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مجلس حقوق الإنسان

الدورة الرابعة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

مذكرة شفوية مؤرخة ٢٤ أيلول/سبتمبر ٢٠١٣ موجهة من البعثة الدائمة للبنان لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف إلى أمانة مجلس حقوق الإنسان

تهدي البعثة الدائمة للبنان لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف تحياتها إلى أمانة مجلس حقوق الإنسان، وتشرف بأن تشير إلى التقرير المواضيعي للمقرر الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، غولنارا شاهينيان، بشأن التحديات والدروس المستفادة في مكافحة أشكال الرق المعاصرة (A/HRC/24/43)، الذي قدمته المقرر الخاصة إلى المجلس في دورته الرابعة والعشرين.

وترفق البعثة الدائمة طيه تعليقات حكومة لبنان على التقرير المذكور أعلاه، وترجو تعميم هذه المذكرة الشفوية والتعليقات* على جميع الدول الأعضاء في الأمم المتحدة كوثيقة من وثائق الدورة الرابعة والعشرين لمجلس حقوق الإنسان.

* مستنسخة في المرفق كما وردت وباللغة التي قدمت بها فقط.

Annex

[English only]

Comments by the Lebanese Government on the report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, Ms. Gulnara Shahinian, “Thematic report on challenges and lessons in combating contemporary forms of slavery” Doc. (A/HRC/24/43)

The Lebanese Government wishes to refer to the report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and its Consequences, No. A/HRC/24/43, and in particular paragraph 13 which states the following:

“During her mission to Lebanon, the Special Rapporteur was informed that migrant domestic workers made up 25 per cent of the Lebanese workforce and faced “physical abuse, a category encompassing physical suffering caused by working a minimum of 18 hours per day and physical assault... non-payment of wages, sexual abuse, moral harassment, food deprivation, sexual harassment, forced labor... physical threats, forced prostitution, non-renewal of papers and employment of minors” (A/HRC/21/41/Add.1, Para. 9). The Governments of Madagascar, Philippines and Sri Lanka have since prohibited their citizens from working in domestic service in Lebanon due to these extremely poor conditions and the fact that there is virtually no system in place in Lebanon to protect domestic workers. Article 7 of the Lebanese Labor Code of 1946 specifically excludes domestic workers from its provisions (*ibid.*, Para. 21).”

In this regard, the Government of Lebanon wishes to present the following comments and clarifications:

1. **In broad terms**, the occurrence of some rare and regretful cases of abuses to domestic workers' rights in Lebanon does not and should not be taken as a pretext for generalization, and subsequent projection on the totality of the large number of male and female workers in Lebanon. Also, the acknowledgment of positive steps and ambitious endeavors taken by the Lebanese Government in that regard should not be surpassed.
2. **With regard to the reference to cases of “employment of minors”**, it should be highlighted that the Ministry of Labor of Lebanon does not grant work permits to foreign workers who are under 18 years of age, which rules out any legal setting for employment of minors among migrant workers. The Lebanese Government also issued Decree No. 8987 dated 29/09/2012 prohibiting the employment of any minors under the age of 18, in works which are likely to harm their health, safety or morals.
3. **With regard to allegations of “physical threat, forced prostitution and forced labor...”**, it must be pointed out that Law No. 164 dated 08/24/2011, on the prohibition of and punishments for the crime of human trafficking, stipulates ways for providing assistance and protection to victims of this deplorable crime.
4. Attention should be drawn as well to Minister of Labor’s Resolution No. 1/1 dated 3/1/2011, concerning the organization of recruitment agencies. Article 15 thereof forbids the owners of such agencies from receiving any direct or indirect

material compensation from foreign workers under the penalty of cancellation of their licenses. Also, Article 16 forbids them from ill-treatment towards workers (as insults or beating), and obliges them, in case of disagreement between them and workers or employers, to inform the Ministry of Labor and file a complaint before the competent bodies and the judiciary authorities if necessary.

5. Concerning what was mentioned in the report on certain countries decisions to ban their citizens from working in Lebanon - namely Madagascar, Philippines and Sri Lanka - the following facts should be noted: Negotiations are currently underway with the embassies of the mentioned countries, and memorandums of understanding (MoUs) are being prepared with two of them (the Philippines and Sri Lanka) and with other countries that have nationals working in Lebanon (for example, Ethiopia), in order to protect the rights of male and female workers, and legally organize the processes of their recruitment. These draft MoUs are undergoing some modifications in order to be finally signed and implemented. It should be noted that the Philippines, which used to ban its female citizens from traveling to Lebanon for work, partially lifted this ban after witnessing the progress made by the Ministry of Labor with regard to guaranteeing the rights of these female workers, and sought the preparation of an MoU and a draft bilateral agreement to be signed with Lebanon. By partially lifting the ban, what is meant is allowing Philipinos working in Lebanon to travel to the Philippines by virtue of their work permits and return to Lebanon without any obstacles.

6. **As far as the relevant legislative texts are concerned**, the Ministry of Labor prepared a draft law on decent work for domestic workers that was submitted to the Council of Ministers on 03/14/2013, guided by the standards set forth by the International Labor Organization (ILO) Domestic Workers Convention of 2011 (No. 189), namely the articles relating to the wage, work and rest periods, and weekly and annual vacations and sick leaves, the extent of responsibility of both the employer and domestic worker in cases of termination of the contract and compensation due to each of them. The draft law also highlights the principle of non-discrimination in employment whether be it on the basis of race, skin-color, religion, sex, political opinion, national origin or social origin.

7. It would be useful and important to name but a **few measures taken by the Ministry of Labor** in order to protect domestic workers and promote good working conditions:

- The reorganization of the recruitment offices sector in Lebanon, and the adoption of new controls regulating their work in line with international standards on combating human trafficking and elimination of the quota principle;
- The elaboration of a unified labor contract in accordance with the standards set forth in ILO Convention No. 189, and in conformity with the content of the draft law on decent work for domestic workers;
- The recruitment of a number of social workers within the Ministry staff. These social workers hold university degrees in the field of social guidance. The Ministry is currently preparing and training them in the fields of intervention, counseling, awareness-raising and problem-resolution. It is also working on establishing standards relating to their job description in collaboration with the ILO;
- The allocation of a 24/7 hotline for foreign domestic workers (Numbers are: 00961-1-540114, and 1740) that provides services in different languages. The unit operating the Hotline has its own full-time staff members who receive

phone calls and complaints and refers them immediately to the concerned departments for processing;

- The issuance of a guide on the rights and duties of migrant domestic workers, in several languages, and the distribution of copies of this guide to all foreign workers upon arrival at the airport, in order to raise their awareness on their legal rights;
- The provision of health insurance for foreigner workers in Lebanon and the issuance of Minister of Labor's Resolution No. 52/1 dated 14/04/2009 regarding foreign domestic workers insurance policies. This Resolution includes provisions relating to the compensation of disability, whether total or partial, in the event of work accidents, as well as the payment of hospitalization expenses in cases of illness or accidents resulting from work;
- The submittal to the Parliament, for ratification, of the ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organize, by virtue of the Decree No. (8530) dated 20/07/2012.

In conclusion, the Government of Lebanon wishes to reiterate that it has and will continue to fully cooperate with the mandate of the Special Rapporteur, conscious of and committed to the shared objective of protecting the rights of foreign migrant workers and improving their work conditions in accordance to internationally acknowledged standards.

That noted, the Lebanese Government expects that references to the situation of foreign migrant workers in Lebanon, within the reports of the esteemed Special Rapporteur, should reflect a comprehensive and factual view on that situation. The Lebanese Government believes that, based on the comments relayed above, the conclusion in the report that “the **fact** that there is virtually no system in place in Lebanon to protect domestic workers” deserves thorough reconsideration.
