



UNIVERSAL PERIODIC REVIEW

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CIVIL SOCIETY REPORTS

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CIVIL SOCIETY REPORTS**

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OPENING WORD

LEBANON IN THE EYE OF THE STORM; ITS CIVIL SOCIETY A SAFETY VALVE UPR: A CHANCE FOR A SALVATION NATIONAL STRATEGY

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For the second time since its creation, Lebanon stands before the UN Human Rights Council (UNHRC) to debate its human rights universal periodic review (UPR) report. While the cabinet, through coordination by the foreign ministry, prepares to present its second UPR report, civil society organizations (CSOs) presented their own reports on various sectors and all conventions whether or not signed by Lebanon.

A group of independent non-governmental organizations (NGOs) presented joint reports agreed on during a preparatory stage between September 2014 and mid-March 2015. In fact, the group may amount to a coalition thanks to their ties; it's the second time they prepare together for the UPR (the first time was in 2011 when Lebanon stood before the UNHRC for the first time). The coalition includes 67 non-governmental associations, organizations and national and international networks. It presented a report on political and civil rights, another on economic and social rights and a number of sectorial reports dealing with all human rights conventions and some individual rights.

Through the reports it presented, the coalition covered all rights, including the right to political participation through the right to periodic, democratic, free and honest elections, the right to access information, and the removal of some restraints to the formation of associations, unions and youth organizations. The reports also covered civil rights, especially rights related to accessing a just, honest and independent judiciary and revoking the capital punishment, torture in prisons, illegal arrest and deprivation of liberty. The reports discussed in length violations to women's rights, including discrimination and personal status laws, laws criminalizing violence and the right to give citizenship to children.

Concerning laws violating economic, social and cultural rights, the reports dealt with reluctance in curtailing poverty and geographic, social and economic disparities, covering also unemployment, especially among young people, and the absence of comprehensive social protection. The reports included the rights of people with disabilities and the rights of Palestinian, Syrian and other refugees.

In a new initiative, the reports tackled on transitional justice and the need for serious action to establish

permanent peace by relieving human rights violations during the civil war and ongoing political violence, clearing up forced disappearances, and respecting the right of victims' families to the truth, justice and compensation.

Taking into consideration the subjects covered by the reports and discussions, it was a substantial job to accomplish by 40 independent NGOs working together for seven months on many subjects; some subjects were thorny and bound by differing, sometimes contradicting views and stands. However, dialogue and the desire to reach phrasings acceptable by everyone streamlined efforts and consolidated relations among the coalition's various constituents.

The outcome reached by participants during this process is important, not only thanks to their product – a set of reports that are valuable documents, written very prudently and with high professionalism; the product is of special quality owing to the subject covered. It covers various political, civil, economic and social aspects and contains recommendations and proposals, which, if applied with the necessary political will, can remedy many problems suffered by the Lebanese. Civil society didn't only list and document violations; it proposed solutions capable of correcting these violations and their impacts. This alone is an achievement deserving building upon in the future. The documents, enjoying the unanimity of their signatories, serve as worksheets for campaigns to call for reforms and amendments to laws and policies.

In fact, when the Lebanese civil society prepared the document for the UNHRC in 2011, the authors (representatives of signatory NGOs) developed it into a memo that they presented to successive prime ministers, suggesting that its issues be included in cabinet policy statements and some of its proposals and recommendations be applied. We strongly believe that civil society's proposals reflect people's needs and concerns and pave the way for solving Lebanon's problems at this difficult stage of its history.

Sustaining cooperation, adhering to achievement and building on it amount to a national responsibility taken by civil society to protect the unity of Lebanon and its institutions, defend human rights in the country, protect public and private freedoms, and develop citizenship.

ECONOMIC AND SOCIAL RIGHTS

- Arab NGO Network for Development
- Lebanese Labor Watch
- Association Najdeh
- Lebanese Transparency Association
- Housing and Land Rights Network- Habitat International Coalition
- The Palestinian Human Rights Organization (PHRO)
- Bassam Al Kantar
- Salwa Saad
- Nabil Hassan

GENERAL BACKGROUND AND FRAMEWORK:

1. The violations of economic and social rights in Lebanon can be mainly related to the failure of economic and social policies adopted by successive governments in addressing national developmental challenges. The latter includes chronic unemployment, poverty, weakening productive sectors, increasing inequalities, geographic disparities and lack of social protection.
2. The rentier economic approaches, weakly managed privatization and overall economic liberalization policies favored by governments, coupled with weak regulatory infrastructure and capacities, have limited the ability of the state to respond to the needs and necessities of various citizens.
3. The already limited progress of social and economic rights has been hindered by the huge influx of Syrian refugees to the country; it brings humanitarian responsibilities including providing shelter, food, water, sanitation, healthcare, schooling and other services on Lebanon. In addition, it creates important challenges deriving from political, security and economic risks and stress on social cohesion. Although this was not elaborated in the first cycle review, it is an important challenge that affects the economic and social rights of Lebanese people and the over 1 million refugees residing in Lebanon.
4. Allocation of maximum available resources to realization of economic and social rights is further challenged as Lebanon remains without an official budget since 2005.
5. Within this context, the government's approach to development focused on economic growth indicators (on individual sectors as tourism, agriculture, industry, etc) or merely on basic services remains counter-productive and not responsive to challenges faced with regard to the full enjoyment of basic economic and social rights.
6. A draft law on partnership between the public and private (PPP) sectors in Lebanon was prepared. That may result in social and economic rights violations if safeguards and regulations are not adopted. Potential negative implications of this partnership should be well assessed and regulatory provisions must be placed to avoid cases such as when bankruptcy hits the private sector and the burden is transferred to the public sector; or when the increase of cost violates the affordability of these services, thus the full enjoyment of the right for citizens.

7. The lack of reliable, up-to-date and disaggregated statistics and data regarding economic and social rights remains a serious concern in Lebanon. This results in inadequate measurements and adoption of inadequate policy measures.
8. The institutional mechanisms toward ensuring an inclusive social dialogue remain limited; the Economic and Social Council is paralyzed since 2005. The latter is expected to form a platform for private sector and civil society's advisory role on the different economic and social policies; its absence significantly limits public debate, transparency and inclusiveness of public policy.

Recommendations:

9. **Adopt a holistic approach to development and a national strategy for protecting and developing productive sectors including agriculture, industry and services;**
10. **Ratify the optional protocol to the CESCR and ensure the effective implementation of international treaties through the adoption of regulations and related reforms;**
11. **Enhance transparency and inclusiveness in social and economic policy-making by activating the Economic and Social Council and engaging all relevant stakeholders including civil society, trade union, private sector in the design of the economic and social policies and decisions.**
12. **Ensure that the final draft of the law on PPPs protect groups affected by the partnership implications through effective implementation of anti-unemployment and anti-poverty policies, recognizing the principle of direct compensation to those affected by the implementation of the joint project and engaging the civil society and employees' representatives in proposing, assessing, implementing and monitoring the implementation of partnership contracts.**
13. **Ensure the availability and accessibility of up-to date and reliable disaggregated data regarding the economic and social rights enjoyment.**

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS OBLIGATIONS:

i. The right to an adequate standard of living

14. Around 1.5 million Lebanese people out of 5.9 million population (projected as for December 2015) lives below the poverty line¹. As a strategic response, Lebanon focuses on National Poverty Targeting Program, yet intergenerational transfer of poverty cannot be addressed by targeting only specific segments of the society and improving the income of the poorest families. Poverty can best be addressed by ensuring the full enjoyment of the economic and social rights including clean water, energy, public transportation and housing as well as health and education including free schooling, the accessibility and availability of these rights all without any discrimination.
15. The Value Added Tax rise proposal-of an increase from 10 to 12 percent- would result in negative impacts on the welfare of the middle class and households living just above the poverty line, as overall poverty in Lebanon might increase to 35 and even 50% when the VAT rate is moved to 12 and 15 percent.²

Recommendations

16. **Adopt a new and comprehensive approach to poverty reduction reducing inequalities at various levels, enhancing national productive sectors for employment generation; revision of redistribution policies and adoption of social policies that put people's economic and social rights at the forefront;**
17. **Revise the taxation policy in Lebanon in order to avoid the negative impacts deriving from VAT increase and ensure the adoption of a fair taxation policy based on progressive direct taxation.**

ii. Right to Work:

18. During the 2010 review, the right to work issue in Lebanon was covered mainly regarding child labor, Palestinian refugees and the domestic workers. Yet, the lack of a comprehensive employment policy in Lebanon and support to productive sectors that generates employment is a core challenge for this right.

19. The economic policies implemented in Lebanon although generated growth did not contribute necessarily to job creation reflecting the problematic of the rentier-economy model. While between 1997 and 2009, the gross domestic product expanded at an average rate of 3.7 percent per year, employment grew by only 1.1 percent³. The unemployment rate reached 20% in 2013.⁴ Unemployment level increases with level of education, with around 14 percent of university graduates and 15 percent of those with secondary education unemployed, versus lower rates for lower education. Unemployment by gender was estimated in 2010 at 18 percent for women, double the rate for men (a total of 11 percent)⁵.
20. The Syrian workforce in Lebanon, following the huge inflow of refugees, is increasing workers' vulnerability in Lebanon⁶. There is no consistent data on the percentage of Syrian refugees in employment, but available statistics range from 17 percent to 33 percent of the population group⁷. Many of these refugees are skilled workers but remain subject to exploitation by Lebanese employers (unregistered refugees' labor rights are not protected, no regular payment, lack of decent working conditions etc.).
21. Despite Lebanon's obligation to ensure employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the Covenant; the minimum wage in Lebanon is now settled at 675,000 Lebanese pounds only. Political, commercial and financial authorities refused the proposal submitted to fix a minimum wage amounting to 890,000 Lebanese pounds including the transportation allowance⁸. The last amendment to the minimum wage was made in 2012, and the cost of living indicator committee has not held enough meetings in the last few years to assess the inflation in prices. According to the General Confederation of Labor, the inflation rate for 2015 is estimated at 38% according to its standards of the cost of living indicators. These indicators suppose an increase of the current minimum wage.

22. A progress relative to the maternity leave occurred after the amendment of articles 28 and 29 of the Lebanese Labor Law by the Law No. 267 issued on April 15, 2014. The maternity leave amounts to ten weeks provided that full wage is paid to women in this period. Nevertheless, a gap remains as the employer is required to pay the full wages during maternal leave and not the social security fund.

23. In line with the UPR first cycle accepted recommendations on combatting human trafficking, in August 2011, Lebanon passed amendments to the Penal Code to include the crime of trafficking, set punishments for traffickers, and provide compensation to victims of trafficking (Law No 164). However, the Law 164 is not being properly enforced; there had been only very few convictions since the adoption of the law in 2011 despite the widespread existence of the problem of trafficking in human beings in the Lebanese society (especially among the 200,000 migrant domestic workers in Lebanon).
24. As for retirement, it is necessary to move to a retirement and social protection system as stipulated in Article 49 Paragraph 1 of the Social Security Law: "Until legislation for a retirement fund is made, an end of service fund is established..." It is clear from this text that the end of service compensation is a temporary measure.
25. With regard to the work of the Palestinian refugees in Lebanon, an amendment to the Labor Law No. 129/2010, specifically Article 59, occurred; it exempted them from work permit fees and reciprocity. Nevertheless, obtaining work permit keeps them in unstable situation especially that it should be renewed annually. In addition to that, Palestinian refugees have to pay all fees of the social security knowing that they only benefit from the end of service indemnity; all of that restrict their entry to the labor market; they are still deprived of the family compensation, comprehensive health and maternity leave security. Nevertheless, this legislation does not address the fact that Palestinian refugees remain barred from practicing in over 30 syndicated professions".⁹
26. While the collective dimension of the right to work is addressed in article 8 of the Covenant, which enunciates the right of everyone to form trade unions and join the trade union of his/her choice as well as the right of trade unions to function freely, the Lebanese labor law restricts the full enjoyment of this right. It distinguishes between the freedom to form associations and political parties and the formation of syndicates and unions; as the former require only a notification, while the latter requires authorization. Accordingly, the application to form a union is submitted to the Ministry of Labor which consults with the Ministry of Interior. Moreover, laws in force require that unions' activities remain under permanent monitoring and supervision of the Ministry of Labor.
27. While the women's affiliation with trade unions is high and ranges between 40% and 75%, the percentage of female participation in trade union executive boards is far below their percentage of total trade union members¹⁰.
28. Worth noting that Lebanon did not ratify ILO's Convention 87 on the Freedom of Association and Protection of the Right to Organize.
- Recommendations:**
29. **Ensure genuine implementation of labor laws in force especially with regards to following up on establishments and companies hiring non-Lebanese employees without work permits and under unfair work conditions on the basis of equal pay for equal work;**
30. **Review trade and investment policies to support productive sectors at national level and ensure the adoption of a tax system that stimulates local productivity;**
31. **Ensure employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the Covenant and Article 46 of the Labor Law; set dates for binding sessions on the cost of living indicator, guarantee the participation of major union forces such as the UCC in such meetings and identify more efficient standards to measure and unify prices indicators used by the State, the employers, and the unions;**
32. **Ratify the International ILO Agreement No. 44 of 1938: "an agreement to provide compensation or allowances to unemployed people against their will" and establish an unemployment fund;**
33. **Adopt the draft law aiming to adopt the "retirement and social protection" system;**
34. **Remove all the discriminatory clauses and that deprive women from enjoying an equal right to social protection in Lebanon;**
35. **Amend the anti-trafficking law in order to ensure that the victim is not treated as a criminal and enjoys the full right to participate in legal proceedings;**
36. **Laws, policies and systems must be reconsidered to remove every and any contradiction with the new anti-human trafficking law especially through cancelling the artist visa system to which female emigrants working in entertainment are subject and the sponsorship system to which domestic workers are subject;**
37. **Abolish the requirement to obtain authorization to form a union, settle for a formal public notice like the Associations Law and liberate unions from the guardianship of the Ministry of Labor;**
38. **Ratify Agreement No.84 of the ILO relevant to freedom of association and union work;**

39. **Amend the law 129/2010 and issue executive decrees which cancel the work permit and grant Palestinian refugees the right to join and practice liberal professions, to enjoy their full rights in the Social Security;**
40. **Shift from the concept of social protection networks, targeting programs and cash transfers to consider economic protection programs as a component in a broader development strategy aiming at achieving social justice and the realization of human rights;**
41. **Adopt social policies ensuring the elimination of discrimination against women and which eliminate gender gaps;**
42. **Adopt social policies ensuring the inclusion of Palestinians refugees.**
- iii. **The Right to Healthcare:**
43. During 2010 review, Lebanon received general recommendations on the right to health that did not focus on the problematic with regard to the quality of health services, the accessibility and affordability of health care system in light of the expansion of private sector and the weak regulatory role of the state.
44. There was an increase in the budget of the Ministry of Public Health (MoPH) by 13% between 2010 and 2012, accompanied by an improvement in health indicators namely maternal mortality and vaccination rates. But the expenditure on health decreased from 12.3% of GDP to 8.5% in the recent years; 83% of the budget of the MoPH in 2012 was spent on coverage and medicine rather than focusing on primary health care (PHC).
45. A big proportion of the public expenditure on health goes to private sector in 2012, 82% of total hospitalization expenditure was spent on private sector while 18% only went to public hospitals.
46. MoPH spent 4 billion Lebanese liras on offerings to PHC centers and NGOs providing health care services in 2012, where 71% of those are affiliated with political or religious groups and provide the service in the name of their affiliated groups.
47. 53.3% of the Lebanese remain outside any structured health coverage system, the Ministry does form a safety net for those but the coverage criteria are unclear and leave room for favoritism. Several other challenges face the health coverage system namely the delay in reimbursement of NSSF and the variance in coverage rates among different funds.
48. Coverage is more of a challenge for vulnerable groups, as the delay in implementation of law 220 leaves people with special needs uncovered, and the absence of an elderly retirement system especially that NSSF coverage stops on retirement when the need for care is the highest.
49. Clear discrepancies exist between regions in terms of number of beds, availability and quality of services, and % of people covered, with higher ratios concentrated in Beirut and Mount Lebanon.
50. MoPH and the various health syndicates have tried to regulate prices and set standards for service providers but their efforts still fall short and there remains a significant need to control quality and prices of service providers, decrease discrepancies among them, and limit the uncontrolled expansion of services.
51. The high percentages of spending on medicine which reached 22% of total health bill in 2013, necessitates further regulation of the sector and the adoption of the generic system. The central lab, primary entity responsible for quality assurance of medicine is still closed, and there is an informal drug market running without regulation through 3000 dispensaries.
52. Year 2014 witnessed an impressive enhancement in the MoPH audit role focusing on food safety and quality of services. However, there remains a need to institutionalize the efforts through the adoption of regulatory laws, reactivation of the role of regulatory bodies, and filling the vacancies in health inspector positions.
53. The Lebanese State is still undergoing the negotiation process to join the World Trade Organization (WTO) even if this process is temporarily halted. The Lebanese state should be wary of the provisions of certain regulations, particularly those related to the protection of intellectual property in the medication market.
54. Palestinian refugees are deprived from the contributions of the MoPH such as free hospitalization, chronic and incurable diseases medicines as a violation of Lebanon's obligations as a host country and towards the international community. The Palestinian refugee camps in Lebanon suffer from inadequate infrastructure which leads to an unhealthy environment and caused chronic and serious diseases.
55. As noted in Lebanon MDG report, in principle Syrian refugees have access to Lebanon's primary health-care services. Yet, despite services offered through government, civil society and international organizations, they are still incurring high out-of-pocket expenses. One in seven registered refugees finds hospital fees unaffordable¹¹.

Recommendations:

56. **Reform the health system in order to establish a health policy that prioritizes protection of the citizen in need of health services, preserves the right to adequate information in the health sector;**
57. **Strengthen the regulatory role of the state in the health sector, define the role of the different public and private stakeholders, monitor their performance thus rooting out corruption and waste, and enhance the effectiveness of the administrations;**
58. **Issue a comprehensive health coverage law that assures vulnerable groups are covered with clear selection criteria and independent and sustainable sources of funding;**
59. **Implement a series of reforms to strengthen the NSSF including filling the vacancies, inviting CSOs to management board, and decreasing political intervention;**
60. **Reinforce the health card system and revisit the health map study to assure equity between the regions;**
61. **Enhance MoPH regulatory role through enhancing coordination among various entities affecting health, increasing MoPH jurisdictions and strengthening its audit role by filling vacancies in unit and issuing of supportive laws and decrees;**
62. **Regulate the medicine sector through reopening of the central lab, adopting the generic medicine system, and monitoring the informal dispensaries;**
63. **Allow Palestinian refugees to benefit from government health services and hospitalization;**
64. **Improve the health environment in Palestinian camps and communities.**

iv. Right to Education:

65. The public spending on education is in constant decrease in Lebanon, from 2% in 2008 to 1.6% in 2011¹²; knowing that 85% of this budget is spent on wages and salaries¹³.
66. This adds to the disparities in the quality of the public system and private education and creates further inequalities in the enjoyment of the right to education. Despite the appreciation during the first cycle review for the “excellent standards of the public education”, there is continuing mistrust in public education that put the burden of the primary education costs on Lebanese families who in their majority enroll their children in private sector education schools. This was coupled in 2012 by the cancellation of the official exams by the

Government; the latter granted passing certificates to all students as a reaction to the movement of the Union Coordination Committee¹⁴ (UCC) demanding the ratification of a new salary scale for public sector employees. The quality of public education needs to be rather ensured through developing a new unified curriculum, introducing a dropout prevention program, establishing and implementing quality-oriented strategies especially for public schools in rural areas, and adapting the school environment to the basic needs of children and people with disabilities, while working towards banning double shifts in schools.

67. In the field of working on preparing the implementation of Law no 150 of 17/8/2011 on the compulsory education until the last stages of the elementary education, the Educational Center for Research and Development conducted in 2012 a study on the compulsory education application for children from the age of 6 to 15. However, the mechanism for implementation is yet unannounced. Not to mention that till today the age for compulsory education is 12 and should be raised to 15.
68. With regard to dropouts, repetition and child labor there has been no significant change. According to the data of the pedagogical statistics of 2012-2013 the percentage of non-enrolled students out of the registered students is 3.3% while the percentage of dropouts is 7.9% in the first cycle, 10.3% in the second cycle and 11.8% in the third cycle. The approximate number to be dealt with when implementing the compulsory education law amounts to 32588 students from 6 to 15 years of age.
69. While in 2011, the Ministry of Education and Higher Education issued a decision offering free and open access to the Syrian refugees in public schools, more than 50% are estimated still not enrolled. Moreover, the public schools where the majority of Syrian refugees are enrolled are in Lebanon’s most underprivileged and remote areas, where quality of education is already low. In addition to physical infrastructure problems, the educational difficulties relate to the use of foreign language in teaching some courses and to the differences in the curriculum.¹⁵

Recommendations:

70. **Enhance the quality of public education, developing a new unified curriculum, establishing and implementing quality-oriented strategies especially for public schools in rural areas and adapting the school environment to the basic needs of children and people with disabilities;**
71. **Focus reform efforts on increasing and maintaining enrolment rates, reducing and reinserting dropouts, giving incentive premiums for teachers to serve in poor areas, establishing continuing education programs for teachers, and expanding maintenance of the existing educational infrastructure;**
72. **Ensure a fair employment process that grant the teachers their rights in particular good salaries, and that ensure continuity in their work. Ensure that any National Education strategy aims at modernizing the education system and adopts a gender based approach;**
73. **Ensure that the Lebanese education strategy prioritizes the Syrian refugee children’s enrollment to school and full enjoyment of the right to education;**
74. **Issue an organizational plan of action to implement Law No. 150 issued on August 17 2011 on compulsory education in the primary stage;**
75. **Raise the minimum age of compulsory and free education to 15.**

v. The Right to a Healthy Environment

76. The right to a healthy environment is protected by the Lebanese Constitution, however, a number of risks threaten this right, including climate change, desertification, and the planned large-scale oil extraction projects, and may violate the right to live in a healthy environment.
77. Other examples of risks to the environment that threaten the right to physical and mental health in Lebanon include: (a) Disposal of toxic waste using inappropriate methods such as the government’s ratification in decision No.1 issued on January 20, 2015, of the opportunity to treat solid domestic waste using incinerators instead of resorting to the safe environmental treatment method based on minimization and sorting from the source; (b) Oil spills (the release of an oil spill on the Lebanese shore, due to the Israeli aggression on Lebanon in 2006) and the implications of this kind of pollution on the medium and long term; And (c) the inappropriate use of pesticides as these threaten the right to food.

78. Although Lebanon issued a number of environment related legislations in the last five years¹⁶ to stipulate that citizens are entitled to examine investment projects and give their opinions in those projects prior to their implementation; to date, many ministries do not respect these decrees when implementing public and private projects.
79. The National Environment Council (NEC) formed of representatives of both the public and private sectors, in addition to the Ministries in charge of environment issues play only a marginal role; NEC did not hold meetings regularly as stipulated in the Law. The independency of the Council remained challenging as well, as it was not allocated an independent budget and no bills were presented before it prior to their submission to the Cabinet.

Recommendations:

80. **Ensure the full enjoyment of the right of citizens to access to environmental information through genuine implementation of the decrees adopted in this regard, including No. 8633: Environmental Impact Assessment Due Process; Decree No. 8471: Environmental Commitment for Factories; Decree No. 8213: Strategic Environmental Assessment for Policy Projects, Plans, and Programs in the Public Sector; Decree No. 8157: Establishing the National Environment Council and Determine its Missions and Organize its Operations;**
81. **Activate the work of the National Council for the Environment and ensure its financial and administrative independence;**
82. **Adopt measures to address health and environment risks, including the development and implementation of policies that “aim to reduce air, water and soil pollution and eliminate this pollution”**

vi. The right to water

83. The water crisis in Lebanon is reflecting a dilemma between the privatization policies and the acquired rights to water.¹⁷
84. Although Decree No.144/1925 considers water resources as public domain, the Lebanese government has no public policy and unified legislation to regulate the management of water resources. It lacks capacity to secure the water services for its citizens such as drinking water, irrigation and wastewater treatment, and 80% of public water supplies are polluted at the source or distribution.¹⁸
85. The privatization plans of public-water service¹⁹ ignores the human right to water, and that this right includes the right of everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Recommendation:

- 86. Consider the social and human rights dimensions of water, maintaining public water by reforming its policy and legislation to improve water quality and sustainability, and cease treating water as an economic good to gain profit at the expense of protections for marginalized and vulnerable populations.**

vii. The Right to Adequate Housing

87. As Lebanon ratified ICESCR in 1972, the State is obliged to respect, protect and fulfill the Covenant's Article 11, which provides that state recognizes "the right of every one to adequate standard of living.... including adequate food...and housing, and the continuous improvement of living conditions". Yet, Lebanon has no public policy on housing or land enhancing and supporting the production of public housing, nor has Lebanon adopted procedures to secure affordable housing for the low-income groups.
88. In the absence of a "ministry" of housing, Lebanon's Public Corporation for Housing (al-Mu'assa al-'Amalil-Iskan), established in 1996, should facilitate low-income groups' access to adequate housing, but those institutions facilitate housing loans only for upper middle-income groups in partnership with commercial banks.²⁰

89. While the Central Displacement Fund (CDF), established since 1992, for rehabilitating deteriorated neighborhoods in Beirut has constructed one complex for low-income in Tripoli, it faces accusations of corruption. The local press reported that \$1.6 billion was spent for rehabilitation; however, the proportion of return of displaced households to their original homes did not exceed 20%.²¹

90. The Laws 159/92, 160/92 that regulate the lease or acquisition of residential units has provoked social and economic concerns and criticisms based on the principle of contractual freedom and contractor's will, which violate the Constitution and the human rights norms²². The Lebanese Constitution ensures the free economic system and private property rights, but that doesn't mean to omit respect and fulfillment of the human right to adequate housing. These laws affect tenants' rights specifically, with no limit to rent increases after the period expired, which can lead to displace and evict around 200,000 of poor families and vulnerable groups who live in Beirut, while the state has no policy for affordable houses and the eradication of thousands of small businesses vital to the Lebanese economy.²³

91. In the mid-1990s, Lebanon's parliament passed Law No. 117 to engage the private companies in the "Horizon 2000" project to develop the city of Beirut. The plan provoked considerable controversy, as it did not consider social responsibility to the vulnerable.²⁴ The Solidere Company is one of the main companies contracted under "Horizon 2000" and enjoyed several privileges, such as low prices on real estate by transferring property rights of the original owners and tenants to the company. Many criticize this process as rushed, superficial and creating yet more displacement in Beirut's Downtown. Also, Solidere's business practices have come into question for corruption, stolen land, a lack of transparency in its projects and some financial scandals.²⁵

92. Although no IDPs remain from the 2006 war on Lebanon, there is no information on IDPs who sought settlement option or achieved durable solutions. While at least 20,000 internally displaced, most of them Palestinian refugees, fled from Nahral-Barid camp in 2007, they are still living in congested conditions in surrounding areas, lacking access to basic services, adequate housing and suffer restrictions on their freedom of movement.²⁶

93. The impact of restrictive policies of Lebanese government still affects the Palestinian refugees, in general, isolating them from the Lebanese community. The presidential Decree 11614 (2001) led to other laws threatening Palestinian refugees, as in case they lack legal title to land and can be subjected to criminal prosecution for use and occupying of land without legal document.²⁷ According to this law, even a Palestinian man married to a Lebanese woman has no right to acquire property from his wife. Another law issued in 1997 prevents bringing materials into Palestinian camps for the purpose of repair, expansion or renovation. These practices breach the Para. (B) of the preamble of the Lebanese Constitution and Article (2) of ICERD.

94. Current government practices in land management negatively affect secure land tenure. The lack of certain definition of the property and conflicts on land impacting negatively the land use, additionally, the registration and transaction costs are very high and random land use leads to the loss of vital agricultural land to urban development.²⁸ Thus, foreign entities are buying land for real estate development, which opens the way for speculation for quick and easy profits. While the state is absent from its role to control the occupancy of the public domain to prevent the illegal construction implemented by influential persons have political protection.²⁹

Recommendations:

- 95. Respect and fulfill its obligation on the rights to adequate housing for all without discrimination;**
- 96. Facilitate low-income groups' access to adequate housing;**
- 97. Consider the social participation and involve the community in its projects on urban renewal with enhancing and respecting the social function of property;**
- 98. Respect its obligations under ICESCR to avoid discrimination against Palestinian and Syrian refugees in access to adequate housing, secure of tenure and improvement of their living conditions with permission to enter the material building into the refugees camps;**
- 99. Respect its international obligations to enable the internal displacements of Palestinian refugees to reconstitute their property.**

NOTES

1 Lebanon Crisis Response Plan 2015-2016 available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=r-ja&uact=8&ved=0CDQQFjAD&url=http%3A%2F%2Fdata.unhcr.org%2Fsyrianrefugees%2Fdownload.php%3Fid%3D7723&ei=KB8IVa_tFoqpgwSD8oOQA-g&usq=AFQjCNGrO3LKmH0eGo89zNzBmy8nUy-DJ9A&sig2=OwZM0PBsQOGC8kr1_MWcuw&b-vm=bv.88198703,d.eXY

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CIVIL AND POLITICAL RIGHTS

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- Arab NGO Network for Development
- Maharat
- Act for the Disappeared
- Lebanese Association for Democratic Elections
- Lebanese Center for Human Rights
- Badael Alternatives
- The International Center for Transitional Justice (ICTJ)- Lebanon
- Legal Agenda
- Frontiers Ruwad Association

I. BACKGROUND AND FRAMEWORK

A. SCOPE OF INTERNATIONAL OBLIGATIONS

1. During the first round of the Universal Periodical Review for Lebanon, civil and political rights in general and several issues in relation to these rights (asylum seekers, torture, detention, enforced disappearances...) were high priorities tackled. Acceptance of several of these recommendations, reflect the commitment of the Lebanese State to the promotion and protection of human rights; however, following up on their implementation require genuine efforts, political will and enhancing mutual understanding and peaceful interactions between all components of the Lebanese society.
2. It is noted that the first review conducted in 2010 did not mention the Syrian refugee crisis in Lebanon as it was still at its early stages. Today, after four years of State omission from dealing with this crisis, there are 1115988 refugees¹, a number that exceeds the quarter of the Lebanese population. As a result of the poor response to the crisis, harsh and devastating consequences and violations of human rights of the Lebanese and foreigners occurred in Lebanon, especially among refugees. These violations touched all the aspects whether civil, political, economic or social.
3. Current phase of political and constitutional void, resulting from the extension of the mandate of the Parliament, endangers stability in the country, increases societal tensions and is a clear violation of the Lebanese Constitution and international treaties and covenants ratified by Lebanon and of the most basic principles of democracy.

B. INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE

4. Despite the acceptance of the recommendation on the establishment of a national human rights institution, the project of creating a national commission for human rights is still pending. Therefore, the human rights violations follow up and monitoring efforts remain scattered and ineffective.
5. Human rights infrastructure needs to be further strengthened in Lebanon though some positive developments occurred; as the establishment of the Human Rights Department of Internal Security Forces (ISF) and the formation of an ISF anti-torture committee.

Recommendations

6. **Fulfill the commitment to establish an independent, national human rights institution with a clear mandate in accordance with Paris Principles and enabling a mechanism to receive complaints and give citizens the right to an effective remedy.**

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of human rights obligations

i. Right to Life, Liberty and Security of Persons

7. With increased polarization of political debate in Lebanon, the security situation in Lebanon drastically decreased. This has been set clear with the eruption of series of riots, assassinations and street battles resulting in the death and injury of a number of individuals. Impunity on such act can be identified in either slow progress in investigation.
8. In another limit to the right to life, the death penalty in Lebanon is still legal. While Lebanon is implementing a non-official moratorium on execution since January 2004, and in 2006 through a communiqué to the UN indicated the cessation of public executions, Lebanon did not adopt the Second Optional Protocol to the ICCPR calling for the abolition of the capital punishment.

Recommendation:

9. **Urge Lebanon to officially adopt the OP2 to the ICCPR on the abolition of the death penalty;**
10. **Put an end to impunity, and guarantee an effective and impartial application of the legislation and court rulings, through the formal judicial system**

ii. Promotion and protection of the rights of migrants and refugees

11. First cycle review included refugees and migrants as a priority issue for Lebanon, with overall 25 recommendations received on the subject. Yet, the immigration policy in Lebanon still needs to be revised, as the 1962 Law regulating the entry, exit and stay of foreigners is outdated and does not take into consideration the flow of migration in the 21st century.
12. While Lebanon took note of the recommendations on the revision of sponsorship system, the continued practices of the sponsorship system, a form of modern slavery, continues to create additional violations to the right of migrants in Lebanon. In 2013 a code of conduct was developed between the ILO, OHCHR and the union of agencies in relation to migrant worker facilitation. The code of conduct includes guidelines on the rights and obligations of migrant workers, the agencies, and employers; in addition to the other guidelines in relation to the contracts and the language facilitation.
13. Decree No. 319 regulates the status of Palestinian refugees in Lebanon who sought refuge in 1948 and their descendants. Social and economic rights of Palestinian refugees are strictly limited to their inability to access services such as health, education while their right to work and ownership of private property is strictly forbidden². The situation worsens for Palestinian "Non- ID" whose statelessness increases violations committed against them.
14. The crisis in Syria resulted in a mass influx of refugees into Lebanon. The unprecedented numbers have created pressure on the social cohesion and state infrastructure. As of 2015 1.3 million Syrian refugees are registered with UNHCR.³ The problem in statelessness also reaches the Syrian refugee population in Lebanon; out of 5,779 Syrian refugee new-borns in Lebanon 72% have no birth registration.⁴

Recommendations:

15. **Respect the international labor standards at work especially regarding 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 the ILO Convention on Domestic Work, 189;**
16. **Abolish the sponsorship 'kafala' system with regards to migrant domestic workers (MDW) and replace it with an employment based visa system to (a) operationalize supervision of the Ministry of Labor on domestic workers' employment processes and working conditions, as well as on the practice of employment agencies, (b) investigate cases of abuse and provide legal protection for domestic workers And (c) remove the exception of MDW within the Lebanese Labor Law;**
17. **Establish a legal mechanism to ensure the protection of refugees and asylum seekers, particularly against arbitrary detention and refoulement;**
18. **Continue to provide access of Syrian refugees on the basis of stricter review process in compliance with international refugee law standards, in particular the principle of non-refoulement and with human rights law;**
19. **Initiate the necessary steps for the drafting of a national policy to serve as a comprehensive framework to govern admission, status and reception conditions, in coordination with key relevant actors, notably the UNHCR and taking into account the current discussions on the adoption of a Memorandum of Understanding;**

iii. Right to identity

20. There are tens of thousands of stateless persons in Lebanon. The reasons for their statelessness vary. They include inheriting the status from their ancestors who failed to register in the only population census of 1932 following the creation of the State of Lebanon; fleeing from persecution from neighboring countries to Lebanon in the 1930s without a determined nationality etc.
21. There is no special legal framework governing the status of stateless persons and their rights. They lack any legal status or documentation.
22. There are no personal status records for stateless persons. Their marriages could not be registered and children born to unregistered parents are not entitled to have their births registered.

23. As a result, stateless persons are in an exceedingly disadvantageous situation, which makes them subject to serious abuse and exploitation; generally denied basic and fundamental human rights.

Recommendation:

24. **Establish a comprehensive rights-based protection framework for stateless persons, in order for them to be identified, registered and issued with documentation as well as to ensure their access to basic and fundamental rights.**

iv. Access to justice

25. Guarantees of fair trial are not well respected in Lebanon, in particular at the stage of investigations and pre-trial detention. In a multitude of cases individuals have been arrested without arrest warrants, in plain clothes and minor respect for the rights of people deprived of their liberty.
26. Migrants do not have access to neither to proper legal aid nor to language facilitation throughout the trial proceedings. Not to mention that many migrants have their court case deal in abstentia as they are deported prior to being brought before a judge.
27. While it is indicated under the article 425 of Law 90/1983 that "citizens who cannot afford a lawyer would be provided with one by the state", due to lack of any state lead initiatives on that regard, legal aid and other services are provided by Civil Society Organizations and both Beirut and Tripoli Bar Associations.
28. During the first cycle review, Lebanon took note of the recommendation calling for ending the prerogatives of the Ministry of Defence and Military Courts to detain and to charge civilians respectively. Yet, the Lebanese judicial system still compromises this special court.

29. The two types of courts which most directly violate fundamental freedoms and human rights are the Justice Council and the military tribunals. Indeed, the jurisdiction of these courts and the way they work violate the provisions of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, though they are both included in the Lebanese Constitution. The laws that regulate these two types of courts are, to a certain extent, unconstitutional, notably with regard to their independence, the guarantee of fairness in judgments and the rights of the defense.⁵
30. The Military Tribunal in Lebanon is no exception to the findings of the Working Group on Arbitrary Detention (WGAD). Desk research, particularly through daily news screenings, have revealed that the Military Tribunal in Lebanon does not comply with the rules that have been established by the WGAD.

Recommendation:

31. **Amend the code of criminal procedures to clearly adopt all fair trial standards at all stages.**
32. **Sanction the non-observance of these standards at all levels, from investigation to court hearings by nullifying the proceedings and making those responsible of violations accountable.**
33. **Enhance effective access to legal aid, making State legal aid compulsory, to all defendants, before all courts and for any crime.**
34. **Ensure that the Military Tribunal applies due process procedures that are recognized according to international law, such as the right to a fair trial.**
35. **Restrict the jurisdiction of the Military Tribunal, in accordance to the guidelines of the Working Group on Arbitrary Detention.**

v. Independence of the judiciary

36. The independence of the judiciary is one of the main guarantees of the right to a fair trial, and is part of its definition. Yet, major safeguards of this independence in both its individual and institutional aspects are still not adopted by Lebanese law.

37. The principle of irremovability of judges is not recognized. Moreover, judges are still denied fundamental freedoms of expression and of association, on the basis of the law on public servants (article 15), the law on the organization of judicial courts (article 44 and 132) and on the deontological duties related to the judicial function, particularly the obligation of restraint. 8 of the 10 members of the High Judicial Council (HJC) are still being appointed by the Executive. Furthermore, the accountability of judges, corollary to the principle of independence, still fails to meet international standards, as the Inspection commission is still directly linked to the Minister of Justice (MoJ) and not the HJC, and fear of its politicization can therefore exist.

Recommendations:

38. **Respect the principle of election of at least the majority of members of HJC, and consecrate in the constitution the right of irremovability of judges, and grant the HJC the competence to issue the resolution of appointments, promotions and removals/transfers of judges with no need for a decree, on the basis of transparent procedure and objective criteria;**
39. **Reaffirm the judges fundamental freedoms of association and expression in respect of the Constitution and international standards;**
40. **Relate the Judicial institutions including the Inspection commission to the HJC.**

vi. Torture in Lebanon

41. Despite being a party to the Convention against Torture (UNCAT) since 2000 and the Optional Protocol (OPCAT) since 2008, Lebanon still fails to fulfil its resulting commitments. For instance, Lebanon's State Report to the Committee against Torture remains overdue since 2001. Despite Lebanon's acceptance of seven recommendations addressing the issue of torture at the last UPR, it is concerning to note that after four years, their implementation is still far from being achieved.
42. Recommendations in the first UPR demanded Lebanon to amend its national legislation in order to bring it in line with the requirements of UNCAT, to duly investigate and prosecute perpetrators and implement its OPCAT obligations. Even if Lebanon has taken some positive steps, they remain limited and hampered by a continuous political stalemate.

43. A draft law defining torture in line with the UNCAT and criminalising this practice has in fact been under review by the Lebanese Parliamentary Committees since 2012 and was then formalised in its final version on 30 June 2014. To date, the draft law is at the level of the Parliament Council ready to be voted but, but blocked because of a lack of a parliamentarian agreement to hold a new session. It is noteworthy however that the current criminal law still does not provide for a definition of torture, nor does it prohibit or criminalise all acts of torture, complicity in carrying out torture or attempts to commit torture as offences on their own. The law does not either provide for appropriate penalties and measures of redress for victims.
44. Similarly, while acknowledging that Lebanon set an important precedent by being the first country in the Arab world to ratify the OPCAT, and that a draft law was presented to the Minister of Justice in 2009, to date the National Prevention Mechanism (NPM) has still not been established as the draft law is still under consideration by the Parliament.
45. The Committee against Torture (CAT) 2014 confidential inquiry conducted on the use of torture in Lebanon reveals that torture is, and has been, "systematically practised in Lebanon, especially in the context of investigation and for the purpose of obtaining confessions". The Committee also raised its concern over the deliberate disregard for fundamental legal safeguards for persons deprived of liberty, the serious flaws in the Lebanese penal justice system and system of general impunity for perpetrators, all elements conducive to the systematic use of torture. Confessions obtained under torture should also systematically be rejected in court, and inquiries should be open into the allegations raised.

Recommendations:

- 46. Adopt the appropriate national legal instruments in order to put an end to the widespread use of torture;**
- 47. Ensure the duly and effectively implementation of these instruments, including through appropriate training of the army, law enforcement and detention authorities;**
- 48. Ensure that testimonies acquired under torture are not used by courts.**

vii. Missing and Enforced disappearances

49. Since the last UPR of Lebanon in 2010 important steps have been taken related to the issue of the missing and enforced disappearances. This includes the recognition of the right to know for the families' of the disappeared by the Lebanese State

Council⁷, the data collection on ante-disappearance by the ICRC since 2012 which can help identify missing people.

50. In addition, a draft law on the missing and enforced disappearance was prepared by civil society organizations and submitted to the Parliament. This Law sets the framework for creating a commission that would be mandated to clarify the fate of missing persons.

Recommendations:

- 51. Ratify the 2007's International Convention for the Protection of All Persons from Enforced Disappearances;**
- 52. Adopt the Draft Law for Missing and Forcibly Disappeared Persons, which was submitted to the Parliament and ensure its effective implementation;**
- 53. Create a DNA database for all the families of the missing;**
- 54. Take appropriate measures to protect potential mass graves in order to preserve information that could prove to be vital in any future truth-seeking process.**

viii. Access to Information

55. The right to access information is a right stipulated by Article 19 of the UDHR, and ICCPR. To date, Lebanon does not guarantee the right to seek, receive and impart information and ideas, despite committing to protecting this right.
56. Established on April 11, 2008, the National Network for the Right to Access Information (NNRAI) undertook the task of drafting the "Right to Access Information" law, and the "Whistleblowers Protection" law, in the purpose of promoting transparency and accountability, consolidating rule of law and civil involvement in Lebanon through access to information and whistleblowers protection. The draft law on the right to access information has been recently approved by the joint committees of the Lebanese Parliament and transmitted to the General Assembly⁸.

Recommendation:

- 57. Adopt the Right to Access Information law and the "Whistleblowers Protection" law and ensure its full effectiveness through the adoption of the relevant decrees.**

ix. Respect the Principle of Periodic Elections and Reform Election Law

58. Lebanon received no recommendations during the first cycle UPR session on elections, yet since the last UPR session, postponement of the periodic elections in Lebanon through the extension of the Lebanese parliament mandate results in dangerous deterioration of the democratic process in Lebanon and loss of Lebanese citizens' of one of their major political rights i.e. the right to vote. This violates as well the principle of periodic elections recognized by international treaties ratified by Lebanon particularly the ICCPR.
59. Since 2008, Lebanon has witnessed significant steps towards electoral reforms through amendments made to the Parliamentary Electoral Law based on which the elections of 2009 were organized. Nevertheless, further reforms in election law are needed principally to foster women's political participation, to ensure full enjoyment of right to vote to non-resident Lebanese citizens⁹, lower voting age to 18¹⁰, ensure that the right of people with disabilities is fully respected¹¹.
60. The participation of women in political decision-making remains weak despite that Lebanon legally recognized women's political rights in 1953. Women's representation remains unequal, whether in legislative or executive powers, or political parties.
61. Moreover, in order to guarantee the right of citizens to choose their representatives freely by preventing any sort of political or financial influence and to ensure the fairness of elections, Lebanon has to ensure controlling on electoral spending.
62. On May 24 2014, at the end of the mandate of the twelfth president of the Republic, Lebanon entered in a phase of political and constitutional void as the deputies failed to elect the head of state within the constitutional deadline.
63. The Constitutional Council is an independent constitutional institution of judicial status. Despite that this institution plays a crucial role in ensuring compliance to the constitution, in practice, the Constitutional Council confirms that its prerogatives are not enough to provoke change in the way constitutional institutions operate.

64. Despite mentioning a commission to supervise the electoral campaign in the law, its prerogatives are limited and it continued to work under the supervision of the Minister of Interior. Its prerogatives were limited to monitoring electoral spending, advertising and media.

Recommendations:

- 65. Respect the principle of periodic elections and the right to vote as both are basic constitutional political principles and fully abide by the deadlines provided for by the Constitution or in laws relevant to the election of the President of the Republic and Parliament.**
- 66. Expand the prerogatives of the Constitutional Council, so that it is able to prevent and stop violations made by the other authorities and to give it the ability to interpret the Constitution.**
- 67. Establish an independent and permanent commission in charge of managing elections and transfer the prerogatives of the Ministry of Interior to this commission.**
- 68. End to all kinds of gender discrimination, develop programs and plans of action that aim to encourage and ensure women's participation in public affairs and Adopt a 33% women's quota.**
- 69. Amend the Constitution to lower the legal voting age from 21 to 18 as per the internationally accepted standards in the UDHR and ICCPR and lower the minimum age to run for elections from 25 to 22.**
- 70. Amend article 92 of the parliamentary electoral law 25/2008 and Article 83 of the municipal electoral law to ensure that the right of people with disabilities is fully respected and that they are treated as equals.**
- 71. Set a variable spending limit that reinforces equality in terms of spending among candidates and amend the electoral law to ensure equal treatment of all candidates in their media appearances and to protect the rights of independent, non-funded independent candidates.**

x. Freedom of opinion, expression and belief in Lebanon

72. The Lebanese Constitution ensures the respect of freedom of opinion and belief as stipulated in Article C of the Constitution Preamble.¹² Despite its commitment in 2010 to better guarantee the freedom of expression, the freedoms of opinion and belief are subject to harassment by high ranked public officials through misuse of obsolete legal texts which are inconsistent with the concept of public liberties, constitutional provisions, and international treaties and covenants, or through abuse of power and discrimination among Lebanese people based on beliefs. These harassments are in their majority targeted at journalists, civil society activist, and defenders of individual political and civil rights.
73. Public authorities use the provisions of the Lebanese Penal Code as a pretext to prosecute activists and journalists, particularly article 386 which forbids criticism of public authorities and punishes by imprisonment for a period up to one year. The last few months of 2014 and the beginning of 2015 witnessed three different examples of threats to the freedom of opinion and expression in Lebanon.
74. A journalist was subject to interrogation at the penal court upon a complaint filed by the Directorate General of ISF because of an article he wrote in a newspaper, in which he criticizes the inhumane treatment dealt by ISF staff in a specific case.¹³ An activist of the Civil Movement for Accountability was summoned for interrogation by the Criminal Investigations Department upon a complaint filed by a Lebanese deputy in favor of the postponement of the parliamentary election date where he claimed that the defendant carried an insulting slogan to all deputies¹⁴.
75. The General Security also exerts censorship over artistic, cinematographic and theatrical productions in accordance with the provisions of normative decree No. 2, which authorizes monitoring theater texts prior to presenting them on stage. Moreover, the law issued on November 27, 1947 subjects all cinema movies to monitoring prior to their screening. The General Security recently prohibited the presentation of a play produced by a non-governmental organization in Lebanon working censorship issues under the pretext that it contained the names of politicians.¹⁵

76. After having made a step forward under the previous government, when the freedom of holding civil marriages in Lebanon was recognized for those not affiliated with any religious community¹⁶, the current government did not respect its commitments and public departments refrained from registering civil marriages held in Lebanon. This discriminatory action is in violation of the Constitution Preamble provisions which states that all citizens are equal in rights and duties without discrimination.¹⁷

Recommendations:

- 77. Amend the legal and regulatory framework in order to fully guarantee the freedom of expression and remove all ambiguous and vaguely worded articles that denies the enjoyment of this right**
- 78. Abolish all kinds of pre-censorship imposed on artistic productions;**
- 79. Recognize the right of individuals affiliated with the common law sect to register their civil marriages held in Lebanon as a consolidation of the principle of freedom of belief and non-discrimination among citizens.**

xi. Freedom of Association:

80. Despite its liberal notification system guaranteed by the 1909 law on associations¹⁸, a de facto authorization system was imposed for decades (1990-2005) proves that legal and administrative reforms are essential to clarify any vague provisions in the law, adapt the association law in full conformity with international human rights standards and to fully ensure an enabling environment for civil society. Further reforms should keep the liberal notifications system and not be used to impose any kind of prior control on the freedom of Association.
81. In the last 3 years, several notification were refused by the administration and the illegal prior investigation are occurring again and are being used to prevent the creation of new association which deals with "problematic issues" such as torture prevention NGOs or LGBT NGOs. This practice of delaying the notification publication was condemned by the highest administrative court in 2003.

xii. Right to family

82. Trade unions and syndicates do not fall under 1909 Law and are subject to a strict authorization regime established by the 1946 Labour Code. A strict supervision and control hinders the formation of trade unions and political interference hampers both their formation and operation.¹⁹
83. Some categories of people are deprived of the right to form associations. Judges and civil servants in Lebanon are not allowed to belong to any professional associations or unions. Palestinians refugees present in large numbers in Lebanon are also deprived from this right.

Recommendations:

- 84. Review the 1909 law to specify a fixed delay for authorities to hand back the notification receipt to associations and reform article 3 of the 1909 Ottoman Law so the conditions for not granting the notification or dissolving an association are not subject to a wide array of interpretation but solely based on their contradicting the Lebanese law;**
- 85. Make the Law of Associations applicable to all associations in Lebanon, including foreign organizations and youth and sports associations;**
- 86. Lower the minimum membership age from 20 to 18 years old to match the constitutional definition of adulthood;**
- 87. Amend circular 15/M/2008 to cancel the investigations on associations' founding members;**
- 88. Develop clear, objective and transparent set of criteria for the Ministry of Social Affairs' contracts issuing process with associations and implement relevant monitoring and evaluation mechanisms tailored to various associations' mandates and structures;**
- 89. Amend Law Decree No. 112 issued in 1959 to allow civil servants (and by extension judges by virtue of article 132 of the Code of Judicial Conduct) to be members and/or founders of professional associations;**
- 90. Provide official recognition of LGBT associations from the State;**
- 91. Grant Palestinians in Lebanon the right to form associations and to be part of associations' board through a notification process.**

92. In 2010, Lebanon took note of a recommendation on accelerating plans for the adoption and implementation of a national strategy for children. Nevertheless, irregularities in the systems of adoption are observed and the procedures for adoption in religious and civil courts are not in full conformity with the best interests of the child.
93. Illegal adoptions both at inter-country and domestic level still prevail in Lebanon. While, an estimated number of 10.000 persons were victims of illegal inter-country adoption and an estimated number of 28000 were placed into institutional care as of 1960's. The war witnessed in Lebanon has certainly contributed to this situation in addition to the absence of any governmental tangible action to address this crisis despite the fact that the CRC committee, in its concluding observations on the second national report about the status of children in Lebanon, expressed its deep concerns on the large number of children placed in institutions without the use of any judicial procedures.
94. Within the absence of any civil regulatory entity that governs the separation process; many children are losing contact with their origins through adoption or placement into alternative care where there are subject to many child's rights violations reaching sexual harassment within the absence of qualitative guidelines and monitoring systems.
95. This is leading to major identity crisis and major violations in terms of inability to know as an outcome of falsification of papers, disconnection with origins, inability to adapt, and being trapped in an unhealthy relationship with adoptive parents who were in a way or another engaged into child trafficking, inability to cope with the situation. Adopted persons are denied their right to know which is at the heart of the all the treaties and the Hague convention that was not ratified by Lebanon.
96. Children placed into institutional care are separated mainly due to poverty and not for the need of alternative care. Victims of rights violations within care have started to voice out their rights and claim reparation while the government is not assuming its responsibility in ensuring proper care as per the international guidelines on children without parental care.
97. As part of transitional justice, the government of Lebanon does owe those victims, an acknowledgment of their cause, proper reparation, and most of all judicial and institutional reform in order to prevent on-going repercussions.

Recommendation:

98. Ratify the Hague Convention on Protection of Children and co-operation in respect of inter-country adoption;
99. Establish a research center to document inter-country adoption cases and call for reparation including the right to know, the right to nationality, the right to proper prosecution of perpetrators;
100. Adopt a civil legal framework to govern separation from the biological families as a last resort while implementing programmes to strengthen families at risk especially as related to single mothers;
101. Implement the UN Guidelines on Alternative Care and putting in action a plan to scale down institutional care while designing alternative forms of family care including fostering programmes.

xiii. Right to have a private life (LGBT rights in Lebanon)

102. Article 534 of the Lebanese criminal code criminalizes "intercourse against nature" to a prison sentence that can to one year. Despite a number of court verdicts that dropped charges against people charged of "acts against nature", this article remains today the basis of the arrest, detention and prosecution of LGBT in Lebanon. During the last two years at least two raids (one was to a Turkish bath the other to a nightclub) were carried that ended with the arrest of at least 30 persons all of whom were charged of article 534. People arrested on that charge are in a systematic matter, subjected to humiliation and in other cases verbal and physical torture or threat of torture (rape). Security forces also unlawfully carry detailed search of their cell phones and invade their private lives to lure them to come to the police station and arrest them. Other unlawful practices include the anal test which takes place in many police stations.
103. On the psychological level, LGBT individuals are always at a state of fear and anxiety; they face isolation and marginalization in society which leads to deny LGBTs the right to participate in political, intellectual, cultural, and social activities.

Recommendations:

104. Abolish article 534 from the Lebanese penal code;
105. Stop all violations of privacy due to the prejudice against homosexuality specially subjecting individuals to HIV tests and drugs tests, questioning arrested persons on their sexual activities, issuing arrest warrants despite failure to meet legal conditions.

NOTES

- 1 UNHCR, 2015 UNHCR country operations profile, available on: <http://www.unhcr.org/pages/49e486676.html>.
- 2 Manara Network for child rights, "Country profile of Lebanon. A review of the implementation of the UN Convention on the rights of the Child", August 2011, p.30-31
- 3 UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>
- 4 UNHCR, The UN Refugee Agency, "2015 UNHCR country operations profile – Lebanon", available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676&submit=GO> [accessed March 2015]
- 5 For more information:
- 6 http://www.constitutionnet.org/files/the_independence_and_impartiality_of_the_judiciary_in_lebanon.pdf
- 7 In its ruling on March 4th, 2014, the Lebanese State Council granted the families of the missing and forcibly disappeared access to the full report of the investigation files of the 2000 Commissions of Inquiry and in doing so established the right to know as a legal principle.
- 8 On February 3, 2015
- 9 Article 104 of the Electoral Law of 2008 stipulated that Lebanese citizens not residing on the Lebanese territory are entitled to vote at the Lebanese embassies and consulates. Although this could be considered a step forward in terms of guaranteeing the right of non-resident Lebanese citizens to vote in their country of residence, experience showed that there is a need to reform this system that led to the exclusion of significant numbers of registered citizens thus depriving them of their right to vote.
- 10 The Lebanese Constitution and electoral law determined the legal age at 21 for voters and 25 for candidates. This is actually a violation of the basic political rights of citizens between 18 and 21 years of age especially that this age group enjoys all of their civic rights and duties by are denied their right to participate in political life through elections. As a result of this reality, the youth distanced themselves from active participation in volunteering work, political life and public affairs.

- 11 The electoral law stipulates that the Ministry of Interior shall take into consideration the needs of people with disabilities when organizing the elections and shall take measures to allow them to exercise their right to vote without any impediments.
- 12 "Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination".
- 13 Statement of "Maharat Foundation", an organization promoting the freedom of expression issued on September 25, 2014, available at: <http://maharatfoundation.org/?p=1718&lang=ar>.
- 14 The Legal Agenda, report published on its website on November 14, 2014 available at: <http://www.legal-agenda.com/newsarticle.php?id=871&lang=ar>.
- 15 Statement of the "Marsh" initiative to abolish all sorts of censorship over artistic productions issued on January 28, 2015. <http://www.marchlebanon.org/ar/In-The-Press>
- 16 The former Lebanese Cabinet of Ministers allowed the registration of civil marriages based on an opinion issued by the Higher Committee for Consultations at the Lebanese Ministry of Justice, which considered that applicable laws in Lebanon allow for the registration civil marriage contracts held in Lebanon for those who stroke off their religious affiliation
- 17 The position of Ziad Baroud, the former Minister of Interior published by Annahar newspaper on February 2, 2015.
- 18 The freedom of association in Lebanon is still subject to the 1909 Ottoman law on association which despite consecrating a liberal regime of notification contains some ambiguous dispositions which grounded some future violations.
- 19 Read more at: <http://www.annd.org/english/data/publications/pdf/34.pdf>.

LABOR RIGHTS

- Lebanese Labor Watch
- Association Najdeh
- Arab NGO Network for Development
- Lebanese Transparency Association
- The Palestinian Human Rights Organization (PHRO)

I. BACKGROUND AND FRAMEWORK

1. This submission reviews important developments and violations relative to the right of workers in Lebanon whether addressed in the conclusions and recommendations of the UPR Working Groups issued in January 2011 (A/HRC/16/18) or omitted.
2. In 2010, Lebanon accepted many recommendations relating to the economic and social conditions, mainly tackling poverty, health and education shortages in addition to some aspects of labor rights' violations relating to domestic workers and Palestinian refugees' rights. Nevertheless, only an increase in rights' violation was witnessed.
3. In fact, as a main constituent of the economic and social rights, labor rights still lack the main standards rendering it decent and suffers from serious violations and limitations; this is caused by the absence of any comprehensive approach from the Lebanese government towards job creation, productive sectors and especially social protection.
4. Despite the growth which occurred more than once (especially between 2008 and 2009) , it did not positively reflect on all Lebanese equally and did not reach all society segments or all Lebanese regions. Therefore, they were unable to neither fight poverty and reduce the social and economic disparities between the Lebanese, nor reconfigure the middle class which constitutes the stability pillar in Lebanon.
5. Around 1.5 million Lebanese people out of 5.9 million population (projected as for December 2015) lives below the poverty line . As a strategic response, Lebanon focuses on National Poverty Targeting Program, yet intergenerational transfer of poverty cannot be addressed by targeting only specific segments of the society and improving the income of the poorest families. Poverty can best be addressed by ensuring the full enjoyment of the economic and social rights.
6. The poverty levels are the lowest in Beirut where 7.6% of the population live in extreme poverty and the total poverty is 5,18%. Nonetheless, the percentage of extreme poverty in the Northern Mount Lebanon Governorate reached 17.75% and the total poverty percentage reached 52.27%; the South comes in the second position between the governorates of Lebanon in terms of the severity of poverty and the percentage of extreme poverty reaches 11.64% and the total poverty 42.21% .
7. In the past years, GDP growth rate dropped from 8.5% in 2009 to 2.0% in 2014 . While the government justifies that solely as a result of the Syrian crisis repercussions on tourism, services and others,

it is evident that the Government was absent for the past years and that the economic and social decisions and mostly lack of decisions led to the current situation.

8. The Syrian crisis has added more to the social problems; and the cons of the governmental performance interacted as a result of the lack of adopting a policy towards them and the chaos of the situation which left its effects on the labor market in Lebanon. There is no accurate knowledge today of the number of the refugees and their distribution and categories.
9. The period between the first Universal Periodic Review (in 2010) and the second one (in 2015) is characterized by the lack of reliable, up-to-date and disaggregated statistics and data regarding economic and social rights in Lebanon. This results in the adoption of inadequate policy measures which does not take into consideration the real needs and priorities. Furthermore, the Economic and Social Council as a platform for the private sector and civil society to providing advice on economic and social policies, remain paralyzed.
10. One cannot overlook the fact that the main reasons that led to the economic and social policy failure are the absence of the concept of human rights for citizens and the lack of a developmental approach leading to both justice and equity.

Recommendations:

11. **Adopt a holistic approach to development and a national strategy for protecting and developing productive sectors including agriculture, industry and services;**
12. **Adopt a new and comprehensive approach to poverty reduction reducing inequalities at various levels, enhancing national productive sectors for employment generation;**
13. **Ensure that up-to date and reliable disaggregated data regarding the economic and social rights enjoyment are available and accessible in Lebanon;**
14. **Activate the Economic and Social Council to re-launch economic and social policy dialogue and ownership and engaging all concerned stakeholders.**

II. IMPLEMENTATION OF HUMAN RIGHTS OBLIGATIONS

i. Right to Work

15. The right to work is still subject to the successive governments' hesitation and doomed by a retrogressive mentality that could not eliminate the tyranny of the social groups on each other. The governments still have not put the necessary legislations to address gaps in Labor Law as per the international and Arabic ratified agreements. They did not reconsider the Lebanese Labor Law with respect to the application of the minimum wage on persons under the age of eighteen. All studies confirm that the wage is at the level of poverty line and the government overlooks the establishment of a fund for unemployment and implementing the Labor law and Social Security Law on the construction workers; in addition to the right of employees to establish their own unions respecting the International Convention No. 87 related to the freedom of joining unions and the right of employees to establish their own unions.
16. The activation of the role of the institution and providing the financial budgets to do what is required from it can only be achieved through a policy adopted by the Lebanese government; just as the commitment to apply equality in wages between men and women so that the wage will be the same for the same work, along with emphasizing on prohibiting hiring children and juvenile, as well as establishing social, educational, and professional projects, and the implementation of the 3% quota of the jobs for the persons with special needs, in addition to developing a national control plan in this area.
17. In addition to the activation of the Department of Labor inspection in the Ministry of Labor, scrutinizing the institutions that do not declare their workers and also increasing the number of boards of arbitration, appointment of its members, and accelerating mechanisms of action and issuing provisions, as well as improving the conditions of the workplace, providing the necessary protection of the dangers resulting from them, and promoting the concept of adopting the collective contract.

Recommendations:

18. **The firm application of the Labor Law in terms of ensuring the rights of workers and improving the conditions of work;**
19. **Introduce amendments to the Labor Law in accordance with the international principles and commitments.**

ii. Unemployment

20. The unemployment rates continued to increase due to the decrease of growth rate and the impact of the Syrian crisis on the Lebanese economy. Today, the number of Syrian refugees in Lebanon is around 1115988 . Many of these refugees are skilled workers and are subject to exploitation by Lebanese employers; long working hours with low wages, without any social benefits.
21. Unemployment increased from 8.7% in 2008 and reached 20% in 2013 . This rate is expected to rise especially among youth. In fact, the State should provide 35,000 job opportunities each year to university and institute graduates. Only 9,000 job opportunities are available. The remaining graduates emigrate or become unemployed.

Recommendations:

22. **Strict implementation of labor laws in force especially with regards to following up on establishments and companies hiring non-Lebanese employees without work permits and under unfair work conditions on the basis of equal pay for equal work;**
23. **Hire to fill vacant positions in public employment;**
24. **Support productive agricultural and industrial sectors through imposing taxes on consumption to protect local production.**

iii. The Wage

25. The minimum wage in Lebanon settled at 675 thousand LL only, and the political, commercial-financial powers refused the proposal of the former Minister of Labor Charbel Nahas of integrating the transportation allowance with the base salary. The minister's proposal was at that time to have a minimum wage of 890 thousand LL including the transportation allowance. The last amendment of the minimum wage was in 2012 and the commission of the cost of living index did not meet enough over the past years to control price inflation.
26. In the public sector, the Trade Union Coordinating Body failed to enforce a correction to the series of ranks and salaries that have started to worsen since 1996 as the teachers used to work extra hours in exchange for giving them 5 additional degrees on their salaries. In 2005, the government canceled 4 degrees and the teachers and employees did not get any increases.
27. The Labor Union estimates the inflation rate in 2015 to be 38% according to its criteria for the cost of living indices which assume putting an increase on the minimum wage.

Recommendations:

28. **Setting a date for obligatory sessions of the cost of living index and ensuring the participation of trade union such as the Trade Union Coordinating Body in the index meetings;**
29. **Determining more efficient standards to measure price indices and unifying them among the state, employers, and trade unions;**
30. **Find an implementation mechanism of Article 46 of the Labor Law "The minimum pay assessed shall be rectified whenever economic circumstances render such review necessary", according to Article 44 of the same law that states that "The minimum pay must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family...";**
31. **Impose a control of the prices specially for the basic materials.**

iv. Social Security

32. The social protection system in Lebanon is still limited to the narrow approach of social security which in itself is suffering of main gaps and shortages whether on the legal and regulatory framework levels or implementation level.
33. On a parallel note, some branches of the Social Security are still not implemented.
34. There is a necessity to move to an elderly retirement system as provided for in Article 49 paragraph (1) in the Social Security Law: "Until adopting legislation on elderly security, a fund for the end of service indemnity shall be established...". It is clear from this text that the end of service's indemnity has a temporary feature and that a more comprehensive one on elderly retirement should be established.
35. There is a need to implement the rest of the branches of the security stipulated in the law in Article 7, paragraph (b) that is related to the "Branch of Work Emergencies and Professional Diseases". This branch of social security has not been implemented yet despite the fact that 52 years passed since the promulgation of the law calling for it. Today, implementation of work emergency and professional diseases security depends partially on the Law on Work Emergencies No. 25 issued on 4/5/1943 and amended by the decree No. 136 on Sept. 16, 1983.
36. Lebanese are still deprived of a comprehensive health insurance. In fact, Lebanon pays 12% of the national income on health which is a high percentage compared to what the citizens are getting from the

contributions if they really get them; therefore, there is a necessity to find a comprehensive health insurance for all citizens by unifying the security funds (one fund and one management) and by defining a specified plan to support and provide health coverage for all citizens.

37. Another branch of the Social security which has still not being activated is the educational allowances branch based on Article 46 on "Family and Educational Allowances". Paragraph (b) of article 46 states that the condition to benefit from the educational allowances and their value will be specified by a decree taken by the Lebanese Council of Ministers upon the proposal of the Minister of Labor based on the approval of the administration.
38. When it comes to maternity leave, an amendment of articles 28 and 29 of the Lebanese Labor Law occurred on April 15, 2014. It ensured that the maternity leave is extended to ten weeks. This amendment was done according to article 26 clause (1) of the Social security Law. Nevertheless, this has caused an imbalance and a threat to women's work since it is the employer and not the Social Security who should pay the full wages of the leave.
39. According to the current state of law, an insured woman cannot secure her husband except in two conditions (1) the insured husband is 60 years at least (2) the husband is not capable of providing his own living because of a physical or mental disability. This is a discrimination since a working man can secure his wife in case she is unemployed. Therefore, an amendment of Article 14 paragraph (c) should be made by adding "or unemployed" to ensure the equality between men and women on this matter.
40. In Lebanon, the unemployment rate reached 20% in 2013 and higher among youth. Unemployment level increases with level of education, with around 14 percent of university graduates and 15 percent of those with secondary education unemployed, versus lower rates for lower education. Unemployment by gender was estimated in 2010 at 18 percent for women, double the rate for men (a total of 11 percent) . It is imperative for the government to ratify the International ILO Convention No. (44) 1938, on the Indemnities or Benefits for the Unemployed against Their Will and establish an unemployment fund.
41. Though a progressive was achieved by the amendment of law 128/2010, which allowed Palestinian refugees to benefit from the end of service indemnity, they still do not benefit from all social security's indemnities knowing that they pay all related fees. They are still deprived of the family compensation, comprehensive health and maternity leave security.

Recommendations:

42. **Support the draft law aiming to move from the end of service indemnity system, under Article 49 of Social Security Law, to the "Retirement and Social Protection" (elderly system); this draft law that was adopted by the joint parliamentary committees on 27/1/2008;**
43. **Ensure a comprehensive health coverage system to all Lebanese citizens;**
44. **Effectively implement the educational allowances provided for by Social Security and adopt the relevant executive decrees;**
45. **Application of Article 26 of the Social Security law regarding the burden of maternity leave benefits;**
46. **Amend par. (c) of Article 14 of the Social Security Law to allow a working woman to secure her unemployed husband as it is the case for a working man;**
47. **Ratify the International ILO Convention No. (44) 1938 on the Indemnities or Benefits for the Unemployed against Their Will and establish an unemployment fund;**
48. **Amend law no. 128/2010 and issue relevant executive decrees in order to allow Palestinian refugees to benefit from all their social security rights and especially allow Palestinian women to benefit from maternity leave contributions.**

NOTES

- 1 Future newspaper , "the economic future", April 22, 2010 - No. 3631 , Page 12.
- 2 Government of Lebanon and United Nations, Lebanon Crisis Response Plan (LCRP) 2015-2016 available at: file:///C:/Users/Admin/Downloads/4-LCRP_Brochure_eng.pdf.
Lebanon,, a study issued by the American University of Beirut , 2009
- 3 The Human Face of Poverty in
- 4 Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.1.
- 5 UNHCR, "2015 UNHCR country operations profile-Lebanon", available at: <http://www.unhcr.org/pages/49e486676.html>.
- 6 Ministry of Foreign Affairs and Emigrants, Lebanese Republic, National report submitted to the Arab Human Rights Committee, September 2014, p.2.
- 7 Lebanon MDGs Report 2013-2014 available at <http://www.cdr.gov.lb/study/mdg/MDGR2013-2014e.pdf>.
- 8 Lebanon MDGs Report 2013-2014 available at <http://www.cdr.gov.lb/study/mdg/MDGR2013-2014e.pdf>.



WOMEN RIGHTS

- Rassemblement Democratique des Femmes Libanaises
- Democratic Forum for women in transitional societies – Amneh Forum
- Arab NGO Network for Development
- KAFA
- ABAAD-Resource Center for Gender Equality
- National Comitte for the Follow up of Women's Issues.
- The Palestinian Human Rights Organization (PHRO)
- Working women league in Lebanon
- Arab Institute for Human Rights- Lebanon
- Frontiers Ruwad Association

I. GENERAL BACKGROUND AND FRAMEWORK

A. SCOPE OF INTERNATIONAL OBLIGATIONS

1. Lebanon received in the first round of the Universal Periodic Review 22 recommendations directly related to the rights of women that called for fulfilling its international obligations and making every effort to remove discriminatory provisions against women.
2. In spite of all the efforts made by the civil society and the struggle of the Lebanese women's movement for the abolition of discrimination and violence against women in all of the political, social and economic areas during the last four years, the Lebanese government did not address the discrimination by adopting a comprehensive vision and clear policies.
3. Despite some progress, including the ratification of CEDAW by the Lebanese government (with major reservations on articles 9, 16 and 29), the road to full equality between the sexes in Lebanon is still long and Lebanese woman still faces important challenges, particularly in the nationality law, Penal Law and the Personal Status Law.
4. The disparities increased as a result of the Syrian refugee crisis in Lebanon and this resulted in an increase in poverty and unemployment; high rates of early marriages and exploitation of the vulnerable. This situation had repercussions and weighed on the women's rights in Lebanon and caused a crisis.
5. The resolution 1325 adopted by the UN Security Council on 31 October 2000 aimed to consecrate the international attention on the issue of the protection of women in armed conflict situations and to involve them in solving them. It is necessary to issue national legislations to protect specially women and girls before, during and after armed conflicts.

Recommendation:

6. Lift the reservations on the Convention on the Elimination of All Forms of Discrimination against Women and the conclusion of the Optional Protocol thereto.
7. The integration of Resolution 1325 in the State legal and regulatory policies; design and adopt laws and regulations for the protection of women during and after armed conflicts.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

I. CIVIL AND POLITICAL RIGHTS:

1. NATIONALITY LAW

8. Although Lebanon announced during the previous review its commitment to increase its efforts towards the elimination of discrimination against women, it still deprives the Lebanese woman from granting the Lebanese nationality to its children and foreign husband defying by this the simplest civil rights related to citizenship.
9. Lebanon had reservations on paragraph 2 of article 9 from the Convention on the Elimination of All Forms of Discrimination against Women that states that "The State Parties shall grant women an equal right to men regarding the nationality of her children". The provisions of nationality are covered by resolution no 15 in 19/1/1925. The latter states in its first article that is considered Lebanese "every person born of a Lebanese father".
10. As a result of the current legal framework, the Lebanese nationality is transmitted by paternity relation and not the maternity except in two cases: an illegal son recognized by the mother while still a minor and the children of a woman granted the Lebanese nationality and still alive after the death of the foreign father. There is no exception when it comes to a Lebanese mother married to a stateless person.
11. The husband and children of a Lebanese woman married to a foreigner suffer from various economic, social and civil challenges. They are treated as less than citizens in terms of residence and work permit, although they benefit from some privileges such as: granting the husband and children of a Lebanese woman a 3 years free residence and they are allowed to join professions usually limited to Lebanese and exempted from some work permit's conditions. However, that does not rise to the level of full equality and violates the full citizenship of a Lebanese woman.

Recommendation:

12. Amend the Nationality Law to ensure the full equality between men and women concerning granting her the right of giving her nationality to her children and husband.

2. PERSONAL STATUS LAWS:

13. While the first cycle review shed light on the discriminatory provisions of the personal status law, Lebanon continues to suffer from the multiplicity of legislations and courts in cases related to personal status; the personal status laws in its different types is characterized by their discriminatory provisions against women and their incompatibility with the Lebanese Constitution that adopts the principle of equality between its citizens, the charters of the United Nations and the Universal Declaration of Human Rights. This coincides with the fact that Lebanon is still holding its reservations on various clauses of article 16 of the Convention against Discrimination against Women.
14. The International Committee of the Convention on the Elimination of All Forms of Discrimination against Women emphasized on its "recommendation for the member states to quickly adopt a unified civil status law that is compliant with the convention to be implemented on all women in Lebanon irrespectively of their religions¹".
15. The sectarian and religious regulations applicable in Lebanon are many (around 15 various personal status systems placed under the religious authority). These various and underdeveloped regulations have serious impact on the lives of citizenship especially regarding custody rights, marriage, inheritance, wills and many others.
16. In the absence of the adoption of a unified civil personal status law, guaranteeing absolute gender equality, Lebanon does not yet provide a law for the persons that do not belong to any of the sects recognized in an exclusive manner by the Lebanese law².
17. On the other hand and under the complexity of the regulations applicable concerning marriage and that considers various minimum ages for marriage, the staggering violations of the rights of the child carry through the early marriage phenomenon. This reality and violation is a result of the legal texts that do not specify a minimum age for marriage suitable with Lebanon's obligations mentioned in the Convention on the Rights of the Child in 1989; it specifies the age of marriage as eighteen.

18. The effect of early marriage on a girl establishes for violations of all human rights of women and girls which in itself is considered a violation of the Convention on the Rights of the Child in which the right of the girls to development, protection, and participation is well recognized and guaranteed.
19. Article 505 of the Lebanese Penal Code violates the Children's Bill of Rights that states the following: "anyone who engages in sexual acts with a minor below 15 years of age is punishable by life imprisonment...³".
20. In the framework of protecting the juvenile, Article 483 of the Lebanese Penal Code punishes the cleric that allows the marriage of a minor under the age of 18 without the consent of his guardian by a fine of between fifty thousand and five hundred thousand Lebanese pounds. The phrase "the consent of the guardian" should be emitted to utterly prohibit the marriage of minors without any exceptions.

Recommendations:

21. Adopt a unified civil personal status law, guaranteeing gender equality, compliant with the Constitution and the international commitments of Lebanon referred to above, according to the following: Freedom of belief and religion, equality in rights, obligations, and responsibilities between men and women within the family and providing the best interest of children;
22. Amend the laws related to marriage as compliant with the international standards i.e. specifying the minimal age for marriage as 18;
23. Amend the articles of the Penal Code and the criminalization of marrying a minor by all means without any exceptions with regards to who is responsible of permitting the marriage (Article 505), or with regards to the powers of the guardian of minors (Article 483).

3. THE RIGHT OF CIVIL MARRIAGE IN LEBANON

24. In Lebanon, marriage contracts are subject to the religious sects' authority, and each according to its regulations. This resulted in the light of the absence of civil laws that regulate the different aspects of marriage in some staggering and systematic discriminations against women starting from custody and divorce to the dissolution of marriage.

25. Around 560 Lebanese civil marriages have been registered in 2014 in Cyprus alone which indicates the extent of resorting of the Lebanese to marry abroad to escape the closed sectarian system in Lebanon.

26. In spite of some breaches recorded⁴ in the recent period of time, in which civil marriages contracted in Lebanon were registered, the Lebanese Interior Minister issued a decree to forbid the registration of any civil marriage conducted in Lebanon leaving the Lebanese with no option but marrying abroad, noting that the latter is registered in Lebanon without any restrictions in accordance with the principles. This leads to doubt the reasons behind forbidding its registration in Lebanon as long as it results in the same effects and consequences.

Recommendation:

27. Adopt a law for civil marriage in Lebanon.

4. FAMILY VIOLENCE:

28. On Tuesday 1st of April 2014, the Lebanese Parliament passed the law proposal on family violence under a modified title, "Law to Protect Women and Other Family Members from Family Violence", initially presented by the National Coalition to the Cabinet in 2009, under the title "Law to Protect Women from Family Violence."

29. There has been intensive campaigning demanding amendments to the final version of the law as the final text adopted do not ensure Lebanon's full respect and protection of women's rights. For instance, the final approved bill is no longer specific to women and women's protection is limited to the title and does not apply to the content. Moreover, the newly-approved law proposal enumerates only a limited number of

family violence crimes and does not cover all crimes mentioned in the Penal Code. The new clause in Article 3 establishes the religious concept that intercourse is a "marital right" in a civil law applicable to all Lebanese, and only criminalizes the harm that comes with the act of coercion and not the coercion per se. The final text excludes children from the scope of protection when custody does not belong to the mother, according to the personal status laws. This means that a child who pays a visit to a noncustodial mother shall not be protected if during his/her stay the mother incurs her husband's violence. The approved law proposal restricts the mandate of issuing protection orders to the Judge in Chambers or the Investigating Magistrate, which means that women will incur

a financial burden because lodging a complaint directly before the judge is very costly and in both cases women should be assisted by an attorney at law.

30. Ex-President Michel Sleiman signed the law on the 7th of May despite the extensive campaign asking him to return it to the parliament. The law was published in the official gazette on the 15th of May under Law number 293.

Recommendations

31. Amend the Law to Protect Women and Other Family Members from Family Violence, initially keeping the title and the protection-related content of the law specific to women, referring the section on penalties to the Penal Code, removing the paragraph in Article 3 that was supposedly meant to criminalize marital rape and amending Article 503 in the Penal Code in such a way that it no longer excludes marital rape;

32. Ensure that the Law's provisions with regard to the protection measures includes the children regardless if they are in the custody of the victim or not;

33. Amend the law to keep the Public Prosecutor in charge of issuing protection orders, in line with the initially suggested Bill, which stipulates that the protection seeker shall lodge a request before the Public Prosecution because it was found that when violence occurs women seek the help of the public prosecution either directly or through police stations, as public prosecution is the fastest and least expensive refuge.

5. PROPERTY AND INHERITANCE RIGHTS:

34. Women in Lebanon suffer from many challenges arising from the multiplicity of personal status laws, especially that religion is considered as an impediment to inheritance. Inheritance law for non-Mohammedans acknowledged gender equality in inheritance; whereas in the Islamic sects, the male inherits a portion equivalent to that of two females. This adds to more detailed rules and provisions that raise discrimination against women such as in the field of the woman's economic independence where immovable property is often registered in the name of the man without the possibility of getting her share of money upon divorce in the continuous absence of the concept of "marital property"⁵ (the absence of fair compensation upon divorce).

Recommendation:

35. Ensure the rights of a woman to property, inheritance, and disposition of her own money;

36. Ensure economic independence and equitable sharing of wealth among married couples for the wealth earned by any of them after marriage.

6. WOMEN'S PARTICIPATION IN POLITICAL LIFE:

37. Although Lebanon accepted recommendation calling for fostering women's political participation, there has not been significant change in the role women play in political life. Indeed, the overall rate of women's candidacy for the parliamentary elections was low without any change from 1992. The female winners' percentage in the 2009 parliamentary elections is just 3.9%, and the participation of women in the successive cabinet did not exceed two female ministers.

38. In addition to this, the role of women in parties is limited in a particular sector specialized for women, which focuses on the social activities; therefore, she is isolated from the decision-making of the party. The percentage of women in political parties in their public bodies comprises from 29% to 40% whereas in the executive offices from 12% to 16%.

Recommendations:

39. Adopt women's quota by at least 33% in both the legislative elections and in the cabinet in line with Lebanon's obligations deriving from CEDAW, namely that of Articles 7 and 8 with regards to undertaking all the appropriate measures to eliminate discrimination against women in the political and public life of the country;

40. Promote policies encouraging the involvement of women in the various aspects of public life.

7. THE RIGHTS OF FEMALE PRISONERS AND THE PRISON CONDITION IN LEBANON:

41. Female prisoners are exposed to various violations due to the lack of policies, practices, laws, and regulations in line with Lebanon's human rights obligations.

42. At the level of the right to health, many violations occur due to the lack of available gynecologist, treatment of psychological disorders, and periodic medical examinations of chronic diseases and sexually transmitted diseases.

43. Availability of potable water is questionable, the food does not meet the specified health conditions and the religious and cultural particularities of prisoners (right to food violations).

44. The physical conditions of the prisons reveal serious violations and require equipping prisons to be proper in terms of space, or equipping them relevantly with the special needs of persons with disabilities, in addition to the fact that dining areas are not isolated from the sleeping areas and the areas with toilets.

45. At the level of respecting the gender particularities, respect of the privacy of prisoners' pregnancy is disregarded, particularly in terms of offering counseling, psychological support, clothes, special food for the pregnant and the nursing mother, and the medical needs. When it comes to the babies born in the prison, there is a failure to provide their special needs from food, diapers, clothes, and bedding to health care.

46. Respect for the special needs of the foreign prisoners is also disregarded, in particular regarding providing information concerning legal advice and prison rules.

Recommendations:

47. **Amend and modernize the Lebanese Prison Law (Internal regulations for the Lebanese prisons Decree 14310) issued in 1949 in order to make it in conformity with the minimal standards of the United Nations for the treatment of prisoners and the Human Rights Charter as well as the international conventions ratified by Lebanon;**
48. **Improve policies, practices, laws, and regulations to be more convenient and considerate of the actual and practical needs of women through building it on the basis of consideration and integration of the social gender.**

8. TRAFFICKING OF WOMEN FOR FORCED DOMESTIC LABOR AND SEXUAL EXPLOITATION:

49. In line with the UPR first cycle accepted recommendations on combatting human trafficking, in August 2011, Lebanon passed amendments to the Penal Code to include the crime of trafficking, set punishments for traffickers, and provide compensation to victims of trafficking (Law No 164). However, the Law 164 is not being properly enforced; there had been no convictions for forced domestic labor and sexual exploitation since the adoption of the law in 2011 despite the widespread existence of the problem of trafficking in human beings in the Lebanese society (especially among the 250,000 migrant domestic workers in Lebanon and thousands of women and girls in prostitution).
50. Moreover, the anti-trafficking law has several structural gaps including that it requires the victim to provide evidence to prove his/her innocence. Thus, negation of criminal liability of the victim, including the right not to be detained or prosecuted for illegal acts they may have committed is absent. The law does not adequately attend to the right of the victim to participate in legal proceedings; it only gives the right to the judge to decide whether or not grant the victim a temporary residence permit for the duration of legal proceedings. A provision to ensure the protection of victims during court proceedings is absent and there is no special consideration towards the protection of victims of trafficking under 18 years of age. The compensation for victims is conditional and dependent on the establishment of a fund run by the Ministry of Social Affairs which is only financed by the seizure of assets from the crime.

Recommendations:

51. **Amend the anti-trafficking law in order to ensure that the victim is not treated as a criminal and enjoys the full right to participate in legal proceedings, while more stringent methods of protecting victim or witness identity during court proceedings are ensured including that proceedings be conducted away from media and public and victim and/or witnesses should give evidence out of view of the accused if in their best interest;**
52. **Ensure that the compensation for victims of trafficking is available without any conditions and that special consideration towards the protection of victims of trafficking under 18 years of age is given in line with the Palermo Protocol and other international instruments that Lebanon ratified;**
53. **Adopt the national plan of action on Trafficking in Human Beings presented to the Council of Ministers;**
54. **Enact further legislations or regulations and policies to provide the necessary protection, support, and reintegration of victims according to international standards;**
55. **Revise laws, policies and regulations in order not to contradict with the new anti-trafficking law. It is imperative to abolish the Artist Visa system applied on migrant women involved in the entertainment business and the Sponsorship system applied to migrant domestic workers as both systems are in clear contradiction with the anti-trafficking law 164 and they both facilitate the trafficking of thousands of women annually to Lebanon and leaves them under the control of their employers for the duration of their contract;**
56. **Train of judges, lawyers, and law enforcement officials as a necessary step to ensure awareness of the new law and build the capacities of these individuals on how to identify and support victims of trafficking;**
57. **Pursue seriously and vigilantly the violations of the rights of workers and initiate legal proceedings against offenders including employers and placement agencies.**

II. ECONOMIC AND SOCIAL RIGHTS OF WOMEN:

58. What is obviously clear from the previous decades of the political ruling is the absence of a national development vision and strategy and the widespread corruption. Women were exposed to the worst acts of discrimination, and no sufficient attention was paid in the field of reform and legislative process, which were reflected in violations of all aspects of woman's life. It is worth noting that the families headed by women are the most damaged populations in Lebanon (more than 120 thousand people⁶). The economic, social, and cultural pressures placed on women largely affect any progress on both political and civil fronts.
59. The rate of woman participation in the labor market is still equivalent to 22.8% compared to 70.5% of men⁷. In addition, the income gap widens between men and women in some economic sectors and it sometimes reaches 38% in the transport and communication sector⁸.
60. In order to achieve a fair partnership, it is important to ensure the integration of women in planning and development policies, in addition to providing the essential funding to achieve the desired goals. Hence, it is necessary to focus on budgets and ensure that the latter takes into consideration a gender approach.⁹ The budget is not just a tool to follow up the implementation of programs, but it is also a political, economic, and financial document that reflects the orientation of the public policies and the extent of its fairness towards some community groups and; the concept of gender budgeting.
- Recommendation:**
61. **Integrate the needs of both, women and men in the strategies, budgets, planning, and national programs on the basis of equality, classification of information, data, and statistics on the basis of gender;**
62. **Adopt budgets that contribute in ensuring gender equality which also contributes in the reformulation of the content of sustainable development policies.**

1. RIGHT TO WORK:

63. Lebanese Labor Law was issued in 1946 as the basis for all the subsequent laws related to labor, workers, and work emergency. The Labor Law established general provisions related to men and women together; such as, specifying working hours, employment, vacations, and dismissal. It also adopted special texts to protect women and children; among it comes the protection of women from working in some harmful industries, prohibiting night work, and the times of rest.
64. The Labor Law has excluded from its provisions and protection some significant categories of workers, i.e. domestic workers, and workers in rural areas who did not join institutions, and the majority of them are women.
65. The Labor Law was not subjected to many amendments although it was issued in 1946, but for some few times. In addition, there is no legal text incriminating sexual harassment at work.

Recommendations:

66. **Ratification of all international agreements concerning working women issued by the International Labor Organization, including: Convention No.156 concerning equal opportunities, Convention No. 103 concerning motherhood, Conventions No. 102, 175, 177 concerning domestic workers, implementation of Articles 11, 12, 13, 14 of the Convention on the Elimination of All Forms of Discrimination against Women whose articles were ratified without any reservations;**
67. **Ratify by the government of the Arab Labor Convention No. 5 concerning working women issued by the Arab League;**
68. **Separate woman's protection from juvenile's protection and modernizing them both because of the difference in the reason behind the protection;**
69. **Provide the means of care: compulsory correlation between nurseries and institutions, prepared meals, etc.;**
70. **Allow farmers' and domestic workers to benefit from the provisions of the Labor Law (amendment or cancelling Article 7);**
71. **Monitor the implementation of laws issued to the interest of working women and finding sanctions upon refraining from implementation.**

2. THE RIGHT TO EDUCATION

72. Public education is still far from the quality of private education and the fact that it is not coping with the modern techniques and methodologies and their content leads citizens to prefer private education. Nevertheless, the private education is mostly pertaining to sectarian or religious institutions which does not lead to build a civic culture and does not improve the perception of the role of women in the society.

Recommendations:

73. **Adopt policies to improve the quality of the free public education in all its stages;**
74. **Develop curriculum and benefit from the international educational expertise which promotes for gender equality and calls for active women participation, in addition to popularizing education that is adequate to the status of mothers or elder women.**

3. SOCIAL SECURITY LAW:

75. The Social Security Law constitutes a major hindrance to women empowerment and limits the women to the traditional role as a "house keeper". The current state encourages the employer to push woman to resign after her marriage to avoid paying compensations and maternity leaves. In fact, the law obliges the employer, not the Social Security Fund, to pay the whole maternity leave salary which means that the employers will refrain from employing women in Lebanon.
76. It should be noted that the law limits the beneficiaries to the "legitimate" wife and the "legitimate" children, thus representing a marginalization of children born outside marriage.
77. Section 2 of Article 16 states that in order, for a women worker or a member of her family, to benefit from the contributions of maternity, she must be affiliated to the social security for at least 10 months before the presumed date of birth. This is an unjustified additional condition, knowing that a secured worker's wife could benefit from the same contribution just 3 months after her husband start working.

Recommendations:

78. **Unification of maternity leave to be also compatible with the international provisions;**
79. **Putting the burden of the salary of the female worker upon the National Social Security Fund during the maternity leave;**
80. **Ensuring that women and their families obtain all social insurances and the full implementation of Article 26.**

II. REFUGEE RIGHTS IN LEBANON:

81. Women refugees in Lebanon suffer from discrimination and serious violations resulting from her status as a refugee accumulated to the already existing discrimination against women in Lebanon. This situation requires Lebanon to guarantee the enjoyment of human rights to refugees specially through:

Recommendation:

82. **Ratification of the Convention on the Rights of Refugees and the Casablanca Protocol which guarantees non-discrimination between refugees and citizens in civil rights.**

1. PALESTINIAN WOMEN REFUGEES

83. The Palestinian women refugee is still facing major human rights violations. They are placed under the scrutiny of the UNRWA which is affiliated to the United Nations; however Lebanese laws and regulations affect to a large degree their livelihood. Among the many violations, these can be cited:
84. Problems related to acquiring the Lebanese nationality by the Palestinian married to a Lebanese.
85. Problems concerning the right to movement notably for Palestinian women coming from Syria. The regulatory measures in the Declaration of the Ministry of Interior and Municipalities dating 12/31/2014 hinders the ability of her husband and children to get from Syria to Lebanon as it is the case for a Palestinian refugee husband in Lebanon.
86. The Palestinian woman refugee worker is deprived of the totality of the social security rights knowing that, and as a Lebanese collaborator, she pays all fees to social security fund.

87. Issues relative to the obstacles for acquiring the right to property for a foreigner married to a Palestinian refugee woman.
88. Law 293/2014 on "the protection of women and other family members from domestic violence" ensures protection for women in their families. However, the weakness of procedural justice in Lebanon and its absence in the camps, as well as customs and traditions which controls the Palestinian communities, are preventing asylum refugee women to access justice and deny them protection and enjoyment of their human rights.

Recommendations:

89. **Amend law 128/2010 and issue executive decrees to allow Palestinian refugees to enjoy the full rights of employees in the Social Security and especially to ensure maternity leave to the Palestinian refugee worker;**
90. **Strengthen the Lebanese State procedural justice, to include the camps, in order to protect the Palestinian refugees;**
91. **Eliminate the obstacles hindering the ability of a foreigner married to a Palestinian refugee to register a property.**

2. SYRIAN WOMEN REFUGEES:

92. Since the beginning of the Syrian crisis (nearly three years) Syrian refugees started flowing to Lebanon to flee from war. According to the United Nations High Commissioner for Refugees, they reached a total of 1,184,323¹⁰ which is equivalent to the third of the Lebanese population and they are randomly distributed along the Lebanese regions. Women comprise 52.5% of the total number of refugees in Lebanon, and they are exposed to various forms of violence and exploitation. The failure of Lebanon to join the Convention on the Rights of Refugees does not negate the responsibility of the state towards the refugees found on its territory in terms of acknowledging their rights and providing them with the proper shelter and protection.
93. There is no place considered safe to the female refugees whether in the private or public places, there is rise in the levels of sexual violence where they are exposed to daily harassment as they walk in the streets to use the toilets inside the camps which do not provide them with separate units, in addition to the harassment attempts in the places of aid distribution¹¹.

94. Female refugees in Lebanon are suffering from serious health cases¹², including an increase in premature birth rates and its complications represented by acute bleeding and weakening of the immunity. This is a result of the lack of receiving any care prior to the birth upon their arrival to Lebanon due to the inability of the health sector to provide necessary services (insufficient financial resources).

Recommendations

95. **Establish camps that provide proper shelter and respects the physical and health needs of women;**
96. **Ensure full coordination between the Lebanese government and donors to ensure equal access for refugees to health services;**
97. **Ensure contract of the Ministry of Health with some special hospitals to provide equal medical services to all refugees.**

NOTES

- 1 Comments of the International Committee on Lebanon's third periodic report, paragraph 19 of the comments (2006).
- 2 The National Commission for Lebanese Women "The official joint report of the fourth and fifth report on the Convention on the Elimination of All Forms of Discrimination against Women", Beirut 2014.
- 3 Children's Bill of Rights specifies the age by 18 according to the article.
- 4 Al-Akhbar, "Lebanon, civil marriage stuck in the interior ministry", available on: <http://english.al-akhbar.com/node/18204>.
- 5 Human Rights Watch, "Unequal and unprotected: Women's rights under Lebanese Personal Status Law", 2015, p.87, available at: http://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf.
- 6 CRI, World Bank and MoSA, «Post Conflict Social and Live hoods Assessment in Lebanon», 2007.
- 7 ESCWA, "Survey of economic and social development in the Arab World", p.34, available at: http://www.escwa.un.org/information/publications/edit/upload/E_ES-CWA_EDGD_14_3_A.pdf.
- 8 Central Administration of Statistics, "the reality of women in Lebanon in numbers", available at: http://www.cas.gov.lb/images/PDFs/Gender_statistics/Status%20of%20Women%20in%20Lebanon_Dr.%20Maral%20Tutelian.pdf.
- 9 ANND, "Millennium Development Goals: Guide for Parliamentarians", p.66.
- 10 UNHCR, "Syria Regional refugee response", available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>. [last accessed on March 15 2015]
- 11 UNHCR, "Woman alone; the fight for survival by Syria's refugee women", available at: <http://www.refworld.org/pdfid/53be84aa4.pdf>.
- 12 Yale University, "Study details health problems faced by displaced Syrian Women in Lebanon", February 20 2014, available at: <http://bbs.yale.edu/about/article.aspx?id=6920>.



CHILDREN RIGHTS

- Arab Network for Child Rights "MANARA"
- ALEF
- KAFA
- Arab NGO Network for Development
- Developmental Action Without Borders (NABAA)
- Frontiers Ruwad Association

I. GENERAL BACKGROUND AND FRAMEWORK:

1. Lebanon was among the first that signed the Convention on the rights of the Child and ratified it on 14/5/1991 (without reservations) along with the Supplementary Protocol on child trafficking but did not ratify yet the Protocol on the Involvement of Children in Armed Conflict.¹ Nevertheless, in the absence of the political will to promote the human rights situation particularly that of children, children in Lebanon are indeed suffering from many challenges that have increased since the review at its first session.
2. In 2010, during the first cycle review, the Lebanese government received many recommendations concerning the protection of children's rights, particularly combating child labor and improving the effectiveness and quality of social services, mainly education and health. However, the government did not commit enough to meet the challenges in this issue and yet stays the main responsible for the failures.
3. Since the first periodic review of Lebanon and after the outbreak of war in Syria in 2011, the crisis of the Syrian refugees and the Palestinian Syrian refugees constituted one of the most significant changes and challenges facing Lebanon. Today, the number of refugees is around one million and one hundred thousand according to the UNHCR², and around one million and a half according to the government estimates. The huge flow of refugees holds humanitarian responsibilities; including providing shelter, food, water, sanitation, health care, education and other services in Lebanon; nevertheless it also creates significant challenges on political, security and economic levels.
4. Around half of the Syrian and Palestinian refugees from Syria who have fled to Lebanon are children, and they are exposed to additional factors and risks; such as child labor, sexual exploitation, neglect and recruitment by groups in the camps. In a study entitled "Children spreading and working on the Streets in Lebanon: properties and arguments" launched by the Ministry of Labor, International Labor Organization (ILO), UNICEF, and the International Save the Children, and covering 1,510 street children where 73% of them are Syrian refugees children. "Survival Sex" cases have become alarming as they aim at providing money and food for the families³. As for the situation of children, UNHCR has flagged concerns of an important challenge facing refugee children who were not receiving school, leaving them vulnerable to recruitment by armed groups and organized crime that aim to take them to fight in Syria⁴.

5. Lebanon, however, has been late in acknowledging the crisis and responding to it. It has not adopted a comprehensive plan to deal with the situation until December 2014, in addition to the absence of any preset plan or methodology to handle the distribution of refugees properly across the whole country, creating problems in the allocation of resources as well as more political and security instability that weighed on all the different aspects of people's lives. This also reflected on the problems in the education sector, on one hand, with the doubling of students in public schools; whereas the latter were already inadequate in terms of quality and quantity; and on the health facilities, on the other hand, not responding to the needs of the increasing population, besides the rise of the number of street children and the denial of the most vital aspects of a normal life.

Recommendations:

6. **Ensure the access to food, shelter, health care, and education to refuge children.**
7. **Fulfill its international obligations particularly Resolution 1325 issued by the Security Council on the protection of women and girls from the effects of armed conflicts, mainly regarding sexual violence.**

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS OBLIGATIONS

a. Cooperation with human rights treaty bodies

8. The Lebanese government does not have a clear mechanism of reporting to United Nations treaty bodies, so around twelve reports are being late for submission. According to the Convention on the Rights of the Child, the entity responsible for preparation of reports is the Supreme Council for Children (affiliated to the Ministry of Social Affairs and is considered a national reference on the problems of children and all that is related to their rights), but all the reports were submitted with a delay.

Recommendation:

9. **Ratify the additional protocols to the Convention on the Rights of the Child⁵ and ensure its effective implementation.**

b. Implementation of international human rights obligations

A. CIVIL AND POLITICAL RIGHTS

i. The right to protection

10. The main law that sponsors protection of children and juveniles, "Protection of Juveniles in Conflict with the Law or at Risk" (No 422/2002), was activated on June 6, 2002. This law gives the Union for the Protection of Juveniles in Lebanon (UPEL) a fundamental role and powers enabling it to intervene in protecting them. Law no 422 seeks to reform the juvenile justice system through the establishment of juvenile courts focusing on education, rehabilitation, and protection rather than punishment. Nevertheless, there are some major gaps in this law including the minimum age of criminal responsibility, means of equity, juvenile arrest procedures, criminal record and legal proceedings among others.
11. While, the international conventions and practices assigned the minimum age for criminal responsibility between 12 and 14 years, Lebanon fixed it at 7 years⁶ which raises several reservations about the extent of the child's ability at this age to bear the psychological and social consequences of the criminal responsibility.⁷
12. The right of appeal in article 44 of Law 422 is problematic. In misdemeanor cases of the right of the State to seek justice, decisions of the juvenile judge are final. However, the sentence can be reviewed (not following usual course of appeal) by an application for retrial. In felony cases, an appeal of the decisions of the Juvenile Court is only available at the Court of Cassation. Judgments from the Juvenile Court should be appealed to the Courts of Appeal.
13. Article 34 of Law no 422 imposes on the authorities to contact the social worker, often from the UPEL to attend the first six hours of the arrest and the police questioning. The authorities, judicial police or the public prosecutor should also notify the child's parents or the legal custodians or any other custodians. The case of the failure of the social

worker to attend does not lead to the cancellation of the interrogation session. However, if the authorities did not contact a social worker even once when the children have been arrested leads to disciplinary action against the authorities. Around 60 % of the juvenile questioning is conducted in the presence of a social worker. This reality is a result of the lack of the social workers and/or the failure of the authorities to contact them.

14. The inclusion of a criminal sanction issued by a judge (such as prison instead of community service, etc.) in the criminal record⁸ of the juvenile raises much criticism.
15. When a juvenile is arrested for a crime committed in partnership with adults, he will be referred to ordinary courts (Article 33). Then, the jurisprudence of the judge shall be for the purposes of the investigation, for determining the child's participation in the crime and its nature, as for knowing whether the juvenile is guilty. Despite all what has been mentioned, the juvenile judge is the one that hands down the sentences. Handling the case in ordinary courts that are already suffering from the accumulation leads to delays in the trial that aggravate the detention conditions of the child.
16. In Lebanon, the male juvenile are being arrested in the juvenile detention center in Roumieh prison (Block C) and the UPEL Fanar. With the lack of funding, concerns related to the ability of the Union to fulfill its duties are raised. The reports received from the Juvenile Delinquency Courtrooms confirm that the Union social workers have suspended their work.
17. There are cases of child exploitation in the police stations until transfer to an investigation judge. Around 30% of the juvenile informed the investigative judge that they were abused on the hands of the authorities, and they were usually between the age of fifteen and eighteen. Many children were exposed to arbitrary arrest as a result of their trial awaiting the criminal justice system and that is due to a number of reasons such as the lack of judges and the slow pace of the legal proceedings, etc.

ii. Prevention/Elimination of Violence

18. Violence against children is a phenomenon present in Lebanon in its different forms; problems with parents' communication with their children, discrimination, corporal punishment in schools and ambiguous Lebanese laws related to this issue (such as Article 168 of the Penal Code that allows sanctioning the child in case he deserved it as permitted by the general custom).

19. A study⁹ conducted in 2006 indicated the presence of 16.1% of children between the ages of 8 and 11 exposed to one of the several forms of sexual violence, 54.1% of children exposed to physical violence, 40.8% of children witnessing domestic violence incidents, and 64.9% of children exposed to psychological violence. This is mainly due to failure in providing protection and care for children exposed to violence (scarcity of the competent support foundations in Lebanon); insufficiency in the Penal Code concerning the aggressor's sanctions; the social mentality that still refuses to acknowledge the problem fearing the scandals; inefficiency of the Hotline of the Ministry of Social Affairs (1714); the absence of a unified national referral system specialized to protect children; the lack of children awareness on their rights especially their right in reporting on violence; the absence of child protection policy in some organizations working to protect children as well as the governmental institutions and schools and the diversity of Personal Status Laws and the multiplicity of the minimum age for marriage.
20. In addition, Lebanese Law still provides impunity for some crimes specially the article 522 of the Lebanese Penal Code that provides impunity for the crime committer for a sexual crime in case he married the victim.

Recommendations:

21. **Amendment of Law no 422 and making it compatible with the international commitments and principles related to the protection of juvenile.**
22. **Empowering the Ministry of Social Affairs to perform its role in regulating, developing, supervising, and observing the activity of social welfare centers.**
23. **Exhort all forces to unify the minimum age of marriage.**
24. **Promote protection mechanism accessible to children protection from abuse, exploitation and corporal punishment.**
25. **Abolish article 522 of the Lebanese Penal Code.**

iii. Right to Identity

26. Lebanon does not have a comprehensive birth registration system to cover all children born on its territory. This is contrary to Lebanon's international obligation that stipulates that every child's birth, for no reason and without discrimination, must be registered. There is not a civil status records for stateless persons. Thus, the birth of children born to stateless parents cannot be registered; it affects also the children of unregistered Palestinian refugees in Lebanon.
27. There is in Lebanon thousands of unregistered children who consequently are denied the right to hold any nationality. In fact, the number of stateless children is increasing because of the huge influx of Syrian refugees.
28. Given that the Lebanese law does not allow women¹⁰ to grant their nationality to their children when married to a foreign husband there is a huge risk of statelessness and related violations on the rights of the children.¹¹⁻¹²
29. Birth registration procedures rely solely on the parents. The State does not have a system to ensure that all births are registered. Thus, many children born to Lebanese parents are not registered as a result of the parents' neglect, the complex and heavy birth registration procedures, among other reasons.
30. The birth of children of migrant workers if they are in irregular situation in Lebanon cannot be registered; they usually do not have their identification papers or sometimes even a birth registration because they are the children of unrecognized refugees or migrant workers whose residency permit has expired. This hinders the possibility to register them in their respective embassies and they end up stateless.
31. Births of Syrian Children born in Lebanon are at risk of statelessness. They also face difficulties being registered as their parents who fled Syria do not possess all the required documentations to register the birth, or are not in a legal situation in Lebanon.¹³
32. Furthermore, Palestinian children who do not have identity documents are not registered with UNRWA and are denied their basic human rights and services. Stateless children/people cannot access public health, education, social services, and the labor market. They are also unable to move freely and face risks of detention and arrest.¹⁴

33. Exception is for birth of children born to stateless persons who hold the status of Qaid addars (Under Study) as they have records with the General Security. However, the Under Study residency permit of the parents must be valid to register the birth the children and their civil status updated. Many Under Study do not keep their status valid due to the high cost of the yearly renewal of the Under Study residency and the children end up stateless.
34. Even though Ministerial Decision No 47 (2003) exempts all public education students from registration fees in pre-school and second grade, foreign students cannot register if they do not have their identification papers. Lebanon, after negotiations with the PLO in 2008, decided to issue identifications cards for undocumented Palestinians; however, they can be arbitrary overturned. Moreover, the conditions to obtain this card are not made public which makes it difficult to know who is eligible to obtain it.¹⁵
35. The 2001 amendment of the 1969 legislative decree regarding the ownership of real estate property by non-Lebanese deliberately left out all stateless persons. This affects refugees and foreigners without a nationality of a recognized state.¹⁶

Recommendations:

36. **Ratify the convention on the Status of Stateless Persons.**
37. **Amend the citizenship law to allow women to give their nationality to their children, providing access to civil registration, and protection of stateless persons.**
38. **Grant identification documents to undocumented Palestinian refugees in a sustainable process that would ensure the dignity of this population, their legal right, and equality with documented Palestinian refugees; in addition to accepting new requests for registration.**¹⁷
39. **Follow extraordinary measures in registering the newborn of Palestinian refugees from Syria as a result of the harsh conditions they are living in, based on the child's right to a legal status as mentioned in the Convention on Child Rights.**

iv. Child trafficking:

40. In August 2011, the Lebanese parliament adopted an anti- human trafficking law enhancing the legal protection of victims of trafficking. So far, the reform has many gaps and some reforms need to be undertaken.

Recommendations:

41. **Issue special laws and decrees to ensure appropriate protection and support of victims especially children, including the adoption of severe tools to protect the victim's identity and activate a trust fund for the compensation and rehabilitation of victims of traffic preventing confusion and contradiction with previous legal texts.**
42. **Ensure that the victim of trafficking is not treated as a criminal; the burden of proof falls on the authorities and not on the victim.**
43. **Ensure the right of the victim to participate in the legal process that may require the issuance of a residence permit.**

B. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

i. Right to Education

44. The public spending on education is in constant decrease in Lebanon, from 2% in 2008 to 1.6% in 2011¹⁸; which is less than half of what the other Arab countries spend on education. This adds to the disparity of the quality of public and private education and creates more inequality in the right of education knowing that private spending on education is high and exceeds public spending by far.¹⁹ In this regard, as the National Plan for Education aims to rectify the deficiencies in the quality of the education system, the decline of the quality of education in public schools lead to passing the burden of the cost of primary education onto the Lebanese families whom many of them put their children in private schools because of the lack of their confidence in the public education, mainly in the elementary and kindergarten classes. More than 54.4% of the teachers in the public schools do not hold a university degree, and only 4.2% hold a specialized degree in the field of education, whereas more than 30% of the elementary and intermediate school principals do not hold a university degree.²⁰
45. In the field of working on preparing the implementation of Law no 150 on 17/8/2011 on the compulsory education until the last stages of the elementary education, the Educational Center for Research and Development conducted a study entitled "Towards the compulsory application on the children who are not enrolled in education in Lebanon, from the age of 6 to 15 years" in 2012. The mechanism for its compulsory implementation is yet unannounced.

46. As for dropping out the school, repetition, and child labor, there isn't a big change in the size of the problem or the treatment. The educational statistics data in 2012-2013 shows that there are 297,299 registered students, the non-enrolled comprise 3.3%, and the drop outers 7.9% in the first cycle, 10.3% in the second cycle, and 11.8% in the third cycle. The approximate number of those that are obligatory to deal with in order to implement the compulsory law is around 32,588 children between the ages of 6 and 15.
47. There are around 420000 Syrians aged 6-14 who are in need of education services, and many of these children had been out of school for 2 or more years²¹. The overall enrolment rate was around 31 % for primary school education and less than 2% for secondary education²². Despite the enrolment campaign, 80% of refugee children aged 6 to 17 are now estimated to be out of school and in need of support²³.
48. The integration of children with special needs in public schools still lacks the progress in the absence of a national strategy to integrate children with disabilities in education. Thus, and despite the guarantee of the right of the persons with disabilities in education in Law 220/2000 in its seventh section, many obstacles still exist in the path of ensuring access to education, including: the absence of statistics, data, and studies related to persons with disabilities; the lack of public and private schools appropriate with the infrastructure and environmental structure compatible with persons with disabilities; lack of modifications in the curriculum in accordance with the needs of the learners with visual, hearing, and mental disability, or connected to it of resources; scarcity of staff in the education sector and the public sector, and the scarcity of providing the appropriate training for them to be able to deal with the needs of persons with disabilities.
49. According to the "Background paper prepared for the Education for All" issued by the UNESCO in 2010²⁴, in Lebanon "the majority of children with disabilities are in special care institutions, and private schools have a policy of automatically eliminating students with disabilities".²⁵

Recommendations:

- 50. Ensure the right to compulsory and free education for all, and increasing the age for the compulsory and free education to the age of 15 as per the international standards.**
- 51. Adopt an oriented strategy towards improving the quality of public education especially in the rural areas on the basis of a program that reduces dropping out and adapts the school environment with the basic needs of the children and persons with disabilities, and works on prohibiting the double-shift schools**
- 52. Approve of a draft law on the establishment of the Council for Quality Assurance in the public Higher Education (Lebanese University).**
- 53. Ensure the allocation of efficient resources to education in state budget raising the expenditure rate of the state budget on education just as the developed countries, particularly in the field of scientific research**
- 54. Guarantee the enrolment and education for Syrian refugee children.**
- 55. Adopt a comprehensive education strategy and the integration of students with disabilities in the general education system.**

ii. Child Labor

56. Child labor is still one of the most crucial risks that impede the growth, and the physical and psychological health of children in Lebanon. The Lebanese government has pledged in 2010 during the Global Conference on Child Labor in The Hague to set a roadmap to eliminate the worst forms of child labor before 2016. As a result, the Lebanese government adopted through the Ministry of Labor a national action plan to eliminate the worst forms of child labor before 2016.

57. Nevertheless, the reality reflects a different image in the shadow of the constant increase in the number of working children and the street children, in addition to the augmentation of the risks they are facing especially within the refugees crisis that elevated these numbers to unprecedented levels. It is indispensable to note that the last survey in 2003 pointed to the presence of 100,000 working children while the recent estimates reveal around 180,000 which reflects the absence of the follow-up and planning²⁶.

There are fundamental factors driving children to the streets such as marginalization or societal exclusion, vulnerable familial conditions, Syrian refugees flow, organized crimes, and the exploitation of children²⁷.

58. A study conducted by International Labor Organization and the University of St. Joseph showed that 29.5% of working children in the North and 36.5% in Bekaa are under the age of 14, i.e. the minimum legal age for labor²⁸. The first entry to the labor market with most of the children in the streets is between the age of 7 and 14. The highest percentages were among the children between the ages of 12 and 14 (39%), followed by a close percentage of the children between the age of 7 and 11 (36%)²⁹.
59. Children are exposed to various risks during their work on the streets, including lifting heavy loads (39%), and many forms of traffic accidents (30%). Around 29% of the children in the streets reported being kicked out or arrested by the security and police officers; whereas around 3% of the children said that they are not paid the full wage they agreed upon.
60. Prostitution is among the activities practiced by children but only by a percentage of 0.2, but 17% of female children have been raped or sexually abused, and 46% of children have been exposed to physical aggression by the passers-by.
61. The majority of children in the streets either do not know how to write and read, and/or have never been enrolled in school. The percentage of children who are completely illiterate is 42% which is almost the same as those who have never been enrolled in school (40%)³⁰.

Recommendations:

- 62. Consider the child labor phenomenon as a social problem linked to poverty, dropout percentages, lack of education, and weakness of the legislative measures that allow the adoption of a comprehensive strategy to combat child labor and avoid it.**
- 63. Adopting a strategy to confront the phenomenon of street child labor within the framework of the national strategy to combat child labor.**

Notes

- 1 Lebanon signed it on February 11, 2002.
- 2 UNHCR, "Syria Regional refugee response", available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>. [last accessed on March 15 2015].
- 3 Voice of America, "In Lebanon, Syrian refugee resort to survival sex", available at: <http://www.voanews.com/content/syrian-refugees-resort-to-survival-sex-in-lebanon/1711943.html>.
- 4 The daily Star, "Syrian refugee face recruitment as fighters, sexual abuse: UN", available at: <http://www.dailystar.com.lb/News/Middle-East/2013/Aug-06/226496-syrian-refugees-face-recruitment-as-fighters-sexual-abuse-un.ashx#ixzz2cS6RuB70>.
- 5 The protocols to the CRC not ratified by Lebanon are: the "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict" and the "Optional Protocol to the Convention on the Rights of the Child on a communications procedure".
- 6 Article 3, Law No. 422 on the "Protection of Juveniles in conflict with the law or at risk".
- 7 Permanent Peace Movement, "raise the criminal minimum age from 7 to 12", available at: <http://www.ppm-lebanon.org/ar/content/111>.
- 8 Article 50, Law no 422 on the "Protection of Juveniles in conflict with the law or at risk".
- 9 The study was carried out by the organization "Enough Violence and Exploitation" along with the Association of Save the Children and the Supreme Council for Children.
- 10 Lebanese law only allows the transfer of nationality from the father to the children. Women can confer their citizenship only if the child is born out of marriage and recognized while a minor by the Lebanese mother.
- 11 Manara Network, 2011, A Review of the Implementation of the UN Convention on the Rights of the Child Country Profile of Lebanon, Save the Children Sweden Regional Office for MENA Region, p.46.
- 12 Frontiers-Ruwad Association field survey conducted in 2012 found that 90% of stateless children have Lebanese mothers.
- 13 UNHCR, 2014, Lebanon Syria Situation Statelessness Monthly Update, UNHCR The UN Refugee Agency
- 14 Manara Network, 2011, A Review of the Implementation of the UN Convention on the Rights of the Child Country Profile of Lebanon, Save the Children Sweden Regional Office for MENA Region, p.48.
- 15 UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition.
- 16 UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition
- 17 UPR Coalition ALEF, 2010, Executive Summary of UPR Report, UPR Coalition.
- 18 BankMed, "Analysis of Lebanon's education sector", p.4, available at: http://www.bankmed.com.lb/LinkClick.aspx?fileticket=_VZgkH-7-s%3D&portalid=0.
- 19 Ibid.
- 20 UNDP in the Parliament, "" Fighting against corruption in education, health and water sectors", 2013, p.11 [available in Arabic].
- 21 UNHCR, "Barriers to education for Syrian children in Lebanon", November 2014, p.2, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/reach_lbn_report_syriacrisis_outofschoolchildrenprofiling_nov2014.pdf.
- 22 United Nations, "Syria regional response plan", p.110, available at: <http://www.unhcr.org/51b0a56d6.pdf>.
- 23 Ibid.
- 24 UNESCO, "review of marginalization of people with disabilities in Lebanon, Syria and Jordan", 2009, available at: <http://unesdoc.unesco.org/images/0018/001866/186600e.pdf>.
- 25 Arab Resource Collective (2007: 14).
- 26 Interview with Dr. Hayat Osseiran, national consultant of ILO, available at: <https://now.mmedia.me/lb/en/reportsfeatures/the-180000-children-who-dont-get-to-play>.
- 27 ILO, UNICEF, Save the children and Ministry of Labor (Lebanon), "Children working and living on the Streets in Lebanon", February 2015, available at: https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/FINAL%20ILO%20BOOK.indd_.pdf.
- 28 In the north, where the percentage of people under the poverty line exceeds by nine times what it is in the rest of the country, the percentage of working children rises to six times more than what it is in the rest of the country. 22% of working children in the north and 40% in Bekaa are illiterate.
- 29 ILO, UNICEF, Save the children and Ministry of Labor (Lebanon), "Children working and living on the Streets in Lebanon", February 2015.
- 30 Ibid.



ACCESS TO JUSTICE

- Pax Christi International
- PAX
- ALEF-act for human rights (ALEF)

1. The present contribution falls within the framework of the second cycle of the Universal Periodic Review (UPR) pertaining to the general human rights situation in Lebanon and takes into account the recommendations made in November 2010.

1. BACKGROUND AND FRAMEWORK

2. The political paralysis, as well as the Syrian conflict that broke out in March 2011, have marked Lebanon over the past four years and have had repercussions both on the level of sectarian violence and the refugee issue.

3. In January 2011, the resignation of ten cabinet members, from Hezbollah, the Change and Reform bloc and the Amal Movement, in protesting the establishment of a special tribunal to investigate the assassination of former Prime Minister Rafik Hariri, led to the fall of the government. It consequently took five months of negotiations for a new government to be formed. During 2011 and 2012, the sectarian tensions fuelled by the Syrian conflict led to violent clashes between supporters and opponents of the Syrian President, causing a number of casualties, particularly in Beirut, Tripoli and Saïda.

4. Similarly, 2013 saw a significant escalation of internal violence taking different forms: armed clashes and car bombs in Tripoli and Saïda, abduction of civilians, or bombings by the Syrian army of border areas northeast of the country. After a period of relative political stability in 2012, the Prime Minister handed in his resignation in March 2013, following a disagreement over the extension of a senior security official's mandate and the organisation of the parliamentary elections scheduled for June. As such, in the absence of consensus between the different political factions, the Parliament voted to extend its own term in May and postponed the elections until November 2014.

5. In May 2014, whilst the President's mandate had expired, the presidential elections were postponed indefinitely, failing an agreement between political parties. In November, citing a lack of agreement on the electoral law, the Parliament decided to extend its mandate until 2017. In a context of heightened sectarian unease, the country again experienced a wave of suicide bombings and particularly violent clashes, notably between armed groups and the Lebanese army in the northeast of the country, near Aarsal, following the arrest of an alleged member of the Al-Nusra Front.

6. Finally, since the previous UPR, the ramifications of the Syrian conflict were particularly evident with the arrival of a growing number of refugees, which exceeded one million in 2014, more than a quarter of the local population. Moreover, in October 2014, the authorities took the decision – contested by many human rights organisations – to close its borders in order to prevent the arrival of new refugees.

1.1 SCOPE OF INTERNATIONAL OBLIGATIONS

7. Lebanon is a party to the main international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), as well as the Convention against Torture (CAT) and its Optional Protocol.

8. Lebanon has neither ratified the Convention Against Enforced Disappearance (ICCPED)¹ nor accepted the individual complaints procedures under the Optional Protocol to the ICCPR and article 22 of the CAT.

9. **Recommendations:**

- a) **Ratify the said Conventions;**
- b) **Accept the individual complaints procedures.**

1.2 CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

10. At the first UPR, Lebanon agreed to amend its legislation and bring it in conformity with the CAT.² However, this commitment has not been honoured.

11. Indeed, a draft law to amend the Criminal Code (CC) so as to define and criminalise torture, which had been considered by the Parliamentary Committees since 2012, was finalised in June 2014 by the Administration and Justice Committee. Presented to the Chamber of Deputies, the latter could not vote on the text because it refuses to hold a new session until a President is elected.

12. **Recommendation:**

- a) **Amend the legislation to bring it in conformity with the CAT and in particular: define and criminalise all acts of torture, ensure that all allegations thereof be duly investigated, that those responsible be punished, and that victims are guaranteed the right to an effective remedy.**

1.3 INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE

13. Despite the acceptance of several recommendations during its first UPR,³ to date, Lebanon has neither a National Institution for Human Rights (NHRI) in conformity with the Paris Principles, nor a National Preventative Mechanism (NPM) as provided for by the Optional Protocol to the CAT (OPCAT) ratified in 2008.

14. In November 2011, a draft law establishing a NHRI – encompassing a “Committee for the Prevention of Torture” that would act as an NPM – was introduced in the Parliament, but remains pending before the Chamber of Deputies, as with the draft law on the criminalisation of torture.

15. Moreover, Alkarama notes that despite the commitments made in 2010, Lebanon has failed to set up any National Commission of Inquiry tasked with investigating the fate of disappeared persons.⁴ In fact, in 2012, Lebanese civil society proposed a bill in the Parliament on enforced disappearances, providing for the establishment of such a Commission. In October of that year, the Minister of Justice similarly submitted a draft decree envisioning the creation of a Commission. However, the dissolution of the government in March 2013, and the political stalemate that ensued have blocked any progress at either parliamentary or governmental level.⁵

16. In September 2014, the government decided to make the 2000 report of the Inter-ministerial Commission for investigating the fate of disappeared persons available to the victims' families.⁶ Whilst this decision is a positive development, it remains insufficient to definitively resolve the issue of the enforced disappearances within the country.

17. Finally, contrary to the commitments made in 2010, a directorate general for human rights within the Ministry of Justice has not been established, nor has the National Human Rights Action Plan, introduced in 2012, been adopted.⁷

18. **Recommendations:**

- a) **Establish a NHRI in conformity with the Paris Principles;**
- b) **Establish a NPM, independent from the NHRI, and in conformity with the obligations owed under the OPCAT;**
- c) **Create a National Commission of Inquiry on the fate of victims of enforced disappearance.**

2. COOPERATION WITH HUMAN RIGHTS MECHANISMS

2.1 COOPERATION WITH TREATY BODIES

19. Despite the commitments made in 2010,⁸ Lebanon has neither submitted its initial report to the Committee against Torture, nor its third periodic report to the Human Rights Committee, due since 2001.

20. **Recommendation:**

- a) **Submit overdue periodic reports to treaty bodies.**

2.2 COOPERATION WITH SPECIAL PROCEDURES

21. On 17 March 2013, in conformity with its commitments, Lebanon issued a standing invitation to the special procedures.⁹ However, it refused to implement a number of recommendations with respect to individual cases.

22. Alkarama noted that two Opinions of the Working Group on Arbitrary Detention (WGAD), calling for the immediate release of the victims, had not been respected. The first opinion, adopted in November 2012, concerned

the arbitrary detention of Ms. Badria Abu Meri:¹⁰ two years later, she remains detained in Baabda prison. The second opinion, adopted in November 2014, concerns the arbitrary detention of Mr. Tarek Mostafa Marei and Mr. Abdel Karim Al Mustafa: despite calls for their release, they continue to be held.¹¹

23. Recommendations:

- a) **Implement without delay all the Special Procedures' recommendations, including the WGAD's opinions;**
- b) **Cooperate with all Special Procedures' mandate holders.**

3. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

3.1 RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON

3.1.1. THE DEATH PENALTY

24. The death penalty is provided for under article 302 of the Penal Code and, by virtue of a 2001 amendment, is left to the sole discretion of the judge. Whilst a *de facto* moratorium on the death penalty has existed since 2004, 28 death sentences were pronounced – primarily by the “Judicial Council” – between January and February of 2015 alone.¹²
25. In September 2011, the Parliament voted in favour of an amendment to Law No. 463/2002 on the application of penalties, which created a legal status for those who are “sentenced to death without being executed”. Alkarama fears that this measure is an excuse to delay the abolition of the death penalty: in this regard, it must also be noted that at the last UPR, Lebanon rejected nine recommendations to abolish the death penalty.¹³

26. Recommendation:

- a) **Establish a de jure moratorium on the death penalty, to the effect of its total abolition.**

3.1.2. ARBITRARY DETENTION

27. During the previous UPR, no recommendations were made with regard to the issue of arbitrary detention. Yet, this issue remains a major cause of concern, both in terms of the excessive use of pre-trial detention and the systematic violation of procedural guarantees.

28. In 2014, 63% of prisoners were held in pre-trial detention,¹⁴ the duration of which can be especially excessive and last several years. Indeed, article 108 of the CCP authorises unlimited periods of pre-trial detention, most notably for alleged “offenses against state security” and “crimes of terrorism”.

29. The use of pre-trial detention is widespread: according to the data collected, between August and October 2014 – during clashes in Aarsal and Tripoli – over 6000 persons were arrested without a warrant, primarily following allegations of “terrorism”. The vast majority of these individuals were foreigners (Syrian and Palestinian) or minors.

30. Finally, the systematic violation of all procedural guarantees constitutes another cause of arbitrary detention.

31. Recommendations:

- a) **Bring to an end the use of indefinite pre-trial detention;**
- b) **Release all those detained without a legal basis.**

3.1.3. TORTURE: SYSTEMATIC PRACTICE

32. Since the last UPR, the practice of torture is yet to be eradicated.¹⁵ In October 2014, the Committee against Torture issued its Conclusions concerning the inquiry on the practice of torture in Lebanon¹⁶ following a communication submitted by Alkarama.¹⁷

33. The Committee concluded that “torture in Lebanon is a pervasive practice that is routinely used” for the “purpose of investigation” and “securing confessions to be used in criminal proceedings”, designating primary responsibility to the internal security forces and military intelligence services, as well as to non-state actors – among which

Hezbollah – notably during unlawful arrests and the subsequent handover of prisoners to the security agencies.

34. The Committee thus formulated 34 recommendations for the authorities to undertake reforms, notably to unambiguously reaffirm the absolute prohibition of torture, to define and criminalise such acts, and hold any perpetrators personally responsible, prosecuting them and apply appropriate penalties. The UN has equally called to complete the establishment of a NPM and to authorise NGOs to undertake prison inspections.

35. Despite the adoption of a new Code of Conduct for its security forces in 2012,¹⁸ cases of torture continue to be reported.

36. Finally, many Syrian citizens have been deported to their country of origin, in violation of the principle of non-refoulement (article 3 CAT). For example, three individuals – who had been detained since 2006/2007 – were expelled to Syria in May 2012, where they were handed over to the Syrian Military Intelligence Services.¹⁹

37. Recommendations:

- a) **Bring a definitive end to the practice of torture and reject any statements obtained thereof;**
- b) **Ensure that conditions of detention are in conformity with international standards;**
- c) **Investigate, prosecute, and punish the perpetrators of torture with penalties reflecting the gravity of their actions;**
- d) **Ensure that Security Services members respect international standards and comply with the new Code of Conduct;**
- e) **Respect at all times the principle of non-refoulement;**
- f) **Implement all recommendations made by the Committee against Torture.**

3.2. RIGHT TO A FAIR TRIAL

3.2.1. COMPLIANCE WITH THE GUARANTEES OF A FAIR TRIAL

38. Since the previous UPR, numerous persons continue to be detained following unfair trials. The cases documented by Alkarama demonstrate that the practice of *incommunicado* detention is commonplace, in particular during the period of police custody. The impossibility for those detained to communicate with their lawyers constitutes a violation of the rights of the defence.

39. These unjustified procedural delays unnecessarily extend the length of pre-trial detention. In addition, in violation of article 77 CCP, confessions obtained under torture are frequently used as the sole evidence in a case.

40. This is why the detention of Mr. Tarek Mostafa Marei and Mr. Abdel Karim Al Mustafa, sentenced to 15 years in prison on 6 August 2013, was described as “arbitrary” by the WGAD, since it resulted from a trial marred

by irregularities, including the admission of evidence extracted under torture during the period of *incommunicado* detention.

41. Recommendation:

- a) **Respect the fair trial guarantees and release those arbitrarily detained.**

3.2.2. SPECIAL COURTS

42. Lebanon has two special courts: the Military Tribunal and the Judicial Council. Neither is independent from the Executive, nor do they offer sufficient judicial guarantees to protect the rights of the accused. During the last UPR, the recommendation relating to these jurisdictions was not accepted.²⁰

43. The Military Tribunal raises serious concerns given the large number of civilians being brought before it, despite the fact that the WGAD previously opined that Military Tribunals should never have the competence to try civilians, given their lack of independence and impartiality.²¹ Furthermore, according to Law No. 24/68 of 1968, the Tribunal reports to the Ministry of Defence and offers fewer safeguards, such as the optional presence of a lawyer or the possibility of holding secret trials. In December 2013, the Military Tribunal sentenced journalist Rami Aysha, who was arrested and tortured by the Military Intelligence Services.²²

44. The proposed reforms limiting the competence of the Military Tribunal to members of the armed forces alone, as initiated in 2013 and 2014 have been unsuccessful thus far.

45. The Judicial Council is considered to be a political body, since the Executive appoints its members and its referral is made by a decree of the Council of Ministers. Moreover, its decisions cannot be appealed. Alkarama has documented numerous cases of persons arrested in the “Nahr al Bared” file,²³ who were secretly detained, tortured, and after seven years of pre-trial detention, sentenced by way of unfair trials to harshly punishments, including the death penalty. The reforms initiated by the Ministry of Justice in 2012 aimed at ensuring the Judicial Council's independence never fully materialised.

46. Recommendations:

- a) **Amend the law to limit the Military Tribunal's jurisdiction to members of the armed forces;**
- b) **Abolish the Judicial Council and ensure that all persons who have been subjected to an unfair trial are retried or released.**

NOTES

1 Despite the commitments made during the last UPR, by accepting recommendations n.84.1 (Germany) and n.84.2 (Spain).

2 In particular, to introduce a definition of torture in line with the Convention under the accepted recommendations n.80.13 (Netherlands, Ireland) and n.80.14 (Germany), and to criminalise all acts of torture by ensuring that all allegations thereof are duly investigated and punished, as required by recommendation n.80.15 (Netherlands, Slovakia, Belgium).

3 Recommendations n.80.8 (Egypt) and n.80.9 (Algeria, Greece, Sudan) called for the establishment of a national human rights institution; whilst recommendation n.80.17 (Canada, Belgium) sought the establishment of a national mechanism for the prevention of torture.

4 Contrary to recommendations n.84.3 (Mexico) and n.84.4 (Egypt).

5 International Centre for Transitional Justice, Lebanon: Failing to Deal with the Past – What Costs to Lebanon?, January 2014, pp. 16-18, , <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Impunity-Report-2014.pdf> (accessed 9 February 2015).

6 Hadeel Farfour, Lebanese government releases information about the disappeared, Alakhbar, 22 September 2014 <http://english.al-akhbar.com/node/21632> (accessed 9 February 2015).

7 Accepted recommendations n.80.10 (Saudi Arabia) and n.80.11 (Russian Federation).

8 Accepted recommendations n.80.38 (Belgium) and n.80.36 (Oman).

9 Accepted recommendations n.84.13 (Mexico) and n.84.14 (Spain, Poland).

10 Opinion of the Working Group on Arbitrary Detention No. 44/2012, 30 July 2012; see also: Alkarama, Lebanon: UN Working Group calls for immediate release of woman inmate from Baabda prison <http://en.alkarama.org/component/content/article/26-lebanon/communiqu/1036-lebanon-un-working-group-calls-for-immediate-release-of-woman-inmate-from-baabda-prison>, 24 January 2013 (accessed 9 February 2015).

11 Opinion of the Working Group on Arbitrary Detention No. 48/2014, 19 November 2014; see also: Alkarama, Lebanon: UN Calls for the Immediate Release of Two Lebanese Citizens Arbitrarily Detained for over 6 Years, <http://en.alkarama.org/lebanon/1592-lebanon-un-calls-for-the-immediate-release-of-two-lebanese-citizens-arbitrarily-detained-for-over-6-years>, 15 January 2015 (accessed 9 February 2015).

12 Hands off Cain, Lebanon, <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=lebanon> (accessed 9 February 2015).

13 Recommendations n.82.4 to 82.12.

14 Patricia Khoder, Au Liban, 63% des prisonniers sont en détention provisoire, L'Orient Le Jour, 30 April 2014 <http://www.lorientlejour.com/article/865200/la>

situation-des-prisons-au-liban-au-coeur-dune-conference-conjointe-usj-ue.html (accessed 9 February 2015).

15 Despite Lebanon's acceptance of recommendation n.81.4 (Belgium).

16 UN Committee against Torture, Summary account of the result of the proceedings concerning the inquiry on Lebanon, A/69/44, paras. 100-115 and Annex XIII.

17 Alkarama, Torture in Lebanon: Time to Break the Pattern, 2009, <http://en.alkarama.org/lebanon/reports/1282-lebanon-alkarama-s-report-time-to-break-the-pattern> (accessed 18 February 2015).

18 Conceptualised and drafted with support of the High Commissioner for Human Rights and thereby partially implementing recommendation n.80.29 (Saudi Arabia).

19 These individuals are Mr. Moaz Abdelghani Shousha, Mr. Mohammed Aderrazzak Al Wafaei, and Mr. Ahmed Mohammed Asili. See: Alkarama, Lebanon: Implemented or imminent expulsion from Lebanon of seven men to Syria, 29 May 2012, <http://en.alkarama.org/lebanon/press-releases/926-lebanon-syria-implemented-or-imminent-expulsion-from-lebanon-of-seven-men-to-syria> (accessed 9 February 2015).

20 Recommendation n.82.14 (Germany).

21 Opinion of the Working Group on Arbitrary Detention No. 27/2008, 12 September 2008, para. 40.

22 Alkarama, Liban : Absence d'enquête sur les tortures subies par un journaliste d'investigation, 14 March 2013, <http://fr.alkarama.org/component/content/article/81-liban/communiqu/1251-liban--absence-denquete-sur-les-tortures-subies-par-un-journaliste-dinvestigation> (accessed 9 February 2015).

23 Alkarama, Liban : Affaire « Nahr Al Bared » : l'interminable justice, 4 June 2014, <http://fr.alkarama.org/liban/item/1377-liban-affaire-nahr-al-bared-l-interminable-injustice> (accessed 9 February 2015).

ACCESS TO JUSTICE

• Alkarama Foundation

EXECUTIVE SUMMARY:

The following report highlights Lebanon's improvements and setbacks in the most pressing human rights issues throughout the implementation phase of the first cycle following Lebanon's Universal Periodic Review (UPR) in December 2010. The Lebanese government has shown willingness to comply with certain human rights matters, however it clearly lacks capacity and funds to improve legislation, enforce laws, and report to UN mechanisms properly. On other human rights issues (torture/ refugees and asylum seekers/ discrimination and inequality of women); the political will is absent. The Government has shown good cooperation with some NGOs to improve situations in different sectorial matters. The willingness and ability of the Lebanese government remain the strongest obstacles for the protection, promotion and fulfillment of human rights in Lebanon. In addition to lack of public support, and awareness on certain rights.

Lebanon still lacks a comprehensive institutional and legislative framework for the universal protection of human rights. Although for the most part, legislation is in conformity with international law, implementation is lacking while some outstanding treaties such as the UNCAT are yet to be expressed in national legislations. A long period of political stalemate has enforced a suspension of legislative activity, one that only rejuvenated in infrequent and limited intervals. Such intervals saw the self-extension of the parliament inconsistent with constitutional mandates. The current stalemate also impacted the executive power that seldom remains incomplete, as political actors failed to elect the President of the Republic prior to the end of the mandate of President Suleiman.

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

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

I. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. CONSTITUTIONAL AND LEGISLATIVE BACKGROUND:

The preamble of the Lebanese constitution states that Lebanon abides by UN covenants and pledges to preserve human rights in accordance with the Universal Declaration of Human Rights. It guarantees public liberties and freedom of expression and religion; and clearly states that Lebanese are equal before the law. Additionally international law is paramount to national law and judges can invoke international treaties in their rulings but this rarely happens in practice.

2. THE INSTITUTIONAL FRAMEWORK AND FOUNDATION OF HUMAN RIGHTS

The Lebanese government has failed to establish the National Human Rights Institution (NHRI) based on Paris Principles and the National Prevention Mechanism (NPM) as an obligation in the OPCAT. Human Rights monitoring remains as such centered in the efforts of national and international NGOs. Additionally, lack of information and systematic data collection by the government hinders the formation of evidence-based policies for the improvement of the human rights situation in Lebanon.

Following series of discussions with different stakeholders since 2004, the parliamentary commission released the NHRAP in December 2012. The document in shape fails to plan the implementation of its priorities and remains a roadmap. Worth noting, the plan has not yet been endorsed by the government or the general assembly of the parliament to that regard.

The establishment of a human rights division within the Internal Security Forces (ISF) in March 2008 can be described as a positive step. The latter step was followed by the establishment of the ISF Committee against Torture, a complaint mechanism that seeks to receive and investigate complaints on torture practices committed by the ISF. The ISF has also circulated a memo defining the framework within which the UNCAT should be put into effect at the level of their institution.¹ The modus operandi of the committee is highly criticized, and the lack of transparency and the sanctions that are disciplinary in nature creates additional loopholes to

such mechanism in need of further amelioration in line with the Istanbul Protocol and aims for the prevention of torture as a crime.

Lebanon has a substantial delay in submitting its reports related to the following treaties: International Covenant on Civil and Political Rights (due since March 2001), the Convention against Torture (due since November 2001), the International Covenant on Economic, Social and Cultural Rights (due since June 1995), the International Convention on the Elimination of All Forms of Racial Discrimination (due since December 2006) and the Convention on the Rights of the Child (due since December 2011). A period of prolonged delay precedes the submission of most of Lebanon's reports, as there is no systematic procedure to prepare state reports.

Overall, the Lebanese judiciary failed to meet international standards on a routine basis over the past four years especially in dealing with political crimes. The large jurisdiction of military court² on civilians and the proceedings of the Judiciary Council³ are of particular concern.

The creation of the Special Tribunal for Lebanon (STL) hopes to provide justice in crimes committed in relation to the assassination of former PM Rafic Hariri⁴. However, the Tribunal's mandate is limited to the prosecution of persons responsible for the attack of 14 February 2005 and connected crimes, and consequently it will apply selective justice. Hearings in the tribunal have started, in particular the "Ayash et al" case where hearings take place in absentia, in addition to the Al Akhbar and New TV cases of contempt. The victims' participation is overly restricted by the STL's thresholds.⁵ Furthermore, rules require that a pretrial judge authorize their participation, that the Victims Protection Unit (VPU) assign their counsel and that they get represented as a single group, hence marginalizing their participation in the trial.⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS IN PRACTICE:

Civil and political rights

RIGHTS TO LIFE, LIBERTY AND SECURITY OF PERSONS

1. Following an escalation in political polarization, Lebanon underwent political hurdles and a clear decrease in security and citizens' safety. Political figures, civilians, army and security officials, and journalists were targets of violent attacks. Investigations into these crimes have rarely been concluded.

2. According to Amnesty International's 2013 country report 50 individuals are on death row, while the Judicial Council sentenced 25 persons to death in February 2015.
3. The latest executions dated back to January 2004. Lebanon has not signed the Second Optional Protocol to the ICCPR (1989). Nevertheless Lebanon has declared a moratorium on public executions as a first step leading up to the abolishment of the death penalty.
4. Over 17000 Lebanese persons are estimated to have disappeared during the civil war (1975-1990) with their fate still unknown. Progress was made on the 4th of March 2014 when Lebanon's State Council ruled that relatives of people who have disappeared in Lebanon have the right to the truth, granting relatives access to the dossier on the investigations carried out by the official committee set up, to look into the fate of all those kidnapped or missing in Lebanon. The current situation in Syria creates concerns and uncertainty on the situation of the Lebanese allegedly held in arbitrary detention in Syrian prisons.⁷

FREEDOM OF ASSOCIATION, THOUGHT, CONSCIENCE, AND RELIGION

5. Freedom of association is not granted to foreigners, military personnel and civil servants; all groups are not allowed to form unions, as was made clear when Lebanon's Labor Ministry completely disallowed a proposal calling for the formation of a union for domestic workers in January 2015. Restrictions are also placed on organizations considered by the religious authorities as "outlawed".⁸
6. Censorship in Lebanon is assigned to the General Security Office (GSO), while religious and 'moral' censorship is delegated to official religious bodies.⁹
7. Physical assaults on journalists resurfaced, such as in August 2014 when policemen affiliated with the Council of Ministers guards physically assaulted journalist and photographers in Dar Al-Fatwa, during the election of Lebanon's new Grand Mufti.¹⁰

FREEDOM OF MOVEMENT

8. Freedom of movement of refugees was greatly jeopardized. Lebanese authorities and security services have been increasingly adopting ad hoc policies such as curfews and forced evictions targeted specifically at Syrian refugees and other vulnerable groups such as MW and asylum seekers.
9. Foreign domestic workers were severely curtailed by households in exercising their right to freedom of movement in the absence of a provision in the unified contract guaranteeing this right. Of particular concern is the customary and normalized

practice of confiscating the passports of MW upon arrival at the airport by the GSO and handing it to the employer of the migrant domestic worker.

10. Restrictive border policies have systematically been adopted on border crossings by the Lebanese government in a discriminatory fashion, with intent to curb down the flow of refugees in violation of the principle of non-refoulement.
11. Movement restrictions sometimes target human rights defenders, as in the case of the GSO confiscating the passport of playwright and human rights activist Lucien Bourjeily in May 2014.¹¹

ARBITRARY DETENTION AND RIGHTS OF DETAINEES

12. The 2013 security incidents in Abra posed a clear setback in the rights of detainees; some individuals arrested in the aftermath of the conflict were reportedly tortured, in a relevant case Amnesty International reported the death in custody of Nader al-Bayoumi.¹²
13. Detainees do not have easy access to medical doctors and lawyers, especially detainees belonging to vulnerable groups including but not limited to illegal migrants, drug addicts, sex workers, and homosexuals. Individuals are often detained in prisons for days without access to a lawyer or permission to contact a family member, thus amounting to incommunicado detention.¹³
14. The total capacity of Lebanese prisons is 3,653¹⁴. By 2014 this number was exceeded by almost 175%¹⁵. In 2014, 3/10 of them were convicted and imprisoned, while 7/10 were still awaiting trials¹⁶.
15. As reported by a study by ALEF at least 30% of minor offenders are recidivist; the figures represent weak rehabilitative interventions by the Lebanese criminal justice system.¹⁷
16. Minor offenders are often detained with adult detainees in pre-trial detention facilities.
17. Law 422 on the protection of children in conflict with law appoints child interest representation to UPEL, a local NGO. UPEL's resources are overstretched and many UPEL interventions are inefficient

TORTURE AND PEOPLE DEPRIVED OF THEIR LIBERTY

18. National legislation generally defines arbitrary detention as an unlawful detention but fails to directly define its elements. This implies that an act of detention will be considered as arbitrary only when not prescribed by the law, regardless, for example, of the fairness and impartiality of a provision.

19. Detainees are deprived of their rights, in primis, the right to be presumed innocent. Authorities do not distinguish between a suspect and an accused and often resort to torture and ill treatment to inculcate an individual. Detention thus becomes a punitive measure rather than a rehabilitative one that is further perverted by the high levels of corruption and impunity.

20. The Lebanese Armed Forces (LAF) have since the early 1990s refurbished basements at the Ministry of Defense (MoD) to accommodate prisons and places of detention. Conditions of detention at the MoD are inhuman and degrading particularly due to the lack of natural light and limited living space.¹⁸ The CAT also reported the inconformity of the prison registry with the Istanbul Protocol while an official of the LAF acknowledged the allegations of torture being practiced at the MoD detention facilities.¹⁸

21. Victims of arbitrary detention are prevented from resorting to a complaint mechanism because of financial restraints, lack of motivation and the complexity in identifying who is responsible for the abuse.

22. On December 13, 2012, MP Ghassan Mkheiber presented a draft law to criminalize and define torture in compliance with the UNCAT. The draft law was revised by the Justice and Administrative Reform Committee but not yet presented to the parliament's general assembly. However the law contains gaps, mainly the lack of prevention mechanisms for torture or redress for victims. The draft does not consider refoulement as an act of torture as per article 3 of the UNCAT.

23. The revised version of the draft law redefines torture in manner which may increase impunity. It adds a conditionality to the UNCAT definition so as to limit it to cases "During the initial investigation, judicial investigation and trials " which strictly narrows down the acts of torture to investigations and court hearings, excluding as such forms of torture that take place in different contexts.

There is very limited information on torture cases because these abuses are generally committed in secrecy and the victims are discouraged to report or disclose facts. Additionally victims are sometimes held for extended period in incommunicado awaiting traces of torture to disappear.

24. Marginalized individuals are at particular risk of torture as a consequence of cultural, political and social exclusion and discrimination. These include, among others, migrants, refugees, asylum seekers, members of the LGBT community, journalists, and suspects of terrorist acts.

25. In application of the decree issued in late 1960's, the transfer of the prison's administration from the Mol to the MoJ is moderately taking shape as the

MoJ established a directorate general for prison administration. Further steps are awaiting the promulgations of laws essential for the full transfer

Child rights

26. Although progress has been made in the implementation of the CRC, not all children on the Lebanese territory enjoy their rights on equal basis. Problems of quality and access to education, health, and other social services exist in light of regional disparities. Several vulnerable groups of children including refugees, street children, children with disabilities, child workers, and children living in poverty face a de-facto discrimination, as noted by CRC in 2006.

27. Despite the existence of a law for free and compulsory education for all children less than 12 years of age, the law implementation is non-existent.

28. Children of refugees are of special concern due to their extremely harsh living conditions and restricted access to education and health care.

29. Institutional care in Lebanon includes orphans, children with severe social problems within the family, and families unable to provide children with basic needs. Despite previous efforts, the Lebanese government has not yet provided a comprehensive solution for care of children within the family.

30. Child labor in Lebanon is on the rise due to severe economic conditions, poverty and illiteracy. There are over 100,000²⁰ children who are victims of child labor and illicit trade, vulnerable to exploitation and working in hazardous conditions

31. Most Lebanese political parties' armed factions practice political indoctrination and train number of children on arms.²¹ Hezbollah recruits children in political rallies running a group for under-15s called the al-Mahdi Brigades dressed in military outfit and carrying toy rifles. The nearly 20 Palestinian factions in the 12 refugee camps practice military training and indoctrination of children though actual recruits of soldiers under 18 years are not evident.

32. Although the Ministry of Education and Higher Education (MEHE) issued an internal memo condemning the use of corporal punishment and providing complaint systems for reporting, such systems are inefficient and inaccessible to children. The media has reported several cases of punishment exercised on children in schools during the last cycle.

Women rights & Gender Equality

33. Women in Lebanon are subject to violence or abuse 35% of women have been exposed to some form of abuse²²; they lack protection and poor state interference on the basis of private family matters.²³
34. Lebanese parliament ratified the Law on the Protection of Women and Family Members Against Domestic Violence (LADV) in April 2014.²⁴ Although the new law establishes important protection measures, it defines domestic violence narrowly, and thus does not provide adequate protection from all forms of abuse, most notably non- physical violence and marital rape.
35. Lebanese women still face discrimination in providing their children with the Lebanese nationality. Discrimination also exists in the provisions of the Lebanese labor law and the social security benefits entitled to women as well as wages. However, working women now have the right to 10 weeks of fully paid maternity leave on presenting their medical documentation, in addition to their annual paid holidays.²⁵

Economic, social and cultural rights

36. Prior to the refugee crisis, 28.5% or 1.14 million Lebanese lived below \$4 per day, with 66% or 180,000 Palestinian refugees in Lebanon also living under the poverty line. A projected additional 170,000 Lebanese are estimated to have been pushed below the poverty line post-crisis. Overall, the crisis has added 809,000 people to the number of poor living inside Lebanon since 2011, a 61% rise.²⁶
37. Among Lebanese households 25% of Lebanese are not connected to public water networks and the rest receive water less than 4 days a week an average of 2 hours a day²⁷. Mineral bottled water remains the main source of drinkable water for over a third of the population. Those who cannot afford it face a serious challenge in accessing safe drinkable water. However, with the huge refugee inflow, water demand is definitely expected to surge by an average of 25%,²⁸
38. The Ministry of Health issued a memo forcing hospitals to provide at least first aid care to everyone in need even if they cannot provide sufficient financial compensation.²⁹ However, this is not being applied as hospitals such as Al- Hayat Hospital had their contracts with the Ministry of Health canceled for preventing patients from obtaining medicines for lower prices. Hotel Dieu de France Hospital also had its contract with the Ministry of Health terminated after it refused to admit a disabled patient in need of surgery. Two other hospitals denied admittance to two newborn babies in February and early March 2015, leading to their demise.

39. Palestinian refugees are still barred from working in certain professions, as doctors, lawyers, engineers, and so forth. A law passed in 2005 only granted them the right to work in clerical and administrative positions³⁰.
40. Palestinians in Lebanon are discriminated against as compared with other non-citizens with regards to the rights to own and inherit property. The Ownership Law bars the right of Palestinian refugees to own property in the country. Palestinians may no longer purchase property and those who owned property prior to 2001 are prohibited from passing it on to their children³¹.

Human Trafficking

41. Lebanon is a destination country for internationally trafficked persons, primarily women. Women from different countries of origin travel to Lebanon, in the belief that they will work as domestic workers and have reportedly been forced into domestic servitude and sexual exploitation.
42. Although the government demonstrated limited anti-trafficking law enforcement efforts, parliament had passed the August 2011 anti-trafficking law, Number 164³², which broadens the definition of individuals that are considered victims of human trafficking and imposes penalties on perpetrators of the crime. In addition to the discrepancies between the existing anti- trafficking laws in Lebanese Penal Code and Law 164, implementation decrees for the relevant law are still pending cabinet approval. The law focuses on the prosecution of criminal acts related to human trafficking without a strong preventive mechanism, yet law enforcement, immigration, and social services officials currently lack mechanisms and systematic procedures to ensure trafficking victims receive access to protective services.
43. Law 164 fall short to meet basic protection standards and the Lebanese government has not yet established a referral system or a trust fund for the rehabilitation and compensation of victims of trafficking.

PROMOTION AND PROTECTION OF THE RIGHTS OF MIGRANTS AND REFUGEES

44. In 2013, a code of conduct for the Syndicate of the Owners of Agencies in Lebanon was finally issued resulting from the collaboration of the OHCHR and ILO and dealing with the rights and obligations of migrant workers, agencies and employers.³³
45. Palestinian refugees' legal status is regulated under Decree N.319 which confers to the Palestinians who sought refuge in Lebanon in 1948 and their descendants, the right to reside in Lebanon. However, Palestinian refugees are conferred a foreign status under which they cannot access to services such as health and education and cannot effectively exercise their right to work³⁴. The situation is further aggravated in the case of "non-ID" Palestinian refugees, whom as a consequence of not possessing an identity card, are prevented from fully enjoying their rights³⁵.
46. Currently the majority of refugees in Lebanon are Syrian nationals escaping the conflict. According to UNHCR, in 2014 out of 5,779 Syrian refugees born in Lebanon, 72% do not have a birth certificate, making it furthermore difficult for the Syrian authorities to recognize their nationality³⁶.
47. Lebanon is the country with the highest concentration of refugees per capita and ranks at the first place in absolute number of Syrian refugees. As of 3 March 2014, 1,168,441 Syrian refugees were registered with the UNHCR, the equivalent to more than a quarter of Lebanon's resident population.³⁷
48. Recent statements or decisions and measures adopted by the Lebanese authorities show that in the absence of a comprehensive national policy for coordinated solutions and greater international solidarity, Lebanon is likely to take additional drastic steps, such as closing the border with Syria, that contravene its international obligations, in particular with regard to the principle of non-refoulement.

THE JUDICIARY AND ACCESS TO JUSTICE

49. The justice system in Lebanon is subject to political influence³⁸, bribery, slow proceedings, prolonged detention; prolonged hearings in court proceedings and under numbered judges.
50. The Military Court is a judicial form outside the scope of ordinary law. The Lebanese government has exceeded on many instances the principles called upon by the UN Commission on Human Rights³⁹, allowing the military Court to continue adopting a non-military task and try civilian individuals who are not related to the military sector. Reported cases reveal frequent violations against the internationally recognized principles of

fair, expeditious and public trial.

51. The Military Court is a judicial organ under governance of the Executive, which violates the preamble of the Lebanese constitution⁴⁰. Interference of executive, improper administration of justice and impunity allow all kinds of violations, including torture, protracted and arbitrary detention, and absence of contacts with family members or appropriate legal representation, violation of the right of due process etc.
52. The first chamber of the Military Tribunal is chaired by a military officer, and assisted by four other judges. Three of the judges are military officers appointed by the Ministry of Defence based on the recommendations of the heads of the main security institutions like the ISF, GS, the Customs Bureau and the LAF. The appointment of the military judges does not require legal studies or a law degree.
53. The Judicial Council functions under the orders of the Executive branch and has jurisdiction over matters of external and internal state security. It is criticized of being vulnerable to external pressures from political. Under article 366 of the Code of Criminal Procedure, the judgments of the Judicial Council are not open for review.⁴¹ The lack of an appeal is a blatant breach of international standards for criminal justice.

Recommendations:

- **To ratify the law establishing the National Human Rights Institution (NHRI), and insure the integration of the Paris principles in particular the principle of independence;**
- **To establish a commission aimed at ensuring that the right to truth, justice and reparation of families of victims of enforced and involuntary disappearances are supported;**
- **To establish a DNA database to collect necessary data essential for the identification of human remains and provide families of the disappeared the right to know the fate of missing people;**
- **To initiate reforms insuring the respect to labor rights of migrant domestic workers preventing any form of human trafficking;**
- **To expedite the establishment of a robust and independent national prevention mechanism on torture, which would have access to all places of detention in Lebanon;**
- **To ratify laws on the criminalization of torture in line with the provisions of the UNCAT;**

- To ensure that all allegations of torture are investigated in an impartial and independent body bringing those responsible to justice with guarantees of a fair trial;
 - To create means insuring that the guarantees of fair trial are respected throughout the judicial proceedings and sanction any violations of those guarantees;
 - To establish a state lead legal aid system allowing all people to benefit from its judicial proceedings;
 - To reform the system of nominations of judges limiting all forms of political influence hampering the independence of the judiciary;
 - To limit the jurisdiction of the Military Court to try military personnel only, and transfer to national civil courts the jurisdiction of trying civilians for security issues, thus making the military court an integral part of the general judicial system;
 - To provide access of refugees on the basis of stricter review process in compliance with international refugee law standards, in particular the principle of non-refoulement and with human rights principles;
 - To amend discriminatory provisions in personal status laws ensuring that women are not discriminated against in issues related to child custody, inheritance, divorce and nationality;
 - To insure that security measures and the strife in counter-terrorism does not come at the expense of human rights obligations;
 - To abolish the death penalty sentence from all legislations and be replaced with greater humane sentences;
 - To promote a wider incarceration response that will insure a principled consideration to the deprivation of liberty and create rehabilitative interventions that can limit the rate of recidivism;
 - To respect the right to the freedom of association by lifting all security considerations hampering the creation of associations that limits the work of human rights defenders;
 - To improve conditions of public health care facilities and create an insurance plan promoting gender equality, equal access for Lebanese and foreigners, and an effective health system for prisoners;
- To amend provisions of domestic laws that fall short of meeting the Convention on the Rights of the Child in particular increasing the age of criminal responsibility and ensure that education is free and compulsory until the age of 15;
 - To create a specific mechanism to prepare state reports to UN treaty bodies and provide training to parties concerned with preparing these reports in coordination with the office of the High Commissioner for Human Rights. Implement a comprehensive data collection policy for the purpose of informed policy formation and establish an independent human rights monitoring mechanism;
 - To revise the anti-trafficking law in order to render it more a protection law rather than a prosecution tool and to build law enforcers capacities on anti-trafficking related concepts and measures;

NOTES

1 Convention against Torture put into effect at the level of the internal security forces, the Directorate General of Internal Security Forces General Staff - Service Division, May 2014

2 Article I of the decree No. 24/68 of 1968 known as Military Sentences Law details the creation and the jurisdiction of the military court.

3 A special body that reviews allegations of a political nature, and which seized exclusively and selectively by the government. Recourse to appeal against decisions of this body is not allowed.

4 Former PM Hariri was assassinated on the 14th of February 2005.

5 Victims participating in proceedings are at a current total of 70, from a list of over 200 court-recognized victims, taking part in the trial.

6 Karina Hof, Leidschendam, International Justice Tribune, "Hariri's death, ten years and 70 victims later at the Lebanon tribunal" February 11, 2015

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

8 Jehovah witnesses, Islamic groups of particular affiliation, Buddhist groups, Zoroastrian..

9 SKeyes (Samir Kassir Eyes) center for media and cultural freedoms.

10 Press and Cultural Freedom Violations LEBANON, SYRIA, JORDAN, PALESTINE July - August 2014, SKeyes media, September 15, 2014

11 SKeyes (Samir Kassir Eyes) center for media and cultural freedoms.

12 Amnesty International, Lebanon: Torture Allegations in Wake of Sidon Armed Clashes, 09 July 2013 pp2-4

13 On the 23rd of January 2015, a taxi driver's wife had filed a missing persons report at the Abdeh police station in Tripoli after her husband went missing. Security sources later revealed that the missing driver was being detained at the Beddawi police station in Tripoli, which had failed to notify the family of his whereabouts.

14 Office of the Minister of Interior & Municipalities, Report on Prison Conditions, 2011, p. 122.

15 According to figures shared by the Prison Department at the Ministry of Justice, the current prison occupancy is 6,400.

16 According to figures shared by the Prison Department at the Ministry of Justice, detainees awaiting trial constitute 67% of the overall prison occupancy.

17 ALEF, Guilty Until Proven Innocent: Report on the root causes of arbitrary detention, long delays in trial, and lengthy pre-trial detention, January 2013.

18 United Nations, General Assembly, " Summary account of the results of the proceedings concerning the inquiry on Lebanon", in Report of the Committee Against Torture, Sixty Ninth Session of the General Assembly, 2014. (hereinafter referred to as CAT Report)

20 <http://www.menassat.com/?q=en/news-articles/6781-child-labor-lebanon>

21 Child soldiers global report 2008

22 IRIN, LEBANON: Government, NGOs cooperate on issue of gender violence, 05 December, 2005

23 In a statement made on the occasion of the tenth international day for the elimination of violence against women by the Lebanese Council to Resist Violence Against Women it was reported that "At least 90% of women in Lebanon are, or have been in the past, victim of physical or psychological abuse."

24 Law no. 293 dated 15 May 2014 on the Protection of Women and Family Members Against Domestic Violence

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

26 Lebanon Crisis Response Plan 2015-16

27 Lebanon Crisis Response Plan 2015-16

28 Blominvest Bank Research Department, The Lebanese Water Sector: Substantial Challenges to Come, 05 April 2014

29 Memorandum issued by Minister Khalife on 30 October 2006

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

31 Law No. 296, Passed by the Lebanese Parliament 3 April 2001

32 Law no. 164 dated 24 August 2011 on the Punishment

for the Crime of Trafficking in Persons

33 OHCHR, Lebanon: a Code of Conduct to recruit migrant domestic workers 29 July 2013

34 Manara Network for child rights, "Country profile of Lebanon. A review of the implementation of the UN Convention on the rights of the Child", August 2011, p.30-31

35 Manara Network for child rights, "Country profile of Lebanon. A review of the implementation of the UN Convention on the rights of the Child", August 2011, p.50

36 UNHCR, The UN Refugee Agency, "2015 UNHCR country operations profile - Lebanon", available at <http://www.unhcr.org/pages/49e486676.html>, [accessed 1 December 2014]

37 UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>

38 both when the political authority assigns the judges or in court proceedings

39 See the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Emmanuel Decaux adopted by the Commission on Human Rights in its 62 session, held on 13 January 2006 and related to the administration of justice through military tribunals - E/CN.4/2006/58.

40 See the preamble of the Lebanese Constitution, (e): The System is based on the principle of separation of powers.

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

DETENTION

- ALEF - act for human rights(ALEF)
- Association Justice et Misericorde (AJEM)
- Alkarama Foundation
- Lebanese Center for Human Rights
- Frontiers Ruwad Association
- Khiam Rehabilitation Center for Victims of Torture (KRC)
- Restart Center for Rehabilitation of Victims of Violence and Torture

A. EXECUTIVE SUMMARY

Lebanon has included in the Preamble of its Constitution the Universal Declaration of Human Rights and UN instruments and as such, the rights guaranteed by these instruments constitute constitutional rights. However, Lebanon embodies a complex case where the armed conflicts at its borders, added to the internal challenges it faces as a result of ongoing impunity and sectarian strife, are taking their toll on the deteriorating condition of human rights within the country. Although the government does show its willingness to comply with several human rights as made evident in its ratification of the core covenants that constitute the International Bill of Human Rights, it continues to struggle to meet the required standards as it clearly lacks the capacity and the political will to improve legislation, enforce laws, and report to the UN properly.

Lebanon lacks comprehensive human rights protection legislation, and access to remedies for human rights breaches - especially relating to torture, detention, fair trial, refugees and asylum seekers - is thus limited.

Conditions of detention in Lebanon are known to be far behind acceptable standards. Abuses, including solitary confinement and deaths in custody, whether as a result of mistreatment or lack of medical care, were reported during the covered period. No serious public investigations were carried out into these deaths.

Lengthy pretrial detention affects the majority of suspects. For instance, those detained in relation to the 2007 violent clashes in Naher el Bared, who still suffer from lengthy pretrial detention and have reported being beaten and tortured by security forces. Despite its ratification of the Convention against Torture (UNCAT) in October 2000 and of the Optional Protocol to the UN-CAT (OPCAT) in December 2008, torture is still routinely used by the armed forces and law enforcement agencies. Furthermore, Lebanon has not yet established a national preventive mechanism to visit and monitor places of detention.

With regard to the right to a fair trial, systematic interference of the executive in the judicial matters occurs in violation of the principles of fair trial. International human rights instruments are still not regularly and systematically invoked in courts either by the defense counsel or in the judges' legal grounding and analysis of court verdicts.

B. PROGRESS ON UPR 1ST CYCLE RECOMMENDATIONS ACCEPTED BY LEBANON

Recommendations:

Strengthen the institutional framework in the human rights area, including through the establishment of a national human rights institution in accordance with the Paris principles¹ and establish a national mechanism for the prevention of torture, in respect of the Optional Protocol to CAT, to which Lebanon is party since 2008².

1. Lebanese parliamentarians with the support of the Office of the High Commissioner for Human Rights (OHCHR) have held several meetings between 2011 and 2013 between public officials, civil society representatives and major stakeholders to discuss the establishment of Lebanon's National Human Rights Institution (NHRI). Following these public consultations, a draft law for the establishment of an NHRI was presented to the Parliament in 2012. This draft is however currently still under consideration by the Parliament, waiting to be voted and promulgated by the General Assembly.
2. According to drafts shared with NGOs, the NHRI will also co-host the National Prevention Mechanism (NPM) and shall promote its financial and authoritative independence. NGOs have expressed criticism of such a move, which might endanger the independence, and sustainability of the NPM.
3. To this moment legislations required for the establishment of the NHRI and the NPM are still awaiting promulgation by the General Assembly of the Lebanese parliament, and as such not yet established.

Recommendation: Successfully implement the important initiative of the National Human Rights Action Plan (NHRAP)³.

4. In December 2012, the Human Rights Parliamentary Committee presented to the Lebanese Parliament a draft law concerning the adoption of a NHRAP.
5. The NHRAP, launched in 2005 with the support of the United Nations Development Programme (UNDP), defines all legislative, procedural and executive measures defined for areas that have been identified as top priorities necessary to promote and protect human rights in Lebanon including the independence of the judiciary, the principles of investigation and detention, torture and inhuman treatment, forced disappearance, prisons and

detention facilities, and the death penalty. However, the NHRAP only comprises general and conceptual statements and does not provide a real plan of action or strategies for implementation. To this date, however, the NHRAP has not yet entered into force.

Recommendations:

Amend domestic legislation to achieve full compliance with the Convention against torture (UNCAT) into Lebanese law in particular by reviewing the definition of torture, by criminalizing all forms of torture and ill treatment and ensuring that all allegations of violations are promptly investigated and those responsible are brought to justice⁴.

6. Despite the ratification of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment (UNCAT) in October 2000, Lebanon has not yet amended its laws to criminalize acts of torture. Current legislations vaguely criminalize ill treatment without reference to "torture" and by excluding psychological and mental torture.
7. Since the last UPR, several meetings have been held at the Lebanese Parliament between parliamentarians, representatives of the Ministry of Justice, and representatives of security agencies with the presence of representatives from civil society organizations, the Beirut Bar Association and the OHCHR on how to bring the national legal definition of torture in line with art. 1 UNCAT and criminalize torture. The meetings allowed CSOs to share their concerns on the necessary elements to be included in a law criminalizing torture.
8. A draft law defining torture in compliance with UNCAT and criminalizing this practice was in fact under review by the Lebanese Parliament since 2012 and was finalized in June 2014. The Administration and Justice Committee of the Lebanese Parliament is currently reviewing the draft law aiming at reforming several legislations.
9. However, according to news reports, representatives of security agencies are attending the Administration and Justice's meetings pushing for certain amendments, which had not been previously discussed in the meetings held with all the other relevant stakeholders. The Committee discussed with the Ministry of Justice the legal definition of ill-treatment, inhuman and degrading treatment in line with the UN documents and General Comments of the Committee against Torture (CAT).
10. However, this torture draft law still contains many gaps and flaws. Most importantly, it does not address the issue of non-refoulement, nor does it provide for an appropriate rehabilitation or effective remedies to the victims. The revised version of the draft redefines torture in manner, which may

increase impunity. The revised definition adds a conditionality to the UNCAT definition so as to limit it to cases "During the initial investigation, judicial investigation and trials " which strictly narrows down the acts of torture to investigations, and court hearings, excluding as such forms of torture that take place in areas of detention or outside investigations (transport, detention, prison, waiting room, arrest, medical visit, deprivation of liberty in health facilities etc). The definition includes vague concepts as for example the difference between severe pain (الألم الشديد) and severe torment (العذاب الشديد), the difference between intimidation (التخويف) and force (الإرغام). The draft law did not mention any rules about the right of the victims of torture and ill-treatment. The victims can use the current legislation to obtain a compensation of any act of torture led to any damage.

11. In practice, the situation of torture in Lebanon remains worrisome, as shown by the large number of complaints and reports received by our organizations, during 2010 and 2014, on the occurrence of acts of torture against individuals.
12. In October 2014, the Committee against (CAT) published the summary accounts of its confidential inquiry conducted on the use of torture in Lebanon, where it describes torture as being "widespread and systematic."⁵
13. CLDH has been systematically documenting the practice of torture in Lebanon since the beginning of 2009. Up to the end of 2014, statistics by CLDH show a practice of torture during investigations, in addition to very serious reports of ill treatment affecting in average 60% of all the persons arrested every year by the security services for common law crimes. The practice affects equally men and women, of all nationalities and whatever their accusation is. It has to be noted that in security related cases (terrorism and spying), torture is systematic and affects almost 100% of these detainees.
14. CLDH statistics establish a clear relation between the practice of torture and the refusal of suspects to admit to a crime or to sign for the purpose of obtaining "confessions".
15. Kham Rehabilitation Centre reported the death (hanging) of two prisoners in Roumieh Prison on 18 January and 25 September 2014 allegedly by other inmates; Lebanese authorities would have failed to protect people under its protection and jurisdiction.⁶ A primary concern is a lack of transparent investigation carried out after the act, which leaves the public opinion uncertain of the accountability of perpetrators.

16. The submitting NGOs raise concerns on the consequences of the counter-terrorism measures policy in Lebanon and leading to an increasing number of arrests. Reports show a continuous and systematic practice of torture and arbitrary detention against suspected terrorists. In an incident, a suspect allegedly died under torture during an investigation at Lebanese Army base⁷. No serious or public investigations took place against perpetrators of torture. This contributes to the perpetration of the impunity pattern.
17. In 2010, ISF established a Committee to Combat Torture, commissioned to investigate torture allegations by any person under the custody of ISF (arrestees and convicted) and follow up on them, as well as to monitor and visit places of detention including police stations, on scheduled and undeclared visits. However, no public information is made available on the results of the Committee's work or the measures taken against officers it finds guilty of torture. In October 2014, General Antoine Boustany, chair of the Committee, revealed that 68 torture complaints were reported in 2014.

Recommendation: Expand opportunities for training and awareness raising in the area of human rights for members of the security forces⁸.

18. In January 2008, the ISF established a Human Rights Department, that works on training the police on Lebanon's human rights obligations, create a human rights database, coordinate with various stakeholders, including NGOs, and suggest improvements in ISF policies and guidelines to ensure conformity with its human rights obligations, among others.
19. The Human Rights Department has been active in providing an obligatory course on human rights for all newly recruited members of the ISF. Unfortunately, these trainings are not mandatory for other members of the ISF, and have not been incorporated in the institutional framework of the law enforcement body.
20. In January 2012, the department announced that a Code of Conduct (CoC) had been launched and distributed to its personnel. The small booklet, drafted with the assistance of the OHCHR regional Office and the support of the British Embassy, contains professional and ethical standards of behavior that ISF officers must abide by to guarantee the respect and protection of human rights and public freedoms in accordance with national and international laws. Issues such as command responsibility, integrity, impartiality, the use of force and fire arms, the rights of suspects and detainees are all addressed among others.

21. At some instants the CoC was in contradiction to Lebanese laws making the CoC inefficient, in practice. In addition to containing many ambiguities on the forms of implementation of the CoC while also including different terminologies that attenuate the essence promulgated by the CoC.⁹
22. Lebanese and International NGOs played a significant role in building the capacities of different stakeholders in particular lawyers and law enforcement officials. During 2012 Restart Center trained several ISF officers aiming at fostering the culture of human rights.

Recommendation: Continue to strive to obtain international assistance and technical advice to face the pressures in connection with the reception and hosting of refugees, and in this regard strengthen cooperation with relevant international organizations¹⁰.

23. Lebanon has still not acceded to the 1951 Convention on the rights of refugees. The Lebanese immigration control system is based on the Lebanese Criminal Code, the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country and on the Regulations set by the Ministry of Labor.
24. The illegal entry of foreigners, asylum seekers and refugees, in breach of the 1962 law, implies being charged with criminal offences that would lead to administrative detention. Administrative detention is not provided for by the Lebanese law and is practiced irregularly by the General Security (GS). On the basis of discretionary decisions taken by the General Directorate of GS, foreigners including refugees and asylum seekers face prolonged and unjustified imprisonment.
25. Furthermore, relating to the Status of Refugees, asylum seekers and refugees are considered by the Lebanese authorities as migrants subjected to immigration laws. Based on administrative decisions, they are often denied legal status and are at risk of deportation. Refugees and asylum seekers often face severe limitations to their freedom of movement and access to basic services.
26. Palestinian refugees are particularly vulnerable to violations of their basic human rights. Their legal status is regulated under Decree No.319, which confers the Palestinians who sought refuge in Lebanon in 1948 and their descendants the right to reside in Lebanon. However, Palestinian refugees are conferred a foreign status according to which they cannot freely access some Lebanese public services such as health and education and cannot effectively exercise their right to work. The situation is further aggravated in the case of "non-ID" Palestinian refugees. This category of refugees, as a consequence of not possessing an identity card, is prevented from fully enjoying their rights¹⁰.

27. Currently, the majority of refugees in Lebanon are Syrian nationals escaping the conflict. According to the UNHCR in 2014, out of 5,779 Syrian refugees born in Lebanon, 72% do not have a birth certificate, further aggravating the access to services.
28. Lebanon has in fact taken additional drastic steps, by adopting policies and regulations that create increasing uncertainty around the regulatory frameworks of refugees that might lead to risks of arbitrary arrests and forced deportations.
29. The Lebanese government has failed to sign a comprehensive Memorandum of Understanding (MoU) with the UNHCR determining the functions of the agency and allowing humanitarian actors to provide protection and assistance to vulnerable refugees.

Recommendation:

Take measure for the submission of overdue periodic reports under the treaties and covenants to which Lebanon has become party¹⁰.

30. Lebanon has a substantial delay in submitting its reports related to the following treaties: International Covenant on Civil and Political Rights (due since March 2001), the Convention against Torture (due since November 2001), the International Covenant on Economic, Social and Cultural Rights (due since June 1995), the International Convention on the Elimination of All Forms of Racial Discrimination (due since December 2006) and the Convention on the Rights of the Child (due since December 2011).

Recommendation: Explore the possibility of establishing national-level coordination mechanism to assess and monitor implementation of the Government's treaty obligations¹³.

31. To date, the Lebanese government has failed to establish a permanent coordination mechanism as required. All the initiatives so far were taken out of need on an ad hoc basis.

C. PERSISTENT CHALLENGES TO THE PROTECTION OF THE RIGHTS TO A FAIR TRIAL, THE SITUATION OF PLACES OF DETENTION, AND THE RULE OF LAW

1- CHALLENGES TO FAIR TRIALS

- **Independence of the Judiciary**
32. There are three main exceptional courts in Lebanon: the High Court of Justice, the Judicial Council and the Military Tribunal.
33. The High Court of Justice, the highest court in Lebanon, has jurisdiction to try the President and ministers of the country. Thus far, there have been limited cases brought before it while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.
34. The Judicial Council functions under the orders of the Executive branch and has jurisdiction over matters of external and internal State security. Because the executive appoints its members, and because it has jurisdiction only over cases referred to it by the Council of Ministers, the High Judicial Council can clearly not be considered as independent. The lack of an effective appeal in front of a higher jurisdiction is a further blatant breach of international standards for criminal justice and fair trial.
35. The Permanent Military Court is under the jurisdiction of the Ministry of Defense and deals with cases related to crimes of spying, treason, and illegal connections with the "enemy" (Israel) as well as any conflict between civilian and military personnel. It also has jurisdiction to try civilians as well as members of the military such as the Army, ISF, GS and Ministry of Defense officials if the crime in question occurred while on-duty.
36. The Military Tribunal is headed by a military officer assisted by four other judges, three of which are military officers. The latter are appointed by the Ministry of Defense based on the recommendations of the heads of the main security institutions. The appointment of the military judges does not require legal studies or a law degree. This appointment procedure clearly undermines the judges' independence, and their professionalism and qualifications, which in turn leads to inappropriate trials.

37. The Military Tribunal's administration of justice therefore raises several concerns with regard to the right to a fair trial. This includes the right to be tried before a competent, independent and impartial court established by the law and the right to a public hearing, which cannot be guaranteed by the Military Tribunal. This is of great concern, because the Military Tribunal often tries civilians connected with crimes against members of the security forces.
38. During trials in front of these exceptional courts, in a large number of cases, confessions were obtained under torture, when the accused was being held incommunicado by the security forces, and are admitted as material evidence. When the accused formulates allegations of torture, they hardly are the subjects of a prompt and impartial investigation.
39. Forensic doctors are not independent from law enforcement agencies. Medical staff including forensic doctors serves under law enforcement or prison sector may have conflicted loyalty between their employer and professional obligation to report torture or ill-treatment. Forensic doctors fear reprisal or the loss of their job.
40. Additionally, forensic doctors are not trained to apply the Istanbul Protocol. Forensic, physical and psychological examination upon arrest is carried out by CSOs and not by state initiatives.¹³
41. According to the statements of forensic doctors: the public prosecutor rarely appoints forensic doctors to examine detainees in places of detention and the majority are being applied in officer's offices or under custody in police stations. When entering places of detention, forensic doctors are subjected to inspection and are prohibited from using their cameras to document their inspection. Additionally, these examinations are guarded by police officers in contradiction with the Lebanese law.
42. Legal aid is only provided by the Beirut or Tripoli Bar Associations and is usually limited to cases of felony. Defendants may ask the court to assign a legal aid lawyer, or in felony cases the judge would appoint a lawyer automatically. As such, access to legal aid is not automatically provided to those in need.
43. The quality of legal aid, whether by the Bar Associations or NGOs, is questionable. There is no judicial or other control on the quality of the legal aid provided, no support to lawyers and no functional complaint mechanism.
44. Migrants and refugees are not always provided with sworn interpreters, greatly hampering the fairness of trials. Additionally sentences in such cases are often standardized and decisions are sometimes issued prior to hearings.
45. In violation of the principle of individual hearing, migrants and asylum seekers are often tried en masse, in particular for cases of illegal entry or stay.
46. Criminal trials, mainly in serious felonies, are lengthy and individuals are held for extensive period of pre-trial detention.
47. The Lebanese Code of Criminal Procedures features no special provisions on the right of the detainee to resort to courts on the legality of his arrest.
- **Situation of places of detention**
48. Places of detention do not meet the Standard Minimum Rules for the Treatment of Prisoners, especially in relation to food, exercise, medical services, and separation of categories of prisoners. In particular, nutritional guidelines are not followed by the prison administration especially as far as nutritional needs of diabetic inmates are concerned.
49. Moreover, prisons remain significantly overcrowded. The primary reason is the length of pre-trial procedures – which can be indefinite in some cases as per article 108 of the Code of Criminal Procedure. In 2011 the rate of convicted detainee was 42.6% while in 2013 this rate decreased to 39% in 2013. Throughout the years the rate of pre-trial detainees was always superior to convicted detainees.
50. As of March 2014, a total of 6,400 individuals were deprived of their liberty and distributed to 25 prisons and places of detention under the jurisdiction of the MoJ. The overall capacity of Lebanese prisons is 3,653. According to an ISF official, among the 6,400 individuals, 3,930 are Lebanese, 1,400 are Syrian nationals, 800 are non-Syrian foreigners, and 270 women.
51. Roumieh, the central prison, hosts the highest number of inmates. The overcrowding in Roumieh is due to a multitude of reasons among which the use of one of the buildings by the army as a weapon's deposit, which creates risks and danger on inmates.

2-FAIR TRIAL STANDARDS

52. Roumieh prison, as well as other correctional institutions, witnessed intense riots in 2013. The overcrowding, long delays in trials procedures, weak law-enforcement inside prisons, and poor conditions of detention have been considered to be among the most important reasons behind the unrest in prisons.
53. Trials are in addition being delayed or missed for various reasons, including the absence of transportation to the court hearings (70% of a sample of 1,000 detainees in 2013), climatic, security and health-related reasons (30% of a sample of 1,000 detainees in 2013).
54. Those figures include among the “convicted inmates” the foreigners who remain detained illegally in the prisons after termination of their sentences pending their handover to GS. The percentage of such inmates is unknown. However, CLDH has noted that a delay of at least 3 weeks was observed at the end of 2014 resulting in a systematic arbitrary detention of foreigners after the termination of their sentences.
55. Following security incidents and attacks allegedly planned from Roumieh, the Ministry of Interior has adopted security measures inside and outside the prison. These measures are affecting the inmates’ contact with the outside world. In January 2015, the Ministry of Interior authorized a security raid in Roumieh, reportedly aiming at ending years of impunity and chaos inside the prison. However, impunity continued to prevail with most of the security officials and inmates responsible for the problems reportedly not being held accountable.
56. Police stations and places of detention designed to be solely for garde à vue functions are currently being used as prisons. In the Baabda Judicial Palace, the detention cells are underground with lack of natural light or aeration, among others. In June 2013, CLDH reported on the situation in the Jdeideh Palace of Justice where 30 migrant women were locked in 6-square-meter cells hosting up to 6 female detainees kept by male guards, without sunlight, without being allowed to go out of their cells, without drinkable water and depending totally on their outside acquaintance to bring them food. Medical service or NGO presence is not available in this facility. The detainees could be kept up to one month pending their transfer to GS. The same situation in Bickfaya police station was reported to CLDH in November 2014.
57. GS is using the police station under the authority of the Bureau of Investigations and Procedures (Da’irat al-TahqiqwaTahqiqwa al-ljra’) under the Adliyeh Bridge in Beirut as a long-term detention facility despite the absence of any clear law or directive authorizing it to detain foreigners. Foreigners are systematically detained at this facility straight after their arrest or at the end of their sentence. This facility is known for its harsh and inhumane detention conditions and for the absence of legal basis authorizing GS to detain individuals in it. Furthermore, if this facility is a temporary holding location, detentions in it should be very brief and should not exceed the legally prescribed temporary holding period of 48 hours with one-time renewal. In practice, for most of the cases the duration of detention in GS facility is of 2 weeks to up to a year and more.
58. Every year around 3, 500 migrants¹⁰, refugees and asylum seekers are detained in this facility illegally pending their release in Lebanon if they manage to find a sponsor or their deportation to their country of origin even when they are UNHCR-recognized refugees.
59. Public prosecutors authorize the detention of individuals in consignment to different security agencies in violation to the law. Judicial authorities justify such method in order to decrease overcrowding.
60. Prisoners with mental health disorder do not receive exceptional treatment inside prison and only NGO initiatives fill the gap.¹⁶
61. In Yarze prison, under the authority of the Ministry of Defense, and the detention facilities run by the Information Bureau of the ISF, detainees are arrested, investigated and then spend their sentence in the same places of detentions, diminishing any chance for inmates to report torture practices before of judicial authority risking as such forms of reprisal and punishment.

3- CHALLENGES TO SAFE HOUSES AND PSYCHIATRIC HOSPITALS:

62. There are neither written procedures nor monitoring system of psychiatric hospitals. Patients are admitted without their consent and are subject to physical restraint that would amount to torture. Admissions are not prescribed on judicial warrants, which might lead to an indefinite period of treatment.
63. The misuse of safe houses administered by CSOs, such as Caritas Lebanon Migrant Center (CLMC), is worrisome, since these centers might amount to a form of detention lacking legal provisions and judicial oversight. The safe house is, in principle, a preventive measure and a safe haven for women intended to temporarily house victims of human trafficking. CLMC’s safe house operates on the basis of a memorandum of understanding (MoU) with the GS and requires that beneficiaries be foreign female victims of human trafficking seeking aid on voluntary basis with no coercion. However,

certain organizations fear that the safe house may be misused as an alternative place for detention, without any judicial oversight.

64. The Safe House is shrouded in secrecy reportedly in order to protect the women staying there. While they wait for their voluntary return to their countries of origin, they are not allowed to leave or communicate with the outside world.

65. Access to detention places

66. Certain buildings in Roumieh, in particular building D and the section administered by the Information Branch of the ISF, are not accessible by service providers, with the sole exception of the ICRC. The submitting organizations raise concerns on the number of people detained in such sections and their human rights situation.
67. The number and conditions of detainees in the prisons handled by the military intelligence and the ISF Information Branch are unknown.
68. There is no access for NGOs and no automatic access for lawyers to police stations and courts detention cells. The same goes for the Ministry of Defense prison and the detention facility of the ISF Information Bureau.
69. Detainees at police stations do not have automatic access to doctors or lawyers. In some prisons individuals are often held incommunicado for days.
70. Detainees in the GS holding facility do not enjoy the right to automatic visitation by NGOs, UNHCR, and lawyers. Such visits are tightly regulated and done only with the GS permission and at its strict discretion. Lawyers’ difficulty accessing clients led the Beirut Bar Association to sign a MoU with the GS in 2006 regulating lawyers’ entry into its centers. Despite this MoU, lawyers are not always granted permission to visit every time they apply. More recently, the General Security issued a new directive further restricting lawyer’s access to its main detention facility (Letter No. 27 issued on 5/4/2012)

• Monitoring of places of detention

71. NGOs access to prisons (only prisons run by ISF may be accessed by NGOs) requires annual authorizations by the ISF, which may not be considered as automatic or unlimited access, as the authorization may be declined at ISF discretion. NGOs that do not have authorizations have to resort to individual members to be able to visit detention places upon an individual authorization by the public prosecutor and to visit a specific detainee.

• The Death Penalty

72. Death penalty is still legal in Lebanon. Despite the fact that the latest executions dates back to January 2004, there are still approximately 71 persons awaiting execution in Lebanon.
73. Lebanon has not yet abolished the death penalty. Nevertheless, Lebanon has declared a moratorium on public executions.
74. The Judicial Council issued 22 death sentences in a single session on 6 February 2015.

• Enforced and Involuntary Disappearances

75. 17,000 persons are believed to have disappeared on the Lebanese territory between 1975 and 1990. The practice of enforced disappearance continued after the end of the Lebanese war with no statistics made public.
76. However, in spite of the continuous claims of their families and 3 investigation commissions set-up by the Lebanese state, thousands of families never got proper answer regarding the fate of their loved ones.
77. A draft decree for the creation of a National Independent commission on Enforced disappearance and missing of the war is pending approval by the Council of Ministers. Two draft laws were submitted to the Parliament in 2012 and then in 2014 which are still pending at the Human rights commission level.
78. The law that should allow the government to ratify the ICAED is still awaiting the Parliament’s approval since 2007.

D. RECOMMENDATIONS

- **To submit the Lebanese overdue periodic reports to the different treaty bodies in particular the initial report to the CAT;**
- **To respect the rule of law principles and addressing a legacy that includes displacements, enforced disappearances and/or abductions by all parties, as well as a persistent culture of impunity;**
- **To promote measures in the code of criminal procedures and the penal code that would take into consideration alternatives to deprivation of liberty, the latter being only for last resort and for the purpose of the public good. Such detention should serve the purpose of higher rehabilitation decreasing the rate of recidivism;**
- **To ensure that all allegations of torture are investigated in an impartial and independent body bringing those responsible to justice with guarantees of a fair trial, in order to put an end to the pattern of impunity for human rights violations and provide remedies to victims.**
- **To adopt a law criminalizing torture in line with the UNCAT and other international standards removing all forms of impunity or derogation that would limit the preventive and criminal responsibility nature of the law**
- **To reform the criminal justice system by ensuring more independent mechanisms for the nomination of judges, and an efficient state-led legal aid system.**
- **To abolish the death penalty sentence from all legislations and be replaced with greater humane sentences.**
- **To establish a National Prevention Mechanism in line with the derogations of the OPCAT.**

NOTES

- 1 Recommendation No. 80.8, similarly the recommendation 80.9 demands the institution of a national human rights institution complying with relevant international standards.
- 2 Recommendation No. 80.17.
- 3 Recommendation No. 80.11.
- 4 Recommendations No. 80.13, 80.14, 80.15, 80.16.
- 5 UN Committee Against Torture, Summary account of the result of the proceedings concerning the inquiry on Lebanon, *A/69/44*, paras. 100-115 and Annex XIII.
- 6 <http://www.naharnet/stories/ar/70011> }
- 7 Amnesty International, Lebanon: Torture Allegations in Wake of Sidon Armed Clashes, 9 July 2013, <http://www.amnesty.org/fr/library/info/MDE18/001/2013/en>.
- 8 Recommendation No. 80.29.
- 9 More information available at: ALEF, ALEF's Commentary on the ISF Code of Conduct, January 2012, <http://alefliban.org/sites/default/files/ALEF%20-%20Commentary%20on%20ISF%20CoC.pdf>
- 10 Recommendation No. 80.36 and 80.38 request Lebanon to submit its initial report to CAT.
- 11 Restart Center is currently working on the implementation of a forensic unit in Tripoli Palace of Justice, to guarantee physical and psychological examination for all arrested persons during the interrogation period when torture is more practiced.
- 12 Source : <http://english.caritasmigrant.org.lb/our-action/projects/migrants-inside-the-detention-center/>
- 13 Psychiatric consultations and psycho-medications are provided in Tripoli prison by Restart Center.



TRANSITIONAL JUSTICE

- International Center for Transitional Justice – Lebanon
- Act for the Disappeared
- ALEF – Act for Human Rights(ALEF)
- Alkarama for Researches and Studies
- AMEL Association
- Association of Former Political Detainees in Syrian Prisons
- Centre for Lebanese Studies
- Committee of Families of the Kidnapped and Disappeared in Lebanon
- Development for People and Nature Association
- Human Rights Centre – Beirut Arab University
- ABAAD-Resource Center for Gender Equality
- Lebanese Center for Civic Education
- Lebanese Foundation for Permanent Civil Peace
- Palestinian Human Rights Organization
- Permanent Peace Movement
- The Forum for Development, Culture and Dialogue
- The Sustainable Democracy Center
- Volunteers Without Borders

A. BACKGROUND AND FRAMEWORK

1. The 1975–1990 war in Lebanon, and subsequent cycles of political violence, have affected the population in multiple ways². The harm suffered by many groups of victims has not been acknowledged or addressed in a meaningful or comprehensive way, which perpetuates the suffering of victims and undermines the subsequent enjoyment of other basic rights by the victims and their families. This ongoing state of injustice not only encroaches on victims' right to a remedy, but also aggravates existing tensions and instability in the country.
2. In Lebanon, the only official initiative conducted to establish what happened after 1975 was a government report released in 1992 that estimated the number of victims of the war³. Without a more effective and comprehensive truth-seeking process, reparation efforts have lacked the quantitative and qualitative understanding necessary to design comprehensive and meaningful reparation programs; school students have been left without an updated history curriculum and an ability to engage in critical thinking about the existing multiple narratives; and the recruitment and mobilization capacity of fighters remains high in an environment of enduring inter-communal resentments and fears.
3. There has also been a lack of accountability in Lebanon for those who committed violations of international human rights and humanitarian law and other international crimes. One of the most devastating consequences of the 1991 amnesty law has been the perpetuation of a culture of impunity permeating all aspects of life in Lebanon⁴. The absence of accountability for gross violations and the selective approach to criminal justice – often prompted by political power-sharing agreements – has left victims bereft of their right to justice. These rights are set out in the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity⁵, and the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law⁶. Failure to hold perpetrators accountable, to establish and enforce the rule of law, and to adequately acknowledge and compensate the suffering of victims has eradicated civic trust in state institutions.
4. Every person who suffers harm through the perpetration of a criminal act is entitled to have access to justice and an appropriate remedy⁷. The right to reparation of victims of gross violations of international human rights law and serious

violations of international humanitarian law is set out in more detail in several United Nations Conventions and provisions developed by other international bodies⁸. Thus, the Lebanese state has a duty to ensure that all such violations are brought to an end and that all victims receive reparations that are commensurate to the harm they suffered. As a first step, this includes acknowledgement that victims have been wronged and, therefore, entitled to redress. Secondly, the state must ensure that victims are afforded redress to the fullest extent possible. It is important that victims participate in the process to determine which measures are the most appropriate, thus ensuring state compliance with its obligations.

5. An effective and comprehensive search for the truth and implementation of meaningful memorialization measures may support the healing process on the individual and societal level and lay the foundations to prevent recurrence of future conflict. Increasing knowledge about past abuses and their underlying causes is, therefore, an important step towards reconciliation, on the journey towards overall sustainable peace⁹.

RIGHT TO TRUTH

6. It is imperative for the Lebanese State to take measures to acknowledge the harm suffered by victims and work closely with those affected in order to remedy the situation.

i. Clarify the Fate of the Missing and Forcibly Disappeared

7. In 1992, the government estimated that 17,415 persons went missing or were disappeared between 1975 and 1990¹⁰. Ever since, relatives of missing or disappeared persons have demanded the reinforcement of their right to know the fate of their loved ones. This has been their main demand ever since the armed conflict in Lebanon broke out in the mid-1970s. These enforced disappearances have furthermore generated a host of administrative, legal, and psychosocial issues that victims continue to face to this day. A different, but related, issue is the lack of legal recognition of a missing or disappeared person's status. The only option provided to families is to have their relative declared deceased for the purposes of settling any pending legal, financial, or administrative issues. Many of the disappeared were the male "breadwinner" of the household. Women, thus, face particular hardships as they assume the role of family leader in a deeply patriarchal society. This additional burden must be acknowledged and adequate support and reparations should be provided¹¹.

8. Two official fact-finding commissions, in 2000 and 2001, yielded no meaningful results to the families. The Lebanese state has thus more recently acknowledged that the issue remains pending. Former President Michel Suleiman, for example, in his 2008 Inaugural Oath address, stated: "we should dedicate ourselves wholeheartedly to the mission of freeing the prisoners and the detainees as well as revealing the destiny of the missing persons in addition to recovering our sons who sought refuge in Israel, for the homeland embraces all of its sons."¹²
9. Families demand their right to the truth, including the right to an effective investigation, verification of facts, and public disclosure of what happened. These demands were laid out in a joint memo of 17 Civil Society Organizations that was presented to the President of the Republic on June 5, 2008. Among other things, the memo requested the ratification of various UN Conventions and reform of the Lebanese Penal Code.
10. Finally, on March 4, 2014, Lebanon's State Council issued a ruling that declared that relatives of missing people have the right to truth concerning the fate of their family members¹³. Furthermore, as a good faith gesture, the government handed the families a copy of the government's investigation file in September 2014.
11. On April 16, 2014, two Members of Parliament presented to the Parliament a Draft Law for Missing Persons and Forcibly Disappeared developed by Civil Society Organizations, including the family committees, that seeks to establish the legal, administrative, and institutional framework necessary to engage in a truth-seeking process that conforms with international norms and best practices.¹⁴

Recommendations:

12. **Adopt the Draft Law for Missing and Forcibly Disappeared Persons by the Parliament which was submitted on April 16, 2014¹⁵.**
13. **Clarify the fate of Lebanese Citizens Detained in Syria and other foreign states and non-state actors.**
14. **Provide a "Missing Person Certificate" which would create a clear and recognized status for the missing or disappeared that applies to the personal, property, and family relations of the disappeared and allow the nearest family member to take decisions involving its application.**
15. **Ratify the International Convention for the Protection of all Persons from Enforced Disappearance¹⁶.**

ii. Truth-Seeking Measures

16. The Lebanese State should establish an independent commission to conduct comprehensive investigations into gross human rights violations and violations of International Humanitarian Law committed from the beginning of the war in 1975 until the present. This search for the truth should be conducted in close consultation with relevant stakeholders.
17. Furthermore, a balanced reflection on Lebanon's recent past should be promoted at all levels of education. The curricula should include the period of recurrent armed conflicts, paying special attention to an inclusive telling of this complex past in a way that is appropriate to the different age groups. The Ministry of Education is encouraged to cooperate with other state or non-governmental institutions to ensure a balanced reflection of diverse experiences in classes such as history, literature, and civic education. Curricula should emphasize reflection, tolerance to different viewpoints, and constructive dialogue. Teachers should be trained in specific methodologies to effectively foster a culture of openness and understanding.

Recommendations:

18. **Establish an independent commission to conduct comprehensive investigations into gross human rights violations of International Humanitarian Law committed from the beginning of the war until the present.**
19. **Amend and update school curricula, for both state and private schools to convey an accurate and impartial narrative of Lebanon's recent history.**

iii. Memorialization

20. The Lebanese State should facilitate the creation of a national memorial to commemorate the victims of Lebanon's multiple conflicts. This memorial should be a space of remembrance and societal acknowledgment for Lebanon's current and future generations. In addition, the memorial could house a center of studies as well as an archive. Local authorities, such as municipalities, initiate a consultative dialogue with the respective communities to re-name public spaces that are named after political and military leaders who were involved in Lebanon's conflicts or incidents of serious violations. This dialogue should also provide the opportunity to suggest other forms of memorialization.

Recommendations:

21. **Facilitate the creation of a national memorial to commemorate all victims of Lebanon's multiple conflicts.**
22. **Rename public spaces and build local memorials that are named after political and military leaders who were involved in Lebanon's conflicts or incidents of serious violations.**

Right to Justice

23. There is in Lebanon an urgent need to establish a strong and unambiguous legal framework for effective investigation and prosecution of the most serious crimes. To be effective, this framework should be based on relevant international norms and standards, and it should be equipped with the necessary safeguards to ensure independence, impartiality and competence as well as the participation of victims.

i. Reinforce the Legal Framework for Criminal Justice and Accountability

24. The Lebanese state should ratify the Rome Statute of the International Criminal Court¹⁷. This will enable perpetrators of genocide, crimes against humanity, and war crimes to be held accountable in future, with consequent deterrent effect. It also sends a strong signal to the Lebanese people that state authorities are committed to accountability and justice.
25. It is recommended that certain rights already recognized by Lebanon through ratification or signature of various human rights treaties be explicitly inscribed in the Constitution. This includes the right to truth and the right to reparation.

26. Furthermore, relevant legislative texts should be amended to bring them into conformity with applicable international law. This will bring much-needed clarity and thus reinforce the rule of law.

Recommendations:

27. **Ratify further key UN Conventions and reform the Lebanese Penal Code.**
28. **Ratify the Rome Statute of the International Criminal Court.**
29. **Incorporate provisions of relevant treaties into the Domestic Legal framework to ensure that it defines and punishes international crimes, namely Genocide, Crimes against Humanity, and War Crimes¹⁸.**
30. **Ratify the Draft Law on the Criminalization of Torture¹⁹, which was submitted in December 2012, and the Draft Law on the Establishment of a National Human Rights Institution Comprising the National Preventive Mechanism²⁰, which was submitted in November 2011.**
31. **Amend Clause 9 of Article 53 of the Lebanese Constitution to introduce a statement that prohibits the granting of any general or individual amnesty related to Genocide, War Crimes, and Crimes against Humanity.**

ii. Ensure the Right to Justice of Victims of International Crimes and Serious Human Rights Violations

32. The Lebanese State has a duty, under international law, to investigate and punish the most serious crimes. Several widely ratified international human rights law treaties, including some signed, ratified, or acceded to by Lebanon explicitly require state parties to ensure punishment of specific offences, either by instituting criminal proceedings against suspected perpetrators in domestic courts or sending suspects to another appropriate jurisdiction for prosecution. Lebanon also has the obligation to prosecute war crimes²¹, whether committed during international²² or non-international armed conflicts²³. In addition to specific treaty obligations, states are required to prosecute Crimes against Humanity under customary international law²⁴.
33. The Lebanese State should affirm their commitment to criminal accountability, develop a prosecutorial strategy, and entrust specialized units of the judiciary to investigate and prosecute those crimes prioritized by the strategy. Given the complexity and sensitivity of this endeavor, all necessary measures must be taken to respect due process standards and to allow meaningful and safe participation of victims and witnesses in proceedings.

Recommendations:

34. **Develop a prosecutorial strategy, and entrust specialized units of the judiciary to investigate and prosecute those crimes prioritized by the strategy.**
35. **Establish specialized units within the Lebanese judiciary to investigate and prosecute the most serious crimes.**
36. **Undertake a preliminary needs assessment and devise an associated training program for ensuring that staff has the capacity to investigate and prosecute these complex crimes.**

Right to Reparation

37. It is imperative for the Lebanese State to acknowledge the harm suffered by victims of conflicts and to let this acknowledgement result in adequate and sustainable remedies that promote the process of healing and redress.

i. Reparations and Addressing the Needs of Relatives of Victims of Political Violence

38. The families' right to reparation should be recognized, whether or not the full truth is known. It should take into account that the enforced disappearance of a family member causes not only psychological harm to the relatives²⁵, but also usually entails a variety of social, legal, and economic problems that can affect future generations²⁶. The Council of Ministers should issue an executive decree outlining reparation mechanisms for relatives of missing and disappeared persons. It should be based on the proposal that is supposed to be prepared by the Institute for Missing and Disappeared Persons. The decree should also take into account the particular hardship often projected on women. Reparations may include, but are not limited to:

1. Financial support to the relatives of missing or disappeared persons in accordance with their needs and the harm suffered.
2. Establishing an appropriate mechanism to provide medical and psychological care for the families of the missing;
3. Access to livelihoods and education for families; and
4. Eliminating administrative barriers for asset transfer of any funds or moveable and immovable property that were blocked as a result of the enforced disappearance.

39. Furthermore, the situation of children of non-Lebanese fathers requires attention, and measures should be taken to guarantee their right to work and remain in the country without having to continually

renew visas.

Recommendations:

40. **Issue an executive decree outlining reparation mechanisms for relatives of missing and disappeared persons.**
41. **Recognize the right to reparation to all victims of political violence, and their families, regardless if they are disabled, injured or killed.**

ii. Addressing the Needs of Victims of Arbitrary Detention and Torture, including in Syria and Israel.

42. During the different phases of conflict, both Lebanese and foreign actors engaged in the arbitrary detention of thousands of Lebanese and non-Lebanese residents inside Lebanon and in Israel and Syria²⁷. Although the experiences recounted by former detainees vary, most speak consistently about torture and ill-treatment and the absence of due process, making their deprivation of liberty arbitrary. In addition, many were detained without access to the outside world for lengthy periods of time, sometimes decades²⁸. This further deepened the trauma and hardship for the victims and their families. When released and returned to their families, many continued to face an uphill battle for acknowledgment and for financial, administrative, legal, and psychosocial support²⁹.

43. In terms of remedies and reparations, the Parliament passed Law 364 on Compensations or Pensions for Detainees Released from Israeli Prisons in 2000.³⁰ The law mandated the Ministry of Finance to distribute compensation to Lebanese detainees released from Israeli prisons. The beneficiaries have expressed several reservations about the program and its implementation, while victims of incommunicado detention in Syrian prisons or at the hands of Lebanese state and non-state actors continue to call on the Lebanese State to provide for adequate remedies, and develop and implement reparation programs to meet their needs³¹. Similarly, programs addressing the needs of victims of torture, including official acknowledgement of their particular plight, do not exist.

44. With regard to redress that should be afforded to victims of torture, Lebanon's obligations are clearly outlined in Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³² and the Committee against Torture's General Comment No. 3.³³ Being a party to the Convention since 2000, Lebanon has committed to respect, ensure the respect of, and implement the treaty.

Recommendations:

45. **Afford prompt and effective remedy to victims of arbitrary detention and torture by bringing the respective violations to an immediate end.**
46. **Develop a comprehensive national strategy for the rehabilitation of victims of torture and arbitrary detention through a consultative and inclusive process so as to ensure that their specific legal, administrative, material and psycho-social needs are met.**
47. **Ensure and facilitate the access of victims of arbitrary detention to a judicial procedure that will allow them to seek clearance of their records.**

iii. Addressing the needs of the displaced

48. The situation in Lebanon typifies the intrinsic links between displacement, massive human rights violations, and serious breaches of international humanitarian law. First, serious and widespread violations, such as mass killings, arbitrary arrests, torture, and rape, often caused displacement, while some violations, like the destruction of homes and property, were aimed at undercutting the possibility of return. Second, forced displacement was often a deliberate strategy adopted by parties to a conflict and can in itself constitute a war crime or a crime against humanity. Third, displacement left its victims—including sectors of society that had already been in need of particular protection, such as women, children, or refugees—vulnerable to other human rights violations and later contributed to social exclusion or economic disadvantage. It is estimated that as a result, more than 800,000 persons (one third of the population) were displaced during the 1975–1990 conflict, temporarily and permanently, and that another third of the population left the country permanently³⁴.
49. The Lebanese State has previously instituted reparation plans for persons affected, mostly focused on compensation and restitution. For victims of forced displacement, the Ta'if Agreement recognized “the right of every Lebanese evicted since 1975 to return to the place from which he was evicted.”³⁵ The Ministry of the Displaced was created as well as the Central Fund for the Displaced, and other state institutions have been involved in reparation programs. A host of concerns have been raised by stakeholders, however, including mismanagement, corruption, selectivity (which contributes to inter-communal tensions), and not least, the fact that “No distinction was made between victims and aggressors.”³⁶
50. Resolving issues related to displacement in a sustainable manner, therefore, requires addressing not only past human rights abuses, but also mismanagement of the process and current

vulnerabilities. It is particularly important to address these concerns, as a lack of socioeconomic opportunities due to ongoing political violence is often prone to be perceived as a profound injustice. This can then fuel tensions within and among Lebanon’s diverse communities³⁷.

Recommendations:

51. **Facilitate a comprehensive mapping of all incidents where families and communities have been forcibly dislocated, starting from 1975, and analyzing their current situation.**

iv. Addressing the Needs of the Disabled

52. Estimates vary concerning the number of persons who were physically disabled as a result of war and subsequent political violence. In March 1992, the Lebanese government released an estimate based on police reports of 197,506 wounded persons as a result of the war, including 13,455 with permanent disabilities. Subsequent research based on several primary sources estimated that 86.1 percent of the wounded were civilians, with 9,627 persons permanently disabled³⁸.
53. As a result of civil society pressure, the government created the National Council on Disability, and Parliament adopted Law 220/2000. However, the Lebanese State has failed to fully implement the provisions of that law, notably provisions relating to health, education, electoral, training, and labor placement services.

Recommendations:

54. Implement Law 220 pertaining to the national Council on Disability
55. Ratify the Convention on the rights of Persons with Disabilities which was signed in 2007, and ensure the effective implementation of the international treaty through the adoption of domestic laws and related reforms.

Guarantees of Non-Recurrence

56. Institutional reform is a key component of the range of mutually reinforcing measures employed to curb impunity, reinforce the rule of law, rebuild the Lebanese society’s trust in their authorities, and sustainably prevent the recurrence of abuse and conflict.

i. Judicial Reform

57. There are structural shortcomings in Lebanon’s judiciary that are a significant impediment in the fight against impunity. The structural laws that currently undermine the judiciary’s independence

stem from the lack of financial, administrative, and institutional autonomy of the judiciary bodies vis-à-vis the Executive. For example, it is the Executive that determines the budget of the judiciary, as it falls within the Ministry of Justice’s budget. The Supreme Judicial Council, which acquired monitoring functions, shares with the Ministry of Justice its authority in promoting and transferring judges. However, the Executive appoints most of the Supreme Judicial Council’s members. No provision related to appointment and discipline is contained in the Constitution³⁹. In addition, the transfer system and professional development of judges is shared between the Supreme Judicial Council and the Executive. Not governed by any set criteria, it is used to apply pressure on judges or as a means of retribution for politically unpopular decisions.

58. Extensive civil society research in recent years has also identified shortcomings in guaranteeing fair trial norms and standards, and outlined some possible solutions. Particular problems include inadequate legal counsel, admission of evidence that may have been extracted under torture, lengthy pretrial detention, and lack of alternatives to indefinite detention of foreigners whose residency situation is in conflict with the applicable law.
59. Besides the judiciary’s shortcomings in terms of independence and due process, the issue of Lebanon’s different specialized courts with their extensive competencies warrants attention. Often, these specialized courts have served to sidetrack justice, eroding the reputation and effectiveness of the Lebanese judiciary as a whole.”⁴⁰
60. It is worth recognizing the current efforts to strengthen the independence of the judiciary and its effectiveness, as well as a number of decisions passed recently that represent stepping stones towards establishing a culture of accountability. Yet, in view of consolidating these efforts, the following measures are hereby recommended to strengthen Lebanon’s judiciary.
61. The Lebanese state should take measures so that the judiciary enjoys administrative and financial autonomy.⁴¹ The reform will require the adoption of a new law regulating the judiciary, which would safeguard the independence of judges and ensure their immunity, immovability, and remunerable independence, allowing them to maintain their independence in the face of political meddling.⁴² The judiciary should determine their own budgets and the expenditure process of the approved budget.⁴³ Judges should be able to enjoy their full right to Freedom of Expression and Freedom of Association within the limits set out in the UN Basic Principles on the Independence of the Judiciary.⁴⁴ In order to ensure this independence, there should be a comprehensive revision of the prerogatives of the Supreme Judicial Council. Necessary constitutional

reforms should be undertaken to enable them to fulfill their mandate with independence and transparency. These measures should also be accompanied by activating the judiciary monitoring bodies.⁴⁵

62. The Military Court must be exclusively mandated to examine disciplinary cases of military personnel. Where there is a civilian party to any military case, it shall be transferred to the relevant judicial or administrative courts. Further, the standards of fairness, independence and impartiality that govern ordinary civilian courts must apply to military courts as well.⁴⁶
63. The Judicial Council, which is mandated to receive cases related to state security, should be reformed;⁴⁷ if reform is not achieved, then it should be abolished.⁴⁸ Indeed, cases are referred to it through a decree from the Council of Ministers, in violation of the principle of separation of powers and judicial independence. Its decisions are final and not subjected to appeal, in violation of the right to review by a higher tribunal.
64. Constitutional Council should have the authority to interpret the Constitution. The High Council for the Prosecution of Presidents and Ministers should be created as stated in the Constitution.
65. Sustained efforts should be made to ensure that all trials strictly adhere to due process standards laid out in international human rights law.⁴⁹ The respect for fair trial norms is a right to which every defendant is entitled and, if violated, the offending State is obliged to provide appropriate remedy. A judicial system that upholds fair trial norms in all their detail will also greatly contribute to the restoration of civic trust.⁵⁰

Recommendations:

66. **Take measures so that the judiciary enjoys administrative and financial autonomy.**
67. **Adopt a new law regulating the judiciary, which would safeguard the independence of judges and ensure their immunity, immovability, and remunerable independence.**
68. **Revise the prerogatives of the Supreme Judicial Council.**
69. **Reform the specialized courts: the Military Court, the Judicial Council⁵¹ and the Constitutional Council.**
70. **Create the High Council for the Prosecution of Presidents and Ministers as stated in the constitution.**
71. **Ensure respect for Fair Trial standards.**

ii. Security Sector Reform

72. The Lebanese security sector comprises the Lebanese Armed Forces (LAF), the Internal Security Forces (ISF), the General Security, and the State Security. The roles of the various actors have evolved over time. Efforts to rebuild a national security sector and to disarm the different militias began after the war, in the early 1990s. This process was, however, thawed by the continued presence of Syria and Israel on Lebanese territory. It was further undermined by a lack of resources and political will⁵².
73. After the departure of Israeli and Syrian forces in 2000 and 2005, respectively, national security and armed forces gradually expanded their capacities and assumed a widely recognized stabilizing role. There are, however, several factors that impede this stabilizing role or otherwise undermine their effectiveness.⁵³
74. Lebanon's various security actors report to different political authorities. This makes the different agencies vulnerable to influence along political lines and accentuates their real or perceived loyalty to sectarian groups, rather than to Lebanese society as a whole. This can undermine their effectiveness, as failure to equally ensure the security and safety of all sections of society leads to alienation or even remilitarization of the part of population that—correctly or not—feels unprotected or discriminated against. This not only has the adverse effect of increasing tension within society as a whole, but also makes the security services a target themselves, undermining their ability to bring stability through their presence. Notably, the way counter-terrorism measures—although undoubtedly necessary—have been implemented has further undermined civic trust in state institutions.
75. Insufficient coordination among the different governmental instances “undermines the formulation of policies and sector-wide planning [and] erodes operational command.”⁵⁴ Without incentives to coordinate the consolidation of the security sector and develop it into a set of services that is able collectively to ensure national security, it remains fragmented and marked by detrimental competition among different services. The lack of coordination also extends to other levels of security, like the investigation of crimes, which affects the quality of that output.
76. Consolidation efforts to improve the capacity of the Lebanese security sector to protect the population are desperately needed. Elements of the four main security factors are notoriously understaffed, under-equipped, and under-trained. Their work is furthermore weakened by corruption. Diligent oversight by, and accountability to, democratically

elected leaders, legislative and judicial bodies, as well as security and law enforcement agencies' commitment to transparency is an essential component of any effort to regain the trust of the Lebanese society. The current multiplicity of security actors and overlap in their competencies leads to inefficiencies. Multiplicity of authorities to which they report further complicates the coordination among them. The use of force should be limited to the Lebanese State exclusively across all Lebanese territories.⁵⁵ In addition, a comprehensive Disarmament, Demobilization, and Reintegration (DDR) program based on international best practices and standards should be adopted for all militias and armed factions affiliated to parties and groups in Lebanon as an essential step towards establishing the Lebanese State's monopoly over the use of force. A vetting program should ensure the integration of former members of armed groups who meet criteria established under law into the security sector.

Recommendations:

- 77. Assure civilian oversight, external accountability, and transparency**
- 78. Create a comprehensive national security strategy in order to strengthen the Lebanese security forces to enable them to fulfill their mandate taking into account the different needs and roles of all the security actors.**
- 79. Integrate programs aiming at creating awareness and knowledge about human rights into initial and ongoing trainings of security and law enforcement actors.**
- 80. Limit the use of force across all Lebanese territories exclusively to the Lebanese state.**
- 81. Adopt a comprehensive disarmament, demobilization, and reintegration program for all militias and armed factions affiliated to parties and groups in Lebanon.**
- 82. Implement a comprehensive vetting program to ensure that former members of armed groups who meet criteria established under law are integrated into the security sector.**

iii. Working Towards National Reconciliation and Stability

83. The Ta'if Agreement⁵⁶ set the foundation for amendments to the Constitution in 1991 and cited the necessity of a gradual plan for political and institutional reform in the aftermath of the war. The

reforms, notably administrative decentralization⁵⁷, the abolition of political sectarianism⁵⁸, and the creation of an electoral law founded on a nonsectarian basis and with a Senate that ensured representation of all religious communities⁵⁹ were implemented selectively. The shortcoming of reforms contributed to the enduring cycle of violence and the lack of rule of law.

84. Stability in Lebanon is threatened by a myriad of factors, including the marginalization of, and limited governmental authority over, certain areas, particularly Palestinian, Syrian, and other camps, and disadvantaged suburbs of the larger cities and remote areas. Policies that discriminate against the inhabitants of these areas, and other citizens, based on their belonging, gender, age, or legal status constitute a threat to national stability and civil peace, and further undermine trust in state institutions. This situation requires rapid redress⁶⁰. The preamble of the Lebanese Constitution stresses the country's membership in the League of Arab States and the United Nations, and the adherence to the respective organizations' covenants, as well as the Universal Declaration of Human Rights. These texts, along with the Constitution itself, stipulate the “equality of rights and duties among all citizens without discrimination.”⁶¹ However, gaps remain with regard to the equal promotion and protection of rights of all parts of Lebanon's society in law and practice.
85. This concerns, in particular, women – including their possibility to pass on Lebanese citizenship to their children regardless of the father's nationality – and foreign nationals, i.e. migrant workers, refugees, or the stateless. Measures to ensure equal rights for all, such as legislative changes, effective policies and adherence to relevant international instruments should be taken.
86. It is relatively widely accepted that the presence of a large number of Palestinian refugees has contributed to the rising tension in the run-up to the outbreak of violence in 1975. Their continued economic marginalization and the discrimination against them, which is enshrined in the Lebanese legislation, make the Palestinian community vulnerable to exploitation and extremism. Furthermore, the massive influx of Syrian refugees since 2011 puts a strain on the Lebanese infrastructure and economy, further destabilizing the fragile political balance the country has maintained since 1991. Some areas continued to be affected by the outbreak of violence to this day. This fragile situation is believed to be due, in part, to unequal access to State infrastructure, including health services and education, which cements existing inequalities and transforms them into structural disadvantages. This, in turn, gives rise to grievances that then facilitates mobilization of the affected population for violent activities outside the State's framework. This concerns above all

disadvantaged suburbs of the larger cities, remote areas, as well as camps and refugee settlements. Their residents are socially marginalized and stripped of their economic, social and cultural rights, which turns these areas into breeding ground for social and security unrest at any time⁶².

87. Only some of the constitutional reforms set out in the Lebanese Constitution and the Ta'if agreement were implemented, while others stalled for various reasons. The way to move forward is through a multi-level national dialogue that seeks to implement those reforms and to suggest others with the aim of developing the political system and promoting transitional justice, democracy, human rights, and the elimination of all forms of discrimination against people in Lebanon.

Recommendations:

- 88. Take immediate steps to improve the status and situation of refugees in the country.**
- 89. Ratify the 1951 Convention relating to the Status of Refugees as well as the Convention's 1967 Protocol and to clarify the State's obligations as well as the refugees' rights.**
- 90. Fully implement the Labor Law No. 129 and the Law on Social Security No. 128 and their amendments of 2010 and extend their application to all refugees.**
- 91. Adopt a legal text to define and determine who is a Palestinian refugee as well as who is entitled to refugee status in Lebanon.**⁶³
- 92. Adopt a comprehensive and consistent policy to address the crisis of Syrian refugees.**
- 93. Devise plans for sustainable development in areas most affected by recurrent conflicts and prone to instability based on transparent criteria established in comprehensive and inclusive consultations.**
- 94. Call for a multi-level national dialogue that seeks to implement the constitutional reforms and to suggest others.**

NOTES

1 The consortium of Lebanese civil society organizations, 21 CSOs and 10 academics (check Annex), developed recommendations during the course of 2014 with the support of the International Center for Transitional Justice, in partnership with the European Union and Friedrich Ebert Stiftung, and launched in October 2014 under the title: "Confronting the Legacy of Political Violence in Lebanon: An Agenda for Change". Check links: English: <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Recommendations-2014-ENG.pdf> Arabic: <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Recommendations-2014-AR.pdf>

2 See, generally, ICTJ, "Lebanon's Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law in Lebanon, 1975-2008" (2013), https://www.ictj.org/sites/default/files/ICTJ-Report-Lebanon-Mapping-2013-EN_0.pdf

3 ICTJ, "Lebanon's Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law in Lebanon, 1975-2008" (2013), http://ictj.org/sites/default/files/ICTJ-Report-Lebanon-Mapping-2013-EN_0.pdf

4 ICTJ, "Failing to Deal with the Past: What Cost to Lebanon?" (2014), <http://ictj.org/sites/default/files/ICTJ-Lebanon-Impunity-Report-2014.pdf>

5 UN Commission on Human Rights, Updated Set of principles for the protection and promotion of human rights through action to combat impunity, Feb. 8, 2005 (E/CN.4/2005/102/Add.1), in particular, Principles 2 and 19.

6 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly A/RES/60/147, Dec. 20, 2005), art. 18.

7 UN General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Nov. 29, 1985 (A/RES/40/34).

8 See, for example, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1465 U.N.T.S. 85, Dec. 10, 1984, entered into force June 26, 1987), art. 14; UN Committee against Torture, General Comment No. 3: Implementation of article 14 by States parties, Nov. 19, 2012 (CAT/C/GC/3), para. 6; International Convention for the Protection of All Persons from Enforced Disappearance (General Assembly A/RES/61/177, UN Doc A/61/448, Dec. 20, 2006, entered into force Dec. 23, 2010), preamble, art. 24; Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277, Dec. 9, 1948, entered into force Jan. 12, 1951), art. 6; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN General Assembly A/RES/60/147, Dec. 20, 2005), art. 18.

9 This is supported by a 2014 ICTJ report, "How People Talk About the Lebanon Wars: A Study of the Perceptions and Expectations of Residents in Greater Beirut," which found that "younger participants regarded broad-based historical clarification as fundamental to moving beyond partisan historical accounts." Further, victims who were directly affected by violence "emphasize the importance of confronting the past to bring closure to the pain and suffering experienced, and to help unite Lebanese society through creating a shared

understanding of the past."

10 See Lebanese Center for Human Rights, "Report: Lebanon Enforced Disappearances and Incommunicado Detentions" (2008), 11.

11 Christalla Yakinthou and ICTJ, "Dancing with the Shadows of its Past: The Impact of Disappearance on the Wives of Lebanon's Missing" (forthcoming).

12 Michel Suleiman, "Inaugural Oath Address" (2008), www.presidency.gov.lb/English/President/Pages/Inaugural-speech.aspx. The issue of the disappeared was also mentioned in Ministerial statements of three successive cabinets: 1) under Prime Minister Najib Mikati (2011-2014), see: "Full text of the Lebanese Cabinet's ministerial statement," *The Daily Star*, Jul. 2, 2011, www.dailystar.com.lb/News/Lebanon-News/2011/Jul-02/142600-full-text-of-the-lebanese-cabinets-ministerial-statement.ashx#ixzz3BUF6MhLt (English)

13 See "Lebanon's Disappeared: Ruling Consecrates Rights to the Truth," *The Legal Agenda*, Apr. 3, 2014, http://english.legal-agenda.com/document.php?id=5&folder=documents&lang=en#.U_7oMpXlpjo (English).

14 See, generally, ICTJ, "Law for Missing & Forcibly Disappeared Persons" (2012), www.actforthevanished.com/assets/documents/Draft-Law-Eng.pdf (English).

15 Text of the Draft Law (in English) is available in: ICTJ, "Law for Missing & Forcibly Disappeared Persons" (2012), 9-23, www.actforthevanished.com/assets/documents/Draft-Law-Eng.pdf

16 International Convention for the Protection of All Persons from Enforced Disappearance (General Assembly A/RES/61/177, Doc A/61/448, Dec. 20, 2006, entered into force Dec. 23, 2010).

17 Rome Statute of the International Criminal Court (2187 U.N.T.S. 90, Jul. 17, 1998, entered into force Jul. 1 2002).

18 It would be preferable that the definition of these crimes and its elements follow the terms of the Rome Statute. Note that there is no uniform position on the retroactive application of international crimes. See International Covenant on Civil and Political Rights (999 U.N.T.S. 171, Dec. 16, 1966, entered into force Mar. 23, 1976). Lebanon is a party to this Covenant, and at art. 15 it holds that: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed . . . [However] Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations." See, also, European Convention on Human Rights (Nov. 4, 1950, entered into force Sept. 3, 1953), art. 7, which replicates the same provision. The European Court of Human Rights has repeatedly held that this article does not prevent the retroactive application of provisions to prosecute serious crimes under international law, even if at the time they were committed they were not codified under domestic law.

19 See World Organization Against Torture, "Lebanon has to criminalize torture! A Call to the Lebanese Deputies!" (2013), <http://www.omct.org/human-rights-defenders/statements/lebanon/2013/12/d22480> (English); Draft Law on the Criminalization of Torture (2012), www.ghassanmoukheiber.com/uploads/0000000598.pdf (Arabic)

20 See Association for the Prevention of Torture,

"Lebanon - NPM Designation" (2013), http://www.apt.ch/en/opcat_pages/npm-designation-33 (English); Draft Law on the Establishment of a National Human Rights Institution Comprising the National Preventive Mechanism (2011), www.ghassanmoukheiber.com/showArticles.aspx?aid=488 (Arabic)

21 Under the widely ratified Geneva Conventions of 1949 and their 1977 Protocols. Lebanon is a party to all four Geneva Conventions and several Additional Protocols.

22 All four Geneva Conventions, when dealing with international armed conflict, identify certain violations as grave breaches. Geneva Convention I (1949), art. 49; Geneva Convention II (1949), art. 50; Geneva Convention III (1949), art. 129; and Geneva Convention IV (1949), art. 146 specify that: High Contracting Parties are required to "enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches" identified in the treaty. Additionally, each High Contracting Party is "under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case." The ICRC provides a list of what crimes constitute war crimes under customary law; see International Committee of the Red Cross, "Rule 156: Definition of War Crimes", www.icrc.org/customary-ihl/eng/docs/v1_rul_rule156

23 The ICRC states that, in non-international armed conflicts, the violations specified in Common Article 3 of the Geneva Conventions of 1949 and other offences also constitute war crimes. See International Committee of the Red Cross, "Rule 156: Definition of War Crimes," www.icrc.org/customary-ihl/eng/docs/v1_rul_rule156

24 See M. Cherif Bassouni, "Crimes Against Humanity," *Crimes of War*, www.crimesofwar.org/a-z-guide/crimes-against-humanity. Additionally, the UN General Assembly has passed multiple resolutions urging for the prosecution of perpetrators of crimes against humanity UN UN . The Extraordinary Chambers in the Courts of Cambodia recently noted that crimes against humanity do constitute customary law: Prosecutor v. Nuon and Khieu, Case No. 002/01 (2014), Judgement, para. 176, www.eccc.gov.kh/en/document/court/case-00201-judgement.

25 See UN Human Rights Committee, Aboussedra v. Libyan Arab Jamahiriya, Communication No.1751/2008, 2010 (CCPR/C/100/D/1751/2008, Oct. 25, 2010), para. 7.5.

26 Christalla Yakinthou and ICTJ, "Dancing with the Shadows of its Past: The Impact of Disappearance on the Wives of Lebanon's Missing" (forthcoming).

27 ICTJ, "Lebanon's Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law in Lebanon, 1975-2008" (2013), 109-110, http://ictj.org/sites/default/files/ICTJ-Report-Lebanon-Mapping-2013-EN_0.pdf

28 Even now, without the established presence of foreign occupying states in Lebanon and without open armed conflict, the issue of arbitrary detention continues. Due to misconduct by intelligence, security, and armed forces, as well as systemic shortcomings of the judiciary, detainees are held in pretrial detention for excessive periods of time and are at risk of being imprisoned based on evidence extracted under torture. Many are held without legal basis altogether, particularly migrant workers and refugees. Another category

of persons who are at risk of arbitrary detention and torture are those held for suspected affiliation with terrorist groups.

29 The situation of some of those who were prosecuted and jailed in Syria is particularly complicated. The Syrian authorities, by virtue of their presence in Lebanon at the time, ensured that these people were retried on their return to Lebanon and again found guilty. Their imprisonment was not only prolonged by several months or years, but they now also have a permanent criminal record in Lebanon stemming from an often grossly-unfair trial.

30 Law 364 on Compensations or Pensions for Detainees Released from Israeli Prisons in 2000, see: www.lp.gov.lb/Temp/Files/7367e5fe-52e1-4199-b497-aef0634d6df.doc

31 ICTJ, "Failing to Deal with the Past: What Cost to Lebanon?" (2014), 23, <http://ictj.org/sites/default/files/ICTJ-Lebanon-Impunity-Report-2014.pdf>

32 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1465 U.N.T.S. 85, Dec. 10, 1984, entered into force June 26, 1987), art. 14.

33 UN Committee against Torture, General Comment No. 3: Implementation of article 14 by States parties, Nov. 19, 2012 (CAT/C/GC/3), para. 6.

34 ICTJ, "Lebanon's Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law in Lebanon, 1975-2008" (2013), 70, http://ictj.org/sites/default/files/ICTJ-Report-Lebanon-Mapping-2013-EN_0.pdf

35 Ta'if Agreement (1989), Second part (D), [www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20\(English%20Version\)%20.pdf](http://www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20(English%20Version)%20.pdf)

36 ICTJ, "Failing to Deal with the Past: What Cost to Lebanon?" (2014), 21, <http://ictj.org/sites/default/files/ICTJ-Lebanon-Impunity-Report-2014.pdf>

37 See, generally, ICTJ and Brookings-LSE Project on Internal Displacement, "Transitional Justice and Displacement: Challenges and Recommendations" (2012), <http://ictj.org/sites/default/files/ICTJ%20and%20BrookingsLSE%20Transitional%20Justice%20and%20Displacement%20Report.pdf>

38 This figure, however, is believed to be modest because it is based on a narrow definition of "people with physical disabilities" and does not take into account victims since 1990.

39 See Constitution of Lebanon, May 23, 1926 (with amendments). Article 20 is the only provision in the Constitution on judicial authority. The functions of the judiciary and the guarantees to be granted to judges and litigants, as well as the power to appoint, transfer and promote judges, determine their salaries, and settle their administrative affairs, remain subject to the laws submitted by the government and enacted by the legislative power, thus weakening the judiciary.

40 During its last examination of Lebanon in 1997, the Human Rights Committee noted concerns in relation to, for example, "the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians." The committee suggested that "[t]he State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts. UN Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the

Covenant: Concluding observations of the Human Rights Committee (Lebanon), May 5, 1997 (CCPR/C/79/Add.78), para. 14.

41 U.N. Basic Principles on the Independence of the Judiciary.

42 Currently, article 20 of the Lebanese Constitution does not provide for the independence of the judiciary and instead delegates the regulation of the judiciary to an ordinary law.

43 The Arab Center for the Development of the Rule of Law and Integrity, "A Background Paper about the State of the Judiciary in Lebanon", April 2006, at 17, available at: http://www.arabruloflaw.org/Files/PDF/Judiciary/English/P2/Lebanon_BackgroundpaperP2S2_En.pdf.

44 UN Basic Principles on the Independence of the Judiciary, art 8 and 9.

45 Notably, the Supreme Judicial Council and the Judicial Inspection Committee. See <http://www.justice.gov.lb/CP/viewpage.aspx?id=171&language=2> and <http://www.justice.gov.lb/CP/viewpage.aspx?id=203&language=2>.

46 UN Human Rights Committee, General Comment No. 32, para 22.

47 Suggested areas of reform include the appointment process of judges (currently appointed by the Executive branch, in violation of separation of power and judicial independence principles), and issues related to appeals, retrials, trials in absentia, and failure to differentiate between adults and juveniles. See: http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A.HRC.WG.6.9.LBN.2_Lebanon_eng.pdf.

48 For further background, see, for example, <http://www.legal-agenda.com/article.php?id=780&lang=ar>.

49 Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which Lebanon ratified in 1972, provides that "[i]n the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."

50 Particular focus should be put on the right to legal counsel from the time of arrest. Under certain circumstances, this will require the State to provide legal counsel for defendants that cannot afford an attorney's services. So far, the Lebanese bar associations have limited capacities and resources to provide support in this regard, but they are ill-equipped to provide legal counsel to all defendants in need.

51 Suggested areas of reform include the appointment process of judges (currently appointed by the Executive branch, in violation of separation of power and judicial independence principles) and issues related to appeals, retrials, trials in absentia, and failure to differentiate between adults and juveniles. See Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1, Working Group on the Universal Periodic Review, Lebanon, U.N. Doc. A/HRC/WG.6/9/LBN/2(2010), http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A.HRC.WG.6.9.LBN.2_Lebanon_eng.pdf

52 "[i]n allocating security and other administrative offices to their followers, former warlords secured loyalty to themselves instead of to government agencies, linking civil service posts to za'ims (community leaders) and sects." ICTJ, "Failing to Deal with the Past: What Cost to Lebanon," 27.

53 For an analysis of the legal texts that govern

security in Lebanon, see www.lebarmy.gov.lb/ar/news/?36994#.U_2LJZlpxjo. Note, for example, Constitution of Lebanon, May 23, 1926 (with amendments), art. 49, 64, and 65; Ta'if Agreement, Second part, B (Internal Security Forces) and C (Armed Forces), [www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20\(English%20Version\)%20.pdf](http://www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20(English%20Version)%20.pdf); Decree No. 1157 (1991) (Internal Security Forces); Law No. 17 (1990), article 1 (Internal Security Forces); Legislative Decree No. 102 (1983), articles 1 (National Defense) and 7 (paragraph 2) (State Security); Decree No. 3771 (1981) (Army); and Legislative Decree No. 139 (1959), article 1 (General Security).

54 Yezid Sayigh, Carnegie Middle East Center, "Fixing Broken Windows: Security Sector Reform in Palestine, Lebanon and Yemen", October 2009, 8, http://carnegieendowment.org/_les/security_sector_reform.pdf

55 Legislative Decree No. 102 (1983) on National Defense, article 1, states that the objective of the national defense is to strengthen the state capacities, and to develop its ability to resist any attack or any aggression against its territory and to ensure national sovereignty and citizens' safety. [http://www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/The%20Taif%20Agreement%20\(English%20Version\)%20.pdf](http://www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/The%20Taif%20Agreement%20(English%20Version)%20.pdf).

56 See Ta'if Agreement, Second part, [www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20\(English%20Version\)%20.pdf](http://www.un.int/wcm/webdav/site/lebanon/shared/documents/Constitution/_e%20Taif%20Agreement%20(English%20Version)%20.pdf)

57 The Constitution of Lebanon (1926) provides in its preamble, Clause (g), that the "The even development among regions on the educational, social, and economic levels shall be a basic pillar of the unity of the state and the stability of the system."

58 The Constitution of Lebanon (1926) provides in its preamble, Clause (h), that "The abolition of political confessionalism is a basic national goal and shall be achieved according to a gradual plan."

59 The Constitution of Lebanon (1926) provides, in Article 22, that "with the election of the first Parliament on a national, non-confessional basis, a Senate is established in which all the religious communities are represented. Its authority is limited to major national issues."

60 In an ICTJ qualitative study conducted with fifteen focus groups in Greater Beirut, participants across all age and confessional groups complained about religion-based discrimination. This problem has been perpetuated and aggravated by current political, economic, and social institutions. ICTJ, "How People Talk About the Lebanon Wars: A Study of the Perceptions and Expectations of Residents in Greater Beirut," 2014, ii. Participants agreed that political clientelism and sectarianism in different fields fueled constant sectarian tensions and constituted a barrier to overcoming ongoing political violence and addressing the legacy of the war. Affiliation of those providing public services was to political leaders, and not to the nation and its citizenry as a whole. <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-FocusGroup-Report-2014.pdf>

61 Constitution of Lebanon, May 23, 1926 (with amendments), Preamble (C), and Article 7.

62 See Palestinian Human Rights Organization (2012), 9, www.palhumanrights.org/rep/ARB/Palestinian_Refugees_Social_Justice_20120220_ARB.pdf

63 The applicable laws should grant the right to own lands. The status of Palestinians who do not hold ID cards must be regularized.

ELECTIONS

- Civil Campaign for Electoral Reform (CCER)

Elections constitute one of the major pillars of any democracy. To ensure fair representation during the electoral process, it is necessary to ensure the basic political rights of individuals and groups, especially the freedom of expression, political freedom, right to free vote, and periodic elections. In 2008, significant progress was made in electoral reforms in Lebanon through the adoption of the parliamentary electoral law No 25/2008. The Lebanese civil society has played a significant role in introducing the concept of electoral reform to political life, particularly influencing general discussions held about the reform of the parliamentary and municipal electoral law back then. Moreover, civil society organizations were able to put enough pressure to push towards the adoption of a good number of reforms in the parliamentary electoral law of 2008 based on which the elections of 2009 were organized. Many reforms were introduced to the elections' legal framework including holding the elections in one day, organizing electoral media and advertising campaigns, organizing electoral spending, non-resident citizens voting, measures to facilitate voting of people with disabilities and many other procedural reforms.

I. NO PARLIAMENTARY AND PRESIDENTIAL ELECTIONS:

General Context: Since 2013, democracy is critically in decline in Lebanon.

The general periodic elections were supposed to be held in June 2013; however, on May 13, 2013, the Parliament resorted to extending its mandate an additional time of one year and five months. This led to the postponement of the parliamentary elections originally decided in June of the same year. This step was justified by the failure to reach a consensus over a new electoral law, and under the pretext that the security situation does not favor holding the elections. The same step was taken again in 2014. On November 5, 2014, the parliament resorted to extending its mandate again, thus cancelling the parliamentary elections under a law in effect as of November 16, 2014. This is a blatant violation of the Lebanese Constitution, of international covenants and treaties ratified by Lebanon, and of the basic principles of democracy. This led to the cancellation of the whole electoral process, thus violating the right of citizens to choose their representatives, the principle of periodic elections, and the necessity to renew the people's agency given to parliament members.

After the first and second extension, Lebanon entered a critical and dangerous phase of its history as it is without a president of the republic since deputies failed to elect one. On May 24, 2014, at the end of the mandate of the twelfth president of the Lebanon entered in a phase of political and constitutional void of which no one can even foresee a way out, neither predict the time needed to surpass this phase, nor be aware of all its implications.

As the deputies failed to elect the head of state within the constitutional deadline, the inability of the people's representatives to carry on their constitutional duties becomes even clearer. The legitimacy and significance of presidency is derived from elections and their periodicity and from the president performing the role of protector of the constitution, thus jeopardizing this, constitutes a blow to the balance of power between constitutional institutions.

Furthermore, politicians deliberately thwarted the quorum of the Constitutional Council in 2013 to prevent it from examining the appeal against the first extension of mandate.

Lebanese politicians in power are aware of the express and confirmed jurisprudence of the Lebanese Constitutional Council which decided that the right to vote and the principle of periodic elections are constitutional principles that may not be violated. In 2014, they resorted to exerting pressure on the Constitutional Council either directly or through threatening with absolute void in all state institutions. This pushed the Constitutional Council to reject the appeal submitted before it against the legality of the second extension law despite expressing expressly that this law is in blatant violation of the Constitution provisions.

Based on the aforementioned, the Lebanese civil society and the relevant international organizations must exert more pressure on the Lebanese authorities to put a stop to the deterioration affecting the democracy and political rights of citizens. Thus, we subsequently state the major issues that must be focused on in the next stage. These issues are divided into two categories: The first category comprises the issues related to rights, the Constitution, and the plan of action of influential institutions in the electoral process. The second category addresses the electoral law and the proposed reforms.

RESPECTING THE PERIODICITY OF ELECTIONS AND THE RIGHT TO VOTE:

It is now clear that the failure to elect a new president and the non-constitutional second extension of the Parliament's mandate are significantly dangerous indicators of the deterioration of the democratic process in Lebanon and of the loss of the Lebanese people of one of their major political rights which is the right to vote and periodic elections protected by international covenants ratified by Lebanon, particularly the International Covenant on Civil and Political Rights (ICCPR) issued by the United Nations General Assembly on December 16, 1966. Article 25 of ICCPR stipulates that all signatory countries shall guarantee that their citizens have the right to take part in the conduct of public affairs, directly or through freely chosen representatives, and 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. Despite

the fragile security situation in Lebanon and the region, returning to the democratic path and abiding by the law remains the only way to restore security and stability, and to activate accountability mechanisms.

RECOMMENDATIONS:

- **Deadlines stipulated by the Constitution and laws related to the election of the President of the Republic and of the Parliament should be fully respected.**
- **The principle of periodic elections and the right to vote should be respected considering that they are constitutional principles and basic political rights in any democracy in compliance with the standards defined by international covenants.**
- **A clear and express article should be added to the Lebanese Constitution that determines the mandate of the Parliament.**
- **An article prohibiting the discussion of any new electoral law after calling on the electorate should be introduced to the parliamentary electoral law.**
- **An article, stipulating that any amendment to the electoral law made during the year of the elections may not be applied to the current elections but to the subsequent one, should be added to the parliamentary electoral law.**

POLITICAL RIGHTS TO CITIZENS IN LIGHT OF THE POLITICAL AND SECURITY TURMOIL:

The exceptional security situation used as a pretext by political authorities, to justify the first and second extension laws cannot cancel the basic political rights of the citizens. The authorities should protect the political rights of the citizens even under critical security situations to ensure their safety and constitutional and legal deadlines should be respected.

RECOMMENDATIONS:

- **The standards, based upon which circumstances are defined as exceptional, should be determined and defined. The executive power should base their assessments of the situation on clear and transparent reports from the competent security apparatuses so that it is subject to monitoring and assessment of the judicial power and not only based on political estimations.**
- **The standards allow for determining the end of exceptional circumstances should be defined by setting a timeframe that allows for periodic reconsideration to verify whether these circumstances persist or ceased to exist.**
- **A legal and administrative mechanism allowing for the organization of parliamentary election immediately upon the end of exceptional circumstances and not waiting until the end of the extended mandate should be developed.**
- **Determining exceptional circumstances should remain a prerogative of the executive power thus subject to the monitoring of administrative judicial power attributed to the State Council.**

REFORM OF THE LEBANESE CONSTITUTIONAL COUNCIL TO PROTECT ELECTIONS:

The Constitutional Council is an independent

The Constitutional Council is an independent constitutional institution of judicial status. Its mission is to make sure laws and other legal texts are constitutionally sound. It also decides on litigations and appeals arising from presidential and parliamentary elections. Despite that this institution plays a crucial role in ensuring compliance to the constitution, after twenty years of work, in practice the prerogative given to the Constitutional Council are not enough to provoke real change in political life, to manage the operations of constitutional institutions in the framework of the Constitution, or to deter the other powers which do not respect rights, justice, and do not protect human and citizens' rights, from violating the provisions of the Constitution. Despite that the Constitutional Council creation law granted the members of the Council legal guarantees to protect the Council's operations from pressure or influence and thus ensure its neutrality and immunity, attempts to influence and pressure did not cease. All kinds of intimidation methods and threats were used to prevent it from conducting its duty impartially. This significantly affected its reputation, status and integrity, during specific phases of its work.

RECOMMENDATIONS:

- **Expand The Prerogatives Attributed To The Constitutional Council To Play A Deterrent Role Against Authorities Violating The Constitution.**
- **Grant The Council The Prerogative To Interpret The Constitution And Take It From The Parliament Members.**
- **Develop Legal And Administrative Mechanisms To Protect The Council From Political Interferences.**
- **Develop Legal And Administrative Mechanisms To Put An End To The Obstruction To The Work Of The Council.**
- **Grant The President Of The Republic The Right To Appoint Constitutional Council Members, To Fulfill The Role Of President Of The Republic Attributed By The Constitution As Head Of State, Symbol Of The Nation's Unity And Protector Of The Constitution And Laws.**
- **Seek The Mechanisms That Allow For The Submission Of Popular Appeals By The Citizens Before The Constitutional Council And Expand The Scope Of Its Prerogatives.**

II. ELECTORAL LAW REFORM:

The first parliamentary mandate extension was made while the Lebanese civil society was working on introducing reforms to the electoral law and emphasizing the need to elect a president without delay and organize parliamentary elections at their constitutional due dates. But the cancellation of parliamentary elections through the first and second extensions thwarted the process of reforms started in 2008. After long discussions over the importance and need to reform the parliamentary electoral law in Lebanon, Lebanon lost its periodic elections. The first priority of concerned civil society organizations thus became to limit the loss of political rights and work to maintain achievements made over the last years, instead of fighting to obtain additional rights. While civil society organizations still seek to change the electoral laws and maintain periodic elections at the same time, many electoral reforms remain hidden in the drawers of Parliament deputies. One of the major reforms required for the Lebanese parliamentary electoral law is:

ELECTORAL SYSTEM:

According to the current law, Lebanon is divided into 26 electoral districts. These districts are inhomogeneous in terms of size and do not ensure equality among the Lebanese citizens. It is currently based on a majority election system with multiple seats in each district and that does not ensure accurate representation and equality among Lebanese citizens. Consequently, the civil campaign for electoral reform adopted the proportional electoral system and divided Lebanon into medium-size electoral districts.

According to experience, adopting the proportional electoral system encourages the formation of alliances between political parties and groups which limits the level of fanaticism in political discourses, and of personalism in the electoral process. The proportional system also contributes to transforming the elections from a vote for individuals to a vote for ideas and political programs. We noted that the larger the electoral districts are the higher becomes the chance of small group to win seats in the parliament compared to small or single-member districts. Moreover, the proportional system also limits political clientelism.

RECOMMENDATIONS:

- **The proportional electoral system should be adopted.**
- **Districts of at least medium size (around 20 seats) should be adopted so that the proportional system can be effective, as medium-size districts contribute to creating a change dynamic, and could play the role of a transitory phase from small-size districts to later reach a stage where Lebanon becomes one electoral district.**

PARTICIPATION OF WOMEN IN POLITICAL DECISION-MAKING:

The participation of women in political decision-making remains weak despite that Lebanon legally recognized women's political rights in 1953. Women's representation remains unequal and weak, whether in legislative or executive powers, or political parties. This results in the lack of support to women within political parties.

The adopted electoral law (the majority election system) is an additional obstacle facing the establishment of a legal and effective participation while the proportional system encourages participation and ensures a better representation of women.

RECOMMENDATIONS:

- **Lebanon must work to put an end to all kinds of gender discrimination.**
- **Develop programs and plans of action that aim to encourage and ensure women's participation in public affairs.**
- **Based on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Lebanon is under the obligation to adopt a women's quota of 33% in lists of candidates if the proportional system is implemented and keep seats for women in the Parliament in the event that the majority election system is maintained.**
- **Adopting an electoral system that does not deprive women of representation is necessary.**
- **Adopting a quota system for four consecutive electoral cycles as quotas are a positive temporary measure that could be taken to increase women's participation in political life.**

THE INDEPENDENT ELECTORAL COMMISSION (IEC):

To ensure that elections are free, fair and reflect the true will of votes, the fairness of the electoral process is required by making sure that political authorities are impartial and cannot influence the results. Consequently, civil society organizations called for the creating of an independent electoral commission to organize the elections and replace the Ministry of Interior in this task. Despite that the commission, in charge of monitoring electoral campaigns, is mentioned in the law No 25/2008, its prerogatives remain limited. Moreover, it continues to work under the supervision of the Minister of Interior. Its prerogatives were limited to monitoring electoral spending, advertising and media. This is in contradiction with Paragraph 2 of Article 25 of ICCPR which stipulates expressly that the free expression of the will of the electors should be guaranteed.

RECOMMENDATIONS:

- **A completely independent and permanent commission in charge of managing elections is required, and the prerogatives of the Ministry of Interior must be transferred to this commission.**
- **The establishment of a commission to monitor electoral campaigns must be done at most six months prior to the election date, to allow it to perform its mission to the fullest.**

EMIGRANTS VOTING:

Article 104 of the Electoral Law of 2008 stipulated that Lebanese citizens not residing on the Lebanese territory are entitled to vote at the Lebanese embassies and consulates as per the provisions of this law provided that this right is implemented in the 2013 elections. Although this could be considered a step forward in terms of guaranteeing the right of non-resident Lebanese citizens to vote in their country of residence, experience showed that there is a need to identify and examine the reasons that led to the exclusion significant numbers of registered citizens thus depriving them of their right to vote.

RECOMMENDATIONS:

- **The articles relevant to the voting of non-resident citizens should be interpreted to serve the interest and right of voters to practice their electoral right in their country of residence. The narrow interpretations of legal texts which led to denying thousands of Lebanese people their right to participate in the elections in their current countries of residence should be abandoned.**
- **The level of coordination between the Ministry of Foreign Affairs and the Ministry of Interior about the preparations to be made for the non-resident electors should be raised.**
- **The embassies abroad should work on disseminating information about the elections within a reasonable period of time prior to the elections, so that citizens may know all of the technical and logistical details one day before the elections.**
- **Non-resident voting should be automated and modernized to ensure the largest and most effective participation of non-residents, particularly those living in countries where no embassies or consulates are available.**

PARTICIPATION OF YOUTH IN THE POLITICAL PROCESS:

The Lebanese Constitution and electoral law determined the legal age at 21 for voters and 25 for candidates. This is actually a violation of the basic political rights of citizens between 18 and 21 years of age especially that this age group enjoys all of their civic rights and duties but are denied their right to participate in political life through elections. As a result of this reality, the youth distanced themselves from active participation in volunteering work, political life and public affairs. Their current participation is limited to working as representatives of candidates or as observers of the electoral process within associations specialized in observing elections.

RECOMMENDATIONS:

- **The Constitution should be amended to lower the legal voting age from 21 to 18 as per the internationally accepted standards in the UDHR and ICCPR adopted by the vast majority of countries around the world where civic adulthood is the same as political adulthood.**
- **The legal age required to run for elections should be lowered from 25 to 22. This measure could encourage the young elites to seek reaching power as the young citizen would have participated at the age of 18 as a voter and then in subsequent elections as candidate.**

POLITICAL PARTICIPATION OF PEOPLE WITH DISABILITIES:

An Article in the electoral law stipulates that the Ministry of Interior shall take into consideration the needs of people with disabilities when organizing the elections and shall take measures to allow them to exercise their right to vote without any impediments. The law also stipulates that the Ministry shall survey the opinions of people with disabilities associations and services associations stipulated in People with Disabilities Law No 220 issued on May 29, 2000. Based on this law, the Minister of Interior at the time issued nine binding circulars to state departments, local authorities, and presidents of municipalities, to urge them to implement the law and thus to facilitate the voting process, and call on municipalities to ensure the best facilities for that matter. Despite the issuance of these circulars, the rights of large numbers and groups of people with disabilities are still not respected and that leads to their marginalization and exclusion from the electoral process which constitutes a serious violation of their basic political rights protected by local laws and international covenants.

RECOMMENDATIONS:

- **Article 92 of the parliamentary electoral law 25/2008 and Article 83 of the municipal electoral law should be amended to ensure that the right of people with disabilities is fully respected and that they are treated as equals.**
- **All electoral centers must be equipped as required by the relevant scientific studies, based on the minimum requirements stipulated in Section 4 of law 220/2000.**
- **Comprehensive standards should be set to include people with visual impairments, hearing impairments, or mental deficiencies taking into consideration the related requirements.**
- **Use polling stations equipped with the specifications stipulated by law which should allow people with disabilities to independently exercise their right.**

ELECTORAL SPENDING:

Controlling electoral spending is one the main requirements needed to ensure the fairness of elections with regards to candidates having equal opportunities. Moreover it guarantees the right of citizens to choose their representatives freely by preventing any sort of political or financial influence. The electoral law organizes electoral spending without that being enough to completely ensure fairness of elections.

RECOMMENDATIONS:

- **A variable spending limit that reinforces equality in terms of spending among candidates must be set; i.e. setting the limit value according to the size of the districts and number of seats instead of approving a fixed and unified value for all districts.**
- **The parliament and cabinet of ministers should be separated to guarantee the integrity of the ministries' work during electoral campaigns and to make sure that public facilities and state departments are not used for personal interests.**
- **Financial reports of all candidates and lists must be published and made accessible to citizens based on the right of access to information.**
- **The 2009 IEC comments and remarks with regards to controlling spending outside the official budget**

of candidates should be taken into consideration.

- **The variable and fixed spending limits of electoral spending should be reduced.**

ELECTORAL MEDIA AND ADVERTISING:

The electoral law organized the issue of electoral media and advertising by imposing a number of restrictions. These restrictions require from all media outlets to respect the freedom of expression of different opinions and ideological currents in TV talk shows during the election campaign, to ensure fair, balanced and impartial treatment among candidates and lists. Despite the importance of including these clauses in the electoral law, the experience in the 2009 parliamentary elections and 2010 municipal elections showed that media outlets did not abide the legal and professional conditions. Media impartiality was not respected and there was a lack of transparency regarding electoral advertising.

RECOMMENDATIONS:

- **The electoral law should be amended to ensure equal treatment of all candidates in their media appearances.**
- **The electoral advertising should be monitored in a more efficient way to prevent discrimination among candidates and protect the rights of independent, non-funded independent candidates.**
- **Media outlets should be called to abide by the law through respecting the freedom of expression of different opinions and ideological currents in talk shows of private TV and radio channels during the election campaign, to ensure fair, balanced and impartial treatment among candidates and lists.**

PALESTINIAN REFUGEES RIGHTS

- The Palestinian Human Rights Organization (PHRO)
- Human Development Center
- Association Najdeh
- Norwegian People's Aid Lebanon Office (NPA)
- Developmental Action Without Borders (NABAA)
- Committee for the Employment of Palestinian Refugees in Lebanon (CEP)
- Resource Center for Employment Promotion and Social Protection (R-CEP)
- Palestinian Association for Human Rights (Witness)
- Women's Humanitarian Organization (PWHO)
- Centre for Refugee Rights / Aidoun (CRR)
- Women's Program Association (WPA)
- Mosawat Association
- Joint Christian Committee for Social Service (JCC)

JOINTLY SUBMITTED BY:

The Palestinian Human Rights Organization (PHRO), Human Development Center, Association Najdeh, Norwegian People's Aid Lebanon Office (NPA), Developmental Action Without Borders (NABAA), Committee for the Employment of Palestinian Refugees in Lebanon (CEP), Resource Center for Employment Promotion and Social Protection (R-CEP), Palestinian Association for Human Rights (Witness), Women's Humanitarian Organization (PWHO), Centre for Refugee Rights / Aidoun (CRR), Women's Program Association (WPA), Mousawat Association and the Joint Christian Committee for Social Service (JCC).

SUPPORTED BY:

Euro-Mediterranean Human Rights Network (EMHRN), Arab NGO Network for Development (ANND), The International Center for Transitional Justice (ICTJ) Lebanon, Geneva Institute for Human Rights (GIHR), Centre Libanais Des Droits Humains (CLDH), ABAAD Resource Center for Gender Equality, Rassemblement Democratique Des Femmes Libanaises (RDFL), Lebanese Committee of Relatives of the Missing and Kidnapped, TATWIR Strategic Studies and Human Development, Youth for Development, Fraternity Association For Social and Cultural Work, Al Jalil Development Association, Bama Zaitouna Association, Palestinian Youth Development (Entmaa), Social Support Society and Jinan University.

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INTRODUCTION

1. This report was prepared in collaboration with a coalition of civil society organizations (CSO) working within Palestinian Refugee (PR) communities in Lebanon. Data was collected, formulated and reviewed by members of the coalition. This coalition of CSO is active in areas of: human rights (HR); human rights of women (HRW), children and

persons with disabilities (PWD); social services and health care. Through this report, the coalition aims to review the HR status of Palestinian Refugees in Lebanon (PRL). Furthermore, it seeks to play a leading role in advocating for the HR of particularly marginalized PRL.

2. The Palestinian Human Rights Organization (PHRO) organized training for PR youth activists from Lebanon and Syria, who are volunteering or working in NGOs in Palestinian communities. From September 2014 until January 2015, PHRO held a series of workshops, where participants were trained on the tools and mechanisms of international conventions, following which they created a first draft report for the Universal Periodic Review (UPR).
3. This report documents the main and dire HR violations perpetrated against PRL. It highlights the Lebanese Government's (LG) commitments toward the UPR's 2010 recommendations as well as its responsibility to fulfil its commitment to improve the HR situation of PR and fulfil its obligations under the international HR conventions it has ratified. Paragraph B of the preamble of the Lebanese Constitution identifies Lebanon as "a founding and active member of the United Nations Organization and abides by its covenants and the Universal Declaration of HR".
4. Despite having been in Lebanon for 67 years, Lebanese legislation still does not clearly define PR's legal status. PR are administratively divided into three categories: (a) Refugees registered with the Ministry of Interior and Municipalities (MIM), within the Department of Political Affairs and Refugees (DPAR) and the Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); (b) Refugees Registered in the (DPAR) but not registered with UNRWA; and (c) Refugees not registered with either (Non IDs). A fourth category was added because of the Syrian Civil War which forced PR to flee from Syria to Lebanon (PRFSL).
5. Despite the LG's stated commitment to improve the socio-economic rights of PR by amending Article 59 of Labour Law 129/2010 and Article 9 of Social Security Law 128/2010, it has not published any of the Council of Ministers' (COM) amendment decisions. Thus the implementation of these laws, remains subject to decisions by consecutive labour ministers.

In addition, the LG has attempted to improve the situation of Non IDs, while continuing to address the rights issues facing all PR; in particular their civil and political rights. HR for PR are not equally protected, hindering the full enjoyment of these rights. This is as a result of lack of civil dimension and double standards in the treatment of PR; with them being treated sometimes as foreigners and sometimes as refugees.

6. The four categories of PR suffer from many forms of discrimination under Lebanese legislation. The PR's legal status has not been clearly defined and there is no obligatory legal framework which ensures their protection. Consequently, they are subject to numerous violations of their civil and socio-economic rights. PRL suffer from (a) ambiguous legal status and absence of protection; and (b) violations of their right to work, own property, adequate housing, health, fair trial, freedom of association, opinion and expression and freedom of movement, accommodation and travel. Over the last 67 years, the ambiguous legal status and absence of protection for PRL has direly affected their wellbeing. Furthermore, numerous legal restrictions have hindered the enjoyment of their civil and socio-economic rights.

7. Despite accepting Recommendations 80(1-2-3-4-5-6-11), outlined in A/HRC/16/18 Report (17 March 2011), of the Working Group on the Universal Periodic Review of Lebanon (WGUPRL), the LG did not fulfil these recommendations and there is no tangible progress in the implementation of them. The LG has therefore failed to uphold its commitments to the Human Rights Council (HRC)1.

8. Similarly, despite claims to the contrary, the LG has failed to implement the recommendations of A/HRC/16/18 Report (17 March 2011) of the WGUPRL. The LG has made progress in implementing Recommendation 81(6) by implementing Law 164/2011 which criminalizes human trafficking. However, Recommendations 81(1-2-10-14-15-17-25-26) have still not been implemented and little progress has been made in implementing Recommendations 81(4-7-8-9-13-16-21).2

9. RIGHT TO LEGAL PERSONALITY

9.1 LACK OF CLARITY CONCERNING THE LEGAL PERSONALITY OF PRL

Lebanese legislation does not provide a legal definition for the status of PR; neither referring to their rights or duties. Their status is limited by identification documents, which are issued by the MIM of the DPAR. However, the General Security (GS), which is part

of the MIM, considers PR as a special category, and consequently has removed the nationality column in the special travel documents for PR. Occasionally, PR travel documents are stamped with a stamp which states "Nationality: Palestinian". Law 296/2001 deprives PR from owning property, as they are considered as holding the nationality of a non-recognized country; making them stateless. Labour Law 129/2010 was the first law to directly refer to PR. However, this law recognizes PR as foreigners and thus severs them of their civil rights as refugees.

9.2 UNSUSTAINABLE SOLUTION TO THE NON IDS' CRISIS

In 2008, the LG began issuing identification documents, which were valid for one year, and which allowed Non-IDs to move only within Lebanon. Only a few Non-IDs benefited from this. During the ninth session of the UPR (2010), Lebanon discussed its achievement in issuing identification documents for Non-IDs. However, the LG did not respond to Recommendation 84 (11). Currently, more than 5,0003 Non-IDs remain deprived of their basic HR, including their right to health; education - in particular higher education; and work. Furthermore, it is impossible for Non-IDs to register their marriages. In addition, if one of the partners is a Non-ID, their children cannot be officially registered.

9.3 DEPRIVING PRW IN LEBANON FROM PASSING ON THEIR LEGAL PERSONALITY TO THEIR CHILDREN

Lebanese legislation discriminates against women, including depriving Lebanese women from passing on their legal personality to their children. UNRWA is a UN agency and thus PR under its mandate should be treated in accordance with HR standards. However, Lebanese legislation is reflected in UNRWA's policy of depriving PRW from registering their children in their name. Consequently, PRW who are registered with UNRWA but are married to Non-IDs, are unable to register their children at all. Furthermore, unlike Lebanese women, PRW married to foreigners and registered with DPAR are deprived of the right to give free residency permits to their children. In addition, unlike PR men who are registered with DPAR, PRW cannot give their husband an annual foreign residency permit.

9.4 THE LG DENIES PRFSL THE RIGHT TO SECURE LEGAL STATUS, AS REFUGEES, IN LEBANON.

The LG treats PRFSL as tourists rather than as refugees. Consequently, up until August 2014, PRFSL were required to secure residency permits in compliance with legal procedures governing entrance and stay in Lebanon. However, after August 2014, the LG introduced a no stay policy specifically targeting PRFSL. As part of this policy, the LG hindered the entry of PRFSL and the renewal of their residency permits. These procedures made PRFSL' stay illegal; exposing them to the risk of arrest and prosecution. The LG does not treat PRFSL as other Syrian refugees; legitimately entitled to escape the war.

9.5 THE LG DEPRIVES NEW-BORN CHILDREN OF PRFSL, FROM BEING REGISTERED AND SECURING DOCUMENTS.

The LG evades registering and issuing identification documents to new-borns of PRFSL. Instead of facilitating normal procedures, bearing in mind their status as refugees, the LG complicates the situation under the excuse of the expiration of the residency permit of one of the parents. This consequently deprives the new-borns from acquiring a legal personality.

9.6 THE LG HINDERS THE PROCEDURES GRANTING CITIZENSHIP TO PRW MARRIED TO LEBANESE

Lebanese legislation is not sensitive to the rights of PRW married to Lebanese men. Even though these women are born in Lebanon, they are treated as foreigners, with legal procedures hindering them from acquiring citizenship. This is despite the fact that the 1960 amendment to Article 5 of the Lebanese Nationality Law states that "the foreign women married to a Lebanese becomes Lebanese a year after registration of the marriage in the civil registration system upon her request".

9.7 Even though in the ninth session of the UPR (2010), the LG accepted this recommendation, it did not commit to undertaking proper procedures to end all forms of discrimination against women; hereby contradicting its commitments before the international community.

9.8 RECOMMENDATION 1

The LG MUST ISSUE A LAW CLEARLY DEFINING THE LEGAL STATUS OF PR; GUARANTEEING THEM THEIR CIVIL AND SOCIO-ECONOMIC RIGHTS AND THE RIGHT TO LIVE IN DIGNITY.

9.9 RECOMMENDATION 2

THE LG MUST ISSUE OFFICIAL IDENTIFICATION DOCUMENTS TO NON-IDS, IN A SUSTAINABLE MANNER, TO ENSURE THEIR LEGAL PERSONALITY, DIGNITY AND EQUALITY WITH THE REST OF PRL.

9.10 RECOMMENDATION 3

THE LG MUST REMOVE ITS RESERVATIONS TO ARTICLE 9 OF CEDAW AND AMEND ALL RELEVANT DOMESTIC LEGISLATION.

9.11 RECOMMENDATION 4

THE LG SHOULD RECOGNIZE THE LEGAL STATUS OF PRFSL, AS REFUGEES IN LEBANON.

9.12 RECOMMENDATION 5

THE LG MUST REGISTER AND COMPLETE THE ISSUING OF IDENTIFICATION DOCUMENTS FOR NEWBORN PR FROM SYRIA, IN RESPONSE TO THE INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD, WHICH LEBANON HAS RATIFIED.

9.13 RECOMMENDATION 6

THE LG MUST ADDRESS THE SITUATION OF PRW WHO ARE MARRIED TO LEBANESE MEN AND STOP HINDERING THE PROCEDURES OF ACQUIRING LEBANESE NATIONALITY.

10. RIGHT TO FREEDOM OF MOVEMENT, TRAVEL AND RESIDENCE

10.1 THE ISOLATION OF THE PR CAMPS AND GATHERINGS

The refugee camps and gatherings in southern Lebanon are surrounded by barb wire and military checkpoints. Furthermore, the LG has established new checkpoints, around camps in the southern suburbs of Beirut and at the entrances to camps in the north of Lebanon. These security barriers hinder the freedom of movement of PR living inside the camps and gatherings. This places extreme psychological pressure on these refugees.

10.2 DISCRIMINATION BETWEEN THOSE HOLDING LEBANESE PASSPORTS AND PR TRAVEL DOCUMENTS; WHICH DO NOT CONFORM WITH INTERNATIONAL STANDARDS

The LG grants PR travel documents which, unlike Lebanese passports, are not machine-readable and are not in conformity with international standards. Consequently, PR travel documents are not recognized by most countries, making it difficult for PR to acquire visas.

10.3 DISCRIMINATION BY TRAVEL DOCUMENTS' VALIDITIES FOR DIFFERENT PR CATEGORIES

The travel documents which the LG grants to PR are valid for five years for PR registered with UNRWA but are only valid for one year for PR not registered with UNRWA. This limitation hinders the chances of PR, not registered with UNRWA, from being able to acquire long term visas. Consequently, it negatively affects their chances to live, work and study outside of Lebanon.

10.4 RESTRICTIONS ON FREEDOM OF MOVEMENT OF PR, TO AND FROM CAMPS

Security procedures limit the number of entrances to and exits from the PR camps. Army checkpoints restrict the right to freedom of movement; all of these exert high pressure on camp inhabitants, particularly when they need to register their entry and exit. Inhabitants are forced to wait for a long time, thus hindering their mobility and reaching work on time. Furthermore, these restrictions place people's lives at risk during times of internal military tension or clashes.

10.5 RESTRICTIONS ON FREEDOM OF MOVEMENT OF PRFSL

Since the Syrian Civil War began, the LG has implemented numerous measures, inhibiting the refuge of PRFSL. These measures include tactics aimed at humiliating, intimidating and degrading the human dignity of PRFSL; physical and verbal violence; refoulement; not preserving the family unit by only allowing some members to enter. The announcement made by the MIM ,(31/12/2014) ignores the suffering of PRFSL by not recognizing them as refugees ,and leaving them subject to the mood of border control personnel.

10.6 DISCRIMINATION AGAINST PRW IN LEBANON MARRIED TO PRFSL

The regulatory measures stipulated in the MIM declaration (31/12/2014) discriminates between PRW and PR men married to PRFSL. These measures do not grant PRW in Lebanon, married to PRFSL, the right to family unity by allowing their husbands and children, who are in Syria, to enter Lebanon. However, PR men registered in Lebanon are not able to bring their wives and children across from Syria.

10.7 EXILE AND DEPORTATION OF PRFSL BACK TO A COUNTRY OF CIVIL WAR

On the 4/5/2014, 49 refugees, mostly PRFSL, were arrested in Rafik Al Hariri Airport and refouled to Syria; where they were at significant risk from the war.

10.8 PREVENTING PRFSL WHO LOST THEIR IDENTIFICATION DOCUMENTS FROM ENTERING LEBANON

The LG failed to develop regulations concerning PRFSL, who lost their identification documents because of the war; instead the LG prevented them from entering Lebanon and exiled those who entered illegally.

10.9 THE LG IS VIOLATING PRFSL'S RIGHT TO FREEDOM OF MOVEMENT THROUGH ABSENCE OF PROTECTION AND INHUMAN AND DEGRADING TREATMENT AT THE LEBANESE ARMY CHECKPOINTS

PRFSL are being subject to verbal and physical violence and arbitrary detention at checkpoints of LG agencies, by some political parties and even individuals, these atrocities are taking place in particular in areas where municipalities have issued night time curfews for refugees. PRFSL are also exposed to insults and arbitrary detention at the Lebanese Army checkpoints at camp entrances.

10.10 Despite accepting Recommendation 80(16-17-29), the LG failed to undertake any measures to prevent torture and mistreatment by creating mechanisms incriminating these actions that are against the recommendations that Lebanon supported in front of the international community.

10.11 RECOMMENDATION 7:

REPLACE FUTILE SECURITY MEASURES ISOLATING THE CAMPS WITH NEW MEASURES BASED ON A HUMAN SECURITY APPROACH.

10.12 RECOMMENDATION 8:

ISSUE MACHINE-READABLE TRAVEL DOCUMENTS FOR PR IN COMPLIANCE WITH INTERNATIONAL STANDARDS FOR TRAVEL DOCUMENTS.

10.13 RECOMMENDATION 9:

THE LG MUST ISSUE IDENTIFICATION DOCUMENTS FOR NON-ID PR IN A SUSTAINABLE MANNER.

10.14 RECOMMENDATION 10:

THE LG MUST TREAT ALL PR EQUALLY WITH NO DIFFERENCE BETWEEN THOSE WHO ARE NOT REGISTERED WITH UNRWA (NR) AND THOSE REGISTERED WITH THE MIM.

10.15 RECOMMENDATION 11:

PROTECT PRFSL FROM DISCRIMINATION, HUMILIATION, DEGRADING TREATMENT AND ARBITRARY DETENTION.

10.16 RECOMMENDATION 12:

THE LG MUST NOT DEPORT OR EXILE PRFSL.

10.17 RECOMMENDATION 13

THE LG MUST UPHOLD THE RIGHT OF PRFSL TO SEEK ASYLUM IN LEBANON WITHOUT IMPOSING ANY RESTRICTIONS.

11. RIGHT TO WORK

11.1 THE LG IS CREATING OBSTACLES THAT PREVENT PR FROM ACCESSING THE LABOUR MARKET

Lebanese Labour Law distinguishes between Lebanese and non-Lebanese. This Law does not regularise the status of PRL. Consequently, they remain subject to legal provisions regulating the work of foreigners; despite having been refugees in Lebanon for 67 years. The amendment to Article 59 of Labour Law 129/2010, exempted PRL from the reciprocity principle and work permit fees. However, the requirement of work permits, which need to be annually renewed increases the difficulty in PR accessing work. It is important to highlight, that Recommendation 84(10) of the ninth session of UPR (2010), urged the LG to adopt measures to improve the working situation and conditions of PRL. However, Lebanon failed to respond to this recommendation.

11.2 DEPRIVING PR OF WORKING IN "LIBERAL PROFESSIONS"

PR are deprived from working in so-called "Liberal professions", which require syndicate affiliation, due to legal regulations. Some of these professions require Lebanese nationality. For example, Bar Association Law No. 8/70 mentions that anyone who wants to work as a lawyer in Lebanon must have acquired Lebanese citizenship at least ten years previously. In other syndicates and unions, laws impose reciprocity and the right to practice the profession in one's own country, such as the Syndicate of Doctors that applies (COM Decree No. 1659 of 1979). The same laws apply for the Syndicate of Pharmacists and Engineers. Despite Labour Law Amendment 129/2010, the amendment did not reflect itself in the syndicates' by-laws. Consequently, PR continue to be deprived of syndicate affiliation and prevented from practicing these professions.

11.3 DEPRIVING PR WORKERS FROM BENEFITING FROM SOCIAL SECURITY SERVICES

Article 9 of Social Security Law 128/2010 was amended, cancelling the condition of reciprocity. However, the current law still deprives PR workers from social security services and familial benefits; including maternity benefits, which negatively affects working PRW. Despite the Social Security Law stating that every worker is subject to the payment of all fees (23.5% of the value of salary)⁴, PR do not benefit except from the end of service indemnity (equivalent to only 8.5% of the paid value)⁵. Consequently, PR are forced to pay for private health insurance, which places an additional financial burden on them and their employers. This reduces the willingness of employers to hire PR. As a result, many PR workers are forced to accept harsh working conditions, low wages and no legal protection.

11.4 In 2010, the LG approved Recommendation 80(25-32) of the ninth session of the UPR. However, Lebanese labour and social security legislation continues to discriminate against refugee women and PR.

11.5 RECOMMENDATION 14:

AMEND LAW 129/2010 IN TERMS OF TERMINATING THE WORKING PERMITS AND GRANTING PR THE RIGHT TO PRACTICE SO-CALLED "LIBERAL PROFESSIONS", AND ISSUE COM DECREES TO ENSURE IMPLEMENTATION OF THE LAW.

11.6 RECOMMENDATION 15:

AMEND LAWS AND BY-LAWS THAT REGULATE SYNDICATE PROFESSIONS TO BE IN HARMONY WITH LABOUR LAW AND IN TERMS OF COMPLETING ABOLITION OF RECIPROCITY AS WELL AS ABOLISH CONDITIONS FOR PRACTICING THE PROFESSION IN THE COUNTRY OF ORIGIN.

11.7 RECOMMENDATION 16:

AMEND LAW 128/2010, SO AS TO ALLOW PR WORKERS TO ENJOY THEIR FULL RIGHTS IN SOCIAL SECURITY, AND GUARANTEEING MATERNITY BENEFITS TO EMPLOYED PRW AND ISSUE COM DECREES TO ENSURE IMPLEMENTATION OF THE LAW.

12. RIGHT TO OWN PROPERTY

12.1 DEPRIVING PR OF OWNING REAL ESTATE

Under the pretext of naturalization, Law 296/2001 deprives PR from owning property, because they do not have a recognized nationality.

12.2 EXPROPRIATION OF THE PROPERTY OF PR WHO OWNED PROPERTY PRIOR TO 2001 BUT DID NOT REGISTER THEIR PROPERTIES THE RELEVANT DEPARTMENTS

Properties that were purchased by surveyed sales contracts and paid off, but owners did not complete registration entirely before the amendment of Law 296/2001(which does not contain retroactive effect) to obtain title deeds, became unable to register at the Directorate of Cadastre and Real Estate. This deliberate misinterpretation of the law exposes owners to risk, as surveyed sale contracts have a limited (customary) duration of ten years. The transfer of inherited real estate, acquired through religious courts orders, to PR inheritors is being obstructed by Lebanese Directorate of Cadastre and Real Estate, despite the fact that Law 296/2001 does not place any restrictions on the transfer of inherited real estate. This obstruction forces some affected persons to resort to judicial measures, which poses additional financial burdens. It is worth mentioning that since 2014, the Lebanese notary has rejected such cases.

12.3 RESTRICTIVE PROCEDURES IN REGISTERING PROPERTY FOR FOREIGNERS MARRIED TO PR WOMEN

For foreigners, the real estate registration procedures require the possession of a "statement of non-ownership". This procedure considers the family as a unit (husband, wife, and children under 18). If the wife is a PR, the registration will be shelved.

12.4 RECOMMENDATION 17:

THE LG MUST END DISCRIMINATION AGAINST PR BY AMENDING LAW 296/2001 TO ALLOW PR TO OWN REAL ESTATE.

12.5 RECOMMENDATION 18:

THE LG MUST DESIST FROM ARBITRARY ACTIONS THAT PREVENT THE REGISTRATION OF PROPERTY PURCHASED BEFORE THE AMENDMENT OF LAW 296/2010, AND REMOVE BARRIERS TO TRANSFERRING THE OWNERSHIP OF INHERITED REAL-ESTATE, AND END TIME LIMITATION FOR SURVEYED SALE CONTRACTS.

12.6 RECOMMENDATION 19:

DESIST FROM DISCRIMINATORY ACTIONS WHICH HINDER FOREIGNERS MARRIED TO PRW FROM OWNING PROPERTY.

13. RIGHT TO ADEQUATE HOUSING AND SHELTER

13.1 DEPRIVING PR FROM ADEQUATE HOUSING

PR living in the camps suffer from poor housing conditions owing to overpopulation and overcrowding, since the camp areas have not expanded since 19506. Haphazard, vertically expanding buildings are closely constructed allowing little sunlight to enter the camps. The camps are poorly ventilated; resulting in high levels of humidity indoors. The narrow alley structure, the non-existence of public recreational and green areas and the deterioration of infrastructure has led to a breakdown in the camps' social and security environment. Furthermore, this environment fosters the spread of diseases, escalation of social problems, humiliation of human dignity and the violation of family privacy.

13.2 RESTRICTIONS ON ENTRY OF CONSTRUCTION MATERIALS, TOOLS AND SANITATION SUPPLIES TO THE CAMPS

The LG primarily deals with PR as a security concern; under seeing the security of the camps, through preventing the entry of building materials for the camps' sewage systems without Army Intelligence permission. These procedures hinder, if not prevent, PR from repairing their houses. These houses are in danger of collapsing, leading to loss of lives and finances. Furthermore, these procedures prevent PR from making improvements to the camps' infrastructure. Consequently, the camps lack the facilities and living conditions essential for maintaining human dignity. Furthermore, the lack of support from neighbouring

municipalities has led to deterioration in the provision of water and sanitation services and electricity.

13.3 INCOMPLETE RECONSTRUCTION OF NAHR AL-BARED CAMP AND ITS CONSEQUENCES

Eight years since the destruction of Nahr Al-Bared Camp and the displacement of 48677 Palestinian families, despite the promises of rebuilding and the right to return for residents, the reconstruction of the Camp is still not complete. Although 13218 residents' shelters have been constructed most residents still live under devastating conditions in temporary container homes, where they experience freezing temperatures in winter and high temperatures in summer.

13.4 DEPRIVING PRFSL FROM SHELTER

The LG does not recognize PRFSL as legitimate refugees. Most PRFSL are settling in random gatherings without protection. Consequently, they are vulnerable to municipal policies, the mood of land owners and racist behaviour of some residents. Others are living in overcrowded Palestinian camps, with deteriorating infrastructure. The absence of procedural justice mechanism in the camps increases risk of abuse.

13.5 RECOMMENDATION 20

IN KEEPING WITH ITS COMMITMENTS, THE LG MUST DEVELOP A PLAN TO FULFIL THE RIGHT OF PR TO ADEQUATE HOUSING INSIDE THE CAMPS

13.6 RECOMMENDATION 21

THE LG MUST END RESTRICTIONS ON ENTRY OF CONSTRUCTION MATERIALS INTO THE PR CAMPS, WITH CLEARLY ANNOUNCED PROCEDURES, SO AS TO ENABLE PR TO RENOVATE AND REBUILD THEIR HOUSES AND THE CAMPS' INFRASTRUCTURE.

13.7 RECOMMENDATION 22

THE LG MUST ACCELERATE ITS EFFORTS IN RECONSTRUCTING NAHR AL - BARED CAMP AND ENSURE THE RETURN OF CAMP RESIDENTS.

13.8 RECOMMENDATION 23

THE LG MUST WORK ON PROVIDING LEGAL PROTECTION AND SECURE SHELTER THAT MAINTAINS PRFSL'S HUMAN DIGNITY

14. RIGHT TO HEALTH

14.1 DEPRIVING PR FROM SERVICES PROVIDED BY THE MINISTRY OF PUBLIC HEALTH

The LG deprives PR from accessing services provided by the Ministry of Public Health, hereby, abdicating its responsibility as a host country. The services they are deprived of include free hospitalization, provision of chronic medication and emergency health care.

14.2 DEPRIVING PR WITH DISABILITIES OF THEIR RIGHTS

PR with disabilities do not enjoy the same rights as Lebanese PWD. This unequal and discriminatory treatment is not in keeping with Law 220/2000 which refers to "disabled person" and hereby does not exclusively grant rights to Lebanese PWD.

14.3 DEPRIVING PR FROM A HEALTHY ENVIRONMENT

PR camps are characterised by poor and inadequate infrastructure; with drinking water often contaminated by sewage. High humidity, leaking and poorly ventilated homes, and waste collection points close to homes create an unhealthy environment. This, in addition to unsustainable provision of aid, results in poor health including serious thoracic and chronic diseases.

14.4 In 2010, the LG accepted UPR Recommendations 80(1-2-3-4-5), but did not ratify ICRPD. Although Lebanon also accepted Recommendation 80(21) State mechanisms continue to discriminate against and deprive PR with disabilities of their rights.

14.5 RECOMMENDATION 24

THE LG MUST ALLOW PR TO ENJOY FREE HEALTH SERVICES AND HOSPITALIZATION PROVIDED BY THE MINISTRY OF PUBLIC HEALTH

14.6 RECOMMENDATION 25

LAW 220/2000 MUST BE AMENDED AND DISABILITY CARDS SHOULD BE ISSUED TO PR WITH DISABILITIES; AS THEY ARE ISSUED TO LEBANESE PWD.

14.7 RECOMMENDATION 26

CONTROL EPIDEMICS AND CHRONIC DISEASES AND IMPROVE THE ENVIRONMENT OF PALESTINIAN CAMPS AND GATHERING IN LEBANON

15. RIGHT TO FAIR TRIAL

15.1 DEPRIVING PR FROM THE MINIMUM CONDITIONS OF FAIR TRIAL

The LG does not differentiate by type of crime, and deals with PR through intelligence security measures during, arrest and prosecution. Despite the due process of law in Lebanon, in which informants and suspicion leads to arrest by the intelligence security agency contrary to regulations, instead of conducting investigations and calling-in, they treat the suspect as guilty until proven innocent. Hereby, they arbitrarily deprive the PR detainee of his/her freedom and prevent him/ her from communicating with the outside world. It is important to mention that assault, coercion and intimidation tactics are used during interrogation in-combination failing to ensure facilitation to adequate legal defence. After being interrogated in a security intelligence branch the suspect will be transferred to the competent authority. As for the duration of detention without trial, the LG does not respect the legal time frame. An example of this is how since 2007, Lebanese authorities are still detaining some Nahr Al-Bared residents under arbitrary detention without fair trial.

15.2 THE EXILE OF PR FROM SYRIA WITHOUT A FAIR TRIAL

In disregard of all international norms, humanitarian laws, and in violation of agreed upon conventions, the GS arrested 499 refugees from Syria, at Rafik Hariri International Airport in Beirut on Saturday 3/5/2014. Most of these refugees were Palestinians, among them women and children, who were using fake visas in an attempt to flee from Syria. After being referred to the Public Prosecution Discriminatory, GS referred the refugees to the relevant court. The LG is entitled to arrest anyone carrying a fake visa. However, this does not apply to asylum seekers, as they are not required under International Refugee Law to carry correct documentation. Despite it being weekend, within 24 hours of arrest the detainees were referred to the Public Prosecution and exiled to Syria. This deviates from normal procedures, since the transfer of detainees to a detention centre should hold until Monday, so they can be brought before a public prosecutor, who can refer them to an investigating judge and then to the court for a fair trial. This, however, did not occur with the detained group.

It is near impossible to fully investigate a situation in such a short time. Furthermore, even if the visas were fake the refugees could have been victims of a scam. This possibility should have been fully investigated to determine the real perpetrator of fraud, instead of punishing the victims.

15.3 In the 2010 UPR session, the LG accepted Recommendations 80(13-14-15-16-17), concerning the prevention of all forms of torture, cruel, inhuman and degrading treatment as outlined in CAT. Although, the LG claims that Recommendation 81(4) has been implemented, the procedures against PR continue to violate due process of law.

15.4 RECOMMENDATION 27:

THE LG MUST END ALL INHUMANE TREATMENT OF PR BY INTELLIGENCE AND SECURITY SERVICES AND MUST RESPECT THE DUE PROCESS OF LAW.

15.5 RECOMMENDATION 28:

ACCELERATE THE TRIAL PROCESS OF THE NAHR AL-BARED DETAINEES; AND ENSURE THEY UNDERGO A FAIR TRIAL AND THAT INNOCENT DETAINEES ARE RELEASED AND COMPENSATED.

15.6 RECOMMENDATION 29:

STOP THE REFOULEMENT OF PRFSL, AND IN CASE OF ANY LEGAL VIOLATION THEY COMMIT; ENSURE THEIR RIGHT TO FAIR TRIAL AND DUE PROCESS OF LAW IS RESPECTED.

16. RIGHT TO PROTECTION

16.1 BARRIERS TO WOMEN'S ACCESS TO JUSTICE

Law 293/2014 ensures protection for women from domestic violence. However, procedural justice is weak in Lebanon and is absent from the camps, where unqualified Popular and Security Committees govern according to laws not sensitive to IHRL and the HRW. Since the termination of the Cairo Agreement, no official agreements exist between Palestinian communities and the LG. Norms and traditions regulating and controlling these communities hinder PRW from accessing justice; hereby depriving them of protection and full enjoyment of their HR.

16.2 EARLY MARRIAGES AND SEXUAL ABUSE

Through absence of a unified Personal Status Law, Lebanese legislation upholds Lebanese sectarianism. Furthermore, by not specifying a minimum age for marriage, Lebanese legislation fails to protect children from early marriage and childbearing. Early marriage places girls and their children at risk of poor physical and psychological health, and sometimes even death. Underage girls are subject to religious Personal Status Law which discriminates against, and grants

insufficient protection to women. Comparatively, underage girls who marry outside the religious courts lack any protection. This is particularly a problem for refugee women. These women suffer from extreme poverty and the absence of state provided shelter. They also live in the fear of being raped if exiled to Syria. The LG has not provided them with refuge or protection, which is particularly problematic for refugee women and children, who are at increased risk of sexual abuse and exploitation.

16.3 THE INVOLVEMENT OF PR CHILDREN IN ARMED CONFLICT

PR children in Lebanon are recruited for armed conflict by Palestinian and Lebanese groups; including radical extremists. Military unrest inside and outside Lebanon has exacerbated this phenomenon, as well as the increase in the number of PRFSL. PRFSL children's lack protection and poor socio-economic situation makes them vulnerable to recruitment and abuse. Furthermore, lack of public awareness on this issue and the absence of human security and legal protection for these children has aggravated this phenomenon.

16.4 HUMAN TRAFFICKING: PARTICULARLY PERTAINING TO WOMEN AND CHILDREN

Law 164/2011 criminalizes human trafficking. While limiting the responsibility of victims as stated by Article 586 (8) "shall be exempted from punishment victim who proves that he was forced to commit crime punished by law or against the conditions of residence or work", the law fails to protect victims from penal responsibility; hereby violating international standards of treatment for trafficking victims. The absence of a human security approach; the lack of legal protection for PR; the no stay policy employed by the LG against PRFSL (through its arbitrary procedures); and the exploitation of refugees' vulnerability, has contributed to the emergence of new patterns of trafficking and exploitation of women and children. These forms of exploitation include (a) forcing women and children to work long hours without payment in receipt of shelter; (b) providing payments or benefits to persons in control of PRFSL who exploit these refugees through begging, prostitution or domestic work - in practices similar to slavery.

DISABLED PALESTINIAN REFUGEES RIGHTS

- Mousawat Organization
- Palestinian Disability Forum
- Developmental Action without Borders (Naba'a)
- Martyr Abu Jihad al-Wazir Foundation for Rehabilitation of the Disabled
- Al Karama Foundation for disabled Palestinians in Lebanon
- Blind University Students Association
- Community Based Rehabilitation Association
- Arab Association for Rescue
- Palestinian Human Rights Organization
- Arab NGO Network for Development ANND
- Committee for the Employment of Palestinian Refugees in Lebanon (CEP)
- The International Center for Transitional Justice-ICTJ
- Lebanese Committee of relatives of the Missing and Kidnapped

INTRODUCTION

1. This report was prepared in cooperation and on behalf of a coalition of Palestinian Disabilities Forum – PDF and associations in Lebanon, which operate in the field of disability working in the Palestinian communities in Lebanon. It is a network that contains various associations and organizations working in the field of disability, including UNRWA and international NGOs. The alliance of the Palestinian disability Forum aims for coordination between the various parties, so as to promote the rights of people with disabilities to be independent and ask for their rights in accordance with the Convention on the Rights of People with Disabilities and the related conventions and provide services of various kinds of rehabilitation and secure some needs.

2. The PDF and Mousawat Organization have organized courses and workshops within various associations and organizations for the rehabilitation of activists working in the field of disability in Palestinian Communities in Lebanon in the preparation of the universal periodic report on the situation of Palestinian refugees with disability, training on the International Human Rights protection mechanism and tools Universal Periodic Review and how to prepare the report in order to develop an action plan to prepare a comprehensive report on the situation of Palestinian refugees people with disabilities in Lebanon, following-up with the trainees/s in focused groups in order to classify and lay the foundations for the prominent violations against people Palestinian refugees with disabilities in Lebanon, which is reflected in this report.

3. The report focuses on several key titles that the associations of Palestinian Disabilities Forum in Lebanon contributed to laying its foundations. It represent the human rights violations for disabled Palestinians which and it represents the violations of human rights of Palestinian refugees with disabilities in Lebanon. This is to contribute in the control and the extent of progress and commitment made for the state of human rights of disabled Palestinian refugees in Lebanon in the process of Universal Periodic Review, and the extent of how the Lebanese government fulfills its promises in the Universal Periodic Review in the ninth session in 2010.

4. The principle of the protection of the rights of people with disabilities has been adopted since the Universal Declaration of Human Rights in 1948 and a series of instruments and international conventions concerned with the protection of human rights in general or on the categories of people with disabilities, but the Lebanese government did not fulfill its promises and ratify the International Convention on the Rights of People with Disabilities (CRPD) and the optional protocol annexed to it, based on the obligations of the Lebanese government in the international conventions ratified and signed. It is worth mentioning that in the introduction of the Lebanese constitution paragraph (b): states that "Lebanon is a founding and active member of the United Nations and abides by its covenants and the Universal Declaration of Human Rights."

5. In 2000, the Lebanese government has issued law no. 220, which guarantees at a high percentage adopting the fundamental rights of people with disabilities. It was not fully and clearly based on the concept of integration and independence in adopting the services for them with the absence and / or complete ambiguity of the applying mechanisms. The law left putting the enforcement mechanisms for the concerned ministries and departments according to what is fit. In the absence of a clear mechanism that highlights the violations related to work in terms of rejecting employment requests of disabled people, the qualified environment, and health services in terms of refusal of hospitals to receive disabled people, in addition to the unjustified delay in obtaining the rehabilitative treatment and deprivation from education because the curricula are not adapted to the needs of disabled people.

6. The Palestinian refugees with disabilities are exposed to multiple forms of discrimination and deprivation within the laws, procedures and restrictions that keep the legal status free of any clear and binding framework to provide them with protection, although law 220/2000 stated the definition of a "disabled person" and not a Lebanese person with a disability. The law does not limit the practice of rights granted by the law and the regulations for any nationality, even though the Palestinian refugees with disabilities are deprived from benefitting from the services and privileges granted by law, which exerted a huge burden on people with disabilities and increased their suffering and deprivation. They are exposed to marginalization and exclusion within the community and the negative repercussions appears through the deprivation of their right in legal personality as a disabled person, the freedom of movement, travel and residence, the right of accessing the facilities with complete independence, the right of health and rehabilitation, the right of work, the right of education, the right of adequate housing, the right to own a property, the right of founding associations, the right to freedom of opinion and expression, and the right of protection for Palestinian refugees with disabilities within the family, and respect of privacy.

7. The Palestinian Disability Forum and various service providers for people with disabilities in the Palestinian community including UNRWA suffer from lack of funds and the ability to provide appropriate services and needs. They also suffer from inability to ensure the continuity of specialized rehabilitation projects.

8. Although Lebanon has accepted the before-mentioned recommendations of the report, "The Working Group on the Universal Periodic Review of Lebanon" A/ HRC / 16/18, dated March 17th. (January 2011), which is 80 (1-2-3-4-5-6-21-22-23-24-25-29-32-33) the Lebanese government did not comply with the terms of the signing and/or ratifying the agreements mentioned in the recommendations and take the appropriate actions, contrary to the support of the Lebanese government in front of the international community.

9. Although Lebanon claimed that the recommendations mentioned in the report "The Working Group on the Universal Periodic Review of Lebanon" A/ HRC / 16/18 on January 12th 2011 is being implemented or carried out, but the only recommendation 81 (1-2-3 -10) is carried out by the issuance of law 164/2011 "punishment for the crime of trafficking in persons" and recommendations 81 (1-2-10-14-15-17-21-25-26) remained being implemented and did not make any significant progress in recommendations 81 (4- 7-8-9-13-16-21)

10. The right to recognize the legal status of the Palestinian refugee with disabilities

10.1 Depriving the Palestinian person with disabilities from the "disabled personal card."

Article IV of the Lebanese law 220/2000, paragraph A states: "for each disabled person who listed his disability in the list mentioned in Article III of this law has the right to obtain a personal identity card that enables him to exercise the rights and privileges granted by the laws and in force regulations". It is noted that the law 220/2000 did not exclude the Palestinian person with a disability and did not restrict the practice of the rights and privileges granted by the law and in force regulations of any nationality. Although the same law article IV, paragraph (b) considers that "This card is the only way to prove the disability" has been limited to prove the disability for Lebanese government.

10.2 Deprivation of Palestinian refugees with disabilities who lost their identity documents from all the services and obtaining an evidence for their personality and prove their disability

The Lebanese government deprives and discriminates this disabled and most marginalized category and deprives them from all benefits of the Lebanese government and even the civil community grants. The Lebanese government has stopped issuing any legal identity card. Although law 220/2000 did not specify whether the condition of the nationality or not, but this category also was deprived from the personal identity card of the disabled person, which is the only proof of disability by the Lebanese government.

10.3 Denial of the Palestinian person with a disability from Syria to Lebanon to benefit from the contributions of the Lebanese government

The Lebanese government deprived the Palestinian person from Syria to Lebanon with a disability to practice the rights and privileges granted by the laws and in force regulations by law 220/2000. Even the Higher Relief Commission did not consider them as one of the most vulnerable and marginalized categories because of the lack of recognition by the Lebanese government as refugees of civil war.

10.4 Recommendation 1:

The Lebanese government has to enforce law 220/2000 and ensure that the Palestinian person with disability has the right to enjoy the rights and privileges granted to him by law 220/2000.

10.5 Recommendation 2:

The Lebanese government has to issue a "disabled personal card" for the disabled Palestinian refugee as enforcement of the law 220/2000.

10.6 Recommendation 3:

The Lebanese government has to take into consideration permanent disabled persons and facilitate issuing a personal disabled personal card with no limited period of time.

10.7 Recommendation 4:

To Issue official identification sustainable documents and a personal card for a disabled refugee that shows his legal personality, protects his human dignity and makes him equal to other people with disabilities in Lebanon.

10.8 Recommendation 5:

The Lebanese government should enforce the law 220/2000 and ensure the right of the Palestinian refugee with disability from Syria to Lebanon to enjoy the rights and privileges granted to him by the law 220/2000.

11. The right of moving, accommodation and travel

11.1 Difficulties in the movement of the Palestinian person with disability because of putting barriers not equipped for crossing people with disabilities to and from the camps and congregations of Palestinian refugees

The Lebanese government did not equip the military checkpoints at the entrances of the Palestinian refugee camps with the necessary equipment to deal with this category and facilitate its passing, leading to the obstruction of movement of the Palestinian refugees with disabilities while entering to and exiting from the camp, and this is contrary to Law 220/2000 and international conventions.

11.2 Deprivation of people with disabilities in the camps of equipped public facilities

The Lebanese government violates law 220/2000 article 33, which states: "Every disabled person has the right in an accessible environment, in the sense that every person with a disability has the right to access anywhere the disabled person can", but the buildings, public and private utilities, roads, buildings inside the camps are not equipped and qualified for public or private use, which are not conformable with the standards and according to the conditions stipulated in this law. The absence of proper and timely adjustments which impose an additional unnecessary burden that are not needed in a particular case, lead to the obstruction and depriving the Palestinian person with disability.

11.3 Deprivation of the Palestinian person with a disability to benefit from public transport in Lebanon

Most public transport in Lebanon, which is made of buses and cars, are not eligible for use by people with disabilities that impede their movement. The absence of accessible adjustments and appropriate arrangements impose an inappropriate or unnecessary burden, that are needed in a particular case, which lead to disruption of the Palestinian person with disability from the freedom of movement.

11.4 Putting social restrictions on the women Palestinian refugees with disabilities which limit them and prevent them from the right to move

Women and girls with disabilities are subject to multiple forms of discrimination and violence in the family and society because of the many habits and traditions based on the idea that women with disabilities are vulnerable and unable, as well as they did not receive the necessary protection and assistance within families that prevents the full enjoyment of human rights equally with others. Although law 293/2014 states that "Protection of Women and other family members from domestic violence Act," but women with disabilities are not involved in this, and thus expose them to isolation and limit their movement and denial of access to services independently.

11.5 Restriction of movement and access to public facilities (Directorate-General for Political Affairs, Refugees, and public security centers outside Beirut) for the disabled Palestinian refugee

The procedures and arrangements for giving a special card for refugees and a travel document for the Palestinian refugees with disabilities requires that he goes to the Directorate General for Political Affairs and Refugee. As for the residency of the Palestinian person

with a disability from Syria to Lebanon it is required that he goes frequently to the public security centers where most of the centers are not equipped to receive them and facilitate their access.

11.6 Recommendation 6:

The Lebanese government should enforce law 220/2000, equip the checkpoints with the necessary equipment, train the checkpoints to deal with the Palestinian person with disability and facilitate their passing and movement during the entry and exit to and from the camps

11.7 Recommendation 7:

The Lebanese government should enforce law 220/2000, build public facilities and make accessing to them and to their services possible. It should also ensure making the necessary adjustments and the appropriate arrangements to facilitate the accessibility to these facilities.

11.8 Recommendation 8:

The Lebanese government has to take all appropriate administrative measures and other measures to enforce the rights within the law 220/2000 and facilitate the use and the access of public transport in accordance with international safety standards.

11.9 Recommendation 9:

Amend law 293/2014 "Protection of women and other family members from domestic violence" in order to ensure protection for the Palestinian people with disabilities within the families.

11.10 Recommendation 10:

The Lebanese government should take the necessary measures to ensure that the Palestinian person with a disability from Syria enjoys the rights and privileges granted by the applicable laws and regulations, specifically the right to choose his legal representative or his right to be represented by a legitimate guardian or a family member who is civilly capable.

11.11 Recommendation 11:

The Lebanese government has to equip the centers with equipment required for the arrival of the Palestinian person with a disability at the Directorate General for Political Affairs, Refugees, and public security centers. In addition to taking arrangements to facilitate the stay of the Palestinian person with disability from Syria or whoever represents him before the law as an enforcement of the law 220/2000.

12. The right to access utilities with complete independence**12.1 Deprivation of Palestinian people with disabilities from accessing, living independently and participating fully in all aspects of life.**

The Lebanese government does not guarantee the right of Palestinian refugees with disabilities to access the surrounding environment and transportation. It also did not remove the barriers in front of their ability to access buildings, roads and other indoor and outdoor facilities in full independence, including schools, housing, medical facilities and workplaces. The same applies to the access of information, communication and other services, such as electronic services and emergency. The law 220/2000 states in the general reasons "social integration opportunities in utmost independence, thus enabling the disabled person to play the role of an effective and positive citizen and put it in a clear text in the law."

12.2 Recommendation 12:

The Lebanese government should enforce law 220/2000 and approve procedures and decrees to ensure that Palestinian refugees with disabilities can access anywhere they can independently. The specifications of the facilities should be correspondent to the standards in accordance with the terms and regulations set forth in the law.

13. The right of health and rehabilitation**13.1 Deprivation of the Palestinian refugee with disability of medical care and rehabilitation**

The Palestinian refugee with disability does not benefit from the rights enjoyed by Lebanese people with disabilities although law 220/2000 does not exclude the Palestinian person with disability from this right saying "disabled persons" and not a Lebanese disabled. Although article 27 guarantees the right of a disabled Palestinian refugee in "all health, rehabilitation and support services at the expense of the government," he is deprived from benefitting from the health, rehabilitation and support services and enjoying the

health levels on the basis of disability, and technical aids and equipment services from mobile and fixed prosthetic devices including the rehabilitation of health services, sexual health services and reproductive health and public health programs.

13.2 Deprivation of the disabled Palestinian refugee such as people with physical disability to benefit from the presentations and physical therapy centers

Article 27 B (3-4) of law 220 includes internal and external specialist rehabilitation treatment (physiotherapy, occupational therapy, audiovisual therapy, psycho therapy ...) and (technical aids and equipment of mobile and fixed prosthetic devices (parts and headsets, artificial eye, etc.), corrective forms, and mobility aids such as mobile chairs (sticks and crutches) enuresis dual aids dual smooth to prevent all sores and all implants used in surgical operations that these services include maintenance when it is needed). But the Palestinian refugees who have physical disabilities are deprived from the benefits of privileges and physiotherapy centers. They are the largest rate of Palestinian refugees with disabilities, as they are in constant need of health care and physical therapy on an ongoing basis and preventing them can lead to serious and deadly consequences, and prevent them from independence and maintaining it.

13.3 Depriving the Palestinian child with disability from medical and health care

The disabled Palestinian child is deprived from early detection and intervention when appropriate, and from the services that aim to minimize disabilities and prevent more to happen. This will negatively reflect on their human dignity, independence and needs. The lack of health care for the newborn Palestinian refugee with disability makes his situation worse and increases the death rate among them.

13.4 Recommendation 13:

The Lebanese government should implement and enforce law 220/2000 to ensure the disabled Palestinian refugees are enjoying their rights, privileges and benefitting from health and rehabilitation services, which are granted to them by law 220/2000.

13.5 Recommendation 14:

The Lebanese government should modify law 220/2000 to include the necessary health care needed for a Palestinian child with a disability. This is in application to the Convention on the Rights of the Child, ratified by Lebanon, which is recognized by article 23 about the right of the disabled child in the free health care.

14. The right to work**14.1 Deprivation and restrictions on disabled Palestinian refugees on labor, employment and social benefits**

The Lebanese government denied the Palestinian person with disability from the rights enjoyed by the Lebanese people with disabilities, even though law 220/2000 does not exclude the Palestinian refugee. Section 8 article 68 in the law stated "the right of the person with disabilities in work, employment and social benefits", but the Lebanese government insisted that the Palestinian refugee with disability is subject to the Lebanese labor law 129/2010, which does not sensitize their status as Palestinian refugees with a disability in Lebanon, and they are subject to the provisions of the laws that govern the work of foreigners, and deprive them from social services.

14.2 Depriving the Palestinian refugees with disabilities from being directed to the labor market

The Lebanese government deprives Palestinian refugees with disabilities who are eighteen years old, from rehabilitation, and directs them to the ordinary labor market. Even though law 220/2000 article 70 has secured this right for them, but the Lebanese government does not provide an opportunity for disabled Palestinian refugees to gain their livelihood in a work chosen freely and work in a suitable environment. And thus they do not find new opportunities that may protect their independence and live in dignity.

14.3 Depriving the disabled Palestinian refugees from unemployment compensation

The Lebanese government deprives the Palestinian refugees with disabilities from their right to benefit from unemployment compensation, although law 220/2000 article 71 has secured this right for them as "every person who holds a disabled personal card and completed eighteen years of age, is considered unemployed if he meets the conditions and criteria that are issued by a decree from the Council of Ministers according to a proposal from the Minister of Labor after consulting the Ministry of Social Affairs. Then he has now the right to take the advantage of the unemployment compensation which is seventy-five percent of the minimum wage, "paid by the Ministry of Labor."

14.4 Recommendation 15:

The Lebanese government has to implement, and enforce law 220/2000 and guarantee the right of Palestinian people with disabilities to practice the rights and privileges granted by law 220/2000 instead of being subject to the law of labor 129/2010.

15. The right of education**15.1 Depriving Palestinian refugees with disabilities from education and sports**

The law 220/2000 gives the disabled people the right in education and sports as stated in article 59: "Every disabled person has the right in education, in the sense that the law guarantees equal opportunities of education to all those people with disabilities to children and adults in all educational institutions from all kind in regular classes or in private ones if necessary. However; the disabled Palestinian refugees are prevented from the chance to enjoy an equal educational opportunities with the disabled Lebanese person.

15.2 Recommendation 16:

The Lebanese government should implement and enforce law 220/2000 and ensures the rights of disabled Palestinian refugees in education and sports granted by law 220/2000.

16. The right in adequate housing**16.1 Depriving disabled Palestinian refugees from adequate and rehabilitated housing**

The Lebanese government deprives the Palestinian refugees with disabilities from the right of adequate and rehabilitated housing. Although law 220/2000 article 55, paragraph b states that "the permanent or seasonal special residential areas should include eligible housing according to the minimum standards of buildings and facilities, in addition to the standards imposed on the entrances, parking and other public spaces, in a way to be adequate for the use of disabled people whose mobility is limited (for example: people who use mobile chairs) in a ratio of two percent (2%) of the total number of houses. The result from the calculation is rounded up "this may guarantee their rights in an adequate housing under the criteria listed in the law. The Palestinian refugee camps are deprived from the care of the Lebanese government and lack the basic standards for minimum decent housing such as eligible buildings and residences that hinder facilitated arrangements for people with disabilities to live in a healthy environment.

16.2 Recommendation 17:

The Lebanese government should apply law 220/2000 on the camps; protects them to ensure adequate housing in accordance with the basic standards of buildings and facilities for disabled Palestinian refugees.

17. The right to own a property

17.1 Deprivation and expropriation of Palestinian refugees people with disabilities from possession and also anybody who possessed any property before 2001 and did not complete its registration in the competent departments.

Exemptions of Palestinian people with disabilities in Lebanon from possession because they do not have the nationality of a recognized state. Under the pretext of refusing settlement of the Palestinians in accordance with law 296/2001, the property that is purchased and its price was paid before amending law 296/2001, and whose owners did not finish registration procedures prior to this date, has become now unable to be registered in the official real estate department because of the deliberate misinterpretation of the law. Arbitrary measures by the real estate department prevented Palestinian refugees from transferring the ownership of property that was not registered before the enforcement of the inventory legacy issued by the spiritual courts, although law 296/2001 did not prevent it. Some of the victims who are forced to go to the justice and this poses additional financial burden. It is worth mentioning that the Lebanese judiciary is no longer looking in similar cases since 2014.

17.2 Recommendation 18:

Stop discrimination against the Palestinian refugee, issue the legal amendment that allows him to own property, stop arbitrary measures that prevent the registration of the real property purchased before modifying law 296/2010, and stop the discriminatory actions and complications upon the transfer of the ownership of the inherited property.

18. The right to establish associations

18.1 Palestinian refugees with disabilities in Lebanon are prevented from the right to form associations. There are restrictions imposed on them and on their participation in the association.

The fact that the Palestinian refugees are sometimes classified as special categories and at other times foreigners; they are deprived from forming associations and imposing restrictions on their participation, because the operational procedures of the law didn't recognize the special status of Palestinian refugees. Every association: "already run by foreigners; or its

administration has foreign members; or at least a quarter of the members are foreigners" is considered a foreign association and subject to a special law which is resolution no. 369 to L.R. - issued on 21/12/1939 as stated in article three of this law. Its creation also requires a special decree issued by the Council of Ministers.

18.2 The Palestinian refugees with disabilities are deprived from the right to participate, vote and to run for elections for membership of the committees within law 220/2000

The law 220/2000 did not give the right to participate, vote and run for elections to the committees set forth in the law itself to the disabled Palestinian refugee, but he is deprived from the right to participate and to accept the request of his candidacy for membership of these committees.

18.3 Recommendation 19:

Legalizing the establishment of associations for the disabled Palestinian refugees in Lebanon, just like the disabled Lebanese citizens, and not being satisfied only by the concept "eye blind", as a contribution in the development of institutionalization and democratization of the existing Palestinian associations.

18.4 Recommendation 20:

The Lebanese government should implement and enforce law 220/2000 in order to ensure their right to enjoy vote and run for membership committees set within the law itself.

19. The right in freedom of opinion and expression

19.1 Restrict the freedom of expression by the Lebanese only and deprive Palestinian refugees with disabilities from it

Decision 352 issued on 20/02/2006 by the Ministry of Interior and Municipalities restricts the right to express the opinion by organizing demonstrations for Lebanese only, while the Palestinian refugees with disabilities were forbidden from their right to organize demonstrations, as paragraph 3 of the article 1 of the resolution stated clearly "The organizers of the demonstration must be Lebanese." Also the Palestinian refugees with disabilities from Syria are suffering from the same violation.

19.2 Recommendation 21:

Issue a decision that permits the Palestinian refugees with disabilities to express their opinion through demonstrations and peaceful assembly without any barriers.

19.3 Recommendation 22:

The Lebanese government should provide legal and technical assistance to the Palestinians who work with this group of the Palestinian refugees in Lebanon.

20. The right of the Palestinian with disability to be protected within the family

20.1 The Palestinian refugee with disabilities are deprived from protection of the law 293/2014 "the protection of women and other family members from domestic violence."

Since the law did not recognize people with disabilities in general and Palestinian refugees with disabilities in specific, and did not mention them despite their need for protection and special care as well as the weakness of the procedural justice in Lebanon, and its absence in the camps and in addition to the customs and traditions which control the Palestinian communities.

20.2 Recommendation 23:

The Lebanese government should amend law 293/2014 in a way that recognizes the situation of people with disabilities in Lebanon

20.3 Recommendation 24:

The Lebanese government should strengthen the procedural justice that recognizes the Palestinian refugees with disabilities through training, rehabilitation and preparation in Lebanon, especially inside the camps, and / or legalization of what is acting on its behalf within the camps (security and popular committees).

21. Respect Privacy

21.1 The Palestinian refugees with disabilities are deprived from privacy

The Palestinian person with a disability is exposed, in his place of residence or his livelihood arrangements, to arbitrary or unlawful interference to his privacy, or his family, his home or his correspondence, nor the means of communication he uses, and to the attack and lack of protection under the law.

21.2 Recommendation 25:

The Lebanese government should take all measures to protect the privacy of Palestinian refugees with disabilities.

DISABLED RIGHTS

- Lebanese Physically Handicapped Union
- Lebanese Disability Forum
- Lebanese Disability Coalition

INTRODUCTION

The Lebanese Physical Handicapped Union ,the Youth Association of the Blind, the Lebanese Association for Self-Advocacy, the Palestinian Disability Forum, Darb El Wafaa Association for the PWD, Takat, the Lebanese Down syndrome Association , the Association of Visually Impaired People, Youth Friendship Club , prepared this review, within a presentation which focuses on the extent of the Lebanese government's compliance to the protection, promotion and implementation of the rights of PWD in Lebanon.

This report is based on the internationally recognized rights of PWD stated in the International Convention for their rights, issued in 2006. The report displays the current status of the rights upon the level of the Lebanese state's recognition of these rights through legislation, upon the level of the extent of the application of the rights, as well as the results arising from any defect in the first two levels. The report also includes the status of the disabled refugees' rights, in addition to some recommendations to promote and protect the rights of PWD in Lebanon.

The main defect lies in the deprivation of PWD from some of their rights in Lebanon due to non-ratification of Lebanese state on the International Convention on the Rights of PWD and for not developing the national legislation to translate the internationally recognized rights. Since signing this International Convention without ratification means an implicit recognition of the rights, and therefore doesn't exempt the state from developing its related national laws. Those rights are internationally recognized and the Convention became an international law after being ratified by more than a hundred state.

Despite having fifteen years passed after the issuance of the Law 220/2000 special for the rights of PWD in Lebanonⁱ, but the concerned ministries didn't issue any implementation decrees for them, due to the following reasons:

- Lack of vision, or a national policy, or a general strategy for the implementation of law and reach for having equal opportunities in society.
- The absence of the inclusive criteria for structures of these ministries, departments, boards, and decisions; and the lack of awareness in the public sector towards the issues of disability and the rights and needs of PWD.
- The absence of disability issues for local development agendas, or the standards of the studies, public or official social statistics.
- The absence of coordination between the concerned ministries in implementing the law which wastes the opportunities for its implementation.
- The absence of the basic needs of PWD from the general budget, which makes implementation of the law in the labor, education, health and inclusive environment rights, as well as the civil and political rights aren't provided.
- Inability to access information, and the absence of transparency of the information provided by the ministries.

At the same time, the state acts negligent as for the ratification of the "International Convention of enforcing the Rights of PWD and their integrity," especially in the course of upgrading the national legislations to create the appropriate floor for its implementation.

Due to this fact, the PWD, who represent 10 percent of the population in Lebanon, equal to around 400 thousand citizensⁱⁱ, suffer from marginalization, exclusion and deprivation of their basic rightsⁱⁱⁱ; this presentation discusses the rights of: labor, education, health, non-discrimination (engineering equipping and political rights), in addition to the rights of the Palestinians and the Syrians refugees with disabilities . Thus, there are two basic recommendations which include: request from the state of Lebanon to ratify the Convention, develop the national laws to guarantee all the rights of PWD and to legislate specific policies and perform procedures necessary to reach their rights.

RIGHT TO EDUCATION

The Universal Declaration of Human Rights states the right of each person in education. The International Convention states the rights of PWD in education through ensuring a public educational inclusive system.

The Lebanese state recognized this right in the special legislation of the rights of PWD (Law 220/2000). At the level of implementation of this right, the Lebanese state still adopts the policy of isolating PWD who are in the age of schooling within social institutions that work as boarding schools in order to teach them. These institutions are not a part of the educational system in Lebanon and are not subject to any monitoring by the Ministry of Education. The absence of the Ministry of Education is not limited to the absence of monitoring, however the Ministry of Education did not perform its role and responsibility in the education of PWD, in which its role is limited to organizing official exams for PWD who are enrolled in the social institutions which have education programs.

The PWD, who are enrolled in regular official schools are only one percent of PWD who are in the age of schooling, in which the Ministry of Education role in this regard restricts to facilitating their enrollment to the public schools for a prerequisite : on one hand, to have a committee or an association provide educational support for these students with disabilities, and on the other hand for the schools that are enrolling them.

The Ministry of Education has taken only one step during the past four years in developing a strategic plan for the educational integration for PWD, however this plan wasn't submitted to the Cabinet to be adopted and work upon it, after allocating a budget for its implementation.

Due to this fragility in the legislation and in implementation, PWD who are enrolled in social institutions for education suffer from being denied their fundamental natural right that is to live with a family, particularly that their families and their parents are alive, however, the terms of the institution subjects that they get separated from their families and stay isolated in institutions. This deprives the parents from their right in choosing the type of education for their children. It also deprives them from the possibility of living in their local communities during all their education time in the institutions. In addition, they receive a fragile quality education compared to their peers who are learning in the public educational system.

PWD who are not enrolled in these social institutions which provide educational opportunities, are deprived of their basic right in education, where they are excluded from regular schools in their local communities, while not having any specialized social institutions which offer education programs for PWD. In this case, a lot of parents choose the priority to exercise their right in raising their children within the family, rather than the conditioned education of their children which separates them from their family. As a result, a large number of children with disabilities are uneducated, especially in distant areas from the capital, or from the center of the country.

This fact is due to: the absence of clear and specific policies in the legislation for the implementation of the right to education without violating other rights, and failure of the Ministry of Education to take responsibility in the education of PWD, and the non-transfer of the Ministry of Social Affairs the budget dedicated to the education of PWD within the social institutions and programs which support the education within the public educational system and in regular schools.

RECOMMENDATIONS:

- **The Lebanese state should recognize the right of PWD within the inclusive public educational system of PWD.**
- **The Ministry of Education becomes liable for the education of PWD within the public education system and in the public schools within the local communities.**
- **The state should allocate a budget to achieve an inclusive educational system and inclusive schools to ensure the education for PWD on equal basis with others.**

RIGHT TO HEALTH

Despite the adoption of Law 220/2000, full health coverage, and rehabilitation services at the expense of the state, and the law was followed a circulation by the Ministry of Public Health on January 7, 2010. However, the fact of having PWD access health services remains dire, despite the high cost for health in Lebanon, however the coverage standards remain low.

It is noted that providing access to services is discretionary and favoritism and not covered by the concerned ministry by big percentages, along with the apparent discrimination in dealing with PWD as they are finalizing the required transactions, which results in having big numbers of this card holders not accessing these services only after having paid big amounts^{IV}. In addition, there exists the failure to provide rehabilitation, physical, or occupational, and other therapies only in low rates. Also, it is noticed the lack of any awareness impact related to services, or rehabilitation of medical staff towards the needs of PWD, which results in the incapability of the medical staff to deal with various needs, which may cause new disabilities, or multiple disabilities; not to mention the moral and psychological harm and human abuse. Despite the formation of a "health, rehabilitation and support" committee under the law, however they haven't acted nor convened for once; which indicates absence of serious intents of the relevant ministries to implement the law^V.

RECOMMENDATIONS

- **Provide rehabilitation treatments in all centers contracting with the ministry over all Lebanese territories, in addition to conduct a comprehensive medical survey, according to the international definition, for the PWD, their disabilities and needs.**
- **Bind the public and private hospitals and health centers to include the inclusive standards, both in terms of engineering and automated equipping or at the level of communication systems.**
- **Educate and train the medical staff and employees in hospitals in all units about the needs of PWD and how to deal with them in all circumstances.**

RIGHT TO WORK

The Universal Declaration of Human Rights states that everyone has the right to work, to free choice of type of work and to the protection against unemployment. The International Convention on the rights of PWD states that every PWD has the right to work and to make a living from a work that he gets chosen to or accepted freely in an inclusive and open labor market, and make the access possible. The Lebanese state recognized in the special legislation for PWD rights (Law 220/2000) with the right of PWD to work. But the law proceeded with the employment of PWD in special centers for them, in addition to their employment in institutions within the labor market. The law only focused on employment through imposing a certain percentage of employment both in the public and private sectors without subjecting measures and providing support to make the labor market and its institutions inclusive for PWD.

At the implementation level, the state failed to implement the law, especially through employing only a certain percentage of PWD in both the public and private sectors due to the absence of any support to work institutions in order to become inclusive and suited to employ PWD, as well as the absence of rehabilitation programs for PWD to enable them to perform jobs required in the labor market. The rehabilitation policy and providing job opportunities for PWD still relies on the financial support by the National Employment Office for the rehabilitation of PWD for non-required jobs in the labor market, offer them opportunities in specialized centers or protected workshops.

As a result of this defect in the legislation and practices, a lot of PWD are unemployed not due to the high rate of unemployment in the community, but to the presence of legislative barriers and the absence of policies that eliminate the discrimination against PWD in searching for jobs, finding a job, apply for it and hold to it. Among the most important results of the exclusion of PWD from the labor market is the extreme poverty and social marginalization. But on the other hand, the private sector in Lebanon is taking individual initiatives to employ PWD and to rehabilitate the workplace. This fact is due to the absence of a clear policy in the legislation to provide job opportunities for PWD within an accessible and inclusive labor market for PWD, the absence of procedures which aid the work institutions to become inclusive and capable of employing PWD, and the absence of rehabilitation programs and rehabilitation linked to the requirements of the labor market.

RECOMMENDATIONS

- The Lebanese state must adopt a policy to secure the right of PWD in the work within an inclusive, open and accessible labor market for PWD.
- The state should allocate a budget to support the work institutions which took the decision of hiring a PWD to enable these institutions to perform the necessary adjustments and to provide enhanced or alternative devices which guarantee the PWD to perform his job at the institution.
- The state must plan and implement vocational, social and health rehabilitation programs to enable PWD to enroll in the labor market, get jobs and hold to them.

NON-DISCRIMINATION

The physical, economic and cultural discrimination against PWD affects them at various levels, and is considered prevalent. Discrimination is double and dual against women with disabilities, as well as the children with disabilities suffer to access the minimum rights. We are interested to focus in this report on the levels of the engineering equipping and political rights.

1. ENGINEERING EQUIPPING

Although the International Convention and national legislation bind the public and private institutions to perform the required engineering equipping with what guarantees the free movement and access of PWD, however the concerned ministries didn't perform the required procedures nor did it issue the applied decrees yet; the civil studies showed the possibility of equipping at a low cost; and civil surveys showed the scarcity of engineering equipping for places of public use^{vii}, after the state has missed its chance in equipping of what was destroyed in the war of July 2006 in an inclusive manner which respects the human rights. This is due to the conflict of powers of the concerned ministries and public departments in engineering equipping, which hinders any serious movement towards law enforcement. As well as, the absence the engineering equipping chapters from the general budget of the buildings, public and private places of public use; thus depriving

the local administrations in the regions from the required financial liquidity for equipping, and keep it restricted to the individual or civil initiatives.

RECOMMENDATIONS

- Develop the legislations through the introduction of basic amendments related to the inclusive constructed environment without excluding any of the disabilities and makes the environment equipped for everyone.
- Adopt clear clauses in the general budget, and within all ministries the chapters of the engineering equipping and the information technology assistance which are needed by PWD visually, auditory and mentally.

2. THE RIGHT TO PARTICIPATE IN PUBLIC AND POLITICAL LIFE

The Universal Declaration of Human Rights states that everyone has the right to participate in the management of public affairs of his country, either directly or through freely chosen representatives ... through genuine periodic elections, equal public voting between the voters and through secret voting or through a procedure that guarantees the freedom of voting.

The International Convention on the Rights of PWD states their right participate in political and public life through ensuring the possibility to participate efficiently and fully in the political and public life in the public and political life on equal basis with others.

The Lebanese state didn't recognize in the special legislation of rights of PWD (Law 220/2000) against the right of PWD to participate in public and political life. At the same time, it did not deny them this right. However, the law stated procedures which contribute to facilitate the participation, in which it stated the performance of engineering modifications for all places special for public use. If this was implemented, shall contribute in providing access for PWD to the voting locations during the elections.

DIFFICULTIES

In education, the right of Palestinian refugees with disabilities is limited to having the basic official education and relying on "UNRWA" schools, since they are considered foreigners, which fail to apply the educational inclusiveness in curriculum or in the means of dealing by the educational staff with the needs or the spatial environment, taking in consideration that these schools are rented and most of them weren't built as schools.

In health and rehabilitation, they are deprived from the right to benefit from the official health services considering they are foreigners, and they obtain what "UNRWA" and some NGOs offer them, which are considered fragile, scattered and non-sustainable services. As well as, the prevention and rehabilitation programs do not own the appropriate resources for continuity, and to work on the level of overall development, for reasons related to complicated legal status, in which these programs are overwhelmed by the temporary relief work form.

At work, they are denied under a ministerial decrees and strict laws imposed on the Palestinians in general, from most of the jobs and from obtaining jobs opportunities, which increases the burden of disability. In the environment and housing, Palestinian refugees in Lebanon are deprived of the right to own property outside the camps, where they live in deteriorating conditions inside them with absence of any engineering equipping.

At the application level, a decree was issued by the Cabinet and circulated by the Minister of Interior to facilitate the participation of PWD in the general elections. Nevertheless, there are obstacles that prevent many PWD from exercising their right to participate and to vote. This applies to all types of public elections whether to elect the representatives of the people or to elect the representatives of the local community within the municipal councils or to elect syndicate councils and others. This fact is due to: the non-recognition of the Lebanese state of this right within the special legislations on the rights of PWD or through other legislations, and the non-application of engineering adaptation standards for public places, and non-execution of any procedures for PWD to access the special elections information, in addition to non-execution of procedures which guarantee the free and secret voting for PWD.

RECOMMENDATIONS

- Legislations must guarantee the right of PWD to participate, on an equal basis with others, in public and political life.
- The Lebanese state must adopt inclusive standards to ensure the participation of PWD in the electoral processes, whether to run as candidates or vote.
- The Lebanese state must take procedures that ensure PWD vote independently, freely and confidentially.

RIGHTS OF REFUGEES WITH DISABILITIES

1. The rights of Palestinian refugees with disabilities Most Palestinian refugees with disabilities, estimated six thousand persons, live in Lebanon, living in difficult economic conditions, deprived of most of the rights, and the unemployment rate is estimated 90 percent^{viii}. The Law on the Rights of PWD 220/2000 special for rights of Lebanese PWD doesn't include them even if it was implemented. And they rely basically in providing their needs on the offerings of UNRWA, and other international organizations.

RECOMMENDATIONS

- Prevent and prohibit all forms of discrimination against Palestinian refugees with disabilities, and ensure that they have equal opportunities to participate in social and economic life with integrity; while ensuring the application of the law 220/2000 for them as well.

- Not regard the Palestinian refugees as foreigners in the Lebanese educational and official institutions, and similarly treat them on equal footing with the Lebanese students and trainers in those institutions.

- Allow the Palestinian refugees with disabilities to benefit from the health services and offerings and rehabilitation services which are available in the official health institutions, which Lebanese PWD benefit from.

- Annul the unfair decisions against the Palestinian refugees related to them being deprived from a big number of jobs, and allow them to work on equal footing with the Lebanese PWD.

- Initiate immediately to the reconstruction of Nahr el-Bared camp inclusively according to standards which respect the needs of PWD, and in accordance with the civil engineering inclusive studies, which demonstrates the potential of its implementation.

- Seek the development of Arab fund for support for Palestinian refugees, with the diminish of UNRWA aids to them, particularly the medical assistance.

- The establishment of a supreme committee which constitutes from representatives of the Lebanese government, the Palestinian Authority, and "UNRWA"; to work on management of affairs for Palestinian refugees with disabilities in Lebanon, and secure their rights.

2. Rights of the Syrian refugees with disabilities

During the past four years, Lebanon transformed to the most concentrated spot for refugees in the world^{ix}, in which no district is empty of Syrian refugees whose numbers of those registered with UNHCR increased more than one million and two hundred thousand persons, whereas, the number of those non-registered is estimated around one million persons. Most of the refugees are women and children, whereas the percentage of PWD is more than 10% among them, including a big number of war injured persons.

In statistics, UNHCR application form is a non-specialized form, which does not observe the type and degree of disability, and depends heavily on the statements of the refugees themselves (disability and needs) and not on the remarks of trained specialists.

In education, children refugees with disabilities are deprived of alternative educational programs, within randomized which through is provided official and contractual educational services, where the main refuge is focused, due to the absence of appropriate equipment, adapted curriculum and the trained educational staff.

In health and rehabilitation: the budgets which cover medical care, hospitalization and treatment of chronic and incurable diseases was reduced to minimal limits gradually over the past year, whereas the periodic reports did not note any specialized rehabilitation actions for PWD.

At work, refugees are deprived from working, so they count on the financial and in-kind assistance offered by the donors. In shelter and housing, most of the refugees with disabilities live in random camps with a total absence of engineering equipping. They are either as hostages in off-hand shelters or camps which lack the minimum limits of safety and hygiene standards.

RECOMMENDATIONS

- In statistics, it's important to determine the degree and type of disability and the additional needs of refugees with disabilities according to specialized and standardized forms, by the UNHCR team and partner organizations and associations.

- In education, ensure access and participation of children refugees with disabilities in synonymous educational programs, through adapting the curriculums gradually from the lower to the upper grades.

- Consider the PWD an actual priority to ensure their right to access medical centers which contract with the UNHCR and provide appropriate treatment for them.

- At work, rehabilitation of the refugees with disabilities within specialized programs, especially those who have recent disabilities as a result of the war.

- Equip shelters according to a mechanism of moving engineering equipment, to ensure the right of access for the refugee with disability to the services equally with the refugee who doesn't have a disability.

Signing on behalf of the Disability Forum in Lebanon
Lebanese Physical Handicapped Union
represented by its President Ms. Silvana Lakkis

NOTES:

ⁱ Law no. 220, issued on 29.05.2000

ⁱⁱ According to the statistics of "Inclusivity network in Lebanon"-2006, and according to the results of work of "emergency program-relief project" at LPHU during the migration of July/August 2006

ⁱⁱⁱ "Together towards inclusiveness" an awareness guide about the rights of PWD in inclusive environment, education, health and work (Beirut-media unit at LPHU, 1st: 2008)

^{iv} Useless card, unapplied law" magazine Waw, edition. 13, August 2007, health file for PWD, pages 3-12

^v Law 220/2000 and its implementation, a study prepared by researcher Sameyya Bou Hosn for LPHU 2009 (wasn't printed)

^{vi} Progress towards an inclusive environment-an approach, which depends on the architecture engineering and budget (Beirut: Lebanon budget project-LPHU and researches and consultations institution, 1st: 2008)

^{vii} "Reconstruction ad inclusive environment" a field survey regarding the application of special engineering standards ad characteristics for PWD in the process of reconstruction

(Beirut-media unit at LPHU, 1st: 2008)

^{viii} Palestinian embassy in Lebanon, paper work presented to the regional workshop "Towards a decent job for everyone", Beirut 2014

^{ix} Weekly and periodic reports for UNHCR

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