



# Annual Report 2018

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*The Situation of Human Rights in Lebanon*

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April 2019





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# Acknowledgement

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# Disclaimer

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

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# Abbreviations

CAT	Committee Against Torture
CCB	Cybercrime Bureau
CCP	Lebanese Criminal Code of Procedure
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DGGS	Direktorate General of General Security
DoP	Ministry of Justice Directorate of Prisons
ESC	Electoral Supervisory Committee
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDF	Israeli Defence Forces
ILO	International Labour Organization
ISF	Internal Security Forces
LADE	Lebanese Association for Democratic Elections
LAF	Lebanese Armed Forces
LGBTQ+	Lesbian, Gay, Bisexual, Transsexual, Queer
MDW	Migrant Domestic Worker
MEHE	Ministry of Education and Higher Education
MoD	Ministry of Defence
MoE	Ministry of Environment
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoL	Ministry of Labor
MoPH	Ministry of Public Health
MoSA	Ministry of Social Affairs
MP	Member of Parliament
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
NMRF	National Mechanism for Reporting and Follow-up
NPM	National Preventive Mechanism
NSSF	National Social Security Fund
NSSL	National Social Security Law
OHCHR	Office of the High Commissioner for Human Rights

OPCAT	Optional Protocol to the Convention of Torture
PHRO	Palestinian Human Rights Organization
PwD	Persons with Disabilities
RACE (II)	Reaching All Children with Education Programme
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAT	United Nations Convention against Torture
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East

# Executive Summary

In 2018, the Lebanese government took some positive steps towards the promotion of human rights and showed willingness to comply with certain human rights matters. However, it clearly lacked the capacity and political will to further improve legislation, enforce laws, uphold the country's international obligations, and create meaningful change. This remained the strongest obstacle for the protection, promotion, and fulfilment of human rights in Lebanon, besides the lack of public support and awareness on certain rights. The following report highlights Lebanon's improvements and setbacks on the most pressing human rights issues throughout 2018.

In accordance with its reporting obligations, the Lebanese state reported to United Nations (UN) human rights bodies throughout 2018. It also delivered reports to the International Committee on the Elimination of All Forms of Racial Discrimination in December 2018,<sup>1</sup> as well as follow-up reports to the Committee Against Torture (CAT) in June 2018<sup>2</sup> and the Committee for the Elimination of All Forms of Discrimination Against Women in October 2018.<sup>3</sup>

In June 2018, the government of Lebanon also established the National Mechanism for Reporting and Follow-up (NMRF), under Decree No. 3268, with the jurisdiction to represent the government in communicating with international and regional human rights bodies. The NMRF was also granted the authority to prepare reports and replies to communications from Special Rapporteurs.<sup>4</sup> However, only 2 of 5 communications in 2018 were replied to by the Lebanese government.<sup>5</sup>

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<sup>1</sup> Government of Lebanon (2018, December 14). *Combined Report for the Twenty-Third and Twenty-Fourth Sessions Submitted by Lebanon under Article 9 of the Convention, to be Submitted in 2018*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLBN%2f23-24&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLBN%2f23-24&Lang=en) (accessed 01.02.19)

<sup>2</sup> Government of Lebanon (2018, June 06). *Reply from Lebanon to the Four Priority Recommendations Made to the Lebanese State by the Committee Responsible for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.spx?symbolno=CAT%2fC%2fLBN%2fCO%2f1%2fAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.spx?symbolno=CAT%2fC%2fLBN%2fCO%2f1%2fAdd.1&Lang=en) (accessed 01.02.19)

<sup>3</sup> Government of Lebanon (2018, October 23). *Information Provided by Lebanon in Follow-Up to the Concluding Observations*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLBN%2fCO%2f4-5%2fAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLBN%2fCO%2f4-5%2fAdd.1&Lang=en) (accessed 01.02.19)

<sup>4</sup> Decree No. 3268 issued in June 2018.

<sup>5</sup> OHCHR (2019). *Communication Report*. Retrieved from <https://spcommreports.ohchr.org/TmSearch/Results> (accessed 01.02.19)

The pretext of a “challenging security situation,” as a justification to deprive individuals of their liberty and right to fair trial, violates internationally protected rights and guarantees. Detainees are still held in overcrowded and poorly-lit police stations, with a lack of basic sanitation and alimentary needs. By the end of 2018, there were 6,508 inmates in the 23 Lebanese prisons, 46.33% of whom were pre-trial detainees.<sup>6</sup> Additionally, the right to free speech continued to be threatened as Lebanese authorities kept detaining and charging several individuals for social media posts that were critical of public officials

The Lebanese court system is also subject to various human rights violations. The lack of an appeal system within the Judicial Council is a blatant breach of international standards, and the Military Court’s jurisdiction over civilian cases continues to violate guarantees for the independence of the judiciary and the protection of the basic rights of detainees. The Military Tribunal and an investigative judge in the civilian court have handed out death sentences, despite the existing moratorium. The reinstatement of the death penalty would therefore be a serious human rights setback for Lebanon.

Torture remains common practice, especially during police interrogations. Due to social, cultural and political exclusion, migrants, refugees, trafficked persons, and members of the LGBTQ+ community are at higher risk of being tortured. Individuals discriminated against, due to ethnic and religious identity, are also particularly vulnerable to cruel, inhuman, and degrading treatment. The persistent use of torture against vulnerable communities, despite the creation of preventive laws, is deeply concerning. Despite wide media coverage of violations to the law criminalizing torture, the Lebanese judiciary completely failed in its implementation. The most conspicuous example for that is the lack of action in the lawsuit filed<sup>7</sup> against perpetrators of torture by Ziad Itani, a Lebanese actor who was detained, allegedly tortured and forced to confess under duress and threats of rape and physical violence against his family.<sup>8</sup>

The state has failed to address serious gender-based violence. It also continues to turn a blind eye on the high rates of child labour, particularly in the agricultural sector where it is still allowed for children above the age of ten. Especially Syrian refugee children are vulnerable to this form of exploitation, since their parents are restricted from accessing the labour market and therefore often rely on their children as source of income.

Although the number of registered Syrian refugees dropped in 2018 to 948,849,<sup>9</sup> they face several obstacles to the right to physical safety. Without official legal residency permits, refugees are at high risk of being deported back to Syria where they could face arbitrary detention, torture, and other forms of persecution. According to Gen. Maj. Abbas Ibrahim, Head of the Directorate General of General Security (DGGS), 110,000 refugees have returned to Syria in 2018.<sup>10</sup> Despite claims by the Lebanese government that all the returns are voluntary, international organizations

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6 DoP (2018, November). *Numerical Count of Inmates Present in Lebanese Prisons*. Print.

7 Human Rights Watch (2019, March 22). *Lebanon: Anti-Torture Body Named*. Retrieved from <https://www.hrw.org/news/2019/03/22/lebanon-anti-torture-body-named>

8 Amnesty International (2018, October 25). *Lebanon: Failure to Implement Anti-torture Law one Year on*. Retrieved from <https://www.amnesty.org/en/latest/news/2018/10/lebanon-failure-to-implement-anti-torture-law-one-year-on/> (accessed 01.02.19)

9 UNHCR (2018, December 31). *Syrian Regional Refugee Response*. Retrieved from <https://data2.unhcr.org/en/situations/syria/location/71> (accessed 01.02.2019)

10 The Daily Star (2018, December 21). *Ibrahim: 110,000 Syrian Refugees have Returned in 2018*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-21/472368-ibrahim-110000-syrian-refugees-have-returned.ashx> (accessed 01.02.19)

expressed concerns regarding the conditions of these returns and UN officials criticized the lack of voluntariness in the process.<sup>11</sup> Rapidly deteriorating conditions of displacement are serving push factors for their return.<sup>12</sup> Problems in funding pose additional barriers to refugees' access to services in Lebanon, as only one third of the estimated USD 2.291 billion required to provide adequate support to Syrian refugees in Lebanon was available by September 2018.<sup>13</sup>

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

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

In May 2018, Lebanon witnessed its first parliamentary elections since 2009, with increasing participation of coalitions from non-traditional parties. With the new electoral law allowing for proportional entry into parliament, opposition candidates hoped to enhance their chances. Despite great visibility on social media, the coalitions were not able to gather the threshold votes required. The elections stipulated the formation of an Electoral Supervisory Committee (ESC) and restricted its functions to electoral education and "democracy promotion", therefore undermining its functions in organizing and overseeing electoral practices.<sup>14</sup> Several electoral frauds and miscounts, reported by organizations working in election monitoring during the general election, as well as 16 appeals registered with the Constitutional Council were cause for great concern.<sup>15</sup>

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11 Chulov, M. (2017, August, 14). *Thousands of Refugees and Militants Return to Syria from Lebanon*. The Guardian. Retrieved from <https://www.theguardian.com/world/2017/aug/14/thousands-refugees-militants-return-syria-from-lebanon-hezbollah> (accessed 01.02.19)

Sewell, A. (2017, October 11). *Syrian Refugees Return from Lebanon Only to Flee War Yet Again*. News Deeply. Retrieved from <https://www.newsdeeply.com/refugees/articles/2017/10/11/syrian-refugees-return-from-lebanon-only-to-flee-war-yet-again> (accessed 01.02.19)

The Daily Star (2017, June 12). *Syrian Refugee Families Leave Lebanon for 'Safe Zones'*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-12/409332-syrian-refugee-families-leave-lebanon-for-safezones.ashx> (accessed 01.02.19)

12 Dr. Mhaissen, R. & Hodges, E. (2019, February 6). *Unpacking Return: Syrian Refugees' Conditions and Concerns*. Reliefweb. Retrieved from <https://reliefweb.int/report/lebanon/unpacking-return-syrian-refugees-conditions-and-concerns-enar> (accessed 01.02.19)

13 Swell, A. (2018, June 18). *New worries over refugee aid*. US News. Retrieved from <https://www.usnews.com/news/best-countries/articles/2018-06-18/flagging-international-aid-worsens-conditions-for-syrian-refugees> (accessed 01.02.19)

14 Transparency International (2018, May 9). *Ineffective Election Monitoring in Lebanon Highlights Urgent Need for Independent Body*. Retrieved from [https://www.transparency.org/news/pressrelease/ineffective\\_election\\_monitoring\\_in\\_lebanon](https://www.transparency.org/news/pressrelease/ineffective_election_monitoring_in_lebanon) (accessed 01.02.19)

15 Azar, G. (2018, June 6). *Lebanon Elections: 17 Appeals Submitted to Constitutional Council*. An-Nahar English. Retrieved from <https://en.annahar.com/article/814847-lebanon-elections-17-appeals-submitted-to-constitutional-council> (accessed 01.02.19)

The solutions for the ongoing waste management crisis continued to focus primarily on finding alternative dump sites, instead of concentrating on adopting sustainable environment policies. In September 2018, the parliament passed law 80, addressing solid waste management, which includes a ban on openly burning waste, setting penalties for violations.<sup>16</sup> Consequently, the Ministry of Environment (MoE) was given a deadline of six months to develop a national waste management strategy.

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

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<sup>16</sup> Human Rights Watch (2018, October). *Law Number 80 - Integrated Solid Waste Management*. Retrieved from [https://www.hrw.org/sites/default/files/supporting\\_resources/iswm\\_law\\_80\\_october2018\\_english.pdf](https://www.hrw.org/sites/default/files/supporting_resources/iswm_law_80_october2018_english.pdf) (accessed 01.02.19)



# Arbitrary Detention and Guarantees of Fair Trial

The right to liberty and fair trial are protected in Lebanon by several international agreements and conventions. The Universal Declaration of Human Rights (UDHR) [articles 3, 8, 9, and 10] and the International Covenant on Civil and Political Rights (ICCPR) [articles 2(3), 4, 5, 9, 10(1), and 14 (1)] are most commonly referred to, when discussing guarantees of the rights to liberty and fair trial. The state of Lebanon has ratified the UDHR and ICCPR, and subsequently reflected them in Lebanon's laws.<sup>17</sup> In practice, however, Lebanese criminal justice practices have not always functioned accordingly.<sup>18</sup>

## Rights of Detainees

In accordance with the right to liberty and the prohibition of arbitrary arrest or detention, the deprivation of a person's liberty must be conducted in accordance with the law. One of the principal guarantees to fair trial is the right to have a case reviewed by a competent tribunal within reasonable delay. A suspect should be adjudicated soon following their arrest in a public hearing by a competent, independent, and impartial tribunal established by law. In reality, detainees are not only deprived of their right to a speedy trial by an impartial tribunal, but also the right to legal counsel, as law enforcement officers often do not inform suspects of their rights.

In May 2018, Syrian journalist and activist Abdel Hafez Al-Houliani was arrested by Lebanese intelligence agents in the Wafa Al-Umani refugee camp and taken to the Ministry of Defense prison in Beirut, without being informed of any charges.<sup>19</sup> On May 14, Ghassan Abdallah, founder and executive director of the Palestinian Human Rights Organization (PHRO), voluntarily presented himself to the DGGS after being summoned for a "security investigation". He was transferred to the Ministry of Defence's (MoD) premises in Yarzeb shortly after. Abdallah was never informed about the charges against him, was denied a lawyer and has only been allowed to contact his family once in order to access his medication. Due to his health condition,

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17 Lebanese Constitution, Article 8.

18 ALEF (2016, October). *The Right to Fair Trial in Lebanon*. Retrieved from [https://alefliban.org/wp-content/uploads/2016/10/PP2\\_v02\\_print.pdf](https://alefliban.org/wp-content/uploads/2016/10/PP2_v02_print.pdf) (accessed 01.02.19)

19 Committee to Protect Journalists (2018, November 26). *Lebanese Authorities Detain Syrian Reporter Who Reports on Refugees*. Retrieved from <https://cpj.org/2018/11/lebanese-authorities-detain-syrian-reporter-who-re.php> (accessed 01.02.19)

Abdallah's detention posed a serious threat to his life.<sup>20</sup> The lack of information on the reasons behind the detention, the limitation of contact with family and legal counsel, as well as the lack of oversight of their detention by a prosecutor, violate the rights of detainees and therefore the guarantees of fair trial.

In November 2018, the DGGS issued deportation orders for three Sudanese refugees with a UN High Commissioner for Refugees (UNHCR) recognized status. Two of these men had been previously arrested for the lack of residency documents, without access to a lawyer, documentation regarding their arrests and upcoming deportations, or a chance to appeal these decisions. The DGGS's prolonged detention of recognized refugees, on the pretext of expired residency documents, violates Lebanon's obligations under the ICCPR. In December 2018, the men have been released and given one month to resettle to a third country, or they would be deported back to Sudan<sup>21</sup>.

In June 2018, Jana Bou Diab, an activist who had been accused of "collaborating with Israel",<sup>22</sup> was released by the Military Tribunal for lack of evidence, after being detained for seven months. Bou Diab reportedly received threats against her family by security officers, in order to admit her affiliation to the Mossad.<sup>23</sup> Although detainees in Lebanon have the right to avoid self-incrimination or coerced confessions, a lack in adequate training leads to police officers typically failing to inform defendants of their right to remain silent.<sup>24</sup> The Lebanese Criminal Code of Procedure (CCP) does not assign a lawyer, if the accused refuses to have one. This can also be interpreted as there being no need for a lawyer during the initial interrogation and investigation, which opens the door to forced confessions or other abuses at police stations. The presence of a lawyer during the preliminary investigation can be an effective way of monitoring and reducing violations to the right to a fair trial.

## Police Stations

Police stations are particularly conducive to procedural abuses. As the first place of detention after arrest, police stations are designed to hold detainees for no more than 96 hours (48 hours with a one-time renewal).<sup>25</sup> However, this time limit is often violated.<sup>26</sup> Data on the number

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20 International Federation for Human Rights (2018, May 16). *Lebanon: Arbitrary Arrest and Detention of Mr. Ghassan Abdallah*. Retrieved from [https://www.fidh.org/en/issues/human-rights-defenders/lebanon-arbitrary-arrest-and-detention-of-mr-ghassan-abdallah](https://www.fidh.org/en/issues/human-rights-defenders/lebanon-arbitrary-arrest-and-detention-of-mr-ghassan-abdullah) (accessed 01.02.19)

21 Anti-Racism Movement (2018, December 11). *General Security Releases 35 Refugees from Prolonged Administrative Detention*. Retrieved from <https://www.armlebanon.org/newsletters/arm-newsletter/general-security-releases-35-refugees-prolonged-administrative-detention> (accessed 01.02.19)

22 Under Lebanese laws, Israel is referred to as an enemy state and unlawful relations with an enemy state are criminalized for treason or spyware under the Lebanese Penal Code articles 273 to 287.

23 The Daily Star (2018, June 7). *Activist Accused of Mossad Ties in Lebanon Released*. Retrieved from <https://www.dailystar.com.lb/ArticlePrint.aspx?id=452396&mode=print> (accessed 01.02.19)

24 ICCPR, Article 14(3-g)

ALEF (2016). *The Right to Fair Trial in Lebanon*. Retrieved from [https://alefliban.org/wp-content/uploads/2016/10/PP1\\_v02\\_print.pdf](https://alefliban.org/wp-content/uploads/2016/10/PP1_v02_print.pdf) (accessed 01.02.19)

American Bar Association (2012, April). *Detention Procedure Assessment Tool for Lebanon*: p. 20. Print.

25 ALEF (2013, January). *Guilty until Proven Innocent*. Retrieved from <https://ALEFliban.org/wp-content/uploads/2016/10/ALEF-Arbitrary-Detention-2013.pdf> (accessed 01.02.19)

26 Human Rights Watch (2013, June 26). *Lebanon: Police Torturing Vulnerable People*. Retrieved from <https://www.hrw.org/news/2013/06/26/lebanon-police-torturing-vulnerable-people> (accessed 01.02.19)

of detainees in police stations is not shared publicly or with the Ministry of Justice Directorate of Prisons (DoP), however there is an estimated 2,000 people currently detained.<sup>27</sup> Available space in police holding cells is limited, and there are no systems in place to provide detainees with food or basic sanitation needs. Detainees' families must provide food and other needs, such as clothing and mattresses, for the length of the detention period. Even then, there is no set place for families to convene and visiting schedules are arbitrarily decided by the officer in charge.

## Guarantees in Case of Miscarriage of Justice

Article 9(5) of the ICCPR establishes the enforceable right to compensation for victims of unlawful arrest or detention. The CCP accordingly recognizes situations of miscarriage of justice in Article 276 and stipulates proper compensation for such situations. However, although remedies exist for unlawful pre-trial detention, they are not used in practice by victims.<sup>28</sup> In 2018, MP Chamel Roukouz presented to the parliament a draft law addressing questions about the monitoring of the delay in trials and the means of compensation for innocent detainees in the occurrence of long-term detention. The draft law aims to protect and compensate the victims of these practices. To realize this goal, independent mechanisms to monitor the lawfulness of trials should be implemented and oversight of detention facilities must increase. The downside of such provisions, however, is that they shouldn't be applied to pre-trial detention, as the investigations during that phase are not conducted by the judge, but by the prosecutor or investigative judge, who themselves do not decide the verdict. It is therefore unfair and unproductive to require judges to compensate victims for anything else than disciplinary violations during pre-trial detention.

## Prison Conditions

Article 10 of the ICCPR requires detainees to be treated with humanity and respect. Furthermore, the UN General Assembly Resolution 70/175 – also known as the Nelson Mandela Rules – establishes standard minimum rules for the treatment of prisoners to ensure humane conditions of detention, and is binding for Lebanon as customary international law.<sup>29</sup> However, problems related to prison overcrowding, safety and management in Lebanon remain a serious concern,<sup>30</sup> since no comprehensive strategy to address these issues has been developed

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27 According to an interview with the DoP.

28 ALEF (2016). *The Right to Fair Trial in Lebanon*. Retrieved from [https://alefiban.org/wp-content/uploads/2016/10/PP2\\_v02\\_print.pdf](https://alefiban.org/wp-content/uploads/2016/10/PP2_v02_print.pdf) (accessed 01.02.19)

29 UNODC (2015, December 17). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. Retrieved from [https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf) (accessed 01.02.19)

30 Human Rights Watch (2017, January 26). *It's not the Right Place for Us - The Trial of Civilians by Military Courts in Lebanon*. Retrieved from <https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon#> (accessed 01.02.19)

U.S. Department of State (2012). *Report on International Prison Conditions*. Retrieved from <https://www.state.gov/documents/organization/210160.pdf>. (accessed 01.02.19)

U.S. Department of State (2015). *Lebanon 2015 Human Rights Report*. Retrieved from <https://www.state.gov/documents/organization/253147.pdf>. (accessed 01.02.19)

Human Rights Watch (2017, January 17). *World Report 2017*. Retrieved from <https://www.hrw.org/world-report/2017/country-chapters/lebanon> (accessed 01.02.19)

by the government until 2018.<sup>31</sup> According to the DoP, by the end of 2018 there were 6,508 inmates in the 23 Lebanese prisons, 46.33% of whom were pre-trial detainees.<sup>32</sup> These numbers exclude the detention centres of the Justice Palace, as well as the detention centres of the DGGS and the MoD. The cells, which are intended to accommodate two people, sometimes contain up to 35 prisoners, therefore leading to very poor health conditions and serious overcrowding.<sup>33</sup>

It is estimated that around 300 children are held in immigration detention in Lebanon each year.<sup>34</sup> Those in pre-trial detention spend on average more than a month in Lebanese prisons, although some are detained up to one year. What is more alarming is the lack of independent judicial oversight, as immigration detention decisions are taken by the DGGS, which acts as Lebanon's immigration police.<sup>35</sup> In addition to the persisting lack of care, there is also often no adequate distribution of minors, as they are repeatedly found to be detained with unrelated adults, of which some may be detained for felonies.<sup>36</sup> In March 2018, Interior Minister Nouhad Machnouk launched a new programme to establish a juvenile detention centre in Warwar to provide adequate rehabilitation for juvenile detainees. The centre is expected to open after an 18-month renovation phase.<sup>37</sup>

In early 2018, several public statements and attempts to pass a new amnesty law coincided with electoral campaigning. Although they did not yield to any concrete initiative, it brought back the issue of arbitrary detention to the political debate. Nevertheless, the proponents of this idea failed to understand that amnesty laws do not address the root problems of arbitrary detention and prison-overcrowding. At best, they can be a temporary solution.

The debate on arbitrary detention in Lebanon was also used to justify xenophobic measures against the refugee population in the country. President Aoun's 2018 speech at the UN,<sup>38</sup> Foreign Minister Bassil's proposal for amending the law regulating entry, residence, and exit from Lebanon,<sup>39</sup> and several other governmental policies blame Lebanon's prison conditions and violations to the right to fair trial on the influx of refugees to the country.

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31 ALEF (2010, October). *Situational Update on the Occurrences and Trend of Torture in Lebanon (2008-2010): Torture Prevention and Monitoring in Lebanon*. Retrieved from <https://alefliban.org/publications/situational-update-on-the-occurrences-and-trends-of-torture-in-lebanon-torture-prevention-and-monitoring-in-lebanon/> (accessed 01.02.19)

32 DoP (2018, November). *Numerical Count of Inmates Present in Lebanese Prisons*. Print.

33 World Prison Brief (2017, August). *World Prison Brief Data: Lebanon*. Retrieved from <http://www.prisonstudies.org/country/lebanon> (accessed 01.02.19)

34 Global Nextgen Index (2018, August 12). *Lebanon Ranking*. Retrieved from <http://next-gen-index.org/wp/en/scorecards/lebanon/> (accessed 01.02.19)

35 Ibid.

36 Ibid.

The Daily Star (2018, November 24). *Roumieh Prison's Juveniles to be Relocated to New Center*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Mar-24/442840-roumieh-prisons-juveniles-to-be-relocated-to-new-center.ashx> (accessed 01.02.19)

37 Ibid.

38 UN Web TV (2018, September 26). *Lebanon - President Addresses General Debate, 73rd Session*. Retrieved from <http://webtv.un.org/watch/lebanon-president-addresses-general-debate-73rd-session/5840436142001/> (accessed 01.02.19)

39 Law Proposal issued on 10/7/1962 and amended by Law No. 173 dated 14/2/2000. Submitted to Parliament on 21 November 2018. Deposition to the Presidency of the Parliament No. 2293/R dated 28/11/2018.



# Exceptional Courts

There are four main exceptional courts in Lebanon: The Supreme Council, the Judicial Council, the Military Court, and Personal Status Courts. The Supreme Council is the most powerful in the nation, being able to look into cases against the President of the Republic, Prime Minister, and ministers. Until today, the Supreme Council has never exercised its duties, while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.<sup>40</sup>

In terms of judicial independence, Lebanon ranked only 105 out of 137 states in the 2018 Global Competitiveness Index.<sup>41</sup> The Non-Governmental Organisation (NGO) Legal Agenda describes corruption as among the most conspicuous shortcomings in the performance of the Lebanese judiciary.<sup>42</sup> In March 2018, Lebanese judges went on strike for several weeks to press for raises and benefits in line with the public sector salary scale, allegedly in order to promote the judiciary's independence and fight corruption in state administrations. After they voiced their claims intentionally during the discussions of 2018's state budget,<sup>43</sup> the increase in payment was approved by Parliament by the end of March.<sup>44</sup> However, the raise in wages does not address the root causes of malpractice in the judicial sector, as they originate in the Lebanese judicial culture of clientelism and are not limited to the financial dimension, but include institutionalized administrative corruption.<sup>45</sup> This kind of corruption is most common in small fees paid by citizens to rush government employees to complete their paperwork, often classified as the price of a "cup of coffee", or a monthly salary, compared to the basic salary that employees receive<sup>46</sup>.

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40 ALEF (2016, March 3). *The Situation of Human Rights in Lebanon: Annual Report 2015*. Retrieved from <https://alefliban.org/publications/annual-report-2015/> (accessed 01.02.19)

41 World Economic Forum (2018). *The Global Competitiveness Index - Country Profile Lebanon*. Retrieved from [http://www3.weforum.org/docs/Arab-World-Competitiveness-Report-2018/WEF\\_GCI\\_2017\\_2018\\_Profile\\_Lebanon.pdf](http://www3.weforum.org/docs/Arab-World-Competitiveness-Report-2018/WEF_GCI_2017_2018_Profile_Lebanon.pdf) (accessed 01.02.19)

42 The Legal Agenda (2017, March 23). *Judicial Corruption in Lebanon: The Big Political Picture*. Retrieved from <http://legal-agenda.com/en/article.php?id=3565> (accessed 01.02.19)

43 The Daily Star (2018, March 29). *Independence of Judiciary Needs Legal Boost: Higher Judicial Council Head*. Retrieved from [http://www.dailystar.com.lb/News/Lebanon-News/2018/Mar-30/443662-judges-will-resume-duties-after-parliament-pay-raise-approval-statement.ashx?utm\\_source=Magnet%26utm\\_medium=Entity%20page%26utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2018/Mar-30/443662-judges-will-resume-duties-after-parliament-pay-raise-approval-statement.ashx?utm_source=Magnet%26utm_medium=Entity%20page%26utm_campaign=Magnet%20tools) (accessed 01.02.19)

44 Ibid.

45 The Legal Agenda (2017, March 23). *Judicial Corruption in Lebanon: The Big Political Picture*. Retrieved from <http://legal-agenda.com/en/article.php?id=3565> (accessed 01.02.19)

46 Lebanon Debate (2018, October 21). *Corruption in the State Departments*. Retrieved from <https://www.lebanondebate.com/news/403741> (accessed 01.02.19)

This year, the Lebanese Civil Coalition for an Independent and Transparent Judiciary, which represents 31 organizations and is headed by the NGO Legal Agenda, drafted a law for judicial reform. One of the most significant features of the new law is the reduction of the role of the Minister of Justice in appointing and transferring judges, thus enabling the Judicial Council to make judicial appointments without the need for government approval. The Ministry of Justice (MoJ) has stated its support for the idea of a reform in general,<sup>47</sup> and according to a petition circulated in August 2017, the draft law has the support of 352 judges.<sup>48</sup> In July 2018, the bill was endorsed by nine MPs, including George Okeis, Chamel Roukoz, Najib Mikati, Michel Moussa, Yassin Jaber, Ali Darwich, Ousama Saad, Paula Yaacoubian, and Fouad Makhzoumi,<sup>49</sup> consequently being accepted for consideration in Parliament.

In April 2018, the Judges' Club finally received the Ministry of Interior's (MOI) approval for its formation, 46 years since the last time judges in Lebanon could practically exercise their right to assembly.<sup>50</sup> This pending lack of the right of assembly of judges, for all this time, could have affected their ability to defend their independence and to protect several other guarantees of their work.

## The Judicial Council

The Judicial Council only has jurisdiction over cases referred to it by the Council of Ministers, an executive body, on matters pertaining to national security such as crimes of spying, treason, and illegal contact with the enemy (Israel), as well as any crimes that involve at least one military personnel.<sup>51</sup> The Judicial Council is therefore criticized for being vulnerable to pressures by the executive branch and other political figures, in addition to lacking an appeals system.<sup>52</sup> Due to the nature of its mandate, the Judicial Council often utilizes article 108 of the CCP, which determines exceptions to the time limits for pre- trial detention, to justify holding suspects in pre-trial detention indefinitely.<sup>53</sup>

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47 The Daily Star (2018, November 27). *Bill Hopes to Stem Growing 'Sickness' in the Judiciary*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-27/470196-bill-hopes-to-stem-growing-sickness-in-the-judiciary.ashx> (accessed 01.02.19)

48 The Daily Star (2018, July 2). *Civil Society Coalition Presents Judicial Independence Draft to Aoun*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jul-02/455083-civil-society-coalition-presents-judicial-independence-draft-law-to-aoun.ashx> (accessed 01.02.19)

49 Al Akhbar (11 July 2018). *Bill for "Independence and Transparency of the Judiciary" Will Deputies Blow Up the Current "Structure"?*. Retrieved from <https://al-akhbar.com/Community/253915> (accessed 01.02.19)

50 al-Moussawi, A. (2018, April 30). *Exclusive: April 30, 2018 Date of Birth of Judges of Lebanon Club*. Mahkama. Retrieved from <http://www.mahkama.net/?p=6749> (accessed 01.02.19)

51 ALEF (2010). *Military Tribunal: A Breach in the Integrity of the Judicial System*. Retrieved from <https://alefiban.org/publications/military-tribunal-a-breach-in-the-integrity-of-the-judicial-system/> (accessed 01.02.19)

52 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 to appeal the decision.

53 Lons, C. (2016, March 3). *Is Justice for Everyone? Arbitrary Detention and Torture of Islamists in Lebanon*. Civil Society Knowledge Centre. Retrieved from <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (accessed 01.02.19).

In March 2018, the Judicial Council announced its intention to prosecute former Minister Wiam Wahhab, chief of the Arab Tawhid Party, for offending judicial authorities. Wahhab had openly accused certain judges and public prosecutors of corruption in a number of cases on al-Jadeed TV.<sup>54</sup> This case reflects the highly politicised nature of the Judicial Council, which effectively hinders its impartiality and independence.

## The Military Court

The Permanent Military Court, also commonly referred to as the Military Tribunal, is under the jurisdiction of the MoD and has the right to adjudicate any case involving members of the military, DGGS, as well as MoD. It persecutes a wide range of offenses, including crimes against national security, and terrorism-related crimes, even if the case is of civilian nature. The Military Court is headed by a military officer who is assisted by four judges, three of whom must also be military officers. The judges are appointed by the MoD based on recommendations made by the heads of Lebanon's main security institutions, such as the Internal Security Forces (ISF), DGGS, the Customs Bureau, and the Lebanese Armed Forces (LAF). Appointed judges do not require a legal background, raising several concerns on how judges form decisions and the defendant's right to a fair trial. These include but are not limited to the right of adjudication before a competent, independent and impartial court established by the law, and the right to a public hearing.<sup>55</sup>

### Civilians in Military Court

Despite the UN Human Rights Committee<sup>56</sup> and CAT<sup>57</sup> recommendations to prohibit Military Courts from exercising jurisdiction over civilians immediately,<sup>58</sup> the trial of civilians in the Lebanese Military Court is legal under Articles 24 and 27 of the Lebanese Code of Military Justice, passed in 1968. In 2018, a total of 544 civilians were sentenced by the Military Court in absentia, 70 of which were tried for drug-related crimes. This has only emphasized civil society organizations' (CSO's) concerns about the Military Court's jurisdiction. Other fair trial violations that the Military Tribunal allegedly commits are ill-treatment and confessions extracted under torture.<sup>59</sup> Furthermore, judges have military lawyers defending civilians when a non-military lawyer is not available, instead of informing suspects of their right to a lawyer appointed by the Beirut Bar Associations' Legal Aid Committee.

The Lebanese actor and director Ziad Itani was released on March 13, after being detained for 54 days and falsely accused of "collaborating and communicating with Israel" before the Military Court. While detained, Itani was not able to speak to his lawyer or family before the first court

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54 Asharq Al-Awsat (2018, March 7). *Lebanon: Higher Judicial Council Calls for Prosecution of Wiam Wahhab*. Retrieved from <https://aawsat.com/english/home/article/1197191/lebanon-higher-judicial-council-calls-prosecution-wiam-wahhab> (accessed 01.02.19)

55 ALEF (2017). *The Situation of Human Rights in Lebanon: Annual Report 2016*. Retrieved from <https://alefiban.org/publications/alef-annual-report-2016/> (accessed 01.02.19)

56 UN ICCPR (2018, May 9). *Concluding Observations on the Third Periodic Report of Lebanon*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLBN%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLBN%2fCO%2f3&Lang=en) (accessed 01.02.19)

57 UNCAT (2017, May 30). *Concluding Observations on the Initial Report of Lebanon*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLBN%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLBN%2fCO%2f1&Lang=en) (accessed 01.02.19)

58 Ibid.

59 The Daily Star (2018, October 8). *Experts Decry Civilian Trials in Military Court*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Oct-08/465653-experts-decrys-civilian-trials-in-military-court.ashx> (accessed 01.02.19)

session, and after one month only through a door in the presence of military personnel.<sup>60</sup> During his detention, Itani's legal representatives had announced to appeal the charges against him for a second time, after a previous request was rejected.<sup>61</sup> In practice, lawyers rarely pursue this option because of the limited grounds for appeal and their low success rate.<sup>62</sup> The allegations of torture during Itani's detention were followed by a civil lawsuit filed by Itani against his perpetrators. The Lebanese state-prosecutor's response was to refer the case to the military prosecutor, although the former should still look into the case<sup>63</sup> despite inaction by the Military Court in this matter.<sup>64</sup>

### **Juveniles in Military Court**

The refusal to acknowledge a child's detention following arrest by the authorities is considered an "enforced disappearance" in international law.<sup>65</sup> In Lebanon, the Military Court prosecutes children if they assisted an adult in a crime, as is often the case for alleged affiliation to a terrorist group. However, children should not be adjudicated before the Military Court, because as legal minors their rights as juveniles are not protected within the court's jurisdiction. Moreover, children adjudicated by military courts often fall victim to abuse and psychological trauma. In theory, the Union for Protection of Childhood in Lebanon (UPCL), which provides social support to children on trial in Lebanese courts, is legally meant to attend interrogations of children. Nevertheless, the Military Court does not often alert the UPCL that a child has been detained, preventing their assistance routinely.<sup>66</sup>

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60 Human Rights Watch (2018, July 15). *Lebanon: Exonerated Actor Details Torture*. Retrieved from <https://www.hrw.org/news/2018/07/16/lebanon-exonerated-actor-details-torture> (accessed 01.02.19)

61 The Daily Star (2017, May 5). *Itani's Lawyers to Appeal Spying Charges*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-05/428925-itani-s-lawyers-to-appeal-spying-charges.ashx> (accessed 01.02.19)

62 Human Rights Watch (2017, January 26). *"It's Not the Right Place for Us" - The Trial of Civilians by Military Courts in Lebanon*. Retrieved from <https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon#> (accessed 01.02.19)

63 Human Rights Watch (2019, March 22). *Lebanon: Anti-Torture Body Named*. Retrieved from <https://www.hrw.org/news/2019/03/22/lebanon-anti-torture-body-named>

64 The Associated Press (2018, July 16). *Lebanon Must Investigate Torture Claims by Actor, HRW Says*. Retrieved from <https://www.wfmz.com/news/ap-world-news/lebanon-must-investigate-torture-claims-by-actor-hrw-says/768850031> (accessed 01.02.19)

65 United Nations (1992, December 18). *United Nations Declaration on the Protection of All Persons from Enforced Disappearances*. Retrieved from <http://www.un.org/documents/ga/res/47/a47r133.htm> (accessed 01.02.19)

66 Human Rights Watch (2017, April 26). *Human Rights Watch Updated Submission to the Committee on the Rights of the Child on Lebanon*. Retrieved from <https://www.hrw.org/news/2017/04/26/human-rights-watch-updated-submission-committee-rights-child-lebanon> (accessed 01.02.19).

## Personal Status Courts

Lebanon does not have a civil code regulating personal status matters. Instead, there are fifteen separate personal status laws for the country's eighteen different recognized religious communities including twelve Christian, four Muslim, the Druze, and Jewish confessions, which are administered by separate religious courts.<sup>67</sup> Followers of unrecognized religious groups cannot marry, divorce, or inherit according to their own rules or to a civil code.<sup>68</sup> Certain personal status courts fall short of international standards and lead to flagrant violations of rights. For instance, in most cases of divorce in Sunni and Shiite religious communities, child custody is by default transferred back to the father once the child reaches a certain age (this age varies between 2 and 12 years old depending on the religious community).<sup>69</sup> Personal status courts create major legal differences due to sectarian affiliation, which violate the principle of full equality of all persons before courts and tribunals within the guarantees of the ICCPR. Although MP Yaacoubian stated in June 2018, that she hoped to personally draft a law establishing civil personal status, to date no draft was submitted to Parliament.<sup>70</sup>

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67 Civil Society Knowledge Centre (2019). *Lebanese Personal Status Laws*. Retrieved from <https://civilsociety-centre.org/tags/lebanese-personal-status-laws> (accessed 01.02.19)

68 El Rajji, R. (2014, December). *The Leaves of one Tree: Religious Minorities in Lebanon*. Minority Rights Group International. Retrieved from <https://minorityrights.org/wp-content/uploads/old-site-downloads/mrg-briefing-religious-minorities-in-lebanon.pdf> (accessed 01.02.19)

69 Human Rights Watch (2015, January 19). *Unequal and Unprotected*. Retrieved from <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws> (accessed 01.02.19)

70 The Daily Star (2018, June 22). *Yacoubian: All Parties Complicit in Graft*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-22/453984-yacoubian-all-parties-complicit-in-graft.ashx> (accessed 01.02.19)



# The Right to Life, Liberty and Security

## Military Advisory

The Lebanese Army has taken steps to integrate international humanitarian law into their regulatory framework. Art. 82 of the Additional Protocol I to the Geneva Conventions, requires legal advisers to military commanders in armed conflict, to ensure the application of the conventions under humanitarian law.<sup>71</sup> The implementation of this provision has taken place in two steps: In 2017, one adviser was appointed to the Commander in Chief of the LAF and another to the Army Command Operations Room. In 2018, this procedure was then extended to all major army units. This is an important step towards monitoring and reporting possible human rights abuses, as well as gaps in transparency in the military and its domestic operations.<sup>72</sup>

## Clashes and Insecurity

The region of Baalbek continues to be characterized by high levels of armed clashes, as well as recurring family clashes that result in a precarious security situation for civilians.<sup>73</sup> Due to the deteriorated security situation in Baalbek, which is partially related to the operation of prominent drug rings and their illicit trade in the region,<sup>74</sup> a wide-scale security plan was implemented by the ISF in late-June 2018. Involving consequent enforcement of law and heavy deployment

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<sup>71</sup> ICRC. *Protocol Additional to the Geneva Conventions of 12/8/1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8/6/1977 - Article 82. Retrieved from <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=91AB4C6D0BA3D2B6C12563CD0051E160> (accessed 01.02.19)

<sup>72</sup> Leb Army Magazine (2019, January). *The Army Introduces the Post of Adviser to International Humanitarian Law and Human Rights*. Retrieved from <https://goo.gl/SzsqyM> (accessed 01.02.19)

<sup>73</sup> National News Agency (2018, March 11). *Army Restores State of Calm to Baalbek after Clashes Caused Material Damages*. Retrieved from <http://nna-leb.gov.lb/en/show-news/89047/Army-restores-state-of-calm-to-Baalbek-after-clashes-caused-material-damages> (accessed 01.02.19)

National News Agency (2018, June 16). *Army: Situation Back to Normal in Ser'een One Perpetrator Arrested*. Retrieved from <http://nna-leb.gov.lb/en/show-news/92280/Army-Situation-back-to-normal-in-Ser-39-een-one-perpetrator-arrested> (accessed 01.02.19)

National News Agency (2018, June 26). *Gunmen from Yammoune Entered Aqoura Outskirts, Attacked Municipal Police*. Retrieved from <http://nna-leb.gov.lb/en/show-news/92614/Gunmen-from-Yammoune-entered-Aqoura-outskirts-attacked-municipal-police-municipality-head> (accessed 01.02.19)

<sup>74</sup> Civil Society Knowledge Centre. *Conflictivity Index Map 2016-2018*. Retrieved from <https://civilsociety-centre.org/cap/ci/security> (accessed 01.02.19)

of forces, the number of security incidents declined throughout the second half of the year.<sup>75</sup> Nevertheless, deployment of forces does not address root causes of the conflict in the area, such as the prevalence of the illicit sector and family/tribal clashes. This results in the ISF's most common approach being raids that meet violent responses and result in wounded, casualties, as well as damaged civilian properties.<sup>76</sup> Those wanted by the ISF have thus held Baalbek governor Bachir Khodr responsible for what has been happening. Following the MoI receiving information about regional security threats to the governor, Khodr was prompted by the ISF to leave Baalbek and work from his residence.<sup>77</sup>

Residents of Palestinian refugee camps continue to face insecurity and violence. Recurring armed clashes in the Ain el-Hilweh as well as Mieh Mieh camps in Saida resulted in several dead and many wounded throughout the year.<sup>78</sup> The critical socio-economic conditions, as well as clashes between armed militants in the camps keep creating tensions among the refugees.<sup>79</sup> The absence of a comprehensive protection framework increases the refugees' vulnerability, denying them even the repair of existing camp facilities like schools. Camps have therefore become precariously overcrowded and lack the needed infrastructure, such as sewage or water.<sup>80</sup> In addition, the lack of intervention and control over the camps by Lebanese authorities perpetuates the deteriorating security situation.

Several incidents at the Lebanese-Israeli border have further contributed to insecurity in the South. Shepherds are regularly apprehended by the Israeli Defence Forces (IDF), upon herding in the border region and crossing the poorly demarcated UN-mandated border line, on the accusation of being Hezbollah spies.<sup>81</sup> In July 2018 alone, at least two Lebanese citizens barely escaped IDF detention, and in August the state news agency reported a "hostile Israeli infantry force crossing the border line, firing several smoke grenades in an attempt to apprehend a shepherd."<sup>82</sup> In May, the IDF succeeded in capturing a shepherd and a civilian, who were each released shortly after lengthy questioning.<sup>83</sup>

In the run up to the general elections in May 2018, political tensions fuelled several political clashes. In May, a clash between a member of the Progressive Socialist Party and a member of the Lebanese Democratic Party escalated into machine gun shooting in Choueifat, resulting in

75 The Daily Star (2018, June 27). *Machnouk: Security Plan in Baalbeck so far Successful*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-27/454487-machnouk-security-plan-in-baalbeck-so-far-successful.ashx> (accessed 01.02.19)

76 National News Agency (2018, November 30). *Clashes in Baalbek during Army Raids*. Retrieved from <http://nna-leb.gov.lb/en/show-news/97882/Clashes-in-Baalbek-during-Army-raids> (accessed 01.02.19)

77 An-Nahar (2018, August 10). "*Real Threat*" of Death to the Governor of Baalbek: "You will Pay the Price". Retrieved from <https://nahar.news/843257> (accessed 01.02.19)

78 The Daily Star (2018, February 9). *Clashes Erupt in Ain al-Hilweh, One Killed*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Feb-09/437512-clashes-erupt-in-ain-al-hilweh-after-failed-assassination.ashx> (accessed 01.02.19).

79 Civil Society Knowledge Centre. *Conflictivity Index Map 2016-2018*. Retrieved from <https://civilsociety-centre.org/cap/ci/security> (accessed 01.02.19)

80 Medical Aid for Palestinians (2017, December 15). *Perpetual Crisis: Health Conditions for Palestinian Refugees in Lebanon*. Retrieved from <https://www.map.org.uk/news/archive/post/763-perpetual-crisis-health-conditions-for-palestinian-refugees-in-lebanon> (accessed 01.02.19)

81 The Guardian (2018, August 05). *Shepherds Without Borders: Israel's war with Lebanese Herders*. Retrieved from <https://www.theguardian.com/world/2018/aug/05/shepherds-without-borders-israels-war-with-lebanese-herders> (accessed 01.02.19)

82 Ibid.

83 Ibid.

the death of one,<sup>84</sup> while independent Shiite candidate Ali Al Amin was assaulted by Hezbollah supporters in April.<sup>85</sup> In addition, the ISF foiled a terrorist attack, planned by a Lebanese ISIS affiliate, targeting several locations during election day.<sup>86</sup> The ISF arrested several individuals for terrorist planning throughout the year, including two Syrians in Southern Beirut<sup>87</sup> and a case of attempted highway bombing in Akkar.<sup>88</sup>

## Armed Violence

The Civil Society Knowledge Centre recorded at least 73 shootings as individual acts of violence in 2018.<sup>89</sup> Clashes between private individuals figured mainly in the regions of Baalbek, Bekaa, and Tripoli. In addition, several incidents of unidentified gunmen have increased the deployment of ISF in response to social insecurity this year.<sup>90</sup>

The Lebanese Forces allegedly recorded 88 homicides in 2018, compared to 124 in 2017 and 118 in 2016.<sup>91</sup> Although the numbers declined in recent years, it still points to the issue of gun culture in Lebanon. As part of this culture, celebratory gunfire is a dangerous tradition encountered in many occasions, like weddings, funerals, and elections. In the absence of more recent data, figures from 2017 found that 90 people had been killed by stray bullets of celebratory gunfire in 2017<sup>92</sup> and at least five have resulted in several injuries on New Year's recently, including a 10-year-old child.<sup>93</sup> According to a 1959 law, gunfire in crowds or residential areas is punished with up to three years imprisonment or a fine.<sup>94</sup> Even though tougher penalties have been put in place,

84 National News Agency (2018, May 8). (*Update*) Choueifat Clash Leaves One Dead. Retrieved from <http://nna-leb.gov.lb/en/show-news/90910/Update-Choueifat-clash-leaves-one-dead> (accessed 01.02.19)

85 France24 (2018, April 24). *Attack on anti-Hezbollah Candidate Exposes Splits among Lebanese Shiites*. Retrieved from <https://www.france24.com/en/20180424-lebanon-elections-hezbollah-candidate-shiite-attack> (accessed 01.02.19)

86 Ashraq Al-Awsat (2018, December 10). *Lebanon Announces Thwarting of ISIS Terror Plot during May Elections*. Retrieved from <https://aawsat.com/english/home/article/1499021/lebanon-announces-thwarting-isis-terror-plot-during-may-elections> (accessed 01.02.19)

87 National News Agency (2018, September 10). *Information Branch Arrests Two Syrians for Planning Terrorist Attacks in Southern Suburb*. Retrieved from: <http://nna-leb.gov.lb/en/show-news/95033/Information-Branch-arrests-two-Syrians-for-planning-terrorist-attacks-in-Southern-Suburb-army-members-assassination> (accessed 01.02.19)

88 National News Agency (2018, October 10). *ISF: Daesh Member Arrested in Akkar Shortly Before Conducting Terrorist Operation*. Retrieved from <http://nna-leb.gov.lb/en/show-news/96040/ISF-Daesh-member-arrested-in-Akkar-shortly-before-conducting-terrorist-operation> (accessed 01.02.19)

89 Civil Society Knowledge Centre. *Geo-located Mapping of Conflicts in Lebanon*. Retrieved from <https://civilsociety-centre.org/cap/map> (accessed 01.02.19)

90 See for example National News Agency (2018, April 5). *Two People Wounded by Gunshots in Byblos*. Retrieved from <http://nna-leb.gov.lb/en/show-news/89776/Two-people-wounded-by-gunshots-in-Byblos> (accessed 01.02.19);

National News Agency (2018, June 21). *Army: One Arrested in Baalbeck for Involvement in Fresh Security Events*. Retrieved from <http://nna-leb.gov.lb/en/show-news/92443/Army-One-arrested-in-Baalbeck-for-involvement-in-fresh-security-events> (accessed 01.02.19)

91 Lebanese Forces (2018, December 26). *Crime in 2018*. Retrieved from <https://www.lebanese-forces.com/2018/12/26/445-crime-in-2018-at-lebanon/> (accessed 01.02.19)

92 Domat, C. (2017, September 27). *'I feel ecstatic when I shoot': Lebanon's Problem with Gunfire Celebrations*. Middle East Eye. Retrieved from

<https://www.middleeasteye.net/news/lebanon-problem-gun-fire-celebration-civil-war-campaign-hezbollah-saad-hariri-1858917291> (accessed 01.02.19)

93 The National (2019, January 1). *Fun for Some, Deadly for Others: Celebratory Gunfire Rattles Middle East on New Year's Eve*. Retrieved from

<https://www.thenational.ae/world/mena/fun-for-some-deadly-for-others-celebratory-gunfire-rattles-middle-east-on-new-year-s-eve-1.808546> (accessed 01.02.19)

94 Medium: The New Arab (2017, July 24). *Tackling Lebanon's Gun Violence*. Retrieved from <https://medium.com/thenewarab/tackling-lebanons-gun-culture-f92e868cf50f> (accessed 01.02.19)

there are still large discrepancies between the number of arrests and actual persecutions.<sup>95</sup> As of 2017, there are an estimated 1.9 million guns, both licit and illicit, held by civilians in the country; nearly triple as many as in 2007<sup>96</sup>. Celebratory gunfire could act as pivot to access the wider discussion of easy access to guns, their use and the impact it has on the lives of those related to victims and shooters. Until then, more consistent prosecution and conviction is needed to deter.

## Kidnapping

In 2018, the Civil Society Knowledge Centre registered at least 17 cases of kidnapping, with the majority being for ransom.<sup>97</sup> A 7-year-old girl was abducted for ransom in front of her house in Central Bekaa town, while waiting for the school bus.<sup>98</sup> In August 2018, a Bangladeshi was kidnapped and tortured, before the perpetrators demanded ransom.<sup>99</sup> In addition, a number of kidnappings can also be attributed to personal disputes.<sup>100</sup> Although the ISF have made significant improvement in following up on the cases and detaining suspects in a timely manner, the state's failure to address the causes of kidnapping, in spite of their consistent recurrence, and the proliferation of kidnappings for ransom, raises concerns about the approach of the Lebanese authorities in addressing security issues.

## Death Penalty

The UN Office of the High Commissioner for Human Rights (OHCHR) Resolution No.59/2005 calls upon countries that maintain the death penalty to suspend executions and apply a moratorium. Even though Lebanon has not signed Resolution No.59/2005, and death sentences are still issued, no executions have been carried out since 2004, as the result of an undeclared moratorium on the practice.<sup>101</sup> Lebanon has also not signed the Second Optional Protocol of the ICCPR that would abolish the death penalty. In February 2012, MP Elie Keyrouz submitted a draft law to abolish the death penalty from the Lebanese Criminal Code. However, this law has yet to be scheduled for discussion in parliament. The death penalty is reserved for the most severe criminal punishment in the Lebanese Criminal Code, under Title II, Chapter I, namely under Articles 37 and 43.

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95 Ibid.

96 Alpers, P. & Wilson, M. (2018). *Lebanon — Gun Facts, Figures and the Law*. Sydney School of Public Health, The University of Sydney. Retrieved from <https://www.gunpolicy.org/firearms/region/lebanon> (accessed 01.02.19)

97 Civil Society Knowledge Centre. *Geo-located Mapping of Conflicts in Lebanon*. Retrieved from <https://civilsociety-centre.org/cap/map> (accessed 01.02.19)

98 National News Agency (2018, February 22). *7 Year Old Schoolgirl Kidnapped for Ransom in Central Bekaa*. Retrieved from <http://nna-leb.gov.lb/en/show-news/88523/7yearold-schoolgirl-kidnapped-for-ransom-in-Central-Bekaa> (accessed 01.02.19)

99 The Daily Star (2018, August 15). *Kidnapped Bangladeshi Man Freed by ISF*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Aug-15/460298-kidnapped-bangladeshi-man-freed-by-isf.ashx> (accessed 01.02.19)

100 The Daily Star (2018, February 2). *ISF Arrests Kidnapper, Frees Hostage*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Feb-02/436577-isf-arrests-kidnapper-frees-hostage.ashx> (accessed 01.02.19)

101 Shaheen, K. (2018, February 8). *Lebanon Judge Seeks Death Penalty for UK Diplomat's Alleged Killer*. The Guardian. Retrieved from <https://www.theguardian.com/world/2018/feb/08/lebanon-judge-says-uk-diplomats-alleged-murderer-should-be-executed> (accessed 04.12.18)

Although international and domestic activists have called for the formal abolition of the death penalty,<sup>102</sup> it continues to garner public and political support. In February 2018, an investigative judge sought the death penalty for the rape and murder of a British diplomat by an Uber driver.<sup>103</sup> In addition to suspected Islamic State affiliates facing a potential death sentence for their alleged involvement in a bomb plot,<sup>104</sup> a total of four terrorism suspects were sentenced to death by the Military Tribunal in 2018 for the murder of Lebanese soldiers, among a total of 34 death sentences issued by the court in absentia.<sup>105</sup> According to a recent study by AJEM and ECPM, a total of 82 prisoners sentenced to death are in prison.<sup>106</sup>

## Evictions

Although municipalities have the authority to protect the areas within their jurisdiction, they do not possess the authority to arbitrarily evict persons from leased or owned properties under the Municipal Act (decree law no. 118/77), and must seek a judicial order from the courts to effectuate such orders. Evictions can violate a number of fundamental human rights, such as the freedom from cruel, inhuman and degrading treatment, the right to security and the right to an adequate standard of living. Municipal authorities are responsible for oversee housing and rent contracts in order to avoid housing conflicts (having more tenants than the housing space allows, having over-capacitated municipal infrastructures, etc.) and protect from substandard housing conditions and housing facilities.<sup>107</sup> In Lebanon's highly urbanised areas, such as Beirut, housing conditions have worsened and the numbers of evictions increased through factors such as real estate speculation, the housing market being a financial resource for banks, the absence of codes and regulations and ultimately state policies that promote exclusionary housing development.<sup>108</sup>

As a vulnerable population, several recent evictions left refugees vulnerable to human rights violations. In 2018, evictions were carried out on a more individual basis, compared to the mass evictions witnessed in 2017. According to UNCHR, 8,213 individuals were affected in 75 incidents of collective eviction in 2018, of which 44% were enacted by landlords, and 37% by State authorities.<sup>109</sup> A survey conducted by the Danish Refugee Council found that eviction notices are issued anywhere between 24 hours and a month before the eviction date. Some refugees are even asked to leave immediately. Such evictions expose refugee

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102 The Daily Star. (2018, October 11). *International Pressure Targets Death Penalty in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Oct-11/466004-international-pressure-targets-death-penalty-in-lebanon.ashx> (accessed 04.12.18)

103 Shaheen, K. (2018, February 8). *Lebanon Judge Seeks Death Penalty for UK Diplomat's Alleged Killer*. The Guardian. Retrieved from <https://www.theguardian.com/world/2018/feb/08/lebanon-judge-says-uk-diplomats-alleged-murderer-should-be-executed> (accessed 04.12.18)

104 The New Arab (2018, March 24). *Australian 'Barbie Bomb' Brothers Facing Firing Squad in Lebanon*. Retrieved from <https://www.alaraby.co.uk/english/news/2018/3/24/australian-barbie-bomb-brothers-face-firing-squad-in-lebanon> (accessed 01.02.19)

105 The Daily Star. (2018, October 11). *International Pressure Targets Death Penalty in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Oct-11/466004-international-pressure-targets-death-penalty-in-lebanon.ashx> (accessed 04.12.18)

106 Mufti, K. (2019). *The Condemned to Death: Abstract of the Survey Mission Report*. Print.

107 ALEF (2018). Snapshot - Refugee Protection in the Bekaa; ALEF (2018). Snapshot - Refugee Protection in Tripoli and Surrounding Areas.

108 Housing Observatory. *Accommodation Observatory Map*. Retrieved from <https://housingmonitor.org/> (accessed 01.02.19)

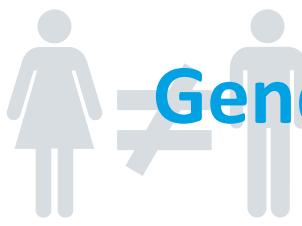
109 UNHCR, Inter-Agency Coordination Lebanon, "COLLECTIVE EVICTIONS Activity Info report covering 2018", March 2018

to exploitation, disrupted education, heightened gender-based violence, separation from family and friend networks, difficulties relocating to new safe accommodations, further relocation, and financial and material losses.<sup>110</sup> The constant perceived threat of eviction contributes to the overall insecurity that refugees encounter and that might push them to consider prematurely returning to Syria. In addition, intensifying tensions in host communities and following evictions lead to refugee populations increasingly migrating towards poor urban areas and Palestinian Refugee camps. Here, living conditions have worsened drastically, as the needs for basic services like water, energy, and sanitation rise.<sup>111</sup>

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110 Human Rights Watch (2018, April 20). *Life Without a Home, Stories of Evictions*. Retrieved from <https://www.hrw.org/report/2018/04/20/our-homes-are-not-strangers/mass-evictions-syrian-refugees-lebanese-municipalities> (accessed 01.02.19)

111 UNHCR (2018). *Lebanon Crisis Response Plan 2017-2020 (2018 Update)*. Retrieved from <https://data2.unhcr.org/en/documents/download/63238> (accessed 01.02.19)  
Anker, E. (2018, May 31). *Welcoming a Positive Turn for Refugees in Lebanon*. Norwegian Refugee Council. Retrieved from <https://www.nrc.no/news/2018/june/welcoming-a-positive-turn-for-refugees-in-lebanon/> (accessed 01.02.19)



# Gender-Based Discrimination

## Inequality

Lebanon ranked 140<sup>th</sup> out of 149 countries in terms of gender equality in the 2018 Global Gender Gap Report.<sup>112</sup> This reflects the ongoing discrimination against women that is apparent in everyday life and legislation in Lebanon. For example, unlike men, Lebanese women cannot pass on their nationality to their children as per Decree No.15.<sup>113</sup> In March 2018, the Foreign Minister announced a draft law that would allow them to finally pass their nationality on, except for if they were married to a Syrian or Palestinian.<sup>114</sup> In August 2018, the Progressive Socialist Party announced another draft proposal aimed at amending the nationality law to allow Lebanese women to pass their nationality on to their children, as well as their non-Lebanese spouses, which would make them equal to men in regards to this provision.<sup>115</sup>

According to the Global Gender Gap Report 2018, Lebanon is among the four worst-performing countries when it comes to economic possibilities for women. The barriers that they encounter in the work sector and the absence of legislation to protect them, leads to women being 56.8% less likely of being financially successful than men.<sup>116</sup> The labour law for example, albeit including a section specifically dedicated to preventing gender-based discrimination in the workplace, prohibits women from, “driving machines with extremely large engines,” and other stereotypically male jobs.<sup>117</sup>

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112 World Economic Forum (2018). *The Global Gender Gap Report 2018*. Retrieved from <https://www.weforum.org/reports/the-global-gender-gap-report-2018> (accessed 01.02.19)

113 RFL Women (2017, May 3). *A Historical Overview of Women's Achievements in Lebanon*. Retrieved from <https://www.rdflwomen.org/eng/a-historical-overview-of-womens-achievements-in-lebanon/> (accessed 01.02.19)

114 National News Agency (2018, March 21). *Bassil Announces Draft Law Granting Lebanese Women Right to Pass Citizenship to their Children*. Retrieved from <http://nna-leb.gov.lb/en/show-news/89366/Bassil-announces-draft-law-granting-Lebanese-women-right-to-pass-citizenship-to-their-children> (accessed 01.02.19)

115 Human Rights Watch (2018, October 3) *Lebanon: Discriminatory Nationality Law*. Retrieved from <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law> (accessed 01.02.19)

116 World Economic Forum (2018). *The Global Gender Gap Report 2018*. Retrieved from <https://www.weforum.org/reports/the-global-gender-gap-report-2018> (accessed 01.02.19)

117 MoL (1946, September 23). *Lebanese Labor Law*. Retrieved from <https://www.labor.gov.lb/Temp/Files/574b61dd-1233-4507-9da1-d4a3e3a6129a.pdf> (accessed 01.02.19)

The National Social Security Law (NSSL), like the labour law, is discriminatory by nature. Unemployed wives of men registered with the NSSL may benefit from unconditional social security coverage in illness or maternity, while Art. 14 of the NSSL only allows unemployed husbands of registered wives coverage if they are over 60-years old or handicapped. This is due to the outdated belief that men are the family breadwinners and that therefore solely they can provide social security coverage for their unemployed spouse.

In the 2018 general elections, 86 women ran for office; a significant increase from only 12 in the 2009 elections. In the end, however, only 6 out of 128 elected members of parliament were women, leaving them at a mere 4.7% representation.<sup>118</sup> This turnout confirms the World Economic Forum's finding that women's possibilities to political empowerment in Lebanon are 97.6% lower than for men, the third lowest in global comparison.<sup>119</sup>

## Sexual Harassment/Assault

Women's rights group ABAAD found that one in four women in Lebanon have been subjected to sexual assault<sup>120</sup> throughout their lives and even though 49% of these acts are found perpetrated by a close person or even family member, less than a quarter report the cases.<sup>121</sup> In addition, a study by Promundo and UN Women in 2017 found that 27% of women have been victims of emotional and 10% victims of physical marital violence.<sup>122</sup> To combat sexual violence, parliament established Law 2934, to introduce important protection measures and court reforms. However, the law has failed to criminalize all forms of domestic violence, including marital rape.<sup>123</sup> In October 2018, the ISF launched a hotline for victims of domestic violence with trained officers and operators. With 4 cases reported within the first two weeks, it is seen as a successful way to sidestep the victim's fear of unprofessional treatment by untrained officials at police stations.<sup>124</sup>

Following the abolishment of article 522 that allowed rapists to escape charges if they married their victims, concerns still remain about articles 505 and 518. These articles continue to create exceptions to escape rape charges if the victim is at least 15 years old or if a promise of marriage was involved.<sup>125</sup> Most recent figures found that 57% of women have been sexually harassed

118 Domat, C. (2018, May 10). *Women in Lebanon: How Election Dashed their Political Hopes*. Middle East Eye. Retrieved from <https://www.middleeasteye.net/news/women-lebanon-election-political-hopes-dashed-2087189999> (accessed 01.02.19)

119 World Economic Forum (2018). *The Global Gender Gap Report 2018*. Retrieved from <https://www.weforum.org/reports/the-global-gender-gap-report-2018> (accessed 01.02.19)

120 The definition of sexual assault adopted in this study includes sexual harassment, sexual abuse, as well as rape.

121 ABAAD (2017). *Annual Report 2017*. Retrieved from <https://abaadmena.org/documents/ebook.1541605161.pdf> (accessed 01.02.19)

122 An-Nahar (2018, November 24). *ABAAD: Mirroring the Harsh Reality of Victims of Sexual Assault*. Retrieved from <https://en.annahar.com/article/904418-naya-abaad-mirroring-the-harsh-reality-of-victims-of-sexual-assault> (accessed 01.02.19)

123 Promundo & UN Women (2017, May 16). *Understanding Masculinities: Results from the International Men and Gender Equality Survey (IMAGES) - Middle East and North Africa*. Retrieved from <https://promundoglobal.org/wp-content/uploads/2017/05/IMAGES-MENA-Multi-Country-Report-EN-16May2017-web.pdf> (accessed 01.02.19)

124 Human Rights Watch (2017). *World Report 2017*. Retrieved from <https://www.hrw.org/world-report/2017/country-chapters/lebanon>, (accessed 19.06.17)

125 Albawaba (2018, October 17). *Lebanese Police Launches Hotline on Domestic Violence*. Retrieved from <https://www.albawaba.com/editorchoice/lebanese-police-launches-hotline-domestic-violence-1200970> (accessed 01.02.19)

126 BBC News (2017, August 16). *Lebanon Rape Law: Parliament Abolishes Marriage Loophole*. Retrieved from <https://www.bbc.com/news/world-middle-east-40947448> (accessed 01.02.19)

or assaulted in public spaces, which illustrates rape and violence against women being an ongoing issue in Lebanon.<sup>126</sup> In February 2018, a young woman was reportedly beaten and raped by three men in Koura,<sup>127</sup> and in June the ISF arrested a man on the charges of sexually assaulting and raping several women in Beirut.<sup>128</sup> The case that received most media coverage and sparked activist actions was nevertheless the killing of a woman by her husband at plain sight in Beirut's Ras al-Nabeh in January.<sup>129</sup>

The absence of legislation on sexual harassment and exploitation in the workplace is an additional issue. A draft law on sexual harassment in the workplace was approved by the cabinet in 2017, but is still pending approval in parliament. Although showing an effort in advancing safe work environments, the draft law falls short on decreasing the burden of proof on the victim, as well as protecting those who are not covered by the labour law and are most vulnerable to harassment and exploitation, such as domestic workers.<sup>130</sup>

## Sex-Trafficking

The trust fund for victims of human trafficking, that was meant to be established by the Ministry of Social Affairs (MoSA) in 2011, is still not established. The currently lengthy criminal prosecutions put the victims at high risk of falling back into a cycle of violence and exploitation.<sup>131</sup> In addition, the lack of legal documentation due to trafficking may send them to detention centres and files often "get lost" in the administrative process. Even when provided with protection, foreign, female victims are kept in shelters or safe houses during the lengthy processes, which become just another form of detention as their location must remain unknown to the victim's friends and family, and the victim cannot leave until the DGGS files their applications.<sup>132</sup>

In August 2018, the head of the ISF Anti-Trafficking unit Colonel Johnny Haddad was allegedly under investigation for running a prostitution network and being involved in bribery and extortion, although security authorities denied the charges.<sup>133</sup> As the government had previously

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126 Promundo & UN Women (2017, May 16). *Understanding Masculinities: Results from the International Men and Gender Equality Survey (IMAGES) - Middle East and North Africa*. Retrieved from

<https://promundoglobal.org/wp-content/uploads/2017/05/IMAGES-MENA-Multi-Country-Report-EN-16May2017-web.pdf> (accessed 01.02.19)

127 Elnashra (2018, February 27). *Three Young Men Arrested for Beating and Raping a Girl*. Retrieved from <https://www.elnashra.com/news/show/1183600> (accessed 01.02.19)

128 The Daily Star (2018, June 12). *ISF Says Man Arrested for Harassment, Attempted Rape*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-13/453052-isf-says-man-arrested-for-harassment-attempted-rape.ashx> (accessed 01.02.19)

129 The Daily Star (2018, January 22). *Husband Suspected after Woman Killed in Beirut*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-22/434815-man-kills-wife-in-broad-daylight-in-beirut-reports.ashx> (accessed 01.02.19)

130 AUB Policy Institute (2018, January). *Examining Sexual Harassment Draft Laws in Lebanon: Women's Equal Right to Public Space*. Retrieved from [https://website.aub.edu.lb/ifi/publications/Documents/policy\\_memos/2017-2018/20180121\\_sexual\\_harassment\\_draft\\_laws\\_lebanon.pdf](https://website.aub.edu.lb/ifi/publications/Documents/policy_memos/2017-2018/20180121_sexual_harassment_draft_laws_lebanon.pdf) (accessed 01.02.19)

131 U.S. Department of State (2018). *2018 Trafficking in Persons Report: Lebanon*. Retrieved from <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282691.htm> (accessed 01.02.19)

132 ALEF (2013, January). *Guilty Until Proven Innocent: Report on the Root Causes of Arbitrary Detention, Long Delays in Trial, and Lengthy pre-Trial Detention*. Retrieved from <https://alefliban.org/publications/guilty-until-proven-innocent/> (accessed 01.02.19)

133 Raseef22 (2018, August 29). *Arrest of a Senior Officer on Charges of Trafficking in Human Beings*. Retrieved from <https://bit.ly/2Ddm2cl> (accessed 01.02.19)

been criticized for not reporting cases of government officials accused of human trafficking offenses,<sup>134</sup> there is a clear need for more transparency in such persecution processes. In April, this year, a prostitution ring was suspended by the ISF. Four Syrian girls, as well as their pimp, were arrested in the process.<sup>135</sup>

## LGBTQ+ Rights

The LGBTQ+ community in Lebanon is also prone to discrimination. Article 534 of the Lebanese Penal Code, which criminalizes “any sexual intercourse contrary to the order of nature,”<sup>136</sup> is regularly interpreted to prosecute LGBTQ+ individuals. Those standing charges are often subjected to highly criticized and outdated forced anal exams, although state institutions are taking steps to end these, after pressure from local and international activist groups.<sup>137</sup> The decision of the Court of Criminal Appeal in Mount Lebanon in July 2018, to free nine people persecuted for homosexual conduct from their charges, was ground-breaking.<sup>138</sup> Although only being the 5<sup>th</sup> ruling in the past 11 years in support of the LBGTQ+ community, the moral authority that appeal courts hold encourages activists’ hope that this ruling will serve as precedent for lower courts in the future.

However, the community is still susceptible to social, cultural and political exclusion and discrimination, with 73% of Lebanese men and 45% of women feeling that “homosexuals should not be treated as normal part of society”, according to a recent study.<sup>139</sup> These perceptions extend into the missing protection of the community’s freedom of expression and assembly, as the Beirut Pride in May<sup>140</sup> and an LGBTQ conference in September 2018<sup>141</sup> were shut down by the ISF, after trying to intimidate their organizers into cancelling them.

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134 U.S. Department of State (2018). *2018 Trafficking in Persons Report: Lebanon*. Retrieved from <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282691.htm> (accessed 01.02.19)

135 The Daily Star (2018, April 12). *Hotel Closed after ISF Raid on Maameltein Prostitution Ring*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Apr-12/444969-hotel-closed-after-isf-raid-on-maameltein-prostitution-ring.ashx> (accessed 01.02.19)

136 Government of Lebanon (1943, March 1). *Lebanese Penal Code*. Retrieved from [https://sherloc.unodc.org/res/cld/document/lebanon-penal-code\\_html/Lebanon\\_Penal\\_Code\\_1943.pdf](https://sherloc.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf) (accessed 01.02.19)

137 Human Rights Watch (2018, April). *Audacity in Adversity - LGBT Activism in the Middle East and North Africa*. Retrieved from <https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa> (accessed 01.02.19)

138 Human Rights Watch (2018, July 19). *Lebanon: Same-Sex Relations Not Illegal*. Retrieved from <https://www.hrw.org/news/2018/07/19/lebanon-same-sex-relations-not-illegal> (accessed 01.02.19)

139 Promundo & UN Women (2017, May 16). *Understanding Masculinities: Results from the International Men and Gender Equality Survey (IMAGES) - Middle East and North Africa*. Retrieved from <https://promundoglobal.org/wp-content/uploads/2017/05/IMAGES-MENA-Multi-Country-Report-EN-16May2017-web.pdf> (accessed 01.02.19)

140 Human Rights Watch (2018, May 18). *Lebanon: Police Shutter Pride Events*. Retrieved from <https://www.hrw.org/news/2018/05/18/lebanon-police-shutter-pride-events> (accessed 01.02.19)

141 Human Rights Watch (2018, October 4). *Lebanon: Security Forces Try to Close LGBT Conference*. Retrieved from <https://www.hrw.org/news/2018/10/04/lebanon-security-forces-try-close-lgbt-conference> (accessed 01.02.19)



Lebanon ratified the UN Convention against Torture (UNCAT) and its Optional Protocol in 2000 and 2008 respectively. Even though torture and ill-treatment are therefore prohibited under these international obligations, in practice both are still common, especially during interrogations.<sup>142</sup> Many confessions are made under torture, denying detainees the right to a fair trial.<sup>143</sup> While security officials are trained on alternative techniques that avoid the use of torture, it is still perceived as a justified means of investigation in Lebanon.<sup>144</sup>

In November 2017, Lebanese actor and director Ziad Itani was falsely accused of collaboration with Israel. Itani was detained for 54 days and was only released in March 2018 with “serious emotional and psychological trauma.”<sup>145</sup> The actor stated that he was tortured and forced to confess under duress and threats of rape and physical violence against his family during his detention in Roumieh Prison.<sup>146</sup> By July 2018, the torture claims by Itani had not yet been investigated by the Lebanese authorities.<sup>147</sup>

In May 2017, the CAT published observations on Lebanon’s first report since it adopted the treaty in 2000.<sup>148</sup> According to the report, 60% of detainees were tortured at the hands of the police.<sup>149</sup> The report also recommended appointing members to the new National Human Rights Institution (NHRI) and gave Lebanon a year to execute priority measures as well

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142 Lons, C. (2016, March 3). *Is Justice for Everyone? Arbitrary Detention and Torture of Islamists in Lebanon*. Civil Society Knowledge Centre. Retrieved from <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-tortureislamists-lebanon> (accessed 01.02.19)

143 Ibid.

144 Ibid.

145 The New Arab (2019, January 11). *Therapy Through Theatre: Ziadi Itani Details his Experience of Torture and Solitary Confinement in Lebanon*. Retrieved from <https://www.alaraby.co.uk/english/indepth/2019/1/11/therapy-through-theatre-meeting-ziad-itani> (accessed 01.02.19)

146 An-Nahar (2018, March 13). *Lebanese Actor Ziad Itani Released After Ordeal*. Retrieved from <https://en.annahar.com/article/773586-judge-orders-the-release-of-itani-issues-arrest-warrant-for-hobeiche> (accessed 01.02.19)

147 YNet News (2018, July 17). *HRW: Lebanon Must Investigate Torture Claims by Actor Falsely Accused of Being Israeli Spy*. Retrieved from <https://www.ynetnews.com/articles/0,7340,L-5311602,00.html> (accessed 01.02.19)

148 The Daily Star (2017, April 21). *Lebanon Finally Goes Before Committee on Torture*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Apr-21/402737-lebanon-finally-goes-before-committee-on-torture.ashx> (accessed 01.02.19)

149 UNCAT (2017, May 30). *Concluding Observations on the Initial Report of Lebanon*. Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLBN%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLBN%2fCO%2f1&Lang=en) (accessed 01.02.19)

as establish a plan of action to implement past and new recommendations.<sup>150</sup> On June 6th, the authorities submitted their follow-up report, with information on the implementation status of the former recommendations. In April 2018, the UN Human Rights Committee published its Concluding Observations on Lebanon's implementation of the ICCPR. Concerning torture, the report assessed the steps taken by Lebanese authorities as insufficient, an opinion that was widely shared by local NGOs.<sup>151</sup>

## Criminalization of Torture

In 2017, Article 401 of the Lebanese Penal Code was amended to expand the previously limited definition of torture. However, the new amendment ignores concerns raised by the CAT in April that year,<sup>152</sup> since it fails to comply with the norms of the UNCAT and does not include provisions on ill-treatment. Moreover, the penalties for torture do not equate the severity of the action, making the law obsolete if abusers are not deterred.<sup>153</sup> Most importantly, the Lebanese judiciary completely failed to implement the new law criminalizing torture. The most conspicuous, however certainly not the only example for this failure, is the lack of action in the torture lawsuit in the above-mentioned case of Ziad Itani. Lebanese authorities should prosecute torture cases under the new law until amendments regarding its content are made. Additionally, Lebanese courts should interpret the law in line with Lebanon's obligations under international human rights law.

## The National Human Rights Institution Including the National Preventive Mechanism

In 2016, parliament passed a law to create the NHRI, whose task is to monitor the human rights situation in Lebanon and end the use of torture, as well as the National Preventive Mechanism (NPM). The NPM is an independent body mandated to improve conditions of detention by examining detention facilities in unannounced visits, as required by the Optional Protocol to the Convention of Torture (OPCAT), to which Lebanon is a party since 2008. Unfortunately, the NHRI's members have not yet been sworn in.<sup>154</sup> Furthermore, no independent budget has been allocated yet, and experts believe that the NHRI budget will only be discussed once a new government is appointed.<sup>155</sup> The agency is essential for the creation of a stable and successful framework against torture. Yet, countless delays and government inaction highlight the lack of political will to prevent torture. It is possible that Lebanon's initial eagerness to create the NHRI was simply due to its upcoming appearance in front of the CAT.

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150 The Daily Star (2017, May 25). *Anti-torture Progress Likely to be Slow*. Retrieved from [http://www.dailystar.com.lb/News/Lebanon-News/2017/May-25/407193-anti-torture-progress-likely-to-be-slow.ashx?utm\\_source=Magnet&utm\\_medium=Entity%20page&utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2017/May-25/407193-anti-torture-progress-likely-to-be-slow.ashx?utm_source=Magnet&utm_medium=Entity%20page&utm_campaign=Magnet%20tools) (accessed 01.02.19)

151 Alkarama (2018, September 10). *Lebanon: One Year After Review by UN Committee, Much Still to be Done to Eradicate Practice of Torture*. Retrieved from <https://www.alkarama.org/en/articles/lebanon-one-year-after-review-un-committee-much-still-be-done-eradicate-practice-torture> (accessed 01.02.19)

152 Alkarama (2017, May 12). *Lebanon: UN Committee Deplores Routine Use of Torture*. Retrieved from <https://www.alkarama.org/en/articles/lebanon-un-committee-deplores-routine-use-torture> (accessed 02.11.17)

153 Alkarama (2017, September 29). *Lebanon: New Anti-Torture Law a Missed Opportunity, Fails to Meet Standards of UN Convention Against Torture*. Retrieved from <https://www.alkarama.org/en/articles/lebanon-new-anti-torture-law-missed-opportunity-fails-meetstandards-un-convention-against> (accessed 01.11.17)

154 Amnesty International (2018, October 25). *Lebanon: Failure to Implement Anti-torture Law one Year on*. Retrieved from <https://www.amnesty.org/en/latest/news/2018/10/lebanon-failure-to-implement-anti-torture-law-one-year-on/> (accessed 01.02.19)

155 Ibid.

## Non- Refoulement

According to Gen. Maj. Abbas Ibrahim, Head of the DGGS, 110,000 refugees have returned to Syria in 2018. It was not reported how many of them had returned spontaneously, or through organized operations by the DGGS in cooperation with Syrian authorities. Other agencies like the UNHCR estimate the number of returnees as significantly lower.<sup>156</sup> International organizations did not have access to the refugees in question during or after the transfer, and therefore expressed concerns regarding the conditions of the return. Despite claims by the Lebanese government that all the returns were voluntary, UN officials stated that most refugees did not have much choice.<sup>157</sup> Besides the political climate and present hostility towards Syrian refugees in Lebanon, rapidly deteriorating conditions of displacement are serving push factors for their return.<sup>158</sup>

In November 2018, the DGGS issued deportation orders for three Sudanese men who were recognized as refugees by the UNHCR, after keeping them in detention for several months. In December, the Sudanese men were released and given one month to find resettlement, or they would be deported back to Sudan.<sup>159</sup> Returning these men to Sudan is a violation of Lebanon's obligations under Article 3 of the UNCAT, breaching the principle of Non-Refoulement. According to reports received by local NGOs, Lebanese authorities have deported at least seven other non-Syrian refugees over UNHCR's objections in 2018.<sup>160</sup>

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156 The Daily Star (2018, December 21). *Ibrahim: 110,000 Syrian Refugees have Returned in 2018*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-21/472368-ibrahim-110000-syrian-refugees-have-returned.ashx> (accessed 01.02.19)

157 Chulov, M. (2017, August, 14). *Thousands of Refugees and Militants Return to Syria from Lebanon*. The Guardian. Retrieved from <https://www.theguardian.com/world/2017/aug/14/thousands-refugees-militants-return-syria-from-lebanon-hezbollah> (accessed 01.02.19)

Sewell, A. (2017, October 11). *Syrian Refugees Return from Lebanon Only to Flee War Yet Again*. News Deeply. Retrieved from <https://www.newsdeeply.com/refugees/articles/2017/10/11/syrian-refugees-return-from-lebanon-only-to-flee-war-yet-again> (accessed 01.02.19)

The Daily Star (2017, June 12). *Syrian Refugee Families Leave Lebanon for 'Safe Zones'*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-12/409332-syrian-refugee-families-leave-lebanon-for-safezones.ashx> (accessed 01.02.19)

158 Dr. Mhaissen, R. & Hodges, E. (2019, February 6). *Unpacking Return: Syrian Refugees' Conditions and Concerns*. Reliefweb. Retrieved from <https://reliefweb.int/report/lebanon/unpacking-return-syrian-refugees-conditions-and-concerns-enar> (accessed 16.02.19)

159 Anti-Racism Movement (2018, December 11). *General Security Releases 35 Refugees from Prolonged Administrative Detention*. Retrieved from <https://www.armlebanon.org/newsletters/arm-newsletter/general-security-releases-35-refugees-prolonged-administrative-detention> (accessed 01.02.19)

160 Anti-Racism Movement (2018, November 20). *Lebanon: Stop the Deportation of Sudanese Refugees*. Retrieved from <https://www.armlebanon.org/content/lebanon-stop-deportation-sudanese-refugees> (accessed 01.02.19)



# Enforced Disappearances and Forced Exile

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

Out of the 17,415 Lebanese citizens reported as disappeared, approximately 2,300 were registered as missing.<sup>161</sup> To this day, the government has failed to assess the totality of missing persons, as well as enforced and involuntary disappearances. Since 2012, the International Committee of the Red Cross (ICRC) has assessed the number of missing people in Lebanon, to not only answer unsolved questions, but to also provide support for the families of the missing persons. The ICRC assessment resulted in the identification of 5,000 to 8,000 missing persons.<sup>162</sup>

In November 2018, the Lebanese parliament approved a law on the formation of a commission to look into the fate of people missing and forcibly disappeared during the Lebanese civil war. The legal reform establishes an independent national commission that would be authorised to gather information about the missing people, collect DNA, and exhume graves. The Committee on the Families of the Missing, along with Legal Agenda and a number of other NGOs, has been calling for the formation of such a commission for years, particularly after presenting a draft law to this end in April 2018 in a petition that was signed by 5,000 citizens.<sup>163</sup>

The law was designed to seek compensation between provisions of international human rights law and a cautious take on transitional justice, as the right to know. The law grants victims the right to know the fate and the whereabouts of the missing and disappeared, provides rights to the commission to conduct excavations at the local level, and provide families with the right to prosecution as well as remedies and compensation. The law is considered a breakthrough, as it responds to challenges of past commissions regarding their independence and permanent statute. Most importantly the legal framework governing its function allows the commission to independently be funded, therefore encouraging the international community to support fact finding missions.

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<sup>161</sup> Amnesty International (2008, August 28). *Annual Report 2008 – Enforced Disappearance Update Selected Extracts on Enforced Disappearance*. Retrieved from <https://www.amnesty.org/en/documents/POL36/003/2008/en/> (accessed 01.02.19)

<sup>162</sup> Interview with Act for the Disappeared, Justine De Mayo conducted in 2016.

<sup>163</sup> AVAAZ (2017). *To the Council of Ministers and the House of Representatives in Lebanon: A National Petition to Demand the Disclosure of the Fate of Missing and Forcibly Disappeared*. Retrieved from: [https://secure.avaaz.org/ar/community\\_petitions/mjls\\_lwzr\\_wmjls\\_lnwb\\_ryD\\_wTny\\_llmTlb\\_blkshf\\_n\\_mSyr\\_lmfqwdyn\\_wlmkhfyyn\\_qsryan/](https://secure.avaaz.org/ar/community_petitions/mjls_lwzr_wmjls_lnwb_ryD_wTny_llmTlb_blkshf_n_mSyr_lmfqwdyn_wlmkhfyyn_qsryan/) (accessed 01.02.19)



# Refugees and Asylum Seekers

Lebanon has neither ratified the 1951 Convention relating to the Status of Refugees, nor its 1967 protocol, which defines a refugee, their rights, and the responsibilities of the signatory states. However, this does not exempt Lebanon from respecting certain fundamental rights of refugees. As a signatory of the UDHR, Lebanon must ensure that those fleeing violence and war may enter Lebanon's borders freely, without persecution.

Lebanon currently hosts the highest number of refugees per capita, with government estimates at 1.5 million Syrian refugees, of whom 948,849<sup>164</sup> are registered with UNHCR, a figure which dropped by around 250,000 since 2015.<sup>165</sup> These figures do not include the approximately 174,422 Palestinian refugees<sup>166</sup> which predate the Syrian crisis and an influx of an estimated 32,000 Palestinian refugees from Syria post-2011.<sup>167</sup>

The Lebanese government's neglect of certain protection issues puts refugees at special risk of human rights violations. Even though there has been a decrease from 76% to 69% in Syrian refugee households living below the national poverty line, nine out of ten Syrian refugees are still highly indebted.<sup>168</sup> Finding themselves in desperate financial situations, families resort to harmful practices such as marrying off their children or engaging them in exploitative child labour.<sup>169</sup> As of September 2018, only one third of the estimated USD 2.291 billion that is

164 UNHCR (2018, December 31). *Syrian Regional Refugee Response*. Retrieved from <https://data2.unhcr.org/en/situations/syria/location/71> (accessed 01.02.19)

165 UNHCR (2018). *Lebanon Crisis Response Plan*. Retrieved from <https://data2.unhcr.org/en/documents/download/61740> (accessed 01.02.19)

166 The Daily Star (2017, December 12). *Census Finds 174,422 Palestinian Refugees in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-21/431109-census-finds-174422-palestinian-refugees-in-lebanon.ashx> (accessed 01.02.19)

167 Home Office UK (2018, June). *Country Policy and Information Note Lebanon: Palestinians*. Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718557/Lebanon\\_-\\_Palestinians\\_in\\_Lebanon\\_-\\_CPIN\\_-\\_v1.0\\_June\\_2018\\_External.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718557/Lebanon_-_Palestinians_in_Lebanon_-_CPIN_-_v1.0_June_2018_External.pdf) (accessed 01.02.19)

168 UNHCR (2018, December). *Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

UNHCR (2018, December 31). *Syrian Regional Refugee Response*. Retrieved from <https://data2.unhcr.org/en/situations/syria/location/71> (accessed 01.02.19)

169 Kanso, H. (2018, December 27). *Struggling to Survive, Syrian Refugees in Lebanon Fall Deeper into Debt*. Reuters. Retrieved from <https://www.reuters.com/article/us-lebanon-refugees-poverty/struggling-to-survive-syrian-refugees-in-lebanon-fall-deeper-into-debt-idUSKCN1OQ0DZ> (accessed 01.02.19)

required to provide adequate support to Syrian refugees in Lebanon was available. The former cash assistance program has been reduced and the struggle for people to find work, without legal documentation, leaves them to borrow money instead, therefore continuing the refugees' vicious cycle of poverty.<sup>170</sup>

## Legal Documentation

In February 2017, the Lebanese government passed a new residency policy that abandoned the yearly \$200 renewal fee for residency. The new policy is a step forward, but excludes a large part of the refugee population, including roughly 500,000<sup>171</sup> Syrians who are not registered with the UNHCR, and refugees who received residency through sponsors after January 2015. Unregistered refugees are the most vulnerable and marginalized, as they lack access to basic services. The new policy thus runs the risk of further marginalizing the most vulnerable refugees.<sup>172</sup>

As of 2018, the number of Syrian refugees who do not have a residence permit remains at 74%, which is the same percentage as in 2017.<sup>173</sup> This comes despite commitments made by the UNHCR and the international community to support the DGGS and expand their capacity to grant better access to residency to refugees, as well as the waiver policy. It is therefore apparent that administrative support alone to the DGGS is insufficient, and that there is urgent need to address the underlying causes of this lack in progress. Due to inconsistencies in the policy's implementation and confusion on how to correctly apply the policy, Syrian nationals continue to face challenges when obtaining free visa renewals and legal residency.<sup>174</sup> Research in the Bekaa and Tripoli showed that obtaining a residence permit was challenging due to various reasons, including ill-treatment at the offices of the DGGS, difficulty in finding or changing sponsors, requests for additional documents that could not be located, or unexpected fees and high financial cost.<sup>175</sup>

The lack of quantifiable data on the impact of these policies also makes it difficult to measure progress or develop more evidence-based policies that respond to the real needs of refugees from Syria. Without proper monitoring and sustainable improvement of the system, these policies lack actual substance and remain incomplete, as policy-makers are unable to assess their results and measure steps.<sup>176</sup>

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170 Swell, A. (2018, June 18). *New Worries over Refugee Aid*. US News. Retrieved from <https://www.usnews.com/news/best-countries/articles/2018-06-18/flaging-international-aid-worsens-conditions-for-syrian-refugees> (accessed 01.02.19)

171 UNHCR (2018). *Lebanon Crisis Response Plan*. Retrieved from <https://data2.unhcr.org/en/documents/download/61740> (accessed 01.02.19)

172 ALEF (2018, March). *Policies and Protection. A Policy Review on Refugees' Access to Legal and Civil Documentation*. Print.

173 UNHCR (2018). *Lebanon Crisis Response Plan*. Retrieved from <https://data2.unhcr.org/en/documents/download/61740> (accessed 01.02.19)

174 Ibid.

UNHCR (2018, December). *Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

175 WGPASC(Working Group for Persons Affected by the Syrian Crisis)(2018). Refugee Protection in Tripoli and Surrounding Areas. Print. WG PASC (2018). Refugee Protection in Bekaa and Surrounding Areas. Print.

176 ALEF (2018, March). *Policies and Protection. A Policy Review on Refugees' Access to Legal and Civil Documentation*. Print.

## Access to Services

The lack of legal residency entails further consequences for refugees, such as evictions and restrained access to services. In surveys conducted in North Lebanon and the Bekaa, refugees identified rent, food and cash assistance programs as especially inaccessible, followed by winter assistance and legal services. In addition to a lack of readily available services, the perception of insecurity in Lebanon discourages refugees from seeking out essential services and contributes to a sense of distrust between refugees and their host communities.<sup>177</sup>

## Civil Documentation

In March 2018, late birth registration procedures for Syrian children older than one year have been simplified and made more accessible, therefore contributing to an increase in the birth registration of Syrian children with the Foreigners' Registry from 17% to 21%. Parents no longer require valid legal residency to register their children born in Lebanon. While the vast majority (97%) have some kind of documentation attesting to the birth of their child in Lebanon, a large proportion of children (79%) remain without having completed the birth registration process.<sup>178</sup> Concerning marriage, the majority of Syrian couples married in Lebanon obtained marriage documentation from a certified religious authority (73%), while fewer had managed to register their marriages with the Foreigners' Registry (20%).<sup>179</sup> The lack of civil documentation makes refugees more vulnerable, as marriage documentation, as well as a proof of parenthood, needs to be provided in order to register a child. The lack thereof puts children at risk of statelessness and deprives families of their right to family life.<sup>180</sup>

## Palestinian and Iraqi refugees

The number of registered Palestinian refugees in Lebanon is inconsistent throughout different organisations and governmental bodies. While the UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) reports around 469,331 Palestinian refugees,<sup>181</sup> a census carried out in 2017 by the Lebanese-Palestinian Dialogue Committee, the Lebanese Central Administration of Statistics and the Palestinian Central Bureau of Statistics reported only 174,422.<sup>182</sup> The census was, however, flawed in its approach as it excluded areas with fewer than 15 Palestinian families or Syrian origin.

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177 WG PASC (2018). Refugee Protection in Tripoli and Surrounding Areas. Print. WG PASC (2018). Refugee Protection in Bekaa and Surrounding Areas. Print.

178 UNHCR (2018, December). *Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

179 Ibid.

180 Ibid.

181 The Daily Star (2018, January 6). *Why UNRWA's Refugee Count is so High*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-06/432663-why-unrwas-refugee-count-is-so-high.ashx> (accessed 01.02.19)

182 The Daily Star (2017, December 21). *Census Finds 174,422 Palestinian Refugees in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Dec-21/431109-census-finds-174422-palestinian-refugees-in-lebanon.ashx> (accessed 01.02.19)

Palestinian refugees face severe obstacles when finding employment. They are banned from certain professions and have difficulty obtaining a work permit.<sup>183</sup> They are also denied their right to own property, despite claims by the Lebanese Working Group on Palestinian Refugee Affairs, part of the Council of Ministers, who presented a draft for a national plan for Palestinian refugees in Lebanon in July, 2017.<sup>184</sup> As for now, the restrictions are still in place and no support from the state has been developed in the camps. UNRWA is facing a financial crisis due to the aid cuts by the donor community, reflecting less interest in supporting Palestinian refugees. Consequently, UNRWA offices in Palestinians camps are closing and limiting the provision of humanitarian aid.<sup>185</sup>

In addition to the existing numbers of Palestinian refugees, UNRWA reports around 32,000 Syrian-Palestinians seeking refuge in Lebanon from war-torn Syria since 2011.<sup>186</sup> This group is even more vulnerable among Syrian refugees, as they are denied basic rights such as the right to property and free movement, leading to an unemployment rate of 52% and an extremely high poverty rate of 90%.

In addition, many Iraqi refugees residing in Lebanon are seeking resettlement in a third country. This process can last up to 3-5 years because Iraqis must apply for resettlement through the UNHCR. Currently, this process is incredibly difficult because only the U.S., Australia and Canada accept Iraqi refugees. In 2018, 7,823 refugees from Lebanon were resettled to other countries, including 377 Iraqi refugees.<sup>187</sup> As opposed to Syrian and Palestinian refugees, no International organization is taking care of Iraqi refugees in Lebanon, therefore contributing to a serious lack of information on this group.<sup>188</sup>

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<sup>183</sup> Human Rights Watch (2019). *World Report 2019*. Retrieved from [https://www.hrw.org/sites/default/files/world\\_report\\_download/hrw\\_world\\_report\\_2019.pdf](https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf) (accessed 01.02.19)

The Daily Star (2017, July 21). *National Plan for Palestinian Refugees*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jul-21/413478-national-plan-for-palestinian-refugees.ashx> (accessed 01.02.19)

<sup>184</sup> Ibid.

MedCrave (2018, January 31). *Syrians, Palestinians and Iraqi Refugees in Lebanon*. Retrieved from <https://medcraveonline.com/JPNC/JPNC-08-00308.pdf> (accessed 01.02.19)

<sup>185</sup> McDowall, A. et. al (2018, January 30). *In Lebanese Camp for Palestinian Refugees, Fears after Aid Cut*. Reuters. Retrieved from <https://www.reuters.com/article/us-lebanon-palestinians-trump-aid/in-lebanese-camp-for-palestinian-refugees-fears-after-aid-cut-idUSKBN1FJ1UI> (accessed 01.02.19)

<sup>186</sup> Home Office UK (2018, June). *Country Policy and Information Note Lebanon: Palestinians*. Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718557/Lebanon\\_-\\_Palestinians\\_in\\_Lebanon\\_-\\_CPIN\\_-\\_v1.0\\_June\\_2018\\_External.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718557/Lebanon_-_Palestinians_in_Lebanon_-_CPIN_-_v1.0_June_2018_External.pdf) (accessed 01.02.2019)

UNHCR (2018). *Resettlement Data Finder*. Retrieved from <https://www.unhcr.org/resettlement-data.html> (accessed 01.02.2019)

<sup>187</sup> MedCrave (2018, January 31). *Syrians, Palestinians and Iraqi Refugees in Lebanon*. Retrieved from <https://medcraveonline.com/JPNC/JPNC-08-00308.pdf> (accessed 01.02.19)

<sup>188</sup> Ibid.



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

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

According to ALEF's documentation least 49 Lebanese activists, journalists, and other individuals have been arrested or summoned for questioning for expressing their opinions since 2016, with at least 28 of them taking place in 2018. Most individuals were questioned by the Cybercrime Bureau (CCB), which enjoys extensive powers beyond its scope. Public prosecutors often selectively act upon usually politically motivated complaints by political leaders and powerful individuals and refer these complaints to the CCB, in case the CCB had not already taken action independently. These practices are concerning, since they undermine the judiciary's responsibility to uphold due process rights. In August 2018, prominent human rights defender Mr. Wadih al-Asmar received a call from the CCB for questioning regarding a post published on his Facebook account. However, during the interrogation, his lawyers were not allowed inside and their request to appoint another person for the investigation was denied. Al-Asmar's lawyers also claim to have been insulted and verbally abused by an officer in the bureau.<sup>189</sup>

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<sup>189</sup> The Daily Star (2018, September 1). *Asmar: I stayed silent at ISF questioning*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Sep-01/461964-asmar-i-stayed-silent-at-isf-questioning.ashx> (accessed 01.02.19)

Convocations by the CCB often result in periods of deprivation of liberty and usually end with victims signing extrajudicial pledges restricting their freedom of expression. This falls within Categories II<sup>190</sup> and III<sup>191</sup> of arbitrary detention defined by the Working Group on Arbitrary Detention (WGAD).<sup>192</sup> For example, fifteen-year-old Youssef Abdallah was detained for 38 hours by military intelligence and denied a lawyer present during the interrogation. This was due to a WhatsApp image he had shared that was considered mocking the President.<sup>193</sup> He was only released after he and his father signed a pledge to never insult the President or his political party again.<sup>194</sup>

In cases of criticism against the military, the accused are tried at the Military Court.<sup>195</sup> In February 2018, Hanin Ghaddar, a Lebanese journalist and researcher, was sentenced in absentia to six months in prison. She was charged for defamation against the army, as she criticized them during a conference organized in the US in May 2014.<sup>196</sup> There has been a significant increase in cases filed by political figures against members of the press in 2018.<sup>197</sup> On January 24, the public prosecutor charged comedy show host Hisham Haddad with defamation, after an episode in which he joked about Prime Minister Saad Hariri and Saudi Crown Prince Mohammad Bin Salman.<sup>198</sup> Self-censorship has, therefore, increased in the blogosphere and in the country's top media outlets owned by powerful figures across the political spectrum, due to users fearing repercussion from the government or certain political and sectarian groups.

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190 When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the UDHR and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the ICCPR

191 When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character

192 The WGAD, established by resolution 1991/42 of the former Commission on Human Rights is a non-treaty based body, mandated to investigate cases of arbitrary detention, seek and receive information about such detentions from governments, NGOs, and individuals.

See: United Nations Human Rights Council (2011, January 19). A/HRC16/47: Report of the Working Group on Arbitrary Detention. Retrieved from <http://www.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-47.pdf> (accessed 01.02.19)

193 ALEF (2018, August 17). *Call for Action to Condemn the Lebanese Authorities' Pervasive Summons of Peaceful Activists Infringing their Right to Freedom of Expression*. Retrieved from <https://alefliban.org/press/call-action-condemn-lebanese-authorities-pervasive-summons-peaceful-activists-infringing-right-freedom-expression/> (accessed 01.02.19)

194 Amnesty International (2018, July 11). *Lebanon Detained Activists and Blackmailed them into Signing Illegal Pledges*. Retrieved from <https://www.amnesty.org/en/latest/news/2018/07/lebanon-detained-activists-blackmailed-into-signing-illegal-pledges/> (accessed 01.02.19)

195 Ibid.

196 SKeyes Media (2018, February 22). *Publications Court Calls for Journalist Manal Chaaya*. Retrieved from <http://www.skeyesmedia.org/ar/News/Lebanon/6996> (accessed 01.02.19)

SKeyes Media (2018, March 1). *Press Court fines journalist Tony Abu Najm*. Retrieved from <http://www.skeyesmedia.org/ar/News/Lebanon/7007> (accessed 01.02.19)

197 SKeyes Media (2018, February 17). *Media and Cultural Freedom Violations in the Levant-Monthly Report – January 2018*. Retrieved from <http://www.skeyesmedia.org/en/a/Reports/Media-and-Cultural-Freedom-Violations-in-the-Levant-Monthly-Report-January-2018> (accessed 01.02.19)

Al Modon. (2018, February 22). *MTV News Anchor Jessica Azar Sued for Slander*. Retrieved from <https://bit.ly/2TxKko5> (accessed 01.02.19)

SKeyes Media (2018, February 26). *Gen. Jameel al-Sayed Threatening to Sue the Media*. Retrieved from <http://www.skeyesmedia.org/ar/News/Lebanon/7003> (accessed 01.02.19)

198 Human Rights Watch (2018, January 31). *Lebanon: Pattern of Prosecutions for Free Speech*. Retrieved from <https://www.hrw.org/news/2018/01/31/lebanon-pattern-prosecutions-free-speech> (accessed 01.02.19)

According to the World Press Freedom Index, Lebanon ranks 100th out of 180 countries in terms of press freedom.<sup>199</sup> One of the main concerns for freedom of expression is that the regulations affecting Lebanon's media are largely legislated through the 1962 Press and Publication Law and the 1994 Audio-visual Law, which both are outdated and lack amendments with regards to the digital revolution. Moreover, the media is characterized by alliances with domestic and foreign powers striving for control. Key political groups and wealthy family clans are involved in the media business, which reflects an overall laissez-faire attitude and high politicization.<sup>200</sup> This elitist and exclusive ownership model jeopardizes pluralism, as well as independence and transparency in Lebanese media.

## Digital Security and the Right to Privacy

International human rights law prohibits any arbitrary or unlawful interference with privacy, including private communications. Any law allowing secret surveillance must be "sufficiently clear in its terms to give citizens an adequate indication as to the circumstances in which the monitoring may take place."<sup>201</sup> Human rights law also provides that governments, in most circumstances, must notify people whose private information has been the object of surveillance. If an individual's fair trial, privacy, or other rights are violated, the government must provide an effective remedy.<sup>202</sup> Lebanese law 140 of 1999 protects the confidentiality of communications from eavesdropping, monitoring, or disclosure, except in cases provided by law. However, it also authorizes the interior minister, who oversees General Security, and the defence minister to order the interception of specific communications. This is authorised through a written decision, approved by the prime minister for the purpose of combating terrorism, crimes against state security, as well as organized crime.

Privacy and surveillance researchers released a report in January 2018, alleging that a malware espionage campaign responsible for stealing hundreds of gigabytes worth of personal data was tied to a building owned by Lebanon's General Security agency.<sup>203</sup> Although denied at first, the DGGS did admit to it when confronted by foreign media.<sup>204</sup> Analysis in the report shows that the devices of military personnel, enterprises, medical professionals, activists, journalists, lawyers, and educational institutions were compromised, therefore gathering extensive information and biometric data.<sup>205</sup> It is concerning that information and data on both citizens and institutions, worldwide, is collected by the DGGS and stored on a large scale without adequate protection measures. Moreover, it is unclear who authorized this operation.

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199 Reporters without Borders (2018). *Ranking 2018*. Retrieved from <https://rsf.org/en/ranking> (accessed 01.02.19)

200 Reporters without Borders (2018, December 11). *Media Ownership Monitor*. Retrieved from <https://www.ifex.org/lebanon/2018/12/11/media-ownership-monitor/> (accessed 01.02.19)

Media Ownership Monitor (2018). *Media Ownership Matters*. Retrieved from <https://lebanon.mom-rsf.org/en/> (accessed 01.02.19)

Media Ownership Monitor (2018). *Media Ownership*. Retrieved from <https://lebanon.mom-rsf.org/en/owners/> (accessed 01.02.19)

201 ALEF (2018, January 24). *Lebanon: Investigate Large-Scale Surveillance Reports*. Retrieved from <https://alefliban.org/press/lebanon-investigate-large-scale-surveillance-reports/> (accessed 01.02.19)

202 Ibid.

203 Electronic Frontier Organization (2018, January 18). *Dark Caracal: Cyber-espionage at a Global Scale*. Retrieved from [https://info.lookout.com/rs/051-ESQ-475/images/Lookout\\_Dark-Caracal\\_srr\\_20180118\\_us\\_v1.0.pdf](https://info.lookout.com/rs/051-ESQ-475/images/Lookout_Dark-Caracal_srr_20180118_us_v1.0.pdf) (accessed 01.02.19)

204 ALEF (2018, January 24). *Lebanon: Investigate Large-Scale Surveillance Reports*. Retrieved from <https://alefliban.org/press/lebanon-investigate-large-scale-surveillance-reports/> (accessed 01.02.19)

205 Electronic Frontier Organization (2018, January 18). *Dark Caracal: Cyber-espionage at a Global Scale*. Retrieved from [https://info.lookout.com/rs/051-ESQ-475/images/Lookout\\_Dark-Caracal\\_srr\\_20180118\\_us\\_v1.0.pdf](https://info.lookout.com/rs/051-ESQ-475/images/Lookout_Dark-Caracal_srr_20180118_us_v1.0.pdf) (accessed 01.02.19)

## **Freedom of Conscience**

Religious groups in Lebanon are free to practice their faith, hold religious ceremonies and assemble freely. Yet, some religious groups, despite being in Lebanon for decades, remain unrecognized and do not have the same legal rights. Although Lebanon has been tolerant of their religious practices, unrecognized religious groups including Jehovah's Witnesses, Baha'is, Hindus, Buddhists, Mormons, Zoroastrians, and other faiths lacking state recognition cannot marry, divorce or inherit according to their own rules.<sup>206</sup> To undertake formal proceedings, they must resort to the courts of recognized groups or leave the country to access courts elsewhere. Members of non-recognized groups face problems when applying for IDs and passports, since these documents mention only those religions recognized by the state. Members of unrecognized religious groups are also not allowed to work in the government, run for office or become diplomats. Furthermore, voters need to register under one of the recognized religions in order to access voting polls.<sup>207</sup> Non-recognized groups also cannot officially register their houses of worship, excluding them from the property tax exemption given to churches and mosques. In addition to legal and administrative discrimination, unrecognized groups are often subjected to social and religious prejudice. Several studies have shown that Jehovah's Witness members are more vulnerable to harassment from security forces.<sup>208</sup> Fear of persecution has also driven these unrecognized religious groups to perform their rituals behind closed doors and forced them to forego other traditions.<sup>209</sup>

## **Right to Peaceful Meetings and Demonstrations**

Lebanese NGOs continue to operate openly; however, several limitations restrict their work. They are required to notify the government of their formation and wait for a notification number from the Mol. This process can take up to a few years, leaving many organizations in administrative limbo. With no checks on the process by other government bodies or external organizations, the Mol has the discretionary power to suspend or delay issuing notification numbers. It has routinely used these techniques to intimidate activists.

Those wanting to peacefully assemble in Lebanon are also required to notify the Mol, which is allowed to ban peaceful assemblies arbitrarily under the pretext of, "a threat to national security" or "inciting immorality and disrupting the public order." For example, multiple events during Beirut Pride Week, an event in support of the LGBTQ+ community, were cancelled or suspended. Organizers were interrogated, and host venues subsequently pressured by Lebanese authorities to cancel events.<sup>210</sup> Also, in October 2018, the annual NEDWA conference on gender

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206 El Rajji, R. (2014, December). *The leaves of one tree: Religious minorities in Lebanon*. Reliefweb. Retrieved from <https://reliefweb.int/sites/reliefweb.int/files/resources/mrg-briefing-religious-minorities-in-lebanon.pdf> (accessed 01.02.19)

207 Ibid.

208 Austrian Centre for Country of Origin and Asylum Research and Documentation (2015, June 29). *Answer to Lebanon: Location of Jehovah's Witnesses*. Retrieved from [http://www.ecoi.net/local\\_link/309174/433021\\_en.html](http://www.ecoi.net/local_link/309174/433021_en.html) (accessed 01.02.19)

209 Chebaro, M. (2014, November 20). *Lebanon's Zoroastrians Want a Civil State*. Now Lebanon. Retrieved from <https://now.mmedia.me/lb/en/reportsfeatures/564417-lebanons-zoroastrians-want-a-civil-state> (accessed 01.02.19)

210 IFEX (2018, June 2). *Journalist and Right Defenders under Fire, Pride Cancelled, MENA in May*. Retrieved from [https://www.ifex.org/middle\\_east\\_north\\_africa/2018/06/01/pride-cancelled-ahmed-mansoor/](https://www.ifex.org/middle_east_north_africa/2018/06/01/pride-cancelled-ahmed-mansoor/) (accessed 01.02.19)

Beirut Pride (2018, May 14). *Statement About the Suspension of Beirut Pride Events*. Retrieved from <https://www.beirutpride.org/arrest2018-en/> (accessed 01.02.19)

rights in the Middle East and North Africa was interrupted by the DGGS. Security officers demanded to shut down the conference completely and urged the head of the organization to sign an agreement vowing to cancel all conference events and activities.<sup>211</sup>

The recent use of force, in response to protests by Lebanese security forces, and the lack of accountability thereof are increasingly eroding the civic space for freedom of expression.<sup>212</sup> In December 2018, a protest march involving thousands of protesters condemning Lebanon's living conditions and political system, escalated as Lebanese soldiers beat up demonstrators and media representatives with batons. In spite of these events, the army declared its respect for the right to protest and freedom of expression.<sup>213</sup> No reported measures were taken to hold the police accountable for the violence inflicted upon protesters during the demonstration.

## Corruption

The Corruption Perceptions Index by Transparency International reviews the situation regarding the perceived level of public sector corruption of 180 countries on an annual basis. In 2018, Lebanon ranked 138<sup>th</sup> out of 180 countries, with an index score of 28 out of 100.<sup>214</sup> Showing no improvement compared to previous years, corruption therefore continues to be an outstanding issue in the country.

On December the 19<sup>th</sup>, the Parliament Finance and Budget Committee endorsed a Law creating a commission to investigate corruption claims and oversee the implementation of corruption-related laws. Nevertheless, the Law is yet awaiting ratification. The commission will work towards implementing corruption-related legislation, including a bill from 2017 regarding the right to access to information, and whistle-blower protection.<sup>215</sup>

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211 Mahmoud, F. & Al Hussayni, R. (2018, October 6). *AFF Holds Press Conferences to Elaborate on NEDWA Clash with Officials*. An-Nahar. Retrieved from <https://en.annahar.com/article/875139-afe-holds-press-conference-to-elaborate-on-nedwa-clash-with-officials> (accessed 01.02.19)

212 Human Rights Watch (2018, January 31). *Lebanon: A Pattern of Prosecutions for Free Speech*. Retrieved from <https://www.hrw.org/news/2018/01/31/lebanon-pattern-prosecutions-free-speech> (accessed 01.02.19)

213 The Daily Star (2018, December 23). *Security Forces Clash with Protesters in Beirut*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-23/472502-yellow-vest-protesters-decry-living-conditions-in-lebanon.ashx> (accessed 01.02.19)

214 Transparency International (2018). *Corruption Perception Index 2018*. Retrieved from <https://www.transparency.org/cpi2018> (accessed 01.02.19)

215 The Daily Star (2018, December 19). *Committee Approves Law to Establish National Anti-Corruption Commission*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-19/472191-committee-approves-law-to-establish-national-anti-corruption-commission.ashx> (accessed 01.02.19)



# Elections

The right and opportunity to participate in elections is guaranteed under various international agreements, namely article 21 of the UDHR and article 25 of the ICCPR. Article 25 stipulates that every citizen has the right, “(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.”<sup>216</sup>

On June 16, 2017, parliament approved with an overwhelming majority a new electoral voting law.<sup>217</sup> The new law is based on proportional representation with four-year terms and 128 members of parliament. In the 2022 elections, six parliamentary seats will be reserved for the diaspora with one seat for each continent, three of which will be Christian and three Muslim. However, the diaspora seats require a further decree before it can be passed into law.

In May 2018, Lebanon witnessed its first parliamentary elections since 2009. The elections came after three consecutive extensions of the parliament’s mandate, putting at risk the right to vote of Lebanese citizens. Showcasing the extent to which democratic practices are implemented, the elections stipulated the formation of an ESC. The establishment of this Committee could have been a step forward by developing a process that would be independent from the executive power, particularly the Mol, limiting conflict of interest and vote manipulation. However, the ESC functions were restricted to electoral education and “democracy promotion,” therefore undermining its functions in organizing and overseeing electoral practices. The effective functions remained under the auspices of the Mol, the latter minister and 15 other ministers, who were themselves running for office.<sup>218</sup> On April 20, Sylvana Lakkis, the civil society member of the independent commission, resigned claiming that she “did not want to be party

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216 United Nations (1966, December 16). *ICCPR*. Retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (accessed 01.02.19)

217 Lakkis, H. (2017, June 17). *Lebanon Clears Way for First Parliamentary Polls in Nine Years*. The Daily Star. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2017/Jun-17/409953-lebanon-clears-way-for-first-parliamentary-polls-in-nine-years.ashx> (accessed 19.06.17)

218 Transparency International (2018, May 9). *Ineffective Election Monitoring in Lebanon Highlights Urgent Need for Independent Body*. Retrieved from [https://www.transparency.org/news/pressrelease/ineffective\\_election\\_monitoring\\_in\\_lebanon](https://www.transparency.org/news/pressrelease/ineffective_election_monitoring_in_lebanon) (accessed 01.02.19)

to the committee's inability to carry out its mandate".<sup>219</sup> It is worth noting that the ESC itself acknowledged its independence deficiency and has highlighted two sets of challenges in its annual report. The first related to its financial independence, raising concerns about the ESC funds being related to the MoI election funds. The second related to its administrative independence and permanent nature, as the ESC members' salaries were covered only for a period of 6 months after the end of the elections, and furthermore the appointment of necessary technical staff was delayed.<sup>220</sup>

Several electoral frauds and miscounts were reported by organisations working in election monitoring at this year's general election.<sup>221</sup> A total of 16 appeals were registered at the Constitutional Council, with its verdict yet to be announced. The Lebanese Association for Democratic Elections (LADE) reported 3,600 critical incidents in the election process, with main violations falling within: violations to electoral silence, lack of access of people with disability, irregular closing times of polling stations, counting chaos, and others.<sup>222</sup> Moreover, a recent report by the ESC identified a total of 50 complaints filled by citizens and candidates in addition to 45 referred by the ESC to the judiciary, mostly on cases related to infractions on electoral silence. The latter cases were not adjudicated by the court of publications in 2018.<sup>223</sup>

The general election witnessed the emergence of candidates' coalitions from non-traditional parties. With the new electoral law allowing for proportional entry into parliament, opposition candidates therefore hoped to enhance their chances. Despite great visibility on social media, the coalitions were nevertheless not able to gather the threshold votes required.

The role of women in the general elections was anticipated greatly by the press, as prior to the elections, only 4 out of 128 MPs were female and 86 women were running for office. The majority of female candidates running outside the traditional party system were perceived as "a token for change."<sup>224</sup> In the end, however, only 6 women were elected into parliament; a mere 4.7% of MPs.<sup>225</sup> Overall, women running as part of the traditional party system were more likely to succeed. Some blame the new electoral law, undermining non-traditional candidates by the preferential vote. Others, such as Lebanese activist Rima Tarabay, see a missed opportunity in female candidates shying away from women's rights topics such as abortion or unmarried cohabitation.<sup>226</sup>

While the elections in 2018 allowed Lebanon to restart legislative life with a new electoral law and re-engage citizens in the voting process, democratic practices are still weak. Stronger and more effective administrative and judicial oversight is needed to ensure a more robust rule of law.

219 The Daily Star (2018, April 21). *Supervisory Committee Member Resigns*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-Elections/2018/Apr-21/446152-supervisory-committee-member-resigns.ashx> (accessed 01.02.19)

220 Electoral Supervisory Committee (2019, January 18). *Report of Findings*. In: Official Gazette, Annex 3, Issue N.3. Print.

221 Azar, G. (2018, June 6). *Lebanon Elections: 17 appeals submitted to Constitutional Council*. An-Nahar English. Retrieved from <https://en.annahar.com/article/814847-lebanon-elections-17-appeals-submitted-to-constitutional-council> (accessed 01.02.19)

222 LADE Observation (2018). *Mission of 2018 Parliamentary Elections Preliminary Report Summary*. Retrieved from [https://lb.boell.org/sites/default/files/uploads/2018/05/180507\\_prelimreport\\_overviewen.pdf](https://lb.boell.org/sites/default/files/uploads/2018/05/180507_prelimreport_overviewen.pdf) (accessed 01.02.19)

223 Electoral Supervisory Committee (2019, January 18). *Report of Findings*. In: Official Gazette, Annex 3, Issue N.3. Print.

224 Domat, C. (2018, May 10). *Women in Lebanon: How Election Dashed their Political Hope*. Middle East Eye. Retrieved from <https://www.middleeasteye.net/news/women-lebanon-election-political-hopes-dashed-2087189999> (accessed 01.02.19)

225 Ibid.

226 Ibid.



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

## Child Labour and Exploitation

Although the Lebanese Labour Code prohibits the employment of children under the age of fourteen, there are still gaps in this provision. Following the ratification of the International Labour Organisation (ILO) Convention No. 182 on the Worst Forms of Child Labour, the Ministry of Labour (MoL) Decree No. 8987<sup>227</sup> sets out to protect children from labour that could either limit their education or harm their health, safety, or morals. Nevertheless, the decree still allows for family farming, one of the most common practices in child labour where children as young as 10 years are involved,<sup>228</sup> under certain conditions.<sup>229</sup> With agriculture being among the three most dangerous work sectors,<sup>230</sup> especially Syrian boys are most vulnerable to leaving school to provide for their families, according to the UNHCR.<sup>231</sup>

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227 MoL (2012, October 2). *Decree No. 8987*. Retrieved from

<http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/92729/108175/F-975906685/Decree%208987.pdf> (accessed 01.02.19)

228 L'Orient Le Jour (2017, September 9). *La FAO et l'OIT Publient un Guide de Sensibilisation au Travail des Enfants*. Retrieved from <https://www.lorientlejour.com/article/1072068/la-fao-et-loit-publient-un-guide-de-sensibilisation-au-travail-des-enfants.html> (accessed 01.02.19)

229 Their physical, mental and moral health needs to be protected, as well as education or appropriate vocational training on this work needs to be provided. Their work shall also not exceed 4 hours per day with appropriate amounts of breaks for rest.

230 ILO (2017). *Child Labour in Agriculture in Lebanon - A Guide for Practitioners*. Retrieved from

[http://rdpp-me.org/RDPP/files/wcms\\_573165\\_1532695431.pdf](http://rdpp-me.org/RDPP/files/wcms_573165_1532695431.pdf) (accessed 01.02.19)

231 UNHCR (2018, December). *VASyR 2018 - Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

The reality, however, differs greatly from the legal provisions. In Lebanon, children make up about 54% of the estimated 1.5 million refugee population.<sup>232</sup> Between 5%<sup>233</sup> and 7%<sup>234</sup> of those children are engaged in child labour under often exploitative conditions. In addition, refugee families often battle extreme poverty and are therefore forced to rely on their children under 15 years of age who are usually not asked to show identification at checkpoints and can work for cheap.<sup>235</sup>

## Early Marriage

Lebanon still has no minimum age for marriage; despite a 2017 draft law by MP Elie Keyrouz to set the legal minimum age of marriage to 18 years of age, passed to the Administration and Justice Committee for discussion.<sup>236</sup> In addition, religious communities and courts still rule marriage, divorce and inheritance based on 15 different personal status laws, and some religious courts still allow girls as young as eight years old to marry.<sup>237</sup> In May 2018, the State Minister for Human Rights Ayman Choucair submitted a draft law, setting the marriage age at 18 with the exception of 16 to 17-year-olds that have the approval of a civil court judge. This law would penalize religious court judges that issue the marriage of a minor without the permission of a civil court judge. Nevertheless, the law is still awaiting debate in parliament.<sup>238</sup> It would ensure Lebanon's compliance with its international obligations, as it has ratified several international conventions that prohibit child marriage, notably the CRC and the Convention on the Elimination of All Forms of Discrimination against Women.

A 2018 survey on the attitude of Lebanese society towards child marriage found that 85% of Lebanese believe that an underage girl is not ready for marriage. On the downside, only 64% of respondents also support the passing of a law that would set the minimum age for marriage at 18 years. Although a majority of Lebanese society seems to therefore support the elimination of child marriage, they also believe a law that raises the minimum age to be either ineffective or hardly achievable. Most commonly perceived reasons found to prevent the success of this law are social rejection in a male dominated society (68%), religious interferences (24%), as well as a lack in will by political leaders (8%).<sup>239</sup> In 2018, a Save the Children study found that around 27% of girls living in Lebanon were married before turning 18, thus stripping them off their

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232 Ibid.

233 Ibid.

234 Kanso, H. (2018, June 12). *Poverty Forces Syrian Refugee Children into Work*. Reuters. Retrieved from <https://www.reuters.com/article/us-lebanon-child-labour/poverty-forces-syrian-refugee-children-into-work-idUSKBN1J82CY> (accessed 01.02.19)

235 Ibid.

236 Lebanese Democratic Women's Gathering (2017, October 18). *Berri Refers the Proposed Law on the Protection of Children from Early Marriage*. Retrieved from <http://www.rdflwomen.org/eng/berri-refers-the-proposed-law-on-the-protection-of-children-from-early-marriage-to-the-administration-and-justice-committee-for-discussion/> (accessed 17.11.17)

237 Human Rights Watch (2017, April 12). *Lebanon: Pass Bill to End Child Marriage*. Retrieved from <https://www.hrw.org/news/2017/04/12/lebanon-pass-bill-end-child-marriage> (accessed 01.02.19)

238 Majzoub, A. (2018, December 19). *A Child Bride's Attempted Suicide in Lebanon*. Human Rights Watch. Retrieved from <https://www.hrw.org/news/2018/12/19/child-brides-attempted-suicide-lebanon> (accessed 01.02.19)

239 RDFL Women (2018, September 18). *The Attitude of Lebanese Society towards Child Marriage: An Opinion Poll*. Retrieved from <https://www.rdflwomen.org/eng/the-attitude-of-lebanese-society-towards-child-marriage-an-opinion-poll/> (accessed 01.02.19)

right to childhood.<sup>240</sup> In December 2018, the attempted suicide of a sixteen-year-old child bride, that was forced to stay at home and abandon her education, sparked media attention, showing the impact of this practice on the most vulnerable members of society.<sup>241</sup>

## Right to Education

In 2017, salary scale Law 46 was passed, therefore stipulating an increase in wages of teachers that had been deprived thereof since the late 1990s.<sup>242</sup> Although the law primarily applies to the public sector, common practice would dictate a similar increase for private school teachers. The Grand Lycee Franco-Libanais made the news, when the school proposed in April 2018 to increase tuition fees to cover the raises.<sup>243</sup> The salary hikes have reportedly led to an increase of up to 30% in tuition fees by administrations.<sup>244</sup> This was followed by several strikes by the private school teachers' union for increasing wages and by parents for the lack of classes taking place.<sup>245</sup> Overall, 65 schools were referred to arbitration committees by Education Minister Marwan Hamadeh alone in May 2018, due to disputes between schools and parents over tuition fee increases and study budgets.<sup>246</sup> The controversy is said to have impacted around 700,000 private-school students across the country.<sup>247</sup> According to Hamadeh, the inability to solve this issue has led to around 300,000 students leaving private schools for cheaper public schools.<sup>248</sup> This does nevertheless not solve the issue that in Lebanon, parents see the enrolment of their children in private schools less as a luxury, but a necessity facing the lack of capacities, educational equipment and level in public schools.<sup>249</sup> In addition to the need of further mediation and alignment of all teacher wages with the salary scales adopted in Law 46, more political efforts are needed to equip public schools with the necessities to provide quality education to children. This way, any child irrespective of their socio-economic background will receive the same access to and quality of education.

During the 2017-2018 school year, a total of 422,767 children enrolled in public schools from preschool until grade 9. Of these, 209,409 were Lebanese and 213,358 non-Lebanese. According to the UN International Children's Emergency Fund (UNICEF), these numbers indicate a 2%

240 Save the Children (2018, September 18). *It's Time to Ban Child Marriage in Lebanon*. Retrieved from <https://lebanon.savethechildren.net/news/it%20time%20ban%20child%20marriage%20lebanon> (accessed 01.02.19)  
Using the sampling frame of the total number of Syrian refugees known to UNHCR of February 2018. 8,250 cases distributed over 30 districts.

241 Majzoub, A. (2018, December 19). *A Child Bride's Attempted Suicide in Lebanon*. Human Rights Watch. Retrieved from <https://www.hrw.org/news/2018/12/19/child-brides-attempted-suicide-lebanon> (accessed 01.02.19)

242 The Daily Star (2018, November 24). *Hamadeh: Politics Stalling School Reforms*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-24/469947-hamadeh-politics-stalling-school-reforms.ashx> (accessed 01.02.19)

243 The Daily Star (2018, May 22). *Parents at French Embassy-linked School Call for Sit-in*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/May-22/450314-parents-at-french-embassy-linked-school-call-for-sit-in.ashx> (accessed 01.02.19)

244 The Daily Star (2018, January 15). *Cabinet Session to Address Teachers' Wages*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-15/433687-cabinet-session-to-address-teachers-wages.ashx> (accessed 01.02.19)

245 Ibid.

246 The Daily Star (2018, May 22). *Parents at French Embassy-linked School Call for Sit-in*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/May-22/450314-parents-at-french-embassy-linked-school-call-for-sit-in.ashx> (accessed 01.02.19)

247 The Daily Star (2018, January 15). *Cabinet Session to Address Teachers' Wages*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-15/433687-cabinet-session-to-address-teachers-wages.ashx> (accessed 01.02.19)

248 The Daily Star (2018, November 24). *Hamadeh: Politics Stalling School Reforms*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-24/469947-hamadeh-politics-stalling-school-reforms.ashx> (accessed 01.02.19)

249 The Daily Star (2018, January 15). *Cabinet Session to Address Teachers' Wages*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jan-15/433687-cabinet-session-to-address-teachers-wages.ashx> (accessed 01.02.19)

increase among Lebanese and 12% increase among non-Lebanese children enrolled since the 2016-2017 school year.<sup>250</sup> Nevertheless, the UN Educational, Scientific and Cultural Organization (UNESCO) still estimates 11.5% (61.7 thousand) of primary school age children being out of school. This number increases throughout lower secondary (23.7%), as well as upper secondary school age (33.7%).<sup>251</sup> The UNHCR found the main reasons for not attending school to be related to either the need to work to provide for their families, transportation, or educational material costs.<sup>252</sup>

Refugee children are about 5 times more likely to not be enrolled in education.<sup>253</sup> There are currently between 488,000<sup>254</sup> and 631,000<sup>255</sup> refugee children and youth, aged 3 to 18, in Lebanon. Although education for displaced Syrian children is not guaranteed by law, the Ministry of Education and Higher Education (MEHE) has tried to ensure education to refugee communities through its Reaching All Children with Education (RACE) strategy launched in 2014. The second phase of the project, RACE II, was launched during the 2016-2017 school year and will remain in place until 2021, with a commitment to increase equitable access to education for all children aged 3-18 years. The MEHE succeeded in raising the rate of enrolled Syrian refugee children from more than 195,000 for the 2016-2017 to about 213,000 in the 2017-2018 school year. 59,000 were enrolled in morning shifts, while 154,000 attended Syrian-only afternoon shifts, and 149,000 students completed the school year.<sup>256</sup>

On the downside, the MEHE had to cut costs and limit enrolment, due to shortcomings in international funding. This led to some school officials arbitrarily demanding either documents that are not required for enrolment (such as proof of legal residency), or enrolment fees.<sup>257</sup> This non-compliance of public school staff limits the children's access to equal education possibilities. Unfortunately, and despite the efforts exerted by the MEHE, more than half of refugee children, mainly adolescent and youth, are not enrolled in schools.<sup>258</sup> In this context, the RACE projects have faced criticism in financial transparency and therefore the accountability for prioritising vulnerable Lebanese children, as there have been substantial differences in reported funding needs and informational disclosure.<sup>259</sup> Corruption remains a major challenge in achieving financial transparency and sustainable international funding in Lebanon.

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250 UNICEF (2018). *Syria Crisis Mid-Year 2018 Humanitarian Results*. Retrieved from

[https://www.unicef.org/appeals/files/UNICEF\\_Syria\\_Crisis\\_Situation\\_Report\\_Mid\\_Year\\_2018.pdf](https://www.unicef.org/appeals/files/UNICEF_Syria_Crisis_Situation_Report_Mid_Year_2018.pdf) (accessed 01.02.19)

251 UNESCO (2018). *eAtlas of Out-of-School Children - Global Trends*. Retrieved from <https://tellmaps.com/uis/oosc/#!tellmap/-528275754> (accessed 01.02.19)

252 UNHCR (2018, December). *VASyr 2018 - Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

253 Save the Children (2018). *The Many Faces of Exclusion - End of Childhood Report 2018*. Retrieved from [https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/report/EndofChildhood\\_Report\\_2018\\_ENGLISH.pdf](https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/report/EndofChildhood_Report_2018_ENGLISH.pdf) (accessed 01.02.19)

254 UNHCR (2018, December). *VASyr 2018 - Vulnerability Assessment of Syrian Refugees in Lebanon*. Retrieved from <https://data2.unhcr.org/en/documents/download/67380> (accessed 01.02.19)

255 Human Rights Watch (2018, December 13). *Lebanon: Stalled Effort to Get Syrian Children in School*. Retrieved from <https://www.hrw.org/news/2018/12/13/lebanon-stalled-effort-get-syrian-children-school> (accessed 01.02.19)

256 Ibid.

257 Ibid.

258 UNHCR Lebanon (2018). *Education*. Retrieved from <https://www.unhcr.org/lb/education> (accessed 01.02.19)

259 Basmeh & Zeitooneh (2019). *Implementing the Reaching All Children with Education Plan – Beirut Second Case Study*. Print.

The World Bank's 2018 Report found overall risks remaining high<sup>260</sup> and Transparency International reports donors to be reluctant to provide direct funds to the government, which is why most funds go through UNICEF, UNHCR, and the World Bank.<sup>261</sup> Besides the need for more transparency in the financial aspects of the RACE II programme, internal auditing mechanisms within the MEHE's financial reporting need to be established, to increase international donor trust and compliance.

A report released by Save the Children in October 2018, found half of the kids in Lebanon to have experienced physical or verbal bullying, while only about a quarter of parents are aware of this situation or perceive it to be a normal part of childhood.<sup>262</sup> In addition, corporal punishment remains a concern, as the MEHE does not have specialised procedures to protect students if they report abuse and there is no transparency or follow-up during the process.<sup>263</sup> Bullying affects all groups of children, with 50% Lebanese, 51% Syrian and a slightly higher percentage of 58% for Palestinian children.<sup>264</sup> While Palestinian are more likely to experience physical bullying, Syrians are more exposed to verbal abuse, linked mainly to their socio-economic status and the fact that many have to work outside school hours.<sup>265</sup> Apart from long-term emotional impact, the report finds 12% of victims dropping out of school and 29% of caregivers noticing a drop in grades as a result of the abuse.<sup>266</sup> The MEHE's Child Protection Policy, which was enacted in October 2018, establishes guidelines for the creation of a non-violent learning environment in schools. Therefore, teachers, students and parents started to receive awareness training sessions, alongside the establishment of a hotline for victims, according to the Director of Education at the MEHE, Fadi Yarak.<sup>267</sup> Nevertheless, a structured approach to report and process cases of abuse is still lacking. The mechanism the MEHE does have, which assigns abuse cases in public schools to counsellors, is often improperly implemented and counsellors are not always found to be qualified.<sup>268</sup>

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260 Kamano, P.J. (2018, June 12). *Disclosable Version of the ISR - Reaching All Children with Education in Lebanon Support Project - P159470 - Sequence No: 04*. The World Bank. Retrieved from <http://documents.worldbank.org/curated/en/966421528828394762/Disclosable-Version-of-the-ISR-Reaching-All-Children-with-Education-in-Lebanon-Support-Project-P159470-Sequence-No-04> (accessed 01.02.19)

261 Grunewald, F. et al. (2017, June). *Collective Commitment to Enhance Accountability and Transparency in Emergencies: Lebanon Report*. Transparency international: 21. Retrieved from <https://www.syrialearning.org/system/files/content/resource/files/main/2017-create-lebanon-en.pdf> (accessed 01.02.19)

262 Save the Children (2018, October). *Bullying in Lebanon – Research Summary*. Retrieved from [https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/STC\\_Bullying%20in%20Lebanon\\_Research%20Summary\\_English.pdf](https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/STC_Bullying%20in%20Lebanon_Research%20Summary_English.pdf) (accessed 01.02.19)

263 ALEF (2017, October). *Right to a Future: Threats to Legal and Physical Safety*. Retrieved from [https://alefiban.org/wp-content/uploads/2018/02/Legal-and-Physical-Safety\\_v02\\_web.pdf](https://alefiban.org/wp-content/uploads/2018/02/Legal-and-Physical-Safety_v02_web.pdf) (accessed 01.02.19)

264 Save the Children (2018, October). *Bullying in Lebanon – Research Summary*. Retrieved from [https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/STC\\_Bullying%20in%20Lebanon\\_Research%20Summary\\_English.pdf](https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/STC_Bullying%20in%20Lebanon_Research%20Summary_English.pdf) (accessed 01.02.19)

265 Ibid.

266 Ibid.

267 The Daily Star (2018, November 5). *Change Needed in Lebanese School Culture to End Bullying*. Retrieved from <https://www.pressreader.com/lebanon/the-daily-star-lebanon/20181105/281590946573824> (accessed 01.02.19)

268 ALEF (2017, October). *Right to a Future: Threats to Legal and Physical Safety*. Retrieved from [https://alefiban.org/wp-content/uploads/2018/02/Legal-and-Physical-Safety\\_v02\\_web.pdf](https://alefiban.org/wp-content/uploads/2018/02/Legal-and-Physical-Safety_v02_web.pdf) (accessed 01.02.19)

## Children with Disabilities

So far, Lebanon has signed but not ratified the Convention on the Rights of Persons with Disabilities. The Lebanese Law 220 of 2000 is meant to ensure basic rights, such as the right to health and education to persons with disabilities (PWD). Children with disabilities nevertheless encounter social, logistical and economic barriers in enrolling in and attending Lebanese schools.<sup>269</sup> Data on the number of children with disabilities in Lebanon is lacking. Of the currently registered 8,888 children, ages 5 to 14, only 3,806 are enrolled in government-funded institutions. Based on Human Rights Watch's estimates, however, at least 45,000 school-aged children are expected to have a disability, therefore leaving tens of thousands without access to education.<sup>270</sup>

An overwhelming majority of public schools do not meet all of the legal physical accessibility standards for public buildings. In addition, children with disabilities often face discriminatory admission policies, fees or the lack of appropriately trained staff, leaving especially children from poorer families at the margins.<sup>271</sup> Those specialized segregated institutions, funded by the MoSA, are often poorly equipped and not even classified as schools by the MEHE, due to a lack in monitoring and evaluation mechanisms. These institutions raise serious concerns about the right of education for children with disabilities, as they function more like day care centres than educational institutions. Some institutions additionally lack a separation between children and unrelated adult residents.<sup>272</sup>

In 2018, the MEHE announced a pilot program that would create 30 inclusive schools across the country, accepting children with learning disabilities, and an additional 6 accepting children with physical, visual, hearing, and moderate intellectual disabilities. By the end of the year, inclusive education training was being implemented for special educators, teachers, and mobile teams.<sup>273</sup> This program shows progress in the right to education. Nevertheless, more effort is needed to bridge the high number of children with disabilities, especially from poorer households, that are still exempt from basic education and face discrimination.

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269 Human Rights Watch (2018, March). *"I Would Like to Go to School" - Barriers to Education for Children with Disabilities in Lebanon*. Retrieved from <https://www.hrw.org/report/2018/03/22/i-would-go-school/barriers-education-children-disabilities-lebanon#> (accessed 01.02.19)

270 Ibid.

271 Ibid.

272 Ibid.

273 MEHE (2018, November). *RACE II Fact Sheet*. Retrieved from [http://education2030-arab-states.org/PDF/8bcd1ee0-ab0c-42c8-bd37-9c04c23f9829\\_RACE-PMUFactSheetNovember2018-compressed.pdf](http://education2030-arab-states.org/PDF/8bcd1ee0-ab0c-42c8-bd37-9c04c23f9829_RACE-PMUFactSheetNovember2018-compressed.pdf) (accessed 01.02.19)



# Migrant Domestic Workers

Migrant workers have become a staple of Lebanese life. Lebanon hosts over 250,000 migrant domestic workers (MDW) from various countries in Africa, South and Southeast Asia, which makes up about 10% of the country's female population.<sup>274</sup> The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families protects the rights of migrant workers. However, Lebanon has not yet ratified the convention, as it may contradict current immigration control policies. Lebanon has signed other international treaties that indirectly touch upon MDW issues such as ICCPR, ICESCR, ICERD<sup>275</sup> and ILO Conventions 105 and 111.<sup>276</sup> Lebanon has not yet signed ILO Conventions 89 and 189, which deal with the treatment of female MDWs, prevention of labour exploitation, as well as the freedom of association and protection of the right to organize.<sup>277</sup>

A migrant workforce has many positive benefits economically and socially, for both migrants and Lebanese citizens, but they are often overshadowed by various forms of discrimination due to common misconceptions and the absence of protective legislation for migrants. The Lebanese Labour Law excludes MDWs from its provisions and protections, thus placing them under the control of the sponsorship system, better known as the kafala system. The kafala system places more power in the hands of the employer, providing them with absolute control over the legal

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274 Human Rights Watch (2018, April 6). *Lebanon: Migrant Worker's Abuse Account*. Retrieved from <https://www.hrw.org/news/2018/04/06/lebanon-migrant-workers-abuse-account> (accessed 01.02.19)  
Open Democracy (2018, May 17). *Migrant Workers Fighting for Freedom under Lebanon's Kefala System*. Retrieved from <https://www.opendemocracy.net/north-africa-west-asia/roshan-de-stone-david-l-suber/migrant-workers-fighting-for-freedom-under-leba> (accessed 01.02.19)

275 Lebanese Constitutional Council (2001, May 10). *Decision 10-05-2001*. Retrieved from <http://www.cc.gov.lb/node/2584> (accessed 01.02.19)

276 ILO (2018). *Ratifications for Lebanon*. Retrieved from [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103147](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103147) (accessed 01.02.19)

277 ILO (2011). *C189 - Domestic Workers Convention (No. 189)*. Retrieved from [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189) (accessed 01.02.19)

status and work permit of the MDW.<sup>278</sup> 87.4% of MDWs are recruited through an agency.<sup>279</sup> These have commonly faced criticism for encouraging human rights abuses against MDWs.<sup>280</sup>

With no ability to dictate their work schedule or freedoms, MDWs often face several abuses, such as denial of time-off, non-payment of wages, restriction of movement, confiscation of passport and identification documents, and other forms of ill-treatment, such as physical, sexual and psychological abuse.<sup>281</sup> General Security requires domestic workers to live with their employers and uses it as a condition of residency renewal, despite this not being part of any law.<sup>282</sup>

The working conditions many MDWs encounter lead to an alarming number of suicide cases, with allegedly two MDWs dying per week. Over the course of the past two years, more than 138 were found dead.<sup>283</sup> The most shocking case this year concerned a 21-year-old MDW from Ethiopia, who jumped off a second-floor balcony in an attempted suicide, after reportedly being violently abused by her employer.<sup>284</sup> Those trying to flee abusive workspaces risk detention and deportation, as their legal status is linked to their employer. They seek out to the underground support web of migrant community groups, churches and local supporters that provide them with shelter, work, and legal assistance.<sup>285</sup>

Seeking legal assistance against cases of abuse or rape against their employer proves hopeless for MDWs. So far, no employer has been punished by the Lebanese justice system for restricting a worker's movement or withholding their documents and the worst sentence for physical abuse was issued at one month in prison.<sup>286</sup> Women pressing charges also often encounter counter charges, such as theft, and thus let the employer get away with abuse. Even though there have been few cases ruling in favour of MDWs, they rarely have the money to fight in court or are

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278 Human Rights Watch (2018, April 6). *Lebanon: Migrant Worker's Abuse Account*. Retrieved from <https://www.hrw.org/news/2018/04/06/lebanon-migrant-workers-abuse-account> (accessed 01.02.19)

279 ILO (2016). *Intertwined - A Study of Employers of Migrant Domestic Workers in Lebanon*. Retrieved from <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-100-636294924587081719.pdf> (accessed 01.02.19)

280 Middle East Monitor (2018, May 8). *Women Migrant Workers Come Together Against the Kafala System in Lebanon*. Retrieved from <https://www.middleeastmonitor.com/20180508-women-migrant-workers-come-together-against-the-kafala-system-in-lebanon/> (accessed 01.02.19)

281 Ibid.

Human Rights Watch (2018, April 6). *Lebanon: Migrant Worker's Abuse Account*. Retrieved from <https://www.hrw.org/news/2018/04/06/lebanon-migrant-workers-abuse-account> (accessed 01.02.19)

282 ILO (2016). *Intertwined - A Study of Employers of Migrant Domestic Workers in Lebanon*. Retrieved from <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-100-636294924587081719.pdf> (accessed 01.02.19)

283 The National (2018, September 24). *Suspicious Death of Domestic Worker in Lebanon sparks Debate over Racism*. Retrieved from <https://www.thenational.ae/world/mena/suspicious-death-of-domestic-worker-in-lebanon-sparks-debate-over-racism-1.773588> (accessed 01.02.19)

284 Massena, F. (2018, May 22). *Abused Ethiopian Domestic Worker is "the Poster Girl for Kafala" in Lebanon*. Equal Times. Retrieved from <https://www.equaltimes.org/abused-ethiopian-domestic-worker?lang=en#.XFFp3FUzBIU> (accessed 01.02.19)

285 Hall, R. (2018, August 1). *The Secret Networks Saving Lebanon's Migrant Maids from Abuse*. The Guardian. Retrieved from <https://www.theguardian.com/global-development/2018/aug/01/secret-networks-rescuing-lebanon-migrant-maids-from-abuse> (accessed 01.02.19)

286 Ghaddar, A. et al. (2018). *Justifying Abuse of Women Migrant Domestic Workers in Lebanon: The Opinion of Recruitment Agencies*. Retrieved from <https://doi.org/10.1016/j.gaceta.2018.11.001> (accessed 01.02.19)

deported before trial.<sup>287</sup> Furthermore, judges typically address MDWs either in French or English, due to a lack of interpreters in the MDW's mother tongue. Therefore, the full understanding of the trial and its consequences is not guaranteed to the MDW.<sup>288</sup>

Largely due to a lack of political will and limitations imposed by the law, which does not allow domestic workers to organize themselves,<sup>289</sup> the MoL fails to recognize the Domestic Workers Union as legal, thus denying MDWs in Lebanon their right to form and join unions and subsequently create meaningful and positive change. Even though the union continued to campaign for MDW'S rights, its reach has been limited with only 700 members.<sup>290</sup> The success of the labour union is also hampered by the low support of employers, as 70% would not want their MDW to attend trade union meetings.<sup>291</sup>

## Deportations and Criminal Offences

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

Deportation continues to be the primary resort of the DGGS, especially when it comes to migrants who are detained for their invalid residency status. This violates their right to challenge the circumstances of their detention and have their case reviewed by a competent court within reasonable time. In July 2018, Kenyan MDWs Shamila and Rose were assaulted by one Lebanese woman and two Lebanese men. Despite existing video evidence of the racially motivated incident and media outcry, Shamila was deported in July on the grounds of leaving her abusive employer.<sup>292</sup> The two men were sentenced to jail time by the military court, while all three attackers, as well as Rose, were fined. Due to her absence to the trial and inability to defend herself, Shamila was sentenced to two months' jail time. Although this verdict shows that MDWs can hold attackers accountable for their actions, it also exposes the limits MDWs face in accessing justice, through General Security's practices and prosecution before the military court.<sup>293</sup>

287 O'Regan, K. (2017). *A day Out and a Union: Lebanon's Domestic Workers Organize*. In: Dissent Vol. 64(4): 109-118. Retrieved from <https://doi.org/10.1353/dss.2017.0100> (accessed 01.02.19)

288 Ghaddar, A. et al. (2018). *Justifying Abuse of Women Migrant Domestic Workers in Lebanon: The Opinion of Recruitment Agencies*. Retrieved from <https://doi.org/10.1016/j.gaceta.2018.11.001> (accessed 01.02.19)

289 See Lebanese Labor Code Art. 7

290 Massena, F. (2018, May 22). *Abused Ethiopian Domestic Worker is "the Poster Girl for Kafala" in Lebanon*. Equal Times. Retrieved from <https://www.equaltimes.org/abused-ethiopian-domestic-worker?lang=en#.XFFp3FUzbIU> (accessed 01.02.19)

291 ILO (2016). *Intertwined - A Study of Employers of Migrant Domestic Workers in Lebanon*. Retrieved from <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-100-636294924587081719.pdf> (accessed 01.02.19)

292 Kanso, H. (2018, July 16). *Lebanon Deports Migrant Worker Attacked under 'Dehumanising' System*. Thomson Reuters Foundation. Retrieved from <http://news.trust.org/item/20180716172744-yznhm/> (accessed 01.02.19)

293 Anti-Racism Movement Lebanon (2018, September 25). *Update: Court Verdict for Shamila and her Attackers*. Retrieved from <https://www.armlebanon.org/content/update-court-verdict-shamila-and-her-attackers> (accessed 01.02.19)

## Rights of Migrant Families

Migrant families and especially their children often face discrimination. In June 2018, a Sudanese child was rejected from a nursery after other parents refused to accept a black child playing with their children. The Ministry of Public Health (MoPH) condemned the nursery's actions after the media outburst and offered to help the family "overcome the ... maltreatment they have suffered."<sup>294</sup> The government should aim at promoting anti-discrimination measures targeting educational institutions as well as parents, in order to not only provide equal access to education but also a safe environment for children to grow and learn.

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294 The Daily Star (2018, June 19). *Sudanese Kid Refused at Nursery after Racist Complaints*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-19/453619-sudanese-kid-refused-at-nursery-after-racist-complaints.ashx> (accessed 01.02.19)



Lebanon became party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which governs civilians' right to health, on November 3<sup>rd</sup> 1972. Article 12(1) stipulates, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."<sup>295</sup> The right to health also includes the provision of safe drinking water, safe food, adequate nutrition, healthy working conditions, and even gender equality. Although it is not enshrined in any domestic legislation, as a signatory of the ICESCR Lebanon has a duty to provide the right to health to all its residents.

## Public Healthcare

Healthcare in Lebanon is covered in equal parts by government expenditure, private insurance and contribution-based schemes like the National Social Security Fund (NSSF), and out-of-pocket expenditures. While government spending on healthcare is characterizing for advanced economies, Lebanon is performing far behind developing countries with a national spending of merely 7.5% as share of the GDP. Herein, primary care in Lebanon is lacking, as it currently only benefits about 8% of the population. As a consequence, patients increasingly resort to hospital visits for treatment, which are covered by the NSSF up to 85%, therefore leading to overcrowding in private hospitals.<sup>296</sup>

Since the civil war, the Lebanese health care system has become costly and fragmented. The MoPH found itself increasingly outsourcing care to private hospitals, with its mandate shifting from running public health care to negotiating with the private sector. Today, the health sector is mainly focused on private health institutions and does not offer coherent health care plans for those unable to obtain private health care.<sup>297</sup> The trend of lack of confidence and investment in

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295 ICESCR, Art. 12(1).

296 Blominvest Bank (2018, April 20). *The Lebanese Healthcare Sector: In Urgent Need of Reforms*. Retrieved from <http://blog.blominvestbank.com/wp-content/uploads/2018/04/The-Healthcare-System-in-Lebanon-1.pdf> (accessed 01.02.19)

297 Kronfol, N.M. & Bashshur, R. (1989). *Lebanon's Health Care Policy: A Case Study in the Evolution of a Health System under Stress*. In: Journal of Public Health Policy 10(3): 377-396. Print.

the public healthcare sector manifests in low public healthcare expenditure of only 47.6% of the total healthcare expenditure in Lebanon.<sup>298</sup> The current public hospital infrastructure accounts for only 14% of the hospital beds in Lebanon, with private hospitals bridging the existing gap.<sup>299</sup>

Public hospitals are often under-equipped and suffer from deficiencies such as poor maintenance and inexperienced physicians and nurses.<sup>300</sup> Currently, individuals with a limited income, including MDWs and refugees, face difficulties in accessing health facilities due to costly private health care providers. Only half of the population has health insurance coverage, while the other half is covered by the MoPH.<sup>301</sup> Most hospitals contracted by the MoPH are private and do not cover the entirety of hospital bills.<sup>302</sup> According to the MoPH, a system of compulsory health insurance could generate economies of scale, although this would encourage further privatization.<sup>303</sup>

In December 2018, a 3-year-old Palestinian boy in need of a brain surgery died after hospitals rejected him due to a lack of beds. His rejection was not due to financial reasons, as was reported earlier, since the UNRWA stated that it paid for the boy's medical treatment, which his family might not have been able to cover. The Minister of Public Health Ghassan Hasbani had at first denied that the child's death was a result of delayed admission, and later stated that it was investigating the matter.<sup>304</sup>

Furthermore, the private health sector fails to provide adequate accountability mechanisms to account for corruption and practices that threaten the right to healthcare. Private hospitals often refuse to administer life-saving measures in the absence of third-party coverage or cash guarantees. Political clientelism, which continues to characterize the Lebanese political landscape, undermines the public health system. Historically, corruption has been widespread in two main parts of the health sector - the contracting and payment of bills between the ministry and private hospitals, as well as the management of the pharmaceutical market.<sup>305</sup>

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298 Blominvest Bank (2018, April 20). *The Lebanese Healthcare Sector: In Urgent Need of Reforms*. Retrieved from <http://blog.blominvestbank.com/wp-content/uploads/2018/04/The-Healthcare-System-in-Lebanon-1.pdf> (accessed 01.02.19)

299 Van Lerberghe, W. et al. (2018, May). *The Collaborative Governance of Lebanon's Health Sector*. Retrieved from <https://www.moph.gov.lb/en/Pages/0/18161/the-collaborative-governance-of-lebanon%E2%80%99s-health-sector> (accessed 01.02.19)

300 Blominvest Bank (2018, April 20). *The Lebanese Healthcare Sector: In Urgent Need of Reforms*. Retrieved from <http://blog.blominvestbank.com/wp-content/uploads/2018/04/The-Healthcare-System-in-Lebanon-1.pdf> (accessed 01.02.19)

301 A Separate State of Mind (2015, July 7). *Why Lebanon's Health Sector Is Messed Up*. Retrieved from <https://stateofmind13.com/2015/03/07/why-lebanons-health-sector-is-messed-up/#jp-carousel-11772> (accessed 01.12.17)

302 Blominvest Bank (2016, November 16). *Lebanese Hospital Care: Structural Deficiencies Hindering Development*. Retrieved from <http://blog.blominvestbank.com/lebanese-hospital-care-structural-deficiencies-hindering-development/> (accessed 01.02.19)

303 Ibid.

304 The Daily Star (2018, December 18). *3-year-old Palestinian Boy Dies Due to Hospitals' Lack of Beds*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-18/472093-3-year-old-palestinian-dies-after-hospitals-denied-admission-reports.ashx> (accessed 01.02.19)

The Daily Star (2018, December 19). *Palestinian Child Dies after Delayed Admission to ICU*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-19/472152-palestinian-child-dies-after-delayed-admission-to-icu.ashx> (accessed 01.02.19)

Vohra, A. (2018, December 24). *Lebanon: Palestinian Boy, 3, Dies after "Hospitals Refuse Care"*. Al Jazeera. Retrieved from <https://www.aljazeera.com/news/2018/12/lebanon-palestinian-boy-3-dies-hospitals-refuse-care-181223081520826.html> (accessed 01.02.19)

305 The Daily Star (2018, December 13). *Hezbollah Health Ambition Risk to Country: Hasbani*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-13/471650-hezbollah-health-ambition-risk-to-country.ashx> (accessed 01.02.19)

One of the major problems in increased cost of healthcare is the ever-increasing cost of drugs and treatments. During his tenure, Health Minister Ghassan Hasbani has ordered several markdowns of drug prices and has recently issued a decree ordering the price of generic drugs to be lower than their branded versions.<sup>306</sup>

## Access to Healthcare for Refugees

Refugees do not receive standardized health care in Lebanon. The limited means and cost of transportation, the long distances, drug costs, and restricted services in facilities nearby prevent refugees from accessing proper health care.<sup>307</sup> In spite of UNHCR coverage of certain treatment costs, refugees cannot bridge the costs.<sup>308</sup> UNHCR coverage only includes life-threatening medical conditions and deliveries. It pays 85% of essential, health care costs for refugees, however, additional costs that might arise such as consultations, health products, and medication, are not covered. Although they receive additional support from local and foreign NGOs and the World Bank, secondary and tertiary health care institutions are mostly private, and their high cost remains a significant barrier to refugees. Furthermore, refugees not registered with UNHCR are not covered by any medical insurance, leaving them at the margins of the Lebanese health system.

## Persons with Disabilities

Although Lebanon has not yet ratified the UN Convention on the rights of PwDs, the Lebanese parliament passed Law 220 in 2000, entitled “Rights of the Handicapped Individuals”. The law addresses assistance for PwDs, as well as the role of the state in protecting and upholding their rights. However, the legal framework is limited to a non-rights-based approach that tends to exclude non-physical disabilities.<sup>309</sup> Despite being issued 18 years ago, the concerned ministries have not established implementation mechanisms for the proper administration of most of the law’s provisions. The reasons for the lack of proper enforcement of the framework include a lack in resources, absence of executive decrees required for the full implementation of the law and a weak accountability framework regulating the work of public entities.

In Lebanon, an estimated 10-15% of the population has physical, sensory, intellectual, or mental disabilities. Among Syrian refugees, the estimates even rise up to 10-22.8%.<sup>310</sup> Currently, there are no existing structures in place to monitor the implementation of the 3% quota for PwDs in the workplace, or to ensure fining of employers who fail to comply. In July 2018, caretaker Labour Minister Mohamad Kabbara announced measures to penalize companies that had failed

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306 Ibid.

307 UNHCR (2017, December 15). *Vulnerability Assessment of Syrian Refugees in Lebanon*.

Retrieved from <http://data.unhcr.org/syrianrefugees/download.php?id=14762> (accessed 01.02.19)

308 Ibid.

309 Combaz, E. (2018, July 15). *Situation of Persons with Disabilities in Lebanon*. Knowledge Learning and Evidence for Development.

Retrieved from [https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability\\_in\\_Lebanon.pdf](https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability_in_Lebanon.pdf)

(accessed 01.02.19)

310 Ibid.

to implement the provisions of Law 220 by October 19. According to Kabbara, companies would be forced to pay a fine equivalent to twice the minimum wage, which would then benefit a fund for disabled people unable to work.<sup>311</sup> Nevertheless, the extent to which such penalties were enforced remains unreported.

Though a number of Lebanese ministries and humanitarian agencies provide healthcare services for PwDs, they still face a number of barriers to proper healthcare. According to a study by the Arab NGO Network for Development and the Issam Fares Institute, more than half of PwD survey respondents reported feeling excluded from basic services as well as feeling financially exploited.<sup>312</sup> Other respondents stated that they were discriminated against and had been violated psychologically, physically and sexually. Survey responders mentioned other structural barriers, such as the lack of equipment to accommodate PwDs at health centres and the lack of proper documentation. Furthermore, Lebanese and Syrians who are disabled but who do not have a disability card face significant difficulties in covering healthcare costs.<sup>313</sup>

## Reproductive Health

The lack of national regulations and criminal laws that directly and explicitly address issues related to reproductive health remains one of the biggest concerns in Lebanon. Although there have been no cases of cutting and female genital mutilation reported to occur in practice within the country, there are no criminal laws that directly address or legally prohibit the issue.<sup>314</sup> Moreover, there are no laws in Lebanon that explicitly address surrogacy and legislation for such treatment is almost impossible due to the vastly different stances of religious communities.<sup>315</sup> Furthermore, fertility treatments, like in-vitro fertilization (IVF), have become a common procedure. However, the lack of any regulation on the issue allows healthcare providers to open an IVF clinic and regulate it on their own. Without a national law addressing this, ethical and legal dilemmas, like gender selection and regulating sperm and egg donation, are left up to the physicians' and patients' discretion.<sup>316</sup> In addition, until today, insurance companies and the NSSF in Lebanon have not recognized infertility as a disease and do not cover any kind of medication or treatment.<sup>317</sup>

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311 The Daily Star (2018, July 28). *Disability Law Implementation, at Last?*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jul-28/458205-disability-law-implementation-at-last.ashx> (accessed 01.02.19)

312 Baroud, M. (2017, December). *Improving Healthcare Access for Persons with Disabilities in Lebanon: Together for Justice in Service Provision*. Retrieved from [http://www.annd.org/data/file/files/Policy%20brief\\_Health%20access%20\\_15122017\\_4%20page.pdf](http://www.annd.org/data/file/files/Policy%20brief_Health%20access%20_15122017_4%20page.pdf) (accessed 01.02.19)

313 Ibid.

314 UNDP (2018). *Lebanon: Gender Justice and the Law*. Retrieved from <http://www.lb.undp.org/content/dam/lebanon/docs/Women%20Emp/Lebanon%20Country%20Assessment%20-%20English.pdf> (accessed 01.02.19)

315 The Daily Star (2014, September 13). *Surrogacy not an option in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-13/270527-surrogacy-not-an-option-in-lebanon.ashx> (accessed 01.02.19)

316 The Daily Star (2013, August 28). *Fertility Treatments in Lebanon Regular but Unregulated*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2013/Aug-28/228955-fertility-treatments-in-lebanon-regular-but-unregulated.ashx> (accessed 01.02.19)

317 Annahar (2018, October 1). *"Does the Lebanese state recognize infertility as a disease and cover the costs of treatment?"* Retrieved from <https://nahar.news/871620>

Lebanon's Presidential Decree No. 13187 and articles 539 to 546 of the Penal Code state that abortions may only legally occur if the woman's life is in danger. This law prohibits the dissemination of information on abortion, facilitation of methods used to this end, and the selling of objects designed to perform it. Even with the woman's consent, the person who performs the abortion is subjected to one to three years of imprisonment, and the woman herself is subjected to six months to three years.<sup>318</sup> As a result of the high-risk factors involved, abortions are expensive, and the procedures are typically performed in private clinics or in homes in unsanitary environments. These conditions put women's lives at risk and can lead to severe physical and mental health conditions.<sup>319</sup>

People living with sexually transmitted diseases (STDs) are perceived as outcasts within Lebanese society and fall victim to very negative attitudes about their illness. They face stigma due to misconceptions about the ways by which a person may contract infections such as HIV.<sup>320</sup> For example, even when chances are high for an STI to progress into cervical cancer, cervical cancer is not as prominent in the national conversation, about cancer diagnosis and treatments, as other forms of cancer are, due to false perceptions about contraction methods.<sup>321</sup> The fact that sexual education remains scant and almost non-existent in Lebanese schools contributes to these misconceptions and lack of awareness.<sup>322</sup> Even in schools that provide sex-education, the content is often limited, censored, and incomprehensive.

Additionally, although all types of modern contraceptive methods, and even emergency contraception, are accessible in Lebanese pharmacies and medical clinics, the lack of education and awareness along with social and religious stigma still shames and limits access to such health services.<sup>323</sup> This enhances the likelihood of early and unwanted pregnancies and STDs, which pose a threat to the health of both men and women. Unfortunately, discrimination due to stigma has also become a major hindrance in accessing treatment and healthcare for HIV-patients.<sup>324</sup> Although the MoPH provides HIV-treatment free of charge to Lebanese citizens and refugees registered with UNHCR, by the end of November 2018, the estimates of people living with HIV/AIDS in Lebanon had increased from 2,206 in 2017 to 2,366.<sup>325</sup> In October 2018, the Director General for State Security issued a statement about the arrest of an individual living with AIDS,

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318 The A Project (2015, June 24). *Abortion in Lebanon: Practice and Legality?*.

Retrieved from <http://www.theaproject.org/content/abortionlebanon-practice-and-legality> (accessed 01.12.17)

319 Ibid.

320 SIDC (2018, April). *Human Rights & HIV Monitoring System*.

Retrieved from <http://sidc-lebanon.org/wp-content/uploads/2018/04/Final-ENG-Speak-UP-Final-report-EN.pdf> (accessed 01.02.19)

321 Annahar (2018, October 1). "Does the Lebanese state recognize infertility as a disease and cover the costs of treatment?"

Retrieved from <https://nahar.news/871620>

322 Al Jazeera (2017, April 24). *Tackling Lebanon's Blushes about Sex*. Retrieved from

<https://www.aljazeera.com/indepth/features/2017/02/tackling-lebanon-blushes-sex-170223105205807.html> (accessed 01.02.19)

323 An-Nahar (2018, March 14). *Sexual health, a pressing issue in Lebanon*.

Retrieved from <https://en.annahar.com/article/773530-sexual-health-a-pressing-issue-in-lebanon> (accessed 01.02.19)

324 SIDC (2017). *Human Rights and HIV: A Legal Mapping Study in Lebanon*. Retrieved from <http://sidc-lebanon.org/wp-content/uploads/2019/01/EN-Final-executive-summary-SIDC-updated-NS-NOV-2018.pdf> (accessed 01.02.19)

325 MoPH (2018). *Aids*. Retrieved from <https://www.moph.gov.lb/en/Pages/2/4000/aids> (accessed 01.02.19)

implying that communicating or working with an HIV/AIDS patient poses a threat to the lives of others and that living with the infection prevents people from engaging in socioeconomic activity.<sup>326</sup> This caused a backlash among CSOs working on the issue, which criticized the spread of panic and intimidation, due to a general lack of information and erroneous beliefs on HIV and STDs.<sup>327</sup>

## Mental Health

A rapid increase in suicide cases raised serious concerns, with around 100 reported suicides within the first five months of 2018, compared to 147 in all of 2017. Mental health NGO Embrace estimates 20 failed suicide attempts for every completed suicide, amounting to one suicide attempt every six hours in Lebanon.<sup>328</sup>

According to experts, there is still a stigma around mental health and a lack of awareness of mental health issues among patients, and even among health professionals in Lebanon, resulting in insufficient care. According to Embrace, one in four Lebanese suffer from mental illness at least once in their lifetime,<sup>329</sup> with people aged 15-29 being at the highest risk of mental illness.<sup>330</sup> A pilot study has found that currently 25% of young people in the greater Beirut area are suffering from mental health issues , while only 6% of them seek help.<sup>331</sup> Besides the remaining stigma around mental health issues, this low outreach can be traced back to high costs of treatment.<sup>332</sup> The shortcomings of health care in limited coverage for mental illnesses in both public and private insurances are increasingly bridged by NGOs.<sup>333</sup> To shift the public perception of mental health and lift its stigma in Lebanon, a change in attitude of public actors, especially the Lebanese government, is necessary.<sup>334</sup>

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326 National News Agency (2018, October 31). *A Clarification from the State Security Directorate about the Arrest of the AIDS Patient*. Retrieved from <http://nna-leb.gov.lb/ar/show-news/373137/nna-leb.gov.lb/ar> (accessed 01.02.19)

327 An-Nahar (2018, November 1). *Network of Associations Working on AIDS in Lebanon: HIV is not a Scarecrow!* Retrieved from <https://nahar.news/890851> (accessed 01.02.19)

328 Kadi, S. (2018, August 16). *Suicide Rate Among Lebanese Youth Raises Alarm*. The Arab Weekly. Retrieved from <https://thearabweekly.com/suicide-rate-among-lebanese-youth-raises-alarm> (accessed 01.02.19)

329 Chehab, N. (2018, August 6). *The Social and Economical Cost of Mental Health in Lebanon*. Executive Magazine. Retrieved from <http://www.executive-magazine.com/special-report/the-social-and-economical-cost-of-mental-health-in-lebanon> (accessed 01.02.19)

330 Kadi, S. (2018, August 16). *Suicide Rate Among Lebanese Youth Raises Alarm*. The Arab Weekly. Retrieved from <https://thearabweekly.com/suicide-rate-among-lebanese-youth-raises-alarm> (accessed 01.02.19)

331 Ibid.

332 The Daily Star (2018, May 11). *Stigma around Mental Health Lingers in Lebanon*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/May-11/448911-stigma-around-mental-health-lingers-in-lebanon.ashx> (accessed 01.02.19)

333 Chehab, N. (2018, August 6). *The Social and Economical Cost of Mental Health in Lebanon*. Executive Magazine. Retrieved from <http://www.executive-magazine.com/special-report/the-social-and-economical-cost-of-mental-health-in-lebanon> (accessed 01.02.19)

334 Ibid.

## **Waste Management and Health**

As Lebanon is still struggling to address its garbage crisis (see Environment Chapter for further information), the country's insufficient waste management continues to inflict both short- and long-term health consequences on its population.<sup>335</sup> The Lebanese government failed to inform and protect its citizens from the devastating health consequences of pollution. The ambient air pollution level in Beirut amounts to 3.2 times more than limits recommended by the World Health Organization (WHO) and puts people across the country at risk of diseases and death. Scientific studies state that the incidence of lymphoma in Lebanon is the highest among children (5-9 years old) and adolescents (15-19 years old) when compared to other countries in the region. According to a report by Dr. Najat A. Saliba of the American University of Beirut (AUB), several studies have demonstrated a correlation between people living near pollution sources and increased rates of death from cancer.<sup>336</sup> Furthermore, research relating air pollution to fetal/newborn malformations or even the alteration of genetic functions highlights the government's responsibility to create sustainable solutions to Lebanon's waste and pollution crisis.<sup>337</sup>

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335 Stanek, B. (2018, March 19). *Lebanon's Waste Crisis Causes Devastating Health Risks*. Human Rights Brief.

Retrieved from <http://hrbrief.org/2018/03/lebanons-waste-crisis-causes-devastating-health-risks/> (accessed 01.02.19)

336 Responsible Business (2018, Issue No. 27). *No Trust, No Dust - Incinerators are Not a Suitable Solution for Lebanon*.

Retrieved from <http://www.aub.edu.lb/articles/Documents/Responsible-Business-Issue-27-Najat-Saliba.pdf> (accessed 01.02.19)

337 Ibid.



# Labour and Social Security

According to article 22 of the UDHR, “Everyone, as a member of society, has the right to social security and is entitled to the realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”<sup>338</sup> In Lebanon, the NSSL (Decree No. 13955 of September 26, 1963) provides coverage for illness, maternity, labour accidents, illness due to work injury, family and educational allowance for the workforce as well as their families. Migrant workers can also benefit from these provisions, provided that they are nationals of France, Italy, Belgium or the UK.

Lebanon’s labour law does not apply to domestic workers employed in private households, agricultural corporations that have no connection with trade or industry, family businesses employing only family members, day laborers in municipal or governments services, staff of “Électricité du Liban” and wage-earners who are not governed by Civil Servant Regulations.<sup>339</sup> According to the NSSL and Legislative Decree No. 136 of 1983, which deals with occupational accidents, the dependents of a foreign worker cannot receive benefits if they resided outside Lebanon at the time of the accident.<sup>340</sup>

Article 15 of Legislative Decree no. 112 (Employee Regulations) of 1959 prohibits public service employees from striking or inciting other workers to go on strike. It also prohibits them from organizing, joining, forming unions or professional organizations. Article 65 of the decree states that: all employees participating in a work strike must resign beforehand.<sup>341</sup>

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338 United Nations (1948, December 10). *Universal Declaration of Human Rights*.

Retrieved from <http://www.un.org/en/universal-declaration-human-rights/> (accessed 01.02.19)

339 MoL (1946, September 23). *Lebanese Labor Law*.

Retrieved from <https://www.labor.gov.lb/Temp/Files/574b61dd-1233-4507-9da1-d4a3e3a6129a.pdf> (accessed 01.02.19)

340 MoL (1963, September 26). *Social Security Law*.

Retrieved from <https://www.labor.gov.lb/Temp/Files/f18fd301-c38a-45c8-b0e2-2da6134641ad.pdf> (accessed 01.02.19)

Legislative Decree No. 136 (1983, September 16).

Retrieved from <http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=194093> (accessed 01.02.19)

341 Legislative Decree No. 112 (1959, December 6). Retrieved from <http://www.cib.gov.lb/lot/112.htm> (accessed 01.02.19)

Following a decree by the Council of Ministers in October 2017, McKinsey and Co. launched an extensive study on Lebanon's economic situation and vision, in order to develop a national economic plan.<sup>342</sup> The report singled out several core issues, such as the overreliance on diaspora inflows rather than productive sectors, corruption, as well as legislative inefficiencies, as leading to persistent decrease in economic growth in the country. Although the report recognizes the inflow of Syrian refugees adding pressure to the Lebanese economy, it does nevertheless confirm that there is no hard data backing the perception of Syrians taking away jobs from Lebanese. Other reports, however, estimate the influx of Syrian refugees as having dis-employed around 270,000 Lebanese workers.<sup>343</sup> Although the refugee-influx does pose a certain burden on the local workforce, these numbers still cannot be directly attributed to the Syrian refugee-workforce alone. The absence of proper enforcement and regulation by the MoL, the lack of protective measures, as well as the prospering of illegal work and corruption, increases the general exploitation of workers for cheap and competitive labour.

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342 McKinsey & Co. (2018). *Lebanon Economic Vision*. Retrieved from [https://www.economy.gov.lb/media/11893/20181022-1228full-report-en.pdf?fbclid=IwAR3dgGPgWAdL0IV2oF6J4\\_myNCfz914vCSPc5JtdOBvcOcElOlinDyKF75c](https://www.economy.gov.lb/media/11893/20181022-1228full-report-en.pdf?fbclid=IwAR3dgGPgWAdL0IV2oF6J4_myNCfz914vCSPc5JtdOBvcOcElOlinDyKF75c) (accessed 01.02.19)

343 Ibid.

BLOM Bank (2018, June 29). *The Impact of Syrian Refugees on the Lebanese Labour Market*. Retrieved from <http://blog.blominvestbank.com/wp-content/uploads/2018/06/The-Impact-of-Syrian-Refugees-on-the-Lebanese-Labour-Market-June-29-2018.pdf> (accessed 01.02.19)



# Environment

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

Since the closure of the controversial Naameh landfill in 2015, Lebanon has dealt with a serious garbage crisis.<sup>344</sup> In September 2018, the parliament passed law 80, addressing solid waste management, which includes a ban on openly burning waste, setting penalties for violations.<sup>345</sup> After this decision, the MoE was given a deadline of six months to develop a national waste management strategy.<sup>346</sup> Nevertheless, communities keep openly burning waste on at least 150 of the more than 941 open dumps across the country, thus putting the environment and health of the people at risk. As the open burning takes mostly place in poorer areas, additional burden is put on those most vulnerable and least equipped to tackle the resulting health impacts.<sup>347</sup>

The government keeps defending its plans to establish energy-producing incinerators.<sup>348</sup> Heavy criticism evolved around the fact, that they are not suitable for the type of Lebanese waste with around 70% being organic and thus too wet to be processed by incinerators.<sup>349</sup>

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344 Smith Galer, S. (2018, March 28). *Lebanon is Drowning in its Own Waste*. BBC. Retrieved from <http://www.bbc.com/future/story/20180328-lebanon-is-drowning-in-its-own-waste> (accessed 01.02.19)

345 Human Rights Watch (2018, October). *Law Number 80 - Integrated Solid Waste Management*. Retrieved from [https://www.hrw.org/sites/default/files/supporting\\_resources/iswm\\_law\\_80\\_october2018\\_english.pdf](https://www.hrw.org/sites/default/files/supporting_resources/iswm_law_80_october2018_english.pdf) (accessed 01.02.19)

346 Human Rights Watch (2018, October 18). *Lebanon: No Action to Enforce New Waste Law*. Retrieved from <https://www.hrw.org/news/2018/10/18/lebanon-no-action-enforce-new-waste-law> (accessed 01.02.19)

347 Fakih, L. (2018, October 19). *Lebanon's Waste Crisis Hits Home*. Human Rights Watch. Retrieved from <https://www.hrw.org/news/2018/10/19/lebanons-waste-crisis-hits-home> (accessed 01.02.19)

348 The Daily Star (2018, August 3). *Environment Ministry Stands Firm on Decision to establish Incinerators*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Aug-03/458971-environment-ministry-stands-firm-on-decision-to-establish-incinerators.ashx> (accessed 01.02.19)

349 Smith Galer, S. (2018, March 28). *Lebanon is Drowning in its Own Waste*. BBC. Retrieved from <http://www.bbc.com/future/story/20180328-lebanon-is-drowning-in-its-own-waste> (accessed 01.02.19)

In addition, incinerators have potentially hazardous effects due to the improper sorting of plastics and other materials that lead to the release of toxic fumes. The residue of the burned materials would also be buried along with organic waste and create further hazards.<sup>350</sup>

## Water and Air Pollution

Lebanon has a long-standing history of pollution that worsened through patterns of political inaction, the issue of corruption in the country, as well as wasteful consumption habits adopted by society.<sup>351</sup> A global report released by Greenpeace registered alarming levels of nitrogen dioxide pollution in Lebanon's air, with Jounieh being among the top 50 pollution hotspots worldwide. The sources of pollution are mostly transport emissions, as well as coal burning, electricity production plants, and generators across the country.<sup>352</sup>

A toxicology report by the Agricultural Research Institute has furthermore found alarming concentrations of chemical and bacterial sea contamination, produced by industrial, residential, and medical waste that is dumped in seaside landfills. This also sparked media discourse about the health threats of visiting public beaches, as only expensive and therefore more exclusive beach resorts are mostly located in cleaner areas.<sup>353</sup> Nevertheless, even beach resorts are calling for political action, as (in) visible pollution is increasingly affecting their businesses and the overall tourism industry. For them, the sea has become "more of a liability than an asset", as the seeming attraction of seaside resorts is undermined by the alarming levels of pollution, according to general manager of Kempinski Summerland Hotel and Resort Daniele Vastolo.<sup>354</sup>

Two cases received increased media attention throughout the year. Litani River is the longest river in Lebanon and provider of water power to hydroelectric projects as well as resources to agriculture in several regions. A total of 227 factories and businesses have been polluting the river through sewage and industrial waste, therefore rendering the water useless for agricultural purposes and endangering the population's health.<sup>355</sup> Although funds have been allocated to implement various projects in the upcoming years,<sup>356</sup> and 79 industries have been forced to close,<sup>357</sup> long-term solutions are needed to save the river. Likewise, Bardawni River made

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350 BBC (2017, June 8). *The 81-year-old Woman Inspiring a Nation to Recycle*. Retrieved from <http://www.bbc.com/news/magazine-40191270> (accessed 16.06.17)

351 Smith Galer, S. (2018, March 28). *Lebanon is Drowning in its Own Waste*. BBC. Retrieved from <http://www.bbc.com/future/story/20180328-lebanon-is-drowning-in-its-own-waste> (accessed 01.02.19)

352 Azar, G. (2018, October 31). *Jounieh a Regional Hotspot for Pollution, Says Greenpeace*. An-Nahar. Retrieved from <https://en.annahar.com/article/890408-jounieh-a-regional-hotspot-for-pollution-says-greenpeace> (accessed 01.02.19)

353 Azar, G. and Nasser, Z. (2018, July 8). *Lebanon's Beaches, an Environmental Disaster in the Making*. Retrieved from <https://en.annahar.com/article/828843-lebanons-beaches-an-environmental-disaster-in-the-making> (accessed 01.02.19)

354 Rahhal, N. (2018, July). *The Livin' is Easy?*. In: Executive Magazine N° 226: 28. Print.

355 Topalian, N. (2018, September 13). *Lebanon Panel Takes on Litani River Pollution*. Al-Mashareq. Retrieved from [http://almashareq.com/en\\_GB/articles/cnmi\\_am/features/2018/09/13/feature-02](http://almashareq.com/en_GB/articles/cnmi_am/features/2018/09/13/feature-02) (accessed 01.02.19)

356 Ashraq Al-Awsat (2018, September 3). *Exclusive - Lebanese Govt. Failures Transform Litani River into Polluted Dump*. Retrieved from <https://aawsat.com/english/home/article/1381846/exclusive-%E2%80%93-lebanese-govt-failures-transform-litani-river-polluted-dump> (accessed 01.02.19)

357 The Daily Star (2018, November 8). *79 Factories Ordered Closed for Polluting Litani River*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Nov-08/468654-79-factories-ordered-closed-for-polluting-litani-river.ashx> (accessed 01.02.19)

the news as it turned red from pollution through a nearby factory in February 2018.<sup>358</sup> Although the factory owner was arrested, he was soon after released on bail and the factory reopened after brief closure without the implementation of significant measures.<sup>359</sup>

## Dams

Projects for the construction of dams have been subject of divided expert opinion on their use and risks in the planned construction areas across Lebanon. Although the government claims that dams are needed to cover water shortages, the most prominently discussed Bisri Dam is criticized for being situated it on a seismic fault line. Activists doubt that the dam would resist an earthquake, and raised concerns about the project even increasing pressure on the fault line.<sup>360</sup> Furthermore, the dam project will take land from 15 villages, thus putting families relying on agriculture-related income out of work. Even though a fund is intended to be put in place and compensate the disownment of land, farmers might not be completely compensated for the loss of their sole source of income.<sup>361</sup> Activists have furthermore criticized the insufficient and incomplete analysis of alternatives.<sup>362</sup> Herein, the project is allegedly based on incorrect and incomplete information about the water balance in Lebanon, as a groundwater assessment carried out by the Ministry of Energy and Water together with the UN Development Program (UNDP) found an overall surplus regarding the groundwater budget and significant freshwater sources that remain unexploited in the country.<sup>363</sup>

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358 Albawaba (2018, February 27). *River Runs Red in Lebanon from Chocolate Factory Pollution*. Retrieved from <https://www.albawaba.com/editorchoice/river-runs-red-lebanon-chocolate-factory-pollution-1094836> (accessed 01.02.19)

359 The Daily Star (2018, December 14). *Owner of Factory Accused of Berdawni Pollution Arrested, Released*. Retrieved from <http://www.dailystar.com.lb/News/Lebanon-News/2018/Dec-14/471837-owner-of-factory-accused-of-berdawni-pollution-arrested-promting-protests.ashx> (accessed 01.02.19)

360 The National (2017, June 30). *New Dam in Lebanon to be Built in an Earthquake Zone*. Retrieved from <https://www.thenational.ae/world/new-dam-in-lebanon-to-be-built-in-an-earthquake-zone-1.93345> (accessed 01.02.19)

361 Ibid.

362 The Inspection Panel (2018, November 16). *Report and Recommendation on a Request for Inspection - Lebanese Republic Water Supply Augmentation Project (P125184); Greater Beirut Water Supply Project (P103063) and its Additional Financing (P165711)*. Retrieved from: <https://inspectionpanel.org/sites/inspectionpanel.org/files/cases/documents/127-Inspection%20Panel%20Report%20and%20Recommendation-16%20November%202018.pdf> (accessed 01.02.19)

363 Ibid.









