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# Acronyms

CAT	Committee Against Torture
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DGGS	Directorate General of General Security
FAO	Food and Agriculture Organization
HCC	Higher Council for Childhood
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
ISF	Internal Security Forces
LAF	Lebanese Armed Forces
LebMASH	Lebanese Medical Association for Sexual Health
LGBTQ	Lesbian, Gay, Bisexual, Transsexual, Queer
MDW	Migrant Domestic Workers
MEHE	Ministry of Education and Higher Education
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoL	Ministry of Labor
MoPH	Ministry of Public Health
MoSA	Ministry of Social Affairs
MP	Member of Parliament
NGO	Non- Governmental Organization
NHRI	National Human Rights Institution
NSSL	National Social Security Law
OHCHR	Office of the High Commissioner for Human Rights
PLO	Palestine Liberation Organization
PSD	Personal Status Department
PwD	Persons with Disabilities
RDFL	Lebanese Democratic Women’s Gathering
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAT	United Nations Convention against Torture
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children’s Emergency Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPCL	Union for Protection of Childhood in Lebanon
VAT	Value Added Tax

# Executive Summary

In 2017, Lebanese Parliament amended and passed several laws that improve human rights in Lebanon and reaffirm the realization of several efforts by Lebanese civil society in areas concerning elections, transparency, women's rights, and torture prevention. Recent legislative reforms include changing the electoral law and the prohibition of marital rape, as well as the criminalization of torture, and additional policy decisions pertaining to the Syrian refugee crisis.

However, the persisting lack in political will to create meaningful change and the continuous implementation of policies and practices which contradict legislation, prevents these laws from being implemented justly. The pretext of a "challenging security situation," as a justification to deprive individuals of liberty and their right to fair trial violates internationally protected rights and guarantees.

Detainees are still held in overcrowded and poorly lit police stations with a lack of basic sanitation and alimentary needs. By June 2017, 6,246 individuals were in prisons designed to hold a total of 3,500 prisoners. Fifty-seven per cent of these detainees are still awaiting trial. Additionally, in 2017, Lebanese authorities detained and charged several individuals for social media posts that were critical of public officials; threatening the right to free speech.

The Lebanese court system is also subject to various human rights violations. The lack of an appeal system within the Judicial Council is a blatant breach of international standards, and the Military Court's jurisdiction over civilian cases continues to violate guarantees for the independence of the judiciary and the protection of the basic rights of detainees. Both ordinary and exceptional courts have handed out death sentences. Politicians and citizens recently advocated for the reinstatement of the death penalty. This decision would be a serious human rights setback for Lebanon.

For many years, parliamentarians have been working alongside civil society to draft, discuss, and pass a law criminalizing torture. This law was finally passed in September 2017. Although this marks a step in the right direction towards combating torture practices, the provisions of the law remain incomplete. Torture remains a common practice, especially during police interrogations. Due to social, cultural and political exclusion, migrants, refugees, trafficked persons, and members of the LGBTQ+ community are at higher risk of being tortured. Individuals discriminated against due to ethnic and religious identity are also particularly vulnerable to cruel, inhuman and degrading treatment. The persistent use of torture against vulnerable

communities, despite the creation of laws to prevent it, is deeply concerning. Minority groups are a litmus test for the rest of society; if the government does not care to protect its vulnerable communities then society-at-large is at risk of being harmed arbitrarily when the government deems it necessary.

The Lebanese Parliament was also successful in abolishing a law allowing rapists to escape charges if they married their victims. Still, the state has failed to address serious gender-based violence. The state also continues to allow high rates of child labor, particularly in the agricultural sector where child labor is still allowed after a child turns ten. This has serious consequences for Syrian children. Ninety-three percent of refugee families resort to child labor since adults are restricted from accessing the labor market.<sup>1</sup>

Several policies adopted by the Lebanese government helped facilitate refugees' access to legal and civil documentation. However, their rights remain at risk. Although the number of registered Syrian refugees dropped in 2017 to 997,905 refugees face several obstacles to the right to physical safety. Municipalities forcibly evict refugees, and continue to enforce curfews targeted at Syrian nationals. Without official legal residency permits, refugees are at high risk of being deported back to Syria where they could face arbitrary detention, torture and other forms of persecution. In 2017, the Lebanese government agreed to abolish the required yearly \$200 visa-renewal fee that refugees had pay to remain in Lebanon legally. The fee was problematic since 76% of the refugees living in Lebanon live below the national poverty line and more than half of Syrian refugees in Lebanon live in extreme poverty.<sup>2</sup> Unfortunately, the new policy still excludes a large number of refugees. Due to inconsistencies in the policy's implementation, a majority of Syrian nationals were unable to obtain visa renewals and legal residency. As of December 2017, only 36% of the estimated USD 2.035 billion that was required to provide adequate support to Syrian refugees in Lebanon was funded.<sup>3</sup> Problems in funding pose additional barriers to refugees' access to education in Lebanon.

Due to several protection gaps within the Lebanese sponsorship system, migrant workers remain at risk of exploitation by their sponsors. Abuses resulting from a legislative, imbalanced power dynamic between employer and worker range from: denial of time-off, non-payment of wages, restriction of movement, confiscation of passport and identification documents, and other forms of ill-treatment due to common misconceptions and an absence of an adequate protection framework.

Unrecognized religious groups also struggle to be treated equally in Lebanon. They cannot run for office, apply for government positions, or put their religion on their passports despite such a requirement for all Lebanese citizens.

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1 Meaker, M. "Syrian refugee children reduced to selling on Beirut's streets to feed their families", January 25, 2017, <https://www.theguardian.com/global-development/2017/jan/25/syrian-refugee-children-selling-beirut-streets-lebanon-support-families> (Retrieved on June 13, 2017)

2 UNHCR "Survey finds Syrian refugees in Lebanon became poorer, more vulnerable in 2017", January 9, 2018, <http://www.unhcr.org/afr/news/briefing/2018/1/5a548d174/survey-finds-syrian-refugees-lebanon-poorer-vulnerable-2017.html>, (Accessed on January 29, 2018)

3 Ibid.

Elections provide ample opportunity for minorities, and Lebanese citizens in general, to hold officials accountable. The new application of a proportional system that allows for better representation is an improvement. However, the lack of other major reforms, such as the formation of an independent body to manage and supervise campaigns and an efficient mechanism to monitor campaign funding are cause for concern.

The solutions for the ongoing waste management crisis have focused primarily on finding alternative dump sites instead of concentrating on adopting more sustainable environment policies that are mindful of the impact of waste management on the health of the general population.

The right to health is further violated by the costly Lebanese health care system. Almost half of the Lebanese population cannot access affordable medical coverage. The public health sector should act as a safety net for those who do not have access to the private sector. In Lebanon, it is severely underfunded, underequipped, underqualified and unable to provide basic affordable health care.



# Arbitrary Detention and Guarantees of Fair Trial

The right to liberty and fair trial are protected in Lebanon by several international agreements and conventions. The Universal Declaration of Human Rights (UDHR) [articles 3, 8, 9, and 10] and the International Covenant on Civil and Political Rights (ICCPR) [articles 2(3), 4, 5, 9, 10(1), and 14 (1)] are most commonly referred to when discussing guarantees of the rights to liberty and fair trial. The state of Lebanon has ratified the UDHR and ICCPR, and subsequently reflected them in Lebanon's laws.<sup>4</sup> In practice, Lebanese criminal justice practices have not always functioned accordingly.<sup>5</sup>

## Rights of Detainees

One of the principal guarantees to fair trial is the right to have a case reviewed by a competent tribunal within reasonable delay. A suspect should be adjudicated soon following their arrest in a public hearing by a competent, independent, and impartial tribunal established by law.<sup>6</sup> In reality, detainees are not only deprived of their right to a speedy trial by an impartial tribunal but also the right to legal counsel. The Lebanese Criminal Code of Procedure (CCP) does not assign a lawyer if the accused refuses to have a lawyer.<sup>7</sup> The CCP can also be interpreted to mean that a lawyer does not need to be present during the initial interrogation and investigation. This opens the door to forced confessions or other abuses at the police station.<sup>8</sup> The right to legal counsel is violated in practice as well, as law enforcement officers often do not inform suspects of their right to legal counsel.<sup>9</sup>

The presence of a lawyer during the preliminary investigation can be an effective way of monitoring and reducing violations to the right to a fair trial. In August 2017, Hanadi Gerges was arrested and detained for three days over a Facebook post criticizing Lebanese president Michel Aoun.<sup>10</sup> Gerges was then prohibited from meeting with her lawyer and her mother, a violation

4 Lebanese Constitution, Article 8.

5 ALEF, "The Right to Fair Trial in Lebanon: A Position Paper on Guarantees during Arrest and Investigation", October 2016.

6 ICCPR, Article 14(1).

7 Lebanese Criminal Code of Procedure, Articles 47 and 78

8 American Bar Association, Detention Procedure Assessment Tool for Lebanon, April 2012, p. 20

9 ALEF, "The Right to Fair Trial in Lebanon: A Position Paper on Guarantees during Arrest and Investigation", 2016

10 L'Orient Le Jour, "Hanadi Gergès relâchée: 'La liberté d'expression est sacrée'", August 14, 2017, <https://www.lorientlejour.com/article/1067186/propos-diffamants-contre-aoun-sur-facebook-hanadi-gerges-liberee.html> (Accessed November 7, 2017)

of her right to legal counsel.<sup>11</sup> Her case raised concerns about the role of law enforcement in not only informing detainees of their due process rights, but intentionally ignoring their right to due process.

Detainees in Lebanon have the right to not incriminate themselves, or confess under coercion.<sup>12</sup> This law is rarely applied in Lebanon since police, due to a lack of training, typically fail to inform defendants of their right to remain silent.<sup>13</sup> On February 5<sup>th</sup>, 2017, Faysal Ghazi Moqalled was released from jail after spending 11 years in detention for collaborating with Israel.<sup>14</sup> A sentence based on confessions extracted under alleged torture. When Mr. Moqalled first appeared before the Military Court in August 2006, he had no legal representation. Seven years later, in October 2016, the Military Court of Cassation reconsidered his sentence and lowered it to 14, 9-month custodial years.<sup>15</sup>

The lack of legal representation, torture, and conviction based on false confessions constitute arbitrary detention and a violation of the right to a fair trial.

### Prison Conditions

According to the Ministry of Justice (MoJ), there are 23 different prisons across the country. While local and international organizations and bodies have consistently raised concerns about problems pertaining to prison overcrowding, safety and management,<sup>16</sup> no comprehensive responsive strategy to address these issues has been developed by the government.<sup>17</sup> Significant overcrowding is mostly due to lengthy pre-trial procedures in addition to the prisons' limited capacities. As of June 2017, 6,246 individuals were held in the 23 places of detention that were originally designed to hold a total of 3,500 inmates. Fifty-seven percent of these prisoners are in pre-trial detention,<sup>18</sup> an increase of two percent since July 2016.<sup>19</sup>

*As of June 2017, 6,246 individuals were held in the 23 places of detention that were originally designed to hold a total of 3,500 inmates.*

11 L'Orient Le Jour, "Hanadi Gergès toujours détenue pour un post sur Facebook critiquant Aoun", August 14, 2017, <https://www.lorientlejour.com/article/1067148/hanadi-gerges-toujours-detenu-pour-un-post-sur-facebook-critiquant-aoun.html> (Accessed November 7, 2017)

12 ICCPR, Article 14(3-g).

13 American Bar Association, "Detention Procedure Assessment Tool for Lebanon", April 2012, p. 20.

14 EuroMed Rights, "Lebanon: Release of Faysal Ghazi Moqalled After 11 Years in Arbitrary Detention", February 10, 2017, <http://www.euromedrights.org/publication/lebanon-release-faysal-ghazi-moqalled-11-years-arbitrary-detention/>, (accessed June 16, 2017).

15 EuroMed Rights, "Lebanon: Release of Faysal Ghazi Moqalled After 11 Years in Arbitrary Detention", February 10, 2017, <http://www.euromedrights.org/publication/lebanon-release-faysal-ghazi-moqalled-11-years-arbitrary-detention/>, (accessed June 16, 2017).

16 Human Rights Watch, "It's not the right place for us", January 26, 2017.; U.S. Department of State, "Report on International Prison Conditions", <https://www.state.gov/documents/organization/210160.pdf>; U.S. Department of State, "Lebanon 2015 Human Rights Report", <https://www.state.gov/documents/organization/253147.pdf>; Human Rights Watch, "World Report 2017", January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>; UN General Assembly, "Report of the Committee against Torture" Fifty-first session (28 October–22 November 2013) Fifty-second session (28 April–23 May 2014), <http://daccessdds-ny.un.org/doc/UNDOC/GEN/G14/125/96/PDF/G1412596.pdf?OpenElement> (accessed on February 02, 2017).

17 ALEF, "Situational Update on the Occurrences and Trend of Torture in Lebanon (2008-2010): Torture prevention and Monitoring in Lebanon", October 2010.

18 "Numerical Count of Inmates Present in Lebanese Prisons", June 9, 2017.

19 "Numerical Count of Inmates Present in Lebanese Prisons", July 26, 2016.

These figures exclude detention centers such as the Directorate General of General Security (DGGs) prisons, which holds foreign detainees, the Ministry of Defense prison, the newly reopened Adlieh prison, and police stations. The Adlieh prison is an underground parking lot converted into a prison without any consideration for prison conditions, such as access to sunlight or proper ventilation. The DGGs prison closed in 2016, but was re-opened in the summer of 2017 to serve as a holding cell for Adlieh court.

### **Police Stations**

Police stations, in particular, are conducive to procedural abuses. As the first place of detention after arrest, police stations are designed to hold detainees for no more than 96 hours (48 hours with a one-time renewal).<sup>20</sup> Available space in police holding cells is limited, and there are no systems in place to provide detainees with food or basic sanitation needs. Detainee families must provide food and other needs such as clothing and mattresses for the length of the detention period. Even then, there is no set place for families to convene and times for visits are arbitrarily decided by the officer in charge.

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<sup>20</sup> ALEF, "Guilty until Proven Innocent", January 2013, <https://ALEFliban.org/wp-content/uploads/2016/10/ALEF-Arbitrary-Detention-2013.pdf>



# Exceptional Courts

There are four main exceptional courts in Lebanon: The High Court of Justice, the Judicial Council, the Military Court, and Personal Status Courts. The High Court of Justice is the most powerful in the nation and is able to look into cases against the President of the Republic, Prime Minister, Speaker of the Parliament, members of parliament, and ministers. Until today, the High Court of Justice has never exercised its duties, while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.<sup>21</sup>

## The Judicial Council

The Judicial Council only has jurisdiction over cases referred to it by the Council of Ministers, an executive body, on matters pertaining to state security. The Judicial Council is therefore, criticized for being vulnerable to pressures by the executive branch and other political figures. The Judicial Council, due to the nature of its mandate, often utilizes article 108 of the CCP, which determines exceptions to the time limits for pre-trial detention, to justify holding suspects in pre-trial detention indefinitely.<sup>22</sup> The Judicial Council also deals with cases, “related to crimes of spying, treason, and illegal contact with the enemy (Israel), as well as any crimes that involve at least one military personnel.”<sup>23</sup> The court lacks an appeals system.<sup>24</sup>

In October 2017, the Judicial Council sentenced Habib Shartouni and Nabil El-Alam to death in absentia for the assassination of president-elect Bashir Gemayel in 1982. Shartouni was indicted later that year, and spent eight years in Roumieh prison without trial, until he escaped in 1990. His whereabouts remain unknown, despite rumors indicating that he might have fled to Syria, as Alam had done before him.<sup>25</sup> The decision to prosecute Shartouni in absentia, 35 years after his indictment, suggests that the political climate encouraged the reopening of the trial.

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21 ALEF, “The Situation of Human Rights in Lebanon: Annual Report 2015”, March 03, 2016.

22 Lebanon Support, Civil Society Knowledge Centre, Camille Lons, “Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon”, March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (accessed on January 27, 2017).

23 ALEF, “Military Tribunal: A Breach in the Integrity of the Judicial System”, 2010.

24 Court Decisions taken by the Judicial Council are not open for appeal or review. The process lacks an ordinary review/appeal mechanism. Additionally, the Executive branch and the Cabinet have the authority to refer cases to the Council but don't have the ability to refer a review or appeal the decision.

25 Reuters, “Lebanese court issues death sentence over 1982 Gemayel assassination”, October 20, 2017, <https://www.reuters.com/article/us-lebanon-politics-trial/lebanese-court-issues-death-sentence-over-1982-gemayel-assassination-idUSKBN1CP22E> (accessed November 2, 2017).

This compromises the Council's independence as a judicial organ. The fact that the verdict cannot be subject to appeal also threatens the defendant's right to challenge the court's decision in consideration of the circumstances of his arrest and prolonged pretrial detention

### **The Military Court**

The Permanent Military Court, also commonly referred to as the Military Tribunal, is under the jurisdiction of the Ministry of Defense and has the right to adjudicate any case involving members of the military, DGGs, and Ministry of Defense, even if the case involves civilians. The Military Court is headed by a military officer who is assisted by four judges, three of whom must also be military officers. The judges are appointed by the Ministry of Defense based on recommendations made by the heads of Lebanon's main security institutions, such as the Internal Security Forces (ISF), DGGs, the Customs Bureau and the Lebanese Armed Forces (LAF). Appointed judges do not require a law background, raising several concerns about how judges form decisions and the defendant's right to a fair trial. These include but are not limited to: adjudication before a competent, independent and impartial court established by the law, the right to a public hearing, and the right to be brought in front of an independent, impartial court.<sup>26</sup>

### **Civilians in Military Court**

Despite the United Nations' Convention Against Torture (UNCAT) recommendation to prohibit Military Courts from exercising jurisdiction over civilians immediately,<sup>27</sup> Lebanon continues to do so. This has only emphasized civil society organizations' (CSOs) major concerns over the Military Court's ability to deal out justice fairly. Judges at the Military Court have a duty to inform suspects who do not have a lawyer that they can have one appointed to them by the Beirut Bar Associations' Legal Aid Committee, which provides free legal counsel to persons in the process of trial. Instead, judges allow military lawyers to defend civilians when a non-military lawyer isn't available. Such was the case for Ahmad al-Assir whose legal representatives were absent during his trial. Al-Assir was instead represented by a military lawyer, appointed by the court itself, without his approval. Throughout the trial, al-Assir refused to answer any questions stating that the court was violating his rights and the session was illegitimate. Al-Assir's case is proof of the court's disregard for a citizen's right to choose their own defense.<sup>28</sup> A defense lawyer can also be banned for up to three months from court in cases of "serious misconduct" during trial. When this occurs, the court's president has the right to absolute discretion, preventing lawyers from defending themselves. A court judge may also choose whether to share the outcome of a trial. On October 27th, 2016, Selmen Samaha, a Lebanese civilian, was investigated by military police due to posts he made on Facebook criticizing the Lebanese army. It wasn't until May 26th, 2017, that Samaha was summoned by the Military Court on charges of, "offending the reputation of the military institution." Samaha was liable to a maximum sentence of three years in prison. Despite being a civilian, Samaha was brought before the Military Court, preventing him from receiving an independent and impartial trial.<sup>29</sup> Mr. Samaha was acquitted of all charges by the Military Court on May 27th, 2017.<sup>30</sup>

26 ALEF, "The Situation of Human Rights in Lebanon: Annual Report 2016", 2017.

27 UNCAT, "Concluding observations on the initial report of Lebanon\*", May 30, 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/146/62/PDF/G1714662.pdf?OpenElement> (accessed June 8, 2017).

28 ICCPR, Article 14(§3-d) 1966a

29 Human Rights Watch, "Lebanon: Authorities Failing to Protect Freedom of Expression", May 26, 2017, <https://www.hrw.org/news/2017/05/26/lebanon-authorities-failing-protect-freedom-expression> (accessed June 8, 2017).

30 The Daily Star, "Military Court acquits man on trial for Facebook post", May 27, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/May-27/407409-military-court-acquits-man-on-trial-for-facebook-post.ashx> (accessed June 8, 2017).

### Juveniles in Military Court

The Military Court prosecutes children if they have aided an adult in a crime, as is often the case for alleged affiliation to a terrorist group. Children should, however, never be adjudicated before Military Court. Legally, they are under-age and their rights as juveniles are not protected within the court's jurisdiction. According to Lebanese law, the Union for Protection of Childhood in Lebanon (UPCL), which provides social support to children on trial in Lebanese courts, is also meant to attend interrogations of children. However, the Military Court does not routinely alert UPCL that a child has been detained, so the UPCL is rarely there.<sup>31</sup> The refusal to acknowledge a child's detention following arrest by the authorities is considered an "enforced disappearance" in international law.<sup>32</sup> Children adjudicated by military courts therefore fall victim to abuse and psychological trauma.

In 2017, at least two juveniles were charged by the Military Court. However, since they were minors, their cases were then transferred to juvenile court for indictment. Ali Mohammed Lafi, a Syrian minor, was accused of rioting, assaulting members of the ISF, and damaging public and private property during a demonstration in front of the U.S. Embassy in December 2017. Lafi was unable to hire a lawyer, and was therefore appointed a military lawyer who recommended the juvenile court issue a reduced sentence.<sup>33</sup> Rami Mahfouz was also accused by Military Court for assaulting members of the ISF during protests in downtown Beirut in October 2015. As Mahfouz was a minor at the time of the protest, his case was also transferred to juvenile court.<sup>34</sup>

### Personal Status Courts

Each of the 15 recognized religious communities in Lebanon has a separate personal status court with its own set of laws. Followers of unrecognized religious groups cannot marry, divorce, or inherit according to their own rules or to a civil code.<sup>35</sup> Certain personal status courts fall short of international standards and lead to flagrant violations of rights. For instance, Sunni and Shiite courts recognize the marriage of girls as young as nine years old if approval is granted by the child's parents. In Armenian Orthodox courts, the legal age of marriage is 14.<sup>36</sup> In cases of divorce in Sunni and Shiite religious communities, child custody is automatically transferred back to the father once the child reaches a certain age (this age varies between 2 and 12 years old depending on which religious community they belong to).<sup>37</sup> In March 2017, MP Elie Keyrouz presented a new draft law to set the legal age of marriage to 18 for all personal status courts. The Lebanese Democratic Women's Gathering (RDFL) has advocated for stricter punishment for any individual involved with, or facilitating, the marriage of a child.<sup>38</sup>

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31 Human Rights Watch, "Human Rights Watch Updated Submission to the Committee on the Rights of the Child on Lebanon", April 26, 2017, <https://www.hrw.org/news/2017/04/26/human-rights-watch-updated-submission-committee-rights-child-lebanon> (accessed June 9, 2017).

32 United Nations Declaration on the Protection of All Persons from Enforced Disappearances, December 18, 1992, <http://www.un.org/documents/ga/res/47/a47r133.htm> (accessed November 2, 2017).

33 National News Agency, "Six detained during the demonstration in front of the US Embassy appeared before the military court", December 15, 2017, <http://nna-leb.gov.lb/ar/show-news/319733/>

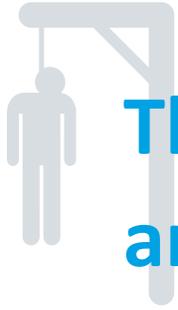
34 Sobhi Amhaz, Al Modon, "'Le Grey' protesters in military court", April 25, 2017, <https://goo.gl/vszfCC>

35 Rania El Rajji, Minority Rights Group International, "The leaves of one tree: Religious minorities in Lebanon", December 2014.

36 Social Institutions and Gender Index, "Lebanon", <http://www.genderindex.org/country/lebanon>.

37 Human Rights Watch, "Unequal and Unprotected", January 19, 2015. <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws> (accessed January 27, 2017).

38 Ibid.



# The Right to Life, Liberty and Security

## Planned Suicide Bombings and Shooting Incidents

In 2017, Lebanese security forces prevented several suicide bombings and terrorist plots. In January, Lebanese soldiers stopped and detained a would-be suicide bomber as he entered a busy café in Beirut.<sup>39</sup> In June, seven suspects were arrested for planning a series of suicide bombings, assassinations, and attacks throughout Lebanon.<sup>40</sup> In September, the Lebanese army arrested 19 members of a terror cell connected to ISIS.<sup>41</sup> Additionally, violent spillovers from the war in Syria have worsened the security situation in border zones. On June 30<sup>th</sup>, five suicide bombings wounded seven soldiers and killed a Syrian girl in a refugee settlement. Despite Lebanese security forces' successful prevention of terrorist plots, they do not always act in line with human rights' principles. Mass security raids by the Lebanese Army in Aarsal in June 2017, for example, involved the torture of a number of Syrians, leading to the death of at least four of them. This case will be elaborated further in this report's chapter on torture.

In June, ISF officers off duty in Baalbeck shot and killed a teacher who had reportedly had a relationship with the sister of the main shooter. The shooter, an ISF agent was able to claim the murder was not a crime because honor is still a reasonable motive for murder.<sup>42</sup> The teacher was one of 13 victims of gun violence in June.<sup>43</sup> In October 2017, a 14-year-old shot several people in a Beirut neighborhood with a shotgun, including his own father, passerby's, and those in the building in front of him. The shooting shocked local residents, who blamed the incident on poverty. The family was reportedly too poor to continue to send the child to school and the child was forced to work against his will.

39 The National, "Suicide attack foiled at packed cafe in Hamra, Beirut", January 22, 2017, <http://www.thenational.ae/world/middle-east/suicide-attack-foiled-at-packed-cafe-in-hamra-beirut> (accessed June 16, 2017).

40 The Daily Star, "General Security averts mass terror attacks in Lebanon", June 9, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-09/409089-general-security-averts-mass-terror-attacks-in-lebanon.ashx> (accessed June 16, 2017).

41 The Daily Star, "Army apprehends 19 planning Daesh attack in Lebanon", September 15, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Sep-15/419464-elevated-risk-of-attack-in-lebanon-french-foreign-affairs-ministry-warns.ashx> (accessed November 16, 2017)

42 The Daily Star, "Policeman shoots teacher in reported honor killing", June 15, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-15/409700-policeman-shoots-teacher-in-reported-honor-killing.ashx> (Accessed November 16, 2017)

43 Blog Baladi, "12 Gun-Related Crimes & 13 Victims in the Past Month in #Lebanon", July 23, 2017, <http://blogbaladi.com/12-gun-related-crimes-13-victims-in-the-past-month-in-lebanon/> (accessed December 13, 2017)

## Kidnapping

In 2017, there were several incidents of documented kidnappings for ransom and retaliatory kidnappings. Measures against these crimes remain unclear and inconsistent in their enforcement. Such was the case of 74-year-old Saad Richa, who was abducted in the Bekaa valley in January 2017. Mr. Richa was forced into a vehicle by armed men and held for three days before being released. The head of the Land Transportation Union, Bassam Tleiss, was asked by House Speaker Berri to facilitate the release of Mr. Richa and negotiate with the abductors. Supposedly, no ransom was paid, but no other information about Richa's case has been released.<sup>44</sup>

The state's failure to address the causes of kidnapping, in spite of their consistent recurrence, and the proliferation of kidnappings for ransom, raises concerns about the approach of the Lebanese authorities in addressing security issues.

## Death Penalty

The United Nations Office of the High Commissioner for Human Rights (OHCHR) Resolution No.59/2005 calls upon countries that maintain the death penalty to suspend executions and apply a moratorium. Lebanon has not signed Resolution No.59/2005, and has abstained twice from voting on General Assembly Resolution (A/RES/62/149), which would encourage placing a moratorium on executions. Lebanon has also not signed the Second Optional Protocol of the ICCPR that would abolish the death penalty. In February 2012, MP Elie Keyrouz submitted a draft law to abolish the death penalty from the Lebanese Criminal Code. However, this law has yet to be scheduled for discussion in parliament.<sup>45</sup> Even though the death penalty is allowed, it is reserved for the most severe criminal punishment in the Lebanese Criminal Code, under Title II, Chapter I, namely under Articles 37 and 43.

In spite of the ongoing informal moratorium on executions and MP Keyrouz's draft law banning executions, there are emerging political pressures to reinstate the death penalty. Interior Minister Nouhad Machnouk called in early June 2017 for the application of the death penalty, particularly following<sup>46</sup> the shooting of Roy Hamoush, a 24-year-old student, who was shot and killed by three men on the Dora highway over a traffic dispute sparked a wave of protests in favor of capital punishment.<sup>47 48</sup>

## Evictions

Municipalities do not possess the authority to evict persons from leased or owned properties under the Municipal Act (decree law no. 118/77). They must seek a judicial order from the courts to effectuate such orders. However, refugees were frequently, and forcibly, evicted from their homes in 2017. Evictions result in high material losses, increased debt, tensions within communities and school dropouts. In Mount Lebanon alone, 498 refugees were evicted from

44 The Daily Star, "Richa freed after three-day abduction ordeal", January 23, 2017, <https://www.dailystar.com.lb/News/Lebanon-News/2017/Jan-23/390541-richa-freed-after-three-day-abduction-ordeal.ashx> (accessed June 14, 2017).

45 The death penalty remains a very sensitive and politicized topic in Lebanon. ALEF has continued monitoring and raising awareness with regards to the death penalty on numerous occasions through lobbying efforts and public statements.

46 The Daily Star, "NGO condemns calls to reinstate death penalty", June 13, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-13/409482-ngo-condemns-calls-to-reinstate-death-penalty.ashx> (Accessed November 9, 2017)

47 The Daily Star, "Apply the death penalty: Machnouk", June 9, 2017, <https://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-09/409055-re-enact-the-death-penalty-machnouk.ashx> (Accessed November 9, 2017)

48 The Daily Star, "Officials divided as calls to reinstate death penalty grow", July 8, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jul-08/412039-officials-divided-as-calls-to-reinstate-death-penalty-grow.ashx> (Accessed November 9, 2017)

rented accommodations, 621 refugees from collective shelters, 40 refugees from individual garages and shops, and 154 refugees from informal settlements.<sup>49</sup> LAF issued eviction notices to over 2,160 households around the Riyak air base in the Bekaa valley, affecting over 12,500 refugees. Syrian refugee families have increasingly stated that their main reason for moving is evictions by landlords and authorities.<sup>50</sup>



Relocations to other areas present challenges such as, high rent, costs due to relocation and loss of access to services and work. In addition, the lack of an official lease can lead to a secondary eviction. The United Nations High Commissioner for Refugees (UNHCR) is required to call municipalities to see if they have available housing for refugees before refugees can relocate. However, only 21% of refugees have the necessary authorizations for their new locations.

Relocation also impacts children. Thirty-four percent of households said at least one of their children dropped out of school due to an eviction. Women and children, especially, become increasingly vulnerable due to evictions. In order to repay borrowed money from sponsors or friends used for relocation costs, most families resort to employing the women and children of the family, who also are most likely to be exploited.<sup>51</sup>

Due to the murder of a Lebanese woman by a Syrian national in the town of Miziara, the local municipality only allowed Syrians to enter the town during daytime if they had a work permit. If they were trying to remain in their homes in Miziara, the landlord was called to evict them from their homes and their sponsors were forced to annul sponsorship contracts. The incident led to the eviction of several hundred Syrians residing in Miziara.<sup>52</sup> This catalyzed a series of evictions in a total of 28 locations in northern Lebanon, including 43 informal settlements, 4 collective shelters, and apartments in 4 municipalities.<sup>53</sup> These events impacted a total of 4,435 refugees in Tripoli, Miziara, and Bcharri.<sup>54</sup>

The Lebanese constitution grants municipalities the power to “protect the area in their jurisdiction.” In Bcharri, residents protested at a local school to ask the municipality to evict refugees and tried to prevent Syrian students from registering at school. This led to the closing of afternoon classes for Syrian students at local schools.<sup>55</sup>

49 PWG, January 2018

50 UNHCR “Vulnerability Assessment of Syrian Refugees in Lebanon”, December 2017, (2017, June 6). <http://data.unhcr.org/syrianrefugees/download.php?id=14762> (Retrieved on January 29, 2018)

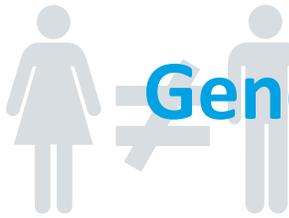
51 Inter-Agency Coordination Lebanon, “Riyak Eviction – Needs Assessment Summary”, July 2017

52 Reuters, October 5th, 2017, “Woman’s murder prompts mass eviction of Syrians from Lebanese town”, <https://www.reuters.com/article/us-mideast-crisis-lebanon-refugees/womans-murder-prompts-mass-eviction-of-syrians-from-lebanesetown-idUSKBN1CA18S> (accessed on February 23rd, 2018)

53 PWG, January 2018

54 Ibid.

55 The Daily Star, “Bsharri residents demand school refuse Syrian children”, November 4, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Nov-04/425133-bsharri-residents-demand-school-refuse-syrian-children.ashx>



# Gender-Based Discrimination

*In 2017, Lebanon ranked 137<sup>th</sup> out of 144 countries in terms of gender equality*

In 2017, Lebanon ranked 137<sup>th</sup> out of 144 countries in terms of gender equality.<sup>56</sup> Discrimination against women is apparent in every-day life and legislation in Lebanon. For example, women do not have the right to pass on their nationality to their children as per Decree No.15. Secondly, a national study by women's rights group ABAAD found that one in four women in Lebanon are raped, of whom less than a quarter report their assault. To combat sexual violence, parliament established Law 2934, to introduce important protection measures and court reforms. However, it has left the National Coalition for Legislating the Protection of Women from Family Violence unsatisfied. The law has failed to criminalize all forms of domestic violence, including marital rape.<sup>57</sup> Although an improvement over previous legislation, the law is unable to guarantee gender equality.

In April 2017, three years after its passing in parliament, parliament announced amendments to anti-domestic violence law 293. The proposed amendments would clarify the definition of domestic violence as, "any action, lack of action or threat of either that reflects the misuse of power within the family through the use of physical strength or other [means]," and include violence suffered after divorce. The Minister of State for Women's Affairs and several CSOs have applauded the amendment.

In August 2017, Lebanese parliament abolished article 522 law that allowed rapists to escape charges if they married their victims. In Lebanon, rape carries a maximum penalty of seven years in prison, more if the victim is a minor or a person with disabilities.

Although the labor law has a section specifically dedicated to preventing gender-based discrimination in the workplace, it prohibits women from, "driving machines with extremely large engines," and other stereotypically male jobs. There is also no law in Lebanon that protects women from sexual harassment and exploitation in the workplace.

CEDAW's "equal pay for equal work," is far from being implemented. According to the Global Gender Gap Report, the estimated earned income for women is valued at \$7,000 versus

<sup>56</sup> The Global Gender Gap Report 2017, [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf), (Accessed on January 24, 2018)

<sup>57</sup> Human Rights Watch, "World Report 2017", <https://www.hrw.org/world-report/2017/country-chapters/lebanon>, (accessed June 19, 2017).

\$27,831 for men. NSSL, like the labor law, is discriminatory by nature. The unemployed wives of men registered with the NSSL can have social security benefit but the unemployed husbands of registered wives cannot benefit. This is due to the outdated belief that men are the family breadwinners and can therefore provide social security coverage for their unemployed wives. Whereas, an employed woman can't provide social security coverage for their unemployed husbands. The prevailing law gives the male spouse the right to unconditional coverage of his partner in illness or maternity, while an insured, working wife can only cover her husband when he is over 60 years-old or is handicapped.

Working women were recently given the right to 10 weeks of fully paid maternity leave, in addition to their annual paid holidays.

Refugee women must also deal with high-levels of discrimination in Lebanon despite making up 80% of the refugee population.<sup>58</sup> In March 2016, Lebanese security officers freed as many as 75 Syrian women from two brothels. Some of the freed Syrian women were widows and claimed to have fallen victim to human trafficking out of need for fiscal security.<sup>59</sup> In 2011, the Ministry of Social Affairs (MoSA) was meant to create a trust fund for victims of human trafficking. Such a fund has yet to be established and these women are at high risk of falling back into a cycle of violence and exploitation.<sup>60</sup>

Even when provided with protection, foreign, female victims are kept in shelters or safe houses for extended periods of time while their cases remain in legal limbo. Since victims are trafficked into the country they lack legal documentation and can be sent to detention centers if found by security or intelligence forces. There have been accounts of women staying for months in shelters because their files "get lost" in the administrative process. Others wait in shelters until they have sufficient funds to pay for a ticket back to their country. Shelters and safe houses, despite offering better services, become another form of detention since the location of the shelters must remain unknown to the victim's friends and family, and the victim cannot leave until the DGGS files their applications.<sup>61</sup>

The LGBTQ+ community in Lebanon is also prone to gender-based discrimination. Article 534 of the Lebanese Penal Code, which criminalizes "any sexual intercourse contrary to the order of nature," is often interpreted to prosecute LGBTQ+ individuals. In January, 2017, a Lebanese judge ruled to not prosecute a gay couple under article 534, stating that homosexuality is not a crime.<sup>62</sup> It was not the first time the judicial system ruled in favor of the LGBTQ+ community, however the community is still susceptible to social, cultural and political exclusion and discrimination. In October, 2017, a transgender woman in Lebanon was detained due to her sexual identity.<sup>63</sup>

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58 UNHCR "Vulnerability Assessment of Syrian Refugees in Lebanon", December 2017, (2017, June 6). <http://data.unhcr.org/syrianrefugees/download.php?id=14762> (Retrieved on January 29, 2018)

59 Rania Hamzeh, The Legal Agenda, "Women Trafficking in Lebanon: The Torture Chambers of Chez Maurice", April 14, 2016, <http://legal-agenda.com/en/article.php?id=763&folder=articles&lang=en> (accessed March 02, 2017).

60 Human Rights Watch, "World Report 2017", <https://www.hrw.org/world-report/2017/country-chapters/lebanon>, (accessed June 19, 2017).

61 ALEF – Act for Human Rights, "Guilty Until Proven Innocent: Report on the root causes of arbitrary detention, long delays in trial, and lengthy pre-trial detention", January 2013.

62 Human Rights Watch, February 2, 2017, "Lebanon edges closer to decriminalizing same-sex conduct", <https://www.hrw.org/news/2017/02/02/lebanon-edges-closer-decriminalizing-same-sex-conduct>, (accessed on February 28, 2018).

63 Woman Economic Empowerment Portal, October 11th, 2017, "Civil mobilization to release a transgender woman in Lebanon", accessed from <http://www.weportal-lb.org/news/civil-mobilization-release-transgender-woman-lebanon> on February 28th, 2018.



Even though torture and ill-treatment are prohibited by Lebanese law, in practice both are still common, especially during interrogations.<sup>64</sup> Many confessions are made under torture, denying detainees the right to a fair trial.<sup>65</sup> While security officials are trained on alternative techniques that avoid the use of torture, torture is still perceived as a justified means of investigation in Lebanon.<sup>66</sup>

In June 2017, authorities conducted mass security raids in Arsal and over 350 Syrians were arrested. The following month, a statement by the army announced the death of four Syrians in custody. According to an expert doctor, the photographs of the bodies show injuries that are consistent with physical torture and contradict statements made by the Lebanese Army that the deaths were a result of natural causes.<sup>67</sup> Other elements corroborate this theory. A witness in Arsal saw 34 detainees who had clearly been tortured. Former detainees claim to have been beaten and ill-treated by the Lebanese army during the raid. The investigation led by the Military judicial authorities concluded that the deaths were not caused by violence but by chronic diseases. These findings are clearly inconsistent with the other elements, but the details of the investigation and the relevant documents were not shared publicly.<sup>68</sup> The lack of transparency during investigations hampers efforts to establish effective evidence-based strategies to fight torture. Investigations led by military authorities are also a problem because they prevent independence during the process.

Lebanon appeared before the Committee Against Torture (CAT) in April 2017, the first time since it adopted the treaty in 2000.<sup>69</sup> In May 2017, the CAT published observations on Lebanon's initial report, cautiously praising Lebanon's progress despite the country's particularly complicated situation. The report recommended drafting a new law prohibiting the use of torture, defining

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64 Lebanon Support - Civil Society Knowledge Centre, Camille Lons, "Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon", March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (January 25, 2017).

65 Ibid.

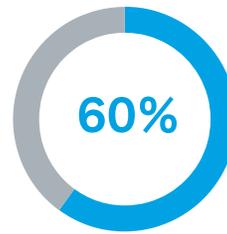
66 Ibid.

67 Human Rights Watch, "Lebanon: Deaths, Alleged Torture of Syrians in Army Custody", July 20, 2017, <https://www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody> (accessed October 31, 2017)

68 Ibid.

69 The Daily Star, "Lebanon Finally Goes Before Committee on Torture", April 21, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-21/402737-lebanon-finally-goes-before-committee-on-torture.aspx> (accessed November 2, 2017).

clear penalties and removing the statute of limitations. It also raised concerns about the systematic and widespread use of torture. According to the report, 60% of detainees were tortured at the hands of the police.<sup>70</sup> The report also recommended appointing members to the new National Human Rights Institute (NHRI) and gave Lebanon a year to execute priority measures and establish a plan of action to implement past and new recommendations.<sup>71</sup> However, by the end of 2017, no recommendations have been implemented.<sup>72</sup>



**detainees tortured at the hands of the police**

### **The National Human Rights Institute**

In 2016, parliament passed a law to create the National Human Rights Institute (NHRI), whose task is to monitor the human rights situation in Lebanon and end the use of torture. However, the NHRI still does not have appointed members or funding and is not operational. The agency is essential for the creation of a stable and successful framework against torture. Yet, countless delays and government inaction highlight the lack of political will to prevent torture. It's possible that Lebanon's initial eagerness to create the NHRI was simply due to its upcoming appearance in front of the CAT.<sup>73</sup>

### **Non- Refoulement**

Earlier this year, President Michel Aoun, called for Syrian refugees to return to "safe" zones within Syria. In October, Aoun appealed to the international community and the five permanent members of the UN Security Council for help organize a safe and secured return to Syria for refugees.<sup>74</sup> However, even without aid from the UN, the Lebanese army has begun extraditing refugees to questionable safe zones.

In February 2017, the country's foreign minister expressed interest in adopting a policy that would demand refugees return to Syria.<sup>75</sup> The foreign minister's speech led leaders, ministers from the government and Maronite Patriarch, Beshara al-Rai,<sup>76</sup> from all over the political spectrum to call for the return of refugees.

70 Committee against Torture, "Concluding observations on the initial report of Lebanon", May 30, 2017

71 The Daily Star, "Anti-torture progress likely to be slow", May 25, 2017, [http://www.dailystar.com.lb/News/Lebanon-News/2017/May-25/407193-anti-torture-progress-likely-to-be-slow.ashx?utm\\_source=Magnet&utm\\_medium=Entity%20page&utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2017/May-25/407193-anti-torture-progress-likely-to-be-slow.ashx?utm_source=Magnet&utm_medium=Entity%20page&utm_campaign=Magnet%20tools) (accessed November 2, 2017)

72 Ibid.

73 "Law no. 62 Establishing the National Human Rights Institution Including the National Preventive Mechanism." Official Gazette no. 52, November 03, 2016.

74 The Daily Star, "Aoun appeals to world leaders on Syria refugee crisis", October 17, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Oct-17/422940-aoun-appeals-to-world-leaders-on-syria-refugee-crisis.ashx> (Accessed November 27, 2017)

75 Khawaja, B. (2017, March 14). Lebanon Policy Leaves 'Second Class' Syrians Vulnerable to Return: HRW. Retrieved June 9, 2017, from News Deeply: <https://www.newsdeeply.com/syria/community/2017/03/14/lebanon-policy-leaves-second-class-syrians-vulnerable-to-return-hrw-2>

76 Reuters, "Hostility grows towards Syrian refugees in Lebanon", August 28, 2017, <https://www.reuters.com/article/us-lebanon-refugees-tension/hostility-grows-towards-syrian-refugees-in-lebanon-idUSKCN1B8128> (Accessed November 28, 2017)

Hezbollah has negotiated several deals with Syrian rebel factions to forcibly return Syrians back to Syria. On June 10, 2017, around 50 Syrian refugee families were returned to Aasal al-Ward, a town in southern Syria, as part of a political deal. The move back to Syria, according to a statement made by the army, is in the “keen interest of the families”.<sup>77</sup> Another deal returned 7,000 Syrian rebel fighters, their families and other refugees who were escorted by Hezbollah back to Syria in August, 2017.<sup>78</sup>

International organizations did not have access to the refugees in question prior or during the transfer and expressed concerns regarding the conditions of the return. Despite claims by the Lebanese government that all the returns are voluntary, UN officials stated that most refugees didn’t have much choice,<sup>79,80,81</sup> and there is still active fighting in the regions refugees are being sent to.

*Despite claims by the Lebanese government that all the returns are voluntary, UN officials stated that most refugees didn’t have much choice and there is still active fighting in the regions refugees are being sent to.*

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77 The Daily Star. (2017, June 12). Syrian refugee families leave Lebanon for ‘safe zones’. Retrieved June 13, 2017, from The Daily Star: <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-12/409332-syrian-refugee-families-leave-lebanon-for-safezones.ashx>

78 Reuters, “Syrian militants, refugees arrive in Syria rebel zone from Lebanon”, August 2, 2017, <https://www.reuters.com/article/us-mideast-crisis-syria-lebanon/syrian-militants-refugees-arrive-in-syria-rebel-zone-from-lebanon-idUSKBN1A11AK>

79 The Guardian, “Thousands of refugees and militants return to Syria from Lebanon”, August 14, 2017, <https://www.theguardian.com/world/2017/aug/14/thousands-refugees-militants-return-syria-from-lebanon-hezbollah> (Accessed November 27, 2017)

80 News Deeply, “Syrian Refugees Return from Lebanon Only to Flee War Yet Again”, October 11, 2017, <https://www.newsdeeply.com/refugees/articles/2017/10/11/syrian-refugees-return-from-lebanon-only-to-flee-war-yet-again> (Accessed November 27, 2017)

81 The Daily Star, Syrian refugee families leave Lebanon for ‘safe zones’. June 12, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-12/409332-syrian-refugee-families-leave-lebanon-for-safezones.ashx> (Retrieved on June 13, 2017)

### Criminalization of Torture

Members of parliament, namely from the Human Rights Parliamentary Committee, have worked alongside CSOs in a series of workshops and meetings to draft and pass a law criminalizing torture in accordance with UNCAT. However, the pressure to pass such a law quickly despite remaining gaps, has proven detrimental. The new law, established on September 19<sup>th</sup>, 2017, is an amendment to article 401 of the Lebanese Penal Code that previously established a limited definition of torture. The new amendment unfortunately fails to comply with the norms of the CAT, ignores concerns raised by UNCAT in April 2017<sup>82</sup>, and does not include ill-treatment. CSOs were also left out of the final drafting process.<sup>83</sup> The definition of torture has changed in the new draft. Now the act only qualifies as torture if committed, “during the initial investigation, judicial investigation and trials.” This purposely limits the situation in which torture might be practiced and therefore criminalized. Torture performed during the transport of detainees, detention or even in other places of deprivation of liberty such as mental health hospitals are excluded from criminalization. Moreover, the law does not address the jurisdiction of military courts over cases of torture involving state agents.

The penalties for torture do not equate the severity of the action, especially in cases where, “torture does not result in death or permanent or temporary physical or mental disability.” If the consequences do not deter abusers, the law becomes obsolete.<sup>84</sup> These concerns were reiterated in a statement issued by the Special Rapporteur on torture of the Office of the High Commissioner for Human Rights in November, 2017.<sup>85</sup> Nonetheless, Lebanese authorities should prosecute torture cases under the new law until improvements can be made. Additionally, Lebanese courts should interpret the law in line with Lebanon’s obligations under international human rights law.

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82 Alkarama, “Lebanon: UN Committee Deplores Routine Use of Torture”, May 12, 2017, <https://www.alkarama.org/en/articles/lebanon-un-committee-deplores-routine-use-torture> (accessed November 2, 2017).

83 L’Orient Le Jour, “Le Liban criminalise la torture: « Insuffisant », répond la société civile”, October 28, 2017, <https://www.lorientlejour.com/article/1080839/le-liban-criminalise-la-torture-insuffisant-repond-la-societe-civile.html> (accessed October 31, 2017)

84 Alkarama, “Lebanon: New Anti-Torture Law a Missed Opportunity, Fails to Meet Standards of UN Convention Against Torture”, September 29, 2017, <https://www.alkarama.org/en/articles/lebanon-new-anti-torture-law-missed-opportunity-fails-meet-standards-un-convention-against> (accessed November 1, 2017)

85 Official High Commission of Human Rights, “Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment”, November 2017, <https://spcommreports.ohchr.org/TMResultsBase/Down-LoadPublicCommunicationFile?gId=23436> (Accessed on February 26, 2018)



# Enforced Disappearances and Forced Exile

The Lebanese civil war (1975-1990) led to a multitude of human rights violations ranging from enforced disappearances, arbitrary detention in third countries to forced exile. Such violations remain unsolved to this day, leaving thousands of victims without justice.

Out of the 17,415<sup>86</sup> Lebanese citizens reported as disappeared, approximately 2,300 were registered as missing. To this day, the government has failed to assess the totality of missing persons, as well as enforced and involuntary disappearances. Since 2012, the International Committee of the Red Cross (ICRC) has assessed the number of missing people in Lebanon, to not only answer unsolved questions, but to also provide support for the families of the missing persons. The ICRC assessment resulted in the identification of 5,000 to 8,000 missing persons.<sup>87</sup>

*Out of the 17,415 Lebanese citizens reported as disappeared,  
approximately 2,300 were registered as missing.*

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86 Amnesty International, "Annual Report 2008 – Enforced Disappearance Update Selected extracts on Enforced Disappearance" August 28, 2008.

87 Interview with Act for the Disappeared, Justine De Mayo conducted in 2016.

### Lebanese Citizens Imprisoned in Syria

The current situation in Syria has led to several uncertainties about the whereabouts of Lebanese citizens held in arbitrary detention in Syrian prisons. According to the Lebanese Association for Lebanese Political Prisoners in Syria, approximately 628 Lebanese prisoners were still in Syrian prisons in 2016.<sup>88</sup> Despite the establishment of a committee in 2005 to follow up on the fate of the missing, neither the Lebanese nor the Syrians have shared official figures. Ghazi Aad, a pioneer activist for the disappeared and detained in Syria and founder of SOLIDE, called on the government to prioritize the cause. The natural death of Ghazi Aad in November, 2016, instilled a sense of duty in the public to establish the National Commission on the Disappeared.

In February, 2016, President Aoun stressed his commitment to solving what happened to the disappeared. His party's leadership is currently proposing legislation.<sup>89</sup> Despite various discussions on the matter, legislation about the fate of the disappeared has never been in parliament's agenda nor voted upon.

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88 Al- Ayyam Syria, "Ali Abou Dehen Narrates the Days in the Hell of Syrian Prisons", September 17, 2016. <http://ayyamsyria.net/archives/179594> (accessed February 01, 2017).

89 ALEF and other CSO's visit to the President of the Republic, February 7, 2017.



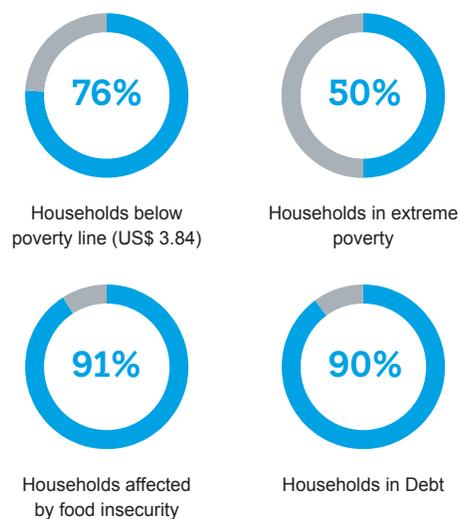
# Refugees and Asylum Seekers

Lebanon has not ratified the 1951 Convention Relating to the Status of Refugees, nor its 1967 protocol, which defines a refugee, their rights, and the responsibilities of the signatory states. However, this does not exempt Lebanon from respecting certain fundamental rights of refugees. As a signatory of the UDHR, Lebanon must ensure those fleeing violence and war may enter Lebanon's borders freely, without persecution.

Lebanon currently hosts the highest number of refugees per capita, with government estimates standing at 1.5 million Syrian refugees, of whom 995,512<sup>90</sup> are registered at UNHCR, a figure which dropped by around 200,000 since 2015. The figures do not include the 174,422 Palestinian refugees<sup>91</sup> which predate the Syrian crisis and an influx of an estimated 32,000 Palestinian refugees from Syria.

The Lebanese government's neglect of certain protection issues puts refugees at higher risk of human rights violations. According to UNHCR, 76% of the refugee population lives below the national poverty line and more than half of Syrian refugees in Lebanon live in extreme poverty.<sup>92</sup> Ninety-one percent of refugee households are affected by food insecurity and nine out of ten Syrian refugees are in debt. As of the 5<sup>th</sup> of December, 2017, only 36% of the estimated USD 2.035 billion that is required to provide adequate support to Syrian refugees in Lebanon was available. Lebanon also refuses to label Syrians, who arrived in the country after March 2011, as "refugees".

## Refugees living in poverty



90 <http://data.unhcr.org/syrianrefugees/country.php?id=122> (as of November 2017)

91 The Daily Star. "Census finds 174,422 Palestinian refugees in Lebanon", <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-21/431109-census-finds-174422-palestinian-refugees-in-lebanon.ashx> (accessed December 22, 2017)

92 UNHCR "Survey finds Syrian refugees in Lebanon became poorer, more vulnerable in 2017", January 9, 2018, <http://www.unhcr.org/afr/news/briefing/2018/1/5a548d174/survey-finds-syrian-refugees-lebanon-poorer-vulnerable-2017.html>, (Accessed on January 29, 2018)

Instead, they are identified as, “temporarily displaced individuals”.<sup>93</sup> As of January 2015, Lebanon has imposed strict border regulations, restricting entry to Syrians escaping violence.<sup>94</sup> The Lebanese government has also had several failed policies that further impoverished refugee communities.

In February 2017, the Lebanese government passed a new residency policy that abandoned the yearly \$200 renewal fee for residency. The policy included a waiver that applies to Syrian refugees who were registered with UNHCR before the 1<sup>st</sup> of January, 2015, and who had not renewed their residency in 2015 or 2016. Eligible refugees receive a six-month extension of their residency free-of-charge, renewable several times, upon presentation of the required documentation at the DGGS offices. The previous residency policy was unsuccessful as it proved to be unaffordable to Syrians seeking to apply for, or renew, their residency. An estimated 60% of refugees lost their legal status because they were unable to afford the fee.<sup>95</sup> The widespread loss of legal status has led to extensive poverty, restriction of movement, difficulties working and lack of access to services such as health care and education.

The new policy is a step forward, but excludes a large part of the refugee population, including roughly 500,000 Syrians who aren’t registered with the UNHCR and refugees who received residency through sponsors after January 2015. Unregistered refugees are the most vulnerable and marginalized, and lack access to basic services. The new policy thus runs the risk of further marginalizing the most vulnerable refugees.

Due to inconsistencies in the policy’s implementation and confusion on how to correctly apply the policy, Syrian nationals continue to face challenges when obtaining free visa renewals and legal residency.<sup>96 97</sup> Many Syrian refugees are still asked to sign documents pledging not to work in order to obtain residency permits, despite the repeal of this policy in 2016.<sup>98 99</sup> Others were arbitrarily denied residency permits, and had to pay the full fee even though they had all the necessary papers to prove their eligibility for the waiver.<sup>100 101</sup>

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93 ALEF and Pax, “Trapped in Lebanon”, May 2016

94 Inter-Agency Coordination Lebanon, “Inter-Agency Meeting Presentation”, March 10, 2017

95 Human Rights Watch, “The Gaps in Lebanon’s new refugee policy”, March 14, 2017, <https://www.hrw.org/news/2017/03/14/gaps-lebanons-new-refugee-policy> (accessed February 1, 2018)

96 The Daily Star, “Hurdles impede implementation of residency fee waivers”, April 1, 2017 <http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-01/400101-hurdles-impede-implementation-of-residency-fee-waivers.ashx> (accessed on January 30, 2018)

97 UNHCR “Vulnerability Assessment of Syrian Refugees in Lebanon”, December 2017, (2017, June 6). Retrieved January 29, 2018 from UNHCR: <http://data.unhcr.org/syrianrefugees/download.php?id=14762>

98 Khawaja, B. (2017, March 14). Lebanon Policy Leaves ‘Second Class’ Syrians Vulnerable to Return: HRW. Retrieved June 9, 2017, from News Deeply: <https://www.newsdeeply.com/syria/community/2017/03/14/lebanon-policy-leaves-second-class-syrians-vulnerable-to-return-hrw-2>

99 Inter-Agency Coordination Lebanon, “Inter-Agency Meeting Presentation”, March 10, 2017

100 Khawaja, B. (2017, March 14). Lebanon Policy Leaves ‘Second Class’ Syrians Vulnerable to Return: HRW. Retrieved June 9, 2017, from News Deeply: <https://www.newsdeeply.com/syria/community/2017/03/14/lebanon-policy-leaves-second-class-syrians-vulnerable-to-return-hrw-2>

101 Inter-Agency Coordination Lebanon, “Inter-Agency Meeting Presentation”, March 10, 2017

Only 24% of the DGGS offices applied the waiver fully as of August, 2017.<sup>102</sup> By November, 2017, 74% of Syrian refugees aged 15 and above didn't have valid residency.<sup>103</sup>

In September 2017, the Personal Status Department (PSD) in the Ministry of Interior and Municipalities announced a change in birth and marriage registration procedures for Syrian refugees and Palestinian refugees from Syria. The Ministry of Interior (MoI) will no longer require both spouses to have valid legal residency or an entry card to be able to register their marriage. Additionally, parents will no longer require valid legal residency to register their children born in Lebanon. Although this is a positive change in policy, especially since only 36% of Syrian refugee children were able to be registered at the PSD in 2017,<sup>104</sup> there has been no clear mechanism to ensure the full implementation of the policy. In Lebanon, there is a one-year period after birth when parents can register their newborns. Many refugees are unaware of these Lebanese regulations because they don't exist in Syria. If parents miss the one-year limit, they must go to court to complete registration, which they can't do without valid legal residency. The September, 2017, policy therefore fails to address gaps and limitations such as these.

In 2017, the Lebanese-Palestinian Dialogue Committee, in partnership with the Lebanese Central Administration of Statistics and the Palestinian Central Bureau of Statistics created the first official census for Palestinian refugees in Lebanon. According to the census, 174,422 Palestinian refugees live in Lebanon. Around 45% of these refugees live in 12 camps across the country, where the situation continues to deteriorate every year.<sup>105</sup> However, not all Palestinian refugees in Lebanon were included in the census. Areas with fewer than 15 Palestinian families were not included. Additionally, an estimated 45,000 Palestinian refugees from Syria were not included in the census. The census also conflicts with the number of Palestinian refugees registered at the United Nations Relief and Works Agency for Palestinians (UNRWA), who believes there are around 469,331 Palestinians living in Lebanon.<sup>106</sup>

The census has had several benefits. The government can now better plan financially and have a greater grasp of the number of Palestinians that are in need of aid. Following the census, Minister of Interior, Nouhad Machnouk, stated that Palestinians would, "hopefully soon be given biometric identity cards."<sup>107</sup>

Palestinian refugees face severe obstacles when finding employment. They are banned from certain professions and have difficulty obtaining a work permit. They are also denied their right to own property. In July, 2017, the Lebanese Working Group on Palestinian Refugee Affairs, part of the Council of Ministers, presented a draft of a national plan for Palestinian refugees in Lebanon. The report stated its opposition to Palestinian resettlement in Lebanon, but called to remove restrictions on economic and social rights such as access to social protection, the right to

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102 Inter-Agency Coordination Lebanon, "Inter-Agency Meeting Presentation", March 10, 2017

103 UNHCR, UNICEF & WFP, "Vulnerability Assessment of Syrian Refugees in Lebanon", December 2017

104 UNHCR, UNICEF & WFP, "Vulnerability Assessment of Syrian Refugees in Lebanon", December 2017

105 The Daily Star, "Census finds 174,422 Palestinian refugees in Lebanon", December 21, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-21/431109-census-finds-174422-palestinian-refugees-in-lebanon.ashx> (Accessed on January 29, 2018)

106 The Daily Star, "Why UNRWA's refugee count is so high", January 6, 2018, <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-06/432663-why-unrwas-refugee-count-is-so-high.ashx> (Accessed on January 29, 2018)

107 The Daily Star, "Census finds 174,422 Palestinian refugees in Lebanon", December 21, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-21/431109-census-finds-174422-palestinian-refugees-in-lebanon.ashx> (Accessed on January 29, 2018)

work and the right to property. The draft also called for an expanded role of the state in camps that lacked access to basic services. Although UNRWA and the PLO welcomed the plan, it did not guarantee the adoption of corresponding legislation by the Lebanese government.<sup>108</sup>

Many Iraqi refugees residing in Lebanon are seeking resettlement in a third country. This process can last up to three years because Iraqis must apply for resettlement through the UNHCR. In February, 2017, hundreds of Iraqi refugees demonstrated in front of the U.N. building in downtown Beirut, calling for a faster and easier resettlement process. Currently, the process is incredibly difficult because only the U.S., Australia and Canada accept Iraqi refugees. In 2017, 11,499 refugees from Lebanon were resettled to other countries, including 341 Iraqi refugees.<sup>109</sup>

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108 The Daily Star, "National Plan for Palestinian Refugees", July 21, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jul-21/413478-national-plan-for-palestinian-refugees.ashx> (Accessed November 28, 2017)

109 UNHCR Resettlement Data Finder, <http://rsq.unhcr.org/#YQk2>, (accessed February 1, 2018)



# Freedom of Opinion and Expression and the Right to Peaceful Meetings and Demonstrations

Freedom of expression is one of the main tenets of a vibrant democracy and is enshrined in article 19 of the UDHR and ICCPR and in the Lebanese constitution. However, there are several obstacles that continue to limit freedom of expression in Lebanon. Article 582 of the Criminal Code punishes any person who is found guilty of defamation or slander with up to three months in prison and a fine of 50,000 LL to 400,000 LL. Lebanon's article 15 of the 1946 Labor Code prohibits a public employee from stating or publishing, without prior written approval of the head of the directorate, any speech, public statement, or authored work in any subject.

According to the World Press Freedom Index, Lebanon has dropped one ranking since 2016 and is now 99th out of 180 countries in terms of press freedom.<sup>110</sup> One of the main concerns for freedom of expression is the 1962 Press and Publication Law, which challenges press freedoms and raises several concerns. It is mainly used to stifle dissent in cases involving social media and persons who are not members of the press.<sup>111</sup> Self-censorship has therefore become more prominent in the blogosphere and in the country's top media outlets owned by powerful figures across the political spectrum. Users often fear repercussion from the government or certain political and sectarian groups.

Several Lebanese citizens were arrested for social media posts and articles in 2017. In January, Hassan Saad was arrested over a Facebook post and charged with, "contempt of the presidency."<sup>112</sup> If found guilty, he can be imprisoned for up to two years.<sup>113</sup> On March 21, 2017, Ahmad Amhaz was arrested for criticizing Lebanon's president, prime minister, and speaker of parliament on Facebook. Amhaz was interrogated without a lawyer and was charged with, "criticism of public officials." The Lebanese penal code criminalizes slander and defamation against public officials, which contradicts Lebanon's obligations to international law and the duty to guarantee freedom of expression. UNHCR stated, "harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold" constituted a violation of the ICCPR.

110 110 Reporters Without Borders, "2017 World Press Freedom Index", May 31, 2017, <https://rsf.org/en/ranking#> (accessed on February 4th, 2018)

111 Lara Bitar, "Self-Expression is not a Crime: Release Bassel al-Amin", December 08, 2016, <https://smex.org/self-expression-is-not-a-crime-release-bassel-al-amin/>

112 SMEX. (2017, February 6). A Statement Demanding the Release of Hassan Saad. Retrieved June 16, 2017, from Social Media Exchange: <https://smex.org/a-statement-demanding-the-release-of-hassan-saad/>

113 Ibid.

In July, 2017, journalist Fidaa Itani was interrogated by the Cybercrime Bureau following his blog post criticizing the government, the Lebanese army, and the president over the death of Syrian refugees in custody in Aرسال. The Cybercrime Bureau asked him to remove the post, but when he refused to apologize,<sup>114</sup> he received death threats.<sup>115</sup>

There is no evidence of formal complaints being filed against the aforementioned individuals at the Cybercrime Bureau. So, the bureau should not be able to arrest people based on these complaints. The power given to the bureau also exceeded its legal mandate since it is not supposed to deal with defamation cases.<sup>116</sup>

### Censorship

In May 2017, the Interior Ministry of Lebanon banned the film *Wonder Woman* because the lead actress served in the Israeli army and has publicly praised their operations.<sup>117</sup> *Annabelle 2: Creation* was banned by Lebanese authorities the night of its release, following claims by members of the Christian Media Committee that the movie contained scenes offensive to Christianity.<sup>118</sup> Lebanese laws on media are vague and lack transparency, giving authorities the ability to censor films and other art productions arbitrarily.<sup>119</sup> On September 10<sup>th</sup>, 2017, Lebanese director Ziad Doueiri was arrested at the Beirut airport, and sent to Military Court on the same day, for shooting his previous film, *The Attack*, in Israel. He was released without charges the following day. According to Doueiri, the timing of the arrest just before the release of his new film *The Insult* was aimed at suppressing and disrupting the release and to intimidate Doueiri.<sup>120</sup>

### Digital Security and the Right to Privacy

In 2017, privacy and surveillance researchers released a report on a malware espionage campaign tied to the DGGs. The agency allegedly stole hundreds of gigabytes worth of personal data, affecting thousands of people in more than 20 countries. Several of those affected were activists, journalists, lawyers and educational institutions.<sup>121</sup> The campaign violates Lebanon's international human rights obligations, as human rights law prohibits any arbitrary or unlawful interference with privacy, including private communications.<sup>122</sup>

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114 Daily Star, "Itani released after overnight detention", July 12, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jul-12/412471-itani-released-after-overnight-detention.aspx> (accessed on February 28, 2018).

115 Al Monitor, "Lebanese society on edge with Aرسال raid, battle", August 3, 2017, <https://www.al-monitor.com/pulse/originals/2017/08/lebanon-army-raids-hezbollah-arsal-refugees-tensions.html> (Accessed November 8, 2017)

116 Middle East Eye, "Lebanon's cybercrime arrests threaten state's credibility", January 13, 2017, <http://www.middleeasteye.net/columns/lebanons-cybercrime-arrests-threaten-states-credibility-625803839> (Accessed November 7, 2017)

117 Francis, E., & Kanaan, A. "Lebanese ministry bans 'Wonder Woman' film over Israeli actress.", June 1, 2017. <http://www.reuters.com/article/us-lebanon-israel-film-boycott-idUSKBN18R2GX> (Retrieved on June 16, 2017)

118 Step Feed, "'Annabelle 2' was just banned in Lebanon for religious reasons", August 18, 2017, <https://stepfeed.com/annabelle-2-was-just-banned-in-lebanon-for-religious-reasons-1969> (accessed November 6, 2017)

119 Al Monitor, "Online database gives uncensored look into Lebanon's censorship", June 6, 2017, <https://www.al-monitor.com/pulse/en/contents/articles/originals/2017/06/lebanon-censorship-museum-freedom-of-expression.html> (Accessed November 6, 2017)

120 Variety, "Ziad Doueiri: I Was Detained in Lebanon in Attempt to Suppress 'The Insult'", September 11, 2017, <http://variety.com/2017/film/global/lebanese-director-ziad-doueiri-the-insult-detention-military-tribunal-censor-suppress-1202554106/> (Accessed November 6, 2017)

121 ALEF, "Lebanon: Investigate large-scale surveillance reports", January 24, 2018, <https://ALEFliban.org/press/lebanon-investigate-large-scale-surveillance-reports/> (Accessed January 25, 2018)

122 Office of the High Commissioner of Human Rights, "International Covenant on Civil and Political Rights", <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (Accessed January 25, 2018)

Violations to digital security also extend to cyberattacks. Unknown hackers defaced the Lebanese Medical Association for Sexual Health (LebMASH) website shortly after the organization launched a pro-LGBTQ+ campaign. The website was defaced with homophobic language and expletives against Palestine and Lebanon.<sup>123</sup> In another incident in May 2017, the Lebanese central bank was targeted as part of a cyber-attack. Although the attack was prevented and some services were temporarily suspended as a precautionary measure, the attack shows that government institutions are still vulnerable to cyber-attack threats.<sup>124</sup>

### Freedom of Conscience

Religious groups in Lebanon are allowed to practice their faith, hold religious ceremonies and assemble freely. Yet, some religious groups, despite being in Lebanon for decades, remain unrecognized and do not have the same rights legislatively. Although Lebanon has been tolerant of their religious practices, unrecognized religious groups including Jehovah's Witnesses, Baha'is, Hindus, Buddhists, Mormons, Zoroastrians, and any other followers cannot marry, divorce or inherit according to their own rules.<sup>125</sup> To undertake formal proceedings, they must resort to the courts of recognized groups or leave the country to access courts elsewhere.

Members of non-recognized groups face problems when applying for IDs and passports, since these documents mention only those religions recognized by the state. Members of unrecognized religious groups are also not allowed to work in the government, run for office or become diplomats. Furthermore, voters need to register under one of the recognized religions in order to access voting polls.<sup>126</sup>

Non-recognized groups also cannot officially register their houses of worship, excluding them from the property tax exemption given to churches and mosques.<sup>127</sup> In addition to legal and administrative discrimination, unrecognized groups are often subjected to social and religious prejudice. Several studies have shown that Jehovah's Witness members are more vulnerable to harassment from security forces.<sup>128</sup> Fear of persecution has also driven these unrecognized religious groups to perform their rituals behind closed doors and forced them to forego other traditions.<sup>129</sup>

Despite the highly-publicized renovation of Beirut's Maghen Abraham Synagogue, and its successful restoration in 2014, access to the site remains strictly limited. Claims that the synagogue was to be re-inaugurated continue to be dismissed as rumors. Representatives involved in the restoration process blame "national instability," denying media allegations that the Jewish community has received threats from religious communities to halt the re-opening.<sup>130</sup>

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123 Freedom House, "Freedom on the Net - Lebanon", 2017

124 The Daily Star, "Lebanon's Central Bank thwarts cyberattack", May 15, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/May-15/405907-lebanon-central-bank-under-cyber-attack-shuts-off-online-services.ashx> (accessed on February 26, 2018).

125 Rania El Rajji, Minority Rights Group International, "The leaves of one tree: Religious minorities in Lebanon", December 2014, <https://reliefweb.int/sites/reliefweb.int/files/resources/mrg-briefing-religious-minorities-in-lebanon.pdf>

126 Ibid.

127 Country Research Section of the Refugee Review Tribunal (RRT), "Refugee Review Tribunal Australia RRT Research Response", May 2, 2007.

128 Austrian Centre for Country of Origin and Asylum Research and Documentation, "Answer to Lebanon: Location of Jehovah's Witnesses"; [http://www.ecoi.net/local\\_link/309174/433021\\_en.html](http://www.ecoi.net/local_link/309174/433021_en.html).

129 Mohamed Chebaro, Now Lebanon, "Lebanon's Zoroastrians want a civil state" November 20, 2014, <https://now.mmedia.me/lb/en/reportsfeatures/564417-lebanons-zoroastrians-want-a-civil-state>

130 Michael Kaplan, Forward, "The Mystery of Lebanon's Maghen Abraham Synagogue", May 15, 2015, <http://forward.com/culture/307619/the-mystery-of-maghen-abraham/>

### Right to Peaceful Meetings and Demonstrations

Lebanese non-governmental organizations (NGOs) continue to operate openly, however several limitations restrict their work. NGOs are required to notify the government of their formation and wait for a notification number from the Ministry of Interior (MoI). This process can take up to a few years, leaving many organizations in administrative limbo. With no checks on the process by other government bodies or external organization, the MoI has the discretionary power to delay issuing notification numbers, or not issue them at all. The MoI has often used these techniques to intimidate activists. Mother Nature, an NGO that advocates for environmental rights, has yet to receive its notification number from the government after submitting its notice of association in 2015. The MoI has delayed Mother Nature's notification number on the grounds that the establishment of this organization would lead to, "problems among the inhabitants of the village" where the organization will be based. Most often, organizations in question choose to either disband or obtain their notice through extra-judicial means.

Those wanting to peacefully assemble in Lebanon are required to notify the local authorities. Local authorities are allowed to ban peaceful assemblies arbitrarily under the obsolete excuse of, "a threat to national security". Multiple events during the Beirut Pride Week 2017, an event in support of the LGBTQ+ community, were cancelled or downsized after threats of protests and violence by the Salafist group, Council of Muslim Scholars. Host venues subsequently decided to cancel events after being pressured by Lebanese authorities."<sup>131</sup>

On Friday, June 16<sup>th</sup>, 2017, protesters organized a demonstration in front of the parliamentary building in Beirut to protest an agreement between the country's rival parties. Lebanese security personnel countered the demonstration with violence, using batons and sticks against protesters as they entered Najmeh square, near parliament. A video circulated on social media showing two women who <sup>partook</sup> in the protest, being beaten by soldiers. Another video showed members of the army moving past the security barrier and beating several protesters without apparent justification.<sup>132</sup>

The military claimed in a statement that the use of force was a necessary response after demonstrators tried to break into the security barrier and assault the guards. However, videos and subsequent reports showed no credible evidence to corroborate the military's claim. The Minister of National Defense stated that they would open an investigation but the results have yet to be published.<sup>133</sup> On July 16<sup>th</sup>, 2017, the MoI announced a ban on demonstrations in Lebanon following several planned protests against the discrimination of refugees. The initial protest was denounced by the Free Patriotic Movement, who stated that any Lebanese participation in this protest should be regarded as treason. When there was a subsequent call for a counter protest in support of the army, the Free Patriotic Movement, as well as many political figures, voiced its support. Instead of allowing both protests to occur, authorities shut both down and put an immediate ban on protests under the pretext of preserving security and civic peace.<sup>134</sup>

131 Telegraph, "Beirut Pride week goes ahead despite Islamist threats", May 21, 2017, <http://www.telegraph.co.uk/news/2017/05/21/beirut-pride-week-goes-ahead-despite-islamist-threats/> (accessed January 31, 2018)

132 Arwa Ibrahim, "Lebanese protesters beaten by soldiers in election law protest", June 16, 2017, <http://www.middleeasteye.net/news/least-seven-injured-lebanese-protesters-beaten-security-personnel-1261259630> (Accessed January 22, 2018)

133 Human Rights Watch, "Lebanon: Hold Soldiers Who Beat Protesters to Account", June 21, 2017, <https://www.hrw.org/news/2017/06/21/lebanon-hold-soldiers-who-beat-protesters-account> (Accessed November 8, 2017)

134 The Daily Star, "All protests banned in Lebanon after call by Syria activists", July 17, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jul-17/413005-all-protests-banned-after-call-by-syria-activists.ashx> (Accessed November 8, 2017)

## Corruption

Despite the addition of a state minister to fight corruption, the situation remains stagnant. Minister Tueni, the minister responsible for the fight against corruption, stated in March that the establishment of a, “Supreme Commission to Combat Corruption” is underway. The commission will embody four principles, three of which have been named: the freedom of access to information, the protection of whistleblowers, and a principle on illicit gains.

In January, 2017, parliament passed a bill on access to information almost eight years after it was submitted to Parliament. The new law allows any person, whether Lebanese or foreign, to be able to request any kind of information from all public entities and a small number of private entities as well. Information related to national defense secrets, and information that falls under the right of privacy of individuals are exempt from the law. All public entities are now required to publish annual reports, budgets and policy documents to improve transparency and public accountability.<sup>135</sup>

As the anti-corruption commission has not yet been established, records are difficult to access and public authorities are likely to refuse to release certain information. It is also not clear if, and how, appeals will be heard in the absence of the commission.

The Corruption Perceptions Index of 2017 by Transparency International reviews the situation regarding the perceived level of public sector corruption of 180 countries. Ranked 143<sup>rd</sup> out of 180, with an index score of 28 out of 100, Lebanon has not improved since last year.<sup>136</sup>



Public sector corruption

## The State Budget

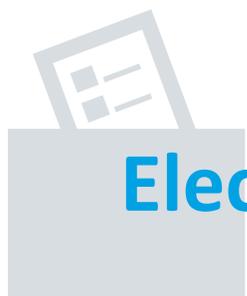
Before 2017, the last government budget to be approved was published in 2005. Although this is perceived to put an end to 12 years of extra-budgetary spending, the fact that the 2017 budget was passed towards the end of that year raises concerns as to the extent of its efficacy in providing actual guidance on government spending. The budget’s ambiguous headers and loose terminologies exacerbate the lack of clarity around how expenses will be distributed among different state agencies. For example, the Higher Council for Childhood (HCC), the national mechanism for coordination among NGOs and the public sector on child rights issues, is not mentioned in the state budget despite needing government funding to continue current programs. This is especially worrying since the government has failed to present a clear mechanism for the disbursement of funds. The lack of systematic data is of great concern for the economy. Without a clear budget, there is no way to know how exactly money is being spent, or if there is a proper plan in place to organize the government’s finances. In a budget survey from the International Budget Partnership, Lebanon received a score of 3 out of 100 on budget transparency, significantly lower than the global average score of 42.



Budget transparency

135 Hiba Zayadin, IFEX, “Lebanon’s new weapon against corruption”, January 31, 2017, [https://www.ifex.org/lebanon/2017/01/31/access\\_information\\_law\\_corruption/](https://www.ifex.org/lebanon/2017/01/31/access_information_law_corruption/) (accessed June 19, 2017).

136 Transparency International, “Corruption Perceptions Index 2017”, February 21, 2018, [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017](https://www.transparency.org/news/feature/corruption_perceptions_index_2017) (accessed on February 26, 2018)



# Elections

The right and opportunity to participate in elections is guaranteed under various international agreements, namely article 21 of the UDHR and article 25 of the ICCPR. Article 25 stipulates that every citizen has the right, “(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.” The Lebanese constitution also sets parameters for elections in numerous articles.

Since Lebanon’s independence in 1943, Lebanon has had eleven electoral laws. Due to the civil war, no elections took place between 1972 and 1992. None of the established laws have successfully served to maintain stability, social cohesion and, or, proper state building. On June 16, 2017, parliament approved, with an overwhelming majority, a new electoral voting law.<sup>137</sup> The new law is based on proportional representation with four-year terms and 128 members of parliament (MPs). In the 2022 elections, six parliamentary seats will be reserved for the diaspora with one seat for each continent, three of which will be Christian and three Muslim. However, the diaspora seats require a further decree before it can be passed into law. For the 2017 elections, Lebanon will be divided into 15 major electoral districts, consisting of 27 sub-districts. The 128 MPs will be divided among these districts.<sup>138</sup>

Parties in 2018 will issue lists of candidates, but unlike the previous “winner-takes-all” system, the new law will divide the seats proportionally across the lists. Each voter selects one list as well as one preferred candidate. The percentage of votes a list receives in a district determines how many seats that list will represent in parliament. Whichever candidate takes those seats is determined by the number of preferential votes they receive.<sup>139</sup>

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137 Hasan Lakkis, The Daily Star, “Lebanon clears way for first parliamentary polls in nine years”, June 17, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-17/409953-lebanon-clears-way-for-first-parliamentary-polls-in-nine-years.ashx> (accessed June 19, 2017).

138 Joseph Haboush, The Daily Star, “New electoral law: A detailed breakdown”, June 15, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-15/409720-new-electoral-law-a-detailed-breakdown.ashx> (accessed June 19, 2017).

139 Ibid.

Lebanese nationals in the diaspora will now also be allowed to vote at embassies, consulates or other locations designated by local authorities. Municipality members who wish to run for parliament will have to resign their duties a month before elections, compared to the two-year resignation time of the previous voting law.

Active members of Lebanese security agencies and citizens without a clean civil record are still not allowed to vote. Furthermore, the new electoral law did not include a women's quota in parliament and kept the legal voting age at 21. Non-political organizations registered and approved by the MoI will be allowed to supervise the elections.<sup>140</sup>

The new voting laws include several steps forward, such as the application of a proportional system that allows for better representation, the implementation of pre-printed ballots, and an improved sectarian balance where minorities can have an increased opportunity to choose their own deputies. However, other major reforms are lacking, such as the formation of an independent body to manage and supervise campaigns, and an efficient mechanism to monitor campaign funding.

The upcoming parliamentary elections, scheduled for spring 2018, were postponed for 11 months. This will be the third extension of the current parliament,<sup>141</sup> which was elected in 2009 and had previously extended its mandate twice, once in May, 2013 for 17 months,<sup>142</sup> and then again in November, 2014 for an additional two years and seven months.<sup>143</sup> The extensions were justified by the unstable security situation.

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140 Ibid.

141 The Daily Star, "Parliament Police deny agents wear Lebanese Army uniform", June 18, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-18/410019-parliament-police-deny-agents-wear-lebanese-army-uniform.ashx> (accessed June 19, 2017).

142 Hassan Lakkis & Youssef Diab, The Daily Star, "Council fails to meet, Parliament extension becomes law", June 21, 2013.

143 National News Agency, "Parliament extended its mandate until June 2017 in the absence of the Free Patriotic Movement and the Phalange Party and opposition of Tashnag representatives", November 5, 2014, <http://nna-leb.gov.lb/ar/shownews/124811/2017>.



In 1991, Lebanon ratified the Convention on the Rights of the Child (CRC) without reservations, as well as the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in 2004. Lebanon has also signed, but not ratified, the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in 2002. Lebanon has failed to sign and ratify the 3rd Optional Protocol to the Convention of the Rights of the Child on a Communications Procedure which sets out an international complaint procedure for children to report child rights violations.

In March, 2017, the Minister of Labor pledged to develop a national action plan to provide economic opportunities to vulnerable families, in order for their children to receive an education. The plan also aims to tackle gender inequality.<sup>144</sup> In the absence of official data on children working in Lebanon, UNICEF estimated over 180,000 Syrian children are victims of child labor and illicit trade, and are vulnerable to exploitation in Lebanon.<sup>145</sup> The Lebanese Labor Code prohibits the employment of children under the age of fourteen, but there are still gaps in this provision. Lebanon's Decree No. 8987 concerning, "the prohibition of employment of juveniles under the age of 18 in work that may harm their health, safety or morals,"<sup>146</sup> specifies the nature of hazardous and agricultural work children should not be exposed to. It excludes children working in family farming, a legal practice in Lebanon after 10 years old. Due to a lack of trained inspectors working for the Ministry of Labor (MoL), the decree is unenforceable. In practice, children are sometimes put to work as early as five years old.<sup>147</sup>

Most child workers are from poor Lebanese or Syrian refugee families. In September, 2017, the Food and Agriculture Organization (FAO) and the International Labor Organization (ILO), in partnership with the Lebanese government, published a guide in Arabic to alert farmers of

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144 The Daily Star, "Labor Ministry, Save The Children ink MOU on child labour in Lebanon", March 14, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Mar-14/397467-labor-ministry-save-the-children-ink-mou-on-child-labor-in-lebanon.ashx> (Accessed November 16, 2017)

145 ILO, UNICEF, SCI, "Children Living and Working On the Streets in Lebanon: Prevalence and Magnitude", February 2015

146 Paul Cocharne, Executive Magazine, "Child Labor in agriculture on the rise in Lebanon", June 12, 2016. <http://www.executive-magazine.com/economics-policy/child-labor-in-agriculture-on-the-rise-in-lebanon>

147 L'Orient Le Jour, "La FAO et l'OIT publient un guide de sensibilisation au travail des enfants", September 9, 2017, <https://www.lorientlejour.com/article/1072068/la-fao-et-loit-publent-un-guide-de-sensibilisation-au-travail-des-enfants.html> (Accessed November 17, 2017)

the risks of child labor. The guide included information about sexual abuse, children's right to education and the impact of work on their health.<sup>148</sup>

Refugee children are particularly affected. The UN estimates that 93% of refugee families resort to child labor because they don't have enough to eat and face aid cuts.<sup>149</sup> Syrian adults are banned from certain professions or from entering certain area. They are therefore forced to rely on their children who are not asked to show identification at checkpoints and can work for cheap.

### Early Marriage

Articles 522 and 516, which allowed rapists to get away with a crime by marrying their victim, were both repealed in 2017. More specifically, Article 516 allowed someone who had abducted a girl under the age of 15, with the intention of marrying her, or kidnapping with the purpose of "debauchery," to avoid condemnation if the crime was committed without violence.<sup>150</sup> However, major exceptions remain that are problematic for child protection. Parliament maintained articles 505 and 518, which state that rape is not a punishable offence if the girl is between 15 and 18 years old, and there was a promise of marriage or prior consent was given.<sup>151</sup>

In March 2017, MP Elie Keyrouz submitted a draft law establishing a legal age for marriage. The law was then passed to the Administration and Justice Committee for discussion.<sup>152</sup> The proposed law would set the minimum age of marriage to 18 years of age. This law would ensure Lebanon is in compliance with its international obligations, as it has ratified several international conventions that prohibit child marriage, notably the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>153</sup>

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148 The Daily Star, "U.N. seeks to protect young children from work on farms in Lebanon", September 6, 2017 (Accessed November 16, 2017)

149 Meaker, M. "Syrian refugee children reduced to selling on Beirut's streets to feed their families.", January 25, 2017. <https://www.theguardian.com/global-development/2017/jan/25/syrian-refugee-children-selling-beirut-streets-lebanon-support-families> (Retrieved on June 13, 2017)

150 United Nations Office on Drugs and Crimes, "Lebanese Penal Code of 1943", [https://www.unodc.org/res/cld/document/lebanon-penal-code\\_html/Lebanon\\_Penal\\_Code\\_1943.pdf](https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf) (Accessed November 10, 2017)

151 Al Jazeera, "Scrapping of Lebanon rape law 'is one small step'", August 18, 2017, <http://www.aljazeera.com/indepth/features/2017/08/scrapping-lebanon-rape-law-small-step-170818142722481.html> (Accessed November 10, 2017)

152 Lebanese Democratic Women's Gathering, "Berri refers the proposed law on the protection of children from early marriage to the Administration and Justice Committee for discussion", October 18, 2017, <http://www.rdfwomen.org/eng/berri-refers-the-proposed-law-on-the-protection-of-children-from-early-marriage-to-the-administration-and-justice-committee-for-discussion/> (Accessed November 17, 2017)

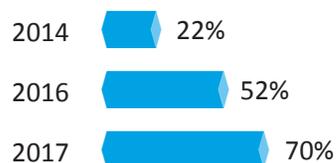
153 Human Rights Watch, "Lebanon: Pass Bill to End Child Marriage", April 12, 2017, <https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage> (Accessed November 17, 2017)

## Right to Education

UNICEF estimates there are 554,000 Syrian child refugees in Lebanon.<sup>154</sup> Although education for displaced Syrian children is not guaranteed by law, the Ministry of Education and Higher Education (MEHE) has tried to ensure education to refugee communities through its Reaching All Children with Education (RACE) strategy launched in 2014. In 2014, prior to the RACE project, 78% of refugees were out of school.<sup>155</sup>

In 2016, 52% of the children aged 6-14 were enrolled in school, and in 2017, only 30% of students weren't enrolled.<sup>156</sup> The program was also able to improve enrollment rates for Lebanese children. Unfortunately, as of November 2017, the RACE program was only 47% funded.<sup>157</sup> The lack of transparency and information provoked a lack of coordination, as well as gaps and overlaps in aid. The government and public were unable to assess why enrollment goals were not met and identify responsible actors.

Syrian children enrolled in schools



The second phase of the project, RACE II, was launched during the 2016-2017 school year and will remain in place until 2021, with a commitment to increase equitable access to education for all children aged 3-18 years. The plan includes subsidizing tuition fees and implementing a pilot cash transfer program,<sup>158</sup> designed to reduce the opportunity cost of sending children to school.<sup>159</sup>

Nevertheless, the educational sector continues to suffer from administrative barriers that limit access to education or create violent spaces.<sup>160</sup> Considering that an estimated 74% of Syrians in Lebanon lack legal residency, the need for a residency permit and transcripts or diplomas from Syria to enroll in secondary or tertiary education, has created significant impediment to enrollment. To force families to return to Syria to acquire the necessary official documentation goes against the essential principles of protection granted to people fleeing armed conflict.<sup>161</sup>

154 UNICEF, "Syria Crisis 2017 Humanitarian Results", December 2017, [https://www.unicef.org/appeals/files/UNICEF\\_Syria\\_Crisis\\_Humanitarian\\_Situation\\_Report\\_Year\\_End\\_2017.pdf](https://www.unicef.org/appeals/files/UNICEF_Syria_Crisis_Humanitarian_Situation_Report_Year_End_2017.pdf) (accessed February 2, 2018)

155 Inter-Agency Coordination Lebanon, "2017 May Statistical Dashboard," <http://data.unhcr.org/syrianrefugees/download.php?id=13663>

156 UNHCR "Vulnerability Assessment of Syrian Refugees in Lebanon", December 2017, (2017, June 6). <http://data.unhcr.org/syrianrefugees/download.php?id=14762> (Retrieved on January 29, 2018)

157 Ministry of Education and Higher Education, "RACE 2 Fact Sheet", November 21, 2017, [http://www.racepmlebanon.com/images/MEHE-REC-21-11-2017FINAL\\_2.pdf](http://www.racepmlebanon.com/images/MEHE-REC-21-11-2017FINAL_2.pdf), (accessed February 2, 2018)

158 Ministry of Education and Higher Education, "Reaching All Children with Education; RACE II (2017 – 2021)", August 2016, [http://www.mehe.gov.lb/uploads/file/2016/Oct/RACE%20II\\_FINAL%20Narrative\\_29AUG2016.pdf](http://www.mehe.gov.lb/uploads/file/2016/Oct/RACE%20II_FINAL%20Narrative_29AUG2016.pdf) (Accessed November 20, 2016)

159 World Bank, "Lebanon: Support to RACE II: Technical Assessment", May 2016, <https://consultations.worldbank.org/Data/hub/files/consultation-template/lebanon-support-reaching-all-children-education-race-ii-programs/materials/raceii-technical-assessment-eng-draft.pdf> (Accessed November 20, 2017)

160 ALEF, "Right to a Future: Threats to Material Safety" October 2017

161 Basmeh & Zeitooneh and Women Now for Development, "Access to Education for Syrian Refugee Youth, Lifting Limitations for Refugees to Gain Official Diplomas", December 2017



# Migrant Workers

Migrant workers have become a staple of Lebanese life. Lebanon hosts over 250,000 migrant domestic workers from various countries in Africa, South and Southeast Asia.<sup>162</sup> The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families protects the rights of migrant workers. However, Lebanon has not yet ratified the convention because it may contradict with current immigration control policies. Lebanon has signed other international treaties that indirectly touch upon migrant domestic workers (MDW) issues such as ICCPR, ICESCR, ICERD<sup>163</sup> and ILO Conventions 105 and 111.<sup>164</sup> Lebanon has not yet signed ILO Conventions 89 and 189, which deal with Freedom of Association and Protection of the Right to Organize, and Decent Work for Domestic Workers respectively.<sup>165</sup>

Migrant work has many positive benefits economically and socially, for both migrants and Lebanese citizens, but they are often overshadowed by various forms of discrimination due to common misconceptions and the absence of protective legislation for migrants. The Lebanese Labor Law excludes MDW from its provisions, and places them under the control of the sponsorship system, better known as the kafala system. The kafala system places more power in the hands of the employer, providing them with absolute control over the legal status and work permit of the MDW.<sup>166</sup> With no ability to dictate their work schedule or freedoms, MDWs often face several abuses, such as denial of time-off, non-payment of wages, restriction of movement, confiscation of passport and identification documents, and other forms of ill-treatment.<sup>167</sup> General Security requires domestic workers to live with their employers and uses it as a condition of residency renewal, despite this not being part of any law.

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162 Human Rights Watch, "Lebanon Stop Abuse of Domestic Workers", March 23, 2012. <https://www.hrw.org/news/2012/03/23/leba-non-stop-abuse-domestic-workers>

163 Lebanese Constitutional Council's decision 10-05-2001 available at: <http://www.cc.gov.lb/node/2584>

164 International Labor Organization, "Ratifications for Lebanon", [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103147](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200_COUNTRY_ID:103147)

165 International Labor Organization, "Dignity, Rights, and Domestic Work in the Arab States", October 13, 2014. [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms\\_324681.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_324681.pdf)

166 International Labor Organization, "Dignity, Rights, and Domestic Work in the Arab States", October 13, 2014. [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms\\_324681.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_324681.pdf)

167 Human Rights Watch, "Lebanon Stop Abuse of Domestic Workers", March 23, 2012. <https://www.hrw.org/news/2012/03/23/leba-non-stop-abuse-domestic-workers>

Migrant workers under the kafala system and Syrians alike, faced a new obstacle in 2017. At the beginning of the year, the Lebanese Labor Ministry launched a campaign to organize foreign employment. The ministry's inspection department was sent out to assess foreign workers at national and international companies. This investigation focused on workers' permits to determine whether or not they were allowed to work legally in Lebanon. According to the Labor Minister, the campaign is a means to combat the rising rates of unemployment in Lebanon by ensuring all foreign workers are legally residing in Lebanon. Largely due to a lack of political will, and limitations imposed by the law which does not allow domestic workers to organize themselves,<sup>168</sup> the MoL in 2017 failed to recognize the Domestic Workers Union as legal, thus denying MDWs in Lebanon their right to form and join unions and subsequently create meaningful and positive change.

### Deportations and Criminal Offences

The 1962 Law regulating the entry and stay of foreigners in Lebanon and their exit from the country criminalizes individuals who enter the country without proper authorization. Individuals who overstay their visas are also at risk of being criminally prosecuted and administratively detained. Any breach of judicial or administrative deportation shall be punishable by imprisonment between one and six months. Therefore, foreigners who are deemed to have breached the 1962 law may also be charged with criminal offenses that will consequently lead to their pre-trial detention, imprisonment and subsequent administrative detention. Administrative detention of foreigners in Lebanon is not based on any judicial reasoning. Typically, the DGGS claims they need more time to process the detainee's legal files.

Deportation continues to be the primary resort of the DGGS, Lebanon's security agency in charge of foreigners' entry and residency, especially when it comes to migrants who are detained for their invalid residency status. This violates their right to challenge the circumstances of their detention and have their case reviewed by a competent court within reasonable time. A glaring example of this occurred in December, 2016, when two Nepalese MDWs, Sujana Rana and Roja Limbu, both active members of the Domestic Workers Union, were arbitrarily arrested and detained for a prolonged period of time. They both had legal status and work authorization, yet were accused of violating the terms of their contracts.<sup>169</sup> Rana was deported a week after her arrest on January 1<sup>st</sup>, 2017,<sup>170</sup> while Limbu was deported shortly after on January 28<sup>th</sup>.<sup>171</sup> Rana was detained for over a week, while Limbu was detained for over a month. Both durations greatly exceeded the legally allowed 48-hour detention limit that can only be renewed once. The two women were also reportedly tortured.<sup>172</sup>

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168 See Lebanese Labor Code Article 7

169 Bassam Khawaja, Human Rights Watch, "Lebanon deports domestic worker rights organizer", December 13, 2016. <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>

170 L'Orient Le Jour, "Une Népalaise menacée d'expulsion "probablement" en raison de son engagement syndical", January 18, 2017, <https://www.lorientlejour.com/article/1029842/une-nepalaise-menacee-dexpulsion-probablement-en-raison-de-son-engagement-syndical.html> (Accessed November 21, 2017)

171 Resurj, "Migrant domestic workers in Lebanon organize for economic justice", March 12, 2017, <http://resurj.org/blog/Migrant-domestic-workers-in-Lebanon-organize-for-economic-justice> (Accessed November 21, 2017)

172 GEFONT, "Limbu and Rana appeals for justice against their arrest & deportation", 2017, <https://gefont.org/WM8645547> (Accessed November 21, 2017)

### Migrant Children

Around 10,000 MDWs have children in Lebanon. Despite only being a fraction of the MDWs who do not reside with their employer, the overwhelming majority of related cases of deportation are workers with children. At least 21 workers with children have been detained by Lebanese authorities on the grounds that they should not have given birth in Lebanon, or they allegedly violated the terms of their employment. According to DGGS, MDWs would not be deported for having brought children with them into the country. However, having children in Lebanon is considered, by the government, to be a violation of contractual agreements. General Security director, Maj. Gen. Abbas Ibrahim stated, “there is a law and a system in Lebanon and there are residency conditions for foreigners, it is our duty to deport anyone who violates these conditions.”

The justification for these deportations under the pretext that MDW are not allowed to have children in Lebanon,<sup>173</sup> goes against Lebanon’s international obligations, in particular the right to family life without disproportionate interference,<sup>174</sup> and the children’s right not to be separated from their parents against their will.<sup>175</sup> Under the Lebanese sponsorship system, migrant workers are subjected to restrictive immigration rules and are placed at risk of exploitation and abuse. Complaints are documented by embassies of labor sending countries and civil society groups.

### Abuse in the Workplace

In May, 2017, online reports stated Joe Semaan, a Lebanese man raped an MDW while pretending to be a policeman. The story received media attention, which forced Lebanese authorities to take action and interrogate the abuser. However, the arrest was only temporary, since the victim was unable to file an official complaint due to a lack of legal documentation.<sup>176</sup>

Based on the number of cases handled by General Security, the death rate of migrant domestic workers has doubled between 2008 and 2017, with an average of two MDW deaths per week as of April, 2017.<sup>177</sup> Most of the reported deaths are suicides or failed escape attempts where women prefer to jump out the window than continue being abused and exploited. In June, 2017, an Ethiopian domestic worker, identified by her initials N.D., was found hanging off a tree branch near her employers’ home. Investigators have ruled her death a suicide. The reasons for her death are unknown.<sup>178</sup>

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173 Insan Association, “Trapped: Migrant Domestic Workers in Lebanon”, 2016, <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf> (Accessed November 23, 2017)

174 United Nations, International Covenant on Civil and Political Rights, Article 23, December 19, 1966; United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, March 7, 1966, Treaty Series, vol. 660, p. 195.

175 United Nations, Convention on the Rights of the Child, November 20, 1989, <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> (Accessed November 21, 2017)

176 Al Monitor, “Website helps Lebanon’s migrant workers expose abuse”, June 16, 2017, <https://www.al-monitor.com/pulse/originals/2017/06/lebanon-domestic-workers-verbal-sexual-abuse.html> (Accessed November 21, 2017)

177 Al Araby, “Domestic workers death rate ‘doubles’ in Lebanon”, May 16, 2017, <https://www.alaraby.co.uk/english/society/2017/5/16/domestic-workers-death-rate-doubles-in-lebanon> (accessed on February 28, 2018).

178 The Daily Star, “Ethiopian domestic worker commits suicide.”, June 5, 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-05/408496-ethiopian-domestic-worker-commits-suicide.ashx> (Retrieved on June 7, 2017)



The ICESCR governs civilians' right to health. Lebanon signed the covenant on November 3<sup>rd</sup>, 1972. Article 12(1) stipulates, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."<sup>179</sup> The right to health also includes the provision of safe drinking water, safe food, adequate nutrition, healthy working conditions, and even gender equality. Although the right to health is not enshrined in any domestic legislation, as a signatory of the ICESCR Lebanon has a duty to provide the right to health to all those living in its border.

### Public Healthcare

Since the civil war, the Lebanese health care system has become costly and fragmented. The health sector is mainly focused on private health institutions and does not offer coherent health care plans for those unable to obtain private health care.<sup>180</sup> Currently, individuals with a limited income, mainly migrant workers and refugees, have difficulty accessing health facilities due to the high cost of private health care providers. Only half of the population has health insurance coverage, and the other half is covered by the Ministry of Public Health (MoPH).<sup>181</sup> Most hospitals contracted by the MoPH are private and do not cover the entirety of hospital bills.<sup>182</sup>

Furthermore, the private health sector fails to provide adequate accountability mechanisms to account for corruption and practices that threaten the right to life. Private hospitals often refuse to administer life-saving measures in the absence of a third-party coverage or cash guarantees.

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179 ICESCR, article 12(1).

180 Nabil M. Kronfol and Rashid Bashshur, "Lebanon's Health Care Policy: A Case Study in the Evolution of a Health System under Stress", p.377, 1989

181 A Separate State of Mind, "Why Lebanon's Health Sector Is Messed Up", July 7, 2015 <https://stateofmind13.com/2015/03/07/why-lebanons-health-sector-is-messed-up/#jp-carousel-11772> (Accessed December 1, 2017)

182 Blominvest Bank, "Lebanese Hospital Care: Structural Deficiencies Hindering Development", November 16, 2016, <http://blog.blominvestbank.com/lebanese-hospital-care-structural-deficiencies-hindering-development/> (Accessed December 1, 2017)

### Access to Healthcare for Refugees

Despite 89% of refugee households being able to access primary health care in 2017, in comparison to the 84% in 2016, refugees were not receiving standardized health care. The limited means and cost of transportation, the long distances, drug costs, and restricted services in facilities nearby prevent Syrians from being able to access proper health care.<sup>183</sup>

The cost of treatment is of major concern as well. In spite of UNHCR coverage of certain treatment costs, refugees still can't pay the remaining amount.<sup>184</sup> UNHCR coverage only includes life-threatening medical conditions and deliveries. The 75% coverage by UNHCR does not cover any additional costs that might arise such as consultations, health products, and medication.

Refugees not registered with UNHCR are not covered by any medical insurance. In February, 2016, UNRWA imposed healthcare cuts in the Ain al-Hilweh camp, prompting protests by more than 200 camp residents. These cuts were caused by a \$100 million UNRWA deficit, which led them to reduce funds for the 450,000 Palestinian refugees in Lebanon.<sup>185</sup> Camp residents were required to pay between five and twenty percent of their hospital bills in the country that has the highest healthcare costs in the region.<sup>186</sup>

The increasingly lucrative organ trafficking practice is also serious cause for concern for Syrians.<sup>187</sup> Refugees are blindfolded and delivered to a secret location that acts like a temporary clinic are set up in rented houses where doctors perform surgery. Donors are looked after until their stitches are taken out, around a week later. It is speculated that the organs are exported. Recently, a 17-year-old Syrian boy sold his kidney for around \$8,300 to pay off a debt and take care of his family.<sup>188</sup>

### Persons with Disabilities

Lebanese parliament passed Law 220 in 2000, entitled "Rights of the Handicapped Individuals." The law addresses assistance for persons with disabilities (PwDs), and states how the state is required to protect and uphold the rights of PwDs. Despite issuing this law 18 years ago, the concerned ministries have not established implementation mechanisms for the proper administration of most of the law's provisions. Nor, have they created any coordination mechanisms among ministries to facilitate the implementation process. Currently, there are no existing structures in place to monitor the implementation of the 3% quota for PwDs in the workplace, or to ensure that employers who fail to comply, pay the fine. PwDs' right to health, rehabilitative, and support services continue to be violated as well. Persons with physical disabilities are often turned away at hospitals because hospitals refuse to provide the needed health coverage. This widely undermines law 220, especially as its third article stipulates that PwDs may hold a disability card that allows them access to social and health services.

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183 UNHCR "Vulnerability Assessment of Syrian Refugees in Lebanon", December 2017, (2017, June 6). Retrieved January 29, 2018 from UNHCR: <http://data.unhcr.org/syrianrefugees/download.php?id=14762>

184 Ibid.

185 Aljazeera, "Palestinians protest against UNRWA cuts in Lebanon", February 29, 2016. <http://www.aljazeera.com/indepth/features/2016/02/palestinians-protest-unrwa-cuts-lebanon-160223151011960.html>

186 Ibid.

187 Reuters, "Organ trafficking 'booming' in Lebanon as desperate Syrians sell kidneys, eyes: BBC", April 26, 2017, <https://www.reuters.com/article/us-mideast-crisis-syria-trafficking/organ-trafficking-booming-in-lebanon-as-desperate-syrians-sell-kidneys-eyes-bbc-idUSKBN17S1V8> (Accessed December 1, 2017)

188 The Daily Star, "Syria crisis fueling organ trafficking in Lebanon: BBC." April 27, 2017. <http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-27/403516-syria-crisis-fueling-organ-trafficking-in-lebanon-bbc.ashx> (Retrieved on June 16, 2017)

The reasons for the lack of proper enforcement of the framework range from the lack of resources, absence of executive decrees required for the full implementation of the law and a weak accountability framework regulating the work of public entities. Additionally, the nature of the law requires the involvement of several ministries and institutions which, in the absence of a defined mandate for each governmental institution within the law, would result in the overlap of responsibilities.

Though a number of Lebanese ministries and humanitarian agencies provide healthcare services for PwDs, they still face a number of barriers to proper healthcare. According to a study by the Arab NGO Network for Development and the Issam Fares Institute, more than half of PwD survey respondents reported feeling excluded from basic services and felt financially exploited. Other respondents stated they were discriminated against and had been violated psychologically, physically and sexually. Survey responders mentioned other structural barriers, such as the lack of equipment to accommodate PwDs at health centers and the lack of proper documentation. Lebanese and Syrians who are disabled but who do not have a disability card face significant difficulties in covering healthcare costs.

### Reproductive Health

Presidential Decree No. 13187 states that abortions may occur if the woman's life is in danger. The law prohibits the dissemination of information on abortion, methods used to facilitate abortion and the selling of objects designed to perform an abortion. Even with the woman's consent, the person who performs the abortion is subjected to one to three years of imprisonment, and the woman herself is subjected to six months to three years. As a result of the high-risk factors involved, abortions are expensive and the procedures are typically performed in private clinics or in homes in unsanitary environments. These conditions put women's lives at risk and can lead to severe physical and mental health conditions.<sup>189</sup>

There are no laws in Lebanon that explicitly address surrogacy. Couples looking for surrogacy treatment are unaware of their rights in Lebanon and must decide whether to find a surrogate abroad for upwards of tens of thousands of dollars. Legislation for such treatment is almost impossible in Lebanon due to the vastly different stances on surrogacy by religious communities.<sup>190</sup>

### Accountability for Medical Practitioners

In June 2017, Ms. Farah Kassab died as a result of post-cosmetic surgery complications. After undergoing cosmetic surgery at Nader Saab Cosmetic Hospital, Kassab suffered from complications that the hospital equipment did not allow to treat properly. Although she was transferred to another hospital quickly, she did not survive.<sup>191</sup> However, the lack of transparency during and after the investigation did not reveal in a transparent way the level of responsibility of the surgeon, the hospital, and other health care providers.

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189 The A Project, "Abortion in Lebanon: Practice and Legality?", June 24, 2015, <http://www.theaproject.org/content/abortion-lebanon-practice-and-legality> (Accessed December 1, 2017)

190 Mazin Sidahmed, The Daily Star, "Surrogacy not an option in Lebanon", September 13, 2014 <http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-13/270527-surrogacy-not-an-option-in-lebanon.ashx>

191 Al Arabiya, "Iraqi mother dies after liposuction surgery in Lebanon goes wrong", June 4t, 2017, <https://english.alarabiya.net/en/variety/2017/06/04/Iraqi-mother-dies-after-liposuction-surgery-in-Lebanon-goes-wrong-.html> (Accessed on February 28, 2018.)

In the aftermath of Ms. Kassab's death, Health Minister, Ghassan Hasbani, banned beauty clinics from performing surgeries that require general anesthesia, unless the facility has a department of intensive care licensed by the Ministry of Health. Hasbani has also requested for doctors to disclose all risks associated with surgeries to patients, as well requiring patients to sign a contract before surgery informing them of all possible risks.<sup>192</sup>

In September, 2017, Hasbani issued warnings for a number of hospitals in response to the death of three Lebanese patients after a private hospital refused to care for them. Hasbani called for hospitals to obey the laws and ethics of the medical profession, and announced measures to stop corruption.<sup>193</sup>

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192 The Daily Star, "Health minister imposes strict regulations on beauty clinics after death of woman." June 5, 2017 [http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-05/408510-health-ministerimposes-strict-regulations-on-beauty-clinics-after-death-of-woman.ashx?utm\\_source=Magnet&utm\\_medium=Related%20Articles%20widget&utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-05/408510-health-ministerimposes-strict-regulations-on-beauty-clinics-after-death-of-woman.ashx?utm_source=Magnet&utm_medium=Related%20Articles%20widget&utm_campaign=Magnet%20tools) (Retrieved on June 15, 2017)

193 Lebanese Forces, "حاصباني يوجه إنذارات لثلاث مستشفيات ويحيل ملفات إلى النيابة العامة ونقابات المستشفيات والأطباء والمرضى والمرضات" September 28, 2017



# Labor and Social Security

According to article 22 of the UDHR, “Everyone, as a member of society, has the right to social security and is entitled to the realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.” In Lebanon, the Social Security Law (Decree No. 13955 of September 26, 1963) provides coverage for illness, maternity, labor accidents, illness due to work injury, family and educational allowance for the workforce as well as their families. Migrant workers can also benefit from these provisions provided that they are nationals of France, Italy, Belgium or the UK. The National Social Security Law (NSSL) has been the source of criticism from both local and international stakeholders.

Lebanon’s labor law does not apply to domestic workers employed in private households, agricultural corporations that have no connection with trade or industry, family businesses employing only family members, day laborers in municipal or governments services, staff of “Electricite du Liban” and wage-earners who are not governed by the Civil Servant Regulations.

According to the NSSL and Legislative Decree No. 136 of 1983, which deals with occupational accidents, the dependents of a foreign worker cannot receive benefits if they resided outside Lebanon at the time of the accident.

Article 15 of the Labor Law prohibits a public service employee from striking, or inciting other workers to go on strike. It also prohibits public service employees from organizing, joining, forming unions or professional organizations. Article 64 of the Labor Code states that all employees who are participating in a work strike must resign beforehand.

The Wage Hike Bill, aimed at increasing salaries for public sector workers, was finally passed in October, 2017. The subsequent tax hikes included an increase in the Value Added Tax (VAT) from 10 to 11 percent effective in 2018.<sup>194</sup>

The Labor Minister has launched a campaign to curb unlicensed foreign labor and what is perceived as illegitimate competition with Lebanese workers. Despite civilian and government demands to limit Syrians’ ability to enter the Lebanese labor market, there is little hard data to support, or refute, the claim that refugees have taken Lebanese jobs in significant numbers. In April 2017, the Naameh Municipality announced a ban on all Syrian-owned businesses and fines for Lebanese stores employing Syrian nationals.

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194 Zeina Nasser, An-nahar, “2017 marks year of achievements for Lebanon’s Parliament”, December 30, 2017, <https://en.annahar.com/article/722163-2018-marks-year-of-achievements-for-lebanons-parliament>



The right to a clean environment is a universal and fundamental right. Lebanon has acceded to, and ratified, various treaties and conventions on the right to an uncontaminated environment, such as the United Nations Framework Convention on Climate Change. However, Lebanon has not fulfilled its reporting obligations related to international conventions and treaties. Nationally, Lebanon signed into law the Environment Law 444 in 2002, which is considered to be the most comprehensive legislation for environmental management and protection. The implementation of this law has been stalled by the government's failure to issue the required application decrees.

Since the closure of the controversial Naameh landfill in 2015, Lebanon has dealt with a serious garbage crisis. In 2016, the cabinet issued a plan to establish temporary coastal dumps east of Beirut in Burj Hammoud and the south of Beirut in the coastal area of Costa Brava. These dumps are meant to remain open for four years. The Costa Brava landfill is of particular concern due to its location near the Beirut International Airport. Seagulls attracted to the landfill threaten civil aviation safety. Ultrasonic bird repellents attempt to keep birds away from the runway, but this is only a temporary solution.<sup>195</sup>

Recently, the government proposed the establishment of energy-producing incinerators. Incinerators have potentially hazardous effects due to the improper sorting of plastics and other materials that lead to the release of toxic fumes. The residue of the burned materials would also be buried along with organic waste and create further hazards.<sup>196</sup>

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195 The Daily Star, "Choueifat urges immediate action on Costa Brava landfill before summer." April 21, 2017 [http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-21/402783-choueifat-urges-immediate-action-on-costa-brava-landfill-before-summer.ashx?utm\\_source=Magnet&utm\\_medium=Related%20Articles%20widget&utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-21/402783-choueifat-urges-immediate-action-on-costa-brava-landfill-before-summer.ashx?utm_source=Magnet&utm_medium=Related%20Articles%20widget&utm_campaign=Magnet%20tools) (Retrieved on June 16, 2017)

196 Mrad, N. A. "The 81-year-old woman inspiring a nation to recycle." June 8, 2017 <http://www.bbc.com/news/magazine40191270> (June 16, 2017)







