

Civil Rights and Liberties
Lebanon's 3rd Cycle UPR Review
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Joint Submission by:

Alef act for Human Rights

Arab NGO Network for Development

Frontiers Ruwad

Lebanese Center for Human Rights - CLDH

Legal Agenda

Proud Lebanon

Restart

Together Against the Death Penalty – ECPM

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The Arab NGO Network for Development is a regional network of civil society organizations, headquartered in Beirut and working in 12 Arab countries with over 250 CSOs in its extended membership. ANND aims at strengthening the role of civil society, and enhancing the values of democracy, respect of human rights and sustainable development in the region.

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Together against the death penalty (ECPM) is a non-profit organization based in Paris and Montreuil (France), that works on organizing and supporting all actions that effectively fight the death penalty around the world, as well as the promotion of universal abolition and more broadly, the carrying out of actions aiming at the development of human rights and fundamental freedoms.



Restart Center envisions a World free of torture, where the individual's dignity, self-respect and self-worth are cherished and his/her physical and psychological integrity and empowerment are guaranteed.

The center seeks to prevent torture practices, nationally and regionally, through awareness-raising, advocacy, and capacity building and to ensure that the victim of an act of torture or ill-treatment and war-trauma obtains redress particularly through the provision of means for as full rehabilitation as possible.



Right to life, liberty, and security of person

1. Lebanon has ratified most of the international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR), the international Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2000) and its Protocol (2008). Lebanon does not implement article 6 of the ICCPR. According to the Human Rights Committee, states that did not abolish the death penalty yet should only implement death penalty to the most serious crimes.
2. Lebanon has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
3. From 2007 to 2018, Lebanon always abstained from voting on the Resolution of the United Nations General Assembly.
4. During the 1st cycle of the UPR (2010), Lebanon noted and did not support any of the 11 recommendations relating to the death penalty. During the 2d cycle UPR, of the 15 recommendations made to Lebanon relating to the death penalty, none was supported.
5. The Lebanese Constitution does not explicitly protect the right to life. However, in its preamble, the Constitution establishes that Lebanon is an active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights (UDHR). The Government shall embody these principles in all fields and areas without exception.
6. According to the national law, the Death Penalty falls under the jurisdiction of the Common criminal courts, the Judiciary Council, and the Military Tribunal.
7. When a court issues a death sentence, the decision is examined by the Amnesty Committee; subsequently and in order to carry out the execution, the signatures of the Minister of Justice, the Prime Minister and the President of the Republic are required.
8. Death penalty remains a punishment for aggravated murder, gang robbery or gang assault if a person is killed in furtherance of the criminal activity, arson against certain structures, sabotage of communications, transportation or industrial facilities, complete or partial destruction of a building containing at least one person, gang robbery involving torture, importing nuclear, toxic, hazard waste, or polluting waterways, treason against Lebanon, espionage for an enemy, military crimes including desertion, crimes against honor and military duty, military treason and conspiracy, robberies and destruction, aggravated assault, and recidivist crimes if committed by individuals serving life sentences.¹

¹ Lebanon Penal Code art. 549, art. 336, art. 591, art. 599, art. 315, art. 336, art. 273, art. 282, art 284, art 257, art. 336, art. 258
Law of the Maintenance of the Environment from Pollution by Hazardous Waste and Materials, art. 10, 11, No. 64 of 1988, amended by Law No.266 of 1993.

9. Under domestic legislation, the death penalty can be imposed for crimes that do not meet the threshold of the “most serious crimes” within the meaning of article 6 (2) of the Covenant (art. 6) of the ICCPR. For example, article 308 of the Penal Code.
10. The last execution was implemented in 2004 but the Lebanese courts keep sentencing to death. However, according to Amnesty International, the number of death penalty sentences was lower in 2018 than the year before. In 2017, at least twelve persons were sentenced to death while they were at least 5 in 2018. In 2019, at least 6 people were sentenced to death: 5 Palestinian accused of the murder of a judge and 1 taxi driver sentenced to death over murder of UK embassy worker Rebecca Dykes.
11. Most death row inmates belong to vulnerable categories of the population. The school enrolment rate among death row prisoners is low, and merely 15 % of them have attended university.
12. The cost of an appeal is high, at more than 300,000 Lebanese pounds², an amount most death row prisoners cannot afford.
13. Most death sentences have been pronounced for homicide, and less than 3% of death row inmates were sentenced to the death penalty for terrorism.
14. Some of the death row prisoners spent more than 25 years in jail (around 4%), but just over 40% of them have spent 16 to 25 years. Approximately 13% spent less than 5 years in the death row³.
15. Most death row prisoners are detained in the Roumieh Prison, close to Beirut city. The conditions of detention are undignifying. While 1050 places are available, the Roumieh Prison welcomes three times more prisoners. The Qobbeh Prison in North-Libanese -where just over 10% of the surveyed death row inmates were detained-, is also overcrowded with 550 prisoners to a maximum capacity of 250 places.
16. 78 men and 4 women were on death row at the beginning of 2019. Most of them were Lebanese (a little bit more than 60%) and Syrian (around 24.5 %). Four other nationalities were recorded (three Sri Lankan, two Palestinian, one Egyptian and one Iraqi)⁴.

RECOMMENDATIONS:

17. Maintain the moratorium on the executions pending the abolition of the death penalty, in line with the recommendation of the HRC in 2018.
18. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
19. Implement the provisions of the ICCPR including restricting the field of application of the death penalty to the most serious crimes.
20. Abolishing the exceptional courts, in particular the Military Tribunals and the Judiciary Council.

² 2020, Report Fact finding mission, ECPM, AJEM, LACR

³ 2020, Report Fact finding mission, ECPM, AJEM, LACR

⁴ 2020, Report Fact finding mission, ECPM, AJEM, LACR

21. Strengthen joint efforts on the regional and international levels for information sharing and boosting advocacy efforts.
22. Move the authority of prison management from the Ministry of Interior to the Ministry of Justice.
23. Grant Special Rapporteurs access to prison.
24. Adopt laws and practices to require complete transparency regarding the use of the death penalty including by annually publishing (or communicating to the UN) detailed information on the use of the death penalty including, but not limited to the number of people sentenced to death; information about the nature of offenses and the reasons why they were convicted; the courts that convicted them, the identity, gender, age and ethnicity of those convicted; the number of overturned death sentences on appeal.

The Rights of Migrants and Refugees

25. Lebanon continues to host an estimated 1.5 million refugees, primarily from Syria and Palestine. As of December 2019, 78% of Syrian refugees over age 15 lacked legal residency, due to the combined effects of Lebanon's restrictive conditions on residency, prohibitively high fees, and inconsistently applied residency policies.⁵
26. In 2019, Lebanon adopted a policy of immediate deportation of individuals entering Lebanon illegally after April 24, 2019.⁶ At least three thousand Syrians were deported between May and September.⁷ Deportees are delivered to Syrian authorities, making Lebanon the only country in the world to deport asylum-seekers directly to Syrian government custody. The policy denies refugees the opportunity to contest their deportation, violating the international principle of non-refoulement. The policy also violates Lebanon's domestic law, which defines illegal entry as a criminal offense, entitling the defendant to access to counsel and requiring a judicial order of deportation.⁸
27. Since 2018, the Lebanese state has also organized returns to Syria for refugees. These returns are described by the state and some international actors as voluntary, yet conditions are not in place within Syria for refugees to make return decisions on an informed and truly voluntary basis. Returns are motivated primarily by push factors from Lebanon rather than by fundamental improvements in conditions inside Syria, which remains dangerous for many refugees.⁹ Indeed,

⁵ VaSyr 2019, p. 32

⁶ Official Press Release issued by the Supreme Defense Council, dated 15/4/2019; General Director of the General Security Decision No. 43830/م.ع.ق of 13/5/2019.

⁷ <https://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-27/490475-more-than-2700-syrians-deported-from-lebanon-under-new-rule.ashx>

⁸ Position Paper on the Decision to Summarily Deport Syrian Nationals Who Entered Lebanon Irregularly, June 25 2019

⁹ UNHCR Still Longing to go Home in Safety and Dignity, 9, March 2019

conditions inside Syria have led the majority of returnees to government-controlled areas to express a wish to leave Syria again; such re-displacement leaves refugees extremely vulnerable.¹⁰

28. Lebanon continues to strictly limit rights for Palestinian refugees. Palestinian refugees are restricted to employment in certain sectors of the economy. Palestinian refugees also face restrictions in their rights to own property and access services.¹¹ 2019 saw an escalation of the enforcement of these restrictions.¹²
29. Migrant workers remain subject to rampant rights violations. The sponsorship-based system (kafala) of organizing work visas and residency permits generates extreme vulnerability for domestic workers in particular, who are excluded from the Lebanese Labor Code and regularly subjected to wage theft, restrictions of movement, confiscation of documents, physical, verbal, emotional, and sexual abuse, and denial of contractually mandated rest periods.¹³ In 2019, the Minister of Labor voiced support for reforms; however, no such reforms have yet been implemented. Attempts to organize a union of migrant domestic workers have also been blocked by the state.
30. Migrants who lack legal residency or who have been convicted of crimes are regularly detained for months or years without judicial oversight while they await deportation.¹⁴ This detention often takes place in unregulated and overcrowded make-shift detention centers such as underground parking lots.¹⁵
31. The status of migrant workers has also exacerbated with the economic and financial crisis that Lebanon has been facing since fall 2019. The shortage of U.S. Dollars in the market, and the ensuing dramatic depreciation of the national currency's exchange rate to the dollar (by around 83% as of July 2020), had direct repercussions on migrant workers' income and their capacity to send remittances home. These conditions have also prompted many Lebanese families and businesses to end the employment of migrant workers due to the inability to pay their salaries in U.S. Dollars. In one case that clearly manifests this crisis, Ethiopian migrant domestic workers were abandoned by their employers outside the building of the Ethiopian embassy in Beirut¹⁶.
32. Migrants and refugees alike face restrictions on their freedom of movement. Curfews targeting Syrian refugees have become increasingly common with 14% of refugees reporting that they faced a curfew in their place of residence in 2019.¹⁷ The absence of a national protection mechanism for refugees has led to the proliferation of municipal regulations on refugee

¹⁰ Syrian Association for Citizens' Dignity, Vengeance, Repression and Fear: Reality Behind Assad's Promises to Displaced Syrians, October 2019.

¹¹ CITE

¹² Ministry of Labor, Action Against Illegal Foreign Employment on the Lebanese Territory, June 2019

¹³ ALEF, Towards Increased Protection for Migrant Domestic Workers in Lebanon – Protection Framework, 2019

¹⁴ ALEF, Annual Report 2018, p. 58

¹⁵ Global Detention Project, Lebanon Immigration Detention Profile, Feb 2018, https://www.globaldetentionproject.org/countries/middle-east/lebanon#_ftn29.

¹⁶ www.france24.com/en/20200625-abandoned-by-employers-ethiopian-domestic-workers-are-dumped-on-lebanon-s-streets

¹⁷ VaSyr 2019 p. 32

populations—beyond curfews, many refugees face arbitrary fees, harassment from municipal police, evictions, and prohibitions from accessing public space.¹⁸

33. Non-Syrian refugees, especially from sub-Saharan Africa, face discrimination by national authorities and private citizens. However, these refugees are often neglected in programming targeting larger refugee populations.¹⁹

RECOMMENDATIONS

34. Respect international labor standards including Conventions 87 and 111, and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Convention 189 on Domestic Work.
35. Replace the sponsorship system for migrant workers with a separate residency and work permit system supervised by the Ministry of Labor, investigate and prosecute violations of workers' rights by recruitment agencies and employers, and reform the Lebanese Labor Law to remove the exclusion of migrant domestic workers.
36. Adopt realistic policies with regard to the right to work for Palestinians in Lebanon, including setting work permit requirements that provide a reasonable pathway to legally access the labor market.
37. Fulfil obligations of due process, particularly with respect to deportations of migrants or refugees. Ensure that any person subject to deportation has an opportunity to contest their deportation before a judge with the advice of legal counsel and, in the case of refugees and asylum seekers, in consultation with UNHCR. Halt all deportations to Syria that are not ordered by a judge after a hearing in which the accused has an opportunity to articulate any fears of persecution inside Syria.
38. Establish a legal mechanism to protect refugees and asylum seekers, including consistently-enforced, realistic, and non-discriminatory residency requirements.
39. End the use of discriminatory curfews and restrictions of movement by all levels of government.

Right to Identity

40. Since 2016, Lebanon has not taken any steps towards the creation of a universal birth registration system. This has left many births unregistered, particularly children born to migrant workers in irregular residency situations, refugees, or stateless parents. The only significant step taken by the executive authority is the issuance of two decisions in 2018 and 2019 lifting the legally prescribed one-year period to register the births of Syrian refugees and Palestinian stateless refugees from Syria that took place between 1 January 2011 and 8 February 2018 and between 9 February 2018 and 9 February 2019. Registered Palestinian stateless refugees in Lebanon are also exempted from the prescribed one-year period to register births. Late birth registration for

¹⁸ Id.

¹⁹ UNHCR, Vulnerability Assessment of Refugees from Other Nationalities, (VARON 2018); ALEF, A Forgotten Community: The Sudanese in Lebanon, (forthcoming) 2020.

Lebanese and other nationalities are excluded from these measures. As such, many children remain stateless and/or become stateless until their parents or they file late birth registration lawsuits.

41. The issue of prevention and reduction of statelessness was not on any government's program since 2016, and was not discussed in Parliament. There continues to be no specific human rights institutions or national bodies concerned with statelessness, and no legal framework for statelessness or stateless determination procedures in place. There are no current law proposals related to statelessness in terms of reduction, birth registration and documentation. Further, Lebanon made no pledges at the High Segment on Statelessness organized by UNHCR in October 2019.
42. Several law proposals have been submitted with the aim of amending the nationality law to allow Lebanese women to pass on nationality to their husbands and/ or children. However, none of these proposals mentioned stateless children born to Lebanese women or established procedures that may apply on them. None of these proposals was discussed in the Parliament to date.

RECOMMENDATIONS

43. Establish a modern and universal birth registration system accessible to all children born in Lebanon.
44. Computerize the entire personal status records and related processes to make birth registration more efficient, and to be able to obtain reliable official statistics on births, among other personal status issues.
45. Take concrete steps towards reducing and preventing statelessness by setting an action plan and establishing a specialized body composed of experts in partnership with civil society and with the assistance of relevant UN Agencies.
46. Amend its nationality laws to eliminate gender discrimination in the access to nationality by the husbands and children of Lebanese women.

Right to Fair Trial by an Independent Judiciary

47. Although the Lebanese Constitution enshrines²⁰ both the principle of the separation of powers²¹ and the independence of judges and the judiciary²², Lebanon's judicial system remains far from independent.

²⁰ The Preamble of Lebanon's Constitution enshrines the UDHR and international covenants. Lebanon has also ratified the ICCPR. Article 10 of the UDHR and Article 14 of the ICCPR guarantee the right to a fair trial before an independent and impartial tribunal

²¹ §5 of the Preamble

²² Article 20 of the constitution

48. The existence of exceptional courts, such as the Military Tribunal and the Justice Council, violates the principle of the natural judge.
49. The judiciary's institutional independence is contradicted by the key role of the executive branch in appointing and transferring judges in judicial courts and administrative courts.
50. Judges' individual independence is weakened by pressure exerted both from within and outside the judicial institution. Factors that allow external pressure are (i) the absence of the principle of a judge's immovability in the legal framework, (ii) the weak guarantees of protection from external influence, and (iii) the lack of strict punishment against interference in a judge's decision, which the law currently considers a misdemeanor punishable by minimal amounts of money. In turn, internal influence is exacerbated by the reliance on oral components in the exams to enter the judiciary, and by the opportunities offered to some judges to make higher earnings through appointments to positions or specialized committees.
51. The impartiality of the courts is difficult to ensure in the presence of the Military Court, which only hosts one civilian judge, leaving most decisions –in some cases on civilian defendants- up to military officers.
52. The processes in which judges are held accountable are not transparent. Besides disciplinary decisions terminating judges, all inspection and discipline proceedings are completely confidential. This increases litigants' doubts and weakens their trust in the accountability mechanisms, for even the complainant party remains unaware of the outcome of its complaint. Moreover, the Disciplinary Council does not publish its decisions or issue periodic reports about its activity, so it is virtually impossible for citizens to monitor its work.

Recommendations

53. Abolish the Justice Council, and limit the Military Court's jurisdiction to military crimes and remove its power to try civilians.
54. Adopt modern laws to regulate the judicial, administrative, and financial judiciaries that respect international standards of judicial independence.
55. Enshrine the principle of the election of at least the majority of judges in the judicial bodies vested with managing the proper administration of justice and ensuring the judiciary's independence, such as the Supreme Judicial Council (SJC), the State Council's Bureau, and the Bureau of the Court of Audit. These bodies should also include people who are not judges to avoid any kind of professional factionalism and consolidate these bodies' role in upholding judicial independence, which concerns all citizens.
56. Strengthen the independence of the judicial institutions: The Supreme Judicial Council, not the Ministry of Justice, should supervise the judicial institutions, including the Judicial Inspection Authority and the Institute of Judicial Studies. Similarly, the internal and external transparency of these institutions' work must be increased.
57. Surround the mechanisms for appointing judges with guarantees ensuring that they occur based on competence and without discrimination, enshrine the immovability of judges, and grant the

SJC and equivalent bodies the power to make decisions concerning judges' careers without a cabinet decree. Judges' right to contest decisions concerning their careers must also be enshrined.

58. Activate judges' accountability and increase transparency in disciplinary matters by defining misconducts in detail, stipulating proportional disciplinary punishments, surrounding disciplinary action at its various levels with fair trial guarantees, and publishing all disciplinary judgments. The Disciplinary Council should also publish periodic reports on its activities.
59. Respect and implement the right to a fair trial. The state must provide a system for judicial aid and all individuals must appear before the court without delay, and ensure the issuance of verdicts within legally set time limits.

Freedom from Torture

60. On the 26th of October 2017, the Lebanese parliament amended Article 401 of the Lebanese Penal Code and passed Law 65 that criminalizes torture in Lebanon. This law was a step forward for human rights in Lebanon. However, it did not fully respond to the Convention Against Torture (CAT) and the UPR recommendations since it contains many legislative gaps. Law 65 comprises some positive aspects, notably in Article 2 and 5 where it stipulates that (i) torture is not justified under any circumstances and (ii) investigations should take place without delay by the Judiciary system solely. Nevertheless, many concerns need to be highlighted regarding its flaws which, in turn, hinder its implementation as a holistic anti-torture law. Specifically, the following issues must be addressed:

- The definition of torture does not criminalize ill-treatment; it only criminalizes torture in specific situations.
- A statute of limitations for prosecuting torture – 10 years after the victim's release.
- Access to redress is not well-defined.
- Impunity for the perpetrators continues. Penalties imposed by the law do not equate to the pain and suffering caused upon the victim and can often be shortened to a few months with the possibility of appeal. The length of an imprisonment year is set at 9 months.
- Protection of witnesses is not well defined.
- The law does not indicate the mechanism which should be used to investigate acts of torture and ill-treatment.

61. Despite the passage of Law 65, torture remains commonplace in Lebanon. Most torture is committed by police during interrogations as officers seek to elicit confessions. These practices are enabled by ambiguity in the Lebanese Code of Criminal Procedure, which guarantees a suspect's right to counsel during interrogation, but which has been interpreted to apply only after the accused is brought before a judge. For the crucial period between arrest and the first court appearance, suspects are denied the right to contact a lawyer. In addition to this procedural interpretation, torture is facilitated by the impunity of perpetrators. No person has yet been convicted under Law 65, and in fact no case has been brought to trial before a civilian court. Victims are reticent to raise allegations of torture, due in part to the lack of safeguards to protect victims from reprisal. Despite these barriers, victims and advocates have attempted to press

charges in two cases of torture in the last year: the case of Hassan al-Dika, who died from injuries sustained in custody in 2019, and Ziad Itani, who has filed legal complaints against police and security forces for alleged torture. So far, the prosecutors assigned to the cases have failed to follow the terms of Law 65 in investigating and referring the cases for trial.

62. Security forces have also been accused of torturing protesters after their arrest during the months following the October 17 2019 uprising. Amnesty international and the Lawyer's Committee for the Defense of Protesters have both documented testimonies of torture against protesters in detention²³. In one case, victims alleged to have been not only beaten and insulted, but also electrocuted by Lebanese Army officers.²⁴
63. In 2016, Lebanon took a step forward by creating the National Human Rights Institution (NHRI) with a National Preventive Mechanism (NPM), in accordance with its international human rights obligations. Although this Commission is supposed to address several key human rights issues, no budget has been allocated to its members yet. It is imperative that the Lebanese government allocates proper financial means to the NHRI so it can finally start working properly. While the NPM was specifically designed to address the issues of torture and arbitrary detention, most of law enforcement still regularly use torture. The NHRI must ensure that the state implements and enforces the laws that protect detainees. It should collect data and receive and investigate complaints from victims and their families. Even without a budget, NPM members should begin to visit places of detention and organize private interviews with detainees and prison staff. In order to fight impunity, the NHRI should advise the relevant authorities to enforce the accountability of security forces, asking them to implement disciplinary measures against the perpetrators of such violence. While monitoring the national detention system, the NPM should maintain communication with the OPCAT's Sub-committee on the Prevention of Torture and request an advisory visit in order to build its capacity. Finally, there are concerns about the independence of the NPM vis a vis the Commission.

RECOMMENDATIONS

64. Implement the provisions of Law 65: initiate a legal investigation into any allegations of torture within 48 hours of the allegation, refer cases to civilian rather than military courts, cease the practice of referring cases for investigation by the security agency accused of perpetrating the offense, and pursue criminal charges through to conviction under Law 65 when justified by evidence.
65. Reinterpret Article 47 in the Code of Criminal Procedure to guarantee detainees' rights to contact a lawyer, a forensic doctor, and family members from the moment of arrest through the entire criminal justice process.
66. Amend Article 47 to eliminate ambiguity regarding the right to access counsel.

²³ <https://www.amnesty.org/en/latest/news/2019/11/lebanon-military-forces-must-end-arbitrary-arrests-and-torture-of-protesters/>

²⁴ <https://www.aljazeera.com/news/2020/05/lebanese-army-denies-beating-electrocuting-detained-protesters-200504133717204.html>

67. Implement safeguards to allow victims of torture to raise allegations without fear of reprisal.
68. Encourage prosecutors to pursue allegations of torture vigorously and to assert their prerogatives regarding arrests and detentions, which should only be authorized in cases where they are justified by public safety or flight risk.
69. Train police and prosecutors on the pitfalls of confessional evidence, especially coerced confessional evidence, and provide resources for police and prosecutors to rely on non-confessional evidence.
70. Amend Law 65 to comply with the relevant international standards and mechanisms.

Right to Family Life

71. The Law number 293 on the Protection of Women and Other Family Members from Domestic Violence, approved on May 15, 2014, stipulates that one public defender should be appointed from the public defenders in each of the six Lebanese governorates to receive complaints and investigate cases of domestic violence in the specialized units for domestic violence within the local police stations in Lebanon. However, these units have not yet been built and established. Instead, investigations into these cases are carried out first in the precincts, in the case of the witnessed crime, and in other cases, the file is referred to the Office of Moral Crime, which is entrusted with the authority to investigate crimes of domestic violence, and whose name was changed to: The Office of Combating Morality and Crimes of Domestic Violence. However, in conjunction with these new responsibilities, the number of personnel and investigators in this office has not increased, and therefore this unit cannot investigate all the files it receives at the necessary speed that secures the best interests of the victims.
72. This same law also permitted a woman and her children to obtain protection from their aggressor, but only for children that are still young enough in age to be in their mother's custody. Here the decision to protect a child under this law is subject to the personal status laws of every confession Lebanon, and custody ages vary among the different religious laws. Hence, not all children in Lebanon benefit equally from this law. Furthermore, no fund was established under this law to assist victims and survivors. Also, this law does not mention the underage married woman who is subject to violence from her husband. The protection decision issued under this law remains provisional until the original criminal case, which should be brought by the victim, has been resolved and the competent court has issued its decision in relation to it. Therefore, the protection of children takes place according to Law 422/2002, since the protection decision issued by the juvenile judge is not related to any lawsuit, the sole basis and principle of that decision is the child's welfare and his potential exposure to any type of violence (stipulated in Article 25 of that same law).
73. Today there is a draft amendment to Law 293 due to the faults identified five years after its implementation, but its amendment is still being discussed in the joint parliamentary committees.

74. The absence of a law to this day that criminalizes the involvement of children in armed conflict makes a number of children in Lebanon potential victims of exploitation in wars and armed conflicts.
75. The issue of early marriage remains of great concern in Lebanon. Article 522 of the Penal Code, which excuses the perpetrator of sexual crimes from punishment if he marries the victim, was abolished on February 15, 2017. However, its effects remain in the content of Articles 505 and 518, which (respectively) criminalize sexual intercourse with minors, and with virgins promised of marriage. The two articles were amended upon 522's abolition to exempt perpetrators who later marry their victims.
76. Another acute problem Lebanon faces is related to the children in the streets. It is still one of the most significant challenges facing child protection in Lebanon, as there is no clear vision or action plan to resolve this issue by civil society, international organizations, governmental bodies and ministries. There is also the phenomenon of unregistered children, dealing with whom requires an approach that unites the efforts of all sectors and the will of the Lebanese state to solve it, as we sometimes find ourselves in front of several generations of stateless or unregistered people.
77. With regard to professional confidentiality, law 422 lifts it when there is an offense against a minor, but there is no clear text in Lebanese law regarding the procedures followed by the judiciary against anyone who refuses to report or submit a complaint.
78. In the absence of a unified law for personal status in Lebanon, the age of marriage remains subject to the personal status law of every confession.

RECOMMENDATIONS

79. Amend Article 186 to prevent resorting to disciplinary beating, because in this case the article keeps the option of resorting to disciplinary beating mentioned in the minds of the adults.
80. Impose escalatory measures towards family members who use physical violence consistently.
81. Amend the Penal Code with regard to time prescription in relation to crimes of sexual violence against children, and thereby drop all statutory deadlines.
82. Amend the Labor Law in its Article 22 in order to consider child labor under the age of 13 as a form of violence and take punitive measures against the violators (including parents and guardians).
83. Enact a law that sets a minimum age of marriage.

Right to have a Private Life (LGBTQ+ Rights)

84. During its second cycle review, Lebanon received 10 recommendations²⁵ on sexual orientation and gender identity and 'noted' them all.

²⁵ They included "repealing Articles 487, 488, 522 and 534 of the Penal Code", and "decriminalizing homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity".

85. Article 534 of the Lebanese penal code criminalizes sexual intercourse that happens against the “order of nature”, for it states: “*any carnal union against the order of nature shall be punished with imprisonment for up to one year.*”
86. While the laws have not been changed, progress has been achieved when it comes to court rulings since the 2nd cycle of UPR for Lebanon. A number of judges (7 rulings so far) have ignored the homophobic application of article 534 and based their verdicts on the principle of equality. For instance, in July 2018, the Court of Appeal of Mount Lebanon upheld a lower court ruling which acquitted nine people prosecuted for the ‘charge’ of being gay. The lower court held that homosexuality was “a practice of their fundamental rights”. The Appeal Court agreed and found that consensual sex between same-sex partners cannot be considered “unnatural” so long as it does not violate morality and ethics, such as “when it is seen or heard by others, or performed in a public place, or involving a minor who must be protected.” Moreover, in 2019, the former military Court Judge Peter Germanous acquitted four military personnel accused of “sodomy” in a landmark ruling, clearing the group of charges of committing sexual acts “contrary to nature” and declaring that sodomy is “not punishable by law.”
87. In 2015, Proud Lebanon’s anti-homophobia event was followed by a conference at the Catholic Media center where representative of different religious groups were represented and they considered homosexuality as a main imported reason for the destruction of the Lebanese family system; and in 2016, the same center hosted another conference where they hosted a judge, whom stressed on article 534 from the penal law, a psychologist, who used the outdated psychological information considering homosexuality as a mental disorder, while a doctor stressed on stereotypical wrong ideas concerning LGBTIQ+ as highly affected by HIV; in addition to a priest that used religious reasons to consider this part of the community as sinners.
88. In 2017, and following the mass movement of the LGBTIQ+ community in Lebanon preparing Beirut Pride, The Muslim Scholars threatened to shut the event if the government won’t comply in canceling the events organized for the anti-homophobia day; an event prepared by Proud Lebanon and later that week another event organized by another local organization were canceled as the authorities approached the hotels asking them to cancel the reservations, based on security reasons.
89. LGBTIQ+ individuals are systematically subjected to HIV and Drug testing on arrival to the Hobeish Police Station where the Morality Bureau is located, and are sometimes moved to Ramlet El Bayda Police Station due to the overpopulation in Hobeich. HIV- positive inmates are separated from the rest, and once transferred to the central prison in Roumieh, they are mainly kept in the blue building which hosts the mentally ill.
90. Despite the fact that transition is possible in Lebanon and many transgender individuals were able to undergo confirmation surgeries on their own expenses, the civil records remain linked to a very complicated juridical system in the absence of clear procedures and legislations to govern this process. This vacuum affects the decision of judges and leaves their verdicts up to many possible interpretations. The tribunals responsible for judging on transition procedures are personal status courts, which are governed by religious institutions in the absence of any civil personal status law in Lebanon. In January 2016, the Court of Appeals of Beirut confirmed the right of a transgender man to change his legal gender, granting him access to necessary treatment

and privacy. However, transgender individuals are required to undergo a gender confirmation surgery in order to legally change their gender.

91. Article 224 of law 17/1990 states that law enforcement personnel should not interfere with citizens in their private life. Based on that law, the Court of Cassation of Beirut led by Judge Rabih Maalouf in 2019 ruled that it is forbidden to search detainee's mobile phones without permission from the court. However, queer dating applications, messages and pictures found on the phones of members of the LGBTIQ+ community are still used to intimidate the detainee in order to force them into confessing their sexual orientation or gender identity, and therefore be sentenced under article 534 Penal Code.
92. Lebanon has ratified the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and has implemented the law of 2017 that condemns torture. However, the LGBTIQ+ community are among the ones suffering from ill-treatment during detention committed by security forces.

RECOMMENDATIONS

93. Abolishing the article 534 of the penal code.
94. Coordinate with the independent expert on sexual orientation and gender identity (SOGIE).
95. Provide extensive training to judges on sexual orientation and gender identity.
96. Implement new legislations that criminalize all types of discrimination and hate speech based on sexual orientation or gender identity.
97. Ensure the strict implementation of the ban on the use of anal probe tests.
98. Ensure the presence of lawyers during the interrogations, free of cost.
99. Sue every law enforcement personnel who has been accused of committing torture, and hold them accountable as per the anti-torture law of 2017.
100. Include the special needs of the LGBTIQ+ community in the National Preventive Mechanism (NPM).
101. Train the prosecutors and prosecutor's offices' staff on sexual orientation and gender identity issues to avoid any kind of excessive use of power.
102. Train law enforcement personnel working in the different prisons on sexual orientation and gender identity by implementing the "Towards the Effective Protection of LGBTI Persons Deprived of Liberty" prepared by the APT.
103. Train the Human Rights department at the ISF to be more LGBTIQ+ inclusive in their approach.
104. Integrate LGBTIQ+ detainees in a safe detention system that includes all inmates, and provide protection for them.