



Human Rights Council
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Joint Stakeholders' Submission on:

**Human Rights
in Lebanon**

Submitted by:

Caritas Internationalis

International Confederation of the Society of Saint Vincent de Paul

Company of the Daughters of Charity of Saint Vincent de Paul

(NGOs in consultative status with ECOSOC)

and

Caritas Lebanon Migrants Center

Geneva, March 2015

INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to the Human Rights situation in Lebanon in the following areas: **right to education, right to health, economic and sexual exploitation, rights of vulnerable groups, including women, children, migrant workers and refugees.** Each section conveys recommendations to the Lebanese Government.
2. The data and information obtained for this submission came from various sources and includes information from educators, social workers, religious congregations (Company of the Daughters of Charity) and civil society actors living and working in Lebanon. All information concerns the period between the previous UPR of Lebanon held in 2010 and March 2015.
3. **Caritas Internationalis** is a global confederation of 164 national Catholic Church-inspired organisations working in humanitarian emergencies, international development, and social and health services.
4. **Caritas Lebanon Migrants Center (CLMC)** is a specialized center of Caritas Lebanon. Every year, CLMC helps more than 120,000 migrants and refugees by providing comprehensive assistance and legal counselling to these vulnerable human beings, in line with moral values of solidarity, human dignity and self-reliance. Caritas Lebanon Migrants Center aims to fight abuse, social exclusion, prejudice and discrimination.
5. **International Confederation of the Society of Saint Vincent de Paul** is an NGO established in Paris in 1833 and is present, today, in 148 countries in the world. The foundation was created by a group of young French students with Frederic OZANAM as its figurehead, based on a solid conviction that justice and charity go hand in hand and man must be at the center of all concerns.
6. The **Company of the Daughters of Charity of Saint Vincent de Paul** was created in Paris in the seventeenth century to answer the many miseries of the time. The Company of the Daughters of Charity serves people who are poor and marginalized with humility, simplicity, and charity. About 18,000 Daughters of Charity currently work in 94 countries around the world. The Daughters of Charity are committed to reaching and empowering those who are the most abandoned and marginalized by addressing needs of food, water, sanitation and shelter; and through their sustaining works including health care, HIV/AIDS, migrant and refugee assistance, education and more. Since 2007, the Company of the Daughters has special status with ECOSOC.

I. GENERAL REMARKS

7. Due to the ongoing conflict in Syria, Lebanon is facing its worst refugee crisis in modern history. It is now the country with the highest ratio of refugees *per capita* in the world, and all

social services as well as housing stock, the job market, and natural resources are overwhelmed. Lebanon hosts today more than 1.2 million refugees¹ and the number continues to rise. The situation is expected to deteriorate as the security concerns and social tensions rise. Lebanon has no legal framework for refugees, exposing them to various types of abuse and exploitation as well as barriers to accessing critical services. For migrant workers, much progress has been made over the past 20 years but much work remains to be done. Similarly, the legal framework governing migrant workers contains gaps which create the conditions for their rights to be over-looked whereas other legal framework, namely the *Kafala* sponsorship system, creates the conditions for rights to be easily violated.

II. REFUGEE CRISIS AND HUMAN RIGHTS

8. The current refugee crisis is putting unprecedented strain in all areas on the Lebanese state. While the international response has been large, there still remain many unmet needs. Furthermore, the relatively smaller refugee populations--namely, Iraqi and Sudanese--are often under-served in the current environment. Specific to human rights, these include:
9. **legal protection:** Lebanon has no legal framework to offer protection to refugees. While the Lebanese state has adopted a number of accommodative measures and has committed to *non-refoulement*, many refugees continue to face legal protection concerns. All refugees who do not comply with immigration laws, even if they hold UNHCR refugee status, are technically subject to arrest. The Lebanese authorities grant some Syrian refugees a residence permit for free; however, this policy is not permanent and may change at any time. Other refugees do not benefit from this. The many thousands of refugees without regularized immigration status face various barriers to accessing health and education services. Registration of marriages and births in Lebanon is also virtually impossible without this status. Refugees who are victims of crime have no legal recourse, as the police would arrest them if they file a complaint while being in an irregular status.
10. **right to health:** Syrian refugees in Lebanon have the right to access health care at the same preferential rate as Lebanese citizens. However, Syrian refugees often avoid such facilities if they do not have regularized immigration status. Syrian and other refugees rely on an UNHCR-operated or coordinated system through NGOs. While this system provides care, it requires a 25% co-payment from the refugees, and given the high cost of health care, even this co-payment is a barrier to accessing health services. In addition, this system has a number of excluded services so it is not possible to say that the right to health is fully implemented.
11. **right to education:** Lebanese schools are over-whelmed and many schools in the Bekaa Valley, in the North, and other regions have more Syrian children enrolled than Lebanese children. 33.8% of the refugees are school-aged children, *i.e.* over 400,000.² Currently, the Lebanese Ministry of Education has announced for the 2014-2015 scholastic year that first of

¹ <http://data.unhcr.org/syrianrefugees/country.php?id=122>

² UNHCR, REACH Informing more effective humanitarian action, *Barriers to Education for Syrian refugee children in Lebanon*, Out of school children profiling report, November 2014.

all Lebanese students should be registered, and later Syrian refugees may enrol if space is available. In addition, many Syrian refugee children do not enrol due to a number of factors such as (a) lack of immigration status; (b) lack of ability to pay for uniforms and books; (c) lack of means of transportation to schools; (d) parents' worry about children's safety going to/coming from school; (e) parents' need for children to work; and (f) cultural factors. There is a tendency for girls to be out-of-school for cultural and safety reasons, at a higher rate than boys. Other refugees cannot enrol if their immigration status is irregular. Moreover, such factors as difference in curriculum, language barrier and need for children's earnings often keep many refugee children out of school.

12. **right to the freedom of movement:** A number of municipalities in Lebanon have imposed nighttime curfews on Syrian refugees, forbidding movement during these hours.
13. **situation of women and children:** There is anecdotal evidence of increase in women and children abuses. This includes sexual and gender based violence (SGBV), specifically intimate partner violence (IPV). In addition, there is a number of preoccupying new trends: increase in begging (which is usually associated with mafia-like activities), child labour, commercial sex work, and even cases of early marriages, forced marriages, and human trafficking activities.
14. **situation of older persons:** In late 2013, CLMC conducted a first-of-its-kind study on older refugees³. The findings pointed out at alarming trends. Firstly, there are no geriatric medical services in Lebanon for refugees, and they are served with the general adult population. In addition, most medical care focuses on primary health care or a contribution to secondary care and management of chronic illnesses. In such cases, most elderly, voluntarily or due to the lack of funds, sacrifice their care, skip taking medicines etc., in order not to be a burden for their families' finances, and as a result often suffer severe consequences.
15. **We recommend that the Government of Lebanon:**
 - a) Designs and implements an effective and comprehensive legal framework for refugees to prevent human rights violations;
 - b) to accede to and ratify the 1951 Convention on Refugees and the 1967 Protocol in order to put into place a framework for protection of refugees;
16. More specific recommendations to address the human rights situation of refugees include also:
 - c) **Right to health.**
 - To strengthen health facilities to cope with the increased demands from Syrian refugees who have already the right to access them and to continue to coordinate

³ Caritas Lebanon Migrants Center, *Forgotten Voices. An Insight into Older Persons among Refugees from Syria in Lebanon*, 2013.

between Lebanese and international health actors to increase access to health services for refugees;

- provide and expand psychological support, especially for vulnerable groups who are trying to cope with trauma;

d) ***Right to education.***

- ensure refugee children can access Lebanese public schools;
- strengthen the public school infrastructure to cope with the increased demands from refugee children;
- ensure complementary psychosocial services for refugee children, many of whom are highly traumatized and require mental health support;

e) ***Right to work and economic support.***

- adopt a comprehensive employment and wage strategy for Lebanon which includes the integration of Syrian refugees;
- provide other refugees the right to work in Lebanon;
- increase monitoring and protection of labour rights, labour code, and workers' safety

f) ***Situation of Women and Children.***

- take practical measures to implement Lebanon's commitment to international resolutions, such as Security Council Resolution 1325, to protect women and minors from SGBV.

III. MIGRANT WORKERS

17. Lebanon continues to attract a large number of migrant workers, mostly from poor African and Asian countries, for manual labour and for domestic work. In 2013, the Ministry of Labour reported that it issued 158,216 work permits to migrant workers (new ones and renewals). However, including those migrants who work illegally, the real number of migrant workers most likely reaches around 220,000 or even 250,000. Although the situation of migrant workers has improved significantly in the past twenty years, there still remain a number of abuses and concerns, which should be addressed. The severity and prevalence of the worst forms of abuse have diminished. However, non-payment of salaries, excessive hours of work etc. still take place. As the Lebanese labour laws do not include domestic migrant workers, they are not covered by any formal legal protection or framework.

18. CLMC's legal department registers migrant workers' violation cases. As the largest and pre-eminent service provider, its data can be considered as indicative of the actual situation in the entire country. In 2013, CLMC served 1058 cases of human rights violation of migrant workers, including:

- 228 cases of non-payment of salaries
- 159 cases of physical abuse
- 101 cases of forced labour (excessive hours)

- 44 cases of sexual abuse
- 23 cases of forced labour
- 1 case of forced commercial sex work

19. We recommend that the Government of Lebanon:

- a) signs and ratifies the ILO Convention 189 (C18) on Decent Work for Domestic Workers;
- b) signs and ratifies the International Convention on the Protection of Migrant Workers and Members of their Families;
- c) passes the draft law produced by the National Steering Committee on Migration, entitled the "Boutros Harb" law to protect the rights of migrant workers;
- d) reforms the *Kafala* sponsorship system in order to ensure more just rights for migrant workers;
- e) reforms the National Social Security Fund to allow foreign workers to benefit from its services, including health care, workers compensation, and retirement benefits;
- f) amends national laws regarding children of migrant workers, in particular allow them to register their births, have access to schools, and to have the possibility to acquire a nationality;
- g) creates a mechanism for labour inspectors to monitor and control the working conditions of migrant domestic workers, including a legal framework and standard guidelines;
- h) ensures enforcement of stipulation of the unified contract by households hiring domestic workers.

IV. TRAFFICKING AND LABOUR EXPLOITATION

20. Lebanon is categorized as both as a source and destination country for trafficking. Although trafficking cases for commercial sex work are present, the NGO coalition notes that there is a significant number of cases of trafficking of women for domestic servitude. In 2013, CLMC served 157 survivors of trafficking (penal cases were filed but no conviction has been done). Most victims have been trafficked by a complex and well-developed network of recruitment agencies both in the countries of origin and in Lebanon.
21. In 2011, Lebanon passed an anti-trafficking law after having signed the Convention on Transnational Organized Crime. The law defines trafficking, provides some measures for protection of victims and punishes traffickers for 5-10 years of prison. However, the law has many gaps, including the lack of specific measures to protect victims of trafficking and a referral system for them to access care. In addition, the law does not have standardized regulations on its application, making it vague and leaving much up to the discretion of the judge.
22. A draft law regarding conditions of migrant domestic workers has been elaborated and submitted to the Council of Ministers in order to be further discussed in the Parliament

for approval. The government seems to take a number of measures, both legislative and practical, to prevent exploitation of migrant domestic workers.

23. We recommend that the Government of Lebanon:

- a) adopts appropriate policies and procedures to effectively implement the anti-trafficking law adopted in 2011. These includes:
 - immediately stop deportation of trafficking victims;
 - revise the law to include specific measures to protect victims of trafficking, including a residence permit in Lebanon during the period when their cases are under legal proceedings;
 - revise the law to include a comprehensive referral mechanism for victims of trafficking to be referred to qualified service providers;
 - draft regulations for the law's implementation, with specific guidance to prosecutors and judges on its application;
 - train Internal Security Forces (police) on detection of potential trafficking victims/survivors and on skills how to treat them to offer them protection and reduce trauma;
 - train General Security investigators on detection of trafficking victims/survivors and skills of treating them to offer them protection and reduce trauma;
 - increase the familiarization of prosecutors and judges with the law, better enabling them to implement it more frequently and consistently;
- b) adopts the draft law regarding migrant domestic workers and implement measures to protect migrant domestic workers from exploitation

24. General Recommendations for Lebanon

Finally, the NGO coalition supports calls from civil society to increase the overall framework of human rights in Lebanon. Specifically for migrant workers and refugees, Lebanon should:

- a) Establish an independent national human rights institution- possibly a commission - with a mandate to work on the issue of migrant workers and refugees (foreigners) in Lebanon;
- b) Reform the *Kafala* sponsorship program to allow migrant workers more just rights, including the right to change their employers.