



Framework on Enhancing Human Rights Respect within Security Sector Reform Programs in Lebanon

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A Proposed Framework for an Enhanced Rights-Based Approach to Security Sector Reform

Security Sector Reform (SSR) should increase security agencies' accountability, transparency and human rights adherence, as much as their capacities. Based on previous mapping and assessment, ALEF observes that SSR programs in Lebanon do not consider human rights protections as a primary objective of SSR. As a response, this practice suggests a human rights approach to SSR programs, encouraging a shift from a 'state-capacity' to a 'state obligation paradigm'. SSR focuses on the relationship between the 'right holders', the population in Lebanon, and the 'duty bearers', security agencies and state institutions. This paper, therefore, seeks to adjust the institutions, law and processes in place to ensure that 'duty bearers' fulfil their obligations towards the Lebanese population.

This practice note presents practical recommendations for SSR practitioners, state and security officials, policy makers and non-governmental organisations. These recommendations are based on the gaps observed during previous research on the content and scope of SSR programs in Lebanon.

Why is it essential for Security Sector Reform to Respect Human Rights Obligations?

Previous research has shown that unless SSR actors and security agencies consider human rights as a priority, human rights reforms tend to be considered as "on the side requirements" and not well integrated in security agencies. In order to successfully implement reform, transparency, accountability of security agencies and human rights must be taken into consideration. As long as human rights are not considered as an obligation, SSR programs will struggle to go beyond a capacity building paradigm and engage fully with the SSR project.

How can Security Sector Reform programs better promote and protect Human Rights?

Increase mutual understanding between SSR practitioners and civil society

First and foremost, a human rights approach to SSR requires greater communication between civil society, security agencies and other SSR actors through regular meetings and discussion. Effective collaboration requires greater understanding of the nature and objective of the different SSR actors involved. Considering such requirement:

- **Non-governmental organisations** should consider security agencies within their legal framework. Security agencies are not political decision makers and are therefore limited in their ability to enhance their human rights commitment and application. Local organisations should also seek to understand better the nature and history of Lebanese security agencies.
- **Firms and foreign donors** in SSR have a privileged relationship with security agencies and a more pragmatic view of the possibilities of reform. They should create synergies between security agencies and CSOs, as well as give feedback to local organisations on their recommendations and applicability.

Promote Civil society's role in Security Sector Reform

Civil society involvement in security reform is crucial to ensure security agencies' legitimacy. It is only through civil acceptance within their own society that security agencies can be fully effective. Practical recommendations include:

- **Communication:** Inform the broader public about significant SSR, especially those regarding human rights compliance, processes of accountability (complaint system, hotline), community policing and detention conditions. Use local organisations to communicate and share such reforms with the Lebanese population.
- **Monitoring:** Allow civil society oversight of SSR programs through external evaluations in order to assess the program's respect of human rights. Use local organisation's knowledge about human rights violations in order to highlight gaps, priorities and shortcomings of certain initiatives.

- **Community policing:** Engage civil society effectively in community policing. Assess the best ways to do so by targeting specific vulnerable populations, such as women, children, refugees, victims of addiction, and LGBTQ members and by creating community engagement projects. Consider creating community police boards in order to strengthen civil oversight and establish formal channels of communication between the police and the community. Consider community-based policing.

Support an Enabling environment for the respect of Human Rights

Members of security agencies will not be inclined to respect human rights if their own rights are being violated and if they are working in a stressful and threatening environment. The creation of an enabling environment for the respect of human rights requires:

- Ensure that members of security agencies have an accessible system in place to file complaints in cases of abuse, violence or any other forms of human rights violation.
- Create a whistle-blowing system and ensure the protection, if not the rewards, for whistle-blowers.
- Diversify avenues of complaints for members of the different security agencies. For instance, create anonymous surveys or routine peer-reviews.
- Establish safe spaces where members of the various security agencies can receive support and advice.
- Address employees' low salaries as a gateway for corruption among many members of security agencies.
- Enhance and provide access to modern equipment and infrastructure.

Integrate the Code of Conduct in the ISF, DGGS and other Agencies that have Code of Conducts

The new version of the Code of Conduct (CoC) for the ISF includes significant changes on torture, unlawful orders, domestic violence and human trafficking laws. This framework will make practical suggestion to promote the integration of the CoC and its application in the daily work of police officers. These recommendations

build on the two avenues privileged by the human rights department of the ISF: publications and trainings.

Publications

The monthly publications in a magazine are for now too technical and reach a limited number of officers within the ISF, LAF or DGGS. The following recommendations aim to increase the outreach of these publications:

- Diversify resources used such as posters, leaflets, SMS, videos and other visual mediums. This will imply shorter and more direct content.
- Simplify content and make it more practical. For instance, explain each guiding principle of the CoC and describe how it applies to police officers' daily routine. Make use of examples that have occurred in the various units of the ISF, LAF or DGGS.
- Create unit specific publications in order to tailor each publication to the needs of this particular unit (eg: mobile forces publication, prison, traffic controller etc)
- Increase the capacity of the relevant human rights departments by diversifying skills and recruiting communication experts.

Trainings

The trainings on the CoC for the ISF are currently limited in time (only 3 hours for new recruits) and do not give real incentive to follow the guidelines of the CoC. The following recommendations suggest ways to make these trainings more 'attractive', pedagogical and impactful.

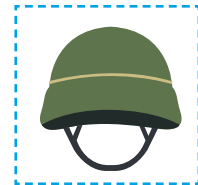
- Introduce rewards and certifications.
- Long term coaching on the CoC for key positions and high ranked officials in the ISF and other agencies.
- For new recruits: increase the focus on human rights and CoC in their initial training and introduce practical examples from the field.
- For general trainings on the CoC, find creative ways to stimulate critical thinking and problem solving.

- In order to ensure the continuation of knowledge transfer among members of the same security agency, donors should enforce time frame of commitment for any officers receiving training on the CoC or general human rights training.

Integration of the Human Rights directorate and Human rights departments as part of the SSR Programs

For the LAF:

- Involve the human rights directorate in SSR program implemented trainings .
- Increase the inspection and monitoring role of the directorate in the army. Eg: expand their monitoring and reporting role from detention centres to other army operations involving rights-holders and other vulnerable populations.
- Increase conditional support to the directorate allowing the LAF to better implement the Human Rights Strategy.



For the ISF:

- Veer away from a militaristic ethic towards a civilian ethic, to the role as protector and servant of the community and rights-holders.



How can we prevent the use of torture in security agencies in Lebanon?

Considering the recent changes in legislation and the establishment of a National Preventive Mechanism (NPM), ALEF suggests practical actions to reduce occurrences of torture in all security agencies (ISF, LAF and DGGS or even informal security agencies that can arrest):

Structural changes

Establish a strong education on torture:

- Promote day-to-day identification of torture through visual content in order to establish clear boundaries between what is and what is not torture.

Public education campaigns can build community awareness and support for the prevention of torture and ill treatment.

Recruitment:

- Revisit strategies of gender recruitment and positions. Research shows that the presence of women in operational positions tends to reduce cases of torture.

Training:

- Extend forensic trainings to members of the HR directorate in the LAF and the HR department in the ISF. Integrate the trainings into judicial proceedings.
- The CoC shall include the role of the internal committees against torture to better protect its function and sustainability.

Accountability mechanism:

- Install CCTV cameras in police stations should be monitored by an external body only, such as the inspectorate general and the prosecutor general.
- Establish an analysis unit to monitor early warnings of human rights violations: potential disputes, sensitive areas, difficult environments and the establishment of counter-mechanisms to react to any challenge affecting police responses.

Complaint system:

- To be mentioned and explained in all publication of the ISF, LAF and DGGS.
- Provide small brochures to detainees explaining the complaint system in cases of abuse.
- Disclose the complaints system's statistics to the public generating more trust for rights-holders to complain.
- Integrate all complaints in a single database to prevent duplication and provide better feedback to citizens.
- To improve website forms allowing more anonymity and an enhanced user experience.

Anti-torture practical recommendations

The objective of the following recommendations is to establish automated procedures for the different security agencies during arrest and investigation, which will protect detainees against human rights violations but also security agents against false allegations. These suggestions could be integrated within the template designed by the general directorate.

Firstly, all detainees should be registered in the security agency's records and record the entire process of detention and investigation.

Based on the application of article 47:

The right to know the charges brought against you

- To announce the reason for arrest immediately following the detention of the individual.
- To clarify the right to remain silent upon arrival.
- To emphasize on the access to a lawyer, and the right to notify a family member.
- To prepare a template of arrest warrants that will state reasons of arrest a copy of the arrest warrant will be given to the detainee no later than six hours after his arrest.

The right to contact family members

- Give the relevant information for where the person is being detained, with a clear address of the police station, and telephone number.
- Create a list of the relevant contact details of organisations that can support vulnerable populations.
- The phone call should be provided no later than in the first hour after arrest.
- Explain in detail the process of the phone call to the detainee: which phone they can use and who they can call.
- To clarify that the phone call cannot exceed 10 minutes and the detainee will receive a warning after 8 minutes.

The right to meet with your lawyer

- The security agency must have a confidential space for the detainee to meet with his lawyer.
- The length of this meeting should be specified and written, preventing misunderstanding.
- 30 minutes could be a realistic timing for the meeting.

The right to have an interpreter if you don't speak Arabic

- To directly contact an interpreter, whenever the person at hand is a foreigner.
- Draft a Memorandum of Understanding between the ISF and the union of interpreters in order to create a list of available interpreters with their relevant language portfolio.
- Coordinate with embassies on availability of their own interpreters especially for rare languages.
- Indicate and document clearly on the transcript the name of the interpreter that was contacted, when was the interpreter contacted and when he/she arrived to the location.

The right to medical examination

- Consider visits by medical legists to be a routine practice to examine the state of health of the detainee.
- Establish a list of medical legist in the region.
- Create a system of referral and forms to facilitate and document requests of doctors preventing as such mis-information.
- Medical legist should provide a copy of the report to the police station, another for the detainee and a third to remain in his/her documentation.

The right to not be detained for more than 48 hours

- Until prosecutors' reform, document answers and orders received by prosecutors in order to ensure no bearing of responsibility for overtime arrest.

The right to refuse a house warrant

- To have a copy of the house arrest warrant delivered by the prosecutor.
- Establish guidelines for house searches in order to preserve human dignity. These guidelines should include practice, verbal and physical treatment, hours and other relevant practices.

How can we increase Refugee protection through SSR programs?

Refugee protection remains one essential element that states have legal and moral obligations to uphold. Protection would entail access to asylum, prohibition of non-refoulement and the provision of a certain legal status allowing individuals fleeing their country of origin to receive the protection that they were looking for.

Legal status

DGGS

- Refugees should be provided with a complaint system that allows them to appeal and review decisions if needed.
- Guidelines governing refugee legal status should be clarified and explained through different mediums to allow refugees better access to proper legal protection.
- To assign focal persons to liaise with NGOs, facilitating access and clarifications beyond bureaucratic hurdles.
- To establish a recording system of applications for residency.
- Provide quarterly and yearly statistics allowing service providers and the general public to have a clear understanding of the refugee community in Lebanon and prevent politicization of demographic figures.
- Offices should adopt the same understanding of regulations and memos to prevent mismatching practices.



- Establishment of a unit in order to supervise quality control and understanding of policies among the different regional offices.
- Have well informed, low grading, public relation officers that are available to respond to questions and clarification in an accessible fashion.

Freedom of Movement

- Despite curfews applied by municipal actors have questionable legality, and their application violate several of human rights most importantly the principles of non-discrimination and arbitrary detention.
- Municipalities applying curfews should have proper spaces and apply strict procedures to arrest and detention according to the Lebanese Code of Criminal Procedures.
- The period of detention cannot be indefinite, as refugees have not violated any crime prescribed by law the detention is strictly arbitrary and is subject to criminal pursuit by the judiciary.
- To provide basic humane detention conditions.
- To have a registry of people detained.
- Show proper identification during arrest and house search. Individual will have to know which unit or agency is carrying out the arrest or house search.
- At checkpoints, individuals should be treated with courtesy and dignity by preventing harassment and actions that could intimidate individuals publically.

Access to territory

- At border crossing, provide asylum seekers with clear information on entry to Lebanon and on guidelines for residency request through information desks .
- To allocate specific officers to respond to questions and needs.
- Have a screening process at the border.

- Install pay phones for people to call in case they request further information, or have been stranded at the border and need to notify family members or Lebanese sponsors.
- Conduct body searches and belonging searches in particular zones of the border facility.
- Establish larger waiting areas that include access to basic human needs such as toilets and potable water.
- Encourage expansion of the duty free area to include basics such as water.
- Promote guidelines on identifying and preventing human trafficking and fake-documents traffickers.
- Provide a mechanism for review and appeal of decisions regarding denial of entry.
- Establish an accreditation system for organisations to be present at the border that could provide counselling, support, assessing humanitarian needs and early identification of needs.

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