



The Situation of Human Rights in Lebanon: Annual Report

2015

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Abbreviations

CAT		Committee Against Torture
CLDH		Lebanese Center for Human Rights
CRC		Convention on the Rights of the Child
CSO		Civil Society Organization
EU		European Union
FENASOL		Federation of Trade Unions of Workers and Employees
GSO		General Security Office
ICCPR		International Covenant on Civil and Political Rights
ICESCR		International Covenant on Economic, Social and Cultural Rights
ILO		International Labor Organization
ISF		Internal Security Forces
ITUC		International Trade Union Federation
LGBTIQ		Lesbian, Gay, Bisexual, Transsexual, Queer
LPHU		Lebanese Physically Handicapped Union
MEHE		Ministry of Education and Higher Education
MoSA		Ministry of Social Affairs
MoI		Ministry of Interior
MoJ		Ministry of Justice
NCDA		National Council for Disability Affairs
NGO		Non- Governmental Organization
NSSF/L		National Social Security Fund/ Law
OHCHR		Office of the High Commissioner for Human Rights
OPCAT		Optional Protocol to the Convention against Torture
PWD		Persons with Disabilities
SCI		Save the Children International
SMEX		Social Media Exchange
UDHR		Universal Declaration of Human Rights
UN		United Nations
UNCAC		United Nations Convention against Corruption
UNCAT		United Nations Convention against Torture
UNCRPD		United Nation's Convention on the Rights of Persons with Disabilities
UNDP		United Nations Development Programme
UNHCR		United Nations High Commissioner for Refugees
UNICEF		United Nations International Children's Emergency Fund
UNRWA		United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPR		Universal Periodic Review

Executive Summary

The following report highlights Lebanon's improvements and setbacks in the most pressing human rights issues throughout 2015. The Lebanese government has shown willingness to comply with certain human rights matters, however it clearly lacks capacity and funds to improve legislation, enforce laws, and report to United Nations (UN) mechanisms properly. With regard to human rights issues such as torture, refugees and asylum seekers, discrimination, and inequality of women, the political will is absent. Whereas in some other matters, the Government has taken action towards improving human rights situations, such as recent political mobilization in favour of the dissolution or limitation of jurisdictions of the military court. The Lebanese state has also been active during 2015 in fulfilling its reporting obligations not only through the Universal Periodic Review (UPR), but also in submitting long overdue state reports to UN human rights bodies, namely to the Committee on the Elimination of All Forms of Discrimination against Women¹, Committee on Economic, Social and Cultural Rights², Committee on the Rights of the Child³, and Committee on the Elimination of All Forms of Racial Discrimination⁴.

The willingness and ability of the Lebanese government remain the strongest obstacles for the protection, promotion and fulfillment of human rights in Lebanon, as do the lack of public support and awareness on certain rights. The presence of over 1,069,111⁵ Syrian refugees continues to be an economic and social burden and a source of serious political concern for Lebanon. With the absence of sustainable solutions and solidarity among nations in terms of demographic burden-sharing, there has been an increase in the trend of violations mainly expressed by *ad hoc* policies by the government often in violation of human rights and refugee rights principles. Another prominent human rights issue in Lebanon this year was police brutality and the excessive use of force namely during the series of protests which began in August 2015 concerning the waste management crisis. Internal Security Forces consistently used tear gas canisters, live bullets, rubber bullets, water cannons, and mass targeted arrests to disperse protesters. Police also failed to communicate the number and location of arrested protesters during such incidents.. Furthermore, police officers could not be identified by name or number tag, resulting in an inability to track violators and file a complaint in front of an impartial investigative body.

Lebanon still lacks a comprehensive institutional and legislative framework for the universal protection of human rights. Although for the most part, legislation is in conformity with international law, implementation is lacking while some outstanding treaties such as the UNCAT are yet to be expressed in national legislations. A long period of political stalemate has enforced a suspension of legislative activity, one that only rejuvenated in infrequent and limited intervals. Such intervals saw the self-extension of the parliament's mandate which some parties deemed unconstitutional and undemocratic, while others favored it seeing that otherwise, Lebanon will be stuck in an institutional paralysis. The current stalemate also impacted the executive power whose actions continue to be limited, as political actors failed to elect the President of the Republic prior to the end of the mandate of former President Suleiman.

¹ "Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women - List of issues and questions in relation to the combined fourth and fifth periodic reports of Lebanon: Replies of Lebanon" Submitted June 25, 2015

² "Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights - Second periodic reports of States parties due in 1995" Submitted July 20, 2015

³ Ministry of Social Affairs, "Fourth and fifth periodic report on the implementation of the CRC in Lebanon", Submitted November 06, 2015

⁴ "Consideration of reports submitted by States parties under article 9 of the Convention - Combined eighteenth to twenty-second periodic reports of States parties due in 2006", Submitted May 28, 2015

⁵ UHCR, December 31, 2015, <http://data.unhcr.org/syrianrefugees/country.php?id=122>

Civil and political rights were jeopardized in the past year due to the rise of political violence and armed hostilities. Impunity is still widespread in Lebanon as a result of a weak rule of law that has left crimes - mainly of political nature - committed in the far and more recent past, with no prosecution. Interference of the executive in the judicial system is in violation of the principles of fair trial. Unfair trials such as military tribunals are still ongoing. Meanwhile, reports indicate the increase in the trend of torture and ill treatment in formal and informal places of detention. The latter situation has clearly been described in the “summary of accounts” published in the CAT annual report on the inquiry visit to Lebanon, which describes the situation of torture in Lebanon to be “systematic and widespread”.

Refugees, in particular Syrians, Palestinians, Iraqis and Sudanese suffer from poor protection and limited access to rights; they are denied practice of civil and some economic rights. Syrian refugees expose Lebanon to new challenges that, with the absence of solutions and solidarity, increase the trend of violations mainly expressed in *ad hoc* policies by the government often in violation of human and refugee rights principles. Migrant workers in Lebanon face widespread violations and poor protection identified by the sponsorship system that transforms the status of migrant workers to victims of trafficking. In addition to this, the immigration and security challenges in the region not only threaten the safety of the population, but also raise concerns about the capacity of the state to adequately protect and uphold good human rights practices in this situation.

Arbitrary Detention and Guarantees of Fair Trial

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 (ICCPR) [articles 2(3), 4, 5, 9, 10(1), and 14 (1)] offer the most widely referred to guarantees of the aforementioned rights.

With the recent security situation in the country, cases of arbitrary detention have been reportedly on the increase in 2015. 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. After 5 years of pre-trial detention, Tarek Rabaa, a 43-year old Lebanese citizen and engineer at Alfa Telecom Company, was finally released for sufficiency of detention in early February 2015. Rabaa has been on hunger strike in Roumieh prison demanding his release. He was arrested with no judicial warrant in July 2010 on charges of collaboration with Israel. During his ongoing military trial, which began on February 7th 2011, the defense raised concerns of allegations of torture, supported with forensic reports, during his detention at the Ministry of Defense.⁶ In spite of the statement issued by several local and international NGOs on November 8th 2011, no investigation has been conducted by the Lebanese authorities to address the allegations of torture. Rabaa is currently appealing the final judgment, certain of his innocence.

In August 2012, former Minister of Information, Michel Samaha was detained with his secretary, driver and two body guards, following authorities' discovery of his plans to carry out bomb attacks across the country.⁷ Samaha was referred to the Military Tribunal following incriminating evidence of his alleged involvement in the plot.⁸ That month, 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." After being detained without a trial for about a year, which violates the most basic forms of the right to a fair trial, as guaranteed by international standards, and gives the detention an arbitrary character, the trial of Samaha began in June 2013 and was postponed for several times. Samaha was sentenced in May 2015 to four and a half years in prison, a sentence that met firm opposition by political factions, and his opponents considered it as a lenient sentence.⁹ In June 2015, the Military Court of Cassation approved the request of the military prosecutor to appeal the verdict issued against Samaha. The retrial scheduled for the 17th of December was adjourned till the 21st of January 2016

According to a recent study conducted by International Alert, Lebanon's courts are regarded as inaccessible, unfair, ineffective and not timely by more than half of the study's respondents. Nearly two-thirds of the respondents doubted they were independent. Political party members have a more positive view of the courts, while victims of crimes are much more negative about them. There are also major regional variations: the courts are much more popular in the south than in the north¹⁰. This shows that the overall perception of fairness in trial is very negative in the minds of citizens, implying that the possibility of having a fair trial is rather insignificant. In other terms,

⁶ "Hunger strike prisoner's family demands his release", *The Daily Star*, May 9, 2013.

⁷ Youssef 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>

⁸ Hussein 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>.

⁹ "Military prosecutor rejects samaha data defense data objection", *The Daily Star*, December 1, 2015. http://www.dailystar.com.lb/News/Lebanon-News/2015/Dec-01/325348-military-prosecutorrejects-samaha-defense-data-objection.ashx?utm_source=Magnet&utm_medium=Entity%20page&utm_campaign=Magnet%20tools

¹⁰ International Alert, "Perceptions And Prescriptions: How Lebanese People View Their Security", February 2015

the concept of a fair trial is not present in their minds nor do they count on it when thinking of situations where they might be arrested or detained. A similar study surveying court cases against Syrian nationals in Lebanon for criminal matters observed that 40.5% of relevant lawsuits constitute *in absentia* cases, where proceedings progress without the presence of the accused. 59.5% of the Syrian nationals arrested had to face prosecution within the relevant judicial authority while sitting in jail.¹¹

Lebanese criminal justice practices have not always functioned according to the same spirit as the agreements within international law. The rights of prisoners in international law, for example, are mainly protected and defined under the parameters of the ICCPR and the UN's Minimum Rules for the Treatment of Prisoners. 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." Although Lebanese legislation and criminal justice practice comply with international standards in some areas, they are not in compliance with statutory, and most importantly, applied best practices.

According to figures shared by the Ministry of Justice, the prisoners in Lebanon are present in 23 different prisons situated across the country. 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.¹² For example, prisons remain significantly overcrowded with the primary reason being the lengthy pre-trial procedures in addition to the prisons limited capacities. In early 2016 the prison population reached 6420 individuals deprived of their liberty divided on 23 places of detention, 54.09% of which are in pre-trial detention,¹³ a noticeable improvement compared to 60% in 2014.¹⁴

In a report published in March 2015 by the Lebanese Women Democratic Gathering (RDFL) on the conditions of women prisons in Lebanon, indicators showed improvement between March 2012 and August 2014. By rating themes from 1 to 10, women prisoners rated the overall prison situation as an average of 6.47 in 2012 and 6.71 in 2014. Major gaps in the prisons' conditions were highlighted in the survey in particular regarding exclusive treatment of pregnant inmates, children born in detention, and personal hygiene. The study concludes that the situation of women's prisons in Lebanon is very complex. In particular the major concern shared by RDFL is the absence of a standardized treatment of prisoners. With the absence of clear gender-based components in the law governing prisons in Lebanon, treatment of women prisons remains under the complete discretion of the prison administration leading to disparities in conditions from one place of detention to another.¹⁵

Following security incidents and attacks allegedly planned from Roumieh Prison, the Ministry of Interior has adopted security measures inside and outside the prison. These measures are affecting the inmates' contact with the outside world. Security measures should not, however, have an impact or otherwise reduce the rights of people deprived of their liberty. In January 2015, the Ministry of Interior authorized a massive security raid in Roumieh, ending years of impunity and chaos inside the prison. Although the new measure halted a myriad of ill practices in Roumieh prison, impunity continued to prevail with most of the security officials and inmates responsible for the problems inside the prison reportedly not being held accountable.

¹¹ Karim El Mufti, "Access to Justice for Syrian Refugees in Lebanon - Legal Field Study: A Survey of Court Cases Against Syrian Nationals in Lebanon for Criminal Matters", November 2015

¹² 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.

¹³ "Numerical Count of Inmates Present in Lebanese Prisons", February 15, 2016

¹⁴ According to sources from the Ministry of Justice

¹⁵ Lebanese Women Democratic Gathering, "Assessing the Reality of Women's Prisons in Lebanon", March 06, 2015 <http://www.rdfwomen.org/wp-content/uploads/2015/03/final-book-2.pdf>

In application of the decree issued in 1964, the transfer of the prison's administration from the MoI to the MoJ is moderately taking shape. In this context, Decision no. 34 in 2012 introduced the necessary mechanism for the transfer of oversight of prisons administration to the MoJ. Further steps are awaiting the promulgation of laws essential for the full transfer of custody. Furthermore, Article 29 of Legislative Decree No. 151 issued in 1983 by the MoJ tasked the Directorate of Prisons with the affairs, care, and rehabilitation of prisoners and the application of prison regulations. The directorate, created in 2013, introduced BASSEM, a digital program which provides real-time statistical information on the number, age, and status of prisoners in all 23 Lebanese prisons. Access to this program, for reasons of security and confidentiality, is limited to the Prisons Directorate, and the Prisons Department within the Gendarmerie. Certain shortcomings regarding limitations to access information also stem from the lack of digital infrastructure in most, if not all, judicial institutions. 2015 witnessed few yet notable examples of judges utilizing, through requests to the Directorate, *ad hoc* access to BASSEM in order to inquire of the status of certain suspects or individuals upon request for specific detainee information. The Directorate also established a promising judicial inspection service tasked with monitoring the state of prisons in Lebanon and reporting findings to the MoI.

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 only over cases referred to it by the Council of Ministers on 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 as it cannot take legal actions on its own initiative unless the case is referred to the Council following a decision of the executive power. Under article 366 of the Code of Criminal Procedures, the judgments of the Judicial Council are not open for review.¹⁶ The lack of an appeal is a blatant breach of international standards for criminal justice.

In September 2012, 5 years after the facts, State Prosecutor Samir Hammoud referred the 2007 Nahr al-Bared case, which includes charges ranging from misdemeanors to felonies of 370 suspected individuals to the Judicial Council. The Council was then going to issue subpoenas for wanted fugitives, and several detainees who were released on bail.¹⁷ In July 2013, Judge Jean Fahed announced the starting date of trials in the newly established courtroom in Roumieh Prison.¹⁸ As announced, the trials started on September 27th 2013, and were open to the public.¹⁹ The 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.²⁰ A period of non-activity in any judicial case was highlighted, further prolonging the judicial process mainly due to the long period of judicial recess, until May 2015 when Interior Minister Nuhad Machnouk declared that 75 percent of detainees held over the Nahr al-Bared clashes have already been tried and the rest will be tried within two months²¹ The file was finally closed in July of the same year as stated by the Minister of Justice.²²

Following public opinion's pressure, due to the kidnapping of security personnel in Aarsal in August 2014, the Judicial Council adopted a rather more rigid attitude in the cases under study. In September 2014 the Council carried out the hearings with many of the detainees in absentia claiming "absences for health conditions are not justified, thus carrying out the hearings in absentia serves the proper administration of justice."²³ Hearings proceeded in early 2015 as the Judicial Council issued 25 death penalty sentences in relation to the Ain Aalak bombing and the Fateh el-Islam conflict in 2007.²⁴ Despite an acceleration of court proceedings, that raise high concerns

¹⁶ Court Decisions taken by the Judicial Council are not open for appeal or review. The process lacks an ordinary review/appeal mechanism. Additionally, the Executive branch and the Cabinet have the authority to refer cases to the Council but don't have the ability to refer a review or appeal the decision.

¹⁷ Youssef 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>.

¹⁸ "September trial date set for Nahr al-Bared suspects", *The Daily Star*, July 23, 2013.

¹⁹ "Long awaited trial of Nar al-Bared detainees kicks off at Roumieh Prison", *Naharnet*, September 27, 2013 www.naharnet.com/stories/en/99994

²⁰ "Trials of suspects in Nahr al-Bared clashes begin", *The Daily Star*, November 16, 2013.

²¹ "Nahr al-Bared offenders sentenced to prison", *The Daily Star*, June 13, 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jun-13/301890-nahr-al-bared-offenders-sentenced-to-prison.ashx>

²² "Rifi hails Judicial Council's efforts to accelerate trial process", *The Daily Star*, July 16, 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jul-16/306886-rifi-hails-judicial-councils-efforts-to-accelerate-trial-process.ashx>

²³ Gladys Saab, Judicial Council separates files of the between those present and the absentees "the excuse is not serious and we will proceed with the trial for proper administration of justice" September 27, 2015, retrieved from: <http://goo.gl/inlQpF>

²⁴ Elnashra, "Judiciary issues death sentence to 3 including Shaker al-Absi, concerning the Ain Alak bombing", February 20, 2015, retrieved from: <http://goo.gl/Tk1IsE>

Gladys Saab, Judicial Council separates files of the between those present and the absentees "the excuse is not serious and we will proceed with the trial for proper administration of justice" September 27, 2015, retrieved from: <http://goo.gl/c12LJv>

of unfair trial practices, the concluded sentences were issued 8 years following the arrests, an indicative concerns on the due process of the courts.

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 Office (GSO) and Ministry of Defense officials if the crime in question occurred during their duties.²⁵ The 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 ISF, GS, the Customs Bureau and the LAF. 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. In the past four years the Military Tribunal issued more than 20000 sentences: 5709 in 2012, 4778 in 2013, 5188 in 2014 and 4500 between January 2015 and October 2015.²⁶

The way that a trial is conducted is also questionable in regards to the fair trial standards. The Military Justice Code allows officers to be the defense provided to an accused person. This clearly shows a lack of independence for that officer from the military; in addition to the inexperience in legal matters especially since it is not binding for him to be licensed in law. The lawyer can also be banned for up to 3 months from the court in case of “serious misconduct” before the trial which greatly affects his ability to provide an adequate defense. This is also coupled with the entitlement of the court’s president to absolute discretion which does not give the lawyers the right to defend themselves. Another issue is the absence of explanations for the ruling taken by the military judiciary which violates the main safeguards of a judge’s independence. It would force him to explain his legal opinion and provide the accused with a proper justification for the ruling.²⁷

The Military Tribunal had several cases brought before it, which included military personnel and victims that include civilians. In September 2015, a military judge issued arrest warrants against a doctor and a nurse at Ras-Baalbek Hospital in northeast Lebanon after being accused of negligence and causing the death of a soldier. Interior Minister Nouhad Machnouk announced in September 2015, that 18 civilians were detained, during the protests that took place in August 22nd 2015, and that they will all be referred to the Military Tribunal including those who are under 18-years-old.²⁸

Certain cases brought before the Military Court were also in violation to the third rule of WGAD. On March 3rd 2015 the Military Court sentenced Hussein Shaman al-Hussein to one year in prison for administering the twitter account “Ahrar al Sunna Baalback” in which the tweets allegedly instigated sectarian conflict between the Sunnis and the Shias as well as threats to target the Interior Minister

²⁵ ALEF, Military Tribunal: A Breach in the Integrity of the Judicial System, (Lebanon: 2009-2010), 1.

²⁶ Radwan Mortada, “The Military Tribunal of the “Stars”: 20000 sentences in 4 years”, *Al-Akhbar*, November 26, 2015. <http://www.al-akhbar.com/node/246764>

²⁷ Myriam Mehanna. “Marshalling Justice in Lebanon: How Military Courts Violate the Conditions of a Fair Trial. Legal Agenda. <http://english.legal-agenda.com/article.php?id=713&lang=en> (accessed November 5, 2015)

²⁸ Hanan Khaled, “Excessive force used in trash protest, interior minister admits”, *The Daily Star*, September 03, 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Sep-03/313780-excessive-force-used-in-trash-protest-interior-minister-admits.ashx>

Nouhad Mashnouk, army chief General Jean Qahwaji and Major Suzanne al-Hajj, chief of the Internal Security Forces' Cyber Crime and Intellectual Property Protection bureau.²⁹

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. In March 2012 for example, Ahmad Hussein Abdallah was sentenced to death in absentia for collaborating with Israel and revealing information about political figures and about Hezbollah's bases in Southern Lebanon.³⁰

At different occasions, current Minister of justice Mr. Ashraf Rifi called for the dissolution of the Military Court and the Judicial Council, however no concrete steps have been taken in that direction. In response, Military Investigating Judge Rashid Mezher considered that such calls are purely political counter arguing most of the criticism raised against the military tribunal mainly on claims of impartiality.³¹ Following this, the March 14 alliance organized a conference in May 2015 to discuss the need to reduce the court's prerogatives, define its role, and propose a legal substitute. This led to the formation of a follow-up committee comprised of several representatives from political parties, judicial bodies, and civil society, which was tasked with presenting recommendations concerning this particular issue.³² In August 2015, Justice Minister Ashraf Rifi presented in a press conference a draft law that limits the jurisdictions of the Military Tribunal to military crimes committed by military personnel only, however this law has yet to be scheduled for discussion in parliament.³³

On the other hand, due to the absence of a civil code regulating personal status matters, there are 15 separate personal status law and courts belonging to the different religious communities. This is stipulated in article 9 of the Lebanese constitution; however, experts argue that this does not provide an exclusive right in regulating a person's personal affairs, especially when this process might be in contradiction to the principle of equality stipulated in the Constitution. Due to the fact that each recognized confession has its own court system to deal with personal status issues such as marriage, divorce and child custody, religious minorities and any followers of unrecognized confessions cannot marry, divorce or inherit according to their own rules³⁴. Such proceedings cannot be performed in a civil court since the latter does not exist for issues pertaining to personal status. This issue not only validates inequality between people belonging to different religions, but also between Lebanese religions as a whole.

²⁹ Akhbar Al Yawm, "One Year in Prison For person Behind 'Ahrar al Sunna Baalback' account", Mach 3, 2015, retrieved from: <http://goo.gl/k6hb8a>

³⁰ Youssef Diab, "Tribunal sentences Lebanese collaborators to death, hard labor", March 20, 2012, <http://www.dailystar.com.lb/News/Lebanon-News/2012/Mar-20/167320-tribunal-sentences-lebanese-collaborators-to-death-hard-labor.ashx>

³¹ Rashid Mezher, "The Military Court is Necessary But...", September 9, 2014, retrieved from: <http://assafir.com/Article/18/388890/AuthorArticle>

³² Lara Al Saad "Conference held at Biel in cooperation with human rights institutions, March 14 jurists demanding to identify the role and powers of the military court", May 24, 2015, <http://almustaqbal.com/v4/article.aspx?Type=NP&ArticleID=662089>

³³ "Rifi launches a new law project limiting the jurisdictions of the Military Tribunal", August 8, 2015, retrieved from: <http://www.almustaqbal.com/v4/Article.aspx?Type=NP&ArticleID=671696>

³⁴ Rania El Rajji, "The leaves of one tree: Religious minorities in Lebanon", Minority Rights Group International, December 2014 Country Research Section of the Refugee Review Tribunal (RRT), "Refugee Review Tribunal Australia RRT Research Response", May 2, 2007

The Right to Life, Liberty and Security

Physical Safety

Sporadic incidents of suicide attacks and bombings were recorded in 2015, which threatened the right to life, liberty and personal security. 2015 witnessed 7 bombings in which more than 63 people were killed and more than 262 wounded. These attacks were concentrated mostly in eastern Lebanon and in Beirut. There was an increase in checkpoints following the deterioration of the security situation in these areas, and this has challenged the freedom of movement of Syrian refugees, in particular those with no legal status. Fear of arrest and detention at checkpoints has become prevalent, and as a result, refugees were unable to access services or seek employment outside their immediate area of residence.³⁵

A recent study published on February 2015 by International Alert found that 74% of the Lebanese population feels that Lebanon as a whole is less safe today than 4 years ago. Lack of security, *terrorist* acts, basic living needs, unemployment and risk of civil wars were identified as challenges to safety and security. Generally, 21.5% of crime in Lebanon is blamed on inefficient state security institutions, 20.6% on sectarian discrimination, 20.5% on easy availability of drugs, 17.3% on political disputes, and 19.7% on easy availability of small arms. This has posed a challenge to security and has limited the effectiveness of security sector institutions. Furthermore, 1 in 5 people believe that the widespread availability and possession of small arms has always been a factor of instability in Lebanon; Lebanon is ranked 28th out of 178 countries in the number of guns per capita, with 21 firearms per 100 residents.³⁶

The study published by International Alert also shows that only 3/4 of respondents would turn to the state security institutions before anyone else if they were victims of a crime. But still more, large majorities thought that public trust could be increased if the security institutions focused on terrorism, fighting corruption, respecting citizens, arresting criminals, preserving civil peace and (to a slightly lesser extent) increasing patrols.³⁷

Death Penalty

The status of the death penalty situation in Lebanon showed particular setback in 2015 mainly following several capital sentences issued by the Judicial Council, some issued in absentia. Nevertheless the 2004 moratorium on executions is still unofficial.³⁸ Most of the death sentences were related to crimes of terrorism and homicide.

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.

³⁵ NRC Lebanon, "The Consequences of Limited Legal Status for Syrian Refugees in Lebanon", March 2014

³⁶ International Alert, "Perceptions And Prescriptions: How Lebanese People View Their Security", February 2015

³⁷ International Alert, "Perceptions And Prescriptions: How Lebanese People View Their Security", February 2015

³⁸ Lebanon has not executed any inmate since the unofficial moratorium in 2004, mainly due to international pressure on the Lebanese Government.

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.³⁹ This amendment would not serve to abolish the death penalty but has reinforced Lebanon's stance on the unofficial moratorium. In February 2012, MP Elie Keyrouz submitted a draft law to the Parliament to abolish the death penalty from the Lebanese Criminal Code; however this law has yet to be scheduled for discussion in parliament.⁴⁰ 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.

The year 2015 witnessed some high-profile support in favor of the abolition of the death penalty. On the International Day against the Death Penalty, Georges Jreij, President of the Beirut Bar Association pointed out the extent to which the death penalty should not be justifiable in Lebanon, and effectively has not been proven to be either prohibitive or deterrent.⁴¹ In April 2014, Lebanese Forces leader Samir Geagea also expressed support towards the abolition of the death penalty as part of his presidential election platform, explicitly stating the importance of Lebanon to be fully committed to the abolition of the death penalty in accordance with the UN charters and the UDHR.⁴²

The Judicial Council sentenced 25 persons to death in February 2015, and requested the death penalty for 8. The Mount Lebanon Judge requested 7 death penalties in 2 separate cases and Sidon's investigative judge requested death penalty for 4 individuals in homicidal case.^{43 44 45} This marks an increase in people currently on death row.

The region's volatile security situation and the fear of the Syrian conflict further spilling over into state execute Tarek Yatim, who was responsible for the murder of George al-Reef in a road rage incident in July 2015. Other political groups also demonstrated in favor of sentencing and implementing death sentences on detainees charged with terrorism. In the same fashion, the four- Lebanon, coupled with a public opinion strongly in favor of such punishment has increased the calls for the death penalty, and slowed the progress towards its abolishment in Lebanon to a grinding halt. Such requests are embodied in instances such as when the public demanded that the and-a-half years prison sentence handed to Michel Samaha in May 2015 was considered lenient

³⁹ Sabin Saleme, "A Quiet End to the Death Penalty in Lebanon," *Al-Akhbar*, January 11, 2013, <http://english.al-akhbar.com/node/14632>

⁴⁰ The death penalty remains a very sensitive and politicized topic in Lebanon. ALEF has continued monitoring and raising awareness with regards to the death penalty on numerous occasions through lobbying efforts and public statements.

⁴¹ House of the Lawyer, "Address of the President of the Beirut Bar Association Me. Georges Jreij On the World Day Against the Death Penalty" October 10, 2015

⁴² NOW Lebanon, "Geagea announces presidential platform" April 16, 2014

⁴³ "Judge wants death penalty for 6 years over of Yves Nawfal killing", *The Daily Star*, January 28, 2015 <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jan-28/285626-judge-want-death-penalty-for-6-over-yves-nawfal-killing.ashx#sthash.bO5M0VM3.dpuf><http://www.lorientlejour.com/article/908581/assassinat-dyves-nawfal-le-juge-requiert-la-peine-de-mort-contre-6-personnes.html>

⁴⁴ "Death penalty to George El-Reef murderer and the detailed confessions of Tarek Yatim", *Annahar*, September 10, 2015 <http://www.annahar.com/article/266402-%D8%A7%D9%84%D8%A7%D8%B9%D8%AF%D8%A7%D9%85-%D9%84%D9%82%D8%A7%D8%AA%D9%84-%D8%AC%D9%88%D8%B1%D8%AC-%D8%A7%D9%84%D8%B1%D9%8A%D9%81-%D9%88%D8%A7%D8%B9%D8%AA%D8%B1%D8%A7%D9%81%D8%A7%D8%AA-%D8%B7%D8%A7%D8%B1%D9%82-%D9%8A%D8%AA%D9%8A%D9%85-%D8%A8%D8%A7%D9%84%D8%AA%D9%81%D8%A7%D8%B5%D9%8A%D9%84>

⁴⁵ "Jemo's family face possible death penalty", *The Daily Star*, March 10, 2015 <http://www.dailystar.com.lb/News/Lebanon-News/2015/Mar-10/290212-jemos-family-face-possible-death-penalty.ashx#sthash.kdN1tLoz.dpuf><http://assafir.com/Article/3/406543>

by some political parties and the military prosecutor filed an appeal against it urging instead Samaha receives the death penalty.^{46 47}

Gender Based Violence

In 2014 and 2015, minor improvements have been achieved in terms of gender equality. Law 293, known as the law to protect women and family members from violence, was ratified with amendments that kept the National Coalition for Legislating the Protection of Women from Family Violence unsatisfied. The problem with the current form of the law is that it still has some gaps on the issue of custody and it failed to criminalize marital rape. The two amendments mentioned above were not enough to guarantee gender equality and evidence of that was presented in the gender gap report 2015 that ranked Lebanon as the 8th worst country of 145 states in terms of gender equality.⁴⁸ The law proved not to be enough to protect victims of domestic violence as represented in the case of Sarah Al Amin who was shot by her husband because she had filed a complaint against him for abusing her for the past 20 years.⁴⁹ The situation of women refugees from Syria places them in a vulnerable position of being sexually exploited by employers, landlords, and even faith-based aid distributors in Lebanon. This comes as a result of the lack of effective protection mechanisms, which ensure equal access to aid.

⁴⁶ "Student demonstration in front of the Military Tribunal", *L'Orient Le Jour*, May 21, 2015.

<http://www.lorientlejour.com/article/926052/manifestation-estudiantine-devant-le-tribunal-militaire.html>

⁴⁷ Youssef Diab, "Military prosecutor files appeal for Samaha retrial, urges death penalty", *The Daily Star*, May 18, 2015.

<http://www.dailystar.com.lb/News/Lebanon-News/2015/May-18/298403-military-prosecutor-demands-samaha-retrial-urges-death-sentence.ashx>

⁴⁸ The Global Gender gap Report 2015, retrieved from:

<http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=LBN>

⁴⁹ The Daily Star, "Husband Shoots Wife Dead With 20 Bullets", May 20, 2015; <http://www.dailystar.com.lb/News/Lebanon-News/2015/May-20/298612-husband-shoots-wife-dead-with-20-bullets.ashx>

Torture

Lebanon still lacks a system to oversee the implementation of international treaties, including the United Nations Convention against Torture (UNCAT). The legislative and policy framework to prevent impunity for torture is also absent, putting people in places of detention at greater risk of torture and ill treatment. In a socio-cultural study conducted by ALEF on the acceptance of violence in Lebanon, it was found that the Lebanese population accepts violence as an instrument of power and a tool to enforce power and control over opponents. In a survey conducted by ALEF in 2011, 23% of respondents associated violence with "political violence" and 27% said that they knew at least one person who has suffered from beating by official security agents.⁵⁰ Marginalized individuals are at particular risk of being tortured, due to the social, cultural and political exclusion and discrimination of namely migrants, refugees and asylum seekers, trafficked persons, members of the LGBTQ community, 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 are considered a "threat to national security". All of the above weaken moral restraints against practicing torture and other human rights abuses and violations.

Between 2005 and 2011, Lebanon engaged in a process seeking the adoption of different mechanisms for the prevention of torture. Such mechanisms promoted institutional instruments for complaints, as well as detection and investigation of torture practices. Certain state agencies have certainly committed to these, such as the Internal Security Forces (ISF) which established a department of human rights, a committee against torture, a code of conduct, and a memorandum that describes the role of ISF units in the application of the UNCAT. Unfortunately these mechanisms, however important, remain far from being effective instruments for the prevention of torture. The ISF committee against torture fails to adopt a victim friendly complaint mechanism, is unable to react to pervasive torture, and most importantly is unable and unwilling to transparently report on the cases it has followed up on.

The current security situation further affected the trends and practices of torture in Lebanon. The deteriorating situation in matter of torture prevention can mainly be described through two main tracks. Firstly, social and political tolerance for the use of violence and torture diminishes any public opinion that can pressure state authorities to forego any use of such acts during investigation. Are presentation of this is the spring 2015 Pew Research Center survey of 38 nations found that 72% of Lebanese think that torture is justified.⁵¹ The profile of the main vulnerable groups is highly discriminated against making any call for the inhibition of torture to be considered a weakness and position against the prestige of the state or values of the society.

Secondly, the lack of political will translated into strong legislations and effective mechanisms against torture allows state agents to extract information under torture with lack of accountability and widespread impunity. The latter legislative gap results in a lack of an effective definition for torture. 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

⁵⁰ The survey was conducted by Statistics Lebanon in August 2010 on a sample of 400 Lebanese over 16 years distributed throughout Lebanon. ALEF "Report on the Socio-Political & Cultural Contexts of Violence" May 2011 page 9

⁵¹ Pew Research Center, "Global opinion varies widely on use of torture against suspected terrorists", February 9, 2016, <http://www.pewresearch.org/fact-tank/2016/02/09/global-opinion-use-of-torture/>

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 14 years, despite several reminders from the CAT committee. MPs, namely from the Human Rights Parliamentary Committee, have been working alongside CSOs in a series of workshops and meetings seeking to draft, discuss and pass a draft law criminalizing torture in accordance with the UNCAT. A draft law was presented by MP Moukheiber to parliament in December 2012, and throughout 2013 and 2014 was studied and reviewed by the Justice and Administrative Reform committee at the Lebanese Parliament. The current draft adopted by the latter committee included several changes that might hamper the efforts towards the prevention and the criminalization of torture. A major change in the draft is the inclusion of a contextual condition to the definition of torture. The added clause "during the initial investigation, judicial investigation and trials", purposely limits the situation in which torture might be practiced and therefore criminalized. The revised definition excludes acts of torture that might be practiced during transport, detention or even in other places of deprivation of liberty such as mental health hospitals.

The recent security challenges impose greater pressure on the Lebanese State agents to better enforce human rights values. However reports and allegations on torture have been alarming throughout 2015. Violations of article 3 of the UNCAT, the principle of *non-refoulement*, was considered as an ongoing concern and risk. On September 28, 2014 Lebanese authorities forcibly returned two Syrian nationals to Syria despite fear of persecution and torture. Human Rights Watch communicated its concerns and called for an investigation to the General Security Office, the latter did not respond.⁵²

On the other hand, in June 2015, series of videos and pictures were published on social media showing ISF officers inhumanely treating prisoners in Roumieh prison. Following the leakage of the videos only four ISF officers were referred to the military tribunal,⁵³ although the videos and pictures show that responsibility for such actions extends to a broader range of administrators. Although the judicial follow up provided accountability, it failed to provide justice and remedy for the victims. The judicial proceedings have also failed to reach command responsibility and high-ranking generals through either ordering or ignoring the practices for months. LIFE Institute, a Lebanese civil society organization, claims to have reported cases of torture and documentation of evidence in confidential correspondence with the Minister of interior, Mr. Nohad al-Machnouk, months before the leakage of the videos on social media. Mr. Machnouk announced the successful dismantling of terrorist cells within the prison in January 2015 and confirmed that no ill-treatment or torture had taken place. Although the communication is confidential, it can indicate a prevalent and systematic practice of torture reassured by tolerance and impunity at a ministerial level if verified.

Although NGOs and governmental officials have repeatedly raised concerns regarding the inhuman detention conditions of the General Security Office retention facility, authorities continue to conduct administrative detentions within their own discretion and without judicial oversight or timeframe. As reported by the Committee against Torture, several detainees reported being ill-treated at the retention center and expressed fear of reprisal.⁵⁴ An underground parking lot has been refurbished to host migrants and asylum seekers. Accordingly cells are held in an underground atmosphere completely away from natural light and aeration.

⁵² Human Rights Watch, "Lebanon: Syrian Forcibly Returned to Syria", November 7, 2014, retrieved from: <http://www.hrw.org/news/2014/11/07/lebanon-syrian-forcibly-returned-syria>

⁵³ According to MoFA in UPR conference

⁵⁴ UN General Assembly, "Report of the Committee against Torture" Fifty-first session (28 October–22 November 2013) Fifty-second session (28 April–23 May 2014) retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/125/96/PDF/G1412596.pdf?OpenElement>

The response of state authorities to complaints involving torture has frequently dismissed opportunities for accountability and reparation, which in some instances paved the way for retaliation against victims and human rights defenders. Following a report published in February 2011 by the Lebanese Center for Human Rights (CLDH) reporting alleged human rights abuses by Hezbollah and Amal movement, the CLDH secretary general and director have faced judicial pursuit of defamation and libel. On March 17 2015, Al Asmar and Daunay appeared in a first public hearing with regard to the case, the hearing was adjourned to December 17, 2015. If found guilty the judiciary would have created a precedent that would endanger the work of monitoring and reporting NGOs and human rights defenders at large. ALEF and a number of NGOs have reminded at different instances of the need to investigate and persecute allegations of torture in a fair trial.

On the other hand, victims reporting human rights violations have also been targeted in retaliatory acts. Loyal al-Kayage, an employee at a veterinary clinic in Saida, was first summoned for investigation by the Lebanese army in 2013 as Sheikh Ahmad al-Assir—who was recently arrested in Beirut attempting to flee the country—rose to prominence. She was accused of supporting the extremist Sunni sheikh against the Lebanese Armed Forces because she had posted messages of support for the cleric on Facebook and because many of her shop’s customers were also his followers. She was arrested for five days. On September 4, 2015 an anonymous interview was released by NOW-News documenting her arrest in 2013 in addition to the torture and the rape she was allegedly exposed to. Loyal notified NGOs on September 21 that she had been summoned to the Lebanese army intelligence branch in Saida. Both her family and the human rights organizations were unable to receive any answers about her whereabouts. Such acts fall under incommunicado detention since authorities have actively concealed information regarding Loyal’s detention, and in doing so effectively deprived her of her right of access to a lawyer to challenge the arrest or detention before an independent judicial authority. Loyal was also forbidden to contact her family. She remained in detention for weeks prior to be released on bail subject to charges of defamation and libel against the army. The military investigative judge also called on the journalist, editor and publicist of NOW-Lebanon.⁵⁵

⁵⁵ Myra Abdallah, “Arrested for reporting rape in Lebanese detention center”, September 23, 2015; <https://now.mmedia.me/lb/en/reports/features/565957-arrested-for-reporting-rape-in-lebanese-detention-center>

Enforced Disappearances and Forced Exile

The Lebanese civil war (1975-1990) generated multitude of mass human rights violations. Such violations remain to this day unresolved, leaving multitudes of victims without remedies and generating series of protracted violations. Violations identified from the surge of political violence range from enforced disappearances (e.g. missing), arbitrary detention in third countries, and forced exile.

Out of the 17,415⁵⁶ Lebanese citizens reported to have disappeared; approximately 2,300 were registered as missing. These numbers are based on police reports and complaints identifying missing persons. In that regard, the Lebanese government has to this day failed to assess the totality of missing persons, and enforced and involuntary disappearances. Families of the disappeared and other civil society organizations have stridently affirmed the state of its obligation to satisfy the right to know. This fierce battle was conducted throughout 2014 and 2015 and resulted in the State Council decision to allow the families of the disappeared to receive all documentation gathered by the government in the 2000 inquiry commission. The Committee of the Families of the Missing Persons in Lebanon holds the exclusivity of the file along with a confidential handover to the ICRC. Families not member to the Committee along with other groups affected by the enforced disappearance still don't have access to these files, stripping the principle of the right to know from its generalist ambitions.

On the other hand, Draft laws by NGOs and MPs to establish a national commission and a system of effective remedies were proposed and subsequently discussed by the Lebanese Government. To this day, MP Ghassan Moukheiber has proposed a draft law that seeks to combine the different approaches submitted so far; the Human rights Parliamentary Commission is currently studying the draft law of MP Mokheiber. On the other hand, The Committee of the Families of the Missing People in Lebanon opposes any draft law that would strip down rights highlighted in the draft law they have proposed.

The current situation in Syria creates concerns and uncertainties on the situation of the Lebanese allegedly held in arbitrary detention in Syrian prisons⁵⁷. 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 Association of Lebanese in Syrian Prisons reflected much of their concerns especially following the progress of ISIS in Syria. The occupation of Palmyra (*Tadmor*) by ISIS generated additional fears among Lebanese on the fate of the Lebanese arbitrary detained in Syria.

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 on August 25, 1978 remained an issue of contention between Lebanon and Libya 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.⁵⁸ Several reports by the Lebanese newspaper Al Akhbar discussed the possibility that Sader might have passed away in 2000 during his detention in Abu

⁵⁶ Amnesty International, Enforced Disappearances: Annual Report 2008, <http://www.amnesty.org/en/enforced-disappearances/annual-report-2008> (accessed April 23, 2013).

⁵⁷ Ali AbouDehn, Association of Former Lebanese Detained in Syrian Prisons. <http://www.alkalimaonline.com/article.php?id=297382>

⁵⁸ "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).

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."⁵⁹ Since the collapse of the Khadhafi regime in Libya the Lebanese government has adopted a progressive plan to seek the truth of the disappearance of Imam Al-Sadr in coordination with the Imam Al-Sadr Campaign. The plan created by a cabinet decision appointed a follow up committee that met regularly with Libyan officials and conducted inquiry visits in Libya. Certain remains were studied by forensic doctor, and then transferred to DNA labs in Sarajevo for cross-examination. The commission also reports publically a progress report on an annual basis documenting the steps taken. The Lebanese government's involvement in finding the truth behind the disappearance of Imam Al-Sadr and his companions through this committee can be regarded as a good practice that could be duplicated for other victims of EID in Lebanon.

⁵⁹ Mroueh, 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).

Refugees and Asylum Seekers

Lebanon has been a refuge for many displaced individuals who are fleeing violent conflict throughout its recent history.⁶⁰ The influx of Syrian refugees in the course of 2014 and 2015 rapidly worsened the crisis with shortage of funding by regional and international donors and weak emergency preparedness and strategy by the Lebanese government. The limited resources that were available have pushed UNHCR and partners to cut back on assistance to families and to target only the most vulnerable according to set criteria. . 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. It is also important to note that based on Prime minister Tammam Salam's last meeting of the committee tasked with addressing the case of Syrian refugees in Lebanon, Lebanon has only received some 975 million dollars in aid from 2.4 billion pledged to the country from the second Kuwait donors conference held earlier this year to help it cover with the burden of refugees.⁶¹ This, coupled with government restrictions on refugee access to the labor market, has reduced their livelihood opportunities and made it even harder for them to cover their basic needs autonomously. The 2015 UN Vulnerability Assessment of Syrian Refugees in Lebanon noted the rise in those below the \$3.84-per-day poverty line from 49% in 2014 to 70% in 2015.⁶²

Starting January 5, 2015, Syrian nationals willing to access into Lebanon were required to validate their entry under specific categories expressed in a memo of the GSO. The categories range in particular from economic to touristic reasons. Such regulations aim at regulating the entry of Syrian nationals into Lebanon and curbing down the flow of Syrian refugees. Government officials expressed the objectives of such policy mainly aiming at better implementing security plans and providing better control of border crossings. Those regulations are the cornerstone of the Lebanese government "policy paper" adopted in October 2014. The latter policy paper raises concerns on the observance of human and refugee rights norms; particularly the reference to the "cessation of influx and displacement".⁶³ Corroborating statements by government officials⁶⁴ in addition to the absence of a refugee component in the regulation raise concerns on the humanitarian impact those regulations will have on refugees' plight for international protection.

Several protection concerns have been reported like the *refoulement* of some refugees at the border by the General Security,⁶⁵ 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 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.⁶⁶

⁶⁰ For the purpose of this section, focus will be placed solely on the conditions of Syrian and Palestinian refugees.

⁶¹ Lebanon incurring \$16 Billion in losses from refugee crisis, NaharnetNewsdesk, <http://www.naharnet.com/stories/en/195520-report-lebanon-incurring-16-billion-in-losses-from-refugee-crisis>

⁶² WFP, UNHCR, UNICEF, Vulnerability Assessment Of Syrian Refugees In Lebanon 2015 Report; <http://www.un.org/apps/news/story.asp?NewsID=52893#.Vopgmfl97Dc>

⁶³ Lebanese Council of Ministers, Syrian Refugees Policy Paper, Adopted on 23 October 2014. Accessed on <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=6118>

⁶⁴ Minister Rashid Derbas "The goal is to prevent (Syrians) from taking refuge" in Lebanon, and "to more seriously regulate the entry of Syrians," via "Lebanon to impose visa restrictions on Syrians starting January 5", *Al Akhbar*, Sunday January 4, 2015.

⁶⁵ "Palestinian fleeing Syria stranded at Lebanon border: HRW", *The Daily Star*, August 8, 2013.

⁶⁶ ALEF- act for human rights, "Two Years On: Syrian Refugees in Lebanon", September 2013.

Restrictive *ad hoc* policies have repeatedly been adopted by the Lebanese government in recent months, many in violation of international law and human rights standards. The controversy raised after the January 5 policy was rebutted by Lebanese government officials stating that humanitarian criteria will only apply in “extreme humanitarian cases,”; MoSA has specified that such criteria are limited to unaccompanied or separated children with a parent already registered in Lebanon, persons with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled to third countries.⁶⁷ In spite of this, General Security officers at border crossings seem to be making arbitrary and discriminatory entry determinations for Syrians. This includes withdrawing the refugee status from Syrians who return to Syria, as this implies that their case no longer qualifies as an “extreme humanitarian case.”

The start of the Syrian refugee crisis was met with several complicating elements in granting refugee status to Syrians. Among these is the long history of migration flows between Syria and Lebanon with thousands of Syrian economic migrants working in Lebanon and regularly travelling back to Syria. While Syrian migrants working in Lebanon prior to the conflict would not qualify as refugees, they cannot all be excluded. Indeed it is reported that within the Syrian refugee population some Syrian migrants working in Lebanon prior to the Syrian conflict brought their families as a result of the war,⁶⁸ and their relatives could still meet the criteria to be registered as a refugee. This being said, there are also reports of abuses in the registration process with some long-term Syrian migrant workers registering as refugees.⁶⁹

While the necessity for Lebanon to ensure that those who registered as refugees with the UNHCR meet the well-established criteria for such status, the review must be done on a case-by-case basis. It is reported that UNHCR itself initiated a process to rescreen the registered refugees to identify potential abuses. It is true that long term Syrian migrant workers residing in Lebanon do not qualify to be refugees. However, it does not mean this review process must be used to reject the status of refugees to those who recently arrived to Lebanon and who may have legitimate fear of persecution. Additionally if a migrant worker who recently arrived to Lebanon comes from a region affected by the hostilities, he/she could qualify as a refugee. Finally the mere fact for some refugees to travel back to Lebanon cannot be an automatic reason for refusing protection and withdrawing his/her refugee status. A temporary or stand-alone visit to the country of origin does not mean that the individual is receiving protection and he/she could still be in need of such protection. The review of the refugee status must therefore be conducted in line with international law standards and with due consideration for the specific individual situation of the person.

The January 5 policy has had repercussions on UNHCR’s work in providing protection for refugees. For the past two years, all refugees registered in Lebanon have been required to renew their refugee status annually through an in-person interview; refugees unable to do so and who do not show up for assistance distribution three months in a row will lose their refugee status. Syrian refugees’ UNHCR registration card does not entitle them to refugee 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. There exist several obstacles pertaining to the renewal of refugee status and residency permits in compliance with the above regulations. These include an annual fee of \$200, a valid ID and entry slip acquired at the official Lebanese border crossing, a housing pledge or

⁶⁷ Inter-Agency Coordination – Lebanon, “MONTHLY DASHBOARD April 2015”, April 2015.

⁶⁸ Sam van Vliet, Guita Hourani, “Regional differences in the conditions of Syrian refugees in Lebanon”, Civil Society Knowledge Center, Lebanon Support, 23 April 2014, p. 13, available at:

http://cskc.daleel-madani.org/sites/default/files/papers/vliet_hourani_syrrefugees_regdiff.pdf

⁶⁹ L’Orient le Jour Newspaper, Interview with the Minister of Social Affairs, 12 August 2014, available at:

<http://www.lorientlejour.com/article/880556/derbas-a-lolj-une-fermeture-des-frontieres-libano-syriennes-est-possible-et-bientot-.html>

residency statement obtained from the local municipality, and passport photos stamped by the “mukhtar”. Those registered with UNHCR are also required to present their UNHCR registration certificate and a notarized pledge not to work.⁷⁰

The MoSA in April had requested that UNHCR deregister all refugees who entered Lebanon after the 5th of January, and so all registration procedures were suspended as of May 2015. However, UNHCR continues to add new-born Syrian babies to their parents’ already registered files jointly with MoSA, as well as carry out verification activities for the registered population. The verification process can lead to deregistration of refugees who travel back and forth between Syria and Lebanon. Refugees who “are found not to be in need of international protection,” are also automatically deregistered, but criteria for this requirement remain ambiguous.⁷¹

As the Lebanese government’s new policy directives on border regulations clearly found genesis based on security concerns, solutions would need to address the “security factor” instigating such policies. Therefore, there is a shared responsibility on the Government of Lebanon and the International Community to address security concerns through intelligence sharing, counter radicalization interventions and other initiatives aiming at remedies that are more effective to the emerging security challenges. In the past UNHCR has argued that “the key to responding effectively to protracted refugee situations is partnerships with all stakeholders to enable planning, build ownership, and increase available resources”.⁷² In fact, the international debate on refugee management has gradually shifted from focusing solely on immediate care and assistance, to an increased interest in the promotion of local solutions by UNHCR.⁷³ In the case of Lebanon, local solutions seem increasingly difficult in light of the governance vacuum, the lack of funds, and the growing frustration of host communities.

In light of the fact Lebanon has the highest concentration in the world of refugees per capita, and ranks third in the total number of refugees, it is important to note how the growing cost of the Syrian conflict to Lebanon’s economy and stability far exceeds the scope of relief assistance. Furthermore, this influx has increased fears of permanent demographic change and social disintegration among host communities. The international community and UN agencies have relied on their policies of encouraging and reinforcing ‘hosting’ solutions, while ‘resettlement’ remains a non-viable option for regional and international governments. However, as can be noted in the changes in local responses and reactions to the Syrian refugee crisis, resilience is a finite resource especially if coupled with insecurity and economic deprivation. Some policy experts have insisted that without the reduction of numbers of Syrian refugees in Lebanon through consistent demographic burden- sharing, solutions cannot be found. However, little has been done by the international community in this regard.

Lebanon, Jordan, Iraq, Egypt, and Turkey host over 4 million Syrian refugees, but UNHCR has only been able to secure resettlement to a third country for a limited number of refugees with protection problems. Since the beginning of the conflict, the international community has only offered 170,911 resettlement places for Syrian refugees⁷⁴, approximately 3.6% of the total population of Syrian refugees in the five main host countries. During our visits to Syrian refugees in various parts of the

⁷⁰ “Q&A on ‘New entry & renewal procedures for Syrians in Lebanon’”, January 08, 2016, <https://goo.gl/UzjiFO>

⁷¹ “Syrian refugees cut as part of deregistration, verification program”, Elise Knutsen, The Daily Star, July 08, 2014, <http://www.dailystar.com.lb/News/Lebanon-News/2014/Jul-08/263046-syrian-refugees-cut-as-part-of-deregistration-verification-program.ashx>

⁷² UNHCR (2002), quoted in: Refugee Studies Centre. “Responding to protracted refugee situations: Lessons learnt from a decade of discussion”. Forced Migration Policy Briefing 6. January 2011. P. 5 Available online at: <http://www.rsc.ox.ac.uk/events/launch---policy---briefing---6/RSCP6---RespondingToProtractedRefugeeSituations.pdf>

⁷³ UNHCR (2002), quoted in: Refugee Studies Centre. “Responding to protracted refugee situations: Lessons learnt from a decade of discussion”. Forced Migration Policy Briefing 6. January 2011. P. 12 Available online at: <http://www.rsc.ox.ac.uk/events/launch---policy---briefing---6/RSCP6---RespondingToProtractedRefugeeSituations.pdf>

⁷⁴ UNHCR, “Resettlement and Other Forms of Legal Admission for Syrian Refugees”, February 10, 2016, <http://www.unhcr.org/52b2febafc5.html>

country, we were asked profusely about resettlement options. Many refugees informed us that they are seeking to move to Turkey as a better option for safety and livelihood, while others implored that we advocate with foreign embassies the option of resettling them. Nonetheless, the international community's reception of refugees remains limited, and neighboring Gulf States continue to effectively offer no places for resettlement, and a change in policy in the near future is unlikely.

Based on studies conducted by the Institute of Political Sciences of USJ, "More than a quarter of Syrian refugees in Lebanon do not feel safe, nearly 70 percent of the refugees who participated in the survey said they were in the country illegally, with most saying they were unable to pay the registration fees or find a Lebanese citizen to sponsor them as stipulated by new rules the state instituted in January."⁷⁵

With the introduction of a birth registration initiative by the UNHCR and MoSA for newborn Syrian refugee children, Minister of Foreign Affairs Gebran Bassil warned the UNHCR to halt all birth registrations, threatening to stop cooperation with the Commission. Mr. Bassil affirmed that registration of new born Syrian refugees is within the realm of the Syrian authorities, whereas having Lebanese authorities handle the issue might put at risk the forced naturalization of the refugees. This statement was met with much criticism on the part of the MoSA as well as civil society.⁷⁶ Other than that the registration of refugees will guarantee their eventual safe return instead of ensure their naturalization, the ministry's reaction largely undermines the importance of preventing the arbitrary deprivation of nationality. This will in turn lead to statelessness and a myriad of ensuing violations which become more evident with the inability to access education and return to Syria when the conflict subsides.⁷⁷ By May 2015, 36,000 Syrians were unregistered at birth⁷⁸ if not addressed properly and reached through registration units and awareness raising strategies these stateless infants will exponentially increase the number of stateless individuals in Lebanon. With a theoretical natural growth rate of 2.2%, among Syrian refugees, this number will easily exceed 40,000 five years from now.

Lebanon has recently received aid from a number of different countries and organizations as assistance to its burden with the Syrian refugee crisis. The types of assistance are many, such as education development grants, donations to humanitarian response groups and NGO's, Food program donations, EU aid, training for Syrian youth, healthcare services, tents, and public education.

The number of Iraqi refugees in Lebanon is on the rise as well. U.N. planning figures for 2015 cite the number of Iraqis in Lebanon at 6,100, while Lebanon's social affairs minister, Rashid Derbas, said the number was around 8,000, as of August 2015⁷⁹. With more than a million Syrian refugees in the country, the needs of Iraqis seem to have been forgotten. Local laws don't classify Iraqis as refugees, resulting in barriers to finding employment and earning income. An October 2014 report from Caritas, one of the leading aid organizations addressing Iraqi refugee needs, said that nearly a quarter of those surveyed had exceeded their legal period of stay in Lebanon, subsequently becoming irregular migrants. The report found that nearly 40 percent of Iraqi refugees currently reside in Lebanon under an "irregular status," resulting from staying beyond the expiration date of their tourist visas issued upon entering the country.⁸⁰

⁷⁵ Les Syriens au Liban pris dans « un cercle vicieux d'insécurité », 15/07/2015, <http://www.lorientlejour.com/article/934592/les-syriens-au-liban-pris-dans-un-cercle-vicieux-dinsecurite-.html>

⁷⁶ "Heated Conversation Between Derbas and Bassil", MTV, July 16, 2015. <http://mtv.com.lb/EN/News/501075>

⁷⁷ ALEF, "Registration and Birth Registration: Essentials for Resettlement and Return" 2015

⁷⁸ Diana al Rifai, "UN: 36,000 newborn Syrians stateless in Lebanon", Al Jazeera, May 11, 2015, <http://www.aljazeera.com/news/2015/05/150506060248502.html>

⁷⁹ The Daily Star, "Chaldean diocese pleads for more aid as Iraqi refugee needs grow", February 17, 2015, retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2015/Feb-17/287671-chaldean-diocese-pleads-for-more-aid-as-iraqi-refugee-needs-grow.ashx>

⁸⁰ Caritas Internationalis, "Left behind: Iraqi refugees in Lebanon", October 21, 2014

As of July 2014, there were 449,957 Palestinian refugees, according to UNRWA. As of April 2014, over 53,070 Palestine refugees from Syria were seeking safety and shelter from the ongoing conflict in Syria. Housing shortage, combined with the government's reluctance to authorize the establishment of new refugee camps, has made rental prices prohibitively high. The increase has not spared the country's 12 existing Palestine refugee camps, which suffered from high rates of poverty and overcrowding even before the influx. Since May 2014, Palestinian refugees from Syria have been required to demonstrate, prior to entry, that they meet certain conditions for temporary residence in Lebanon or that they are transiting through Lebanon.⁸¹ As a result, many Palestinian refugees from Syria face an array of protection concerns including limits on their freedom of movement and the inability to complete essential civil registration procedures, including birth registration.⁸² 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.⁸³

The Palestinian workforce continues to be 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. Roughly 56% of Palestinian refugee workers are jobless, leaving only 37% of the working age population employed, according to statistics. Lebanon also has the highest percentage of Palestinian refugees living in extreme poverty.⁸⁴ In addition, Out of the 75,000 Palestinians who are part of Lebanon's workforce, 20 percent have a written contract, 66 percent are below the poverty line, 75 percent earn less than the minimal wage (\$305 for Palestinian women, \$369 for men) and 95 percent have no health insurance. Despite having contributed \$14 million to Lebanon's National Social Security Fund, Palestinian workers are denied benefits of health coverage.⁸⁵

Sudanese refugees in Lebanon are subject to racism and are not recognized as refugees, which prevents them from accessing work, protection, and education, in addition to the risk of forced deportation. Sudanese refugee families have been protesting outside the UNHCR office in Beirut since August 2015, asking for their files to be reopened in order to be able to travel freely in Lebanon, work, and be resettled. However the protest was met with violent reactions at the hands of UNHCR security guards, who stormed the protesters' site and violently attacked all refugees present. UNHCR staff members have also been criticized for exposing the protesters to greater risks of arrest and deportation by contacting General Security and allowing them to threaten the refugees with the intention to disperse the protests.⁸⁶

⁸¹ Amnesty International, Denied Refuge: Palestinians from Syria Seeking Safety in Lebanon, 2014

⁸² UNRWA. "Lebanon-UNRWA." UNRWA. <http://www.unrwa.org/etemplate.php?id=65> (accessed March 12,).

⁸³ United Nations Relief and Work Agency for Palestine Refugees, "Lebanon", 2012, <http://www.unrwa.org/etemplate.php?id=65>.

⁸⁴ Anera, "Palestinian Refugees From Syria in Lebanon: A Needs Assessment", March 2013

⁸⁵ Jessica Purkiss, "The Palestinians of Lebanon; a life of curtailed rights and limited opportunities", November 24, 2014, retrieved from: <https://www.middleeastmonitor.com/articles/middle-east/15436-the-palestinians-of-lebanon-a-life-of-curtailed-rights-and-limited-opportunities>

⁸⁶ Sobhiya Najjar, "Bitterness consumes a number of Sudanese in Lebanon" LBCI, December 14, 2015, <http://bit.ly/1O1ULp4>

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.

The issue of censorship, banning, and website blocking has been a recurrent issue since 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 case.⁸⁷ 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.⁸⁸ The World Press Freedom Index has increased Lebanon’s rank by 8 points in 2015, putting it in the 98th position of 180 countries, despite the minor improvement, the score remains influenced by the social and political polarization between the media with respect to the Syrian conflict.⁸⁹

Additionally, censorship also included the banning of books, movies, and plays. A new film exploring the roots of Lebanon’s sectarianism has been banned from screening by authorities. Reine Mitri’s latest work is a documentary that takes an outcry over Mitri’s sale of land in her historically Christian hometown to a non-Christian buyer as a point of departure for a wider investigation into sectarianism, land identity. It was denied permission to be screened by the Interior Minister, acting on the recommendations of the Censorship Committee.⁹⁰

Freedom of conscience

Religious minorities in Lebanon are allowed to practice their faith, hold religious ceremonies and assemble freely. Nevertheless, despite having existed for decades in Lebanon, they still remain unrecognized, and face issues in securing equal access to their rights. Due to the fact that each recognized confession has its own court system to deal with personal status issues such as marriage, divorce and child custody, religious minorities including Jehovah’s Witnesses, Baha’is, Hindus, Buddhists, Mormons, Zoroastrians, and any other followers of unrecognized confessions cannot marry, divorce or inherit according to their own rules.⁹¹ Such proceedings cannot be performed in a civil court since the latter does not exist for issues pertaining to personal status. To undertake formal proceedings, they must therefore resort to the courts of recognized groups or leave the country to access them elsewhere.

A loophole to this has been found and verified as per the example of Kholoud Sukkariyeh and Nidal Darwish who obtained a civil marriage through basing their marital contract on Decree No. 60 L.R. The decree says those who are not affiliated with a sect are subject to the civil law of personal status. However, this means having to endure the tedious process of expunging one’s religious affiliations from official documents.

⁸⁷ For more information refer to the Child Rights section of the report.

⁸⁸ Accessed through <http://www.smex.org/blocked-websites-in-lebanon-2013/>

⁸⁹ Reporters Without Borders, World Press Freedom Index 2015, retrieved from: <https://index.rsf.org/#!/index-details/LBN>

⁹⁰ Forget but don’t forgive, 29/06/2015, <https://now.mmedia.me/lb/en/10questions/565510-forget-but-dont-forgive>

⁹¹ Rania El Rajji, “*The leaves of one tree: Religious minorities in Lebanon*”, Minority Rights Group International, December 2014

Members of a non-recognized confession additionally face problems when it comes to their identity cards and passports, as these documents mention one's religion only if it is officially recognized. Members of unrecognized religious groups are not allowed to take governmental positions, run for office or engage in higher public functions. Furthermore, voters need to register under one of the recognized religions in order to access voting polls.⁹¹

Non-recognized confessions also cannot officially register their houses of worship, which excludes them from the property tax exemption that churches and mosques enjoy.⁹² In addition to the legal and administrative discrimination, these minorities are often subjected to social and religious prejudice. For example, there have been reports suggesting that Jehovah's Witness members may be more vulnerable to harassment from security forces.⁹³ Fear of persecution has also driven these minorities to perform their rituals behind closed doors and forced them to forego some others.⁹⁴

Right to Peaceful Meetings and Demonstrations

The right to peaceful assemblies in Lebanon requires a notification to local authorities. The government has wide discretion to prevent assemblies. These are banned on public roads, and there are excessive criminal penalties for assemblies which violate these regulations. Several cases of assemblies have been prohibited under the pretext of threats to security.⁹⁵ Although this practice is only informative and authorities could only impose route selection, or changes in location and not cancel the demonstration; however as stated above by practice authorities are utilizing this procedure to limit the right to freedom of assembly. With the start of the waste management crisis in Lebanon on July 17, 2015 and with the accumulation of household, industrial and medical waste on the streets and between houses, activists took the streets protesting against the alleged mismanagement of the crisis and the delays in finding solutions. With additional delays on prospective solutions to the crisis, the number and scale of demonstrations escalated, uniting a large portion of concerned citizens.

Demonstrations which started as a peaceful protest on both 22 and 23 of August quickly turned violent after reactions and counter reactions by the ISF and protesters. Protesters, mainly formed of young people and families with toddlers and children, were dispersed with water cannons, batons and sticks, in addition to rounds of tear gas canisters. With close monitoring and reporting, evidence was collected of the use of live bullets as well.⁹⁶ It can be said that the tactics used by law enforcement officials have been focused on the dispersion of protesters rather than on the principle of maintaining order and protecting the freedom of assembly.

The use of batons on unthreatening, non-aggressive groups such as women, parents with children, and individuals with disabilities, among others, is a clear representation of an unlawful use of force. The type of equipment used failed to be carefully considered in a proportional and lawful manner. Less-lethal weapons such as rubber bullets and tear gas were excessively utilized in closed streets, in a proximate range and sometimes directly on protesters. Furthermore, police officers could not be identified by name or number tag, resulting in an inability to track violators and file a complaint in front of an impartial investigative body. Police and judicial authority have also failed to announce the overall number of arrested individuals and their place of detention.

⁹² Country Research Section of the Refugee Review Tribunal (RRT), "*Refugee Review Tribunal Australia RRT Research Response*", May 2, 2007

⁹³ Austrian Centre for Country of Origin and Asylum Research and Documentation, "Anfragebeantwortung zum Libanon: Lage von Zeugen Jehovas";

http://www.ecoi.net/local_link/309174/433021_en.html

⁹⁴ Mohamed Chebaro, "Lebanon's Zoroastrians want a civil state" November 20, 2014

⁹⁵ "Mapping Civil Society Organizations in Lebanon", Beyond Reform and Development, 2015

⁹⁶ ALEF, "Waste Management Demonstrations: Documentation of main human rights violations committed.", August 22-23, 2015

Several sources have identified the illegal detention of protesters in many cases. Security forces have beaten and arrested a number of protesters in Downtown Beirut after the movement of protesters attempted to block Lebanese leaders from joining a national dialogue session. Several instances of mass targeted arrests had been carried out, with police forces strategically picking out identified “agitators” of the movement in order to undermine the demonstration. It was announced that 40 demonstrators were arrested during one of these protests.^{97 98} In one incident, four female activists who were freed from police custody vowed to sue them over what they said was their unlawful arrest and bad behavior on the part of the police. Based on what they said, the four females were beaten, mocked, and deprived of food.⁹⁹

Lebanese civil society continues to operate openly, however some limitations continue to restrict their work. By law, NGOs only need to notify the government of their formation, but in turn have to wait for their registration number to be issued, which can take up to a few years, leaving the organization in administrative limbo. This mechanism gives the Ministry of Interior discretionary power to not issue a registration number which directly interferes with the organization’s work, and indirectly contributes to the systematic intimidation of activists. For example, Helem, an NGO which advocates for the rights of individuals belonging to the LGBT community, has not yet received its registration number from the government since submitting its notice of association in 2004. This is particularly due to moral pressure and controversy pertaining to the topic, which continues to be a taboo in Lebanese society.

Corruption

Lebanon ranked 123rd country out of 168 in terms of corruption, affirming the public perception that the state and authorities are highly corrupt.¹⁰⁰ However, there have been isolated initiatives which counter this reality, as was the decision taken by the State Council to stop the implementation of the decision of the Minister of Labor about the establishment of a fund in the Ministry financed by voluntary contributions of citizens who want to complete their transactions without having to wait for the period of time established for the conduct of administrative transactions. This was heavily criticized as an institutionalized bribery mechanism.¹⁰¹

The Ministry of Health has also taken several anti-corruption initiatives from crackdowns on the food industry to health institutions. Health Minister Abu Faour has pointed out that the biggest corruption network in the country is in the health sector, with 25-30 percent of the more than \$300 million budget allocated to hospitals being siphoned off.¹⁰²

There have also been reports on corruption and bribery in the operations of Lebanese Customs at major facilities such as the Port of Beirut. Members of the business community reported that bribery was sometimes the only way to avoid lengthy and expensive delays in the processing of imported products at the ports.¹⁰³

⁹⁷ Lebanon protesters enraged by arrests, beatings, 16/09/2015, <https://now.mmedia.me/lb/en/NewsReports/565919-live-coverage-youstink-challenges-lebanons-leaders>

⁹⁸ Activists take to the streets amid national dialogue, 6/10/2015, <https://now.mmedia.me/lb/en/NewsReports/566015-activists-take-to-the-streets-amid-national-dialogue>.

⁹⁹ Four female protesters freed to sue police after harassment, Oct 09 2015, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Oct-09/318297-lebanon-families-demand-release-of-anti-govt-protesters.ashx>

¹⁰⁰ Transparency International, Corruption Perceptions Index 2015, <https://www.transparency.org/country/#LBN>

¹⁰¹ <http://www.legal-agenda.com/newsarticle.php?id=1072&folder=legalnews&lang=ar,12> مجلس شورى الدولة يوقف تنفيذ قرار وزير العمل المشرع للرشوة

¹⁰² The Daily Star, “Lebanon minister tops headlines with anti-corruption crusade”, February 19 2015, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Feb-19/288001-lebanon-minister-tops-headlines-with-anti-corruption-crusade.ashx>

¹⁰³ GlobalSecurity.org, “Lebanon Corruption” <http://www.globalsecurity.org/military/world/lebanon/corruption.htm>

Based on a report published by Transparency International, Lebanon has pledged to increase transparency, civil society participation in the United Nations Convention against Corruption (UNCAC) Review Mechanism. As stated, “At a high level meeting between the Lebanon delegation to the conference of the States Parties to the United Nations Convention against Corruption 6, headed by the Lebanese Minister of Justice and the Transparency International delegation, Lebanon agreed to sign the Transparency Pledge, which includes six practical actions to increase transparency and civil society participation in the UNCAC Review Mechanisms. In his address to the Conference of State Parties, the Lebanese Minister of Justice Ashraf Rifi had emphasized his government’s commitment to publishing its self-assessment report and to greater transparency in the UNCAC Review Mechanisms including increased civil society participation in related processes. Rifi is also the chair of the Arab Anti-Corruption and Integrity Network.”¹⁰⁴

¹⁰⁴ Transparency International, “Lebanon pledges to increase transparency, civil society participation in the UNSAC Review Mechanism”, November 3, 2015: https://www.transparency.org/news/pressrelease/lebanon_pledges_to_increase_transparency_civil_society_participation_in_the

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.

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 elections¹⁰⁵ 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 and 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.

Only minor technical reforms have been accepted so far in the law proposed in September 2011 by former 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.

Prime Minister Tammam Salam was unable to form a cabinet for months due to political divisions over the country’s stance toward the ongoing civil war in Syria, and as the distribution of the 24 Cabinet seats became a contentious issue. The March 8 alliance pressed for a 9-9-6 Cabinet formula that would grant over a third of the seats to both camps, giving each alliance veto power. The second option, which was adopted, was an evenly divided 8-8-8 formula split between March 8, March 14 and centrists appointed by the Prime Minister. More than ten months after the resignation of the Lebanese cabinet in March 2013, Salam was able to form a new government on

¹⁰⁵ International Institute for Democracy and Electoral Assistance, *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*, 2002.

February 2014.¹⁰⁶ The cabinet's 24 ministers are distributed among three blocs: eight ministers from the March 14 coalition, eight from the March 8 alliance, and another eight who presumably answer to the president, the prime minister, and Druze leader Walid Jumblatt.

Lebanon's presidential elections were supposed to be held by May 25, 2014, the day the six-year term of President Michel Sleiman came to an end. However, the two contending political coalitions failed to reach an agreement over a candidate in the constitutional time frame. Since the first session set to elect the president on April 23, 2014, Parliament has failed to secure the quorum 32 times as of December 2nd 2015, and to this date, the presidential vacuum continues to generate a rift between Lebanon's rival parties.¹⁰⁷

On November 5, 2014 the Parliament extended its own term through a law which became effective as of November 16, 2014, putting an end to the imminent democratic elections that were scheduled for November 20, postponing them for two years and seven months.¹⁰⁸ This follows the Parliamentary self-extension of May 2013, where Parliament had extended its term for 17 more months¹⁰⁹. The excuse for this second extension was the impossibility of holding elections amid a presidential vacuum. Parties such as the Lebanese Forces and Progressive Socialist Party were in favor of the extension, claiming that the Lebanese institutions would be paralyzed if MPs failed to extend their own term, and that this was aimed at avoiding vacuum.¹¹⁰ The Free Patriotic Movement, however, strongly opposed this decision, saying that it constitutes a contradiction and violation of constitutional rules and democratic mechanisms. This moved the party to file an appeal against the extension with the Constitutional Council, but the appeal was rejected by the Council, which claimed its decision aimed at avoiding prolonging vacuum at constitutional institutions. The upcoming municipal elections in May 2016 will therefore be the only chance for citizens to exercise their civil right to vote since the 2009 parliamentary elections. However, many have expressed fears that the cabinet may not allocate funds for the municipal elections to be held on time, and so the postponement or suspension of these elections for any given reason will severely undermine universal suffrage.

¹⁰⁶ The Guardian, "Lebanon forms new government after months of political deadlock", February 15, 2014, retrieved from: <http://www.theguardian.com/world/2014/feb/15/lebanon-forms-new-government-salam>

¹⁰⁷ AFP, "Lebanon lawmakers fail to pick president for 20th time", March 11, 2015, retrieved from: <http://www.dailymail.co.uk/wires/afp/article-2990226/Lebanon-lawmakers-fail-pick-president-20th-time.html>

¹⁰⁸ National News Agency, "Parliament extended its mandate until June 2017 in the absence of the Free Patriotic Movement and the Phalange Party and opposition of Tashnaq representatives.", November 5, 2014, retrieved from: <http://nna-leb.gov.lb/ar/show-news/124811/2017>

¹⁰⁹ Hassan Lakkis & Youssef Diab "Council fails to meet, Parliament extension becomes law", *The Daily Star*, June 21, 2013.

¹¹⁰ Ya Libnan, "Lebanon parliament extends own term till June 2017", November 5, 2014, retrieved from: <http://yalibnan.com/2014/11/05/lebanon-parliament-extends-term-till-june-2017/>

Child 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)¹¹¹, 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. Although corporal punishment of children does not comply with the Lebanese penal system, it is still tolerated at home, schools or other alternative care settings. The Law on the Protection of Women and Other Family Members from Domestic Violence adopted in 2014, failed to efficiently punish corporal punishment. Therefore no substantial progress has been made in this regard.¹¹² Such violations among others are strongly rooted in communitarian tolerance unsuccessfully building strong awareness and preventive mechanisms.

In 2010, the Lebanese Ministry of Education and Higher Education launched the Quality Education for Growth National Education Strategy, a project expected to come to a close in 2015. This was established in Lebanon’s efforts to reform public and higher education, developing and strengthening vocational and technical education to meet the country’s development and construction needs, and revising and developing curricula to reinforce national identity and integration as well as spiritual and cultural openness^{113 114}. However, no updates on progress on the matter have been made available despite the project’s end date.

¹¹¹ The Lebanese Law is not specific on the description of the “non-harmful” and “customary” forms of abuse leaving the classification open for interpretation.

¹¹² Corporal Punishment of children in Lebanon “ Briefing for the UPR review, 23rd session, 2015, retrieved from: http://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/gieacpc_upr23_lbn_e_main.pdf

¹¹³ Health and Education Advice and Resource Team, “Education system in Lebanon”, February 27, 2015, retrieved from: <http://www.heart-resources.org/wp-content/uploads/2015/03/HEART-Helpdesk-Report-Education-in-Lebanon-FOR-WEB.pdf>

¹¹⁴ MEHE, “Quality Education for Growth National Education Strategy Framework Education Sector Development Plan (General Education): 2010-2015”, March 2010, retrieved from: http://planipolis.iiep.unesco.org/upload/Lebanon/Lebanon_ESDP_2010-2015.pdf

The Ministry of Education and Higher Education (MEHE), with the support of UNICEF, UNHCR, and international donors, launched its 'Back to School' campaign for free education up to grade nine for all children. Free education up to grade nine will be provided for all children – Lebanese and non-Lebanese – in public schools this year. The initiative aims to reach 166,667 Lebanese and 200,000 non-Lebanese vulnerable children; 366,667 children in total.¹¹⁵ Taking into consideration that there are around 420,000 Syrians aged 6-14 who are in need of education services¹¹⁶. The overall enrolment rate is around 31 % for primary school education and less than 2% for secondary education. Despite the enrolment campaign, 80% of refugee children aged 6 to 17 are now estimated to be out of school and in need of support.¹¹⁷ Such figures highlight problems throughout the implementation of the campaign; admission centers and schools have not taken into consideration the places of residence of refugees, among other challenges the ministry faced.

Lebanon adopted a national action plan during the Global Child Labor Conference at The Hague in 2010, pledging to eliminate child labor by 2016. However, despite the government's continuous efforts to combat the issue, child labor continues to manifest itself in the increasing number of children living and working on the streets. Street children continue to pose one of the most pandemic and visible examples of child labor in Lebanon.

There are over 100,000 children who are victims of child labor and illicit trade, vulnerable to exploitation and working in hazardous conditions. A study published in February 2015 by the International Labor Organization (ILO), the United Nations Children's Fund (UNICEF) and Save the Children International (SCI) has found that a total of 1,510 children between 7 and 14 years of age on average are living or working on the streets of Lebanon for up to 16 hours a day as a result of social exclusion, vulnerability of households, organized crime and exploitation of children. The influx of Syrian refugees has also heavily contributed to the prevalence of children's plight, with 73 percent of street-based children coming from Syria.¹¹⁸

Since the end of the Lebanese civil war, child rights organizations have targeted Lebanese political parties to eradicate children indoctrination and participation in armed or paramilitary activities. The political tension in the country and the Syrian civil war has increasingly generated concerns with regard to children participation in armed conflict. Most Lebanese political parties' armed factions practice political indoctrination and train number of children on arms use. Hezbollah recruits children in political military outfit carrying toy rifles. Nearly 20 Palestinian factions in the 12 refugee camps practice military training and indoctrination of children, though actual recruits of soldiers under 18 years are not relevant. During frequent clashes in the northern city of Tripoli in 2012-13 between the feuding neighborhoods of Bab al-Tabbaneh and Jabal Mohsen, several videos emerged of children participating in the battles. Lebanese children have also been allegedly involved in armed battles outside of Lebanon. A UN report has verified that almost every faction, pro- and anti-regime, including Hezbollah, to be guilty of deploying child soldiers to participate in the fighting in Syria.¹¹⁹

¹¹⁵ NNA, "EU contributes with more than €37 million to Back to School Campaign", September 21, 2015 <http://nna-leb.gov.lb/en/show-news/50036/nna-leb.gov.lb/en>

¹¹⁶ UNHCR, "Barriers to education for Syrian children in Lebanon", November 2014, p.2, available at:

http://reliefweb.int/sites/reliefweb.int/files/resources/reach_lbn_report_syriacrisis_outofschoolchildrenprofiling_nov2014.pdf

¹¹⁷ United Nations, "Syria regional response plan", p.110, available at: <http://www.unhcr.org/51b0a56d6.pdf>

¹¹⁸ Children Living And Working On The Streets In Lebanon: Profile And Magnitude, February 2015

¹¹⁹ Alex Rowell, "In pictures: Hezbollah's child soldiers" August 18, 2015, <https://now.mmedia.me/lb/en/reports/features/565748-in-pictures-hezbollahs-child-soldiers>

According to a study conducted by Geneva Call & Nashit association in July 2015 covering 7 Palestinian camps in Tyre, Sidon, Beirut and Tripoli suggest that out of 310 individuals in a focus group aged 15-17, 150 know how to use a gun, where 43 of the targeted children received training through armed organizations present in the camps.¹²⁰

The June 2013 security incidents in Abra posed a clear setback not only in the rights of detainees but also in children's rights. Amnesty International reported that a 15 year old child was subjected to torture and other ill-treatment and not allowed to contact his family or a lawyer during detention. The child says he was forced to sign documents he was not allowed to read, and witnessed other detainees being subjected to torture or other ill treatment.¹²¹ Around 30% of juveniles have informed that they have been subjected to child exploitation and abuse by the authorities in the police stations, with many cases of arbitrary arrest and other clear violations of fundamental child rights.¹²²

In light of the current conflict, 36,000 Syrian children born as refugees in Lebanon are in a legal limbo, not registered with any government, exposing them to the risk of a life of statelessness and deprived of basic rights, and will cause future complications in case they do return to Syria.^{123 124} 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 December 2014 show that only 88,000 out of 387,250 school- aged refugee children have access to education.¹²⁵ Incidents of bullying and discrimination against Syrian refugees in Lebanese public schools have also been reported throughout this past year¹²⁶. Syrian Refugees children are particularly vulnerable and exposed to exploitation.¹²⁷ Child labor is on the rise,¹²⁸ and cases of separated and / or unaccompanied children, sometimes crossing the borders alone or with strangers, have been reported.

Child marriages continue to be a significant concern with regard to Lebanese children and Syrian nationals. A study has shown that 13 percent of Lebanese and 23 percent of Syrian women in Lebanon were married before the age of 18, a number that owes much to the ongoing war. Over 80 percent of Syrian children in Lebanon are not in school, pushing many to contribute to their household in ways that are intimately tied to their conventional gender role.¹²⁹ Boys are typically introduced to the labor force while girls are married off so their parents can collect her Muqaddam – a term in Arabic that loosely translates into dowry. The Syrian war has compounded the issue, as thousands of child refugees have struggled to attain any kind of protection from authorities and institutions.

¹²⁰ Geneva Call, Nashit association, Lebanon: *Children at Risk in the Palestinian Refugee Camps in Lebanon*, July, 2015, retrieved from: http://www.genevacall.org/wp-content/uploads/dlm_uploads/2015/12/LebanonReport_InsidePages_web.pdf

¹²¹ Amnesty International, *Lebanon: Torture Allegations in Wake of Sidon Armed Clashes*, 09July

¹²² Arab Network for Child Rights' Manara ' , ALEF, KAFA, Arab Ngo Network for Development, Development Action Without Borders (NABAA), Children Rights " Universal Periodic Review – Civil Society Report " 2015, page 45

¹²³ Diana al Rifai, "UN: 36,000 newborn Syrians stateless in Lebanon", Al Jazeera, May 11, 2015, <http://www.aljazeera.com/news/2015/05/150506060248502.html>

¹²⁴ "UNICEF: 30,000 Syrian newborns in Lebanon risk statelessness", January 4, 2015, retrieved from: <http://www.onuitalia.com/eng/2015/01/13/unicef-30000-syrian-newborn-lebanon-risk-statelessness/> accessed March 12, 2015

¹²⁵ النهار 24 اب, "لبنان يستضيف أكبر عدد من اللاجئين السوريين الأولاد 350 ألف ولد يحتاجون للتعليم والمدارس امتلعت 35 ألفاً" UNHCR Lebanon, "Education Update", December 2014

¹²⁶ "The New Arab, "Syrian refugee children 'forced to kneel before Lebanese flag", November 05, 2015

<http://www.alaraby.co.uk/english/blog/2015/11/5/syrian-refugee-children-forced-to-kneel-before-lebanese-flag>

¹²⁷ UNHCR, "Vulnerability Assessment of Syrian Refugees in Lebanon", 2015

¹²⁸ UNICEF and Save the Children, "Urgent Action Needed to Tackle Child Labor Caused by Syrian Crisis", July 02, 2015;

<https://www.unicefusa.org/press/releases/unicef-and-save-children-urgent-action-needed-tackle-child-labor-caused-syrian-crisis>

¹²⁹ USJ Sciences Po, News Brief, June 30, 2015

Finally, according to a study conducted by ALEF as part of its “Child Led Data Collection “project, which is a research method conducted by children with their peers, implemented both in Beirut and the Palestinian camps, reveals that 29.59% of the 1,040 targeted children interviewed are victims of violence whether physical, verbal, or sexual. 73% are unsatisfied with the educational program whereas 62.55% stressed on the absence of safe/ child friendly spaces. Moreover, 63.27% highlighted on the absence of security, and lastly, 45.5% of the children who were interviewed believe that they do not enjoy their full rights.¹³⁰

¹³⁰ Child Lead Data Collection Results- Lebanon 2015, Summary of report, December 21, 2015

Migrant Workers

Lebanon hosts a large number of migrant workers from various countries. 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 kafala 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 for the processing 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.

Despite the presence of alternative measures, deportation continues to be the primary resort for the GSO especially when it comes to migrants who are detained for their invalid residency status. This violates their right to challenge the circumstances of their detention and have their case reviewed by a competent court within a reasonable time.

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 25000 to LL 45000.

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 April 2015, a 23-year-old Ethiopian domestic worker was found hanged in an apparent suicide at her employer's house in Jbeil, this incident came after three days from another incident where an Ethiopian

domestic worker had jumped from the fourth floor of her employer's house in Bsalim. She survived the fall but was severely injured.¹³¹

Since May 2014, a decision had been made by General Security, Lebanon's security agency in charge of foreigners' entry and residency, to deny residency permit renewals for a number of low-wage migrants who have had children in Lebanon and for their children, which disproportionately interferes with the right to family life. The decision not to grant children of migrant workers renewals is symptomatic of a larger trend of human rights violations and discrimination that the Lebanese state perpetrates against migrants of a certain socio-economic group. In fact, this new decision reinforces two previous and unlawful General Security regulations limiting the family rights of category three and four migrant workers. General Security previously dictated that migrants of the third and fourth category are not entitled to family reunification, and prohibited them from getting married and having children.¹³² The motives behind these decisions have not yet been justified. According to media reports, this directive has been repealed,¹³³ however there have been reports that such actions continue to occur discretely.

In December 2014, and following the ILO project "Promoting Rights Of Women Migrant Domestic Workers (PROWD)" with the support of the Federation of Trade Unions of Workers and Employees (FENASOL) and other NGOs, six Lebanese workers submitted a request to the Labor Ministry to form a union for migrant domestic workers that seeks to mobilize them and raise their awareness about their legal rights. Disregarding the threats of the Ministry of Labor to use the Internal Security Forces to break it up, a conference was held on the 25th of January 2015 to announce the establishment of the union which is the first of its kind in the Middle East and North Africa, with the participation of 350 domestic workers of various nationalities and the support of the International Labour Organization (ILO), the International Trade Union Federation (ITUC), and FENASOL in Lebanon. But according to media reports, the union was denounced as illegal by Labor Minister Sejaan Azzi^{134 135} who refused to grant such a union a license because it violates Lebanese laws that deny the right of foreign workers to form unions. As a reaction, over 100 NGOs and INGOs including "ALEF – Act for Human Rights", signed a petition in March of the same year rejecting Azzi's statements and demanding the recognition of the union to help protect the MDWs from abuses. In December 2015, Labor Minister Sejaan Azzi disclosed that the main driver behind breached human rights of migrant domestic workers in Lebanon was the involvement of some employees of foreign embassies in human trafficking of these workers on the black market.¹³⁶ This comment came after an incident involving the alleged murder of a Lebanese woman at the hand of the Filipina domestic worker. The case caused much uproar regarding the MDW issue.

In January 2015, a new hotline was put in place by the Ministry of Labor for domestic workers to call in case they were subject to any kind of abuse by their employers. The hotline's number is 1740 and it is meant to be operating 24 hours a day, 7 days a week, whereby outside working hours, calls are transferred to the mobile phones of six social workers.^{137 138} However, ALEF and other organizations were left with no response after trying to call the number at several instances.

¹³¹ "Ethiopian maid found hanged in Jbail", *The Daily Star*, April 13, 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-13/294272-ethiopian-maid-found-hanged-in-jbeil.ashx>

¹³² Insan Association, *Shattered Dreams: Children of Migrants in Lebanon*, February 2015

¹³³ L'Orient le jour, "La SG suspend l'expulsion des enfants de travailleurs immigrés" March 06, 2015, retrieved from: <http://www.lorientlejour.com/article/914428/la-sg-suspend-lexpulsion-des-enfants-de-travailleurs-immigres.html>

¹³⁴ See HRW's report: "Lebanon: Recognize Domestic Workers Union", March 10, 2015.

¹³⁵ See HRW's report: "Lebanon: Recognize Domestic Workers Union", March 10, 2015.

¹³⁶ Nadine Makarem, "Embassy employees traffic migrants: Azzi", *The Daily star*, December 10, 2015.

<http://dailystar.com.lb/News/Lebanon-News/2015/Dec-10/326725-embassy-employees-traffic-migrants-azzi.ashx>

¹³⁷ Nizar Hassan, "Labor Minister launches hotline for abused domestic workers", *The Daily Star*, July 19, 2015 <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jun-19/302926-labor-minister-launches-hotline-for-abused-domestic-workers.ashx>

Persons with Disabilities

Persons with disabilities (PWD) 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 Government has shown good cooperation with some NGOs to improve the situation of PWDs. A noteworthy representation of this is the MoSA "Rights and Access" project which was designed and implemented in partnership with ArcEnCiel. The project, launched in the 1990s, aimed at improving the access of PWDs and increasing their integration and independence through providing services such as diagnosis and delivery of handicap identity cards for the disabled; they also function as lobbying centers, recruitment offices and a place of employment for Lebanese with disabilities. Although the program was never completed nor replicated, it revolutionized the situation of the rights of PWDs in Lebanon through lobbying for the passage and enforcement of a comprehensive law on disabilities; following half a decade of work by such organizations, 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. Despite the 15 years which have passed following the issuance of this law, the concerned ministries didn't issue any implementation decrees for them. For example, 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;¹³⁹ unfortunately, some hospitals do not recognize the disability card which causes severe inconveniences for persons with disabilities seeking medical care.¹⁴⁰ 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. This inadequacy causes the main problems, and many sections of the law to not be properly implemented. The reasons for 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.

Persons with disabilities have difficulties accessing many public and private institutions in Lebanon as well as academic institutions which at all levels are generally not equipped with special curricula, tools and human resources to respond to the needs of students with disabilities. According to the most recent data available from 2014, of the 10 to 15 percent of the Lebanese population living with disability, only 17 percent are employed. Based on statistics from the social affairs ministry,

¹³⁸ See the IOM's report: "The other migrant crisis, Protecting migrant workers against exploitation in the Middle East and North Africa", 2015. http://publications.iom.int/system/files/pdf/other_migrant_crisis.pdf?language=en

¹³⁹ Colette Azzi, "The Realities of Aid Targeting Persons with Disabilities (PWD) in Lebanon," Daleel Madani, May 5, 2012, <http://daleel-madani.org/story/realities-aid-targeting-persons-disabilities-pwds-lebanon>.

¹⁴⁰ Naharnet, "AbouFaour Terminates Hotel Dieu Hospital's Contract for Refusing Treatment to Disabled Woman", February 21, 2015; <http://www.naharnet.com/stories/en/168390>

nearly 86,000 citizens are currently registered as disabled, although this figure does not take into account those who did not apply for government support owing to the lack of awareness or stigma¹⁴¹. In terms of education, PWDs enrolled in regular official schools make up only 1% of PWDs who are of schooling age. A Survey conducted by LPHU to assess the accessibility of 70% of official high schools in Beirut showed that only 0.04% of them were equipped to receive students with disabilities.¹⁴² The Ministry of Education has taken only one step during the past four years in developing a strategic plan for the educational integration for PWD; however after allocating a budget for its implementation, this plan wasn't submitted to the Cabinet to be adopted and worked on.¹⁴³

Progress was observed in the improvement of access to health. In February 2015, Health Minister Wael Abu Faour terminated the government's contract with the Hotel Dieu hospital after it rejected the ministry's calls to admit a patient with physical disability. In November, the Ministry of Health and the Association of Private Hospitals announced an agreement to establish a 24-hour hotline for citizens to voice their complaints over the refusal of private hospitals to admit patients.¹⁴⁴

As for social security, the Social Security institution conditioned to give liability clearance for companies in the private sector by implementing the article concerning the quota for employing persons with disability. Then Decree (# 7784, issued on 28/5/2002) of the Ministry of Labor grants unemployment compensation to PWDs who lost their jobs. However, this decree has not been implemented till today. The Ministry of Finance refused to let the MOL establish a special account into which the fines for breaking the law would be deposited and then transferred to finance the unemployment compensations. As such, the Social Security Directorate put on hold the binding provision of the liability clearance related to the employment of PWD.

In reality, most of legal provisions are not implemented. No fines are collected from the companies which do not respect the law. The compensation for unemployment is not being paid. Only modest attempts "to train people with disability on a trade" are the concrete achievement so far. There are continuous efforts to break through this administrative mechanism between the Ministry of Labor, Ministry of Finance, and MoSA by establishing the Unemployment Compensation Fund to support the application of the 3% quota for employment of PWDs.¹⁴⁵

Law 220 does not mention access to information. Its major contribution to political participation by persons with disabilities is its recognition of the National Council for Disability Affairs (NCDA), with members elected by and from disabled persons' organizations and persons with disabilities. Unfortunately, the NCDA frequently struggles to access information about the government policies that contribute to the exclusion of PWDs from participation in daily life activities.

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

¹⁴¹ TizianaCauli, "Disabled access: Building for all", March 25, 2014, retrieved from: <http://www.executive-magazine.com/business-finance/real-estate/lebanon-disabled-buildings>

¹⁴² "LPHU refutes allegations of the Ministry of Education. 0.04% of all schools are equipped to the needs of the disabled", 05 November, 2015, retrieved from: <http://assafir.com/Article/8/455022>

¹⁴³ Lebanese Physically Handicapped Union, Lebanese Disability Forum, Lebanese Disability Coalition, "The Universal Periodic Review Lebanon 2015 Civil Society Reports: Disabled Rights" 2015

¹⁴⁴ "Hospital hotline launched to hear complaints", The Daily Star, November 06, 2015, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Nov-06/321849-hospital-hotline-launched-to-hear-complaints.ashx>

¹⁴⁵ UNESCO, "Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?", September 2013, retrieved from: http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Social_Inclusion_Young_Persons_with_Disabilities_Lebanon.pdf

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.¹⁴⁶ 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 health care providers.

As of 2015, 44% of Lebanese households still lacked medical insurance. Among those households with medical coverage, 28% are covered by the NSSF, 11% by insurance companies, 5% by public-sector cooperatives, 12% by the armed forces, and 1% by foreigners' social security.¹⁴⁷ This could be a reflection that health services remain in most part supported by Lebanese citizens' resources rather than the Lebanese government.

The lack of funds in the Ministry of Public Health 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. According to the statistics collected in 2012, which remain representative of the sector's standing today, 53.3% of Lebanese remain outside any structured health coverage system; the Ministry does form a safety net for those but the coverage criteria are unclear and leave room to favoritism. Several other challenges for the health coverage system include the delay in NSSF reimbursement and the variance in coverage rates among different funds. The Private Hospitals Union declared on several occasions in 2015 its inability to accept patients covered by NSSF or the Ministry of Public Health.¹⁴⁸ However, this has been modestly solved in January 2013, when the NSSF increased its rate of reimbursement to private hospitals.¹⁴⁹ Additionally Lebanon has a rate of 35 Hospital beds per 10,000 population¹⁵⁰ which is considered to be the highest in the MENA region by the World Health Organization, but because the beds are

¹⁴⁶ Nabil M. Kronfol and Rashid Bashshur, "Lebanon's Health Care Policy: A Case Study in the Evolution of a Health System under Stress", p.377 (1989).

¹⁴⁷ Mirna Chami and Marwan Mikhael, "The Saga of the Lebanese Healthcare Sector: Reforms on the Run amid Persistent Challenges", May 23, 2015

¹⁴⁸ "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>.

¹⁴⁹ "NSSF began paying more hospitals in 2013", *The Daily Star*, January 4, 2013.

¹⁵⁰ *World health statistics 2012*. Geneva, Switzerland: World Health Organization, 2012.

inefficiently distributed hospitals are generally over booked. The capacity of Lebanese private hospitals can reach a maximum of 200,000 patients per year.¹⁵¹

The Ministry of Health issued a memo forcing hospitals to provide at least first aid care to everyone in need even if they cannot provide sufficient financial compensation. However, this is not being applied as hospitals such as Al-Hayat Hospital had their contracts with the Ministry of Health canceled for preventing patients from obtaining medicines for lower prices, decreasing their financial burdens. Hotel Dieu Hospital also had its contract with the Ministry of Health canceled after it refused to admit a patient suffering from disability. Two other hospitals had denied admittance to two newborn babies in February and early March 2015. Both cases led to the demise of the young children.

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. It was not until the case of Ella Tannous, an infant who had her limbs amputated allegedly due to a medical error and misdiagnosis during the spring of 2015, that the Minister of Health announced the formation of a consultative committee for the investigation of medical errors. The committee is presently in charge of investigating complaints presented to the Health Ministry by citizens who believe that there have been medical errors in their cases.¹⁵² However, this committee remains consultative in nature, as the law establishing the Order of Physicians already gives the Order effective authority, through its disciplinary board, to impose disciplinary measures on members who violate the provisions of this law. Cases of misconduct where a complaint filed to the board by the MoH or by victims of medical or non-medical errors may result in the permanent ban of a member of the order from the practice of medicine.¹⁵³ In spite of this, the law has not been reflected in practice as the Order of Physicians is often criticized for systematically failing to take the appropriate disciplinary measures in cases of malpractice.¹⁵⁴

The issue of Surrogacy remains controversial since there are no laws explicitly addressing it, and hence couples that seek such treatment as well as the surrogate mother are not protected by any governing rules, and are not aware of their rights in surrogacy. For these reasons, couples looking for a surrogacy treatment are faced with the choice of spending tens of thousands of dollars abroad for it. Legislation for such treatment is almost impossible due to vastly different stances that the many sects take on the topic.¹⁵⁵

Abortion also remains undiscussed, which poses a risk to maternal health in certain cases. Presidential Decree No.13187 allowed abortion only to preserve the woman's life, if in danger. The law that is governed by eight articles prohibits the dissemination of information on abortion or methods used to facilitate it, the selling or accusation of objects that are designed to perform it, in addition to punishing any woman who induces abortion and any other person who aids her to do so. Even with the woman's consent, under the law, the person who performs an abortion is subjected to one to three years of imprisonment and the woman herself is subjected to six months to three years imprisonment.¹⁵⁶ There are no official statistics that accurately estimate the prevalence of abortion in the Lebanon; yet, the procedure is sought in the "black market"

¹⁵¹ *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>

¹⁵² "Abu Faour reveals malpractice cases, negligence being investigated", The Daily Star, September 15, 2015, http://www.dailystar.com.lb/News/Lebanon-News/2015/Sep-15/315255-abu-faour-reveals-malpractice-cases-negligence-being-investigated.ashx?utm_source=Magnet&utm_medium=Entity%20page&utm_campaign=Magnet%20tools

¹⁵³ Law No. 313/2001 of 03/04/2001, Articles 37& 38

¹⁵⁴ American University of Beirut, "From Research to Policymaking – Center at AUB sheds light on medical errors in Lebanon", February 08, 2016, <http://www.aub.edu.lb/communications/media/Documents/feb-16/k2p-medical-error-EN.pdf>

¹⁵⁵ <http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-13/270527-surrogacy-not-an-option-in-lebanon.ashx>

¹⁵⁶ The Daily Star, "Surrogacy not an option in Lebanon", September 13, 2014, retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2010/Mar-09/56697-lebanese-women-still-face-discrimination-study.ashx>

where it is performed in private clinics or at homes in unsafe environments mostly with no psychological support or post abortion care.

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% of secondary and tertiary medical expenses for those who are registered. Parallel to this, the Association of Private Hospitals in Lebanon stated in March that securing hospitalization for 1.5 million Syrian refugees living in squalid conditions cost \$600 million annually; however only 5% of this amount is available.¹⁵⁷ These are not enough for households struggling to meet their daily needs. Many refugees who have only recently arrived to Lebanon have refrained from accessing financial support from the agency since the government prohibited UNHCR from registering any more refugees in May 2015.¹⁵⁸

Since November 2014, Health Minister Wael Abou Faour has been conducting a public health campaign, targeting the issue of food safety at first where he named and shamed restaurants, stores, and butcher shops that were found to be in clear violation of the health and safety code.¹⁵⁹ This was followed by launching the Lebanese food safety guidelines, the closure of unlicensed food establishments, the escalation of the ministry's food inspection raids, and shutdown of several food and medicine warehouses.¹⁶⁰ The campaign was met with much criticism from other ministers who accused him of adopting a policy of defamation that could have a negative impact on Lebanon's economy, however the Minister argued that it was the state's duty to warn citizens against looming threats, and therefore, to denounce those businesses even at the risk of ruining their reputation for the sake of public interest.¹⁶¹ Parliament responded in November 2015 by passing a food safety law which aims to create an independent commission to develop regulations and oversee their enforcement. This campaign to combat health violations continued by the inspection and subsequent closure of several labs and clinics. At the end of September 2015 alone, Abou Faour announced the closure of 36 clinics and 47 medical laboratories operating without licenses across the country.¹⁶²

This public health campaign also succeeded in the medical sector, with the adoption of the unified prescription which facilitates patients' access to inexpensive medicine, and the reduction of the price of 261 types of medicines by 17% and 629 other drugs by 20%, upgrading hospital classification criteria to ensure better services, improving automated auditing of hospital bills and introducing the health ministry's coverage on prostheses.¹³⁴

¹⁵⁷ Defenders for Medical Impartiality, "Healthcare Access among Syrian Refugees in Lebanon", April 8, 2015, <http://defendmedicalimpartiality.org/news/healthcare-access-among-syrian-refugees-lebanon>

¹⁵⁸ <http://www.dailystar.com.lb/News/Lebanon-News/2015/Dec-01/325337-sick-refugee-children-struggle-to-receive-medical-attention.ashx>

¹⁵⁹ Al Akhbar, "Health ministry: Lebanon's food 'dunked in diseases'", November 11, 2014, retrieved from: <http://english.al-akhbar.com/content/health-ministry-lebanons-food-dunked-diseases>

¹⁶⁰ "Ya Libnan, "Lebanon Food Scandal: Abu Faour orders the shutdown of airport warehouse", December 23, 2014, retrieved from: <http://yalibnan.com/2014/12/23/lebanon-food-scandal-abu-faour-orders-the-shutdown-of-airport-warehouse/>

¹⁶¹ Nizar Saghie, "The Right to Food Safety: Rights-Based Dialogue as a Springboard towards State-Building", January 27, 2015, retrieved from: <http://english.legal-agenda.com/article.php?id=680&lang=en>

¹⁶² The Daily Star, "Health Ministry to crack down on mushrooming nutrition clinics", November 19, 2015, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Nov-19/323716-health-ministry-to-crack-down-on-nutrition-clinics.ashx>

Social Rights

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. Migrant workers can also benefit from the provisions on illness and maternity provided that they are nationals of France, Italy, Belgium, or the UK.¹⁶³ ¹⁶⁴ 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.¹⁶⁵ 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” 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 before the Lebanese Law because they continue to be banned from their right to work. This was made evident after Lebanon’s Labor Ministry completely disallowed a proposal calling for the formation of a union for migrant domestic workers in January 2015, denouncing the union as illegal.¹⁶⁶ This undermines the legal gap governing the working conditions of female migrant domestic workers, the lack of inspection, and the absence of a complaints mechanism, all of which facilitate their exploitation.

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

¹⁶³ National Social Security Law, article 9 §3

¹⁶⁴ Dr. Mohammed Karaki, “Groups that benefit from social security”, May 17, 2011, http://www.lituc.com/ArticleDetails.aspx?art_ID=91

¹⁶⁵ ILO, “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

¹⁶⁶ Human Rights Watch, Lebanon: Recognize Domestic Workers Union”, March 10, 2015

working in the following industries or jobs: “Driving machines with extremely large engines.”¹⁶⁷ Discrimination also exists in the social security benefits entitled to women as well as wages. However, working women now have the right to 10 weeks of fully paid maternity leave on presenting their medical documentation, in addition to their annual paid holidays.¹⁶⁸

Women are discriminated against in the workplace and “equal pay for equal work” is far from being implemented in practice. According to a report, estimated earned income for women is valued at \$6,998 versus \$27,891 for men¹⁶⁹. In terms of participation in the workplace, statistics show that women’s participation is very low and is concentrated mainly in areas that reflect gender stereotypes such as in the educational field.¹⁷⁰ It has also been observed that several articles within the Lebanese National Social Security Laws are discriminatory by nature. The discrimination in the NSSL is based on the perception that women are not bread- winners or providers for their families, and therefore the men for instance can provide social security coverage for their unemployed wives whereas women cannot provide social security coverage for their unemployed husbands. The prevailing law gives the spouse the right to unconditional coverage of his partner in illness or maternity, while the insured wife can only cover her husband when he is over 60 or has a handicap.¹⁷¹ Discrimination is also evident with the absence of a law that protects women from sexual harassment and exploitation in the workplace and leaves them in a vulnerable situation most of the time. Lebanese women still face discrimination in providing their children with the Lebanese nationality. Furthermore, in November 2015, the Parliament passed a law granting the reinstatement of immigrants who can prove that they are of Lebanese descent. The law remains strongly patriarchal in that the Lebanese nationality can only be granted if one’s father or father’s male relatives up to the second degree are listed in the 1932 census.

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.¹⁷²

Lebanese labor unions formed a coalition that called for an Independence Day march to demand workers’ rights and urge lawmakers to pass a wage hike bill that has been stuck in limbo for years. The unions, in its statement, demanded that the joint parliamentary committees amend the wage hike bill and add it to the agenda of the next session. The bill, approved by the Cabinet in 2012, has still not been passed by Parliament, prompting the Union Coordination Committee, which represents a coalition of school teachers and labor unions, to conduct a series of strikes and protests from 2012-14.¹⁷³

¹⁶⁷ Lebanese Code of Labor dated 23 September 1946 Article 27 on the Employment of Women

¹⁶⁸ Law no. 267 dated 15 April 2014 amending Articles 28 and 29 of Labor Law dated 23 September 1946 and its amendments.

¹⁶⁹ The Global Gender gap Report 2015, retrieved from:

<http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=LBN>

¹⁷⁰ Nabila Rahhal, “An obstacle course”, March 4, 2015, retrieved from: <http://www.executive-magazine.com/economics-policy/women-an-obstacle-course>

¹⁷¹ Search for common Ground (SFCG) in partnership with ALEF and 9 other Civil society Organizations launched a nationwide campaign that seeks to amend the National Social Security Laws that discriminate against women. The campaign aims at raising the public’s awareness about the discriminatory articles and to lobby with decision makers to amend them.

¹⁷² Wassim 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>.

¹⁷³ Unions urge Independence Day march, Nov 20, 2015, <http://www.dailystar.com.lb/News/Lebanon-News/2015/Nov-20/323821-unions-urge-independence-day-march.ashx>

Around 1.5 million Lebanese people out of 5.9 million live below the poverty line (projected December 2016)¹⁷⁴ unemployment in Lebanon in the year of 2015 has witnessed a rise in percentage compared to the year 2014. The most important issue however is the inability of the Lebanese government to regulate jobs, especially in light of the Syrian refugee crisis. Unemployment has also hit recent university graduates; even students who have graduated in the year 2014 are still not able to find a job. A recent study shows that a staggering 30000 people are currently unemployed in Lebanon. The same study points out that the unemployment rate between young adults in Lebanon is at 35%.¹⁷⁵ Moreover, The Value Added Tax rise proposal of an increase from 10 to 12% would result in negative impacts on the welfare of the middle class and households living just above the poverty line, as overall poverty in Lebanon might increase to 35 and even 50%.¹⁷⁶

In April 2014, the Lebanese Parliament endorsed a rent law which prompted several protests by tenants and counter protests by landlords. The law will affect approximately 200,000 apartments that are governed under the old rent law that was in effect prior to 1992. These tenants pay minimal rent fees that often amount to less than LL1,000,000 (around 660 US dollars) a year and are protected from rent hikes. The new law will see their rent rise incrementally over the next six years until it reaches 5% of the home's value, and also gives landlords the right to take back the property after nine years without paying tenants compensation.¹⁷⁷ The new law was intended to soften the blow on low-income families by creating a fund to assist families whose salaries are under three times the minimum wage. However, this is done through creating an additional heavy bureaucracy and puts a greater burden on the finances of the state and on its citizens through higher taxes. Tenants argue that the law will displace thousands of families whose rent contracts are under the old rent law. The Constitutional Council deemed as unconstitutional two articles of the law pertaining to the designation of the special committee tasked with overseeing state aid for tenants whose income does not exceed three times the minimum wage. The law was then made valid and effective as of December 28, 2014, but lawmakers consequently filed appeals against the controversial law saying that it would not go into effect before its revision by Parliament, which is still under process.¹⁷⁸

The Laws 159/92, 160/92 that regulate the lease or acquisition of residential units has provoked social and economic concerns and criticisms based on the principle of contractual freedom and contractor's will, which violate the Constitution and the human rights norms. The Lebanese Constitution ensures the free economic system and private property rights, but that doesn't mean to omit respect and fulfillment of the human right to adequate housing. These laws affect tenants' rights specifically, with no limit to rent increases after the period expired, which can lead to displace and evict around 200.000 of poor families and vulnerable groups who living Beirut, while the state has no policy for affordable houses and the eradication of thousands of small businesses vital to the Lebanese economy.

¹⁷⁴ Lebanon Crisis Response Plan 2015- 16, December 15, 2015

¹⁷⁵ تصل البطالة الى ارقام قياسية 04 حزيران 2015, <http://www.aljadeed.tv/arabic/news/local/040620159>

¹⁷⁶ Nisreen Salti and Jad Chaaban, The Poverty And Equity Implications Of A Rise In The Value Added Tax: A Microeconomic Simulation For Lebanon, May 2009

¹⁷⁷ The Legal Agenda, "مشروع قانون الإيجارات القديمة أو الهروب من أزمة السكن عبر بوابة المستأجر" February 1, 2013, retrieved from: <http://www.legal-agenda.com/article.php?id=273&lang=ar>

¹⁷⁸ The Daily Star, "Parliamentary committee re-examines rent law", January 6, 2014, retrieved from: <http://www.dailystar.com.lb/News/Lebanon-News/2015/Jan-06/283163-parliamentary-committee-re-examines-rent-law.ashx>

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.

In July 2015, Lebanon faced the start of a yet unresolved crisis following the closure of the controversial Naameh landfill on July 17 in compliance with a government decision. The landfill has taken in more than 15 million tons of trash since its opening in 1998, despite its 2-million-ton capacity. This leaves the governorates of Beirut and Mount Lebanon without a suitable place to dispose of garbage. Due to the unavailability of a location to place the waste, Sukleen, Lebanon's privately-owned waste management company, stopped collecting trash in Beirut and Mount Lebanon without a place to dispose of it.

Neighborhood dumpsters quickly spilled over into trash piles amounting to an estimated 3,500 tons in one week. The onset of Lebanon's rainy season has heightened fears that the country's growing mounds of trash could spark a public health crisis. The government set up a taskforce on the issue, responding to concerns that garbage left rotting in the open could lead to a spike in illnesses. Some health activists warn the trash could even lead to a re-emergence of cholera. Recent studies by the Air Quality Associated Research Unit in Lebanon warn of unprecedented carcinogens in ambient air, resulting from the emerging trash burning trend. The rising number of waste dumpsites in Lebanon in the absence of a waste disposal mechanism has incited many to set fire to piles of trash.¹⁷⁹ As of the end of 2015, the cabinet had approved a plan delivered by Agriculture Minister Akram Chehayeb to export garbage despite its reportedly high cost, although details of the plan have not been made public.

The refugee crisis and the impact the latter had on the already overstretched infrastructure necessitated an extensive assessment on the impact on environmental situation. In September 2014 the Ministry of Environment, with the support of the UNDP and the EU, published a report on the environmental priorities. The report described an increase in improvised and open dumping and burning, which presented a deteriorating health situation surrounding landfills. The assessment showed an increase in infectious waste of 420 tons per year in 2014.¹⁸⁰ The report also assesses the environmental impact of water management. With depletion of resources and a decrease in quality of water (63% of tested water was contaminated), the report introduces mitigation steps that can be taken such as awareness raising and stricter regulations on slugging and use of water supply. The report also assessed the impact on air pollution, with 10% increase in Nitrogen Oxide, 3% in particular matter and 5% in Sulfur Dioxide, the air pollution also showed dangerous levels of pollution.¹⁸¹ Although the environmental situation cannot be blamed on the impact of the mass influx of refugees solely, the Lebanese authorities have for decades refrained from comprehensive policies on the environmental level. Lack of prevention and solid enforcement of legislations are strong elements behind the quick degradation of the environmental situation with the quick increase in population.

¹⁷⁹ AUB Office of Communications, "AUB headed research warns of alarming carcinogen levels near open waste dump fires", December 01, 2015. <https://www.aub.edu.lb/news/2015/Pages/carcinogen-waste-fires.aspx>

¹⁸⁰ MOE/ EU/ UNDP, "Lebanon Environmental Assessment of the Syrian Conflict & Priority Interventions", September 2014, retrieved from: <http://www.lb.undp.org/content/dam/lebanon/docs/Energy%20and%20Environment/Publications/EASC-WEB.pdf>

¹⁸¹ MOE/ EU/ UNDP, "Lebanon Environmental Assessment of the Syrian Conflict & Priority Interventions", September 2014, retrieved from: <http://www.lb.undp.org/content/dam/lebanon/docs/Energy%20and%20Environment/Publications/EASC-WEB.pdf>

The Situation of Human Rights in Lebanon