

The Situation of Human Rights in Lebanon: Annual Report

2013

Introduction

No country in the world can boast of having pristine human rights record, and Lebanon is no exception. However, not all countries have witnessed a turbulent and violent modern history similar to the one Lebanon witnessed over the past few decades. The continuous instability accompanied with negative social, political and economic issues has not only hampered possibilities of achieving a sustainable state-building process, but has also caused a weak rule of law and threatened human rights while weakening trust in the state on behalf of the citizens.

The fifteen-year civil war not only destabilized the country, but it also had a devastating impact on the country's development, promotion and protection of human rights. A culture of impunity rose, where the domestic legal order became dysfunctional and operated on a discretionary basis. Today, minimum legal security is required seems to be subject to the whimsical decisions of statesmen and constantly hijacked by opposing forces, legitimate and non-legitimate. Despite the difficult legacy the government inherited, it has not halted efforts to promote a culture of human rights on the institutional and legislative levels. Lebanon hosts the Office of the High Commission for Human Rights, has cooperated with Special Rapporteurs and has established a human rights department at the General Directorate of the Internal Security Forces. Lebanon has also acceded and ratified important human rights treaties and instruments. Today, the protection of human rights in Lebanon remains a strategic choice towards the path to peace and security.

However, the path to reform cannot begin without an understanding of the legal and practical causes of Lebanon's current human rights issues. In 2013, violations were recorded under civil and political rights including but not limited to the right to life, liberty and security, freedom of thought, conscience and religion, freedom of opinion and expression and the right to peaceful meetings and demonstrations. Economic, social and cultural rights were also violated in the areas of labor, social security and discrimination. Finally, environmental issues in 2013 were still a cause for concern and worthy of addressing.

Equally important in successfully implementing reforms to remedy violations in Lebanon, is the recognition of human rights challenges, which today can be attributed to numerous factors. First, Lebanon's legal culture is tarnished with inadequate and in some areas archaic legislation. On the ground, this has translated into poor law enforcement practices and inadequate criminal legislation to protect rights and freedoms. These problems have been further compounded by nepotism and corruption, creating an iron wall behind which officials can seek refuge. The inability for inhabitants to calculate state action is also exacerbated by the state and non-state practices. Second, there is a general lack of awareness among the public about rights and freedoms. The lack of knowledge and culture of human rights leads to a plethora of unreported violations and abuses from domestic violence to discrimination in the workplace. Lastly, the current status quo has led to the state's

impotence in providing and preserving human rights. Subsequently, the culture of impunity and weak rule of law have been solidified; causing non-state actors, violent and non-violent to take the law into their own hands. Since the state is the main protagonist in the international system, threats also arising from non-state actors should be investigated and criminally pursued.

This annual report will highlight the most common human rights abuses detected in 2013, while highlighting the legal and social context. The methodology employed by the report focuses on each section including international standards and the obligations that the government of Lebanon has pledged to address. An analysis of the applicable national laws to each issue will be examined while challenges and cases will also be addressed. All of the sections in the annual report will rely heavily on the daily media screenings that ALEF-Act for Human Rights conducts on a regular basis, and the cases, which appear in the screenings, are investigated thoroughly by the organization. The report focuses on the human rights situation in Lebanon in 2013; it will however refer back to examples and incidents that represent a continuous trend or important source for the current situation. It is important to note that the report aim is to provide a general account of the human rights violations in Lebanon during 2013. Thus, despite not referring to root causes leading or contributing to these violations, ALEF-Act For Human Rights draws its information also on thematic human rights studies and reports published previously by the organization.

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Disclaimer

While the team made all efforts possible to cross check information and reproduce only accurate facts and events, this does not overrule the possibility of inaccuracies or oversights, for which ALEF expresses hereby its regrets.

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Arbitrary Detention

The right to liberty and security is protected by a wide array of international agreements and conventions that apply to citizens as well as the state. The Universal Declaration of Human Rights (UDHR) [articles 3, 8, 9 and 10] and the International Covenant on Civil and Political Rights [articles 2(3), 4, 5, 9, 10(1), and 14 (1)] offer the most widely referred to guarantees of the aforementioned rights.

At a national level, the Lebanese Constitution also guarantees and protects individual liberty through article 8, which states, “Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established or penalty imposed except by law.” This constitutional right is protected through criminalizing the deprivation of liberty in various articles of the Criminal Code, such as articles 367 and 368. However, the term “arbitrary detention” is not directly defined in Lebanese law, but is rather alluded to in provisions of various laws as an infringement on liberty, deprivation of individual/personal liberty and unlawful detention. National legislation defines arbitrary detention as an unlawful detention that is not prescribed by law. Article 108 of the Criminal Code provides the greatest legal cover for incidents of arbitrary detention because it defines a period for pre-trial detention of two months, but gives judges complete discretion in extending the period of detention

In Lebanon, arbitrary detention mainly occurs in the form of arbitrary arrest, lengthy pre-trial detention and long delays in trial. Suspects are deprived of their liberty for weeks, some for years, before a verdict is reached in their case. Similarly, in the case of pre-trial detention the detainees that have not been found guilty are perceived as perpetrators. Former detainees describe a “survival of the fittest” mentality in overcrowded correctional institutions from the onset of detention until their transfer to prisons such as Roumieh. It is also important to recognize the added victimization experienced by vulnerable detainees, such as alleged terrorists, migrants, refugees and asylum seekers, juvenile delinquents and members of the LGBTQ community.

Arbitrary detention is rampant in Lebanon due to a combination of social and cultural factors, like an ambiguous legal framework, which arguably contributes to the rise in reported incidents. Laws are not sufficient in their strictness and there are articles in the Code of Criminal Procedures that legalize arbitrary detention and violate various rights of detainees, like the right to a fair trial. There are some cases of arbitrary detentions that occur because of a blatant disrespect and/or lack of awareness of the law as well as a lack of procedural safeguards and mechanisms to verify whether the detention is fair. Since the passing of the Taif Agreement at the end of the civil war, the government has failed to repair the judicial system and conduct necessary reforms. The decaying post-war judiciary greatly affected the availability of legal aid as well as in absence of oversight mechanisms, resources and training as well as continuing education for law enforcement officials.

There have been many reported cases of arbitrary detention in 2013 but it is important to note that many go undetected. The case of migrants, refugees and asylum seekers who are subjected to lengthy administrative detention without review by administrative or judicial authorities still occurred in the past year.

In many cases, the deprivations of liberty were not based on a legal decision and were a violation of the rights and freedoms that are protected under the UDHR and ICCPR. As an example, deprivation of liberty based on sexual orientation discrimination was still common.¹ Another case is the arbitrary arrest and detention of Tarek Rabaaa 43-year old Lebanese citizen and engineer at Alfa Telecom Company, who has been on hunger strike in Roumieh prison since April 29th2013 to demanding his release. He has been in pre-trial detention since 2010 on charges of collaboration with Israel. During his ongoing military trial, which began on February 7th2011, the defense raised concerns of allegation of torture, supported with forensic reports, during his detention at the Ministry of Defense.²In spite of the statement issued by several local and international NGOs on November 8th2011, no investigation has been conducted by the Lebanese authorities to address the allegations of torture.

Additionally, Mr. Rabaa was summoned to the Ministry of Defense for investigation on July 12th2010 where he was reportedly tortured with electric shocks and was left standing for 20 days as well as being slapped very hard on his ears. He was only allowed to see his sister, who was acting as his lawyer, 32 days after his arrest. These torture allegations were ongoing for 108 days during his detention at the Ministry of Defense before being transferred to Roumieh prison, where he currently remains in detention.³During the investigation, Mr. Rabaa refused to sign most of the documents presented to him by Lebanese Army Intelligence, but his full name (not his signature) is found to be handwritten at the bottom of the pages of the investigation transcripts which were presented later to representative of the Military Judiciary as his “confession”.

¹Please refer to the case of the Ghost night club described under the Torture Section.

²“Hunger strike prisoner’s family demands his release”, *The Daily Star*, May 9, 2013.

³“TarekRabaa’s Family: we support his innocence and demand his immediate release”, *Lebanon News*, July 15, 2013.<http://www.lebanonnews.com/details/102601/10,put>

Exceptional Courts

There are three main exceptional courts in Lebanon: the High Court of Justice, the Judicial Council and the Military Tribunal. The High Court of Justice, the highest in the nation, is able to try the President and ministers of the country. Thus far, there have been limited cases brought before it while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.

The Judicial Council functions under the orders of the Executive branch and has jurisdiction over matters of external and internal state security. The Judicial council has been accused by its critics of being vulnerable to external pressures from political figures. Under article 366 of the Code of Criminal Procedure, the judgments of the Judicial Council are not open for review.⁴ The lack of an appeal is a blatant breach of international standards for criminal justice.

In May 2012, Sheikhs Ahmad Abdel-Wahed and Hussein al-Mereb were fatally shot by soldiers at an Army checkpoint in Akkar.⁵ The incident in the village of Kweykhat resulted in intense civil unrest where supporters of Abdel-Wahed pressured the Cabinet to refer the case to the Judicial Council. In order to ease tensions, PM Mikati demanded from Minister of Justice Shakib Qortbawi to discuss the feasibility of this referral.⁶ Accordingly, the Cabinet referred the case to the Judicial Council during its meeting of the July 10, 2012.⁷ This has resulted in a garde-a-vue of several LAF members present at the checkpoint for investigation. Updates on the case were very modest and only minimal calls for its rejuvenation a year after the incident took place.

In September 2012, State Prosecutor Samir Hammoud referred the Nahr al-Bared case, which includes charges ranging from misdemeanors to felonies of 370 wanted individuals to the Judicial Council. The Council was then going to Issue subpoenas for wanted fugitives, and several detainees who were released on bail.⁸ In July 2013, Judge Jean Fahed announced the starting date of trials in the newly established

⁴Court 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.

⁵"Mikati: Akkar Sheikhs' Killing Case may go to Judicial Council," *The Daily Star*, July 6, 2012, <http://www.dailystar.com.lb> <http://www.dailystar.com.lb/News/Politics/2012/Jul-06/179538-hariri-slams-release-of-soldiers-involved-in-akkar-sheikh-killing.ashx#axzz2JHPccxLz>.

⁶"Mikati Hopes Qortbawi May Refer Abdul Wahed's Case to Judicial Council amid Akkar Protests — Naharnet. <http://www.naharnet.com/stories/en/45684> (accessed April 23, 2013).

⁷"Cabinet refers killing of cleric to Judicial Council | YaLibnan | World News Live from Lebanon." YaLibnan | World News Live from Lebanon. <http://www.yalibnan.com/2012/07/10/cabinet-refers-killing-of-cleric-to-judicial-council/> (accessed April 23, 2013)

⁸Youssef Diab, "Fatah al-Islam Inmates' Case goes to Lebanon's Top Court," *The Daily Star*, September 26, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Sep-26/189253-fatah-al-islam-inmates-case-goes-to-lebanon-supreme-court.ashx#axzz2JHPccxLz>.

courtroom in Roumieh Prison.⁹As announced, the trials started on September 27th 2013, and were open to the public.¹⁰The trials were adjourned to January 17, 2014. Another round of hearings started in November 2013 where 21 suspects of the Nahr el Bared incident were accused by the judicial council.¹¹

In October; the assassination of the head of the Internal Security Forces' Information Branch, Brig. Gen. Wissam al-Hasan was transferred to the Judicial Council.¹²

On another account, the assassination of Mr. Mohamad Shatah, in a car explosion in Down Town Beirut in December 2013, resulted in demands by Lebanese officials to refer the assassination to the Judicial Council. The decision on the referral was announced following a session of the Higher Defense Council on the 28th of December 2013.¹³

The Permanent Military Court, also commonly referred to as the Military Tribunal, is under the jurisdiction of the Ministry of Defense and deals with cases related to crimes of spying, treason, and illegal connections with the "enemy" (Israel) as well as any conflict between civilian and military personnel. It also has jurisdiction to try a member of the military such as the Army, Internal Security Forces (ISF), General Security (GS) and Ministry of Defense officials if the crime in question occurred during their duties.¹⁴The Military Tribunal is headed by a military officer assisted by four other judges, three of which are military officers. The latter are appointed by the Ministry of Defense based on the recommendations of the heads of the main security institutions like the Internal Security Forces, General Security, the Customs Bureau and the Lebanese Army. The appointment of the military judges does not require legal studies or a law degree.

The Military Tribunal raises several concerns with regard to the right to a fair trial. This includes the right to be tried before a competent, independent and impartial court established by the law and the right to a public hearing, which cannot be guaranteed by the Military Tribunal, especially for civilians. For example, the procedure to appoint the judges clearly undermines its independence, which in turn creates an atmosphere of impunity. Between January 2013 and November 2013, more than 5000 sentences were issued by the Military Tribunal among which 105 were related to national security, terrorism and charges of collaboration with Israel.

The Working Group on Arbitrary Detention does recognize the fact that article 14 of the ICCPR does not rule out trials that appear before military tribunals, however it

⁹"September trial date set for Nahr al-Bared suspects", *The Daily Star*, July 23, 2013.

¹⁰"Long awaited trial of Nar al-Bared detainees kicks off at Roumieh Prison", *Naharnet*, September 27, 2013 www.naharnet.com/stories/en/99994

¹¹"Trials of suspects in Nahr al-Bared clashes begin", *The Daily Star*, November 16, 2013.

¹²"EU Chief Expresses Concern over Lebanon Stability," *The Daily Star*, October 23, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Oct-23/192408-eu-chief-in-lebanon-for-talks-with-top-officials.ashx#axzz2JHPccxLz>.

¹³"Lebanon to refer Shatah's killing to Judicial Council", *The Daily Star*, December 28, 2013.

¹⁴ALEF, Military Tribunal: A Breach in the Integrity of the Judicial System, (Lebanon: 2009-2010), 1.

does stress that the standards of a fair trial (article 14) apply. Moreover, states must provide serious and objective justifications for trying civilians before these exceptional courts, only occurring when the civilian courts are not able to judge a specific class of people or offences.¹⁵ “Even if such courts are not in themselves specifically prohibited by the [ICCPR], the Working Group has nonetheless found by experience that virtually none of them respects the guarantees of the right to a fair trial enshrined in the [UDHR] and the said Covenant.”¹⁶ The Military Tribunal in Lebanon is no exception to the findings of the WGAD. Desk research, particularly through daily news screenings, have revealed that the Military Tribunal in Lebanon does not comply with the rules that have been established by the WGAD, should a form of military justice continue to exist:

- It should be incompetent to try civilians;
- It should be incompetent to try military personnel if the victims include civilians;
- It should be incompetent to try civilians and military personnel in the event of rebellion, sedition or any offence that jeopardizes or involves risk of jeopardizing a democratic regime; and
- It should be prohibited [from] imposing the death penalty under any circumstances.¹⁷

In the past two years, there have been several reported cases of violations of the rules established by the WGAD.

In March 2012, the court sentenced a Syrian man to twenty days in jail and a LBP 200 000 fine and fined a Lebanese man to a LBP 170 000 fine after they unsuccessfully bribed a member of the military to ignore a violation.¹⁸ Similarly, in June 2012 Hussein Allous was sentenced to one year in prison after robbing Prince Sultan bin Turki bin Badr bin Abdel-Aziz in Dbayeh in 2011 and threatening him with knives. Two others were sentenced to seven years of hard labour in absentia.¹⁹ After acquiring Israeli citizenship, Joumana Hasbaniwas sentenced in absentia in July 2012, to ten years of hard labor and was stripped of her civil rights and status.²⁰ In August

¹⁵United Nations Human Rights Committee, “General Comment no. 32: Right to Equality before Courts and Tribunals and to Fair Trial,” CCPR/C/GC/32 (August 23, 2007), art. 14, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/437/71/PDF/G0743771.pdf?OpenElement>.

¹⁶United Nations Commission on Human Rights, “Report of the Working Group on Arbitrary Detention,” E/CN.4/1996/40 (December 15, 1995), 26, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G95/148/44/PDF/G9514844.pdf?OpenElement>

¹⁷United Nations Commission on Human Rights, “Report of the Working Group on Arbitrary Detention,” E/CN.4/1999/63, (December 18, 1998), 22, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/052/52/PDF/G9805252.pdf?OpenElement>.

¹⁸“Military Court Jails Soldier for Harassing Female Tourist,” *The Daily Star*, March 14, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Mar-14/166577-military-court-jails-soldier-for-harassing-female-tourist.ashx#axzz23QNa07Q3>.

¹⁹“Lebanese Sentenced for Robbing Saudi Prince,” *The Daily Star*, June 29, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Jun-29/178688-lebanese-sentenced-for-robbing-saudi-prince.ashx#axzz1zeNvZIGW>.

²⁰“Women Receives Jail Term over Israel Citizenship,” *The Daily Star*, July 27, 2012,

2012, over a handful of people were detained following suspicions of their involvement in the deadly Tripoli clashes between the Sunni and Alawite districts. The military prosecutor charged seven men with attempting to kill Army officials and possessing illegal arms. Should the men be convicted, they could face up to twenty years in prison with hard labor.²¹

The Military Tribunal also had several cases brought before it, which included military personnel and victims that include civilians. In March 2012, the Military Tribunal sentenced a soldier to two weeks in jail for harassing a female tourist.²² The third rule of the WGAD, which involves trying civilians and military personnel alike that threaten democracy in the country, was also violated in several instances in the past year. In early 2012, an arrest warrant was issued for a retired Ogero employee after he was charged with spying for Israel while two employees working for Alfa, were charged with the same crime.²³ In March 2012, Hussein Mohammad Ali Musa was sentenced to seven years of hard labor and Jaafar Halawi to three years of hard labor. In a separate trial, Saeb Mohammad Aoun was sentenced to hard labor for life while Mohammad Hasan Abdallah and Nabil Zaytoun received seven and three years of hard labor respectively. The men were sentenced for collaborating with Israel and sharing information about Hezbollah's strongholds in the south. All the men have been stripped of their civil rights.²⁴

In August 2012, former Minister of Information, Michel Samaha was detained with his secretary, driver and two body guards following the discovery of his plans to carry out a series of violent attacks across the country.²⁵ Samaha was referred to the Military Tribunal following incriminating evidence of his alleged involvement in the plot.²⁶ Samaha, alongside two other men were charged with "creating an armed group aimed at committing crimes against the people and undermining the state's authority." Judge Sami Sader also accused Samaha of planning to "incite sectarian fighting through preparations to carry out terrorist attacks with explosives [—] planning to kill religious and political figures and working with the intelligence of a

<http://dailystar.com.lb/News/Local-News/2012/Jul-27/182212-women-receives-jail-term-over-israel-citizenship.ashx#axzz21nax0EOT>.

²¹7 Charged with Attempting to Kill Soldiers in North Lebanon Clashes," *The Daily Star*, August 31, 2012, <http://dailystar.com.lb/News/Local-News/2012/Aug-31/186258-7-charged-with-attempting-to-kill-soldiers-in-north-lebanon-clashes.ashx#axzz25OA8cKml>.

²²"Military Court Jails Soldier," *The Daily Star*.

²³"2 More Ogero Employees Charged as Israeli Collaborators," *The Daily Star*, March 2, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Mar-02/165265-2-ogero-employees-to-be-referred-to-military-tribunal.ashx#axzz23QNa07Q3>.

²⁴Youssef Diab, "Tribunal Sentences Lebanese Collaborators to Death, Hard Labor," *The Daily Star*, March 20, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Mar-20/167320-tribunal-sentences-lebanese-who-collaborated-with-israel.ashx#axzz23QNa07Q3>.

²⁵Youssef Diab, "Former Lebanese Minister Detained after Discovery of Bomb Plot," *The Daily Star*, August 9, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Aug-09/183967-former-mp-and-cabinet-minister-michel-samaha-arrested.ashx#axzz28FAxsfu34>.

²⁶Hussein Dakroub, "Samaha to be Referred to Military Tribunal over 'Terror' Plot," *The Daily Star*, August 11, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Aug-11/184251-samaha-to-be-referred-to-military-tribunal-over-terror-plot.ashx#axzz23QNa07Q3>.

foreign state [Syria] to carry out aggression against Lebanon.” The former minister was also accused of possessing unlicensed weapons.²⁷In 2013, the First Examining Magistrate Judge Riyad Abou Ghaida dismissed the decision to hear the testimony of the informant Miled Kfoury after failing to apprehend him. The Judge set the date of February 4th2013 for questioning Syrian security officials Ali Mamlouk and Colonel Adnan.²⁸ The trial has been postponed regularly due to the inability to arrest Mamlouk and Adnan. Calls for the release of Samaha, who is still awaiting trial, have been requested frequently.²⁹

Similarly, three civilians from Jabal Mohsen were charged by the Government Commissioner to the Military Court Judge Saqr Saqr, of carrying out terrorist activities.³⁰

Rami Aysha, a journalist residing in Lebanon was apprehended and detained by a paramilitary group while reporting on arms trade in Lebanon on August 27, 2012. Three hours following his detention, he was transferred to Lebanese Army Intelligence where he faced *incommunicado* arrest and torture allegations according to Aysha himself. Mr. Aysha was released on bail in September 2013, however investigations and hearings have continued. According to Reporter Sans Frontieres, Aysha was doing a story on arms trafficking when he was arrested. Mr. Aysha was sentenced to six months in jail by the Military Tribunal in December 2013.³¹

Sentences issued by the Military tribunals have also included the death penalty as a punishment further violating the fourth rule of the WGAD, which prohibits the Military Tribunal from ordering death sentences.³²

²⁷“Military Judge Interrogates Former Lebanese Minister over Alleged Terror Plot,” *The Daily Star*, August 13, 2012, <http://dailystar.com.lb/News/Politics/2012/Aug-13/184499-military-judge-interrogates-former-lebanese-minister-over-alleged-terror-plot.ashx#axzz23QKvIPqj>.

²⁸ “Judge Dismisses Decision to Hear Informant Testimony in Samaha Case”, *Naharnet*, January 28, 2013.

²⁹ “Samaha Trial Postponed to May 2014”, *Naharnet*, December 3, 2013.

³⁰“Saqr Charges Three Men with Carrying Out Terrorist Acts”, *Naharnet*, December 6, 2013.

³¹ Elise Knutsen, :*Military court sentences reporter Aysha to jail*”, *The Daily Star*, December 7, 2013.

³²Refer to section on the death penalty.

Prisons and Prisoners

The rights of prisoners in international law are mainly protected and defined under the parameters of the ICCPR and the UN's Minimum Rules for the Treatment of Prisoners. The ICCPR specifies the rights of individuals deprived of their liberty mainly in articles 9, 10 and 14. For instance, article 10(1) stipulates, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." In practice, Lebanese criminal justice practices have not always functioned according to the same spirit as the agreements mentioned above. Although Lebanese legislation and criminal justice practice comply with international standards in some areas, they are not in compliance with statutory, and most importantly, practical best practices. Within the framework of the campaign undertaken by the relevant ministries for the rehabilitation and improvement of prison conditions in Lebanon, judicial officials began to visit prisons across the country in March 2012.³³

According to figures shared by the Ministry of Justice, the prisoners in Lebanon are present in 22 different prisons situated across the country, with the highest percentage (54%) being in the central prison of Roumieh in the region of Metn. Problems pertaining to prison conditions and management have constantly been raised with no comprehensive responsive strategy to address the issue being developed on behalf of the government.³⁴ For example, prisons remain significantly overcrowded with the primary reason being the lengthy pre-trial procedures in addition to the prisons limited capacities in 2009 the number of pre-trial detainees constituted 68% of the prison population while sentenced detainees constituted 28%. This repartition showed amelioration in 2011 with the increase in the percentage of convicted detainees to 42.6% and pre-trial detainees consisted of 57.11%.³⁵ In 2013 the curve showed a slight variation to the trend that started in 2010. The percentage of pre-trial detainees recorded 61.05% while convicted detainees recorded 38.95% of the prisons population.³⁶ Trials are being delayed or missed for various reasons, including: the absence of transportation to the court hearings, climatic, security and health related reasons (30% of 1000 detainees in 2013); the lack of ISF resources (70% of the 1000 detainees in 2013).³⁷

ALEF's field research during the period of 2011-2013 concluded that the inner workings of correctional institutions and criminal justice practices are equally endemic of corruption, inequality, favoritism and ignorance of basic rights and procedures. Former detainees describe a "survival of the fittest" environment from

³³ "صقر و قضاة يتفقون أوضاع السجون"، *المستقبل*، 6 آذار 2012

<http://www.almustaqbal.com/storiesv4.aspx?storyid=511418>.

³⁴ ALEF- Act for Human Rights, "Situational Update on the Occurrences and Trend of Torture in Lebanon (2008-2010): Torture Prevention and Monitoring in Lebanon", *ALEF- Act for Human Rights*, October 2010.

³⁵ وزارة العدل، "واقع النزلاء في السجون بالأرقام" 2010-2011-2012

³⁶ According to sources from the Ministry of Justice

³⁷ Judge Mr. Raja Abi Nader Intervention during a roundtable organized by ALEF on December 17, 2013.

the first moments of detention, until their transfer to prisons like Roumieh. Moreover, former detainees explain that justice is applied arbitrarily, depending on those who have 'backing' or could wield some power. The level of abuse was also affected by socio-economic class, ethnicity, gender and arbitrary detention, they said.³⁸

On October 12, 2012, the escape of three Fateh al-Islam inmates from Roumieh prison was discovered. The jailbreak, which is believed to have happened over a month before the discovery, caused uproar with various ministries and politicians. A raid subsequently ensued at the block where the Fateh al-Islam detainees were being held, where inmates have access to the Internet and a television. Cell phones and sharp objects were some of the items that were confiscated.³⁹ It is believed that the three escapes, with the help of some security personnel at the prison, used fake identification documents. It was also revealed that the cells where these inmates were being held had not been inspected since 2010.⁴⁰ As a result, eighteen policemen, all members of the ISF, were charged by a military prosecutor for crimes ranging from negligence to complicity.⁴¹ Shortly after the discovery of the Roumieh jailbreak incident, Interior Minister Marwan Charbel and Minister of Justice Shakib Qortbawi inaugurated a new courtroom in Roumieh, which aims to expedite the trials of the Fateh al-Islam detainees.⁴²

Many strides have been made these past two years to instill legal reforms and improve prison conditions. In January 2012, the ISF announced that a Code of Conduct was launched and distributed to its personnel in December 2011. The small booklet, drafted with the assistance of the regional Office of the High Commissioner for Human Rights (OHCHR) and the support of the British Embassy, contains professional and ethical standards of behavior that officials must abide by to guarantee the respect and protection of human rights and public freedoms in accordance with international and local laws.⁴³ Professional duty, the duty of superiors, honesty and integrity, impartiality, conduct, discipline, the use of force and firearms and lastly, the rights of suspects and detainees are all addressed.

In the beginning of 2012, around two dozen inmates were released from prison pending the expiry of their sentence after philanthropists donated to pay the fines

³⁸The Lebanese Center for Policy Studies, *Arbitrary Detention Focus Group Report*, (Lebanon, April 2, 2012),

³⁹"Roumieh Scandal Investigations Complete as Charbel Seeks Cabinet Measures to Tackle Case," *Naharnet*, October 16, 2012, <http://www.naharnet.com/stories/en/57238>.

⁴⁰"Jailbreak Insiders to be Severely Punished: Charbel," *The Daily Star*, October 15, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Oct-15/191447-insiders-involved-in-jail-break-to-be-severely-punished-charbel.ashx#axzz2DynRiGpW>.

⁴¹"Sakr Charges 16 policemen and 2 officers in Roumieh Jailbreak," *The Daily Star*, October 17, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Oct-17/191701-sakr-charges-16-policemen-and-2-officers-in-roumieh-jailbreak.ashx#axzz2DynRiGpW>.

⁴²"Jailbreak Insiders," *The Daily Star*.

⁴³"A Code of Conduct to Help Protect Human Rights in Lebanon," Office of the High Commissioner for Human Rights, January 24, 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/ACodeofConducttohelpprotectHRLLebanon.aspx>.

that they could not afford. Between LL 300000 and LL 28 million were paid on behalf of the sixteen inmates. The project to free inmates who have already completed their sentences but cannot afford to pay their fines began in March 2012 and is conducted in collaboration with Minister of Interior Marwan Charbel. Donors are also funding the travel of foreign nationals detained in the General Security prison in Adlieh back to their homelands if they cannot afford it.⁴⁴ Also in March 2012, the Lebanese Parliament passed a draft law that would shorten the prison year from twelve months to nine months. Inmates who are sentenced to less than one year of imprisonment will serve each month of sentence in a period of twenty days. It excludes inmates who have been sentenced to death or to life in prison as well as those who are convicted of recommitting their crime. At that time, Minister of Justice Qortbawi said that approximately eighty prisoners would benefit from the reduction, whose goal is not to reduce overcrowding but to be used as a form of rehabilitation.⁴⁵ Up until August, approximately 400 prisoners benefited from the reduced imprisonment year. However, some prisoners are still unable to pay the fine to complete their release upon the expiry of their sentence.⁴⁶

Roumieh prison, as well as other correctional institutions, witnessed intense riots during 2013. The overcrowding, long delays in trials procedures, weak law enforcement inside prisons, and poor conditions have been considered to be among the most important reasons behind the unrest in prisons. The most alarming incidents in Roumieh took place among Islamist inmates in 2013. In January, Islamists protested against the transfer of a cellmate because he allegedly owned several detainees money.⁴⁷ In September 2013, same inmates held 10 security guards hostages, burned mattresses inside their cells due to refusing entry for a woman visitor because she did not have a permit⁴⁸. The Islamist prisoners demanded general amnesty acceleration of their trials.⁴⁹ In south Lebanon, Tyre central prison also witnessed an uprising. Prisoners lit their mattresses on fire opposing the return of an inmate, reported to have purposely injured himself several times, to their block.⁵⁰ In Zahle prison, demonstrations were also witnessed when prisoners burned their

⁴⁴Rakan al-Fakih, "Prisons Initiative Pays Fines to Free Inmates," *The Daily Star*, April 13, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Apr-13/170121-prisons-initiative-pays-fines-to-free-inmates.ashx#axzz1zeNvZIGW>.

⁴⁵"80 Prisoners to Benefit from Shorter Jail Years," *The Daily Star*, March 23, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Mar-23/167660-80-prisoners-to-benefit-from-shorter-jail-years.ashx>.

⁴⁶إكرام شاعر, "400 سجين إستفادو من خفض السنة السجنية: الفقراء ينتظرون أولاد الحلال والمتطفلون يزاحمونهم", *السفير*, 4 اب 2013

<http://www.assafir.com/#!/ArticleWindow.aspx?ArticleID=283449>

⁴⁷ "Riot in Roumieh over decision to transfer prisoner", *The Daily Star*, February 15, 2013.

⁴⁸ "Islamist inmates riot in Roumieh after visit denied", *The Daily Star*, March 2, 2013.

⁴⁹ "Roumieh Inmates Riot, Demanding General Amnesty", *Naharnet*, September 15, 2013. <http://www.naharnet.com/stories/en/53680>

⁵⁰Mohammed Zaatari, "Riot at South Lebanon jail over inmate's return", *The Daily Star*, March 2, 2013.

belongings on after objecting to the transfer of a couple of prisoners to other facilities.⁵¹

⁵¹“Inmates Riot at Zahle Prison as Assailants Open Fire on Warden’s House”, *The Daily Star*, November 21, 2013.<http://www.naharnet.com/stories/en/61610>

The Right to Life, Liberty and Security

The right to life, liberty and security is guaranteed in article 3 of the Universal Declaration of Human Rights (UDHR) and 9(1) of the International Covenant on Civil and Political Rights (ICCPR). It is made up of three distinct, yet interconnected tenants, all of which can refer to different rights and freedoms upheld by international standards. In discussing the right enshrined in article 3 of the UDHR, it is also important to refer to article 8(1) of the ICCPR stipulates that “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.”

The Lebanese Constitution only refers to the right to liberty under article 8: “Individual liberty is guaranteed and protected by Law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the Law. No offense may be established or penalty imposed except by Law.” The Criminal Code however contains many provisions related to the right to life, liberty and security. It enumerates the misdemeanors and crimes against life and individual integrity (articles 547-568), crimes of terrorism (articles 314-316), exile (article 47), abduction (articles 514-517), etc.

In Lebanon, there has always been a strong presence of powerful non-state actors, but in 2013, these actors have made headlines for their violent tactics and gross breaches of the law often targeting bystanders, journalists and law enforcement personnel to name a few.

The right to life is understood as the duty of the state to protect human life against abusive public and private action. The protection of liberty includes the right not to be arbitrarily arrested, detained or exiled and the right to be free from torture and cruel, inhumane and degrading treatment. The right to security refers to national security, such as protection of physical integrity from external aggression (e.g. Politically motivated violence) and individual security, on a public and private level. The former refers to the state’s duty to protect the physical integrity of its citizens by abusive practices of authorities (e.g. enforced disappearance). The latter refers to the state’s duty to protect the physical integrity of its citizens from abuse by private actors (e.g. other citizens, non-state actors). Examples of individual security include but are not limited to: domestic violence, assassinations, exploitation and human trafficking.

Physical Safety

As of May 2012, the situation further deteriorated when news broke that a number of Lebanese Shiite pilgrims were abducted in Syria. Although the hostages were released on October 19th 2013, the incident showed poor crisis management on

behalf of the Lebanese government and their inability to control and enforce the law over the Lebanese territories.⁵² Relatives of the kidnapped hostages, protested against Turkish interests in Lebanon⁵³ in an attempt to pressure the Turkish government to maximize its efforts to free the pilgrims.⁵⁴ The relatives kidnapped two Turkish pilots in August 2013 and were released on the same day that the hostages were returned to Lebanon in October.

Moreover, the escalation of sectarian tension between various communities in both Northern and Southern of Lebanon in 2012-2013 had resulted in human losses and material casualties. Clashes broke out in 2013 in Tripoli between Alawites residents of Jabal Mohsen and Sunnis' of Bab al-Tabbaneh, causing internal displacement of civilians from both areas,⁵⁵ civilians' death due to sniping,⁵⁶ ongoing retaliation resulting in casualties⁵⁷; and severe restrictions to the freedom of movement. The clashes in the northern city resulted in twelve people died and forty nine injured.⁵⁸ This growing sectarian tension contributed to a growing trend of retaliatory kidnappings in the country; reported mostly in the Bekaa Valley.⁵⁹ In November 2012, Shiite and Sunni relations boiled over in the southern city of Sidon between the followers of radical Islamist preacher Ahmad al-Assir and followers of Hezbollah after followers of placed Shiite religious banners commemorating Ashoura were placed in various areas throughout the city.⁶⁰ Two people were killed and three other were injured after an armed clash took place between the two groups. The situation remained volatile and the two different groups clashed again, extending this time to Khaldeh during the commemoration of Ashoura, leaving four people wounded. In July 2013, Al-Assir and supporters engaged in a gun fight with a Lebanese Army checkpoint near Al-Assir's compound, which eventually led to a full blown clash.⁶¹

Sporadic incidents of rockets attacks and bombings were recorded in 2013 which threatened the right to life, liberty and personal security. On May 26 two rockets landed in neighborhoods in the southern suburbs of Beirut (Dahiye) wounding four people. Similarly, a rocket hit a high-tension electricity cable in the village of Kahaleh

⁵²Thomas El-Basha, Wassim Mroueh, "Lebanese pilgrims return, kidnapped Turks back home", *The Daily Star*, October 19, 2013.

⁵³"Relatives of hostages up protest against Turkish interests", *The Daily Star*, April 29, 2013.

⁵⁴"Hostage families clash briefly with police", *The Daily Star*, May 09, 2013.

⁵⁵<http://www.assafir.com/#!/ArticleWindow.aspx?ArticleID=310536>

⁵⁶Brooke Anderson, "Abou Faour Sues Snipers, Vows to protect the Youth", *The Daily Star*, December 4, 2013.

⁵⁷"Tripoli Figures Condemn Bus Attack as Al-Tabbaneh Cleric Defends Taking Matters into Own Hands", *Naharnet*, November 3, 2013.

⁵⁸Antoine Amrieh, "Tripoli Death Toll Rises to 12 as Clashes Persist", *The Daily Star*, December 1, 2013.

⁵⁹Rakan Al-Fakih, "Tit-for-Tat kidnappings Sweep the Bekaa Valley", *The Daily Star*, August 3, 2013.

⁶⁰Mohammed Zaatari, "Two Killed Three Wounded in Sidon Clashes," *The Daily Star*, November 11, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Nov-11/194667-one-killed-two-injured-in-sidon-clashes.ashx#axzz2GH1VG5LB>.

⁶¹Jean Aziz, "Sheikh Al-Assir's Militants Kill Lebanese Soldiers in Sidon", *Al-Monitor*, June 24, 2013. <http://www.al-monitor.com/pulse/originals/2013/06/lebanon-sidon-assir-salafists-kill-army.html#ixzz2tZ73dFta>

in the Aley region. Moreover, a series of suicide bombings took place between July and December 2013 targeting the areas of Bir El-Abed on July 9, in addition to Rweiss on August 15, the cars bombings of the al-Taqla and al-Salam mosques in Tripoli on August 23, the twin suicide bombings at the Iranian Embassy in Beirut on November 19. In December 2013, the former Finance Minister Mohamad Shatah was assassinated by a car bombing in Downtown Beirut.

Some governments warned their nationals not to travel to areas like south of the Litani River due to the danger posed by landmines, unexploded ordnance, cross-border artillery strikes and the uncertain security environment. They have also been told to reconsider the travels to the Bekaa Valley because an increase in kidnappings.

Abortion

Based on the Lebanese Penal Code abortion is strictly illegal. Article 539-546 of the Penal Code clearly state the illegality of the act of abortion under all circumstances. However this status has been subject to minor changes in 1969 through the Presidential Decree No. 13187 which allowed practices of abortion in very limited circumstances where the sole need is to preserve the woman's life if in danger.⁶² The current legal condition surrounding the issue of abortion paves the way for additional violation and additional obstacles. Abortion practices in Lebanon mainly happen in secret and several gynecologists refuse discussing the procedure. However several nurses reported anonymously to several journalists that abortions happen in gynecologist clinics late in the evening due to the illegality of the practice, doctors tend to charge high rates ranging between \$500 to \$2000.⁶³ According to KAFA women are generally marginalized in the society following unwanted pregnancies or pregnancies outside marriage making them victims of unhealthy and high-priced abortions and additional discrimination.

Death Penalty

The status of the death penalty situation in Lebanon remained unchanged in 2013; the 2004 moratorium on executions is still unofficial.⁶⁴ Moreover, 2012 saw an increase in death penalty sentences issued or requested in criminal cases. Most of the death sentences were issued by the Military Tribunal and the majority of the cases were related to crimes of espionage, terrorism and homicide.

⁶²The Population Policy Data Bank maintained by the Population Division of the Department for Economic and Social Affairs of the United Nations Secretariat

⁶³Luca, Anna Maria. "Lebanon's Abortion Question." *NOW Lebanon*.
https://now.mmedia.me/lb/en/reports/features/lebanons_abortion_question (accessed April 23, 2013).

⁶⁴Lebanon has not executed any inmate since the unofficial moratorium in 2004, mainly due to international pressure on the Lebanese Government.

The United Nations Office of the High Commissioner for Human Rights (OHCHR) Resolution No.59/2005 exerts pressure on the countries maintaining the death penalty to suspend executions and apply a moratorium. In addition, a General Assembly Resolution (A/RES/62/149) was adopted in favor of a Universal Moratorium on Executions; however Lebanon abstained twice from voting on it. Lebanon also has not signed the Second Optional Protocol of the ICCPR aiming for the abolition of the death penalty.

The death penalty is the most severe criminal punishment in the Lebanese Criminal Code, under Title II, Chapter I, namely under articles 37 and 43. Death penalty sentences are still given in Lebanese courts, ordinary and exceptional.

In September 2011, the Lebanese Parliament approved a bill to amend law No. 463/2002 on the implementation of death penalty sentences. This created a formal status for convicts sentenced to death without being executed and is a sign that the concept of punishment in the Lebanese criminal justice system has begun to evolve.⁶⁵ This amendment would not serve to abolish the death penalty but has reinforced Lebanon's stance on the unofficial moratorium. In February 2012, a draft law was submitted to the Parliament by MP Elie Keyrouz, to abolish the death penalty from the Lebanese Criminal Code; however this law has yet to be scheduled for discussion in parliament.⁶⁶ The judicial process leading to death penalty sentences is sometimes bound by the political influences of the executive power. The problems that arise from this situation are many; most important of which is that in the cases before exceptional courts, there is a failure to ensure the internationally recognized principles of fair, expeditious, and public trials.

It is worth noting that in 2013, a decrease in the number of death penalty indictment was reported. The death penalty was requested for fifty-six people, including one woman, in 2013 in comparison to 196 requests in 2012.⁶⁷ Among the most relevant cases in 2013 are those of Michel Samaha, suspects involved in ambush of the Lebanese Army in Aarsal, and the murder of Mohammad Jemo; a Syrian Baath Party Official who was shot dead in his house in the town of Sarafand on July 24, 2013.⁶⁸ The most recent death penalty indictment was issued on December 3, 2013 by Military Examining Magistrate Fadi Sawan against nine suspects in the case of the rigged car in Al-Maamoura.⁶⁹ Nine death penalty sentences were issued in 2013,

⁶⁵Sabin Saleme, "A Quiet End to the Death Penalty in Lebanon," *Al-Akhbar*, January 11, 2013, <http://english.al-akhbar.com/node/14632>.

⁶⁶The 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. ALEF has also joined efforts with other regional organizations on the "Life is a Right" campaign, whose main goal is to abolish the death penalty in Lebanon, Egypt, Palestine and Jordan. As a part of that campaign, ALEF organized a legal debate at Sages' University, which gathered approximately eighty lawyers, judges and law students to discuss the death penalty.

⁶⁷ ALEF-Act for Human Rights, "The Situation of Human Rights in Lebanon 2012", *ALEF- Act for Human Rights*, January 2013.

⁶⁸ Mohammed Zaatari, "Jemo murder case widens, 10 arrested", *The daily Star*, July 27, 2013.

⁶⁹"Death Penalty Ordered for 9 Suspects over Explosives-Laden Car in Maamoura", *Naharnet*, December 3, 2013.

mainly for espionage.⁷⁰

Torture

Marginalized individuals are at particular risk of being tortured, due to the social, cultural and political exclusion and discrimination such as migrants, refugees and asylum seekers, trafficked persons, members of the LGBTQ community⁷¹ and journalists. Individuals discriminated against on the grounds of their cultural identity are also particularly vulnerable to cruel, inhumane and degrading treatment. Alleged terrorists and individuals suspected of collaborating with Israel are also victims of torture, since they represent a threat to national security. All of the above weaken moral restraints against practicing torture and other human rights abuses and violations.

Torture is neither defined nor criminalized in Lebanese legislation. The only article that refers to this practice is in article 401 of the Criminal Code; however, this article does not comply with the definition of torture provided in article 1 of the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment (UNCAT). It also includes many loopholes that are inconsistent with the convention. Lebanon signed and ratified the UNCAT on October 5, 2000 and in addition to its obligations to abolish torture, Lebanon also has other obligations that fall under the Optional Protocol to the Convention against Torture (OPCAT), signed and ratified in December 22, 2008. The delay in submission of the Lebanese official report to the Committee Against Torture (CAT) is of 13 years, despite several reminders of the CAT committee.⁷²

Following a series of advocacy efforts and research submissions by civil society organizations (CSOs) in Lebanon, including ALEF-Act for Human Rights, the Lebanese government has acknowledged incidents of torture reported in Lebanese prisons and places of detention. Since 2009, the Internal Security Forces (ISF), which is in charge of the management of these facilities, has engaged in a series of initiatives to put an end to these practices. The ISF has established a Human Rights Department in which a Committee for the Prevention of Torture has been formed to investigate torture allegations and enforce disciplinary measures against the perpetrators in accordance with the ISF Code of Conduct, which was officially launched in January 2012. The ISF Human Rights Department has also integrated a human rights course in the curriculum of ISF recruitment.

MPs, namely from the Human Rights Parliamentarian Committee, have been working alongside CSOs in a series of workshops and meetings seeking to draft,

⁷⁰Amnesty International Annual Report 2013

⁷¹ Please refer to LGBTQ section

⁷² Refer to Annual Reports of the Committee Against Torture (CAT) submitted annually to the UN General Assembly.

discuss and pass a draft law criminalizing torture in accordance with the UNCAT. The draft law, presented by MP Ghassan Moukheiber on December 13, 2012, is a positive step towards creating a clear definition of torture and cruel and inhuman treatment in Lebanon. Unfortunately the draft law is inadequate in certain areas, for instance, it does not address prevention mechanisms for torture, but only seeks its criminalization. . The draft law was approved in the Human Rights Parliamentary Committee and was transferred to the Justice and Administrative Reform Committee to be discussed. Representatives of different security agencies and the Ministry of Justice were present in the discussion⁷³ where mild amendments to the text were allegedly introduced.

The trend of torture continues to be widespread in Lebanon, despite the government legally binding obligations under International Law to protect and refrain from torture. Also, access to torture cases remain difficult given that most of torture acts are committed in secrecy and that victims are often discouraged to disclose or report information. Nevertheless, an alarming case in 2013 received widespread media attention, revealing the abuse of Municipality police of their powers, and discriminative acts premised on the victims' sexual identity. On the night of Saturday April 20th 2013, municipality police of the town of Dekwane raided Ghost nightclub and arrested several clients. The majority were directly released while two others were apprehended and taken to the municipality building. According to media reports and the allegations of victims, two persons were detained and subject to cruel, inhumane and degrading treatment like being forced to take off their clothes in front of the municipality police. The latter took pictures of them and circulated them to the media. In his defense, Mr. Antoine Shakhtoura, the Mayor of Dekwane, claimed on TV stations that this was done to reveal the person's sexual identity and orientation so the Lebanese public understands the motivation behind the arrest. The case triggered mobilization among civil society actors resulting in a number of NGOs demonstrated in front of the Judicial Palace, and appealed to the Lebanese Judiciary to follow up on the case. Moreover, a public complaint was filed by Lebanese lawyer and activist, Mr. Nizar Saghie. The case was referred to the District Attorney of Mount Lebanon in Baabda.⁷⁴

Similarly, Al Akhbar newspaper reported that ill treatment and long deprivation of liberty was occurring on behalf of the Anti-Drug unit at the ISF. Many of those arrested are deprived of their liberty for an extended period until their bruises healed.⁷⁵

⁷³"لجنة الإدارة تابعت درس إقترحي قانون تعديل عامل الإستثمار و معاقبة التعذيب", الوكالة الوطنية للإعلام, 10 تموز 2013
www.nna-leb.gov.lb/ar/show-news/56873

⁷⁴<http://legal-agenda.com/newsarticle.php?id=344&folder=legalnews&lang=ar#.UtgWc9IW2So>

⁷⁵علي الموسوي, "الحرمان من الحرية: مكتب المخدرات يرتكب جريمة موصوفة", الأخبار, 9 أيلول 2013
<http://www.al-akhbar.com/node/190795/>

Enforced Disappearances and Forced Exile

Lebanon's turbulent history has resulted in various documented cases of enforced disappearance and forced exile. Out of the 17, 415⁷⁶ Lebanese citizens reported to have disappeared; approximately 2,300 were registered as missing. Draft laws by NGOs and MPs to solve the issue were proposed and subsequently discussed by the Lebanese Government. Highlights of some of the proposals include establishing an administrative body to determine the fate of the disappeared. While measures have been taken to address the issue and heal wounds that have remained since the end of the war, mystery surrounds the fate of the majority of the reported cases. In a rare incident in August 2012, news outlets reported the release of Yaacoub Chamoun, who had been reportedly held in a Syrian prison for twenty-seven years before being released early in the summer of 2012. The exact figures of Lebanese detained in Syrian jails are unknown and the Lebanese Government has been criticized for its slow response regarding the disappeared. The government set up two commissions between 2000 and 2001 to investigate the fate of Lebanese prisoners in Syria. The first one did not result in tangible outcomes while the second one was dissolved before any findings were published.

The disappearance of popular Shiite Imam and Amal Movement leader, Musa al-Sader, in addition to two of his companions while on an official visit to Libya in August 25, 1978 remained an issue of contention between Lebanon and the North African state for over three decades. Following the removal of the Qaddafi regime, discussions regarding the fate of Sader re-emerged. Following a six day visit to Libya, Foreign Minister Adnan Mansour and the Libyan Transitional Council pledged to investigate the Sader case of enforced disappearance.⁷⁷ Several reports by the Lebanese newspaper Al Akhbar discussed the possibility that Sader might have passed away in 2000 during his detention in Abu Salim prison in the Libyan capital. However Chibli Mallat, the lawyer representing the families of Sader and his companions stressed "the press is our strongest ally in the pursuit of the truth, but we cannot comment on the dozens of reports, many contradictory, that generally well-intentioned journalists publish."⁷⁸

Following the Israeli withdrawal in May 2000, several exchange of prisoners occurred mainly through tri-party negotiations between Hezbollah as well as the Lebanese government and the Israeli Government. In 2006, Hezbollah reported that two Lebanese citizens were still imprisoned in Israeli prisons. Following the kidnapping of two IDF soldiers, Ehud Goldwasser and Eldad Regev, the Israeli Government

⁷⁶Amnesty International, Enforced Disappearances: Annual Report 2008, <http://www.amnesty.org/en/enforced-disappearances/annual-report-2008> (accessed April 23, 2013).

⁷⁷"Mansour: Libya talks on Sadr case 'constructive' | News, Local News | THE DAILY STAR." THE DAILY STAR. <http://www.dailystar.com.lb/News/Local-News/2012/Jan-17/160109-mansour-libya-talks-on-sadr-case-constructive.ashx#axzz2RBz6XgqQ> (accessed April 23, 2013).

⁷⁸Mroueh, Wassim. "Latest Sadr reports step up pressure for action | News, Politics | THE DAILY STAR." Daily Star. <http://www.dailystar.com.lb/News/Politics/2012/Mar-28/168229-latest-sadr-reports-step-up-pressure-for-action.ashx#axzz2RBz6XgqQ> (accessed April 23, 2013).

launched a full scale war on Lebanon in July 2006. The hostilities ended with the ratification of UNSC Resolution 1701 which called on both Hezbollah and the Israeli Government to exchange the POWs, as well as other issues like an immediate cessation of hostilities. On July 16th 2008, the Israeli Prison Service released five POWs, which were the last reported Lebanese citizens reported to be in custody, in exchange for the remains of Goldwasser and Regev.

The ongoing conflict with the state of Israel also resulted in the forced exile of Lebanese citizens from their country. Few days following the Israeli withdrawal from South Lebanon in 2000, approximately 6000 predominately Christian residents fled their villages in order to seek refuge in Israel, in addition to several officers of the South Lebanese Army (SLA) and their families. This forced exile was due to severe fears from reprisals from local parties with armed elements in the region formerly under Israeli occupation.

While information regarding the living conditions in Israel is limited, several of the former residents of south Lebanon received permanent residency and medical coverage. As of August 2001, a total of 2900 of those who sought refuge in May 2000 returned to Lebanon. Most men were directly arrested by Military Intelligence, and several were referred to the military tribunal and sentenced accordingly. Although the Israeli withdrawal was declared several months before IDF troops retreated, no steps were taken by the Lebanese Government to assure local residents that no reprisals would occur. The cases of forced exiles occurred mainly in the villages of Alma al-Shaab, where approximately 10% of the population found refuge in Israel as well as Qawzah⁷⁹ where 50 people fled to Israel in addition to 80% of the village of Debl. Many of the first waves of refugees returned to Lebanon in August 2001.⁸⁰ In November 2012, MP Michel Aoun presented a draft law, which was amended by Speaker Nabih Berri, allowing Lebanese refugees in Israel to return to Lebanon.

As of 2012, several Lebanese are still exiled in Israel. Although representatives of the Lebanese governmental and church officials insure their safe return to Lebanon; they are still deterred by the legal repercussion surrounding their case as well as the possibility that many of them will eventually face trial and prison sentences. In 2011, the Israeli Ministry of Interior reported that 40% of the Lebanese that fled to Israel have found refuge in European countries, America and Canada. Additionally 2700 people remain in Israel with some receiving help and support from the Israeli government while others are exposed to major hardships and social problems due to the high rate of unemployment.⁸¹

Among the few victims who had recourse to Lebanese judiciary for the disappearance of their relative is the case of Mouheidin Hashisho who had been

⁷⁹The population of the village at that time was nearly 250 people.

⁸⁰Nouveau Droits de l'Homme (NDH), *Rapport sur la Situation des Droits de l'Homme dans la Region du Liban-Sud evacuee par l'armee israelienne*, Beirut, August 2001.

⁸¹هدى إبراهيم, "من هم اللبنانيون المقيمون في إسرائيل؟", France 24, 13 تشرين الثاني 2011, <http://www.france24.com/ar/20111103-lebanese-refugee-in-israel-law-allow-return-to-lebanon> (accessed April 23, 2013).

reported missing for almost 31 years. In September 2013, the criminal court of Sidon exonerated three suspects for lack of evidence. Both Hashsho's wife and the committee of the families of the disappeared have voiced criticism pertaining to political motivation behind the sentence.⁸²

بسام القنطار, "خطف محيي الدين حشيشو: تبرئة المتهمين لا تشمل القوات اللبنانية", الاخبار, 24 أيلول 2013⁸²
<http://www.al-akhbar.com/node/191876>

Refugees and Asylum Seekers

Lebanon has been a refuge for many displaced individuals who are fleeing violent conflict throughout its recent history.⁸³ The protection of refugees and asylum seekers mainly falls within the scope of the 1951 United Nations Convention Relating to the Status of Refugees, which is the key legal document that stipulates who a refugee is, his/her rights, and the legal duties of the states. However, Lebanon is not a signatory to the 1951 Convention, or to the 1967 Protocol relating to the Status of Refugees. Lebanon also does not have legislation or an administrative system designed to address the specific needs and protection of refugees and asylum seekers. According to the Working Group on Arbitrary Detention, criminalizing illegal entry into the country would serve to exceed a state's legitimate interest to control and regulate illegal immigration and would thus cause unnecessary deprivations of liberty.⁸⁴

The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (1962 Law) criminalizes individuals who enter the country without proper authorization. Individuals who overstay the time limit prescribed in their visas are also at risk of being criminally prosecuted and administratively detained. Anyone accused of breaching the 1962 Law is subject to a financial penalty, imprisonment and finally, deportation according to article 32. Article 18 states that a foreigner who is to be deported may be arrested and detained for the period required to complete their travel formalities. However, deportation should only apply to cases where the individual would represent a threat to public safety, as per article 17 of the 1962 Law.

Although article 26 of the 1962 Law grants foreign nationals the right to request political asylum in cases where for example, the individual is subject to prosecution or conviction by a non-Lebanese authority, or if his/her life or freedom is threatened, these asylum seekers can also be subject to the same treatment as irregular migrants in certain cases. According to article 89 of the Criminal Code, a foreigner against whom a deportation order has been issued must leave Lebanese territory by his/her own means within fifteen days. Any breach of a judicial or administrative deportation measure 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 offences that will consequently lead to their pre-trial detention, imprisonment and subsequent administrative detention.

By the end of 2013, there were over 860,160 registered Syrian refugees in Lebanon according to UNHCR and more than a million on Lebanese territory according to the Lebanese government. Three quarters of the refugee population are women and

⁸³For the purpose of this section, focus will be placed solely on the conditions of Syrian and Palestinian refugees.

⁸⁴Nations Human Rights Council, "Report of the Working Group on Arbitrary Detention," A/HRC/7/4(January 10, 2008), 20, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/100/91/PDF/G0810091.pdf?OpenElement>.

children, spread out geographically in over 1,200 locations across the country⁸⁵. The majority of Syrian refugees are found in the Bekaa Valley and North Lebanon, followed by Beirut and the South.

The influx of Syrian refugees in the course of 2013 rapidly transformed the emergency into a crisis, made worse by shortage of funding by regional and international donors and weak emergency preparedness and strategy by the Lebanese government. The limited resources that were available has pushed UNHCR and partners to cut back on assistance to families, and to target only the most vulnerable according to set criteria starting October 2013. Given the poor socio-economic conditions in the country, non-assisted Syrian families who do not meet the vulnerability criteria of UNHCR, find it increasingly difficult to find autonomous sources for livelihood.

Syrian refugees' UNHCR registration card does not entitle them to refugees' status in the eyes of the Lebanese authorities, thus their stay on Lebanese soil is regulated by the Lebanese residency law which requires constant renewal. Several protection concerns have been reported like the refoulement of some refugees at the border by the General Security;⁸⁶ imposing night curfews by some Lebanese municipalities on Syrian nationals, rising levels of violence and harassment against Syrian refugees within host communities and continued arrests by security forces and deportation orders by the judiciary. Additionally, arbitrary detention and torture of some Syrian detainees and prisoners and the increased vulnerability of women and girls to forced and early marriages as well as survival sex and various forms of GBV were also reported. Although refugees have been granted access to social services, health assistance conditions exclude vulnerable refugees, while the strain on educational and health services due to soaring demand has resulted in decreased quality and shortage of supply.⁸⁷

With Syrians now making up more than 20% of the population, the resilience, which has long been attributed to the Lebanese as a unique survival asset, has been the fine line separating the country from breakdown. The international community and UN agencies have relied on this asset in their policies of encouraging and reinforcing 'hosting' solutions, while 'resettlement' remains a non-viable option for regional and Western governments, and refugees alike. However, as can be noted in the changes in local responses and reactions to the Syrian refugee crisis two years on, resilience is a finite resource especially if coupled with insecurity and economic deprivation. The Syrian refugee crisis is arguably no longer solely about the management of displacement. The broader goal of providing protection to Syrian refugees can no longer be realized without addressing Lebanon's security and economic concerns, particularly in light of indicators of direct and indirect threats to national and human security.

⁸⁵ ALEF- act for human rights, "Two Years On: Syrian Refugees in Lebanon", September 2013.

⁸⁶ "Palestinian fleeing Syria stranded at Lebanon border: HRW", *The Daily Star*, August 8, 2013.

⁸⁷ ALEF- act for human rights, "Two Years On: Syrian Refugees in Lebanon", September 2013.

As of December 2013, there were four hundred and forty- eight thousand five hundred and ninety-nine registered Palestinian refugees, according to UNRWA.⁸⁸ Over half live in overcrowded camps (twelve official camps spread over the Lebanese territory) and require a special permit to leave move freely. Within camps, Palestinian refugees suffer from inadequate provision of housing, water, electricity, sanitary conditions and other services. Palestinian refugees in Lebanon are deprived of basic rights and face a number of obstacles in their daily lives.⁸⁹

Palestinian refugees do not receive medical care from the government; this service is provided by UNRWA, who in 2010 was faced with a budgetary crisis due to funding cuts from countries such as Canada. Following criticism about the lack of quality health care/services in the camps dispersed throughout Lebanon, UNRWA engaged in fundraising efforts to improve health care for Palestinian refugees, especially since hospital care costs have increased in Lebanon and because Palestinians are not eligible for public health insurance and social security from the State. In April 2012, UNRWA announced that following fundraising efforts, it has been able to increase tertiary health care services coverage for Palestinian refugees from 40% to 50% at hospitals contracted by the agency. There are approximately 280, 000 Palestinian refugees who receive primary medical care and hospitalization services. There are twenty-eight health clinics inside the camps that provide free consultations, medications, and primary health care services. Secondary health care is largely covered by UNRWA and is provided in over twenty contracted public and private hospitals.⁹⁰

In 2013, the Palestinian workforce was still perceived to be poorly educated and lacking in skills and capacities. Many Palestinian refugees are employed in low-level jobs, which do not require work permits in the commerce and construction fields. Most work for up to forty-seven hours a week to make ends meet.

Palestinian refugees not only work a lot more compared to their Lebanese counterparts, but they are also underpaid for their labor; getting paid 80% of the average monthly income of a Lebanese employee, based on an International Labor Organization report. Half of the workers receive less than LBP 500,000 a month.⁹¹

⁸⁸UNRWA."Lebanon-UNRWA."UNRWA. <http://www.unrwa.org/etemplate.php?id=65> (accessed April 22, 2013).

⁸⁹United Nations Relief and Work Agency for Palestine Refugees, "Lebanon," (accessed January 28, 2012), <http://www.unrwa.org/etemplate.php?id=65>.

⁹⁰United Nations Relief and Work Agency for Palestine Refugees, "UNRWA Increases its Coverage of Tertiary Health Care for Palestine Refugees in Lebanon," April 18, 2012, <http://www.unrwa.org/etemplate.php?id=1322>.

⁹¹International Labor Organization, *Labor Force Survey Among Palestinian Refugees Living in Camps and Gatherings in Lebanon*, 2011, http://www.ilo.org/public/english/region/arpro/beirut/downloads/events/2012/lf_pal_nov2012/lfsurvey_en.pdf
International Labor Organization, *Labor Force Survey Among Palestinian Refugees Living in Camps and Gatherings in Lebanon*, 2011, http://www.ilo.org/public/english/region/arpro/beirut/downloads/events/2012/lf_pal_nov2012/lfsurvey_en.pdf

Lebanese born, registered Palestinian refugees are still barred from working in certain professions, such as doctors, lawyers, engineers, and so forth. A law passed in 2005 only granted them the right to work in clerical and administrative positions.⁹²

Despite Parliament's legal amendments to labor and social security laws in August 2010 that granted Palestinians the right to obtain work permits more easily, and without cost, and to access the National Social Security Fund's (NSSF) end of service benefits, practical obstacles remain. Since 2010, only 2% of the Palestinian population acquired a work permit.⁹³

⁹²United Nations Relief and Work Agency for Palestine Refugees, "Lebanon", 2012, <http://www.unrwa.org/etemplate.php?id=65>.

⁹³"International Labor Organization, *Labor Force Survey Among Palestinian Refugees Living in Camps and Gatherings in Lebanon, 2011*", *Relief Web*, November 20, 2012. <http://reliefweb.int/report/lebanon/labour-force-survey-among-palestinian-refugees-living-camps-and-gatherings-lebanon>

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

The freedom of expression is one of the main tenants of a vibrant democracy and is enshrined in article 19 of both the UDHR and ICCPR. Freedom of expression “within the limits prescribed by law” is also protected under the Lebanese Constitution in article 13. An example of this limitation would be defamation under article 582 of the Criminal Code, which punishes any person who is found guilty of defamation or slander under article 209 with up to three months in prison and a fine of 50000 LL to 400000 LL. Another example is Lebanon’s article 15 of the 1946 Labor Code which 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.

Political and security instability has increased pressure on the journalists and the media. Journalists, reporters, photographers and politicians were attacked or threatened by state and non-state actors throughout the year. Criticisms of religious figures, army leadership and political leadership remain taboo and are regarded as an offensive act. In 2013, there were many reported and unreported attacks, on human rights activists, bloggers, artists and journalists.

In late 2013 a positive judicial development pertaining to Freedom of expression was recorded. On December 3, Military Prosecutor Saqr Saqr charged a General and members at Lebanese Customs Bureau for violently attacking the crew of the New TV.⁹⁴ While conducting an investigative report about corruption, the staff of the Lebanese TV station New TV were severely beaten and arrested by Lebanese custom officers who attempted to dismiss the crew that was protesting before the custom building. The TV reporters were demanding an interview with the acting director of the Customs General Directorate Chafic Merhy, over allegations of corruption⁹⁵.

The issue of censorship, banning, and website blocking has reemerged in late 2013. SMEX (Social Media Exchange), a local NGO, reported the sites blocked in Lebanon included Israeli websites and a page discussing Father Mansour Labaki child molestation case⁹⁶. According to SMEX the Labaki website was blocked as its content was considered defamatory, SMEX and different rights groups are concerned about the lack of information describing the website blocking process.⁹⁷

Additionally, censorship also included the banning of books, movies, and plays. In September 2013, the Lebanese General Security refused to issue a permit to Mr. Lucien Abou Rjeily’s play titled, “bto2ta3 aw ma bto2ta3”. The play discusses the

⁹⁴“Lebanon customs officer charged in attack on TV crew”, *The Daily Star*, December 5, 2013.

⁹⁵ “Al Jadeed crew attacked, journalists arrested”, *The Daily Star*, November 26, 2013.

⁹⁶ For more information refer to the Child Rights section of the report.

⁹⁷ Accessed through <http://www.smex.org/blocked-websites-in-lebanon-2013/>

issue of censorship and freedom of expression in Lebanon. The General Security office also banned Lebanese international director Ziad Doeiry's movie 'The Attack' because the movie included scenes that were filmed in Tel-Aviv with Israeli actors.⁹⁸

⁹⁸ Yasmina Hatem and Stephanie D'arc Taylor, "'The Attack' suffers another blow: Censorship in Lebanon alive and well", *NowMedia*, April 29, 2013.

Elections

Elections present a regular event where citizens of a country can exercise their civic rights and provide an opportunity to hold their officials accountable. 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 the parameters for elections in numerous articles while the Lebanese Criminal Code also punishes violations committed against civil rights in Chapter II, Title II between the articles 329 and 334.

Since the independence of Lebanon in 1943, Lebanon has had ten 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. Lebanon is scheduled to hold parliamentary elections in the summer of 2013. With the existing law, commonly referred to as the 1960 law, being rejected by the majority of political parties, Lebanese lawmakers and CSOs are still debating potential electoral law proposals for the 2013 elections.

Since the beginning of 2012, political/religious leaders, members of civil society organizations as well as other relevant stakeholders have been discussing the importance of a new electoral law and discussing the different “formulas” that will theoretically ensure proper representation and democracy. The Boutros Commission, which was assigned to develop a new electoral law, has actually provided a mixed system where seventy seven MPs are elected in a majority system, and the remaining fifty-one are elected under a system of proportional representation. Another proposed draft, referred to as the Orthodox Gathering, stipulates that every sect would elect its own representatives. Each of the suggested proposals and electoral systems have its own advantages and disadvantages, and from a human rights approach no system is favored over others as long as it is in compliance with the international standards of free, fair and periodic elections⁹⁹ such as: universal and equal suffrage; equality among voters; equality among candidates; proper representation; non-discrimination on accounts of race, color, sex, language, religion, political or other opinion; accessibility of voting posts; impartial and speedy adjudication; transparency& accountability; equitable treatment before the law; secret ballots; non-violent campaigning; and transparent system of disclosure of the funding received by any party or candidate.

⁹⁹International Institute for Democracy and Electoral Assistance, *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*, 2002.

Only minor technical reforms have been accepted so far in the law proposed by Minister Marwan Charbel, and even these accepted changes are not fully implemented. Other major reforms, like the independent body to manage and supervise the elections, pre-printed ballots, efficient mechanism to monitor campaigns funding have yet to receive widespread support by the political community.

In March 2013, legislators voted in favor of the extension of the mandate of the parliament for a period of 17 month starting June 2013. The Free Patriotic Movement block and the President of the Republic challenged the constitutionality of such legislation by appealing to the Constitutional Council. The latter failed to secure the quorum four times, allowing as such the legislation to be executed and the parliamentary elections postponed.¹⁰⁰

¹⁰⁰Hassan Lakkis & Youssef Diab "Council fails to meet, Parliament extension becomes law", *The Daily Star*, June 21, 2013.

Freedom of Movement

The right to move freely within your own country, or while travelling, is something most people take for granted. Freedom of movement, otherwise referred to as mobility rights, is protected by a number of international standards like article 12 of the ICCPR and article 13 of the UDHR which stipulates that “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.” Freedom of movement in Lebanon is addressed in various laws and mainly ensures the mobility of its citizens.

There are no direct legal restrictions on the rights of citizens to travel within the country; however, some areas are controlled by political groups and/or armed factions which hindered the practice of this right internally. Freedom of movement of migrants, refugees and asylum seekers in 2013 was still limited, particularly for the Palestinian refugees and more recently, displaced Syrians. Palestinian refugees have had their movements restricted since the 1950s through a permit system (living permit, visitor permit, working permit), which has, undergone many changes since then in terms of length, validity and other similar issues. Palestinian refugees who are not holders of identification cards have even less freedom of movement.¹²² Palestinians need permits to leave refugee camps and measures are stricter for the Nahr al-Bared camp and its surrounding areas.

After the Nahr al-Bared conflict in 2007, the Lebanese Army designated the camp and surrounding areas as a military zone and checkpoints were set up at all of the camp’s entrances. This hindered the mobility of the camp’s residents, who were subsequently required to obtain a permit from the LAF Directorate of Military Intelligence. Visitors to the camps including Lebanese citizens, NGOs and construction personnel were also affected by the new security measures. The increase in Army checkpoints since the beginning of the Syrian crisis nearly two years ago, has also hindered the mobility of Lebanon’s constantly growing refugee population. The Tripoli clashes also led to limits on freedom of movements, cutting the international road between Tripoli, Aakar and Syria.¹⁰¹

¹⁰¹ Please refer to the section on Right to Life, Liberty and Security.

Children Rights

Lebanon has made strides in recent decades to better protect children within the country. In 1991, it 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 and signed, but not ratified, the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in 2002.

On the national level there are a number of provisions in legislation aimed at protecting the rights of children. On July 6, 2002, the “Protection of Children in Violation of the Law or Exposed to Danger” (Law 422) was enacted by the Lebanese Parliament. It overhauled the juvenile justice system by creating juvenile courts, focusing on education, rehabilitation and protection as opposed to punishment. Article 26 of Law 422 allows authorities to interfere through protection measures, monitored probation or rehabilitation to protect the interests of a child. As per Article 25 of Law 22, authorities can interfere in if a child’s environment exposes him to exploitation or if their health, safety, morality, or upbringing is threatened. The measures may also be imposed if the child was exposed to sexual assault or violent corporal abuse (beyond customary non-harmful disciplinary measures)¹⁰², or was found begging (vagabond). Similarly, article 492 of the Lebanese Criminal Code prosecutes anyone who is convicted of abducting a child under the age of seven while 493 prosecutes an individual found guilty of concealing the identity of a child as reflected in the personal status records. The Lebanese Labor Code contains provisions regarding child labor (under the age of eighteen) between articles 21 to 25. Article 22 prohibits the employment of children under the age of fourteen. Once the child is fourteen years old, their employment is subject to prior medical examinations and certification deeming the child fit for the type of labor they have been recruited for. Despite improvements brought forth by Law No. 422, gaps in child protection remain. Some provisions of Law 422 still need amendment, particularly those related to juveniles complicit in crimes with adults; the law still permits their prosecution along the same procedures as adults. Furthermore, Article 25 (second clause) of Law 422, in addition to

Article 186 of the Penal Code still allows parents and teachers to resort to corporal punishment.

Street children continue to pose one of the most pandemic and visible examples of child labor in Lebanon. There are no official statistics on the exact number of street children in Lebanon, who sell various low-cost items, beg at traffic intersections or clean car windows. The Insan Association estimates that approximately 90% of street

¹⁰²The Lebanese Law is not specific on the description of the “non-harmful” and “customary” forms of abuse leaving the classification open for interpretation.

children are of Turkmen origin.¹⁰³

Incidents of child violence in Lebanese schools continue to be a widespread practice coupled due to a weak a monitoring system that hinder victims reporting. On June 9th 2013 a school teacher instructed some of his students to slap one of their colleagues on the neck after he failed to complete a punishment.¹⁰⁴ Child molestation also remains a serious concern in 2013. The most recent case involved Lebanese priest Mansour Labaki known for his charity work, particularly with orphans, who was convicted of child molestation by the Vatican and is currently carrying out his sentence of solitary penitence in a monastery in Lebanon.¹⁰⁵

Other violations to Children rights, such as right to life, education and access to basic services have also been reported with the increased security deterioration, particularly in Tripoli, Ain el Helwe and Baddawi. Furthermore, the use of child soldiers appears as a growing trend in the conflict between Jabal Mohsen and Bab al-Tebbeneh.¹⁰⁶

There are around 400,000 children Syrian refugees in Lebanon, most of them faced a "harsh winter" in tents and poor housing conditions. Others lived in marginalized areas where public health and education services have been spread thin and reports from August show that only 35000 out of 300000 registered refugee children have access to education.¹⁰⁷ Incidents of bullying and discrimination against Syrian refugees in Lebanese public schools have also been reported throughout this past year¹⁰⁸. Syrian Refugees children are particularly vulnerable and exposed to exploitation.¹⁰⁹ Child labor is on the rise,¹¹⁰ and cases of separated and / or

¹⁰³ Yasmina Hatem, "Street Kids: On and Off the Streets", *Now Lebanon*, December 13, 2012.

https://now.mmedia.me/lb/en/reports/features/street_kids_on_and_off_the_streets.

¹⁰⁴ "Sleiman condemns child abuse incident in n. Lebanon", *The Daily Star*, October 9, 2013.

¹⁰⁵ Rayane Abou Jaoude, Jana El Hassan, Niamh Fleming-Farrell, "Priest serving child molestation sentence in Lebanon monastery", *The Daily Star*, October 10, 2013.

<http://www.dailystar.com.lb/News/Lebanon-News/2013/Oct-10/234160-priest-serving-child-molestation-sentence-in-lebanon-monastery.ashx#axzz2tYz2AC8B>

¹⁰⁶ Mona Alami, "Tripoli's Child Soldiers", *Now Lebanon*, June 6, 2013.

¹⁰⁷ "لبنان يستضيف أكبر عدد من اللاجئين السوريين الأولاد 350 ألف ولد يحتاجون للتعليم والمدارس إستوعبت 35 ألفاً", *النهار*, 24 آب 2013

<http://newspaper.annahar.com/article/60646-%D9%84%D8%A8%D9%86%D8%A7%D9%86-%D9%8A%D8%B3%D8%AA%D8%B6%D9%8A%D9%81-%D8%A3%D9%83%D8%A8%D8%B1-%D8%B9%D8%AF%D8%AF-%D9%85%D9%86-%D8%A7%D9%84%D9%84%D8%A7%D8%AC%D8%A6%D9%8A%D9%86-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%B1%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D8%A3%D9%88%D9%84%D8%A7%D8%AF-350-%D8%A3%D9%84%D9%81-%D9%88%D9%84%D8%AF-%D9%8A%D8%AD%D8%AA%D8%A7%D8%AC%D9%88%D9%86-%D9%84%D9%84%D8%AA%D8%B9%D9%84%D9%8A%D9%85>

¹⁰⁸ "Discrimination and bullying makes learning hard for Syrian refugees in Lebanon", *World Vision International*. December 11, 2013

¹⁰⁹ UNICEF, "prioritizing the most vulnerable", *UNICEF*, http://www.unicef.org/lebanon/emergency_8003.html

unaccompanied children, sometimes crossing the borders alone or with strangers, have been reported.

Finally, forced marriages continue to be a significant concern with regard to Lebanese children and Syrian nationals. An incident that occurred in the past year involved Eva Ghazal, a 13 year old Lebanese girl who was kidnapped and forced to marry the son of the kidnapper in October 2013. This case captured the attention of the Higher Council for Childhood, the Ministry of Social Affairs and the Public prosecutor.¹¹¹ The Higher Shiite Council took a decision to annul the marriage and Eva returned to her parents ten days after her kidnapping.¹¹²

¹¹⁰ "U.N.: Syrian Children in Lebanon Need Urgent Help ahead of Winter", *Naharnet*, November 1, 2013.

¹¹¹ "Forced marriage of minor girl annulled", *The Daily Star*, October 30, 2013.

¹¹² راجانا حمية, "إيفا الصغيرة تعود إلى أهلها", الأخبار, 6 تشرين الثاني 2013
<http://www.al-akhbar.com/node/194439>

Migrant Workers

Lebanon has an abundance of migrant workers from various regions throughout the world. The main international agreement that protects the rights of migrant workers is the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Migrant workers have become a staple of Lebanese life that have caused in a positive social, economic and cultural impact but are still exposed to various forms of discrimination due to common misconceptions and an absence of legislation. Lebanon has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families because it may contradict with Lebanon's current immigration control policies and overall system. The lack of legal protection is further compounded for migrant workers in the sponsorship system, otherwise known as the kaffala system.

The system is based on administrative rules and legal regulations found in the Lebanese Criminal Code, the 1962 Law and Ministry of Labor requirements. The system allows the employer to act as the main authority regarding the migrants' immigration status while the state should be entirely responsible for immigration matters. 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 the time limit prescribed in their visas are also at risk of being criminally prosecuted and administratively detained. Any breach of a judicial or administrative deportation measure 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 offences that will consequently lead to their pre-trial detention, imprisonment and subsequent administrative detention. The administrative detention of foreigners is served at a detention facility in Adlieh, where they are usually held for months until they are released or deported. Administrative detention of foreigners in Lebanon is not based on any judicial matters that would justify the detention at the end of the criminal incarceration and is usually blamed on needing more time to for process and completion of the papers. Should foreigners be released from detention, pending the processing of their file, they become at risk of being caught again by law enforcement officials and subject to the same criminal proceedings. Lebanese law also does not provide a time limit for administrative detention.

Migrant workers employed in construction and manual labor jobs work in hazardous conditions. These workers are hired in irregular and informal ways. As such, the scope of their work is not framed by law. Foreign workers not registered with the Ministry of Labor often work on a non-contractual basis, because they accept lower wages. This lack of legal protection becomes a gateway for various human rights abuses and health and safety incidents. Because employees rarely offer medical insurance in the case of an injury on the construction site, workers are forced to pay for medical expenses out of pocket. This is highly problematic, considering that daily wages range from LL 15000 to LL 25000.

The weak Lebanese protection framework renders migrant workers constantly at risk of abuse. This past year saw a continued trend of suicides committed by migrant domestic workers. In June 2013, a 23-year-old pregnant domestic worker, of Ethiopian origin committed suicide in her employer's home.¹¹³

Despite the lack of a clear legal framework that ensures basic protection of migrant workers' rights, two positive developments were registered in 2013. The first is a code of conduct issued as a result of the coordination efforts between OHCHR and ILO, for sponsorship agencies aiming at raising awareness on respective rights and obligations of both the migrant worker, the agency and the employer.¹¹⁴ The second, on the judicial level, is the decision issued by Judge Dina Daaboul whereby a Lebanese woman was sentenced to 3 months of jail and a fine, due to severe injuries she had inflicted on her domestic worker in 2008.¹¹⁵

¹¹³ "Domestic worker commits suicide in Mount Lebanon", *Ethiopian Suicides*, June 12, 2013.

<http://ethiopiansuicides.blogspot.com/2013/06/domestic-worker-commits-suicide-in.html>

¹¹⁴ "Lebanon and ILO Convention on Decent Work for Domestic Workers", *Migrant Domestic Workers Guide*, May 2, 2012.

<http://www.mdwguide.com/FullText.aspx?title=Lebanon%20and%20ILO%20Convention%20on%20Decent%20Work%20for%20Domestic%20Workers&creationDate=05-02-2012&type=update>

¹¹⁵ راجانا حمية, "القضاء ينتصر لعاملة أجنبية ثانية", الأخبار, 16 تشرين الثاني 2013
<http://www.al-akhbar.com/node/195095>

LGBTQ

The human rights of members of the Lesbian, Gay, Bisexual, Transsexual/Transgender and Queer community, (LGBTQ) are protected in international law, the most important pillars being the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights. Both international agreements demand equality before the law, without discrimination. Article 2(1) of the ICCPR stipulates that “Each state party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Despite the fact that Lebanon has signed and ratified both of the UDHR and the ICCPR, members of the LGBTQ community still face discrimination on the grounds of their sexual orientation on many levels. These individuals are legally prosecuted for consensual homosexual relations between adults, according to article 534 of the Criminal Code (CC), which reads: “any sexual intercourse contrary to the order of nature is punishable by imprisonment for up to one year.”¹¹⁶ Members of the community who face these charges can be subject to medical examination to prove the occurrence of homosexual acts by a forensic doctor. These examinations may take employ different intrusive methods such as anal and penile examinations, which are tantamount to torture, cruel and inhuman or degrading treatment as well as punishment. The criminalization of homosexuality not only opens the door for the invasion of privacy, discrimination, extortion, torture but it also renders members of the community more vulnerable to arbitrary arrest which include the usual lengthy delays in pre-trial detention and long delays in trial. Suspects are detained for long periods of time, from six days to a month, and those who are prosecuted can be incarcerated for a few months and in one case, up to one year.¹¹⁷

Helem, an LGBTQ organization reports that a member of the LGBTQ community is threatened, robbed or assaulted on the grounds of their sexual orientation at least once a month. These hate crimes instill fear in the victims which is further compounded by their inability to seek support by local security agencies that may lead to their prosecution if it became known that they are members of LGBTQ community.

In July 2012, the vice squad (subdivision of the judicial police) raided a porn cinema in Bourj Hammoud and subsequently detained thirty-five men and forced them to undergo anal tests at the Hobeiche police station after which three were charged

¹¹⁶Translation by ALEF.

¹¹⁷Saghieh and Farchichi, *Homosexual Relations in the Penal Codes*, 52-53.

under article 534 of the CC.¹¹⁸ In August two Lebanese men were caught and detained for "carrying out indecent acts" in a vehicle.¹¹⁹ The fate of their detention has not been publicized. The Bourj Hammoud arrests in July occurred following an episode of *Enta Horr* (you are free/at liberty) on MTV which garnered the attention of various human rights organizations and activists that denounced the messages of homophobia, bigotry and racism.

Human rights lawyers also contacted both the Ministry of Justice and the Order of Physicians urging them to end the practice of conducting anal probes on detainees, which violate human dignity and the right to privacy to name a few. The tests, conducted against the suspects also violate the right to be presumed innocent until proven guilty since they are conducted before any charges have been laid down.¹²⁰ After-mounting pressure, the Order of Physicians deemed the practice of anal examination to determine homosexuality a gross violation of human rights. The circulation, signed by the head of the Order,

Sharaf Abu Sharaf, stated that the "techniques do not give the desired result" and deemed the practice "torture in violation of the [United Nations] Convention Against Torture." The circular also stated that disciplinary measures would be carried out should any similar practice be carried out. The Ministry of Justice (MoJ), has been criticized for its inadequate response. The MoJ has maintained that prosecutors should obtain consent prior to conducting the test, but adds that refusal can be considered evidence of homosexuality.¹²¹

Despite the minor development mentioned above, no major improvements in legal protection or change in social practice to members of the LGBTQ community in Lebanon was recorded. The case of Ghost nightclub in Dekwaneh remains a strong example of the LGBTQ communities' vulnerability and subjugation to various human rights abuses, such as torture and discrimination.¹²²

¹¹⁸ Emma Gatten, "Anal Probes to Determine Homosexuality," *The Daily Star*, August 2, 2012, <http://dailystar.com.lb/News/Local-News/2012/Aug-02/183083-ngo-urges-end-to-use-of-gay-tests.ashx#axzz22NK8gvaD>.

¹¹⁹ "Two Lebanese Detained on Suspicion of Engaging in Homosexual Acts," *The Daily Star*, August 17, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Aug-17/184923-two-lebanese-detained-on-suspicion-of-homosexuality.ashx#axzz23hGoQklV>.

¹²⁰ Emma Gatten, "NGO Urges End to Use of Gay Tests," *The Daily Star*, August 2, 2012, <http://dailystar.com.lb/News/Local-News/2012/Aug-02/183083-ngo-urges-end-to-use-of-gay-tests.ashx#axzz22NK8gvaD>.

¹²¹ Emma Gatten, "Doctors Ban Anal Exam used to Charge Men with Homosexuality," *The Daily Star*, August 8, 2012, <http://dailystar.com.lb/News/Local-News/2012/Aug-08/183813-doctors-ban-anal-exam-used-to-charge-men-with-homosexuality.ashx>.

¹²² kindly refer to the Dekwaneh Ghost nightclub case in the Torture section.

Persons with Disabilities

Persons with disabilities in Lebanon are one of the most marginalized segments of the country's many communities. Mainly provided by non-governmental actors, assistance to persons with disabilities in Lebanon is inadequate and insufficient. Following the civil war and the increase in the number of persons with disabilities, organizations were able to establish the National Committee for PWDs in 1993. Internationally, the United Nation's Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol was adopted on December 13, 2006 in order "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

In 2007, Prime Minister Fouad Siniora signed the UNCRPD. The political context at the time resulted in the rejection of its ratification as some parliamentary blocs refused to recognize the legitimacy of the existing government. Following a decade of work by the organizations working for the rights of PWDs and other human rights defenders, prominently MP Ghassan Moukheiber, the Lebanese Parliament passed Law 220 in 2000, entitled "Rights of the Handicapped Individuals." The Law addresses assistance for PWDs and identifies their rights which must be promoted and protected by the state. Article 3 of law 220/2000 identifies, defines, classifies and specifies the disabilities and stipulates that PWDs may hold a disability card that allows them access to social and health services.¹²³ Thus, the number of Personal Disability Identification card holders issued by the Ministry of Social Affairs has increased from 10,000 in 1996 to 80,000 in 2011.¹²⁴ Unfortunately, some hospitals do not recognize the disability card which causes severe inconveniences for persons with disabilities seeking medical care.¹²⁵ Articles 68 to 82 discuss the social, economic, civil and political rights of PWDs.

A selective and inadequate implementation framework, affecting the impact of the effort to have the law drafted and voted, neutralized the achievement of having a law enacted in 2000. The law not being up to international standards causes the main problems and many sections of the law are not properly implemented. The reasons of the lack of proper enforcement range from 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 like government departments as well as municipalities.

¹²³Colette Azzi, "The Realities of Aid Targeting Persons with Disabilities (PWD) in Lebanon," DaleelMadani, May 5, 2012, <http://daleel-madani.org/story/realities-aid-targeting-persons-disabilities-pwds-lebanon>.

¹²⁴Malak Makki, "صحف الامارات يحصل على مجوعة", As-Safir, December 5 2012, <http://www.assafir.com/Article.aspx?EditionId=2324&ChannelId=55833&ArticleId=383&Author=%D9%85%D9%84%D8%A7%D9%83%20%D9%85%D9%83%D9%8A>

¹²⁵2012 بسم القنطار, "شؤون المعوقين: نقاؤل حذر", الأخبار, 2 تشرين الثاني 2012 <http://www.al-akhbar.com/node/170676>

Persons with disabilities have difficulties accessing many public and private institutions in Lebanon as well as academic institutions at all levels are generally not equipped with special curricula, tools and human resources to respond to the needs of students with disabilities. Similarly, persons with disabilities suffer from unequal job opportunities due to a lack of support to facilitate the job search resulting in 83% of persons with disabilities that are unemployed in 2012. The Lebanese Physical Handicapped Union reports that the 3% employment quota is not being fully enforced, and criticized the Ministry of Labor for not following up on the enforcement..

Persons with disabilities also face many obstacles while trying to exercise their civic and democratic rights during elections. The current electoral law does not mention the need for adequately equipped polling stations, but article 95 of the current Electoral Law clearly states that “The Ministry shall take into consideration the needs of persons with disabilities during the organization of the electoral process and shall, hence, take all necessary measures allowing those to exercise their right to vote without obstacles”. However there is no specific step taken or promulgated in the law resulting in measures that are not concrete and are only spontaneous benevolent actions taken by polling officers. Consequently, PWDs are not perceived as potential voters, which lead to further marginalization and exclusion from the election process.

Right to Health

The right to health is recognized in numerous international agreements and is of vital importance and further protects right to life, education or work. One of the most important treaties pertaining to the right to health is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Lebanon joined the agreement on November 3, 1972. Article 12(1) stipulates that: "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." The right to health is not exclusive to access to health care services, it also includes the provision of safe drinking water, safe food, adequate nutrition, healthy working conditions, and even gender equality according to the Committee on Economic, Social and Cultural Rights. Although the right to health is not particularly enshrined in any domestic legislation, Lebanon does have a duty to provide it as a state party of the ICESCR. Lebanon's Constitution requires the government to abide by the U.N.'s covenants and the Universal Declaration of Human Rights, which stipulates that health is a part of the right to an adequate standard of living in article 25. Similar to other sectorial problems in Lebanon, the health sector is also facing severe marginalization by state institutions.

Since the civil war, the Lebanese health care system has become costly and fragmented, resulting in a large segment of the Lebanese population lack access to medical coverage. The health sector is mainly focused on private health institutions, in addition to the absence of a coherent health care plan.¹²⁶ The insufficient public health facilities have made the private facilities the sole accessible venue for health services. Currently, individuals with a limited income, mainly migrant workers and refugees, have difficulty accessing health facilities due to the high cost of private facilities. According to the World Health Organization's latest data on health expenditures, the general government expenditure on health as a percentage of the total government expenditure was 9.5% in 2010. In 2005, this expenditure was 11.8%.¹²⁷ The budget of public health expenditures has been decreasing. While it was at 11.8% in 2005, it had reached 6% in 2013. This could be a reflection that health services remain in most part supported by Lebanese citizens' resources rather than the Lebanese government. Thus, Households are as such enforced to increase their share in the health expenses from 39% in 2005 to 43% in 2009.¹²⁸

The lack of funds in the Ministry of Public Health (MoPH) and the tensions between private hospitals, insurance companies and the National Social Security Funds (NSSF) have threatened the ability of individuals to access medical services. The Private Hospitals Union declared on several occasions in 2012 its inability to accept patients

¹²⁶Nabil 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).

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¹²⁷World Health Organization, "Health expenditure: Health expenditure ratios by country (all years)," (accessed March 25, 2013), <http://apps.who.int/gho/data/view.main.1900ALL?lang=en>

¹²⁸(BemoBank 2013/06, WFP 2013/03, WHO 2010, WHO 2009, WHO 2010, WB 2013)

covered by NSSF or the MoPH.¹²⁹ However, this has been modestly solved in January 2013, when the NSSF increased its rate of reimbursement to private hospitals.¹³⁰ Additionally Lebanon has a rate of 35 Hospital beds per 10,000 population¹³¹ which is considered to be the highest in the MENA region by WHO, but because the beds are inefficiently distributed hospitals are generally over booked. The capacity of Lebanese private hospitals can reach a maximum of 200,000 patients per year.¹³²

The Ministry of Health has expressed its inability to cover patients who do not have NSSF or private insurance. In February 2013, a 22-month-old newborn died from meningitis at the entrance of a hospital in Tripoli after being rejected admission for inability to cover the expenses. The case had pushed the Minister of Health Hassan Khalil to announce that hospitals should accept all patients – given that the Minister of Finance increased the subsidies of the Ministry of Health (MoH). There has yet to be any clear enforcement of such instructions by hospitals.¹³³

In addition to access rights, the lack of accountability in the hospital sector remains an alarming issue in Lebanon whereby no measures are taken to investigate medical errors. In October 2013, two patients died on the ninth floor of the American University of Beirut Medical Center (AUBMC). According to an investigation by the Lebanese newspaper Al-Akhbar, the results of the autopsy were not made public.¹³⁴

On the issue of Syrian Refugees, families interviewed by ALEF have cited health as a concern and expressed fear that their children may one day fall ill and require hospitalization or expensive treatment. Families reported expenditure on health services as a major strain, especially the purchase of medicine which is expensive and usually in low supply. This problem is worsened by the decreased health coverage of UNHCR to 75% as opposed to 85%. Families' savings have been depleted due to operations that they had to cover themselves for family members, chronic diseases, and coverage of reduced clinic costs. Syrian refugees made up 40% of all primary health care visits in Lebanon in 2012, the reduction in health support and the already scarce resources of the Lebanese had led to the Religious and Charity organizations attempting to fill the vacuum.

¹²⁹ "Hospitals to stop treating NSSF patients," *The Daily Star*, April 25, 2012, <http://www.dailystar.com.lb/Business/Lebanon/2012/Apr-25/171320-hospitals-to-stop-treating-nssf-patients.ashx#axzz2M2UhWrNg>.

¹³⁰ "NSSF began paying more hospitals in 2013", *The Daily Star*, January 4, 2013.

¹³¹ *World health statistics 2012*. Geneva, Switzerland: World Health Organization, 2012.

¹³² *Health Care Sector in Lebanon: Syndicate of Private Hospitals*, (accessed April 22, 2013) <http://www.marcopolis.net/health-care-sector-in-lebanon-syndicate-of-private-hospitals-1107.htm>

¹³³ "Infant dies on hospital doorstep in north Lebanon", *The Daily Star*, February 20, 2013.

¹³⁴ Mohamad Mohamad Wehbi, "Beirut: Sudden deaths at AUB Medical Centre Trigger Concerns", *Al Akhbar*, November 13, 2013.

Labor and Social Security

Labor Unions in Lebanon engaged in many battles to better protect and enhance their rights in the past year. According to article 22 of the Universal Declaration of Human Rights, “Everyone, as a member of society, has the right to social security and is entitled to 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/students. Foreigners can also benefit from the provisions on illness and maternity. The Lebanese Social Security Law has been the source of criticisms from local and international stakeholders.

The International Labor Organization (ILO) reviewed the Lebanese Social Security Law and compared it to the 1925 Convention on Equality of Treatment (accident compensation) which Lebanon ratified in 1977. According to the ILO report, the section of the law which covers occupational accidents and diseases is not operational and therefore, employment injury benefits are still governed by Legislative Decree No. 136 of September 16, 1983 on occupational accidents. According to Legislative Decree No. 136, the dependents of a foreign worker cannot receive the benefits offered, if at the time of the accident they were residing outside Lebanon. This will not come into effect if the nationals of a country that grants the same treatment to Lebanese citizens as to their own nationals (section 10). This of course is a violation equality in treatment between Lebanese and foreign workers which should be without any preconditions of residence or reciprocity. Another criticism is the requirement that in order to receive social security benefits, the family members of an insured foreigner must be residing in Lebanon.¹³⁵ On the other hand, article 23(1) of the UDHR stipulates that “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” It also stipulates in paragraph 4 that “Everyone has the right to form and to join trade unions for the protection of his interests.” In this regard, Lebanon’s September 23, 1946 Labor Code is met with the following criticism.

First, the Labor Law does not apply to domestic servants employed in private households, agricultural corporations that have no connection with trade or industry, family businesses employing solely members of the family under the management either of the father, the mother, or the guardian, casual or day laborers in municipal or government services, staff of “Electricite du Liban” (EDL) and wage-earners who are not governed by the Civil Servant Regulations. The law does not provide migrant workers and Palestinian refugees the right to equal treatment

¹³⁵ILO, “Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) Lebanon (Ratification: 1977)”, *Direct Request (CEACR) - adopted 2002*, published 91st ILC session (2003), http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID:2215424

before the Lebanese Law because they continue to be banned from their right to work.

Although this law has a section specifically relating to ensure that no form of discrimination against women is practiced in the workplace, it is ironic that this particular section prohibit women from working in the following industries or jobs: "Driving machines with extremely large engines."¹³⁶ Article 15 prohibits a public service employee from striking, or inciting other workers to strike, and prohibits public service employees from organizing, joining or forming unions or professional organizations. Article 64 of the Labor Code also considers an employee to have resigned from public service if he/she participates in a work strike. In the summer 2012, it was reported that the Minister of Labor signed an International Labor Organization convention, which would guarantee freedom of association and protect the right to organize. The international convention, like others, would supersede national law. This also entails that public employees would be allowed to go on strikes and form unions.¹³⁷

In 2012, almost 2000 Electricité du Liban (EDL) workers participated in what many called the longest strike in Lebanon's modern history.¹³⁸ The strike caused deterioration in the supply electricity to households causing random blackouts, even in Beirut, which exceeded the usual three hour a day power outages.¹³⁹ After three months, the EDL workers' strike came to an end with a government deal that involved paying the contract workers their salaries until the month of July 2012. The deal also included full time employment for some workers following their successful completion of an exam, and financial compensation for workers who are not qualified to become permanent employees in exchange for their ten or twenty years of work as well as transferring the rest of the workers to private service providers. The majority of the workers who went on strike were not registered with the National Social Security Fund (NSSF) and had been employed by EDL for over fifteen years.¹⁴⁰ The fund, which carried out an annual auditing assessment, determined

¹³⁶"The Labor Code of 23 September 1946- Lebanon," Economic and Commercial Counselor's office of the Embassy of the People's Republic of China in the Republic of Lebanon, (accessed March, 29 2013), <http://lb2.mofcom.gov.cn/article/lawsofhostcountry/labourlawhost/200812/20081205940533.shtml>.

¹³⁷Wassim Mroueh, "Labor Laws in Lebanon Heat Up on Heels of ILO Signing," *The Daily Star*, July 27, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Jul-27/182205-labor-laws-in-lebanon-heat-up-on-heels-of-ilo-signing.ashx#axzz2LEqwESYj>.

¹³⁸Mohammad Zbeeb, "Lebanese Unions: Handcuffing Labor", *Al-Akhbar*, August 16, 2012, <http://english.al-akhbar.com/node/11167>

¹³⁹Mohammad al Amin and Van Meguerditchaian, "EDL Reopens Doors, Vows to Normalize Power as Standoff Ends," *The Daily Star*, August 4, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Aug-04/183382-edl-reopens-doors-vows-to-normalize-power-as-standoff-ends.ashx#ixzz22krAGFd1>.

¹⁴⁰"EDL Workers to Resume Strike to Protest Cabinet Procrastination," *Naharnet*, December 28, 2012, <http://www.naharnet.com/stories/en/66151-edl-contract-workers-to-resume-strike-to-protest-cabinet-procrastination>.

that approximately 50 000 employees working in around 25 000 firms and facilities have not received coverage from the fund for not paying their expenses and fees.¹⁴¹

In 2012, workers from the popular supermarket chain Spinneys also made headlines, garnering support from the public in the process. The conflict started after the CEO of Spinneys Lebanon refused to adhere to the new wage increase that was passed by a government decree. Confrontation with management increased, with the demands of workers that included social security. The employees formed a union in response to what they claimed were “systematic violations against workers’ rights by the Spinneys management,”¹⁴² filed an application and submitted it at the Ministry of Labor, which would allow the company’s 1500 workers to join. Spinneys subsequently fired two employees, Miled Barakat, leader of the Spinneys Union, and Samir Tawq¹⁴³ after claiming that they violated the labor law entitling the company to terminate the employment of employees for their union activities. Spinneys also reportedly intimidated employees from joining the union and some claimed having to sign a statement declaring their withdrawal from the union under duress before a public notary. The International Labor Organization issued a statement condemning Spinneys for “denying workers’ rights.”¹⁴⁴ Spinney’s CEO Michael Wright was then forced into early retirement after the physical intimidation against members of the union were allegedly linked to him. One of the members was Moukheiber Habshi, the secretary of Spinneys’ workers union, who was assaulted by men allegedly linked to William Taouk, son of former MP Gibran Taouk.¹⁴⁵ The Spinney’s Workers Unions is still in existence and considered to be an important development that raises the “confidence of workers”, and has proven to be a valuable precedent against companies who often violate labor law.¹⁴⁶ In May 2013, Spinneys CEO raised a case in front of the judiciary against former minister Mr. Chabel Nahas on charges of defamation. The court hearings were strongly followed by Lebanese activists and the newly created union.

At the end of 2012, the Lebanese Government had failed to secure the funds necessary to secure the salary increase it promised public school teachers and public sector workers. There was a proposal to raise the cost of property investment to secure the funds required to finance the salary increase. The proposal was heavily

¹⁴¹T.K. Maloy, “Lebanon NSSF: a Creaky Social Mainstay with a Herculean Task,” *The Daily Star*, May 24, 2012, <http://www.dailystar.com.lb>) <http://www.dailystar.com.lb/Business/Lebanon/2012/May-24/174456-lebanon-nssf-a-creaky-social-mainstay-with-a-herculean-task.ashx#axzz2M0l0NU49>.

¹⁴² Hassan Chakrani, “Employees vs. Spinneys: A Union is Born,” *Al-Akhbar*, August 1, 2012, <http://english.al-akhbar.com/node/10590>.

¹⁴³ Mohammad El Amin, “Court to Tackle Spinneys Dismissal Row,” *The Daily Star*, September 7, 2012, <http://www.dailystar.com.lb/Business/Lebanon/2012/Sep-07/187021-court-to-tackle-spinneys-dismissal-row.ashx#ixzz2JeflFKXp>.

¹⁴⁴ Hassan Chakrani, “Spinney’s Union Leader Assaulted,” *Al-Akhbar*, October 24, 2012 <http://english.al-akhbar.com/node/13100>.

¹⁴⁵ Mohammad Zbeeb, “Bye-Bye, Mr. Wright: Spinneys Sacks its CEO,” *Al-Akhbar*, January 9, 2013, <http://english.al-akhbar.com/node/14616>.

¹⁴⁶ Chakrani, Hassan, “Employees v/s Spinney’s: A Union is Born.” *Al-Akhbar English*, August 1, 2012. Accessed 29-March, 2013. <http://english.al-akhbar.com/node/10590>

opposed by investment companies and banks. In December 2012, Labor Minister Salim Jreissati said that the cabinet was still waiting for the comments of the Higher Council of Urban Planning on the matter.¹⁴⁷ As of February 2013, the Lebanese president approved the law, and the cabinet insured to be sent to the parliament in due course.¹⁴⁸ Although the law was at its final stages several delays occurred which raised criticism among unions coordination committee that staged protests in different regions. The committee closely followed the process in which the law is going, in June 2013, Hanna Gharib coordinator of the committee announced that the second draft has been approved by the president of the republic. However the committee is still skeptic about the inaction taking place and is concerned that the second draft shows fake hopes and an increase in working hours, calling as such to more protest to accelerate the process and demand amendments.¹⁴⁹

Corruption

Corruption provided a major obstacle, and in some instances directly hampered development in post-war Lebanon. During the fifteen year civil war, significant damage was caused to government institutions particularly the internal security institutions and supervisory institutions like Central Inspection, civil service board and the audit court which were not adequately reformed to incorporate ethical standards and inspection/accountability mechanisms. The *wasta*, or nepotism, phenomenon gained momentum within different facets of society in the post-war period, including the security sector. On the ground, this has translated into the interference of socio-political, economic and environmental spheres by religious, feudal, clientalism, regional sectarian and personal ties, discrimination, as well as political and ideological relations.¹⁵⁰ Lebanon has taken measures in order to address, and ideally curb, corruption.

In April 2009, Lebanon ratified the UN Convention Against Corruption which came into effect globally in December 2005 in order to combat corruption through prevention, criminalization, international cooperation and asset recovery. Locally, the Lebanese Criminal Code contains different provisions that criminalize corruption in different forms like extortion (article 649), breach of trust (article 670) to deception of merchandise quality (article 682).

¹⁴⁷“Civil Servants Strike: We’re Back to Square One,” *The Daily Star*, December 13, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Dec-13/198311-civil-servants-strike-were-back-to-square-one.ashx#ixzz2EvPDudyA>.

¹⁴⁸ “Lebanon president approves wage increase”, *Now Lebanon*, February 20, 2013. <https://now.mmedia.me/lb/en/lebanonnews/wage-increases-to-be-implemented-soon-minister-says>

¹⁴⁹“Pay raise referred to parliament, protests to continue”, *The Daily Star*, June 14, 2013.

¹⁵⁰Omar Nashabe, “Security Sector Reform in Lebanon: Internal Security Forces and General Security,” *The Arab Reform Initiative*, January 2009, http://www.arab-reform.net/sites/default/files/PDF_SECURITY_SECTOR_Lebanon.pdf.

According to the 2013 Corruption Perception Index conducted by Transparency International, an increase in corruption in comparison to 2012, was recorded. Lebanon scored 30 on the Corruption Perception Index in (CPI) in 2012 while in 2013, Lebanon scored 28 on the scale. The scale for the CPI score is from 0 highly corrupt to 100 least corrupt. Lebanon also ranked 127 out of 177 countries observed.¹⁵¹

Corruption in Lebanon is mainly embodied in the forms of clientelism, vote buying, embezzlement, patronage, bribery and nepotism. The culture of impunity is predominant and mistrust exists among Lebanese citizens towards government institutions and the ability of judiciary to prosecute perpetrators. A survey by Lebanese Transparency Association conducted in June 2013 shows that 73% of the respondents agree on the seriousness of the level of corruption in the public sector with reported incidents of bribery. According to the survey, the most worrisome areas affected by corruption and bribery are adulterated foods and fraudulent medicines. Customs bribery, absence of accountability also ranked high.¹⁵²

In August 2013, the Judicial Inspection Authority referred two judges to the disciplinary council X got suspended and two got demoted 4 grades.¹⁵³ Passing lawyers are awarded one grade for each three complete years of law practice as from the registration date in the general roll, on condition that, disregarding the number of years of law practice, the grades exceed not the six grades.¹⁵⁴ Similarly, the investigation into the Roumieh prison renovation funds was launched shortly after the Minister of Interior and Municipalities Marwan Charbel declared publically that he was shocked by the substandard work of a contracting company tasked with renovating parts of the prison, after completing a tour of the facility in July.

In early December 2013, caretaker government ministers Ghazi Aridi and Mohammed al-Safadi exchanged accusations of corruption pertaining to the floods of the streets of Beirut due to the rain and statements about other issue of corruption were made which highlighted a huge conflict of interest cases and abuse of power. The case was then handed to the Financial Prosecutor Ali Ibrahim while Aridi handed in his resignation from the caretaker government. Separate hearings took place as two companies were also summoned to provide their testimonies.¹⁵⁵

¹⁵¹ "Corruption in Lebanon rises, ranking 127: survey", *The Daily Star*, December 03, 2013.

¹⁵² Rayanne Abou Jaoude, "Survey shows Lebanese corruption at all-time high", *The Daily Star*, June 28, 2013.

¹⁵³ محمد نزال, "تأديب القاضيين في قضية المخدرات", الأخبار, 3 اب 2013

<http://www.al-akhbar.com/node/188220>

¹⁵⁴ ME ELIAS CHALHOUB, "The Report of State of the Judiciary in Lebanon", *THE ARAB CENTER FOR THE RULE OF LAW (ACRLI) and THE INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS (IFES)*, January 2004.

¹⁵⁵ Youssef Diab, "Ministers summoned over embezzlement following floods", *The Daily Star*, December 13, 2013.

Environment

The right to a clean environment is a universal and fundamental right that helps secure essential other essential human rights. Lebanon has acceded to and ratified many treaties and conventions, such as the United Nations Framework Convention on Climate Change; however it has not fulfilled all of its reporting obligations related to international conventions and treaties. On the domestic level, Lebanon has legislation pertaining to environmental protection, namely Environment Law 444 passed by Parliament in 2002, 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.

Lebanon is faced with several challenges to its environment regarding air, water and soil pollution that threaten public health and the quality of life for many people. The cities of Beirut, Tripoli and Sidon are the most highly polluted and there are hundreds of dangerous chemicals off Lebanon's water coast, that increase danger to people and surrounding environment.¹⁵⁶ The Litani River, which provides irrigation and drinking water for much of Lebanon is also polluted, containing a high levels of bacterial contamination and is forcing many of its nearby residents to leave.¹⁵⁷ Waste management also remains a major problem; the dumps in Sidon and Bourj Hammoud, otherwise known as the "garbage mountains", release toxic gases that cause health problems for local residents. Moreover, no efficient measures are taken to prevent fires which have been sparked several times in landfills and forests across Lebanon, also causing the emission of environmentally hazardous smoke clouds.

There are nearly 1000 quarries in Lebanon ;a major issue of environmental degradation in the country. They are contributing to the destruction of vegetation and natural habitats in addition to the permanent loss of biodiversity. The quarries also have a severe impact on the roads network and have a negative impact on soil stability and the loss of property value.

Recent government efforts are embodied in the government decree 8803/2002 and its amendment 16456/2006. The decrees aim at regulating quarries exploitation. However, many obstacles present serious challenges to the rule of law in Lebanon in

¹⁵⁶ "Greenpeace Warns of Lebanon's Toxic Waters," *The Daily Star*, August 24, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Aug-24/185555-greenpeace-warns-of-lebanons-toxic-waters.ashx#ixzz24Ry74xKv>.

¹⁵⁷ Rakan Al Fakih, "Litani River Pollutants Force Residents from Home," *The Daily Star*, July 23, 2012, <http://www.dailystar.com.lb/News/Local-News/2012/Jul-23/181571-litani-river-pollutants-force-residents-from-homes.ashx#axzz2DK4kFFpk>.

general and specifically in what relates to the subject at hand. Those barriers include but are not exclusive to: implicit institutional laws and policies that do not reinforce quarry management, lack of technical expertise and means as well as tools to evaluate and monitor quarry rehabilitation at both the private and public levels, major financial constraints due to local socio-economic conditions.¹⁸⁵

Major environmental issues reported in 2013 include waste mismanagement, landfills crises in various regions, protection of green areas, the threat of wild fires, human exploitation of forests, sea bridging¹⁵⁸ as well as the dumping of toxic waste in Lebanese rivers and along the Lebanese coastline.

In early 2013, the Sidon waste plant was inaugurated and at the end of 2013 it has been reported that the city's solid waste is now being used to light up the street in the area.¹⁵⁹ However, by October popular discontent with regard to the management of Sidon's waste was observed.¹⁶⁰ A national campaign for waste management was launched during October 2013.¹⁶¹ In September, Lebanese MPs agreed on an amended bill for creating a state environmental prosecutor; the definition of the environmental crime was widened so that it includes crimes targeting antiquities along with cultural and natural heritage.¹⁶²

One of the main challenges to the environment in Lebanon has been the reoccurring incidents of wild fires that have posed serious threats to forests in Lebanon.¹⁶³ In addition to wild fires, other threats to the preservation of Lebanon's green areas were reported during 2013 such as a sand extraction site in the middle of the Cedar reserve in Bcharre¹⁶⁴; also, one particular case is the one involving a former MP and the construction of a pedestal inside the Cedar reserve in Bcharre for his son's wedding reception. This triggered the outrage of environmental activists in addition UNESCO as this site is listed as a world heritage site..¹⁶⁵

Dumping toxic waste in the Mediterranean Sea has also been a very significant issue for Lebanon in 2013. The authorities have pledged to launch an investigation related to the alleged dumping of toxic waste by Holcim, a leading concrete manufacturing company in Lebanon,¹⁶⁶ yet no outcome was reported so far.

¹⁵⁸ عبد الكافي الصمد, "ردم البحر يطيح بلديتي طرابلس والميناء", الأخبار, 15 اب 2013

<http://www.al-akhbar.com/node/188866>

¹⁵⁹ Mohammed Zaatari, "Sidon's waste used to light up its streets", *The Daily Star*, December 19, 2013.

¹⁶⁰ Mohammed Zaatari, "Sidon residents allege mismanagement of landfill", *The Daily Star*, October 25, 2013.

¹⁶¹ بسام القنطار, "غمرتونا بزلالتكم: إطلاق حملة وطنية لإدارة النفايات", الأخبار, 13 تشرين الأول 2013

<http://www.al-akhbar.com/node/193167>

¹⁶² "Draft law to create new environmental prosecutors", *The Daily Star*, September 26, 2013.

¹⁶³ "Authorities put out wildfires across country", *The Daily Star*, July 22, 2013.

¹⁶⁴ "مرملة في وسط غابة الأرز", الأخبار, 31 تموز 2013

<http://www.al-akhbar.com/node/188006>

¹⁶⁵ بسام القنطار, "نائب سابق بجرف محيط غابة الأرز تحضيراً لزفاف نجله", الأخبار, 13 اب 2013

<http://www.al-akhbar.com/node/188717>

¹⁶⁶ بسام القنطار, "البيئة تحقق في روائح هولسيمط", الأخبار, 8 تموز 2013

<http://www.al-akhbar.com/node/186573>

Finally, the issue of the Naameh landfill continued to be a controversial issue during 2013. The residents living nearby have expressed that they can no longer deal with the repercussions of this landfill on their daily life and their health. The Parliamentary Environment Committee continues to urge closure of landfill.¹⁶⁷

¹⁶⁷“Environment Committee urges closure of landfill”, *The Daily Star*, August 06, 2013.