

LEBANON

CERD 30TH NO. 18 (A/10018) (1975)

170. The initial report of Lebanon, submitted on 30 July 1975, which was considered by the Committee at its twelfth session, was designed to supplement the information contained in an earlier report, submitted on 17 August 1972, which the Committee had not considered before at the request of the Government of Lebanon - which had informed the Committee that it considered that report “preliminary” and requested that its consideration be postponed.

171. Members of the Committee noted that the information contained in the report under consideration related to the implementation of articles 3, 4 (para. (a)), 5 and 6 of the Convention as well as the implementation of the resolutions of the competent organs of the United Nations concerning relations with racist régimes, to which general recommendation III of the Committee referred. It was observed, however, that, although the texts of some articles of the Constitution mentioned in the report were supplied, the texts of other articles of the Constitution as well as other relevant legislative provisions, to which the report referred, were not made available to the Committee; that the information envisaged in the Committee’s general recommendation IV (relating to the composition of the population) was lacking; and that the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

172. Members of the Committee took note of the statement that, as Lebanon had acceded to the Convention, “the provisions of that Convention are applicable in the same way as the legislation in force in Lebanon and are considered binding by the public authorities”. However, they were of the opinion that, with respect to articles of the Convention which are not self-executing, specific legislative action by States parties was required in order to implement the provisions of those articles if legislation adequately giving effect to them did not already exist. It was observed that the legislation in force in Lebanon, as reported, did not appear to give full effect to articles 4 and 6 of the Convention.

173. The last two sentences of the report under consideration read as follows:

“With regard to the application of articles 4 and 7, the Lebanese Government has issued orders to the competent authorities to adopt immediate and effective measures and, inter alia, legislative provisions with a view to achieving the aims of the Convention.

“Conclusion

“It is evident from the foregoing that there is no racial discrimination in Lebanon and that it is not therefore necessary, under articles 4 and 7 of the Convention, to take legislative, administrative and judicial measures to eliminate racial discrimination, since the International Convention on the Elimination of All Forms of Racial Discrimination is considered to be an integral part of Lebanese legislation.”

Members of the Committee were of the view that these two statements were mutually contradictory.

174. In its consideration of the degree to which article 62 of the Press Code and article 4, paragraph 2 of the Act Concerning Film Censorship satisfied the requirements of article 4, paragraph (a), of the Convention, the Committee was handicapped by the fact that the texts of those provisions of Lebanese law were not supplied by the reporting State. The Committee was further handicapped in its examination of the report under consideration by the fact that the translation of the report in the working languages of the Committee was in several instances inaccurate - as some members of the Committee, as well as the representative of the reporting State, pointed out.

175. Commenting on the observations made by members of the Committee about the contradiction between the last two sentences of the report (see para. 173 above), the representative of Lebanon drew attention to an error of translation. The words "under articles 4 and 7 of the Convention", which appear in the last sentence of the report, were an incorrect rendition of the corresponding words in the original Arabic text, which should have been translated as: "after taking in due consideration articles 4 and 7 of the Convention". The representative of Lebanon assured the Committee that the guidelines it laid down at its first session would be followed, as far as possible, by his Government in the preparation of its second periodic report.

CERD A/36/18 (1981)

271. The second, third, fourth and fifth periodic reports of Lebanon, covering the period of 1972 to 1980, submitted in one document (CERD/C/65/Add.4), were considered by the Committee together with the introductory statement made by the representative of the reporting State who explained that, if the report appeared to give insufficiently specific examples of the steps his country had taken to implement the Convention, it was because of many of its provisions already existed in Lebanon's domestic legislation and also because the recent tragic events in his country had prevented high priority being accorded to enacting more exhaustive measures.

272. The Committee commended the Government of Lebanon for its report, which substantially complied with the Committee's guidelines and the provisions of the Convention, and expressed sympathy and understanding of the difficult situation that Lebanon was facing.

273. Members of the Committee noted with interest that, at the time of its ratification of the Convention, Lebanon had already possessed legislation, particularly in the Criminal Code, with a view to punishing racial discrimination in such cases as racial defamation or slander; however, it was suggested that the Government should take account of the various provisions of the Convention with regard, in particular, to article 4 (a) and (b). In this connection, it was stated that article 62 of the Press Act of 1962 and article 317 of the Lebanese Criminal Code, in restricting the punishable acts to those whose object or effect was to excite religious or ethnic factionalism and to promote dissension between the communities, did not meet the provisions of article 4 (a) of the Convention with respect to racial discrimination. Furthermore, with reference to article 337 of the Criminal Code, it was asked what consequences would arise for a group that was deemed to be a secret society and had therefore been declared illegal, whether the group would be subject to a penalty under the law and whether its dissolution would be required and whether steps could be taken against it, if appropriate, under article 4 (b) of the Convention.

274. In connection with article 5 of the Convention, reference was made to chapter II of the Constitution of Lebanon. It was noted that article 8 of the Constitution was interpreted very broadly to cover not only freedom of movement within the country but also the right of any person to leave any country, including his own, and to return to his country, and the right to marriage and choice of spouse. It was asked whether that broad interpretation of individual liberty was based on the jurisprudence of the Lebanese courts or only on the opinion of the authors of the report.

275. It was also observed that little was said in article 6 to 15 of the Constitution about the grounds on which guaranteed rights could be limited. Articles 8, 13 and 14 indicated that limitations were based on the law, but it was not clear whether the legislature was authorized to introduce any limitation for any reason whatsoever, or whether there had to be specific grounds as provided for in the International Covenants on Human Rights.

276. With reference to article 6 of the Convention, further information was requested on the judiciary, the court structure and the specific remedies available for victims of racial discrimination, both citizens and non-citizens.

277. With reference to article 7 of the Convention, the wish was expressed to receive a description of the subject matter of the school books, and some information on instruction at all levels designated to combat racial prejudice and to propagate the purposes of the Charter of the United Nations and other international instruments.

278. The representative of Lebanon assured the Committee that he would convey the questions raised by the members to his Government, which would submit a reply in its next periodic report or in a separate communication.

CERD A/46/18 (1998)

319. At its 923rd meeting, on 12 August 1991 (see CERD/C/SR.923), the Committee reviewed the implementation of the Convention by Lebanon based on its previous reports (CERD/C/65/Add.4) and their consideration by the Committee (see CERD/C/SR.516). The Committee noted that the State party had submitted no reports since 1980.

320. Members of the Committee, recalled that, in its previous reports, the State party had stated that it was not necessary to adopt any new measures to implement the Convention, since the relevant principles had always been a part of Lebanese domestic law. It also noted that the country's demographic and political structure was typified by a pluralism based on a religious infrastructure; that the council of ministers, as well as parliament, were elected according to fixed quotas allotted to each of the religious communities; and that, according to the Government, those rules of election should not be interpreted as constituting inequalities among citizens on the basis of their religious affiliation. It was further noted that the Committee had asked to be provided with additional information on the judiciary and on the equality of rights and had expressed its doubts as to whether the Penal Code adequately reflected the provisions of article 4 of the Convention.

321. Members of the Committee noted that the demographic composition of Lebanon had gone through considerable changes since the last census and that its population was now half Muslim and half Christian, with most communities having Arabic as their mother tongue. Turning to recent political developments in the country, members of the Committee observed that attempts were being undertaken to reconcile the warring factions in Lebanon, although the situation was still very difficult. In addition, members of the Committee further noted that in some cemeteries, tombstones of persons belonging to different religious and ethnic communities had been desecrated.

322. Members of the Committee wished to receive information concerning groups that had been subject to serious human rights violations, including in particular the Christian groups, military as well as civilian, who had supported General Aoun; the Shiite population in the south that had been subjected to numerous arrests; and the individuals who had been arrested by the Amal movement.

Concluding observations

323. In concluding the review, the Committee noted with regret that the Government of Lebanon had not responded to its invitation to participate in its meeting and to furnish relevant information. The Committee, being fully aware of the complex actual political situation, encouraged the Lebanese Government to resume the dialogue with the Committee by submitting a report in conformity with article 9 of the Convention, as soon as possible.

CERD A/53/18

161. At its 1258th and 1259th meetings, on 10 and 11 March 1998, the Committee considered the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Lebanon (CERD/C/298/Add.2) and, at its 1271st meeting, on 19 March 1998, adopted the following concluding observations.

A. Introduction

162. The Committee welcomes the submission by Lebanon of its report after a very long period during which the dialogue between the Committee and the State party had been disrupted. The Committee commends the quality and openness of the report which follows the consolidated guidelines. It also appreciates the additional information provided orally by the delegation of Lebanon.

B. Factors and difficulties impeding the implementation of the Convention

163. The Committee notes the severe difficulties facing Lebanon as a result of almost 20 years of war and foreign intervention, which have resulted in widespread destruction. The Committee also takes note of the difficulties caused by the fact that Lebanon has hosted a great number of refugees for several decades.

C. Positive aspects

164. The Committee welcomes the resumption of the dialogue with the State party after 17 years, during which Lebanon had to endure the trauma of a civil war, two military invasions and subsequent occupation of part of its territory in the south.

165. The Committee welcomes the fact that Lebanon has regained peace and stability, which generate a more favourable environment for the promotion and protection of human rights, including those enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination.

166. The constitutional amendments of 21 September 1990, including the new article 95 relating to the elimination of political confessionalism, are welcomed.

167. The recent establishment within the Chamber of Deputies of the Commission du règlement interne et des droits de l'homme (Commission on Human Rights) is a welcome initiative.

168. It is also to be welcomed that treaties ratified or acceded to by Lebanon, particularly the Convention, become part of internal law upon the exchange or deposit of the instruments of ratification or accession.

D. Principal subjects of concern

169. Concern is expressed at the insufficiency of the legal definition of ethnic groups and the protection given to them in domestic law.

170. Although political and legal efforts have been undertaken since the restoration of peace in Lebanon, concern is expressed regarding the existing resistance to the progressive elimination of the political system of confessionalism, which may impair the State party's implementation of certain provisions of the Convention.

171. Concern is expressed in relation to the full implementation of article 2, paragraph 1, of the Convention, especially with regard to the insufficiency of measures and policies, such as the major information campaign, adopted by the State party to prevent and combat all forms of racial discrimination.

172. Whereas the State party recognizes Syrians, Greeks, Armenians, Copts, Kurds, Jews and the like as "communities" and "religions", there is no recognition of the different ethnic origin of some of them, which might constitute grounds for different treatment of these communities including, in some instances, racial discrimination.

173. All the provisions of article 4 of the Convention are not fully reflected in domestic law and policies, in particular with regard to the obligation of the State party to adopt immediate and positive measures designed to eradicate all incitement to or acts of racial discrimination.

174. Concern is expressed with regard to enjoyment by everyone of the right to equality before the law (art. 5), especially for ethnic groups, refugees, displaced persons and foreign workers. In this regard, concern is also expressed that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

175. In relation to article 5 (e) (i) of the Convention, the situation of migrant workers is of concern, especially in relation to access to work and equitable conditions of employment. In this regard, reports of confiscations of passports of foreign workers by their Lebanese employers are a matter which should be looked into by the responsible authorities of the State party.

176. There is no specific information relating to article 6, particularly with regard to cases before Lebanese courts, where litigants may have invoked the provisions of the Convention.

177. Although recognizing the validity of the arguments advanced by the State party, the Committee nevertheless notes that there are insufficient measures and programmes in the fields of teaching, education, culture and information aimed at combatting prejudices that lead to racial discrimination and at promoting understanding and friendship.

E. Suggestions and recommendations

178. The Committee recommends that the State party ensure that the rights of ethnic groups fully comply with the requirements of article 1 of the Convention.

179. The Committee recommends that the State party include information on the demographic composition of the Lebanese population in its next periodic report.

180. In the spirit of the Taif Agreement (1989) and the constitutional amendments of 21 September 1990, the Committee supports efforts in the State party aimed at the gradual elimination of the system of political confessionalism, taking into account public views and feelings.

181. In the light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures, such as major information campaigns, with a view to preventing and combatting all forms of racial discrimination.

182. The Committee recommends that the State party fully reflect the provisions of article 4 in its domestic law.

183. The Committee recommends that the State party take all appropriate measures to fully ensure that all persons, including members belonging to ethnic groups, refugees and foreign workers, be given equal treatment before the law. It also recommends that the State party ensure that all legal provisions dealing with family-related issues relating to members of ethnic groups and foreigners, are fully consistent with the provisions of the Convention.

184. The Committee recommends that the State party take all appropriate measures, including those of a legal nature, to fully guarantee access to work and equitable conditions of employment to all foreign workers, including Palestinians. The practice of some Lebanese employers of withholding passports of foreign workers should be prohibited.

185. In light of article 7 of the Convention, the Committee recommends that the State party allocate appropriate resources in the fields of teaching, education, culture and information with a view to combatting all forms of racial discrimination and promoting understanding, tolerance and friendship.

186. The Committee suggests that widespread publicity be given to the Convention, the periodic reports submitted by the State party and the concluding observations of the Committee.

187. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such declaration be considered.

188. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

189. The Committee recommends that the State party's next periodic report, due on 12 December 1998, be a comprehensive one and that it provide replies to the questions raised during the consideration of the report.