

## **Arbitrary Detention and lack of protection for Refugees, Migrants and Stateless Persons in Lebanon.**

Written Statement submitted to the UN Human Rights Council  
On the occasion of the adoption of Lebanon UPR final report  
14 February 2011

Frontiers Ruwad Association welcomes the results of the examination of the human rights situation in Lebanon, which took place in the context of the Universal Periodic Review (UPR) working group's ninth session at the UN Human Rights Council, on 10 November 2011 (referred to as review session hereafter). Many of the reviewing countries commended Lebanon for ratifying the Core Human Rights instruments. Lebanon had pronounced commitments on several issues, including, inter alia, ratification of human rights instruments, strengthen the institutional framework in the human rights area, continue to combat torture and human trafficking through practical mechanisms and procedures, improving the conditions of migrant workers, and trying to provide the basic services for refugees.

However, Frontiers Ruwad Association is deeply concerned that the issue of prolonged arbitrary detention of foreigners, including migrant workers, refugees and asylum seekers was not raised during the review session, despite the fact it was raised in several reports presented by non-governmental organizations. Frontiers is alarmed that this unlawful practice continues with impunity. This practice is alarming as the Lebanese administration even challenges and do not implement court rulings that found the State guilty of violating the most sacred human right standard – the Right to Liberty and ordered the release of those arbitrarily detained. This practice was also brought to the attention of the United Nations Working Group on Arbitrary Detention by submitting several cases arbitrarily detained. This practice continues systematically, in violation of national legal provisions and all international standards and instruments binding to Lebanon, as well as the non-respect of the principle of non refoulement by forcibly deporting refugees to their countries of origin.

Victims of arbitrary detention have no right, in practice, to remedies, although they enjoy this right by the law. We are further concerned that, although these issues were raised at the national level, no concrete steps were taken to put an end to it. No public and independent investigation has even been conducted to date. Perpetrators continue to enjoy absolute impunity. Lebanon did not extend an invitation to the Working Group on Arbitrary Detention to visit the country and investigate the arbitrary detention practices.

We are also concerned that Lebanon rejected a wide number of recommendations, related to the rights of migrants, refugees and stateless people. These include the ratification of the Optional Protocols of the ICCPR; the ratification and implementation of the 1951 Convention Relating to the Status of Refugees and its additional protocol; issuing permits to refugees in Lebanon to allow them freedom of movement and employment; resolve the problem of the identification documents of the undocumented Palestinian refugees and modify legislative provisions and policies that have discriminatory consequences on the Palestinian population as compared to other non-citizens; consider lifting the reservations to CEDAW; amendment of the laws on citizenship to allow Lebanese women to pass on their nationality to their husbands and children; revoking the sponsorship system for migrant workers, and domestic workers, and replacing it with regulations that are in accordance with international standards; and extension a standing invitation to the special procedures.

Asylum seekers, refugees, migrants, and stateless populations continue to be denied protection in Lebanon. There is no special legal framework for refugees who are treated as illegal migrants without any consideration to their special protection needs. Migrants rely on their sponsors for their legality in the country, putting them at risk of exploitation. Domestic migrant workers are excluded from the protection of the labor law and have no special legal framework to guarantee their rights. Citizenship laws are widely discriminatory, vague and incomplete leading to the increase of the numbers of stateless persons, and losing an opportunity to decrease the phenomenon by discriminating against Lebanese women in passing their nationality to their families. Lebanon is member to neither the 1951 Convention Relating to the Status of Refugees, the Convention for the Protection of All Migrants Workers and Members of their Families, nor the 1954

Convention Relating to the Status of Stateless or 1961 Convention on Reduction of Statelessness.

In light of this context, we urge the Council to reiterate that the Lebanese government:

- Puts an end to the practice of arbitrary detention and to the impunity of those responsible of this violation.
- Abide by the customary international principle of non refoulement.
- Reforms its national laws regarding protection of refugees, migrants and stateless people in the country, by amending the existing laws, and/or adopt new laws in conformity with international standards.
- Considers ratifying the related international instruments, and lifting any reservations on the ratified conventions which undermine the compliance of its obligations or the purposes of the instrument.
- Extend an open and standing invitation to all Special Procedures, especially the Working Group on Arbitrary Detention.