

# Annual Report 2016



 alef  
act for human rights

## The Situation of Human Rights in Lebanon





# Acknowledgement

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# Acronyms

CAT	Committee Against Torture
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DGGS	Directorate General of General Security
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
ISF	Internal Security Forces
LADE	Lebanese Association for Democratic Elections
LGBTQ	Lesbian, Gay, Bisexual, Transsexual, Queer
MDW	Migrant Domestic Workers
MEHE	Ministry of Education and Higher Education
Mol	Ministry of Interior
MoJ	Ministry of Justice
MoL	Ministry of Labour
MoSA	Ministry of Social Affairs
MP	Member of Parliament
NGO	Non- Governmental Organization
NHRI	National Human Rights Institution
NSSF/L	National Social Security Fund/ Law
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
PRL	Palestinian Refugees in Lebanon
PRS	Palestinian Refugees from Syria
PWD	Persons with Disabilities
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAT	United Nations Convention against Torture
UNCRPD	United Nation's Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

# Executive Summary

As in previous years, the Lebanese government has taken some positive steps towards promoting human rights in 2016, but has missed several opportunities to uphold the country's international obligations, and failed to address major protection concerns of the general population. The Lebanese criminal justice system continues to overlook many of the international standards set by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). This resulted in continued practices of arbitrary detention in 2016, which is typically attributed to largely unfounded 'security concerns'<sup>1</sup>. Prison conditions are also deteriorating, with the prison population remaining at nearly twice prisons' listed capacities in 2016. The broad jurisdiction of the military court remains a major obstacle to the pursuit of justice in Lebanon. This court is not completely independent or impartial, which has led to the arbitrary detention and lack of respect for the fair trial rights of civilians.<sup>2</sup> The decentralization of justice is exacerbated by religious personal status courts which, with the absence of a civil code regulating personal status matters, leave gaps and create additional challenges to addressing personal status issues. This also perpetuates inequality towards those whose religion is not officially recognized.

Lebanon had witnessed the end of a two and a half year presidential vacuum with the election of President Michel Aoun in October 2016. This begins the process towards normalizing the Executive body amid an overdue election of the state's Legislative body (since 2013), a delay which challenged the legitimacy of the Lebanese State. The municipal elections also took place in May 2016, marking the first time in 7 years where citizens actively exercised their civil rights.

Lebanese authorities have continued to adhere to approaches which disregard refugee protection, and push for a quick return to Syria irrespective of the safety and security conditions in the refugees' places of origin, consistently stating that refugees are a "threat to national security". Even if the refugee crisis poses significant security and economic challenges to Lebanon, the enforcement of *ad-hoc* security-centred measures which encourage impunity and overlook the protection needs of refugees will only add to the security threat as it widens the gap between the refugees and host communities.

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1 ALEF- Act for Human Rights, "The Right to Fair Trial in Lebanon: A Position Paper on Guarantees during Arrest and Investigation", October 2016

2 ALEF- Act for Human Rights, "The Right to Fair Trial in Lebanon: A Position Paper on Exceptional Courts", October 2016; Human Rights Watch, "It's not the right place for us", January 26, 2017

Only 56% of Lebanon's total appeal for funding requirements as part of the Regional Refugee and Resilience Plan was met in 2016, meaning that the 45% gap (approximately \$850.46 million) of refugee-related costs was left to be tackled primarily by the Lebanese government as indirect social and infrastructure costs.<sup>3</sup> Financial support for Lebanon has proved to be critical in preventing the deterioration of the current situation. Through the Ministry of Education and Higher Education's Reaching All Children with Education (RACE) strategy, for example, the refugee out-of-school rate dropped from an estimated 78% in 2014 to a 49% at the start of 2016<sup>4</sup>.

Municipal authorities under the guise of safety and security repeatedly antagonized refugees, leading to some local governments enforcing restrictive measures on their freedom of movement. The restrictions to international aid for national and localized efforts, coupled with the absence of sustainable solutions and solidarity among nations in terms of demographic burden-sharing, has increased in the trend of violations against refugees in violation of human rights and refugee rights principles.

Migrant workers in Lebanon face widespread violations and poor protection identified by the flawed and inappropriate sponsorship system that transforms the status of migrant workers to victims of trafficking. In addition to this, the immigration and security challenges in the region not only threaten the safety of the population, but also raise concerns about the capacity of the state to adequately protect and uphold good human rights practices in this situation.

At least 109 death penalties were issued by the Judicial Council in 2016<sup>5</sup>, a significant increase from 2015's 32<sup>6</sup>. Anecdotal information indicated that the death penalty enjoys widespread support among the Lebanese public, and its abolishment has only recently gained minimal governmental backing. After a 15 year delay, the Lebanese government submitted its report to the Committee Against Torture in March 2016. The report did not contain any significant mentions of developments and state efforts to effectively prohibit the use of torture in Lebanon. One possible advancement towards increased commitment to international treaties, including the United Nations Convention Against Torture, was the October 2016 passing of legislation ordering the creation of the National Preventive Mechanism (NPM) as part of the National Human Rights Institute (NHRI). This independent human rights body will receive and process complaints and allow legislators to prevent the occurrence of torture violations.

Challenges to child protection proved to be challenging to address; the age of consent for example is set by religious tribunals, allowing for juveniles who are victims of sexual abuse to claim responsibility for their actions, stripping them from their right to access protection and legal remedy. The implementation of policies in place to combat child abuse and sexual assault do not have the reach that they would need to be thoroughly protective<sup>7</sup>.

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3 UNHCR, "2016 Regional Refugee & Resilience Plan - Funding Snapshot as of end of 2016" December 31, 2016

4 The Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2017- 2020 ", January 2017

5 Hands off Cain, "Lebanon", <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=lebanon> (accessed January 29, 2017).

6 Amnesty International "Amnesty International Report 2015/16 – The State of the World's Human Rights", March 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/lebanon/report-lebanon/> (accessed January 29, 2017)

7 International Rescue Committee, "New Survey Reveals Extent of hardship and abuse experienced by Syrian Children Working on the Streets of Lebanon", December 16, 2016, <https://www.rescue.org/press-release/new-survey-reveals-extent-hardship-and-abuse-experienced-syrian-children-working> (accessed January 29, 2017)

Access to health comprises issues that go beyond the lack of healthcare for impoverished. The continued fragmentation of healthcare delivery has led to a wealth-based polarization of access in the private health sector, exacerbated by dependency on underfunded and often inefficient health actors in the public health sector. Both of these are characterized by gaps in weak accountability, and corruption. The increased population growth resulting from the protracted Syrian and Palestinian refugee crises have also revealed structural gaps within the local healthcare system, whose reform strongly relies on political decision making. The environment has been a highly discussed topic when considering waste disposal strategies. An Air Quality Index study showed that carcinogens increased by 2,300% after trash burning days<sup>8</sup>. This sparked policy discussions in 2016 regarding temporary solutions to the larger issue of overcapacity, which is caused by citizens and refugees alike.

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<sup>8</sup> Safa Jafari Safa, American University of Beirut, "AUB releases its latest findings on toxic emissions of waste burning and launches a solution manual", January 28, 2016, <https://www.aub.edu.lb/news/2016/Pages/toxic-waste-manual.aspx> (accessed February 07, 2017).



# Arbitrary Detention and Guarantees of Fair Trial

The right to liberty and security is protected by a wide array of international agreements and conventions that apply to citizens as well as the state. The Universal Declaration of Human Rights (UDHR) [articles 3, 8, 9, and 10] and the International Covenant on Civil and Political Rights (ICCPR) [articles 2(3), 4, 5, 9, 10(1), and 14 (1)] offer the most widely referred to guarantees of the aforementioned rights. The state of Lebanon has also ratified and subsequently reflected these in its laws.<sup>9</sup> However, in practice, Lebanese criminal justice practices have not always functioned according to the same spirit of the international law.<sup>10</sup>

Cases of arbitrary detention have been reportedly on the increase in 2016. In many cases, the deprivation of liberty was justified by the “challenging security situation”; however this pretext has been overused and has become obsolete, especially since these cases were not based on a legal decision and were a violation of the rights and freedoms that are protected under the UDHR and ICCPR.

One of the principal guarantees in fair trial which protects individuals against arbitrary detention is the right to have one’s case reviewed by a competent tribunal within a reasonable delay. The accused should be adjudicated soon following their arrest in a public hearing by a “competent, independent, and impartial tribunal established by law<sup>11</sup>”. For the tribunal to be truly competent in making a fair decision, the judges, within the limits of the law, must be independent and impartial.<sup>12</sup>

A recent example is the case of Nabil el-Halabi, lawyer and head of the Lebanese Institute for Democracy and Human Rights (LIFE). El-Halabi’s house was raided in April 2016, followed by his detention over the period of three days after he had expressed criticism on Facebook implying that Ministry of Interior (MoI) officials could be involved in cases of human trafficking and profiting from prostitution rings.<sup>13</sup> El-Halabi claimed that more charges, which could have prolonged his detention indefinitely, were to be raised against him during his detention unless he signed a document that the Minister of Interior’s personnel presented to him. The document, dubbed

9 Lebanese Constitution, Article 8.

10 ALEF- Act for Human Rights, “The Right to Fair Trial in Lebanon: A Position Paper on Guarantees during Arrest and Investigation”, October 2016

11 ICCPR, Article 14(1)

12 ICCPR, Article 14(1); Lebanese Constitution, Article 20.

13 The Legal Agenda, “Disciplining Nabil el-Halabi: Penal Punishment as a Path to Power”, August 22, 2016. <http://legal-agenda.com/en/article.php?id=3161> (accessed February 07, 2017)

“A Confession, Pledge, and Clarification”, stated that el-Halabi pledges to not publish any ‘personal fabrications’ about the Minister of Interior and his advisers, to not attack them again, and that his previous statements were erroneous. The fact that the investigative judge allowed el-Halabi’s release to be conditional the signing of this document demonstrates the vulnerability of the judiciary to political interference.<sup>14</sup>

Another case which undermines the independence of the judiciary is that of Sheikh Bassam al-Tarras, who was soon released after his arrest as a result of political and religious pressure from several authorities.<sup>15</sup> Al-Tarras was suspected of plotting a roadside bombing in the Bekaa city of Zahle. Following his release, he was summoned again by police for questioning over ‘security issues’, and held in detention for over a month until his release on bail.<sup>16</sup> This prolonged pre-trial detention violates the right to appear before a court without delay. The main culprit to this arbitrary detention is article 108 of the CCP, which lists the crimes and cases that warrant indefinite pre-trial detention. It states that one may be detained indefinitely under terrorism charges since the investigative judge can order a 6-month extension to the pre-trial detention period, which can be renewed for another 6 months<sup>17</sup>. This presents even further challenges to the right to fair trial, and allows more room for impunity.

In 2013, Malek (pseudonym) was arrested and accused of militant involvement in the war in Syria. Malek was sentenced to two years in prison after a year in pre-trial detention, before his release in 2016.<sup>18</sup> Just in the case of Al-Tarras, this is largely attributed to the permissibility of prolonged detention under article 108.

Several other experiences relating to the right to fair trial have shown that violations continue to occur.<sup>19</sup> Depriving detainees of their right to legal counsel, primarily, allows for them to be at risk of other abuses, as the presence of a lawyer during the preliminary investigation can be an effective way of monitoring and reducing violations to the right to fair trial. According to reports by the president of the Beirut Bar Association’s Legal Aid Committee, only 30 out of the 1400 cases which they addressed in 2016 were referred by investigative judges. This raises concerns about the role of judges in informing detainees of their right to legal counsel, especially at this stage of the trial process.<sup>20</sup>

A detainee has the right not to incriminate themselves or confess under coercion as stated under international law.<sup>21</sup> This right was adopted by the state of Lebanon through the code of criminal procedures. However, this is rarely applied in Lebanon where police fail to inform defendants of their right to remain silent.<sup>22</sup> Several detainees in Lebanon have expressed that they have been exposed to torture during their interrogations, with judges rarely challenging the inadmissibility

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14 Ibid.

15 The Daily Star, “Islamists protest sheikh detention outside Beirut court”, October 09, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Oct-09/375740-angry-muslim-scholars-denounce-sheikh-tarras-detention.ashx> (accessed February 07, 2017)

16 Ibid.

17 Lebanese Code of Criminal Procedure, Article 108

18 Lebanon Support, Civil Society Knowledge Centre, Camille Lons, “Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon”, March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (January 27, 2017)

19 LCPS and ALEF, “Right to a Fair Trial Focus Group Report”, 2015.

20 CLDH, “Legal Aid to Vulnerable Individuals in Lebanon”, January 2017

21 ICCPR, Article 14(3-g).

22 American Bar Association, “Detention Procedure Assessment Tool for Lebanon”, April 2012, p. 20.

of confessions extracted under coercion, resulting in unfair trials. Such was the case with Malaz Asaad. The terrorism charges brought against him were based solely on confessions extracted under torture during his detention at the Rihaniye military barracks in 2014. Although he had retracted these confessions during his trial in January 2016, the judge overseeing his case still failed to take the necessary measures to investigate his torture claims.<sup>23</sup>

Similarly, Walid Diab, who was a juvenile at the time of his arrest at a military checkpoint, claimed that he was forced to confess being a “member of a terrorist group”. Despite having raised his allegations of torture before the Military Court judge during his trial, he was still prosecuted based on the confessions he made under torture, and the admissibility of this evidence was never challenged.<sup>24</sup> Diab was released on bail on October 2016.<sup>25</sup>

The rights of prisoners in international law are mainly protected and defined under the parameters of the ICCPR and the UN’s Minimum Rules for the Treatment of Prisoners. Article 10(1) stipulates, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” Although Lebanese legislation and criminal justice practice comply with international standards in some areas, they are not in compliance with statutory, and most importantly, applied best practices.

According to figures shared by the Ministry of Justice (MoJ), prisoners in Lebanon are held in 23 different prisons situated across the country; while problems pertaining to prison conditions and management have constantly been raised by both local and international organizations and bodies,<sup>26</sup> No comprehensive responsive strategy to address these issues has been developed so far.<sup>27</sup> For example, prisons remain significantly overcrowded with the primary reason being the lengthy pre-trial procedures in addition to the prisons’ limited capacities. In July 2016, the prison population reached 6,200 individuals in the 23 places of detention designed to hold a total of 3,500 inmates. 55.63% of these prisoners are in pre-trial detention,<sup>28</sup> a slight improvement compared to 57.09% in early 2016.<sup>29</sup>

These figures, however, exclude detention centres such as the DGGS prisons, which hold foreign detainees, and police stations. The latter in particular raises grave concerns, as the conditions of detention are conducive to procedural abuses. As police stations are usually the first place

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23 Alkarama, “Lebanon: Syrian National Tortured by Military Intelligence in Order to Extract Confessions,” February 25, 2016, <http://en.alkarama.org/lebanon/press-releases/2056-lebanon-syrian-national-tortured-by-military-intelligence-in-order-to-extract-confessions> (accessed on 07-02-2017)

24 Alkarama, “Lebanon: Release on Bail of a Minor Tortured by the Military Intelligence”, October 27, 2016, <https://www.alkarama.org/en/articles/lebanon-release-bail-minor-tortured-military-intelligence>, (accessed on 07-02-2017)

25 Alkarama, “Lebanon: Release on Bail of a Minor Tortured by the Military Intelligence”, October 27, 2016, <https://www.alkarama.org/en/articles/lebanon-release-bail-minor-tortured-military-intelligence>, (accessed on 07-02-2017)

26 Human Rights Watch, “It’s not the right place for us”, January 26, 2017.; U.S. Department of State, “Report on International Prison Conditions”, <https://www.state.gov/documents/organization/210160.pdf>.; U.S. Department of State, “Lebanon 2015 Human Rights Report”, <https://www.state.gov/documents/organization/253147.pdf>.; Human Rights Watch, “World Report 2017”, January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>; UN General Assembly, “Report of the Committee against Torture” Fifty-first session (28 October–22 November 2013) Fifty-second session (28 April–23 May 2014), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/125/96/PDF/G1412596.pdf?OpenElement> (accessed on 07-02-2017)

27 ALEF- Act for Human Rights, “Situational Update on the Occurrences and Trend of Torture in Lebanon (2008-2010): Torture Prevention and Monitoring in Lebanon”, \ October 2010.

28 “Numerical Count of Inmates Present in Lebanese Prisons”, February 15, 2016.

29 “Numerical Count of Inmates Present in Lebanese Prisons”, July 26, 2016.

of detention after arrest, they are designed to hold detainees for a short period of time often not expected to go beyond 96 hours. In light of this, the space provided in the holding cells is limited, and there are no systems in place to provide detainees with food or basic sanitation needs. The detainees' families therefore have to provide food and other needs such as clothing and mattresses for the length of the detention period, and even then, a set location or duration for visits is unspecified. What renders these challenges even more problematic is the fact that, as mentioned previously, the 48 hour limit for detention is widely unobserved. This leads to overcrowding in police station holding cells, imposing further strains on jail capacity, health, and safety guidelines, and fair trial rights. Additionally police stations are strained and often have weak infrastructure. Some detention cells in police stations don't have light, or aeration. Police officers end up installing makeshift aeration systems from the available material.



# Exceptional Courts

In Lebanon there are three main exceptional courts: The High Court of Justice, the Judicial Council and the Military Tribunal. In addition to these are the 15 religious courts, otherwise known as personal status courts. The High Court of Justice is the highest in the nation and is able to look into cases against the President of the Republic, Prime Minister, Speaker of the Parliament, Members of Parliament, and Ministers of the country. Until today, the Court has never exercised its duties, while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.<sup>30</sup>

The Judicial Council has jurisdiction only over cases referred to it by the Council of Ministers on matters of external and internal state security. Hence, it has been criticised for being vulnerable to external pressure by the Executive branch and political figures. The lack of an appeal system<sup>31</sup> is a blatant breach of international standards for criminal justice.<sup>32</sup> The Judicial Council, due to the nature of its mandate, often utilizes article 108 of the CCP to justify holding suspects in pre-trial detention indefinitely.<sup>33</sup> Such is the case with the lengthy pre-trial detention of Hannibal Gaddafi, son of the Libyan leader Muammar Gaddafi. He has been detained since December 2015 under charges of allegedly withholding information in relation to disappearance of Imam Musa Sadr in Libya in 1978. These allegations continue to go unfounded as judges never presented evidence to back these claims and justify his arrest. His trial was also unjustifiably postponed several times, thus prolonging his detention. This has led to concerns about his possible extradition to Libya where he may be subjected to ill-treatment and torture.<sup>34</sup>

The Permanent Military Court, also commonly referred to as the Military Tribunal, is under the jurisdiction of the Ministry of Defence and has jurisdiction to adjudicate a member of the military such as the Army, Internal Security Forces (ISF), Directorate General of General Security (DGGS) and Ministry of Defence officials if they were on duty while the crime took place. It also deals

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30 ALEF- Act for Human Rights, "The Situation of Human Rights in Lebanon: Annual Report 2015", March 03, 2016

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

32 ALEF- Act for Human Rights, "The Situation of Human Rights in Lebanon: Annual Report 2015", March 03, 2016

33 Lebanon Support, Civil Society Knowledge Centre, Camille Lons, "Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon", March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (accessed on 27-01-2017)

34 Human Rights Watch, "World Report 2017", January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>

with cases related to crimes of spying, treason, and “illegal contact” with the “enemy” (Israel) as well as any litigation for common crimes which involve at least one party belonging to military personnel.<sup>35</sup> The Military Tribunal is headed by a military officer assisted by four other judges, three of which are military officers. The latter are appointed by the Ministry of Defence based on the recommendations of the heads of the main security institutions like the ISF, DGG, the Customs Bureau and the LAF. The appointment of the military judges does not require legal studies or a law degree.

The Military Tribunal raises several concerns with regard to the right to a fair trial. This includes the right to be adjudicated before a competent, independent and impartial court established by the law and the right to a public hearing, which cannot be guaranteed by the Military Tribunal, especially for civilians. For example, the procedure to appoint the judges clearly undermines its independence, which in turn creates an atmosphere of impunity.

The way that a trial is conducted is also questionable in regards to the fair trial standards. The Military Justice Code allows officers to be the defence provided to an accused person. This clearly shows a lack of independence for that officer from the military; in addition to the inexperience in legal matters especially since it is not binding for him to be licensed in law. The lawyer can also be banned for up to 3 months from the court in case of “serious misconduct” before the trial which greatly affects their ability to provide an adequate defence. This is also coupled with the entitlement of the court’s president to absolute discretion which does not give the lawyers the right to defend themselves. Another issue is the absence of explanations for the ruling taken by the military judiciary which violates the main safeguards of a judge’s independence. It would force them to explain their legal opinion and provide the accused with a proper justification for the ruling.<sup>36</sup>

The Military Tribunal examined several cases, which involved civilians. 14 civilians were arrested during the protests that took place in August 22nd 2015, and are now facing trial at the Military Tribunal on charges of rioting, the use of force against security personnel during the exercise of their duties, and the destruction of property. The case is handled by the military court because the charges involve altercations between civilians and security forces. If found guilty, they would face up to three years in prison.<sup>37</sup>

Military officers often do not inform detained suspects upon arrest that they have the right to contact a person of their choosing and to meet with a lawyer as is stated in Article 47 of the Code of Criminal Procedure.<sup>38</sup> According to a Human Rights Watch report, ten individuals claimed that they were not able to contact a lawyer before or during interrogations.<sup>39</sup> 16-year old Khaled for example, who was suspected of being a member of a terrorist organization and conducting terrorist activities, was brought before an investigative judge alongside a juvenile representative of the military court without a lawyer.<sup>40</sup>

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35 ALEF- Act for Human Rights, “Military Tribunal: A Breach in the Integrity of the Judicial System”, 2010

36 Myriam Mehanna, Legal Agenda, “Marshalling Justice in Lebanon: How Military Courts Violate the Conditions of a Fair Trial”, June 26, 2015, <http://english.legal-agenda.com/article.php?id=713&lang=en> (accessed November 5, 2015)

37 Human Rights Watch, “It’s not the right place for us” p.14 , January 26, 2017

38 Lebanese Code of Criminal Procedure, 2001, Article 47.

39 Human Rights Watch, “It’s not the right place for us” p.29 , January 26, 2017

40 Op. Cit. p.14

Another problem within the Military Court judicial system is that the Court uses overbroad jurisdiction to intimidate and retaliate against civilians. Loyal al-Kayaje who claimed to be raped by members of the Military Intelligence in 2013, was arrested again in 2015 and put under pressure to withdraw her allegation.<sup>41</sup> Because she refused to do so, al-Kayaje was found guilty on August 22, 2016 for "offending the military institution".<sup>42</sup>

The Lebanese Military Court also examines cases involving juveniles. In 2016, around 355 children<sup>43</sup> were adjudicated before the Military Court in Lebanon.<sup>44</sup> Children should however never be adjudicated before military courts as they are under aged and their rights as juveniles are not protected within the court's jurisdiction. Although the Ministry of Social Affairs (MoSA) has a project that supports children in detention, this project is not extended to children that are detained by the military.<sup>45</sup> Children adjudicated by the Military Court therefore fall victim to abuse and psychological trauma.

In August 2012, former Minister of Information, Michel Samaha was arrested following authorities' discovery of his plans to carry out bomb attacks across the country.<sup>46</sup> Samaha was referred to the Military Tribunal following incriminating evidence of his alleged involvement in the plot,<sup>47</sup> and was sentenced in May 2015 to four and a half years in prison.<sup>48</sup> After this decision was appealed at the Military Court of Cassation, the final verdict was issued in April 2016, sentencing Samaha to 13 years in jail.<sup>49</sup> This case shed light on the degree of political interference which occurs in the Military Court's cases, as political pressure was exerted in an attempt to influence the decision, whether in shortening or prolonging the sentence, especially with the significant difference between the first and second decision.<sup>50</sup> Former Minister of Justice Ashraf Rifi issued his support for the dissolution of the court in its current form, while political leaders Saad Hariri, Samir Geagea, and Walid Jumblatt also criticized the court's ruling.<sup>51</sup> In both the first and second court decisions.

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41 Op. Cit. p.15

42 Alkarama, "Lebanon: Loyal Al Kayaje Sentenced by the Military Court for Having Denounced Her Rape by Military Officers," August 23, 2016, <https://www.alkarama.org/en/articles/lebanon-loyal-al-kayaje-sentenced-military-court-having-denounced-her-rape-military> (accessed January 27, 2017).

43 As per Article 1 of the Convention on the Rights of the Child, "a person below the age of 18"

44 Human Rights Watch, "It's not the right place for us" p.26 , January 26, 2017

45 Op. Cit. p.27

46 Youssef Diab, The Daily Star, "Former Lebanese Minister Detained after Discovery of Bomb Plot," August 9, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Aug-09/183967-former-mp-and-cabinet-minister-michel-samaha-arrested.ashx#axzz28FAxsFu34> (accessed January 27, 2017).

47 Hussein Dakroub, "The Daily Star, Samaha to be Referred to Military Tribunal over 'Terror' Plot," August 11, 2012, <http://www.dailystar.com.lb/News/Politics/2012/Aug-11/184251-samaha-to-be-referred-to-military-tribunal-over-terror-plot.ashx#axzz23QNa07Q3> (accessed January 27, 2017).

48 The Daily Star, "Military prosecutor rejects samaha data defense data objection", December 01, 2015, [http://www.dailystar.com.lb/News/Lebanon-News/2015/Dec-01/325348-military-prosecutorrejects-samaha-defense-data-objection.ashx?utm\\_source=Magnet&utm\\_medium=Entity%20page&utm\\_campaign=Magnet%20tools](http://www.dailystar.com.lb/News/Lebanon-News/2015/Dec-01/325348-military-prosecutorrejects-samaha-defense-data-objection.ashx?utm_source=Magnet&utm_medium=Entity%20page&utm_campaign=Magnet%20tools) (accessed January 27, 2017).

49 The New Arab, "Lebanon's Michel Samaha Sentenced to 13 Years in Jail", April 08, 2016. <https://www.alaraby.co.uk/english/news/2016/4/8/lebanons-michel-samaha-sentenced-to-13-years-in-jail> (accessed January 27, 2017).

50 Al Jazeera, "Signs of Difference in Decisions Regarding Michel Samaha", Al Jazeera, April 08, 2016. <https://goo.gl/yHzEtm> (accessed January 27, 2017)

51 Naharnet Newsdesk, "Rifi Submits Draft Project on Finding Alternative to Military Court in Wake of Samaha Release" January 16, 2016. <http://www.naharnet.com/stories/en/199542> (accessed January 27, 2017)

Finally, access of journalists and CSOs to Military Court trials is restricted, which means that human rights organizations for example, or journalists, are not able to freely conduct first-hand trial monitoring.<sup>52</sup> This devalues the credibility of Court, limiting public scrutiny into its trial proceedings.

There are 15 separate personal status courts, each belonging to a recognized religious community, and each with its own set of laws, .This multiplicity of legal reference creates gaps and noticeable inequalities among people of different confessions, especially in terms of marriage, child custody, divorce, and inheritance. Some of the laws applied by these personal status courts fall short of international standards and lead to flagrant violations of rights, especially of women and children For instance, the legal age of marriage varies between the different courts. Sunni and Shiite courts recognize marriages of girls as young as 9 years old if approval is granted by the child's parents. In Armenian Orthodox courts however, the legal age of marriage is 14.<sup>53</sup> In cases of divorce in Sunni and Shiite religious communities, child custody is automatically transferred back to the father once the child reaches a certain age; this age varies between 2 and 12 years old depending on which religious community they belong to.<sup>54</sup>

In the absence of a civil code regulating personal status matters, citizens have to refer to the laws and courts of their own religious community, or to the law and court of a recognized religious group. Followers of unrecognized religious groups cannot marry, divorce, or inherit according to their own rules or to a unique civil code.<sup>55</sup>

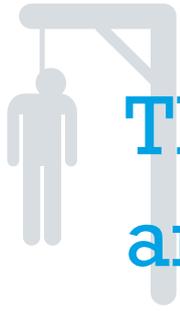
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52 Human Rights Watch, "It's not the right place for us", January 26, 2017.

53 Social Institutions and Gender Index, "Lebanon", <http://www.genderindex.org/country/lebanon>

54 Human Rights Watch, "Unequal and Unprotected", January 19, 2015. <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws> (accessed January 27, 2017)

55 Rania El Rajji, Minority Rights Group International, "The leaves of one tree: Religious minorities in Lebanon", December 2014



# The Right to Life, Liberty and Security

## Physical Safety

Sporadic incidents of suicide attacks and bombings were recorded in 2016, which threatened the right to life, liberty and personal security, witnessing the death of more than 9 people, and the injury of over 40 others. These attacks were concentrated mostly in the northern and central parts of the Bekaa.

In 2016, several incidents of retaliatory kidnappings and kidnappings for ransom also took place, although measures against such activities remain unclear and inconsistent in their enforcement. Throughout 2016, there were at least 9 incidents of documented kidnappings which involved 14 victims.<sup>56</sup> The majority of these incidents took place in the Bekaa valley, supposedly since the area is marked by a stagnant economy.<sup>57</sup> The failure of the state to address the causes for these forms of violence in spite of their consistent recurrence, and the proliferation of kidnappings for ransom, raises concerns about the approach of the Lebanese government in addressing these security issues.

The Qaa bombings that took place on the 27th of June 2016 have had the most impact this year as the village al-Qaa was hit by eight suicide attacks in one day. These attacks fuelled the already existing tensions between the al-Qaa residents and the many Syrian refugees that are present in the area. After the Qaa-bombings, several attacks against Syrians by state and non-state actors emerged, as the suicide bombers were believed to be from Syria, and suspected to be operating in refugee camps near the Syrian border. In July 2016 for example, photos showing how the municipal police in the town of Amchit humiliated and intimidated a group of Syrian

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56 The Daily Star, 'Kidnap kingpin killed in east Lebanon', March 23, 2016, <https://goo.gl/HKITEB> (accessed January 29,-2017); The Daily Star, 'Kidnap, murder and armed standoff punctuate weekend', November 07, 2016, <https://goo.gl/DVsBej> (accessed January 29,-2017); The Daily Star, 'Police foil kidnapping attempt in east Lebanon', April 11, 2016, <https://goo.gl/tGV7Uw> (accessed January 29,-2017); The Daily Star, 'ISF arrests nine for kidnapping child in Beirut', April 18, 2016, <https://goo.gl/CoLy4w> (accessed January 29,-2017); The Daily Star, 'Three kidnapped shepherds near Golan Heights released', April 19, 2016, <https://goo.gl/0oDSqz>. (accessed January 29,-2017); National News Agency, 'ISF arrests five persons for kidnapping Syrian from Akkar's Harar', May 05, 2016, <https://goo.gl/YUDhLo> (accessed January 29,-2017); The Daily Star, 'Abducted Jordanian escapes captors in Baalbek', June 21, 2016, <https://goo.gl/TVSVpF> (accessed January 29,-2017); The Daily Star, 'Mililitants kidnap Lebanese couple from border village', September 16, 2016, <https://goo.gl/c0F1d3> (accessed January 29,-2017); The Daily Star, 'Lebanese Army detains two over kidnapping', November 01, 2016, <https://goo.gl/RynGm6>. (accessed January 29,-2017);;

57 The Daily Star, "Kidnap, murder and armed standoff punctuate weekend", November 07, 2016. <https://goo.gl/DVsBej>

refugees appeared. Amid criticism against their treatment towards refugees, five officers were questioned for their conduct, however no punitive measures were taken and they were released immediately.<sup>58</sup>

In the town of Rmeish, Syrian refugees were not allowed to leave their homes following the Qaa incident. Other municipalities responded by ordering night raids on their homes and evicting Syrians or enforcing curfews limiting their movement after dark.<sup>59</sup> Also incidents of Syrian refugees being beaten by vigilante groups and being arrested for not holding legal residence permits have been reported.<sup>60</sup> The lack of a set and unified national policy addressing refugees has given municipalities complete authority to issue *ad-hoc* policies concerning their freedom of movement. ALEF has documented cases of over 19 municipalities in the Bekaa imposing night curfews as a result of the Qaa incidents, as well as taking additional security measures such as banning Syrians from gathering in public areas, and installing security checkpoints.

### Death Penalty

The United Nations Office of the High Commissioner for Human Rights (OHCHR) Resolution No.59/2005 calls upon the countries maintaining the death penalty to suspend executions and apply a moratorium. In addition, a General Assembly Resolution (A/RES/62/149) was adopted in favour of a Universal Moratorium on Executions; however Lebanon abstained twice from voting on it. Lebanon also has not signed the Second Optional Protocol of the ICCPR aiming for the abolition of the death penalty.

The death penalty is the most severe criminal punishment in the Lebanese Criminal Code, under Title II, Chapter I, namely under articles 37 and 43. Death penalty sentences are still pronounced by Lebanese courts, ordinary and exceptional. In September 2011, the Lebanese Parliament approved a bill to amend law No. 463/2002 on the implementation of death penalty sentences. This created a formal status for convicts sentenced to death without being executed and is a sign that the concept of punishment in the Lebanese criminal justice system has begun to improve.<sup>61</sup> This amendment would not serve to abolish the death penalty but has reinforced Lebanon's stance on the unofficial moratorium. In February 2012, MP Elie Keyrouz submitted a draft law to the Parliament to abolish the death penalty from the Lebanese Criminal Code; however this law has yet to be scheduled for discussion in parliament.<sup>62</sup> The judicial process leading to death penalty sentences is sometimes bound by the political influences of the executive power. The problems that arise from this situation are many; most important of which is that in the cases before exceptional courts, there is a failure to ensure the internationally recognized principles of fair, expeditious, and public trials.

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58 Human Rights Watch, "World Report 2017", January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>

59 Al-monitor, "In Lebanon, Syria refugees fear rising discrimination", July 18, 2016, <http://www.al-monitor.com/pulse/afp/2016/07/lebanon-syria-conflict-refugee-abuse.html> (accessed March 03, 2017).

60 The Arab weekly, "Mounting discrimination against Syrians in Lebanon", August 07, 2016, <http://www.theArabweekly.com/Special-Focus/6049/Mounting-discrimination-against-Syrians-in-Lebanon> (accessed March 03, 2017).

61 Sabin Saleme, Al-Akhbar, "A Quiet End to the Death Penalty in Lebanon," January 11, 2013, <http://english.al-akhbar.com/node/14632> (accessed March 03, 2017).

62 The death penalty remains a very sensitive and politicized topic in Lebanon. ALEF has continued monitoring and raising awareness with regards to the death penalty on numerous occasions through lobbying efforts and public statements.

Despite the ongoing “informal” Moratorium (since 2004) on the executions, the 109 (compared to 32 in 2015)<sup>63</sup> capital sentences issued by the Judicial Council in 2016, some in absentia, represents a major setback. It is worth noting however, that from the 109 sentenced to death, 106 men were found guilty of terror-related crimes related to the attacks against military targets in and around the town of Aarsal and the kidnapping of Lebanese soldiers and policemen back in 2014.<sup>64</sup>

As for 2015, this year witnessed some high-profile support in favour of the abolition of the death penalty. Ashraf Rifi, former Minister of Justice, acknowledged on the 22nd of June 2016 that the death penalty was not a deterrent to crime during the 6th World Congress against the Death Penalty in Oslo, Norway.<sup>65</sup> He added to this that the Lebanese courts are trying to decrease the death penalty through replacing it with life sentences to hard labour for life.<sup>66</sup> Practically, however, such sentences are not applicable as there is no existing program for hard labour sentences.

### Gender Based Violence

In 2016, minor improvements have been achieved in terms of gender equality. Law 293, known as the law to protect women and family members from violence, was ratified in April 2014 with amendments that kept the National Coalition for Legislating the Protection of Women from Family Violence unsatisfied. The problem with the current form of the law is that it still has some gaps on the issue of child custody and it failed to criminalize marital rape. The contents of the law are therefore not enough to guarantee gender equality, and evidence of that was presented in the 2016 gender gap report that ranked Lebanon in the 135th place (out of 144) in terms of gender equality.<sup>67</sup> The law proved not to be enough to protect victims of domestic violence as represented in the case of Manal al-Assi who was beaten to death by her husband in 2014. When her husband was sentenced in 2016, there was much public outcry regarding the fact that he only got three years and nine months of prison, which is widely believed to be an unfair sentence by some feminist organizations.<sup>68</sup> The sentence was initially five years in prison in reference to article 252 of the Lebanese penal code, which allows for reduced sentences in case the accused was in a state of anger caused by an unlawful act while committing the crime, and article 562 which allows perpetrators of “honour crimes” to benefit from reduced sentences. This was then reduced to three years after he had spent two years in pre-trial detention.

The presence of such a law allows for impunity as it justifies murder and legitimizes violent, fatal responses to social and domestic problems. In response to demands for a tougher sentence by several civil society actors and pressure groups, the Court of Cassation had accepted to hold a retrial, the process of which began in late 2016.

The status of women refugees from Syria places them in a vulnerable position of being sexually exploited by employers, landlords, and even some faith-based aid distributors in Lebanon. Syrian women seem to be particularly vulnerable to trafficking and sexual exploitation. In March 2016,

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63 Hands Off Cain, “Lebanon”, <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=lebanon> (accessed January 29, 2017).

64 Al Arabiya, “106 sentenced to death over clashed with Lebanon army” May 18th, 2016, <http://english.alarabiya.net/en/News/middle-east/2016/05/18/106-sentenced-to-death-over-clashes-with-Lebanese-army-.html>, (accessed January 30, 2017).

65 Ibid.

66 Ibid.

67 The Global Gender Gap Report 2016, <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=LBN>.

68 Human Rights Watch, “World Report 2017”, January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>.

75 Syrian women were freed from two brothels by Lebanese security officers. In an interview conducted by Legal Agenda with some of these girls, different reasons that explain their higher vulnerability were exposed. Some of them had lost their families in war, while others were promised a better life for themselves and their children, including work, food and livelihood.<sup>69</sup> All of them thus fell victim to human trafficking out of need for achieving economic security. Another problem arises when and if these women report their cases to the police. Since protection mechanisms and frameworks are inexistent to ensure their safety, and even more so because security forces are often unable to detect and appropriately deal with trafficking cases, victims of sex-trafficking are at a great risk of falling back into this cycle of violence and exploitation.

Even when provided with protection, victims who are typically female are kept in shelters or safe houses for extended periods of time, while their cases remain in legal limbo. This is because victims of trafficking do not possess legal documentation. They must therefore await the completion of administrative paperwork with the DGGS, which would then either order their release, or have them deported. There have been accounts of women staying for months in shelters because their files 'get lost' in the administrative process. Others languish in the shelter until they have the sufficient funds required to pay for the ticket back to their home country. Shelters and safe houses can also threaten the right to liberty as they can equate to an alternative place of detention; the confidential nature of such facilities prohibits its inhabitants from leaving, as they run the risk of being detained by authorities and hence exposed to larger threats.<sup>70</sup>

### Freedom of Movement

Multiple concerns related to the freedom of movement have been reported in 2016 such as imposing night curfews by some Lebanese municipalities on Syrian nationals, and rising levels of violence and harassment against Syrian refugees within host communities and continued arrests by security forces. In August 2016, the Kfar-Rimman municipality issued a decision banning Syrians from accessing public spaces, restricting their ability to hold public events, and making their residence in the town contingent upon having local sponsors there.<sup>71</sup> Though some municipalities like Kfar-Rimman complain about overcrowding, the overcrowding is typically the result of arbitrary and illegal discriminatory regulations by other municipal councils that ultimately encourage refugees to aggregate in more "friendly" villages like Kfar-Riman. Some municipalities go so far as to enforce measures that discourage refugees from residing in their towns and villages, such as increasing fees and restricting freedoms. Syrians in Jeita have stated that they had paid monthly fees of LL10,000 (6.50 USD) for identity cards, the price of which has increased arbitrarily up to LL50,000 (33 USD) if children in a family are over 15 years of age or if the family in question owns a car. The card does not hold any official significance as it does not equate to a residence permit, nor does it confer basic rights to any refugee, since even those who hold the card are not permitted to move freely after 7:30pm curfew.<sup>72</sup>

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69 Rania Hamzeh, The Legal Agenda, "Women Trafficking in Lebanon: The Torture Chambers of Chez Maurice", April 14, 2016, <http://legal-agenda.com/en/article.php?id=763&folder=articles&lang=en> (accessed March 02, 2017).

70 ALEF – Act for Human Rights, "Guilty Until Proven Innocent: Report on the root causes of arbitrary detention, long delays in trial, and lengthy pre-trial detention", January 2013

71 The Legal Agenda, "Municipal Regulation of Syrian Refugees in Lebanon: The Case of Kfar-Rimman", November 21 2016. <http://www.legal-agenda.com/en/article.php?id=3204> (accessed March 02, 2017).

72 The Legal Agenda, "Restricting Refugees: Measuring Municipal Power in Lebanon", September 30 2016. <http://www.legal-agenda.com/en/article.php?id=3174> (accessed March 02, 2017).

Other security-based policies included forced evictions. According to the UNHCR, an estimated 31,000 refugees were evicted across Lebanon between March and September 2016. Many of these evictions were justified by government policies emphasizing the need for refugees to move when security, law and order, or public health are at risk. The highest eviction rates are found in the Mount Lebanon and Bekaa Governorates, with further evictions of informal settlements occurring near major roads and military bases in Tripoli.<sup>73</sup> In November 2016, 1,500 Syrian refugees were told to evacuate a camp in Northern Lebanon town of al-Rihaniyeh following instructions by the Lebanese army.<sup>74</sup> There was no alternate plan detailed to host them outside of the town, and the justification for the displacement was security-based. Another decision made in November 2016 was that of building a wall around the Ain al-Hilweh refugee camp.<sup>75</sup> Although construction of the wall had ceased, it is worth noting that such measures would further isolate Palestinian refugees, encouraging further radicalization, destabilization and impunity within the camp.

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73 OCHA, "Humanitarian Bulletin Lebanon, Issue 23", September 2016. [http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA-HumanitarianBulletin-Issue23-September2016EN\\_0.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA-HumanitarianBulletin-Issue23-September2016EN_0.pdf) (accessed March 02, 2017).

74 Ashraq al-Awsat, "300 Syrian Families Asked to Evacuate North Lebanon Encampment", November 14 2016. <http://english.aawsat.com/2016/11/article55362093/300-syrian-families-asked-evacuate-north-lebanon-encampment> (accessed March 02, 2017).

75 Middle East Monitor, "Lebanon stopped wall construction around Palestinian camp", November 26 2016. <https://www.middleeastmonitor.com/20161126-lebanon-stopped-wall-construction-around-palestinian-camp/> (accessed March 02, 2017).



Even though torture and ill treatment are partially prohibited by Lebanese law, in practice both are still very common, especially during interrogations.<sup>76</sup> Many confessions are made under torture, which denies detainees a fair trial.<sup>77</sup> While security services have received several trainings containing alternative techniques that avoid the use of torture, it is still perceived as a justified means of investigation in Lebanon, although it has been proven to be ineffective and unfair.<sup>78</sup> In March 2016, the Government of Lebanon submitted its initial Report to the Committee against Torture (CAT). Although this effort is a step forward, the Report had been overdue for 15 years, and contained no substantial information in terms of developments and efforts at the hand of the Lebanese government towards preventing torture in Lebanon. It also had no mention of Lebanon's progress towards implementing recommendations accepted as a result of the 2015 Universal Periodic Review. This experience is unfortunately the norm; a period of prolonged delay precedes the submission of most of Lebanon's reports, which results in part from the absence of a comprehensive data collection policy or a specific mechanism to monitor human rights and prepare state reports. This directly affects the work of local and international actors in accessing valuable information through which they could keep track of Lebanon's progress and challenges to encourage reform at the domestic level towards better protection of human rights.

For many years, Lebanon lacked a system that oversaw the implementation of international treaties, including the United Nations Convention against Torture (UNCAT). The legislative and policy framework to prevent impunity for torture was also absent, putting people in places of detention at greater risk of torture and ill treatment. This changed however in October 2016 when the Lebanese Parliament passed legislation for the creation of a National Preventative Mechanism (NPM) to monitor and investigate the use of torture and ill treatment, as part of the National Human Rights Institute (NHRI).<sup>79</sup>

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76 Lebanon Support - Civil Society Knowledge Centre, Camille Lons, "Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon", March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (January 25, 2017)

77 Ibid.

78 Ibid.

79 "Law no. 62 Establishing the National Human Rights Institution Including the National Preventive Mechanism." Official Gazette no. 52, November 03 2016

The NHRI will be tasked with monitoring the human rights situation in Lebanon. In order to do so it will receive complaints of violations and issue periodic reports and recommendations.<sup>80</sup> The NHRI will include a NPM which will have the authority to conduct regular unannounced visits to all places of detention, investigate the use of torture, and issue recommendations to improve the treatment of detainees.<sup>81</sup> The establishment of an independent national human rights body and mechanism to investigate torture and ill-treatment is a positive step towards the improvement of human rights in Lebanon and a positive step towards curbing down the use of torture in prisons and during interrogations in Lebanon.

Albeit with more than eight years of delay, the implementation of this law makes Lebanon finally comply with its obligation under the Optional Protocol to the Convention against Torture (OPCAT), which Lebanon ratified on December 22, 2008.

The recent security challenges impose greater pressure on the Lebanese State agents to better enforce human rights values. However reports and allegations of torture have been alarming throughout 2016. Violations to article 3 of the UNCAT, the principle of *non-refoulement*, was considered as an ongoing concern and risk. In January 2016, Lebanon forcibly returned over 200 Syrians who were on their way to Turkey from the Beirut International Airport after Turkey introduced new visa regulations. This took place without conducting any form of individual screening to assess the vulnerability of the passengers from Syria, or whether they would be at risk of torture or persecution if returned to Damascus.<sup>82</sup> This equally applies at border crossings, where Syrian nationals failing to satisfy the visa requirements set by the Lebanese authorities are refused access to Lebanese territory, disregarding claims of persecution and without any form of screening.<sup>83</sup>

Throughout the past 10 years, Lebanon had sought the adoption of different mechanisms for the prevention of torture. Such mechanisms promoted institutional instruments for complaints, as well as detection and investigation of torture practices. Certain state agencies have certainly committed to these, such as the ISF which established a department of human rights, a committee against torture, a Code of Conduct (CoC), and a memorandum that describes the role of ISF units in the application of the UNCAT. Unfortunately these mechanisms, however important, remain far from being effective instruments for the prevention of torture. The ISF committee against torture fails to adopt a victim friendly complaint mechanism, is unable to react to pervasive torture, and most importantly is unable and often unwilling to transparently report on the cases it has followed up on.

The DGGS established a human rights department in October 2016 as part of an ongoing reform plan which aims to ensure its compliance with human rights standards. These reforms have led to the creation of mechanisms against child labour and human trafficking, as well as the development of processes respectful of people with disabilities. The DGGS has also developed a new CoC. This marks a positive step, as the CoC seeks to enhance the relationship and build

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80 Human Rights Watch, "World Report 2017", January 17, 2017, <https://www.hrw.org/world-report/2017/country-chapters/lebanon>

81 Human Rights Watch, "Lebanon: New Law a Step to End Torture", October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture> (accessed January 03, 2017).

82 David Weinstein, Human Rights Brief, "Lebanon's Deportation of Syrians en Route to Turkey", March 18, 2016, <http://hrbrief.org/2016/03/lebanons-deportation-of-syrians-en-route-to-turkey/>

83 ALEF & PAX, "Trapped in Lebanon", May 2016

trust with the residents of Lebanon.<sup>84</sup> Still, the CoC fails to address refugee populations present in Lebanon, which raises serious concerns since it is the primary agency which handles their entry and stay. Added to this, the CoC is potentially ineffective as it lacks any form of oversight mechanism and accountability structure, making it unclear as to how violations and subsequent procedures will be handled. The CoC also employs lax terminologies, such as in the case of “Artists”<sup>85</sup> without specifying the scope to which this term applies, hence allowing for looser and even imprecise interpretations of terms.

One of the most prominent cases of torture is that of a Syrian refugee, who uses Shadi as a pseudonym. This 31-year old male Syrian refugee was detained and tortured in February 2016 for five days in a row, under suspicion of being gay.<sup>86</sup> According to his story, he was tortured by the Military Intelligence, LAF, Military Police and ISF in each of their detention centres.<sup>87</sup> Upon arrest, Shadi was not allowed to call a lawyer, neither to make any other phone calls to family or friends. He was not informed about the charges against him and was never brought in front of a judge. He was subjected to several forms of intimidation, ill-treatment, and torture throughout his detention, and was also forced to sign a document while blindfolded. A forced anal examination was also conducted to determine how many times he had sex with men.<sup>88</sup> Anal examinations are known to lack evidentiary value and are a form of inhuman and degrading treatment.

After the incident with Shadi was raised before the Ministries of Defence and Interior, Military Intelligence, Military Police, and ISF, the Mol responded after one month saying that it had ‘a complaints procedure but would not be able to pursue an investigation and penalize offending officers unless the victim filled a complaint in person’.<sup>89</sup> This clearly violates do-no-harm and victims’ protection principles, and directly challenges the right to compensation as a result of the miscarriage of justice by putting the victim at direct risk of retaliation.

Moreover, the frequent occurrence of such examples amounts to a systematic practice of torture, some vulnerable groups seem to be at particular risk.<sup>90</sup> Due to the social, cultural and political exclusion and discrimination, migrants, refugees and asylum seekers, trafficked persons, and members of the LGBTQ community are groups that seem to be at higher risk of being tortured. Individuals discriminated against on the grounds of their cultural identity are also particularly vulnerable to cruel, inhumane and degrading treatment. Alleged terrorists and individuals suspected of collaborating with Israel are also victims of torture, since they are considered to be a threat to national security.<sup>91</sup>

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84 DGGs Code of Conduct

85 Euphemism used for non-Lebanese sex workers

86 Human Rights Watch, “Lebanon: Syrian Refugee’s Account of Torture”, December 21, 2016, <https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture>.

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.

91 ALEF – Act for Human Rights, Guilty Until Proven Innocent: Report on the root causes of arbitrary detention, long delays in trial, and lengthy pre-trial detention, January 2013.; Lebanon Support - Civil Society Knowledge Centre, Camille Lons, “Is justice for everyone? Arbitrary detention and torture of Islamists in Lebanon”, March 03, 2016, <http://civilsociety-centre.org/content/justice-everyone-arbitrary-detention-and-torture-islamists-lebanon> (January 25, 2017)

The permissive attitude towards torture against certain groups is gradually expanding to include other persons not necessarily belonging to specific or vulnerable categories, exposing them to the practice of torture. In November 2016, eighteen year old Mohammed Salmoun was summoned for questioning at the Informations Bureau concerning the fall of a girl from a balcony on the seventh floor. He was later transferred to the Tarik Jdideh police station where he was subjected to severe beating and torture by officers at the station. Salmoun was later released as it was made clear that the officers had the wrong person in custody, and that Salmoun had nothing to do with the case.<sup>92</sup> The Public Relations Division of the ISF issued a statement in response saying that the director - general of the security forces, Major General Ibrahim Basbous, ordered an investigation into the case, and that the necessary measures should be taken subsequently.<sup>93</sup> However, the Lebanese judiciary rarely prosecutes officials for torturing detainees, as this is not a criminal offence, and will be dealt with through 'disciplinary measures' instead. Even if the victim does decide to take the case to court, the trial would take place before a military tribunal which does not respect the most basic standards of fair trial. Judges still accept confessions made under torture, even though this is prohibited by Lebanese law, and should therefore be inadmissible.<sup>94</sup> All of the above weaken moral restraints against practicing torture and other human rights abuses and violations.

MPs, namely from the Human Rights Parliamentarian Committee, have been working alongside CSOs in a series of workshops and meetings seeking to draft, discuss and pass a draft law criminalizing torture in accordance with the UNCAT. A draft law was presented by MP Moukheiber to parliament in December 2012, and throughout 2013 and 2014 was studied and reviewed by the Justice and Administration committee at the Lebanese Parliament. The current draft adopted by the latter committee included several changes that might hamper the efforts towards the prevention and the criminalization of torture. A major change in the draft is the inclusion of a contextual condition to the definition of torture which specifies that the act only qualifies as torture if committed "during the initial investigation, judicial investigation and trials". This purposely limits the situation in which torture might be practiced and therefore criminalized. The revised definition excludes acts of torture that might be practiced during transport, detention or even in other places of deprivation of liberty such as mental health hospitals.

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92 Addiyar, "In Pictures: Beating and Torture at the Tarik Jdideh Police Station.. What Happened?", November 28, 2016, <https://goo.gl/Jdbw3E>

93 Lebanon Debate, "In Pictures.. They Beat Him and Tortured Him at the Tarik Jdideh Police Station", November 28, 2016, <http://www.lebanondebate.com/news/293670>

94 Human Rights Watch, "Lebanon: New Law a Step to End Torture", October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture> (accessed January 03, 2017).



# Enforced Disappearances and Forced Exile

The Lebanese civil war (1975-1990) generated multitude of mass human rights violations ranging from enforced disappearances (e.g. missing), arbitrary detention in third countries, to forced exile, etc. Such violations remain to this day unresolved, leaving multitudes of victims without remedies and generating series of protracted violations.

Out of the 17,415<sup>95</sup> Lebanese citizens reported to have disappeared; approximately 2,300 were registered as missing. These numbers are based on police reports and complaints identifying missing persons. In that regard, the Lebanese government has to this day failed to assess the totality of missing persons, and enforced and involuntary disappearances. The process carried out by the government to assess the numbers through different inquiry commissions was doomed to fail due to flaws in their methodology or trust related problems. In that regard the ICRC has undergone, since 2012, an assessment of the numbers of missing people in Lebanon with the aim not only to resolve the right to know, but to also provide support for the families of the missing persons. The exercise of the ICRC resulted in the identification of 5,000 to 8,000 missing persons<sup>96</sup>. Families of the disappeared and other Civil Society Organizations (CSO) have stridently affirmed the state of its obligation to satisfy the right to know.

On the other hand, draft laws by NGOs and MPs to establish a national commission and a system of effective remedies were proposed and subsequently discussed by the Lebanese Government. MP Ghassan Moukheiber has proposed a draft law that seeks to combine the different approaches submitted so far. Despite the opposition of the committee of the families of the missing to establish any new legal framework that might dilute their demands, the proposed law by MP Moukheiber was studied and approved by two different Parliamentary commissions and is just set to appear before the General Assembly for a vote.

The *ad-hoc* and uncoordinated discovery of new mass graves in 2016<sup>97</sup> (in Nabatiyeh, Kfarhim, Safra...etc.) brings back the relevance of having a public and well-structured policy on the matter, given its sensitivity.

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95 Amnesty International, "Annual Report 2008 – Enforced Disappearance Update Selected extracts on Enforced Disappearance" August 28, " 2008

96 Interview with Act for the Disappeared, Justine De Mayo conducted in 2016

97 Information conveyed to ALEF by undisclosed sources; ALEF was not able to validate

The current situation in Syria creates concerns and uncertainties on the situation of the Lebanese allegedly held in arbitrary detention in Syrian prisons. According the Lebanese Association for Lebanese Political Prisoners in Syria, approximately 628 Lebanese prisoners were documented to still be in Syrian prisons in 2016<sup>98</sup>; nevertheless, the Lebanese government has been criticized for its inaction regarding the matter. Despite the establishment of a committee in 2005 to follow up on the fate of the missing, neither the Lebanese nor the Syrian side has shared official figures. Ghazi Aad, a pioneer activist on the issue of the disappeared and detained in Syrian prisons and founder of SOLIDE issued numerous calls to prioritize the cause. The death of Ghazi Aad in November 2016 brought back the calls of civil society to establish the National Commission on the Disappeared and take strong steps in resolution of this ongoing violation.

President Aoun, ever since his election President, has reiterated his support to find an end to this violation. During a visit by CSOs to the Baabda Palace in February 2016, Aoun stressed on his commitment on the cause of the disappeared and the leadership of his party in proposing legislations on that matter.<sup>99</sup> However by the end of 2016, numerous parliamentary sessions took place and hundreds of legislations were promulgated, despite that the legislative reforms anticipated by CSOs have still no room on the agenda of the Parliament General Assembly. In early 2017 the draft law was sent from parliament to the newly established Minister of State for Human Rights Affairs to introduce his comments.

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98 Al- Ayyam Syria, "Ali Abou Dehen Narrates the Days in the Hell of Syrian Prisons", September 17, 2016. <http://ayyamsyria.net/archives/179594> (accessed February 01, 2017)

99 ALEF and other CSO's visit to the President of the Republic, February 7, 2017.



# Refugees and Asylum Seekers

Lebanon has been a refuge for many displaced individuals who are fleeing violent conflict throughout its recent history.<sup>100</sup> The status of Syrian refugees in the course of 2016 rapidly worsened with shortage of funding by regional and international donors and weak emergency preparedness and strategy by the Lebanese government. Given the poor socio-economic conditions in the country, non-assisted Syrian families who do not meet the vulnerability criteria of the United Nations High Commissioner for Refugees (UNHCR) find it increasingly difficult to find autonomous sources for livelihood. 91% of the 1.017 million Syrian refugees registered in Lebanon with the UNHCR were in extreme debt in 2016 as they increasingly had to sustain themselves independently amid the scarcity of humanitarian aid.<sup>101</sup> This is an increase from the 89% in 2015 and 81% in 2014.<sup>102</sup> It is also important to note that only 56% of the total appeal for Lebanon's funding requirements was met in 2016, meaning that the 45% gap (approximately \$850.46 million) of refugee-related costs was left to be tackled primarily by the Lebanese government as indirect social and infrastructure costs.<sup>103</sup> International financial support and commitments promised at the London Conference in February 2016 are welcome, but these have been slow to translate to concrete change. This, coupled with government restrictions on refugee access to the labour market, and the lack of livelihood programs, has reduced their livelihood opportunities and made it even harder for refugees to cover their basic needs autonomously.

With the formation of a new government in December 2016, a state minister for refugee affairs was appointed for the first time. While this may demonstrate the government's political will to address the refugee crisis in a more centralized and effective manner, the new ministry is yet to demonstrate substantial efforts towards identifying and negotiating with the international community durable solutions to this issue.<sup>104</sup> Lebanon's president Michel Aoun began his term by expressing hopes that the "displaced would quickly return to their homeland and abstain from turning [the country's] refugee camps into security hubs."<sup>105</sup> Prime Minister Hariri echoed a similar

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100 For the purpose of this section, focus will be placed solely on the conditions of Syrian and Palestinian refugees.

101 The Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2017- 2020 ", January 2017

102 L'Orient Le Jour, "Refugees becoming more indebted despite increase in aid", January 19 2017. <https://www.lorientlejour.com/article/1030072/les-refugies-syriens-de-plus-en-plus-endettes-malgre-la-hausse-des-aides.html> (accessed January 27, 2017)

103 UNHCR, "2016 Regional Refugee & Resilience Plan - Funding Snapshot as of end of 2016" December 31, 2016

104 Mohammed Zaatari, The Daily Star, "Syrian question power, purpose of minister for refugees", December 20, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Dec-20/386036-syrians-question-power-purpose-of-minister-for-refugees.ashx>.

105 Albawaba, "Lebanon's President Aoun calls for national unity, liberating Palestinian territories", November 01, 2016. <http://www.albawaba.com/news/lebanon-s-president-aoun-calls-national-unity-liberating-palestinian-territories-899220>

sentiment in a 2016 statement after the establishment of his new government, stating that the new ministers will act to “preserve our country from the negative consequences of the Syrian crisis”<sup>106</sup>. Focusing exclusively on the return element of the crisis while overlooking the protection issues raises concerns about the extent to which the government is poised to deal effectively with one of the largest refugee crisis in contemporary history. Considering the continuing dangers in Syria, the return of refugees back to Syria remains a far-fetched objective. As many policy experts, ALEF believes that without the reduction of numbers of Syrian refugees in Lebanon through consistent demographic burden-sharing, the situation in Lebanon will remain precarious and on the brink of explosion. Nevertheless, little has been done in 2016 by the international community in terms of demographic burden-sharing.

UNHCR has been able to secure resettlement to a third country for only 13,781 refugees in 2016, 12,917 of which were Syrians<sup>107</sup>. The international community’s reception of refugees remains limited, and neighbouring Gulf States continue to effectively offer no places for resettlement, and a change in policy in the near future is unlikely.

In 2016, 60% of displaced Syrians over 15 years old were without legal residency<sup>108</sup>, and this of course excludes new-borns. The catalytic effects of statelessness start at birth and become more evident with the inability to access education and exponentially become threatening when the daily aspect of daily life is regulated through nationality and identity.<sup>109</sup> The lack of valid legal status leaves a number of asylum seekers unable to obtain civil documents and has raised a number of cross-sectoral concerns, including potential restrictions on assistance, protection, and human rights. Furthermore, statelessness imposed by the unwillingness to register Syrian children and adults affected by the crisis hampers the prospects of finding durable solutions.

Lebanese authorities have consistently practiced several forms of violations to the principle of *non-refoulement* at border crossings, where Syrian nationals failing to satisfy the visa requirements set by the Lebanese authorities are refused access, disregarding claims of persecution and without any form of screening and review system.<sup>110</sup> It was reported that the DGGS had handed over at least 56 Syrian detainees to the Syrian intelligence from 2013 until the end of 2016.<sup>111</sup> Lebanon has also massively deported refugees from Syria back to Damascus from Beirut International airport, without any form of screening. Judges are still allowed to issue court rulings where Syrians violating the 1962 law on entry, exit and stay of foreigners, are issued deportation warrants by the judiciary. Although such warrants are not being implemented, their implementation remains at the discretion of state authorities. Intimidation methods are also used, whereby Syrian activists are arrested by Lebanese authorities and coerced to leave Lebanon to avoid being handed to the Syrian authorities.<sup>112</sup>

106 Dr. Ahmed Mohiuddin Siddiqui, The Moroccan Times, “Saad Hariri’s New Government in Lebanon: Women’s Affairs, Anti-Corruption Ministers Appointed First Time”, December 21, 2016 <http://themoroccantimes.com/2016/12/21802/saad-hariris-new-government-in-lebanon-womens-affairs-anti-corruption-ministers-appointed-first-time>

107 UNHCR, “Resettlement Statistical Database Portal”, September 30, 2016 <https://reports.zoho.com/ZDBDataSheetView.cc?OBJID=885676000000645273&STANDALONE=true&privatelink=a6b8242b0cc82ec1b35f6dfc2addc670&INTERVAL=-1&REMTOLBAR=false&INCLUDETITLE=true&INCLUDEDESC=true> (accessed January 27, 2017)

108 The Government of Lebanon and the United Nations, “Lebanon Crisis Response Plan 2017- 2020”, January 2017

109 ALEF- Act for Human Rights, Registration and Birth Registration: Essentials for Resettlement and Return, 2015

110 The Daily Star, “Palestinian fleeing Syria stranded at Lebanon border: HRW”, August 8, 2013.

111 Lebanon Debate, “Human rights report: General Security handed over 56 detainees to the Syrian Regime”, February 02, 2017, <http://www.lebanondebate.com/news/316066>

112 ALEF & PAX, “Trapped in Lebanon”, May 2016

The number of Iraqi refugees in Lebanon has reached 6,110 as of September 2016. With more than a million Syrian refugees in the country, the needs of Iraqis seem to have been forgotten. Local laws don't classify Iraqis as refugees, resulting in barriers to finding employment and earning income.

Until December 2016, 31,502 (PRS) have joined a pre-existing population of 449,957 (PRL) according to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and UNHCR<sup>113</sup>. Housing shortage, combined with the government's reluctance to authorize the establishment of new refugee camps, has made rental prices prohibitively high. The increase has not spared the country's 12 existing Palestine refugee camps, which suffered from high rates of poverty and overcrowding even before the influx. Since May 2014, Palestinian refugees from Syria have been required to demonstrate, prior to entry, that they meet certain conditions for temporary residence in Lebanon or that they are transiting through Lebanon. As a result, many Palestinian refugees from Syria face an array of protection concerns including limits on their freedom of movement and the inability to complete essential civil registration procedures, including birth registration. Palestinian refugees continue to face challenges in accessing the labour market. As they are subject to a set of inconsistent and inappropriate legal and administrative provisions, their access to the formal labour market is very difficult if not impossible, thus excluding them from regular income and social security benefits.

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113 The Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2017- 2020 ", January 2017



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

The freedom of expression is one of the main tenants of a vibrant democracy and is enshrined in article 19 of both the UDHR and ICCPR. Freedom of expression “within the limits prescribed by law” is also protected under the Lebanese Constitution in article 13. However, several elements continue to limit this, such as defamation under article 582 of the Criminal Code, which punishes any person who is found guilty of defamation or slander under article 209 with up to three months in prison and a fine of 50000 LL to 400000 LL. Another example is Lebanon’s article 15 of the 1946 Labour Code, which prohibits a public employee from stating or publishing, without prior written approval of the head of the directorate, any speech, public statement, or authored work in any subject. Press freedoms were also limited in 2016; according to the World Press Freedom Index, Lebanon has not shown progress in this area in comparison with 2015, meaning that it still ranks in 98th position of 180 countries.<sup>114</sup>

The 1962 Press and Publication Law also challenges press freedoms, and raises several concerns as it has been widely applied to stifle dissent in cases involving social media, to persons who are not members of the press.<sup>115</sup> In an attempt to update this law, the Parliament’s Media and Communications Committee presented a bill, in December 2016, amending several provisions. The new bill, however, fails to address the concerns brought before the Committee by rights groups over the years with regards to the freedom of expression. Concerns include, - but are not limited to - the authorities designated to practice censorship (DGGs), or who can request the ban of any production (religious leaders<sup>116</sup>). Moreover, the new bill, introduces new regulations which hamper the freedom of press. For example, media institutions will have to obtain a licence to broadcast media, such as radio or television shows, online. This reflects in particular the failure of the bill to address the issue of social media and online censorship in a progressive manner. The bill also employs vague terms which may be manipulated to suppress speech. For example, it allows for journalists whose works threaten the heads of state or foreign state representatives,

114 Reporters without borders, “2016 World Press Freedom Index”, <https://rsf.org/en/ranking#> (accessed February 04, 2017).

115 Lara Bitar, “Self-Expression is not a Crime: Release Bassel al-Amin”, December 08, 2016, <https://smex.org/self-expression-is-not-a-crime-release-bassel-al-amin/>

116 Victor Argo, Your Middle East, “Banned by the Bureau Censorship in Lebanon”, October 13, 2016. [http://www.yourmiddleeast.com/culture/banned-by-the-bureau-censorship-in-lebanon\\_43400](http://www.yourmiddleeast.com/culture/banned-by-the-bureau-censorship-in-lebanon_43400)

or endanger public peace and security, to be sanctioned or imprisoned.<sup>117</sup> This provision could be interpreted to apply to a wide range of productions and publications, thus pressuring journalists to self-censor in order to avoid prosecution.

The issue of online censorship, banning, and website blocking is a recurrent one from previous years. According to MARCH, a Lebanese NGO for freedom of expression, there were 28 documented cases of individuals summoned to the Cybercrime and Intellectual Property Rights Bureau in relation to internet censorship, two of which took place in 2016. This includes the summoning, arrest, and questioning of Ali Khalife, a photojournalist who had photoshopped and posted images on Facebook which satirized Lebanon's former Prime Minister Rafik Hariri.<sup>118</sup> Another highly mediatized case was that of Bassel al-Amin, a Lebanese journalism student in his early 20s who was summoned to the Public Prosecution's office on December 6, 2016 over a Facebook post criticizing the Lebanese state, flag, and its representatives. Al-Amin was transferred to the Cybercrime Bureau to be investigated with, then released on bail 6 days after his arrest.<sup>119</sup>

Censorship also included the banning of books, movies, and plays. In 2016, the book 'Post Prose Poem – Towards a new discourse of the Modern Arabic Poetics' by the academic Sayed Elsisi had been banned in Lebanon allegedly for containing erotic content.<sup>120</sup> Two movies also failed to obtain a screening permit for the Beirut International Film Festival (BIFF). 'Personal Affairs', a movie which was screened at the Cannes Festival, portrayed the dissatisfactions of three generations of a Palestinian family. Although it was banned, authorities failed to specify a reason for denying a screening permit for this movie. The movie 'World Cup', was initially approved for screening at the BIFF, though only under the condition that certain scenes would be removed. The scenes in question were said to be insulting to Lebanese personalities and political parties.<sup>121</sup>

### Freedom of conscience

Religious groups in Lebanon are allowed to practice their faith, hold religious ceremonies and assemble freely. Nevertheless, despite having existed for decades in Lebanon, some of them remain unrecognized, and face issues in securing equal access to their rights. Due to the fact that each recognized group has its own court system to deal with personal status issues such as marriage, divorce and child custody, unrecognized religious groups including Jehovah's Witnesses, Baha'is, Hindus, Buddhists, Mormons, Zoroastrians, and any other followers cannot marry, divorce or inherit according to their own rules.<sup>122</sup> Such proceedings cannot be performed in a civil court since the latter does not exist for issues pertaining to personal status. To undertake formal proceedings, they must therefore resort to the courts of recognized groups or leave the country to access them elsewhere.

117 Maharat Foundation, "New Press Draft Law Sets Limitations to Freedom of Press", December 07, 2016, <http://www.maharatfoundation.org/RecordDetails.aspx?id=1285&lang=ar>

118 The New Arab, "Lebanon: Raid on the House of Photographer Ali Khalifa ... The Charge: Photoshopping the Image of Rafik Hariri", February 8, 2016 <https://goo.gl/66NcXm>

119 Lara Bitar, "Self-Expression is not a Crime: Release Bassel al-Amin", December 8, 2016, <https://smex.org/self-expression-is-not-a-crime-release-bassel-al-amin/>

120 Mlynxqualey, Arabic Literature, "Sayed Elsisi's Book 'Post Prose Poem' Reportedly Banned in Lebanon", October 31, 2016, <https://arablit.org/2016/10/31/sayed-elsisi-book-post-prose-poem-reportedly-banned-in-lebanon/>, (accessed February 02, 2017)

121 The Daily Star, "Lebanese authorities ban two films from screening at Beirut festival", October 05, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Oct-05/375261-lebanese-authorities-ban-two-films-from-screening-at-beirut-festival.ashx>, (accessed February 02, 2017).

122 Rania El Rajji, Minority Rights Group International, "The leaves of one tree: Religious minorities in Lebanon", , December 2014

Members of non-recognized groups additionally face problems when it comes to their identity cards and passports, as these documents mention one's religion only if it is officially recognized. Members of unrecognized religious groups are not allowed to take governmental positions, run for office or engage in higher public functions. Furthermore, voters need to register under one of the recognized religions in order to access voting polls.<sup>123</sup>

Despite the highly-publicized renovation of Beirut's Maghen Abraham Synagogue, and its successful restoration in 2014, access to the site remains strictly limited due to supposed administrative and bureaucratic challenges. Claims that the Synagogue was to be re-inaugurated continue to be dismissed as rumours, and representatives involved in the restoration process state that 'national instability' is to blame, denying allegations that the Jewish community had received threats to halt the re-opening.<sup>124</sup>

Non-recognized groups also cannot officially register their houses of worship, which excludes them from the property tax exemption that churches and mosques enjoy.<sup>125</sup> In addition to the legal and administrative discrimination, these unrecognized groups are often subjected to social and religious prejudice. For example, there have been reports suggesting that Jehovah's Witness members may be more vulnerable to harassment from security forces.<sup>126</sup> Fear of persecution has also driven these unrecognized religious groups to perform their rituals behind closed doors and forced them to forego some others.<sup>127</sup>

### Right to Peaceful Meetings and Demonstrations

The right to peaceful assemblies in Lebanon requires a notification to local authorities. The government has wide discretion to prevent assemblies. These are banned on public roads, and there are excessive criminal penalties for assemblies which violate these regulations. Several cases of assemblies have been prohibited under the pretext of threats to security.<sup>128</sup> However this practice is only informative and authorities could only impose route selection or changes in location and not cancel the demonstration. Nevertheless, authorities are utilizing this procedure to limit the right to freedom of assembly.

Lebanese civil society continues to operate openly, however some limitations continue to restrict their work. By law, NGOs only need to notify the government of their formation, but in turn have to wait for their notification number to be issued, which can take up to a few years, leaving the organization in administrative limbo. This mechanism gives the MoI discretionary power to not issue a notification registration number which directly interferes with the organization's work, and indirectly contributes to the systematic intimidation of activists. For example, Mother Nature,

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123 Ibid..

124 Michael Kaplan, Forward, "The Mystery of Lebanon's Maghen Abraham Synagogue", May 15, 2015, <http://forward.com/culture/307619/the-mystery-of-maghen-abraham/>

125 Country Research Section of the Refugee Review Tribunal (RRT), "Refugee Review Tribunal Australia RRT Research Response", May 2, 2007.

126 Austrian Centre for Country of Origin and Asylum Research and Documentation, "Answer to Lebanon: Location of Jehovah's Witnesses"; [http://www.ecoi.net/local\\_link/309174/433021\\_en.html](http://www.ecoi.net/local_link/309174/433021_en.html).

127 Mohamed Chebaro, Now Lebanon, "Lebanon's Zoroastrians want a civil state" November 20, 2014, <https://now.mmedia.me/lb/en/reports/features/564417-lebanons-zoroastrians-want-a-civil-state>

128 Beyond Reform and Development, "Mapping Civil Society Organizations in Lebanon", 2015, [http://eeas.europa.eu/archives/delegations/lebanon/documents/news/20150416\\_2\\_en.pdf](http://eeas.europa.eu/archives/delegations/lebanon/documents/news/20150416_2_en.pdf) (accessed January 27, 2017)

an NGO which advocates for environmental rights, had not received its notification number from the government after submitting its notice of association in 2015. This was on the grounds that the establishment of this organization will lead to “problems among the inhabitants of the village” where the organization will be based. This undermines the principle of freedom of association in Lebanon, and so the case was brought before the State Council.<sup>129</sup> There are many such cases however, where the organization in question chooses to either disband or obtain its notice through extra-judicial means.

This practice however is not limited to civil society organizations, but also to religious ones. The Lebanese Association for the Ahmadi Muslims, for example, had received its notification number in September 2015<sup>130</sup>; this was subsequently revoked by the Mol in March 2016<sup>131</sup> after the issue sparked negative reactions most notably from the Dar Al - Fatwa in Tripoli<sup>132</sup>. This revocation was based on accusations that the organization’s goals and activities are against public order and constitutional principles. The continued interference of authorities, whether religious or otherwise, exacerbated by the Mol’s lack of respect for the protection of the freedom of association, directly disrupts this right, causing further tensions among communities as their demands or beliefs are suppressed.

## Corruption

Lebanon ranked 136th country out of 176 in terms of corruption, scoring 28/100 on the global corruption perceptions index, hence affirming the public perception that the state and authorities are highly corrupt.<sup>133</sup> This constitutes a stagnation and lack of improvement from 2015, as there was no change since then in the perceptions index scoring.<sup>134</sup>

However, the only positive note is that the 2016 Hariri government includes a state minister to fight corruption.<sup>135</sup>

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129 Nizar Saghie, The legal Agenda, “The issue of “Mother Nature”: How did it start? What did it accomplish? What are its Dimensions?”, January 18, 2017

130 Official Gazette no. 37, September 10 2015

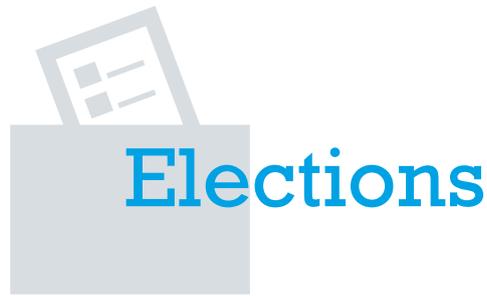
131 Official Gazette no. 13, March 24 2016

132 Abdel Kafi Samad, Al- Akhbar, “Ahmadiyya Triggers Dar Al Fatwa: Hello Constitution”, September 18, 2015, <http://al-akhbar.com/node/242346>

133 Transparency International, “Corruption Perceptions Index 2016”, [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016) (accessed January 27, 2017)

134 Transparency International, “Corruption Perceptions Index 2015”, <https://www.transparency.org/country/#LBN> (accessed February 18, 2016)

135 Aljazeera, “New government announced under PM Saad al-Hariri”, December 18, 2016, <http://www.aljazeera.com/news/2016/12/lebanon-announces-government-saad-al-hariri-161218201145680.html>.



Elections present a regular event where citizens of a country can exercise their civic rights and provide an opportunity to hold their officials accountable. The right and opportunity to participate in elections is guaranteed under various international agreements, namely article 21 of the UDHR and article 25 of the ICCPR. Article 25 stipulates that every citizen has the right “(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.” The Lebanese Constitution also sets the parameters for elections in numerous articles while the Lebanese Criminal Code also punishes violations committed against civil rights in Chapter II, Title II between the articles 329 and 334.

Since the independence of Lebanon in 1943, Lebanon has had ten electoral laws. Due to the civil war, no elections took place between 1972 and 1992. None of the established laws have successfully served to maintain stability, social cohesion and/or proper state building.

Lebanon’s presidential elections were supposed to be held by May 25, 2014, the day the six-year term of President Michel Sleiman came to an end. However, the two contending political coalitions failed to reach an agreement over a candidate in the constitutional time frame. Since the first session set to elect the president on April 23, 2014, Parliament had failed to secure the quorum for 45 sessions and was caught in political deadlock. This persisted for 29 months until the 31st of October 2016, with the election of President Michel Aoun.

The current parliament was elected in 2009 and has extended its mandate twice, once in May 2013 for 17 months<sup>136</sup>, and then again in November 2014 for an additional two years and seven months<sup>137</sup>. The extensions were justified by the unstable security situation<sup>138</sup>. The extended mandate is set to end in June 2017, and negotiations are ongoing to agree on a new electoral

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136 Hassan Lakkis & Youssef Diab, The Daily Star, “Council fails to meet, Parliament extension becomes law”, June 21, 2013.

137 National News Agency, “Parliament extended its mandate until June 2017 in the absence of the Free Patriotic Movement and the Phalange Party and opposition of Tashnag representatives”, November 5, 2014, <http://nna-leb.gov.lb/ar/shownews/124811/2017>

138 Ya Libnan, “Lebanon parliament extends own term till June 2017”, November 5, 2014, <http://yalibnan.com/2014/11/05/lebanon-parliament-extends-term-till-june-2017/>

law. President Aoun stressed during his oath speech on the need to reach a new and fair electoral law before the parliamentary elections of May 2017.<sup>139</sup>

Since the beginning of 2012, political/religious leaders, members of CSOs as well as other relevant stakeholders have been discussing the importance of a new electoral law and different reform ideas to ensure proper and fair representation. A high level of activity was reported since the new government is in place (December 2016) among political parties in an effort to agree on a new electoral law which aims at a better representation than the current 1960 electoral law. The proposed laws have varied between proportional and majoritarian representation, a mixture of both, or the one man one vote system, while preserving the power sharing principle the possible adoption of a quota for women.<sup>140</sup>

Other major reforms, like the formation of an independent body to manage and supervise the elections, pre-printed ballots, and an efficient mechanism to monitor campaigns funding have yet to receive widespread support by the political community.

Amid tight security measures, municipal elections were held on the 8th of May 2016 which marked the first time that the Lebanese exercised their right to vote since 2010.<sup>141</sup> The elections witnessed the election of 663 women (out of a total of 12, 139) into municipal councils and 57 (out of a total of 2,896) as mukhtars compared to 536 (out of a total of 11,704) and 39 (out of a total of 2,578) respectively in 2010. The highest region with women elected was Mount Lebanon with 246 while the lowest were Beirut and Bekaa with a total of 57.<sup>142</sup> According to the Lebanese Association for Democratic Elections (LADE) the number of violations greatly increased compared to the latest elections in 2010. Several violations occurred during the electoral process such as the lack of organization and chaos in counting ballots, the transfer of ballot boxes without security escorts, clashes among voters leading to the temporary halting of elections in some polling stations, voter intimidation, bribery, and not allowing LADE's monitors to enter the voting stations.<sup>143</sup> The results of the elections were officially announced on the 10th of May, two days after the ballots were casted. This delay was caused because votes had to be recounted as a result of the lack of proper security in their transfer, and the chaos which followed the first ballot-counting process.

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139 Hussein Dakroub, The Daily Star, "Elected President Aoun Gears up for Designation of Premier", , November 1, 2016. <https://www.dailystar.com.lb/News/Lebanon-News/2016/Nov-01/379080-elected-president-aoun-gears-up-for-designation-of-premier.ashx>

140 Paula Astih, Asharq Al Awsat, "Electoral Law is the New Government's Big Challenge", December 29, 2016. <http://english.aawsat.com/2016/12/article55364622/lebanon-electoral-law-new-governments-big-challenge>

141 Bassem Mroue, Associated Press, "Lebanon Holds Local Elections, 1st Vote in 6 Years", May 9, 2016. <http://bigstory.ap.org/article/46dfb6b423f84eea959e94a5c006f91e/lebanon-holds-local-elections-amid-tight-security>

142 UNDP, "Women in Municipal Elections 2016", 2016. [http://www.lebanon-elections.org/Modules/Document/Upload-File/8992\\_10,08,YYWomen%20in%20Municipal%20Elections%202016%20-%20Key%20Results.pdf](http://www.lebanon-elections.org/Modules/Document/Upload-File/8992_10,08,YYWomen%20in%20Municipal%20Elections%202016%20-%20Key%20Results.pdf)

143 Lebanese Association for Democratic Elections (LADE), "Monitoring Report on Day 1 of the Municipal Elections in Beirut, Bekaa, and Baalbeck-Hermel", , May 8, 2016. <https://goo.gl/7sx3OL>



Children, being one of the various vulnerable groups susceptible to human rights violations, require both legal and practical protective measures in order to safeguard their wellbeing. In 1991, Lebanon ratified the Convention on the Rights of the Child (CRC) without reservations as well as the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in 2004 and signed, but not ratified, the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in 2002. Moreover, Lebanon has failed to sign and ratify the 3rd Optional Protocol to the Convention of the Rights of the Child on a Communications Procedure which sets out an international complaint procedure for children to report child rights violations.

In December 2016, the Lebanese Ministry of Labour (MoL) has established a team to oversee and design a system to study the conditions of child labour in Lebanon<sup>144</sup>. In the absence of official data on children working in Lebanon, it is estimated that there are over 100,000 children who are victims of child labour and illicit trade, vulnerable to exploitation and working in hazardous conditions<sup>145</sup>. A study conducted in 2016 by the International Rescue Committee showed that 60% of children working on the streets reported to be victims of various forms of physical, verbal, and at times, sexual assault.<sup>146</sup> The Lebanese Labour Code prohibits the employment of children under the age of fourteen, but gaps in this provision still exist. For example, Lebanon's Decree No. 8987 of 2012 concerning "the prohibition of employment of juveniles under the age of 18 in work that may harm their health, safety or morals"<sup>147</sup> specifies the nature of hazardous and agricultural work children should not be exposed to, but excludes children working in family farming where they can work starting from the age of ten and onwards.

Other positive steps were taken concerning Lebanon's controversial Article 522 of the Lebanese penal code which allows rapists to avoid prosecution if they marry their victim. After several campaigns from Lebanese CSOs, the Lebanese parliament's Administration and Justice

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144 The Daily Star, "Lebanon forms team to oversee labor", December 16, 2016. <http://www.dailystar.com.lb/News/Lebanon-News/2016/Dec-16/385605-lebanon-forms-team-to-oversee-child-labor.ashx>

145 ILO, UNICEF, SCI, "Children Living and Working On the Streets in Lebanon: Profile and Magnitude", February 2015

146 International Rescue Committee, "New Survey Reveals Extent of hardship and abuse experienced by Syrian Children Working on the Streets of Lebanon", December 16, 2016

147 Paul Cocharne, Executive Magazine, "Child Labor in agriculture on the rise in Lebanon", June 12, 2016. <http://www.executive-magazine.com/economics-policy/child-labor-in-agriculture-on-the-rise-in-lebanon>

Committee agreed to take necessary steps to revoke this law<sup>148</sup>. Although this does mark an important milestone in terms of child protection, the law fails to address the age of consent. In Lebanon, the age of consent is set by religious tribunals and varies from one region to another, but in certain areas, girls as young 14 can marry without parental consent, and for those with a parent's approval, the legal age can be as low as 9.<sup>149</sup>

One controversial incident relating to both these laws occurred in Tripoli, in the case of the alleged rape of the child named Ibtisam, aged 16, by three of her juvenile peers. What makes this case peculiar is the fact that the child retracted her initial accusation by stating that the sexual activity was consensual. The retraction of her statement is highly suspected to be a result of social pressure, and especially the media's intervention into her case. This worsened the case especially after her name was made public, thus violating do-no-harm principles for the protection of victims. As a result of social pressure and certain cultural taboos, the victim's father dropped all charges after claiming that the activity was consensual, and the perpetrators were acquitted. This raises major concerns about the implementation of the legal age of sexual consent, which is determined in article 505 of the Lebanese penal code as 18 years, with no exemptions in case both consenting parties are under the age of 18. This allows for interpretations which put both parties at risk of being adjudicated for rape or sexual harassment.

It is noteworthy to highlight the recent initiative by the MoSA to form a Child Parliament for the coming years in an attempt to bolster child participation and empowerment. A national committee was formed comprised of various local and international NGOs, including ALEF, as coordinators for the proposed Child Parliament. Although no formal Decree is issued by MoSA for the establishment of the Child Parliament to this date, significant efforts are being made to lay the groundwork for this institution. The institutionalization of the Child Parliament will provide children living in Lebanon a chance to access decision makers and make them integral components in child rights advocacy in an attempt to encourage stakeholders to take child-centric decisions. This is after the Arab League decision during the Summit of Cairo in 2016, which recommended the establishment of an Arab Children's Parliament in order to support Arab children.<sup>150</sup>

According to the Ministry of Education and Higher Education (MEHE) estimates, almost 500,000 displaced Syrian children registered in Lebanon are of school age, between 3 and 17 years old. Half of them – more than 250,000 children – remain out of school, along with 50,000 Lebanese of primary school age (6-14 years).<sup>151</sup> The MEHE has accomplished significant progress in ensuring education to refugee communities through its Reaching All Children with Education (RACE) strategy which it launched in 2014. The RACE project proved to be effective by decreasing the refugee out-of-school rate from an estimated 78% in 2014 to a 49% at the start of 2016<sup>152</sup>. Nevertheless, various barriers remain a hindrance to the educational process for refugee children

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148 Al-Arabiya, "Lebanon 'closer to repealing 'controversial rape law'", December 9, 2016. <http://english.alarabiya.net/en/News/middle-east/2016/12/09/Lebanon-closer-to-repealing-controversial-rape-law.html>

149 United Nations Population Fund, "Say #IDONT to fight child marriage this Valentine's Day", <http://www.unfpa.org/news/say-idont-fight-child-marriage-valentines-day#sthash.bStZFF1p.dpuf>

150 "Arabs Appreciate Initiative to Host the Headquarters and General Secretariat of the Arab Children's Parliament", June 01, 2016 <https://goo.gl/Kou9jd>

151 The Government of Lebanon and the United Nations, "Lebanon Crisis Response Plan 2017- 2020 ", January 2017

152 Ibid.

such as difficulties in curriculum, discrimination, and corporal punishment in private and public schools. One incident is the case of 10-year-old child Rami Hussein who had accused his teacher from Halba Public school for beating him with a cane. Subsequently, the teacher was then expelled from his position and given an administrative job after an intervention of the MEHE.<sup>153</sup>

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153 The Daily Star, "Education minister fires teacher on live TV over corporal punishment", November 09, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Nov-09/380471-education-minister-fires-teacher-on-live-tv-over-corporal-punishment.ashx>



# Migrant Workers

Lebanon hosts over 200,000 migrant workers from various countries in Africa, South and Southeast Asia<sup>154</sup>. The main international agreement that protects the rights of migrant workers is the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; however, Lebanon has not yet ratified the convention because it may contradict with the current immigration control policies. Lebanon has signed other international treaties which indirectly touch upon the issue of migrant domestic workers (MDW) such as ICCPR, ICESCR, ICERD<sup>155</sup>, and International Labour Organization (ILO) Conventions 105 and 111<sup>156</sup> but has not yet signed ILO Conventions 89 and 189 which deal with Freedom of Association and Protection of the Right to Organize, and Decent Work for Domestic Workers respectively<sup>157</sup>. Migrant workers have become a staple of Lebanese life that have caused a positive social, economic and cultural impact, but are still exposed to various forms of discrimination due to common misconceptions and an absence of legislation. The Lebanese Labour Law excludes MDW from its provisions, and this places them under the control of the sponsorship system, better known as the kafala system. The kafala system places more power in the hands of the employer, providing them with absolute control over the legal status and work permit of the MDW<sup>158</sup> thus opening the door for a multitude of abuses such as denial of time-off, non-payment of wages, restriction of movement, confiscation of passport and identification documents, and other forms of ill-treatment<sup>159</sup>.

The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country criminalizes individuals who enter the country without proper authorization. Individuals who overstay the time limit prescribed in their visas are also at risk of being criminally prosecuted and administratively detained. Any breach of a judicial or administrative deportation measure shall be punishable by imprisonment between one and six months. Therefore, foreigners who

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154 Human Rights Watch, "Lebanon Stop Abuse of Domestic Workers", March 23, 2012. <https://www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domestic-workers>

155 Lebanese Constitutional Council's decision 10-05-2001 available at: <http://www.cc.gov.lb/node/2584>

156 International Labour Organization, "Ratifications for Lebanon", [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103147](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200_COUNTRY_ID:103147)

157 International Labor Organization, "Dignity, Rights, and Domestic Work in the Arab States", , October 13, 2014. [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms\\_324681.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_324681.pdf)

158 Saada Allaw KAFA, "Dreams for Sale: The Exploitation of Domestic Workers from Recruitment in Nepal and Bangladesh to Working in Lebanon", (accessed January 26, 2017) <http://www.kafa.org.lb/studiespublicationpdf/prpdf-65-635457864461835048.pdf>

159 Human Rights Watch, "Lebanon Stop Abuse of Domestic Workers", March 23, 2012. <https://www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domestic-workers>

are deemed to have breached the 1962 Law may also be charged with criminal offences that will consequently lead to their pre-trial detention, imprisonment and subsequent administrative detention. The administrative detention of foreigners is served at a detention facility in Adlieh, where they are usually held for months until they are released or deported. Administrative detention of foreigners in Lebanon is not based on any judicial matters that would justify the detention at the end of the criminal incarceration and is usually blamed on needing more time for the processing and completion of the legal files. Should foreigners be released from detention, pending the processing of their file, they become at risk of being caught again by law enforcement officials and subject to the same criminal proceedings.

The right to be communicated during detention with in a language understood by the accused is guaranteed by law<sup>160</sup>, however this is not being respected in practice when dealing with MDWs. Although lobbying by CSOs has improved this issue, it does remain limited. In the cases where interpretation is applied, it is rarely offered by certified professionals. For example, the only interpreters available to detained MDW were from the Caritas Lebanon Migrant Centre (CLMC)<sup>161</sup>. In some instances where interpreters for migrants are not available during the investigation, another detainee who understands both languages often acts as a substitute. In one instance, at the Hobeiche police station, an American University of Beirut student, who happened to be passing by, was called upon to help translate during the interrogation of a Ukrainian woman<sup>162</sup>. ALEF has monitored several court hearings where MDWs stood trial without the provision of a professional interpreter. The presiding judges had to accommodate by communicating with the detainee in broken Arabic and English, asking observers within the courtroom to translate terms for the detainee, while the rest of the trial proceeds in Arabic.

Despite the presence of alternative measures, deportation continues to be the primary resort of the DGGs, Lebanon's security agency in charge of foreigners' entry and residency, especially when it comes to migrants who are detained for their invalid residency status. This violates their right to challenge the circumstances of their detention and have their case reviewed by a competent court within a reasonable time. A glaring example of these practices was put in the spotlight in December 2016 where two Nepalese MDWs, Sujana Rana and Roja Limbu, both active members of the Domestic Workers Union, were arbitrarily arrested and detained for a prolonged period of time. They both have a legal status and work authorization, yet were accused of violating the terms of their contracts. Sujana was deported a week after her arrest, while Roja remains in detention and is expected to be deported as well.<sup>163</sup> The period of detention of Sujana exceeded one week, while Roja's detention has been ongoing since the first week of December. This duration greatly exceeds the legally allowed 48 hour detention limit which can be renewed only once.

Since May 2014, a decision had been made by the DGGs to deny residency permit renewals for a number of low-wage migrants who have had children in Lebanon and for their children. The decision was overturned by the DGGs a few months after; however, as of the summer of 2015, General Security had become more rigorous in investigating the cases of low-wage migrant families. Some MDWs with valid residency permits were detained and deported for not residing

160 ICCPR, Articles 14(3-a) and 14(3-f); Lebanese Criminal Code of Procedure, Articles 47, 78, 254

161 LCPS and ALEF, "Right to a Fair Trial Focus Group Report", 2015.

162 Ibid.

163 Bassam Khawaja, Human Rights Watch, "Lebanon deports domestic worker rights organizer", December 13, 2016. <https://www.hrw.org/news/2016/12/13/lebanon-deports-domestic-worker-rights-organizer>

with their employer. In spite of the presence of around 85,000 MDWs who reside independently, the overwhelming majority of those who were deported had children. These tactics indicate that this requirement is being used as a justification to deport MDWs who have children and, thus violating the right to family of the MDWs.<sup>164</sup>

The weak Lebanese protection framework renders migrant workers constantly at risk of abuse. This past year saw a continued trend of suicides committed by MDWs. In March 2016, an Ethiopian domestic worker committed suicide in the northern city of Tripoli. The intentions of the worker were not clear since photos show that she could have been trying to escape from the house and fell to the pavement.<sup>165</sup> Several other suicides occurred such as, but not limited to, an Ethiopian worker in Al Kharoub-Burjein in November 2016<sup>166</sup> and a Sri Lankan worker in Tyre in August 2016<sup>167</sup>. In most cases, the reasons for the suicide of the workers are never accurately determined in spite of the opening of an investigation by security forces.

There have been several efforts towards improving the human rights situation of migrant workers in Lebanon, although most of these have been met by a lack of political will to create meaningful positive change. In January of 2015, a Domestic Workers Union was formed with the support of the International Labour Organization, International Trade Union Conference (ITUC), and the National Federation of Worker and Employee Trade Unions in Lebanon (FENASOL); however, the MoL does not recognize the union as legal. This is based on the exclusion of MDWs from the Lebanese Labour Law. Article 7 of the labour code does not allow house workers to organize themselves while article 92 allows foreign workers to join unions; however, they are denied the right to vote or be elected as members in a union. Because of the lack of political will of subsequent Ministers of Labour and the limitations imposed by the law, the right to freedom of association of MDWs in Lebanon is being violated and is exposing them to various forms of abuse. This is considered to be a violation of the ICCPR to which Lebanon is a party since it guarantees the right for everyone to form or join unions “without distinction of any kind”<sup>168</sup>.

A hotline was launched in June 2015 to provide assistance to MDWs and for the reporting of any kind of abuse. Assistance is provided in Arabic between 8am and 2pm from Monday to Friday, but is intended to be available at all times in the future<sup>169</sup>. It provides a direct access to MDWs to Lebanese authorities that should intervene to protect them from violations; however, the effectiveness of the hotline is highly contested. Most of the MDWs interviewed by ALEF were not aware of the presence of the hotline and expresses reluctance in using it since they did not believe that the Lebanese authorities would protect them. Even the MDWs who were aware of the hotline stated that they tried calling it several times and left messages but none were answered<sup>170</sup>.

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164 Roula Hamati, Insan Association, “Trapped Migrant Domestic Workers in Lebanon”, 2016. <http://www.insanassociation.org/en/images/Trapped.Compressed.pdf>

165 Claude El Khal, My Beirut Chronicles, “Ethiopian domestic worker kills herself in Tripoli. Again”, March 19, 2016. <https://claudeelkhal.blogspot.fr/2016/03/an-ethiopian-domestic-worker-kills.html>

166 IM Lebanon, “Suicide of an Ethiopian Worker in Burjein”, November 18, 2016. <http://www.imlebanon.org/2016/11/18/ethiopian-worker-found-hanged/>

167 El Nashra, “Suicide of a Worker in Tyre”, August 21, 2016. <http://www.elnashra.com/news/show/1021663/>

168 Human Rights Watch, “Lebanon Recognize Domestic Workers Union”, March 10, 2015. <https://www.hrw.org/news/2015/03/10/lebanon-recognize-domestic-workers-union>; Florence Massena, Al Monitor, “Lebanese Domestic Workers to Unionize”, March 25, 2015. <http://www.al-monitor.com/pulse/originals/2015/03/lebanon-domestic-workers-union-rights-fenasol-ilo-kafala.html>

169 Interview conducted by ALEF with Marlene Atallah, Head of the Ministry of Labor’s Foreign Workers Division

170 Focus group conducted by ALEF at the Anti-racism Movement Migrant Community Center on May 22, 2015

This is validated by several NGOs, including ALEF, who called the hotline on multiple occasions but were met with no responses as well. The amount of calls placed to the hotline are scarce, and in the cases where the call did receive a response, the social workers of the MOL did not understand the language of the MDWs which led to the referral of the cases to CLMC.<sup>171</sup>

Added to this, migrant workers employed in construction and jobs which require manual labour work in hazardous conditions. These workers are often hired without being provided with legal work permits, or any form of guarantee to the protection of their rights as labourers. As such, the scope of their work is not framed by law. Foreign workers not registered with the MoL often work on a non-contractual basis, allowing them to accept lower pay than minimum wage. This lack of legal protection becomes a gateway to various forms of exploitation and abuses. This also poses a health hazard since employers rarely offer medical insurance in case of injury at a construction site, meaning that workers are forced to pay for medical expenses out of pocket. This is highly problematic, considering that their average monthly wages add up to 418,000 Lebanese Pounds (\$280)<sup>172</sup> which is barely enough to cover basic living expenses let alone cover the costs of medical services that are expensive amid a high privatization of the health system in Lebanon.<sup>173</sup>

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171 Interview conducted by ALEF with Marlene Atallah, Head of the Ministry of Labor's Foreign Workers Division

172 Rouba Chbeir & Marwan Mikhael, "The Economic Burden of Lebanese Hospitality During the Syrian Crisis", February 17, 2017

173 Amnesty International, "Syrian Refugees in Lebanon Desperate for Health Care amid International Apathy", May 21, 2014. <https://www.amnesty.org/en/latest/news/2014/05/syrian-refugees-lebanon-desperate-health-care-amid-international-apathy/>



# Persons with Disabilities

Persons with disabilities (PWD) in Lebanon are one of the most marginalized segments of the country's many communities. Mainly provided by non-governmental actors, assistance to PWD in Lebanon is inadequate and insufficient. Following the civil war and the increase in the number of persons with disabilities, organizations were able to establish the National Committee for PWDs in 1993. Internationally, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol was adopted on December 13, 2006 in order "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." In 2007, Prime Minister Fouad Siniora signed the UNCRPD.

The Lebanese Parliament passed Law 220 in 2000, entitled "Rights of the Handicapped Individuals." The Law addresses assistance for PWDs and identifies their rights which must be promoted and protected by the state. Despite the 16 years which have passed following the issuance of this law, the concerned Ministries have not established implementation mechanisms for the proper administration of most of the law's provisions, nor did they create any coordination mechanisms among themselves to facilitate the implementation process. For example, there are no existing structures in place to monitor the implementation of the 3% quota for PWDs in the workplace, or to ensure that employers who fail to comply pay their fines respectively. PWDs' rights to health, rehabilitative, and support services continue to be violated as well. Persons with physical disabilities are often turned away at hospitals because the latter refuse to provide the needed health coverage. This widely undermines law 220, especially as its third article stipulates that PWDs may hold a disability card that allows them access to social and health services.<sup>174</sup>

A selective and inadequate implementation framework, affecting the impact of the effort to have the law drafted and voted, neutralized the achievement of having a law enacted in 2000. This inadequacy causes the main problems, and many sections of the law to not be properly implemented. The reasons for the lack of proper enforcement range from lack of resources, absence of executive decrees required for the full implementation of the law and a weak accountability framework regulating the work of public entities like government departments

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174 Colette Azzi, Daleel Madani, "The Realities of Aid Targeting Persons with Disabilities (PWD) in Lebanon," May 5, 2012, <http://daleel-madani.org/story/realities-aid-targeting-persons-disabilities-pwds-lebanon>.

as well as municipalities. Added to this, the nature of the law requires for the involvement of several ministries and institutions, resulting in the overlap of responsibilities, and an undefined mandate to each governmental institution.

PWD have difficulties accessing many public and private institutions in Lebanon as well as academic institutions which at all levels are generally not equipped with special curricula, tools and human resources to respond to the needs of students with disabilities. According to the most recent data available from 2014, of the 10 to 15 percent of the Lebanese population living with disability, only 17 percent are employed. Based on statistics from the MoSA, nearly 86,000 citizens are currently registered as disabled, although this figure does not take into account those who did not apply for government support owing to the lack of awareness or stigma<sup>175</sup>. In terms of education, PWDs enrolled in regular official schools make up only 1% of PWDs who are of schooling age. A Survey conducted by the Lebanese Physically Handicapped Union (LPHU) to assess the accessibility of 70% of official high schools in Beirut showed that only 0.04% of them were equipped to receive students with disabilities.<sup>176</sup> The MEHE has taken only one step during the past four years in developing a strategic plan for the educational integration for PWD; however after allocating a budget for its implementation, this plan wasn't submitted to the Cabinet to be adopted and worked on.<sup>177</sup> Even as the MEHE had committed to improving the access to education for PWDs in 30 schools, no significant steps were taken towards the achievement of this goal.

The National Social Security Fund (NSSF) is mandated to issue liability clearance for companies in the private sector by implementing the article concerning the quota for employing persons with disability. Then Decree (# 7784, issued on 28/5/2002) of the MoL grants unemployment compensation to PWDs who lost their jobs. However, this decree has not been implemented till today. The Ministry of Finance refused to let the MOL establish a special account into which the fines for breaking the law would be deposited and then transferred to finance the unemployment compensations. As such, the Social Security Directorate put on hold the binding provision of the liability clearance related to the employment of PWD.

Even in the public sector, the three percent quota of employment of PWDs mentioned in law 220 is not yet reached according to Executive Director of the Arab NGO Network for Development, Ziad Abdel Samad. Despite the fact that disabled and non-disabled people apply to employment opportunities at the Civil Service Board, Imad Eddine Raef, Press Officer of the Lebanese Physically Handicapped Union, stated that only a few disabled people are recruited.<sup>178</sup> This drives PWDs into seeking informal employment, making them ineligible for social security coverage, and hence in a more vulnerable position.

No fines are collected from the companies which do not respect the law. The compensation for unemployment is not being paid. Only modest attempts "to train people with disability on a trade" are the concrete achievement so far. There are continuous efforts to break through this

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175 Tiziana Cauli, "Disabled access: Building for all", March 25, 2014, <http://www.executive-magazine.com/business-finance/real-estate/lebanon-disabled-buildings>

176 Assafir, "LPHU refutes allegations of the Ministry of Education. 0.04% of all schools are equipped to the needs of the disabled", 05 November, 2015, <http://assafir.com/Article/8/455022>

177 Lebanese Physically Handicapped Union, Lebanese Disability Forum, Lebanese Disability Coalition, "The Universal Periodic Review Lebanon 2015 Civil Society Reports: Disabled Rights" 2015

178 Ibid.

administrative mechanism between the MoL, Ministry of Finance, and MoSA by establishing the Unemployment Compensation Fund to support the application of the 3% quota for employment of PWDs.<sup>179</sup>

Law 220 does not mention access to information. Its major contribution to political participation by PWD is its recognition of the National Council for Disability Affairs (NCDA), with members elected by and from disabled persons' organizations and persons with disabilities. Unfortunately, the NCDA frequently struggles to access information about the government policies that contribute to the exclusion of PWDs from participation in daily life activities.

PWD also face many obstacles while trying to exercise their civic and democratic rights during elections. The current electoral law does not mention the need for adequately equipped polling stations, but article 95 of the current Electoral Law clearly states that "The Ministry shall take into consideration the needs of persons with disabilities during the organization of the electoral process and shall, hence, take all necessary measures allowing those to exercise their right to vote without obstacles". However there is no specific step taken or promulgated in the law resulting in measures that are not concrete and are only spontaneous benevolent actions taken by polling officers. Consequently, PWDs are not perceived as potential voters, which lead to further marginalization and exclusion from the election process.

From a political standpoint, the former Hariri and Mikati governments had the implementation decree of the rights of disabled people and the ratification of UNCPRD as a priority in their agendas; however, after the dissolution of both governments, the Tamam Salam's government did not mention the topic in the ministerial statement. In addition, the Ministers of Social Affairs, Health, and Finance in Mikati's government had set a framework and an inclusive plan about the rights of PWDs, but this was not the case in the subsequent government with the appointment of new Ministers.<sup>180</sup> The new cabinet of Hariri mentioned the accessibility of disabled voters during the upcoming elections.<sup>181</sup> The new Mayor of Beirut, Jamal Itani, stated that Beirut aims to be the most PWD friendly city in the Middle East by 2020 while indicating that priority will be given to PWDs in recruitment for positions in municipal institutions.<sup>182</sup>

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179 UNESCO, "Social Inclusion of Young Persons with Disabilities (PWD) in Lebanon: Where do we stand and what should be done to promote their rights?", September 2013 [http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Social\\_Inclusion\\_Young\\_Persons\\_with\\_Disabilities\\_Lebanon.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/SHS/Social_Inclusion_Young_Persons_with_Disabilities_Lebanon.pdf)

180 Rana Bou Saada and Hala Nasreddine, Global Young Voices, "Disabled People Deprived from their Rights in Lebanon: The Inadequate Implementation of a Promising Law", January 17, 2016. <http://www.globalyoungvoices.com/all-articles/2016/1/16/disabled-people-deprived-from-their-rights-in-lebanon>

181 "Ministerial Statement of the Government of Prime Minister Saad al-Din al-Hariri", <http://www.presidency.gov.lb/Arabic/Pages/MinisterialStatement.aspx>

182 The Daily Star, "Beirut will be a Disability Friendly City Mayor Vows", August 25, 2016. <http://www.dailystar.com.lb/News/Lebanon-News/2016/Aug-25/368851-beirut-will-be-a-disability-friendly-city-mayor-vows.ashx>



# Right to Health

The right to health is recognized in numerous international agreements and is of vital importance and further protects right to life, education or work. One of the most important treaties pertaining to the right to health is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Lebanon joined the agreement on November 3, 1972. Article 12(1) stipulates that: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”<sup>183</sup> The right to health is not exclusive to access to health care services, it also includes the provision of safe drinking water, safe food, adequate nutrition, healthy working conditions, and even gender equality according to the Committee on Economic, Social and Cultural Rights. Although the right to health is not particularly enshrined in any domestic legislation, Lebanon does have a duty to provide it as a state party of the ICESCR. Lebanon’s Constitution requires the government to abide by the U.N.’s covenants and the Universal Declaration of Human Rights, which stipulates that health is a part of the right to an adequate standard of living in article 25. Similar to other sectorial problems in Lebanon, the health sector is also facing severe marginalization by state institutions.

Since the civil war, the Lebanese health care system has become costly and fragmented, resulting in a large segment of the Lebanese population to lack access to affordable medical coverage. The health sector is mainly focused on private health institutions, in addition to the absence of a coherent health care plan.<sup>184</sup> The insufficient public health facilities have made the private facilities the sole accessible venue for health services. Currently, individuals with a limited income, mainly migrant workers and refugees, have difficulty accessing health facilities due to the high cost of private health care providers.

Furthermore, the private health sector has failed to provide adequate accountability mechanisms which account for corruption and practices which directly threaten the right to life. The latter is especially worrying as private hospitals often refuse to administer life-saving measures in the absence of a third-party coverage or cash guarantees. Although the public health sector should act as a safety net for those who don’t have access to the private sector, it is severely underfunded, underequipped, underqualified and unable to provide basic affordable health care. In August 2016, a 4 year old child in critical condition was refused admission to the American

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183 ICESCR, article 12(1).

184 Nabil M. Kronfol and Rashid Bashshur, “Lebanon’s Health Care Policy: A Case Study in the Evolution of a Health System under Stress”, p.377, 1989

University Hospital unless his father could provide the high costs of treatment. The child had to be taken to another hospital following extended deliberations with the hospital's administration, thus delaying his treatment.<sup>185</sup> Within the same month, the Sidon Public Hospital refused to admit patients who could not cover the full costs of their treatment due to supposed funding shortages from the MoH.<sup>186</sup>

Former Health Minister Abou Faour announced in September 2016 his plan for 100% health coverage for those admitted to hospitals aged above 64. He stressed on the need for compliance from all hospitals and the administering of this service to all Lebanese without any discrimination while highlighting that there won't be any financial problems in funding this program. He believes that this step will "send a positive signal to citizens that their state still cares about them".<sup>187</sup> Some doubts were cast about the viability of this program without securing financial resources. Incoming Minister Ghassan Hasbani; however, affirmed that it will remain as he works toward fortifying healthcare services to ensure that they are administratively and financially sustainable.<sup>188</sup>

The issue of Surrogacy remains controversial since there are no laws explicitly addressing it, and hence couples who seek such treatment as well as the surrogate mother are not protected by any governing rules, and are not aware of their rights in surrogacy. For these reasons, couples looking for a surrogacy treatment are faced with the choice of spending tens of thousands of dollars abroad for it. Legislation for such treatment is almost impossible due to vastly different stances that many sects take on the topic.<sup>189</sup>

Abortion also remains undiscussed, which poses a risk to maternal health in certain cases. Presidential Decree No.13187 allowed abortion only to preserve the woman's life, if in danger. The law that is governed by eight articles prohibits the dissemination of information on abortion or methods used to facilitate it, the selling or accusation of objects that are designed to perform it, in addition to punishing any woman who induces abortion and any other person who aids her to do so. Even with the woman's consent, under the law, the person who performs an abortion is subjected to one to three years of imprisonment and the woman herself is subjected to six months to three years of imprisonment. There are no official statistics that accurately estimate the prevalence of abortion in the Lebanon; yet, the procedure is sought in the "black market" where it is performed in private clinics or at homes in unsafe environments mostly with no psychological support or post abortion care.

Even though a significant number of health facilities are present in different areas, Syrian refugees identified challenges which negatively affect their ability to properly access healthcare services that can be largely categorized into financial, transportation, and security reasons. The limited means of transportation and their costs, long distances, and restricted services

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185 Rajana Hamiyye, Lebanon Files, "Private Hospitals Blackmailing Citizens No Money No treatment", August 10, 2016. <http://www.lebanonfiles.com/news/1071785>

186 Addiyar, "Stopping Accepting Patients at the Expense of Ministry of Health in Sidon Public Hospital", August 25, 2016. <http://www.addiyar.com/article/1225149>

187 Lebanon Files, "Abu Faour: Complete Hospitalization Coverage for Anyone Aged above 64", September 28, 2016. <http://www.lebanonfiles.com/news/1091497>

188 Lebanon Files, "Hasbani: Governance is Continuous and No Truth to a Conflict with Abou Faour", January 18, 2017. <http://67.225.172.99/news/1135551>

189 Mazin Sidahmed, The Daily Star, "Surrogacy not an option in Lebanon", September 13, 2014 <http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-13/270527-surrogacy-not-an-option-in-lebanon.aspx>

in facilities nearby are one set of challenges. This is coupled with frequent complaints about mistreatment and discrimination against Syrians by employees, sometimes reaching to the extent of denial of services. For example, a Syrian woman indicated that her new-born was choking and turning blue, but the hospital did not admit him saying that there's nothing they can do.<sup>190</sup>

The cost of treatment is a major issue as well. In spite of UNHCR covering a part of the costs of treatment through an insurance company, refugees still state that they cannot pay the remaining amount.<sup>191</sup> In part, this is due to the expensive health services in Lebanon, and the fact that the coverage of UNHCR only includes life-threatening medical conditions. The 75% coverage of costs by UNHCR is narrowly determined and does not cover any additional costs that might arise such as consultation, health products, and medication. An added issue is that refugees not registered with UNHCR are not covered by the medical insurance at all. In February 2016, UNRWA imposed healthcare cuts in the Ain al-Hilweh camp, prompting protests by more than 200 camp residents. These cuts were caused by a \$100 million UNRWA deficit, which led them to reduce funds for the 450,000 Palestinian refugees in Lebanon.<sup>192</sup> Camp residents were required to pay between 5-20% of their hospital bills in a country that has the highest healthcare costs in the region, making healthcare services even less accessible<sup>193</sup>. The presence of these gaps mostly relates to the scarcity of funding from donors, exacerbating the problem especially since funding is decreasing while needs continue to increase.<sup>194</sup>

In a positive development which shifted attitudes towards drugs users from criminals to persons in need of treatment, the Ministry of Health issued an official memorandum in March 2016 calling upon hospitals to refrain from reporting admitted drug users to the police upon their arrival to the Emergency Department. This aims to encourage young drug users to seek medical assistance since many avoid doing so fearing arrest.<sup>195</sup> Hospitals however have not completely abided by the decision since monitoring efforts conducted by Skoun, a local NGO offering prevention and treatment to drug users, in August 2016 showed that 61.5% of the hospitals they had contacted to follow up on the implementation of the memo stated that they still notify the police of such cases.<sup>196</sup>

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190 Oxfam, "Healthcare: Safe and Dignified Access", Thematic Protection Monitoring Report, October 2016

191 Ibid.

192 Aljazeera, "Palestinians protest against UNRWA cuts in Lebanon", February 29 2016. <http://www.aljazeera.com/indepth/features/2016/02/palestinians-protest-unrwa-cuts-lebanon-160223151011960.html>

193 Ibid.

194 Marie-Noelle Abi Yaghi, Lebanon Support, "Access to Healthcare for Syrian Refugees", November 2016.

195 Embrace, "Policy Change Announcement", March 29, 2016, <https://www.facebook.com/embracefund/photos/a.630016417029245.1073741828.612419885455565/1114946475202901/?type=3> (accessed January 27, 2017)

196 Skoun, "Evaluation of Practice", August 30, 2016, [https://www.facebook.com/Skoun.org/photos/a.230525256957880.70811.228684323808640/1297271366949925/?type=3&theater&\\_fb\\_noscript=1](https://www.facebook.com/Skoun.org/photos/a.230525256957880.70811.228684323808640/1297271366949925/?type=3&theater&_fb_noscript=1) (accessed January 27, 2017)



# Labour and Social Security

Labour Unions in Lebanon engaged in many battles to better protect and enhance their rights in the past two years. According to article 22 of the Universal declaration of Human Rights, “Everyone, as a member of society, has the right to social security and is entitled to the realization of the economic, social and cultural rights indispensable for his dignity and his free development of his personality.”<sup>197</sup> In Lebanon, the Social Security Law (Decree No. 13955 of September 26, 1963) provides coverage for illness/maternity, labour accidents/illness due to work injury family and educational allowance for the workforce as well as their families/students. Migrant workers can also benefit from the provisions on illness and maternity provided that they are nationals of France, Italy, Belgium or the UK.<sup>198</sup> The Lebanese Social Security Law has been the source of criticisms from local and international stakeholders.

The ILO reviewed the Lebanese Social Security Law and compared it to the 1925 Convention on Equality of Treatment (accident compensation) which Lebanon ratified in 1977. According to the ILO report, the section of the law which covers occupational accidents and diseases is not enforced and therefore, employment injury benefits are still governed by Legislative Decree No. 136 of September 16, 1983 on occupational accidents. According to this Decree, the dependents of a foreign worker cannot receive the benefits offered, if at time of the accident they were residing outside Lebanon. This will not come into effect if the nationals of a country that grants the same treatment to Lebanese citizens as to their own nationals (section 10). This of course is a violation equality in treatment between Lebanese and foreign workers which should be without any preconditions of residence or reciprocity. On the other hand, article 23(1) of the UDHR stipulates that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”<sup>199</sup> It also stipulates in paragraph 4 that “everyone has the right to form and to join trade unions for the protection of his interests.”<sup>200</sup> In this regard, Lebanon’s September 23, 1946 Labour Code is met with the following criticism.

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197 UDHR, Article 22

198 National Social Security Law, article 9 §3; Dr. Mohammed Karaki, “Groups that benefit from social security”, May 17, 2011, [http://www.ltutc.com/ArticleDetails.aspx?art\\_ID=91](http://www.ltutc.com/ArticleDetails.aspx?art_ID=91)

199 UDHR, Article 23(1)

200 UDHR, Article 23(4)

First, the Labour Law does not apply to domestic servants employed in private households, agricultural corporations that have no connection with trade or industry, family businesses employing solely members of the family under the management either of the father, the mother, or the guardian, casual or day labourers in municipal or governments services, staff of "Electricite du Liban" and wage-earners who are not governed by the Civil Servant Regulations. The law does not provide migrant workers and Palestinian refugees the right to equal treatment before the Lebanese Law because they continue to be banned from their rights to work.

Although this law has a section specifically relating to ensure that no form of discrimination against women is practiced in the workplace, it is ironic that this particular section prohibits women from working in the following industries or jobs: "Driving machines with extremely large engines."<sup>201</sup> Discrimination also exists in the social security benefits entitled to women as well as wages. However, working women now have the right to 10 weeks of fully paid maternity leave on presenting their medical documentation, in addition to their annual paid holidays.<sup>202</sup>

Women are discriminated against in the workplace and "equal pay for equal work" is far from being implemented in practice.<sup>203</sup> According to the Global gender gap report, the estimated earned income for women is valued at \$7,000 for women versus \$27,831 for men.<sup>204</sup> It has also been observed that several articles within the Lebanese National Social Security Laws (NSSL) are discriminatory by nature. The discrimination in the NSSL is based on the perception that women are not bread-winners or providers for their families, and therefore the men for instance can provide social security coverage for their unemployed wives whereas women cannot provide social security coverage for their unemployed husbands. The prevailing law gives the spouse the right to unconditional coverage of his partner in illness or maternity, while the insured wife can only cover her husband when he is over 60 or has a handicap.<sup>205</sup> Discrimination is also evident with the absence of a law that protects women from sexual harassment and exploitation in the workplace and leaves them in a vulnerable situation most of the time. Lebanese women still face discrimination in providing their children with the Lebanese nationality.

Article 15 of the Labour Code prohibits a public service employee from striking, or inciting other workers to go on strike, and prohibits public service employees from organizing, joining or forming unions or professional organizations. Article 64 of the Labour Code also considers an employee to have resigned from public service if they participate in a work strike.

The wage and hike bill, which was approved by the Cabinet in 2012, has still not been passed by Parliament. However, the newly formed 30-ministers cabinet has added the wage hike bill to the agenda of the next sessions, stating that the wage hike "bill will be part of the draft budget only if revenues are secured to fund the salary increases".<sup>206</sup>

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201 Lebanese Code of Labour dated September 23 1946, Article 27 on the Employment of Women.

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

203 World Bank Group. "Women, Business and the Law 2016: Getting to Equal", 2015

204 The Global Gender Gap Report 2016, <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=LBN>

205 Search for common Ground (SFCG) in partnership with ALEF and 9 other Civil society Organizations launched a nationwide campaign that seeks to amend the National Social Security Laws that discriminate against women. The campaign aims at raising the public's awareness about the discriminatory articles and to lobby with decision makers to amend them.

206 Hussein Dakroub, The Daily Star, "Given green light, Cabinet braces for state business", December 29, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Dec-29/387069-given-green-light-cabinet-braces-for-state-business.ashx>.

In fact, low-skilled Lebanese workers have reported experiencing the highest rates yet in terms of poverty; 90% of the local workforce reported their incomes were slashed by 30 to 50%, thus heightening perceptions of economic insecurity attributed to low-skilled migrants, and especially refugees. Since both low-skilled refugees and Lebanese share the same educational level, they continue to compete intensely over the same jobs. 40% of the Lebanese workforce, for example, had received no or only primary education, while 3% of low-skilled refugees had obtained a university degree. Such identical employment profiles are what pushed employers to replace “around 10,000 Lebanese nationals [...] with foreigners”, according to former Labour Minister Sejaan Azzi, leaving the national unemployment at 11% in 2016 and a projected 20% for 2019.<sup>207</sup> This is highly contested, seeing as Syrians are often employed in jobs that Lebanese persons do not usually seek. In 2016, 45% of Syrian workers were employed as agricultural workers, building concierges, taxi drivers, and domestic workers. Another 43% take on informal positions in commerce and semi-skilled jobs, like carpeting, welding, repairmen, mechanics, handicraft, and food processing.

Added to the increasing rate of unemployment, 52% of Syrian refugees, and 10% of Lebanese live under \$2.4 a day. This is along with 6% of PRS living under \$2.5 a day.<sup>208</sup> This is particularly worrying as these factors eventually lead to the economic decline of communities. This increases the risks of exploitation, whether manifested through child labour, forced labour, and other modern forms of slavery. This further highlights the inability of the Lebanese government to regulate jobs, especially in light of the Syrian refugee crisis.

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207 Rouba Chbeir & Marwan Mikhael, “The Economic Burden of Lebanese Hospitality During the Syrian Crisis”, February 17, 2017

208 The Government of Lebanon and the United Nations, “Lebanon Crisis Response Plan 2017- 2020 “, January 2017



# Environment

The right to a clean environment is a universal and fundamental right that helps secure other essential human rights. Lebanon has acceded to and ratified many treaties and conventions, such as the United Nations Framework Convention on Climate Change; however it has not fulfilled all of its reporting obligations related to international conventions and treaties. On the domestic level, Lebanon has legislation pertaining to environmental protection, namely Environment Law 444 passed by parliament in 2002, considered to be the most comprehensive legislation for environmental management and protection. The implementation of this law has been stalled by the government's failure to issue the required application decrees.

In July 2015, Lebanon faced the start of a crisis following the closure of the controversial Naameh landfill on July 17 in compliance with a government decision. The landfill has taken in more than 15 million tons of trash since its opening in 1998, despite its 2-million ton capacity. This leaves the governorates of Beirut and Mount Lebanon without a suitable place to dispose of garbage. Due to the unavailability of a location to place the waste, Sukleen, Lebanon's privately-owned waste management company, stopped collecting trash in Beirut and Mount Lebanon, without a place to dispose of it.

Neighbourhood dumpsters quickly spilled over into trash piles amounting to an estimated 3,500 tons in one week. The government set up a taskforce on the issue, responding to concerns that garbage left rotting in the open could lead to a spike in illnesses. A study conducted by the Air Quality Associated Research Unit in Lebanon showed that there was an increase of at least 2,300% of carcinogens during the trash burning days.<sup>209</sup> The rising number of waste dumpsites in Lebanon in the absence of a waste disposal mechanism has incited many to set fire to piles of trash.<sup>210</sup> In March 2016, the first garbage trucks entered the Naameh landfill again after 8 months. The same day, the Council of Development and Reconstruction announced the commencement of the Cabinet's waste plan. The waste plan entailed the establishment of temporary landfills east of Beirut in Burj Hammoud, which would operate for four years, and south of Beirut in the coastal

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209 Safa Jafari Safa, American University of Beirut, "AUB releases its latest findings on toxic emissions of waste burning and launches a solution manual", January 28, 2016, <https://www.aub.edu.lb/news/2016/Pages/toxic-waste-manual.aspx> (accessed February 07, 2017).

210 AUB Office of Communications, "AUB headed research warns of alarming carcinogen levels near open waste dump fires", December 01, 2015. <https://www.aub.edu.lb/news/2015/Pages/carcinogen-waste-fires.aspx>

area of Costa Brava. The plan also entailed the reopening of Naameh landfill for two months, so that existing trash could be taken in.<sup>211</sup> on the 18th of May 2016, the Naameh landfill was permanently closed.<sup>212</sup>

The refugee crisis has also contributed to an increase in waste production. The UNHCR has reported a 40% increase in municipal spending on waste disposal since 2011. The impact the refugee crisis had on host communities' already overstretched infrastructure necessitated an extensive assessment on the impact on environmental situation.

However, also some positive steps are taken towards a more sustainable and clean environment. Regarding the Litani River for example, the UNHCR is working together with the Environment and Water and Energy Ministries on designs for on-site alternative treatment options and secondary treatment solutions to improve wastewater facilities in formal settlements.<sup>213</sup> Another example is the solid waste plant that will be established in a town in the Mount Lebanon district of Kesrouan in the beginning of 2017. This waste plant is supposed to resolve half of the garbage crisis in the area.<sup>214</sup>

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211 The Daily Star, "First garbage trucks enter Naameh landfill in 8 months", March 19, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Mar-19/343026-first-garbage-trucks-in-months-enter-naameh-landfill-at-the-start-of-a-trash-plan.ashx>, (accessed February 07, 2017).

212 Ghinwa Obeid, The Daily Star, "Naameh dump shut but trash saga endures", May 19, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/May-19/352843-naameh-dump-shut-but-trash-saga-endures.ashx>, (accessed February 07, 2017).

213 Susannah Walden, The Daily Star, "Blame the infrastructure, not Syrians, for Litani pollution", August 26, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Aug-26/368999-blame-the-infrastructure-not-syrians-for-litani-pollution.ashx> (accessed February 08, 2017).

214 The Daily Star, "Mt. Lebanon area to establish solid waste plant", September 23, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Sep-23/373405-north-lebanon-town-to-establish-solid-waste-plant.ashx>, (accessed February 08, 2017).







