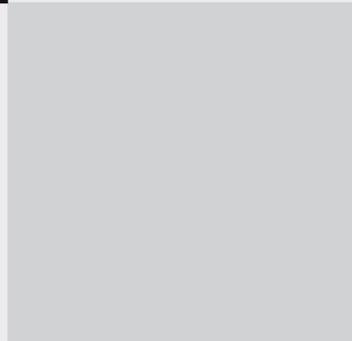
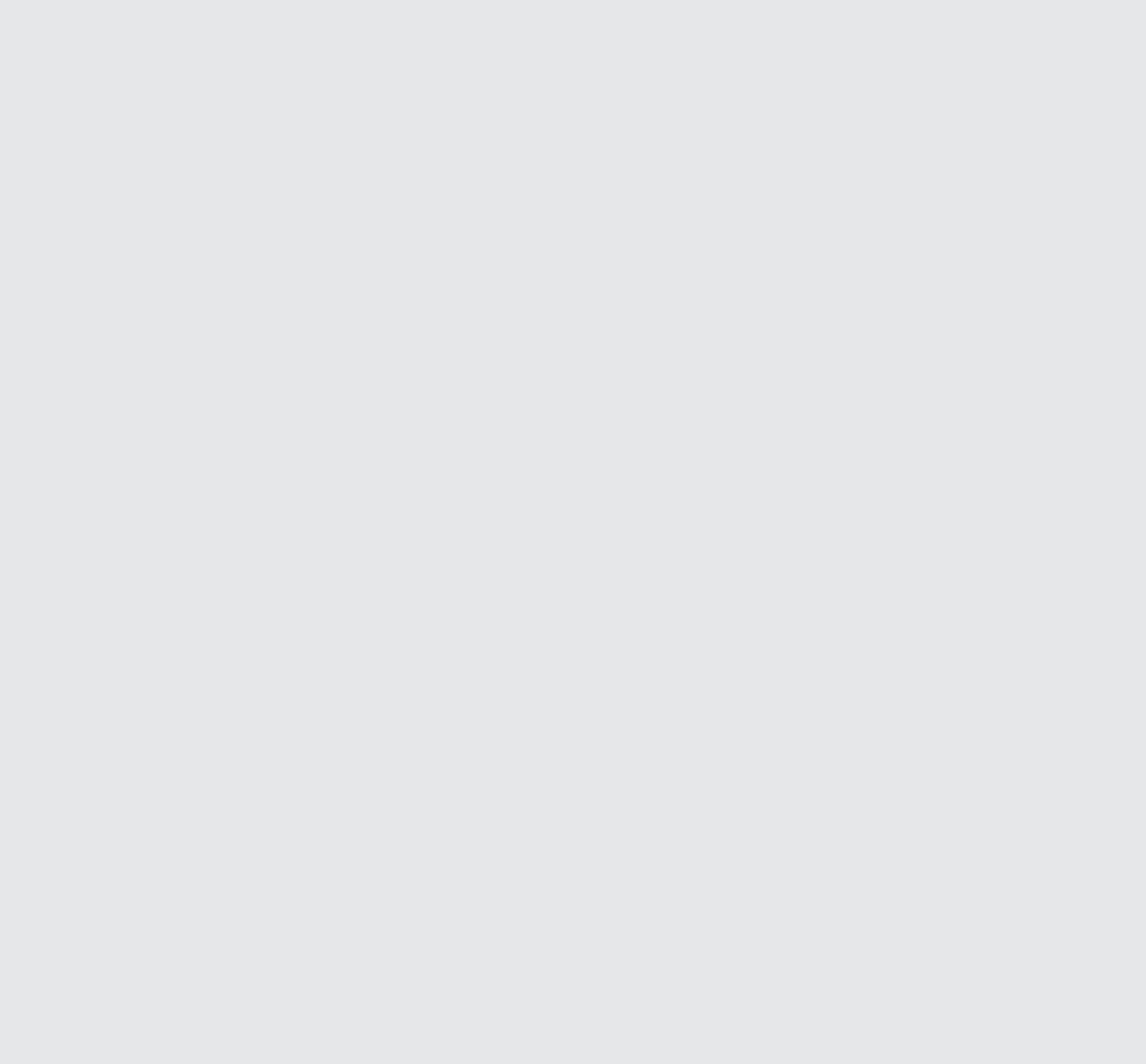




# Universal Periodic Review (UPR) Third Round Lebanon







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## ■ Overview:

# Human Rights Violations and State Collapse in Lebanon

Years of impasse had contributed to disrupting political life in Lebanon. They impeded its institutions and threatened human rights in general and economic, social, and cultural rights in particular.

**Especially in the past two decades, the Lebanese experience affirmed the complementarity, interdependence, and indivisibility of human rights. Economic and social rights became a prerequisite for political stability. Dignified living and regional equilibrium were contingent on transparency and accountability, freedom of expression, the right to assembly and organizing, and public and private liberties.**

An increasingly stifling economic and financial crisis resulted in more and more unemployment and poverty, as well as the large proportion of informal workers who lack the minimum standards of social protection and make up more than half the workforce. The national currency has collapsed and inflation grew in the absence of transparency and accountability and false policy options. The situation is expected to exacerbate to a dangerous level in the event subsidies on some basic commodities, such as energy, medicines, and flour are removed as the authorities are suggesting. The country is no longer receiving hard currency inflows due to the crisis, lack of trust in the banking sector, and governance in general.

Decades of old economic, financial, and monetary policies led to the loss of hard currency, which is a key aspect of the Lebanese crisis. These policies failed to support a productive economy and a stable financial and monetary system. Political, partisan, and sectarian quotas corrupted state institutions and public utilities. They led to the mismanagement of public administration and eliminated its ability and effectiveness in protecting citizens' rights. Citizens and the international community alike lost all confidence in the authority, contributing to a blockade by investors and donors who are demanding the implementation of reforms to enhance transparency and accountability mechanisms, address the economic and social crisis, and implement legal and political reforms to allow for the reproduction of authority through democratic means and peaceful transition.

On October 2019 ,17, Lebanon erupted in a popular revolution that swept the regions and various social groups. The authorities lost popular support although they cling to a legal legitimacy that came out of the questionable electoral law of 2018. Local and international electoral observers had unanimously concluded that the law did not conform to international democratic elections standards. It failed to respect human rights in political practice and disrupted the constitution and state institutions. One year later, the revolution remains and is expected to continue until it reconstitutes state authority and ensures that citizens' human rights are protected. The wholesale violation of these rights was on full display on August 2020 ,4 when Beirut Port witnessed what was considered the third largest explosion in history after



the nuclear detonations in Hiroshima and Nagasaki. Dangerous and internationally prohibited materials had been stored in the port for more than six years. The issue was raised before judicial, security, customs, administrative, and political authorities who failed to implement measures to prevent the massacre. The explosion killed 200 people, injured more than 6000, and destroyed almost half the old city and the port that gave it its historical importance and regional role. Human rights violations continued in the months following the explosion. The crime scene was manipulated and the investigations were stalled to cover-up its true causes. When people called for the truth to be revealed and those responsible to be disciplined, they were confronted by security forces, at the behest of the political authorities. The repression injured more than 723 people, sending 153 to the hospital. Twenty people were shot by live bullets and 16 of them lost an eye. Another 20 demonstrators were arrested for rioting and 18 released 24 hours later after the intervention of the Lawyers Committee to Defend Demonstrators. Persistent human rights violations on all levels has turned the country into a police and security state.

Lebanon's political and legislative disarray did not prevent the adoption of anti-corruption laws. However, they remain insufficient unless supported by enhancing the independence of the judiciary and appointing the members of the independent human rights institution.

Calls for the unselective implementation of the constitution were at the forefront of citizens' demands, in addition to agreeing on a new social contract focusing on the respect of economic and social rights as well as

public freedoms, democracy, and other civil and political rights. The main priority now is to return to the state of law and institutions that guarantee citizens' rights.

**Lebanon's Universal Periodic Review takes place amidst a deteriorating situation that poses an existential challenge for Lebanon. Political authorities lack the required responsibility to lead the country through this period and the disruption of democratic mechanisms impedes the possibility of accountability, the renewal of ruling elites, and Lebanon's exit from the crisis.**

**Ziad Abdel Samad  
Arab NGO Network for Development**



# ■ Economic and Social Rights



- Arab NGO Network for Development
- Lebanon Support
- Housing and Land Rights Network
- Lebanese Observatory for Workers and Employees Rights



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## General Background and Framework

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Lebanon's third-cycle UPR takes place amid a massive wave of unprecedented nationwide protests that started on 17 October 2019. These protests are motivated by the direct repercussions of the economic and monetary crisis on the Lebanese population, whose grievances are rooted in economic and social rights violations inherent in a structurally flawed economic and political system of sectarianism and corruption embraced by decades of successive governments since Lebanon's independence.

The protracted crisis in Lebanon has deep roots. Over the three decades of the enabling Washington Consensus, sectarian and political allies since the coincident Taif Agreement ending the Lebanese Civil War have had their respective private banks charging five to ten times the prevailing world interest rate on Lebanese government bonds. Today's result is the state's indebtedness to the domestic banking sector running almost double the country's income.

After thirty years of borrowing to finance reconstruction after the internationalized Civil War, Lebanon now lacks a sufficient potable water supply, public transport, electricity grid and solid waste management. The state lacks key institutions such as a ministry for housing and corresponding policy, while maintaining irrational and opaque governance structures in the municipal sphere. Jobs are scarce, and emigration and other manifestations of despair run high, all this while facing the additional human-displacement challenges associated with another uprising transformed into yet another internationalized civil war in next-door Syria since 2011.

The prevailing policy of fighting inflation with a deficit-ridden capital account has further dollarized the economy, squandered much of the national wealth and resources, and brought the share of the wage bill from national income from about 50 percent in the late nineties to twenty five percent in 2015.

With the livelihoods of the average Lebanese household in peril from diminishing wages, skyrocketing costs and inadequate social protection, remorseless Lebanese banks also have put themselves at risk by lending at larcenous rates that brought the economy to a virtual standstill. Consequently, with the country's productive capacity dangerously low and national debt ranked as the world's third highest, the formula of sectarianism also has stripped the people of Lebanon from meaningful citizenship to which they are entitled, leaving them instead to appeal for favors from their respective sectarian patrons, who, in turn, consistently rely on the state to sustain them. However, the state has failed to ensure development, and to respond effectively to Lebanese people demand transition from a rentier economy to a productive economy and a nationally owned rights-based sustainable development strategy. Furthermore, the protracted crisis in Lebanon has become deeper and even more complex with the global COVID-19 pandemic

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## Scope of International Obligations

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During the second UPR cycle, Lebanon noted all recommendations with regard to strengthening the normative framework for the promotion and protection of human rights in the country. However, no such progress was made.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Intensify cooperation with the international human rights system by ratifying the ICESCR Optional Protocol, the Migrant Workers Convention, Convention on the Rights of Persons with Disabilities and ILO Conventions Nos. 87, 169 and 189, and withdrawing its reservations to CEDaW.**
- **Ensure that all domestic laws conform to international human rights standards.**

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## Institutional and Human Rights Infrastructure

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Lebanon established the National Human Rights Commission, which includes the Committee for the Prevention of Torture, under Presidential Decrees No. 3267 (19 June 2018) and No. 5147 (5 July 2019).

During its second UPR, Lebanon noted also the recommendation to establish a monitoring mechanism to prevent abuse, guarantee decent working conditions and wages. Although no such monitoring mechanism was established, the 2017 reactivation of the Economic and Social Council was considered a positive step. However, the current and previous Council of Ministers (CoM) excluded that Council from economic and social policy formulation at a time when such involvement is needed more than ever.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Provide the National Human Rights Commission with sufficient resources to carry out its mandate effectively and independently, including the promotion and protection of economic, social and cultural rights, and to act as a bridge between government and civil society to empower individuals to claim their economic and social rights and encourage their participation in policy making.**
- **Ensure that the Economic and Social Council plays a pro-active role in economic and social policy making, given its central role in facilitating social dialogue and ensuring multi-stakeholder participation.**



## Implementation of International Human Rights Obligations, Taking into Account Applicable International Humanitarian Law

### ■ 1. State obligation to use maximum available resources

During Lebanon's 2nd UPR, the only recommendation related to allocation of resources related to education, calling on Lebanon to "ensure equitable and sustainable resources to education," which Lebanon supported. However, with a high percentage of the budget spent on public debt service, clearly Lebanon does not allocate its resources effectively to implement ICESCR Article 2(1).

Adopted by late January 2020, the budget further decreased social spending, threatening the most vulnerable in Lebanese society and causing retrogression in the enjoyment of economic, social and cultural rights. This included a 8% decrease in aggregate social spending compared to 2019, including a 7% decrease in healthcare expenditure, 7% decrease in education expenditure, 88% decrease in housing expenditure, 33% decrease for environment conservation, including administrative and research costs and waste management; a 2% cut in social protection disbursements and 3% decrease for the National Social Security Fund.

After its sovereign-debt default in March 2020, the Lebanese government announced its plan to seek International Monetary Fund (IMF) assistance to deal with the macroeconomic finance crisis. At the time of this submission, the government was still negotiating with IMF for a potential 3 to 5 billion USD intervention,

given Lebanon's share in the fund. At best, this loan may contribute to solving the financial crisis temporarily, but, in reality, will perpetuate the borrowing policy adopted over 30 years and increase the share of external debt, which is associated with economic conditionality.

Tax policies implemented in Lebanon should be assessed to ensure maximum available resources standard and that government put implement policies to collect sufficient resources to achieve the full realization of economic, social and cultural rights. However, within the Lebanese tax system, taxes (and exemptions) favor rentier activities, while penalizing productive ones, favoring informal labor relations rather than formal ones and, finally, favoring capital over labor. Tax regulations continue to be unfair, relying heavily on indirect taxation through the Value-added Tax (VAT) on consumption, which disproportionately impacts the poor.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Reverse recent cuts in social spending and avoid any social-spending cuts, enable and publicize a priori assessments to document that all measures are necessary, proportionate, and compliant with minimum core obligations.**
- **Fulfill its ICESCR obligations in negotiations with the IMF and put into place a clear legal and institutional framework to ensure transparency and accountability in loan negotiation and debt management.**
- **Reform Lebanon's tax system with the aim of achieving fair redistribution of income and wealth, ensuring the collection of all due taxes, and encouraging productive economic sectors. This includes introducing a global income tax, imposing tax on the profits of holding companies, restructuring income brackets, removing unjustified tax exemptions, in addition to**

introducing a progressive tax on rentier income, including profits from sale of capital assets (such as real estate) and interests from bank accounts.

- **Reform taxes on consumption, replacing the uniform VAT rate with different scales according to products, whereby basic food products would be taxed less than other products; and remove the exemption on luxury items to tax them at higher rates.**

## ■ 2. Adequate Standard of Living

The 2nd UPR was weak on poverty, focusing only on the implementation of programs to support the poorest with the 2011 launch of the National Poverty Targeting Program (NPTP). Nevertheless, this program's outcomes are limited, as it does not consider poverty as a multidimensional phenomenon, but rather addresses poverty merely targeting certain segments of the society.

Despite the paucity of data, it is clear that the poverty rate in Lebanon has been increasing. The World Bank's 2018 estimates put the poverty rate at around 33%, up from 27.4% in 2011–2012. However, the surge seems to have occurred after 2018. In its "Financial Recovery Plan," adopted on 30 April 2020, the Lebanese government cited the World Bank, revealing the poverty rate had already reached 48% and "may well exceed 60%" by the end of 2020.

The increase in poverty and the decrease in the general standard of living have been partially caused by the depreciation of the national currency, which has plummeted to the lowest exchange rates ever recorded in Lebanon. This loss in value is primarily caused by a shortage in foreign currency liquidity in the Lebanese economy, caused by a deep imbalance in the current-account deficit. However, the arbitrary and illegal capital control measures and withdrawal restrictions imposed by the banks since fall 2019, as well as the policies of the central bank in response to the crisis, have exacerbated the depreciation.

By mid-June 2020, the real rate of exchange in the informal market was 5,000 LBP for every U.S. dollar, more than three times the official rate of 1,500. This depreciation and the scarcity of dollars has hit the country's producers, importers and consumers alike, especially as the country relies on imports for a wide range of essential products. The central bank has subsidized the import of fuel, wheat and medicine, while other imported goods have risen dramatically in price, which meant a severe blow to purchasing power.

The government's Financial Recovery Plan (2020) reflects a narrow approach in tackling poverty, one that primarily revolves around a social safety net program funded by international financial institutions and consisting of cash transfers to the "poorest families." Evidence from the region demonstrate that these programs have only reached 40% of the poor population, which means that, assuming a poverty rate of 60% at the beginning of 2021, 24% of Lebanon's population might be facing poverty without of any assistance.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Adopt a new and comprehensive approach to poverty reduction that includes fiscal and monetary policies that protect and enhance purchasing power, enhances productive sectors for employment generation, redistributes concentrated income and wealth, as well as establishes affordable public transportation and a universal social-protection system.**

### ■ 3. The Human Right to Adequate Housing

Whereas Lebanon's 2nd UPR referred to the human right to adequate housing only within the context of a general economic and social rights recommendation that Lebanon supported, it is a key right as "a precondition for the enjoyment of several human rights, including the rights to work, health, social security, vote, privacy or education."

The situation in Lebanon poses several challenges to the full enjoyment of this human right, particularly with regard to elements of affordability, security of tenure, habitability, and equal and nondiscriminatory access. This includes: the high cost of housing relative to wage levels, the mismatch between what is supplied and what is demanded in the housing sector, the rising inequality in income and wealth and the economic disparities between areas, the dominance of a real estate development paradigm based on demolition and eviction.

Lebanese authorities have refrained from developing and implementing a housing policy based on the principles of social responsibility, and have instead enacted policies that encourage the commodification of lands through real estate speculation and financialization, marginalizing people's right to housing, and contributing to their eviction from their neighborhoods.

Housing policies implemented are limited to ownership through housing loans. Thus, they work for the benefit of the banking sector and real estate developers in the first place, and they are not sufficient to meet the needs of the largest segment of the population.

Old rent agreements (where rent amounts are minimal and landlords are unable to change tenants or rent prices) account for 20% of the total housing stock in Beirut's old and historic

neighborhoods. Tenants on old agreements include various social groups, including those who do not have complete rights or significant resources, such as those with limited incomes, people with disabilities, and non-Lebanese residents, and most of them are social groups whose resources decrease over time, such as retirees or the elderly. Those are living under the threat of eviction and displacement without having access to housing alternatives due to a new law on old rents (approved in 2014 and amended in 2017) which stripped many of the old tenants of the guarantee of their right to housing.

The rate of evictions in Beirut is two cases per three buildings, which is very high. These evictions have a major impact on the population, especially on vulnerable groups with no access to justice and no alternative housing options.

34. Palestinian refugee camps in Lebanon suffer from an inadequate infrastructure, including an overlap between the drinking water and sewage network, high humidity, water seepage, poor ventilation, and lack of sunlight in most houses in Palestinian camps and gatherings

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Adopt a law that establishes the right to housing and provides the foundation for a comprehensive housing policy following an inclusive, participatory, systematic and multidisciplinary approach in legislation. Drafting the law should take into account a number of aspects, including: sustainable development policy, directions for urban growth, public transportation between areas, the state's right to intervene in rents prices and rent contracts.**
- **Suspend the Rent Law (2017/2014) and amend the rent law (1992) and enact one universal rent law that prioritizes the right to housing, controls rents and link rent prices to the minimum wage**

and inflation, and includes stipulations specifically for the poorest populations towards adopting a law guaranteeing the right to housing in Lebanon that is based on sustainable development policy, addressing informal housing at urban level; reviewing credit mechanisms; and addressing evacuation

- Elaborate a modern real estate policy in Lebanon through the intervention of the public authority to limit speculation in land prices, including the development of a progressive tax on unconstructed lands, built lands, ownership of abandoned buildings, and ownership of vacant apartments.
- Ensure fair housing allowance in minimum wage policy taking into account high cost of living
- Require every construction of a new residential building to include a number of affordable units, as a prerequisite for obtaining a building permit. This recommendation is supported by Article 13 of the Building Law (363/2004) which allows local authorities to refuse to grant a building permit in case the building conflicts with the «public interest.»

## ■ 4. The Human Right to Education

40. Compulsory quality education and the integration of children with special needs into formal education system constituted the major issues covered by the recommendations received in relation to the right to education during the 2nd cycle.

41. Lebanon recognized the need for adopting a roadmap to transform the performance of the education system and announced a 2030 Education Strategy within Agenda 2030, aiming to improve students' learning outcomes and skills with a clear focus on equity.

42. However, the educational system in Lebanon continues to suffer from various problems, including verbalism in education, the need for private lessons, long hours of studying, in addition to quality gaps between

the private- and public-sector education.

43. Key challenges for public education remain low educational and administrative staff qualifications in public schools, absence of a suitable educational environment (buildings and equipment), administrative and regulatory systems incompatible with development requirements, weakness in foreign languages, lack of curriculum supporting information technology and communication as an educational method.

44. The Ministry of Education and Higher Education (MoEHE) previously recognized the widening achievement gap between public and private schools, yet it has not improved.

45. Private schools are considered a substitute for formal public education, given the deterioration of the level of formal education after the 1975–91 Civil War. Students enrolled in private schools numbered more than half a million out of a million students in 2019–20.

46. Given the absence of laws that protect the human right to education, private educational institutions may implement arbitrary measures. For instance, school fees increased 400% between 2010 and 2018, while the cost index was set at 121%. Before the 2019 economic crisis, 23% of families were unable to pay the school tuition in full, and the deficit continued with the new school year until the failure to pay reached 70%.

47. Transition from private to public schools is expected to surge in 2020, given the inability to pay tuition amid the financial crisis and the rise in the cost of living. This requires further funding for public education infrastructure to absorb the newcomers.

48. Integrating children with special needs into education remains inadequate already two decades years after promulgating Rights of Disabled Persons Law No. 2000/220. Few public or private schools implement this law, whether for locative environment, curriculum or qualified staff to deal with students with disabilities in the classrooms. The same situation prevails in UNRWA schools, which do not meet the requirements of an inclusive environment. Only 18 schools are so equipped.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Enhance the quality of public education, developing a new unified curriculum, establishing and implementing quality-oriented strategies, especially in rural areas, and adapting the school environment to the basic needs of persons with disabilities.**
- **Focus reform efforts maintaining increased enrolment rates, reducing and reinserting dropouts, giving incentives for teachers to serve in poor areas, establishing continuing education programs for teachers and expanding maintenance of the existing educational infrastructure.**

## ■ 5. The Human Right to Decent Work

As in Lebanon's first UPR, the second cycle emphasized child labor, as well as the right to work for Palestinian refugees, people with disabilities and migrant workers. Although these constitute key problematics for the full enjoyment of the human right to decent work in Lebanon, it overlooked the need to adopt a comprehensive employment policy and support the productive sector, which generates sustainable and decent employment opportunities.

Unemployment, especially among young people, has been at the center of Lebanese protests, but no progress has manifest toward adopting a national plan to promote job creation and move progressively toward the full realization of this human right. The state has also not been publishing any official unemployment rate, which impedes any intervention to curb unemployment.

During the last quarter of 2019, Lebanon witnessed large waves of arbitrary dismissals,

wage deductions and a range of other violations under the pretext of difficult economic conditions. The lockdown measures imposed in response to COVID-19 have exacerbated the economic decline and, therefore, accelerated job losses and disruptions. While no official statistics have been published, the acting head of the General Confederation of Lebanese Workers (CGTL) announced in February 2020 that 10,000 workers have lost their jobs, while 60,000 employees suffered a 50-percent cut in their salaries.

The private sector has also revealed its volatility during this crisis. A study based on a sample of 300 businesses from a variety of sectors and regions in Lebanon estimated that 220,000 jobs were lost since mid-October.

Despite obligations under Article 8 of ICESCR and ILO Convention 98, the unions present in Lebanon have no role, derogating the collective dimension of the right to work and preventing workers from remedial action for violations resulting from institutions' and companies' efforts to prioritize returns and profits.

The Labor Law does not define, or otherwise address sexual or moral harassment, even though sexual harassment is the most-severe abuse affecting the dignity of all its victims, especially women and girls. Several bills have been proposed to explicitly criminalize sexual harassment, including a bill submitted by the Minister of State for Women's Affairs and approved by the Co M in 2017, but parliament has not approved it yet.

In July 2019, the Minister of Labor initiated the so-called "Plan to Combat Illegal Foreign Workers in Lebanon," whose application affected Palestinian workers and employers, in contravention of previous laws and decisions approved by the Lebanese Parliament since August 2010. Dozens were dismissed from their jobs, tens of businesses run by Palestinians were closed, while Palestinian

university and technical school graduates and various professionals were barred from working.

Lebanon expanded maternity leave to 10 weeks, but has not ratified International Labor Organization's Convention No. 183 on Maternity Protection, which recommends a 14-week leave.

Migrant workers undergo violations under the notorious kafala (guardianship) system, rendering migrant domestic workers dependent on employers whim and leaves them vulnerable to exploitation. No political will has manifested to improve the legal status of migrant workers, nor for ratifying the Migrant Workers Convention. Violations of domestic workers rights include excessive working hours, nonpayment of wages, confinement in the workplace and in some cases physical and sexual abuse. During the pandemic, forced eviction and abandonment have counted among the abuses.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Remedy the structural causes of unemployment, including jobless economic growth, by supporting productive sectors at national level for sustainable job generation and ensure the adoption of a fair tax system that stimulates local productivity**
- **Ensure employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in Articles 7(a)(ii) and 11 of ICESCR and Article 46 of the Labor Law**
- **Amend the Labor Law to deter and penalize sexual harassment and gender-based exploitation and discrimination against working women, and establish a corresponding workplace monitor mechanism in both public and the private sector.**

- **Ratify International ILO Convention No. 1934) 44) and provide compensation or allowances to people unemployed against their will, and establish an unemployment fund.**
- **Abolish the obtain authorization requirement to form a union in favor of a formal public notice like the Associations Law, liberate unions from Ministry of Labor and ratify fundamental ILO Freedom of Association and Right to Organise Convention No. 87.**
- **Ensure that the minimum wage enable a decent standard of living for workers and their families, including indexing it with the cost of living and implementing vigorous enforcement measures.**
- **Abolish the kafala system; ratify and implement the ILO Domestic Workers Convention No. 189 to abolish the premise that domestics are either 'servants,' 'members of the family' or second-class workers.**
- **Rescind discriminatory restrictions on Palestinian refugees' access to the labor market, penalizing violations of decent working conditions for them, including lack of employment benefits, insecure job tenure and differential treatment in the workplace.**



## ■ 6. The Human Right to Social Security

The most-vulnerable populations such as the older persons, persons with disabilities, the unemployed, migrant workers, refugees, farmers and informal sector workers remain outside most formal social-protection systems.

More than half of workers (56%) are informal. They and their families are deprived of health care, compelling them to spend more of their income on health services, which leads to further pressure on wages that are already not sufficient to cover living costs, including housing, health, education, and food.

On 16 February 2017, the Lebanese Parliament enacted Law No. 27: Benefit from the National Social Security Fund (NSSF) for Retirees Enrolled in the Sickness and Maternity Scheme. Despite its title, the law obfuscates the issues for several reasons. It requires beneficiaries to pay a contribution to this fund, although they are no longer productive or have a source of income, especially in light of the failure to shift from an end of service indemnity scheme to a pension-and-social-protection scheme. Moreover, retirees beneficiaries would have previously paid all their contributions during the time they were employed, which means imposing additional contributions, although they do not work. The law benefits retirees with 20 years of service. However, only 50% of workers have subscribed to the NSSF since its 1963 establishment, meaning that half of the retiring workforce would not benefit. Some sectors are excluded from the NSSF or labor laws, such as agriculture, by default disqualifying those workers from benefit under law No. 27.

Law 128/2010 amended Article 9 of the Social Security Law, eliminating the condition of reciprocity by other countries when it comes to social security benefits offered by Lebanon

to non-nationals. However, the amendment still denies Palestinian refugee workers their right to health benefits and family allowances, especially maternity allowances. Although Palestinian refugee workers in Lebanon who are registered at the NSSF still have to pay the full fees (23.5%) of their salary similarly to Lebanese workers, they can only benefit from end-of-service indemnity (amounting to 8.5% of the total amount paid) and not from any other service.

The Social Security Law, Article 46 provides for benefits to male workers and civil servants, but not to female workers. For example, male employees can obtain compensation for non-working wives, while female employees can do this only if their husband is dead or suffers from a debilitating disease.

Article 10 of the Benefits and Services Regulations in the State Employees Cooperative and Article 14 of the Social Security Law discriminate against women in relation to their husbands' access to health care, hospitalization, and other benefits.

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Close gaps in the social-protection system, adopting a comprehensive system based on a human rights approach that includes refugees, displaced persons and migrant workers.**
- **Prioritize tax system reform to contribute to financing a comprehensive social-protection system and stimulate inclusive and equitable economic growth that, in turn, will generate more income and decent and sustainable jobs, while strengthening the social-protection system.**
- **Ratify ILO Convention Social Security (Minimum Standards) Convention No. 102 (1952)) and apply ILO Social Protection Floors Recommendation No. 202 (2012).**
- **Amend Law 128/2010 to allow Palestinian**

**refugee workers to enjoy their full human right to social security, as obligated under ICESCR Article 9.**

## ■ **7. The Human Right to Health**

The second UPR posed a key challenge to fulfill the human right to health in Lebanon, namely to close the quality gap between the private and public services and remedy their increasing costs.

According to the World Health Organization (WHO), only 8% of the population benefit from the Lebanese government's primary care. Health-service delivery is dominated by the private sector, which accounts for more than 90% of all services.

Lebanese authorities acknowledge challenges of the public-health system, including financial constraints, understaffing (specifically an imbalance between medical doctors and nurses, paramedics and administrative staff), a focus on tertiary care and poorly regulated ambulatory care.

Whereas the Ministry of Public Health (MoPH) Strategy 2025, launched in 2017, prioritizes universal health coverage, huge gaps remain in implementation given that the most-vulnerable populations such as the older persons, persons with disabilities, the unemployed, migrant workers, refugees, farmers, and informal-sector workers remain outside coverage.

In its latest statistics (2016), MoPH revealed that, in all the country's regions, the number of public hospitals is meager when compared to private hospitals. The largest gap was in Mount Lebanon, with only 5 public hospitals, compared to 47 private hospitals, followed by the Beqaa region with 5 public hospitals, versus 21 private.

The government fails to reimburse private and public hospitals, including funds owed

by NSSF and military health funds, impeding staff payments and medical supply purchases, and thus services.

Affordability of health care services is more elusive amid the COVID-19 pandemic, thus necessitating a comprehensive policy aimed at universal and publicly provided health care, as well as extending social-protection coverage to include the unprotected

We urge the Human Rights Council and the Working Group to call upon Lebanon's government to:

- **Implement healthcare reform based on universal access to public healthcare and enact a comprehensive health coverage law that assures quality healthcare to vulnerable groups.**
- **Strengthen the state's regulatory role in the health sector, defining the different public and private stakeholders' roles, monitoring their performance, thus rooting out corruption and waste, and enhancing the efficiency and effectiveness of health administration.**
- **Ensure the availability, accessibility and affordability of the highest attainable standard of health to all citizens and inhabitants through supporting infrastructure development in hospitals where necessary and upgrading medical equipment and redressing regional disparities.**



## References

1. For a detailed analysis, check [https://civilsociety-centre.org/sites/default/files/ls-what-mobilises-lebanon-oct-2019en\\_0.jpg](https://civilsociety-centre.org/sites/default/files/ls-what-mobilises-lebanon-oct-2019en_0.jpg)
2. ANND has been monitoring the implementation of the recommendations received from the 2nd cycle and the evolving situation since the start of the protests in Lebanon closely. Inputs provided to this submission have benefited significantly from the previous work done; including UPR Midterm-Report and bi-weekly e-bulletins produced by ANND. See more information at: <http://www.annd.org/english/itemId.php?itemId=#664sthash.HakZuz9m.dpbs> <http://www.annd.org/english/itemId.php?itemId=#749sthash.uTDNVpeC.dpbs>
3. Lebanon's public debt currently amounts to roughly 86 billion USD (excluding the financial dues of public institutions including the National Social Security Fund), equivalent to %150 of GDP.
4. See more at <https://www.lcps-lebanon.org/agendaArticle.php?id=154>.
5. [http://www.annd.org/data/file/files/20%01ANND-TAXJustice-2017Regional\\_Lebanon.pdf](http://www.annd.org/data/file/files/20%01ANND-TAXJustice-2017Regional_Lebanon.pdf).
6. The Committee on Economic, Social and Cultural Rights (CESCR) directed the same recommendation to Lebanon in follow up its ICESCR. See CESCR, Concluding Observations: Lebanon, E/C.12/LBN/CO24\_2 October 2016, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fLBN2%2fCO2%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fLBN2%2fCO2%2f2&Lang=en).
7. World Bank, "Lebanon is in the Midst of Economic, Financial and Social Hardship, Situation Could Get worse," 6 November 2019, at: <https://www.worldbank.org/en/news/press-release/06/11/2019/world-bank-lebanon-is-in-the-midst-of-economic-financial-and-social-hardship-situation-could-get-worse>.
8. See the financial recovery plan at: <http://www.leadersclub.com.lb/Download/GovernmentPlanApril302020.pdf>.
9. IMF, 2018. "Opportunity for All. Promoting Growth and Inclusiveness in the Middle East and North Africa." <https://www.imf.org/en/Publications/Departmental-Papers-Policy-Papers/Issues/10/07/2018/Opportunity-for-All-Promoting-Growth-and-Inclusiveness-in-the-Middle-East-and-North-Africa45981->
10. "Work towards additional efforts to promote economic and social rights, to enhance in particular the right to work, education, health and housing." Report of the Working Group on the Universal Periodic Review: Lebanon, A/HRC/5/31 22 December 2015, Recommendation 132.166, p. 24, at: <https://undocs.org/A/HRC/5/31>.
11. OHCHR, "Fact Sheet No. 21: The Right to Adequate Housing," Rev. 1, at:
12. [https://www.ohchr.org/documents/publications/fs21\\_rev\\_1\\_housing\\_en.pdf](https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf)
13. According to a survey by Public Works Studio (2018- 2016)
14. <https://sustainabledevelopment.un.org/content/documents/19624LebanonVNR2018.pdf>
15. <https://bit.ly/2Hqljdy>
16. The increase in the school fees is conditional on the increase in teachers' wages, which did not exceed %80 from %121 during this period.
17. "10,000 workers lose jobs in Lebanon as nationwide protests continue," Xinhuanet (6 February 2020), at: [http://www.xinhuanet.com/english/-202006/02/c\\_138758980.htm](http://www.xinhuanet.com/english/-202006/02/c_138758980.htm).
18. "220,000 jobs lost estimated by InfoPro: 40 percent reduction in salaries and 12 percent of companies ceased operation," BusinessNews.com.lb (7 February 2020), at: <http://www.businessnews.com.lb/cms/Story/StoryDetails/-220,000/7423jobs-lost-estimated-by-InfoPro>.
19. The Lebanese Labor Law 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.
20. "Palestinians Boycott Meeting With Lebanese Labor Minister, Asharq al-Awsat (30 July 2020), at: <https://english.aawsat.com/home/article/1835936/palestinians-boycott-meeting-lebanese-labor-minister>.
21. "Ethiopian domestic workers abandoned on Beirut street by employers," The Nation (June 2020), at: <https://observers.france24.com/en/-20190527-eviction-refugees-beirut-building-sparks-xenophobic-comments-online>.
22. <http://www.annd.org/cd/arabwatch2016/pdf/english/13.pdf>
23. <https://reliefweb.int/report/lebanon/concrete-results-lebanon-s-local-development-initiatives>
24. <https://sustainabledevelopment.un.org/content/documents/19624LebanonVNR2018.pdf>
25. <https://blog.blominvestbank.com/wp-content/uploads/04/2018/The-Healthcare-System-in-Lebanon1-.pdf>



# ■ Civil Rights and liberties



- Alef act for Human Rights
- Arab NGO Network for Development
- Frontiers Ruwad
- Lebanese Center for Human Rights - CLDH
- Legal Agenda
- Restart center for Rehabilitation of victims of violence and Torture
- Together Against the Death Penalty – ECPM



Lebanon has ratified most of the international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR), the international Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2000) and its Protocol (2008). Lebanon does not implement article 6 of the ICCPR. According to the Human Rights Committee, states that did not abolish the death penalty yet should only implement death penalty to the most serious crimes.

Lebanon has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

From 2007 to 2018, Lebanon always abstained from voting on the Resolution of the United Nations General Assembly.

During the 1st cycle of the UPR (2010), Lebanon noted and did not support any of the recommendations relating to the death penalty. During the 2d cycle UPR, of the 15 recommendations made to Lebanon relating to the death penalty, none was supported.

The Lebanese Constitution does not explicitly protect the right to life. However, in its preamble, the Constitution establishes that Lebanon is an active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights (UDHR). The Government shall embody these principles in all fields and areas without exception.

According to the national law, the Death Penalty falls under the jurisdiction of the Common criminal courts, the Judiciary Council, and the Military Tribunal.

When a court issues a death sentence, the decision is examined by the Amnesty Committee; subsequently and in order to

carry out the execution, the signatures of the Minister of Justice, the Prime Minister and the President of the Republic are required.

Death penalty remains a punishment for aggravated murder, gang robbery or gang assault if a person is killed in furtherance of the criminal activity, arson against certain structures, sabotage of communications, transportation or industrial facilities, complete or partial destruction of a building containing at least one person, gang robbery involving torture, importing nuclear, toxic, hazard waste, or polluting waterways, treason against Lebanon, espionage for an enemy, military crimes including desertion, crimes against honor and military duty, military treason and conspiracy, robberies and destruction, aggravated assault, and recidivist crimes if committed by individuals serving life sentences.

Under domestic legislation, the death penalty can be imposed for crimes that do not meet the threshold of the "most serious crimes" within the meaning of article 2) 6) of the Covenant (art. 6) of the ICCPR. For example, article 308 of the Penal Code.

The last execution was implemented in 2004 but the Lebanese courts keep sentencing to death. However, according the Amnesty international, the number of death penalty sentences was lower in 2018 than the year before. In 2017, at least twelve persons were sentenced to death while they were at least 5 in 2018. In 2019, at least 6 people were sentenced to death: 5 Palestinian accused of the murder of a judge and 1 taxi driver sentenced to death over murder of UK embassy worker Rebecca Dykes.

Most death row inmates belong to vulnerable categories of the population. The school enrolment rate among death row prisoners is low, and merely 15 % of them have attended university.

The cost of an appeal is high, at more than 300000 Lebanese pounds , an amount most death row prisoners cannot afford.

Most death sentences have been pronounced for homicide, and less than %3 of death row inmates were sentenced to the death penalty for terrorism.

Some of the death row prisoners spent more than 25 years in jail (around %4), but just over %40 of them have spent 16 to 25 years. Approximately %13 spent less than 5 years in the death row .

Most death row prisoners are detained in the Roumieh Prison, close to Beirut city. The conditions of detention are undignifying. While 1050 places are available, the Roumieh Prison welcomes three times more prisoners. The Qobbeh Prison in North-Libanese -where just over %10 of the surveyed death row inmates were detained-, is also overcrowded with 550 prisoners to a maximum capacity of 250 places.

78 men and 4 women were on death row at the beginning of 2019. Most of them were Lebanese (a little bit more than %60) and Syrian (around 24.5 %). Four others nationalities were recorded (three Sri Lankan, two Palestinian, one Egyptian and one Iraqi) .

## RECOMMENDATIONS:

- **Maintain the moratorium on the executions pending the abolition of the death penalty, in line with the recommendation of the HRC in 2018.**
- **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.**
- **Implement the provisions of the ICCPR including restricting the field of application of the death penalty to the most serious crimes.**
- **Abolishing the exceptional courts, in particular the Military Tribunals and the Judiciary Council.**
- **Strengthen joint efforts on the regional and international levels for information sharing and boosting advocacy efforts.**
- **Move the authority of prison management from the Ministry of Interior to the Ministry of Justice.**
- **Grant Special Rapporteurs access to prison.**
- **Adopt laws and practices to require complete transparency regarding the use of the death penalty including by annually publishing (or communicating to the UN) detailed information on the use of the death penalty including, but not limited to the number of people sentenced to death; information about the nature of offenses and the reasons why they were convicted; the courts that convicted them, the identity, gender, age and ethnicity of those convicted; the number of overturned death sentences on appeal.**

## The Rights of Migrants and Refugees

Lebanon continues to host an estimated 1.5 million refugees, primarily from Syria and Palestine. As of December 2019, 78% of Syrian refugees over age 15 lacked legal residency, due to the combined effects of Lebanon's restrictive conditions on residency, prohibitively high fees, and inconsistently applied residency policies.

In 2019, Lebanon adopted a policy of immediate deportation of individuals entering Lebanon illegally after April 2019.<sup>24</sup> At least three thousand Syrians were deported between May and September. Deportees are delivered to Syrian authorities, making Lebanon the only country in the world to deport asylum-seekers directly to Syrian government custody. The policy denies refugees the opportunity to contest their deportation, violating the international principle of non-refoulement. The policy also violates Lebanon's domestic law, which defines illegal entry as a criminal offense, entitling the defendant to access to counsel and requiring a judicial order of deportation.

Since 2018, the Lebanese state has also organized returns to Syria for refugees. These returns are described by the state and some international actors as voluntary, yet conditions are not in place within Syria for refugees to make return decisions on an informed and truly voluntary basis. Returns are motivated primarily by push factors from Lebanon rather than by fundamental improvements in conditions inside Syria, which remains dangerous for many refugees. Indeed, conditions inside Syria have led the majority of returnees to government-controlled areas to express a wish to leave Syria again; such re-displacement leaves refugees extremely vulnerable.

Lebanon continues to strictly limit rights for Palestinian refugees. Palestinian refugees are restricted to employment in certain sectors of the economy. Palestinian refugees also face restrictions in their rights to own property and access services. 2019 saw an escalation of the enforcement of these restrictions.

Migrant workers remain subject to rampant rights violations. The sponsorship-based system (kafala) of organizing work visas and residency permits generates extreme vulnerability for domestic workers in particular, who are excluded from the Lebanese Labor Code and regularly subjected to wage theft, restrictions of movement, confiscation of documents, physical, verbal, emotional, and sexual abuse, and denial of contractually mandated rest periods. In 2019, the Minister of Labor voiced support for reforms; however, no such reforms have yet been implemented. Attempts to organize a union of migrant domestic workers have also been blocked by the state.

Migrants who lack legal residency or who have been convicted of crimes are regularly detained for months or years without judicial oversight while they await deportation. This detention often takes place in unregulated and overcrowded make-shift detention centers such as underground parking lots.

The status of migrant workers has also exacerbated with the economic and financial crisis that Lebanon has been facing since fall 2019. The shortage of U.S. Dollars in the market, and the ensuing dramatic depreciation of the national currency's exchange rate to the dollar (by around 83% as of July 2020), had direct repercussions on migrant workers' income and their capacity to send remittances home. These conditions have also prompted many Lebanese families and businesses to end the employment of migrant workers due to the inability to pay their salaries in U.S. Dollars. In one case

that clearly manifests this crisis, Ethiopian migrant domestic workers were abandoned by their employers outside the building of the Ethiopian embassy in Beirut .

Migrants and refugees alike face restrictions on their freedom of movement. Curfews targeting Syrian refugees have become increasingly common with %14 of refugees reporting that they faced a curfew in their place of residence in 2019. The absence of a national protection mechanism for refugees has led to the proliferation of municipal regulations on refugee populations—beyond curfews, many refugees face arbitrary fees, harassment from municipal police, evictions, and prohibitions from accessing public space.

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

## **RECOMMENDATIONS:**

- **Respect international labor standards including Conventions 87 and 111, and ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ILO Convention 189 on Domestic Work.**
- **Replace the sponsorship system for migrant workers with a separate residency and work permit system supervised by the Ministry of Labor, investigate and prosecute violations of workers' rights by recruitment agencies and employers, and reform the Lebanese Labor Law to remove the exclusion of migrant domestic workers.**
- **Adopt realistic policies with regard to the right to work for Palestinians in Lebanon, including setting work permit requirements that provide a reasonable pathway to legally access the labor market.**
- **Fulfil obligations of due process,**

**particularly with respect to deportations of migrants or refugees. Ensure that any person subject to deportation has an opportunity to contest their deportation before a judge with the advice of legal counsel and, in the case of refugees and asylum seekers, in consultation with UNHCR. Halt all deportations to Syria that are not ordered by a judge after a hearing in which the accused has an opportunity to articulate any fears of persecution inside Syria.**

- **Establish a legal mechanism to protect refugees and asylum seekers, including consistently-enforced, realistic, and non-discriminatory residency requirements.**
- **End the use of discriminatory curfews and restrictions of movement by all levels of government.**



## Right to Identity

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

The issue of prevention and reduction of statelessness was not on any government's program since 2016, and was not discussed in Parliament. There continues to be no specific human rights institutions or national bodies concerned with statelessness, and no legal framework for statelessness or stateless determination procedures in place. There are no current law proposals related to statelessness in terms of reduction, birth registration and documentation. Further, Lebanon made no pledges at the High Segment on Statelessness organized by UNHCR in October 2019.

Several law proposals have been submitted with the aim of amending the nationality law to allow Lebanese women to pass on nationality to their husbands and/ or children. However, none of these proposals mentioned stateless children born to Lebanese women

or established procedures that may apply on them. None of these proposals was discussed in the Parliament to date.

### RECOMMENDATIONS:

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

## Right to Fair Trial by an Independent Judiciary

Although the Lebanese Constitution enshrines both the principle of the separation of powers and the independence of judges and the judiciary, Lebanon's judicial system remains far from independent.

The existence of exceptional courts, such as the Military Tribunal and the Justice Council, violates the principle of the natural judge.

The judiciary's institutional independence is contradicted by the key role of the executive branch in appointing and transferring judges in judicial courts and administrative courts.

Judges' individual independence is weakened by pressure exerted both from within and

outside the judicial institution. Factors that allow external pressure are (i) the absence of the principle of a judge's immovability in the legal framework, (ii) the weak guarantees of protection from external influence, and (iii) the lack of strict punishment against interference in a judge's decision, which the law currently considers a misdemeanor punishable by minimal amounts of money. In turn, internal influence is exacerbated by the reliance on oral components in the exams to enter the judiciary, and by the opportunities offered to some judges to make higher earnings through appointments to positions or specialized committees.

The impartiality of the courts is difficult to ensure in the presence of the Military Court, which only hosts one civilian judge, leaving most decisions –in some cases on civilian defendants- up to military officers.

The processes in which judges are held accountable are not transparent. Besides disciplinary decisions terminating judges, all inspection and discipline proceedings are completely confidential. This increases litigants' doubts and weakens their trust in the accountability mechanisms, for even the complainant party remains unaware of the outcome of its complaint. Moreover, the Disciplinary Council does not publish its decisions or issue periodic reports about its activity, so it is virtually impossible for citizens to monitor its work.

## **RECOMMENDATIONS:**

- **Abolish the Justice Council, and limit the Military Court's jurisdiction to military crimes and remove its power to try civilians.**
  - **Adopt modern laws to regulate the judicial, administrative, and financial judiciaries that respect international standards of judicial independence.**
  - **Enshrine the principle of the election of at least the majority of judges in the judicial**
- bodies vested with managing the proper administration of justice and ensuring the judiciary's independence, such as the Supreme Judicial Council (SJC), the State Council's Bureau, and the Bureau of the Court of Audit. These bodies should also include people who are not judges to avoid any kind of professional factionalism and consolidate these bodies' role in upholding judicial independence, which concerns all citizens.**
- **Strengthen the independence of the judicial institutions: The Supreme Judicial Council, not the Ministry of Justice, should supervise the judicial institutions, including the Judicial Inspection Authority and the Institute of Judicial Studies. Similarly, the internal and external transparency of these institutions' work must be increased.**
  - **Surround the mechanisms for appointing judges with guarantees ensuring that they occur based on competence and without discrimination, enshrine the immovability of judges, and grant the SJC and equivalent bodies the power to make decisions concerning judges' careers without a cabinet decree. Judges' right to contest decisions concerning their careers must also be enshrined.**
  - **Activate judges' accountability and increase transparency in disciplinary matters by defining misconducts in detail, stipulating proportional disciplinary punishments, surrounding disciplinary action at its various levels with fair trial guarantees, and publishing all disciplinary judgments. The Disciplinary Council should also publish periodic reports on its activities.**
  - **Respect and implement the right to a fair trial. The state must provide a system for judicial aid and all individuals must appear before the court without delay, and ensure the issuance of verdicts within legally set time limits.**



## Freedom from Torture

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

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

Despite the passage of Law 65, torture remains commonplace in Lebanon. Most torture is committed by police during interrogations as officers seek to elicit confessions. These practices are enabled by ambiguity in the Lebanese Code of Criminal Procedure, which guarantees a suspect's right to counsel during

interrogation, but which has been interpreted to apply only after the accused is brought before a judge. For the crucial period between arrest and the first court appearance, suspects are denied the right to contact a lawyer. In addition to this procedural interpretation, torture is facilitated by the impunity of perpetrators. No person has yet been convicted under Law 65, and in fact no case has been brought to trial before a civilian court. Victims are reticent to raise allegations of torture, due in part to the lack of safeguards to protect victims from reprisal. Despite these barriers, victims and advocates have attempted to press charges in two cases of torture in the last year: the case of Hassan al-Dika, who died from injuries sustained in custody in 2019, and Ziad Itani, who has filed legal complaints against police and security forces for alleged torture. So far, the prosecutors assigned to the cases have failed to follow the terms of Law 65 in investigating and referring the cases for trial.

Security forces have also been accused of torturing protesters after their arrest during the months following the October 17 2019 uprising. Amnesty international and the Lawyer's Committee for the Defense of Protesters have both documented testimonies of torture against protesters in detention. In one case, victims alleged to have been not only beaten and insulted, but also electrocuted by Lebanese Army officers.

In 2016, Lebanon took a step forward by creating the National Human Rights Institution (NHRI) with a National Preventive Mechanism (NPM), in accordance with its international human rights obligations. Although this Commission is supposed to address several key human rights issues, no budget has been allocated to its members yet. It is imperative that the Lebanese government allocates proper financial means to the NHRI so it can finally start working properly. While the NPM was specifically designed to address the issues of torture and arbitrary detention, most of law enforcement still regularly use

torture. The NHRI must ensure that the state implements and enforces the laws that protect detainees. It should collect data and receive and investigate complaints from victims and their families. Even without a budget, NPM members should begin to visit places of detention and organize private interviews with detainees and prison staff. In order to fight impunity, the NHRI should advise the relevant authorities to enforce the accountability of security forces, asking them to implement disciplinary measures against the perpetrators of such violence. While monitoring the national detention system, the NPM should maintain communication with the OPCAT's Sub-committee on the Prevention of Torture and request an advisory visit in order to build its capacity. Finally, there are concerns about the independence of the NPM vis a vis the Commission.

## **RECOMMENDATIONS:**

- **Implement the provisions of Law 65: initiate a legal investigation into any allegations of torture within 48 hours of the allegation, refer cases to civilian rather than military courts, cease the practice of referring cases for investigation by the security agency accused of perpetrating the offense, and pursue criminal charges through to conviction under Law 65 when justified by evidence.**
- **Reinterpret Article 47 in the Code of Criminal Procedure to guarantee detainees' rights to contact a lawyer, a forensic doctor, and family members from the moment of arrest through the entire criminal justice process.**
- **Amend Article 47 to eliminate ambiguity regarding the right to access counsel.**
- **Implement safeguards to allow victims of torture to raise allegations without fear of reprisal.**
- **Encourage prosecutors to pursue allegations of torture vigorously and to assert their prerogatives regarding arrests and detentions, which should only be authorized in cases where they**

- **are justified by public safety or flight risk.**
- **Train police and prosecutors on the pitfalls of confessional evidence, especially coerced confessional evidence, and provide resources for police and prosecutors to rely on non-confessional evidence.**
- **Amend Law 65 to comply with the relevant international standards and mechanisms.**



## Right to Family Life

The Law number 293 on the Protection of Women and Other Family Members from Domestic Violence, approved on May 2014 ,15, stipulates that one public defender should be appointed from the public defenders in each of the six Lebanese governorates to receive complaints and investigate cases of domestic violence in the specialized units for domestic violence within the local police stations in Lebanon. However, these units have not yet been built and established. Instead, investigations into these cases are carried out first in the precincts, in the case of the witnessed crime, and in other cases, the file is referred to the Office of Moral Crime, which is entrusted with the authority to investigate crimes of domestic violence, and whose name was changed to: The Office of Combating Morality and Crimes of Domestic Violence. However, in conjunction with these new responsibilities, the number of personnel and investigators in this office has not increased, and therefore this unit cannot investigate all the files it receives at the necessary speed that secures the best interests of the victims.

This same law also permitted a woman and her children to obtain protection from their aggressor, but only for children that are still young enough in age to be in their mother's custody. Here the decision to protect a child under this law is subject to the personal status laws of every confession Lebanon, and custody ages vary among the different religious laws. Hence, not all children in Lebanon benefit equally from this law. Furthermore, no fund was established under this law to assist victims and survivors. Also, this law does not mention the underage married woman who is subject to violence from her husband. The protection decision issued under this law remains provisional until the original criminal case, which should be brought by the victim, has been resolved and the competent court has issued its decision in relation to it.

Therefore, the protection of children takes place according to Law 2002/422, since the protection decision issued by the juvenile judge is not related to any lawsuit, the sole basis and principle of that decision is the child's welfare and his potential exposure to any type of violence (stipulated in Article 25 of that same law).

Today there is a draft amendment to Law 293 due to the faults identified five years after its implementation, but its amendment is still being discussed in the joint parliamentary committees.

The absence of a law to this day that criminalizes the involvement of children in armed conflict makes a number of children in Lebanon potential victims of exploitation in wars and armed conflicts.

The issue of early marriage remains of great concern in Lebanon. Article 522 of the Penal Code, which excuses the perpetrator of sexual crimes from punishment if he marries the victim, was abolished on February 2017 ,15. However, its effects remain in the content of Articles 505 and 518, which (respectively) criminalize sexual intercourse with minors, and with virgins promised of marriage. The two articles were amended upon 522's abolition to exempt perpetrators who later marry their victims.

Another acute problem Lebanon faces is related to the children in the streets. It is still one of the most significant challenges facing child protection in Lebanon, as there is no clear vision or action plan to resolve this issue by civil society, international organizations, governmental bodies and ministries. There is also the phenomenon of unregistered children, dealing with whom requires an approach that unites the efforts of all sectors and the will of the Lebanese state to solve it, as we sometimes find ourselves in front of several generations of stateless or unregistered people.

With regard to professional confidentiality, law 422 lifts it when there is an offense against a minor, but there is no clear text in Lebanese law regarding the procedures followed by the judiciary against anyone who refuses to report or submit a complaint.

In the absence of a unified law for personal status in Lebanon, the age of marriage remains subject to the personal status law of every confession.

## **RECOMMENDATIONS:**

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



## Right to have a Private Life (LGBTQ+ Rights)

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

Article 534 of the Lebanese penal code criminalizes sexual intercourse that happens against the "order of nature", for it states: "any carnal union against the order of nature shall be punished with imprisonment for up to one year.»

While the laws have not been changed, progress has been achieved when it comes to court rulings since the 2nd cycle of UPR for Lebanon. A number of judges (7 rulings so far) have ignored the homophobic application of article 534 and based their verdicts on the principle of equality. For instance, in July 2018, the Court of Appeal of Mount Lebanon upheld a lower court ruling which acquitted nine people prosecuted for the 'charge' of being gay. The lower court held that homosexuality was «a practice of their fundamental rights». The Appeal Court agreed and found that consensual sex between same-sex partners cannot be considered «unnatural» so long as it does not violate morality and ethics, such as «when it is seen or heard by others, or performed in a public place, or involving a minor who must be protected." Moreover, in 2019, the former military Court Judge Peter Germanous acquitted four military personnel accused of «sodomy» in a landmark ruling, clearing the group of charges of committing sexual acts «contrary to nature» and declaring that sodomy is «not punishable by law."

In 2015, Proud Lebanon's anti-homophobia event was followed by a conference at the Catholic Media center where representative of different religious groups were represented and they considered homosexuality as a main imported reason for the destruction

of the Lebanese family system; and in 2016, the same center hosted another conference where they hosted a judge, whom stressed on article 534 from the penal law, a psychologist, who used the outdated psychological information considering homosexuality as a mental disorder, while a doctor stressed on stereotypical wrong ideas concerning LGBTQ+ as highly affected by HIV; in addition to a priest that used religious reasons to consider this part of the community as sinners.

In 2017, and following the mass movement of the LGBTQ+ community in Lebanon preparing Beirut Pride, The Muslim Scholars threatened to shut the event if the government won't comply in canceling the events organized for the anti-homophobia day; an event prepared by Proud Lebanon and later that week another event organized by another local organization were canceled as the authorities approached the hotels asking them to cancel the reservations, based on security reasons.

LGBTQ+ individuals are systematically subjected to HIV and Drug testing on arrival to the Hobeish Police Station where the Morality Bureau is located, and are sometimes moved to Ramlet El Bayda Police Station due to the overpopulation in Hobeich. HIV- positive inmates are separated from the rest, and once transferred to the central prison in Roumieh, they are mainly kept in the blue building which hosts the mentally ill.

Despite the fact that transition is possible in Lebanon and many transgender individuals were able to undergo confirmation surgeries on their own expenses, the civil records remain linked to a very complicated juridical system in the absence of clear procedures and legislations to govern this process. This vacuum affects the decision of judges and leaves their verdicts up to many possible interpretations. The tribunals responsible for judging on transition procedures are personal status courts, which are governed by religious institutions in the absence of any civil personal

status law in Lebanon. In January 2016, the Court of Appeals of Beirut confirmed the right of a transgender man to change his legal gender, granting him access to necessary treatment and privacy. However, transgender individuals are required to undergo a gender confirmation surgery in order to legally change their gender.

Article 224 of law 1990/17 states that law enforcement personnel should not interfere with citizens in their private life. Based on that law, the Court of Cassation of Beirut led by Judge Rabih Maalouf in 2019 ruled that it is forbidden to search detainee's mobile phones without permission from the court. However, queer dating applications, messages and pictures found on the phones of members of the LGBTIQ+ community are still used to intimidate the detainee in order to force them into confessing their sexual orientation or gender identity, and therefore be sentenced under article 534 Penal Code.

Lebanon has ratified the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and has implemented the law of 2017 that condemns torture. However, the LGBTIQ+ community are among the ones suffering from ill-treatment during detention committed by security forces.

## **RECOMMENDATIONS:**

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



## References

1. Lebanon Penal Code art. 549, art. 336, art. 591, art. 599, art. 315, art. 336, art. 273, art. 282, art 284, art 257, art. 336, art. 258
2. Law of the Maintenance of the Environment from Pollution by Hazardous Waste and Materials, art. 11 ,10, No. 64 of 1988, amended by Law No.266 of 1993.
3. 2020, Report Fact finding mission, ECPM, AJEM, LACR
4. 2020, Report Fact finding mission, ECPM, AJEM, LACR
5. 2020, Report Fact finding mission, ECPM, AJEM, LACR
6. VaSyr 2019, p. 32
7. Official Press Release issued by the Supreme Defense Council, dated 2019/4/15; General Director of the General Security Decision No. /43830 . . . of 2019/5/13.
8. <https://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-490475/27-more-than-2700-syrians-deported-from-lebanon-under-new-rule.ashx>
9. Position Paper on the Decision to Summarily Deport Syrian Nationals Who Entered Lebanon Irregularly, June 25 2019
10. UNHCR Still Longing to go Home in Safety and Dignity, 9, March 2019
11. Syrian Association for Citizens' Dignity, Vengeance, Repression and Fear: Reality Behind Assad's Promises to Displaced Syrians, October 2019.
12. CITE
13. Ministry of Labor, Action Against Illegal Foreign Employment on the Lebanese Territory, June 2019
14. ALEF, Towards Increased Protection for Migrant Domestic Workers in Lebanon – Protection Framework, 2019
15. ALEF, Annual Report 2018, p. 58
16. Global Detention Project, Lebanon Immigration Detention Profile, Feb 2018, [https://www.globaldetentionproject.org/countries/middle-east/lebanon#\\_ftn29](https://www.globaldetentionproject.org/countries/middle-east/lebanon#_ftn29) .
17. [www.france24.com/en/-20200625-abandoned-by-employers-ethiopian-domestic-workers-are-dumped-on-lebanon-s-streets](http://www.france24.com/en/-20200625-abandoned-by-employers-ethiopian-domestic-workers-are-dumped-on-lebanon-s-streets)
18. VaSyr 2019 p. 32
19. Id.
20. UNHCR, Vulnerability Assessment of Refugees from Other Nationalities, (VARON 2018); ALEF, A Forgotten Community: The Sudanese in Lebanon, (forthcoming) 2020.
21. The Preamble of Lebanon's Constitution enshrines the UDHR and international covenants. Lebanon has also ratified the ICCPR. Article 10 of the UDHR and Article 14 of the ICCPR guarantee the right to a fair trial before an independent and impartial tribunal
22. §5 of the Preamble
23. Article 20 of the constitution
24. <https://www.amnesty.org/en/latest/news/11/2019/lebanon-military-forces-must-end-arbitrary-arrests-and-torture-of-protesters/>
25. <https://www.aljazeera.com/news/05/2020/lebanese-army-denies-beating-electrocuting-detained-protesters200504133717204-.html>
26. They included “repealing Articles ,487 522 ,488 and 534 of the Penal Code”, and “decriminalizing homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity”.



## ■ Political rights and Freedoms



- ALEF – Act for human rights
- Lebanese Association for Democratic Election -LADE
- Lebanese Transparency Association
- Arab NGO Network for Development –ANND



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## Executive Summary

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The following report highlights Lebanon's improvements and setbacks in a series of most pressing human rights issues throughout the implementation phase of the second cycle following Lebanon's Universal Periodic Review (UPR) in 2015. The country, currently going through a series of crises such as the Lebanese protests that started on October ,17 2019, the financial crisis coupled with a socio-economic crisis, and the COVID19- pandemic, has seen a deterioration in terms of human rights over the past few years.

Even though the Lebanese governments have 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. Further, threats on democratic processes such as elections, which have been postponed from 2009 to 2018, the increased pressure on journalists, activists and humanitarians, and the overall shrinking civic space (threats on freedom of expression and assembly), are issues that have been exacerbating tensions. Corruption, political willingness and ability of the Lebanese government remain the strongest obstacles for the protection, promotion and fulfillment of human rights in Lebanon. In addition, there's also a 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. 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. In 2016, following more than two years of presidential vacuum, Lebanon's Parliament elected Michel Aoun as president. Two years later, in 2018, following

five years of extending its mandate, the Lebanese Parliament was renewed through elections where several infractions to the law were documented.

Finally, the various crises are increasing divide and polarization between the Lebanese political blocs, as well as between the Lebanese society's communities. Tensions that are constantly rising have led to stereotyping and scapegoating narratives, the dangerous increase in fake news and information being shared, hindering the capacity of the Lebanese society, as well as decision-makers, to navigate the crises.

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## The Right to Access Information

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On February 2017 ,10, the Right to Access Information Law No.28 was approved by Parliament, nine years after its submission by MPs. Almost three years after it was passed, several NGOs, including the Lebanese Transparency Association (LTA), Gherbal Initiative, Nahnoo Association, and others, decided to test the extent of compliance by the public administration. They were faced by the practical realities of these departments, some of which are applying the Law unevenly and others still refusing requests under various pretexts.

In practical terms, these reasons could be summarized by the fact that some employees in departments where information is being sought are not familiar with the provisions of the Law in question. In other departments, employees in charge tend to refuse to issue a «notification of receipt» to petitioners, which nullifies legal deadlines. Yet other departments would only follow-up on requests through personal visits. In some cases, they might refuse the request for information altogether without clarifications, refer them to higher authorities, or challenge them based on the lack of executive decrees. For example, in

August 2018, Gherbal Initiative contacted 133 public departments for information regarding how they publish the information requested to be made public by the Law on their website and the identity of the employee assigned to look into requests. It reported the following results:

- **85 departments received the request and issued a notice of receipt.**
- **4 departments received the request sent to them electronically without issuing a notice of receipt.**
- **15 departments verbally referred the initiative to the trustee authority.**
- **2 refused to receive the request.**
- **2 had no physical presence.**
- **Out of 133 departments, only 34 responded to the initiative, 18 of which assigned an employee to consider requests for information, 19 departments responded within the deadline set by Law (15 days), and another 15 responded after the deadline.**

On the other hand, the departments fail to fulfil their duties to publish financial and accounting documents according to the Law. For example, it stipulates that all expenditures related to public funds that exceed five million Lebanese pounds must be published. However, to avoid applying this condition, some public departments tend to split these expenditures into costs of less than five million. For example, LTA requested information from 47 municipalities in the North and 34 in Dinniyeh. Some did not receive the requests. However, field visits indicated that none of these municipalities had an information officer. Furthermore, they found that %60 of requests are not received by the clerk unless directed by the head of the municipality and that %20 of municipalities had not received the request.

From a procedural point of view, there is a disagreement regarding the need to issue executive decrees for the Law to come into effect, knowing that its enforcement begins from the date of publication in the Official

Gazette. However, to avoid this controversy, the Legislative and Consultative Authority had provided three consultations in this field, which explicitly said: «Since Article 25 of Law No.28 of 2017/2/10 (the right to access information) states that the details of implementing the provisions of this law by decrees taken in the Council of Ministers based on the proposal of the Minister of Justice are ‘determined when necessary.’» The opinion indicates that the Law does not need executive decrees to come into effect and be enforced.

Nevertheless, the Ministry of Justice had prepared executive decrees in 2018, which were adopted by Saad Hariri’s «Towards Action» government in its ministerial statement. During that year, the ministry held a series of meetings with CSOs to discuss the decrees and provide suggestions. On the other hand, in June 2019, the Ministry of State for Administrative Development, in cooperation with UNDP and OECD, held a workshop for stakeholders and experts to draft a two-year «plan of action to implement the access to information law.»

The plan included the Law’s objectives to secure the right to expression and media based on UDHR Article 19; preventing and contributing to the fight against corruption per the United Nations Convention against Corruption, which Lebanon joined in 2009; contributing to the development of effective, transparent, and accountable institutions per SDG Goal 16 related to peace, justice, and strong institutions; enhancing transparency in public administration as a condition for Lebanon’s joining the Open Government Partnership; raising citizens’ trust in the country, the cornerstone of any effective democracy; attracting investments; and enhancing the level of competition between public and private legal personalities bound by the Law on the Right to Access Information. 7. However, the new government of January 2019, named the government of «Facing the Challenges» and headed by Dr.

Hassan Diab, did not commit to adopting the plan of action, despite promising to issue the Law's executive decrees.

It should be noted that the effective implementation of Law No.28 is contingent on the adoption of the Law to establish the national anti-corruption commission, which has not been passed to date.

## RECOMMENDATIONS:

- We urge the Working Group and the members of the Human Rights Council to call upon the Lebanese government to:
- Implement the Right to Access Information Law effectively and appoint an information officer to receive citizen requests for information, in addition to adopting the draft action plan on the right to access information.
- Issue implementation decrees for the Right to Access Information Law (No.2017/28) in a manner respecting the spirit of the Law, the constitution, and the international principles of the right to access information.
- Amend the Law on the Right to Access Information by ensuring the practice of that right in line with the democratic nature of society and the Lebanese constitutional system, through:
  1. Work to align Lebanese legislation with the aim of the Right to Access Information Law, based on Article 24 of the Constitution, particularly laws regarding secrecy, Parliament's bylaws, and the decree organizing the work of the Council of Ministers.
  2. Approach all types of legislation related to the right to access information from the perspective that in disseminating information in the possession of the Lebanese public administration, the public interest is realized.

## The Right to Free Vote and Democratic Elections

The ruling political parties in Lebanon have shown little interest in respecting the right to vote, especially in relation to the principle of periodic elections. Before the latest parliamentary elections in 2018, parliament members had extended their own term three times under various pretexts, including supposed security concerns and the lack of logistical preparedness to hold nation-wide elections.

Civil society groups have long campaigned for a new electoral system that is more fair and democratic in terms of representation, along with a series of reforms that aim at improving transparency, women's participation, inclusion of people with disability, among other priorities.

The Lebanese parliament passed the current electoral law on..., The law was based on proportional representation but with major distortions, most notably the "preferential vote", where every voter chose one preferred candidate from list of choice.

The law fell short of achieving the basic democratic principle of equality between voters and between candidates, for a variety of reasons that can be summarized as follows:

- **The number of registered voters per seat in each district is not equal. In other words, the weight of every vote differs from one district.**
- **Voters in some districts elect a larger number of seats than in others.**

The ceiling for campaign expenses was raised from the previous law, rather than lowered as it was previously demanded by civil society.

The law did not include a quota for women's representation despite demands by civil society and promises by many major political groups.

Many social groups remained deprived of the right to vote without any clear justification. Those include:

- **The military and police.**
- **Adults under 21 years of age (citizens aged between 21-18)**
- **Citizens who have filed for bankruptcy.**
- **Detainees who are yet to be sentenced.**

More groups were also left out in practice, i.e. discouraged from voting due to the lack of measures to ensure their inclusion. Those include:

- **People with disabilities.**
- **Patients in hospitals- by practice**
- **People living far away from their place of registration.**

It is clear that the electoral law was tailored to renew the mandate of existing political parties, rather than encouraging democratic participation and fair representation. The result reflected these priorities, with most political blocs gaining a similar number of seats in parliament compared to previous elections. In that sense.

During the campaigns for the 2018 parliamentary election and its implementation, LADE documented a number of violations that compromised its democratic nature. These included:

- **Inequality amongst the candidates in the media coverage:** While the electoral law distinguished between paid media coverage of the election and paid advertisement, most major television channels charged candidates/parties large amounts for coverage and interviews. This gave an outright advantage to richer and more politically connected candidates, especially given that most channels are politically affiliated.

- **Biased management of elections and abuse of power for elections purposes:** The management of the election remained the responsibility of the ministry of interior, which was headed by a minister who was also running for parliament despite the obvious conflict of interest. A total of 17 ministers in the Council of Ministers at the time were candidates for parliament. Moreover, the ministries of interior and information failed to ensure the rule of law when it comes to preventing and mitigating violations. For instance, when the election supervision committee referred 45 media outlets to the Publications Court over violations of the law, the Ministry of Information opposed the prosecution, prompting the court to neglect the violations.
- **Foreign interference in the electoral process.:** LADE documented political interference by ambassadors of foreign countries, including visiting and supporting candidates, and participating in public events where electoral discourse was present. Moreover, one month before the election, the conference CEDRE was held in Paris, where foreign states and international organizations pledged soft development loans to Lebanon. Lebanon's Prime Minister at the time, Mr. Saad Hariri, also exploited those funding pledges as part of his party's electoral campaign, most notably by promising 900 thousand new jobs.
- **In-kind services and bribes.:** The electoral law allows the provision of assistance and services during electoral campaigns on the condition that similar assistance had been consistently provided over the three years before the election. This is a legitimization of bribery, especially when taking an in-kind form.
- **Absence of electoral awareness campaign.:** Despite the fact that the electoral law was very different from its predecessor and citizens required education on methods of voting among

other aspects, the election supervision committee failed to play this role. The Ministry of Interior filled the vacuum with information campaigns that remained superficial and insufficient, and most of the education on the law was done by political parties who have vested interest in the election.

Violations were also documented during the election and the voting process:

- Significant pressure was exerted on voters by political parties to ensure their conformity. Ballot secrecy was often violated, especially by the delegates of electoral lists who accompanied voters to the booth under the pretext of the voters suffering from a disability related to reading, writing, sight, etc. Moreover, the -48hour silence period ahead of voting day was violated by candidates and media outlets, which might have had an effect on voters' choices.
- In many cases, chaos erupted in polling stations over issues related to election management, such as the absence of many voters' names from the electorates lists.
- The heads of polling stations in many cases explicitly showed their politically affiliation ahead of the election, especially that they had voted along with other state employees a number of days before the general population.

## RECOMMENDATIONS

We urge the Working Group and the members of the Human Rights Council to call upon the Lebanese government to:

### 1. Amend the Lebanese Constitution to:

- Reduce the age of voting to 18 years and unify the legal and political age in Lebanon.
- Clearly specify the parliament's term.
- Enable citizens and civil bodies to submit reviews and complaints before the Constitutional Council.
- Prohibit the occupation of seats in

Parliament and the Council of Ministers simultaneously, to ensure a clearer separation of powers.

- Prohibit the amendment of the electoral law one year or less before a given election.
- Impose participatory mechanisms to discuss and approve the electoral law.

### 2. Amend the parliamentary electoral law 2017/44 and other relevant laws to:

- Adjust the size of electoral districts and their divisions to ensure improved representation and equality among voters and candidates.
- Abolish the electoral threshold, which disqualifies any electoral list that receive votes below a certain number.
- Abolish the "preferential vote" which turned the electoral battles to personal battles, so that the system would have better representation and be truly proportional.
- Impose a women representation quota on all lists, and ensure female candidate have equal chances to their male counterparts on the same list.
- Establish an independent electoral administrative body and remove the electoral administration authority that the Ministry of Interior and Municipalities currently possesses, on condition that this independent body is granted full financial independence, and full responsibility to administrate parliamentary elections conducted abroad.
- Abolish any articles pertinent to the "magnetic card", as this card may contribute to introducing an additional element of pressure on voters.
- Allow candidates to vote in their region of residence, through introducing clear registration mechanisms for those wishing to vote in their region of residence.
- Modify the method of dividing polling stations and counting votes inside the polling centers/stations instead of the polling room, in order to maintain the secrecy of the ballot.

- Reduce the allowed campaign expenditure ceiling and impose more financial transparency by obliging candidates to disclose their bank and assets accounts.
- Impose clear organization rules for fund-raising and funding campaigns, and considering “in-kind” aids to electorates as a form of bribe. Also, considering travel/transport fees bribes, and considering the voluntary work of delegates as part of the electoral expenses.
- Remove the additional parliamentary seats for Lebanese residing outside Lebanon and respect law 2017/44 in its stipulation that Lebanese diaspora electorates vote for candidates running in their districts of origin in Lebanon.
- Establish strict and comprehensive election media coverage mechanisms.
- Establish comprehensive and strict election spending mechanisms.

### **3. Commit to the implementation of law 2017/44; particularly by:**

- Implementing the chapter on electoral media and advertising, which was not implemented during the past election, which led to flagrant inequality in media coverage between candidates and candidate lists.
- Preparing all electoral centers and stations to receive citizens with disabilities.
- Forbidding delegates to accompany voters inside the isolated voting box, to avoid disclosure of ballot secrecy.
- Strictly preventing the use of public resources and facilities for electoral purposes.

### **4. Adopt the following other legal amendments:**

- Amend the Penal Code, which currently makes it difficult to prove bribes, and thus makes it difficult to hold accountable individuals responsible for bribes
- Amend the “Declaration of Assets and Liabilities Law” (Illicit Enrichment), and obliging the Constitutional Council to

publish the financial reports it receives from the elected MPs.

- Amend the “Right to Access Information” law in order to compel the Lebanese authorities to publish any contract it conducts.
- Approve a law for the independence of the judiciary.



## Freedom of Opinion, Expression and Belief

Freedom of opinion, expression, and association is guaranteed within the limits of the law under Article 13 of the Lebanese Constitution. The limits of the law, however, are wide and allow for prosecution on a variety of charges. Insulting public authorities carries a sentence of up to 1 year imprisonment; insulting the President carries a sentence of up to 2 years imprisonment; and insulting religious rituals and the Military carries a sentence of up to 3 years imprisonment. Articles 582 and 584 of the Criminal Code lay down the general charge for libel of private citizens. This carries up to a 3-month prison sentence or a 50,000 LL to 400,000 LL fine. International law provides 'everyone shall have the right to freedom of expression' under Article 2(19) of the ICCPR with exceptions for (i) the rights and reputations of others and (ii) the protection of national security or public order.

In practice, prosecutions related to defamation go beyond these exceptions in Lebanon. Over the past 5 years there has been an alarming increase in the number of cases being brought against journalists, activists, and private citizens. On one count, from October 2016 to February 2019, there was more than 90 prosecutions against artists, journalists, and activists involving legitimate speech. The main reason for this is that defamation is a criminal offence, rather than a civil claim.

It is also clear that many of these prosecutions have been instrumentalized by political leaders and parties to muzzle opponents and stifle freedom of expression. 2015 saw a spike in defamation cases directed against protesters and activists involved in the movement triggered by the waste management crisis.

So far, the signs point to an increasingly restrictive environment for freedom of expression, especially as some politicians begin to use defamation laws as a tool to stifle criticism. Dozens of individuals were summoned or detained while protesting or for sharing criticism online. According to Human Rights Watch, security agencies summoned 29 people for charges related to freedom of speech between October 17 and March 6. Furthermore, several opposition voices such as bloggers and journalists were summoned after sharing news or criticism online, and minors were also arrested and interrogated. Finally, many journalists being beaten or attacked during protests by the security forces such as the case of Mohammed Zbeeb in Hamrain February, or when journalists were assaulted and forced to leave the airport premises after interviewing passengers coming back to Lebanon in early July.

The Cyber Crimes Bureau (CCB) of the Internal Security Forces (ISF) has the authority to investigate and prosecute crimes related to libel, insult, slander and/or incitement which take place on the internet. The powers exercised by the CCB are substantial and regularly go beyond their jurisdiction. This has a broad chilling effect on freedom of expression and opinion in Lebanon. From January 2015 to May 3, 599, 2019 defamation investigations were commenced by the CCB (in 2018 alone, the CCB investigated 1,451 defamation cases, an increase of 325% in online defamation cases from 2015).

In its handling of these cases, the CCB has also resorted to tools that violate the right to free expression. The most common practice has been to offer defendants an end to prosecution in return for deleting existing publications and/or signing written pledges not to defame the alleged victim in the future. Using pledges to attain individual self-censorship is ultra vires and is primarily used as a means of intimidation; it also violates the right against self-incrimination if elicited under coercion.

One of these cases was that of the journalist Amer Shibani, who was questioned by the CCB for a tweet he sent on 1 October 2019 in which he complained about the shortage of dollars in his bank. Mr. Shibani deleted the tweet after the interrogation by the CCB. Others like Shibani were also summoned and asked to delete their post such as Wadih al-Asmar, president of CLDH (Lebanese Center for Human Rights) a local NGO working on the protection of vulnerable groups and focusing on detention and criminal justice. Al-Asmar was summoned after sharing a post where he defended a Lebanese activist for sharing a joke on a religious symbol.

Film and television censorship continue to exist in Lebanon and is subject to the Law of November 1947 ,17. This allows censorship for the following reasons: maintenance of public order, respect for public morals, prevention of sectarian incitement, and insulting public authorities. The General Directorate of General Security (GDGS) exercises the function of applying the law. It applies the law loosely, using a high degree of discretion. The justifications used for exercising censorship have been increasing, and cases of censorship have spiked in times of major political developments, such as elections or widespread protests.

In January 2018 it was reported by the Electronic Frontiers Foundation (EFF) that GDGS was behind a global espionage campaign directed against activists, journalists, lawyers, educators and military personnel. The GDGS chief Maj. Gen. Abbas Ibrahim has admitted conducting surveillance. This is a violation of Law 1999/140 which prohibits the unlawful interception of communications. It is also unlawful according to Article 17 of the ICCPR. In addition, Articles 2 and 3 of Law 1999/140, which stipulate that a judicial or administrative order is required for the lawful interception of communications, are regularly violated as suspects are forced to hand over their phone data in custody without the relevant warrant.

A new media law, which would amend the Publications Law, was submitted to parliament before 2020 but has not been voted on yet. The proposed law does not accord to international standards on freedom of speech.

## RECOMMENDATIONS

We urge the Working Group and the members of the Human Rights Council to call upon the Lebanese government to:

- **Replace the criminal offence of defamation and its penalties with a civil claim for defamation.**
- **Abolish pre-censorship for all types of artistic productions.**
- **Ensure suspects under investigation from the CCB are informed 24 hours prior to their summons. Provide the reason for the summons and identity of the person who filed the charges.**
- **Abolish the practice of getting suspects to sign pledges before their trial.**
- **Apply the provisions of Law 1999/140 which protects the public from surveillance.**
- **Ensure the new media law is amended in accordance with international standards.**

## Freedom of Association

Article 13 of the Lebanese Constitution deals with freedom of association. This stems from the 1909 Ottoman Law on associations. There are approximately 8,500 civil society organizations (CSO) in Lebanon. The Ministry of Interior routinely fails to adhere to the -30day response time for registering CSOs, citing a challenging security situation and the presence of Syrian activists who allegedly create illicit group as a pretext for delay . %29 of CSOs wait more than 90 days to register with the Ministry of Interior, with some not receiving any response from the ministry for years.

Lebanese security forces have also restricted the civic space by targeting events related to the rights of LGBTQ+ individuals. In 2018, officers affiliated with GDGS disrupted and attempted to shut down a conference organized by a Beirut-based Arab LGBTQ rights organization, which had been held annually since 2013 The GDGS, which is the official immigration authority in Lebanon, also collected information of non-Lebanese participants in the conference.

In May 2018, the Internal Security Forces detained an LGBTQ + rights activist and pressured him to cancel Beirut Pride events, including a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop. After these incidents, a complaint was subsequently filed with the UN Special Rapporteurs on the right of peaceful assembly and freedom of association, asserting that the disruption was contrary to international law .

The right to peaceful assembly was also put under significant strain during the October 2019 uprising. Internal Security Forces (ISF) used excessive violence to disperse protesters, including directly targeting them with pepper spray, excessive use of tear gas canisters,

water cannons, and rubber-coated bullets. A major problem is the absence of security measures to regulate demonstrations, ensuring adequate conditions for protests to take place peacefully (ensuring safety to protesters and to public order). Though many have mentioned the fact that ISF members have been dealing with extreme stress, in addition to being deployed all over the country, there is a clear lack of knowledge retention within the institution. The Lebanese security institutions, including the ISF, have been benefitting from several SSR (Security Sector Reform) programs, in addition to several trainings. The high turnover within their ranks, and the lack of systems to make sure knowledge is maintained and passed to new generations of officers and recruits, can only lead to an excess of use of force. This has manifested itself in arbitrary arrests and torture during the protests .

There are no clear measures to protect protesters, which is also a threat to freedom of association. Between October 17 and October 30 almost 2,000 people were treated for injuries. Security forces have failed to protect protesters who were attacked by non-state actors on many occasions, including supporters certain political parties including Amal and Hezbollah..

Migrant domestic workers (MDW) , who are subjected to the controversial Kafala System, have also been deprived from the right to unionize. Article 7 of the Lebanese labor law excludes domestic workers from all of the law's stipulations. Moreover, article 92 the same law prohibits all foreign workers from running or even voting in union board elections. In 2015, a group of 300 MDWs challenged this reality and announced the creation of the Domestic Workers' Union under the umbrella of the National Federation of Workers' and Employees' Union in Lebanon (FENASOL). However, the successive ministers of labor have refused to acknowledge the union, with article 7 and 92 of the labor law being used as justifications.

Public sector employees, who are subjected to the 1959 Public Sector Staff Regulation (PSSR) and not the labor law, are also banned from unionizing. Article 15 of the PSSR states that government employees can neither go on strike nor create unions, which violates ILO convention C087 of 1948.

## **RECOMMENDATION:**

We urge the Working Group and the members of the Human Rights Council to call upon the Lebanese government to:

- **Ensure there is a fixed period for registering associations under the 1909 law.**
- **Reform article 3 of the 1909 to clearly state that interpretations for not granting notification or dissolving associations is subject to Lebanese law.**
- **Ensure that the law of associations is applicable to all associations in Lebanon, including sports associations.**
- **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.**
- **Grant official recognition to LGBTQ+ associations, and refrain from any targeting of LGBTQ+ events and actions.**
- **Abolish Article 7 of the Labor Law to ensure equality between workers across sectors.**
- **Abolish or amend article 92 of the labor law to allow migrant workers to form and lead unions.**
- **Ratify ILO Convention 189.**



## References

1. Opinions of the Legislative and Consultative Authority at the Ministry of Justice: 1) No. 2017/441 on 2 ;2017/5//22) No.2018/890 on 2018/11/15; and 3) No.2018/951 on 2018/12/24; available on Gherbal Initiative's website: <http://elgherbal.org/home/index/en>.
2. WIPO, The Lebanese Constitution (1995). <https://www.wipo.int/edocs/lexdocs/laws/en/lb/lb018en.pdf> [Accessed 12 February 2020].
3. ALEF-Act for Human Rights, Annual Report 2018: The Situation of Human Rights in Lebanon (2019). [https://alefliban.org/wp-content/uploads/04/2019/annual\\_report\\_2018\\_FINAL.pdf](https://alefliban.org/wp-content/uploads/04/2019/annual_report_2018_FINAL.pdf) [Accessed 12 February 2020].
4. Articles 582 and 584 of the Penal Code.
5. Aya Majzoub, 'There is a Price to Pay: The Criminalization of Peaceful Speech in Lebanon', November 2019. <https://www.hrw.org/report/15/11/2019/there-price-pay/criminalization-peaceful-speech-lebanon> [Accessed 17 February 2020].
6. Article 19 of International Covenant on Civil and Political Rights (ICCPR). <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [Accessed 17 February 2020].
7. Aya Majzoub, 'Misplaced Trust, Freedom of Speech Under Threat in Lebanon', February 2019. <https://www.hrw.org/news/20/02/2019/misplaced-trust> [Accessed 17 February 2020].
8. Aya Majzoub, 'There is a Price to Pay: The Criminalization of Peaceful Speech in Lebanon', November 2019.
9. Human Rights Watch: "Lebanon: Spate of free speech prosecutions", <https://www.hrw.org/news/12/03/2020/lebanon-spate-free-speech-prosecutions/>.
10. Middle East Monitor: "Lebanon journalist assaulted by police while covering anti-government protests". <https://www.middleeastmonitor.com/-/20200213lebanon-journalist-assaulted-by-police-while-covering-anti-government-protests/>.
11. The 961: "Fight broke out between Beirut airport security and journalists", <https://www.the961.com/fight-beirut-airport-security-journalists/>.
12. Aya Majzoub, 'There is a Price to Pay: The Criminalization of Peaceful Speech in Lebanon', November 2019.
13. Ibid.
14. Ibid.
15. Ibid.
16. The Daily Star: "ISF interrogates head of human rights NGO over posts", <http://www.dailystar.com.lb/News/Lebanon-News/2018/Aug-461901/31-isf-interrogates-head-of-human-rights-ngo-over-posts.ashx>.
17. 'The Politics of Cultural Censorship in Lebanon', The Economist (April 2018 ,23). <https://www.economist.com/prospero/23/04/2018/the-politics-of-cultural-censorship-in-lebanon> [Accessed 17 February 2020].
18. Mona Merhi, 'History of Censorship in Lebanon', IETM (August 2016 ,22). <https://howlround.com/history-censorship-lebanon-alrja-alnzwl-lqrat-almqal-ballght-arbyt>
19. Ibid.
20. 'The Politics of Cultural Censorship in Lebanon', The Economist (April 2018 ,23).
21. 'Dark Caracal, Cyber-espionage at a Global Scale', Lookout & Electronic Frontiers Foundation (2018). [https://info.lookout.com/rs/-051ESQ475-/images/Lookout\\_Dark-Caracal\\_srr\\_20180118\\_us\\_v.1.0.pdf](https://info.lookout.com/rs/-051ESQ475-/images/Lookout_Dark-Caracal_srr_20180118_us_v.1.0.pdf) [Accessed 17 February 2020].
22. ALEF, Lebanon: Investigate Large-Scale Surveillance Reports, (2018). <https://alefliban.org/press/lebanon-investigate-large-scale-surveillance-reports/> [Accessed 17 February 2020].
23. Aya Majzoub, 'There is a Price to Pay: The Criminalization of Peaceful Speech in Lebanon', November 2019.
24. UNDP, Internal Governance for NGOs in Lebanon, Reference Book, consulted on 28 February 2020, [http://www.undp.org.lb/communication/publications/downloads/intgov\\_en.pdf](http://www.undp.org.lb/communication/publications/downloads/intgov_en.pdf)
25. Human Rights Watch, « Liban : Répression injustifiée d'activités relatives aux droits LGBT », 11 February 2019, consulted on 28 February 2020, <https://www.hrw.org/fr/news/11/02/2019/liban-repression-injustifiee-dactivites-relatives-aux-droits-lgbt>
26. Amnesty international, « Liban. Il faut enquêter sur le recours inquiétant à la force contre des manifestants largement pacifiques », 19 décembre 2019, consulted on 28 February 2020, <https://www.amnesty.org/fr/latest/news/12/2019/lebanon-investigate-alarming-use-of-force-on-largely-peaceful-protests/>
27. Human Rights Watch, "Lebanon: Protect Protesters from Attacks", November 2019 08, consulter on 02 March 2020, <https://www.hrw.org/news/08/11/2019/lebanon-protect-protesters-attacks>
28. Human Rights Watch, "Lebanon : Recognize Domestic Workers Union", March 2015 ,10, consulted on 02 March 2020, <https://www.hrw.org/news/10/03/2015/lebanon-recognize-domestic-workers-union>

**WE NEED  
A CHANGE**



# ■ Judicial Independence and the Right to a Fair Trial



- The Legal Agenda
- Arab NGO Network for Development –ANND



## The Right to a Fair Trial by a Competent, Independent, and Impartial Tribunal Pre-Established Under the Law (Article 14.1 of the ICCPR)

The Preamble of Lebanon's Constitution enshrines the Universal Declaration of Human Rights (UDHR) and the international covenants. Lebanon has also ratified the International Covenant on Civil and Political Rights (ICCPR).

Article 10 of the UDHR and Article 14 of the ICCPR guarantee the right to a fair trial before an independent and impartial tribunal.

An independent judiciary is one of the main guarantees for the right to a fair trial.

Although the Constitution enshrines both the principle of the separation of powers (§5 of the Preamble) and the independence of judges and the judiciary (Article 20), Lebanon's judicial system remains far from independent.

The restrictions on the judiciary's independence can be seen in the violations of its various aspects, namely the principle of the natural judge, the guarantees of institutional and individual independence, and the impartiality of the courts, and in the violations of the standards of the concomitant principle of judges' accountability.

### ■ 1. The natural judge principle and the exceptional courts

The principle of the natural judge is a fundamental guarantee of a fair trial. Nevertheless, exceptional courts still exist in Lebanon.

The Justice Council is one such court. It is competent to examine cases threatening national security internally and externally. It is a distinctly political court as cases are referred to it by a discretionary cabinet decree in blatant violation of the separation of powers principle.

The Military Court is another exceptional court and enjoys wide jurisdiction. It hears all cases wherein a member of the military is a party, as well as cases concerning terrorism and similar matters. Civilians are often tried in this court. Most of the court's judges are officers in the military or security agencies. During January and February 2016, following outrage over the light sentence given to former minister Michel Samaha, who was charged with transporting explosives and conspiring to commit terrorist acts, and the subsequent decision releasing him, Parliament's Administration and Justice Committee began debating two bills that had been pending in its drawers for years. One, submitted by MP Elie Keyrouz on April 2013<sup>22</sup>, is the only bill to limit the Military Court's broad power to try civilians. However, no amendment was made in this regard. More gravely, anti-government protesters and journalists have been referred to it. Following the summer 2015 uprising, when Lebanon witnessed widespread protests against the government because of massive corruption in the waste management sector, 51 people were prosecuted in this court, as documented by the Lawyers' Committee to Defend Protesters. So far, 15 people have been prosecuted in it since the beginning of the October 2019 uprising against corruption and the ruling class. Similarly, on March 2019<sup>27</sup>, the court

sentenced journalists Adam Shamsuddin and Fidaa Itani in absentia to three months of imprisonment for statements on social media deemed damaging to the reputation of a security agency, namely State Security. Days later, MP Paula Yacoubian announced her submission of a bill banning the trial of journalists and civilians in the military courts. This bill was referred to both the National Defense Committee and the Administration and Justice Committee but has not begun to be studied.

Sectarian courts still have jurisdiction over cases concerning personal status and family matters. These courts, like the regular judiciary, lack guarantees of independence, and the judges appointed in them are not required to have a law degree.

### **The Administrative Courts**

In the administrative courts, chamber presidents have broad discretion to appoint the members of the bench examining each case. Although the chamber president must appoint the rapporteur judge for the case as soon as the initial investigations are finished, he or she does not have to appoint the other judges participating in the judgment at that time. Consequently, the chamber president often appoints them at the last minute. This puts pressure on those judges, who have insufficient time to view the case, and therefore endangers litigants' rights. Moreover, the chamber president has broad discretion to change these judges after appointing them. This situation also clearly conflicts with the natural judge principle and, in particular, the right to be tried in a pre-established court.

## ■ **2. Institutional independence**

11. Institutional independence refers to the independence of the judiciary as an institution from any interference, influence, or pressure from another branch of authority (whether executive or legislative).

### **The Judicial Courts**

The executive branch still plays a key role in appointing and transferring judges in judicial courts.

Judges are appointed or transferred via a cabinet decree. Hence, the power of the Supreme Judicial Council (SJC) to determine the judicial personnel charts is ineffective as it must obtain the consent of all the executive authorities who sign the decree (ministers and the president of the republic) to pass its proposal.

In October 2017, the personnel charts decree was issued. The media dubbed them the "three-list charts" as the SJC had based the draft on three lists sent to it by the president of the republic, the prime minister, and the Parliament speaker, which named judges and the positions these figures wanted them to occupy. This decree came after seven years during which more than five drafts prepared by the SJC were aborted because one of the political forces rejected them.

As the authority in charge of safeguarding the proper administration of justice and the judiciary's independence, the SJC should be consulted about any proposed law or decree concerning the judicial judiciary (Article 5 § G of the Judicial Judiciary Organization Law).

On July 2017, 18, a law was adopted including amendments affecting judges' annual holiday and granting the government the power to abolish the Judges' Cooperation Fund and raise the salary of first-class state employees without any accompanying increase in judges' salaries as set in late 2011. This conflicts

with the separation of powers principle and Article 20 of the Constitution, which enshrine the judiciary as a branch of government and therefore require parallelism between the wages of judges and MPs or ministers.

For the selection of SJC members, the Taif Agreement stipulated that a number of them should be elected by the judges. However, to date, eight of its ten members are appointed directly or indirectly by the executive branch, which casts doubt over the SJC's independence. The two remaining members are elected by judges from the Court of Cassation, and only its chamber presidents may run. Thus, both the right to elect SJC members and the right to run for the position are highly restricted.

Other judicial institutions, such as the Judicial Inspection Authority and the Institute of Judicial Studies, are still overseen by the Ministry of Justice (MoJ) rather than the SJC.

### The Administrative Courts

The State Council's Bureau (SCB) is the equivalent of the SJC for the administrative courts (which hear cases against the administration). Its members are not elected, so judges have no role in the selection process. Judges of administrative courts are appointed by cabinet decree based on the minister of justice's proposal after approval by the SCB. Unlike in the appointment of judicial judges, the law does not address the possibility of disagreement between the SCB and the minister. This increases the executive branch's influence over the administrative courts.

## ■ 3. Individual independence

19. A judge's individual independence has two aspects: external independence, meaning a judge's protection from influence or pressure exercised from outside the judicial institution, and internal independence, meaning a judge's independence from influence and pressure practiced from within the judicial authorities, particularly from the SJC and higher ranked judges.

### External independence

The law provides the judicial institutions only with weak guarantees against external influence and pressures. External independence is therefore limited.

The legal framework does not recognize the principle of a judge's immovability.

The Criminal Code does not sufficiently protect the judiciary's independence. It defines interference in judges' work as "attempting to sway the judge in writing or verbally", a mere misdemeanor punishable by 20,000 to 100,000 lire (Article 419). MPs George Okais and Paula Yacoubian have each submitted a bill to increase this penalty. On September 2019 ,17, the Administration and Justice Committee adopted Okais' bill amended such that it includes a penalty of three months to three years of imprisonment and a fine from ten to one hundred times the minimum wage, though neither bill has been adopted in the General Assembly yet.

On May 2017 ,16, Minister of Justice Salim Jreissati, in front of the media, called President of the Beirut Criminal Court Hani Abdel Moneim Hajjar and asked him to expedite the judgment on a case that had attracted much public attention. He justified his request on the basis that the case was one of the "hot files".

On August 2017 ,3, State Council President Shukri Sader was removed from his position

via a political decision amidst the judicial strike, which signaled to other judicial officials that they might be removed thusly either with or without a justification. Jreissati himself, in one television interview, attributed Sader's removal to a clash between his personality and the Lebanese presidency's approach, refusing to give any clear compelling reasons in contravention of the Access to Information Law.

## Internal independence

While Article 20 of the Constitution clearly stipulates the independence of every judge, it does not declare equality among judges. This silence encourages hierarchical organization inside the judiciary.

The procedures of the competitive exams for entrance into the judiciary witnessed a troubling amendment in the 2014 and 2016 exams. The mark allocated to the oral component was increased to one quarter of the total mark in 2014 and one sixth in 2016. This constricts guarantees of an impartial exam by increasing the margin for the examining committees' members to influence the final results based on considerations not related to the candidates' competence, particularly their identities, connections, and affiliations.

Appointments to certain positions and specialized committees and secondments are a means of favoring certain judges and undermining the principle of equality among judges, especially as they earn additional salaries for such positions. Usually, the forces influential in these appointments use them to reward judges who concord with them and punish those who do not.

## Judges' fundamental freedoms

Judges still lack legal enshrinement of their fundamental freedoms of expression and association even though these freedoms are integral to judicial independence. They are denied these freedoms on the basis of Article 15 of the Public Employees Law, Article

44 and Article 132 of the Judicial Judiciary Organization Law, and the duties and ethics related to the judicial function.

The MoJ's Basic Principles for the Ethics of the Judiciary (2005) stipulates that judges have an "obligation of restraint" and ignores their right to establish associations and freedom of expression.

On July 2018 ,17, days after the resignation of a judge suspected of accepting bribes was announced, Minister of Justice Salim Jreissati issued a circular to judges banning them from communicating with the media on any matter without his permission. He relied on Article 15 of the Public Employees Law, which prohibits state employees from making statements without their administrative boss' permission, in conjunction with Article 132 of the Judicial Judiciary Organization Law (mentioned in the circular), which renders the Public Employees Law applicable to judges insofar as it does not conflict with that law.

Nevertheless, the Lebanese Judges Association, established on April ,30 2018, succeeded in obtaining government recognition on January 2019 ,29.

Article 95 of the Judicial Judiciary Organization Law allows the SJC, outside the context of any disciplinary action, to "decide at any time that an accredited judge is disqualified via an explained decision issued based on a proposal from the Judicial Inspection Authority after hearing the judge concerned". This decision is not subject to appeal or review. Thus, this article violates a judge's right to defense and a judge's independence as it lacks sufficient guarantees against arbitrary punishment. On March 2017 ,17, after a video said to show a judge in a compromising position circulated, the SJC issued a brief statement responding to the comments on it. The statement said that "the SJC's Media Bureau wishes to clarify that irrespective of the veracity of that recording's content, the person concerned is no longer a judge". The LA was told that an SJC member

gave the judge the choice of either submitting his resignation or having the SJC, under Article 95, declare him disqualified without any trial.

The Disciplinary Council's proceedings are confidential. Judges worried about being victims of arbitrary disciplinary action have no right to publicize any of these proceedings. 34. Judges cannot contest any decisions pertaining to their careers.

#### ■ 4. Court impartiality

In this regard, the Military Court poses the largest problem. It is composed of one civilian judge and a number of officers appointed by the military and is competent to try civilians. Hence, there is legitimate reason to doubt the court's impartiality.

Judges are appointed based on political and sectarian quotas, which raises serious concerns about the impartiality of the courts. All high judicial positions are subject to precise sectarian quotas, and this phenomenon has begun expanding to the lower judicial positions too. This the LA documented via the 2017 personnel charts, wherein the principle of an equal distribution between Christians and Muslims was adopted for many positions.

This was confirmed very clearly by Jreissati, who stated at the judicial year inauguration ceremony on October 2017 ,17, that one criterion upon which the charts were based was equal distribution.

#### ■ 5. Judges' accountability

38. The principle of transparency is crucial to the accountability process. Nevertheless, besides disciplinary decisions terminating judges, all inspection and discipline proceedings are completely confidential. This increases litigants' doubts and weakens their trust in the accountability mechanisms, for even the complainant party remains unaware of the outcome of its complaint. Moreover, the Disciplinary Council does not publish its decisions or issue periodic reports about its activity, so it is virtually impossible for citizens to monitor its work.

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## **Second: Violations of the Right to a Fair Trial**

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### ■ **1. Violation of the right to appear before a court and the right to access to justice (ICCPR, Article 14.3)**

Lebanon lacks a formal judicial assistance program, which hinders low-income persons exercising their right to seek the courts.

40. The public prosecution follows a practice that prevents foreigners from appearing before a judge and thus benefit from a fair trial. The Director-General of General Security has been granted the authority to deport foreigners before they appear in court. In the first half of 91 ,2017 percent of decisions issued by the criminal courts in Beirut, Baabda, and Jdeideh El-Matn in cases related to migrant domestic were in «absentia», thus violating the defendants' right to defend themselves in person.

### ■ **2. Right to be tried «without undue delay» (ICCPR, Article 14.3)**

Lebanese law sets legal limits in criminal and civil cases that are not respected by the courts. Even the Work Arbitration Council, which is required by Law to issue prompt decisions within a period of three months, tends to exceed this period. The average period for decisions is currently around two years and ten months in Beirut Governorate and four years and three months in Mount Lebanon.

### ■ **3. The right to «be equal before the courts and tribunals» and to enjoy the minimum of guarantees**

Security forces and law enforcement officers do not systematically respect guarantees for arrest stipulated by Article 47 of the Criminal Procedures Code, which include the right to contact a family member, meet a lawyer and obtain a medical examination immediately upon arrest. While the Internal Security Forces (ISF) have improved their practices in recent years, other security agencies continue to violate the rights upon arrest: Military Police, General Security and State Security usually do not allow suspects in custody to make a phone call until after their testimony has been recorded and severely limit the right to meet a lawyer. Military Intelligence does not implement Article 47 nor provide any guarantees for people in their custody. The Military Prosecution does not allow defendants to meet with their lawyers until they have been interrogated by the investigation judge, in clear violation of the right to legal counsel.

In most instances, interrogations involving women migrant workers are conducted in the absence of an interpreter or lawyer.

### ■ **4. The right not to be compelled to testify against oneself (ICCPR, Article 14.3)**

Judicial authorities continue to reject the implementation of the Anti-Torture Law. Since the law was issued in 2017, there has not been a single verdict into allegations of torture. There is also a pattern indicating the lack of judicial will to investigate and try torture cases. In December 2019, following the submission of complaints of torture by 17 protesters, the General Prosecutor referred the complaint to the Military Prosecution, an

exceptional judicial body that is not deemed to be impartial. The Military Prosecution did not conduct investigations into the complaints, but instead referred them for investigation to the law enforcement bodies suspected of acts of torture in clear violation of the law. Upon refusal of the plaintiffs to provide their testimonies to the security agencies, the Military Prosecution decided to close the investigations without any further action, in clear violation to the obligation to investigate torture complaints.

## ■ 5. The right to be presumed innocent until proven guilty (ICCPR, Article 14.2)

In practice, the presumption of innocence seems to be abrogated by long-term pretrial detentions, becoming the rule to be followed. According to a study by Legal Agenda, judicial authorities did not comply with pre-trial detention requirements prescribed in the law: Prosecutors and Judges did not comply with the legal deadlines regulating pre-trial detention, including the maximum period for custody, the prompt appearance before an investigation judge, the immediate trial before the criminal judge, the delay to rule on requests for release and delays in transferring detainees to the courthouses. Prosecutors and Judges issued arrest warrant without providing any reasoning or assessment of the necessity of pre-trial detention, in clear violation of Article 107 of the Criminal Procedures Code. Alternatives to pre-trial detention were also rarely used and implemented. Pre-trial detention was clearly used as a tool for punishment prior to conviction in violation of the presumption of innocence.

## ■ 6. The right to implementing decisions

The right to a fair trial entails the right to implement decisions, which guarantees the effectiveness of the right to access to justice. However, immunity accorded to the state and other public institutions preventing the implementation of decisions is an obstacle to this right.

No mechanism exists to implement court decisions against the public administration and public institutions.

h) The right to two degrees of trials (ICCPR, Article 14.5)

One of the fundamental guarantees of the right to a fair trial is the right to review the judgment before the second instance court. However, the right to appeal the decisions of the Judicial Council is absent despite its competence regarding serious criminal offences against the state.

Law 2000/227 stipulates the establishment of administrative first instance courts in Lebanon. However, they have not yet been established, depriving citizens of their right to litigate on two levels in their cases against the state and public institutions.

## Recommendations

- Abolish the Justice Council, and limit the Military Court's jurisdiction to military crimes and remove its power to try civilians.
- Adopt modern laws to regulate the judicial, administrative, and financial judiciaries that respect international standards of judicial independence.
- Enshrine the principle of the election of at least the majority of judges in the judicial bodies vested with managing the proper administration of justice and ensuring the judiciary's independence, such as the SJC, the SCB, and the Bureau of the Court of Audit. These bodies should also include people who are not judges to avoid any kind of professional factionalism and consolidate these bodies' role in upholding judicial independence, which concerns all citizens.
- Strengthen the independence of the judicial institutions: The SJC, not the MoJ, should supervise the judicial institutions, including the Judicial Inspection Authority and the Institute of Judicial Studies. Similarly, the internal and external transparency of these institutions' work must be increased.
- Surround the mechanisms for appointing judges with guarantees ensuring that they occur based on competence and without discrimination, enshrine the immovability of judges, and grant the SJC and equivalent bodies the power to make decisions concerning judges' careers without a cabinet decree. Judges' right to contest decisions concerning their careers must also be enshrined.
- Guarantee equality among judges by prohibiting secondment to jobs in public administrations and limiting their opportunities to receive allowances for additional work.
- Establish punishments proportional to the gravity of the crime of interfering in judicial work, including imprisonment.
- Establish general assemblies in each local court to enable all judges to participate in the administration and improvement of court affairs.
- Enshrine judges' fundamental freedoms to establish associations and of expression in positive law.
- Define the "disqualification" stipulated in Article 95 of the Judicial Judiciary Organization Law, restrict it to cases of physical or psychological incapacity, and pair its application with fundamental guarantees to avoid any tendency toward dismissing judges without a fair trial. Enshrine judges' rights of defense and right to be heard in any disciplinary action or evaluation process.
- Activate judges' accountability and increase transparency in disciplinary matters by defining misconducts in detail, stipulating proportional disciplinary punishments, surrounding disciplinary action at its various levels with fair trial guarantees, and publishing all disciplinary judgments. The Disciplinary Council should also publish periodic reports on its activities.
- In the administrative courts, enshrine the obligation of the chamber president examining a case to select the other members of the ruling bench as soon as the case is registered.
- Respect and implement the right to a fair trial. The state must provide a system for judicial aid and all individuals must appear before the court without delay.
- Ensure the issuance of decisions within legally set time limits.
- Courts must reject confessions taken under torture during investigations.
- Courts must respect the presumption of innocence and avoid long pretrial detention periods.
- Apply Law 2000/227 and establish first instance administrative courts.
- Ensure the possibility of implementing court decisions against the public administration and public institutions.

## References

1. KAFA (Enough) Violence & Exploitation, the Lebanese Association for Democratic Elections (LADE), ALEF Act for Human Rights, the Restart Center for Rehabilitation of Victims of Violence and Torture, the Association of Justice and Mercy (AJEM), Ruwad Al Houkoku, the Legal Agenda, Committee of the Families of Kidnapped and Disappeared in Lebanon, Lebanese Physically Handicapped Union, Lebanese Labor Watch, Skoun: Lebanese Addictions Center, Green Line, Umam Documentation and Research, the Arab NGO Network for Development, Badael, the Masar Association, Consumers Lebanon, Collective for Research and Training on Development-Action: the "My Nationality is a Right for Me and My Family" campaign, SMEX, Helem, Sakker El Dekkene, Maharat News, MARCH, Fe-Male, the National Federation of Worker and Employee Trade Unions in Lebanon (FENASOL), Beirut Madinati, Public Works, and the Insan Association.
2. George Okais, Chamel Roukoz, Najib Mikati, Paula Yacoubian, Michel Moussa, Ali Darwish, Yassine Jaber, Oussama Saad, and Fouad Makhzoumi.
3. During the session of December 2019 ,3, the Administration and Justice Committee formed a subcommittee and referred the bill to it for study.
4. The court is regulated by Law no. 24 of 1968.
5. The court's jurisdiction includes criminal cases concerning members of the military, Internal Security Forces, or General Security or civilian Ministry of Defense or Military Court workers, as well as crimes concerning national security or the interests of the military, the Internal Security Forces, or General Security.
6. On May 2015 ,13, the Military Court convicted former minister Michel Samaha of transporting explosives from Syria to Lebanon and conspiring to commit terrorist acts. The judgment was distinguished by the light prison sentence (four and a half years) considering the gravity of the acts, which the court handed down after acquitting him of terrorism and attempted murder.
7. The Military Court of Cassation then issued a decision to release him. This it did after finding that its earlier decision to overturn the judgment on the basis of Samaha's acquittal of some of the crimes effectively overturned the entire judgment, including his sentence and, by extension, his deprivation from civil rights.
8. The first was former minister of justice General Ashraf Rifi's bill to transfer terrorism cases from the Military Court to courts specialized in terrorism. The bill removed numerous powers from the Military Court in the realm of terrorism crimes but did not address its jurisdiction in other matters that constitute the bulk of its work and are more relevant to litigants in general. The most important are cases over which the court has jurisdiction because a military member or civilian is being prosecuted for a crime committed against a military member, usually on the basis of social relations that have nothing to do with military work.
9. The second bill, submitted by Elie Keyrouz on April 2013 ,22, is the only bill to significantly restrict the Military Court's jurisdiction over civilians. Its first article explicitly amends the Military Court's subject-matter jurisdiction, limiting it to "military crimes ... in relation to the military personnel referred to it". The grounds for this article are that "trying a military member (in a dispute with a civilian) before a military judiciary composed mostly of military judges provides unjustified protection for this military member. It constitutes an exception that contradicts general penal principles and an attack on the principle of equality among citizens before the law and justice".
10. "Ma'arik al-Nufayat al-Mutasha"iba: Hayya 'ala al-Farz" ["The Ramified Garbage Battles: Come to Sort"], The Legal Agenda, issue 31, August 2015.
11. In an interview with the LA on March 2016 ,1, former SJC president Jean Fahd stated that "The judicial personnel charts are the basis of any process of change. However, the SJC lacks a legal basis enabling it to carry them out independently of the executive branch's interference. The law requires the SJC to present the draft charts to the minister of justice and then convene a joint session with him if he disagrees with the council. Additionally, they must be issued via a decree, which means getting the approval of all the executive authorities whose signature must be obtained. Any minister can refrain from signing the decree, blocking the charts. This has happened repeatedly".
12. The Taif Agreement, ratified by the Lebanese Parliament on November 1989 ,5, is considered to have put an end to the Lebanese Civil War and was the basis for the 1990 constitutional amendment.
13. See articles 8 ,7 ,6, and 9 of the State Council Regulation.
14. An expedited bill submitted on April 2019 ,28.
15. April 2019 ,2.
16. It was on the agenda of the General Assembly

on November 2019 ,12, which did not convene because of public pressure opposing the presence of the general amnesty law on the agenda.

17. The George al-Rif case. See Nizar Saghieh, “‘Asharat Ma’awil li-Hadm Istiqlal al-Qada’ fi Lubnan: al-Tashkilat al-Qada’iyya 2017” [“Ten Pickaxes to Destroy the Judiciary’s Independence in Lebanon: The Judicial Charts 2017”], *The Legal Agenda*, is. 51, September 2017.
18. In an interview on OTV on June 2017 ,28, the minister even provided a theoretical cover for these practices on the basis of Article 66 of the Constitution, which vests the minister of justice with supervising the proper functioning of the judicial process. He added, “Article 20 of the Constitution discusses the independence of the judicial function. That is to say, when the judge is alone with his knowledge, his conscience, his pen, his thought, and his freedom and by his own hand writes a judgment, nobody intervenes”.
19. Entry to the Institute of Judicial Studies generally occurs via a competitive exam or the direct

appointment of persons with law doctorates. The first means has constituted the main gateway for recruiting judges, accounting for no less than %80 of all accredited and trainee judges appointed between 1991 and 2017.

20. Article 8 and Article 9 of the United Nations’ Basic Principles on the Independence of the Judiciary.
21. Nizar Sagheih, “Ahamm al-Harakat al-Huquqiyya 2018: Nadi Qudat Lubnan Kharaja Ila al-Waqi’” [“The Most Important Rights Movements 2018: Lebanon’s Judges’ Club Emerges to Reality”], *The Legal Agenda*, April 2019, is. 59.
22. Labor Code, Article 50.
23. Based on Legal Agenda’s monitoring of all decisions issued by the Labor Arbitration Councils in Beirut and Mount Lebanon in 2018.
24. See, ECtHR, *Hornsby vs. Greece*, 19 March 1997, No. 107/1995/613/701.



# ■ Juvenile Justice System



- The Arab NGO Network for Development
- Mouvement Social
- Himaya Association



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## General Background

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General guidelines and procedures for the prosecution of juveniles were established by international treaties and elaborated by domestic laws in an attempt to improve trial conditions and achieve its purpose. Juveniles were thus accorded with trial privileges that do not cover adults. In reality, however, several obstacles are faced in implementing the various privileges, and the extent of state commitment differs from one judiciary to another, including in Lebanon. They include implementing the regulations of the laws in effect, the lack of adequate infrastructure, and the absence of sufficient specialized human resources.

While the principle of punishment in general aims at reform, in the case of juveniles, reform, care, and protection must be the primary basis for punitive measures. And therefore, juveniles must be accorded all the required rights, circumstances, care, and support while being held accountable. The decision to punish must ultimately lead to the juveniles' reform and reintegration into society as active and productive members. It must not become an additional contribution to their involvement in the world of crime.

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## Protection of Juveniles in Conflict with the Law or Exposed to Danger

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The main law that sponsors the protection of children and juveniles, in Lebanon is the Lebanese Law No. 2002/422 'Protection of Juveniles in conflict with the Law or Exposed to Danger'. However, the law remains without comprehensive executive decrees that clarify its executive procedures and facilitate its application for the best interest of children. The regulatory decrees of this law have not been issued yet and the main articles of this law are not implemented, especially with regards to establishing rehabilitation centers and observation units for children in pretrial detention.

The international conventions and practices determined the minimum age of criminal responsibility to be between 12 and 14 years old. As for Lebanon, a juvenile is every male or female -under 18 years of age. It is worth noting that the age of legal responsibility is 7 years old, which raises concerns regarding the capacity of the child at this age to bear the psychological and social repercussions of the criminal responsibility.

The detention of juveniles is still occurring in the juvenile wing in Roumieh Prison, and public prosecution offices keep arresting juveniles, particularly those between the ages of 15 and 18 years old.

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## Recommendations in order to activate and improve the law's implementation

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- Activate the implementation of non-custodial measures, particularly community service and supervised freedom, with imprisonment being the last resort for judges.
- Stress on the need to respect and implement the Juvenile Law 2000/422 by all the concerned ministries, especially in regards to the rights of juveniles.
- Stress on the need to respect and implement the Juvenile Law 2000/422 by the respective law enforcement officers, especially respecting the defacto privileges prescribed for juveniles, and to increase the number of trained individuals and professionals in charge of supervising and following juveniles in their rehabilitation and reintegration processes.
- Activate the role of judicial inspection, especially in terms of deadlines of arrest and placing complaint boxes in the places of arrest and detention of juveniles.
- Reopen and reactivate the rehabilitation centers in order to support the juveniles during their detention and preparing them to a successful reintegration into society after their release.
- Put together a specialized judiciary, a special police, an expansion in Article 25 that stipulates the different types of violence against a child (that should include for instance child labor, underage marriage, children involved in armed conflicts), and listen to the opinion of the child towards the procedures and measures that ought to be taken in their favor.
- Involve specialized civil society organizations in ad hoc committees to discuss drafts and proposals in relation to amending legislation or adopting implementation decrees for

Law 2002/422 that had previously been suspended to guarantee broader and more comprehensive rights, especially for children under judicial protection.

- Increase awareness campaigns on Law 2000/422 for all segments of society, in cooperation with civil society organizations.
- Activate the role of concerned ministries, namely the Ministry of Justice, the Ministry of Interior, and the Ministry of Social Affairs, in drafting national plans to apply juvenile rights in coordination with civil society organizations to achieve harmony and complementarity.
- Train and raise the awareness of legal professionals on the Law, the rights of juveniles, and how to address their issues.

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## Recommendations with regard to legal aid system in Lebanon

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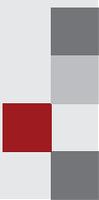
- Every juvenile has the right of defense and fair trial, yet the largest number of juveniles suffer from poverty and limited or no resources that hinder the appointment of a private lawyer.
- Activate the judicial aid system and support the bar associations in Tripoli and Beirut in securing the necessary funds, based on the right of every juvenile to a fair trial.
- Set-up and activate a monitoring and accountability system for lawyers assigned by the two bar associations to defend to ensure quality performance and advocate for juveniles through the judicial aid system.

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## Recommendations with regard to children under judicial protection or at risk

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- Article 25 of Law 422 identifies the children who fall under the legal protection from exploitation and threats to their development and natural growth. However, the lack of specialized and sufficient material and human resources often leads to the inability to respond to the significant needs imposed in practice.
- Activate the foster family system and establish specialized child care facilities while maintaining family ties as much as possible.
- Set clear operational plans and procedures for working and displaced children.
- Activate coordination frameworks between all the concerned ministries, especially the Ministry of Justice and the Ministry of Social Affairs.
- Ensure a system of safe referrals in the best interest of the child to facilitate their proper reintegration into society.
- Reactivate and follow-up on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.



# ■ Environmental Rights



- Waste Management Coalition
- Save the Bisri Valley Campaign
- The Arab NGO Network for Development



## Solid Waste Management

Sustainable access to natural and common resources, safe drinking water, sanitation facilities, refuse disposal, site drainage and emergency services are elements of the human rights to adequate housing and to health. The human right to water also encompasses adequate sanitation. Since 1997, Lebanon has implemented emergency plans for solid-waste management. These plans are financially wasteful and give minimum attention to health and safety standards. Despite significant plans in 2006, 2015, 2014, 2010 and 2019 for integrated solid-waste management (ISWM), waste-to-energy and decentralization, a dichotomy persisted at the national level between the monopoly in Beirut and Mount Lebanon and its hinterlands, where all international aid finances Mechanical-Biological Treatment (MBT) plants with commingled waste collection, achieving low diversion rates from landfills and dumps.

All types of waste in Lebanon are mixed together, with only a small fraction of medical waste, treated separately. Adequate treatment is unavailable for waste produced by slaughterhouses, industries and some types of healthcare waste.

Solid waste management (SWM) in Lebanon has gained global attention since the 2015 “waste crisis”, when one of the country’s largest landfills at Naameh closed without an alternative plan, and the abrupt halt in waste collection led to waste piling up in the streets of Beirut and Mount Lebanon. This triggered months-long protests and heated debates around the need to re-organize the sector. Yet, the coverage of these events has overshadowed the SWM challenges faced by peri-urban areas and municipalities in ensuring public service delivery.

Since the 2015 waste-collection crisis (during Lebanon’s 2nd UPR), Lebanon has

established an emergency plan for Beirut and Mount Lebanon, entailing the construction of two coastal landfills in Bourj Hammoud and Costa Brava, respectively. Environmental controversies have followed, including possible dumping in the Mediterranean Sea in violation of the Barcelona Convention, as well as open burning by some municipalities.

Central government executed the two landfills without completing an environmental impact assessment (EIA) as required by Decree 2012/8633 and despite several appeals and law suits. Garbage at the Costa Brava site, located near the airport, attracted birds that became a threat to aviation and public safety. At the Bourj Hammoud dump, a civil society group, Sohet Wledna Khatt Ahmar, issued videos showing trucks dumping garbage directly into the sea and local fishermen have protested the amount of garbage they were catching in their nets. For 1½ years, those coastal landfills operated without leachate treatment and sometimes without proper lining, which caused sea water pollution and severely affected the area fishermen. Around 550 families were threatened by the coastal landfill of Bourj-Hammoud/Jdeideh. Having reached its capacity, its expansion requires dumping in the fishing port and the port’s relocation.

In Bourj Hammoud, the waste from the old sea dump, suspected to contain toxic waste that were shipped from Italy in 1987 during civil war, was discharged into the sea without treatment. No government entity divulged monitoring results for leachate and sea water quality despite public requests. The National Center for Scientific Research (CNSR), whose mandate is to assess sea water quality and publish the data, did not reveal water quality near waste landfills. In 2018, CNSR published a study, where samples were taken regularly from 25 selected coastal locations, indicating that 16 were not polluted and suitable for swimming, four were fairly acceptable within World Health Organization (WHO) guidelines, and five were extremely polluted. The study excluded areas adjacent to factories, dump

sites and sewage pipes. “These areas were left out because it is common knowledge that they are highly polluted,” CNRS Secretary-General Mouin Hamze said . CNRS’ 2019 report included a graph measuring the level of heavy metals in marine sediments in some coastal areas. The findings showed that concentrations of cadmium, lead, copper and vanadium are higher than normal, sometimes much higher, as in the case of the area around the three landfills in Bourj Hammoud-Jdeideh.

People living around the coastal landfills were complaining of the foul smells that they had to endure daily. Between October 2017 and March 2018, AUB-NCC conducted a small-scale study on the environmental levels of hydrogen sulfide (H<sub>2</sub>S), one of the most prevalent and poisonous smell contributors at Bourj Hammoud. The H<sub>2</sub>S level detected (average of 51.0 µg/m<sup>3</sup> over a -10day period) was 25 times higher than U.S. Environmental Protection Agency’s safe limit for chronic exposure. Even more alarming is that 11 hospitals and medical centers and 32 schools and education centers are located less than 2 km away from that landfill, all of which are subjected to high H<sub>2</sub>S levels.

On another front, Elard conducted a survey (2017–2016) on open waste dumps across Lebanon. The total number of identified dumpsites was 941, versus 670 in the 2011 survey. The average total cost for rehabilitating these dumpsites is in the order of 74 million USD.

In December 2017, waste was being burnt at more than 150 open dumps, risking the health of nearby residents. Residents reported health problems, including chronic obstructive pulmonary disease, coughing, throat irritation, skin conditions and asthma symptoms. Air pollution from open waste burning has been linked to heart disease and emphysema, and can expose people to carcinogenic compounds. The practice violates Lebanon’s obligations under international law, including the government’s duties to respect, protect, and fulfill the right to health.

During waste burning days, carcinogens in the air increase by at least %2,300.

Open burning contributes around 410.5 g TEQ to the total release of PCDD/PCDF (%26), noting that more than %97 of PCDD/PCDF from this source group is released to air. These persistent organic pollutants can cause health effects including immune, cardiac, respiratory, and reproductive health problems, genetic malformations, and cancers among others.

Lebanese municipalities are endangering the health of residents by openly burning waste, despite the national Integrated Solid Waste Management (ISWM) Law No. 24) 2018/80 (September 2018), banning the practice and setting penalties for violations.

In April 2019, due to the inability of the municipalities to pay the dump operator, a waste crisis emerged in North Lebanon after the closure of the Adoueh dumpsite, an unregulated dump used by the northern districts of Minieh-Dinnieh, Koura, Zgharta, and Bcharre for 17 years. Municipalities are responsible for collection, treatment, and disposal of their waste, and are supposed to receive their funding from an Independent Municipal Fund financed with taxes collected by the central government. However, disbursements to municipalities have been irregular and several years behind schedule. To solve this problem, in August 2019, the Minister of Environment allocated a site in Terbol (North Lebanon) to be used as a landfill without conducting an EIA. The landfill met fierce opposition from local residents, with protesters citing concerns over its negative impact on health and the groundwater supply. An alternative site (al-Hawakir) was proposed, but also faced severe opposition from local residents and municipalities.

Due to the lack of planning, temporary quick fixes and mismanagement of existing solid waste-management facilities, the “Not In My Backyard” (NIMBY) syndrome increased across Lebanese and made people object to

any SWM facility in their areas.

The ISWM Law (2018/80) gives the Ministry of Environment (MoE) an oversight and monitoring role for SWM and mandated the ministry to develop a national waste management strategy within six months. MoE drafted a strategy and called concerned parties from the private, public, academic and civil society sectors to discuss it. Several concerns were raised about technologies proposed, related capacities and governance. Before the second meeting, MoE submitted a -10year roadmap for SWM to the Council of Ministers claiming that it was based on the strategy (which was not finalized and was not subject to a strategic EIA as stipulated by the law).

On 27 August 2019, Lebanon's Council of Ministers (CoM) approved a roadmap for SWM, which recommended expanding the Bourj Hammoud landfill in Beirut and included a map of 24 other proposed sites for sanitary landfills across the country, many of which are not backed by the required EIA studies. In at least one case, an assessment was conducted more than a decade ago. Under Lebanese law, the assessment is valid for only two years, after which the MoE must consider whether any changes on the ground call for a new assessment. The roadmap also included building two incinerators, one in the North and one in the South, in addition to facilitating the mission of the Municipality of Beirut to build an incinerator in the city. Environmental activists have long opposed waste incineration as a waste-treatment solution for Lebanon noting that the majority of waste can be either recycled or treated biologically. Activists question the government's ability to properly operate and oversee management of such complex technology and treat its toxic by-products, in addition to its unaffordable cost to highly indebted Lebanon.

The decision approving the SWM roadmap, which will affect the country for the coming 25 years, with people bearing its financial, socio-economic, health and environmental consequences, was taken before finalizing the

waste-management strategy and conducting a strategic EIA. No study determined: (1) whether the country really needs 25 landfills and 3 incinerators, (2) whether it can manage these incinerators, (3) whether the mostly organic waste composition is suitable for burning, (4) how the toxic fly ash would be managed, and (5) whether Lebanon can afford the cost of the construction, operation and maintenance of these incinerators. Other unanswered questions remain as well, such as: were the locations defined by service areas and in a participatory manner, and what are the environmental, health and socio-economic impacts of these decisions?

The CoM approved a Decree for the Management of Hazardous Waste not based on numbers or studies. It only mentioned a target for landfilling only %20 of the waste as a maximum, but the capacity of the existing sorting and composting centers was not determined, not even the capacity of the proposed incinerators and landfills, and the lifetime of the infrastructure to be used.

The Decree mentioned the approval of landfill sites and allowed for their immediate use, even though it mentioned preparing environmental studies for the projects. The decision is contradictory, noting that EIA studies require time and in-depth evaluation, which forbids the immediate use of the sites. This violates the laws (in particular Decree 2012/8633 for EIAs) and repeats the story of the Bourj Hammoud/ Jdeideh and Costa Brava landfills and the attempt to build the Terbol and Hawakir landfills in the North. The locations of waste management facilities are usually determined based on scientific studies, but in Lebanon they are based on political decisions and reserved for political parties and corresponding sects. The CoM gave 15 days to the political parties to locate an incinerator in the South of Beirut. People's lives and health are left to political decisions and parties' interests.

The Decree approved the sorting of waste at source, which is an achievement despite

its faults and the exclusion of hazardous waste. However, questions remain as to the application and the availability of financial and administrative tools and the infrastructure associated with its application, especially in light of the adoption of three incinerators. Their absorptive capacity was not specified and, if established according to what was proposed at the April 2018 Cedre Conference of international donors to support Lebanon —i.e., 1,200 tons per incinerator—these incinerators will require vast quantities of waste to feed them.

The CoM has approved Decree 2019/5606 for the Management of Hazardous Waste. This is also an achievement, but the plan did not include any infrastructure to manage this type of waste. This means continuing to adopt fragmented and unworkable solutions. If the hazardous waste remains mixed with household waste, this means that neither sorting, composting, burning, nor landfilling will be acceptable and that the environmental and health impacts are innumerable.

Although the central government made all of these decisions with emphasis on the application of administrative decentralization in waste management, the municipalities and their unions were not consulted, neither in the choice of waste management solutions, nor on the specific locations of landfills and incinerators. Immediately after the end of the CoM meeting, some municipalities and their unions issued statements, expressing their categorical rejection of the adoption of incinerators and landfills in their areas (Annex 1). According to the ISWM Law, the MoE was given 6 months to issue a strategy and prepare a strategic environmental assessment for it. After the CoM approves the strategy, the municipalities should be given three months to present their plans to the MoE for study and approval. None of this happened; on the contrary, the Cabinet approved the roadmap on behalf of the decentralized units without consulting with them.

Two key dynamics underpin local SWM in Lebanon: The first is the emergence of a

“new waste capitalism,” different from what has been observed in the 1990s. During that time, a so-called “waste capitalism” involved outsourcing waste collection and landfilling to politically connected businesses, ignoring local needs and demands. Since the 2015 “waste crisis”, complex technologies and treatment methods have been favored to include recycling, composting and waste-to-energy techniques. Recently advanced SWM solutions follow different business models with ambitious expenditures that have led to more-complex contractual relations between private service providers and local authorities. Due to the complex SWM technologies involved, local authorities frequently are unable to design, monitor and regulate the terms of the contracts awarded to private companies. A 2018 survey of 209 Lebanese municipalities found %36 outsourcing waste management to a private company, while %46 said they managed waste directly. This highlights the need to ensure accountability in the relationship of municipalities with the private sector to avoid further emergence of “new waste capitalism”. The second related issue refers to the limitations of Lebanese local authorities in managing solid waste. Since 2015, they are playing a bigger role in managing their waste, and are spearheading the construction of more-advanced treatment and disposal facilities. They are, however, unable to sustain these projects financially and operationally, especially given the low resources allocated to municipalities and the delay in the central government channeling those funds . Unsustainable facilities that are constructed at great cost result not only in a net capital loss for investors, but also the loss of local employment, along with the associated health and environmental costs. The financial consequences of such failures are eventually borne by the municipalities and the local taxpayers.

Some local authorities have conducted sensitization campaigns for citizens on issues such as at-source sorting and recycling, but most of them are unable to mainstream and institutionalize citizen participation in an inclusive SWM system. According to DRI's

survey, %39 of mayors consider, on average, that engaging with citizens on SWM issues is a challenge. This proportion is much higher (%71) in municipalities with more than 30,000 residents.

Another waste crisis is foreseen soon with the coastal landfills reaching their capacity and without concrete actions and plans to create an integrated system for waste management to date. Lebanon is still dumping more than %90 of its waste, without an inefficient and operational infrastructure that can treat a large portion of its waste.

## Recommendations:

Lebanon's Central Government should:

- Formulate a strategy based on a baseline assessment of the quantities and types of waste, the current generation rates, the geographical distribution of this waste, and the forecasting of waste generation for the coming 15-10 years. The strategy should identify the needs (technical, financial, administrative and legislative) and gaps in the system and set targets for establishing an integrated waste management system that includes all types of waste.
  - Map existing SWM efforts and identify the geographic locations in which a treatment plant could be established in the context of rapid urbanization and limited available space. The strategy should identify various SWM technologies suitable to the Lebanese context, enshrine the pillars of the circular economy (reduce, reuse, recycle) as key strategic components, and establish regionalized waste management systems that achieve economies of scale by uniting several local authorities in broader service areas
  - Mandate local authorities to develop their own master plan in line with the required national strategy, emphasizing waste reduction, which is at the top of the waste management hierarchy.
- The implementation of this principle requires economic policies that reduce and control the import of materials that can end in landfills and dumps, the use of financial, legal and educational tools for citizens, and working with industries to reduce the use of packaging materials and single-use products that are harmful to the environment. This principle also relies on encouraging the reuse and repair of materials, creating markets for used materials, and encouraging lease-to-purchase and other conservationist operations.
- Reduce the environmental damage resulting from poor waste management (especially dumpsites and sanitary landfills, open burning, and poor management of sorting and composting plants) and the resulting negative health impacts. Proper monitoring and enforcement of legislation related to open dumping and burning should be applied.
  - Rehabilitate existing dumpsites according to technical specifications determined by the MoE using appropriate technologies.
  - Develop and adopt legislation related to sanitary and hazardous-waste landfills, providing specifications for their establishment and operation.
  - Establish a system for licensing SWM facilities after preparing environmental, health, social and economic impact assessment studies.
  - Establish a system for regularly inspecting and monitoring existing installations, and building a publicly accessible database showing the results of the monitoring program.
  - Immediately implement at-source waste sorting and a system for the separate collection of waste. In this context, it is possible to make benefit of the existing informal sector, which works on collecting separated waste and selling it to the specialized factories.
  - Set specifications for collecting, transporting and managing waste types of all kinds and mechanisms for licensing and controlling them.

- Set standards for economic feasibility studies and assessing the environmental and social impact of all waste management facilities and technologies.
- Develop emergency plans for waste management infrastructure.
- Urgently task MoE with monitoring compliance with the ISWM Law, ensuring that violators are appropriately penalized and cases are referred to the relevant environmental public prosecutors. The CoM should consider MoE budget allocations to ensure it can carry out monitoring and ensure effective remedy to everyone in Lebanon who suffers a violation of her/his human rights to health and adequate housing through commission or omission by state bodies
- Center participatory processes on the principles of inclusivity and pluralism, involving stakeholders who have opposing views to act as a resource to generate innovation, create common understanding in local communities and ensure equal access to information and knowledge. This would desist from decades of top-down decision making in Lebanon, but implement participatory processes toward political and social consensus as citizens (not as sectarian adversaries), as institutions need to be committed to transparency and dedicate appropriate time and resources. In waste management, when participatory processes are used, they have the power to significantly reduce the NIMBY syndrome, and can result in the development of SWM facilities and infrastructure that are environmentally sound and socially accepted
- Developing an integrated and sustainable governance framework for SWM that includes cost-recovery schemes offering untapped opportunities to cover the heavy costs of SWM incurred by Lebanese local authorities. A sustainable SWM system requires the identification of a fair and equal tariff, whose calculation should consider affordability and the environmental and social costs of waste generation, rather than just the direct costs of the service
- Empower local authorities through a decentralization process that provides crucial services to their constituents. At the same time, it is imperative that the central government regulates the relationship between the private and public sector in the delivery of public services
- Establish a central regulatory body with effective oversight that ensures compliance amid successful decentralization. Regulations should ensure government transparency in the creation, construction and maintenance of SWM facilities in which public and/or private entities are involved. It would adopt standard bidding criteria, technical terms of reference to evaluate service delivery, and model templates for SWM contracts that would improve SWM contracts and mitigate their negative effects on municipal budgets
- Mandate local authorities to implement cost-recovery schemes dedicated specifically to SWM, thus safeguarding local authorities' autonomy to implement viable solutions in a decentralized context, while incentivizing waste reduction and at-source sorting
- Involve citizens and informal recycling actors to promote environmentally sound practices of the circular economy. The MoE and local authorities should organize policy dialogues and debates and involve CSOs and citizen groups in planning and implementing SWM projects, involving them in awareness-raising and sensitization campaigns about waste reduction, at-source separation and recycling. Informal waste collectors and recyclers should be registered and included in the SWM process
- Build capacity of local authorities in best SWM practices, awarding and managing service contracts sustainably
- Ensuring that any plan presented to the CoM comply with environmental and public-health best practices, as well as

**Lebanese and international law. Any plan should ensure that all authorities fulfill their treaty obligations to respect, protect and fulfill everyone's human rights to health, adequate housing, information and life in a safe and healthy environment. The CoM should not allow any waste-management project to be implemented without first ensuring that adequate EIAs have been carried out and adhered to.**

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## Dams and Water Management

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Elements of the human rights to food and adequate housing include sustainable access to water, energy for cooking, heating and lighting and food storage. Everyone has a human right to water and health, requiring safe and potable water, while all these human rights impose corresponding governance obligations on the state. The National Water Sector Strategy (NWSS) developed by the Ministry of Energy and Water (MoEW) and approved in 2012 by the CoM stipulated building additional dams in order to counter water shortages. Consequently, dam construction resumed at an unprecedented pace: Three new dams were built in Qaisamani, Yammouneh and Mseilha, and five others are currently under construction, or in the final phase of commissioning at Bekaata, Balaa, Janna, Ain Dara and Bisri.

The NWSS lacks necessary baseline evidence: MoEW has not monitored rainfall nor surveyed the springs and aquifers since the 1960s and has not conducted the required surveying and monitoring of groundwater extraction since 1970 leaving large gaps of information. The German Federal Institute for Natural Sciences and Resources (BGR) confirmed that MoEW's strategy for water is based on erroneous water balance figures and outdated studies. The UNDP-conducted Assessment of the Groundwater Resources (2014) showed that Lebanon is not suffering from water deficit

as claimed by MoEW. According to this study, the water budget shows clear surpluses, with groundwater being the main water resource in Lebanon, averaging %53 of yearly precipitation. However, aquifers are subject to mismanagement, with around 60,000 wells operating illegally across the country, leading to ineffective exploitation.

According to Decree 2012/8213, a Strategic Environmental Assessment (SEA) is required for sectoral plans that have impact on the environment to ensure environmental concerns are fully included and addressed appropriately at the earliest stage of decision making. However, the SEA of the National Water Sector Strategy (NWSS) was not conducted until as late as 2015. The SEA recommended scaling-back the dams' program, considering its social, economic, and environmental constraints. For instance, the study described the Bisri Dam as "land greedy" and criticized its unrealistic amount of resource exploitation. The assessment classifies the proposed dam projects as "highest-regret" measures and suggests less risky and more-efficient alternatives. However, the SEA's recommendations were dismissed by the Ministry of Energy and Water.

Studies show that the current experience in dam building and management in Lebanon has proved to be inefficient and costly. The Brissa Dam in Donniyye, completed in 2013, failed to collect water due to its location on karstic limestone, allowing for a high rate of water infiltration. The Qaisamani Dam, inaugurated in 2017, hasn't reached its full capacity yet, even after the heaviest rainy season Lebanon has known in a decade. The Balaa Dam, still under construction, is located on top of sinkholes and chasms, which has delayed the construction and caused additional costs for grouting and isolation. Likewise, the Chabrouh Dam in Keserwan leaks more than 30,000 m<sup>3</sup> daily and costs the government millions of dollars yearly for maintenance and repair. Finally, the Qaraoun Dam is extremely contaminated with heavy metals and cyanobacteria, which makes its

water unsuitable for irrigation and domestic use.

Dam construction in Lebanon has been substantially harmful to the environment and to local communities. The Janna Dam caused irreversible damage to the Adonis Valley, which holds %70 of Lebanon's plant and animal species. The Qaysamani Dam was built atop the Shaghour Springs catchment area, causing the deterioration of the spring's drinking water quality. The planned Bisri Dam will potentially destroy one of the most Lebanon's major landscapes, according to the National Physical Masterplan, devastating six million m<sup>3</sup> of forests and productive land and dismantling more than fifty archeological and historical sites. The dam is also planned to be built on an active seismic fault, posing risks of reservoir-induced earthquakes and risking the safety of many.

Violations of Decree 2012/8633 concerning the EIA:

- **The dams of Balaa, Beqaata and Mseilha were commissioned and/or implemented prior to completing an EIA Study.**
- **The Janna Dam was commissioned in 2014 despite the expiry of the EIA study dating back to 2008 (EIAs are valid for only two years). At the request of the MoE, a new EIA study was conducted. Subsequently, the MoE reviewed the study and concluded that the project must be aborted. However, MoEW dismissed the MoE's decision and continued the construction.**
- **Work on the Bisri Dam started in May 2019, despite the expiry of the EIA study that dated back to 2014. The MoE postponed its approval of the EIA until implementing the conditions stated in its review No. 652 / B of 2014/6/5, including the completion of the Ecological Compensation Plan. Until now, the Bisri Dam's EIA is incomplete and inconclusive, and lacks the approval of the MoE. Therefore, any construction work constitutes a criminal offense according to Article 15 of Decree 2012/8633 attributed to Article 58 of the Environmental Protection Law No.**

**2002/444.**

In 2019, the public outcry against the Bisri Dam project has grown significantly, and the protection of the Bisri Valey became one of the main demands of the 17 October protests. On 9 November 2019, protestors from all over Lebanon protested in the valley and opened the project's gates and barriers by force, pushing the contractor to withdraw its equipment off the site. Work that had started in May 2019 has since been postponed.

## **Recommendations:**

The Central Government should:

- **Revise the NWSS according to a new baseline assessment of the national water balance, groundwater resources, snowmelt and rainfall, and other missing information. The government must identify the real water needs of the Lebanese population and conduct the necessary surveying and assessment of illegal groundwater extraction.**
- **Large-scale projects of the NWSS must be suspended until the strategy complies with the requirements of the SEA.**
- **The government should consider better alternatives for water and adopt low-risk and environmentally conscious water management that can guarantee water security, while avoiding devastating damage to the environment and local communities.**
- **The government should abide by Lebanon's commitment to the Sustainable Development Goals (SDGs), notably, 13, 6, 14 and 15, concerning the protection of water-related ecosystems, forests and agricultural land.**
- **The MoE should strictly monitor the compliance of dam project with the requirements of the Decree 2012/8633 concerning the EIA.**

## References

1. CESCR. (2000) GC No. 14: The right to the highest attainable standard of health E/C.12/2000/4, 11 August 2000, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en) ;
2. CESCR, GC No. 15: The right to water, E/C.12/2002/11, 20 January 2003, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en) , 2003]
3. Azzi, E. (2017). Waste Management Systems in Lebanon. The benefits of a waste crisis for improvement of practices. Stockholm: KTH Royal Institute of Technology;
4. Abbas, I., Chaaban, J., Al-Rabaa, A.-R., & Shaar, A. (2017). Solid Waste Management in Lebanon: Challenges and Recommendations. *Journal of Environment and Waste Management*, 053-063;
5. Democracy Reporting International, DRI. (2019b). Solid Waste Management in Lebanon: Lessons for Decentralisation. Beirut: DRI;
6. Arthur D Little. (2018). The Lebanon municipal solid waste crisis and pathways forward. Insights into long-term solutions for the municipal solid waste crisis. Beirut: Arthur D Little;
7. Human Rights Watch. (2017, November 10). Lebanon Needs a Long-Term Waste-Management Strategy. Beirut, Lebanon, at: <https://www.hrw.org/news/2017/11/10/lebanon-needs-long-term-waste-management-strategy>; Hamza, R. (2018, June 23).
8. Beirut, Lebanon: Legal Agenda, at: <https://www.legal-agenda.com/article.php?id=4591>; Noursat. (2018, March 13).
9. Beirut, Lebanon, at: <http://nna-leb.gov.lb/ar/show-news/333079/nna-leb.gov.lb>; Elnashra. (2019, January 31
10. Beirut, Lebanon: Elnashra, at: <https://www.elnashra.com/news/show/1279859>; Al Kalima Online. (2019, June 25).
11. Beirut, Lebanon: Al Kalima Online, at: <https://www.alkalimaonline.com/newsdet.aspx?id=399629> ;
12. Human Rights Watch. (2017, November 10). Lebanon Needs a Long-Term Waste-Management Strategy. Beirut, Lebanon, at: <https://www.hrw.org/news/2017/11/10/lebanon-needs-long-term-waste-management-strategy> ;
13. Ahmar, S. W. (Producer), & Sohet Wledna Khatt Ahmar (Director). (2017). [film], at: <https://www.facebook.com/sohetwledna/videos/755446911293186/> ;
14. Human Rights Watch. (2017, November 10). Lebanon Needs a Long-Term Waste-Management Strategy. Beirut, Lebanon, at: <https://www.hrw.org/news/2017/11/10/lebanon-needs-long-term-waste-management-strategy> ;
15. Nasreddine, N. (2017, February 7). 550
16. Beirut, Lebanon: Lebanon debate, at: <https://www.lebanondebate.com/news/310286> ;
17. Maalouf, H. (2019, July 24).
18. Beirut, Lebanon: Al Akhbar, at: <https://al-akhbar.com/Community/274004> ;
19. Haddad, E. (2018, September). Lebanon fouls the Mediterranean. Paris, France: Le Monde Diplomatique, at: <https://mondediplo.com/2018/09/07beirut> ;
20. Kadi, S. (2018, August 12). Sea pollution in Lebanon approaching dangerous levels. Beirut, Lebanon: The Arab Weekly, at: <https://thearabweekly.com/sea-pollution-lebanon-approaching-dangerous-levels>;
21. Baaklini, S. (2019, June 24). Where is it safe to swim in Lebanon this summer? Beirut, Lebanon: L'Orient Le Jour, at: <https://www.lorientlejour.com/article/1176104/where-is-it-safe-to-swim-in-lebanon-this-summer.html>;
22. AUB- NCC. (2019). Smell Hazard Investigation for Mitigation (SHIM) Project, at: American University of Beirut, Nature Conservation Center: <https://www.aub.edu.lb/natureconservation/Pages/shim.aspx>;
23. MoE, UNDP, Elard. (2017). Updated Master Plan for the Closure and Rehabilitation of Uncontrolled Dumpsites throughout the Country of Lebanon. Beirut: MoE, UNDP;
24. Human Rights Watch. (2018, October 18). Lebanon: No Action to Enforce New Waste Law. Open Burning by Municipalities Endangering Health. Beirut, Lebanon, at: <https://www.hrw.org/news/2018/10/18/lebanon-no-action-enforce-new-waste-law>;
25. AUB. (28 January 2016). AUB, Air Quality Research Unit and Lebanese National Council for Scientific Research (NCSR). «Toxic Emissions of Waste Burning and Launches a Solution Manual» (Beirut: AUB), at: <https://www.aub.edu.lb/communications/media/Documents/jan-16/waste-burning-toxic-EN.pdf>;
26. MoE, UNEP, GEF. (2017). National Implementation Plan on Persistent Organic Pollutants. Lebanon. Beirut: MoE;
27. Human Rights Watch. (2018, October 18). Lebanon: No Action to Enforce New Waste Law. Open Burning by Municipalities Endangering Health. Beirut, Lebanon, at: <https://www.hrw.org/news/2018/10/18/lebanon-no-action-enforce-new-waste-law> ;

28. Human Rights Watch. (2019, 10 August). Lebanon: No Quick Fixes to Trash Crisis. Beirut, Lebanon, at: <https://www.hrw.org/news/2019/08/10/lebanon-no-quick-fixes-trash-crisis> ;
29. Daily Star. (2019, August 22). Terbol landfill illegal: Tripoli lawyers, at: <https://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-22/490129-terbol-landfill-illegal-tripoli-lawyers.ashx>
30. Ghazaleh, M. (2019, August 29)
31. Legal Agenda, at: <https://legal-agenda.com/article.php?id=5852> ;
32. Human Rights Watch. (2018, October 18). Lebanon: No Action to Enforce New Waste Law. Open Burning by Municipalities Endangering Health. Beirut, Lebanon, at: <https://www.hrw.org/news/2018/10/18/lebanon-no-action-enforce-new-waste-law> ;
33. Awada, A. (2019, August 28). 25
34. Beirut, Lebanon, at: <https://www.arabwindow.net/opinion/news140811.html> ;
35. DRI. (2019b). Solid Waste Management in Lebanon: Lessons for Decentralisation. Beirut: DRI;
36. Ibid.
37. Ibid.
38. Ibid.
39. Human Rights Watch. (2018, October 18). Lebanon: No Action to Enforce New Waste Law. Open Burning by Municipalities Endangering Health. Beirut, Lebanon, at: <https://www.hrw.org/news/2018/10/18/lebanon-no-action-enforce-new-waste-law> ;
40. DRI. (2019b). Solid Waste Management in Lebanon: Lessons for Decentralisation. Beirut: DRI
41. Ibid.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Human Rights Watch. (2019, 10 August). Lebanon: No Quick Fixes to Trash Crisis. Beirut, Lebanon, at: <https://www.hrw.org/news/2019/08/10/lebanon-no-quick-fixes-trash-crisis>
48. CESCR (Committee on Economic, Social and Cultural Rights). (1991) General Comment (GC) No. 4: the right to adequate housing, E/1992/23, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4758&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4758&Lang=en); CESCR. (1999), GC No. 12: The right to adequate food (Art.11), E/C.12/1999/5, 12 May 1999, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1999%2f5&Lang=en);
49. CESCR. (2000) GC No. 14: The right to the highest attainable standard of health E/C.12/2000/4, 11 August 2000, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en) ;
50. CESCR, GC No. 15: The right to water, E/C.12/2002/11, 20 January 2003, at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en) , 2003);
- 51.
52. UNESCWA. (2012). Water in Lebanon: Strategic Management - Data National Assessment Matrix.
- 53.
54. MoE, & UNDP. (2014). Assessment of Groundwater Resources of Lebanon;
- 55.
56. Raad, R., & Margane, A. (2013). Hazards to Groundwater and Assessment of Pollution Risk in the Jeita Spring Catchment. - Special Report No. 16 of Technical Cooperation Project «Protection of Jeita Spring». CDR, Beirut & BGR, Hannover, Raifoun;
57. Riachi, R. (2016). Water policies and politics in Lebanon: where is groundwater? IWMI;
58. Ecodit. (2015). Strategic environmental Assessment for the New Water Sector Strategy for Lebanon;
59. Ibid
60. Ibid
61. Allaw, S. (2020, March 18). Lebanon Dam Business: Destroying the Environment and Squandering Public Funds, at: Legal Agenda: [www.legal-agenda.com](http://www.legal-agenda.com);
62. Ibid.
63. Bou Jaoude, I., Karanouh, R., Momjian, M., Chehadeh, A., & Cheick Hussein, S. (2010). Understanding the Leaks in Chabrouh Dam Through Detailed Hydrogeological Analysis of the Qana Plateau (Lebanon). In B. Andreo, F. Carrasco, J. José Durán, & J. W. LaMoreaux (Eds.), *Advances in Research in Karst Media*. Heidelberg, Berlin: Springer;
64. Khalil, A. (2019, February 26). : , at: Al-Akhbar: [www.al-akhbar.com](http://www.al-akhbar.com);
65. Allaw, S. (2020, March 18). Lebanon Dam Business: Destroying the Environment and Squandering Public Funds, at: Legal Agenda: [www.legal-agenda.com](http://www.legal-agenda.com);
66. CDR. (2009). National Physical Master Plan for the Lebanese Territory;.
67. Nemer, T. (n.d.). The Bisri dam project: A dam on the seismogenic Roum fault, Lebanon. *Engineering Geology*, 261;

# ■ Rights of Persons with Disabilities



- Lebanese Physically Handicapped Union (LPHU)
- Youth Association of the Blind
- Lebanese Association for Self Advocacy
- National Association for the Rights of People with Disabilities
- Lebanese Federation of the Deaf
- Palestinian Disability Forum
- Darb al-Wafaa Association for the Disabled
- Musawah Association
- Learning Center for the Deaf
- Forum for the Rights of Persons with Disabilities



This report was prepared by the Lebanese Physically Handicapped Union (LPHU), the Youth Association of the Blind, the Lebanese Association for Self Advocacy, the National Association for the Rights of People with Disabilities, the Lebanese Federation of the Deaf, the Palestinian Disability Forum, Darb al-Wafaa Association for the Disabled, Musawah Association, the Learning Center for the Deaf, and the Forum for the Rights of Persons with Disabilities. It is part of a submission that focuses on the Lebanese government's compliance with its obligations to protect and respect the rights of persons with disabilities (PwDs). This review presents and analyzes key data on the rights of persons with disabilities related to work, education, health, and non-discrimination and the rights of disabled refugees.

Policies pursued by the political class in Lebanon led to the accumulation of civil and popular efforts rejecting wastefulness, corruption, theft of public funds, and the logic of spoils and quotas. Following the mass protests in 2011 and 2015, the streets exploded on 17 October 2019, in a popular cross-sectarian and cross-regional revolution and faced various attempts at its suppression by the authorities and sectarian dictatorships. The revolution accompanied economic, social, and political suffocation, which further marginalized and excluded persons with disabilities. PwD organizations became involved in the revolution's movements and actions to raise their voices along with other marginalized groups.

The UPR process remains the most important platform for PwD organizations in Lebanon, as the Parliament has yet to ratify the International Convention on the Rights of Persons with Disabilities (CRPD) of 2006, approved by the Lebanese government in June 2007. Political disputes between various powers in Lebanon are preventing PwDs (about 10 percent of the population) and their organizations from utilizing monitoring and follow-up mechanisms provided by the

convention and its protocols.

The previous UPR on Lebanon was completed during the 31st session of the Human Rights Council in March 2016, whereby the council adopted the results of the second review, which contained 219 recommendations, of which 128 were accepted and 91 rejected. Recommendations pertaining to disability issues accepted by Lebanon had been around since 2010 and related to the ratification of the CRPD and its Protocol and thus the development of a national strategy to implement its provisions. Although nearly twenty years have passed since the promulgation of Law 2000/220 on the rights of persons with disabilities in Lebanon, marginalization continues and there is no formal accountability when their rights are violated. The relevant ministries have also failed to issue implementation decrees for the following reasons:

- **The state's disregard of ratifying the CRPD and its Protocol and of a process to develop local legislation to create the appropriate grounds for its implementation.**
- **The absence of a national strategy to implement Law 2000/220 and achieve equal opportunities in society.**
- **The lack of inclusive standards in the structures, administrations, councils, and decisions of the ministries and the absence of awareness in the public sector regarding disability issues and PwD rights and needs.**
- **The absence of disability issues from the local development agenda and standards related to official public or social studies and statistics.**
- **The dominance of frameworks with narrow scope and benefit in implemented projects and their dependence on external funding, which limits access to rights and the absence of coordination between ministries concerned with the law's implementation, wasting opportunities for its application.**
- **The absence of the basic needs of PwDs from the public budget, which is an obstacle to the Law's application**

**regarding the right to work, education, health, inclusive environment, and civil and political rights.**

- **The lack of access to information and the absence of transparency in information provided by the ministries.**
- **The absence of guarantees to the right to communication by persons with hearing and visual impairments, due to the absence of an official recognition of sign language, Braille, and other tools they use to communicate with society and all aspects of their daily lives (having access to information and the ability to express their opinions, etc.).**

Faced with this reality and despite the non-application of Law 2000/220, some political sides are seeking to submit new draft laws related to disability. PwD organizations warn against the introduction of such laws before the ratification of the CRPD, as persons with disabilities, who represent about 10 percent of the population or approximately 400,000 citizens, live in a state of marginalization and exclusion and are denied their basic rights. Moreover, all that is provided by concerned ministries from time to time are initiatives with limited impact and timeframe and specific funding. They are localized initiatives that dissipate as the funding stops and fail to become a national strategy to integrate PwDs in their local communities. This report looks into the details of the right to work, education, health, and non-discrimination (accessibility and political rights) and the rights of Palestinian and Syrian refugees based on the recommendations to which Lebanon agreed or took note of at the 31st session of the Human Rights Council held in March 2016.



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## First: Recommendations Accepted by Lebanon - Rights of Persons with Disabilities

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132.17. Ratify the Convention on the Rights of Persons with Disabilities (Sierra Leone) (Honduras) (Portugal); Conclude the ratification process of the Convention on the Rights of Persons with Disabilities (Turkey); Expedite the necessary process to ratify the Convention on the Rights of Persons with Disabilities (Thailand); Facilitate ratification of the Convention on the Rights of Persons with Disabilities (Republic of Korea).

132.20. Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and promote the awareness of the society and institutions on the right to equality and non-discrimination of persons with disabilities in all areas of life (Mexico).

132.23. Ratify various international human rights statutes and conventions, including the Rome Statute, the Convention on the Rights of Persons with Disabilities, and the ILO Conventions Nos. 169 ,87 and 189 (Ghana); Comments: A/HRC/5/31/Add.1 states at page 132.23 :3 - Ghana - Partially accepted - The accepted part is the one referring to the ratification of the Convention of the Rights of Persons with Disabilities.

132.18. Positively consider ratifying the Convention on the Rights of Persons with Disabilities to fully ensure the rights of persons with disabilities to education, employment and their participation in political and public life (China).

132.19. Ratify the Convention on the Rights of Persons with Disabilities and effectively implement the national plan in order to make the education system open to children with disabilities (Italy).

132.186. Ensure that the National Plan for Integration of Persons with Disabilities has the necessary human, institutional and financial resources for its effective implementation (Honduras).

132.183. Continue to implement the National Plan for the Integration of Persons with Disabilities (Pakistan).

132.189. Continue the efforts to protect persons with disabilities including awareness-raising campaigns about the rights of people with disabilities (Islamic Republic of Iran).

132.184. Ensure the effective implementation of the National Plan for the Integration of Persons with Disabilities, especially regarding access to education and employment (Finland).

132.185. Further strengthen efforts to improve the lives of persons with disabilities, including by developing and implementing policy instruments to meet the education needs of children with disabilities (Singapore).

132.187. Continue to realize the rights of persons with disabilities, including their right to education, in the framework of the National Plan for the Integration of Persons with Disabilities which it has adopted (Russian Federation).

132.192. Intensify efforts to integrate persons with special needs in schools (Oman).

132.188. Take further steps to ensure the protection of persons with disabilities (Greece).

## Second: Extent of Lebanon's Commitment to Implement Accepted Recommendations

Lebanon has not committed to implementing the recommendations accepted regarding PwD rights. Commitment to the content of the recommendations was merely formal, similar to the promises of concerned ministries, which are never fulfilled. The local Law 2000/220 concerning PwD rights, issued six and a half years prior to the CRPD, was not implemented, neither were the ministerial decrees, decisions, and circulars issued in the past years, including:

- **Decree No. 2009/2214 related to procedures and measures to facilitate the participation of people with special needs in parliamentary and municipal elections.**
- **Decree No. 2011/7194, related to the application of the provisions of Law 2000/220, especially Article 23 thereof, and Article 13 of the Construction Law No. 646, dated 2004/4/11.**
- **Ministerial circulars and decisions issued by the Minister of Interior and Municipalities that accompanied the municipal, mukhtar, and partial parliamentary elections in 2016 and the 2018 parliamentary elections. This includes the Minister of Labor's memoranda No. 2 and 2162/3, on 20 July 2018.**

It is further noted that PwD rights are interconnected, particularly the right to access places, information, and communication, and non-discrimination against PwDs in the spatial environment that should respect diversity. However, the government's budget did not include specific expenditures related to equipping public places and facilities to guarantee access for PwDs like other citizens, in addition to the fact that Law 2007/28, on

the right to access information, has been conditioned on what precludes its application. During the 2016 municipal and mukhtar elections, the disability movement received a promise from the Minister of Interior to implement the law and the relevant decree, but this did not happen. It also received a promise from the Prime Minister on 6 May 2018, to allocate a disbursement section in the next general budget for structural installations that guarantees independent and dignified access for PwDs.

Consequently, the partial progress made in 2009-2008 began to fade, especially concerning the political rights of PwDs, including candidacy, voting, and access rights. Flagrant violations of the political rights of PwDs were recently witnessed. A study regarding the architecture of 10 model polling stations, submitted by the My Right campaign was ignored, the Braille ballot paper to allow the blind to vote did not appear, nor was graphical information provided for the deaf, as was required as models to build on to achieve inclusive general elections in 2022. In addition, the state is failing to raise awareness on PwD rights and the culture of inclusion; part of this task is carried out by relevant civil and human rights organizations. In terms of particular rights, the following is noted:

### 1. Access

Law 2000/220 requires public and private institutions to undertake the necessary construction and equipment works to guarantee the independence of movement and access for PwDs. However, the relevant ministries have failed to implement the required procedures and to issue implementation decrees. Civil studies have shown the possibility of equipping at low cost and civil surveys indicated the scarcity of accessible spaces for public use, especially after the state squandered the opportunity after the July 2006 war to reconstruct in a

manner that respects human rights. Decree No. 2011/7194, related to the application of the provisions of Law 2000/220, especially Article 23 thereof, and Article 13 of the Construction Law No. 646, dated 2004/4/11, was not implemented. The general situation indicates the following:

- **Competing powers of the ministries and official departments concerned with structural accessibility, which hinder any serious efforts to implement the law.**
- **Absence of budget lines for structural accessibility in the state budget for public spaces and private spaces for public use, which deprives local administrations from funds necessary for equipment and keeps the issue limited to individual or civil initiatives.**
- **Impossibility to independently access or use information related to inclusive environment by PwDs and their associations adopting inclusive policies, in addition to most productive social roles and tasks, which maintains a policy of exclusion.**

## ■ 2. PwD Political Rights

In Lebanon, the concept of the right of persons with disabilities to stand and vote for elections was established by Law 2000/220, the Boutros Committee Bill of 2007, the Elections Law 2008/25, the Elections Law 2017/44, implementation decree 2009/2214, the Minister of Interior and Municipalities' circulars obliging mayors and heads of municipalities to implement the law and facilitate the voting of PwDs, and the incentives given to the municipality providing the best facilities in this regard in 2016 and 2018 (as well as the Tripoli bi-elections in 2019). In practice, however, PwDs remain marginalized and excluded from the electoral process and their rights are subjected to mass violations. In 2016 and 2018, the My Right campaign documented hundreds of violations, most of which focused on the absence of structural

facilities for accessibility and the lack of sufficient awareness among election supervisors. The current reality indicates the following:

- **Lack of comprehensive statistics for disabled voters; concerned ministries do not know where they are concentrated during polling.**
- **Concerned ministries in Lebanon have failed to equip polling stations and booths, despite the existing possibility to survey the situation in each location based on the comprehensive field survey, in addition to the concerned ministry's neglect of architectural studies provided by My Right campaign, which includes the equipment of 10 polling stations as a model for the upcoming elections in 2022.**
- **The Ministry of Interior and Municipalities did not adopt open spaces, playgrounds, and ground floors as polling stations. Most were higher than the ground and only accessible by stairs or on the first or second floors, which denied many PwDs from voting.**
- **The failure to adopt a standard ballot paper, Braille (LPHU had provided a template to the Ministry of Interior well in advance of the elections), clarifications for persons with mental disabilities or the hearing impaired, or visual aids such as posters containing simple explanations, pictures, videos, or information to help them choose independently, based on knowledge and personal conviction.**
- **Municipalities failed to comply with the Ministry of Interior's circulars related to the relevant equipment based on standards of inclusivity. There was also a lack of volunteers to help PwDs in most locations.**
- **The comprehensive survey of polling stations indicated that 63 percent were schools and 8 percent lacked any facilities. None were completely equipped. The other percentages are distributed between centers containing 1 to 5 of the required structural equipment.**

## ■ 3. Rights of PwD Refugees

### 3.1. Rights of PwD Palestinian Refugees

Most Palestinian refugees with disabilities, over 7,500 persons (registered at the Palestinian Disability Forum) face a difficult economic and livelihood situation, are denied most of their rights, and do not fall under Law 2000/220, which is limited to the rights of Lebanese PwDs. To secure their needs, they mainly depend on UNRWA and other international organizations, in addition to local associations and organizations concerned with PwD, which are the 15 organizations forming the Palestinian Disability Forum in Lebanon. The movement for the rights of Palestinian PwDs is active, despite the absence of political and social authorities who are targeted by advocacy.

#### **Education:**

Like other Palestinian refugees, PwD Palestinian refugees' right to basic public education is limited to UNRWA schools. However, the agency suffers from significant shortages in necessary resources to apply inclusivity policies, although it offers many facilities in coordination with local organizations to include children with disabilities in its schools. Most of the schools are located in rented buildings that do not meet the requirements of an inclusive environment. Only 18 schools are equipped.

#### **Health and Rehabilitation:**

PwD Palestinian refugees are deprived of appropriate public health services, as they are considered «foreign» or «refugee» and receive what is offered by UNRWA and some NGOs. However, the services are insufficient, dispersed, and unsustainable, including rehabilitation services, devices, and aid equipment for the various disabilities. Speech, occupational, physical, and psychomotor therapy and specialized education, although

present, is not sufficient, in addition to the significant shortage of specialized medicines and required surgical operation. Moreover, prevention and rehabilitation programs lack the necessary resources for continuity or working on the level of comprehensive development due to the complicated legal situation. Most of these programs tend towards temporary relief work.

#### **Work:**

PwD Palestinian refugees are deprived of the right to work in all public positions and dozens of other professions, particularly free professions, in accordance with the strict laws and ministerial decisions imposed on Palestinians in general, which imposes an extra burden on PwDs.

#### **Environment and Housing:**

They are deprived of property rights outside the camps, as well as construction and renovation inside them, where they are forced to live in dire conditions lacking any accessibility, in addition to narrow and dilapidated streets, increasing the difficulty of movement and access and the consumption of a great number of devices and tools. Moreover, public facilities are inadequately equipped.



## 3.2. Rights of PwD Syrian Refugees

In the past nine years, Lebanon became the country with the biggest concentration of refugees globally and hosts Syrian refugees in almost all of its districts. More than 1.2 million are registered by the UNHCR and those who are unregistered are estimated at around 1.5 million. They include many who were injured in the war. Their situation is as follows:

- **Notably, there is growing cooperation between UNHCR and PwD organizations who are active in updating forms and data pertaining to PwD refugees, including the type and degree of disability.**
- **In education, PwD refugee children are deprived of alternative educational programs, in light of the random provision of public and contracted education services where refugees are concentrated, due to the lack of appropriate equipment, an adapted curriculum, and trained educational staff.**
- **In health and rehabilitation, budgets covering medical services, hospitalization, and treatment of chronic and incurable diseases gradually dropped to a minimum in the past year. None of the periodic reports indicated rehabilitation services for PwDs.**
- **In terms of employment, refugees in general are deprived of the right to work and depend on financial and material aid from donors.**
- **In shelter and housing, most PwD refugees live in slum camps lacking any type of accessibility or equipment. They are hostages to improvised shelters or camps devoid of the bare minimum of safety and hygiene standards.**

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## Third: Conclusion and General Recommendations

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It appears that Lebanon's lack of commitment to implement the recommendations that it has approved establishes a situation that deprives persons with disabilities of the basic rights stipulated in international conventions. If the elderly and those with temporary disabilities are added, this deprivation affects more than 20 percent of the population, which is denied its right to access places and information, as well as its right to health coverage, work, education, sports, leisure, and so on. In the face of the current reality, in addition to urging the Lebanese state to abide by all the aforementioned recommendations, we stress the need to implement the following recommendations:

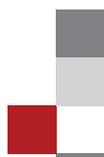
- **The immediate ratification by Parliament (elected on 6 May 2018) and the Council of Ministers (formed on 20 January 2020) of the CRPD and its additional protocol, without delay, having been ignored by political actors for the past 14 years.**
- **Take immediate action to upgrade the local legislation of Law 2000/220 on the rights of PwDs in Lebanon to the level of the CRPD, work to include PwDs in all aspects of life according to the social model, and issue necessary laws and decrees.**
- **Establish a detailed national legal strategy to implement the relevant laws, especially the CRPD and Law 2000/220 on labor rights, education, health, non-discrimination (physical accessibility and political rights), and the rights of Palestinian and Syrian refugees, provided that this strategy is followed by an action plan involving the concerned ministries and departments, under the supervision of the Presidency of the Council of Ministers. It should have a clear and specific timetable, allocate the necessary budget lines, and allow PwD associations**

to monitor implementation.

- **Immediately fulfil promises to PwD organizations to equip publicly-used private and public buildings and structures.**

In conclusion, successive Lebanese governments in the past two decades failed to work towards a national plan to implement Law 2000/220. Moreover, Parliament has failed to ratify the CRPD, which was passed by the government in 2007. Projects with limited impact, duration, and funding provided by the ministries from time to time are localized in time and place and provide partial remedies to the symptoms, neglecting the root causes and lacking any real effect.

In light of the lack of specific lines in the public budget to implement a clearly defined national plan, with a specified timeline, and the scattered initiatives by ministries, PwDs in Lebanon are excluded from the development agenda and remain hostages to chronic marginalization and exclusion from their natural role in economic and social life.



## References

1. In a 2015 report, the World Bank indicated that the percentage of PwDs in Lebanon is around 15 percent. PwD organizations adopt the 10 percent figure based on field surveys conducted in the past two decades. The Ministry of Social Affairs adopts the figures provided by the PwD Rights Program, meaning those with Disability Cards, which amounted to 107240 cards as of 22 September 2018.
2. According to the statistics of the Inclusion Network in Lebanon 2006 and the results of the Emergency Program - Relief Project at LPHU during the displacement period in July 2006 and the updated data of the Disabled Rights Monitor. See the 2019-2018 Monitoring Report (Beirut: Media Unit - Lebanese Physically Handicapped Union, October 2019), p 40.
3. Lebanese Physically Handicapped Union, PwDs in Lebanon: 20 Years of Marginalization, Beirut: Media Unit, LPHU, November 2019, under publication.
4. Law 2017/28 was issued on 10 February 2017 and published in the Official Gazette on 16 February 2017.
5. See Hadeel Farfour, «Access to Information Law: A Suspended and Partial Rights,» [In Arabic], Al-Akhbar Newspaper, 2017/3/1.
6. In a live TV interview from Jezzine Municipality during the parliamentary bi-elections in 2016, the Minister of Interior and Municipalities promised to fully implement decree 2009/2214 before the next elections, which took place on 6 may 2018, but reneged on his promise.
7. During live coverage of his vote outside the voting center at the Shakib Arslan Public High School in Beirut District 2 on the Lebanese channel MTV, LPHU president Sylvana Lakkis asked Prime Minister Saad Hariri about the issue. He promised to allocate a budget line in the 2019 budget to renovate public spaces and facilities to guarantee independent and signified access for PwDs (TV Reporter: Nawal Berri).
8. See: National News Agency, 19 April 2018, «My Rights Campaign Hold a Sit-in in Riad el-Solh to protest the lack of facilities for persons for disabilities to vote,» Report by Hoda Zbib and Josiane Saade. Also: NNA, Nada Abi Maroun, «Launch of My Rights Campaign to Monitor the Elections,» 7 April 2018.
9. Towards a Common National Culture on Inclusive Policies - Brummana Conference, 28 to 30 September 2019 (Beirut: Media Unit - LPHU, October 2019), unpublished.
10. Progressing Towards an Inclusive Environment: An Architectural and Budgetary Approach (Beirut: Lebanese Budget Project, LPHU and CRI, Edition 2008 :1).
11. «Reconstruction and Inclusive Environment,» a field survey on the application of architectural specifications and standards for PwDs in the reconstruction process (Beirut: Media Unit - LPHU; Edition 2008 :1).
12. Proposal by the National Committee for the Parliamentary Elections Law headed by Judge Fouad Boutros (Beirut: distributed by Assafir Newspaper, 2007).
13. Law 2008/25, amended by Law 2008/59, Articles 91 and 92.
14. Law 2017/44, Article 49, which merged Articles 91 and 92 of the previous elections law No. 2008/25, and the implementation decree 2009/2214. The Disability Rights Monitors presented a civil reservation published by the National News Agency. Guidebook on «Political Participation of PwDs in Lebanon» (Beirut: UNDP and LPHU, 2018), p. 9.
15. The monitoring report issued by My Right campaign in 2016 indicated mass violations against voters with disabilities. The same situation reoccurred in 2018, without any notable improvement related to the dignified and independent voting of PwDs.
16. Results of the Field Survey of Voting Stations in Lebanon (Beirut: LPHU, Edition 2009 :1) in five volumes. Also, «Updates on the Survey in Beirut District, October 2015).
17. Evaluating the Needs of 10 Model Polling Stations in Lebanon, prepared by Hanin Shemali (Beirut: LPHU, 2018).
18. My Right campaign reports, 2018 ,2016, and 2019.
19. «The Extent of Preparedness in Polling Stations for PwD in all of Lebanon's Administrative Districts» (Beirut: LPHU, Edition 2009 :1), report based on a field survey.
20. Based on the survey of Palestinian PwDs in Lebanon or what is known as the cards issued by the Palestinian Disability Forum in Lebanon.
21. «The Legal Situation of Palestinian Refugee Labor in Lebanon - Coparative Study,» (Beirut: Committee on Labor for Palestinian Refugees in Lebanon, Edition 2009 :1).
22. UNRWA Education Department.
23. Ministerial Decree by the Lebanese Minister of Labor No. 79/1 on 2005/6/2 and decision 94/1 on 2008/6/26.
24. Weekly and other regular reports by UNHCR.
25. Situation of PwD Refugees in Lebanon 2019-2018 (Beirut: Media Unit - LPHU, July 2019), p. 62.



# ■ Women's Rights



- Lebanese Women Democratic Gathering (RDFL)
- Dar al-Amal
- Najdeh Association
- Naba'a
- Kafa
- ABAAD



## Introduction

Women were an integral part of the popular uprising in Lebanon since its beginning on October 2019 17, where «Revolution is Female» was one of the main slogans. Women practically led actions and chants and often stood as the primary defense line between protesters and security forces. The strong presence of women shattered sexist stereotypes, barriers, and inherited social traditions in society. It placed their main demands against discrimination and sexism at the forefront of the struggle. Although women play a vital role in economic, social, and political life, they still suffer from discrimination and marginalization in the various spheres of life, especially following the economic downturn and reduced job opportunities. Sexist laws abound, primarily related to personal status. Lebanese women are also forbidden from giving their nationality to their children and face discrimination in the labor and social security codes. Their participation in decision making in Parliament and the Council of Ministers is still minimal, due to the prevailing male culture.

Up until the writing of this report, the situation of women did not witness any changes since the last UPR, which included 78 recommendations related to women's rights (out of 404). Although Lebanon agreed on 18 of those recommendations, none were implemented to date.

## 1. The International Context of Women's Human Rights

Although Lebanon acceded to several international conventions on human rights in general and women's rights, in particular, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it has kept its reservations on Article 9 Paragraph 2, related to nationality, and items (c) (f) (d), and (g) of Article 16, in addition to Article 29.

Lebanon should:

- **Lift reservations on CEDAW**
- **Join the CEDAW Optional Protocol**

## 2. Personal Status Laws

The Lebanese state has never approved a civil personal status law, leaving the task of managing personal affairs, including marriage, divorce, alimony, custody, and inheritance to the religious courts of officially recognized sects. Lebanese citizens are thus subject to the laws of 15 religious courts. Under this system, women do not enjoy the same rights as men of the same sect, and there are discrepancies in women's rights between the sects. The distinction between sects is enshrined in Article 9 of the Lebanese constitution, which «guarantees that the personal status and religious interests of the population, to whatever religious sect they belong, shall be respected.» Its legal systems and decisions discriminate against women of all sects in access to divorce and custody of their children.

In addition to legal obstacles, women also face challenges related to judicial procedures, their financial costs, and the absence of proper support. This discriminatory reality underscored Lebanon's reservations on

CEDAW Article 16, which recommends equal rights for women and men in all family matters. Despite repeated recommendations by rights activists, groups, and international organizations in the past decades, Lebanese authorities have failed to act seriously to adopt a civil, unified personal status law. Furthermore, there is no Lebanese law that regulates the affairs of citizens who do not belong to one of the 18 recognized sects. The age of marriage remains one of the most prominent problems in this context, due to the legalization of child marriage. Marriage ages vary according to the varying laws of different religious communities, in violation of the Convention on the Rights of the Child (CRC), which sets the age of majority at 18, and its Protocols that require states to protect children from sexual violence. Likewise, the CEDAW does not recognize the betrothal of children, as early marriage carries severe consequences for the minor, the family, and social stability and provides easy access to human trafficking and sexual exploitation. Civil society organizations provided Parliament with several proposals related to the protection of children from early marriage. However, they have not been presented before the General Committee as of yet.

## Recommendations:

- **Adopt a unified civil personal status law that applies to all Lebanese citizens, based on equality between men and women in the affairs of marriage, divorce, and custody.**
- **Adopt a civil law that sets a minimum age for marriage and forbids child marriage, applicable to Lebanese and all residents on Lebanese territories without exception.**

## 3. Lebanese Penal Code

In its core, the Lebanese Penal Code is a reflection of a sexist, patriarchal culture in addressing gender and gender-based violence. It continues to criminalize adultery and abortion, only allowing the latter under exceptional circumstances. It penalizes women for providing sexual services as perpetrators of the crime of prostitution while ignoring the client.

Although Article 536 of the Penal Code, which used to provide a mitigating excuse for perpetrators of so-called «honor crimes,» was removed, Lebanese courts continue to base their decisions on Article 252 of the same law to provide a mitigating excuse based on the «state of anger» of the perpetrator when committing the crime.

The Penal Code remains weak in handling sexual violence and unable to protect women. First of all, the Code lacks a clear definition of sexual violence and does not explicitly criminalize sexual harassment. It allows men to rape their wives through article 503 and 504, which criminalize rape but exclude cases of marital rape.

Although Article 522, providing amnesty for rapists who marry their victims, was removed, its provisions remain in the content of Articles 505 and 518. Its abolition coincided with the amendment of the two articles to exempt perpetrators who later marry their victims. Article 505, criminalizing intercourse with minors, was amended to exempt perpetrators of the crime of intercourse with a person between 15 and 18 if a valid marriage contract is concluded with the victim. The same amendment was also applied to Article 518, which criminalizes sexual intercourse with a virgin through promises of marriage. In both articles, the stipulated exemption included stopping the prosecution or the execution of the judgment.

## Recommendations:

- Criminalize marital rape and abolish the exemption of spouses from rape crimes by amending articles 503 and 504 of the Lebanese Penal Code.
- Amend articles 505 and 518 of the Lebanese Penal Code to repeal the text exempting the perpetrator from punishment if he marries his victim.
- Pass a law to criminalize sexual harassment.
- Repeal all articles criminalizing women's right to abortion, particularly Article 541 of the Lebanese Penal Code.
- Approve the proposal to amend articles 252 to 548 of the Lebanese Penal Code.
- Decriminalize adultery by removing Articles 488, 487, and 489 of the Lebanese Penal Code.

## 4. Trafficking in Women

The Human Trafficking Law 164 was issued on 2011/8/24 and considered an achievement despite some flaws, as it constituted a clear legal framework for the crime of trafficking. Although security services have been able to uncover several human trafficking networks operating in Lebanon, the lack of a legal text and transparent mechanisms to protect victims remain the main obstacles to justice and the criminalization of perpetrators, as well as reducing the crime in general. The law also suffers from several loopholes, summarized as follows:

- Absence of a monitoring system for migration patterns in and out of Lebanon and the lack of a system to monitor whether foreign migrants are heavily involved in sex work.
- Law 164 does not explicitly mention geographical authority to enforce it outside the country, to enable the fight against human trafficking to be applied to all victims, including the Lebanese outside the country.
- Lack of laws and policies to protect women and girls from employment agencies involved mainly in trafficking - procedures are limited to administrative measures by the General Directorate of General Security (GDGS) against these agencies. However, judicial measures must be taken to prosecute those involved in the crime of trafficking in the courts.
- Lack of applicable laws and policies related to marriage agencies, in particular those involved in arranging marriages to foreigners.
- The Human Trafficking Law is inconsistent with the Prostitution Law to Protect Public Health issued on 1931/12/6 - currently under review by Parliament - that stipulates that sex workers must be isolated in a specific location. Although the civil war took with it all legal prostitution establishments

and while the state stopped giving new permits after 1977, the Prostitution Law is still in effect in Lebanon.

- The Human Trafficking Law also contradicts Article 523 of the Penal Code, applied to all cases of prostitution, which equates between the exploiter and the exploited.
- It also contradicts the measures applied to female artists (GDGS) and waitresses (Internal Security Forces - ISF), whereby owners of drinking establishments recruit artists and waitresses from Arab and other countries. After arriving in Lebanon, the young women are forced to sign contracts under debt and remain in Lebanon to pay it off by accepting sexual exploitation. The duration of such contracts is no longer than 6 months at most. The women are unable to file complaints against their exploiters due to Article 523, which criminalizes sex prostitution.

### Recommendations:

- Intensify efforts and programs to help eliminate the exploitation of women in sex work and trafficking.
- Design and implement programs and public policies aimed at reducing the demand for services that can be used for trafficking and prosecuting those involved in the exploitation of sex work and trafficking in women.
- Establish a national protection system for victims of this crime to ensure that the principle of exemption for victims from punishment and the victim's access to integrated assistance is applied.
- Amend the Trafficking in Persons Law and Article 524 of the Penal Code based on «the accused is a victim until proven guilty» and not the other way around, as well as punishing the perpetrator.
- Abolish of the Law on the Protection of Public Morals from Prostitution of 1931.

## 5. Domestic Workers

Article 7 of the Labor Law excluded «servants in individual households,» including women domestic workers, from its provisions. They are subject to a particular employment contract within the kafala (sponsorship) system that links their residence and work in Lebanon to the sponsor and allows the latter to engage in violence, suppression of freedom, and other violations of rights. No evident official efforts were undertaken to protect this category of workers, despite the extensive documentation of violations by local and international organizations and the long struggle of workers against the kafala system and for better work conditions through several movements and campaigns in the past years. The only legal framework regarding the status of women domestic workers is the tripartite labor contract (the worker, recruitment office, and the homemaker), knowing that its clauses do not stop any of the parties from its violation. The Ministry of Labor and GDGS developed the contract to include details on working hours, leave, sleeping and living arrangements, and similar matters. The absence of a regulating law and monitoring mechanisms, thus accountability for violators, the tripartite relationship remains subject to the whims of its parties. The relationship with the Ministry of Labor does not go further than organizing the logistics of recruiting the workers and their residency. Home country embassies and consulates are sometimes involved in solving disputes.

### Recommendations:

- Abolish the kafala system and include domestic workers, women, and men, to the Labor Code by amending or removing Article 7 thereof.
- Ratify ILO Convention 189 on decent work for domestic workers
- Establish a domestic worker recruitment mechanism in line with international standards.

- Stop the administrative detention of women domestic workers victim of violence and exploitation and put an end to the detention and deportation of those who are establishing families and have children in Lebanon
- Monitor, hold accountable and punish abusive employment agencies and all who violate the rights of domestic workers.
- Conduct serious investigations in cases involving the death of domestic workers and prosecute all violators.

## 6. Protecting Women from Domestic Violence

The Law to Protect Women and Other Family Members from Domestic Violence, issued by the Lebanese Parliament in 2014, was incomplete. The approved text ignored fundamental demands included in the draft law before its amendment by MPs. Consequently, a bill to amend the law above was approved by the Council of Ministers on 2017/8/3. However, it remains in Parliament. It includes:

- Establish the Victims Assistance Fund provided for in the law.
- Establish a specialized unit on domestic violence within the Internal Security Forces.
- Establish a family court specializing in family issues and violence against women.
- Criminalize marital rape.

### Recommendation:

- The Parliament should pass the above bill amending the Law to Protect Women and Other Family Members from Domestic Violence.
- Activate Article 5 of Law 293 and establish the Domestic Violence Unit in the Internal Security Forces.

## 7. Nationality Law

The Lebanese Nationality Law, issued in 1925 and amended in 1960, continues to discriminate against Lebanese women. It prevents them from transferring their citizenship to their children, clearly stating that Lebanese citizenship is granted to those «born of a Lebanese father.» Lebanon continues to refuse to withdraw its reservations on CEDAW Article 9. Although the government took some measures to facilitate the residency of children of Lebanese mothers, through exemptions from work permits and free courtesy residency permits renewable every three years, the demand for granting women the right to give citizenship continues to be ignored.

The nationality law also discriminates against women by distinguishing between mothers of Lebanese origin and women of other origins who acquired nationality through their husbands. In the case of divorce or death of the husband, the latter can grant nationality to children from another marriage. Lebanese mothers are not allowed to do so.

In May 2017, the latest of a series of draft amendments to the nationality law was presented by the President of the National Commission for Lebanese Women's Affairs to the Council of Ministers. However, the presented draft failed to reflect a commitment to equality, denying the children of Lebanese mothers from nationality, political rights, and some labor and property rights if they had reached the age of legal majority.

### Recommendation:

- Lift reservations on CEDAW Article 9.
- Amend Article 1 of the Nationality Law to start with: «A Lebanese is (1) Every person born of a Lebanese father or a Lebanese mother...»
- Amend Article 5 of the Nationality Law to give foreign men married to Lebanese

women the right to obtain citizenship, and to comply with the recommendations of the 2015 CEDAW Committee.

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## 8. Women's Representation in Political Institutions

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Lebanon suffers from the absence of public policies to strengthen the position of women in public life and their representation in political institutions. It is considered one of the worst countries in the world in terms of gender equality indicators. Lebanon was ranked in the 9th worst position (145 out of 153 countries) in the World Economic Forum's Gender Gap Index 2020, consisting of several indicators related to economic and political participation, in addition to health and education. While Lebanon failed to rank above 111 in any of these indicators, it ranked the fifth worst in terms of women's participation in political institutions. For example, women were historically absent from ministerial councils up until 2004, holding 2 or fewer seats until the popular uprising of 2019/10/17, where women showed their real leadership and revolutionary potential, which led political sides in the current government to give 7 ministries to women.

In this context, human rights organizations and groups in Lebanon have always called for the facilitation and encouragement of women's participation in politics. One such demand is including a quota for women in Parliament through the electoral law. Unfortunately, the government that took office between December 2016 and May 2018 failed to fulfill its pledge in the ministerial statement to apply the quota system in the new electoral law for the 2018 elections. However, only 6 women reached Parliament, compared to 122 men, and two of the largest 4 parliamentary blocs lacked any women's representation.

## Recommendations:

- Adopt an electoral law setting a quota for women of no less than %30 of the seats.
- Adopt public policies and programs to ensure the participation of women by no less than %30 of municipal or local council seats.

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## 9. Rights of Women Prisoners

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The situation of prisons and laws confirms that women prisoners are denied the most basic humanitarian rights and international human rights standards. There are 4 women's jails in Lebanon, one each in Zahle, Beirut, Baabda, and Tripoli. They are mostly located in ancient buildings that used to be designated as barracks for the army or security forces. Minors are received in Dahr el-Basheq in Metn, in addition to the women's cells under the Adlieh Bridge in Beirut.

Most of these prisons lack the most basic human needs and witness many violations to several human rights, such as the lack of gynecological services and chronic medications. Drinking water is also scarce, and the food provided does not conform with special health needs. Eating spaces are in the vicinity of toilets. Violations also include the failure to take into account the needs related to pregnancy and nutrition for mothers and breast-feeders. The policies also neglect the situation of children born in prison and the lack of attention to their needs. Other violations impact foreign prisoners who are in a fragile situation. Furthermore, the situation of women prisoners intersects with the whole process involving litigation, courts, and time limits.

## Recommendations:

- Apply Decree 64/17315, transferring prison administration to the Ministry of Justice as soon as possible; implement all international human rights instruments ratified by Lebanon; and apply the minimum standards and regulations related to the treatment of prisoners.
- Set clear and relevant legislative, judicial, administrative, and financial plans and policies to guarantee the minimum rights of women prisoners.
- Construct new prisons for women or rehabilitate existing ones to observe international standards.
- Develop and implement a reform plan that includes health, social, and psychological care and provides and maintains suitable places for women with disabilities and special needs.
- Develop and equip temporary detention centers to isolate prisoners from those who are temporarily detained.
- Train all those concerned on international human rights conventions and the minimum standards for the treatment of prisoners, particularly the UN Bangkok Rules.
- Expedite investigations and trials and develop a legal aid system, providing it to women detainees and prisoners when needed.
- Develop and promote alternatives to prisons and encourage judges to apply them.
- Work to deport foreign women prisoners immediately upon completion of their prison terms, return them to freedom without delay, and extradite foreign women prisoners to their respective countries.

## 10. Financial and Tax System

Discrimination against women also appears in the country's financial and tax system. The Lebanese government does not consider care work, including domestic work, to have any economic value. Article 31 of the Tax Code explicitly discriminates against women in allocating deductions and exemptions. According to the article, married men are entitled to tax deductions on dependent wives and up to five children. However, these benefits only apply to married women who can prove they are the head of the household due to the husband's death or inability to work. Articles 625 to 629 of the Commerce Law of 1942, also discriminates against women by imposing restrictions on the wife's property when the husband goes bankrupt. She is considered her husband's dependent, and all her property acquired during the marriage is considered part of her husband's unless she can prove otherwise. Finally, officially married women carry a higher tax burden than their male counterparts, for they are treated as single women for tax purposes and do not receive the tax exemptions granted to married men with children.

### Recommendation:

- Amend or remove the articles mentioned above to eliminate discrimination against women in the tax system.

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## 11. Labor Laws and Social Security

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### ■ 1. Social Security Law

Social security is the backbone of the entire social system, as it is the mechanism allowing citizens, especially the poor and the middle class, to face personal crises and health problems. However, some aspects of the Lebanese Social Security Law still discriminate against women:

- **Discrimination between men and women in the time of benefit from maternity leave:** Wives of beneficiaries enjoy maternity benefits three months after their husband's registration in the National Social Security Fund (NSSF). However, women workers can only benefit from such benefits 10 months after their registration. This period must be unified to allow equal access to maternity benefits.
- **Family allowance:** Article 3 of Legislative Decree 3950 of the Law of Employees and Article 46 of the Social Security Law, which gave male employees and workers the right to benefit from family allowances, does not allow the same rights to women workers, denying them family compensation, despite their equal contribution to the NSSF. For example, male employees may receive compensation for non-working wives, while female employees can only do this if their husbands are dead or have a debilitating illness.
- **Health and Hospitalization:** Article 10 of the Benefits and Services Regulations of the State Employees Cooperative and Article 14 of the Social Security Law discriminate against women, regarding their husband's ability to receive healthcare, hospitalization, and other forms of social benefits, despite their equal contribution to the funds.

### ■ 2. Discrimination against Women in the Lebanese Labor Law

- **Exceptions:** The Labor Law excludes some groups from its provisions (Article 7), such as domestic and agricultural workers. The majority of those are women who do not, therefore, receive from social security benefits. The Labor Law's provisions regarding women are combined with juveniles and minors, according to Articles 21 and 30 of Chapter 2.
- **Harassment and Discrimination in the Workplace:** The Labor Law does not address sexual harassment and lacks precise mechanisms to deter and punish gender-based discrimination against working women, including a precise mechanism to monitor the situation in the private sector and apply deterrent penalties for violations, especially those based on gender.
- **Equality in Job Opportunities:** The Labor Law does not discriminate against women in the right to work and work opportunities. However, there is a lack of legislative measures to enhance equal opportunity in employment between women and men. Furthermore, while Articles 26 to 30 of the Labor Law specifically address the employment of women, Article 27 thereof prohibits employing children, teenagers, and women in a range of jobs. Thus, women and children are addressed in the same chapter of the Labor Law.
- **Working Conditions and Equal Wages:** The Labor Law established equal pay for equal work between workers of both genders. However, it sometimes differs from legal texts. Women workers are sometimes forced due to an urgent material need to sign employment contracts that are not compatible with current wages.
- **Article 34 stipulates a one-hour rest time after five hours of non-stop work for women and after six hours for men.**

- Discrimination is also apparent in the right to leave work due to marriage, provided by Article 59 to women one year after they start working in the establishment. However, men are not allowed this right, which reproduces the logic that believes women should give priority to domestic and family responsibilities.
- Job Security: Every worker in the public or private sector has the right to job security. In practice, however, there are discrepancies of various magnitudes in applying regulations in some areas.
- Maternity Leave: Article 28 of the Labor Law set maternity leave at 7 weeks in the private sector. Article 38 of the Legislative Decree No.112 Amended by Law No.48 set maternity leave at 60 days for public sector employees. It shows an apparent discrepancy between the two segments, noting that Lebanon has not yet ratified ILO Convention 103 on Maternity Protection. Dismissal and Retirement: Article 26 of Decree No.47 of the Retirement and Dismissal Code of 1983/6/19 denied family members of deceased women employees from benefiting from her pension, except under specific conditions.

## Recommendations:

- Although it had ratified CEDAW in July 1996, Lebanon has yet to reform the Labor Code, Social Security Laws and regulations, and laws concerning employees. Thus, it must:
- Amend Article 26 of Legislative Decree No.47 on 1996/6/19 (Retirement and Dismissal Regulations).
- Amend Article 3 of Decree No.3950 on 1960/4/27 (Family Allowances).
- Amend Article 15 of Decree No.5883 (Maternity Leave).
- Clear all discrimination against women in the Labor Law to ensure complete equality between the sexes.
- Separate the provisions of the Labor Law concerning women from those related to juveniles and children.

- Establish a system to protect men and women farmers of all nationalities.
- Establish a law to govern the recruitment of domestic workers and organize their work.
- Establish a clear mechanism to achieve equal pay for equal work between the sexes and tighten deterrent penalties.

## 12. Rights Women Refugees

### 1. Syrian Women Refugees

More than one million Syrian refugees are registered at the UNHCR in Lebanon. However, the government estimates the number at around 1.5 million actual refugees. Female refugees constitute around %51.8 of the Syrian refugee population in Lebanon. Some simply do not know the whereabouts of their husbands, following the disappearance of 58,148 persons in Syria at the hands of regime forces between March 2011 and August 2015, around %90 of whom are men. Many Syrian refugee women are breadwinners and, according to the International Rescue Committee (IRC), face significant challenges related to sexual exploitation, daily harassment, and the high frequency of domestic violence, leaving women insecure in their homes, in addition to child and forced marriage and dwindling resources.

Syrian refugee women are affected by lack of access to Lebanese laws due to the question of identification documents, Lebanese policies and restrictions on Syrians, and the need to carry a regular residence permit or refugee card. Women without identification papers cannot seek the authorities, knowing that %74 of Syrians in Lebanon lack legal residency and are exposed to an increased risk of exploitation and abuse, reducing the ability of refugees to access services.

## Recommendations:

- **Provide legal protection for refugee women and prohibit all forms of sexual violence, such as rape, sexual slavery, and prostitution.**
- **Secure legal procedures for pregnant women in terms of ensuring reproductive health and naming and registering newborns.**
- **Provide legal protection for women subjected to violence and facilitate their access to the courts, even if they cannot obtain the necessary identity documents.**

## ■ 2. Palestinian Refugee Women in Lebanon and from Syria

Palestinian refugee women in Lebanon and Palestinian refugee women from Syria to Lebanon suffer from double discrimination in the country and are denied access to their fundamental human rights. Furthermore, the failure of the legislature to define Palestinian refugees in Lebanon and the non-ratification of the 1951 Refugee convention exposes them to several violations such as the absence of protection; the lack of a legal identity, which hinders their access to justice; and denying them their most basic human rights, such as the right to freedom of movement, residence, and travel, the right to work and join liberal professions, the right to own property, the right to adequate housing, health, education, and the right to free opinion and freedom of expression.

Women refugees continued to be denied access to public services, including those related to Covid19- and the general mobilization measures taken by the Lebanese government. The Lebanese government's prevention and treatment plans excluded Palestinian women. They were also denied re-entry into Lebanon during the evacuation of Lebanese citizens abroad.

The social and economic situation in Lebanon has worsened. As poverty and unemployment rates have increased, domestic violence rates followed suit. Girls, in particular, are being subjected to abuse and exploitation. Women also carry the additional burden of dealing with psychological pressures felt by the whole family, their children's distant learning, among other responsibilities.

## Recommendations:

- **Issue a Law to legally and unequivocally define the status of Palestinian refugees in Lebanon to ensure their economic and social rights and dignified living.**
- **Acknowledge the legal identity of Palestinian refugees from Syria to Lebanon.**
- **Grant Palestinian refugee women the right to transfer their legal status to their children and allow them the same courtesy residency for their children on equal footing with Palestinian refugee husbands registered at the official Lebanese departments.**
- **Facilitate the registration and extraction of documents for newborn children of Palestinian refugees from Syria. Instead of facilitating routine procedures, taking into account their status as refugees from a war-torn country, they are further complicated under the pretext of expiry of residency for one or both parents.**
- **Abolish discriminatory measures that hinder Palestinian refugee women married to Lebanese men from obtaining the Lebanese nationality and linking it to having children, which constitutes double discrimination.**
- **Commit to implementing Recommendation 80.24 of the 9th session of the Human Rights Council in 2010, as the Lebanese state has failed to develop suitable measures to eliminate all forms of discrimination against women, with the view to achieve gender equality and to combat gender violence, despite its commitments and its acceptance of the recommendation.**

- Register and complete the extraction of identification documents for newborn children of Palestinian refugees from Syria, in line with ratified international conventions, particularly women with expired residency permits who are at risk of several violations, including abuse and discrimination at work, violence, and sexual assault, without recourse to justice.
- Amend Law 2010/129, exclude Palestinians from the Plan to Eradicate Illegal Foreign Labor issued by the Ministry of Labor in June 2019, and grant Palestinians the right to practice all professions without exception, issuing the necessary implementing decrees.
- Promote the participation of refugee women in economic life and consider the specificity of their situation, ensuring women's empowerment and equality between men and women at work by bridging gender or nationality gaps. Unemployment rates among Palestinians reached %21 ,%53 of whom were male and %32 female. According to a study by URWA and AUB in 2015 (before October 17, the Ministry of Labor's plan, and the Covid19- pandemic, as unemployment rates are expected to have increased), %86.5 of the employed refugees were not protected by employment contracts.
- Enhance the protection of refugee women from the risk of early marriage, through Lebanon's commitment to international agreements relating to the rights of the child, raising the age of marriage to eighteen, and the guardianship of girls by the Union to Protect Juveniles.
- Remedy and develop UNRWA's budgets and services in the areas of health, education, and social welfare in all agency services and integrate women with disabilities. Recent measures have posed a significant threat to the educational, health, and social departments. Schools were crowded with students, and health services, including reproductive health services for women, were curtailed.
- Include Palestinian refugee women in campaigns carried out by the Ministry of Health, especially on the early detection of breast cancer.
- Promote the participation of Palestinian refugee women in local Palestinian decision-making bodies that work with refugees/women and introduce a gender dimension in the health, education, and employment sectors.

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## References

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1. <https://www.hrw.org/ar/report/267959/19/01/2015>.
2. CEDAW Article 16, Paragraph 2.
3. CEDAW recommended that the Lebanese state take measures related to the refugee situation in line with its general recommendations No. 2014) 32) and No. 2015) 33) on the issue of women's access to justice.
4. The Global Gender Gap Report [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf).
5. Available in Arabic on the Lebanese Parliament Website at <https://bit.ly/38RVPh1>.
6. International Rescue Committee, «Are we listening? Acting on our commitments to women and girls affected by the Syrian conflict,» September 2014 ,1, <https://www.rescue.org/report/are-we-listening-acting-our-commitments-women-and-girls-affected-syrian-conflict0->.
7. <https://www.hrw.org/world-report/2019>.



■ Children's Rights



- Himaya Association
- ALEF
- Lebanese Union for People with Disabilities
- KAFA - Enough Violence and Exploitation
- Najdeh Association
- Development without Borders (Naba'a)
- Arab Network for Children's Rights (MANARA)
- Palestinian Human Rights Organization (PHRO)
- Mouvement Social



## Introduction

1. **Lebanon's comprehensive Universal Periodic Review** was concluded by the Human Rights Council in its 31st session in March 2016. The Council adopted the results of the second review, which included 219 recommendations, 128 of which were accepted and 91 rejected by Lebanon. They included several recommendations related to the protection of the rights of children, particularly in the fields of combating child labor and improving the effectiveness and quality social services, especially in education and health. However, the state failed to undertake measures commensurate with the challenges in this context and remains mostly responsible for the failures.

2. **This report was prepared in cooperation and coordination with a coalition of CSOs and associations working in the field of child rights in Lebanon**, namely Himaya Association, ALEF, Lebanese Union for People with Disabilities, KAFA - Enough Violence and Exploitation, Najdeh Association, Development without Borders (Naba'a), Arab Network for Children's Rights (MANARA), Palestinian Human Rights Organization (PHRO), and Mouvement Social, in addition to the participation of a group of children and parents in the discussion on this report's recommendations. The report provides an evaluation of approved recommendations and Lebanon's voluntary commitments during the second review. It can also contribute to enhancing the role of CSOs in monitoring and evaluating children's rights and raising the level of government accountability.

3. **This report highlights the key issues that constitute grave violations of children's rights.** The information and data gathered in this report will constitute the basis for Lebanon's third review. Children and parents from various Lebanese regions were involved in its discussions and preparation.

4. **The Lebanese Constitution asserts that Lebanon is a founding and active member of the UN and is committed to its human rights obligations.** Lebanon was among the first countries to sign and ratify the Convention on the Rights of the Child on May 1991,<sup>14</sup> (without reservations) and to ratify the Optional Protocol on Trafficking in Children. It also signed the Optional Protocol on the involvement of children in armed conflict, but has yet to sign or ratify Optional Protocol 3 on the procedure for submitting communications. In the absence of political will to promote the human rights situation, children's rights in Lebanon suffer from various challenges that have multiplied since the UPR's first and second sessions.

5. **Situation of Syrian refugees in Lebanon - forced return: Since the outbreak of the war in Syria in 2011 until 2016**, Lebanon received 1,011,366 refugees from that country who were registered at the UNHCR. About half of the Syrian refugees and the Palestinian refugees from Syria to Lebanon were children who were exposed to great risks, including child labor, sexual exploitation, and all sorts of neglect and violence, in addition to recruitment to armed groups. They live in harsh conditions, as many lack legal residency documents, face restrictions on their freedom of movement, and live in constant fear of arbitrary arrests, forced demolitions of refugee shelters, and the suppression of Syrian workers without work permits. According to The Vulnerability Assessment for Syrian Refugees in Lebanon (VASyR2018-), conducted jointly by UNICEF, UNHCR and WFP in 2018, the situation of refugees remains precarious, despite some improvements in some areas thanks to the extensive humanitarian response in the country. It indicated that Syrian refugees in Lebanon are accumulating more debt than ever, revealing that %88 of Syrian refugee households have debts. It added that %69 of Syrian refugee families remain below the poverty line, while over %51 live below the survival minimum expenditure basket of USD2.90 per day. These harsh and

deteriorating conditions in Lebanon have led many of them to return to Syria despite their doubts about their safety there. The Lebanese Directorate General of General Security (GDGS) estimated that more than 170,000 Syrian refugees returned to their country from Lebanon between December 2017 and March 2019. Accordingly, the return caravans organized by the GDGS in collaboration with relevant Syrian authorities lacked a plan to ensure the safe return of Syrian refugees, despite declarations by the UNHCR that it will not encourage or facilitate the return of refugees before verifying the safety of the situation in Syria. In November 2018, the Lebanese Minister of State for Refugee affairs «said that about 20 refugees, including at least 2 children, have been killed by Syrian regime forces since their return.»

**6. Situation of Palestinian Refugees - UNRWA Crisis:** Palestinian refugees in Lebanon continue to suffer human rights violations and are subjected to multiple forms of discrimination in laws and procedures. Discrimination, violations, deprivation, and restrictions are maintained by the lack of a clear and binding framework for providing them with protection, in violation of their civil, economic, and social rights. Palestinian refugees suffer from several violations of their right to legal personality, in the absence of protections and the right to work and join free professions, the right to property, the right to adequate housing, the right to health, the right to a fair trial, the right to establish associations, the right to freedom of opinion and expression, and the right to movement, reside and travel. This compounded suffering and its negative impact on civil, economic, and social lives of Palestinian refugees and their mental health, has continued for the past 71 years and contradicts the Universal Declaration of Human Rights and international conventions and agreements. In early 2017, the US administration suspended its financial contributions to UNRWA, which provides services to about 6 million registered Palestinian refugees, including

hospitalization, relief, infrastructure, camp improvement, microcredit, and free education for about half a million students, in addition to providing jobs for about 30,000 Palestinians. The decision led a further deterioration in the situation of Palestinian refugees, as UNRWA's services began to shrink and insufficient to meet the needs of an increasing number of refugees.

In 2019, the Ministry of Labor, under former Minister Camille Abousleiman, began a campaign to combat illegal foreign labor in Lebanon, which involved raids on establishments employing Palestinians without work permits. Previous governments had avoided such measures, in line with the official approach to treat Palestinians differently than other foreign workers, due to their unique situation. Palestinian workers and managers in private establishments felt the brunt of the campaign, leading the residents of Palestinian refugee camps in Lebanon to stage a widespread protest movement that the country had not witnessed in decades, benefiting from the solidarity of Lebanese feminist and anti-racist groups.

**7. Lebanon's Economic Crisis - October 17 Uprising:** Prior to the October 2019 ,17 uprising, Lebanon was in a downward spiral on all fronts, politically, financially, economically, and socially. The country was inundated by several crises, particularly the decline in its ability to service the public debt and lack of foreign currency in the market, while the government discussed the 2020 budget that aimed to place the burden and repercussions of the financial crisis on ordinary citizens. The tax imposed on WhatsApp calls by the government (which it later withdrew) was the spark that brought hundreds of thousands of Lebanese, led by women, children, and the elderly, to the streets to raise their demands. The three-month uprising was preceded by a series of events, including massive fires that highlighted widespread negligence and corruption, including the inability to use the firefighting helicopter, which had been left unused and unmaintained for years.

Moreover, the 2020-2019 academic year began in mid-September with the transfer of 18,500 students from private to public schools - already suffering from overcrowding and overflow - due to the high living costs, rising tuition fees, and the beginning of a wave of dismissals in some establishments. Lebanese University professors also went on strike to demand long-standing rights, as budget discussions coincided with several austerity measures by the government, which affected their salaries, their health mutual fund, the university's budget, and fixed contracts. With the teachers on strike, students took to the streets demanding improvements related to education and student life at the Lebanese University. This was in addition to protests against environmental scandals, especially in the Litani River basin, whose waters became toxic, causing a high level of cancer in adjacent villages and towns in the Bekaa region. Consequently and in light of the economic, political, and social crises, Lebanon's government has been slow in achieving progress in human rights in general and child rights in particular based on the country's commitments to the abovementioned recommendations.

## 2. Child Rights - Overview and General

Recommendations: In 2017, Lebanese Parliament passed a Law No. 16/62 to establish the Independent National Commission for Human Rights, which includes a Committee to Prevent Torture. A referral and monitoring system for cases of children at risk was also established across the Ministry of Social Affairs' departments. The Ministry of National Education and Higher Education launched an educational plan aimed at integrating students with disabilities into the general educational system. GDGS established an administrative unit to combat the crime of human trafficking. However, Lebanon has not yet ratified the CRC Optional Protocol on the involvement of children in armed conflict, despite signing it 18 years ago.

- **Recommendation 1: Ratify the CRC Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on a communications procedure.**
- **Recommendation 2: Fulfill international obligations, especially Security Council Resolution 1325 on women, peace, and security to protect women and girls from the impact of armed conflicts and sexual violence in particular.**
- **Recommendation 3: Effective implementation of international treaties, agreements, covenants, and protocols that Lebanon has ratified by adopting local laws and reforms and making the necessary adjustments to harmonize existing laws, policies, and practices.**
- **Recommendation 4: Establish a grievance mechanism to report violations against children.**

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### 3. Right to Legal Personality: Lebanese

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Laws discriminate against women in general and deprive Lebanese women from giving their nationality to their children. It also deprives Palestinian refugee women in Lebanon from giving their legal identity to their children, although UNRWA a UN agency and it is assumed that those under its jurisdiction are subject to human rights standards. However, Lebanese legal factors impose themselves on the Palestinian refugees registered with UNRWA, who are unable to register their children in their column, depriving those married to husbands without identity papers from registering their sons and daughters. Moreover, Palestinian refugee women registered at the Department of Political Affairs and Refugees who are married to foreigners are unable to provide a courtesy residency for their children, as with Lebanese women, or an annual residency for a fee for their husbands, as with Palestinian refugee husbands registered at the same department, who are allowed this right for their foreign wives.

The Lebanese government also impedes the registration and extraction of documents for newborn children of refugees from Syria. Instead of facilitating procedures to take into account their status as people fleeing a war-torn country, they are further complicated under the pretext of expiry of residency of one or both parents, which denies newborn children a legal personality.

- **Recommendation 1: Register and complete the extraction of personal identification documents for newborn Palestinian refugees from Syria, in compliance with ratified international agreements.**
- **Recommendation 2: Amend the Lebanese Nationality Law to allow Lebanese women married to foreigners to give their legal identity to their children.**

- **Recommendation 3: The Lebanese state should be sensitive to the situation of Palestinian refugees married to Lebanese women and put an end to measures that hinder their right to acquire citizenship.**

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### 4. Right to Protection

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#### ■ 1. Protection of children from all forms of violence and abuse

Two studies involving 1,028 children between 8 and 17 have shown that %30 experienced violent practices at least once, %65 have experienced psychological violence at least once, %54 have experienced physical violence at least once, and %15 have experienced sexual violence at least once. Violent discipline also appears to be common. Furthermore, and according to the UNICEF household survey conducted in %82,2016 of Palestinian refugees in Lebanon, %77 of Palestinian refugees from Syria, and %57 of Lebanese children between 1 and 14 had experienced some form of psychological or physical punishment from a family member during the past month. In the same year, Himaya Association recorded approximately 1,742 cases of ill-treatment in the country.

In 2014, the General Assembly of the Lebanese Parliament passed Law No.293 entitled "Law to protect women and other family members from domestic violence." Accordingly, a general prosecutor was appointed from public defenders in each of the six Lebanese governorates to receive complaints and investigate cases of violence. The Law also stipulated the establishment of specialized units for domestic violence within the local police stations in Lebanon to address the complaints. It defined the penalties to be imposed on violators, which included fines, imprisonment, and rehabilitation. It also allowed anyone witnessing domestic violence to report the incident to the authorities. Although women and children were able to

obtain protection orders against aggressors, it only applied to children in the age of the mother's custody, which is set by religious courts in the absence of a civil personal status law. Thus, the determination to protect children through Law No.293 remains subject to the personal status codes of each particular sect and confession, meaning that children do not enjoy this right equally. The Law also neglected the situation of married minors subject to violence by their husbands. Protection orders issued under this law are also temporary and depend on the outcome of criminal procedures filed by the victim before the competent courts. Therefore, children enjoy protection in accordance with the Law on the Protection of Juveniles in Violation of the Law or at Risk No.2002/422, as the basis of the child being exposed to any form of violence stipulated in Article 25. It also aims to reform the juvenile justice system by establishing juvenile courts that focus on education, habilitation and protection rather than punishment. However, several major gaps remain and need to be highlighted. They include the minimum age for criminal responsibility, grievance mechanisms, juvenile arrest procedures, criminal records, and legal procedures, among other issues. A draft reform of Law 293 was recently presented, based on the flaws that appeared in five years of implementation. It remains under discussion in the Joint Parliamentary Committees.

It remains customary in Lebanon to place children in care centers, rather than working to enable households to secure and guarantee the child's right to grow in a family. Very few programs tend to target supporting child development in his or her nuclear or extended family. However, early September 2018 saw the first steps of the child family care project to avoid removing children from their nuclear families. The procedure will only be resorted to when necessary and will involve seeking help from the extended family or, if this is not possible, a reliable alternative family as

stipulated by Law 2002/422 when the child is seriously at risk.

In 2014, Paragraph 1 of Article 186 of the Lebanese Penal Code was amended to remove the exception provided by the previous text to disciplinary measures by teachers in schools. However, the amendment maintained the permissibility of non-violent disciplinary actions by parents against their children, provided the action does not have any effect on the child's body and does not cause any physical or psychological harm, despite the difficulty in identifying and pursuing psychological harm.

In 2017, the Law to Combat Torture No.2017/65 amended Article 401 of the Penal Code to make torture a crime involving acts that lead to extreme pain or physical or mental harm. Lebanon did not have any prior laws that criminalize torture, while Article 401 criminalized the use of violence to extract confessions. However, several weaknesses remain in the law, as it failed to amend the Penal Code that kept the statute of limitations for crimes of torture and kept some torture cases under the jurisdiction of military courts.

- **Recommendation 1: Repeal Article 186 of the Penal Code related to acceptable disciplinary measures by parents and set progressive measures against parent violators upon repetition.**
- **Recommendation 2: Protect children from sexual exploitation, provide support to psychosocial rehabilitation programs for children victims of sexual abuse, and increase the punishment for aggressors.**
- **Recommendation 3: Amend the Penal Code to remove the statute of limitations in crimes involving sexual violence against children.**
- **Recommendation 4: Amend Paragraphs 2 and 3 of Article 33 of Law 2002/422 on Juveniles to standardize methods to review and appeal decisions issued by the ordinary and the juvenile court to determine the penalty, so that the ruling**

issued by ordinary courts is referred immediately upon its issuance and before its enactment to the Juvenile Court to determine punishment and measures.

- **Recommendation 5: Raise the minimum age of criminal responsibility from 7 to a minimum of 12 years.**
- **Recommendation 6: Take into account the juvenile's age and psychological, mental, and physical condition when adopting disciplinary or protective measures.**
- **Recommendation 7: Work to provide personnel specialized in dealing with minors in contact with the law, whether violators, witnesses, or victims.**
- **Recommendation 8: Maintain contact between juveniles in conflict with the law and their families.**
- **Recommendation 9: Provide health services for juveniles in conflict with the law.**

## ■ **2. Protecting children from early marriage:**

The proportion of marriage under 18 was %13 based on electoral lists for Lebanese and %22 for Syrian refugees based on UNHCR data.

In the absence of a unified personal status law, the legal age of marriage in Lebanon remains subject to each confession's personal status code. Although some sects amended their age of marriage, most of the sects still recognize child marriage. Thus, child marriage remains legal, despite Lebanon's ratification of CEDAW and despite having no reservations on Paragraph 2 of Article 16, which does not recognize child marriage and clearly states that «[t]he betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.» Several CSOs have campaigned for a minimum age of marriage and a bill has been proposed to set it at a minimum of

eighteen. However, the Lebanese state has not made any real efforts to advance the bill's consideration, in preparation for its approval. Although Article 522 of the Penal Code, which exempts perpetrators of sexual crimes from punishment in the event of marriage to the victim, was repealed on February 2017<sup>15</sup>, its effects remain in Article 505, which states that "if a valid marriage contract is concluded between the perpetrator and the victim, aged between 15 and 18, the persecution will stop.» Furthermore, Article 518 of the Penal Code exempted from punishment those who seduce girls with the promise of marriage resulting in the loss of virginity.

- **Recommendation 1: Adopt a civil law that sets a minimum age for marriage and prohibits child marriage and that is applied on all Lebanese citizens and residents in the country without exceptions.**
- **Recommendation 2: Adopt a law to criminalize early marriage outside religious and specialized courts to impose deterrent penalties on those responsible and take the necessary measures to protect girls, including refugees, from early marriage.**
- **Recommendation 3: Amend Articles 505 and 518 of the Lebanese Penal Code as follows: «(1) Sexual intercourse with a minor younger than 15 shall be punished by imprisonment for no less than five years; (2) The punishment shall not be less than seven years if the minor had not reached 12 years of age; (3) Sexual intercourse with a minor between 15 and 18 shall be punished by imprisonment for no less than three years.»**

### ■ 3. Protection of children from involvement in armed conflicts

The practice of recruiting and utilizing children by some Lebanese and Palestinian factions and parties continued. They exploit the children's need for protection and their economic and social situation, particularly extreme poverty, in the absence of the concept of human security and legal protection in Lebanon. To date, no law has been enacted to criminalize the involvement of children in armed conflict and many children in Lebanon remain victims of exploitation in wars and armed conflicts.

- **Recommendation 1: Take legal measures to prohibit and criminalize the involvement and recruitment of children and ban their participation in military tasks inside and outside Lebanon.**
- **Recommendation 2: Provide care and rehabilitation for former child soldiers, especially Palestinian refugees, reintegrate them in society, and protect them from prosecution in military courts, in particular.**

### ■ 4. Protection of children (and women) victims of human trafficking

On August 2011, 26, the Lebanese Parliament adopted Law No.164 to combat human trafficking, which improved legal protection for victims of trafficking. However, the Law has yet to stipulate that victims of trafficking, usually women, must not be treated as criminals and still requires them to provide evidence of their innocence without guarantee of their right to seek the legal process, which might require residency permits. The right to compensation must not be subject to conditions, as it is currently dependent on the confiscated assets of those convicted of trafficking. This is in addition to the lack of stringent measures to protect the victim's

identity and provide medical assistance to minors, in addition to preventive measures to be taken by the government.

Palestinian refugee victims still face criminal liability, as lack of responsibility is based on coercion, contrary to international standards in this field. Article 8) 585) states: «A victim who proves that he was compelled to commit acts that are punishable by law or that he was compelled to violate the terms of [his] residency or work [permit] shall be given amnesty from punishment.» The absence of human security and lack of legal protection for Palestinian refugees in Lebanon, in light of the policy of ostracization adopted by the Lebanese state, arbitrary measures against Palestinian refugees from Syria to Lebanon, and the exploitation of vulnerabilities related to their status, led to the emergence of new forms of trafficking, especially in women and children. They include forcing them to work for long hours without compensation in return for sheltering their families, paying money or providing benefits for persons that could influence Palestinian refugees from Syria for the purpose of begging, exploiting the prostitution of others, forced labor or service, or practices similar to slavery.

- **Recommendation 1: The Lebanese State must reform Law 2011/184 to protect victims of human trafficking from Palestinian refugees from Syria, especially women and children, and drop their criminal responsibility, in line with international standards in this field.**
- **Recommendation 2: Issue specific laws and decrees to ensure suitable protection and support for victims of human trafficking, especially children.**

## 5. Child Labor

Article 32 of the CRC, to which Lebanon is a signatory, states that «States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.» With %30 of the population under the poverty line, child labor remains one of the main risks to children's physical and psychological development and health in Lebanon. During the International Conference on Child Labor held The Hague in 2010, the Lebanese State made a commitment to draft a national action plan to eliminate the worst forms of child labor before 2016 and, accordingly, adopted the plan through the Ministry of Labor. In reality, however, there is a steady rise in the number of working and street children, who are exposed to increasing risks, especially with the refugee crisis that pushed the numbers to unprecedented levels. Of the refugee children aged between 5 and %5 ,17 were found to have worked for at least one day in the thirty days preceding the study on «Children Living and Working on the Streets in Lebanon,» which also showed a discrepancy between tasks performed by boys, mainly economic, and girls, mostly household. In this context, the last official survey in 2003 recorded around 100,000 child workers. However, current estimates put the number at 180,000, indicating the absence of follow-up and planning.

- **Recommendation 1: The government must establish a socio-economic plan to combat poverty and criminalize the employment of children under 15.**
- **Recommendation 2: Amend Article 22 of the Labor Code to consider the employment of children who had not yet completed 13 years of age a form of violence and take punitive measures against violators (parents/guardians).**

## 6. Right to Education

The majority of children in Lebanon are enrolled in private schools. In 2019-2018, only %31 of students enrolled in public schools. This is mainly due to the quality of education provided by the public sector, which suffers from poor infrastructure and unqualified educational staff especially in rural areas, in addition to the low success rate in intermediate exams, as a result of historically insufficient funding for public schools from the primary to the secondary levels. World Bank data from 2017 indicate that Lebanon spends around %2 of its GDP on public education, one of the lowest rates in the MENA region, with a part of the budget going to semi-free schools and private religious schools. Adding private family funding and government subsidies to enroll in private schools, it reaches %4 of the GDP. This division between the public and private sectors has a detrimental effect on the provision of quality education to students in public schools, which face a shortage in necessary resources. The Syrian crisis and the continuing economic downturn in the country led to tensions in public schools. For the past two years, more students have moved to public schools due to rising private schools tuition fees at an average of US 2,600\$ annually, partly due to Law No.46 of 2017, which forced an increase in teachers' wages. The mismanagement of the Syrian refugee situation impedes the access of all children to quality education. In the 2019-2018 academic year, 213,000 non-Lebanese students enrolled in public schools, which accommodated the additional numbers by establishing afternoon classes. Despite this development, refugee children continue to face major obstacles to access to education, as %46 of Syrian refugee children are not enrolled in either public or private education. To address the situation, the Ministry of Education and Higher Education began the second phase of the 2020-2017 plan, which seeks to ensure access to public and non-public education to all children between 3 and 18. To achieve this ambitious

■ goal and respect Lebanon's obligations under CRC Article 28, more resources must be directed towards increasing refugee access to education. This is in addition to non-resource barriers, particularly harassment and bullying targeting refugee children in schools, language barriers in teaching, and the extra registration requirements imposed unilaterally by some schools. Furthermore, children with disabilities continue to face major resource and non-resource barriers in access to quality education. Lebanon has not yet ratified the Convention on the Rights of Persons with Disabilities (CRPD) and although domestic Law 2000/220 prohibits schools from discriminating on the basis of disability, the definition of disability remains very narrow by excluding non-physical disabilities. The most important barrier relates to the lack of a systematic policy to integrate children with disabilities, including accessible schools, comprehensive curricula, and special education teachers. One explanation is the paucity of statistics to inform policy making regarding children with disabilities. While only 8,858 children (ages 4 to 14) with disabilities have been registered, the World Bank, UNICEF, and WHO estimate that %5 of children (ages 4 to 14) suffer from a disability, meaning that Lebanon should have at least 45,000 children with disabilities enrolled in education. This gap in identification and data collection and its corresponding impact on policy making corresponds to the fact that only %1 of children with disabilities are enrolled in regular public schools and %29 of Palestinian children with disabilities are not enrolled in any educational establishment. On the other hand, children with disabilities are often denied access to private schools or are asked to pay higher, discriminatory fees. Law 2011/150, amending Article 49 of Legislative Decree No.134 of 1959, provides for compulsory and free education for all children in Lebanon up to the primary level (from 6 to 15 years). Nevertheless, the Law's implementation has been hampered by the lack of cooperation between agencies, as a result of the failure to issue the necessary

executive decrees defining the mandates of the relevant ministries. However, there is currently no process to compel families to send their children to school by law during the mandatory years, which partly explains why primary school-aged children enrolment rates were at %84 in 2016. However, an increase in enrollment from kindergarten to seventh grade was noted between the academic years 17/2016 and 2018/2017, reaching %3 for Lebanese children and %13 for non-Lebanese children.

An increase in children's access to education can be achieved through municipal-level interventions. However, municipalities are often unaware of their powers to oversee educational affairs under Article 47 of the municipal law, which can be used to address some reasons for not attending and dropping out, including contributing to educational materials expenses and providing free transportation to schools.

- **Recommendation 1: Increase the share of education in the state budget to at least concur with the increasing demand for enrollment in public schools.**
- **Recommendation 2: Develop a national education strategy for the education of children with disabilities, with a focus on adapting schools accordingly, training more special education teachers, and review curricula to facilitate inclusive learning.**
- **Recommendation 3: Amend Law 2000/220 to encompass non-physical disabilities.**
- **Recommendation 4: Amend Law 2011/150 to encompass children of all nationalities and issue necessary measures to implement compulsory education.**

## 7. Right to Health

Medical workers and government officials are warning that hospitals may soon be unable to provide life-saving surgery and emergency patient care due to the financial crisis.

In terms of vaccination of children and according to UNICEF, the rate of dropout from mandatory vaccines has surpassed 66% in Lebanon. A field study conducted by the Islamic Health Association in Bekaa, the South, and Beirut's Southern Suburbs indicated that 76% of children in those areas have dropped out of mandatory vaccination. The study showed that most parents stop following-up on mandatory vaccination when their children reach the age of 5. Children over five make up around 70% of total dropouts, although there are reminder doses at 14, 10, and 18 years of age that are more critical than the primary doses. Notably, most of those who dropped out did not receive the mandatory dual vaccine (against tetanus and croup).

Palestinian refugees are denied access to government medical and hospitalization services. The Lebanese state does not provide free hospitalization for Palestinian refugees and Palestinian refugee workers are denied health benefits at the National Social Security Fund (NSSF), although they pay the same fees as Lebanese workers. In incident, a Palestinian child died after being denied service and a bed at a governmental hospital. The child had been sick for one and a half years and taken from one hospital to another in Saida and Tripoli. Attempts to transfer him to the public hospitals were made after he was transferred to Islamic Hospital, which lacked the intensive care needed to stop the bleeding before performing brain surgery.

In 2018, UNHCR declared it had insufficient funds to provide medical treatment for 97 Syrian refugees living in Lebanon who cannot pay for their treatment. The agency provides a major part of the treatment of Syrian refugees

registered in Lebanon for free through its partners. However, it is no longer able to cover all hospital treatment costs to those with chronic diseases like cancer and renal failure.

- **Recommendation 1: Provide universal healthcare for all children.**
- **Recommendation 2: Activate the universal health care card approved by Parliament.**

## References

1. During the Working Group session on 22 December 2015, Lebanon received 293 recommendations, two of which were rejected immediately as they were introduced by the state of Israel. Lebanon postponed the decision on the remaining recommendations until the 31st session of the HRW in March 2016, where Lebanon accepted 128 of the recommendations, rejected 91, and took note of the remaining.
2. This report's recommendations involved focus group discussions with 20 children, boys and girls between 13 and 17 years of age, and 30 mothers and fathers from various regions, sects, and confessions, and included Palestinian refugees, Syrian refugees, and Palestinian refugees from Syria.
3. Signature on 11 February 2002, <http://hrlibrary.umn.edu/research/ratification-lebanon.html>.
4. <https://www.unhcr.org/lb/-12040yearly-un-study-syrian-refugees-in-lebanon-accumulated-more-debt-in-2018-than-ever-before.html>.
5. <https://www.bbc.com/arabic/middleeast48408663->
6. <https://www.hrw.org/news/24/05/2019/lebanon-syrians-summarily-deported-airport>.
7. <https://www.hrw.org/world-report/2019/country-chapters/lebanon>.
8. Al-Modon articles on the backdrop for the uprising: <https://bit.ly/3avVwu6> and <https://bit.ly/2WTS3l3>
9. <https://www.annahar.com/article/-10852-830783>
10. <http://www.legiliban.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=286552&LawID=274003&language=ar>.
11. <https://www.rdfwomen.org/archives/807>.
12. <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.
13. [https://www.ilo.org/beirut/projects/WCMS\\_364141/lang--en/index.htm](https://www.ilo.org/beirut/projects/WCMS_364141/lang--en/index.htm).
14. El-Kogali SET, "Expectations and Aspirations: A New Framework for Education in the Middle East and North Africa" (The World Bank, November 2018).
15. <http://documents.worldbank.org/curated/en/527931542039352771/pdf/Overview.pdf> [Accessed February 2020 ,9],
16. El-Kogali, 2018, op. cit.
17. Race II (Reaching All Children with Education) (2020) <http://racepmulebanon.com/index.php/features-mainmenu47-/race-2article> [Accessed February 2020 ,9].
18. Khawaja B, "Growing Up Without an Education: Barriers to Education for Syrian Refugee Children in Lebanon" (Human Rights Watch June 2017 ,6) <https://www.hrw.org/report/19/07/2016/growing-up-without-education/barriers-education-syrian-refugee-children-lebanon> [Accessed February ,9 2020].
19. El-Kogali, 2018, op. cit.
20. Ibid.
21. Khawaja, 2017, op. cit.
22. Combaz E, "Situation of persons with disabilities in Lebanon" (DFID, July 2018 ,15) [https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability\\_in\\_Lebanon.pdf](https://assets.publishing.service.gov.uk/media/5b584da340f0b633af812655/Disability_in_Lebanon.pdf) [Accessed 9 February 2020].
23. Koplewicz S, "I Would Like to Go to School: Barriers to Education for Children with Disabilities in Lebanon" (Human Rights Watch, April 2018 ,2).
24. Saliba I, "Constitutional Right to an Education: Lebanon" (Library of Congress, May 2016 ,1) <https://www.loc.gov/law/help/constitutional-right-to-an-education/lebanon.php> [Accessed February 2020 ,10].
25. El-Ghali, H., Ghalayini, N. and Ismail, G. (2016). Responding to Crisis: Syrian Refugee Education in Lebanon. [eBook] Beirut: American University of Beirut, p.3. Available at: [https://www.aub.edu.lb/ifi/Documents/publications/policy\\_briefs/20160406/2016-2015\\_responding\\_to\\_crisis.pdf](https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/20160406/2016-2015_responding_to_crisis.pdf) [Accessed 10 Feb. 2020].
26. Ceicdata.com. (2020). Lebanon Education Statistics. [online] Available at: <https://www.ceicdata.com/en/lebanon/education-statistics> [Accessed 10 Feb. 2020].
27. RACE II, 2020, op. cit.
28. <https://www.hrw.org/news/10/12/2019/lebanon-hospital-crisis-endangering-health>.
29. <https://al-akhbar.com/Community/261718>.
30. <https://www.annahar.com/article/-916102>
31. <https://www.infomigrants.net/ar/post/8420/>



# ■ Rights of Syrian Refugees



- Syrian Center for Policy Research
- Syrian League for Citizenship
- Issam Fares Institute for Public Policy and International Affair
- Violation Documentation Center in Syria
- International Humanitarian Relief
- Access Center for Human Rights
- Refugees = Partners
- Basmeh & Zeitooneh Relief & Development



## 1. Introduction

The right to seek refuge in Lebanon is enshrined in the Constitution (Paragraph B of the preamble). Based on information collected by international organizations, Lebanon hosts 938,531 Syrian refugees registered at the UNHCR and 31,000 Palestinian refugees from Syria to Lebanon (PRS). The Lebanese government estimates a further 550,000 persons with Syrian nationality living in Lebanon and not registered with UN agencies. Although it took note of Recommendations 26 and 27 in the UPR Working Group on Lebanon's report (A/HRC/2015/31), related to the signature and ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and ensuring their effective implementation, Lebanon has not yet signed the 1951 convention.

Moreover, Lebanon had accepted Recommendation 195 to take into particular consideration the vulnerable situation of migrants and refugees in the country, in particular women and children and took note of Recommendations 210, 209, 208, 39, 214, and 217 on developing a specific legal framework defining and protecting rights and freedoms of refugees with a view to better ensure their basic human rights and living conditions, and strengthening the efforts to ensure the protection and dignity of Syrian refugees. However, Syrian refugees continue to suffer all sorts of violations, in the absence of a national framework, local legislation, or administrative measures to address the specific needs of refugees and asylum seekers.

Since the beginning of demonstrations and protests in Lebanon on 17 October 2019, hate speech and incitement against Syrian refugees expanded dramatically, led by some authorities and political parties, aiming to mobilize public opinion and blame refugees for the deteriorating economic and political situation in the country. However, several

protests, events, and sit-ins supporting Syrian refugees against hate campaigns, discrimination, and xenophobia also took place in the country during that period.

## 2. Civil and Political Rights

Despite the large number of refugees on Lebanese soil, the Lebanese government's response is still below par, as it refuses to deal with them in line with its international obligations or international treaties and agreements that it adhered to related to respecting and protecting human rights, including the protection of children in accordance with the Convention on the Rights of the Child (55.2% of the Syrian refugees in Lebanon are children (UNHCR, 2019)), and the Responsibility to Protect Agreement (RtoP). Many Syrian refugees remain exposed to various types of violations in all political, civil, social, and cultural fields. Refugees are also subject to restrictions on freedom of expression and organization. Security services continue to monitor their movements and place them under constant threat of summons, arrest, and deportation.

### Recommendations:

- **The Lebanese state must abide by the articles and clauses of the International Covenant on Civil and Political Rights, especially articles that would contribute to preserving the dignity and rights of Syrian refugees in Lebanon.**
- **The Lebanese state must adhere to the international agreements it has ratified and give effect to.**
- **The Lebanese state must abide by its obligations under international humanitarian law and other humanitarian obligations, regardless of international political positions and processes.**
- **The Lebanese state must isolate refugee policies from internal political polarization.**

## ■ 2.1. Right to Life, Liberty, and Personal Safety (Ending and Criminalizing Torture)

Although it accepted Recommendations ,117 ,116 ,115 ,114 ,113 ,112 ,111 ,35 ,34 121 ,120 ,119 ,118, and 122, which call for criminalizing torture and the establishment of a national mechanism to prevent torture with the authority to visit detention centers, monitor the situation of detainees, improve prison conditions, and prosecute perpetrators of torture and despite being a party to the Convention Against Torture (CAT) and its Optional Protocol, Lebanon keeps failing to fulfil its obligations. It continues to systematically practice torture against Syrian refugees during their detention, arrest, and investigation, in addition to the inhumane conditions in places of detention, that neglect the minimum rules for treatment of prisoners or detainees. In July 2017, a number of Syrian refugees were reported killed during raids by the Lebanese army on two unofficial Syrian refugee camps in the town of Aarsal in northeastern Lebanon, in addition to the several deaths in detention that resulted from the raid, according to eyewitness accounts documented by Human Rights Watch. Indeed, a statement by the Lebanese army on 4 July 2017 confirmed that four Syrians had died in detention after the aforementioned raids, during which Amnesty International had documented the arrest of at least 350 people. Arbitrary detention of Syrian refugees and raids on their camps and places of residence occur systematically and on a wide scale. Amnesty International found that illegal evictions, continuous raids on refugee camps, and mass arrests make life unbearable for many refugees in Lebanon. Many are forced to return to Syria, despite constant risks involved in the return. On 2019/6/11, a statement by the Internal Security Forces said that 38 Syrian nationals, including 8 women and 17 children, had been arrested in the town of Soueiri in West Bekaa for entering Lebanon illegally. In the same context, Save the Children reported

the arrest of 47 Syrians for not having legal documents in the country. It should be noted that at least %73 of Syrian refugees in Lebanon did not obtain legal residency due to inconsistent renewal procedures and high costs.

### Recommendations:

- **Put a stop to acts of torture and mistreatment of Syrian refugees during detention and allow Lebanese and international human rights organizations access to places of arrest and detention and investigate the treatment of detainees held by various Lebanese authorities.**
- **Redress victims of torture and arbitrary detention, put an end to impunity, hold accountable those responsible for deaths and torture in places of detention, and refer them to the appropriate jurisdiction in accordance with relevant laws and legislation.**
- **Establish legal mechanisms to monitor and put an end to arbitrary arrest, detention, and raids against the homes of Syrian refugees.**
- **Pass legislation that provides for the participation of human rights and human rights organizations in the policy-making process related to refugees.**

## ■ 2.2. Right to Legal Personality

Lebanon took note of Recommendations 154 and 157 that call for legal and administrative steps to ensure that authorities register all refugee children born in Lebanon, issue them the necessary documents, and make the necessary legislative amendments to allow children born in Lebanon to obtain their right to legal recognition through birth certificates. Nevertheless, Syrian refugees still have restricted status in Lebanon, as they continue to be considered as IDPs in an attempt to eliminate their civil and political rights. Failure to obtain residency documents contributed to the disruption of this right with regard to birth registration and marriages taking place on Lebanese soil.

Since 2017, the General Directorate of Personal Status has issued a number of positive decisions and circulars (on 2017/9/12 - 2017/17/9 - 2019/3/12 - 2018/3/3 - 2018/3/2 -), with the aim of simplifying the procedures regarding the execution of marriage, divorce, and birth documents belonging to Syrian citizens and occurring on Lebanese soil. Although these procedures will contribute significantly to the registration of births and marriage contracts since 2011, linking them to obtaining a valid residence card for marriage and linking birth registration to the presentation of papers and documents duly legalized from Syria or the Syrian embassy in Lebanon, has significantly hindered the application of these procedures. Many Syrian refugees in Lebanon lack duly authenticated residency cards, family cards, or family data, and face great difficulty in obtaining them from Syria or the Syrian embassy in Lebanon, as they require large sums of money. Syrian refugees also face extortion and fraud to be able to obtain such documents, due to the absence of a legal representative or first-degree relative authorized to follow these procedures in Syria and obtain these documents in a regular manner. Studies indicate that %52 of Syrian refugees married in Lebanon lack any documents to prove their marriage. Moreover, %83 of the Syrian children born in Lebanon were not registered. It should also be noted that Palestinian refugees from Syria still suffer from many restrictions due to the non-recognition of their legal personality as refugees, which also significantly prevents them from exercising many of their civil and political rights. These restrictions are reflected in several arbitrary practices in renewal of residency and freedom of movement procedures, making the residency of many illegal and exposing them to constant risks and lack of protection. The Lebanese government still does not recognize them as either war refugees or Palestinian refugees and does not treat them like Syrian refugees who are considered by Lebanon as «displaced.»

### Recommendations:

- Recognize the legal personality of Syrian refugees as refugees, through the signature and ratification of the 1951 Convention on the Status of refugees and its 1967 Protocols.
- Work to facilitate legal procedures for Syrian refugees, in particular civil affairs procedures such as marriage, divorce, and birth registration.
- Recognize the legal personality of Palestinian refugees from Syria into Lebanon as refugees.

## ■ 2.3 Right to Freedom of Movement, Residency, and Travel

Although Lebanon took note of Recommendations 215 and 216 regarding improving the status of refugees by facilitating their registration, renewing their residence permits, and continuing efforts to provide them shelter and an effective administrative system for their registration and protection, in partnership with UNHCR, entry and residence requirements for Syrian refugees issued at the beginning of 2015 remain valid, which prevented many asylum-seekers from actually entering Lebanon, knowing that the State Shura Council had removed these conditions and declared them unlawful, as they fall outside the jurisdiction of the issuing authority (State Shura Council Resolution No. 2018 - 2017/421, Dated 2018/2/8). Syrian refugees face increasing obstacles to obtaining valid residence permits. Around %73 of Syrian refugees in Lebanon are without residence permits, due to the high residency fees (USD200), complicated procedures, papers, and conditions required by the Lebanese General Directorate of General Security (GDGS) that do not apply to most Syrian refugees, or the severe delays in examining and processing applications by the relevant authorities. Refugees without valid residency permits face various types of violations and exploitation, including the

risk of detention, repeated harassment, and limited access to basic services such as education, health care, work, and registration of births and marriages. On 2018/31/3, the Lebanese General Directorate of General Security (GDGS) issued a decision to settle the situation of Syrian and Palestinian nationals, which eliminated some restrictions imposed on residency for Syrian refugee children between the ages of 15 and 18 years.

Lebanese authorities in many areas continue to impose a curfew on Syrian refugees, accompanied by punitive measures. Some municipalities have banned Syrian refugees from walking in the streets or other forms of movement at night until the early hours of the morning. The International Federation for Human Rights (FIDH) had criticized a sign posted by Faraya Municipality, Keserwan District, prohibiting foreign workers and their families from walking on its highway, day and night.

### **Recommendations:**

- **Facilitate the entry and exit of Syrian refugees into Lebanon and their residency in the country.**
- **Facilitate the registration of Syrian refugees and provide them with legal residency permits, renewing them without obstacles.**
- **Take necessary legal measures guaranteeing the freedom of movement for Syrian refugees and repeal all curfew decisions imposed against them.**

## ■ **2.4 Forced Deportation and Safe and Voluntary Return**

Lebanon took note of Recommendation 206, calling for legal and administrative measures to ensure the principle of non-refoulement and the fair and appropriate treatment of persons in need of international protection. The Lebanese authorities are obligated by law not to forcibly transfer any person to Syria, based on paragraph B of the Preamble of the Lebanese Constitution, international norms, and the 1984 Convention against Torture, which Lebanon joined in 2000. Article 3 of the convention states that «no State Party shall expel, return («refouler») or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. In addition, they are obliged by the Law of Entry and Exit of Foreigners into Lebanon of 1962, which adopts the principle of non-refoulement or returning persons to places where they are at risk of persecution, torture, or inhumane or degrading treatment or punishment. Despite these obligations, the Higher Council for Defense issued a decision ( / /50 / ) on 2019/4/15, followed by a decision by the Lebanese Director of General Security ( . . /43830) on 2019/5/13, to deport Syrian citizens entering Lebanon through unofficial crossings. The National News Agency reported that 301 Syrians had been deported between 7 May and 20 May (197 by the army, 100 by ISF, and four by GDGS), in implementation of the aforementioned decisions. The deportees were handed over via al-Masnaa crossing to the Syrian Immigration and Passports Department in Jdaidet Yabous. All these decisions are considered in violation of the Lebanese Penal Code, which limits decisions to deport foreigners who did not enter through official crossings to the criminal courts, following a fair trial that allows the foreigner to provide the appropriate defense against the deportation penalty (Article 32 of the Law on Entry, Residence, and Exit issued on 1962/10/7, and Articles 88, 71, and 89 of the

Penal Code). Most deported Syrian citizens are subjected to arrests and torture upon return and surrender to the Syrian authorities. A Washington Post report on 2019/6/2 said that more than 2,000 Syrian citizens had been arrested and tortured after returning from Lebanon. A report issued by a group of human rights organizations stated that on 26 April 16, 2019 Syrians, some of whom were registered as refugees, were deported upon their arrival at Beirut airport.

International law prohibits indirect refoulement, which occurs when states use indirect means to compel individuals to return to a place where they would be at risk of serious human rights violations. However, in July 2018, the Lebanese government announced that refugees could return to Syria under an agreement with the Syrian government, and asked the GDGS to facilitate that return. GDGS registered the names of those wishing to return and carried out their transfer to the border crossings. None of them will be allowed to return before obtaining prior approval from the Syrian government. On 2020/13/2, the Lebanese GDGS issued a statement indicating the voluntary return of 1,093 Syrian refugees from different regions in Lebanon to the Syrian territories. The Lebanese authorities estimate the number of returnees to Syria between 55,000 and 90,000 refugees.

Nevertheless, Amnesty International has shed doubt on the voluntary nature of the refugees' return to their country of origin. Although the Lebanese government does not physically force refugees to register their names or ride the busses to leave to the borders, the Lebanese government's unfair procedures and policies, especially the difficulty in obtaining residency and resulting obstacles related to work, health, and education, in addition to the tragic and miserable living conditions suffered by Syrian refugees in the camps, which lack the minimum essentials for a dignified living, shed many doubts on the ability of Syrians to actually give free consent.

On 3 November 2017, the Minister of State for Refugee Affairs said that around 20 refugees, including at least two children, were killed by Syrian regime forces after their return. Although international human rights law grants refugees the right to return to their countries, the question is linked to the prior approval of the Syrian government. Statements made by GDGS indicated that the Syrian government had refused to return some of the refugees who were wanted for security reasons.

### Recommendations:

- **Urge Lebanon to abide by the ratified international agreements and treaties, which require that no person be forcibly transferred to Syria, which could lead to the risk of arbitrary detention and the risk to life.**
- **Ensure that refugees arrive in Syria according to a more stringent review process in line with international refugee law standards, especially the principle of non-refoulement and human rights standards.**

## ■ 2.5 Eviction from Homes and Attacks on Camps

Although Lebanon ratified ICESCR in 1972, according to which the Lebanese state recognized the right of every person living on its territory to obtain adequate housing and an adequate standard of living without discrimination and despite the duty of the Lebanese authorities to protect and respect human rights, several cases of attacks, setting fire of tents and camps, and evictions and flight were recorded without any significant intervention by the Lebanese authorities to stop the attacks or protect refugees.

Some municipalities continue to evict refugees in an arbitrary manner and without concern or observation of procedures stipulated in the enforced laws. A Human Rights Watch report indicated that some Lebanese municipalities have conducted an operation to forcibly evict thousands of refugees as part of a mass expulsion, without legal basis or regard for due process. Tens of thousands are still subject to evacuation. According to UNHCR, at least 3,664 Syrians were evicted from more than 13 towns and cities from early 2016 until the first quarter of 2018. The Lebanese army evicted an additional 7,524 from the vicinity of the Rayak military area in the Bekaa. In the town of Zgharta in North Lebanon, banners were hung calling for Syrians to leave the area for good and immediately.

In light with the security measures taken by the Lebanese government to confront the Covid19- epidemic, some municipalities deported refugees residing in their areas, where 3 families were deported by the municipalities in Nabatiyeh District, Saida District, and Mount Lebanon Governorate.

### Recommendations:

- **Respect obligations related to the right to adequate housing for all without discrimination.**
- **Stop all attacks and violations targeting**

Syrian refugee camps.

- **Stop all deportations, forced evictions, and demolishing camps.**

## ■ 2.6 Freedom of Opinion, Expression, and Belief, and Hate Speech

Addressing hate speech does not entail restricting or prohibiting freedom of expression, but rather preventing its escalation into actual danger, especially incitement to discrimination, aggression, and violence, which is prohibited by international law. Although Lebanon is obligated to prohibit speech and expression that constitute incitement to discrimination, hostility, or violence, according to Article 20 of ICCPR, which states that «any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,» incitement and hate speech against Syrian refugees increased dramatically, especially among some government officials, in an attempt to evade their responsibilities and hold the Syrian refugees responsible for the economic and security situation in Lebanon. This rhetoric and campaigns carried calls for the expulsion of Syrian refugees from the country and some municipalities in specific, the removal of camps, and the imposition of curfews. Leaflets inciting on the deportation of Syrian refugees under the slogan «Syria is Safe for Return and Lebanon Can no Longer Tolerate [them]» were distributed widely. The incitement extended calling for the expulsion of Syrian workers from their workplaces and replacing them with Lebanese nationals, as part of a series of campaigns (Love Lebanon and Employ Lebanese, Lebanese Before All). Inspection teams from the Lebanese Ministry of Labor carried out extensive campaigns beginning on 10 July 2019, with ISF support, targeting shops, establishments, hotels, restaurants, industrial workshops, maintenance and auto repair workshops, and

municipalities where Syrians are employed. It closed and imposed fines on dozens of shops and workshops that employ Syrians, under the pretext of not obtaining regular work permits. Several cases of raids on refugee workplaces, their closure, and the expulsion of their workers by youth belonging to a particular political party were recorded, involving several instances of assaults and bullying. Banners spread in several towns in southern Lebanon, calling for Syrians to be removed and returned to their country. In the town of Nabatieh al-Fawqa, banners threatened to cut off the hands of Syrian workers and a petition was signed to prevent Syrians from working in the town.

In contrast, several demonstrations and sit-ins in different regions of Lebanon took place to protest hate speech against Syrian refugees. A group of Lebanese journalists, writers, activists, artists, lawyers, and intellectuals issued a statement, declaring their absolute condemnation of the campaign against Syrian citizens in Lebanon. On 2019/22/8, a group of Lebanese NGOs announced an initiative to confront hate speech, discrimination, and racism, condemning the perpetrators and calling for their legal prosecution, in addition to defending any victim of such speech.

### **Recommendations:**

- **Adhere to international treaties that prohibit any advocacy of hatred in all its forms.**
- **Stop all incitement campaigns and hate speech against Syrian refugees.**
- **Prosecute people and entities that incite hatred and hostility against refugees.**

## **2.7 Right to Protection**

### **2.7.1 Early Marriage of Syrian Refugee Girls**

Although Lebanon took note of Recommendations 130, 92, 37, and 132 that call for the elimination of the practice of child, early, and forced marriage, the adoption of a draft law on underage marriage, and prohibiting child marriage and despite its ratification of the Convention on the Rights of the Child and the Additional Protocol to Prevent Child Sexual Exploitation, the restricted legal status limits the ability of Syrian refugees to obtain protection and assistance, increases the risk of exploitation and abuse, and does not offer legal recourse. Child rights in Lebanon are violated blatantly and persistently, especially the phenomenon of early marriage of Syrian refugee girls. This violation results from the absence of a specific minimum age for marriage in legal texts, consistent with the obligations contained in the CRC. Early marriage adversely affects girls and sets the ground for all violations of the human rights of women and girls. It conflicts with the CRC, which affirms the right of the child to development, protection, and participation. Although Lebanon is not a party to the 1951 Refugee Convention, which stipulates the responsibility of host governments to protect refugees, the Lebanese state remains responsible for the protection of children on its territory from all forms of violations, including early marriage, in accordance with international law.

A 2016 survey conducted by the United Nations Population Fund, the American University of Beirut, and the Sawa Association for Relief and Development, which included about 2,400 refugee women and girls in the West Bekaa region, indicated that more than a third of those surveyed, who were between the ages of 20 and 24 years, were married before they turned 18. A study by the Issam Fares Institute for Public Policy and International Affairs also

indicated that 22% of Syrian refugee women in Lebanon between the ages of 15 and 19 were married, based on data and statistics from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

### **Recommendations:**

- **Prohibit child marriage, secure the best interests of children, and issue a law prohibiting child marriage by setting a minimum age.**
- **Eliminate the practice of child, early, and forced marriage.**
- **Lifting restrictions on the employment of Syrians and providing better income opportunities for refugee families.**

### **2.7.2 Sexual Exploitation and Violence and Gender-Based Violence**

Lebanon had accepted recommendations 126 and 136 to combat family violence, sexual harassment, and exploitation of women and move forward in strengthening measures to protect children and women from all forms of violence. It also took note of the need to put in place measures to protect refugees and women and girl asylum-seekers from economic and sexual exploitation and gender-based violence, including sexual abuse, as well as child and forced marriage and discrimination.

However, failure to ratify the Refugee Convention and their denial of legal protection make refugee women vulnerable to all forms of exploitation and sexual and gender-based violence. Moreover, the policy adopted by the Lebanese government restricting refugees and refugee women in their livelihoods and welfare has led to patterns of exploitation and human trafficking, whereby women are forced to beg, work within prostitution networks, be exploited by employers, or perform activities akin to forced or compulsory labor, without compensation. Camps are considered the primary locations where refugee women

are exposed to various forms of harassment and, whether on the roads, when using the lavatories, or aid distribution centers.

In a report on the situation of Syrian refugee women in Lebanon, Amnesty International reported that deficiencies in international aid and the Lebanese authorities' discriminatory policies have created conditions facilitating the exploitation and abuse of women refugees in the country. The report highlights how the Lebanese government's refusal to renew residency permits for refugees and the accompanying lack of international funding leaves women refugees in an unenviable position, at risk of exploitation from influential people, including landlords, employers, and even police officers. Recently, the media reported that 75 girls, mostly Syrian, had been rescued from torture, maiming, and forced abortion by a human trafficking ring. Violence against refugee women occurs at various levels within the private sphere or the family. As stated in the report of the United Nations Population Fund (Syria Regional Response Hub, 2016) of young refugees in Lebanon accept the use of violence within the family, where many Syrian refugee women are subjected to violence and beatings by a family member. Lack of a valid residency permit or refugee card is one of the biggest hindrances and limitations to the ability of women to seek competent authorities and benefit from the Lebanese domestic violence law, for fear of being arrested or subjected to humiliating or degrading treatment.

Measures taken by the Lebanese government to confront the spread of COVID19- virus, led to an increase in cases of domestic violence of women inside the home during quarantine periods, while it is difficult to report incidents as it is impossible to leave the camps to file complaints.



**Recommendations:**

- Enact appropriate legislation, policies, and mechanisms to provide refugee women with the necessary protection from the risk of exploitation and sexual and gender-based violence in the public and private spheres (including the family).
- Facilitate the legal presence of Syrian refugee women to facilitate their recourse to the authorities in the event of violence and exploitation.
- Enforce laws for the protection of women and minors in Lebanon on Syrian refugees.

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## **3. Economic and Social Rights**

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### ■ **3.1 Right to Work**

Although Lebanon took note of Recommendation 215 related to enabling refugees, including Palestinians, to access some sectors of the formal labor market, Lebanon does not follow policies to protect workers in general. It continues to rely on old laws (the Labor Code was issued on 1946/7/23) and the Minister of Labor's discretionary powers that ignore the human aspect of refugee life. Added to the deteriorating economic and financial conditions facing the country, the very high rate of unemployment, poverty, and decrease in purchasing power, the Lebanese government's [labor] plan adopted detrimental practices that directly targeted Syrian refugees, such as closures, expulsions, and imposing high and severe financial penalties and fines. These campaigns included establishments, shops, hotels and restaurants, factories, industrial workshops, municipalities, and all business sectors in Lebanon.

**Recommendations:**

- **Amend the Labor Law to exclude refugees subject to the definition of asylum according to international standards by facilitating their access to work permits in liberal professions or most of them and reducing their fees.**
- **Work to obtain refugee cards to act as work permits not related to the kafala system.**
- **Set a plan to study the Syrian labor force in Lebanon and how to direct its presence to support productive and vital sectors in the Lebanese economy, taking into consideration the human rights standards of Syrian workers and the interest of the Lebanese economy.**

## ■ 3.2 Role of Humanitarian Aid Shift Towards Development and the Economic Integration of Refugees

Lebanon failed to adopt clear response plans to the presence of Syrian refugees since the beginning of their arrival in Lebanon. Instead of using the response plan, adopted four years later, to mitigate the consequences of asylum and enhance sustainability in the country, government policies inflamed the conflict, depicting it as a struggle between Syrian refugees, on one hand, and their Lebanese hosts, on the other, on the infrastructure and the labor market. It treated the Syrian issue with a security approach and it was exploited by and used for extortion and bargaining by political parties, contributing to strengthening and increasing tensions between the two societies to the detriment of the existing social safety nets between refugees and host communities. The role of humanitarian aid in refugee social development and economic integration became absent, as restrictions on humanitarian workers began to be imposed. On 2018/6/7, Lebanon decided to freeze applications related to UNHCR staff and Syrian activists alike and placed restrictions on residence and work permits. This constitutes additional pressures and challenges imposed on Syrian refugees in Lebanon who are exposed to government policies against their presence, especially in terms of the difficulty in their ability to reside legally, putting them under constant threat of arrest, deportation, expulsion from housing, gender-based and sexual violence, and child abuse.

### Recommendations:

- **Develop plans and programs with approaches to transforming refugees from a burden on Lebanese society into a productive force that contributes to improving the humanitarian situation of refugees and the development needs of Lebanon simultaneously, especially in**

the areas of infrastructure, energy, food security, social stability, and the labor market.

- **Facilitate development projects in support of Syrian refugees by investing in improving infrastructure and livelihoods and providing job opportunities for both refugees and the host community.**
- **Facilitate investment and business creation for refugees to expand employment opportunities in the Lebanese economy to accommodate both the refugee and local community workforce.**

## ■ 3.3 Education

Although Lebanon accepted Recommendations 180, 179, and 181 that call for strengthening and expanding the educational infrastructure in order to provide quality and comprehensive education for all children on its territories, and to establish free and compulsory education for all, in terms of implementation, it has not worked to provide equal opportunities for hundreds of thousands of Syrian refugee children as with their Lebanese counterparts. In 2019, participation rates in education for Syrian refugee children between 6 and 14 years reached %69, dropping to %22 for children between 15 and 17 years. In addition, %44 of children with disabilities between the ages of 6 and 14 years suffer from obstacles to their access education.

### Recommendations:

- **Ensure Syrian refugees' access to education in all age groups and geographical distribution and implement successful strategies in cooperation with international organizations concerned with education and providing the basic needs of children and persons with disabilities.**

### ■ 3.4 Health: Right of Syrian Refugees to a Healthy Environment

Although Lebanon took note of Recommendation 217 that calls for strengthening efforts to ensure the protection and dignity of Syrian refugees, especially with regards to healthcare, and although the Lebanese Constitution protects the right to a healthy environment on its territory, Lebanon denies Syrian refugees their right to a healthy environment. Refugee camps suffer from the lack of infrastructure or its poor quality, causing great suffering from high humidity and heat in the summer and severe cold in the winter, in addition to poor ventilation and the spread of disease, especially due to the proximity of waste collection places to the camps, and the lack of safe drinking water, leading to an unhealthy environment and the prevalence of chest, digestive, and chronic diseases. However, there has been a significant decrease in sustainable medical and health assistance and protection from diseases and epidemics. Open air waste-burning, used by Lebanon, also constitutes a dangerous practice leading to increased health problems in the short and long terms, specifically emissions that cause heart diseases, cancer, asthma, and other respiratory diseases.

#### Recommendations:

- The Lebanese state should provide an opportunity for Syrian refugees to benefit from health services and hospitalization at the expense of the Ministry of Health.
- Provide conditions for a healthy environment in the camps and combat rampant diseases and epidemics in Syrian refugee camps and gatherings.
- Treat all kinds of waste using modern methods of sorting and recycling and in a manner that does not harm the environment or the country's residents. Improve camp condition by providing the

requirements to be suitable for living, ensuring a decent and healthy life for Syrian refugees.

- Eliminate restrictions and obstacles to improve camp conditions and their health situation.

### ■ 3.5 Poverty, Deprivation, and Living Conditions

An assessment conducted by UNHCR, WFP, and UNICEF showed that more than %75 of Syrian refugees in Lebanon live below the poverty line and %58 of Syrian families live in extreme poverty on less than USD2.87 per person per day. This led to the development of negative coping strategies. In food, they range between eating lower-quality or cheaper food to skipping one or more daily meals. In terms of livelihood, they range from relying on loans to child labor. More than half Syrian refugee families live in overcrowded shelters, whose conditions are below humanitarian standards or at risk of collapse.

#### Recommendations:

- Respect human rights, including the obligations related to the right to adequate housing for all, without discrimination against Palestinian and Syrian refugees, and improve their living conditions and allow the entry of building materials into the camps.
- Facilitate procedures for givi

# References

1. Amnesty International, «Why Are Returns of Refugees from Lebanon to Syria Premature.» Public Statement (MDE 12 ,[0481/18 June 2019, available at: <https://www.amnesty.org/download/Documents/MDE1804812019ENGLISH.pdf>.
2. UN Convention on the Status of Refugees, available at: <https://www.unhcr.org/-1951refugee-convention.html>.
3. International Convention on the Elimination of All Forms of Racial Discrimination, available at: <https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.
4. <https://www.hrw.org/news/20/07/2017/lebanon-deaths-alleged-torture-syrians-army-custody>.
5. <https://www.amnesty.org/en/latest/news/06/2019/lebanon-wave-of-hostility-exposes-hollowness-of-claims-that-syrian-refugee-returns-are-voluntary/>.
6. <https://bit.ly/2RQqUM7>
7. <https://www.savethechildren.net/news/save-children-calls-lebanese-authorities-stop-demolition-refugees%E-99%80%20homes>.
8. <https://www.dgcs.gov.lb/arabic/decisions>.
9. <https://bit.ly/30ijEgT>
10. <https://www.aub.edu.lb/ifi/Pages/publications/books/-101-20180601/2018-2017facts-and-figures-on-the-syrian-refugee-crisis.aspx>.
11. <http://www.annd.org/data/item/pdf/211.pdf>, p. 90.
12. <https://www.legal-agenda.com/article.php?id=5684>.
13. Amnesty International, (MDE 12 ,[0481/18 June 2019, op. cit.
14. <http://www.general-security.gov.lb/ar/posts/36>.
15. <https://bit.ly/2HfF2wj>
16. <https://bit.ly/2RP0RVs>
17. <https://www.legal-agenda.com/article.php?id=5684>.
18. [http://nna-leb.gov.lb/ar/show-news/30/4114720?fbclid=IwAR01GEMzWlDcfV8IUerpAf0d7Hz8gUb\\_K0k9Tqw1tNW7qbej8aT3o0wD3Xg](http://nna-leb.gov.lb/ar/show-news/30/4114720?fbclid=IwAR01GEMzWlDcfV8IUerpAf0d7Hz8gUb_K0k9Tqw1tNW7qbej8aT3o0wD3Xg).
19. [https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/54/02/06/2019bd696a7-bea11-e-9b1f-3b233fe5811ef\\_story.html](https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/54/02/06/2019bd696a7-bea11-e-9b1f-3b233fe5811ef_story.html).
20. <https://www.hrw.org/ar/news/330455/24/05/2019?fbclid=IwAR3laPLqdUU4Q3ApOZCPwA3uRBEi0oEfJ-3GWMm5iB-PsnlC7-9z1oBMkPc>.
21. <https://www.general-security.gov.lb/ar/activities/details/directorate/556>
22. Amnesty, 12 June 2019, op. cit.
23. <https://www.hrw.org/world-report/2019/country-chapters/lebanon>.
24. <http://www.annd.org/data/item/pdf/211.pdf>, p. 52.
25. <https://www.hrw.org/world-report/2019/country-chapters/lebanon>.
26. Human Rights Watch, “Our Homes Are Not for Strangers”: Mass Evictions of Syrian Refugees by Lebanese Municipalities, April 2018 ,20, available at: <https://www.hrw.org/report/20/04/2018/our-homes-are-not-strangers/mass-evictions-syrian-refugees-lebanese-municipalities>.
27. <https://www.achrighs.org/10659/06/04/2020/>
28. Human Rights Watch, “Our Homes Are Not for Strangers”: Mass Evictions of Syrian Refugees by Lebanese Municipalities, April 2018 ,20, available at: <https://www.hrw.org/news/20/04/2018/lebanon-mass-evictions-syrian-refugees>
29. <https://www.un.org/sg/en/content/sg/articles/18-06-2019/the-wildfire-of-hate-speech>.
30. <https://skylineforhuman.org/en/news/details/18/gbran-basyl-tsryhat-aansry-tghthy-khtab-alkrahy-dd-allagyy>
31. <https://www.amnesty.org/en/latest/news/06/2019/lebanon-wave-of-hostility-exposes-hollowness-of-claims-that-syrian-refugee-returns-are-voluntary/>.
32. <https://www.eqtsad.net/news/article/26268/>.
33. <https://bit.ly/3kHBYHW>
34. <https://bit.ly/350KdbK>
35. <https://www.almodon.com/society/25/6/2019/%D%8AD%D%82%D%88%D%82%D8%9A%D8%9%8D%-86%D%88%D%8B%5D%8AD%D%8A%7D%81%D8%9A%D%88%D%-86%D%88%D9%85%D%8AB%D%82%D%81%D%88%D-86%D%88%D%86%D%8A%7D%8B%4D%8B7%D%88%D%-86%D%84%D%8A%8D86%D%8A%7D%86%D8%9A%D%88%D-86%D%8B%6D%8AF-%D%8A%7D%84%D%8B%D%86%D%8B%5D%8B%1D8%9A%D%8A9>.
36. <https://lebanon.unfpa.org/en/news/new-study-finds-child-marriage-rising-among-most-vulnerable-syrian-refugees0->
37. <https://www.enabbaladi.net/archives/184552>
38. <https://www.amnesty.org/en/latest/campaigns/02/2016/why-refugee-women-syria-lebanon-face-sexual-harassment-exploitation/>.
39. <https://www.amnesty.org/en/documents/mde2016/3210/18/en/>.
40. <https://arabic.cnn.com/middleeast/03/04/2016/lebanon-girls-human-trafficking-ring>.
41. [https://www.unfpa.org/sites/default/files/pub-pdf/unfpa\\_gbv\\_arb-singlepages1.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/unfpa_gbv_arb-singlepages1.pdf).
42. <https://bit.ly/3mEa8ho>
43. <https://www.kafa.org.lb/en/node/407>
44. <https://www.labor.gov.lb/Temp/Files/574b61dd-9-4507-1233da-1d4a3e3a6129a.pdf>.
45. Lebanese Ministry of Labor, «Plan to Combat Illegal Foreign Labor on Lebanese Territories,» June 2019, available at: <https://www.labor.gov.lb/MPDF.pdf>.
46. <https://www.unhcr.org/ar/4be7cc278c2.html>.
47. <https://data2.unhcr.org/en/documents/details/67380>.
48. <https://www.hrw.org/report/01/12/2017/if-youre-inhaling-your-death/health-risks-burning-waste-lebanon>.
49. <https://data2.unhcr.org/en/documents/download/67380>
50. <https://reliefweb.int/sites/reliefweb.int/files/resources/73118.pdf>.

# ■ Palestinian Refugee Rights



- Najdeh Association
- The Popular Aid for Relief and Development (PARAD),
- Tadamon Association,
- Palestinian Students Fund
- Center for Refugee Rights/Aidoun (CRR)
- Al-Ghad Association
- Social Communications Center
- Palestinian Association for Human Rights (Witness)
- Human Development Center
- Thabit Organization for the Right of Return
- Hana Association for Development - al-Houleh
- Association 302 to Defend Refugees Rights
- Women's Charitable Association
- Development without Borders (Naba'a)
- The Arab NGO Network for Development



## Introduction

This report was prepared through coordination and cooperation between a wide range of civil society organizations, associations, and alliances working with the Palestinian community in Lebanon. It seeks to reinforce civil society's role in monitoring State obligations and their implementation of international declarations through stakeholder organizations involved in this experiment, presenting their suggestions and comments on the UPR process and highlighting key unfair practices against Palestinian refugees in Lebanon. The report went through several stages: collection, aggregation, and analysis of information, before being reviewed by coalition members, who are active in several areas, including human rights, women's rights, children's rights, social services, health care, and the rights of persons with disabilities. One of the objectives of this networking was to enhance coordination and work in the field of advocacy and defense of human rights, especially with regards to the rights of Palestinian refugees in Lebanon, and to activate the process of reviewing their human rights and social situation for preparing this report.

Palestinian refugees in Lebanon face a reality that has deteriorated over the years, becoming worse and more arbitrary due to unfair Lebanese government measures, leading to further restrictions and the isolation of Palestinian camps in the country (including the construction of a separation wall around Ain al-Hilweh and Mieh and Mieh camps). Such measures have had a negative impact on all aspects of social and economic life. In July 2019, the Lebanese Minister of Labor initiated the so-called "Plan to Combat Illegal Foreign Workers in Lebanon," whose application affected Palestinian workers and employers, in contravention of previous Lebanese laws and decisions approved by the Lebanese Parliament since August 2010. Dozens were dismissed from their jobs, tens

of businesses run by Palestinians were closed, and university and technical school graduates and various professionals were barred from working.

Despite promises to improve their conditions, the Lebanese state continues to hold on to their rights, especially the right to work, through issuing partial amendments to the labor and social security laws in 2010 and failing to issue implementation decrees as of the date of preparing this report. Due to the implementation of the Minister's plan in 2019, a wave of anger erupted among refugees, accompanied by peaceful protests around Palestinian camps in Lebanon, which called for the plan's cancellation and for Palestinian refugees to be granted their human and social rights.

For the past 72 years, consecutive Lebanese governments have failed to take any measure to address the various security or socio-economic crises and violations faced by Palestinian refugees in Lebanon, despite repeated promises by governments to improve their economic and social situation and despite Lebanon's approval of some UPR recommendations in 2010, which it failed to implement and later rejected during the 2015 session. Although the Lebanese Palestinian Dialogue Committee (under the Presidency of the Council of Ministers) provided a clear definition of the legal status of Palestinian refugees in its document on a «A Unified Lebanese Vision for the Palestinian Refugees Affairs in Lebanon,» addressing Palestinian refugee issues remains arbitrary, sometimes considered refugees, sometimes foreigners, and at other times stateless.

In a first of its kind step in Lebanon since 1948, a general population and housing census of Palestinian camps and gatherings was conducted in 2017, supervised by the Lebanese-Palestinian Dialogue Committee and carried out by the Lebanese Central Administration for Statistics and the Palestinian Central Bureau of Statistics.

Based on the census, Palestinians in Lebanon number about 174,422] 192,000, Palestine refugees in Lebanon and 17,706 Palestinian refugees from Syria present in 12 camps and approximately 156 gatherings).

Palestinian camps suffer from social and economic exclusion, the lack of due process, and a state of continuous deprivation of Palestinian refugees of their civil, economic, and social rights. They are thus still prevented from owning real estate or working in more than 30 professions, including liberal professions, and endure the near impossibility of working in permitted professions due to discriminatory measures. This is in addition to restrictions and discrimination facing women and PwDs, as well as Palestinian employers.

Violent practices and violations are prevalent on the social and household levels, impacting Palestinian women and children refugees in Lebanon and from Syria, particularly through increased child labor and child marriage used by parents as mechanisms to cope with the economic situation and increasing financial constraints. The application of a child protection system and its related mechanisms is still lacking on the national level generally and in Palestinian refugee camps, in particular, due to the absence of due process, where eight out of ten Palestinian children suffer from violence.

The protection of Palestinian refugees is a common responsibility shared by host countries and the institutions of the international community concerned with the situation of Palestinian refugees in Lebanon, particularly UNRWA. To improve the situation of Palestinian refugees, the report re-emphasizes the following issues, elaborating their related recommendations.

## **Right to Legal Personality**

### **1. Lack of clarity regarding the legal personality of a Palestinian refugee in Lebanon**

Lebanese legislation has not developed a law providing a definition for a Palestinian refugee in Lebanon, taking into consideration the special legal situation of Palestinian refugees, with the exception of the personal identification cards issued by the Ministry of Interior's General Directorate of Political Affairs and Refugees, whereby the Ministry's General Directorate of General Security classifies refugees as a special category of foreigners. Nevertheless, Law 2001/296 denies Palestinian refugees from the right to own real estate and classifies them as stateless. Furthermore, the Lebanese Labor Law and the Plan to Combat Illegal Foreign Workers in Lebanon considers them as any other foreigners residing in Lebanon.

### **2. Unsustainability of solution regarding legal personality of non-ID Palestinians**

The State of Lebanon had started issuing ID documents valid for one year and which can only be used to travel inside Lebanon. Very few who had lost their IDs (non-ID) were able to benefit from those cards in 2008 and in an unsustainable manner. During the UPR's 9th Session in 2010, Lebanon reported the issuing of documents for non-IDs as one of its achievements. However, the Lebanese state has yet to provide a reply to Recommendation 84.11. More than 5000 people from this category are still denied their most basic human rights, such as the right to a legal personality, the right to health and hospitalization, education, especially university, and work. It also remains

impossible to register marriage contracts if one of the spouses was non-ID, and thus their children are denied the right to be registered with official departments.

Lebanese state does not recognize them as war refugees, nor Palestinian refugees. They are not treated like Syrian refugees, who are classified as «displaced.»

### ■ **3. Denying Palestinian refugee women their right to pass on their legal status to their children**

Lebanese laws discriminate against women in general, denying Lebanese women from their right to pass on their nationality to their children. Palestinian refugee women registered at the Directorate of Political Affairs and Refugees and married to foreigners are denied the right to provide discretionary residence permits to their husbands, on equal standing with women with Lebanese citizenship. Furthermore, their husbands cannot obtain annual residency permits in exchange for a fee, similar to Palestinian refugee husbands registered at the Directorate of Political Affairs and Refugees and married to a foreigner.

- **Recommendation 1:** The Lebanese State must issue a law providing a clear and explicit legal definition of Palestinian refugees in Lebanon, guaranteeing them their human, economic, and social rights and dignified living.
- **Recommendation 2:** Begin issuing official ID documents in a continuous manner, guaranteeing a legal personality for Palestinian refugees of the Third Category (refugees not registered by the Lebanese state or UNRWA), preserving their humanity and dignity, and treating them equally with other Palestinian refugees in Lebanon.
- **Recommendation 3:** Lebanon must respond to international agreements, lift its reservations on Article 9 of CEDAW, and amend all its laws accordingly.
- **Recommendation 4:** Lebanon must recognize the legal personality of Palestinian refugees from Syria to Lebanon (PRS) as refugees.

### ■ **4. Lack of recognition by the Lebanese state of the legal identity of Palestinian refugees from Syria to Lebanon**

Up to August 2014, the Lebanese state had dealt with Palestinian refugees from Syria to Lebanon (PRS) as tourists, who must fulfill a set of conditions for entry and/or stay in Lebanon, as part of the foreign residency procedure. Following that date, Lebanon began to exercise an unclear and opaque policy, which seemed to push for their deportation through arbitrary renewals of residency for a period of six months. Many had to stay illegally and were subjected to prosecution. Entry procedures into Lebanon became almost impossible. Legally, the

## **Right to Property**

Palestinian refugees in Lebanon were excluded from the right to own real estate by law 2001/296, under the pretext that they do not hold a «nationality issued by a recognized state» and the rejection of implantation.

### ■ **1.The expropriation of Palestinian refugees who bought property prior to 2001 but had not completed registration procedures at the relevant departments**

Property purchased and paid for prior to the adoption of Law 2001/296 (which is not retroactive) and whose new owners had not completed registration procedures before that date is not being registered in official real estate departments due to the deliberate wrongful interpretation of the law. Other arbitrary procedures at real estate departments are preventing Palestinian refugees from transferring their registered property through the enforcement of inheritance laws by religious courts, although Law 2001/296 did not prevent this. This forces some injured parties to seek the courts, incurring additional financial burdens. It should also be noted that the Lebanese courts have stopped looking into such cases since 2011.

### ■ **2.Constraints in real estate registration procedures for foreigners married to Palestinian refugees**

One of the requirements for registering real estate to a foreigner in Lebanon is obtaining a certificate of «denial of ownership,» a document that includes the household as a

unit (husband, wife, and minor children). If one of the spouses is found to be Palestinian, the registration application is denied.

- **Recommendation 5: End discrimination against Palestinian refugees and issue a legal amendment allowing them to own real estate.**
- **Recommendation 6: End to arbitrary measures that prevent the registration of real estate purchased prior to the 2001/296 legal amendment and the transfer of real estate inheritance, as well as the suspension of contracts surveyed before 2001, due to passage of time.**
- **Recommendation 7: End the discriminatory and arbitrary measures that hinder the registration of real estate to foreigners married to Palestinian refugees.**

## **Right to Freedom of Opinion and Expression**

### ■ **1. Restricting the right to expressing opinion through demonstrations to Lebanese citizens and denying it to Palestinian refugees**

Decision 352 issued on 2006/2/20 by the Ministry of Interior and Municipalities restricted the right to expression through organizing demonstrations to Lebanese citizens, thus depriving Palestinians the right to demonstrate. Paragraph 3 of Article 1 of the Decision clearly indicated that «organizers of the demonstration must be Lebanese.» It should be noted that the practical application of Decision 352 allows Palestinians the right to demonstrate and express opinions.

### ■ **2. Denying Palestinian refugees the right to issue publications**

Palestinian refugees in Lebanon are officially denied the right to issue media publications, in accordance with Article 4 of the Lebanese Publications Law of 1948, which stipulated that «the owner of the periodical must be (1) Lebanese. If they are a foreigner, the license must be approved by the Ministers of Interior and Exterior, based on reciprocal treatment between Lebanon and their country.»

- **Recommendation 8: Amend Law 352 to include Palestinian refugees and their right to express opinion through demonstrations and peaceful assembly without restraint.**
- **Recommendation 9: Exempt Palestinian refugees from the principle of reciprocity mentioned in the Lebanese Publications Law and treat them equally with Lebanese citizens in issuing media publications under the Law to Organize Publications.**

## **Right to Association**

Being classified as a special group at times and foreigners at others, Palestinian refugees are denied the right to establish their own associations and their participation in establishing or working in other associations is restricted, due to the lack of sensitivity of the law's executive procedures of the special legal status of Palestinian refugees. Each organization «actually run by foreigners, which has foreigners in its board of directors, or where one quarter at least of its membership is foreigner» is actually considered a foreign association and falls under Decision 369 L.R., issued on 1939/12/21 in its fourth article. Its establishment requires a special decree by the Council of Ministers.

- **Recommendation 10: Legalize the establishment of Palestinian refugee associations in Lebanon, in equality with Lebanese citizens, instead of «turning a blind eye.»**

## **Right to Protection**

### **1. Child Labor in Palestinian Camps**

Palestinian camps in Lebanon are full of children forced to work to help their families secure a livelihood. They are denied their right to education and enjoyment of their childhood like other children. Palestinian children live in harsh conditions that deny them their childhood and health. They are exploited in dangerous and unsafe tasks, without consideration of physical, psychological, and moral risks. They are vulnerable to all types of exploitation.

### **2. Palestinian refugee children, especially those living the camps, do not benefit from the Juvenile Protection Law or the Law on Domestic Violence**

Article 1 (Paragraph 1) of Law 2002/422 on the protection of minors in contact with the law or those at risk deprives refugee children from its legal protection and jurisdiction to intervene for their protection due to the absence of due process inside the camps, where children are subjected to several forms of violations.

- **Recommendation 11: The Lebanese State must enable Palestinian juveniles to access justice, enhance due process to include the camps, and be able to protect Palestinian refugee children.**

## **Right to Work**

### **1. Restricting Palestinian refugees from accessing the Lebanese labor market**

Lebanon's Labor Law discriminates between Lebanese and non-Lebanese citizens. It is not sensitive to the status of Palestinian refugees in Lebanon, who fall under laws governing foreign labor. Despite the Labor Law Amendment 2010/129, namely Article 59, which exempted them from the principle of reciprocity and work permit fees, they are required to obtain a work permit in some professions that must be preceded by registering at the NSSF. The annual registration requirement leads to instability.

### **2. Denying Palestinian refugees the right to work in the liberal professions**

Palestinian refugees in Lebanon are barred from working in what is called the «liberal professions» that require membership in the related syndicate. Laws regulating such professions require the Lebanese nationality. For example, the Bar Association's laws stipulate that practicing lawyers must be Lebanese for at least the past ten years. Other professions call for reciprocity and the right to practice in their country of origin, such as the Lebanese Order of Physicians (applying Decree 1659 of 1979), the Order of Pharmacists, and the Order of Engineers and Architects. Although Amendment 2010/129 exempted Palestinian refugees from the condition of reciprocity, their denial of membership in syndicates deprives them their right to practice any of the unionized professions.

### ■ 3. Denying Palestinian refugee workers their right to benefit from the NSSF

Law 2010/128 amended Article 9 of the Social Security Law, eliminating the condition of reciprocity. However, the amendment still denies Palestinian refugee workers their right to health benefits and family allowances, especially maternity allowances. Although Palestinian refugee workers in Lebanon who are registered at the NSSF still have to pay the full fees (%23.5) of the salary like Lebanese workers, they can only benefit from end of service indemnity (amounting to %8.5 of the total amount paid). They are forced to use private insurance, adding to the financial burdens of both Palestinian refugee workers and employers. Thus, opportunities for their employment are reduced or they are forced to work in harsh conditions at low wages and outside the protection of the law.

- 12.9. Recommendation 16: The Lebanese state must take into account the special legal status of Palestinian refugees in Lebanon, through their exemption from the Foreign Labor Law and issuance of appropriate Ministerial decisions and administrative orders.
- 12.10. Recommendation 17: The Lebanese state must amend Law 2010/128 and issue executive decrees allowing Palestinian refugee workers the enjoyment of their full rights at the NSSF, especially ensuring maternity benefits.
- 12.11. Recommendation 18: The Lebanese state must enforce 2010/129 through executive decrees and binding procedures related to syndicates, ensuring the right of Palestinian refugees to engage in the liberal professions organized in syndicates.
- 12.12. Recommendation 19: The Lebanese state must amend the law organizing professions in line with the exception of Palestinian refugees from the labor law and continue in the process

to eliminate the principle of reciprocity and the condition of practice in the country of origin.

## **Right to Health**

### ■ 1. Denying Palestinian refugees from treatment and hospitalization in the public sector

The Lebanese state does not provide Palestinian refugees with free hospitalization and denies them access to primary healthcare and prevention campaigns, including Palestinian refugee workers who pay their dues to the NSSF, like Lebanese workers. They are also denied health and hospitalization benefits per NSSF Law 2010/128.

### ■ 2. Denying Palestinian refugees with Disabilities from PwD rights

Palestinian refugees are denied from the rights accorded to Lebanese PwDs, although Law 2000/220 does not exclude Palestinian refugees from its provisions, which mentions «persons with disabilities» and not «Lebanese persons with disabilities».

### ■ 3. Denying Palestinian refugees a healthy environment

Palestinian refugee camps in Lebanon suffer from an inadequate infrastructure, including an overlap between the drinking water and sewage network, high humidity, water seepage, poor ventilation, and lack of sunlight in most houses in Palestinian camps and gatherings. In addition, waste collection sites are located in proximity to homes leading to

an unhealthy environment and causing lung, chronic, and critical ailments. Medical and health aid and protection from diseases and epidemics is scarce and not available in a sustainable manner.

- **Recommendation 20: The Lebanese state must allow Palestinian refugees the opportunity to benefit from free health and hospitalization services, primary healthcare, and prevention campaigns.**
- **Recommendation 21: The Lebanese state must work on integrating PwD through procedures sensitive to Palestinian PwDs within Law 2000/220 and issue Disability Cards on an equal basis with Lebanese PwDs.**
- **Recommendation 22: The Lebanese state must take appropriate measures to combat the rampant diseases and epidemics in Palestinian camps and gatherings in Lebanon and improve their health environment.**

## **Right to Education**

### ■ **1. Reduced spending on public and free schools and, in particular, UNRWA schools**

Public spending in Lebanon is constantly decreasing, from %2 in 2008 to %1.6 in 2011, less than half of the share in other Arab countries. There is also a discrepancy in quality of education between private and public schools, creating additional inequality in enjoying the right and access to education, particularly for Palestinian students who are considered part of the quota of foreigners in public schools. They are only admitted in case of available seats. The situation is aggravated by the financial crisis faced by UNRWA and its adverse impact on the share of funding allocated to educational programs in UNRWA schools and high schools, considered the only available option for most Palestinian students

in Lebanon. The successive financial crises reduced the education budget in UNRWA and the policy of merging classes, leading to overcrowding in classrooms of up to 50 students sometimes. Student educational performance suffered and the proportion of those who passed the official exams dropped to below %50 in 2019.

### ■ **2. Ineffective automatic promotion system and the risk of dropout**

A great number of children suffer from educational difficulties and are at risk of dropout, due to the automatic promotion system in UNRWA schools in Lebanon, in addition to the EMIS grading system adopted in light of reduced services at the expense of the human cadre. It meant that evaluation is no longer based on school grades but on the health and psychological assessment of students that neglects the health and psychological situation of students facing social and psychological problems.

### ■ **3. Lack of social workers assigned to schools**

There is a shortage of social workers both in public schools and especially in UNRWA schools, in addition to the lack of capacities. They are forced to refer children with difficulties to specialists in NGOs. There is also a growing phenomenon of bullying in schools that requires more attention.

- **Recommendation 23: The Lebanese state must allocate a portion of the school budget to employ specialists in the psychological health of children living in a harsh social, economic, and security situation that impacts their psychology and thus their educational achievement.**

- • **Recommendation 24:** The Lebanese state must cover the cost of treatment and hospitalization for Palestinian students on an equal basis with Lebanese students.
- **Recommendation 25:** The Lebanese state must exercise its supervisory role in all schools and work towards the establishment of child-friendly schools. It should work on a curriculum and process to reduce bullying and violence and develop the sense of equality among children.
- **Recommendation 26:** The Lebanese state must exempt Palestinian students from the foreign student quota in public schools and allow them access to free and public education without hindrance, on an equal basis with Lebanese students.

## Right to freedom of movement, residence, and travel

### ■ **1. Segregation of most Palestinian refugee camps through checkpoints and surrounding them with barrier walls**

Palestinian refugees face hindrances to their freedom of movement inside the country and to travel abroad. Spatial marginalization has worsened, exposing the camps and their residents to additional psychological and life stress. This marginalization is illustrated through the transformation of the camps into islands semi-isolated from their surrounding environments, through the installation of electronic gates at the entrances and exits of some camps and surrounding them with walls, like in Ain el-Helwe and Mieh and Mieh.

### ■ **2. Discrimination between refugee categories in terms of travel documents and their validity**

The Lebanese state provides Palestinian refugees with a travel document with a limited validity, which differs depending on the category of registration. Those registered with UNRWA are provided with a document valid for five years. Those who are not registered with UNRWA are provided with a one-year laissez-passer, limiting their work and educational opportunities outside Lebanon.

### ■ **3. Restrictions on the right of movement for Palestinian refugees to and from the camps**

The Lebanese state imposes almost daily strict measures on camp residents and visitors, controlling their freedom of movement to and from the camps, further isolating the camps and transforming them into no-entry no-exit zones.

- **Recommendation 27:** The Lebanese state must unify its procedures related to the type of document given to Palestinians in terms of giving them the same validity.
- **Recommendation 28:** The Lebanese state must abolish the security measures imposed on the camps, dismantle the barrier walls surrounding some of them, and remove the electronic gates at the entrances of others, in a manner consistent with the concept of human security.

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# Impact of COVID19- on Palestinian Refugee Rights in Lebanon

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## ■ 1. Right to freedom of movement, residence, and travel

The spread and gravity of the Covid19-epidemic were used to justify further restrictions of particular rights, such as limitations to the freedom of movement resulting from the quarantine, lockdown, or closure of some areas. On the other hand, the Lebanese government's plan to return citizens stranded abroad was a lost opportunity to apply human rights, especially the principles of non-discrimination, transparency, and human dignity. However, it chose to limit the repatriation plan to Lebanese citizens. It expressly excluded Palestinian refugees residing and registered in Lebanon and foreign workers residing in Lebanon from their circulars regarding the return, preventing them from returning to Lebanon.

### Recommendations:

- **In its evacuation plan, the Lebanese government must treat Lebanese citizens and residents, especially Palestinian refugees, on an equal basis and without discrimination.**

## ■ 2. Right to Health

International human rights law guarantees everyone the right to the highest attainable standard of health. It obliges states to take measures to prevent public health threats and to provide medical care to those in need. Human rights law also recognizes that, in the context of severe threats to public health and public emergencies that threaten the nation, restrictions imposed on some rights can be

justified when they have a legal basis. They must also be necessary, based on scientific evidence, not arbitrary or discriminatory, with a specified time limit, respectful of human dignity, subject to review, and proportionate to the desired goal.

### Recommendations:

- **The Lebanese government must integrate Palestinian refugees residing in Lebanon in its healthcare and preventive health plans. It must create the conditions that would provide medical services and medical care for all without exception or discrimination based on origin or nationality in the event of illness.**
- **The governments must take measures to make health care available, accessible to all without discrimination, and at an affordable cost. It must respect the ethics of the medical profession, be culturally appropriate, and of good quality.**

## ■ 3. Right to Education

Although schools provide children with a sense of stability and normalcy and ensure that they have the psychological and educational support to deal with the changing situation, the Covid19- pandemic turned things upside down. To ensure the appropriate response of the educational systems, UNESCO recommended that states «work to find solutions based on advanced or simple technology or without the use of technology to ensure the regularity and continuity of the learning process.» The most practical choice was distance learning.

### Recommendations:

- **Schools utilizing online learning technologies must ensure that tools protect children's rights and privacy.**
- **The Lebanese government should try to make up for actual school time when schools reopen.**

## ■ 4. Right to Work

Before Covid19-, Palestinian refugees were enduring a humanitarian and socio-economic crisis impacting their rights, such as the right to access and practice work. The pandemic made things worse. Unemployment among the Palestinian workforce in Lebanon is currently around %80 (based on a 2019 study on the labor market and unemployment by Dr. Najib Issa). The financial crisis and limits imposed by banks and the government led to a slowdown of remittances by Palestinians to their families and relatives, exacerbating the situation of refugees.

### **Recommendations:**

- **The Lebanese government must lift its restrictions on Palestinian refugees' access to employment. It must take measures to ensure that they do not lose their jobs due to the pandemic. It must also follow-up on the closures of enterprises and the rights of private-sector workers.**

## ■ 5. Right to Association

CSOs play an essential role in many countries to support efforts against the spread of the virus and ensure that those infected or living under lockdown or quarantine have access to protection, healthcare, and necessary social services. However, this does not apply to Lebanon.

### **Recommendations:**

- **The Lebanese government must protect and support CSOs to perform the above task, including organizations working on monitoring the impact of the disease. It must provide Palestinians the right to establish their organizations, based on the notification process used for Lebanese associations.**

بدنا بكرامة

نعيش



لا تسكت

عن حقك



■ The LGBTIQ+ community



| • Proud Lebanon



During its second cycle review, Lebanon received 10 recommendations on sexual orientation and gender identity and noted them all. This includes “Repealing Articles 522 ,488 ,487 and 534 of the Penal Code”, and “decriminalizing homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity”.

Proud Lebanon is glad to be sharing with you the following report, prepared to be submitted for the third cycle of the Universal Periodic Review of Lebanon. The review, which explores the status of LGBTIQ+ individuals in Lebanon, will cover multiple axes including the civil and political rights in addition to social-economic rights.

## Article 534 of the Lebanese Penal Code

Article 534 of the Lebanese penal code criminalizes sexual intercourse that occurs “against the order of nature”, stating: “any carnal union against the order of nature shall be punished with imprisonment for up to one year.»

While the laws have not been changed, progress has been achieved when it comes to court rulings since the 2nd cycle of UPR for Lebanon. A number of judges (7 rulings so far) have ignored the homophobic application of article 534 and based their verdicts on the principle of equality. For instance, in July 2018, the Court of Appeal of Mount Lebanon upheld a lower court ruling which acquitted nine people prosecuted for the ‘charge’ of being gay. The lower court held that homosexuality was «a practice of their fundamental rights». The Appeal Court agreed and found that consensual sex between same-sex partners cannot be considered «unnatural» so long as it does not violate morality and ethics, such as «when it is seen or heard by others, or performed in a public place, or involving a minor who must be protected .

In 2019, the former military Court Judge Peter Germanous acquitted four military personnel accused of «sodomy» in a landmark ruling, clearing the group of charges of committing sexual acts «contrary to nature» and declaring that sodomy is «not punishable by law» .

LGBTIQ+ individuals are systematically subjected to HIV and Drug testing on arrival to the Hobeish Police Station where the Morality Bureau is located, and are sometimes moved to Ramlet El Bayda Police Station due to the overpopulation in Hobeich. HIV- positive inmates are separated from the rest, and once transferred to the central prison in Roumieh, they are mainly kept in the blue building which hosts the mentally ill.

## Recommendations

- Lebanon should explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that LGBTIQ+ individuals are afforded both in law and in practice adequate and effective protection against all forms of discrimination, hate speech or violence based on sexual orientation or gender identity, and that such acts are properly investigated, prosecuted and, if the perpetrators are convicted, punished with appropriate penalties.
- In reference to Slovenia’s, Norway’s, Sweden’s, Austria’s, Spain’s, Canada’s and Czechia’s recommendation during the 2nd cycle of the UPR for Lebanon, Lebanon should decriminalize sexual relations between consenting adults of the same sex with a view to bringing its legislation in compliance with the Covenant, and repeal article 534 of the Lebanese Penal Code. This recommendation has previously been noted and not supported.
- Lebanon should coordinate with the independent expert on sexual orientation and gender identity (SOGIE).
- Lebanon should provide extensive training to judges on sexual orientation and gender identity.
- Lebanon should implement new

legislations that criminalize all types of discrimination and hate speech based on sexual orientation or gender identity.

- Lebanon should ensure the implementation of the ban on the use of anal probe tests.
- Lebanon should ensure the presence of lawyers during the interrogations by amending the criminal procedure code, free of cost by initiating the Beirut Bar Association and the Tripoli Bar Association.

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## Civil rights of the transgender people

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Despite the fact that transition is possible in Lebanon and many transgender individuals were able to undergo confirmation surgeries on their own expenses, the civil records remain linked to a very complicated juridical system in the absence of clear procedures and legislations to govern this process. This vacuum affects the decision of judges and leaves their verdicts up to many possible interpretations.

The competent tribunals to lookup transition procedures are personal status courts, which are governed by religious institutions in the absence of any civil personal status law in Lebanon. In January 2016, the Court of Appeals of Beirut confirmed the right of a transgender man to change his official papers, granting him access to necessary treatment and privacy. However, transgender individuals are required to undergo a gender confirmation surgery in order to legally change their gender .

On the 9th of March 2020, a video appeared on a Facebook page<sup>5</sup> showing police officers from the Burj Hammoud Municipality beating up a trans woman. Proud Lebanon was informed by the general prosecutor of Mount Lebanon Nazek El Khatib that she interfered and opened an investigation on the spot to

arrest the police members for excessive use of force. Subsequently, a migrant worker approached the prosecutor to claim that she was the victim of the physical attack and not the trans woman.

## Recommendation

- Adopting a civil personal status code that is applied to all citizens equally.
- Enact new decrees that regulate the legal change of gender in Lebanon and specify the procedures and the requirements.
- Building the capacity of both law enforcement officers and judges working in personal status courts on sexual orientation and gender identity.

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## Torture and the LGBTIQ+ community

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Lebanon has ratified the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, and has implemented the law of October 26 2017 that condemns torture. However, the LGBTIQ+ community remains suffering from ill-treatment during detention committed by security forces.

LGBTIQ+ individuals are often detained for long periods of time without having any legal justification for their detention. The conditions in which those individuals are kept are horrific and inhuman, in addition to the humiliation that they face from law enforcement personnel, other inmates. Lawyers are often not allowed to meet with detained LGBTQ+ individuals or attend their interrogations.

## Recommendation

- Enforce the anti-torture law of October 2017 that bans all types of ill-treatment by security forces.
- Sue every law enforcement officer who has committed an act of torture and hold them accountable based on the 2017 law.

- Provide rehabilitation and compensation to the victims of torture.
- Train the prosecutors and their staff on sexual orientation and gender identity matters to avoid any kind of excessive use of power.

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## **LGBTIQ+ individuals in detention centers and prisons**

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LGBTIQ+ individuals are systematically subjected to HIV and Drug testing on arrival to the Hobeish Police Station where the Morality Bureau is located, and are sometimes moved to Ramlet El Bayda Police Station due to the overpopulation in Hobeich. HIV- positive inmates are separated from the rest, and once transferred to the central prison in Roumieh, they are mainly kept in the blue building which hosts the mentally ill.

The antiretroviral treatment is provided by the National Aids Program for all HIV positive inmates. However, LGBTIQ+ HIV positive inmates are subjected to bullying from law enforcement personnel, which often paves the way for bullying, rape, sexual assault and other forms of abuse from their fellow inmates.

### **Recommendation**

- Train law enforcement personnel working in the different prisons on sexual orientation and gender identity by implementing the “Towards the Effective Protection of LGBTI Persons Deprived of Liberty” prepared by the APT.
- Train the Human Rights department at the ISF to be more LGBTIQ+ inclusive in their approach.
- Integrate the LGBTIQ+ individuals in a safe detention system that includes all inmates.
- Provide protection to LGBTIQ+ individuals in all detention centers and prisons.

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## **MOBILE PHONES - A NEW WAY TO INTIMIDATE LGBTIQ+ individuals**

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Article 224 of law 1990/17 states that law enforcement personnel should not interfere in citizens in their private life. Based on that law, the Court of Cassation of Beirut led by Judge Rabih Maalouf in 2019 ruled that it is forbidden to search detainee’s mobile phones without permission from the court.

However, queer dating applications, messages and pictures found on the phones of members of the LGBTIQ+ community are still used to intimidate the detainee in order to force them into confessing their sexual orientation or gender identity, and therefore be sentenced under article 534 Penal Code.

Even though gender identity does not contradict article 534 of the Lebanese penal code, transgender individuals are still being charged with this article. The Lebanese legal system is not based on precedents, which opens the way for judges to explain articles in a broader way: In the LGBTIQ+ case, this opens the door for unlawful interpretations.

### **Recommendation**

- **35. Ensure that the privacy of detainees is respected by ensuring the application of law 1990/17.**

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## **LGBTIQ+ THEMED RELATED CENSORSHIPS**

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“I Say Dust”, “Wasp”, “L'inconnu du lac” are among a long list of LGBTIQ+ Themed movies that were not granted screening permits by the Lebanese censorship bureau due to their LGBTIQ+ themes.

The bureau has referred to the existence of the article 534 as a reason to ban these movies. In order to avoid this obstacle, festival organizers are forced to screen such movies at the French Cultural Center located at the French embassy.

In 2018, LebMash launched a campaign that promotes tolerance toward the LGBTIQ+ community, under the slogan “homosexuality is not a disease”. However, the campaign billboards were taken down by the General Security after they were displayed on the roads.

In 2019, a planned music concert by Mashrou' Leila (an LGBTIQ+ friendly band) in Byblos, Lebanon was cancelled due to major opposition from Christian religious figures and many threats directed at the organizers. This unofficial censorship of artistic expression by religious groups and figures caused wide controversy in the country.

### **Recommendation**

- **Abolish the Censorship Bureau, and stop all censorship by religious institutions (specifically the Catholic Media Center).**
- **Support cultural activities that have LGBTIQ+ themes as it fights discrimination and stigma related to this community.**

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## **LGBTIQ+ EVENTS CANCELLED**

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Proud Lebanon's events and activities were frequently targeted by religious figures (both Christian and Muslim). In 2017 the Muslim Scholars in Lebanon led a campaign against the anti-homophobia events organized by Proud Lebanon, prompting security forces to exert pressure on the venue where the event was taking place. They pressured the venue into canceling the reservation claiming that they “cannot guarantee [participants] security”. They also warned other venues across Beirut against hosting Proud Lebanon's event.

This issue left Proud Lebanon unable to move its event somewhere else with the risk of being targeted by fanatic groups without any protection by security forces. This issue was faced a couple of days later by other organizations.

In 2018, The Beirut Pride organizer got detained and was forced to sign a pledge to stop all LGBTIQ+ related events.

In 2019, Beirut Pride events got canceled after religious authorities raised objection and considered the event to be a “debauched and immoral” event.

### **Recommendation**

- **Respect the constitution and ensure that all citizens have the right to organize their cultural events.**
- **Condemn all types of hate speeches especially against the LGBTIQ+ community.**
- **Ensure that all civic rights are respected.**
- **Ensure that protection is ensured to all citizens.**
- **Organize national campaigns that promote diversity and tolerance.**



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## THE RIGHT TO FREEDOM OF PEACEFUL ASSOCIATION

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The Associations Law promulgated in 1909 guarantees the right to establish a non-profit association without a prior license. It requires submitting documents to obtain “notice of recognition” (ilm wa khabar) from the Ministry of Interior and Municipalities after its establishment.

However, the Ministry of Interior often violates the law by rejecting or delaying the receipt of the notice, especially if the founders of the association have stated that it will act on the rights of the LGBTQ community.

In addition, the General Directorate of General Security in some cases investigates and recommends that the request of some associations not be accepted, which is also a violation of the law.

Not having an approved notice of recognition prevents associations from establishing a bank account and thus collecting funds and undertaking projects. Therefore, people who want to create LGBTIQ-focused NGOs are forced to hide the term and register their organizations under other topics, such as dealing with vulnerable groups without mentioning activities that may relate to the LGBTQ community.

### Recommendation

- **Commit to implementing the Associations Law (1909) by accepting «knowledge and news» documents for new associations.**
- **End the violation of the law and circulars issued whereby the Ministry has the right to request the General Security Agency to investigate the association and its founders after receiving the file of knowledge and news, and not as a condition for reception.**

- **Provide support to the LGBTIQ+ organizations that includes funds and capacity building.**

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## THE RIGHT TO WORK

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The right to work is a right guaranteed by the Lebanese Constitution and guarded by the ICCPR which Lebanon has ratified. However, members of the LGBTIQ+ community are often disqualified from employment opportunities due to their sexual orientation or gender identity. Many have also lost their jobs for the same reason, without receiving severance compensation.

The LGBTQ rights organization Helem documented the experience of a victim of this discrimination, who said: “when I was arrested, a police officer called my workplace to inform them about my arrest. When I was released, I was expelled from work for no valid reason.”

HIV positive individuals have also often lost their jobs and their reputations were damaged by their former employers due to their illness.

### Recommendation

- **61. Modify the Lebanese labor law and include the rights of the members of the LGBTIQ+ community by considering firing an employee for sexual orientation as a case of unfair and arbitrary dismissal.**
- **62. Provide employers training on the rights of the members of the LGBTIQ+ community.**

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## **THE RIGHT TO HEALTH**

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PrEP and PEP are methods for preventing HIV infections that involve taking HIV medicines. PrEP is not available in Lebanon through any program; it can be found in pharmacies but is very expensive. For the past couple of months, the National Aids Program was providing PrEP in a pilot project, many MSMs were benefitting from this project. Potentially, PrEP will continue to be provided by the National Aids Control Program for MSM individuals.

PEP is only available through the National AIDS Control Program for heterosexual married couples where one of the partners is living with HIV, in which case it is provided free of charge. Not only that but it is also available for victims of rape, LGBTIQ+ couples and heterosexual couples.

The latest numbers in the 5 past years are showing that HIV is increasing within the LGBTIQ+ community which means that is being transformed into an epidemic, which explains the needs of PrEP and PEP in Lebanon. Based on the epidemiological report of the National AIDS program, 204 new cases of HIV were reported in 2019, out of which 191 are for homosexual individuals (94.1%).

66. Rapid, confidential and free testing for HIV is provided free of charge in Lebanon by the NAP through a number of organizations like Proud Lebanon

The LGBTIQ+ community has to live through the pressure of the society, where they are marginalized and judged. Members of the community suffer from anxiety and stress that can lead to depression and sometimes suicide! Omar, a 28 year-old member of the LGBTIQ+ community was offered to have sex with a woman by his father, but kindly declined. He said: "I had suicidal thoughts - and when I said that to my dad, he expressed a sort of relief if I would commit suicide to relieve the shame on the family."

Even though the Lebanese labor law gives all employees the right to social security (CNSS), the services provided by this program do not cover the basic needs of the LGBTIQ+ community such as free therapy sessions with licensed professionals. It is to note that transsexuals have to pay for their gender surgery since it is not covered by the ministry of health.

### **Recommendations**

- **Provide PEP to members of the LGBTIQ+ community for free.**
- **Provide PrEP for free to the communities at risk.**
- **Provide healthcare assistance to all members of the LGBTIQ+ community, for free by including the specific needed services in the CNSS (such as free therapy sessions).**
- **Make transitioning surgeries free to all transsexuals in Lebanon by allocating a special budget in the ministry of health and adding the transition as a free service in the CNSS.**



## Annex: COVID19 and the LGBTIQ+ community

The COVID19- crisis has had an impact on LGBTIQ+ individuals. LGBTIQ+ people need safe and dignified health care, protection from safety and security risks resulting from movement restrictions, and assistance to overcome loss of livelihoods. These challenges faced by LGBTIQ+ people during the COVID19- crisis are exacerbated by entrenched legal, social and economic inequalities.

In addition to needs in the relief phase, discrimination experienced by LGBTIQ+ people in families, communities, workplaces, and other contexts will pose additional challenges for re-establishing livelihoods and managing stress during recovery phases. LGBTIQ+ CSOs and allied organizations have reported that:

- **LGBTIQ+ individuals, especially transgender and gender diverse people who rely on street-based work, have lost livelihoods. The loss of income and the restrictions on movement have affected access to food, accommodation and other basic necessities.**
- **Living constraints have forced some LGBTIQ+ people into potentially unsafe living arrangements with family members who do not accept diversity of gender and/or sexuality. Enactment of General mobilization laws has led to fears of abuse and violence against the LGBTIQ+ community.**
- **LGBTIQ+ individuals often have significantly lower health outcomes than the general population, due to access issues related to stigma and discrimination, lack of legal identification documents, bias from healthcare providers, and limited financial resources. Consequently, they are more likely to have underlying health conditions, including HIV and other chronic illnesses. The multiple and intersecting vulnerabilities experienced by LGBTIQ+ people place**

them at higher risk of developing mental health issues, for which there is often little to no access to specialized psychosocial services. LGBTIQ+ people are also more likely to live in informal housing and areas without safe and reliable access to Water, Sanitation and Hygiene facilities, and so are less equipped to engage in preventative health measures.

### Recommendation

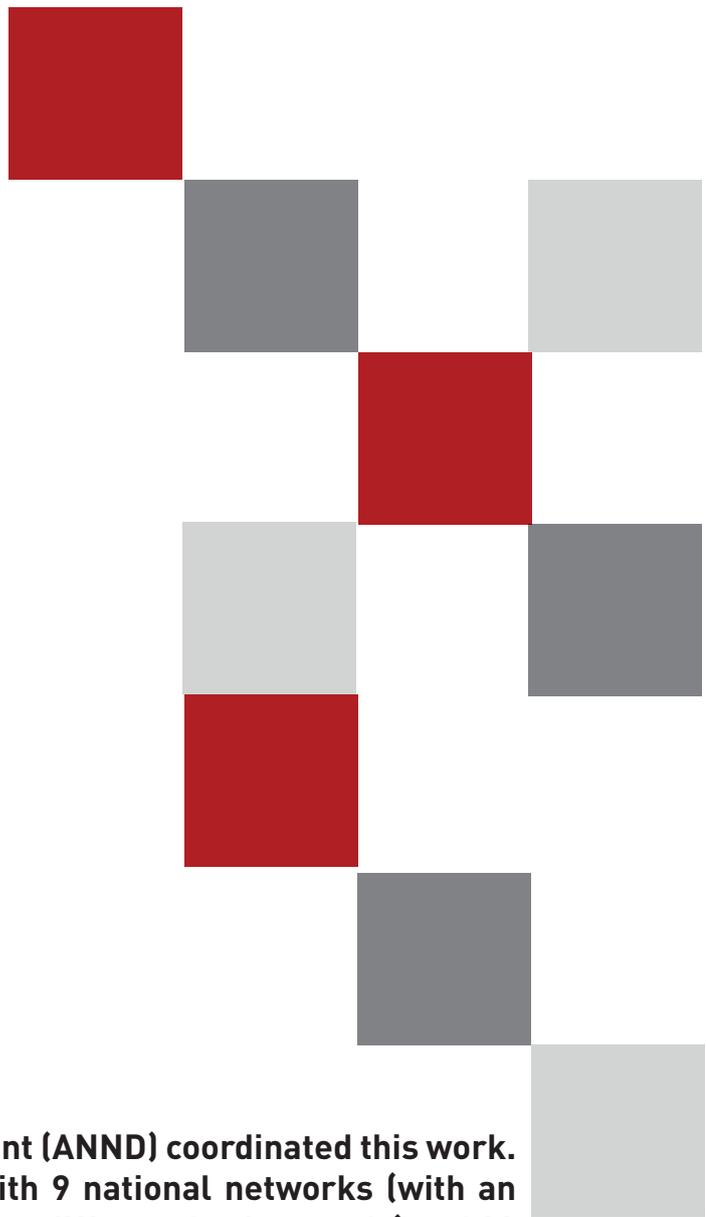
- **Support community-based response to meet immediate community needs by providing quick-response low-complexity funding.**
- **Support regional coordination between LGBTIQ+ organizations, governments and traditional humanitarian actors.**
- **Ensure that the design of COVID19-specific emergency response programs addresses the rights, needs and strengths of the LGBTIQ+ community, in areas including food, shelter, psychosocial support, and early**

## References

1. <https://www.legal-agenda.com/article.php?id=1738>
2. <https://www.legal-agenda.com/article.php?id=1538&folder=articles&lang=ar>
3. <https://www.legal-agenda.com/article.php?id=3328>
4. <https://www.legal-agenda.com/article.php?id=3667>
5. <https://www.hrw.org/ar/news/334512/09/10/2019>
6. <https://www.legal-agenda.com/article.php?id=1582>
7. <https://www.metroweekly.com/07/2018/appeals-court-lebanon-rules-consensual-same-sex-relations-not-unlawful/>
8. «Lebanon court 'acquits military personnel' in sodomy case». Al Jazeera. 30 Mar 2019.
9. <https://www.legal-agenda.com/article.php?id=3630>
10. <https://raseef22.net/article/1074995>
11. <https://www.aljazeera.com/indepth/features/02/2016/transgender-ruling-lebanon-empowering-moment160206125311413-.html>
12. <https://weneldawle4.wordpress.com/776544441/06/11/2019/>
13. <https://www.legal-agenda.com/article.php?id=1586>
14. <https://www.hrw.org/news/13/11/2017/lebanon-new-torture-law-positive-incomplete>
15. <https://www.legal-agenda.com/article.php?id=1586>
16. <https://www.legal-agenda.com/article.php?id=1653>
17. <http://nna-leb.gov.lb/ar/show-news/226887/>
18. <https://www.al-monitor.com/pulse/afp/05/2017/lebanon-lgbt-rights-social.html>
19. <https://arabic.euronews.com/25/07/2019/mashrou-laila-lebanese-band-facing-lawsuit-accusing-it-of-religious-contempt>
20. <https://arabic.euronews.com/23/07/2019/asia-lebanon-news-controversy-mashrou-leila-christianism-radical-wings-ban-festival-freed>
21. <https://www.bbc.com/news/world-middle-east49838193->
22. <https://www.reuters.com/article/us-lebanon-lgbt-rights/beirut-pride-organizers-cancel-opening-event-after-threats-idUSKBN1WC01B>
23. <https://lkdg.org/node/18876>
24. <https://www.hrw.org/news/04/10/2018/lebanon-security-forces-try-close-lgbt-conference>
25. <https://www.hrw.org/ar/news/334512/09/10/2019>
26. [https://tbinternet.ohchr.org/Treaties/CCPR/Shared20%Documents/LBN/INT\\_CCPR\\_ICO\\_LBN\\_27152\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared20%Documents/LBN/INT_CCPR_ICO_LBN_27152_E.pdf)
27. <https://www.legal-agenda.com/article.php?id=1581>
28. Proud Lebanon report page 7 and 8
29. <https://www.reuters.com/article/us-lebanon-lgbt-health/i-had-suicidal-thoughts-gay-lebanese-speak-out-against-conversion-therapy-idUSKCN1ND32V>







**The Arab NGO Network for Development (ANND) coordinated this work. ANND works in 12 Arab countries, with 9 national networks (with an extended membership of 250 CSOs from different backgrounds) and 23 NGO members.**

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