nationals. Nonetheless, the principle of according preference for employment to Lebanese nationals in their own country must still be respected.⁵

17. Act No. 129 amending article 59, paragraph 3, of the Labour Code, was promulgated on 24 August 2010. Pursuant to the amendment, Palestinian refugee workers who are duly registered with the Directorate of Political and Refugee Affairs at the Ministry of the Interior and Municipalities are entitled to claim compensation for dismissal on a par with Lebanese workers. They are also exempt from the condition of reciprocity, which is imposed on other foreign workers, and from payment of the work permit fee.

18. Act No. 128 amending article 9, paragraph 3, of the Social Security Act was also promulgated on 24 August 2010. Pursuant to the amendment, Palestinian refugee workers who are duly registered with the Directorate of Political and Refugee Affairs at the Ministry of the Interior and Municipalities are subject only to the Labour Code for end-of-service indemnities and occupational accidents. They are entitled to benefit from end-of-service indemnities on the same conditions as Lebanese workers, and are exempt from the condition of reciprocity imposed by the Labour Code and the Social Security Act on other foreign workers.

III. Steps and procedures concerning the situation of foreign workers**(a) Adoption of the standard employment contract**

19. Decision No. 38/1 on employment contracts for domestic workers, which was issued by the Minister of Labour on 16 March 2009, requires employers and domestic workers to conclude a model standard labour contract, pursuant to which the employer pledges to refrain from requiring the employee to work anywhere other than the employer's place of residence, and to pay the employee a full monthly salary at the end of each month without any unjustified delay. The employer must also guarantee decent working conditions, ensure that employees have access to adequate food, clothing and shelter in order to safeguard their dignity, including the right to privacy, and provide health insurance coverage for employees in accordance with the conditions laid down by the Ministry of Labour. The model contract also entitles domestic workers to a weekly rest period of not less than 24 consecutive hours, to six days of annual leave, the timing and conditions of which are to be agreed between the parties, and, on the basis of a doctor's report, to sick leave of half a month on full pay and half a month on half pay. The contract provides for an average of 10 working hours per day. Furthermore, a contract can be terminated, and the employer held

⁵ Decree No. 197/1 of the Minister of Labour of 17 January 2014.

responsible, if he or she fails to pay the domestic worker's wages for three consecutive months; it can also be terminated if the employer, a family member or a person resident in the employer's house beats or otherwise injures the domestic worker, if one of them harasses or sexually assaults the worker, or if domestic workers are required, without their consent, to perform duties other than those for which they were employed.

However, the fact that the standard contract fails to provide for non-compliance penalties has impeded its effectiveness in practice.

(b) Conditions governing insurance policy coverage for foreign workers

20. On 14 April 2009, the Minister of Labour issued Decision No. 52/1 which amends and introduces new provisions into Decision No. 117/1 of 6 July 2004 concerning insurance policies for foreign and domestic workers. The Decision lays down certain conditions governing insurance policy coverage for foreign workers. For example, the insurance company is required, in the event of the death of the insured person, to cover the cost of transporting the corpse or remains to the person's country of origin or place of permanent residence abroad, for a sum of not less than 12 million Lebanese pounds (LL). The company is also required to pay compensation to insured persons for an accident entailing full or partial disability. In addition, it is required to defray hospital expenses if insured persons are injured in an accident at the workplace or elsewhere, or if they fall ill, and to pay for workers' repatriation if their employer dies or goes bankrupt. The Decision requires employers to provide continuous insurance coverage for foreign workers under a policy applicable to their entire period of residence in Lebanon. The insurance contract is obligatory and must be presented with every application for the issuance or renewal of a work permit.

(c) Regulation of recruitment agencies for foreign domestic workers

21. On 3 January 2011, the Ministry of Labour issued Decision No. 1/1 concerning the regulation of recruitment agencies for foreign domestic workers. The Decision requires the director of a company or the authorized agent who wishes to obtain a permit from the Ministry of Labour to open a recruitment agency for foreign domestic workers to present a pledge, duly registered and validated by a notary public, to apply the Ministry's laws and regulations and to accept responsibility for any violation thereof. The Decision prohibits agencies, on pain of having their permit withdrawn, from using bogus names of employers in order to employ foreign domestic workers on a daily or monthly wage at multiple sites. Directors of recruitment agencies are prohibited, subject to the same penalty, from accepting any direct or indirect material recompense from the workers, and the managers and employees of the recruitment agency are prohibited from insulting or striking the domestic workers. The Decision requires the Ministry of Labour to be informed of any dispute that arises between the managers and employees of the recruitment agency, on the one hand, and the employers or domestic workers, on the other, or between the employers and domestic workers, and requires a complaint to be submitted, if necessary, to the competent judicial and administrative authorities. The Employment Division of the Workforce Service keeps a file on each agency containing all relevant decisions and complaints.

(d) Establishment of a National Committee on the Situation of Foreign Domestic Workers

22. A National Committee on the Situation of Foreign Domestic Workers was established by Decision No. 40/2007 of the Prime Minister's Office of 10 April 2007. The Committee is tasked with preparing and implementing projects designed to support and protect domestic workers, in coordination with relevant authorities, the

International Labour Organization (ILO), other international and Arab organizations, national civil society associations and committees, and the embassies of the countries concerned.

(e) Agreements between Lebanon and the countries of origin of foreign workers⁶

23. An agreement on technical cooperation and migrant labour was concluded in Cairo on 30 October 2008 between the Ministry of Labour of the Lebanese Republic and the Ministry of Manpower and Migration of the Arab Republic of Egypt. It was ratified by Lebanon pursuant to Act No. 74 of 23 April 2009. According to article 6 of the Act, the agreement came into force on the date on which it was signed.

The purpose of the agreement is to establish direct cooperation between the two ministries in order to facilitate and simplify procedures for the employment of workers from the two countries, and to establish rules and regulations governing the implementation of its provisions, which include the following:

- The employment of Egyptian and Lebanese workers and their entry into the two countries are regulated by the relevant legislation, regulations and procedures in each country. The principle of reciprocity vis-à-vis the cost of work and residence permits and social security is also respected. If the cost is different in the two countries, the lower rate is applied. Moreover, workers from Lebanon and Egypt are exempt from participating in each other's social security system until such time as the two States have signed a bilateral agreement in that regard;
- The relevant offices within the two ministries exchange information on various labour-related issues and promote technical cooperation on matters pertaining to the workforce, particularly in the areas of occupational health and safety, vocational training and planning.

The agreement supplements a memorandum of understanding signed between the Lebanese Ministry of Labour and the Egyptian Ministry of Manpower and Migration on 8 August 1997.

24. In addition to the foregoing, Lebanon signed a memorandum of understanding on labour with the Philippines on 1 February 2012. However, it has not yet been ratified. Negotiations are also under way on a draft memorandum of understanding on labour between Lebanon and the Sudan, a draft memorandum of understanding on labour between Lebanon and Sri Lanka, and a draft agreement on employment between Lebanon and Ethiopia.

IV. Proposed law on the establishment of a national human rights institution

25. The Administration and Justice Committee of the Chamber of Deputies has adopted a proposal for the enactment of a law on the establishment of a national human rights institution, including a committee for the prevention of torture.⁷ The proposal, as amended by the Administration and Justice Committee, provides for the establishment of an independent institution, including a standing committee known as "the committee for the prevention of torture". The new institution is to be composed of 14 full-time members, including former judges, experts in criminal law, human rights law, public law and international humanitarian law, a forensic doctor, a

⁶ Information also requested by the Committee on the Elimination of Racial Discrimination; see paragraph 11 of CERD/C/64/CO/3.

⁷ The adoption of a legislative proposal by the Administration and Justice Committee does not mean that the law has come into force. The proposal has to be adopted at a plenary sitting of the Chamber of Deputies, following which other legal and constitutional procedures must be followed before it can enter into effect.

psychiatrist, human rights activists and a member from the Press Association and the Editors Association.

According to the proposed law, the new institution will protect and promote human rights in Lebanon in accordance with the criteria enshrined in the Lebanese Constitution, the Universal Declaration of Human Rights, international human rights treaties, and Lebanese laws that comply with those criteria. The institution's tasks include:

- Monitoring the extent to which Lebanon complies with human rights and international humanitarian law, and drafting and circulating special or periodic reports on the subject;
- Receiving complaints and reports of human rights violations, undertaking inquiries and seeking further information by all available means, and helping to resolve the issues through negotiations, mediation or legal action;
- Helping to disseminate a human rights culture and to promote and develop human rights education programmes. This includes, for example: encouraging and helping the Ministry of Education and Higher Education, as well as other educational bodies, to include theoretical and practical modules on human rights and international humanitarian law in their curricula; participating in media and publicity campaigns and programmes on respect for human rights and international humanitarian law; conducting studies and organizing conferences and training courses for various official and private organizations on all subjects within the institution's mandate; and preparing, publishing and distributing books and pamphlets on those subjects.

The institution will monitor and evaluate the situation with respect to human rights and international humanitarian law on the ground in Lebanon. The following are some of the activities it will undertake in that context:

- Monitoring and assessment of all laws, decrees and administrative decisions in the light of human rights standards;
- Monitoring and documentation of human rights violations and breaches of international humanitarian law during periods of armed conflict, and continuous action to combat impunity;
- Drafting of general and specific reports containing recommendations on these issues.

Article 3

26. Equality among citizens and the need to ensure balanced development for all regions are constitutional principles to which the Lebanese State is committed. Paragraph C of the preamble to the Lebanese Constitution states that Lebanon is a democratic republic founded on respect for public freedoms, social justice, and equality of rights and duties among all citizens without discrimination or preference. According to paragraph G of the preamble, the balanced cultural, social and economic development of the regions is a mainstay of the unity of the State and the stability of the system. Paragraph I states that Lebanese territory is a single territory for all Lebanese and that every Lebanese has the right to reside in any part thereof and to benefit therefrom subject to the rule of law. People shall not be categorized on the basis of any affiliation and there shall be no partition, separation or settlement.

Those principles are reaffirmed in articles 7 and 12 of the Constitution. The former enshrines the principle of the equality of all Lebanese in terms of public rights

and duties, and the latter states that all Lebanese shall enjoy equality of opportunity to hold public office.⁸

27. Notwithstanding these provisions, there is a clear disparity in levels of development between different regions of Lebanon, especially between areas that are distant from and close to the capital city. However, this disparity is no way linked to any form of discrimination on grounds of race.

In addition, the large numbers of refugees in Lebanon continue to place the country's infrastructure and limited resources under considerable strain, as recognized by the international community. This has led to the emergence of many social, health-related and economic problems, not only among refugee groups but also among other people living in areas where the groups find shelter. The continually increasing numbers have rendered the task of monitoring existing needs and finding ways and means to address them a challenge in its own right.

Faced with such circumstances, the Lebanese State is taking steps to protect the social, cultural and economic rights of the various groups in Lebanese society. State institutions are also devising national plans to promote and protect human rights in general, including the provision of support for the most vulnerable groups in order to facilitate their integration into society.

I. Announcement of a National Human Rights Plan for the most vulnerable groups in society

28. On 10 December 2012, the Parliamentary Human Rights Committee announced its National Human Rights Plan prior to its discussion and adoption by the Chamber of Deputies.

The plan was elaborated in response to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna in 1993. It was drafted with the help of parliamentary committees, relevant ministries, human rights and civil society organizations, and international agencies operating in Lebanon, particularly the Office of the United Nations High Commissioner for Human Rights (OHCHR). The plan is intended to serve as a frame of reference for evaluating the human rights situation in Lebanon and for developing proposals for strategies and action plans to implement the provisions of the Constitution and of international human rights instruments to which Lebanon is a party, particularly the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The plan also includes all the recommendations accepted by Lebanon during its universal periodic review before the Human Rights Council on 12 November 2010.

The Parliamentary Human Rights Committee has identified a number of what it considers to be priority issues for the period covered by the plan (2013 to 2019), while other issues will be addressed in subsequent human rights plans.

The issues addressed in the current plan include: women's rights, children's rights, the rights of persons with disabilities, the rights of migrant workers, the social and economic rights of Palestinian refugees and the social and economic rights of non-Palestinian refugees.

The National Human Rights Plan aims to identify the legislative, procedural and executive measures that need to be taken to promote and protect human rights. The Parliamentary Human Rights Committee intends to adopt a comprehensive approach to the issues addressed in the plan and to develop a strategy for their implementation by setting medium- and long-term goals. The plan contains 357 objectives, which are

⁸ See paragraph 7 of this report.

addressed to the Chamber of Deputies, the Council of Ministers, the judiciary, public authorities and civil society organizations. The objectives include: the development by all available means of a human rights culture at every level, especially among the public authorities and security services, and in the general public; the introduction of human rights into school curricula; and promotion of the role of the media and civil society organizations in disseminating a human rights culture. The plan also calls for the establishment of a national human rights institution.

II. Social development projects and programmes of the Ministry of Social Affairs

29. The Ministry of Social Affairs launched a “National Social Development Strategy” based on the National Reconciliation Document approved by the Ministry in 2010, which calls for a unified vision conducive to the building of a civil State based on citizenship. Lebanon commits itself in the National Reconciliation Document to the principle of equality of rights and duties and to improvement of the social and economic situation.

The National Social Development Strategy was drafted by the Ministerial Committee for Social Affairs established in January 2007, which is composed of representatives of ministries and other institutions concerned with social issues and is chaired by the Prime Minister.

The Strategy has the following five basic goals: improvement of health care; strengthening of social welfare mechanisms; enhancement of the quality of education; ensuring equality of opportunity for secure employment; revival of communities and development of social capital. The aim is to pave the way for integrated development and to improve the quality of life by making social services better and more equitable and by increasing social and economic opportunities.

The focal points of the Strategy include: improvement of the quality of education; consolidation of free and compulsory basic education for children between the ages of 6 and 15; establishment of a cooperation mechanism within the Government to guarantee education and to create the social conditions required to ensure access for all to free education at the intermediate level; ensuring equality of opportunity for secure employment; revival of communities and development of social capital; building of a sense of national identity among all citizens without distinction by ensuring that their civil rights and duties are protected by the State with a view to enhancing their sense of citizenship and diminishing sectarianism; enabling the lower and middle classes, as well as low-income families, to purchase property; and formulation of a national housing policy that facilitates homeownership for the middle classes and low-income families.

30. In addition to the National Social Development Strategy, the Ministry of Social Affairs has launched a number of projects aimed at ensuring the integration of all groups into society. They include:

- A “project to respond to the Syrian situation”, which addresses the social circumstances of Syrian refugees;
- A “housing and development programme”, which is a joint project between the United Nations Population Fund and the Ministry. The programme aims to build the capacity to use available information for the purpose of integrating population dynamics, reproductive health and gender equality into development planning and follow-up and monitoring procedures at the national, regional and local level through annual activities such as measures to address emerging issues in national development plans and support for dialogue in that regard. The activities have including training courses on the concept of quality care for older

persons and workshops on support for women in addressing the economic crisis in Lebanon;

- A project “to promote the participation of women in governance and local development”, which is receiving technical and financial support from the Italian Embassy in Lebanon. The project forms part of efforts to assist the Ministry of Social Affairs in reducing social marginalization among the most vulnerable communities in Lebanese society by achieving gender equality. The aim is to build the capacity of Lebanese women to participate effectively and actively in local governance in terms of representation and decision making. The project pursues this goal by integrating a gender equality perspective into the strategies, policies and plans of the Ministry of Social Affairs, which are clearly, coherently and effectively implemented at the local level thanks to a national network of social centres. One of the anticipated results of the project is a reduction in the gap that exists between women’s associations in Beirut and those in rural areas.

The Women’s Affairs Department of the Ministry of Social Affairs cooperates directly with women’s associations and organizes awareness-raising and support programmes and activities for women in various fields.

Article 4

I. Penalties for acts of racial discrimination and incitement to racial discrimination in national legislation

31. Freedom of opinion and expression are enshrined as guarantees of democracy in paragraph C of the preamble to the Lebanese Constitution. Article 9 of the Constitution guarantees freedom of belief and the free exercise of religious rites, provided that they do not disturb law and order.⁹ Freedom of opinion is reaffirmed in article 13 of the Constitution, which states that freedom to express opinions orally or in writing, freedom of the press, freedom of assembly and freedom of association are all guaranteed within the framework of the law.

Moreover, Lebanon complies with the Universal Declaration of Human Rights, as stated in the preamble to the Constitution. Article 19 of the Declaration stipulates that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 20 of the Declaration stipulates that everyone has the right to freedom of peaceful assembly and association, and that no one may be compelled to belong to an association.

32. Restrictions applicable to the exercise of these rights are specified in the country’s criminal legislation. Article 317 of the Criminal Code criminalizes any act, writing or statement the aim or result of which is to foment sectarian or racial strife, or which incites such strife among the country’s communities and various components. Article 318 of the Code penalizes anyone who joins an association established for the purpose indicated in the preceding article. Article 295 of the Code characterizes the dissemination of propaganda in Lebanon with a view to undermining national sentiment or fomenting sectarian or racial strife in time of war, or of impending war, as a major offence.

33. Article 3 of the Television and Radio Broadcasting Act No. 382 of 4 November 1994 stipulates that the audiovisual media are free and that freedom of information may be exercised in accordance with the provisions of the Constitution and the legislation in force, including provisions concerning equality and the principle of non-

⁹ See paragraph 7 of this report.

discrimination. The article prescribes penalties for the dissemination of hatred and extremism and for similar acts conducive to racial discrimination and to supremacism based on colour or ethnicity.

34. With regard to printed material, article 24 of Legislative Decree No. 104, which was promulgated on 30 June 1977 and amended certain provisions of the previous Press and Publications Act, prescribes penalties for anyone who instigates the commission of an offence through a publication, an announcement in the press or another similar act, in accordance with the provisions of article 218 of the Criminal Code. Any written statement calling for or stimulating crime is also deemed to constitute instigation. Article 25 of the same Act, as amended by Act No. 330 of 18 May 1994, criminalizes the dissemination of publications that disparage any of the religions recognized in the country or that are liable to foment sectarian or racial strife, breach the peace or endanger the security, sovereignty, unity, borders or foreign relations of Lebanon. The appellate public prosecutor may seize the publications concerned, refer the matter to the competent court, and suspend publication for a period of at least six months. The penalties may be doubled in the event of recidivism.

35. Despite these legislative efforts to combat racial discrimination, a number of Lebanese municipalities have recently engaged in certain types of unlawful conduct in this regard. As a result of the security and political situation in neighbouring States, some regions are hosting large numbers of foreign workers and refugees, and clashes and security incidents have taken place. The conduct of some of these individuals has led to a number of incidents involving local residents, prompting some municipalities to take measures to prevent such conduct by prohibiting foreigners from moving around the area at certain times.

The municipalities concerned have justified their actions by ascribing them to the lack of security and the increase in crime owing to the increased presence of foreigners and the growing concerns of Lebanese citizens about the dangers arising from the influx of refugees. However, article 74 of the Municipalities Act states that the head of a municipality is not entitled to appropriate powers assigned by the relevant law and regulations to the State security services, such as the imposition of a curfew. Such action can only be taken by the supreme military authority in exceptional circumstances involving, for example, the declaration of a state of emergency or the establishment of a military cordon.

II. Prohibition of propaganda against foreign workers based on racial supremacy and racial discrimination

36. In November 2014, the Minister of Labour issued Cautionary Memorandum No. 48/1, which required all recruitment agencies for foreign domestic workers to remove advertisements that breached humanitarian values on pain of prosecution for human trafficking.

The Minister stated in the Memorandum that the Ministry considered advertisements of that kind to be tantamount to human trafficking and that it would institute legal proceedings against any agency that used such an advertisement to publicize its activities. The Memorandum was a response to the current situation in Lebanon, where recruitment agencies for foreign domestic workers publicize their activities in newspapers and through billboards, advertisements and posters using human-trafficking-style expressions such as: “We will secure a maidservant for you”, “The cost of taking her home”, “You can pay in instalments”. According to the Memorandum, such announcements breach the provisions of the Decision that regulates the agencies and are indicative of business practices that are incompatible with local laws and international labour conventions ratified by Lebanon.

In fact, the Decision that regulates recruitment agencies for foreign domestic workers prohibits the proprietors of such agencies from publicizing their professional activities in any way, on pain of losing their permit.

Article 5

I. The right to equal treatment before the tribunals and all other organs administering justice

(a) Legal guarantees of the right to litigate

37. Lebanese law, specifically article 7 of the Code of Civil Procedure, guarantees the right of all persons to litigate, and it does not discriminate between Lebanese nationals and foreigners. The article stipulates that all natural and legal persons, whether Lebanese nationals or foreigners, have the right to litigate and the right to a defence. It should be noted that the Code of Criminal Procedure requires foreign plaintiffs to provide a surety. The purpose of that provision is to prevent abuse of the right to litigate in criminal cases by, for example, instituting proceedings against a person and then leaving the country. However, the legislators sought to ensure that this requirement would not prevent foreigners from exercising their right to litigate. They therefore authorized judges to waive foreign citizens' obligation to provide surety if they were financially unfit to do so.¹⁰ Moreover, neither the provisions of the Lebanese Legal Fees Act nor those of the Labour Code concerning cases brought before labour arbitration boards discriminate in any way between Lebanese nationals and foreigners as regards legal fees.¹¹

Article 426 of the Code of Civil Procedure allows foreigners who are habitually resident in Lebanon to benefit from legal aid, subject to the condition of reciprocity. The Code of Criminal Procedure requires judicial authorities hearing criminal cases to appoint legal counsel for defendants who are unable to hire one themselves, or to ask the President of the Bar Association to do so. There is no discrimination between Lebanese and foreign defendants in this regard, as the appointment of defence counsel for a defendant is mandatory in both cases.¹² Courts must apply this rule without discrimination.

38. With regard to judicial rules and procedures, particularly respect for the right to a defence, the general legal provisions regulating courts of justice and administrative courts do not discriminate on grounds of the nationality, origin or gender of the parties. This is also true of the rules and procedures for bringing cases before a labour arbitration board. The jurisdiction of the board is objective rather than subjective inasmuch as it depends on the type of contract underlying the dispute, which must be an employment contract as defined in the Labour Code or a work permit or service contract as defined in article 624, paragraph 1, of the Obligations and Contracts Act, irrespective of the nationality of the parties concerned.

The same rules apply when deciding which law is applicable (i.e. the Labour Code or the Obligations and Contracts Act): it depends on the type of contract, irrespective of the nationality of the contracting parties. These principles are reaffirmed in the jurisprudence of the labour arbitration board.

39. In addition to the foregoing, Act No. 164 concerning punishment of the crime of trafficking in persons contains provisions that protect the right of foreigners to litigate.

¹⁰ See articles 67, 68 and 155 of the Code of Criminal Procedure.

¹¹ See the Legal Fees Act promulgated on 10 October 1950 and article 80 of the Labour Code promulgated on 23 September 1946.

¹² See articles 78 and 238 of the Code of Criminal Procedure.

In fact, the Act allows the foreign victim of a crime to reside in Lebanon throughout the investigation, pursuant to a judicial order.¹³

(b) The duty of the security services and the judiciary to respect and safeguard human rights and to ensure non-discrimination

40. The security services and the judiciary seek to ensure that human rights are respected and protected by all their staff by spreading a human rights culture, safeguarding rights and emphasizing the duty to respect and preserve them.

41. The Directorate General of the Internal Security Forces issued its Code of Conduct for the Internal Security Forces in 2011. The Code specifies the duties of members of the Internal Security Forces and the legal and ethical standards that officers and their subordinates must observe when performing their duties. It also regulates their dealings with individuals, groups and the authorities, and seeks to ensure that human rights are respected and public freedoms are safeguarded in accordance with national legislation and international treaties. The Directorate General has distributed the Code among the members of the Internal Security Forces.

The Code of Conduct regulates the professional duties of members of the Internal Security Forces, including their duty to respect human dignity and protect human rights. The Code requires them to act with integrity, in accordance with their duty to avoid any abuse of authority, to perform their duties impartially and to treat everyone with justice and fairness in enforcing the law. They must avoid discrimination on grounds of race, ethnicity, religion, regional or national origin, gender, age, social status or any other factor. The Code likewise enjoins members of the Internal Security Forces to behave morally and with decorum and courtesy, and to develop optimal relations with others in order to engender trust and ensure cooperation. It also stipulates that members must abide by the rules and report any violations thereof so that the necessary disciplinary and legal action can be taken against those responsible.

42. With regard to the judiciary, on 11 January 2005 the Supreme Judicial Council and the State Council approved a “Judicial Code of Ethics” which had been drafted by an independent judicial committee appointed by the Minister of Justice. The Code establishes fundamental ethical rules governing judicial activity based on eight principles: independence, impartiality, integrity, restraint, moral courage, humility, honesty, dignity, competence and diligence. The rules were derived from legal texts to which they make direct or indirect reference, rules recognized and adopted prior to the publication of the Code, and judicial precedents. They reflect, according to the Minister of Justice, most of the content of international treaties and of other relevant rules currently applied in Lebanon.

The Code was distributed among judges once again in 2010 following the publication of the “Guide to the Duties and Ethical Obligations of Judges”.

The Code clearly states that equality is one aspect of impartiality and that the principle of equality requires judges to refrain from showing partiality towards any of the parties to a case on grounds of denomination, religion, ethnicity, colour, nationality, age, gender, civil status, or physical or mental capacities, and to treat lawyers, litigants, witnesses, judicial assistants, experts and fellow judges without discrimination on the aforementioned grounds.

Although the Code is not mentioned in any law or decree, there is general agreement that it is binding on judges, especially since most of the rules were derived, either directly or indirectly, from legal texts, as noted above. It follows that any

¹³ See paragraphs 12 and 13 of this report.

violation of the Code could constitute judicial misconduct entailing disciplinary or administrative action against the offending judge, either by the Supreme Judicial Council or by the Disciplinary Council for judges, depending on the seriousness of the violation.

II. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

(a) Prohibition and prosecution of inhuman acts

43. By Act No. 12 of 5 September 2008, Lebanon ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 18 December 2002.

44. The general rules in force require the Office of the Public Prosecutor to institute proceedings for acts that constitute criminal offences before the competent judicial authorities. In addition, the disciplinary boards of institutions take the requisite action against their staff.

45. The first judicial ruling in that regard was delivered in 2007 when a member of the Internal Security Forces was convicted of using torture to extract information from a detainee. Such an act constitutes an offence under article 401 of the Criminal Code and the defendant was sentenced to 15 days' imprisonment and required to pay compensation to the victim.¹⁴

(b) Establishment of means of communication and protection for potential victims

46. The Ministry of Labour has set up an office to receive complaints and enquiries from Lebanese and foreign workers. The office is accessible at all times by hotline.

47. The Ministry of Labour also has an inspection department and an investigation department dealing with labour issues. In 2014 the Ministry, acting through these two departments, undertook 1,193 regular and emergency inspections, and launched 63 investigations into work permits granted to foreigners, 1,152 investigations into workers' complaints, and 92 investigations into complaints concerning recruitment agencies for foreign domestic workers.

On 12 January 2005, the Directorate General of Public Security, Caritas Lebanon Migrant Centre and the International Catholic Migration Commission signed a memorandum of understanding on cooperation in implementing a project for the protection of female victims of human trafficking in Lebanon. Under the terms of the memorandum, female beneficiaries of the project must be foreign workers who are victims of human trafficking or sex trafficking, or foreign workers employed as prostitutes who wish to terminate such employment because they were drawn into it by coercion, threats or deception.

The project provides for the establishment of a "safe house" to serve as a temporary shelter for trafficking victims and for action to secure victims' voluntary return to their country of origin in a manner consistent with Lebanese law. The Directorate General of Public Security takes legal action against human traffickers in accordance with the Lebanese legislation currently in force.

The Directorate General of Public Security also compiles data concerning female victims of trafficking and classifies them according to nationality, type of complaint made, how the complaint was handled and the administrative status of the victim once the case was resolved by the Directorate General. The following table provides

¹⁴ District criminal court judge in Beirut: judgement of 8 March 2007.

information concerning cases registered in 2014, according to the records of the Directorate General of Public Security.

Number of potential victims who have benefited from the project, classified by nationality

Filipino	4
Bangladeshi	5
Cameroonian	2
Nepalese	2
Malagasy	1
Togolese	2
Congolese	1
Kenyan	4
Ethiopian	23
Madagascar	1

Type of complaint made by potential victims, based on the content of the complaint (a single potential victim may have submitted more than one complaint)

Salary	25
Beatings	31
Ill-treatment	20
Threats	3
Sexual harassment	6
Confinement	3
Rape	1
Unacceptable working conditions	1
Excessive work	7
Pregnancy	1
Multiple sponsors	2
Illness	1
Exploitation	2
Juvenile	2

Action taken

Failure to establish the truth of the complaint	14
Departure of the potential victim from the country	22
A settlement reached between the two parties	1
Termination by the potential victim of employment with her sponsor	2
Suspension of the sponsor's right	3
Referral of the case to the competent court	3
Referral of the complaint regarding salary to the competent court and failure to establish the veracity of the other complaints	5
Attainment by the victim of some of her rights	3
Attainment by the victim of her financial rights and failure to establish the veracity of other complaints	8

Action taken

Issuance of a circular by the Director of the Directorate General of Public Security concerning the need to intervene immediately in such cases	1
Sponsor located outside Lebanon	1

(c) Legal protection for persons entering Lebanon clandestinely and application of the principle of non-refoulement

48. The Directorate General of Public Security treats refugees in accordance with international standards. The most important of these is the principle of non-refoulement which precludes States from forcibly returning persons to countries where their lives may be in danger. Expulsions take place only by order of the competent authorities.

The Lebanese judiciary has issued a number of decisions concerning non-refoulement of asylum seekers who entered Lebanese territory clandestinely out of concern that they would be tortured if returned to their countries of origin. The decisions were in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3 of which stipulates that no State party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

49. The Lebanese courts have issued a number of rulings rescinding penalties imposed on foreign refugees who entered Lebanon illegally due to the security situation in their own country and were convicted of the offence of clandestine entry, which is criminalized under article 32 of the Act regulating entry into Lebanon, residence in the country and departure. The courts accepted that the persons concerned had acted out of necessity. One ruling went still further. The court decided that a person whose life and safety were in danger owing to the unstable security situation in his country was, in fact, being “persecuted”. Pursuant to article 14 of the Universal Declaration of Human Rights, to which the Lebanese State subscribes in the preamble to the Constitution, such persons, by virtue of their humanity, have the natural right to enter a safe country to escape such persecution and to seek protection for themselves and their families. The court rescinded the penalties imposed on a Syrian citizen who had fled from violence in his country to Lebanon, but had not crossed the border at an official checkpoint. The court invoked article 183 of the Criminal Code, which states that an act undertaken in exercise of a right without abuse shall not be regarded as an offence.¹⁵

It should be pointed out that the use of such reasoning to impede the imposition of penalties on a defendant for clandestine entry into Lebanon is not automatic but depends on fulfilment of the condition of non-abuse of the right to seek refuge from persecution. Assessment of compliance with that condition is conducted on a case-by-case basis and depends on the circumstances surrounding the flight to Lebanon, particularly in terms of the security of the defendant. The condition of non-abuse means in practice that it must have been impossible for the defendant, under the existing circumstances, to follow the legal rules governing entry into the country.

¹⁵ District criminal court judge in Tripoli: judgement of 28 May 2012.

III. Political rights

The right to vote

50. Every Lebanese citizen has a constitutional right to vote. According to article 21 of the Constitution, all Lebanese citizens who have reached the age of 21 are entitled to vote provided that they fulfil the conditions laid down in the electoral legislation.

51. Lebanese society has a complex denominational structure. Eighteen different religious communities are recognized by the State and their members are spread throughout Lebanese territory. With a view to safeguarding the political rights of all members of these communities, a denominational political system has been adopted which, while in no way affecting the fact that Lebanon is a secular State, aims to ensure that all citizens, without distinction, can participate in political life by ensuring that all communities are represented in the Chamber of Deputies. Pursuant to the Charter of National Reconciliation of 1989, parliamentary seats are distributed evenly among Christians and Muslims and proportionately among their denominations and regions.¹⁶ However, pursuant to article 27 of the Constitution, each elected Member of the Chamber of Deputies is a representative of the whole country and not just of his or her own community or electoral district.

The denominational political system is perceived as one of the mainstays of coexistence among the Lebanese people. Successive Governments have reviewed the Parliamentary Elections Act, giving due consideration to the rules that underpin coexistence, while seeking to ensure correct and effective political representation for all groups in the light of changes in demographics and population distribution, until such time as political denominationalism can be eliminated. In fact, the gradual elimination of political denominationalism is recognized as a fundamental national goal in paragraph H of the preamble to the Lebanese Constitution.

The elimination of political denominationalism in Lebanon would involve many changes and would have an impact on a culture that is deeply rooted in the minds of the Lebanese people. Both the State of Lebanon and its citizens believe that such a change must come about slowly and surely once the appropriate climate has been achieved. A peaceful climate conducive to the elimination of political denominationalism does not exist at the present time, particularly because the conflicts and security incidents in the countries of the region have repercussions on the situation in Lebanon.

IV. Other civil rights

(a) The right to freedom of movement, to leave any country, including one's own, and to return to one's country

52. The right to freedom of movement, to leave a country and to return to one's country are protected as part of the general protection provided for individual liberties. Article 8 of the Constitution stipulates that individual liberty is guaranteed and protected by law, and that no one may be arrested or detained save in accordance with the provisions of the law. These rights are also protected by paragraph B of the preamble to the Lebanese Constitution, which stipulates that Lebanon is a founding and active member of the United Nations and abides by its treaties and by the Universal Declaration of Human Rights, and requires the Government to embody these principles in all areas without exception. Moreover, the right to freedom of movement and to leave any country are rights and freedoms guaranteed by international treaties to which Lebanon is a party, in particular the Universal

¹⁶ For details of this distribution, see paragraph 10 of the combined fourteenth to sixteenth periodic reports of Lebanon (CERD/C/383/Add.2).

Declaration of Human Rights and the International Covenant on Civil and Political Rights.

53. Despite the legislative protection provided for the rights under review, a practice has arisen in Lebanon whereby certain employers — sponsors of foreign workers, particularly foreign domestic workers — retain the passports of the workers they employ.

54. The Lebanese judiciary has ruled on a number of occasions that the practice of retaining a foreign worker's passport is unlawful.¹⁷ For example, the Summary Affairs Court ruled that the former employer — and former sponsor — of a litigating foreign worker had to return the latter's passport. The court held that a passport is the document that enables a person to leave any country and that enables a foreigner, since it constitutes an identity document, to move around a foreign country and to obtain basic services. Retention of the foreign worker's passport was held on those grounds to constitute a violation of her fundamental rights, including the right to freedom of movement and the right to leave any country, which are guaranteed under article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, to which Lebanon is a party. The court ruling further stated that this practice constituted a covert and unjustifiable form of discrimination between Lebanese and foreign workers and hence a contravention of Lebanon's international obligations. The ruling explicitly invoked in this regard the principle of equal rights and the unacceptability of discrimination on any ground, which is enshrined in article 26 of the International Covenant on Civil and Political Rights and articles 4 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, particularly the provisions in article 5 concerning the right to freedom of movement and the right to leave any country, including one's own, and to return to one's country. The ruling went on to state that the financial burden incurred by an employer who brought a foreign worker to Lebanon could not be invoked to justify retention of the worker's passport, since curtailment of the foreign worker's freedom could not be used to guarantee financial rights, nor could it serve as a guarantee that the foreign worker would not leave his or her job.¹⁸

55. Officers of the Directorate General of Public Security now seek to return passports directly to foreign workers themselves when they enter Lebanon and the necessary legal formalities have been completed, whereas they previously handed over the passports to the sponsor.

(b) The right to nationality

56. The acquisition of Lebanese nationality is regulated by Decision No. 15 of 19 January 1925, which adopts the principle of paternal filiation for the acquisition of nationality. Lebanese women are not entitled to grant Lebanese nationality to their children born of a non-Lebanese father. Lawmakers in Lebanon remain committed to that rule as a way of enforcing the injunction against settlement enshrined in paragraph I of the preamble to the Constitution. It should be pointed out that these provisions are not inconsistent with article 1, paragraph 3, of the International Convention on the Elimination of All Forms of Racial Discrimination because they are applicable to all foreigners and do not discriminate against any particular nationality.

57. The Lebanese judiciary has established the right of a foreign woman married to a Lebanese man to acquire Lebanese nationality one year after the registration of her marriage, without discrimination between foreign women with established identity and those without. Furthermore, the judiciary has affirmed the right of a foreign woman

¹⁷ See paragraph 47 of the seventeenth periodic report of Lebanon (CERD/C/475/Add.1).

¹⁸ Summary affairs judge in Beirut, decision No. 300/2014 of 23 June 2014.

married to a Lebanese man to acquire Lebanese nationality one year after the registration of her marriage without obtaining her husband's consent.

58. With a view to alleviating the impact of the nationality legislation on Lebanese families with a foreign father, Decree No. 4186 of 31 May 2010 allows the Director General of Public Security to grant discretionary residence for a period of three years, renewable, to the foreign husband of a Lebanese woman after one year has elapsed since their marriage and to the children of a Lebanese woman by a foreign husband, regardless of whether they are adults or minors, and of whether they are employed. Decree No. 10955 of 17 September 2003 had permitted the granting of discretionary residence to an Arab or a foreigner with a Lebanese mother only if he or she was unemployed.

(c) Freedom of religion and freedom to marry

59. Freedom to marry is protected in Lebanon as part of the general protection accorded to individual liberties. Citizens wishing to marry are subject to the laws of the denomination to which they belong, in accordance with article 10 of Decree No. 60 L.R., which regulates religious communities in Lebanon. Article 10 also stipulates that Lebanese citizens belonging to a duly recognized community are subject to the Civil Code in matters relating to their civil status. However, no civil status act has ever been enacted in Lebanon. Nonetheless, Lebanese law recognizes the legal effect of all civil marriages contracted by Lebanese nationals abroad, provided that they were contracted in accordance with the formalities applicable in the country concerned. Such marriages are placed under the jurisdiction of the civil courts, which apply whatever foreign Civil Code the spouses choose. However, if both spouses are Muslims and at least one of them is Lebanese, the marriage remains subject to the sharia or denominational courts, which apply the denominational law applicable to that community.¹⁹

If Lebanese citizens wish to get married without being subject to denominational laws, especially where the spouses are from two different communities, they generally contract a civil marriage in a foreign country where such marriages are recognized by law.

60. Following the action taken by civil society associations to abolish political denominationalism and to put an end to the system whereby Lebanese nationals are subject to the laws of their religious community in matters relating to their civil status, a number of citizens have filed requests to have the reference to their community removed from their registration documents. On 21 October 2008, the Minister of the Interior and Municipalities issued a decision concerning the duty to respond to such requests. On 6 February 2009, the Minister issued a circular affirming the right of citizens to refrain from declaring their religious community in civil status registers and to remove any existing reference, inasmuch as that right was recognized in the Constitution and the Universal Declaration of Human Rights.

61. It was also thanks to such activism that the first civil marriage between Lebanese nationals took place in Lebanon. The spouses had both applied to have the reference to their religious community removed from their identity documents, pursuant to aforementioned article 10 of Decree No. 60 L.R. concerning duly recognized religious communities. The marriage was recorded in the population register after the Supreme Advisory Board of the Ministry of Justice issued an opinion on 11 February 2013 reaffirming the right of Lebanese nationals who do not belong to a religious community to contract a civil marriage in Lebanon. This view was based on constitutional law and international treaties which enshrine the right to freedom of

¹⁹ Article 25 of Decree No. 60 L.R. and article 79 of the Code of Civil Procedure.

belief and the right to marry. The Supreme Advisory Board further opined that, in view of the lack of a Lebanese civil status act concerning the legal effects of marriage, the principle of freedom of choice was applicable, so that it was up to the spouses to designate in their marriage contract a civil code of their choice that would regulate the legal effects of their union, especially in terms of personal and financial matters.

V. Economic, social and political rights

Measures taken to guarantee the universal right to education

62. According to the provisions of Act No. 150 of 17 August 2011, basic education is compulsory, is provided free of charge in public schools and constitutes a right of all Lebanese children of basic education age. Under the earlier legislation only primary education was compulsory and free of charge.

63. In view of the major increase in non-Lebanese pupils due to the inflow into Lebanon of Syrian refugees, the Ministry of Education and Higher Education has recently issued a number of circulars regulating the admission of non-Lebanese pupils to public schools.

Educational support programmes have been introduced to cover school fees and books, while UNHCR has launched an urgent supplementary programme for internally displaced pupils who are at risk of dropping out of school. Afternoon basic education classes have been organized in a number of public schools in order to accommodate pupils who have come to Lebanon due to the crisis in Syria. In addition, the Ministry of Education and Higher Education has taken steps to enable pupils who do not have documentary proof of their studies in Syria to sit examinations for the ninth-grade school certificate.

It should be noted that donor organizations sometimes also cover the costs of enrolment of non-Syrian refugee pupils. This was the case in the 2014/15 academic year for Iraqi pupils who had recently arrived in Lebanon.

64. The following two tables contain data from the Ministry of Education and Higher Education concerning the number of foreign pupils in Lebanese schools, listed by nationality and by sector, in the academic year 2004/05 (the beginning of the period covered by this report) and the academic year 2013/14.

Distribution of pupils by nationality and education sector during the academic year 2004/05

<i>Nationality</i>	<i>Private</i>	<i>Public</i>	<i>Total</i>
Syrian	5 111	10 060	15 171
Palestinian	6 338	4 146	10 484
Jordanian	275	104	379
Egyptian	503	724	1 227
Saudi Arabian	266	7	273
Iraqi	341	196	537
Kuwaiti	66	13	79
Other Arabs	546	259	805
Turkish	108	251	359
French	549	1	550
German	145	7	152
Italian	49	4	53

<i>Nationality</i>	<i>Private</i>	<i>Public</i>	<i>Total</i>
Spanish	18	-	18
Iranian	63	-	63
Other foreigners	2 255	316	2 571

Distribution of pupils by nationality and education sector during the academic year 2013/14

<i>Nationality</i>	<i>Private</i>	<i>Public</i>	<i>Total</i>
Syrian	26 121	63 435	89 556
Palestinian	40 525	4 759	45 284
Jordanian	395	106	501
Egyptian	1 188	975	2 163
Saudi Arabian	233	19	252
Iraqi	984	491	1 475
Kuwaiti	62	3	65
Other Arabs	524	145	669
Turkish	98	108	206
French	809	2	811
German	198	14	212
Italian	82	2	84
Spanish	43	2	45
Iranian	118	32	150
Other foreigners	3 821	212	4 033

65. With regard to the right to education of foreign pupils, the Director General of Public Security may, pursuant to Decree No. 10955 of 17 September 2003, grant discretionary residence for a period of three years, renewable, to Arab or foreign children who were born in Lebanon to non-Lebanese parents if they wish to continue their studies. The aim is to take account of the situation faced by children who, having been born in Lebanon and resided there for a period of time in the company of their parents, particularly in the case of foreign workers, may have been unable to learn their native language and may therefore find it difficult to continue their studies in their own country. The Decree gives the Director General of Public Security the right to issue residence permits at his discretion. He may, for instance, grant discretionary residence to the pupils' parents and their other children in order to maintain the unity of the family while the pupils are studying.

VI. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks

66. Lebanese legislation contains no discriminatory provisions concerning the access to any place or facility intended for use by the general public. It has nevertheless been noted that certain tourist establishments apply racist access policies.

Article 6

I. The right to compensation

67. The Lebanese State guarantees to anyone present in its territory the right to seek relief in the national courts for any damages they may have suffered as a result of racial discrimination, violations of human rights and fundamental freedoms, and any violation of this Convention with a view to obtaining fair and adequate compensation and with a view to safeguarding their rights, dignity and integrity. These provisions are based on the principles of culpable liability under Lebanese law, specifically those referred to above.

68. A person who has suffered damages as a result of an act of racial discrimination, which constitutes a punishable offence under the above-mentioned legal provisions, has the right to compensation for those damages, in accordance with the general rules applicable to victims of crime set forth in the Code of Criminal Procedure and the Criminal Code.

According to the general rules, where the act in question does not constitute a criminal offence, the right of the aggrieved person to compensation is subject to the provisions of article 122 of the Code of Obligations and Contracts concerning culpable liability. According to article 122, the author of any act resulting in unlawful damage to the interests of a third party is required to pay compensation.

In both cases, the amount of compensation to be paid is determined by the court of first instance, which bases its deliberations on the information available and the scale of the damage caused. The compensation must be proportionate to the material or moral damages sustained.

II. The principle of free access to justice

69. The principle of free access to justice forms part of the right to institute legal proceedings, which is guaranteed to everyone, both Lebanese and foreigners, under Lebanese law.²⁰ Legal fees do not constitute an obstacle to the exercise of this right, particularly in criminal cases, as the intention underlying the fees is to limit the number of spurious cases. Thanks to the system of legal aid, the obligation to pay fees can be waived entirely if the person concerned is needy and the case is likely to succeed.

III. Judicial rulings of relevance to the fight against racial discrimination and the protection of foreign workers

70. The Lebanese judiciary has issued a number of rulings aimed at protecting the rights of foreign workers. The Lebanese courts apply criminal and civil law without positive or negative discrimination based on the Lebanese or foreign nationality of the party concerned or the victim. The fact that the victim of an offence is a foreigner does not constitute a ground for mitigating the penalty imposed on the offender.²¹ With regard to the violence used by some employers against foreign domestic workers, a district court criminal judge handed down a judgement on 31 October 2013 convicting a Lebanese woman under article 555 of the Lebanese Criminal Code of the offence of physical abuse for violently beating a foreign domestic worker she had employed. The offender was sentenced to 3 months' imprisonment and to the payment of a fine, and was ordered to pay personal compensation of LL 10 million to the victim.

²⁰ See paragraphs 37 ff. of this report.

²¹ Criminal Court of Mount Lebanon, judgement of 23 June 2000.

A domestic worker of Indian nationality brought a case against her Lebanese employer, who had dismissed her without notice and without paying her wages. The competent Labour Arbitration Board ruled that the employer had to pay the full amount of wages due to the worker. He was also required to pay a sum in lieu of notice and compensation for dismissal, pursuant to the provisions of the Code of Obligations and Contracts, as well as damages for abusing the right to terminate a contract. The total amount adjudged to the worker in this case amounted to almost US\$ 40,000.²²

Article 7

I. Education and teaching

(a) Educational plans and programmes

71. An Educational Development Plan, adopted by the Council of Ministers on 8 May 1994, and pre-university curricula for public schools, adopted by Decree No. 10277/97 of 8 May 1997, both contain provisions aimed at combating racial discrimination in education. The Centre for Educational Research and Development, which is the national body responsible for modernizing and developing education, focuses on the development of curricula for all stages of pre-university education, highlighting a number of important principles such as: individual character development; encouragement of interaction with others in a spirit of responsible citizenship and shared humanity; generation of awareness of the importance of practising moral and humanitarian values, respecting others and laying the foundations for coexistence, respecting and accepting the differences between people, respecting persons of the opposite sex, respecting people of other nationalities and their way of life, and interacting with others on the basis of equality and non-discrimination on any ground. These provisions are intended to reflect the Convention against Discrimination in Education of 1960.

72. In addition to the foregoing, the Centre for Educational Research and Development has sponsored research into the image of women in school textbooks and, beginning in 2006, has undertaken a number of reviews of the subject. In accordance with the recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO), guidelines for the compilation of national textbooks and the new school curricula underscore the need to encourage equality between females and males, also in terms of language (use of expressions such as “he/she”), and to stress the importance of women’s work and their role in society. A number of training courses on gender equality have also taken place.

73. The Centre for Educational Research and Development is currently reviewing the school and civic education textbooks used at the various levels of intermediate and secondary education, and intends to integrate into them subjects such as awareness-raising of the need to reject all forms of racism, racial discrimination, xenophobia and related forms of extremism. The aim is to help students understand public freedoms and to recognize them as basic and universal rights pertaining to the individuality and beliefs of all persons, their right to freedom of expression and other fundamental human rights.

74. In coordination with civil society organizations, the Centre for Educational Research and Development has implemented a number of projects aimed at promoting cultural and social awareness among young people. They include the “Colours” educational programme, which is being run in schools with the cooperation of the

²² Labour Arbitration Board in Beirut, Chamber I, ruling No. 258/2009 of 22 April 2009. The ruling was upheld on appeal: Court of Cassation, Chamber VIII, ruling No. 50/2010 of 1 June 2010.

Adyan Foundation. The programme aims to instil the idea of citizenship in a context of religious diversity, to promote acceptance of others who are different from ourselves, and to support values, behaviour and attitudes conducive to harmony and affection between religions and increased mutual understanding and knowledge among young people of different affiliations.

75. The Office of the President of the Lebanese University has incorporated a mandatory human rights module into all its courses.

(b) Promotion of a human rights culture in the Internal Security Forces

76. The Directorate General of the Internal Security Forces launched a strategic plan for the period 2010-2013, the priorities of which included protection of human rights and freedoms and promotion of professionalism within the Internal Security Forces. In this context, a “Human Rights Division” was created within the Inspectorate General of the Internal Security Forces and a human rights module was introduced into staff training courses. The awareness-raising courses for officers of the Internal Security Forces also include modules on human rights and community policing. The Code of Conduct for the Internal Security Forces was introduced with the aim of ensuring that security officials espouse humanitarian values and abide by standards of honour, impartiality, justice, professionalism and neutrality in performing their duties without discrimination. The intention is to ensure respect for human rights and to protect public freedoms by recognizing the inherent dignity of human beings and their equal rights to freedom, justice and peace without discrimination of any kind, in accordance with the provisions of the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, which stipulate that all human beings are born free and equal in dignity and rights, the provisions of the Constitution and international standards, and in view of the importance of establishing a national culture to protect and promote human rights.²³

77. The Human Rights Division of the Inspectorate General of the Internal Security Forces, which was established pursuant to Decree No. 755 of 3 January 2008, has been assigned the following tasks:

- To introduce the concept of human rights into the different sections of the Directorate General of the Internal Security Forces;
- To raise human rights awareness among officers of the Directorate General of the Internal Security Forces;
- To protect human rights in Lebanon from violations by the staff of any of the sections concerned and to take steps to ensure that human rights are respected;
- To propose amendments to laws and regulations governing the Internal Security Forces with a view to aligning them with human rights;
- To educate, disseminate information and compile documentation regarding all aspects of human rights;
- To conduct the necessary research, and to promote theoretical and practical human rights training courses for the benefit of members of the Directorate General of the Internal Security Forces;
- To provide the various sections of the Directorate General of the Internal Security Forces with the requisite guidance concerning human rights;
- To coordinate with both civil society and governmental human rights bodies at the local, regional and international level with a view to improving the human

²³ See paragraph 41 of this report.

rights performance of the various sections of the Directorate General of the Internal Security Forces;

- To establish an electronic database on human rights in Lebanon;
- To publish material on human rights and other activities designed to promote human rights in Lebanon, and to distribute it to the various sections of the Internal Security Forces in coordination with the relevant section of the Directorate General of Public Security.

II. Information

Protection of foreign domestic workers

78. In November 2014, the Minister of Labour issued Memorandum No. 48/1, which required all recruitment agencies for foreign domestic workers to remove advertisements that breached humanitarian values on pain of prosecution for human trafficking.²⁴

At the initiative of the Ministry of Labour, a case relating to an advertisement for the recruitment of foreign domestic workers, which was deemed to be tantamount to human trafficking and to breach humanitarian values, has been referred to the Office of the Public Prosecutor.

²⁴ See paragraph 36 of this report.